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Human Rights Cities: "Walking the Walk" or "Talking the Talk"?

Analysing the Responsibility of Human Rights Cities for Their Human Rights Commitment

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Abstract

In the context of widespread urbanisation and glocalization the importance and the potential of the local level in implementing Human Rights Law are being increasingly acknowledged, both at the international, regional and local levels, with the Human Rights City as one of its upshots. Holding the local level, and more specifically the Human Rights City, responsible for its human rights commitment has, however, been largely ignored. No standardised way to verify whether Human Rights Cities are "walking the walk" instead of "talking the talk" is available. Consequently, this study focuses on the ramifications and the operationalising of the responsibility for the human rights commitment of so-called Human Rights Cities. First, the general ways by which urban actors translate human rights norms into specific courses of action are analysed; following that, the concept of a "Human Rights City", its objectives and general practices are scrutinised. This analysis leads to the conclusion that the current operation of Human Rights Cities sometimes bears witness to the practice of 'rhetoric without accountability' and that some practices are more lenient towards and suitable for incorporating the enforceable side of human rights. Subsequently, it is questioned whether the international and regional levels provide some mechanisms to hold a Human Rights City responsible for not living up to its human rights commitment. The still too much state-centred focus of Human Rights Law, and the non-binding nature (entailing the need of support of the local level itself) and lack of focus on enforcement mechanisms of the documents specifically targeting the local level and urban actors, however, led to a negative answer. Therefore, after assessing some already established good practices in existing Human Rights Cities, the term "responsibility mechanisms" covering both monitoring and enforcement mechanisms is coined and some suggestions of such mechanisms are provided. Additionally, a list of principles that should be taken into account at all times when developing responsibility mechanisms is drafted. This study can be the first step on which further analysis regarding the responsibility of Human Rights Cities for their human rights commitment can build. Particularly, on the one hand, the identified principles that should be taken into account at all times, and, on the other hand, the specific suggestions regarding responsibility mechanisms can prove to be a useful starting point for more research by academia or the Human Rights Cities already eagerly willing to "walk the walk".

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Jasmien DEKLERCK
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Table of Abbreviations

AR	Argentina
AT	Austria
Bandung Charter	Bandung Charter of a Human Rights City
CA	Canada
CoE	Council of Europe
CoR	European Committee of the Region
ECCAR	European Coalition of Cities against Racism
EHRIA	Equality and Human Rights Impact Assessment
ES	Spain
ETC	European Training and Research Centre for Human Rights and Democracy
EU	European Union
European Charter	European Charter for the Safeguarding of Human Rights in the City
FRA	Fundamental Rights Agency of the European Union
Global Charter-Agenda	Global Charter-Agenda for Human Rights in the City
Het College	Het College voor de Rechten van de Mens
HRAC	Human Rights Advisory Council

ICCAR	International Coalition of Inclusive and Sustainable Cities
ID	Indonesia
ILC	International Law Commission
Mexico City Charter	Mexico City Charter for the Right to the City
Montréal Charter	Montréal Charter of Rights and Responsibilities
MX	Mexico
NL	The Netherlands
NHRI	National Human Rights Institutions
OHCHR	The Office of the High Commissioner for Human Rights
PDHRE	People's Movement for Human Rights Learning
SALAR	The Swedish Association of Local Authorities and Regions
SCT	Scotland
SDG	Sustainable Development Goal
SE	Sweden
South KR	South Korea
The Congress	The Congress of Local and Regional Authorities of the Council of Europe

TBL	Triple Bottom Line
UCLG	United Cities and Local Governments
UK	United Kingdom
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNGA	United Nations General Assembly
UN-Habitat	United Nations Human Settlements Programme
UNHRC	United Nations Human Rights Council
UNI-ETC	European Training and Research Centre for Human Rights and Democracy at the University of Graz
USA	The United States of America
WHRCF	World Human Rights Cities Forum
YHRCN	York Human Rights City Network

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INTRODUCTION

The absence of the human rights city label does not mean that human rights are disregarded, while the presence of the label might not always reflect the actual realization of the human rights city aspirations.
~ Lisa Roodenburg[1]

1. Background

In the context of widespread urbanisation and glocalization[2] the importance and the potential of the city in human rights implementation are increasingly discovered.[3] Human Rights Law has developed into a full-fledged body of law to which most of the States have subscribed. Even so, it is the cities that mobilise in and translate human rights to the local context.[4] This process of translating international human rights norms into local practice is called 'vernacularisation'.[5] Cities are responsible for delivering services that are inherently linked to human rights issues and are sometimes institutionally better placed to establish, invent or apply policies targeted at human rights implementation than national and regional governments or courts are.[6] As the Human Rights Committee identified 'it is difficult to imagine a situation of human rights being realised where there are no local authorities to provide the necessary services. Local officials

[1] Lisa Roodenburg, 'Human Rights Cities: What do they have in common?' (Asser, 3 October 2019) <https://www.asser.nl/global-city/news-and-events/human-rights-cities-what-do-they-have-in-common/> accessed 19 May 2020.
[2] Defined by BLATTER as: 'the simultaneous occurrence of both universalizing and particularizing tendencies in contemporary social, political, and economic systems'. See Joachim Blatter, 'Glocalization' (Britannica, 21 May 2013) <https://www.britannica.com/topic/glocalization> accessed 2 June 2020.
[3] Antoine Meyer, 'Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look' [2009] Pace diritti umani 7.
[4] Barbara Oomen, 'The Next Step: Coupling City-zenship to Human Rights' (Verfassungsblog, 28 January 2020) <https://verfassungsblog.de/the-next-step-coupling-city-zenship-to-human-rights/> accessed 19 May 2020.
[5] Sally Engle Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 1 American Anthropologist 39; Esther van den Berg, 'Making human rights the talk of the town. Civil society and human rights cities, a case study of the Netherlands' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 45; Sara Miellet, 'Human rights encounters in small places: the contestations of human rights responsibilities in three Dutch municipalities' [2019] J. Leg. Plur. Unoff. Law 214.
[6] Cynthia Soohoo, 'Human Rights cities. Challenges and possibilities' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 258; See also [8] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49: 'Local government aims at bringing government to the grass roots and enabling citizens to participate effectively in the making of decisions affecting their daily lives. At the level closest to the citizens, local government is, in principle, in a much better position than central government to deal with matters that require knowledge and regulation on the basis of local needs and priorities'.

are thus responsible for a wide range of human rights issues in their day-to-day work.'[7] Consequently, it seems reasonable that cities share obligations and accountability with the State for human rights compliance.[8] Nevertheless, human rights responsibilities are traditionally and legally seen as the responsibility of States.[9]

There has been a current trend, however, towards a realisation of and encouragement for increasing the potential of cities in realising these human rights responsibilities. One recent ramification of this trend is the birth of the Human Rights City practice which can really be stated to be a 'pilot programme'.[10] The concept of a Human Rights City was first developed by the People's Movement for Human Rights and Education[11], but has now, as will be seen, been adopted and interpreted in many different ways. Instead of the traditional legal account of human rights which focuses on the international level, Human Rights Cities are employing a (not necessarily legal) bottom up approach by formulating a commitment to human rights and by deciding locally on how to implement these rights.[12]

2. Objectives and Scope of the Study

A city carrying the label "Human Rights City" presupposes the city bringing its human rights implementation to the next level (in comparison to "normal" cities). ROODENBURG nevertheless claims that having the label "Human Rights City" does not always have as a consequence that the city in question is living up to its human rights city aspirations.[13]

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[7] [26] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[8] Karina Gomes da Silva, 'The new urban agenda and human rights cities: Interconnections between the global and the local' (2018) vol 36(4) NQHR 291.
[9] [5] of World Conference on Human Rights in Vienna, 'Vienna Declaration and Programme of Action' (adopted 25 June 1993) <https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf> accessed 11 June 2020.
[10] Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020 (speaker Frederique Hanotier).
[11] PDHRE International Office and the three Regional PDHRE offices in Latin America, West Africa and Anglo Africa, 'Human Rights Learning and Human Rights Cities. Achievements Reports' (PDHRE, March 2007) <https://www.pdhre.org/achievements-HR-cities-mar-07.pdf> accessed 2 June 2020; Barbara Oomen and Esther van den Berg, 'Human Rights Cities. Urban Actors as Pragmatic Idealistic Human Rights Users', (2014) 2 HRILD 163.
[12] Soohoo (n 6) 257.
[13] Roodenburg, 'Human Rights Cities: What do they have in common?'(n 1).

The main research objective of this study is to identify, analyse and suggest good practices in holding Human Rights Cities responsible for their commitment so that when a city carries the human rights cities label this also implies that the city in question is effectively assuming its responsibilities derived therefrom.

This research objective is achieved through three sub-objectives, namely (1) a general overview objective; (2) an evaluative objective; and (3) a normative objective. The research aims thus (1) to collect and analyse existing knowledge on Human Rights Cities and their responsibility mechanisms by mapping the current Human Rights Cities field and the already existing frameworks on the universal and regional level; (2) to identify the already existing good practices of Human Rights Cities; and (3) to suggest some possible remedies to the flaws and *lacunae* that have been discerned in the existing practice.

More specifically, considering these objectives, the study endeavours to answer the following general research question:

> 'How could and should a Human Rights City be held responsible for its human rights commitment?'

This overall research question gives rise to the following sub-research questions:

1. What are possible human rights discourses used by urban actors?;
2. How do Human Rights Cities currently implement their human rights commitment?;
3. Which mechanisms to hold a Human Rights City responsible for its human rights commitment are available at the international and regional level?;
4. Are there any good practice examples of monitoring or enforcement mechanisms implemented by Human Rights Cities?;
5. What are possible alternative responsibility mechanisms?

Agreeing with the statement of FREDERIQUE HANOTIER that a regional approach to Human Rights Cities is needed[14], the scope of the study will be demarcated to European Human Rights Cities (self-declared

[14] Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020; see also

and non-self-declared). However, Human Rights Cities from other regions of the world will be taken into account when, for example, identifying good practices or when mapping the Human Rights Cities field. Moreover, this study will focus on how to improve "responsibility" in both an adversarial and non-adversarial way. In the European States, there is a stronger tendency for juridical restraint in the judicial system, while in the USA judicial policymaking is mostly in accordance with adversarial legalism[15].[16]

DAVIS and SOOHOO[17] have already written about the (need to increase the) accountability of Human Rights Cities. However, the aim of this study is original and innovative as DAVIS mostly writes about improving the accountability of US Human Rights Cities with a specific focus on increasing *government* accountability.[18] SOOHOO, in turn, specifically focuses on how *local governments* can be held *accountable* for violating International Human Rights Law in general[19], and not how they can be held responsible for their Human Rights City policies and their specifically expressed commitment towards human rights.

3. Methodology

This study combines different methodological approaches. These are the doctrinal legal method and the evaluative and normative assessment methods.

First of all, the doctrinal legal method is used to map the already existing ways of holding a local government (and perhaps the Human Rights City) responsible. To interpret the consulted sources the grammatical, teleological, and systematic interpretation method are used.

UNESCO, 'European Coalition of Cities against Racism' <https://unesdoc.unesco.org/ark:/48223/pf0000145364> accessed 4 July 2020 confirming this by stating 'In order to take into account the specificities and priorities of each region of the world, regional Coalitions are being created with their own programme of action'.

[15] Adversarial legalism can be defined as 'a method of policy implementation and dispute resolution characterized by the following: formal legal contestation and litigant activism'. See Robert A. Kagan, 'How Much Do National Styles of Law Matter?' in Robert A. Kagan and Lee Axelrad (eds), *Regulatory Encounters. Multinational Corporations and American Adversarial Legalism* (University of California Press 2000) 9.

[16] van den Berg (n 5) 47.

[17] SOOHOO is, however, not a true advocate of enhancing accountability of Human Rights Cities, but is more in favour of designing instruments and finding ways to instil human rights in both governance and service provision. This could be the reason for her limited focus on enhancing accountability. See Soohoo (n 6) 257-275.

[18] See Martha F. Davis, 'Cities, human rights and accountability. The United States experience' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 23-43; Martha F. Davis, 'Design Challenges for Human Rights Cities' (2017) 49 Colum Hum Rts L Rev 27-66.

[19] See Soohoo (n 6) 257-275.

Secondly, the evaluative assessment is used to both scrutinise the concept and practices of Human Rights Cities and the already existing international and regional frameworks with a specific focus on local authorities/urban actors on its flaws and *lacunae*.

Lastly, if this evaluation proves that adjustments are needed, the normative assessment will correspond to recommending more efficient and well-functioning responsibility mechanisms.

In general, the research mainly relies on academic sources, legal sources, journal articles, and press releases of the relevant institutions. The reviewed legal sources are mostly international and European legal instruments, policy documents of the relevant institutions, Charters, declarations regarding Human Rights Cities, and material addressing issues of accountability for and monitoring of human rights implementation.

Chapter I. Different Understandings of Human Rights

In the current trend of urbanisation, a 'two-way interaction between the urban level and the notion of human rights' is taking place. As OOMEN and NIJMAN have suggested as a hypothesis, urban life is shaped by Human Rights Law, while at the same time urban life is shaping Human Rights Law.[20] More specifically, urban actors are, on the one hand, trying to challenge the existing state of International (Human Rights) Law in their conquest of being included therein as an 'autonomous actor' themselves. On the other hand, they are also shaping Human Rights Law because human rights norms in themselves still have to be translated into more specific courses of action.[21] As DURMUS states, 'norms are created, interpreted, challenged and enforced – travelling, as they change, among different international actors and governance levels – within a constant multi-directional process'.[22] In this translation process, a range of options is available for urban actors. Subsequently, their choices regarding human rights mobilisation will always depend on the context in which they were made; what the priorities of the urban actors are; which financial means were at the disposal of the urban actors, etc.[23]

In general, three human rights discourses[24] used by urban actors can be identified. These are using human rights in a legal way, invoking human rights as moral values, and employing human rights as good governance guidelines.[25] The subsequent introductory Chapter outlines these different understandings of human rights applied by urban actors before diving into the topic of Human Rights Cities (and their responsibility for their commitment and policies) itself.

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[20] Janne Nijman and Barbara Oomen, '*Call for Papers.* Urban politics of human rights' <https://www.asser.nl/media/679406/cfp-urban-politics-of-human-rights.pdf> accessed 22 June 2020.
[21] Elif Durmus, 'A typology of local governments' engagement with human rights: Legal pluralist contributions to international law and human rights' (2020) 38(1) NQHR 30.
[22] Ibid. 34.
[23] Nijman and Oomen (n 20); See also Miha Marcenko, 'International assemblage of the security of tenure and the interaction of city politics with the international normative discourse' (2019) 51 J. Leg. Plur. Unoff. Law 154: 'As international norms in general, it is a norm [i.e. the security of tenure] that has been developed and enacted through political processes, reflecting preferences and often competing views of various actors that had an interest in it. To use Martti Koskenniemi's words, the meaning and force of the security of tenure 'depend [...] on the presence of institutions, histories and cultures, of people thinking in broadly similar ways about matters social and political'.
[24] See definition of 'discourse' in Michele Grigolo, *The Human Rights City. New York, San Francisco, Barcelona* (Routledge. Taylor & Francis Group 2019) 8: 'which claims to bring about what it asserts in the very act of asserting'.
[25] See Sally Engle Merry, Mihaela Serban Rosen, Peggy Levitt and Diana H. Yoon, 'Law From Below: Women's Human Rights and Social Movements in New York City' (2010) 44 Law & Society Review 101-128 and Lisa Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (2019) 51 J. Leg. Plur. Unoff. Law 194-197.

2. Human Rights as Law

When addressing human rights as law, the emphasis lies on how human rights are codified in international and regional conventions and treaties.[26] Human Rights Law can be defined as 'the outcome of a long-term process of formalisation of human rights at the centre of which the United Nations (UN) and its agencies and conferences have been placed'.[27]

Monitoring and enforcement of human rights are mostly associated with the legal human rights discourse. Most of the conventions and treaties are accompanied by systems such as Universal Periodic Reviews, individual complaint systems, special rapporteurs who gather information and deliver reports, treaty bodies, human rights bodies, and courts (e.g. the Inter-American Commission for Human Rights and the European Court of Human Rights), etc.[28]

3. Human Rights as Moral Values

GOODALE introduces human rights as both a system of international law and a set of values.[29] In the moral human rights discourse, the accent lies on the latter. Human rights are seen as a philosophical and moral system of values that claims to be universal and based on the dignity and equality of all human beings.[30] The tight interlinkage between international Human Rights Law, natural law, and morality explains why human rights are referred to as moral values.[31] However, in this discourse less or even no attention is given to the formal human rights regime of implementation and enforcement.[32]

Even more, in some cases, urban actors explicitly refer to human rights only as moral values because they are not keen on recognising the legally binding nature and the enforcement side of Human Rights

[26] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 195.
[27] Grigolo, *The Human Rights City. New York, San Francisco, Barcelona* (n 24) 8.
[28] Merry, Serban Rosen, Levitt and Yoon (n 25) 106.
[29] Mark Goodale, 'Locating Rights, Envisioning Law between the Global and the Local' in Mark Goodale and Sally Engle Merry (eds), *The Practice of Human Rights. Tracking Law between the Global and the Local* (Cambridge University Press 2007) 1-38.
[30] Merry, Serban Rosen, Levitt and Yoon (n 25) 107.
[31] Barbara Oomen and Elif Durmus, 'Cities and plural understandings of human rights: agents, actors, arenas' (2019) 51 J. Leg. Plur. Unoff. Law 144.
[32] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 196.

Law.[33] Accordingly, the question of whether the single use of a moral human rights discourse delivers any tangible results arises. Even so, according to RODENBURG, moral use of human rights 'receives part of its credibility from the legal human rights system'.[34] This aligns with MERRY's statement that the moral discourse and the legal discourse go hand in hand as 'developing rights consciousness is an integral part of social movement change through law'.[35] DARLING describes the process in which urban actors use the moral human rights discourse as 'moral urbanism'.[36] He suggests that although this moral urbanism can be judged to be a way of city marketing,[37] it does indeed have a political effect as 'it mobilises and legitimises particular actions, policies, and political outlooks.[38]

However, in general, this practice does not create any *de jure* obligations for urban actors.[39]

4. Human Rights as Good Governance

Currently, there is no single definition of what the concept 'good governance' specifically entails. However, it has been stated to entail among other things 'full respect of human rights'.[40] Using this human rights discourse, 'good governance' started in the 1980s when the human rights project amalgamated with development and democracy projects.[41] According to the UN High Commissioner for Human Rights, 'good governance and human rights are mutually reinforcing [seeing that] human rights principles provide a set of values to guide the work of governments and other political and social

[33] Oomen and Durmus (n 31) 144.
[34] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 196.
[35] Merry, Serban Rosen, Levitt and Yoon (n 25) 123.
[36] Jonathan Darling, 'Moral urbanism, asylum, and the politics of critique' (2013) 45 Environment and Planning A 1785.
[37] Barbara Oomen, 'Introduction: The promise and challenges of human rights cities' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 8.
[38] Darling, 'Moral urbanism, asylum, and the politics of critique' (n 36) 1796.
[39] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 196.
[40] OHCHR, 'Good Governance and Human Rights' <https://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx#:~:text=Good%20governance%20and%20human%20rights%20are%20mutually%20reinforcing.,other%20political%20and%20social%20actors.&text=On%20the%20other%20hand%2C%20without,protected%20in%20a%20sustainable%20manner.> accessed 13 July 2020.
[41] Merry, Serban Rosen, Levitt and Yoon (n 25) 107.

actors'.[42] Consequently, the human rights discourse coincides with referring to the human rights process principles underlining participatory decision-making, transparency, and accountability.[43]

5. Interim Conclusion

In this introductory Chapter it could be discerned that, purely on the basis of the discourse chosen, human rights can be implemented in very different ways. OOMEN and BAUMGÄRTEL claim, however, to have witnessed a trend of 'local engagement with international human rights law [moving] from a mere reference to ideology and practice towards a more systematic and legal engagement, and thus, a commitment on the part of local actors to play a role as human rights duty-bearers, both individually and collectively […]'.[44]

Even so, in what follows, it will become clear that the choice of a Human Rights City for a particular discourse has far-reaching consequences.

[42] OHCHR, 'Good Governance and Human Rights' <https://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx#:~:text=Good%20governance%20and%20human%20rights%20are%20mutually%20reinforcing.,other%20political%20and%20social%20actors.&text=On%20the%20other%20hand%2C%20without,protected%20in%20a%20sustainable%20manner.> accessed 13 July 2020.
[43] Merry, Serban Rosen, Levitt and Yoon (n 25) 107.
[44] Barbara Oomen and Moritz Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (2018) 29 EJIL 614.

Chapter II. Human Rights Cities: Mapping the Field

This Chapter maps the field of Human Rights Cities. To do so, it first defines the Concept of a "Human Rights City". Next, the general objectives of a Human Rights City are identified. Subsequently, the general practices to reach these objectives are examined. The interim conclusion evaluates the findings and provides a starting point for the next Chapter of this study.

1. Defining the Concept of "Human Rights City"

There is no fixed definition of the concept "Human Rights City", which aligns with the non-existence of a one-size-fits-all approach[45] for the concept.

As it was the one introducing the term "Human Rights City" in the late 1990s[46], it is, however, fitting to start with the definition of the People's Movement for Human Rights Learning (PDHRE). The PDHRE characterized a Human Rights City as

> 'a city or a community where people of good will, in government, in organizations and in institutions, try and let a human rights framework guide the development of the life of the community. Equality and non-discrimination are basic values. Efforts are made to promote an (sic) holistic vision of human rights to overcome fear and impoverishment, a society that provides human security, access to food, clean water, housing, education, healthcare and work at liveable wages, sharing these resources with all citizens – not as a gift, but as a realization of human rights'[47]

This rather eclectic definition found its ground in the very specific objective of the PDHRE to promote a human rights culture in cities around the world by human rights education and by developing human rights action plans.[48]

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[45] Catherine Buerger, 'Contested advocacy. Negotiating between rights and reciprocity in Nima and Maamobi, Ghana' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 145.
[46] Oomen and van den Berg (n 11) 163.
[47] PDHRE International Office and the three Regional PDHRE offices in Latin America, West Africa and Anglo Africa, 'Human Rights Learning and Human Rights Cities. Achievements Reports' (PDHRE, March 2007) <https://www.pdhre.org/achievements-HR-cities-mar-07.pdf> accessed 2 June 2020.
[48] Oomen and van den Berg (n 11) 163.

Several other definitions have been formulated over time. The World Human Rights Cities Forum (WHRCF), for example, defines a Human Rights City as 'both a local community and socio-political process in a local context where human rights play a key role as the fundamental values and guiding principles'.[49]

Academia has also contributed to the definition of this rather vague concept. For example, STARL, who plays an important part in the practice of the Human Rights City Graz (AT), defines it quite rigidly as

> 'a city of which its governing bodies ***explicitly*** decide to shape and actually implement its policies towards maximum achievable human rights fulfilment in any way that a culture of human rights within the municipality and within the society as a whole evolves and becomes a reality in the perception and in the living conditions of its citizen. A city does this by ***establishing structures and processes*** accordingly, as well as by ***evaluating the policies' outcomes***'.[50] [own underlining]

If this definition is adhered to, a city can only be seen as a Human Rights City when (1) the governing bodies are involved and they (2) explicitly decide to engage with human rights and express this with (3) a formal declaration.[51]

However, OOMEN, one of the leading scholars in the study of Human Rights Cities, defines the concept in a somewhat broader way as 'an urban entity or local government that ***explicitly*** [own underlining] bases its policies, or some of them, on human rights as laid down in international treaties, and thus distinguish themselves from other local authorities'.[52] Thus, OOMEN requires, as STARL, a formal declaration. However, contrary to STARL, OOMEN deems that this declaration does not necessarily have to come from the governing bodies. When looking at the definition provided by GRIGOLO, a formal declaration of either the governing authorities or an urban actor is not even required. According to him,

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[49] [3] of *The Gwangju Declaration on Human Rights City* (adopted 17 May 2011 at the 2011 World Human Rights Cities Forum); see also Oomen and Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (n 44) 616.
[50] Klaus Starl, 'Human Rights and the City: Obligations, Commitments and Opportunities. Do Human Rights Cities Make a Difference for Citizens and Authorities? Two Case Studies on the Freedom of Expression' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 203.
[51] Ibid. 203-204.
[52] Barbara Oomen and Moritz Baumgärtel, 'Human Rights Cities' in Anja Mihr and Mark Gibney (eds), *the Sage Handbook of Human Rights* (Sage 2014) 709; Oomen and van den Berg (n 11) 163.

a Human Rights City is 'a city which is organised around norms and principles of human rights'.[53] He deliberately uses the words norms and principles of human rights and does not make a reference to international human rights standards because he believes the notion of human rights to be a social practice as well as a legal practice.[54] He also employs the word 'city' instead of the term 'local government' because the initiator of a Human Rights City can differ from the local government.[55]

From these definitions can be deduced that the various definitions articulate and see the responsibilities of all actors involved in the processes of Human Rights Cities and the importance of the instruments used in Human Rights Cities in a different way (aligned with the perspective[56] taken).[57] Accordingly, the concept of "Human Rights City", as it stands now, covers manifold practices which, as will be seen, to a certain extent all face challenges in assuring human rights compliance.

In the next part, general trends in these practices of Human Rights Cities are outlined. To be able to do so, the underlying aims and motivations of becoming a Human Rights City are discerned first.

2. The Objective(s) of Human Rights Cities

The objective of a Human Rights City depends primarily on which human rights discourse a particular city has adopted.

According to BOOMEN, this objective should be to '[deliver] global urban justice[58] and [use] human rights norms to strengthen social justice at the local level'.[59] STARL also saw the Human Rights Cities movement

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[53] Grigolo, *The Human Rights City. New York, San Francisco, Barcelona* (n 24) 5.
[54] Michele Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 276-277.
[55] Ibid. 277.
[56] GRIGOLO looks at the Human Rights City from a sociological perspective while STARL departs from the legal perspective. OOMEN seems to be in the middle.
[57] Sofie Vibor Jensen, 'Human Rights Cities in Indonesia: A case study of diverse approaches in Bandung City and Wonosobo Regency' (Lund University Publications, May 2019) <http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=8975782&fileOId=8979819> accessed 2 June 2020.
[58] OOMEN does not specifically define what is meant by 'global urban justice'. However, see Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 1 and 11 where she respectively states 'the rise of these human rights cities does not only hold the potential of strengthening social justice in cities worldwide […], but also holds considerable promise for the realisation of international human rights […]' & 'It is this interplay within cities, amongst cities and between the global and the local that entails the promise of global urban justice'.
[59] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 14.

arising as a way to address the 'enforcement gap between human rights norms and local realities'.[60] Here, the remark should be made that STARL can be qualified as an advocate of the legal human rights discourse or the human rights discourse as good governance. Thus, when a Human Rights City adopts the moral human rights discourse, addressing the enforcement gap between human rights norms and local realities will generally not be the overall objective (see Chapter 1 where it was deduced that urban actors explicitly referring to human rights as moral values are less keen on recognising the legally binding nature and the enforcement side of Human Rights Law.[61]).

Even so, regardless of the discourse on which Human Rights Cities are founded, and hence also without regard to their objectives derived therefrom, the purpose of a Human Rights City should ultimately be there to empower residents to gain knowledge about human rights and use this knowledge to 'influence laws, policies, resource allocation and relationships in ways that effectively realise political, civil, economic, social, and cultural rights'.[62] This entails that, on the one hand, some tools for reaching this purpose should be put into place and that, on the other hand, some human rights discourses are more fit for purpose than others.

In what follows, the general practices of Human Rights Cities to reach these objectives are discerned.

3. General Practices of Human Rights Cities

As already clarified when defining the concept of a "Human Rights City", there is no one-size-fits-all approach.[63] Human Rights Cities differ generally in four ways. Differentiation can be made in terms of (1) organisational setting (i.e. horizontally-organised networking model, the vertically-organised multi-level governance model, and the stand-alone model); (2) the driving forces behind the idea of becoming a Human Rights City (i.e. government-driven or civil-society-driven); (3) the approach applied within the Human Rights City (i.e. rights-based approach or advocacy-based approach/events-based approach); and (4) the instruments used so as to implement their human rights practices (i.e. institutional

[60] Starl (n 50) 203.
[61] Oomen and Durmus (n 31) 144.
[62] Buerger (n 45) 145; Stephen P. Marks, Kathleen A. Modrowski and Walther Lichem, 'Human Rights Cities. Civic Engagement for Societal Development' (PDHRE, 2008) 45 <https://pdhre.org/Human_Rights_Cities_Book.pdf> accessed 7 June 2020.
[63] Buerger (n 45) 145.

implementation, creating a legal framework, creating a moral framework or using human rights as guidelines for good governance).[64]

3.1 The Organisational Setting

Three models of organisational setting in Human Rights Cities can be discerned. These are the horizontally-organised networking model, the vertically-organised multi-level governance model, and the stand-alone model. While the first two imply some level of encouragement by and participation in already organised initiatives, the stand-alone model can be defined as cities deciding by themselves and upon their own initiative to engage with human rights in such a way they can self-declare as a Human Rights City. The horizontally-organised networking model makes use of intergovernmental initiatives which are the organisational setting in which, for example, the global Charter-Agenda for Human Rights in the City and the European Charter for the Safeguarding of Human Rights have been developed. In the vertically-organised multi-level governance model local governments decide to work together with all the other levels of governance (including the international level).[65]

3.2 Driving Forces: Government-driven or Civil-society-driven

Human Rights Cities can be seen as a '*process of collaboration and competition between different social actors*'.[66] Hence, it is very important to try to get as many parties as possible involved.[67] GRIGOLO has listed, in a non-exhaustive way, the potential relevant stakeholders who could have an interest in the concept of "Human Rights Cities". He discussed five; (1) State governments and agencies; (2) local authorities; (3) academic institutions and researchers; (4) civil society and local NGOs; and (5) International institutions.[68]

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[64] Gomes da Silva (n 8) 299.
[65] Gomes da Silva (n 8) 299; Starl (n 50) 203.
[66] Michele Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' in Martha Francis Davis, Thomas Gammeltoft Hansen and Emily Hanna (eds), *Human Rights Cities and Regions. Swedish and International Perspectives* (Raoul Wallenberg Institute 2017) <https://rwi.lu.se/app/uploads/2017/03/Human-Rights-Cities-web.pdf> accessed 2 June 2020, 13.
[67] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 15.
[68] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 13-14.

Even though every stakeholder has a relevant part to play, the driving forces of the majority of the already existing Human Rights Cities can be classified as government-driven (entailing a top-down approach in the city), civil-society-driven or academia-driven (both implying a bottom-up approach in the city).[69]

York (UK) can be seen as initially both an academia-driven and civil-society-driven Human Rights City[70], while, for example, Utrecht (NL)[71] and Barcelona (ES)[72] were mostly driven by the local government.

The original idea of developing Human Rights Cities, however, came from civil society. As was already stated, the PDHRE was the one that coined the concept.[73] According to them, the pathway to becoming a Human Rights City existed out of creating a steering committee, representing all relevant sectors of society, which has to draft an action plan and articulate how it envisions the Human Rights City. Participating citizens should then monitor laws and policies with regard to their compliance with the human rights framework. The aim is to get all relevant actors, i.e. governments and local authorities, law enforcement agencies, the judiciary, regulators, and community leaders committed to implementing the international human rights instruments.[74] By envisioning such cooperation, it actually saw the realisation of human rights already as a shared responsibility.[75] For example, in Graz (AT)[76] and Rosario (AR) the Human Rights City initiative followed the PDHRE method.[77]

Nevertheless, no matter whether the initial momentum is government-; civil-society- or academia-driven, the different actors will, in most cases and in due time, try to seek each other's commitment.[78]

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[69] Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 283; See Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020 (speaker Gerd Oberleitner) in which Oberleitner identifies universities as a driving force in initiating, lobbying for and implementing the concept of a Human Rights City.

[70] Emily Graham, Paul Gready, Eric Hoddy and Rachel Pennington, 'Human rights practice and the city. A case study of York (UK)' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 190.

[71] van den Berg (n 5) 51-52.

[72] Esther van den Berg and Barbara Oomen (eds.), *Human Rights Cities: Motivations, Mechanisms, Implications – a case study of European HRCs* (University College Roosevelt 2015) 41.

[73] van den Berg (n 5) 56.

[74] PDHRE, 'Global Human Rights Cities Program' <http://www.pdhre.org/hrcities-program.html> accessed 8 June 2020.

[75] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 9.

[76] Marie Bailloux, 'Graz, City of Human Rights in Europe or the Right to a "Human City" in Europe?' (Citego, 2009) <http://www.citego.org/bdf_fiche-document-1466_en.html> accessed 20 June 2020.

[77] van den Berg (n 5) 44.

[78] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 15.

3.3 Approach: Rights-based Approach or Advocacy-based/Events-based Approach

GRIGOLO states that 'it is important to keep an eye on how human rights are constructed'.[79] Generally, two approaches to human rights in Human Rights Cities can be identified, namely a rights-based approach or an advocacy-based/events-based approach. They can, however, also co-exist in one Human Rights City.

When cities opt for the rights-based approach, they mostly use rights-based approaches to development as a source of inspiration for their own local human rights strategy.[80] York (UK) is an example of a partly rights-based approach-driven Human Rights City. The York Human Rights City Network (YHRCN) chose to take the PANEL principles (participation, accountability, non-discrimination, empowerment, and legality)[81] as the starting point for implementing their human rights-based approach.[82]

An advocacy-based/events-based approach focuses more on raising awareness about human rights by, for example, organising public human rights-themed events. Civil society has a crucial role to play in this approach because it is considered to be 'the vehicle to bring human rights to constituencies and the broader public'.[83] York can also be seen as an events-based/advocacy-based approach focused Human Rights City. The events organised are ranging from organising an annual human rights themed film festival or an open mic theatre to organising workshops, etc.[84]

Ideally, a Human Rights City strives, as York does, to integrate both approaches.

3.4 Instruments

Human Rights Law frequently gets criticised for being 'too vague, too abstract, too western, too legalistic, too progressive and too hard to enforce'.[85] Consequently, when a City decides to engage with

[79] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 21.
[80] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 15.
[81] Human Rights Commission Cayman Islands, 'Human Rights Principles' <http://www.humanrightscommission.ky/human-rights-principles> accessed 11 June 2020.
[82] Graham, Gready, Hoddy and Pennington (n 70) 192.
[83] van den Berg (n 5) 62.
[84] Graham, Gready, Hoddy and Pennington (n 70) 192; see also York - Human Rights City, 'Events for July 2020' <https://www.yorkhumanrights.org/events/> accessed 28 July 2020.
[85] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 12.

International Human Rights Law, it has to adapt it to both fit the local situations and to suit its own culture and context.[86] Here, the three different human rights discourses enter the scene as they influence the way in which human rights are implemented.

Roughly four, non-mutually exclusive ways[87] to implement human rights as a Human Rights City can be identified. These are institutional implementation, creating a legal framework, creating a moral framework, or putting the focus on good governance.

3.4.1 Institutional Implementation

Institutional implementation normally depends on the support from the local (or central) government. There are two general ways of securing this support, i.e. opting for institutionalisation within the local government itself or placing the responsibility for shaping and effectuating the human rights policy in venues formally placed outside the local government. The former transforms human rights into 'urban policy and tools for governing the city'.[88]

Although the ways in which a Human Rights City can be implemented institutionally differ, a wide-spread common denominator of institutionalisation is the practice of establishing Human Rights Departments.[89] Another way consists of human rights financing. In what follows, both ways are discussed.[90]

Human Rights Departments often seem to play a steady part in the processes of effectuating Human Rights in the City.[91] Those Departments should have the competence to identify and solve situations that are considered to have a negative influence on human rights. They should thus take on a monitoring role

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[86] Ibid.

[87] See e.g. Esther van den Berg, 'Mensenrechtensteden' <https://leiden.amnesty.nl/attachments/article/176/Presentatie%20Esther%20van%20den%20Berg%20-%20Mensenrechtensteden.pdf> accessed 10 June 2020: she claims that human rights can be used as a legal framework (for example the work that has been done in Utrecht for the undocumented migrants), a moral framework (as a guideline for the government) and as good government (information, participation etc.); Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 279.

[88] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 15.

[89] Ibid. 18.

[90] Esther van den Berg and Barbara Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (Platform 31 Den Haag 2014) 16.

[91] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 18.

or even the role of holding relevant urban actors responsible for human rights violations.[92] Even so, their capacity differs according to how they are set up (e.g. volunteer-based or employee-based) and according to the set of available lines of actions (e.g. possibility to investigate relevant actors or not).[93] For example, Barcelona (ES), in line with the legal human rights discourse, opted to implement an instrument for complaint procedures.[94] More specifically, the Office for Non-Discrimination, which was established in 1998, found its origins in international, EU, and national human rights norms and is tasked with processing individual complaints.[95] Barcelona also instituted the Office for Religious Affairs.[96] A less far-reaching example, although in line with the legal human rights discourse[97], was the establishment of the Human Rights Office of the City of Vienna (AT) on 7 September 2015.[98] Its focal areas are human rights awareness-raising, human trafficking, children's rights, security policies, and human rights at the provincial level.[99] A steering group, consisting of representatives of the city government, the National Human Rights Institute, and the city administration, is still coming together to discuss what the focus of the Human Rights Office should be.[100] Even so, the title of a press article published right before the installation of the Human Rights Office which reads as 'Menschenrechtsbüro: Noch wenig Konkretes'[101] still seems to hold.[102] Currently, the Office is coordinating measures in collaboration with different city institutions.[103] However, it has less established links with the inhabitants. Although it does, for example, organise some Human Rights Events[104], it has no competence to deal with individual complaints.

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[92] Ibid. 19.
[93] Davis (n 18) 39.
[94] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 195.
[95] Michele Grigolo, 'Human rights and cities: the Barcelona Office for Non-Discrimination and its work for migrants' (2010) 14 J. Hum. Rights 897.
[96] Michele Grigolo, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020.
[97] *Declaration: Vienna – City of Human Rights* (December 2014) <https://www.wien.gv.at/english/social/integration/pdf/human-rights-declaration.pdf> accessed 20 June 2020.
[98] City of Vienna, 'Human Rights Office of the City of Vienna' <https://www.wien.gv.at/english/social/integration/human-rights/office.html> accessed 20 June 2020.
[99] OHCHR, 'City of Vienna: Human Rights Council resolution 39/7 on Local Government and Human Rights' (adopted 12 February 2019) <https://www.ohchr.org/Documents/Issues/LocalGvt//Local/20190212Vienna.pdf> accessed 20 June 2020.
[100] Ibid.
[101] Free translation: 'Human Rights Office: not that much in concrete terms yet'.
[102] ORF.at, 'Menschenrechtsbüro: Noch wenig Konkretes' (26 July 2015) <https://wien.orf.at/v2/news/stories/2722357/> accessed 10 July 2020.
[103] Wien, 'Menschenrechtsbüro der Stadt Wien' <https://www.wien.gv.at/menschen/integration/menschenrechtsstadt/buero.html> accessed 31 July 2020.
[104] Lokale Agenda, 'Agenda Innere Stadt' <https://www.agendainnerestadt.at/kalender/-2210.html> accessed 10 July 2020.

Another way of institutionalising human rights is specifically financing human rights in the city.[105] According to GOMES, human rights budgeting can take place in two ways, namely by either specifically allocating one part of the whole budget to the human rights policies or by viewing the whole budget in function of human rights.[106] See, for example, the practice in Gothenburg (SE) where the city explicitly allocates money to human rights in the budget.[107]

Generally, institutional implementation of human rights has many advantages. First of all, it increases the visibility of human rights, and as it will not be influenced that much by personal or administrative changes, it further secures the continuity of the commitment towards human rights.[108] It also puts human rights on the agenda in a more compelling way as institutionalisation of human rights can be seen as anchoring them in local policies.[109] Barcelona (ES) is an example thereof. Although in 2013 local politics were less inclined to attach much importance to (the implementation of) human rights they could not completely abolish the human rights policies which were already in place due to their institutionalisation. The only thing the local decision-makers could do and also did was lowering the funding of the human rights institutions.[110]

Hence, institutionalisation is not always the holy grail. Although human rights institutionalisation proves to be some sort of means for anchoring human rights, the quality and the effectiveness of the institutions still depend a lot on the goodwill of the local government. This has some daunting consequences. GRIGOLO eloquently phrases this as 'a paradox whereby public powers are at the same time guarantors and violators of human rights'.[111] First, the local government has the power to make these institutions less equipped to monitor the human rights policies and even less able to hold the urban actors responsible for violations. Moreover, when the government of Barcelona decided to cut on resources and funds of its human rights institutions, Barcelona was still seen as a Human Rights City (although *de facto* it might not have been one anymore).

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[105] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 16.
[106] Gomes da Silva (n 8) 305.
[107] van den Berg and Oomen, *Human Rights Cities: Motivations, Mechanisms, Implications – a case study of European HRCs* (n 72) 134.
[108] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 16.
[109] Ibid.
[110] van den Berg and Oomen, *Human Rights Cities: Motivations, Mechanisms, Implications – a case study of European HRCs* (n 72) 55.
[111] Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 279.

3.4.2 Legal Framework

Human Rights Cities can use the legal human rights discourse in two (not necessarily mutually exclusive) ways. They can choose to use the already established Human Rights Law frameworks or can formally commit to respect, protect, and fulfil human rights by formulating declarations or even complete charters. Below, these two ways are described in more depth.

First, when making use of the already established Human Rights Law frameworks, a Human Rights City has two options when translating these into local practice. It can either opt to insert a wide array of human rights or to focus on one specific or multiple treaties to implement.[112] While for example, Utrecht (NL) opted for the first option, San Francisco (USA) and Den Haag (NL) opted for the second option by respectively only implementing the Convention on the Elimination of All Forms of Discrimination against Women[113] and the Convention on the Rights of the Child.[114]

Second, a Human Rights City can formally commit itself to be a Human Rights City[115] by formulating declarations or drafting/acceding Charters (see, for example, the European Charter for the Safeguarding of Human Rights in the City)[116]. The advantage of such a commitment, as STARL has stated, is that

> '[it] makes the difference to other municipalities which probably comply with human rights standards, but do not declare human rights policy-making as a core task'.[117]

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[112] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 11; Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 13; Michele Grigolo, 'Local Governments and Human Rights: Some Critical Reflections' (2018) Colum HRL Rev 76.
[113] Stacy Laira Lozner, 'Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative' (2004) 104 Colum L Rev 616.
[114] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 15.
[115] Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Introduction to Human Rights Cities' 12 June 2020: see their list of self-declared Human Rights Cities according to region: **Africa**: Nima/mamobi (Ghana), Bongo (Ghana), Walewale (Ghana), Casablanca (Morocco), Essaouira (Morocco), Nouakchott (Mauritania); **Latin America**: Rosario (Argentina), Montevideo (Uruguay), Porto Alegre (Brazil); **North America**: Edmonton (Canada), Winnipeg (Canada), Washington, DC (USA), Pitssburgh (USA), Eugene (USA), Mountain View (USA), Boston (USA), Richmond (USA), Chapel Hill (USA), Carrboro (USA), Edina (USA); **Asia**: Gwangju (South Korea), Bandung (Indonesia), Seoul (South Korea); **Europe**: Graz (Austria), Vienna (Austria), York (UK), Barcelona (Spain), Utrecht (Netherlands), Middelburg (Netherlands), Lund (Sweden), Nuremberg (Germany).
[116] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 15.
[117] Starl (n 50) 204.

An example of a self-declared Human Rights City is Graz (AT). It declared itself a Human Rights City in 2001[118], which was confirmed by the City Council with the adoption of the Human Rights Declaration of the City of Graz. This statement provides that:

> 'The City of Graz, especially the members of the city council and of the city government shall be guided in their actions by the principles of international human rights. Thereby the residents of the city, especially the youth, shall be informed about the established codes of human rights and about the rights and obligations derived therefrom. It is an objective, especially with regard to those who bear duties in public institutions, organisations and associations to respect and fulfil the human rights relevant standards in the daily life of the city. Deficits in the field of human rights are to be detected at all levels of society to respond appropriately. Thereby human rights shall play a major role in the guidelines and decisions for the future development of the City of Graz. With this declaration and with the aims and code of practice associated therewith, the City of Graz as the European Cultural Capital 2003 expresses its understanding of culture and human dignity.'[119]

Although this statement only provides a few specifics on how human rights are ought to be implemented in Graz, it does provide a future reference point to hold the city council and city government (i.e. the urban actors identified as the human rights duty-bearers in the declaration) to. Additionally, several aims of the City Council can be abstracted. These are: (1) informing the inhabitants about their human rights and obligations; (2) obliging the relevant institutions to respect, protect, and fulfil human rights; (3) monitoring the human rights situation in the City and responding with appropriate steps thereto.

3.4.3 Moral Framework

When using the moral human rights discourse, reference is made to the values underlying the formal human rights framework, but not to the formal human rights framework itself. Most of the time this leads to no establishment of monitoring mechanisms or enforcement mechanisms.

Amsterdam (NL) can be seen as a (self-declared) Human Rights City that only refers to the values. In the letter Amsterdam published on its official website (i.e. www.amsterdam.nl)[120] in which it explains to its

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[118] Ibid. 205.
[119] Graz, 'Menschenrechtserklärung' <https://www.graz.at/cms/beitrag/10284058/7771447/Menschenrechtserklaerung.html> accessed 12 June 2020; Quite liberal and anachronistic (see reference to 2003) translation from Graz, 'HRC-Folder' <https://www.graz.at/cms/dokumente/10284058_7771447/2975d1a7/HRC-Folder-eng-web.pdf> accessed 6 July 2020.
[120] Gemeente Amsterdam, 'Overzicht' <https://www.amsterdam.nl/> accessed 23 June 2020.

citizens how Amsterdam is giving policy perspective to human rights, it only points out the Universal Declaration of Human Rights, which was an aspirational document to begin with.[121] It then explains that it will use "human rights glasses" when looking at its policy, merely to stop with only identifying eight issues to address through these glasses and by stating that it actually already has tackled four of these issues very well and therefore will not change its policy regarding these issues.[122]

3.4.4 Good Governance

As illustrated above, the human rights discourse based on good governance is the outcome of the intertwinement between democracy projects and human rights projects. When the commitment of a city towards Human Rights Law is implemented by creating a moral framework the range of possibilities goes from raising awareness to increasing public participation and engagement or even establishing the accountability of the relevant actors. If, for example, a Human Rights Department has been institutionalised, one of its possible lines of action is providing citizens with human rights education (by organising conferences, human rights days, etc.) or providing specific training to the people relevant to the human rights implementation (by, for example, targeting the local government staff, workers, etc.).[123]

For instance, Salzburg (AT) established a Human Rights Council in which the local government and experts cooperate with civil society representatives. Its task is to give advice about human rights problems and to monitor the human rights implementation in the City.[124]

Also, the South-Korean Human Rights City Gwangju can be said to have adopted the human rights discourse leading to good governance as it has implemented its democracy and human rights project in

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[121] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III); There is however an ongoing debate in international law whether rights stated in the Universal Human Rights Declaration can now be considered customary international law. See for example: Hurst Hannum, 'The Status of the Universal Declaration of Human Rights in National and International Law' (1995) 25 Ga J Int'L & Comp L 317-355; Diane C. Yu, 'The Long and Influential Life of the Universal Declaration of Human Rights' in Gordon Brown (ed), *The Universal Declaration of Human Rights in the 21st Century* (Open Book Publishers 2016) [16].

[122] The issues that were deemed to be in need of more effort were (1) physical accessibility of buildings and transport; (2) children's rights; (3) privacy; (4) education & dialogue. The ones that were seen as being tackled in an effective way already are (1) exclusion & discrimination; (2) accessibility and quality of care; (3) affordability and availability of housing; (4) refugees. See Gemeente Amsterdam, 'Amsterdam mensenrechtenstad' <https://www.amsterdam.nl/sociaaldomein/diversiteit/mensenrechtenstad/> accessed 12 June 2020.

[123] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 18.

[124] van den Berg and Oomen, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (n 90) 16.

an interlinked manner.[125] It also established a human rights ombudsman in its Human Rights City campaign.[126]

As both Salzburg (AT) and Gwangju (South KR) established a human rights council/ombudsman with monitoring competences, there seems to be a correlation between the establishment of monitoring and enforcement mechanisms and the human rights discourse based on good governance.

4. Interim Conclusion

In mapping the field some potential gaps have been identified. As there is no "one-size-fits-all" concept (or even definition) of a Human Rights City, every Human Rights City is developing and implementing its policies in the way it chooses. In this Chapter, the struggle of local actors in deciding which discourse to use and how much relevance to give to (which) human rights has become clear.[127] Moreover, potential risks in leaving cities that amount of leeway in, on the one hand, declaring that they are a Human Rights City without having any institutions in place to check whether they fulfil certain requirements and, on the other hand, deciding which human rights to prioritise and how to implement these priorities, can be identified (in, for example, Amsterdam).

SOOHOO notes that 'when cities are left to create their own accountability measures, the measures are often weak or non-existent'.[128] As could be ascertained, the Human Rights Cities Movement has currently still not developed a formalised approach towards the establishment of monitoring or enforcement mechanisms. However, the promise of a Human Rights City itself does not protect the citizens to the necessary degree as it is still possible that a Human Rights City will violate human rights. The intensity of monitoring and enforcing the urban human rights policy seems to depend on which human rights discourse is chosen. It was discovered that monitoring and enforcement mechanisms are more present when the legal or good governance human rights discourse is used. When the moral human rights

[125] Roodenburg, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (n 25) 197.
[126] OHCHR, 'Achievements and Challenges of the Human Rights City Gwangju – Overview and Tasks of the Implementation of the Human Rights City Gwangju' <https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/LocalGvt/Gwangju%20Metropolitan%20City,%20Republic%20of%20Korea.pdf> accessed 6 July 2020.
[127] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 12.
[128] Soohoo (n 6) 258.

discourse is used, there is more potential for the Human Rights City label being a cover of an empty shelled urban human rights policy. It should, however, also be noted that even when monitoring and enforcement mechanisms were established, some flaws can still be present as was witnessed in, for example, the limited amount of competences of the Human Rights Office in Vienna (AT). Therefore, it is very complicated most of the time to verify whether Human Rights Cities are working or not.

This might lead to the whole promise of being a Human Rights City ending up in both an empty promise maintaining the status quo and a mismatch between aspirations and actions.[129] This 'rhetoric without accountability' in turn undermines the advantages and the aim of cities associating themselves with Human Rights Law. There is a risk of Human Rights Cities supporting human rights principles and values in an abstract manner only.[130] However, as OOMEN states, 'the litmus test for Human Rights Cities is whether they are able to actually deliver global urban justice and use human rights norms to strengthen social justice at the local level'.[131]

Hence, the next Chapters of the study are dedicated to (1) analysing whether there are any available mechanisms at the international and regional levels for holding a Human Rights City responsible; (2) identifying some good practices of already existing Human Rights Cities; (3) providing some recommendations on how to improve the responsibility of Human Rights Cities.

[129] Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 276.
[130] Jonathan Darling, 'Defying the demand to 'go home'. From human rights cities to the urbanisation of human rights' 134.
[131] Oomen, 'Introduction: The promise and challenges of human rights cities' (n 37) 14.

Chapter III. Listing and Analysing Available Mechanisms at the International and Regional Levels to Hold the Local Level Responsible

In this Chapter, first the traditional approach to and the challenges in achieving the responsibility of the local government are analysed. As identified in the previous chapter, the local government is not always the instigator of or even involved in the process of the City becoming a Human Rights City. Nevertheless, it can be stated that in the vast majority of the Human Rights Cities the local government is or does become an important stakeholder.[132] Therefore, it is still relevant to see how the responsibility of the local government can be identified (and perhaps increased) in the existing international and regional systems and instruments.

The second section of this Chapter takes into account most of the international and regional instruments and initiatives specifically focused on human rights implementation by urban actors.

For the purpose of this Chapter, 'local government' is defined as 'the lowest tier of public administration within a given State'.[133]

1. Position of the Local Government in the International System

As OOMEN AND BAUMGÄRTEL state, 'the status of the city as a legal concept has long bewildered lawyers [...]. Both international and European law are remarkably silent on [cities'] formal position as human rights duty bearers'.[134]

This section tries to lift the veil in a very moderate way on what the position of the city, and more specifically the local government, currently is. First, the classic position of the local authority is outlined. Secondly, the current trends in rethinking the classic position are discerned and explained. Lastly, the

[132] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 15.
[133] [8] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[134] Oomen and Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (n 44) 619; See also for example: Gerald E. Frug, 'The City as a Legal Concept' (1980) 93(6) Harvard Law Review 1059-1154.

way in which local governments at the moment (can) engage with the already existing mechanisms is discussed.

1.1 The Classic Position of the Local Government in the International System

With regard to the local government, two ways of saddling it with the obligations to respect, protect, and fulfil human rights can be identified. The most straightforward way is drafting a Human Rights Instrument in such a manner that it is also directed towards, for example, administrative authorities, public welfare institutions, etc.[135] The less straightforward way is translating international human rights obligations of States into human rights obligations of local authorities as those authorities are deemed to be a constituent element of the government or because the State has decided to transfer some relevant competences to them.[136]

This limited view on the responsibilities of a local government in Human Rights Law follows the classical, state-centred point of view[137] that only States have international legal personality.[138] In this view, the State, as addressee and party to the human rights treaties[139], is seen as having the primary responsibility to respect, protect, and fulfil human rights.[140] This respectively entails that (1) a State cannot directly or indirectly violate the rights of individuals nor institutionalise a system that engenders others violating those rights; (2) a State must ensure that no one, including the other governmental levels,

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[135] See for example Art. 3 of the Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) which states that the best interests of the child should be a primary consideration in '*all actions concerning children, whether undertaken by public or private social welfare institutions, [...], administrative bodies [...]'.*

[136] International Council on Human Rights Policy, 'Local Government and Human Rights: Doing Good Service (International Council on Human Rights Policy, 2005) <https://gsdrc.org/document-library/local-government-and-human-rights-doing-good-service/> accessed 11 June 2020; Oomen and van den Berg (n 11) 167-168; Yishai Blank, 'Localism in the New Global Legal Order' (2006) 74(1) Harv Int'l LJ 266; see also Starl (n 50) 202: 'Human rights are […] rights of individuals against public authorities, no matter at what level.

[137] See Martha F. Davis, 'Scoping the new urban human rights agenda' [2019] J. Leg. Plur. Unoff. Law 260: 'The international human rights system developed in the 1940s is one institution that has historically incorporated the assumption of vertical – and hierarchical – governance structures'.

[138] In *Reparation for Injuries* the International Court of Justice defined international personality as: '[being] capable of possessing international rights and dutues, and [having] the capacity to maintain its rights by bringing international claims'. It also left some leeway to view International Organisations having legal personality in certain cases. See *Reparation for Injuries Suffered in the Service of the United Nations* (Advisory Opinion) 1949 ICJ Rep. 174, 178-179; For more on this topic: see for example Roland Portmann, *Legal Personality in International Law* (Cambridge University Press 2010); Jan Wouters, Cedric Ryngaert, Tom Ruys, Geert De Baere, *International Law. A European Perspective* (Hart Publishing 2019) 211-213. See also Yishai Blank, 'The City and the World' (2006) 44 Colum J Transnat'l L 892-894.

[139] Starl (n 50) 202; Yishai Blank, 'The City and the World' (2006) 44 Colum J Transnat'l L 900.

[140] [5] of World Conference on Human Rights in Vienna, 'Vienna Declaration and Programme of Action' (adopted 25 June 1993) <https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf> accessed 11 June 2020.

violates those rights; (3) a State has to establish a framework, on the legal, budgetary, judicial and every other level, in which human rights can be realised.[141] Other consequences are that first, only States are required to submit reports under the international and regional human rights treaties, and secondly, only States can be the subject of individual or inter-State complaint procedures established under these treaties.[142] Regarding the human rights performance of the local government, the State, as one single entity, has a double responsibility, namely monitoring whether local governments are respecting these rights and providing them with the ability (e.g. the right amount of competence and means) to fulfil their duties.[143] This follows from the State being responsible for the attributable acts and omissions of its organs and agents under contemporary International Law.[144]

As the next sub-chapter illustrates, this classic position is currently being rethought and challenged.

1.2 Rethinking the Classic Position of the Local Government in the International System

Two trends in recognising and underlining the importance of 'the role of the local government in the promotion and protection of human rights' can be identified.[145] While the first is still targeted at trying

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[141] [27] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; UN, 'The Foundation of International Human Rights Law' <https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html#:~:text=International%20human%20rights%20law%20lays,States%20are%20bound%20to%20respect.&text=The%20obligation%20to%20protect%20requires,enjoyment%20of%20basic%20human%20rights.> accessed 11 July 2020.

[142] [17] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49. See with regard to European Human Rights Law for example: ECtHR, *Austrian Communes and Some of Their Councils v. Austria*, Appl. no. 5765/77, Judgment of 31 May 1974; ECtHR, *Danderyds Kommun v. Sweden*, Appl. no. 52559/99, Judgment of 7 June 2001. See with regard to European Union Law for example the preamble of the Charter of Fundamental Rights of the European Union (adopted 26 October 2012) OJ 2012 C 326/02.

[143] International Council on Human Rights Policy, 'Local Government and Human Rights: Doing Good Service (International Council on Human Rights Policy, 2005) <https://gsdrc.org/document-library/local-government-and-human-rights-doing-good-service/> accessed 11 June 2020.

[144] Art. 4 of ILC, 'Draft Articles on the Responsibility of States for Internationally Wrongful Acts with commentaries' (November 2001) UN DOC A/56/10; [18] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; See Art. 27 of The Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331: 'A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. […]'.

[145] UNHRC, 'Resolution on Local Government and human rights' (adopted 26 September 2013) A/HRC/RES/24/2; UNHRC, 'Resolution on Local Government and human rights' (adopted 25 September 2014) A/HRC/RES/27/4; UNHRC, 'Resolution on Local government and human rights' (adopted 29 September 2016) A/HRC/RES/33/8; OHCHR, 'Local Government and Human Rights' <https://www.ohchr.org/EN/Issues/LocalGovernment/Pages/Index.aspx> accessed 9 June 2020. See also UNHRC, 'Local government and human rights' (adopted 2 July 2019) A/HRC/42/22.

to incorporate the local government into the state-centred practice of human rights[146], the second trend focuses more on departing from the state-centred practice and viewing the local government as having its own responsibility (and maybe own system) of complying with human rights.

The first trend can, for example, be witnessed in documents of the UN Human Rights Committee which look at the local government from the human rights obligations' perspective.[147] It underlines that the legislation of States can differ according to a range from not establishing a legal framework entailing the obligation for local governments to respect human rights to establishing an explicit legal framework requiring local governments to respect human rights. A middle point in that range is, for instance, legally obliging local governments to respect certain human rights principles. Even so, regardless of the national framework in place, a local government is obliged to comply with the responsibilities arising under the human rights treaties ratified by the relevant State.[148] However, following from the principle of shared responsibility between the different tiers of the government for the protection and promotion of human rights[149], it can be concluded that the local government has only 'complementary and shared' duties with the State.[150] Moreover, the means identified for a local authority to fulfil its duty with regard to human rights are mostly 'soft' means such as human rights education, awareness-raising, and training for public officials.[151]

The second trend can be defined as 'local governments claiming some sort of subjecthood[152]'. This trend seems to focus on obtaining international legal personality for the local government. This would entail the capacity for the local government to hold independent rights and obligations, and to make and enforce

[146] Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 282.
[147] UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; UNHRC, 'Resolution on Local government and human rights' (adopted 29 September 2016) A/HRC/RES/33/8; UNHRC, 'Human rights in cities and other human settlements' (adopted 14 July 2017) A/HRC/RES/35/24; UNHRC, 'Summary of the intersessional panel discussion on the role of local government in the promotion and protection of human rights – Report of the United Nations High Commissioner for Human Rights' (adopted 18 April 2018) A/HRC/38/22; UNHRC, 'Local government and human rights' (adopted 2 July 2019) A/HRC/42/22; Durmus (n 21) 40.
[148] [24-25] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[149] Ibid [23].
[150] Durmus (n 21) 44.
[151] OHCHR, 'Local Government and Human Rights' <https://www.ohchr.org/EN/Issues/LocalGovernment/Pages/Index.aspx> accessed 9 June 2020.
[152] Oomen and Durmus (n 31) 147.

legislation.[153] For example, the New Urban Agenda[154], adopted at the UN Conference on Housing and Sustainable Urban Development (Habitat III) on 20 October 2016[155], and the 2030 Sustainable Development Agenda[156] are pointing towards a more inclusive approach which departs from a purely State-centred focus towards one that also incorporates cities and NGOs in the participation and decision-making processes.[157] The New Urban Agenda, an action-oriented document laying out standards and principles for more sustainable urban development, is the first UN Declaration which attributes direct responsibility to local authorities for protecting, fulfilling, respecting, and promoting human rights.[158] The 2030 Sustainable Development Agenda establishes that all levels of governance, hence also the local and regional authorities, have a part to play in the implementation of the Sustainable Developments Goals (hereafter SDGs).[159] SDG 11 explicitly refers to sustainable *cities* and communities by stating that they should be inclusive, resilient, and sustainable.[160] SDG 16 incorporates the goal to promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective accountable and inclusive institutions at *all levels*.[161] However, the second trend seems only to be witnessed in soft law documents that are not binding.[162]

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[153] Durmus (n 21) 41; see for example also the role local governments played when the text of the Paris Climate Agreement was drafted: C40 Blog, 'From Paris To Quito, Mayors Are Leading On Our Sustainable Future' (C40 Cities, 14 October 2016) <https://www.c40.org/blog_posts/from-paris-to-quito-mayors-are-leading-on-our-sustainable-future> accessed 23 June 2020.

[154] UN, 'New Urban Agenda' (23 December 2016) <http://habitat3.org/wp-content/uploads/NUA-English.pdf> accessed 3 July 2020.

[155] UN-Habitat, 'New Urban Agenda' <https://unhabitat.org/about-us/new-urban-agenda> accessed 3 July 2020.

[156] UN, 'Transforming our world: The 2030 Agenda for Sustainable Development' <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> accessed 3 July 2020.

[157] Gomes da Silva (n 8) 290.

[158] UN-Habitat, 'New Urban Agenda' <https://unhabitat.org/about-us/new-urban-agenda> accessed 3 July 2020; Gomes da Silva (n 8) 291.

[159] Wolfgang Benedek, Gerd Oberleitner and Klaus Starl, 'Global Obligations – local action: how to develop the local level to strengthen human rights' in Patricia Hladschik and Fiona Steinert (eds), *Menschenrechten Gestalt und Wirksamkeit verleihen. Festschrift für Manfred Nowak und Hannes Tretter* (NWV Wien - Graz 2019) 128.

[160] Sustainable Development Goals, 'Goal 11: Make cities inclusive, safe, resilient and sustainable' <https://www.un.org/sustainabledevelopment/cities/> accessed 11 June 2020.

[161] UN, 'The Sustainable Development Goals Report 2019' (UN, 2019) <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf> accessed 11 June 2020.

[162] For the 2030 Sustainable Development Goals Agenda: UN, 'The Sustainable Development Agenda' <https://www.un.org/sustainabledevelopment/development-agenda-retired/#:~:text=While%20the%20SDGs%20are%20not,achievement%20of%20the%2017%20Goals.> accessed 3 July 2020: 'While the SDGs are **not legally binding**, governments are expected to take ownership and establish national frameworks for the achievement of the 17 Goals'; For the New Urban Agenda: World Economic Forum, 'The New Urban Agenda has been formally adopted. So what happens next?' <https://www.weforum.org/agenda/2016/11/last-month-a-new-global-agreement-to-drive-sustainable-urban-development-was-reached-so-what-is-it-and-happens-next/#:~:text=While%20Habitat%20III%20reinvigorated%20the,binding%20and%20merely%20provides%20guidance.&text=This%20includes%20policy%2Dmaking%2C%20planning,and%20delivery%20of%20urban%20services.> accessed 3 July 2020: 'the New Urban Agenda is **non-binding** and merely provides guidance'.

1.3 Engagement of the Local Government in Already Existing Mechanisms

As was established, most of the existing mechanisms at the international and regional levels are geared towards States. This entails that, although there is more focus on trying to increase the participation of cities in the multi-level governance, there are concerns about the manner in which they have to be incorporated in the still so much state-centred international legal order.[163]

Nevertheless, albeit in a piecemeal fashion, participation in already established international mechanisms can be spotted. For example, local governments are sometimes participating in UN Committees by either filing shadow reports or by cooperating with federal officials in UN Committees.[164] The Advisory Committee of the UN Human Rights Council stimulates this participation by recommending national governments to incorporate the local perspective in their reports.[165] Also the Regional Representative for Europe in the UN Human Rights Office finds that 'there is room for more engagement by cities in the Universal Periodic Review, with the treaty bodies and with the special procedures of the Human Rights Council, in particular during country visits'.[166]

For example, the practices of the City of Vienna (AT) are somehow always covered in the periodic reports on the human rights as the head of the Human Rights Office of the City of Vienna (who is at the same time also the Human Rights Commissioner of Vienna and the human rights coordinator at the federal level) is the one preparing the periodic reports.[167]

1.4 Interim Conclusion

Conclusively, the statement of OOMEN and BAUMGÄRTEL that 'local authorities have […] been reduced to objects of international law and to the role of creators and enforcers of 'soft law' outside the boundaries

[163] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 14.
[164] Davis (n 18) 26.
[165] [77]-[78] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; Gomes da Silva (n 8) 305.
[166] Birgit Van Hout (Regional Representative for Europe – UN Human Rights Office), 'Human Rights Cities: Theoretical and Practical overview' (United Nations Human Rights Office of the High Commissioner, 28 November 2019) <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2579&LangID=E> accessed 20 June 2020.
[167] OHCHR, 'City of Vienna: Human Rights Council resolution 39/7 on Local Government and Human Rights' (adopted 12 February 2019) <https://www.ohchr.org/Documents/Issues/LocalGvt//Local/20190212Vienna.pdf> accessed 20 June 2020.

of 'real' international law' still seems to hold.[168] Although on the one hand, some new trends aiming at increasing the level of obligations and rights (and thus also the level of enforcement) of the local government and, on the other hand, some ways in which the local government is already engaging with the existing mechanisms have been identified, there is no denying that the classic state-centred position is still very much engraved. Even more so, seeing that the second trend is only present and enshrined in non-legally binding documents. Consequently, it is still only possible to hold the local government accountable as being a subsidiary of the State and for failing to fulfil its (read: 'State') obligations under the human rights treaties the relevant State is a party to. The international system does not contain any possible recourse mechanism to hold the local government responsible for failing to deliver upon the promises enshrined in its Human Rights City policy.

In the next part, specific instruments and organisations focused on the implementation of human rights by urban actors are analysed with the aim of identifying ways of holding the Human Rights City responsible for its human rights commitment. Most of the instruments and organisations that are discussed fit in the second trend that has been identified before. However, the focus thereof is not only on the 'local government', but on the broader concepts of 'urban actors' and 'local level'. Moreover, also bottom-up initiatives coming from the urban actors themselves are discussed.

2. Specific Instruments and Organisations Focused on Implementation of Human Rights by Urban Actors

As demonstrated earlier, recently more and more initiatives on the international and regional levels tend to focus on human rights implementation at the local level. For instance, statutes of global and regional local government associations are making references to human rights.[169] The Global Charter-Agenda for Human Rights in the Cities, with the World Organization of United Cities and Local Governments (UCLG) as the institutional home, is an example at the international level.[170] At the European level, the Council of Europe (CoE) and the European Union (EU) are providing opportunities to local and regional

[168] Oomen and Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (n 44) 629.
[169] Meyer (n 3) 13.
[170] Soohoo (n 6) 263. See UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, 'Global Charter-Agenda for Human Rights in the City' (UCLG, October 2012) <https://www.uclg-cisdp.org/sites/default/files/CISDP%20Carta-Agenda%20Sencera_FINAL_1.pdf> accessed 8 June 2020 (hereafter: Global Charter-Agenda for Human Rights in the City).

authorities to come together to discuss their engagement with human rights so as to inspire each other.[171] More specifically, the Congress of Local and Regional Authorities of the CoE, the Fundamental Rights Agency of the EU (FRA), and the Committee of the Regions of the EU are focused on creating governance structures for local and regional authorities.[172] Another trend that can be identified is the one in which local governments decide to develop and adopt standard-setting instruments at their own initiative, such as the European Charter for the Safeguarding of Human Rights in the City (which was the initiative of Barcelona (ES)).[173]

In what follows, first, a closer look is given to the international input. Following that, the European output is discussed.

2.1 International Input

This part focuses on initiatives of (1) the World Organization of United Cities & Local Governments; (2) the United Nations Human Settlements Programme; and (3) the United Nations Educational, Scientific and Cultural Organization.

2.1.1 The World Organization of United Cities & Local Governments

The World Organization of United Cities & Local Governments is one of the oldest networks of local and regional authorities across the world.[174] It considers it necessary that the local and regional governments are equipped with the necessary powers and financial resources to be able to guarantee the service delivery they are competent for.[175]

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[171] Soohoo (n 6) 263.
[172] Ibid. 263; Gemeente Utrecht, *Mensenrechten in Utrecht. Hoe geeft Utrecht invulling aan internationale mensenrechtenverdragen?* (Gemeente Utrecht, 2011) 5.
[173] UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, 'European Charter for the Safeguarding of Human Rights in the City' <https://www.uclg-cisdp.org/en/right-to-the-city/european-charter#:~:text=The%20European%20Charter%20for%20the,guarantee%20human%20rights%20for%20all.> accessed 8 June 2020; Meyer (n 3) 13. See also UCLG Committee on Social Inclusion Participatory Democracy and Human Rights, 'the European Charter for the Safeguarding of Human Rights in the City' (UCLG, October 2012) <https://www.uclg-cisdp.org/sites/default/files/CISDP%20Carta%20Europea%20Sencera_baixa_3.pdf> accessed 8 June 2020 (hereafter: European Charter for the Safeguarding of Human Rights in the City).
[174] UCLG, 'Who we are' <https://www.uclg.org/en/organisation/about> accessed 13 June 2020; Soohoo (n 6) 263.
[175] UCLG, 'The Global Agenda of Local and Regional Governments' <https://www.uclg.org/en/agenda/global-agenda-of-local-regional-governments> accessed 2 May 2020.

The UCLG was involved in the drafting and promotion of Charters specifically focused on the local level. First, the promotion of the European Charter for the Safeguarding of Human Rights in the City (European Charter) was entrusted to the UCLG.[176] The European Charter was adopted in Saint-Denis in 2000 after a two-year drafting process taking place in cooperation between European cities, civil society, and human rights experts.[177] The Charter incorporates, on the one hand, the classic human rights as can be found in the Universal Declaration on Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and, on the other hand, some principles explicitly focused on municipalities.[178]

Second, the UCLG is also the institutional home for the Global Charter-Agenda for Human Rights in the City (Global Charter-Agenda) of which more than 400 Mayors participated in the drafting process.[179] In the Global Charter-Agenda every human right incorporated therein is accompanied by an action plan which outlines the concrete steps local governments can take. If a city signs the Global Charter-Agenda it is advised to create a local agenda with deadlines and indicators so that the efficiency of that city in implementing human rights can be measured. The Local Charter-Agenda will only be adopted after allowing residents to discuss it and after it being accepted by a qualified majority of the municipal assembly.[180]

Both the Global Charter-Agenda and the European Charter are promoting the creation of expert bodies and independent commissions tasked with implementing human rights and the evaluation and re-adjustment thereof.[181] With regard to enforcement, the European Charter suggests the possibility, and only *where necessary*, of establishing a municipal arbitration body that would exist out of independent

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[176] See UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, 'European Charter for the Safeguarding of Human Rights in the City' <https://www.uclg-cisdp.org/en/right-to-the-city/european-charter#:~:text=The%20European%20Charter%20for%20the,guarantee%20human%20rights%20for%20all.> accessed 8 June 2020.
[177] Ibid.
[178] Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III); International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3; the European Charter for the Safeguarding of Human Rights in the City; Oomen and Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (n 44) 615.
[179] See Global Charter-Agenda for Human Rights in the City; Soohoo (n 6) 263.
[180] UCLG Committee on Social, Inclusion, Participatory Democracy and Human Rights, 'Global Charter-Agenda for Human Rights in the City' <https://www.uclg-cisdp.org/en/right-to-the-city/world-charter-agenda> accessed 13 June 2020.
[181] See Art. XXVII(1) of European Charter for the Safeguarding of Human Rights in the; Final Provision B of Global Charter-Agenda for Human Rights in the City; Soohoo (n 6) 271.

magistrates. It would have the competence to resolve conflicts between the citizens and the local government.[182] The Global Charter-Agenda only states that 'it ***may*** [own underlining] also introduce a complaint or mediation procedure'.[183]

Accordingly, 'the main differences between the Charter-Agenda and the European Charter lie, on the one hand, in the different geographic scope of each document […] and, on the other hand, in the agenda or local action plan that the Charter-Agenda contains. As a result, in the Global Charter-Agenda for Human Rights in the City, each right is accompanied by an action plan that is a benchmark for use by local governments when taking concrete steps for human rights implementation'.[184] Thus, the Global Charter-Agenda makes it easier to measure and check the steps the local governments already have taken, which increases the possibility of holding them responsible whenever they do not deliver what is required.

Conclusively, it has been shown that the European Charter and the Global Charter-Agenda already provide essential information on how to establish basic elements for monitoring and evaluating the human rights policies. They also give hints about how the 'local government' can be held responsible for their (lack of implementation of) policies. However, a negative side to both the Charter and the Charter-Agenda is the recommendatory way in which they introduce the enforcement mechanisms. Both of them leave too much leeway to the local governments by letting them decide on the necessity of establishing such mechanisms.

2.1.2 United Nations Human Settlements Programme

The United Nations Human Settlements Programme's (UN-Habitat) focal point is development.[185] It aims 'to build inclusive, safe, resilient and sustainable cities and communities' and wants to decrease inequality, discrimination, and poverty.[186] In its Strategic Plan for 2020-2023, it aims to progress sustainable urbanisation, to align with the New Urban Agenda, and to promote the human rights-based

[182] See Art. XXV(3) of European Charter for the Safeguarding of Human Rights in the City.
[183] Ibid. final Provision B.
[184] UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, 'European Charter for the Safeguarding of Human Rights in the City' <https://www.uclg-cisdp.org/en/right-to-the-city/european-charter#:~:text=The%20European%20Charter%20for%20the,guarantee%20human%20rights%20for%20all.> accessed 8 June 2020.
[185] Starl (n 50) 200.
[186] UN-Habitat, 'About Us' <https://unhabitat.org/about-us> accessed 4 July 2020.

approach. It focuses on four intertwined 'domains of change'. Namely, (1) increasing spatial equality while decreasing poverty in communities living on the boundary between rural and urban grounds; (2) increasing shared prosperity of cities and regions; (3) enhancing climate action and bettering the environment in the city; and (4) developing effective mechanisms to prevent and respond to urban crisis. One of the goals of (and challenges identified by) the Strategic Plan is enhancing monitoring, evaluation, and evidence-gathering. Therefore, the Plan provides specific indicators to verify whether the proposed outcomes in each domain of change have been attained.[187] However, no reference to what will happen when the outcomes are not achieved is to be found.

Thus, although the UN-Habitat with its Strategic Plan for 2020-2023 lays out means to monitor the situation, it lacks the inclusion of enforcement measures and specific toolkits on policy-making.

2.1.3 United Nations Educational, Scientific and Cultural Organization

The mission of the United Nations Educational, Scientific and Cultural Organization (UNESCO) is to advance education, culture, sciences, and communication around the world by taking on a human rights-based approach.[188] Making societies more just and inclusive constitutes one of its focal points.[189]

In line with this, UNESCO and the Austrian Federal Parliament recently (i.e. 19 December 2019) agreed on the setting up of an International Human Rights Centre, which will be hosted by the co-working[190] NGO European Training and Research Centre for Human Rights and Democracy (ETC) and the European Training and Research Centre for Human Rights and Democracy at the University of Graz (UNI-ETC) in Graz.[191] The objectives of the International Human Rights Centre are (1) capacity-building at the local and regional level; (2) researching ways to monitor, evaluate, and mainstream human rights

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[187] UN-Habitat, 'The Strategic Plan 2020-2023' <https://unhabitat.org/sites/default/files/documents/2019-09/strategic_plan_2020-2023.pdf> accessed 4 July 2020.
[188] UNESCO, 'UNESCO and Human Rights' <https://en.unesco.org/human-rights> accessed 4 July 2020.
[189] UNESCO, 'Social and Human Sciences' <https://en.unesco.org/themes/learning-live-together> accessed 4 July 2020.
[190] ETC Graz, 'Wir sind jetzt Zwei' <http://www.etc-graz.at/typo3/index.php?id=1137> accessed 6 August 2020.
[191] X, 'Agreement between the Republic of Austria and The United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the Establishment of the International Centre for the Promotion of Human Rights at the Local and Regional levels under the Auspices of UNESCO (Category 2) in Graz (Austria)' <https://www.parlament.gv.at/PAKT/VHG/XXVII/I/I_00181/imfname_797027.pdf> accessed 17 July 2020; Centre for the Promotion of Human Rights at the Local and Regional Levels, 'Agreement between the Republic of Austria and UNESCO' (9 July 2020) <http://www.humanrightsgolocal.org/2020/07/09/agreement-between-the-republic-of-austria-and-unesco/> accessed 17 July 2020.

(policies) at the local level; (3) establishing a clearing-house focused on assembling, analysing, and publicising good city-level practices; and (4) cooperating in a multi-level and multi-actor way.[192]

UNESCO, supported by UCLG and the UN High Commissioner for Human Rights[193], also launched the International Coalition of Inclusive and Sustainable Cities (ICCAR), an international city-level platform with over 500 members focused on combatting racism and discriminations. ICCAR, as the overarching initiative, includes seven regional and national Coalitions with each an own Ten-Point Plan of Action outlining ten points of commitment and their possible challenges. Member Cities to a particular Coalition commit to incorporate the Coalition's specific Ten-point Plan in their policies.[194]

As this study has been limited to analysing the responsibility of European Human Rights Cities, only the 2004 initiative of the European Coalition of Cities against Racism (ECCAR) for Human Rights Cities party thereto (e.g. Barcelona (ES); Graz (AT); and Vienna (AT))[195] was scrutinised. No specific obligation to install mechanisms to hold Human Rights Cities responsible for their commitment towards the 10 Points Action Plan was identified.[196] The Action Plan lays down a very low threshold by only requiring Member Cities to implement at least one point of action and letting the decision power for when and how to implement the rest of the points to the Member Cities itself. This raises the fear that the power of the instrument is negligible.

However, some positive aspects of the instrument lessen that fear. Points 1, 2, 3, and 6 of the Action Plan are targeted at installing monitoring mechanisms.[197] Member Cities to ECCAR are also encouraged to use the 'Toolkit for Equality', i.e. a handbook series developed by the ETC. Cities can draw on the Toolkit for Equality for practical guidance in implementing policies opposing discrimination and racism.[198] One of the approaches identified and discussed therein is 'monitoring impact and

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[192] Art. 6(2) of X, 'Agreement between the Republic of Austria and The United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the Establishment of the International Centre for the Promotion of Human Rights at the Local and Regional levels under the Auspices of UNESCO (Category 2) in Graz (Austria)' <https://www.parlament.gv.at/PAKT/VHG/XXVII/I/I_00181/imfname_797027.pdf> accessed 17 July 2020.
[193] UNESCO, 'Welcome to ECCAR' <https://www.eccar.info/welcome-eccar> accessed 4 July 2020.
[194] UNESCO, 'International Coalition of Inclusive and Sustainable Cities – ICCAR' <https://en.unesco.org/themes/fostering-rights-inclusion/iccar> accessed 4 July 2020.
[195] UNESCO, 'European Coalition of Cities against Racism' <https://www.eccar.info/members> accessed 4 July 2020.
[196] Gomes da Silva (n 8) 295.
[197] UNESCO, '10 Points Action Plan' <https://www.eccar.info/10-point-action-plan> accessed 4 July 2020.
[198] UNESCO, 'European Coalition of Cities against Racism (ECCAR) Regional Perspective Paper (September 2016)' <https://unesdoc.unesco.org/ark:/48223/pf0000246193> accessed 4 July 2020.

achievements'.[199] Moreover, according to §4, Section 3 of the Registered Association European Coalition of Cities Against Racism, the Member Cities are required to deliver two-yearly evaluation reports on their implementation of the Action Plan to the Steering Committee of ECCAR which will assess them. Based on that assessment the General Assembly can decide to exclude a Member City or to keep him.[200] Additionally, it could be claimed that ECCAR, as a network of cities aimed at sharing experiences, facilitates a race to the top between the signatories.

2.1.4 Interim Conclusion

From the outset, it has become clear that the initiatives are mostly targeted at promoting human rights implementation or adopting a human rights-based approach when drafting policies. All three of the initiatives also focus on how the implementation can be monitored. However, no (binding) reference is made to the establishment of enforcement mechanisms. Hence, the specific initiatives at the international level do not offer an opportunity to hold a Human Rights City responsible for not living up to its promise. A Human Rights City which has taken the non-binding recommendations of the Global Charter-Agenda or of the European Charter very seriously could, however, prove to be the exception.

2.2 European Input

This section analyses the initiatives of both the CoE and the EU.

2.2.1 The Council of Europe

The Congress of Local and Regional Authorities of the CoE (the Congress), which represents around 200,000 local and regional governments, adopted resolutions in which it recognised that local and

[199] UNESCO, 'Toolkit for Equality. City Policies against Racism' <https://www.eccar.info/sites/default/files/document/0_Toolkit-en_Intro.pdf> accessed 4 July 2020; Ingrid Nicoletti, Isabella Meier, Klaus Starl and Paul Lappalainen, *Toolkit for Equality: The Local Level – Mapping and Clustering of Policy Approaches* (ETC Graz, 2015) 26-28.

[200] UNESCO, 'European Coalition of Cities against Racism' <https://www.eccar.info/sites/default/files/document/ECCAR%20basic%20information.pdf> accessed 4 July 2020; UNESCO, 'European Coalition of Cities against Racism' <https://unesdoc.unesco.org/ark:/48223/pf0000145364> accessed 4 July 2020.

regional authorities have an obligation to promote and to comply with human rights.[201] Another document that has been drawn up by the Congress is the European Charter of Local Self-Government, in which common European standards to protect local authorities' rights (and responsibilities)[202] are enshrined.[203]

With a view to helping the local and regional authorities to fulfil these duties, the Congress decided it would function as a forum targeted at awareness-raising and collecting good practices and experiences.[204] Subsequently, the Congress tasked its Monitoring Committee with collecting data on the human rights situations at local and regional levels, comparing these data, and producing a five-yearly report based on its findings. [205]

Resolution 296 (2010) specifically deals with the role of local and regional authorities in the implementation of human rights. It invites local and regional authorities to put into place appropriate bodies or procedures targeted at effectively implementing, monitoring, and rectifying the human rights situations in their communities.[206] For example, it calls on the local and regional authorities to establish independent complaint mechanisms at the local level that are competent to handle allegations of infringement of individual rights.[207] The Resolution also underlines the relevance of national governments allocating adequate resources to the local and regional authorities in order to ensure a proper

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[201] See [3] The Congress of Local and Regional Authorities, 'Resolution 296 (2010) Revised. Role of local and regional authorities in the implementation of human rights' <https://rm.coe.int/the-role-of-local-and-regional-authorities-in-the-implementation-of-hu/168071907c> accessed 13 June 2020: 'Protecting and promoting human rights is a responsibility shared by all different tiers of authority within each Council of Europe member state. Because of the close relationship between citizens and their elected representatives at this level, local and regional bodies are best placed to analyse the human rights situation, identify the relevant problems which arise and take action to solve them'.

[202] See Preamble of CoE Portal, 'European Charter of Local Self-Government (Strasbourg, 15 October 1985)' <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a088> accessed 13 June 2020: 'convinced that the existence of local authorities with *real responsibilities* can provide an administration which is both effective and close to the citizen'.

[203] CoE Portal, 'Congress of Local and Regional Authorities: Legal instruments and Reference texts' <https://www.coe.int/en/web/congress/achievements> accessed 13 June 2020; see CoE Portal, 'European Charter of Local Self-Government (Strasbourg, 15 October 1985)' <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a088> accessed 13 June 2020.

[204] [6]-[7] of The Congress of Local and Regional Authorities, 'Resolution 296 (2010) Revised. Role of local and regional authorities in the implementation of human rights' <https://rm.coe.int/the-role-of-local-and-regional-authorities-in-the-implementation-of-hu/168071907c> accessed 13 June 2020.

[205] Ibid. [10]-[11]; Soohoo (n 6) 261.

[206] [8] of The Congress of Local and Regional Authorities, 'Resolution 296 (2010) Revised. Role of local and regional authorities in the implementation of human rights' <https://rm.coe.int/the-role-of-local-and-regional-authorities-in-the-implementation-of-hu/168071907c> accessed 13 June 2020.

[207] Ibid. [9,c].

human rights implementation.[208] Other points it attaches importance to are organising awareness-raising campaigns, the development of local action plans, and human rights training for local politicians and their staff.[209]

The Congress also developed a system of human rights indicators in response to their identification of how to collect and analyse data on the rights and freedoms within the action scope of local and regional authorities as biggest challenge.[210] Human rights indicators are defined as 'specific information on the state of an event, activity or an outcome that can be related to human rights norms and standards; that addresses and reflects human rights concerns and principles; and that are used to assess and monitor promotion and protection of human rights'.[211] Three types of indicators can be ascertained, namely structural indicators (which monitor the legal framework of human rights), process indicators (which monitor how and to which degree the specific policies of local and regional authorities are implemented), and outcome indicators (which map the field with regard to specific issues).[212]

Although the work of the Congress is very valuable, it remains a mere advisory body[213]. Nevertheless, even though the ball is in the court of the architects of the Human Rights Cities, the Congress' resolutions can still prove to be a valuable source of guidance or inspiration.

2.2.2 European Union

In the EU it is mostly the FRA and the European Committee of the Regions (CoR) which are dealing with human rights implementation on the local level.

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[208] Ibid. [9,h].
[209] CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) 32 [2] <https://rm.coe.int/168071b33b> accessed 18 June 2020, 13.
[210] Ibid, 32.
[211] OHCHR, 'Report on indicators for Promoting and Monitoring the Implementation of Human Rights' (adopted 11 May 2006) HRI/MC/2006/7 <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=587&Lang=en> accessed 18 June 2020; OHCHR, 'Report on indicators for Promoting and Monitoring the Implementation of Human Rights' (adopted 6 June 2008) HRI/MC/2008/3 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/423/62/PDF/G0842362.pdf?OpenElement> accessed 18 June 2020.
[212] CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) 33 [8] <https://rm.coe.int/168071b33b> accessed 18 June 2020; The Congress of Local and Regional Authorities, 'Developing indicators to raise awareness of human rights at local and regional level' (adopted 6 October 2011) <https://rm.coe.int/168071933b> accessed 23 June 2020.
[213] Florence Benoît-Rohmer and Heinrich Klebes, *Council of Europe Law. Towards a pan-European legal area* (Council of Europe Publishing 2005) 76.

The FRA is considered to be a centre of expertise on Fundamental Rights Law that operates from a European perspective, but works with international actors. It specifically focuses on multi-level governance. Due to a regular exchange between the Fundamental Rights Agency and European Human Rights Cities it has been able to follow (and influence) the trend of cities becoming Human Rights Cities.[214] The FRA was, for example, the institutional place of the project 'Joined-up governance: connecting fundamental rights' that resulted in the development of a toolkit existing out of good practice examples and specific tools dealing with human rights implementation by the local level and regional level.[215] One of the key themes researched during the project was (the need for) establishing independent monitoring bodies, at both the local and regional level, which would then form part of the already established monitoring systems at the EU.[216] Currently, the FRA is working on developing a framework of commitment that focuses on the why, how and what of the Human Rights City practices.[217] However, none of these initiatives are binding as the mandate of the FRA is limited to giving 'assistance and expertise relating to fundamental rights'.[218]

The CoR is an advisory body tasked with representing regional and local authorities in the EU, advising on the possible impact on regions and cities of drafts of legislation, and proposing new policies that draw upon its knowledge and the experiences of the local and regional levels. It focuses on increasing the participation between the European, national, regional, and local levels to create coordinated action between them.[219]

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[214] Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020 (speakers Géraldine Guille and Jonas Grimheden).

[215] FRA, 'Joined-up governance: connecting fundamental rights' <https://fra.europa.eu/en/project/2011/joined-governance-connecting-fundamental-rights> accessed 6 July 2020.

[216] FRA, 'FRA and EU Committee of the Regions held a seminar on fundamental rights at local level' <https://fra.europa.eu/en/event/2010/fra-and-eu-committee-regions-held-seminar-fundamental-rights-local-level> accessed 6 July 2020.

[217] Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020 (speakers Géraldine Guille and Jonas Grimheden).

[218] Art. 2 of Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (adopted 22 July 2007) OJ 2007 L 53; Olivier De Schutter, 'Strenghtening the Fundamental Rights Agency. The Revision of the Fundamental Rights Agency Regulation' (European Union, May 2020) <https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653056/IPOL_STU(2020)653056_EN.pdf> accessed 17 July 2020.

[219] European Committee of the Regions, 'About' <https://cor.europa.eu/en/about/Pages/default.aspx> accessed 5 July 2020.

Although both the FRA and the CoR without any doubt deliver relevant work, their focus is more on increasing and enhancing the multi-level governance. Therefore, as almost no attention is paid to enhancing the responsibility of the local level, no specific monitoring mechanisms or enforcement mechanisms that could be of help in enhancing the responsibility of the Human Rights City for its human rights commitment could be identified.

3. Interim Conclusion

This study aligns with the statement of SOOHOO that the soft spot of international human rights law has always been enforcement. Even though international accountability and monitoring mechanisms have both been created and strengthened for the past three decades, enforcement is still flawed.[220] The purpose of this Chapter was to list and analyse the available mechanisms at the international and regional levels to hold the local level responsible. Although some new trends targeted at outlining and increasing the obligations and rights of the local government could be identified, the classic state-centred position is still very much embedded. Nevertheless, the second trend, in which local governments claim some sort of subjecthood, gave birth to many instruments and organisations focused on the implementation of human rights by urban actors. However, a tendency to instruct urban actors on how to implement human rights (related) issues and to which areas urban actors have to attach great importance to could be ascertained. Although the importance of monitoring the process of implementing and the outcome of the urban policies have recently attracted more attention, the focus is not (yet) on how to deal with cities not living up to their human rights commitment/the expectations. Even when attention has been paid to enforcement, it remains a suggestion that relies too much on the will of the urban actor itself. Therefore, in the next Chapter, it is exactly the expression of such will that is researched. Specifically, some good practices of Human Rights Cities in establishing monitoring and enforcement mechanisms are scrutinised.

[220] Soohoo (n 6) 258.

Chapter IV. Good Practice Examples of Monitoring and Enforcement Mechanisms Implemented by Human Rights Cities

In this Chapter, some good practice examples of monitoring and enforcement mechanisms implemented by Human Rights Cities are identified. The practices discussed are hand-picked from a variety of examples implemented by different urban and national actors in the world. The examples should be seen as (not necessarily flawless) departure points, and not as an exhaustive list of all the possible responsibility mechanisms. Hence, a good practice is defined as 'something that has been tried and shown to work in some way with some indications of its efficiency – and that may therefore be used to influence practice elsewhere'.[221]

First, a good example of a Human Rights Department is discussed. Secondly, some good practices of specific Human Rights Cities are discussed. Lastly, some miscellaneous, and not necessarily part of a Human Rights City, good practice examples are briefly addressed. The good practices identified in this Chapter will also provide the starting point for the last Chapter in which suggestions for responsibility mechanisms are given.

1. Human Rights Departments

As argued in the second Chapter, Human Rights Departments should have the competence to identify and solve situations that are considered to have a negative influence on human rights. This entails that they have both the competence to monitor relevant situations and policies and in the best-case scenario the power to hold urban actors responsible for human rights violations.[222] Nonetheless, as was described, and shortly exemplified with the cases of Barcelona (ES) and Vienna (AT), the capacity and the set of available lines of actions can differ significantly.[223]

[221] CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) 16 [22] <https://rm.coe.int/168071b33b> accessed 6 June 2020, 16 [22]. Taken from c.
[222] Grigolo, 'Towards a Sociology of the Human Rights City – Focusing on Practice' (2017) (n 66) 19.
[223] Davis (n 18) 39.

The national Human Rights Department, namely *het College voor de Rechten van de Mens* (het College) of the Netherlands can, however, be seen as having the right amount of independence, competences, and resources.

Het College's competence is threefold: (1) answering questions of persons who allege to have been discriminated against or who are wondering what a specific human right exactly means; (2) dealing with complaints about questionable human rights situations and discrimination; (3) issuing non-legally binding[224] opinions.[225] The first aspect of the good practice that can be identified is the precise follow-up process that consists, first and foremost, of making public the judgements in which the name of the defendant is announced. A few weeks after this publication, the plaintiff and defendant are again contacted by het College that then inquires which follow-up action the defendant is planning to take.[226] The success rate is, according to het College, 80%.[227] A second good practice aspect is the accessibility of the website of het College. There is a simple movie on how to hand in complaints; and people with visual impairment can also consult it. Moreover, although the Minister of Justice and Security ensures the financing of het College, it is still independent in deciding how to allocate the budget and which cases to take on.[228] Lastly, the UN accredited het College with the A-status, which means it can participate within the Human Rights Committee and other supervising organs of the UN.[229]

Even though het College is certainly a good practice, the practice is still tainted with some flaws. First, het College is a national institution. So, it is not specifically focused on the policies of one city, which might lead to some city policies, including policies of Human Rights Cities, flying under the radar. Secondly, het College has to resort to naming and shaming practices by publishing its opinion due to its non-legally binding character.

[224] College voor de Rechten van de Mens, 'Het nut van een oordeel' <https://mensenrechten.nl/nl/college-voor-jou> accessed 10 June 2020.
[225] College voor de Rechten van de Mens, 'College voor jou' <https://mensenrechten.nl/nl> accessed 10 June 2020.
[226] College voor de Rechten van de Mens, 'Het nut van een oordeel' <https://mensenrechten.nl/nl/college-voor-jou> accessed 10 June 2020.
[227] Ibid.
[228] College voor de Rechten van de Mens, 'Onze Organisatie' <https://mensenrechten.nl/nl/onze-organisatie> accessed 10 June 2020.
[229] Ibid.

2. Good Practices of Specific Human Rights Cities

2.1 Graz (AT)

Graz scores quite highly on the level of establishment of monitoring mechanisms. It has developed three sorts of instruments, i.e. a general one and two mechanisms focused on specific issues. These are respectively, the annual human rights report, the monitoring of municipal election campaigns, and the actions undertaken by the Anti-Discrimination Office of Styria.

However, before diving into the specifics of the three mechanisms it is relevant to discuss (the role of) the Human Rights Advisory Council (HRAC) in both producing the annual human rights report and monitoring the election campaigns.[230] The HRAC, which was established by the Mayor in 2007, consists of people from the judiciary, the children's rights ombudsman, the women's rights ombudsman, foreigners' council, academia, civil society organisations, police, religious leaders, and other stakeholders at the local level.[231] These members are appointed by the ruling Mayor.[232] Its independence exemplifies itself in its competence to decide its own annual work programme. It has both an advisory (for the government and City Council) and a monitoring function (at the local level). As it cannot receive any complaints or deal with individual cases[233], it is, however, not on a par with an ombudsman.

The first monitoring mechanism in Graz takes the form of an annual human rights report (which has only been drafted and published since 2007 and thus assessed the human rights situation in Graz in the period 2001-2007 in the first report).[234] The Annual human rights report was formerly the outcome of a cooperation between seven Advisory Board members and the Advisory Council Office hosted at the European Training and Research Centre for Human Rights.[235] The number of 7 Advisory Board members

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[230] Graz, 'Human Rights Advisory Board in Graz' <https://www.graz.at/cms/beitrag/10153819/7771489/Menschenrechtsbeirat_in_Graz.html#> accessed 20 June 2020.
[231] Graz, 'Mitglieder des Menschenrechtsbeirates der Stadt Graz (Stand Oktober 2019)' <https://www.graz.at/cms/dokumente/10153819_7771489/60c6ea8f/Mitglieder_MRBeirat_Stand_Oktober_2019.pdf> accessed 20 June 2020.
[232] Graz, 'Geschäftsordnung des Menschenrechtsbeirates der Stadt Graz vom 6. Juni 2007 idF vom 22.1.2019' <https://www.graz.at/cms/dokumente/10153819_7771489/7d8d4334/GeschaeftsordnungMRB_geaendert_Fassung22012019.PDF> accessed 6 August 2020.
[233] EYA, 'Human Rights Advisory Council of the City of Graz' <https://eu-youthaward.org/partner/human-rights-advisory-council-of-the-city-of-graz/> accessed 10 July 2020.
[234] Siegfried Nagl and Wolfgang Benedek, *Der Menschenrechtsbericht der Stadt Graz 2007* (Graz, 2008) 4.
[235] Ibid. 9.

has now been limited to only 5.[236] The report aims at monitoring the implementation of the commitments and the recommendations of the previous annual reports, pointing out the flaws in the existing human rights policy, and making new recommendations.[237] The method exists out of organising written (or sometimes oral) surveys targeted at receiving feedback from the departments, facilities, and representatives of the relevant institutions. Which institutions are relevant depends on the recommendations provided in the former annual reports and on the chosen thematic areas.[238]

A second mechanism targets at monitoring municipal election campaigns. This monitoring is carried out by members of the Municipal Human Rights Council (which are mandated by the City) and is specifically focused on diminishing discrimination and xenophobia.[239] The method of the municipal council consists of collecting campaigning material, analysing this material with human rights standards as benchmarks, and publishing a final assessment on whether campaigning parties have violated human rights standards with their political discourses.[240] This final assessment is made public in a press conference and is also posted on the official website of the city. The topics are marked with the colours of a traffic light: red for a non-acceptable statement; yellow for shady statements; and green for comments that show respect for human rights.[241] Additionally, the City Council has instituted a sanctioning mechanism to hold politicians accountable. If a violation is deemed to exist (when a comment is accompanied by a red light, a violation is immediately established)[242], sanctions against the relevant party can be taken.[243] Moreover, in 2008, a politician was convicted of incitement of hatred.[244] This conviction was enabled by the evidence which

[236] Geschäftsstelle des Menschenrechtsbeirates, *Der Menschenrechtsbericht der Stadt Graz 2019* (RehaDruck, 2019) 8.
[237] Ibid.; Graz, 'Geschäftsordnung des Menschenrechtsbeirates der Stadt Graz vom 6. Juni 2007 idF vom 22.1.2019' <https://www.graz.at/cms/dokumente/10153819_7771489/7d8d4334/GeschaeftsordnungMRB_geaendert_Fassung22012019.PDF> accessed 20 June 2020.
[238] Geschäftsstelle des Menschenrechtsbeirates, *Der Menschenrechtsbericht der Stadt Graz 2019* (RehaDruck, 2019) 8.
[239] Ingrid Nicoletti, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020.
[240] European Web Site on Integration, 'Anti-discrimination Monitoring of Elections in Austria' <https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/intpract/anti-discrimination-monitoring-of-elections-in-austria> accessed 20 June 2020.
[241] Axel Marx, Nicolas Hachez, Katrien Meuwissen, Pierre Schmitt, Jakub Jaraczewski, Tamara N. Lewis, Kolja Raube, Joanna Roszak, Klaus Starl, Dolores Morondo Taramundi, Anna-Kaisa Tuovinen and Amy Weatherburn, 'Localizing Fundamental Rights in the European Union: What is the Role of Local and Regional Authorities, and How to Strengthen It?' (2015) 7(2) J. Hum. Rights Pract. 249.
[242] Ibid.
[243] Gomes da Silva (n 8) 303.
[244] Appellate Court (*Oberlandesgericht*, OLG) Graz, judgment of 20 June 2009 (11 Bs 146/09t).

was compiled by the Human Rights Council.[245] The election monitoring mechanism constitutes a good practice and inspired Salzburg (AT), Vienna (AT), London (UK), and Barcelona (ES) to adopt a similar mechanism.[246]

Lastly, Graz took also part in establishing the Anti-Discrimination office of Styria.[247] This Office dates from 2012, is financed by the Styrian government and the city of Graz, and has been installed based upon the suggestion of the HRAC of Graz in the annual human rights report of 2007.[248] It functions as a single point of contact and has both a monitoring and complaints function.[249]. A lot of what the Office undertakes, seems, nonetheless, to focus more on monitoring and prevention and less on holding those guilty of discrimination accountable.[250] In this regard, the apparent lack of information on the site of what the Office actually can mean for the alleged victims of discrimination and the lack of individual follow-up on complaints is noticeable.[251] This still leaves some room for improvement and asks for a small revamp of the Office.

Taking these three mechanisms and the role of the HRAC into account, the system in Graz can be judged to be fairly progressive in terms of policy monitoring. When it comes to linking consequences to a negative monitoring result, the sanctioning mechanism to hold politicians accountable proved to be promising. Nevertheless, a general complaint mechanism still seems to be missing. Consequently, the Human Rights City would benefit from incorporating this sanctioning aspect for the whole policy, and not to limit it to merely municipal election campaigns.

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[245] Ingrid Nicoletti, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020.
[246] Starl (n 50) 209.
[247] Styria is one of the Bundesländer of Austria.
[248] Antidiskriminierungsstelle Steiermark, 'Antidiscrimination Office – why?' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/74172408/EN/> accessed 10 July 2020; Siegfried Nagl and Wolfgang Benedek, *Der Menschenrechtsbericht der Stadt Graz 2007* (Graz, 2008).
[249] Antidiskriminierungsstelle Steiermark, 'Antidiscrimination Office Styria' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/72108866/EN/> accessed 20 June 2020.
[250] See for example: Anna Lindh Foundation, 'Helping Hads Graz/project Anti-Discrimination Office Styria' <https://www.annalindhfoundation.org/members/helping-hands-grazproject-anti-discrimination-office-styria> accessed 10 July 2020.
[251] See Antidiskriminierungsstelle Steiermark, 'Meldeformular' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/74232723/DE/> accessed 31 July 2020: no information on what will happen after notifying the Office of an alleged discrimination is provided; the author could also find no other specific information after browsing almost completely this site: Antidiskriminierungsstelle Steiermark, 'Navigation und Service' <https://www.antidiskriminierungsstelle.steiermark.at/> accessed 31 July 2020.

2.2 Barcelona (ES)

As demonstrated in Chapter 2, Barcelona is a Human Rights City that uses a legal human rights discourse and institutionalised its human rights policy by establishing a Department of Civil Rights and two municipal services aiming at the protection of human rights (namely the Office for Non-Discrimination and the Office of Religious Affairs).[252] The Department of Civil Rights competence exists out of 'fighting discrimination and promoting civil rights and equality'[253]. Secondly, the Office for Non-discrimination, dating from 1998, serves as a mechanism to tackle discrimination-related human rights violations by assisting and advising people (or NGOs) claiming to be (the representative) subject of a human rights violation.[254] Issuing such a claim with the Office for Non-Discrimination can lead to out-of-court solutions when the violation does not constitute a crime, and to legal counselling when it does constitute a crime.[255] Lastly, advancing religious freedom of old and new religious communities in the city by mainly using the mechanisms of mediating is the task of the Office for Religious Affairs.[256]

Barcelona is deemed to be a good practice as first, the institutionalisation makes the responsibility mechanisms in place quite resilient and less dependent upon the local government being in favour of human rights policies.[257] Barcelona also wants to focus on 'drafting specialised reports' by abstracting generalities from the specific cases dealt with by the various institutions with the aim of detecting and

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[252] Michele Grigolo, 'Human rights and cities: the Barcelona Office for Non-Discrimination and its work for migrants' (2010) 14 J. Hum. Rights 896; Michele Grigolo, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020; Oomen and Baumgärtel, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (n 44) 616.

[253] Michele Grigolo, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020.

[254] Ajuntament de Barcelona, 'Government Measure Barcelona City of Rights Programme. Actions of prevention and guaranteeing citizens' rights and actions to include a human rights-based approach in political policies' <https://www.eccar.info/sites/default/files/document/Measure%20Barcelona%20city%20of%20rights%20%28eng%29.pdf> accessed 10 July 2020.

[255] Ajuntament de Barcelona, 'Office for Non-Discrimination' <https://ajuntament.barcelona.cat/oficina-no-discriminacio/en/about-us> accessed 10 July 2020; Michele Grigolo, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020.

[256] Ajuntament de Barcelona, 'Office of Religious Affairs' <https://ajuntament.barcelona.cat/oficina-afers-religiosos/en/about-us> accessed 10 July 2020; Michele Grigolo, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020.

[257] See CoE, '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' (adopted 7 April 2014) <https://rm.coe.int/best-practices-of-implementation-of-human-rights-at-local-and-regional/168071aeed> accessed 9 May 2020, [30].

repairing structural problems.[258] So part of the good practice also consists of not only focussing on piecemeal solutions but in trying to tackle the root cause.

2.3 Montréal (CA)

Montréal, inspired by general international Human Rights Law and the European Charter for Safeguarding Human Rights in the City, drafted the Montréal Charter of Rights and Responsibilities (Montréal Charter) outlining the rights, responsibilities, and commitments of the municipality.[259]

The good practice of Montréal exists out of institutionalising a City's Ombudsman, namely an 'independent'[260] officer appointed by the municipal council.[261] The ombudsman is appointed for a one-

[258] Ajuntament de Barcelona, 'Government Measure Barcelona City of Rights Programme. Actions of prevention and guaranteeing citizens' rights and actions to include a human rights-based approach in political policies' <https://www.eccar.info/sites/default/files/document/Measure%20Barcelona%20city%20of%20rights%20%28eng%29.pdf> accessed 10 July 2020.

[259] *The Montréal Charter of Rights and Responsibilities* (adopted 20 June 2005, edited version adopted 15 May 2017); Benoît Frate, 'The Montréal experience' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 64.

[260] Independent is put between quotation marks as this term has to be substantiated and raises some questions. In Resolution 64/161, the General Assembly 'encourages Ombudsman institutions to actively draw on the standards enumerated in international instruments and the Paris Principles to strengthen their independence and increase their capacity to act as national human rights protection mechanisms'. See UNGA, 'General Assembly resolution 64/161. National institutions for the promotion and protection of human rights' (adopted 12 March 2010) A/RES/64/161 [12]. The Paris Principles, which are considered to be the minimum conditions needed to be met in order for a National Human Rights Institution to be deemed to be credible, state that independence should be guaranteed by 'the composition […] and the appointment of its members, whether by means of an election or otherwise' and that 'in order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured'. See UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134. See also OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) 30. Maybe popular election (held at a different day than the political elections) could be an alternative. It would definitely raise awareness amongst the inhabitants, and the spotlight would shine more on the existence of the office of the Ombudsman. The lack of knowledge about the existence of the Office was, according to the former Ombudsman of Montréal, the most difficult challenge she had to deal with. (See René Bruemmer, 'Montreal ombudsman Johanne Savard retiring after 16 years' (Montreal Gazette, 19 November 2019) <https://montrealgazette.com/news/local-news/montreal-ombudsman-johanne-savard-retiring-after-16-years> accessed 16 July 2020). If popular election is not possible, however, it would definitely be a better practice to outline more stringent criteria the person elected by the municipal council has to fulfil so that expertise and quality is ensured. This is also suggested by the Paris Principles (as more specified on page 38 of OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) where the relevance of a transparent process, broad consultation, publicising vacancies, increasing the number of potential candidates and choosing people according to their qualities and not according to which organization they represent, was highlighted.

[261] City of Montréal, 'By-Law concerning the Ombudsman' By-Law 02-146 as modified by by-laws 02-146-1 and 02-146-2 <https://ombudsmandemontreal.com/en/about-us/enabling-legislation> accessed 6 June 2020.

time renewable four-year term.[262] The independence of the City's Ombudsman from the local government should be ensured by article 7 of by-law 02-146 excluding city council members, borough council members, or political advisers of the local government members (and anyone who has an association with the listed people) as possible Ombudsman candidate.[263] The prohibition to have an interest in a contract with the local government ensures that the appointed City's Ombudsman will (always) have the best interests of the City at heart.[264] Article 9 of by-law 02-146 obliges the elected Ombudsman to file a public written report with the city council on the performance of his duties.[265]

The City's Ombudsman is responsible for supervising the implementation, investigating complaints, and making recommendations. Complaints may concern 'decisions, actions, omissions of Montréal [central city and boroughs][266], its paramunicipal agencies and their employees, city-controlled corporations and their employees, civil servants and any person performing work on behalf of Montréal'.[267] Nevertheless, the City's Ombudsman power to investigate is rather limited by Article 11 of the by-law 02-146.[268]

When the City's Ombudsman decides to intervene or investigate, he first has to inform the city manager and the person involved. Moreover, when the City's Ombudsman believes a complaint is well-founded, he must give the opportunity to the people involved to correct the situation.[269] If this does not work, the City's Ombudsman may upon the completion of an investigation give any recommendation he sees fit.[270] If the person involved on the side of the city does not act upon the request of the City's ombudsman to report on the follow-up measures taken or intended to be taken by the person in question, the ombudsman may take the complaint to the city council, the executive committee or the borough council. He also gets the opportunity to use a sort of naming and shaming practice when publishing the annual or a special report.[271]

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[262] Art. 2 and 3 of the City of Montréal, 'By-Law concerning the Ombudsman' By-Law 02-146 as modified by by-laws 02-146-1 and 02-146-2 <https://ombudsmandemontreal.com/en/about-us/enabling-legislation> accessed 6 June 2020.
[263] See ibid. Art. 7(1)-(2) (and Art. 1).
[264] Ibid. Art. 7(3).
[265] Ibid. Art. 9.
[266] Frate (n 253) 76.
[267] Art. 33(b) of *The Montréal Charter of Rights and Responsibilities* (adopted 20 June 2005, edited version adopted 15 May 2017)
[268] See ibid. Art. 11.
[269] Ibid. Art. 15.
[270] Ibid. Art. 19.
[271] Ibid. Art. 20.

Another side note still has to be addressed though. The Montréal Charter gives exclusive competence to the City Ombudsman for complaints regarding the Charter by excluding the possibility of the Charter serving as the basis for legal action or to be used in a judicial or quasi-judicial forum.[272] Giving the exclusive competence of enforcement to a non-legal institution leads to the conclusion that the Montréal Charter is more of a policy/political document, as defining it as a legal document would lead to an ambiguity between the legal value and enforceability.[273]

2.4 Mexico City (MX)

The Mexico City Charter for the Right to the City (Mexico City Charter), being the outcome of a consensus between civil society and local government[274], was adopted in 2010 by the Government of Mexico City.[275] The objective of the Mexico City Charter is threefold: (1) to contribute to a more equitable city; (2) to contribute to a more social city by constructing active and responsible citizenship; and (3) to contribute to a more equitable urban economy.[276]

One of its innovative aspects, although inspired by other documents such as the City Statute of Brazil in 2001, is the incorporation of 'the Right to the City' as a collective right which confers upon the inhabitants 'legitimacy of action and organization'.[277] Moreover, the Mexico City Charter directly refers to the obligations of the local government to respect, protect, and guarantee human rights. Even so, the preamble closes by stating that the Charter is founded on the possibility to demand its *progressive realization*[278], which can already be identified as a first undermining of the enforceability of the Charter.

In the guiding principles, however, a first reference is made to monitoring and accountability. Accountability is seen, in very broad terms, as 'constituting the duty of public actors to subject

[272] See Art. 32 of *The Montréal Charter of Rights and Responsibilities* (adopted 20 June 2005, edited version adopted 15 May 2017); Frate (n 253) 72.
[273] Frate (n 253) 72-73.
[274] Ana María Sánchez Rodríguez, 'The right to the city in Mexico City. The Charter' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 221.
[275] See *The Mexico City Charter for the Right to the City* (adopted 13 July 2010); Jill Wigle and Lorena Zárate, 'Mexico City Creates Charter for the Right to the City' (PN, 2014) <https://www.plannersnetwork.org/2010/07/mexico-city-creates-charter-for-the-right-to-the-city/> accessed 7 June 2020.
[276] Preamble of *The Mexico City Charter for the Right to the City* (adopted 13 July 2010); Sánchez Rodríguez (n 268) 230.
[277] Ibid. [1.1].
[278] Ibid. Preamble.

themselves to the scrutiny of the population'.[279] This scrutiny of the population should be ensured by increasing, in an autonomous and independent way, the inhabitants' participation in monitoring the public policies.[280] This guiding principle is confirmed and specified by several dispersed references in the Charter.[281]

Generally, it can be argued that the Mexico City Charter, albeit in a hesitant way[282], is contributing to enshrining the right to the City in a legally binding and enforceable way, which is already a good practice in itself. Another part of that good practice also consists of explaining and breaking down what is expected under a certain specific target. This makes it easier to monitor and evaluate whether the Charter has been complied with or not.

2.5 Bandung (ID)

The Bandung Charter of a Human Rights City (Bandung Charter) was signed on 10 December 2015 by the former Mayor of Bandung, Mochamad Ridwan Kamil, with the purpose of declaring Bandung a Human Rights City.[283]

The structure of the Bandung Charter is as follows: for every right listed in the Charter, there is an accompanying obligation of the local government. Article 20 outlines the mechanisms and the procedure for rights fulfilment and remediation. Article 20(5) obliges the local government to publish on a regular basis how it is implementing the Bandung Charter.[284] Article 20(6) states that every citizen has the right to an effective and enforceable remedy for acts violating the rights granted to that citizen by the Bandung Charter (or by other laws and regulations). This right can be effectuated before a court or any other competent authority.[285] Accordingly, it can be argued that the Charter, in formulating its articles, does

[279] Ibid. [1.6].
[280] [1.6] of *The Mexico City Charter for the Right to the City* (adopted 13 July 2010).
[281] See for example ibid. [2] and [3.1.2] and section 'Commitments for the Implementation of the Charter'.
[282] See the reference made to '*progressive realization'* in Preamble of *The Mexico City Charter for the Right to the City* (adopted 13 July 2010).
[283] See *The Bandung Charter of a Human Rights City* (adopted 10 December 2015); Marzuki Darusman, 'Indonesian mayor unveils new concept for human rights cities at Asian-African Conference' (Business & Human Rights Resource Centre, 2015) <https://www.business-humanrights.org/sites/default/files/documents/042603SC%20B%26HR%20Art%20%20Version%203-%20Draft%203.pdf> accessed 6 June 2020.
[284] Art. 20(5) of *The Bandung Charter of a Human Rights City* (adopted 10 December 2015).
[285] Ibid. Art. 20(6).

live up to what it states in the preamble, namely that 'the Government of Bandung City together with its citizens and all stakeholders are responsible for respecting, protecting and fulfilling the rights of citizens of Bandung through the application of policies, monitoring, evaluation and remediation'.[286]

However, one side note can be made. The Bandung Charter is mainly focused on the local government and its obligations. This constitutes a very limited view of what a Human Rights City constitutes. When adopting this rather limited view, it might be easier to put monitoring systems and accountability systems in place. This is certainly the case when you take into account the trends that have unfolded at the international level in which the focus is slightly shifting from a purely State-centred focused Human Rights Law towards recognising the responsibility of local governments regarding Human Rights Law (see Chapter 3).

2.6 Gwangju (South KR)

Gwangju already enacted the Human Rights Improvement and Democratization, Human Rights, and Peace City Promotion Ordinance in 2007, recognising the responsibility of Gwangju to promote the human rights of citizens.[287] It went a step further by adopting the Gwangju Declaration at the 2011 WHRCF.[288] The Declaration departs from the idea that Human Rights Cities should follow a human rights-based approach.[289] According to the Gwangju Declaration adopting a legal basis should be the first step in the process of becoming a Human Rights City. This legal basis could, for example, exist out of legal instruments or institutional implementation of a Human Rights Commission. Next to that, the Gwangju Declaration also stated that leadership should be based on 'principles of competency, transparency and accountability'. Consequently, both effective enforcement mechanisms that held the city government accountable to its commitments and promises and monitoring mechanisms (specifically

[286] Ibid. Preamble.
[287] OHCHR, 'Achievements and Challenges of the Human Rights City Gwangju – Overview and Tasks of the Implementation of the Human Rights City Gwangju' <https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/LocalGvt/Gwangju%20Metropolitan%20City,%20Republic%20of%20Korea.pdf> accessed 6 July 2020.
[288] *The Gwangju Declaration on Human Rights City* (adopted 17 May 2011 at the 2011 World Human Rights Cities Forum).
[289] [43] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; Anselmo Lee, 'The "Right to the City" and the "Human Rights City" in Asia' [2019] Monografías CIDOB 65.

human rights indicators that could be used for assessing the human rights impact) should be established.[290]

Subsequently, the Gwangju Human Rights Charter of 2012[291] confirmed the choice for adopting a legal human rights discourse. First, it defines the rights of the citizens as, on the one hand, their responsibility, and, on the other hand, as the duty and a commitment made by the Gwangju City towards all generations of the past, present and future.[292] Secondly, the City is obliged to 'establish norms, institutions and policies' so as to implement the Charter. Thirdly, it also requires the City to regularly monitor the human rights situation and to publish the outcome of the monitoring. Lastly, the City should develop human rights indicators that help to promote the rights incorporated in the Charter.[293]

The good practice exists first out of the importance attached to adopting a legal basis as the stepping stone in the process of becoming a Human Rights City. This resulted in the adoption of the Gwangju Human Rights Charter of 2012 that recognises human rights fulfilment as a duty of the City and obliges the City to implement human rights policies and monitor them. This then led, in 2013, to the installation of a Human Rights Ombudsman who has the competence to investigate complaints of citizens regarding the administration.[294] Secondly, Gwangju has also lived up to the obligation to develop Human Rights Indicators. These Human Rights Indicators, which take into account both the universal side of human rights and the specific local traits of Gwangju and are drafted in such a way that they structurally correspond with the Gwangju Human Rights Charter, were the result of a long inclusive and seemingly objective drafting process in which, for example, the UN Office of the High Commissioner for Human Rights participated.[295]

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[290] [11], [12] and [14] of *The Gwangju Declaration on Human Rights City* (adopted 17 May 2011 at the 2011 World Human Rights Cities Forum).

[291] Asia-Pacific Human Rights Information Center, 'Gwangju Human Rights Charter (2012)' <https://www.hurights.or.jp/archives/other_documents/section1/2012/05/gwangju-human-rights-charter-2012-Korea.html> accessed 13 June 2020.

[292] See ibid.

[293] Art. 2(1), (2), (3) and (4) of the Implementation Part of Asia-Pacific Human Rights Information Center, 'Gwangju Human Rights Charter (2012)' <https://www.hurights.or.jp/archives/other_documents/section1/2012/05/gwangju-human-rights-charter-2012-Korea.html> accessed 13 June 2020.

[294] OHCHR, '9th World Human Rights Cities Forum Gwangju, Republic of Korea 30 September 2019. Video statement by UN High Commissioner for Human Rights Michelle Bachelet' <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25084&LangID=E> accessed 7 July 2020; WHRCF, 'Gwangju a Human Rights City' <http://www.whrcf.org/E_p1300.php> accessed 7 July 2020.

[295] Gwangju City, 'Major Policies and Systems of Gwangju as a Human Rights City' <https://webcache.googleusercontent.com/search?q=cache:A7RFXc2NIRoJ:https://www.ohchr.org/Documents/Issues/LocalGvt//Local/20190222Gwangju.docx+&cd=2&hl=nl&ct=clnk&gl=be> accessed 17 July 2020.

3. Miscellaneous Good Practice Examples

The Swedish Association of Local Authorities and Regions (SALAR), in cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law in Lund, has established a platform aimed at being a stepping stone for urban policy and urban operational development.[296] It recognises the responsibility to respect, protect, and fulfil human rights of Swedish municipalities, County Councils, and Regions. To put these responsibilities in practice, SALAR identified 6 important points to strive for when they commit to human rights. Four are relevant here: (1) taking active responsibility for ensuring human rights and collaborating with civil society and other actors; (2) respecting, protecting, fulfilling, and promoting human rights by incorporating that commitment in formal guidelines, procedures and activities; (3) monitoring possible dilemmas and conflicts when realising human rights; (4) establishing appropriate monitoring and communication mechanisms. It specifies these striving points by, for instance, stating that they should openly audit the decision-makers and make sure that citizens have the ability to report claimed human rights violations.[297] This can be seen as a stepping stone to policies of cities becoming good practices due to its specificity in outlining the what and how in respecting, protecting, and fulfilling human rights at the local level.

Another practice worth mentioning can be found in Aberdeen (SCT). The Aberdeen City Council is legally obliged to undertake an Equality and Human Rights Impact Assessment (EHRIA) in order to evaluate its decisions' impact on its inhabitants. The City Council outlines two situations in which it carries out such an EHRIA, namely when reviewing already existing policies, strategies, services and when drafting new policies, strategies or services. When the outcome of the EHRIA highlights some difficulties or possible problems, it is the responsibility of the Aberdeen City Council to remedy the already existing policies, strategies, and services or to adopt a new draft.[298] What makes this a good practice is, first, that *every* decision, even when there are no direct human rights interests underlying it, is tested for its (positive or negative) human rights impact. Second, the EHRIA-practice is also beneficial due to the publication of the 'Prejudice and Discrimination Reporting Form' probing for the experiences

[296] Swedish Association of Local Authorities and Regions, 'Human rights at the local and regional level. A platform for policy and operational development' <https://vng.nl/sites/default/files/hr-platform-salar.pdf> accessed 11 June 2020.
[297] Ibid.
[298] Aberdeen City Council, 'Equality and Human Rights Impact Assessments' <https://www.aberdeencity.gov.uk/services/people-and-communities/equality-and-diversity/equality-and-human-rights-impact-assessments> accessed 7 July 2020.

of the inhabitants, which in turn enhances participation and increases the amount of information available.[299] The practice would, however, be taken to an even higher level if the assessment was carried out by an independent human rights advisory body at the local level and not by the decision-maker itself.

The Dutch non-profit organisation *Rights For Change* has developed tools targeted at explaining how to undertake a human rights impact assessment when trying to verify the impact of a policy on vulnerable groups in specific domains.[300] More specifically, it brought to life the Human Rights Assessment Instrument on Domestic Violence[301], the RighT Guide focused on anti-trafficking[302], and the Health Rights of Women Assessment Instrument[303]. The specificity of developing a different tool for specific issues is promising.

Lastly, it is relevant to address the tool Triple Bottom Line (TBL), which was adopted as part of the Human Rights Framework of Eugene (USA). The aim of the TBL is to assess the socially equitable, environmental and economic impacts of programmes, policy, and budget decisions'.[304] It departs from a questionnaire aimed at sounding out the effects of the proposal.[305] What is important is that Eugene is one of the only Human Rights Cities publicly stating that being a Human Rights City also entails striving towards being 'held publicly accountable for progress in remedying human rights problems by timetables, benchmarks, and appropriate measures'.[306]

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[299] Aberdeen City Council, 'Prejudice and discrimination reporting form' <https://www.aberdeencity.gov.uk/services/people-and-communities/equality-and-diversity/prejudice-and-discrimination-reporting-form> accessed 7 July 2020.
[300] Rights For Change, 'Human Rights Impacts' <http://rights4change.org/index.php?id=5> accessed 7 July 2020.
[301] Rights For Change, 'DOVA' <http://rights4change.org/index.php?id=22> accessed 7 July 2020.
[302] Rights For Change, 'The RighT Guide' <http://rights4change.org/index.php?id=21> accessed 7 July 2020.
[303] Rights For Change, 'HeRWAI: Why HeRWAI?' <http://rights4change.org/index.php?id=19> accessed 7 July 2020.
[304] David L. Brunsma, Keri Iyall Smith and Brian Gran, *Movements for Human Rights. Locally and Globally* (Taylor & Francis 2016) 13; Columbia Law School Human Rights Institute, 'Using Human Rights Assessments in Local Governance. A Toolkit for State and Local Human Rights and Human Relations Commissions' <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/iaohra_toolkit_9.11.14_reduced.pdf> accessed 8 July 2020.
[305] Columbia Law School Human Rights Institute, 'Using Human Rights Assessments in Local Governance. A Toolkit for State and Local Human Rights and Human Relations Commissions' <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/iaohra_toolkit_9.11.14_reduced.pdf> accessed 8 July 2020 (look also at this report for finding other sorts of tools developed by cities in the USA to undertake Human Rights Impact Assessments).
[306] Humanrightscity, 'The Human Rights City Project. Eugene, Oregon' <http://www.humanrightscity.com/faq/what-is-the-eugene-human/> accessed 8 July 2020.

4. Interim Conclusion

Although some good practices could be identified, they are still too scarcely present in the Human Rights City practice (see Chapter 2). Nonetheless, it was possible to identify some essential components for a successful path towards holding Human Rights Cities responsible for their human rights commitment. The first component is the monitoring of human rights policies. Developing human rights indicators taking into account the local characteristics of a specific Human Rights City while at the same time not neglecting the universal human rights character is deemed to be very useful here. A second relevant component is linking a consequence to a negative result after monitoring certain situations or after receiving a complaint issued by (an) inhabitant(s). For example, independent Human Rights Departments can play an essential role in this regard. Even so, it must be stated that, up until now, the second component has not been highlighted as much as the first component has been.

Therefore, the last Chapter attempts to both deepen these insights and to identify some possible alternative responsibility mechanisms.

Chapter V. Identifying Possible Alternative Responsibility Mechanisms

The effectiveness of Human Rights Cities depends mostly on the urban actor 'who has the power to define and lead the Human Rights City' and thus on which human rights discourse has been adopted by that urban actor.[307] Accordingly, the ideal responsibility mechanism takes every aspect into account.

It is claimed that even when the Human Rights City only opts for viewing human rights as a rhetorical device, without having any normative or legal weight[308], some responsibility should be engaged. Being a Human Rights City entails more than just abiding by human rights principles. In theory, every local government worldwide should comply with human rights (in one way or another) as was illustrated in Chapter 3. So, in order to be a Human Rights City, a real *commitment* is expected and this human rights commitment should be expressed in some way.

In what follows, suggestions deduced from the above analysis for improving the responsibility of the Human Rights Cities are laid out. It is also not seen as an exclusive and exhaustive list. Even so, these ideas are all aimed at undermining the practice of Human Rights Cities being idealistic pragmatic users of human rights. While importance is still attached to classic human rights strategies of litigation and naming and shaming, also strategies moving beyond the classic ones are suggested.[309]

First, the term "Responsibility Mechanism" is introduced. The above discussed good practices can already be deemed to (partly) be 'responsibility mechanisms'. However, it is now defined in an abstract way. Secondly, some principles that have to be taken into account at all times are identified. In the third section, suggestions for monitoring mechanisms are provided. Lastly, some possible enforcement mechanisms are identified.

[307] Grigolo, 'Towards a sociology of the human rights city. Focusing on practice' (2016) (n 54) 292.
[308] Davis (n 137) 268.
[309] Graham, Gready, Hoddy and Pennington (n 70) 179.

1. Defining "Responsibility Mechanism"

This study purposely uses the word "responsibility" and not "accountability" because accountability, which can be defined as 'the principle according to which a person or institution is responsible for a set of duties and can be required to give an account of their fulfilment to an authority that is in a position to issue rewards or punishment'[310] is connotatively linked with 'adversarial legalism'. The term responsibility, defined as 'the obligation to answer for an act done, and to repair any injury it may have caused'[311], is seen in both (quasi-)adjudicational and non-adjudicational terms. An important note is that while legal accountability, and specifically judicial mechanisms[312], are seen as a key avenue and perhaps more straight-forward and desirable, the aim of the responsibility mechanism is to create a sense of responsibility of the Human Rights City that leads to it living up to its promises.

Moreover, in order to hold a Human Rights City responsible for its Human Rights commitment it is necessary to have a monitoring system in place.[313] Therefore, an effective "responsibility mechanism" covers, according to this study, both monitoring mechanisms and enforcement mechanisms.

2. Principles That Should Be Taken into Account at All Times

As has been stated repeatedly, there is no one-size-fits-all model for Human Rights Cities. Nevertheless, during the research for this study, some principles that should be taken into account when developing a responsibility mechanism for a specific Human Rights City could be abstracted.

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[310] Dario Castiglione, 'Accountability' (Britannica, 20 October 2012) <https://www.britannica.com/topic/accountability> accessed 13 July 2020.
[311] The Law Dictionary, 'What is Responsibility?' <https://thelawdictionary.org/responsibility/> accessed 13 July 2020.
[312] UNESCO, 'Background paper prepared for the 2017/8 Global Education Monitoring Report' <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Accountability_from_a_human_rights_perspective_2017_en.pdf> accessed 16 July 2020.
[313] See FRA, 'Monitoring and evaluation' <https://fra.europa.eu/en/joinedup/tools/planning-monitoring-and-evaluation/monitoring-and-evaluation> accessed 9 June 2020: '*There is a need to monitor and report on achievements and failures of all policies at all levels. This increases accountability of officials, departments and government vis-à-vis their operations and their impact on fundamental rights';* Stacy Laira Lozner, 'Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative' (2004) 104 Colum L Rev 770: '*Monitoring, reporting requirements, and public participation provide the means for agency accountability'*.

2.1 The Principles

Principle 1. The multi-dimensional and multi-actor aspects of the Human Rights City should be facilitated

As identified by GRIGOLO and explained in Chapter 2, a Human Rights City is most of the time the result of a collaboration between a number of actors that have been (and are) formulating, negotiating, and interpreting human rights. Additionally, the practice of decentralisation is inherently linked with a form of privatisation whereby (semi-)private organisations also got a share of the responsibility for providing public services.[314]

Graz (AT) can be seen as an example in which the multi-actor aspect of the Human Rights City proved to be important. The City Council was the one to pass the Declaration of Human Rights of the City of Graz. However, after elections in 2003, the attention of the local government towards human rights started to dwindle and it was civil society that kept cultivating the concept of "Human Rights City".[315] So, a good cooperation in itself already increases the responsibility.

Principle 2. Civil society is an important partner

It is important that civil society is involved as much as possible in the modelling and implementation of human rights policies. The monitoring role can, for example, be assumed by civil society as it has the capacity to provide information and assess the performance of the local government in an independent fashion (if not working too closely with the local government on the human rights policies). Additionally, it can also share its human rights expertise with the local government, which in turn could increase the effectiveness of the decision.[316] Next to that, civil society is also a forum in which marginalised

[314] Oomen and Durmus (n 31) 145.
[315] Ingrid Nicoletti, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020.
[316] [71] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49; [2] of UNHRC, 'Draft guidelines for States on the effective implementation of the right to participate in public affairs' (adopted 20 July 2018) A/HRC/39/28.

communities get to voice their opinions.[317] When taking that into account, the inclusiveness of a Human Rights City is more assured.

Principle 3. Notwithstanding principle 1, what will work still depends mostly on which actor is most prominent

Which actor is most prominent in promoting and implementing the Human Rights City will decide the nature of and the need for an enforcement mechanism. For instance, if civil society is the driving force, (quasi-)adjudicational ways of holding the Human Rights City responsible for not living up to its promises are less evident and feasible than non-adjudicational ones.

Principle 4. The Human Rights City should be visible for the citizens living therein and their active involvement should be promoted

Attaching a lot of importance to the participation of citizens will play a large part in establishing effective responsibility mechanisms.[318] However, a baseline of understanding between the actors of the Human Rights City and the citizens has to be established.[319] This entails that citizens should be informed in an efficient, accessible (e.g. chargeless, simple to find, journalism in acceptable formats[320], etc.) and non-discriminatory manner about what the concept of a "Human Rights City" entails and what the exact aims and policies of the Human Rights City are.

Principle 5. The responsibility mechanisms should be as independent, legitimate, non-discriminatory, accessible, and transparent as possible

[317] Ibid. [35] and [19(h)] respectively.
[318] Connective Cities, 'Good Urban Governance' <https://www.connective-cities.net/en/topics/good-urban-governance> accessed 11 July 2020.
[319] Iñaki Albisu Ardigó, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020, 8.
[320] Iñaki Albisu Ardigó, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020, 21.

'Who defines [responsibility], for whom and why, are questions which need to be analysed very carefully'.[321] The aim should thus be to establish responsibility mechanisms in the most independent, legitimate, non-discriminatory, accessible, and transparent way as possible.

For such mechanisms to be accessible and non-discriminatory, information about what the mechanism does, how to contact the mechanism, what to expect from the mechanism, etc. should be available for every inhabitant of the city. This also entails that the information should be chargeless, simple to find, available in multiple languages if necessary, etc.

Transparency entails that 'actions of an organization are "scrupulous enough to bear public scrutiny".[322] For instance, the transparency of a responsibility mechanism increases by publishing a report on their performance evaluation.[323]

With regard to the requirements of legitimacy and independence, a conundrum rises. When the local government gives the power to an institution or a person to monitor and enforce its human rights policies, on the one hand, this mandate seems to be legitimate in democratic terms. On the other hand, a link of dependence arises between the local government and the institutions that are monitoring and enforcing. Nevertheless, if an institution takes it upon itself to monitor or enforce, it seems to lack the mandate and legitimacy to do so. Finding the right amount of legitimacy and independence will have to be the result of a delicate balancing act. According to the Paris Principles[324], which constitute a benchmark against which the credibility of existing National Human Rights Institutions (NHRI(s)) can be measured, institutions need to meet six main criteria in a successful way to be considered to be credible when elected by the government.[325] Two of these criteria are particularly relevant within this regard. According to the first requirement, there should be autonomy from the government[326] in both legal and operational terms.

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[321] Sue Cavill and Muhammad Sohall, 'Accountability in the provision of urban services' [2003] Municipal Engineer 237.
[322] Monica Frassoni, 'Accountability and Transparency in Bretton Woods Institution. Two Concrete Experiences' in Elena Sciso (ed), *Accountability, Transparency and Democracy in the Functioning of Bretton Woods Institutions* (Springer 2017) 251.
[323] OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) 37.
[324] UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134.
[325] OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) 31.
[326] UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134.

Hence, ideally the responsibility mechanism respectively has its own legal personality (and is thus not part of the local government) and has the competence to draft its own rules of procedure.[327] The second criterium requires that the independence is safeguarded by legislation.[328] When the mandate is enshrined in legalisation, more permanence and independence are ensured because it is more difficult for the local government to withdraw the mandate when the responsibility mechanisms decide something the government is not seeing eye to eye to.[329] This in turn increases the possibility for the responsibility mechanisms to sever the link of dependence between the giver of the mandate and the one getting the mandate as far as possible.

Principle 6. There should be sufficient available human and financial resources to establish responsibility mechanisms[330]

It is important that local actors have 'the knowledge, capacity, and tools to promote and protect human rights'.[331] If, for example, a Human Rights Office is established, it should get sufficient human and financial resources so that it can deal efficiently with the human rights issues present in the city.[332]

Having a separate budget for the implementation of human rights might also give an increased opportunity to scrutinise the engagement of a Human Rights City (although this again presupposes that the local government is involved and that political will is present).[333]

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[327] UCLG, 'Building open, transparent, responsive and inclusive cities. White Paper on Transparency and Open Government. Urban 20 White Paper' <https://opengov.uclg.org/sites/opengov.uclg.org/files/2019-02/U20_WP_Transparency_in_cities.pdf> accessed 11 July 2020.
[327] Ibid.
[328] UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134.
[329] UCLG, 'Building open, transparent, responsive and inclusive cities. White Paper on Transparency and Open Government. Urban 20 White Paper' <https://opengov.uclg.org/sites/opengov.uclg.org/files/2019-02/U20_WP_Transparency_in_cities.pdf> accessed 11 July 2020.
[330] Ibid.
[331] Columbia Law School Human Rights Institute, 'Closing the Gap: The Federal Role in Respecting & Ensuring Human Rights at the State and Local Level. Response to the Fourth Periodic Report of the United States to the United Nations Human Rights Committee' (Columbia Law School, August 2013) <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20%28ecopy%29.pdf> accessed 6 June 2020.
[332] [30] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[333] van den Berg and Oomen, *Human Rights Cities: Motivations, Mechanisms, Implications – a case study of European HRCs* (n 72) 51.

Additionally, the amount of resources also depends upon the amount of resources that have been put to the availability of the local authorities. If they do not get enough resources from the central government in order to fulfil their tasks, this might be seen as an extenuating factor in judging whether that particular Human Rights City is living up to its promises.

Principle 7. A broad mandate and an adequate amount of competences should be the ultimate aim

Establishing responsibility mechanisms with a broad mandate and an adequate amount of competences should be the ultimate aim. This entails, for example, competence for civil and political rights as well as for economic, social and cultural rights, a sufficiently broad investigating power (including the power to set its own agenda for inquiries)[334], etc.[335] Ideally, the mandate and the competences are safeguarded by engravement in local policy documents.

Principle 8. The nature of and the necessity of having a responsibility mechanism will also depend upon the context in which the city is operating

The State structure and division of competences between the different levels have a deciding influence on the degree of autonomy and self-government.[336] As the UN Human Rights Council identified: 'the lack of autonomy and self-government inhibits the accountability and the sense of responsibility for the implementation of human rights. Centralised policies and structural adjustment measures may often impede the observance of human rights in local governments.'[337] For instance, while the city of Graz (AT), has many tasks of which the exercising thereof can influence the enjoyment of human rights, it cannot be claimed that it has an all-encompassing competence to implement human rights.[338]

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[334] OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) 35.
[335] UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134; OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010) 31.
[336] Iñaki Albisu Ardigó, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020, 4.
[337] [31] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[338] See Statut der Landeshauptstadt Graz 1967, LGBI. Nr. 130/1967 (VI. GPStLT EZ 393); see also Art. 118 of the Austrian Federal Constitutional Law (Bundes-Verfassungsgesets – B – VG), BGB1. Nr. 1/1930 (WV) as amended by BGB1. I Nr. 194/1999 (DFB).

Moreover, as CAVILL and SOHAIL found out when undertaking a study regarding 'accountability in the provision of urban services': 'Making urban services more accountable is not a process of realising an abstract principle or applying a universal prescription, so much as one of locally constructing what accountability means in a particular context'.'[339] So, the responsibility mechanism will have to be made fit for purpose.

Lastly, local governments can differ immensely in economic, geographic, and demographic terms, regarding population size, etc.[340] Therefore, it is again stated that the local context will eventually be the deciding factor in which responsibility mechanisms will work or fail.

Principle 9. What works will depend upon which human rights discourse is adhered to

As has been discerned in Chapter 2 and has become clear in some of the 'good practices' discussed in Chapter 4, a formal declaration can provide the legal basis on which you base the responsibility of a Human Rights City.[341] Accordingly, Human Rights Cities adopting a legal human rights discourse are easier to hold responsible when not living up to their promises.

Additionally, if a Human Rights City has adopted timetables, benchmarks, and appropriate measures (all these elements are mostly associated with the human rights discourse based on good governance or the legal human rights discourse), it also facilitates a base for holding a Human Rights City responsible.[342]

There is also the possibility of the discourse shifting over time or multiple discourses being used by different actors. Consequently, responsibility mechanisms should be adopted and changed according to the need. Graz (AT) is a good example thereof. It first issued the mechanism of publishing an annual

[339] Sue Cavill and Muhammad Sohall, 'Accountability in the provision of urban services' [2003] Municipal Engineer 242.
[340] Iñaki Albisu Ardigó, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020, 5. ss
[341] Ingrid Nicoletti, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020; Starl (n 50) 204.
[342] Kenneth J. Neubeck, 'In a state of becoming a human rights city. The case of Eugene, Oregon' in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) (n 5) 242.

human rights report. In one of the annual human rights reports, it then identified the need for having an Anti-Discrimination office (in Styria).[343]

Conclusively, establishing and finetuning responsibility mechanisms will be a never-ending work in progress in which the saying 'the more, the merrier' should be the guideline.

Principle 10. The Human Rights City practice could benefit from defining the concept of "Human Rights City" in a clearer way

When looking at the first part of Chapter 2, the amount of different definitions shows that the Human Rights City practice is still really a 'pilot-programme'. It also evidences that what the constitutive elements of a Human Rights City are has not been established yet. To remedy this, it might, for example, be better to take the stringent concept of STARL. The practice of Human Rights Cities would really benefit from stricter guidelines on what the concept exactly constitutes and this would also already partly eliminate the lack of responsibility. Certainly, because it became clear that the Human Rights Cities that developed more rigid human rights policies and were more lenient towards accepting the legal side of Human Rights, in most cases already established monitoring mechanisms, and even enforcement mechanisms upon their own initiative.

2.2 Interim Conclusion

With these principles in mind, the next two parts are focused on providing some more specific suggestions as to how a responsibility mechanism can look like. First, a closer look is given to possible monitoring mechanisms. The last part is focused on enforcement mechanisms in both non-adjudicational and (quasi-)adjudicational terms.

[343] Antidiskriminierungsstelle Steiermark, 'Antidiscrimination Office – why?' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/74172408/EN/> accessed 10 July 2020; Siegfried Nagl and Wolfgang Benedek, *Der Menschenrechtsbericht der Stadt Graz 2007* (Graz, 2008).

3. Monitoring Mechanisms

A monitoring mechanism can only be effective when tangible goals and targets have been formulated in the process of drafting a plan for a particular Human Rights City.[344] Moreover, these goals and targets must be publicised in some way so that it becomes 'actionable'.[345] In the end, every monitoring mechanism should be able to answer two particular questions. First of all, it should be assessed whether that specific plan is being carried out by the actors responsible therefore, and whether it is improving the fundamental rights situation. Secondly, if that question receives a positive answer, it should be verified how, why, and under which conditions it improves the human rights situation.[346] The monitoring mechanism should always fulfil the basic principles of monitoring[347] which are set by the United Nations in its 'Training Manual on Human Rights Monitoring'.[348]

A helpful tool for monitoring the implementation of human rights policies are indicators. As the UN Office of the High Commissioner for Human Rights states, 'they compel us to review existing analytical, methodological and legal frameworks to ensure that they […] strengthen accountability ad embrace methods empowering people […].'[349] The aim of using indicators is two-fold; on the one hand increasing the way in which human rights are systematically worked with and, on the other hand, enhancing the accountability of the decision-makers.[350] Two possible sources of inspiration for developing indicators specifically tailor-made to fit the Human Rights City in question are the FRA's findings on fundamental

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[344] FRA, 'Fundamental rights indicators' <https://fra.europa.eu/en/project/2011/fundamental-rights-indicators> accessed 9 June 2020.
[345] Iñaki Albisu Ardigó, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020, 7.
[346] FRA, 'Monitoring and evaluation' <https://fra.europa.eu/en/joinedup/tools/planning-monitoring-and-evaluation/monitoring-and-evaluation> accessed 9 June 2020; see also UN-Habitat, 'Volume 1: Human Rights in Cities Handbook Series. The Human Rights-Based Approach to Housing and Slum Upgrading' (OHCHR, 2017) <https://www.ohchr.org/Documents/Issues/Housing/InformalSettlements/UNHABITAT_HumanRights-BasedApproch.pdf> accessed 9 June 2020.
[347] These are (1) do no harm; (2) respect the mandate; (3) know the standards; (4) exercise good judgement; (5) seek consultation; (6) respect the authorities; (7) credibility; (8) confidentiality; (9) security; (10) security; (11) understand the [Human Rights City]; (12) need for consistency, persistence, and patience; (13) accuracy and precision; (14) impartiality; (15) objectivity; (16) objectivity; (17) sensitivity; (18) integrity; (19) professionalism; (20) visibility. See OHCHR, *Professional Training Series No. 7. Training Manual on Human Rights Monitoring* (United Nations 2001) 87-95.
[348] Ibid.
[349] OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation* (United Nations 2012) III.
[350] CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) 33 [9] <https://rm.coe.int/168071b33b> accessed 18 June 2020.

rights indicators[351] and the human rights indicators developed by the Congress of Local and Regional Authorities, which have already been discussed before.[352]

Moreover, as is done in Aberdeen (SCT) and as GOMES DA SILVA already suggested, human rights impact assessments are judged to be a helpful device to verify whether the actors of a Human Rights City are either acting in accordance with or violating human rights principles when taking a decision. Ideally, the human rights impact assessment would be carried out by an independent human rights advisory body at the local level.[353]

Additionally, the Regional Representative of Europe in the Human Rights Council judges NHRIs as useful partners for the establishment of some sort of grievance mechanisms.[354] Although NHRIs are normally in charge of 'monitoring and investigating the human rights situation on the ground'[355], it is currently no widespread general practice to include overviewing human rights implementation by the local government into the mandate of NHRIs.[356] However, if in place, NHRIs as an independent place of human rights expertise, professionals in monitoring human rights situations and having got the legitimate and legal mandate from the national government[357] might prove to be a very useful ally and role model in the establishment of municipal level institutions for a Human Rights City that takes its commitment seriously and not only in an advertising way. However, as stated in Principle 5 (see Chapter 5, 2.1) it is important for the NHRIs to be independent and impartial, and therefore the Paris Principles should be treated as mandatory guidance.[358]

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[351] FRA, 'Monitoring and evaluation' <https://fra.europa.eu/en/joinedup/tools/planning-monitoring-and-evaluation/monitoring-and-evaluation> accessed 9 June 2020.
[352] CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) 33 [9] <https://rm.coe.int/168071b33b> accessed 18 June 2020.
[353] Gomes da Silva (n 8) 304.
[354] Birgit Van Hout (Regional Representative for Europe – UN Human Rights Office), 'Human Rights Cities: Theoretical and Practical overview' (United Nations Human Rights Office of the High Commissioner, 28 November 2019) <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2579&LangID=E> accessed 20 June 2020.
[355] ENNHRI, 'About National Human Rights Institutions' <http://ennhri.org/about-nhris/#upr-recommendations> accessed 18 July 2020.
[356] International Council on Human Rights Policy, 'Local Government and Human Rights: Doing Good Service' (International Council on Human Rights Policy, 2005) <https://gsdrc.org/document-library/local-government-and-human-rights-doing-good-service/> accessed 11 June 2020, 90.
[357] ENNHRI, 'About National Human Rights Institutions' <http://ennhri.org/about-nhris/#upr-recommendations> accessed 18 July 2020.
[358] See UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134.

4. Enforcement Mechanisms

The form enforcement mechanisms will take depends on who the instigator of the Human Rights City initiative is and on how the initiative of Human Rights City is implemented. In what follows, possible enforcement mechanisms in both adjudicational and non-adjudicational terms are identified. First, however, a general introduction regarding human rights enforcement is provided.

4.1 Human Rights Enforcement in General

Human rights enforcement in general has been a recurrent problem. This problem was not completely unexpected seeing 'the system [was] designed with significantly limited enforcement capacity'.[359] Most of the human rights treaties entrust the primary responsibility for enforcement to the domestic institutions of the State Members.[360] This *de facto* leads to 'effective domestic implementation [resting] upon the voluntary, discretionary actions of each government'.[361] Moreover, most human rights treaties still focus mostly on making the States the human rights complaints while not addressing, for example, the conduct of private actors (such as multinational corporations). This in turn generates the obligation for the domestic institutions to also ensure the protection of human rights by private actors.[362]

The primary enforcement responsibility of the domestic institutions is complemented by the enforcement competence of international human rights institutions, which at minimum consists of monitoring or supervising the implementation of the relevant treaties by the States. However, in reality, the capacity of international human rights institutions is too limited (e.g. their decisions are seldom binding or even authoritative[363]; the treaty bodies are composed of unpaid experts; the meetings only take place a few

[359] Douglas L. Donoho, 'Human Rights Enforcement in the Twent-First Century' (NSUWorks, 2006) <https://core.ac.uk/download/pdf/51072223.pdf> accessed 14 July 2020.
[360] See e.g. Art. 2(2) of International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
[361] Douglas L. Donoho, 'Human Rights Enforcement in the Twent-First Century' (NSUWorks, 2006) <https://core.ac.uk/download/pdf/51072223.pdf> accessed 14 July 2020.
[362] Terry Collingsworth, 'The Key Human Rights Challenge: Developing Enforcement Mechanisms' (2002) 15 Harv Hum Rts J 184.
[363] See Wolfgang Benedek, *Understanding Human Rights. Manual on Human Rights Education* (ETC Graz 2006) 37-38: it identifies the reporting system as frequently used. However, the more hard systems such as individual complaints, inter-state complaints and judicial procedures are stated to be less or even rarely used; see also page 41: 'The European Social Charter of 1961 [...] suffered [from the beginning] from a weak and inefficient system of implementation.'.

times a year[364]) to really live up to that expectation.[365] Hence, there is currently an 'enforcement gap'. This term indicates the discrepancy between, on the one hand, more and more treaties being signed and ratified by more and more States and, on the other hand, the existence of a widespread practice of significantly violating human rights.[366]

Taking into account the fact that the traditional human rights enforcement mechanisms seem to lack in force and the existence of the 'enforcement gap', the trend to develop new ways of trying to enforce human rights implementation started to get life. The UN Guiding Principles on Business and Human Rights[367] or the focus on enforcement at the local level fit right into that trend[368].

4.2 (Quasi-)Adjudicational Enforcement Mechanisms

Under (quasi-)adjudicational enforcement mechanisms 'the giving of a judgment[369] or some recommendation' is understood.

SOOHOO identified making local human rights violations directly actionable in national courts as one possible way of enhancing the responsibility of Human Rights Cities (and cities in general). She gave the United Kingdom Human Rights Act of 1998[370] as an example. According to that Act, litigants can issue an action against local authorities in British courts when they claim these authorities violated the European Convention on Human Rights.[371] However, engraving this possibility in legislation would entail the need of getting support from the State, and is thus not something the local level can decide by itself.

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[364] Soohoo (n 6) 259.
[365] Douglas L. Donoho, 'Human Rights Enforcement in the Twent-First Century' (NSUWorks, 2006) <https://core.ac.uk/download/pdf/51072223.pdf> accessed 14 July 2020.
[366] Axel Marx, Nicolas Hachez, Katrien Meuwissen, Pierre Schmitt, Jakub Jaraczewski, Tamara N. Lewis, Kolja Raube, Joanna Roszak, Klaus Starl, Dolores Morondo Taramundi, Anna-Kaisa Tuovinen and Amy Weatherburn, 'Localizing Fundamental Rights in the European Union: What is the Role of Local and Regional Authorities, and How to Strengthen It?' (2015) 7(2) J. Hum. Rights Pract. 248.
[367] UNHRC, 'UN Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) A/HRC/17/31.
[368] Axel Marx, Nicolas Hachez, Katrien Meuwissen, Pierre Schmitt, Jakub Jaraczewski, Tamara N. Lewis, Kolja Raube, Joanna Roszak, Klaus Starl, Dolores Morondo Taramundi, Anna-Kaisa Tuovinen and Amy Weatherburn, 'Localizing Fundamental Rights in the European Union: What is the Role of Local and Regional Authorities, and How to Strengthen It?' (2015) 7(2) J. Hum. Rights Pract. 248; Johanna Kalb, 'The State of the City and the Future of Human Rights: A Review of Global Urban Justice' [2017] 48(3) Colum. Hum. Rts. L. Rev. 77.
[369] The Law Dictionary, 'What is ADJUDICATION?' <https://thelawdictionary.org/adjudication/> accessed 16 July 2020.
[370] United Kingdom Human Rights Act 1998 (adopted 9 November 1998), s 6(3)(b).
[371] Soohoo (n 6) 260.

Another quasi-adjudicational enforcement mechanism with the potential of increasing the responsibility of Human Rights Cities is establishing an independent and accessible[372] committee or platform. This idea fits nicely in with the consumer complaints boards, patient injury boards, and anti-discrimination agencies that the UN Human Rights Council identified as possible ways of increasing the responsibility of Human Rights Cities.[373] Ideally, it would have the three-fold competence to impartially assess the citizens' complaints about alleged human rights violations, issue a non-binding[374] recommendation and follow up on those recommendations. Het College of the Netherlands and the City's Ombudsman of Montréal can be taken as an example. Moreover, the pressure would especially be exercised when the recommendations are published with the name of the violator as a sort of naming and shaming practice.[375] Another important aspect of success is that the application field for investigation cannot be too limited. Ideally, every possible actor and stakeholder is covered by the investigation practice (and thus also bound by the Human Rights City practice). Lastly, the aim should also be to identify some patterns and trends in the complaints that should enable the Human Rights City to address structural problems.[376] The idea of 'drafting specialised reports'[377], coined in, for example, Barcelona, seems worthy of being copied in other Human Rights Cities.

4.3 Non-adjudicational Enforcement Mechanisms

The term non-adjudicational enforcement mechanisms covers every practice in which no judgement or recommendation is given.

First, it is suggested to take the annual human rights report of Graz (AT) as a model. Publishing an annual report which points out problematic areas, gives recommendations, and checks whether there has been

[372] The rights the inhabitants have and the possibility of filing a complaint must be publicised.
[373] [37] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.
[374] See Starl (n 50) 208: 'A highly important issue is to clearly respect the boundary line of the judiciary. The monitoring can analyse the discourse and evaluate it with respect to human rights, but it can never make a decision whether statements made by politicians would be a breach of the law, which is the task of regular courts'.[374]
[375] Maria Antonia Tigre, '3 ideas for more accountable city governments' (GreenBiz, 11 December 2015) <https://www.greenbiz.com/article/3-ideas-more-accountable-city-governments> accessed 11 July 2020.
[376] See for example Principle 29 of UNHRC, 'UN Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) A/HRC/17/31 where this is also the aim.
[377] Ajuntament de Barcelona, 'Government Measure Barcelona City of Rights Programme. Actions of prevention and guaranteeing citizens' rights and actions to include a human rights-based approach in political policies' <https://www.eccar.info/sites/default/files/document/Measure%20Barcelona%20city%20of%20rights%20%28eng%29.pdf> accessed 10 July 2020.

acted upon those recommendations is a way of increasing the feeling of the Human Rights City it should take its Human Rights Commitment seriously.

Another possible non-adjudicational enforcement mechanism, which would suit the horizontally-organised networking Human Rights Cities the most, is increasing the participation of Human Rights Cities in city networks in which good practices are exchanged and peer-evaluation and -learning can take place.[378] This in turn could lead to a race to the top due to, on the one hand, incentives of keeping up with 'peers' and, on the other hand, getting inspiration, guidance, and intel on how things could be improved. Taking the participation in city networks even one step further could, for example, result in the city network developing a sort of performance index with as end result a ranking of Human Rights Cities.[379] In order to do this, reliable information, indicators, etc. would have to be available. It must also be stated that at the moment the most active Cities in these city networks are the ones that view Human Rights as a hard obligation for local governments[380], and are thus those that use either the good governance or the legal human rights discourse.

Lastly, when the instigators of the Human Rights City are local authorities, one already established non-adjudicational enforcement mechanism is the holding of regular and free direct local elections. Popular accountability can be deemed as quite effective seeing 'government officials who are accountable to voters are more likely to respond to citizens' demands than those who are not'.[381] One important condition is, however, that the Human Rights City is visible for the citizens living therein, so that that aspect can be taken into account when casting a vote. In, for example, Graz (AT) the results of a Survey of 2011 showed that a majority of the people did not even know Graz was a Human Rights City (let alone

[378] CoE, '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' (adopted 7 April 2014) <https://rm.coe.int/best-practices-of-implementation-of-human-rights-at-local-and-regional/168071aeed> accessed 9 May 2020, [66].
[379] CoE, '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' (adopted 7 April 2014) <https://rm.coe.int/best-practices-of-implementation-of-human-rights-at-local-and-regional/168071aeed> accessed 9 May 2020, [69].
[380] Durmus (n 21) 48: see for example the reference made to Gwangju regularly hosting the World Human Rights Cities Forum.
[381] International Council on Human Rights Policy, 'Local Government and Human Rights: Doing Good Service' (International Council on Human Rights Policy, 2005) <https://gsdrc.org/document-library/local-government-and-human-rights-doing-good-service/> accessed 11 June 2020; [13] of UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49.

what the concept entails).[382] Therefore, attaching much importance to engaging the participation of the citizens will play a large part in establishing direct local actions as an effective responsibility mechanism in keeping the local authorities to their promises.[383] Civil society could, for example, compare promises regarding human rights promotion that were made during elections with what officially has been decided after the elections.[384] Another important condition for increasing the number of voters casting an 'informed' vote would be offering curricula on human rights education. Even so, it must be stated that direct local actions do not offer any solace when the local authority does not have any or a big part to play in the practices of the Human Rights City.

5. Interim Conclusion

The last Chapter has aimed to deepen and accommodate all the insights of the study in order to improve the responsibility of Human Rights Cities for their human rights commitment. Ideally, every "responsibility mechanism" would combine and align monitoring and enforcement mechanisms. Some suggestions regarding specific monitoring and (quasi-)adjudicational and non-adjudicational enforcement mechanism were already made. Nonetheless, the non-exhaustive list of ten principles that should be taken into account at all times should be used as guidance when verifying what will and will not work for a specific Human Rights City. The responsibility mechanism will inevitably look different when, for example, civil society is the driving force and the local government is hardly involved. However, it is hoped that this study, and more specifically the last Chapter, can prove to be a useful starting point for more research by academia or for the Human Rights Cities already eagerly willing to "walk the walk".

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[382] Ingrid Nicoletti, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020.

[383] This has also been noted in the European Charter for the Safeguarding of Human Rights in the City. See Art. VIII(4) thereof: 'In keeping with the principle of openness and in accord with the legislative regulations of their respective countries, the cities organise their municipal governments and their mode of operation in such a way that they contain mechanisms which hold accountable both elected representatives and the municipal administration'.

[384] Maria Antonia Tigre, '3 ideas for more accountable city governments' (GreenBiz, 11 December 2015) <https://www.greenbiz.com/article/3-ideas-more-accountable-city-governments> accessed 11 July 2020.

CONCLUSION - Human Rights Cities: “Walking the Walk” or “Talking the Talk”?

In the context of widespread urbanisation and glocalization the importance and the potential of the local level in implementing Human Rights Law are being increasingly acknowledged, both at the international, regional and local levels, with the Human Rights City as one of its ramifications. Holding the local level, and more specifically the Human Rights City, responsible for its human rights commitment has, however, been largely ignored. Consequently, the purpose of this study was to examine how a Human Rights City could (and should) be held responsible for its human rights commitment. The scope of the study has also been limited to European Human Rights Cities (self-declared and non-self-declared) with a view to finding a more regional approach. Moreover, in order to adequately examine the overall research question, several sub-research questions were formulated and endeavoured to be answered.

First, the general ways by which urban actors translate human rights norms into specific courses of action were ascertained. Three discourses, namely the legal human rights discourse, the human rights discourse as good governance, and the moral human rights discourse, were found to exist. While the legal and good governance discourses were deemed to already be more inclined to focus on the enforcement side of human rights law, the moral discourse was found out not to be.

Subsequently, these three discourses provided a framework from which the concept of a “Human Rights City”, the objectives of Human Rights Cities and their general practices were researched and mapped out. The lack of a single, official definition of the no “one-size-fits-all” concept lies at the origin of the ample objectives and practices to be found in Human Rights Cities. Additionally, the inexistence of a formalised approach towards the establishment of monitoring or enforcement mechanisms was ascertained. The fact that the intensity and even the (in)existence of the practice of monitoring and enforcing the urban human rights policy seemed to depend on the chosen human rights discourse (which in turn relies on the willingness of the Human Rights City) led to the conclusion that the carrying of a “Human Rights City” label by a specific city cannot always be put at par with that city providing an adequate human rights protection, nor going the extra mile to deserve the “Human Rights City” label. The potential of the “Human Rights City” label to be used as a cover of an empty shelled urban human rights policy was especially established in the cases where the city had opted for a moral human rights

discourse. Nevertheless, even when cities opted for or combined the legal human rights discourse or good governance discourse, some flaws regarding the monitoring and enforcement mechanisms were still present. Hence, the current operation of Human Rights Cities, in some cases, appeared to bear witness to 'rhetoric without accountability', although a Human Rights City is expected to bring its human rights implementation to the next level (in comparison to "normal" cities).

Consequently, a twofold analysis took place. First, it was perused whether the international and regional levels provided some mechanisms to hold a Human Rights City responsible for not living up to its human rights commitment. This did not lead to any solace. The classic state-centred point of view, i.e. States having the primary responsibility to respect, protect, and fulfil human rights as the main addressees of human rights treaties, is still very much engraved. This in turn leads to the impossibility of holding the local level, as an own actor, responsible when lacking in human rights implementation. Two trends targeted at rethinking this classic state-centred position are currently entering the scene. However, the first one, to be found in e.g. documents of the UN Human Rights Committee, is too focused at trying to fit the local level in the already established system and mechanisms with its own flawed enforceability. The other trend, as witnessed in the New Urban Agenda and the 2030 Sustainable Development Agenda, is lacking teeth due to its non-legally binding nature (which means it must ultimately be supported by the indulgent will of the local level) and its tendency to focus more on the implementation and the monitoring of a human rights-based approach in the local policies. As the mechanisms at the international and regional levels currently rely a lot on the willingness of the local level to engage (some) responsibility, the second part of the analysis existed in assembling and scrutinising some good practices[385] of already existing Human Rights Cities exerting that willingness. Two essential components (with the first component being highlighted with a brighter colour) for a successful path towards holding Human Rights Cities responsible for their human rights commitment were identified, i.e. monitoring of the human rights policies and the linking of a consequence to a negative result after monitoring certain situations or after receiving a complaint issued by (an) inhabitant(s).

In the last Chapter, these insights were deepened and accommodated in order to improve the responsibility of Human Rights Cities for their human rights commitment. First, this study proposed to coin the term "responsibility mechanism", which ideally covers both monitoring mechanisms and

[385] Good practice was defined as 'something that has been tried and shown to work in some way with some indications of its efficiency – and that may, therefore, be used to influence practice elsewhere'.

enforcement mechanisms. Subsequently, in order to both conciliate the no "one-size-fits-all" structure of Human Rights Cities and underline the important factors which should be taken into consideration when developing a "responsibility mechanism" some general principles to be taken into account at all times were formulated. The list of general principles should be treated as a non-exhaustive departure point that has to be materialised by the Human Rights City itself when developing its responsibility mechanism(s). One of the principles that have to be taken into account is, for example, that the multi-dimensional and multi-actor aspects of the Human Rights City have to be facilitated.

However, this study has attempted to already concretise the abstract concept "responsibility mechanism" by providing some suggestions as to (inspiration sources for) both monitoring and (quasi-)adjudicational and non-adjudicational enforcement mechanisms. For instance, the NHRIs, as an independent place of human rights expertise, professionals in monitoring human rights situations and having got the legitimate and legal mandate from the national government, might prove to be a very useful ally of and role model for Human Rights Cities. Moreover, establishing independent and accessible committees or platforms with the three-fold competence to impartially assess the citizens' complaints about alleged human rights violations, issue non-binding recommendations, and follow up on those recommendations, is considered to be an example of a quasi-adjudicational enforcement mechanism with the potential of increasing the responsibility of Human Rights Cities. Increasing the participation of Human Rights Cities in city networks where good practices are exchanged and peer-evaluation and -learning can take place, is judged to be a non-adjudicational enforcement mechanism with a lot of potential. In the long term, it is hoped to facilitate a race to the top due to, on the one hand, incentives of keeping up with 'peers' and, on the other hand, getting inspiration, guidance, and intel on how things could be improved. The icing on the cake could be the development of a performance index that would result in a ranking of the Human Rights Cities. However, in order to make this a feasible option, a lot of information should be available and collected.

Conclusively, there is currently too much opportunity for Human Rights Cities to "talk the talk" and not "walk the walk". As there is no formalised approach towards the establishment of monitoring or enforcement mechanisms in the Human Rights Cities practice, the possibility of holding a Human Rights City responsible for its human rights commitment had to be found elsewhere. Nonetheless, the mechanisms at the international and regional levels were or too state-centred or too focused on the implementation and the monitoring of a human rights-based approach in the local policies to provide a

way of holding a Human Rights City responsible. There is, however, room to be quietly optimistic about the possibility of improvement, even when taking political feasibility into account. Good practices, and thus the will of specific Human Rights Cities to take on (some) responsibility for their human rights commitment, could already be identified. The last Chapter of this study, that, on the one hand, identified principles to be taken into account at all times, and, on the other hand, provided some specific suggestions regarding responsibility mechanisms, can prove to be a useful starting point for more research by academia regarding the responsibility of Human Rights Cities for their human rights commitment or for the Human Rights Cities already eagerly willing to "walk the walk".

Bibliography

Primary Sources

Legal Sources

INTERNATIONAL LEVEL

Conventions, Charters and Declarations

- Universal Declaration of Human Rights (adopted 10 December 1948) UNGA Res 217 A(III)
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171
- International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3
- The Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331
- The Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990)
- UCLG Committee on Social Inclusion, Participatory Democracy and Human Rights, 'Global Charter-Agenda for Human Rights in the City' (UCLG, October 2012) <https://www.uclg-cisdp.org/sites/default/files/CISDP%20Carta-Agenda%20Sencera_FINAL_1.pdf> accessed 8 June 2020

Resolutions

- UNGA, 'Principles relating to the Status of National Institutions (The Paris Principles)' (adopted 20 December 1993) A/RES/48/134
- UNGA, 'General Assembly resolution 64/161. National institutions for the promotion and protection of human rights' (adopted 12 March 2010) A/RES/64/161

- UNHRC, 'Resolution on Local Government and human rights' (adopted 26 September 2013) A/HRC/RES/24/2
- UNHRC, 'Resolution on Local Government and human rights' (adopted 25 September 2014) A/HRC/RES/27/4
- UNHRC, 'Resolution on Local government and human rights' (adopted 29 September 2016) A/HRC/RES/33/8
- UNHRC, 'Human rights in cities and other human settlements' (adopted 14 July 2017) A/HRC/RES/35/24

REGIONAL LEVEL

- CoE Portal, 'European Charter of Local Self-Government (Strasbourg, 15 October 1985)' <https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/090000168007a088> accessed 13 June 2020
- Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (adopted 22 July 2007) OJ 2007 L 53
  Charter of Fundamental Rights of the European Union (adopted 26 October 2012) OJ 2012 C 326/02
- UCLG Committee on Social Inclusion Participatory Democracy and Human Rights, 'the European Charter for the Safeguarding of Human Rights in the City' (UCLG, October 2012) <https://www.uclg-cisdp.org/sites/default/files/CISDP%20Carta%20Europea%20Sencera_baixa_3.pdf> accessed 8 June 2020

STATE LEVEL

- Austrian Federal Constitutional Law (Bundes-Verfassungsgesets – B – VG), BGB1. Nr. 1/1930 (WV) as amended by BGB1. I Nr. 194/1999 (DFB)
- United Kingdom Human Rights Act 1998 (adopted 9 November 1998)
- X, 'Agreement between the Republic of Austria and The United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the Establishment of the International Centre for the Promotion of Human Rights at the Local and Regional levels under the Auspices of UNESCO

(Category 2) in Graz (Austria)' <https://www.parlament.gv.at/PAKT/VHG/XXVII/I/I_00181/imfname_797027.pdf> accessed 17 July 2020

LOCAL LEVEL

- Graz, 'Menschenrechtserklärung' <https://www.graz.at/cms/beitrag/10284058/7771447/Menschenrechtserklaerung.html> accessed 12 June 2020
- Graz, 'Geschäftsordnung des Menschenrechtsbeirates der Stadt Graz vom 6. Juni 2007 idF vom 22.1.2019' <https://www.graz.at/cms/dokumente/10153819_7771489/7d8d4334/GeschaeftsordnungMRB_geaendert_Fassung22012019.PDF> accessed 6 August 2020
- Statut der Landeshauptstadt Graz 1967, LGBI. Nr. 130/1967 (VI. GPStLT EZ 393)
- *The Montréal Charter of Rights and Responsibilities* (adopted 20 June 2005, edited version adopted 15 May 2017)
- City of Montréal, 'By-Law concerning the Ombudsman' By-Law 02-146 as modified by by-laws 02-146-1 and 02-146-2 <https://ombudsmandemontreal.com/en/about-us/enabling-legislation> accessed 6 June 2020
- *The Mexico City Charter for the Right to the City* (adopted 13 July 2010)
- *Gwangju Declaration on Human Rights City* (adopted 17 May 2011 at the 2011 World Human Rights Cities Forum)
- Asia-Pacific Human Rights Information Center, 'Gwangju Human Rights Charter (2012)' <https://www.hurights.or.jp/archives/other_documents/section1/2012/05/gwangju-human-rights-charter-2012-Korea.html> accessed 13 June 2020
- *Declaration: Vienna – City of Human Rights* (December 2014) <https://www.wien.gv.at/english/social/integration/pdf/human-rights-declaration.pdf> accessed 20 June 2020
- *The Bandung Charter of a Human Rights City* (adopted 10 December 2015)

Documents

UNITED NATIONS

- Van Hout B (Regional Representative for Europe – UN Human Rights Office), 'Human Rights Cities: Theoretical and Practical overview' (United Nations Human Rights Office of the High Commissioner, 28 November 2019) <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2579&LangID=E> accessed 20 June 2020
- OHCHR, *Professional Training Series No. 7. Training Manual on Human Rights Monitoring* (United Nations 2001)
- OHCHR, 'Report on indicators for Promoting and Monitoring the Implementation of Human Rights' (adopted 11 May 2006) HRI/MC/2006/7 <https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=587&Lang=en> accessed 18 June 2020
- OHCHR, 'Report on indicators for Promoting and Monitoring the Implementation of Human Rights' (adopted 6 June 2008) HRI/MC/2008/3 <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/423/62/PDF/G0842362.pdf?OpenElement> accessed 18 June 2020
- OHCHR, *National Human Rights Institutions. History, Principles, Roles and Responsibilities* (United Nations New York and Geneva 2010)
- OHCHR, *Human Rights Indicators. A Guide to Measurement and Implementation* (United Nations 2012)
- OHCHR, 'City of Vienna: Human Rights Council resolution 39/7 on Local Government and Human Rights' (adopted 12 February 2019) <https://www.ohchr.org/Documents/Issues/LocalGvt//Local/20190212Vienna.pdf> accessed 20 June 2020
- OHCHR, '9th World Human Rights Cities Forum Gwangju, Republic of Korea 30 September 2019. Video statement by UN High Commissioner for Human Rights Michelle Bachelet' <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25084&LangID=E> accessed 7 July 2020

- OHCHR, 'Local Government and Human Rights' <https://www.ohchr.org/EN/Issues/LocalGovernment/Pages/Index.aspx> accessed 9 June 2020
- OHCHR, 'Achievements and Challenges of the Human Rights City Gwangju – Overview and Tasks of the Implementation of the Human Rights City Gwangju' <https://www.ohchr.org/Documents/HRBodies/HRCouncil/AdvisoryCom/LocalGvt/Gwangju%20Metropolitan%20City,%20Republic%20of%20Korea.pdf> accessed 6 July 2020
- OHCHR, 'Good Governance and Human Rights' <https://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/GoodGovernanceIndex.aspx#:~:text=Good%20governance%20and%20human%20rights%20are%20mutually%20reinforcing.,other%20political%20and%20social%20actors.&text=On%20the%20other%20hand%2C%20without,protected%20in%20a%20sustainable%20manner.> accessed 13 July 2020
- UN, 'New Urban Agenda' (23 December 2016) <http://habitat3.org/wp-content/uploads/NUA-English.pdf> accessed 3 July 2020
- UN, 'Transforming our world: The 2030 Agenda for Sustainable Development' <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> accessed 3 July 2020
- UN, 'The Sustainable Development Agenda' <https://www.un.org/sustainabledevelopment/development-agenda-retired/#:~:text=While%20the%20SDGs%20are%20not,achievement%20of%20the%2017%20Goals.> accessed 3 July 2020
- UN, 'The Sustainable Development Goals Report 2019' (UN, 2019) <https://unstats.un.org/sdgs/report/2019/The-Sustainable-Development-Goals-Report-2019.pdf> accessed 11 June 2020
- UNHRC, 'UN Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework' (2011) A/HRC/17/31
- UNHRC, 'Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee' (adopted 7 Augustus 2015) A/HRC/30/49
- UNHRC, 'Summary of the intersessional panel discussion on the role of local government in the promotion and protection of human rights – Report of the United Nations High Commissioner for Human Rights' (adopted 18 April 2018) A/HRC/38/22

- UNHRC, 'Draft guidelines for States on the effective implementation of the right to participate in public affairs' (adopted 20 July 2018) A/HRC/39/28
- UNHRC, 'Local government and human rights' (adopted 2 July 2019) A/HRC/42/22
- UN-Habitat, 'Volume 1: Human Rights in Cities Handbook Series. The Human Rights-Based Approach to Housing and Slum Upgrading' (OHCHR, 2017) <https://www.ohchr.org/Documents/Issues/Housing/InformalSettlements/UNHABITAT_HumanRights-BasedApproch.pdf> accessed 9 June 2020
- UN-Habitat, 'The Strategic Plan 2020-2023' <https://unhabitat.org/sites/default/files/documents/2019-09/strategic_plan_2020-2023.pdf> accessed 4 July 2020
- UN-Habitat, 'New Urban Agenda' <https://unhabitat.org/about-us/new-urban-agenda> accessed 3 July 2020
- UN-Habitat, 'About Us' <https://unhabitat.org/about-us> accessed 4 July 2020
- UNESCO, 'UNESCO and Human Rights' <https://en.unesco.org/human-rights> accessed 4 July 2020
- UNESCO, 'Social and Human Sciences' <https://en.unesco.org/themes/learning-live-together> accessed 4 July 2020
- UNESCO, 'International Coalition of Inclusive and Sustainable Cities – ICCAR' <https://en.unesco.org/themes/fostering-rights-inclusion/iccar> accessed 4 July 2020
- UNESCO, 'European Coalition of Cities against Racism' <https://www.eccar.info/members> accessed 4 July 2020
- UNESCO, '10 Points Action Plan' <https://www.eccar.info/10-point-action-plan> accessed 4 July 2020
- UNESCO, 'Welcome to ECCAR' <https://www.eccar.info/welcome-eccar> accessed 4 July 2020
- UNESCO, 'European Coalition of Cities against Racism' <https://www.eccar.info/sites/default/files/document/ECCAR%20basic%20information.pdf> accessed 4 July 2020
- UNESCO, 'European Coalition of Cities against Racism' <https://unesdoc.unesco.org/ark:/48223/pf0000145364> accessed 4 July 2020

- UNESCO, 'European Coalition of Cities against Racism (ECCAR) Regional Perspective Paper (September 2016)' <https://unesdoc.unesco.org/ark:/48223/pf0000246193> accessed 4 July 2020
- UNESCO, 'Toolkit for Equality. City Policies against Racism' <https://www.eccar.info/sites/default/files/document/0_Toolkit-en_Intro.pdf> accessed 4 July 2020
- UNESCO, 'Background paper prepared for the 2017/8 Global Education Monitoring Report' <https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE_Accountability_from_a_human_rights_perspective_2017_en.pdf> accessed 16 July 2020

INTERNATIONAL LEVEL

- International Council on Human Rights Policy, 'Local Government and Human Rights: Doing Good Service' (International Council on Human Rights Policy, 2005) <https://gsdrc.org/document-library/local-government-and-human-rights-doing-good-service/> accessed 11 June 2020
- ILC, 'Draft Articles on the Responsibility of States for Internationally Wrongful Acts with commentaries' (November 2001) UN DOC A/56/10
- PDHRE International Office and the three Regional PDHRE offices in Latin America, West Africa and Anglo Africa, 'Human Rights Learning and Human Rights Cities. Achievements Reports' (PDHRE, March 2007) <https://www.pdhre.org/achievements-HR-cities-mar-07.pdf> accessed 2 June 2020
- PDHRE, 'Global Human Rights Cities Program' <http://www.pdhre.org/hrcities-program.html> accessed 8 June 2020
- UCLG, 'The Global Agenda of Local and Regional Governments' <https://www.uclg.org/en/agenda/global-agenda-of-local-regional-governments> accessed 2 May 2020
- UCLG, 'Who we are' <https://www.uclg.org/en/organisation/about> accessed 13 June 2020
- UCLG, 'Building open, transparent, responsive and inclusive cities. White Paper on Transparency and Open Government. Urban 20 White Paper'

<https://opengov.uclg.org/sites/opengov.uclg.org/files/2019-02/U20_WP_Transparency_in_cities.pdf> accessed 11 July 2020

- UCLG Committee on Social, Inclusion, Participatory Democracy and Human Rights, 'Global Charter-Agenda for Human Rights in the City' <https://www.uclg-cisdp.org/en/right-to-the-city/world-charter-agenda> accessed 13 June 2020
- World Conference on Human Rights in Vienna, 'Vienna Declaration and Programme of Action' (adopted 25 June 1993) <https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf> accessed 11 June 2020

REGIONAL LEVEL

Europe

- CoE, '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' (adopted 7 April 2014) <https://rm.coe.int/best-practices-of-implementation-of-human-rights-at-local-and-regional/168071aeed> accessed 9 May 2020
- CoE, 'Promoting Human Rights at Local and Regional Level. The human rights dimension of the activities of the Congress of Local and Regional Authorities' (SPDP, March 2016) <https://rm.coe.int/168071b33b> accessed 6 June 2020
- CoE Portal, 'Congress of Local and Regional Authorities: Legal instruments and Reference texts' <https://www.coe.int/en/web/congress/achievements> accessed 13 June 2020
- The Congress of Local and Regional Authorities, 'Resolution 296 (2010) Revised. Role of local and regional authorities in the implementation of human rights' <https://rm.coe.int/the-role-of-local-and-regional-authorities-in-the-implementation-of-hu/168071907c> accessed 13 June 2020
- The Congress of Local and Regional Authorities, 'Developing indicators to raise awareness of human rights at local and regional level' (adopted 6 October 2011) <https://rm.coe.int/168071933b> accessed 23 June 2020
- European Web Site on Integration, 'Anti-discrimination Monitoring of Elections in Austria' <https://ec.europa.eu/migrant-integration/index.cfm?action=furl.go&go=/intpract/anti-discrimination-monitoring-of-elections-in-austria> accessed 20 June 2020

European Union

- FRA, 'Fundamental rights indicators' <https://fra.europa.eu/en/project/2011/fundamental-rights-indicators> accessed 9 June 2020
- FRA, 'Monitoring and evaluation' <https://fra.europa.eu/en/joinedup/tools/planning-monitoring-and-evaluation/monitoring-and-evaluation> accessed 9 June 2020
- FRA, 'Joined-up governance: connecting fundamental rights' <https://fra.europa.eu/en/project/2011/joined-governance-connecting-fundamental-rights> accessed 6 July 2020
- FRA, 'FRA and EU Committee of the Regions held a seminar on fundamental rights at local level' <https://fra.europa.eu/en/event/2010/fra-and-eu-committee-regions-held-seminar-fundamental-rights-local-level> accessed 6 July 2020
- European Committee of the Regions, 'About' <https://cor.europa.eu/en/about/Pages/default.aspx> accessed 5 July 2020
- De Schutter O, 'Strenghtening the Fundamental Rights Agency. The Revision of the Fundamental Rights Agency Regulation' (European Union, May 2020) <https://www.europarl.europa.eu/RegData/etudes/STUD/2020/653056/IPOL_STU(2020)653056_EN.pdf> accessed 17 July 2020

STATE AND LOCAL LEVEL

Austria

Graz

- Antidiskriminierungsstelle Steiermark, 'Antidiscrimination Office Styria' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/72108866/EN/> accessed 20 June 2020
- Antidiskriminierungsstelle Steiermark, 'Antidiscrimination Office – why?' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/74172408/EN/> accessed 10 July 2020

- Antidiskriminierungsstelle Steiermark, 'Meldeformular' <https://www.antidiskriminierungsstelle.steiermark.at/cms/ziel/74232723/DE/> accessed 31 July 2020
- Antidiskriminierungsstelle Steiermark, 'Navigation und Service' <https://www.antidiskriminierungsstelle.steiermark.at/> accessed 31 July 2020
- ETC Graz, 'Wir sind jetzt Zwei' <http://www.etc-graz.at/typo3/index.php?id=1137> accessed 6 August 2020
- Geschäftsstelle des Menschenrechtsbeirates, *Der Menschenrechtsbericht der Stadt Graz 2019* (RehaDruck, 2019)
- Graz, 'Geschäftsordnung des Menschenrechtsbeirates der Stadt Graz vom 6. Juni 2007 idF vom 22.1.2019' <https://www.graz.at/cms/dokumente/10153819_7771489/7d8d4334/GeschaeftsordnungMRB_geaendert_Fassung22012019.PDF> accessed 20 June 2020
- Graz, 'Mitglieder des Menschenrechtsbeirates der Stadt Graz (Stand Oktober 2019)' <https://www.graz.at/cms/dokumente/10153819_7771489/60c6ea8f/Mitglieder_MRBeirat_Stand_Oktober_2019.pdf> accessed 20 June 2020
- Graz, 'Human Rights Advisory Board in Graz' <https://www.graz.at/cms/beitrag/10153819/7771489/Menschenrechtsbeirat_in_Graz.html#> accessed 20 June 2020
- Graz, 'HRC-Folder' <https://www.graz.at/cms/dokumente/10284058_7771447/2975d1a7/HRC-Folder-eng-web.pdf> accessed 6 July 2020
- Nagl S and Benedek W, *Der Menschenrechtsbericht der Stadt Graz 2007* (Graz, 2008)
- Nicoletti I, Meier I, Starl K and Lappalainen P, *Toolkit for Equality: The Local Level – Mapping and Clustering of Policy Approaches* (ETC Graz, 2015)

Vienna

- City of Vienna, 'Human Rights Office of the City of Vienna' <https://www.wien.gv.at/english/social/integration/human-rights/office.html> accessed 20 June 2020

- Wien, 'Menschenrechtsbüro der Stadt Wien' <https://www.wien.gv.at/menschen/integration/menschenrechtsstadt/buero.html> accessed 31 July 2020

Netherlands

- College voor de Rechten van de Mens, 'College voor jou' <https://mensenrechten.nl/nl> accessed 10 June 2020
- College voor de Rechten van de Mens, 'Het nut van een oordeel' <https://mensenrechten.nl/nl/college-voor-jou> accessed 10 June 2020
- College voor de Rechten van de Mens, 'Onze Organisatie' <https://mensenrechten.nl/nl/onze-organisatie> accessed 10 June 2020

Amsterdam

- Gemeente Amsterdam, 'Amsterdam mensenrechtenstad' <https://www.amsterdam.nl/sociaaldomein/diversiteit/mensenrechtenstad/> accessed 12 June 2020
- Gemeente Amsterdam, 'Overzicht' <https://www.amsterdam.nl/> accessed 23 June 2020

Utrecht

- Gemeente Utrecht, *Mensenrechten in Utrecht. Hoe geeft Utrecht invulling aan internationale mensenrechtenverdragen?* (Gemeente Utrecht, 2011)

Spain

- Ajuntament de Barcelona, 'Government Measure Barcelona City of Rights Programme. Actions of prevention and guaranteeing citizens' rights and actions to include a human rights-based approach in political policies' <https://www.eccar.info/sites/default/files/document/Measure%20Barcelona%20city%20of%20rights%20%28eng%29.pdf> accessed 10 July 2020
- Ajuntament de Barcelona, 'Office for Non-Discrimination' <https://ajuntament.barcelona.cat/oficina-no-discriminacio/en/about-us> accessed 10 July 2020

- Ajuntament de Barcelona, 'Office of Religious Affairs' <https://ajuntament.barcelona.cat/oficina-afers-religiosos/en/about-us> accessed 10 July 2020

Sweden

- Swedish Association of Local Authorities and Regions, 'Human rights at the local and regional level. A platform for policy and operational development' <https://vng.nl/sites/default/files/hr-platform-salar.pdf> accessed 11 June 2020

United Kingdom

- Aberdeen City Council, 'Equality and Human Rights Impact Assessments' <https://www.aberdeencity.gov.uk/services/people-and-communities/equality-and-diversity/equality-and-human-rights-impact-assessments> accessed 7 July 2020
- Aberdeen City Council, 'Prejudice and discrimination reporting form' <https://www.aberdeencity.gov.uk/services/people-and-communities/equality-and-diversity/prejudice-and-discrimination-reporting-form> accessed 7 July 2020
- York - Human Rights City, 'Events for July 2020' <https://www.yorkhumanrights.org/events/> accessed 28 July 2020

Case Law

- *Reparation for Injuries Suffered in the Service of the United Nations* (Advisory Opinion) 1949 ICJ Rep. 174
- ECtHR, *Austrian Communes and Some of Their Councils v. Austria*, Appl. no. 5765/77, Judgment of 31 May 1974
- ECtHR, *Danderyds Kommun v. Sweden,* Appl. no. 52559/99, Judgment of 7 June 2001
- Appellate Court (*Oberlandesgericht,* OLG) Graz, judgment of 20 June 2009 (11 Bs 146/09t)

Secondary Sources

Books

- Benedek W, *Understanding Human Rights. Manual on Human Rights Education* (ETC Graz 2006)
- Benoît-Rohmer F and Klebes H, *Council of Europe Law. Towards a pan-European legal area* (Council of Europe Publishing 2005)
- Brunsma DL, Smith KI and Gran B, *Movements for Human Rights. Locally and Globally* (Taylor & Francis 2016)
- Grigolo M, *The Human Rights City. New York, San Francisco, Barcelona* (Routledge. Taylor & Francis Group 2019)
- Portmann R, *Legal Personality in International Law* (Cambridge University Press 2010)
- van den Berg E and Oomen B, *Mensenrechten en lokaal beleid. Handreiking voor beleidsmakers* (Platform 31 Den Haag 2014)
- van den Berg E and Oomen B (eds.), *Human Rights Cities: Motivations, Mechanisms, Implications – a case study of European HRCs* (University College Roosevelt 2015)
- Wouters J, Ryngaert C, Ruys T, De Baere G, *International Law. A European Perspective* (Hart Publishing 2019)

Contributions

- Benedek W, Oberleitner G and Starl K, 'Global Obligations – local action: how to develop the local level to strengthen human rights' in Hladschik P and Steinert F (eds), *Menschenrechten Gestalt und Wirksamkeit verleihen. Festschrift für Manfred Nowak und Hannes Tretter* (NWV Wien - Graz 2019) 127
- Buerger C, 'Contested advocacy. Negotiating between rights and reciprocity in Nima and Maamobi, Ghana' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 139

- Darling J, 'Defying the demand to 'go home'. From human rights cities to the urbanisation of human rights' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 121
- Davis MF, 'Cities, human rights and accountability. The United States experience' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 23
- Frassoni M, 'Accountability and Transparency in Bretton Woods Institution. Two Concrete Experiences' in Sciso E (ed), *Accountability, Transparency and Democracy in the Functioning of Bretton Woods Institutions* (Springer 2017) 251
- Frate B, 'The Montréal experience' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 64
- Goodale M, 'Locating Rights, Envisioning Law between the Global and the Local' in Goodale M and Merry SE (eds), *The Practice of Human Rights. Tracking Law between the Global and the Local* (Cambridge University Press 2007) 1
- Graham E, Gready P, Hoddy E and Pennington R, 'Human rights practice and the city. A case study of York (UK)' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 179
- Grigolo M, 'Towards a sociology of the human rights city. Focusing on practice' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 276
- Grigolo M, 'Towards a Sociology of the Human Rights City – Focusing on Practice' in Davis MF, Gammeltoft Hansen T and Hanna E (eds), *Human Rights Cities and Regions. Swedish and International Perspectives* (Raoul Wallenberg Institute 2017) <https://rwi.lu.se/app/uploads/2017/03/Human-Rights-Cities-web.pdf> accessed 2 June 2020, 1
- Kagan RA, 'How Much Do National Styles of Law Matter?' in Kagan RA and Axelrad L (eds), *Regulatory Encounters. Multinational Corporations and American Adversarial Legalism* (University of California Press 2000) 1
- Neubeck KJ, 'In a state of becoming a human rights city. The case of Eugene, Oregon' in Oomen B, Davis MF and Grigolo M(eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 237
- Oomen B and Baumgärtel M, 'Human Rights Cities' in Mihr A and Gibney M (eds), *the Sage Handbook of Human Rights* (Sage 2014) 709

- Oomen B, 'Introduction: The promise and challenges of human rights cities' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 1
- Sánchez Rodríguez AM, 'The right to the city in Mexico City. The Charter' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 220
- Soohoo C, 'Human Rights cities. Challenges and possibilities' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 257
- Starl K, 'Human Rights and the City: Obligations, Commitments and Opportunities. Do Human Rights Cities Make a Difference for Citizens and Authorities? Two Case Studies on the Freedom of Expression' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 199
- van den Berg E, 'Making human rights the talk of the town. Civil society and human rights cities, a case study of the Netherlands' in Oomen B, Davis MF and Grigolo M (eds), *Global Urban Justice: the Rise of Human Rights Cities* (Cambridge University Press 2016) 44
- Yu DC, 'The Long and Influential Life of the Universal Declaration of Human Rights' in Brown G (ed), *The Universal Declaration of Human Rights in the 21st Century* (Open Book Publishers 2016) 29

Articles

- Blank Y, 'Localism in the New Global Legal Order' (2006) 74(1) Harv Int'l LJ 263
- Blank Y, 'The City and the World' (2006) 44 Colum J Transnat'l L 875
- Cavill S and Sohall M, 'Accountability in the provision of urban services' [2003] Municipal Engineer 235
- Collingsworth T, 'The Key Human Rights Challenge: Developing Enforcement Mechanisms' (2002) 15 Harv Hum Rts J 183
- Darling J, 'Moral urbanism, asylum, and the politics of critique' (2013) 45 Environment and Planning A 1785
- Davis MF, 'Design Challenges for Human Rights Cities' (2017) 49 Colum Hum Rts L Rev 27

- Davis MF, 'Scoping the new urban human rights agenda' [2019] J. Leg. Plur. Unoff. Law 260
- Durmus E, 'A typology of local governments' engagement with human rights: Legal pluralist contributions to international law and human rights' (2020) 38(1) NQHR 30
- Frug GE, 'The City as a Legal Concept' (1980) 93(6) Harvard Law Review 1059
- Gomes da Silva K, 'The new urban agenda and human rights cities: Interconnections between the global and local' (2018) vol 36(4) NQHR 290
- Grigolo M, 'Human rights and cities: the Barcelona Office for Non-Discrimination and its work for migrants' (2010) 14 J. Hum. Rights 896
- Grigolo M, 'Local Governments and Human Rights: Some Critical Reflections' (2018) Colum HRL Rev 67
- Hannum H, 'The Status of the Universal Declaration of Human Rights in National and International Law' (1995) 25 Ga J Int'L & Comp L 287
- Kalb J, 'The State of the City and the Future of Human Rights: A Review of Global Urban Justice' [2017] 48(3) Colum. Hum. Rts. L. Rev. 75
- Lee A, 'The "Right to the City" and the "Human Rights City" in Asia' [2019] Monografías CIDOB 63
- Lozner SL, 'Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative' (2004) 104 Colum L Rev 768
- Marcenko M, 'International assemblage of the security of tenure and the interaction of city politics with the international normative discourse' (2019) 51 J. Leg. Plur. Unoff. Law 151
- Marx A, Hachez N, Meuwissen K, Schmitt P, Jaraczewski J, Lewis TN, Raube K, Roszak J, Starl K, Taramundi D, Tuovinen A and Weatherburn A, 'Localizing Fundamental Rights in the European Union: What is the Role of Local and Regional Authorities, and How to Strengthen It?' (2015) 7(2) J. Hum. Rights Pract. 246
- Merry SE, 'Transnational Human Rights and Local Activism: Mapping the Middle' (2006) 1 American Anthropologist 38
- Merry SE, Serban Rosen M, Levitt P and Yoon DH, 'Law From Below: Women's Human Rights and Social Movements in New York City' (2010) 44 Law & Society Review 101
- Meyer A, 'Local Governments & Human Rights Implementation: Taking Stock and a Closer Strategic Look' [2009] Pace diritti umani 7

- Miellet S, 'Human rights encounters in small places: the contestations of human rights responsibilities in three Dutch municipalities' [2019] J. Leg. Plur. Unoff. Law 213
- Oomen B and van den Berg E, 'Human Rights Cities. Urban Actors as Pragmatic Idealistic Human Rights Users', (2014) 2 HRILD 160
- Oomen B and Baumgärtel M, 'Frontier Cities: The rise of Local Authorities as an Opportunity for International Human Rights Law' (2018) 29 EJIL 607
- Oomen B and Durmus E, 'Cities and plural understandings of human rights: agents, actors, arenas' (2019) 51 J. Leg. Plur. Unoff. Law 141
- Roodenburg L, 'Urban approaches to human rights: tracking networks of engagement in Amsterdam's debate on irregular migration' (2019) 51 J. Leg. Plur. Unoff. Law 192
- Tigre MA, '3 ideas for more accountable city governments' (GreenBiz, 11 December 2015) <https://www.greenbiz.com/article/3-ideas-more-accountable-city-governments> accessed 11 July 2020

Miscellaneous

Internet Sources

- Anna Lindh Foundation, 'Helping Hads Graz/project Anti-Discrimination Office Styria' <https://www.annalindhfoundation.org/members/helping-hands-grazproject-anti-discrimination-office-styria> accessed 10 July 2020
- Ardigó IA, 'Local government accountability mechanisms' <https://www.u4.no/publications/local-government-accountability-mechanisms> accessed 17 July 2020
- Bailloux M, 'Graz, City of Human Rights in Europe or the Right to a "Human City" in Europe?' (Citego, 2009) <http://www.citego.org/bdf_fiche-document-1466_en.html> accessed 20 June 2020
- Blatter J, 'Glocalization' (Britannica, 21 May 2013) <https://www.britannica.com/topic/glocalization> accessed 2 June 2020
- Castiglione D, 'Accountability' (Britannica, 20 October 2012) <https://www.britannica.com/topic/accountability> accessed 13 July 2020

- Centre for the Promotion of Human Rights at the Local and Regional Levels, 'Agreement between the Republic of Austria and UNESCO' (9 July 2020) <http://www.humanrightsgolocal.org/2020/07/09/agreement-between-the-republic-of-austria-and-unesco/> accessed 17 July 2020
- Columbia Law School Human Rights Institute, 'Closing the Gap: The Federal Role in Respecting & Ensuring Human Rights at the State and Local Level. Response to the Fourth Periodic Report of the United States to the United Nations Human Rights Committee' (Columbia Law School, August 2013) <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/State%20and%20Local%20Shadow%20Report%20%28ecopy%29.pdf> accessed 6 June 2020
- Columbia Law School Human Rights Institute, 'Using Human Rights Assessments in Local Governance. A Toolkit for State and Local Human Rights and Human Relations Commissions' <https://web.law.columbia.edu/sites/default/files/microsites/human-rights-institute/files/iaohra_toolkit_9.11.14_reduced.pdf> accessed 8 July 2020
- Connective Cities, 'Good Urban Governance' <https://www.connective-cities.net/en/topics/good-urban-governance> accessed 11 July 2020
- De Feyter K, 'Discussion Paper Localizing Human Rights' (UA IOB, January 2006) <https://repository.uantwerpen.be/docman/irua/ab5f01/a7de0e20.pdf> accessed 9 June 2020
- Donoho DL, 'Human Rights Enforcement in the Twent-First Century' (NSUWorks, 2006) <https://core.ac.uk/download/pdf/51072223.pdf> accessed 14 July 2020
- ENNHRI, 'About National Human Rights Institutions' <http://ennhri.org/about-nhris/#upr-recommendations> accessed 18 July 2020
- EYA, 'Human Rights Advisory Council of the City of Graz' <https://eu-youthaward.org/partner/human-rights-advisory-council-of-the-city-of-graz/> accessed 10 July 2020
- Grigolo M, 'Building the 'City of Rights': The Human Rights Policy of Barcelona' in United Cities and Local Government (ed), *Inclusive Cities Observatory* (UCLG, 2011) <https://www.uclg-cisdp.org/sites/default/files/Barcelona_2010_en_final_0.pdf> accessed 24 June 2020
- Gwangju City, 'Major Policies and Systems of Gwangju as a Human Rights City' <https://webcache.googleusercontent.com/search?q=cache:A7RFXc2NIRoJ:https://www.ohchr.

org/Documents/Issues/LocalGvt//Local/20190222Gwangju.docx+&cd=2&hl=nl&ct=clnk&gl=be> accessed 17 July 2020

- Humanrightscity, 'The Human Rights City Project. Eugene, Oregon' <http://www.humanrightscity.com/faq/what-is-the-eugene-human/> accessed 8 July 2020
- Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on 'Human Rights Cities – Introduction to Human Rights Cities' 12 June 2020
- Human Rights Cities Network, EU Fundamental Rights Agency and the Global Campus of Human Rights, 'Webinar Series on Human Rights Cities – Human Rights Cities and Universities: Opportunities and Challenges' 19 June 2020
- Human Rights Commission Cayman Islands, 'Human Rights Principles' <http://www.humanrightscommission.ky/human-rights-principles> accessed 11 June 2020
- Lokale Agenda, 'Agenda Innere Stadt' <https://www.agendainnerestadt.at/kalender/-2210.html> accessed 10 July 2020
- Marks SP, Modrowski KA and Lichem W, 'Human Rights Cities. Civic Engagement for Societal Development' (PDHRE, 2008) <https://pdhre.org/Human_Rights_Cities_Book.pdf> accessed 7 June 2020
- Nicoletti I, 'Session V: Implementing and measuring impact – Concrete results of Human Rights Work' <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804941ba> accessed 20 June 2020
- Nijman J and Oomen B, '*Call for Papers.* Urban politics of human rights' <https://www.asser.nl/media/679406/cfp-urban-politics-of-human-rights.pdf> accessed 22 June 2020
- Oomen B, 'The Next Step: Coupling City-zenship to Human Rights' (Verfassungsblog, 28 January 2020) <https://verfassungsblog.de/the-next-step-coupling-city-zenship-to-human-rights/> accessed 19 May 2020
- Rights For Change, 'Human Rights Impacts' <http://rights4change.org/index.php?id=5> accessed 7 July 2020
- Rights For Change, 'DOVA' <http://rights4change.org/index.php?id=22> accessed 7 July 2020
- Rights For Change, 'The RighT Guide' <http://rights4change.org/index.php?id=21> accessed 7 July 2020

- Rights For Change, 'HeRWAI: Why HeRWAI?' <http://rights4change.org/index.php?id=19> accessed 7 July 2020
- Roodenburg L, 'Human Rights Cities: What do they have in common?' (Asser, 3 October 2019) <https://www.asser.nl/global-city/news-and-events/human-rights-cities-what-do-they-have-in-common/> accessed 19 May 2020
- Sustainable Development Goals, 'Goal 11: Make cities inclusive, safe, resilient and sustainable' <https://www.un.org/sustainabledevelopment/cities/> accessed 11 June 2020
- The Law Dictionary, 'What is Responsibility?' <https://thelawdictionary.org/responsibility/> accessed 13 July 2020
- The Law Dictionary, 'What is ADJUDICATION?' <https://thelawdictionary.org/adjudication/> accessed 16 July 2020
- UN, 'The Foundation of International Human Rights Law' <https://www.un.org/en/sections/universal-declaration/foundation-international-human-rights-law/index.html#:~:text=International%20human%20rights%20law%20lays,States%20are%20bound%20to%20respect.&text=The%20obligation%20to%20protect%20requires,enjoyment%20of%20basic%20human%20rights.> accessed 11 July 2020
- van den Berg E, 'Mensenrechtensteden' <https://leiden.amnesty.nl/attachments/article/176/Presentatie%20Esther%20van%20den%20Berg%20-%20Mensenrechtensteden.pdf> accessed 10 June 2020
- Vibor Jensen S, 'Human Rights Cities in Indonesia: A case study of diverse approaches in Bandung City and Wonosobo Regency' (Lund University Publications, May 2019) <http://lup.lub.lu.se/luur/download?func=downloadFile&recordOId=8975782&fileOId=8979819> accessed 2 June 2020

Press Articles

- Bruemmer R, 'Montreal ombudsman Johanne Savard retiring after 16 years' (Montreal Gazette, 19 November 2019) <https://montrealgazette.com/news/local-news/montreal-ombudsman-johanne-savard-retiring-after-16-years> accessed 16 July 2020
- C40 Blog, 'From Paris To Quito, Mayors Are Leading On Our Sustainable Future' (C40 Cities, 14 October 2016) <https://www.c40.org/blog_posts/from-paris-to-quito-mayors-are-leading-on-our-sustainable-future> accessed 23 June 2020

- Darusman M, ‘Indonesian mayor unveils new concept for human rights cities at Asian-African Conference’ (Business & Human Rights Resource Centre, 2015) <https://www.business-humanrights.org/sites/default/files/documents/042603SC%20B%26HR%20Art%20%20Version%203-%20Draft%203.pdf> accessed 6 June 2020
- ORF.at, ‘Menschenrechtsbüro: Noch wenig Konkretes’ (26 July 2015) <https://wien.orf.at/v2/news/stories/2722357/> accessed 10 July 2020
- WHRCF, ‘Gwangju a Human Rights City’ <http://www.whrcf.org/E_p1300.php> accessed 7 July 2020
- Wigle J and Zárate L, ‘Mexico City Creates Charter for the Right to the City’ (PN, 2014) <https://www.plannersnetwork.org/2010/07/mexico-city-creates-charter-for-the-right-to-the-city/> accessed 7 June 2020
- World Economic Forum, ‘The New Urban Agenda has been formally adopted. So what happens next?’ <https://www.weforum.org/agenda/2016/11/last-month-a-new-global-agreement-to-drive-sustainable-urban-development-was-reached-so-what-is-it-and-happens-next/#:~:text=While%20Habitat%20III%20reinvigorated%20the,binding%20and%20merely%20provides%20guidance.&text=This%20includes%20policy%2Dmaking%2C%20planning,and%20delivery%20of%20urban%20services.> accessed 3 July 2020