

Localising human rights in the context of SDGs:

a handbook for cities



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Localising Human Rights in the Context of SDGs: a Handbook for Cities

January 2022

**RAOUL
WALLENBERG
INSTITUTE**
OF HUMAN RIGHTS AND HUMANITARIAN LAW

In collaboration with:



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The Raoul Wallenberg Institute of Human Rights and Humanitarian committed to research and academic Institution of global human rights education and development. Informed with over 30 years of research and direct engagement experience, our current organizational strategies focus on four interrelated themes: Human Rights and the Environment, Inclusion and Non-Discrimination, Access to Justice, and Human Rights and Business. RWI works through a network of offices in six countries. international locations and in Stockholm. For more information, visit: www.rwi.lu.se and RWI Regional Asia Pacific Office at www.rwi.or.id

Citation: Raoul Wallenberg Institute (2022) Localising Human Rights in the Context of SDGs: a Handbook for Cities, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Lund, Sweden.

Localising Human Rights in the Context of SDGs: a Handbook for Cities, Raoul Wallenberg Institute of Human Rights and Humanitarian Law, 2022.

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ISBN 978-91-86910-50-1

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ACKNOWLEDGEMENTS

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) gratefully acknowledges the contributions of our university partners, local government representatives, experts, and organisations throughout the preparation of this handbook.

A team developed this handbook consisting of RWI, its university partners and led by a writing consultant. We want to express our sincere appreciation to our university partners for embarking on this journey with us since 2019: Dr. Sylvia Yazid, Mireille Marcia Karman, Rizky Widian, Vrameswari Omega Wati, Tiffany Angelica, and Salsabila Dwi Putri Perbatas (Parahyangan Catholic University, Bandung, Indonesia); Dr. Unang Mulkhan and Dr Hieronymus Soerjatisnanta (University of Lampung, Lampung, Indonesia); and Dr. Payal Thaorey, Dr. Vijayata Bhalave, Dr. Girish Kulkarni, Mr. Abid Khan and Mr. Sujay Kalbande (RTM Nagpur University, Nagpur, India).

To Dr. Patricia Rinwigati Waagstein, sincere appreciation for leading the writing process in 2021. Much appreciation goes to Prof. Martha F. Davis, Professor of Law at the Northeastern University School of Law and RWI's Affiliated Professor, for editing this handbook.

We want to express our gratitude to Anna Bruce, Senior Researcher at RWI, and Helena Olsson, Senior Programme Officer at RWI, for their inputs, feedback, and support throughout the development of this handbook.

To our partner, UCLG ASPAC, led by Dr. Bernadia I. Tjandradewi, thank you for providing feedback and comments on the draft handbook and co-organising a handbook event during the 8th UCLG ASPAC Congress in September 2021. Thank you to Prof. Shin Gyonggu and his team at Gwangju International Center for their valuable inputs and insights. We also want to thank Irendra Radjawali for coordinating the research process in the three cities in 2020.

Box Breaker was the graphic designer of the handbook, with support from Yudha Pratama, RWI Communication Officer.

We are grateful to colleagues in RWI's Regional Asia and the Pacific Office for their support and suggestions since the start of this project. Apart from being a member of the writing team of this handbook, Windi Arini, Programme Officer at RWI, provided administrative management of this project supported by Lina Rachmawati, Programme Associate at RWI.

The project was funded by the Swedish International Development Cooperation Agency (Sida). The views expressed in this handbook do not necessarily reflect the Government of Sweden's official policies. Sida's financial support is gratefully acknowledged.

FOREWORD

Adj. Prof. Morten Kjaerum, Director RWI



The number of cities engaging explicitly in respecting, protecting and fulfilling human rights expands year by year. This handbook fills an important gap in the progression of the human rights city movement. It helps to address many of the questions and challenges raised by cities that have chosen to strengthen the protection of human rights for their citizens.

Various drivers push this process but most dominantly are two features: the wish to create a better city for all recognising that not everybody has the feeling of belonging or being fully accepted in the community, be it due to religion, ethnicity, sexual orientation, gender, disability or other grounds that contribute to the marginalisation of people. The cities that prosper are those where most people feel welcome, secure, and given a chance to live a meaningful life.

Another key driver is the more frequent crisis-situations that cities find themselves in due to environmental, climate, health, and other factors that increasingly disrupt local communities' lives. Pandemics, floods, droughts or sudden economic downturns are recurrent with higher

frequency. Cities recognise that they have to better prepare themselves for the catastrophes that may lead to increased death tolls, social misery or violence. Who are the people that are most at risk of being severely impacted? Which mitigating initiatives can be taken at an early stage?

It takes political will and commitment to create a more livable city for all and ensure that nobody is left behind during a crisis. Politicians need to make their vision explicit, the goals tangible, and guide the officials about taking the next steps. This is about the long-term vision of the life in the city why politicians across political lines need to agree since human rights should not be a partisan issue for one or the other political group. Human rights are about the dignity of the individual and in that way beyond the day-to-day party-political agendas. That does not exclude various views in relation to the specific steps in realising the vision.

With its focus on the individual, human rights have the potential to make decision makers alert to the specific challenges of persons in a vulnerable situation all depending on the issue at hand. In the further development of policies and action plans that are so well described in this handbook, human rights are a forceful analytical tool to identify those left behind. The vulnerabilities of persons with disabilities, the elderly, and women are often overlooked in crises. During the Covid-19 pandemic, many linguistic and ethnic minorities, and persons with mental health problems, were left behind since the basic health information was not made available to them in an accessible manner. On the contrary, when human rights-based policies and action plans are in place, persons in vulnerable situations would have a higher chance of survival. Those in vulnerable

situations and their needs would be identified beforehand, and precautionary measures may have been taken. Apart from identifying the persons in vulnerable situations, the human rights-based approach also gives guidance to the “right to participation”. As it has unfolded at the national level, this right has had the main focus on the right to participate in elections. Today, with a more robust local level focus, the right to participate in elections is still important; however, the local level duty bearers have a better possibility to widen the scope of participation by making an active outreach to people living in the city. To engage them not only about decisions that directly concern themselves but also in decisions that impact the wider community. The “duty to engage” is emerging as an important obligation for local duty bearers in their attempts to create a more livable city. Obviously, the best way to ensure that a city is livable for all is to have a profound insight into the challenges that people face in their everyday life. In many countries, hate crime and violence against women only seriously surfaced at the local agenda when surveys asking people about the issues showed very high levels of violence. Or asking persons with disabilities about accessibility to public services either physically or digitally will also show important barriers that duty bearers may not have been alert to. Asking and engaging are key features in developing the human rights-based city and building trust.

Globally, trust in national democratic institutions has been declining in the past decades, whereas trust in local-level democracy has increased although from a low outset. The possibility to engage citizens in creating a better place to live and in creating a resilient community prepared for

crisis has considerable potential to (re)-create trust in democratic governance. A precondition for building trust is that engagement processes are done seriously with a clear purpose to listen to city inhabitants' concerns and ideas. When engagement is merely a "tick-the-box" exercise from the side of the duty bearer, it has the opposite effect, creating cynicism and distrust.

This handbook is so much needed to assist local level duty bearers and rights holders in finding the best ways to fully implement human rights in their local community with its complexity and plurality. The handbook will help to take the first and next steps on the journey of fully recognising the human rights dimensions of decisions and actions. The initial experience will facilitate the processes when moving beyond the first steps, and the human rights city is becoming closer to reality.

Adj. Prof. Morten Kjaerum
Director RWI



MESSAGES FROM LOCAL GOVERNMENTS

H. Yana Mulyana, SE., MM. Acting Mayor of Bandung City, West Java, Indonesia



The decentralization policy in Indonesia gives the rights and responsibilities to local government to manage their own city and regency while acting as the frontline of the government which deals directly with citizens' needs and aspirations on daily basis. Hence, the local government of Bandung City designed a medium-term development

plan for 2018-2023 based on the vision of 'Creating an Excellent, Comfortable, Prosperous, and Religious City.' The medium-term development plan was later manifested in numerous government programs which are formulated and conducted based on the principles of decentralization, collaboration, and innovation. Hence, these programs are formulated based on an initial assessment of citizens' needs which are gathered through active communication and interaction between the government and various stakeholders within the society. Besides, several programs are also implemented through collaboration with some civil society organizations and private enterprises to maintain the effectiveness and sustainability of the programs.

The vision and principles which become the basis of Bandung City show that Bandung City understands the importance of fulfilling citizens' rights. While the principle of

collaboration and innovation guarantees the involvement of various stakeholders in the development process, the vision aims to fulfil various elements of citizens' rights from social, economic, to political rights. Therefore, the government of Bandung believes in the utmost importance of localizing human rights at the city level. This is the case because we believe that human rights do not only matter as an abstract concept or an agenda that is continuously debated in the international and national arena. First and foremost, human rights need to be felt directly in the daily activities of each person and the local government plays an important role as the vanguard to ensure and protect the fulfilment of those rights.

Moreover, Bandung City seeks to fulfil the rights of its citizens through the fulfilment of SDGs. The implementation of SDGs does not only appear in form of policy and programs but starts from the formulation process. Through the mechanism of a multi-stakeholder consultation forum for development planning (Musrenbang), we seek an inclusive decision-making process so that everyone can participate in the formulation of the development plan of the city. Socializing the importance of SDGs to the people is done through Musrenbang and reflected in all policies and programs while at the same time, the values of SDGs themselves encourage us to embrace people's aspirations inclusively. By doing so, we hope that every element of the city, both the government and the people will embrace SDGs values and work together in collaboration to achieve those goals and at the same time, achieve the vision of making an excellent, comfortable, prosperous, and religious city in 2023.

This handbook becomes important not only because it promotes the localization of human rights and SDGs at the city level, but also because it gives a guideline on how to do it. We believe that every local government in Asia-Pacific aspires to build a human rights city because human rights advance civilization. Besides, the welfare of the people also produces a prosperous city which in turn, prosperous cities make a prosperous nation, and together, we can make a prosperous world. We hope that some examples from the experience of Bandung City within the handbook can be a lesson learned for the localization of human rights in other cities in Asia-Pacific and we are looking forward to also learning from other cities to improve our current practices. After all, we believe that by following the guideline in the handbook and exchanging experiences on human rights implementation, we can reach the goal of having ideal human rights cities around the world.

H. Yana Mulyana, SE., MM.

Acting Mayor of Bandung City, West Java, Indonesia

Ir. Puji Riyanto, M.M. The Head of Local Development and Planning Agency of East Lampung, Indonesia



It's an honour for us to be selected as one of cities for the study on localising human rights, gender, and the environment in the context of SDGs during the process of developing this handbook by Raoul Wallenberg Institute (RWI) and its partner. The East Lampung Regency has a unique geographical situation which is in a coastal area with different context and political background in the adoption of HRC and SDGs agenda 2030. Specific situations and contexts are important to be deemed in the realisation of human rights city and in achieving SDGs .It is also necessary to understand how central and local governments have adopted the global policy within a particular period of time such as the SDGs 2030 assessing which considerations might have influenced policymakers in adopting international principles and standards.

The human rights city is a city which is organised around norms and principles of human rights so that the local government has an important role as duty bearer to respect, protect and fulfil the human rights of the citizen. The local government plays an important role in the agenda of localising human rights in the context of SDGs. The local government of East Lampung regency, in Indonesia has adopted Human Rights City framework.

The former Mayor of East Lampung, Mrs Chusnunia Chalim enacted the Local Government Regulation Number 5, Year 2016 concerning Child-Friendly City, followed by The Mayor Decree Number 48, Year 2016 contains of the statement and commitment of the local government of East Lampung to protect, respect and fulfill its citizens' rights through nine principles of the human rights district of East Lampung: 1) Society participation 2) Non-Discrimination 3) Accountable of Local Governance 4) Human Rights Mainstreaming 5) Democratic 6) Social Justice, Solidarity and Sustainability 7) Political Leadership and Institutionalization 8) Effective Institutions and Policy Coordination 9) Right to Remedy. This regulation reflects the adoption of the Gwangju Guiding Principles for a Human Rights City. The Rights to the city described in the mayor Decree are mostly in relation to the right for people in several aspects. They are: 1) to participate in local government policies in relation local development, 2) the right for people to have an accountable of the local government, 3) the right of people to have democratic process in the district, and 4) the right to have non-discrimination in all district arrangement.

Furthermore, the Mayor Decree No 48/2016 on Human Rights District is relevant to the Local Regulation of East Lampung No 15/2016 on Medium Term of Development Plan (RJPMD), and the Local Action Plan on SDGs in the Governor Decree No 19/2018. Through this linkage, the local government supports several principles of human rights in contributing the SDGs through the principle of good governance, integrating human rights into municipal policies, supporting gender and protecting all inhabitants, as well as showing the policy-making process. The vision of Medium Term of Development Plan (RJPMD) of East

Lampung is that “the realisation of the East Lampung Regency as safe, self sufficient, prosperous, noble moral, through improving economy based on sustainable agriculture and quality of human resources in favor of the interests of the people in East Lampung Regency”.

Regarding the Handbook developed by RWI, we are grateful that the handbook has incorporated feedback and recommendations from local stakeholders. This handbook coincides with our efforts in respecting, protecting, and fulfilling human rights throughout the human rights city concept and practices, as well as in achieving SDGs 2030 agenda at the local context. The handbook helps the city government to have better guidance in realising human rights and in achieving SDGs, with more emphasised on public participation and social inclusion, especially for the more vulnerable groups in development process. Through this handbook, the local government could explore possible policies, programmes, and monitoring and evaluation, based on human rights-based approach to ensure public participation.

Thus, we look forward to using this handbook as a reference when we start our local development planning process.

Ir. Puji Riyanto, M.M.
The Head of Local Development and Planning Agency of
East Lampung, Indonesia

Mr. Milind Meshram, Deputy Commissioner, Nagpur Municipal Corporation, Nagpur, M.S., India



Localisation of human rights is the term which most appropriately defines the actualization of human rights. Human rights are not subject matter between State and its people rather it is a benchmark of interaction between private individual and civil society. Violation of human rights occurs by Non-State entities so human rights needs to be

claimed and enforced among the people themselves.

The people's participation in the decision making at the local level is de-facto under the Indian Democratic setup, therefore people at local level are aware and committed towards the localization and protection of human rights. Power flows from top to bottom in India, therefore the policy is designed with respect to control from the top to bottom whereas its enforcement is made from bottom to top. Hence the corporation become the first agency to encounter issue and implementation of human rights at the ground level. The available resources at the bottom level i.e. available with the local governments is utilised for the performance of the local functions along with the maintenance of Human Rights. The Nagpur Municipal Corporation through its various schemes and policies regularly promotes all stakeholder's participation in order to achieve various SDGs. In the respect to mention few, NMC have developed

and implemented the NMC Food Distribution Model during COVID-19 lockdown in association with various NGOs serving food to lakhs of people daily. It also has its own economic empowerment models for women self-help groups, person with disabilities etc. The NMC is putting collaborative efforts in making Nagpur a Smart city by 2030 which will be an inclusive development for all the sections of the society.

Creating awareness or motivation will not yield the desired results rather substantial actions with inspired mind is the need of the hour. I am feeling very optimistic with this handbook, the subject on which it is based and the content it deals with both are of great significance. This book provides guiding steps which helps in achieving sustainable development goals as well as realization of human rights that too depending upon the specific of every city. This handbook will be useful for workers at field and volunteers throughout the Asia Pacific region to understand the issue arising in practical implementation of human rights as well as it helps finding the possible solution. It will be also useful for local government machinery to developed and improve the Human Rights working models at their local level.

I express my best greetings and wishes towards the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, Sweden and its Partner Organisation for their continuous efforts in making every city a Human Rights City.

Mr. Milind Meshram
Deputy Commissioner, Nagpur Municipal Corporation,
Nagpur, M.S., India

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Abbreviations

AHRD	ASEAN Human Rights Declaration
AICHR	ASEAN Intergovernmental Commission on Human Rights
ASEAN	Association of the Southeast Asian Nations
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organisations
DGHR	Directorate General of Human Rights
DSWD	Department of Social Welfare and Development
HRBA	Human Rights-Based Approach
HRC	Human Rights Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IPCC	Intergovernmental Panel on Climate Change
MPs	Members of Parliaments
Musrenbang	Musyawaharah Perencanaan Pembangunan
NAP	National Action Plan
NHRIs	National Human Rights Institutions
OHCHR	Office of the High Commissioner for Human Rights
PDHRE	People's Movement for Human Rights Learning
PERDA	Peraturan Daerah
RWI	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
SDGs	Sustainable Development Goals
UN	United Nations
UPR	Universal Periodic Report

Part 1

Setting the context



Chapter 1 Introduction to the Handbook

1. Cities and Human Rights: Where do we begin?

In 1958, speaking on the 10th anniversary of the Universal Declaration on Human Rights, Eleanor Roosevelt posed the question, “[w]here do human rights begin?” More than sixty years later, this question still strikes a chord. Roosevelt’s answer was simple: human rights begin “in small places, close to home”. But how do we localise human rights as a practical matter? How can we make sure that they become a reality, available to all people and ensured by local governments in all regions, cities, and villages?

Local governments themselves have an essential role to play. All levels of government are now facing multiple challenges, including ensuring a successful recovery from the devastation of COVID-19, addressing the enormous threats posed by climate change, and pushing forward their longer-term vision for sustainable development.¹ Cities are at the centre of these challenges and could provide leadership in addressing them. This leadership is essential, since it is predicted that by 2050 more than two-thirds of the world’s population will live in urban areas.²

¹ UN Office of the High Commissioner for Human Rights (OHCHR), Understanding Human Rights and Climate Change: Submission to the 21st Conference of the Parties to the United Nations Framework Convention on Climate Change 6, (n.d.), <https://www.ohchr.org/Documents/Issues/ClimateChange/COP21.pdf>.

² UN Department of Economic and Social Affairs, Urban and Rural Population Growth and World Urbanization Prospects, in WORLD URBANIZATION PROSPECTS: THE 2018 REVISION 9, 10 (2019), <https://doi.org/10.18356/cd4eece8-en>.



The challenges are immense. Since 2020, cities have been the epicentre of the global COVID-19 pandemic. Local governments introduced various measures to curb the spread of the virus -- for instance, lockdowns and contact tracing. These measures, however, severely impacted cities'

economies and people's livelihoods. The COVID-19 pandemic has also exposed and compounded risks and structural inequalities in cities across the Asia Pacific that disproportionately affect the most vulnerable, including women, persons with disabilities and migrants. Despite being at high risk of current and future disaster threats, these groups have been excluded from local decision-making processes and overlooked in urban pandemic response and recovery efforts. Failure to take account of human rights considerations in developing pandemic responses and post-pandemic policies will exacerbate exclusion, discrimination, and situations of vulnerability, impeding a recovery that builds back equally and leaves no one behind.

Climate change is one of the greatest challenges that cities today must face and address, and its impacts are already affecting communities and individuals across the globe. Cities are experiencing the effects of climate change from rising sea levels, shortages of drinking water, climate migration, storms, and floods. Rural-urban displacement is

also one of the many negative impacts of climate change that affects cities and their capacity to provide basic services. Climate change has profound implications for a wide variety of human rights, including the rights to life, self-determination, development, food, health, water and sanitation, and housing.³

Finally, as the international human rights system's approach to rights evolves and matures, the role of local governments is ever more strategic in realising human rights values and standards through sustainable development. If local governments embrace a human rights-based approach (HRBA) in crafting local development policies, they will better understand and address local needs and challenges. Further, local governments can develop better policies by involving their residents, giving them space to participate in policymaking.⁴ This, in turn, will pave the way for long-term development at the local level and progress toward the Sustainable Development Goals (SDGs), meeting the challenge of building inclusive and resilient cities for the future.

2. Human Rights, the Environment, and Gender Equality

Some people are more vulnerable to the adverse effects of environmental degradation and climate change than others – namely those who are socially, economically, culturally, politically, and institutionally marginalised. As highlighted by the UN Human Rights Council (HRC), the human rights implications of environmental damage “will be felt most

³ OHCHR, Understanding Human Rights and Climate Change 13-25.

⁴ Kjaerum, M, Davis M, Fredriksson, G and Sartori Reis, I, Human Rights Cities and the SDGs 7 (Raoul Wallenberg Institute: Lund, Sweden, 2018).

acutely by those segments of the population who are already in a vulnerable situation”.⁵ The Intergovernmental Panel on Climate Change (IPCC) explains that these groups may also be vulnerable to the effects of climate adaptation and mitigation efforts.⁶

During times of environmental degradation, securing the rights of vulnerable groups becomes even more critical. In the Framework Principles on Human Rights and the Environment (2018), the UN Special Rapporteur on human rights and the environment proposed that states “should take additional measures to protect the rights of those who are most vulnerable to, or at particular risk from, environmental harm, taking into account their needs, risks, and capacities”.⁷



⁵ UN Human Rights Council, Resolution adopted by the Human Rights Council on 25 March 2009 on Human Rights and Climate Change, A/HRC/RES/10/4, https://ap.ohchr.org/documents/E/HRC/resolutions/A_HRC_RES_10_4.pdf.

⁶ Intergovernmental Panel on Climate Change (IPCC), Summary for Policymakers, in Climate Change 2014: Impacts, Adaptation and Vulnerability 6 (2014), https://www.ipcc.ch/site/assets/uploads/2018/02/ar5_wgII_spm_en.pdf.

⁷ Report of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, Hum. Rts. Council, U.N. Doc. A/HRC/37/59 (24 Jan. 2018), <https://undocs.org/en/A/HRC/37/59>.

People at greater risk from environmental harm include women, children, persons living in poverty, rural persons, members of indigenous peoples and traditional communities, older persons, persons with disabilities, national, ethnic, religious, or linguistic minorities and displaced persons. States have specific obligations to take additional measures to protect them, considering their conditions, needs, and capacities.

Women and girls are vulnerable due to unequal power relationships with men in their families and communities. These unequal power relationships limit their autonomy and access to resources, labour, education, health, decision-making, and justice. As a result, women and girls are more susceptible to human rights violations stemming from environmental degradation and the climate crisis, including increased violence. They are also largely excluded from decision-making relating to environmental governance, whether at the international, national, or community levels. Therefore, they are hindered from designing, adopting, or contributing coping strategies to alleviate environment-related harms.

3. Using the Handbook

Objectives: There are few reliable sources to guide stakeholders in ensuring inclusive, safe, resilient, and sustainable conditions for protecting human rights in urban areas. Accordingly, this handbook attempts to achieve the following:



To provide practical guidance for local governments on localising human rights and the SDGs as well as addressing challenges at the local level using a human rights-based approach. Language and examples in the handbook are straightforward, and relatable to ensure a smooth knowledge transfer.



To enrich skills and knowledge on human rights principles, norms and approaches and apply them at the local level. This handbook also seeks to empower local stakeholders to claim their rights and to mainstream human rights.

Who should use this Handbook? Everyone working on human rights and urban development can benefit from this handbook, whether devising policies or procedures, planning and developing projects and programmes, or delivering services. The handbook will also be helpful to individuals and organisations representing local and central government, civil society, national human rights institutions, and the academic community.

Upon completion of this handbook, users will be well-positioned to localise human rights in their day-to-day tasks. This handbook may also be a reference for civil society and academia for participating, monitoring, and evaluating efforts to localise human rights in the context of the SDGs.

How to use this Handbook? This handbook features both a theoretical framework and practical information which stakeholders can apply in their respective roles.

- Theoretical framework

This part provides relevant human rights standards as references. Tools, including brief case studies, are provided to illustrate some of the lessons learned and good practices from different cities in implementing these principles and standards.

- Practical guidance

This part consists of practical steps to guide local stakeholders in localising human rights in the context of the SDGs.

This Handbook is designed to support efforts to localise human rights and the SDGs in three sequential steps focusing on public participation. Using the components of the handbook in order is encouraged to better understand how the human rights and development agendas fit together. However, each part of this handbook can also work well as a stand-alone.

4. Methodology and Terminology

In 2019, RWI commissioned studies of localising human rights in the context of the SDGs in five cities in Asia. Drawing on the study results, RWI decided to develop a practitioners' Handbook. In 2020, RWI identified three cities, Bandung-Indonesia, East Lampung-Indonesia, and Nagpur-India, as relevant case studies informing the handbook's substantive content. As part of the research process, university partners organised participatory workshops and webinars with relevant local stakeholders,

including local government representatives, to discuss and share experiences. The development of this handbook continued in 2021, with three university partners as co-authors. During the research and writing phases, experts provided additional inputs. The draft handbook was reviewed with local governments, civil society, and academics through a series of focus group discussions conducted by the three university partners and RWI.

With this handbook, RWI aims to demystify the process of localising human rights, addressing environmental challenges and improving gender equality in the context of the SDGs. This Handbook offers three practical steps to localise human rights based on findings in the three cities researched. The steps, described in detail later in this Handbook, are non-exhaustive and should be understood with local variations in mind. The three steps are:

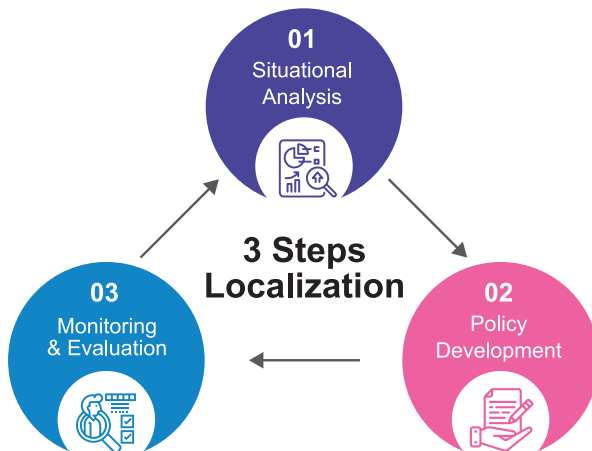


Figure 1 Steps to Localise Human Rights

Implementing these steps requires conscious planning to inform policy development; monitoring to ensure effective implementation; and evaluation to assess policies' effectiveness and to improve future local human rights implementation. The promising practices in this Handbook's case studies utilise these three mutually reinforcing steps.

This Handbook uses the term 'localisation' to describe the process of incorporating international norms into the local context. Localising means "the process of taking into account subnational contexts" in achieving the SDGs and human rights.⁸ In this Handbook, efforts to localise human rights include understanding the local context, developing policies based on identified priorities, and using indicators to measure and monitor progress.

⁸ Roadmap for Localizing the SDGs: Implementation and Monitoring at Subnational Level 6 (UN Habitat, UNDP, Global Taskforce of Local and Regional Governments, 2016).

Chapter 2 Conceptual Framework: A Human Rights-Based Approach

1. What are Human Rights?

Human rights are rights inherent in all human beings regardless of race, sex, nationality, ethnicity, language, religion, or any other status.⁹ They are universal and inalienable, indivisible, and interdependent, belonging equally to all human beings without discrimination.

Legal guarantees of human rights are part of international human rights law, which protects both individuals and groups against rights violations that obstruct the exercise of fundamental freedoms and negatively affect human dignity. These guarantees are embedded in treaties, customary international law, and other sources of international law. International human rights law imposes obligations on

states to actively ensure human rights while simultaneously prohibiting states from engaging in activities harmful to human rights. But the law itself does not establish human rights. These rights are inherent entitlements that come into every person's possession just because they are born human.



⁹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217A(III).

The essential human rights characteristics are summarised below : ¹⁰

- Human rights are **universal**, meaning that everyone is equally entitled to their rights.
- Human rights are **inalienable**, meaning human rights can be taken away only in specific situations and according to due process – for example, if a person is found guilty of a crime by a court of law, then restrictions on their right to liberty do not violate their human rights.
- Human rights are **indivisible and interdependent**, which means that one set of rights cannot be fully enjoyed if others are being denied.

2. Human Rights Mechanisms

Human rights mechanisms -- ranging from large membership institutions to individuals holding a human rights mandate -- are active on the international, regional, and national government levels.

International mechanisms

The United Nations (UN) established comprehensive mechanisms to monitor the implementation of international human rights standards and deal with complaints of human rights violations. These mechanisms can generally be categorised as either charter-based or treaty-based.

Charter-based mechanisms are bodies or procedures created by the UN Charter. These mechanisms include the Human Rights Council, the Universal Periodic Review,

¹⁰ OHCHR, What Are Human Rights?, (n.d.), <https://www.ohchr.org/en/issues/pages/whatarehumanrights.aspx>.

the Commission on Human Rights, Special Procedures of the Human Rights Council, and the Human Rights Council Complaint Procedure.¹¹

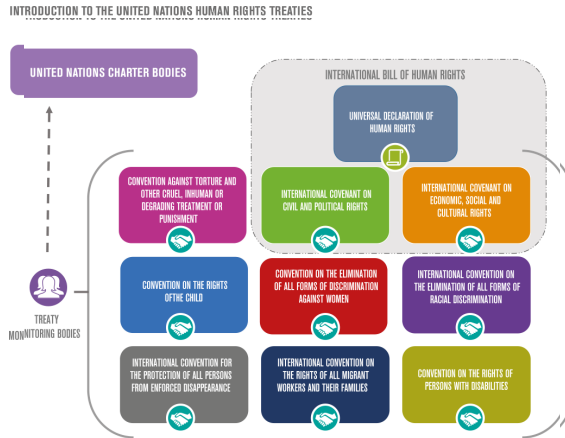


Figure 2 Introduction to the UN human rights treaties

Treaty-based mechanisms are based on formal agreements between states called treaties that establish common standards for ensuring the rights of people and provide processes for monitoring states' compliance with their obligations. Treaty-based bodies are committees of independent experts established to monitor the implementation of international human rights treaties by the relevant state parties. As shown in the table on introduction to the UN human rights treaties¹², there are nine (9) core international human rights instruments, each with its own monitoring mechanism and expert committee.¹³

¹¹ OHCHR, Human Rights Bodies (n.d.), <https://www.ohchr.org/en/hrbodies/Pages/HumanRightsBodies.aspx>.

¹² LSE: Centre for Women, Peace + Security, UN Treaty Bodies, (n.d.), <https://blogs.lse.ac.uk/vaw/int/treaty-bodies/>.

¹³ OHCHR, The Core International Human Rights Instruments and Their Monitoring Bodies (n.d.), <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CoreInstruments.aspx>; OHCHR, Monitoring the Core International Human Rights Treaties, n.d., <https://www.ohchr.org/EN/HRBodies/Pages/WhatTBDo.aspx>.

Regional – Asia Pacific Region Mechanisms

Regional human rights mechanisms help localise international human rights standards by focusing on the particular concerns of human rights in specific regions. Unlike Europe, Africa, and the Americas, the Asia-Pacific does not have a region-wide inter-governmental system to protect and promote human rights. However, steps have been taken at a sub-regional level to strengthen human rights through collaboration and cooperation, and through initiatives such as the ASEAN Intergovernmental Commission on Human Rights (AICHR). The AICHR was established in 2009 as the overarching human rights body of the Association of the Southeast Asian Nations (ASEAN). AICHR has ten representatives from the ten ASEAN member states, each serving for three years. Although AICHR's work is generally focused on the regional level, it has started to address human rights and cities through the SDGs framework, namely, SDG 11.



As mandated in its Terms of Reference¹⁴, AICHR developed an ASEAN instrument on human rights, called the ASEAN Human Rights Declaration (AHRD)¹⁵

which was adopted by ASEAN Leaders on 18 November 2012. The AHRD covers civil and political rights, economic,

¹⁴ Association of Southeast Asian Nations (ASEAN), Terms of Reference of ASEAN Intergovernmental Commission on Human Rights, July 2009.

¹⁵ ASEAN Human Rights Declaration and the Phnom Penh Statement on the Adoption of the ASEAN Human Rights Declaration (Feb. 2013), https://asean.org/wp-content/uploads/2021/01/6_AHRD_Booklet.pdf.

social, and cultural rights, and the rights to development and peace. However, the AHRD is not a treaty, and ASEAN Member States are not legally bound by its terms.

National Mechanisms

- **National Human Rights Institutions (NHRIs)**

In the absence of a strong regional human rights mechanism in the Asia Pacific, NHRIs play essential roles in promoting, protecting, and adjudicating human rights. An NHRI is an independent and specialised institution that promotes, protects, and monitors human rights domestically, ensuring that laws and regulations are human rights compliant and applied in an effective, appropriate way.¹⁶ NHRIs have six responsibilities laid out in the Principles relating to the Status of National Institutions (The Paris Principles) adopted by the United Nations General Assembly in 1993.¹⁷ One of these mandates is to promote and ensure the harmonisation of national legislation, regulations, and practices with the international human rights instruments to which the state is a party, and to promote their effective implementation. Many countries in the Asia Pacific region have an NHRI, but NHRIs have varying levels of authority from country to country.¹⁸ In some countries like Indonesia, the Philippines and India the NHRIs enjoy a substantial level of independence, while others have close ties with governments.¹⁹

¹⁶ OHCHR, Professional Training Series No. 4: National Human Rights Institutions: History, Principles, Roles and Responsibilities 13 (2010), UN Doc. HR/P/PT/4/Rev.1.

¹⁷ UN General Assembly, National Institutions for the Promotion and Protection of Human Rights, G.A. Res. 134, U.N. GAOR, 48th Sess., U.N. Doc. A/RES/48/134 (20 Dec. 1993) (Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights).

¹⁸ Burdekin B, National Human Rights Institutions in the Asia-Pacific Region 17-42 (2006).

¹⁹ Ibid., 43–62.

- **Related human rights institutions**

Other national institutions, such as Ombudsman offices, are designed to address and respond to matters as maladministration, the justice system, or other concerns which may or may not directly involve human rights.

3. International Human Rights Law and the Role of Local Governments

Human rights find their formal expression through international human rights law. The United Nations has become a significant forum for international human rights law development, with representation from different countries then guiding implementation at a regional level. Since 1945, international human rights treaties and other instruments like declarations, customs, guidelines, and principles have helped shape regional instruments. Besides international frameworks, constitutional laws within each country may also guarantee the legal protection of human rights, often borrowing directly from the language of international human rights instruments.

When a state chooses to be bound by a particular treaty, it assumes the primary responsibility to respect, protect, and fulfil human rights – as a **duty-bearer**.²⁰ State responsibilities include the obligation to take proactive measures to ensure that human rights are protected by

²⁰ In addition to States, non-state entities such as corporations and international organisations may bear some responsibility. For further discussion, see OHCHR, United Nations Guiding Principles on Business and Human Rights; Implementing the United Nations “Protect, Respect, and Remedy” Framework (2011).

providing effective remedies for persons whose rights are violated and taking steps to combat rights violations committed by persons within its territory.

The central government “has the primary responsibility for the promotion and protection of human rights, while the local government has a complementary role to play” to realise states’ obligation to ensure human rights.²¹ The central government must equip local governments with the necessary processes, resources, and power to meet this obligation. In decentralised states, local governments may enjoy a more autonomous role in promoting and protecting human rights. However, institutionalised cooperation and control between central and local governments is crucial and can significantly support state human rights responsibilities.

Indonesia’s system illustrates the establishment of a city regulation in a decentralised state. In Indonesia, a city government enjoys autonomy to legislate and implement distinct regulations within its jurisdiction if it does not contradict existing national regulations and laws.²² This system also allows national laws to be interpreted and implemented according to each city’s distinctive needs and culture. To support effective implementation of its human rights obligations, the central government must put in place relevant legislation and regulations mandating that local governments protect and promote human rights.

²¹ Human Rights Council, Role of Local Government in the Promotion and Protection of Human Rights – Final Report of the Human Rights Council Advisory Committee, A/HRC/30/49 § 21 (2015).

²² Sitorus H, Report: Human Rights Cities and SDGs in Asia 64 (Raoul Wallenberg Institute, 2022); Tisnanta H, Mulkhan U, Abdulgani F, Natamiharja R, Identifying the Dynamic of Adoption, Challenges, and Potential of Human Rights City and SDGs in East Lampung Regency of Indonesia 10-11 (Raoul Wallenberg Institute n.d.).

In contrast, in India, the national parliament is solely responsible for enacting and adopting laws and regulations for all parts of the territory. This system leaves the city government with only the power to ensure the effective enforcement of the laws and regulations agreed to at the national level.

Whatever the relationship between the local and national government, the proximity of local governments to their residents puts local governments in a strategic position to address human rights issues in daily life. Cities, municipalities, and local government units are particularly well-positioned to realise human rights, including economic and social rights, in areas such as adequate housing, food security, health, education, and access to social protection.²³

4. Right-holders and Duty-bearers

Every human being is a rights-holder, entitled to their rights without any distinction based on race, colour, sex, age, language, religion, caste, political or other opinions, national or social origin, disability, property, birth, or another status, such as sexual orientation and marital status. **To be a rights-holder** means that a person can: (i) exercise rights; (ii) formulate claims and hold duty-bearers accountable; and (iii) seek redress if their rights are violated.

²³ Dragicevic N, Porter B, Human Rights Cities: The Power and Potential of Local Government to Advance Economic and Social Rights 1, 5 (Maytree, 2020).

Rights correspond to obligations. States and their officials, including central and local governments, are the primary **duty-bearers** with obligations to respect, protect and fulfil human rights.

Following this classical typology of states' human rights obligations, local governments must **respect** human rights. This means that local governments shall not, for example, prohibit women from accessing quality education or using public spaces. The duty to **protect** requires that local governments protect individuals and groups from human rights abuses by third parties. For example, local governments should ensure that business operations in their area do not compromise inhabitants' right to clean water. The duty to **fulfil** gives the local government responsibility to take positive action to facilitate the enjoyment of rights. For example, public spaces should be universally designed to ensure that persons with disabilities have equal access.

The image here illustrates the relation between duty-bearers and rights holders at the local level.²⁴

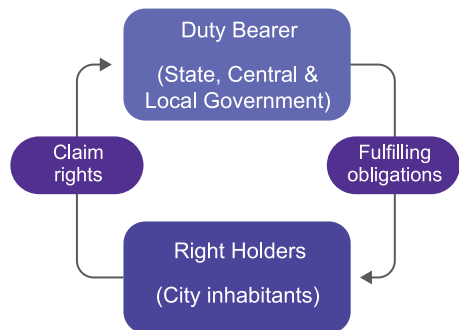


Figure 3 Relation between duty-bearers and rights-holders at the local level

²⁴ The illustration is derived from da Costa K, Prospieszna P, The Relationship Between Human Rights and Disaster Risk Reduction Revisited: Bringing the Legal Perspective into Discussion, 6 J. Humanitarian Legal Studs. 1 (2015) (Figure 1).

5. The Nexus between Human Rights and the SDGs



Figure 4 SDGs

The United Nations Sustainable Development Goals (SDGs) are an outcome of a global plan of action to pursue a sustainable future. The SDGs consist of 17 goals adopted by UN member-states. They are further elaborated in 169 targets that strengthen three dimensions of sustainable development: economic, social, and environmental.²⁵

²⁵ UN Department of Economic and Social Affairs, Social Development for Sustainable Development (n.d.), <https://www.un.org/development/desa/dspd/2030agenda-sdgs.html>.

The SDGs guide efforts towards addressing inequalities and eradicating poverty worldwide by 2030. Thematic areas covered by the SDGs range from poverty eradication and other deprivations to climate change reduction, improvement of health and education, economic growth, inequality, and employment. The SDGs call for collaborative action between and among government, business, and civil society in global partnership to end poverty and create a life of dignity and opportunity for all.

The goals and targets of the 2030 SDGs correspond to existing human rights obligations contained in legally binding human rights treaties. Goal 5, for example, calls on countries to achieve gender equality and empower all women and girls by 2030. This Goal supports the implementation of Article 7 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a treaty that calls for the elimination of discrimination against women in political and public life. The complete list of connections between SDG goals and targets and international human rights obligations is much longer; more than 92% of the SDGs (156 of its 169 targets) reflect human rights standards.²⁶ In other words, **the 2030 Agenda and human rights are mutually reinforcing**. Protecting human rights means realising the SDGs and vice versa.

In the context of rights-holders, empowering people -- particularly groups in vulnerable situations and those furthest behind -- is the key to implementing the SDGs.

²⁶ Filskov N, Feiring B, Human Rights and the 2030 Agenda for Sustainable Development: Lessons Learned and Next Steps 9 (Danish Institute for Human Rights, 2018).

Equality and non-discrimination are embedded in both the SDGs and human rights. When everyone can claim their human rights, no one can be left behind.

The SDGs can be seen as an operational plan for realising human rights. For example, Goal 16 on Peace, Justice, and Strong Institutions offers the transformative potential to improve human rights through institutional justice and security reform. Likewise, SDG 13 on Climate Change impacts the protection and enjoyment of human rights such as the rights to housing and water. As these examples demonstrate, the SDGs serve to operationalise and explicitly pinpoint issues that are only indirectly addressed by human rights law.

By the same token, human rights standards, including legally binding human rights treaties and institutions, offer guidance for implementing the SDGs. These standards can guard against haphazard and unequal progress and ensure accountability in implementing the SDGs.

6. A Human Rights-based Approach and Local Governance

Under international law, local governments have the duty to respect, protect and fulfil human rights, working within the context of local governments' legal status and capacity within their state. Beyond these fundamental obligations, adopting a human rights-based approach to local governance is a smart way to accelerate progress for more equitable and sustainable development.

The human rights-based approach (HRBA) is “a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights”.²⁷ Using the HRBA, governments, NGOs, international organisations, donors, and businesses can draw on these principles or standards throughout a policy or project cycle, from needs assessment to planning, implementation, monitoring, and evaluation.²⁸

The UN developed a Common Understanding on the HRBA to Development Cooperation that highlights the following human rights principles:²⁹

- **Equality and Non-discrimination:** All individuals are equal as human beings and by virtue of the inherent dignity of each human person. All human beings are entitled to their human rights without discrimination of any kind, such as race, colour, sex, ethnicity, age, language, religion, political or other opinion, national or social origin, disability, property, birth, or other status as explained by the human rights treaty bodies.
- **Participation and Inclusion:** Every person is entitled to active, free, and meaningful participation in, contribution to, and enjoyment of civil, economic,

²⁷ UN HRBA Portal, What is a Human Rights-Based Approach? (n.d.), <https://hrbportal.org/faq/what-is-a-human-rights-based-approach/>.

²⁸ Green M, A Human Rights-Based Approach Saves Lives, Now and in the Future (Raoul Wallenberg Institute, 2020), <https://rwi.lu.se/blog/a-human-rights-based-approach-saves-lives/>.

²⁹ UN Sustainable Development Group, The Human Rights Based Approach to Development Cooperation Towards a Common Understanding Among UN Agencies (n.d.), https://unsdg.un.org/sites/default/files/6959-The_Human_Rights_Based_Approach_to_Development_Cooperation_Towards_a_Common_Understanding_among_UN.pdf.

social, cultural, and political development in which human rights and fundamental freedoms can be realised.

- **Accountability and Rule of Law:** States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. When they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law of that nation.

Participation, one of the key principles of HRBA, is a particular focus of this handbook. Everyone has the right to participate in political and public life. This is important to empower individuals and groups and is essential to eliminate marginalisation and discrimination. Participation is linked to the enjoyment of other human rights such as the rights to peaceful assembly and association, freedom of opinion and expression and the rights to information. Participation, as a principle and a right, is recognised under the UDHR and other human rights instruments, such as the International Covenant on Civil and Political Rights (ICCPR), International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)³⁰, CEDAW³¹ and Convention on the Rights of the Child (CRC)³².

Specifically on the participation of persons with disabilities, the Convention on the Rights of Persons with Disabilities (CRPD) recognises participation under Art. 4(3), which enshrines the obligation of states parties to closely consult and actively involve persons with disabilities, and under Art. 33(3) on the participation of persons with disabilities

³⁰ UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 Dec. 1965, United Nations, Treaty Series, vol. 660, p. 195, Art. 5 (c).

³¹ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 Dec. 1979, United Nations, Treaty Series, vol. 1249, p. 13, Art. 7.

³² UN General Assembly, Convention on the Rights of the Child, 20 Nov. 1989, United Nations, Treaty Series, vol. 1577, p. 3, Arts. 12, 23 (1).

in human rights monitoring. Persons with disabilities are often not consulted in the decision-making processes on matters relating to or affecting their lives. In the last few decades, however, persons with disabilities and organisations representing them have been advocating for change, and progress has been made by states to ensure meaningful participation of persons with disabilities. However, there is still a gap with the absence of meaningful consultation with and involvement of persons with disabilities in the development and implementation of policies and programmes.

Participation of persons with disabilities in public decision-making makes decisions and policies “more responsive to their actual situation and add[s] to efficiency and innovation”.³³

Several studies support the conclusion that the HRBA assists the achievement of development goals.³⁴

- **More Targeted and Focused**

In addressing issues faced by groups in vulnerable situations, the HRBA clearly departs from traditional approaches to development assistance, which focus on the needs of the poor and specific commodities or services to meet those needs. Identifying and acknowledging rights-holders and duty-bearers will help local governments design more targeted policies and programmes.

³³ Report of the Special Rapporteur on the Rights of Persons with Disabilities, Hum. Rts. Council, ¶¶ 13-18, U.N. Doc. A/HRC/31/62 (12 Jan. 2016), <https://www.ohchr.org/en/issues/disability/srdisabilities/pages/decisionmaking.aspx>.

³⁴ Broberg M, Sano H, Strengths and weaknesses in a human rights-based approach to international development – an analysis of a rights-based approach to development assistance based on practical experiences, INT’L J. OF HUMAN RIGHTS, 22:5, 664-680,(2018),DOI: 10.1080/13642987.2017.1408591; SIDA, Evaluation of the Application and Effects of a Human Rights-Based Approach to Development: Lessons Learnt from Swedish Development Cooperation. What Works Well, Less Well and Why, vol. 1, Final Evaluation Report (2020), <https://www.sida.se/en/publications/evaluation-of-the-application-and-effects-of-a-human-rights-based-approach-to-development-lessons-learnt-from-swedish-development-cooperation-what-works-well-less-well-and-why>.

- **Enabling Holistic and Integrated Solutions**

The HRBA enables a programme to comprehensively view and tackle its complex environment, considering the family, the community, civil society, and local and national authorities. The HRBA breaks down sectoral silos and facilitates an integrated response to complex, multi-dimensional development problems.

- **Empowerment and Poverty-Alleviation**

The HRBA calls for the collaboration of both rights-holders and duty-bearers throughout the policymaking processes. Processes must meaningfully involve all stakeholders without discrimination and on an equal footing. The HRBA empowers people through an inclusive and participatory approach, reframing needs as rights.

- **Improve and Promote Transparency and Accountability**

The HRBA promotes the institutionalisation of good governance, anchored by transparency and accountability, which requires an emphasis on transforming inclusive and robust policy processes, remedies, and mechanisms.

Local governments that adopt the HRBA to develop policies and programmes can **address the actual needs and challenges of their residents more comprehensively**.

The HRBA helps local governments **pay particular attention to groups in vulnerable and disadvantaged situations**, such as persons with disabilities, women, the elderly, migrants, youth, and children. When human rights are localised, people are empowered and included, policies are consequently better, and implementation takes place

through better public services leading to more inclusive and sustainable societies.³⁵ When human rights are localised, it paves the way for long-term development at the local level and achievement of the SDGs.

7. Leadership in Sustaining Efforts to Localise Human Rights

According to a survey conducted in East Lampung, political and institutional leadership plays an important role in realising human rights at the local level. This is so because heads of local governments have the power and resources to implement the government's obligations to respect, protect, and fulfil human rights. In principle, human rights should be protected despite the political climate, but in reality, human rights leadership and commitment matters to accelerate the respect and protection of human rights. Bandung is a case in point. Although the initiative came from an NGO, the eventual declaration of Bandung as a Human Rights Friendly City and signing of Bandung Charter of a Human Rights City were possible due to the Mayor's commitment to the issue.³⁶ Similarly, the case of City of Wonosobo, Indonesia has been lauded as a promising one given that the regent's political commitment and efforts to make Wonosobo a human rights city resulted in many accomplishments, including the adoption of a local regulation (Peraturan Daerah - PERDA) No. 5 Year 2016 on Human Rights City.³⁷

³⁵ Kjaerum M, et al., Human Rights Cities and the SDGs 7 (2018).

³⁶ For further reading on Bandung's experience, see Yazid S, A Review on the Implementation of Human Rights City Concept and its Potentials to Contribute to the Achievement of Sustainable Development Goals in Bandung City, Indonesia (RWI, 2019), <https://rwi.lu.se/wp-content/uploads/2021/06/Bandung-Report-15-October-Approved-by-Henri-SitorusFINALR.pdf>.

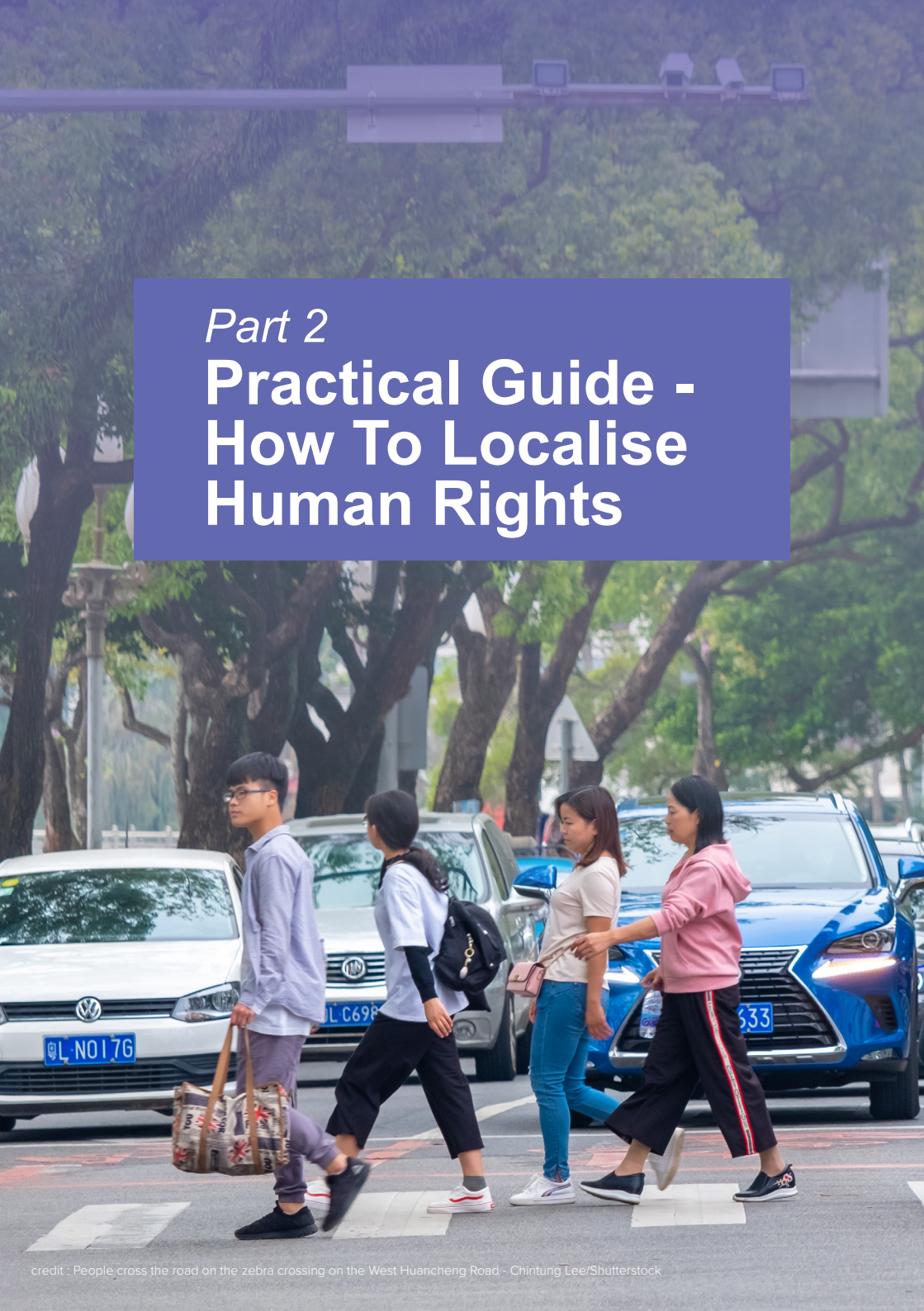
³⁷ Zainal, A, Bahagijo, S, Mugiyanto, Simanjuntak, Y, 'Buku Panduan Kabupaten/ Kota HAM' (Jakarta, Indonesia: International NGO Forum on Indonesian Development, 2018), 66.

Political will of local government leaders is important as the process of localising human rights can be both accelerated and sustained if it is started by the local governments with meaningful participation of the residents. Political will often pushes for legitimisation of human rights through legislation or declarations, as in the case with Bandung, Wonosobo, and East Lampung in Indonesia.

Oftentimes, however, commitments to localise international norms and values change as the leaders change. Therefore, the establishment of local regulation on human rights is important to guarantee its sustainability - as in the case of Wonosobo. Establishment of a dedicated unit to implement this human rights regulation will also further enhance the effort to localise human rights and increase sustainability.

Leadership at the local level can also go beyond the executive branch to include legislators or members of the local parliament, depending on political structure in a city. While many heads of local government have familiarised themselves with human rights, the same may not be the case with the Members of Parliaments (MPs). Efforts have been made in Malaysia to encourage MPs to support the effort to localise the SDGs.³⁸ However, human rights may still be an uncharted territory for the MPs. The focus group discussion held to finalise this handbook noted that MPs are important players to sustain efforts to localise human rights, but further work is necessary to increase the MPs' awareness of the importance of human rights in addressing urban challenges.

³⁸ Jayasooria D, Role of Civil Society Organisations in Localising SDGs in Malaysia, in Mahadi A, Zhafri Z, eds., Making SDGs Matter: Leaving No One Behind 183, 188-91 (Inst. Strategic and Int'l Stud. 2021), <https://www.isis.org.my/wp-content/uploads/2021/02/SDG-Book.pdf>



Part 2 **Practical Guide - How To Localise Human Rights**

Introduction

This part of the handbook sets out concrete steps that local government official with active participation of rights-holders, can take to start localising human rights within their jurisdiction.

As we have seen in Part I, there are a wide range of rights and several components to the human rights-based approach. For instance, the HRBA may include working to increase human rights protections; working in accordance with human rights principles (participation, accountability, non-discrimination); and recognising and strengthening capacities of rights- holders to claim their rights and of duty-bearers to fulfil their duties.

This handbook does not pretend to offer a complete guide to human rights implementation in at the local level. It introduces broad steps and focuses on one central aspect of human rights – participation: a right in itself under several UN treaties and an important principle of good governance.



credit : Contemporary glass building with green trees, shanghai - Julie/Shutterstock

Chapter 1 Localisation in Practice

The achievement of the SDGs and human rights primarily depend on their implementation on the ground. As the lowest tier of public administration, local governments need to ensure that human rights are respected, protected, and fulfilled to support the achievement of the SDGs. Nevertheless, local situations and conditions vary. Universal concepts and goals must be adapted to the local level to enhance their effectiveness and sustainable implementation. In this chapter, we outline the three steps of human rights localisation and provide a case study of the human rights city approach, before delving more deeply into the application of these principles in Chapter 2.

1. Three Steps in Localisation

The flow diagram presented here lays out the three steps to localisation, reflecting the experiences of Bandung, East Lampung, and Nagpur.

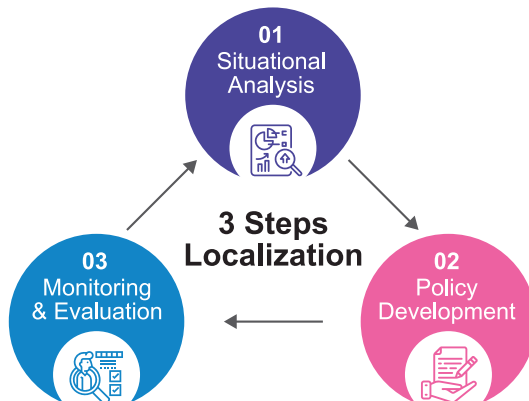


Figure 5 Three steps of localising human rights

STEP 1 | SITUATIONAL ANALYSIS

This step will identify local variations; stakeholders (particularly rights-holders); potential collaborations among and between local governments and stakeholders; existing issues, needs and interests; and sites for enjoyment of rights. Analysis is utilized to formulate and, if required, modify the focus and strategy of localisation efforts; and design a strategy for collaborative interaction among stakeholders.

STEP 2 | POLICY DEVELOPMENT

The next step of localising human rights in the context of the SDGs is to create policies and programs based on the information gathered in the situational analysis and set up priorities to drive the decision-making process. Public participation and empowerment of vulnerable groups are vital to developing the appropriate indicators and programs.

STEP 3 | MONITORING AND EVALUATION

After identifying the strengths, challenges, gaps, risks, and opportunities in the city as highlighted in Step 1 and filling in the gaps through the development of policies and programs as discussed in Step 2, this part moves forward by monitoring and evaluating policies and programs through a human rights lens.

2. A Promising Localisation Trend: Human Rights Cities

The human rights cities concept is a promising initiative focusing on the strategic role of cities and local

governments in promoting and protecting rights. Because this is such a good example of human rights localisation, below is an in-depth description to demonstrate the potential of this approach.

The label “Human Rights City” was first introduced in 1997 by the People’s Movement for Human Rights Learning (PDHRE). The concept was further defined in the 2011 Gwangju Declaration on Human Rights City as “both a local community and socio-political process in a local context where human rights play a key role as fundamental values and guiding principles”.³⁹ The main elements of the human rights cities concept are non-discrimination, the rule of law, participation, empowerment, transparency, and accountability. These elements are aligned with the HRBA.⁴⁰

The human rights cities concept puts people at the centre of local policymaking through a bottom-up approach. It allows people to express their views and concerns as well as identify human rights issues in constructive collaboration with other actors. Human rights education plays a critical role in this process to ensure that all inhabitants know about their rights and how to claim them.

The human rights city is also a strategic means to localise human rights to achieve the SDGs. The SDGs need to be brought closer to people to achieve the global commitment

³⁹ Gwangju Declaration on Human Rights City (World Human Rights Cities Forum, 2011), https://www.uclg-cisdp.org/sites/default/files/Gwangju_Declaration_on_HR_City_final_edited_version_110524.pdf.

⁴⁰ Günlük-Şenesen G, Arun O, Aykara A, Sunata U, Thibert A, Yücel Y, Human Rights Cities Indicators 12 (Raoul Wallenberg Institute 2021).

of leaving no one behind. Further, the SDGs must be “monitored through a bottom-up approach, as this will ensure sustainability and local ownership”.⁴¹ Features of a human rights city that resonate with the SDGs are non-discrimination, inclusion, sustainability, gender equality, accessibility to public services, and accountability of institutions.⁴²



A growing number of cities in Asia have declared themselves to be human rights cities -- for example, Gwangju-South Korea, Bandung-Indonesia, East Lampung-Indonesia, and Nagpur-India. Some European cities such as Graz, Salzburg, and Vienna in Austria, York in the United Kingdom, Barcelona in Spain, Utrecht and Middelburg in the Netherlands, and Lund in Sweden, have also formally declared that they are human rights cities.⁴³ At the national

⁴¹ Bregeon L, Kasland G, Kvedaraite V, Madslien I, Sustainable Development: A Local Government Opportunity? 11 (University of Oslo and KS [The Norwegian Association of Local and Regional Authorities], 2015).

⁴² Kjaerum M, et al., Human Rights Cities and the SDGs 11 (2018).

⁴³ Van Hout B, Human Rights Cities: Theoretical and Practical Overview, Expert Meeting on Human Rights Cities, European Union Agency for Fundamental Rights (FRA) (Brussels, 2019), <https://europe.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=2579&LangID=E>.

level, since 2017, Indonesia has used an annual human rights regency/city award [Kabupaten/Kota Peduli HAM] as a national strategy to ensure that human rights, particularly economic, social, and cultural rights, have been respected, protected, and implemented by local governments.⁴⁴

These initiatives mark the significant recognition by local and national policymakers and residents of the need to incorporate human rights, including the SDGs, into city level governance. For the city, self-declaration and national recognition are significant as it communicates a message to other stakeholders about its commitment to human rights and the SDGs. At the same time, local engagement allows people to participate in the decision-making process at all levels.

Example 1 Gwangju as Human Rights City

Driven by international human rights movements such the Right to the City and Human Rights Cities movements, Gwangju self-declared as a human rights city in 2007. Gwangju has been the key leader in developing the human rights cities concept leading to the adoption of Gwangju Declaration on Human Rights Cities.

Human rights-based governance has been the foundation of Gwangju's approach. The goal of a participatory and consultative approach to decision-making has been implemented at all levels through program planning, implementation, and evaluation.⁴⁵ Human rights education has also been adopted to empower residents. Finally, the human rights city framework has been institutionalised in local ordinances and charters ensuring its sustainability.

⁴⁴ Regulation of the Ministry of Law and Human Rights No. 22/2021 on the Indicators of Human Rights City/Regency. This law replaces the prior Regulation of the Ministry of Law and Human Rights No. 34/2016 on the Indicators of Human Rights City/Regency.

⁴⁵ Gwangju Declaration on Human Rights City (World Human Rights Cities Forum, 2011).

Example 2

Human Rights City/Regency Award in Indonesia: National Commitment, Local Action

In 2017, the Indonesian government through the Directorate General of Human Rights (DGHR), the Ministry of Law and Human Rights established a new national platform, the Human Rights City/Regency Award. This award aims to push the implementation of human rights at the city level, to evaluate the performance of city government, and to enhance the synergy between different units within city offices. The scope of assessment focuses on economic, social, and cultural rights with limited assessment of civil and political rights (right to information, right to pluralism covering non-discrimination, right to participate in the government).

As this is a voluntary program, a city conducts a self-assessment with supporting documents submitted to a digital platform managed by the DGHR. A national committee composed of representatives of government and civil society assesses the submissions. The human rights city award has been divided into three levels: advanced, intermediate, beginning [peduli, cukup peduli, mulai peduli].

In 2020, 439 of 514 cities in Indonesia voluntarily participated in the program.⁴⁶ Only 259 cities have reached the advanced level.⁴⁷ The award is considered to be quite prestigious as it has been given by the President, Vice President, or Minister of Law and Human Rights. This platform signifies the national commitment to push for local action.

⁴⁶ Penghargaan Kabupaten/Kota Peduli HAM Tahun 2020, <https://babel.kemenkumham.go.id/berita-utama/peringatan-hari-ham-sedunia-ke-72-kanwil-babel-kolaborasi-dengan-pemprov-kep-babel-serahkan-penghargaan-kabupaten-kota-peduli-ham>.

⁴⁷ Data Penerima Penghargaan Kabupaten/Kota Peduli HAM, 2020, <https://ham.go.id/pusat-data/data-kabupaten-kota-peduli-ham/>.

Chapter 2 How to Apply the Three Steps in Localisation

Step 1: Situational Analysis

Background

The first step in any successful policy development process is to understand where to start. To do that, local government need to examine their own situations through a human rights lens.



A benefit of human rights compared to newer frameworks such as the SDGs, is that there is a wealth of information available from the UN, regional bodies, NHRIs, civil society organisations (CSOs), and academia covering human rights issues at practically all levels and in all countries. This handbook strongly encourages local government to

consult these existing sources and to engage universities and CSOs in collecting the information required for this step. This will not only save time and resources, but also likely reveal that much information local government need is already available. If a country has an NHRI, then it is likely that local government can find a considerable amount of locally relevant information to build on and an ally for their continued work.

As will be seen in this part, a benefit of participatory processes is also that affected rights-holders can, and should, be a source of information about the human rights situation, and ideas and resources for how to best address any gaps. Through this approach, rights-holders are empowered. Further, the HRBA goals of transparency as well as accountability are upheld.

Objectives & Outputs

The situational analysis is aimed at understanding the local community's context, particularities, and challenges, and how that context relates to the promotion and protection of human rights. It will also help local government identify the duty-bearers and rights-holders, and their relationships. Finally, based on the findings of this assessment, local government can further identify necessary interventions or programs to fill human rights gaps or address risks (if any). The output of this step will be a report consisting of a situational analysis and a description of priority issues which will be used in the next step, namely policy development.

In this first step, data plays an important role. How data is collected and used is also informed by human rights standards. These include participation, data

disaggregation, self-identification, transparency, privacy, and accountability⁴⁸:

- Participation means that all data collection exercises include means for free, active, and meaningful participation of relevant stakeholders, in particular the most marginalised population groups.
- Data disaggregation requires more intensive data collection including different sampling, comparison between population groups, and other ways to identify a human rights gap.
- Self-identification means that the data collection process is sensitive to rights-holders' specific situations and preferences; data collection should “do no harm” or not have a negative impact on right-holders.



⁴⁸ For more information, see OHCHR, Human Rights Indicators: A Guide to Measurement and Implementation (2012), https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf; and OHCHR, A Human Rights-Based Approach to Data: Leaving No One Behind in the 2030 Agenda for Sustainable Development (2018), <https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

- Transparency refers to the human right to information, indicating that data collectors should provide clear, openly accessible information. It also means that data collected by the government should be open to the public.
- Privacy and confidentiality should be considered alongside access to information. This particularly refers to sensitive individual and personal information.
- Data collectors are responsible for upholding human rights issues in their collection processes.

Methodology

The HRBA analysis centres around the relationship between duty-bearers and rights-holders. As the UN Office of the High Commissioner for Human Rights advises,

[a]ny attempt to have a constructive impact on a human rights problem must be guided by a thorough understanding of the context and the factors that contribute to it. The analysis of the problem guides the design of a strategy and the choice of priorities for action.⁴⁹

To prepare a rights-based situational analysis, local government need to know where human rights are located in this context, whether in treaties ratified by the state, the national constitution and/or laws, in local regulations, or other sources. A thorough analysis of the local economic, social, cultural, and political context is important, including understanding the level of decentralisation in their respective country and responsibility for human rights fulfilment. Then local government can follow with the following steps:

⁴⁹ OHCHR, Manual on Human Rights Monitoring: Chapter 8, Analysis 5 (2011), <https://www.ohchr.org/Documents/Publications/Chapter08-44pp.pdf>.

- **Causality analysis** will help in exploring and analysing cause and effect in the context of problems, challenges, and opportunities. This analysis assists local governments to identify human rights concerns in their areas, highlighting the immediate and root causes of development problems and patterns of discrimination. Attention must be paid to ensure that vulnerable populations are identified, and no individuals are left behind.
- **Role pattern analysis** is used to identify who the duty-bearers and rights-holders are. What are the relationships between them? How are these relationships developed? Who owes what obligations to whom, especially regarding the root causes identified?
- **Capacity gap analysis** will help in identifying gaps in duty-bearers' capacity in fulfilling their human rights obligations and rights-holders' capacity to claim their rights. Here the following questions are key: whether local governments have sufficient knowledge of human rights? Whether they have sufficient resources? Whether rights-holders have equal access to their rights? If not, what are the barriers?

Based on the above analysis, local government will have sufficient basis to identify which topic, right, or problem should be prioritised.

It is important to remember that rights-holders are not homogenous. One issue affects different people differently, and these differences should be considered in addressing their rights. When identifying duty-bearers local government will find a complex web with state institutions at the centre, including central and local governments, government agencies working on health, food, education, and so on.

Connecting the Dots: City Scanning

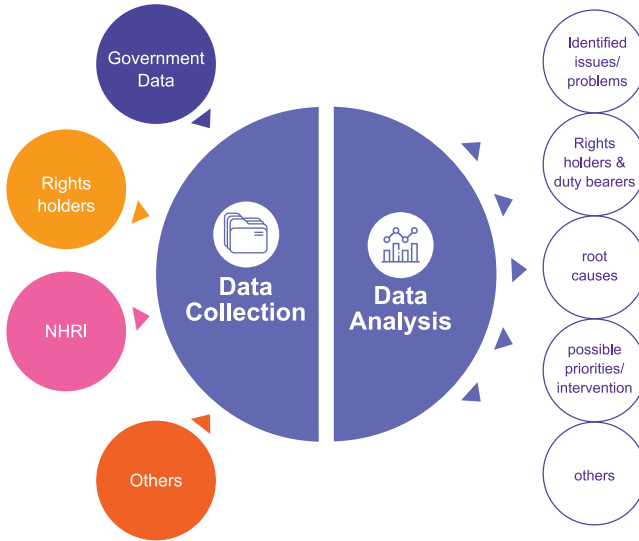


Figure 6 City Scanning

There are several steps toward the comprehensive survey of a city. The local government can start by understanding the legal and policy framework that provides context for localising human rights in practice. Once this step is underway, local government can start mapping out problems and issues in the city, using the NHRI, academics, civil society, and vulnerable groups as good sources of information. Once the city is mapped out, the local government can then identify the stakeholders – the duty-bearers and rights-holders. After the data and analyses of the city/region have been gathered, but before the policy development process begins, it is advisable to create a priority list of the identified issues based on their importance to the population, with particular attention to vulnerable groups.

A. Identifying legal and policy framework on human rights

Part 1 of this Handbook laid out the role of local governments vis-a-vis human rights treaties and the SDGs. Identifying human rights treaties ratified by the state and related national and local instruments is a good starting point for the situational analysis. Next is to scope out the local government functions relating to commitments to human rights and the SDGs. The results of this process may vary depending on factors such as the level of decentralisation, what aspects of governance are delegated to each level of government, and how the government is committed to localising international human rights standards.

Where local governments hold a mandate related to human rights, it is important that they are equipped with adequate policies, mechanisms, and resources. Here, the local government must assess whether, for example, the existing policy at the local level is sufficient to facilitate the fulfilment of rights. Does the local government have the necessary institutional mechanisms to execute their human rights obligations? Does local government have sufficient human and financial resources?

If the local regulation on human rights is absent or inadequate, having a specific human rights instrument, policy and mechanism at the local level might be necessary. This will reaffirm the national commitment and provide a more robust legal basis for claiming rights at the city level. Moreover, having a local policy legitimises the city's

effort to localise human rights, provides greater space for public participation, guarantees its sustainability, supports allocation of resources, and helps the achievement of SDGs. The absence of such a legal instrument can be considered as a gap and even more reason to take the initial step to begin localising human rights.

Example 3

Indonesia: From National Order to Local Action **The importance of Regulation**

The Indonesian government has ratified the nine-core international human rights instruments. In 1999, to implement its human rights commitment, Indonesia passed Law No. 39/1999 on Human Rights as an umbrella instrument for human rights protection in Indonesia as well as the establishment of the National Commission on Human Rights. To provide guidance for its implementation, the government adopted a National Action Plan (NAP) mandating that all government institutions, including local governments, take necessary actions to respect, protect, fulfil, enforce, and promote human rights in accordance with the NAP.

Despite the NAP's adoption at the national level, the local government is given flexibility to provide more protection in accordance with the city's needs. In this case, the NAP serves as a minimal baseline for local government action.

In the case study of East Lampung Regency, the local government began by identifying international norms of human rights and connecting the norms with 11 national laws and regulations in Indonesia. It then identified at least 6 city regulations, laws, and policies on human rights, which are derived from the Law no. 39 Year 1999 on Human Rights. These local regulations include Mayor Decree no. 48 Year 2016 regarding Human Rights City on East Lampung Regency. This Decree clearly highlights three points: (1) it reaffirms the 9 Principles of Human Rights Districts from the Global Charter Agenda for Human Rights in the City, focusing on more inclusive, democratic, and solidarity-based societies through dialogue with urban dwellers; (2) it guarantees all human rights as stated in the

National Law No. 39/1999; and (3) it further emphasises the role of East Lampung Regency as a city to provide operational safeguarding for effective human rights protection, including designating the responsible units within the mayor's office as well as their tasks and budgets.

B. Mapping problems and issues: human rights-based assessment

The second step in a situational analysis entails identifying contributing factors affecting the level of enjoyment of rights at the local level, including the identification of rights and individuals/groups affected or those in possible vulnerable situations.

To better understand the problems and issues a city faces, a local government can assess the local political, cultural, economic, social, and developmental aspects of the city. This step also requires a comprehensive understanding and analysis of city's geographical and environmental conditions (e.g., whether it is landlocked or coastal, sea level, biodiversity), governance structure (e.g., centralised vs. decentralised), population and demographics (e.g., sex, disability, aging population, youth, children, indigenous groups), people's livelihood (e.g., nature-based, industrial, small or informal businesses, government employees), safety and accessibility (e.g., whether city inhabitants feel safe in the city?, whether the city is accessible by persons with disabilities?), and its existing resources and networks (e.g., budget, natural resources, investment, cooperation with civil society and international organisations). For a more comprehensive understanding of variations in access to and enjoyment of rights within the population, this data should be broken down by age, gender, ethnicity, labour status, and other relevant categories.



Figure 7 City and its characteristics

Four principles of assessment – availability; accessibility; acceptability; and quality of goods, facilities, and services (i.e., economic, social, and cultural rights) – can be used to assess the current human rights situation.

Data based on these criteria are crucial to develop a baseline to understand local dynamics and analyse potential vulnerabilities of the local inhabitants and possible solutions to identified challenges. It should be noted, however, that these criteria are non-exhaustive.

National and local statistical agencies, the State's Universal Periodic Report (UPR) and other human rights reports, the SDGs' Voluntary National and Local Reviews, civil society, academics, and the rights-holders are good sources of data and information. This will improve inclusivity, so that no vulnerable groups (or potential ones) are left behind in the city's development planning. Identifying rights-holders will

also help the local government address existing challenges in a more targeted manner.

Gathering such data will answer the following questions:⁵⁰

1. What is happening?
 - What rights have been violated or neglected?
 - Who is being affected?
 - What resources does the city have to address this issue?
2. Why is this happening? (This question is to uncover the immediate, underlying, and root causes of the issue, such as gender or environmental challenges the city faces.)
3. Who is responsible?
4. Is there a channel to seek redress?
5. What is the available mechanism for public participation?

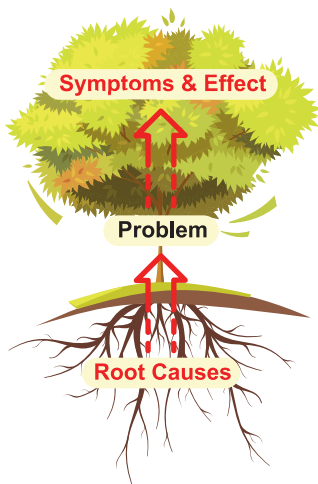


Figure 8 Problem Tree

While uncovering the root causes of challenges, opportunities, and gaps with this preliminary assessment, local governments can engage with other local authorities, civil society, academics, and the rights-holders themselves through discussions, focus groups and/or interviews. This will help align initial findings and identify the most pressing issues and needs.

⁵⁰ UN Development Programme Argentina, Guide for Local Planning from a Human Rights-Based Approach 22-32 (2011).

Role Pattern Analysis: Identifying Stakeholders

The human rights-based approach helps divide stakeholders into **duty-bearers** and **rights-holders**, as mentioned in Part 1. Identifying **duty-bearers** and **rights-holders** contributes to a better understanding of the local dynamics and should also include an analysis of power relations.

Identifying **duty-bearers** means identifying who has the responsibility to respect, protect, and fulfil human rights. When identifying duty-bearers, local government will find a complex web with different government agencies and officials at the centre – albeit with varying levels of authority and influence. The responsibilities of business to respect, conduct due diligence, and contribute to remedies can also be included in this analysis.

Note that while private entities, such as businesses, do not (yet) have formal duties under human rights law, they do, according to the UN Guiding Principles of Business and Human Rights (2011), have responsibilities to respect human rights, conduct due diligence to prevent negative impacts on human rights, and contribute to remedies where harm has occurred. This means that local government can include local businesses as stakeholders in the analysis of power relations and dynamics that affect the community.

It is essential to understand who is most affected by the issues identified. Identifying rights-holders will lead to analysis of rights fulfilment, looking more closely at questions such as what rights have been violated or neglected, how such rights are being violated or neglected, and who is left behind. Vulnerable groups who could be severely affected by human rights challenges must be identified, with attention to marginalised, disadvantaged, and socio-politically and/or economically excluded groups in the local context. Adopting the HRBA necessitates this as part of ensuring that no one is left behind, particularly those on the fringes.

The HRBA provides local government with another layer of consideration in identifying rights- holders, particularly with principles of non-discrimination and inclusion. By using the HRBA, local governments would ask questions, such as:⁵¹

- Who is being most affected?
- How are they being affected?
- Which group do they belong to (women, men, children, the elderly, indigenous, persons with disabilities, LGBTQ+, urban poor, religious minority, or combination thereof)?
- What factors, if any, are common to those most affected?
- Where do they live? Are they located in specific geographic areas?
- How do they make a living?

Below is an illustration of rights-holders and duty-bearers identified in a case of flooding in a city.

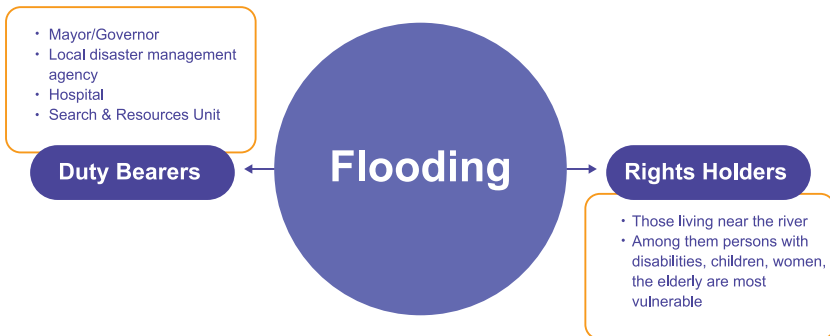


Figure 9 Example: Rights-holders and duty-bearers during flooding

⁵¹ Questions derived from UN Development Programme Argentina, Guide for Local Planning from a Human Rights-Based Approach (2011).

The image above illustrates that identifying stakeholders is essential in localising human rights because it will inform local governments of who should be given attention to and be involved in the dialogue around a certain policy area. It will also help local governments identify synergies between their policymaking processes and civil society's initiatives. Identifying stakeholders through a human rights lens will make it easier for local governments to understand whom to engage with on an issue, and how to ensure inclusivity and that rights-holder participation is incorporated as both a means and a goal. The involvement of all relevant and affected stakeholders will ensure that issues and needs identified are as comprehensive as possible, and particularly that rights-holders can stay informed and have opportunities to engage in policy discussions that affect them.

When a city's priority issues have been identified based on national and local development priorities, the local government can identify relevant human rights related to the identified priorities and ask the same questions as above.

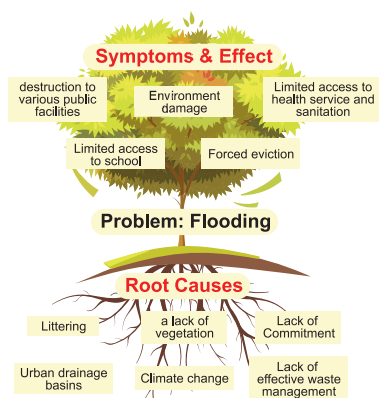


Figure 10 Example: problem tree in a case of flooding

Defining local priorities

After the data and analyses of the city have been gathered, it is a good practice to create a priority list of the identified issues based on their importance to the residents, with particular attention to vulnerable groups.

A root and gap analysis are critical in setting and

identifying these priorities. A root analysis is a tool to identify the underlying causes of a problem. Building the tree around a particular problem area will facilitate this exercise. This includes examining where rights are not exercised and why this is so, who these issues impact, and how different issues are interrelated. On the other hand, a gap analysis will look at the various rights relevant for the area and the extent to which they are being fulfilled or not fulfilled. Both analyses will help duty-bearers identify how they can better fulfil their responsibilities and plan appropriate steps to solve these pertinent issues.

Rights-holders and CSOs should be involved in the problem tree analysis exercise so that they can participate in formulating the problem and what should be done about it. Similarly, in identifying priority(ies), rights-holders and CSOs should be at the discussion table.

Once identified, the local priorities must be related to the existing regulations to examine whether duty-bearers' capacity matches with rights-holders' needs. This exercise will help decide the focus of intervention and identify the rights-holders most affected, ensuring that each problem is addressed optimally and sustainably. When there are obstacles for all or parts of the population to claim their rights, these gaps need to be bridged. Likewise, where there is a gap in duty-bearers' capacity to fulfil their responsibilities, changes must be considered.

When it comes to duty-bearers' capacities, one of the most common gaps is lack of knowledge among local government officials on human rights, SDGs, and their linkages, and especially in relation to their own roles and functions. Where this is the case, efforts need to be made to address it through capacity-building initiatives and other guidance – for instance by NHRIs, local universities, and CSOs.

Suggested Tools

A problem tree is commonly used to map out the cause and effect around an issue and identify solutions to fill the gap.⁵²

Steps in Using the Problem Tree:

- Identify existing problems within the problem area/domain of interest. (A problem is not the absence of a solution, but an existing negative state or situation. Distinguish between existing, imaginary, or future problems).
- Define the core problem.
- Formulate the causes of the core problem.
- Identify the effects of the core problem.
- Draw a problem tree that represents cause-effect relationships

Example 4

Issue: Flooding has been an annual problem for many cities.

Once the tree is drawn, analyse:

- What are the economic, political, and social dimensions of the flooding issue?
- Which causes and consequences are getting better, which are getting worse, and which are staying the same?
- Who are, or seem to be, most affected or exposed? What factors do, or seem to, determine the degree of exposure?
- What are the most serious consequences of flooding? Which are of most concern? What criteria are important in thinking about a way forward?
- Which causes are easiest or most difficult to address? What possible solutions or options might there be? Where could a policy change help address a cause or consequence, or create a solution?
- What decisions have been made and what actions have been agreed on?

⁵² UN Habitat, EAWAG, Problem Tree Analysis: Procedure and Examples (n.d.), https://www.eawag.ch/fileadmin/Domain1/Abteilungen/sandec/schwerpunkte/sesp/CLUES/Toolbox/t8/D8_1_Problem_Tree_Analysis.pdf.

Communicating analysis result

Following these analyses, local governments should be able to develop a comprehensive report on their cities with the following baseline information:

- What are the problems?
- What caused the problems?
- Is there a gap between duty-bearers' capacities and rights-holders' needs?
- Who are the duty-bearers, rights-holders, and other relevant stakeholders for the issues discussed?
- What are the nature and dynamics of the relationships between stakeholders?

The analysis should be shared with the rights-holders and civil society through public consultation, mass media, websites, and other means including electronic ones. By sharing this analysis, local governments can garner feedback and inputs and determine the next steps. Representatives of local government agencies are among the essential stakeholders to be involved in this step to ensure synergy and coordination going forward.

Step 2: Policy Development

Background

Using diagnostic and situational analyses that come from step 1, local governments can better understand their local situations regarding human rights, and identify current strengths, gaps, opportunities, and priorities. The next step, depending on the findings of the analysis, is to develop or amend local policies to ensure that human rights are protected, respected, and progressively fulfilled, and that the dialogue with rights-holders is both inclusive and fruitful. This, in turn, will help local governments progress toward SDG targets, both because key issues coincide (health, gender equality, inclusion, etc.), and because Agenda 2030 is based on human rights law and principles. It is today widely recognised that both the HRBA and SDG progress can be mutually reinforcing, and that a rights-based approach is necessary to fully achieve the SDGs.⁵³

The policy development phase is a step in the direction of localising human rights, and toward creating an institutional framework that can provide accountability for human rights locally. Public participation and empowerment of rights-holders is vital to developing policies related to those issues. Participation provides a platform where rights-holders can have their say on issues that affect their lives. This also builds confidence, interest, and trust in local governance, as well as valuable connections with others in the community.⁵⁴

⁵³ See, for instance, Saad R, Human Rights and the 2030 Agenda: Key Messages from the High Level Political Forum on Sustainable Development (Universal Rights Group Blog, July 29, 2019), <https://www.universal-rights.org/blog/human-rights-and-the-2030-agenda-key-messages-from-the-high-level-political-forum-on-sustainable-development/>.

⁵⁴ UN Secretary-General António Guterres noted these connections in his Nelson Mandela Lecture, available at Nelson Mandela Lecture: Tackling the Inequality Pandemic: A New Social Contract for a New Era (2020), <https://www.un.org/sustainabledevelopment/a-new-social-contract-for-a-new-era/>.

People's participation in local policy development is key to ensuring ownership for sustainable results and impacts. This also ensures public access to information and acknowledges constituents' ability to influence the development and monitor the implementation of local policies.

Community members should enjoy equal opportunities to contribute to the development of local policies. Participation of those at the margins is fundamental to achieve meaningful and inclusive local policies. Participation should be viewed as an objective as well as a means of empowerment. Democratic principles and values that promote critical consciousness and decision-making should serve as the basis for active membership in a community. To participate in policy development, right-holders must understand their rights and know how to claim them and hold duty-bearers accountable when rights are violated.

Objectives & Output

This step focuses on developing rights-based policies on specific issues addressing the challenges identified in Step 1. Policy development plans that address gaps these issues should be coupled with sufficient resources for effective implementation.

Applying the HRBA, policy development should be transparent and participatory. Therefore, this part will focus on activating public participation in the local policy development process in which the right-holders are at the centre stage. This process is meant to allow rights-holders to claim their rights and support duty-bearers in meeting their obligations.

Methodology: Rights-based Policy Development

When developing policies, the steps follow the key elements of the HRBA:

- The policy development should focus on transparency and accountability, which requires effective monitoring mechanisms for budget utilisation, human rights standards, and remedies.
- Policymaking should be done with the consultation and participation of people on issues that affect them. Everyone should have equal access to participate without discrimination.
- The policies entail direct and intentional reference to human rights at all levels, including law, policy, and practice. The policy developed and the corresponding resources allocated should be responsive to the needs identified.

The HRBA's focus on empowering rights-holders to understand and claim their rights, and on enhancing the ability and accountability of duty-bearers adds value through the process itself and the dialogue it offers. It improves the adequacy and efficiency of the policy contents as these are more aligned with actual local needs, preferences, and resources. The HRBA encompasses raising awareness of what human rights mean and giving people greater opportunities to shape the decisions and policies that may impact their rights. It also means increasing the capacities of duty-bearers. Integrating the HRBA into policymaking at the local level will support progressive realisation of rights and contribute to SDG achievement.

Participatory Policy Development Process

Consultations should be conducted separately for each stakeholder. However, local governments can also organise a public consultation where all stakeholders are able to participate.

Participatory Consultation with Rights-Holders

After identifying existing policies, stakeholders, and priority issues in Step 1, the local government will have a list of specific problems to be addressed and which stakeholders should participate in policymaking. Like Step 1 on identifying stakeholders, local governments must ask the following questions to determine the stakeholders participating in policy development.

- Who would be most affected by the proposed policy?
- How will it impact them?
- Is there a practice or mechanism to lessen the negative impact?
- Which method best facilitates active, free, meaningful, and accessible participation of those most affected?
- What information would be needed by the affected groups to help them make an informed decision?

Local governments must look beyond the classification of affected groups and see the intersectionality between them. For example, non-disabled women and women with disabilities have different needs, particularly in emergencies. Women with disabilities may be vulnerable as members of a marginalised group with particular needs, and often, their rights are neglected and violated.

Consultation with rights-holders can be done through various means, for example, through in-person workshops or via an online platform. Below are examples of practical guidelines to ensure that public consultation and participation are conducted effectively. They refer to the representation, quantity, and quality elements of public participation.

Aspect	Description
Representation	<ul style="list-style-type: none"> The nature of public participation is holistic, meaning it should comprise a broad, representative sample of the affected population. The public could mean one person or multiple person(s) depending on the nature and scope of the project. Participation is free, and no violence or force is allowed.
Influence	<ul style="list-style-type: none"> Issues of concern to the public are prioritised.
Timelines	<ul style="list-style-type: none"> Realistic milestones and deadlines must be set and observed throughout the process. Regular engagement is encouraged. The selected stakeholders must be involved in the process throughout the planning process (in all sectors and at all phases).
Scope: Purpose and decision-making	<ul style="list-style-type: none"> A shared purpose must drive public participation, and the nature and scope of participation is clearly defined. The purpose should be precise, clear, and focused.

Effective forums	<ul style="list-style-type: none"> • The public must be able to participate in an effective forum. Different techniques can be used to distribute information, such as face-to-face discussion between parties, online interactions, and any other platforms which may be easily accessed by all participants. • All participants enjoy free and safe spaces for dialogue and contributions to policies and activities • Law, policies, or project/development plans are expressed in the local language or a language most familiar to community members.
Feedback	<ul style="list-style-type: none"> • Public participation raises awareness and increases capacities on how people's inputs could affect the process's outcome and the decision. Public participation involves a series of meetings or discussions beyond a single exchange.
Information	<ul style="list-style-type: none"> • Public participation should be based on information that could catalyse interest and greater involvement of people. Information should be shared and circulated well in advance to ensure all participants have time to understand, discuss, and decide.

Enabling process	<ul style="list-style-type: none"> Public participation seeks and facilitates those who will be potentially affected by the decision or those interested. The empowerment of those who are or possibly will be affected is significant.
Place	<ul style="list-style-type: none"> The site for public participation should be on the community's territory, where they are impacted, or any place accessible for those most impacted.

Example 5

Understanding and devising policies to deal with critical socio-economic issues A case of Gwangju

To deal with six critical socio-economic issues in the city, namely poverty, high suicide rates, migrants, irregular workers, out-of-school children, and the mobility impaired, the city sought to listen to the opinions of human rights experts as well as citizens, particularly those from socially marginalised groups. Open forums and consultations were held, which resulted in 61 policy proposals, from which 45 action plans were devised. For example, 13 action plans were drafted centering on (international) migrants, including ones to educate citizens on migrant rights, guaranteeing migrant participation in local society and establishing a comprehensive support network for migrants.

Source: Kim, Soo A, Policies, tools and mechanisms to build a human rights city: the experience of Gwangju. Monografias. Barcelona Centre for International Affairs (2019).

Example 6

Musrenbang: A Mandatory Platform for Local Public Consultation

Indonesia provides a good example of why bottom-up participation is a necessary part of the decision-making process. Musrenbang [Musyarawah Perencanaan Pembangunan] is a mechanism that supports stakeholder consultation at the sub-national level. The Republic of Indonesia Law No. 25 Year 2004 on the National Development Plan System regulates the several stages required to formulate long-term, medium-term, and annual development plans both at national and local scales. One of the stages is called multi-stakeholder consultation forum for development planning (Musrenbang), which requires the participation of the public in formulating the development plan (article 11; article 16) at the local level.⁵⁵ This national level regulation was adopted by Bandung City through the City Regulation of Bandung No. 7 Year 2008 on the Conduct of Local Development Plan and Local Musrenbang. Within this regulation, the rights, and obligations of the society regarding participation in the city development plan is elaborated in more detail.⁵⁶ It guarantees the right of the people to actively participate in the formulation of a development plan by expressing opinions, demands, and aspirations in certain fora as well as receiving feedback and information regarding the final development plan. The technical details of conducting the local development plan and local Musrenbang is elaborated in Mayor of Bandung Regulation No. 121 Year 2010 on the Conduct of Local Development Plan and Local Musrenbang. Within the regulation, the people are not only able to participate in the formulation of the development plan, but also to support the monitoring and evaluation process on the implementation of such plans.⁵⁷ Moreover, it also specifies that the public participation in Musrenbang is a necessity, and such participation has to fulfil the principle of representation of all elements within the society.⁵⁸

⁵⁵ President of the Republic of Indonesia, Law No. 25 Year 2004 on the National Development Plan System, adopted 5 October, 2004, arts. 11; 16.

⁵⁶ Government of Bandung, Regulation No. 7 Year 2008 on the Conduct of Local Development Plan and Local Musrenbang, adopted 26 May, 2008, arts. 7-9.

⁵⁷ Mayor of Bandung, Regulation No. 121 Year 2010 on the Conduct of Local Development Plan and Local Musrenbang, adopted 2 March, 2010, arts. 10-12.

⁵⁸ Ibid., art. 26.

Consultation with other stakeholder groups



Other stakeholder groups that can be brought to the table include organisations and individuals that have the power to influence rights-holders and duty-bearers. Many carry mandates and/or functions that shape policy, social norms, behaviours, and agendas. These include religious leaders, business entities, civil society, NGOs, mass media, and international/donor agencies.

Civil society can play a crucial role in policy development and implementation as they work closely with vulnerable groups and affected communities. Identifying the most relevant civil society actors is an essential step to be taken by local governments to ensure public participation. Academic institutions are also crucial assets to provide policy advice and research-based data for local governments.

Workshops or focus group discussions are two possible platforms to be used by local governments to consult academics and civil society. However, it is important to note

that the representation of civil society and academics needs to be widespread and equal.

Coordination between Local Government Agencies

The implementation of one right is connected to another; thus, efforts to fulfil human rights cannot be made in silos. After understanding how to identify the duty-bearers, local governments need to take step further and ask:

- Who is responsible for making a specific right respected, protected, and fulfilled?
- What is the existing mechanism for local government agencies to coordinate?

Coordination and cooperation between local government agencies is crucial to ensure that policies and programmes are coherent and not overlapping, and to guarantee the efficient use of resources. To this end, it may be helpful if different local government offices get together in decision-making and resource allocation through increasing residents' participation in policy development.

Analysis of results and inputs gathered through consultations with rights-holders and civil society will create a stronger and more comprehensive understanding of the local human rights situation that can shape local government agencies' coordination efforts. Consultations between local government agencies could for instance cover the following question:

- Are there existing policies/programmes that could address the issue identified?

If the existing policies are deemed insufficient to address the identified gaps/challenges, then a revised or new policy may be necessary, and the local government might ask:

- What information is available that can be used to revise existing policies or create new ones to address the gaps?
- What is the desired impact of this revised/new policy?
- Is there an established mechanism for accountability and remedies or does a new one need to be created in relation to the new or revised policy?

The policy development plans agreed upon following the series of consultations would then be specified, and new policies designed and approved following established procedures. Local government agencies suggest also making a plan to disseminate the policy/programme along with participatory monitoring mechanisms.

Policy Design

The design phase is the next crucial step for policy development. Having a good design process will determine the effectiveness of policy implementation. The HRBA offers criteria for a rights-based policy which should at least have the following elements:

- Definition of the policy's scope, with the inclusion of a strategy to eliminate barriers in accessing rights.
- Special attention to individuals/groups identified as priorities in Step 1.
- Effective fulfilment of rights and bridging inequality between rights-holders as measurable objectives of local policy.
- Analysis of the adequate institutional structure to implement, monitor, and evaluate the policy and the strategies for adjustments, if needed.
- Clear identification of the rights-holders and duty-bearers, particularly of the institutions in charge of implementing the policy.

- Provision of a grievance mechanism and strategy to inform the rights-holders of such a mechanism.
- Design of mechanisms to monitor and evaluate the policy.
- Design of a participatory mechanism to guarantee rights-holders' participation in policy design and implementation.
- A mechanism to inform the rights-holders on the progress achieved in implementing the policy.

Local governments can make a checklist to see whether the HRBA has been incorporated into the policy, as below:⁵⁹

Checklist	Yes/No	Notes
Structure		
Does the policy explicitly aim to address specific priority issues?		
Is the policy developed based on, and in line with, human rights instruments and national human rights commitments and policies?		
Is the gender aspect included in the policy?		

⁵⁹ The checklist was developed as a follow up from Step 1, taking the HRBA into consideration. The checklist is derived from Ussar M, Integration of the Human Rights-Based Approach Into Development Policies and Programs: A Guide for the New EU Member States (2011), <http://minorityrights.org/wp-content/uploads/old-site-downloads/download-1044-Integration-of-the-human-rights-based-approach-into-development-policies-A-guide-for-the-new-EU-Member-States.pdf>.

Does the policy clearly identify government agency(ies) mandated to implement it?		
Does the policy include specific strategies for the participation of rights-holders in the development, implementation, and monitoring and evaluation?		
Is the link between human rights and the SDGs specifically recognised?		
Does the policy include a strategy for dissemination to rights-holders?		
Does the policy have a clear monitoring and evaluation mechanism? Does it include measurable indicators?		
Does the policy facilitate establishment of a grievance mechanism?		
Process		
Was the policy developed through a participatory process? If yes, continue with the following points:		

How many consultations were conducted?		
Did vulnerable groups and/or organisations representing them participate in the consultations?		
Did women and/or girls participate in the consultation?		
How far in advance was the draft policy distributed?		
Did the participants have a chance to comment/ give inputs prior to the consultation?		
Did the participants have a chance to give inputs during the consultation?		
Were all inputs properly recorded?		
Outcome		
Was the policy is communicated to rights-holders? If yes, how?		
Will the policy design achieve the goal and objectives?		
Will the policy design solve identified problems?		
Will the policy design improve human rights conditions?		

Example 7

Designing program(s) based on human rights and SDGs integration in Philippines

Development of the Human Rights City of Bucay started in the 1990s by civil society advocates. The main goals of this initiative are to set up a global Human Rights network, reduce the level of poverty especially among the indigenous people's communities in the municipality and to end the ongoing conflict among armed groups in the area. To implement the Kalahi-CIDSS, a poverty alleviation program of the Philippine Government under the Department of Social Welfare and Development (DSWD), which uses the community-driven development (CDD) approach, the city of Bucay developed various programmes. One of them addresses the water system and sanitation. In Bucay city, Level 2 water systems refer to the existence of water points at the village level that ensure adequate supply and access to the whole community, and Level 3 refers to systems that include piped water supply into households. Notable among the city's achievements are the level 2 and level 3 water systems in place in all barangays, the electrification of all barangays and installation of streetlights that helped eliminate the problem of theft of livestock, and the construction of farm to-market roads, health centres, evacuation centres, and schools (up to elementary levels) in all barangays. The local governments are more responsive to human needs, such as when women asked the barangay leaders to prioritize water provision over street lighting. These achievements go beyond the provision of infrastructure and public utilities. They have the potential to be transformative and empowering because of the process through which the community members were able to participate directly in prioritizing, deciding, and in most cases, even in implementing these projects.⁶⁰ These are victories in achieving development goals such as those that pertain to poverty (SDG 1), food security (SDG 2), employment (SDG 8), and continuous, better access to safe and clean drinking water (SDG 6).

⁶⁰ Perez F, Pedro F, Regional Research on Local Governance, Human and Environmental Rights, and the SDGs in Asia and the Pacific 3 (Raoul Wallenberg Institute, 2019), <https://rwi.lu.se/pyramid-publications/regional-research-on-local-governance-human-and-environmental-rights-and-the-sdgs-in-asia-and-the-pacific/>.

Step 3: Monitoring and Evaluation

Introduction



After identifying the strengths, challenges, gaps, and opportunities in the city as highlighted in Step 1 and filling in the gaps through the development of policies as discussed in Step 2, this part moves forward by examining the monitoring and evaluation of these policies and programmes.

Monitoring is defined as a continuous process during the implementation of an action plan or policy in an area, focusing on efficiency and effectiveness. Evaluations are in-depth assessments undertaken at designated stages in the program cycle, for the purpose of determining as systematically and objectively as possible the worth or significance of a program, intervention, strategy, or policy.⁶¹ A human rights-based monitoring and evaluation (M&E)

⁶¹ There are various definitions of monitoring in different contexts. For further discussion, see International Atomic Energy Agency, Monitoring and Evaluation Guideline: Technical Cooperation Projects 8 (2013), https://www.iaea.org/sites/default/files/documents/tc/TCP_MandE_Manual.pdf; World Health Organisation, Health Service Planning and Policy-Making: A Toolkit for Nurses and Midwives, Module 6: Monitoring and Evaluation 2-8 (2005).

system brings the human rights perspective to the process by recognising the stakeholders, both rights-holders and duty-bearers.

Human rights-based M&E helps to reinforce human rights standards, hold duty-bearers accountable and strengthen participation and equity. It can further help strengthen the duty-bearer's compliance with its human rights obligations. Moreover, different stakeholder groups should be included in the monitoring and evaluation processes, and data should be collected using participatory processes.

Monitoring and evaluation processes should use any form of complaint mechanism as part of their assessment. The use of IT-based tools can help make the M&E process more accessible for all levels of society. This platform can ensure meaningful exchanges of ideas and inputs among local stakeholders, encouraging sharing experiences and learning among them. Online platforms such as LAPOR! in Indonesia aim to gather citizens' observations and complaints for responses by the appropriate local government.⁶²

Objectives & Output

This third step of the process is intended to assist local governments in defining rights-based monitoring and evaluation mechanisms, in consultation with rights-holders and other stakeholders as relevant, where they may also want to relate to existing plans for monitoring and evaluation of the SDGs. Incorporating monitoring tools for human rights policies and the SDGs can be both resource efficient and have the benefit of strengthening the rights-based approach of the SDGs.

⁶² The LAPOR! platform is accessible through the Bandung Command Center, <https://commandcenter.bandung.go.id/layanan/layanan-aspirasi-pengaduan-online-rakyat/> and at LAPOR!, <https://www.lapor.go.id/tentang>.

The output of this third step is the monitoring and evaluation plan. By sharing the plan with actors involved, their specific roles and the opportunities for stakeholder participation will be clearer.

Methodology: Human Rights-Based Monitoring and Evaluation

As with previous steps, using the HRBA in the process of M&E can reinforce the accountability of duty-bearers, and strengthen participation and equity.

The HRBA requires the process of M&E to be participatory and transparent. Key performance indicators of a policy or programme are reviewed from human rights perspectives and relevant laws. Three main principles of the HRBA include the accountability of duty-bearers, the participation of right-holders, and equity/non-discrimination, which are necessary for monitoring and evaluation. It is important to note that, for the HRBA, the process involved in policy development is equally important as tangible results. Thus, indicators measuring the level and quality of participation are very important.

4 Principles in Monitoring and Evaluation

Participation: The monitoring and evaluation process must enable stakeholders to fully enjoy the right to be consulted and participate in decisions about what will be monitored and how the evaluation will be conducted. In addition, the evaluation will assess whether the stakeholders have been able to participate in the design, implementation and monitoring of the policy/program. It is essential to measure the participation of various stakeholders in the entire programming process and to assess how they benefit from results.

Inclusion: Monitoring and evaluating policy/programme/ intervention in the realisation of human rights in the context of SDGs requires assessing which groups can benefit from and contribute to the intervention under review.

Accountability and transparency: Monitoring and evaluating the policy/programme based on a HRBA is not just a technical exercise in data collection and analysis but is also a democratic process to share knowledge, strengthen accountability, and shift power relations between stakeholders.

Equality and non-discrimination: Monitoring and evaluating should explicitly detect and address discriminatory practices that may occur during the implementation of a program. Equality and non-discrimination are also related to the importance of disaggregated data to track any gaps in policy/ programme outputs and outcomes, e.g., age, disability, displacement, ethnicity, sex, nationality, migration status, etc.

Monitoring and evaluation are crucial because they provide information in anticipation of goals and therefore allow local governments to adjust along the way to address any challenges of implementation. Doing so may significantly influence the achievement of the human rights/SDGs-related policies. Based on the four principles above, human rights-based monitoring and evaluation can serve several purposes:

- A means to measure impacts, outputs, efficiency, and effectiveness of a policy which was designed to achieve targets and indicators agreed by rights-holders.
- A mechanism to strengthen accountability externally to rights-holders and demonstrate benefits of the policy implemented towards rights-holders affected by the policy in question.

- Guidance for decision-making, including strategies and means to improve, reorient, or discontinue the policy being assessed.
- A platform for enhancing participation, dialogue between duty-bearers and rights-holders, and sustaining partnerships based on human rights principles.
- An aid for learning focused on realising human rights, for instance by achieving the SDG targets in an inclusive manner, and clarifying what works well and what does not, including the learning process to achieve targets and indicators agreed by stakeholders.⁶³

Interconnection between the Fulfilment of Rights and the Achievement of SDGs in Monitoring and Evaluation Processes

In Part 1, we observed that the SDGs are anchored in human rights, with over 90% of the SDGs targets embedded in human rights treaties. For example, Goal 11, Make cities and human settlements inclusive, safe, resilient, and sustainable, is based on several human rights instruments such as the CRPD and CEDAW.

Target 11.2 relates to accessible transport for those in vulnerable situations like persons with disabilities and the elderly. In 2019, India received a recommendation from the Committee on the Rights of Persons with Disabilities to:

⁶³ Committee on the Rights of Persons with Disabilities: Concluding Observations on the Initial Report of India, UN Doc. CRPD/C/Ind/Co/1 ¶21, <http://undocs.org/CRPD/C/IND/CO/1>.

*Enforce the accessibility of transportation services, including transport concessions and licences, and accessibility of information, and accelerate the implementation of the barrier-free buildings.*⁶⁴

If the Indian government, both at national and local levels, then enacted policies to ensure accessibility of public transport, the government would be making progress in fulfilling its obligation under the CRPD and progressing towards achieving Target 11.2 of the SDGs.

Building Human Rights-Based Indicators

The UN Office of the High Commissioner for Human Rights (OHCHR) defines a “human rights indicator” as “specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights”.⁶⁵

Because human rights indicators focus on duty-bearers and rights-holders, we can imagine coming at the question from two directions: first, what actions are being taken, which focuses on the duty-bearers; and second, what are the outcomes of those actions (or lack of actions), which focuses on what situation the rights-holders are ending up with. To help ensure that human rights indicators capture both the action and outcome aspects of human rights, the OHCHR laid out three **categories** of human rights indicators which they call **structural indicators**, **process indicators** and **outcome indicators**.

⁶⁴ Committee on the Rights of Persons with Disabilities: Concluding Observations on the Initial Report of India, UN Doc. CRPD/C/Ind/Co/1 ¶21, <http://undocs.org/CRPD/C/IND/CO/1>.

⁶⁵ OHCHR, Human Rights Indicators 16 (2012).

The OHCHR defines these three indicators as below:

- **Structural indicators** capture the State's acceptance, intent, and commitment to undertake measures in keeping with its human rights obligations. They reflect the ratification and adoption of legal instruments and their existence as well as the creation of institutional mechanisms necessary for the promotion and protection of human rights.⁶⁶
- **Process indicators** measure duty-bearers' ongoing efforts to transform their human rights commitments into the desired results.⁶⁷ This may include indicators based on budget allocations, coverage of the targeted population, or complaints received.
- **Outcome indicators** capture individual and collective attainments that reflect the state of enjoyment of human rights in a given context.⁶⁸ Examples include literacy rates, percentage of persons with disabilities using public transport.

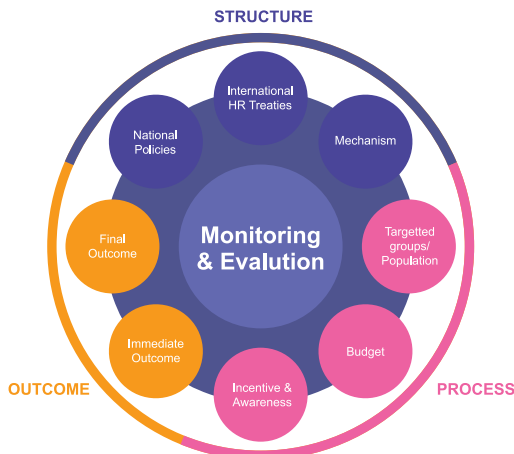


Figure 11 Monitoring & Evaluation: structure, process and outcome indicators

⁶⁶ Ibid., p. 34

⁶⁷ Ibid., p. 36

⁶⁸ Ibid., p. 37

Indicators need to be SMART: (1) Simple; (2) Measurable; (3) Achievable; (4) Realistic; and (5) Time-bound.

When developing local indicators, it is important to take local context into consideration. This will improve acceptability, relevancy, and usability of the indicators by local governments and residents in monitoring the implementation of human rights and achievement of the SDGs.

Here are seven tips for developing indicators:

1. Indicator development and selection should be participatory or stakeholder-driven to ensure ownership, including considering marginalised groups, fair and equal representation of all rights-holders and duty-bearers.
2. Indicators should be clear and straightforward, precisely defining the methodology of data collection, processing, and regular dissemination.
3. Indicators should be chosen to capture the extent to which human rights have been incorporated into all stages of the program implementation.
4. Indicators should describe how the intended results are measured and illustrate the changes to which an intervention contributes.
5. Indicators should be a mix of qualitative and quantitative indicators to measure the results of an intervention, generate more and diverse information, add credibility to the data, and probe more significant aspects of the changes demonstrated.

6. Integrate existing indicators, if any, with the HRBA. For example, this can be done if there is a national human rights or/and SDGs metadata.
7. Disaggregate indicators and collecting information on different groups and their intersections (according to gender, race/ethnic group, age, area of residence, disabilities, income level, sexual orientation, HIV/AIDS status, literacy and education level, employment type, political affiliation, religious affiliation, involvement in the conflict, etc.).

Monitoring & Evaluation Tools using HRBA in the context of SDGs

1. Integrated the Monitoring and Evaluation Matrix

Another important feature of monitoring and evaluation from a rights-based perspective is that the measurement's focus is not solely on the results of the policy but also on the process of policy development and implementation.

The example below describes the linkages between human rights and the SDGs on access to clean water for M&E purposes.⁶⁹

⁶⁹ The matrix is derived from the Regulation of Ministry of Law and Human Rights No. 22/2021 on Criteria Human Rights City/Regency. RWI published "Human Rights Cities Indicators" in 2021 to support Turkish municipalities to reinforce the ongoing Human Rights City project in Turkey. This publication can be accessed through <https://rwi.lu.se/wp-content/uploads/2021/06/HUMAN-RIGHTS-CITIES-INDICATORS.pdf>

No.	Right	Indicator	Measurement	Sources	Link to SDGs
1	Access to clean water	Local regulation to guarantee access to clean water (structure)	Y/N, details	Local regulation	Goal 6 Clean Water and Sanitation
		Budgetary allocation to provide clean water to all residents (structure)	Y/N Proportion of total local budget (%)	Local budget	
		Programme to provide access to clean water, particularly for those in slum area (process)	Y/N	Local government's data	
		Percentage of households with access to clean water (process)	% of households	Local government's data	
		Percentage of residents with access to clean water (outcome)	% of residents, disaggregated data	Local government data (statistics, survey, reports)	

2. Participatory data collection method



Step 1 described the human rights-based approach to data collection including principles of participation, data disaggregation, self-identification, transparency, privacy, and accountability. Participation of relevant groups in data collection exercises should include ways to ensure free, active, and meaningful participation of relevant rights-

holders, in particular those most marginalised. Where appropriate, CSOs, NHRIs and other relevant stakeholders may participate on behalf of these groups to provide relevant perspectives and information (provided they are competent to represent the groups' interests).⁷⁰

Data collection often involves the establishment of a format to enable consistency. However, data collection should be based on indicators defined in the policy's monitoring plan and communicated to rights-holders. Participatory data collection can be conducted through several methods:

1. Focus group discussions with rights-holders and other relevant stakeholders.
2. Observations on the policy delivered and impacts by relevant local government officials.
3. Feedback from rights-holders which can be gathered through community dialogue meetings, media, complaints mechanisms, etc.
4. Periodic surveys of the communities affected.

Local governments can use their databases, including those from relevant government agencies and national statistical data. In cases where government data is insufficient or non-existent, local governments could also source data from other reliable sources of information, such as the NHRIs and international/regional organisations. Depending on the indicator, data can also be sourced from civil society organisations and the rights-holders themselves. Reaching disadvantaged groups or marginalised people may require partnering with civil society or adopting specific techniques based on participation. This work could be carried out on a regular basis by a task force formed for that purpose.

⁷⁰ OHCHR, A Human Rights-Based Approach to Data 4 (2018).

3. The Feedback Loop for Policy Improvement

The purpose of receiving feedback from rights-holders on the results of a certain policy is mainly to increase accountability between rights-holders and public officials as duty-bearers. Other local stakeholders can also provide feedback on whether policies and programmes conducted are aligned with human rights principles during the implementation. Evidence can be gathered concerning how participation, non-discrimination, and accountability have been embedded throughout the policies' implementation.

One instance in measuring changes based on the objectives of a policy is where the rights-holders most affected by a particular policy -- for example persons with disabilities -- are involved in community dialogue and surveys to give their views on the effectiveness of policies concerning them. It is also important to involve representative organisations, in this case, disabled persons' organisations (DPOs), in this process.

When evaluating rights-based participation, it should be seen whether local rights-holders have a say in adopting and implementing measures that a duty-bearer takes up to fulfil its obligations. Rights-holders need to have real and equal opportunities to influence relevant policies based on monitoring and evaluation activities. The feedback loop can also be used to see the realisation of human rights obligations: respect, protect, and fulfil human rights, and the achievement of the SDGs. Detailed benefits of having a feedback loop of this kind include:

- Increased learning about what works and what does not in having policies and programmes based on human rights obligations in the context of SDGs.

- Increased availability of credible evidence for decision-making on creating, maintaining, and improving or finalising interventions in the realisation of human rights obligations in the context of the SDGs attainment.
- Increased accountability vis-à-vis rights-holders and other stakeholders involved in the realisation of human rights obligations in the context of SDGs; and
- Improved risk mitigation during and after policies and programs implemented and the ability to respond to change.

Example 8

Human Rights City Award in Indonesia – Continuous Evaluation

To encourage the implementation of human rights at the city level, the Ministry of Law and Human Rights has held human rights city awards programs since 2007 to assess city performance with respect to specific human rights issues during the prior year. Originally, the program focused on the city's performance in implementing economic, social, and cultural rights. However, since 2021 through the Regulation of Ministry of Law and Human Rights No. 22/2021 on Human Rights City replacing the Regulation No. 34/2016, the focus has been extended to include selected civil and political rights, namely the right to obtain legal aid, the right to get information, and the right to participate in development.

The award has been given directly by the President or through the Minister of Law and Human Rights after receiving a recommendation from the assessment team consisting of representatives of academics, NGOs, and middle rank of staff from the Ministry of Law and Human Rights.

The whole process takes about a year and comprises several steps: (1) data collection and inputs submitted to a digital application platform; (2) data verification by the representative of Ministry of Law and Human

• Rights; (3) assessment by assessors including field visits and receiving public complaints or concerns about related human rights performance of a certain city; and (4) a report to the Minister of Law and Human Rights. Civil society may send their concerns and inputs about the current assessment as long as the report has not been finalised or sent to the Minister of Law and Human Rights. The award can be revoked if it is proved that a city failed to comply with the Regulation No. 22/2021.

The regulation sets out more than 100 indicators as guidelines for a city to implement human rights designed by using the structure, process, and impact method. In addition, the performance of a city in implementing the National Human Rights Action as well as the existence of related human rights cases involving a city which have not been addressed or settled are included in the assessment indicators. Prior to 2021, the materials for assessment were based on the documentation submitted by a city, but currently, the data verification is complemented by field observations as well as inputs from civil society.

Annex 1: About the Author

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Dr. Unang Mulkhan

Dr. Unang Mulkhan is the Director of Sustainable Development Goals (SDGs) Center at the University of Lampung in Indonesia. He has a deep knowledge and expertise in social and inclusive policies for cities and for localising human rights in the context of SDGs. He received SDGs-Certified Leader from UNDP Indonesia. He works closely with local governments, international institutions and NGOs in the area of human rights, development, and SDGs, such as with Raoul Wallenberg Institute (RWI), United Nations Development Programme (UNDP), and United Cities and Local Governments Asia Pacific (UCLG ASPAC). He received his PhD in Management, Work, and Organisation from the University of Stirling, Scotland in the UK and also holds a post-graduate diploma on Sustainable Local Economic Development (SLED) from Institute for Housing and Urban Development Studies (IHS) from Erasmus University, the Netherlands. In 2020, he wrote a book chapter on “Eco-Justice Perspective and Human Rights Based Approach to Responsible Business in the Indonesian Mining Industry” in the Handbook of Business Legitimacy: Responsibility, Ethics and Society by Dahl-Rendtorff, Jacob (Ed.)



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Mireille Marcia Karman, M.Litt is an Assistant Professor in Parahyangan Catholic University, Indonesia. She obtained her bachelor’s degree from Universitas Indonesia, majoring in International Relations, and finished her master’s degree in International Political Theory at the University of St. Andrews, UK. Her research interests focus on issues of democracy, human rights, and political violence which includes the question of freedom and authority in a democratic regime. She has published some national and international journals on those topics, and her writings also appeared in book chapters and popular articles. Since 2019, Mireille is part of the research team supporting RWI in developing this handbook, especially in terms of understanding the conduct of human rights city in Bandung City, Indonesia.



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Windi Arini

Windi Arini is a Programme Officer at RWI in Jakarta. She manages activities on localizing human rights in the context of SDGs in Asia Pacific and RWIs engagement with young people in the region. Her multidimensional role also allows her to oversee the national programmes in collaboration with the Indonesian Ministry of Law and Human Rights. She

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Patricia Rinwigati Waagstein

Patricia Rinwigati Waagstein is a senior lecturer at the faculty of law, University of Indonesia. She has also been an attorney and consultant who has worked in Timor Leste, USA, Sweden, and ASEAN countries for over fifteen years. She has extensive experience and expertise in human rights, development, criminal justice, and international law. She holds a bachelor

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Martha F. Davis

Martha F. Davis, an expert on human rights and local governments, is University Distinguished Professor of Law at Northeastern University and an affiliated scholar of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law. She has written widely on social justice and human rights, in publications ranging from the *Yale Law Journal* to the *New York Times*. She is the author or co-editor of seven books, including *Global Urban Justice: The Rise of Human Rights Cities* (Cambridge) and the *Research Handbook on Human Rights and Poverty* (Elgar).

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