

INTERNATIONAL **HUMAN** POLICY
COUNCIL **ON RIGHTS**

**Local Government
and Human Rights:
Doing Good Service**



CONTENTS

Acknowledgements	1
Introduction	5
Why use the human rights framework	5
Issues on methodology	6
Structure of the report	7
I. WHY HUMAN RIGHTS?	11
Why examine local governance from a human rights perspective?	11
The human rights framework	12
Rights and duties	13
II. HUMAN RIGHTS AND OTHER APPROACHES	15
The debates around decentralisation	15
Conflicting or complementary frameworks?	15
Good governance	15
Sustainable human development	16
Gender analysis	17
The capabilities approach	17
Poverty reduction	17
Shared concepts and human rights	17
More about the human rights framework	19
Participation	19
Non-discrimination	19
Accountability	20
Measuring implementation	22
Using a human rights lens	22
Agency not welfare	23
Obligation not discretion	23
Consistent and inclusive decisions	24
Sustainability not opportunism	25
III. PLANNING, IMPLEMENTATION AND EVALUATION	27
The cycle of local government activities	27
Planning	28
Implementing	30
Monitoring	31
Evaluating	31
IV. LEGAL OBLIGATIONS ON ECONOMIC AND SOCIAL RIGHTS	33
Specific economic and social rights	33
Education	33
Health	34
Housing	34
Water	35
Applying human rights to local government activities	36
V. THE REINVENTION OF LOCAL GOVERNMENT	41
The variety of decentralised structures	41
The legal and constitutional framework	44
Human and financial resources	45
Capacities	47

Participatory governance structures	50
Citizen relations	50
VI. HOW DO LOCAL GOVERNMENTS MEASURE UP?	53
The impact on local services	53
Education	53
Health	54
Water and sanitation	55
Housing	56
Assessing local services on the basis of human rights	57
Human rights standards	57
Availability	57
Accessibility	57
Acceptability	57
Adaptability	57
Human rights principles	57
Participation	57
Non-discrimination	60
Examples of reserved seats	62
Accountability	63
Electoral accountability	64
Information and transparency	65
Legal accountability	66
VII. OTHER ACTORS	71
The role of central government	71
Legal responsibilities of central government	72
Practical responsibilities of central government	73
International co-operation	74
Civil Society	76
Human rights NGOs	77
National human rights institutions	78
Local government networks	78
VIII. ASSESSING THE IMPACT OF HUMAN RIGHTS ON DECENTRALISATION PROCESSES	81
Achievements in education, health, housing and water supply	81
Issues outside the realm of human rights	85
IX. CONCLUSIONS	87
RECOMMENDATIONS	88
For local government officials	88
Making good use of human rights	88
For central government officials	89
Information and reporting	89
Judicial remedy	89
For human rights NGOs and civil society	90
For national human rights institutions	90
For international donors	90
References	91
Suggested web sites	97
Appendix I	99
Endnotes	101