



Human rights on the local and regional level

A PLATFORM FOR POLICY AND OPERATIONAL DEVELOPMENT



Swedish Association
of Local Authorities
and Regions

Introduction

In 2014, the Swedish Association of Local Authorities and Regions (SALAR) entered into a three-year agreement with the Swedish Government to increase efforts relating to human rights by municipalities and regions. This agreement was extended in the summer of 2017. These efforts include educational projects regarding human rights, as well as initiatives to integrate human rights into the work of governing and administering Swedish municipalities and regions.

A good deal of important and beneficial work taking place in municipalities and regions has a direct bearing on human rights, even though it is not specifically labelled as such. This includes active initiatives being taken as the Sustainable Development Goals (SDGs). An important emphasis of the SDGs is the advancement of human rights.

In order to express what human rights practically means in a Swedish local and regional context, SALAR has formulated a policy and operational development platform. Our intention is for this platform to function as a basis and tool that can be used by elected and administrative officials to increase their efforts in the area of human rights on the local and regional level. In March 2017, the Board of SALAR adopted the platform.

We would like to express our gratitude to the researchers, elected officials, and administrative personnel who contributed in various ways to formulating this document, which will play an important role in continued human rights efforts on the local and regional levels in Sweden. Now that this platform has been used for more than a year, we are issuing a new and revised version.

We hope that this will serve as both inspiration and practical guidelines for these efforts.

Stockholm, June 2019

A handwritten signature in black ink, appearing to read 'Anders Knappe', written in a cursive style.

Anders Knappe

Chairperson

Swedish Association of Local Authorities and Regions

Human rights in Swedish municipalities and regions

By ratifying regional and international conventions, Sweden has undertaken to respect, protect and promote human rights.

FIGUR 1. Human Rights from the global to the local level



Globally, there are the various United Nations human rights conventions, as well as SDGs. SDGs, which is based on the United Nations Declaration of Human Rights, is an action plan by the United Nations intended to provide guidance to national, regional and local initiatives for a sustainable future. One of the main purposes of the SDGs is to fulfil human rights. No one should be left behind, and everyone should be involved in issues that affect their lives. This means that working with the SDGs also entails working with human rights.

In Europe, there are several regional agreements and fundamental rights. For example, the countries belonging to the Council of Europe have adopted the Convention for the Protection of Human Rights and Fundamental Freedoms, which is recognized as part of the Swedish constitution. In addition, there is the Charter of Fundamental Rights of the European Union, which is part of Sweden's commitment to the European Union.

Swedish law, through constitutional laws, the Local Government Act and specific legislation, regulates how these commitments are to be implemented on the national level. Examples of Swedish legislation that relates to human rights are the various rights and freedoms guaranteed by the constitution, the rules governing political offices found in the Local Government Act, the Administrative Procedure Act, which, inter alia, regulates the exercise of government power, and specific laws, such as the Patient Act, Anti-Discrimination Law, Social Services Act and the School Act.

No one should be left behind, and everyone should be involved in issues that affect their lives.





Municipalities and regions play an important role in Swedish society as they involve places and organizations where human rights must be respected, protected and promoted on a daily basis in areas as disparate as water supply, public transport, maternity care and elementary and lower secondary school.

- › Rights are **respected** when national and local authorities actively work to protect the rights of every individual and ensure that no one's human rights are violated.

For example, municipalities and regions are obligated to ensure that pupils are given equal opportunities to gain an education, or that patients are given equal access to health care.

- › Rights are **protected** when national and local authorities ensure that other people do not violate an individual's rights, or otherwise prevent anyone from exercising or accessing their human rights.

For example, municipalities and regions are obligated to ensure that there is high-quality health care and eldercare in order to ensure individuals the right to the best possible health. We must also have routines in place to monitor and take action in the event of violations and harassment in our workplaces.

- › Rights are **promoted** when national and local authorities work systematically to fulfil human rights.

For example, municipalities and regions are obligated to ensure students don't insult or bully each other in school, and that our contractors provide good working conditions for their employees.

Purpose and target group


This platform aims to highlight what policy-makers in municipalities and regions need to do in order to enhance their systematic work on human rights, as described in the regional and international conventions. It should be viewed as a development tool and a basis for policy and operational development.

Method

As countries have different ways of organising society, it is important to adapt the implementation of their international commitments to the conditions existing in each country. It is therefore important to discuss and adapt the implementation of human rights to a Swedish local and regional context.

To ensure the content of the platform, SALAR has collaborated with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), in Lund. Together with RWI, SALAR called Swedish and international researchers, practitioners, elected officials, and representatives of civil society to a three-day conference. The goal was to determine what are the characteristics of a Swedish municipality or region that has as its goal to promote human rights as part of its various functions. Ahead of this conference, the researchers wrote scientific articles relating to the theme of “What characterizes a human rights city and a human rights region?” Civil society representatives wrote articles relating to the same theme. In addition, the RWI conducted interviews with representatives of municipalities of and regions. The platform has subsequently been discussed in various contexts, and compared with various international conventions, as well as a large number of global and local charters.

In 2018, the platform was presented, discussed and tested, and this has contributed to a revision being made in the spring of 2019.



It is therefore important to discuss and adapt the implementation of human rights to a Swedish local and regional context.

This means that everyone working in municipalities and regions must trust in the ability of each person.

A municipality and region for everyone

Every person is entitled to human rights. These apply without any distinction between people, based on factors such as sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation, age.

For this reasons, the term, “citizen” meaning a member of society, is used as a collective term for all persons who reside, work, stay in, or are affected by the municipality or region in question.

The inherent dignity and inviolability of each person is the very core of the philosophy that forms the basis for human rights. This means that everyone working in municipalities and regions must trust in the ability of each person. Every action done on behalf of a person should contribute to empowering that person and giving him or her a feeling of control over their own situation.





This publication sometimes uses the terms “rights holder” and “obligation holder”. We are all rights holders. In relation to municipalities and regions, rights holders may be pupils, or persons that seek care, or participants in various activities, persons who are affected by decision, those who are involved in, or reside in the vicinity of, an activity, as well as employees, in relation to an employer. Obligation holders are all the elected officials, senior functionaries and employers. These are the people who have an obligation to ensure that every rights holder is accorded the human rights to which that person is entitled.

Obligation holders are all the elected officials, senior functionaries and employers.

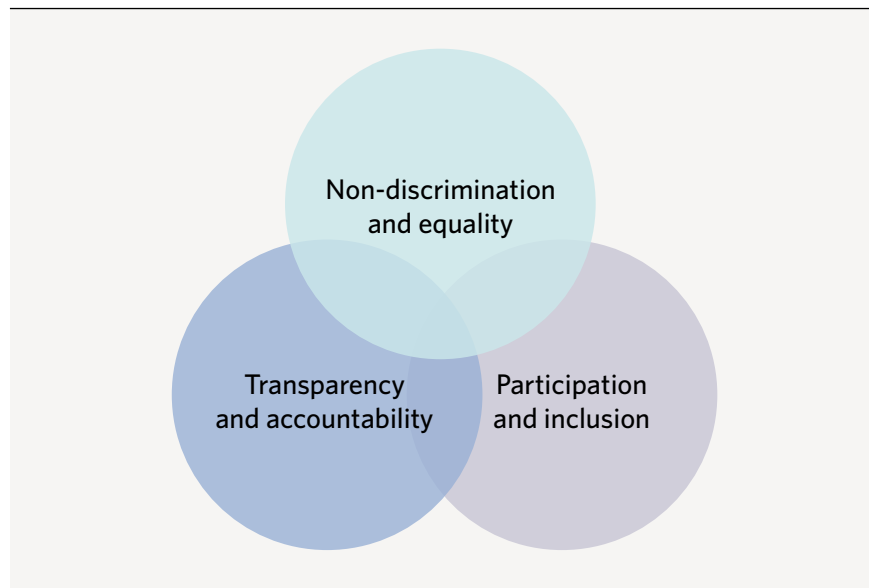


Toward a more systematic effort for human rights in Swedish municipalities and regions

Human rights are universal and no one may be deprived of them. They are also mutually dependent on each other and inalienable, that is to say, they should not be ranked or addressed in isolation. According to the United Nations, a rights-based method of working should be permeated by three principles. These principles describe how we should work with everything from analysis and planning to implementation and monitoring.

Human rights are universal and no one may be deprived of them.

FIGUR 2. The three principles



The right not to be discriminated against is a central theme in all conventions relating to human rights.

The three principles are:

- 1. Non-discrimination and equality** – Municipalities and regions are obligated to create equal opportunities for everyone to take advantage of rights such as the right to an education, the best possible health, a residence, freedom of speech and more. The right not to be discriminated against is a central theme in all conventions relating to human rights. No person or group should be insulted, treated worse than anyone else, or be subjected to rules that exclude a group. An exception is made for rules intended to strengthen the rights of previously marginalized individuals. It is important to remember that various groups are not homogenous. Individuals differ and must always be approached according to their individual conditions.
- 2. Participation and inclusion** – The rights holders must be included in all work that municipalities and regions undertake, such as surveys, analyses, planning, implementation and follow-ups. Participation makes it possible for individuals and groups particularly affected by planning, decisions or the like to take part in, and influence, the work. Participation is both a human right and a basis for efficient operations that are structured according to the actual needs of the rights holders.
- 3. Transparency and accountability** – In order to know whether, and if so how, public authorities work on guaranteeing human rights, there is a need for transparency in policy-making processes and decisions. There must be a clear indication of who is responsible for the fulfilment of human rights, so that the rights holders can demand their human rights. Who, for example, made the decision, in question, and how does one go about appealing the decision? Whom should I contact? There must also be operational transparency so that it is possible to discover any violations of human rights.



A rights-based approach enables municipalities and regions to fulfil the SDGs to a greater extent.

Characteristics of a rights-based approach

These three principles should permeate all that a municipality or region does. Each municipality or region must decide on its own how this should be done in the best way, based on its unique local conditions. Rights-based work is not a kind of additional task, over and above that is done in municipalities and regions. It is part of the basic functions, and a clarification of the commitments that are governed by the Instrument of Government, the Administrative Procedure Act, Local Government Act, Discrimination Act and specific legislation.

A rights-based approach enables municipalities and regions to fulfil the SDGs to a greater extent.

It is especially important that municipalities and regions ensure that:

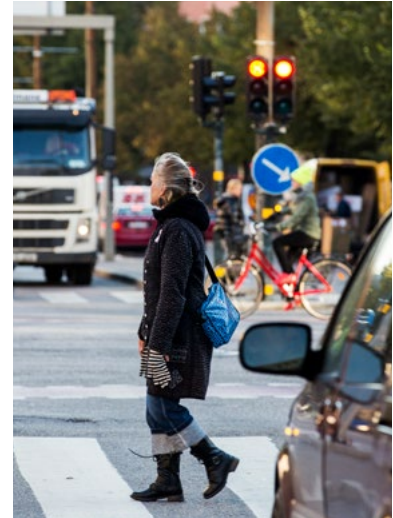
- Elected officials, functionaries, citizens and civil society are knowledgeable and aware of human rights.
- Human rights are integrated in formal guidelines, routines and activities, so as to increase the respect, protection and promotion of human rights.
- Dilemmas and possible conflicts are identified and highlighted in the context for fulfilment of various rights.
- Human rights are respected, protected and promoted when entering into municipal contracts and other legally-binding agreements.
- Appropriate routines are developed and put in place so that results are monitored and communicated on a regular basis.
- Cooperation should focus on rights holders within and between municipalities and regions, as well as in connection with other government authorities, the private sector, civil society and others.

Human Rights Cities around the world

A number of cities around the world have labelled themselves Human Rights Cities, for example, Lund in Sweden, Graz and Vienna in Austria, York in the United Kingdom, Utrecht and Middelburg in the Netherlands, Montreal in Canada and Eugene in the United States. There is no international standard for Human Rights Cities. The initiative for a city to designate itself as a Human Rights City has also been taken by various types of stakeholders, for example, representatives of civil society or individual public officials. The resulting processes have, therefore, also differed, including everything from long-term processes with broad participation to rapid political decisions made by a mayor.

The commitment to becoming a Human Rights City has subsequently been used locally as a basis for governance and management, organisational and/operational development, dialogue with citizens, associations and the private sector. In those cities where the elected leadership has taken this commitment seriously, the results on the part of the cities have included increased attractiveness as an employer and as a location for business start-ups, as well as greater trust between citizens, as well as between citizens and authorities.

Regardless of whether or not there is an intent to formally undertake to become a Human Rights municipality or a Human Rights region, human rights efforts in Sweden need to be concretized and systematized if they are to permeate organizations and operations. This platform can therefore be used regardless of whether or not a municipality or region has made this kind of commitment.



A platform for policy and operational development

These four roles serve as a basis for the chapters of this platform.

In Sweden, representative democracy serves as a basis for local and regional decision-making. In order to ensure short-term and long-term welfare, municipalities and regions have been given a number of different roles. They are societal actors, democracy actors, welfare actors and employers. These four roles serve as a basis for the chapters of this platform. Under each heading, there is a short introduction that is followed by important characteristics of a municipality or region that decides to enhance its systematic efforts with regard to human rights. As a complement to this platform, there are a large number of examples that have been compiled in order to concretize the rights-based approach.



The role as a societal actor

The municipality or region encompasses a demarcated geographical area in which they assume a role as societal actors. City planning, attracting new businesses, public transport, infrastructure investments, waste disposal and planning for sustainable development all have consequences that affect the human rights of the residents.

When the intent is to have human rights permeate a municipality or region, it is important that people are aware of their rights, respect the rights of others and know how to demand these rights. This applies to everyone living, working and being active in the municipality or region.

People are entitled to be involved in decisions that affect them. These can be decisions that relate to policies, prioritizations, measures or interventions. It is especially important to ensure that under-represented groups are heard on equal terms to everyone else, and that the United Nations Convention on the Rights of the Child is received as law in Sweden, thus underscoring the importance of involving children and young people.

As a societal actor, each municipality or region is responsible for:

1. Contributing to making all public premises and public places accessible and available to all.
2. Ensuring that all citizens feel safe, as well as combatting all types of discrimination and hate crimes.
3. Using its best efforts to plan, build and invest based on the economic, social and cultural situation of all citizens, paying particular attention to underrepresented groups.
4. Taking into account the future of current and future generations and, therefore, using its best efforts to address the social and environmental factors that encroach on the enjoyment of human rights, such as noise, water and air pollution.
5. Contribute to the ability of everyone to practice their own religion.
6. Strive for reduced residential segregation.
7. Create independent structures that will enable employees to complain if anyone's human rights are being violated.

REMEMBER

All three of these human rights principles should permeate all activities.

Human rights are protected in Sweden primarily in three constitutional laws.

The role as a democracy actor

In order for municipalities and regions to be able to maintain and preserve a democratic society, it is crucial that human rights are promoted. Human rights are protected in Sweden primarily in three constitutional laws. These are the Instrument of Government, the Freedom of the Press Act and the Fundamental Law on Freedom of Expression. The Instrument of Government provides that public power must be exercised with respect to the equal value of every person, and the freedom and dignity of every individual. The Instrument of Government also includes the European Convention on Human Rights, in its entirety.

In Sweden, local and regional representative democracy is based on political parties. Citizens, voting in free, public and secret elections, hold parties responsible for previous political decisions and determine the party that shall represent them until the next election. Ensuring human rights requires a long-term political commitment that transcends party and political boundaries.



It is, therefore, essential for local and regional democracy that processes be created that foster trust in representative democracy and elected officials, and help to create a society built on trust between individuals and groups. Clearly defined and long-term efforts for human rights can increase commitment and participation in the structuring of society.

As a democracy actor, each municipality or region is responsible for:

1. Ensuring the mechanisms of representative democracy, such as freedom of opinion, freedom of association and assembly, universal and secret elections, the right of participation.
2. Communicating information in a way that will make it accessible and available to all.
3. Having a structure in place enabling the open auditing of their decision-makers.
4. Viewing the knowledge and experience of citizens as a resource in the development of the local community.
5. Developing and supporting an elected leadership that contributes to having human rights permeating both the structure and culture of the municipality and region.
6. Contributing to conflict resolution in difficult and complex problems in society.
7. Creating the opportunity for all citizens to report incidents in which they find their rights to be violated.
8. Contributing to creating meeting places for people with different backgrounds.
9. Ensuring that all elected officials have a knowledge and understanding of how human rights impact their own roles.

REMEMBER

All three of these human rights principles should permeate all activities.

It is important to understand that the financial, social and cultural rights are not absolute.

The role as a welfare actor

In Sweden, the municipalities and regions play an important role in terms of the implementation of UN conventions concerning economic, social and cultural rights. These include the right to health, education, housing and work.

How these rights are to be realised in practice is subject to local and regional political decisions. Sometimes there appear to be conflicts between the goal of fulfilling human rights, and the limited resources allocated to do so. It is important to understand that the financial, social and cultural rights are not absolute, but is rather often formulated as a mission to promote a right, and optimally use the available resources. Human rights in this respect serve as an important basis for proactive work that leads to reduced quality deficiencies and a more effective use of resources.

A large proportion of public funding goes to financing activities carried out by the private sector or in various types of partnerships. This means that regions and municipalities primarily exert control by means of agreements and the granting of permits and concessions. This requires somewhat different mechanisms than those used to govern activities operated by a municipality or region. In addition, procurements and investments are often made that impact people's access to their rights also outside the boundaries of the municipality or region, or even outside the country.

As a welfare actor, the municipality or region will be an organization that:

1. Integrate systematic work to ensure human rights in their operations, which includes budget, policy and action plans, and systematically monitor, analyse and report results based on a rights perspective.
2. Develop leadership and values based on human rights.
3. Implement and follow up the principle of non-discrimination in their services.
4. Ensure that everyone's needs regarding support and service are observed, with particular attention to underrepresented groups and individuals in vulnerable situations.
5. Ensure legally fair and secure decisions and processes.
6. Create accessible and transparent systems so that everyone can follow information that concerns themselves.
7. Ensure that all suppliers in all parts of the supply chain adhere to the requirements inherent in human rights.
8. Develop mechanisms to be able to monitor and, where necessary, invalidate agreements where the supplier or sub-supplier has not adhered to human rights requirements.

REMEMBER

All three of these human rights principles should permeate all activities.



Municipalities and regions are major employers.

Role as employer

Municipalities and regions are major employers. This means that they are workplaces that not only need to cater to the human rights of users, patients, clients and pupils in the provision of services, but are also places where the employees' own rights must be ensured. Swedish anti-discrimination legislation, among other things, governs the relationship between employer and worker/employee.

REMEMBER

All three of these human rights principles should permeate all activities.

As an employer, the municipality or region is an organization that:

1. Works actively to oppose all forms of discrimination associated with any of grounds for discrimination, and actively promotes equal conditions in connection with recruitment, determination of salary, career opportunities, rehabilitation, parental leave and other leaves of absence.
2. Ensure that all elected representatives and employees, both management and staff, have knowledge and understanding of how human rights impact their role as employer, leader, manager and employee, and clearly state the duties of the employer and employees in relation to conventions and legislation.
3. Promote an organisational culture based on the equal dignity and rights of all people.



References and additional resources

Equality Ombudsman (DO)

www.do.se

EU

European Union Agency for Fundamental Rights, FRA

www.fra.europa.eu

FRA's toolbox "Joining up fundamental rights"

<http://fra.europa.eu/en/joinedup/home>

Council of Europe

European Convention on Human Rights

www.echr.coe.int/Pages/home.aspx?p=basictexts/convention

United Nations

What are Human Rights?

<http://www.ohchr.org/EN/Issues/Pages/WhatareHumanRights.aspx>

Swedish Association of Local Authorities and Regions

www.skl.se/mr

Human Rights magazine, SALAR, 2016

<http://webbutik.skl.se/sv/artiklar/magasinet-manskliga-rattigheter.html>

Human rights in administration and governance, SKL, 2017

<https://webbutik.skl.se/sv/artiklar/manskliga-rattigheter-i-styrning-och-ledning.html>

The Swedish Government

www.manskligarattigheter.se

The Government's strategy for nationwide work with human rights

<http://www.regeringen.se/rattsdokument/skrivelse/2016/10/skr.-20161729/>

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law

Human Rights Cities and Regions – Swedish and International Perspectives (2017)

<https://rwi.lu.se/app/uploads/2017/03/Human-Rights-Cities-web.pdf>

Miscellaneous

Global Urban Justice - The Rise of Human Rights Cities, Cambridge, 2016

<http://www.bokus.com/bok/9781316668832/global-urban-justice/>

Manual of human rights at the municipal level, Fritzes, 2008

<https://skl.se/download/18.68e4adfe147afac12a46c539/>

[1409140824984/Handbok-i-manskliga-rattigheter-kommunal-niva.pdf](https://skl.se/download/18.68e4adfe147afac12a46c539/1409140824984/Handbok-i-manskliga-rattigheter-kommunal-niva.pdf)

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In Sweden, the municipalities and regions play an important role in the implementation of human rights. These are places and organisations where rights must be respected, protected, fulfilled and promoted on a daily basis. However, surveys have revealed that there is a need for increased understanding with regard to how these human rights commitments undertaken internationally by Sweden affect decision-making and organisations locally and regionally. In order to put into concrete terms or concretise what human rights means in the Swedish local and regional context, SALAR has developed a platform for policy and organisational development. The idea is for the platform to work as a point of departure and a development tool when management within the areas of policy and administration wish to strengthen their work with human rights.

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