**1. Laws, policies, and programmes that have been developed by local authorities explicitly to promote and protect human rights, including those related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.**

It can be said that there are two main sources that serve as reference points for the activities of local governments to ensure human rights, establish equality and protect vulnerable groups in Turkey: 1) Laws defining responsibilities of municipalities and municipal strategic plans, 2) International political programs and agreements that set standards for municipalities to be inclusive and egalitarian mechanisms.

a) Strategic Plans of Municipalities are the most decisive text that draws the boundaries of inclusiveness, defines relevant targets, and distributes budget for them. Those plans are the essential programming tools that set medium-term visions, the framework of the services to be provided, the projects to be implemented within the scope of the services of local governments with a population of over 50,000 in Turkey. According to Article 41 of the Municipalities Law No. 5393, Mayors are obliged to submit the strategic plan to the Municipal Assembly within six months following the elections of local administrations. According to the same article, strategic plans should be prepared by taking into account the opinions of both internal and external stakeholders. Therefore, these documents are “necessarily” prepared through participatory processes. Strategic plans constitute the basic infrastructure of the activities to be carried out by Municipalities and the budget allocation associated with them during a specific term. When the protection of human rights, equality, and inclusiveness are included in the strategic plans, it can be monitored by the rights-based civil society with its defined targets and indicators while it is ensured that equality targets will be budgeted. Besides, strategic plans as top-policy documents are directly associated with development plans, SGDs, the New Urban Agenda, and international documents to which Turkey is a party[[1]](#footnote-1).

b) Article 13 of the Municipality Law No. 5393 defines everyone living within the borders of the municipality as "fellow citizen" and establishes a local ground for equality. According to this, “everyone is a fellow citizen of the municipality in which they reside” and fellow citizens have the right to participate in municipal decisions, to be informed about municipal activities, and to benefit equally from the municipal services. In addition, according to the law, social assistance “must be provided in a way not to harm human dignity”. Further, in the 14th article of the same law, it is affirmed that equality can only be built by taking into account differences, with the statement that "different methods suitable for the disabled, elderly, destitute and low-income people are applied in the provision of services". Ensuring equal access to services by taking differences into account is also underlined by the Law on Special Provincial Administration No. 5302.

c) Many municipalities in Turkey have signed the European Charter for Equality of Women and Men in Local Life of the European Council of Municipalities and Regions (CEMR). The Union of Municipalities of Turkey (UMT) is also among the members of the CEMR. According to the current data, 34 municipalities in Turkey have signed it and committed to ensuring equality between women and men at the local level[[2]](#footnote-2). The Charter is based on other international conventions against discrimination and stipulates that each local government should prepare its "Local Equality Action Plan".

d) In 2006, the United Nations Joint Program on Women Friendly Cities[[3]](#footnote-3) became the largest political program in Turkey that encouraged local governments to embrace the perspective of equality and implement institutional transformations. The main goal of the program was to create “women-friendly cities” and these cities would have mechanisms to guarantee women’s human rights with “health, education, and social services, employment opportunities, quality and comprehensive urban services”[[4]](#footnote-4). However, as the program almost lost its effect by 2014, advocacy activities of women’s organizations and the LGBTİ+ movement during the process of 2014 Turkish local elections brought the Equality Units to the agenda once again. Eventually, many municipalities established Social Equality Units, prepared and announced their Local Equality Action Plans. In the process following the Women Friendly Cities agenda, in 2010, the Ministry of Interior's circular of 19 February 2010 titled "Human Rights of Women and Girls" defined Local Equality Action Plans and Equality Units as "governance priorities". The circular in question recommended the dissemination of these policy mechanisms, which are also compatible with the Sustainable Development Goals. Though this commitment focuses on gender equality, it is an important threshold for understanding the potential of other inclusive policy programs. For instance, the concept of “human-rights city” pursues the same goals for all disadvantaged groups, while laying a strong responsibility on local governments for ensuring the accessibility of rights and equality for all[[5]](#footnote-5).

**2. Challenges faced by local authorities and promising practices, to promote and protect human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.**

Implementation of laws and policy programs aimed at ensuring human rights, establishing equality, and protecting vulnerable groups is constrained to a large extent due to the 1) lack of sanctions and not being binding of egalitarian policy documents, 2) sustainability problems arising from the varying level of political will and adoption of equality targets by administrators, 3) municipalities’ insufficient financial resources and institutional capacities, 4) non-concreteness of equality goals and indicators as well as their not being included in strategic plans for budget allocation, 5) lack of coordination both between the central government and local government and within the local government itself, 6) rights-based civil society’s not being sufficiently or effectively included in policy processes.

e) The guiding principles announced by the World Forum of Human Rights Cities point to the need for human rights mainstreaming by local governments. However, first of all, since the documents that draw the framework of rights-based policies (for example, Local Equality Action Plans, Strategy Documents for Roma Citizens, etc.) are not binding and have no sanctions in case they are not implemented, the implementation of policies is only possible when local government administrators have a strong political will. Therefore, when the administrations change, the power of the political will also changes and a major sustainability problem arises for the implementation of rights-based policies. Moreover, financial resources and institutional capacities of many municipalities are not sufficient for such a transformation even if administrators have a strong political will to implement rights-based policies. Besides, many policies still remain on paper when coordination between the central government and the local government or within the local government itself cannot be achieved. The divergence of political character between the central government and the local government can also create a barrier to the local implementation of the rights-based policies. Further,defining rights-based policies and inclusive services around abstract principles and values, not turning them into concrete targets, actions, and monitorable indicators may also cause policies to remain on paper. Finally, the exclusion of rights-based civil society organizations or the inability to include them in an adequate and effective manner both in policy design processes and implementation steps weakens the institutional potential of local governments. For this reason, strengthening the capacities of both street-level bureaucrats and policymakers, defining egalitarian transformations as concrete targets in strategic plans and allocating budgets to these targets, creating authorized mechanisms for monitoring and supervising these transformations as well as institutional participatory channels are extremely important for the realization of the political will on the road to ensuring “no one left behind”.

**However, Equality Units, which have become widespread in Turkey as a promising mechanism, can easily address the need to both adapt and monitor rights-based policy goals as well as the problem of sustainability problem resulting from the fact that implementation of such policies is extremely based on the strongness of administrators’ political will.**

f) Article 10 of the Constitution of the Republic of Turkey declares the principle of equality and that the measures to be taken for disadvantaged groups such as women, the elderly, the disabled, and children are not deemed contrary to the principle of equality in addition to the principle of anti-discrimination on the grounds of religion, language, race, gender, etc. Further, Article 90 declares that in case there is no provision in the constitution on fundamental rights and freedoms or in case of conflict of the provisions, the international treaties are the reference points. Accordingly, it can be said that the Universal Declaration of Human Rights and the European Charter for Equality of Women and Men in Local Life are the main legal bases that guide Equality Units in principle.

g) Although Equality Units were initially established with a focus on gender equality, many units carry out their activities in a way that includes other disadvantaged groups. While some municipalities limited their Equality Units to “gender equality”, for instance, Kadıköy and Şişli Municipalities extend their fields from gender to old age, youth, children, disability, immigrants, poverty, discrimination, and even mobbing[[6]](#footnote-6). Moreover, it has been observed that municipalities that have an Equality Unit, albeit with a gender focus, also have Units or Desks focusing on other disadvantaged groups. That is, Equality Units can be a window of opportunity to widen local governments’ human rights and equality perspectives.

h) Equality units basically have four functions: 1) To develop and design rights-based municipal policies for groups that are exposed to economic, social, and cultural discrimination, 2) To ensure that these groups benefit from services equally and to be included in decision-making processes through participatory mechanisms, 3) To conduct relevant researches for comprehensive needs assessments, and coordinates trainings that will strengthen the rights-based perspectives of municipal personnel, 4) To ensure coordination with local rights-based NGOs[[7]](#footnote-7). Therefore, Equality Units should be seen as a tool that manages processes of participation and development of egalitarian policies while leading the municipality to respond to the needs inclusively, rather than being a unit that provides services in and of itself.

i) The main obstacles preventing Equality Units from being effective mechanisms for local democracy are as follows: 1) Financial resources are limited due to the fact that equality targets together with the proper budget allocation are not defined in strategic plans, 2) Equality Units are not defined in the norm staff which is the central-level framework which defines the professions that can be assigned within the municipalites and its job description is so blurred that it is extremely affected by the administrative changes compared to other units, 3) The institutional place of Equality Units in the organization chart differs in each municipality and working processes and procedures also changes accordingly, 4) The significance and functions of Equality Units are not adequately understood by other units of the municipality and processes of joint work with other units, public and civil actors are not defined by regulations, 5) Channels of communication, coordination and experience sharing between Equality Units are not adequate, 6) Municipalities’ effective use of other public actors, private sector and civil society for data collection to develop proper policy designs becomes difficult because personal acquaintances determines the communication opportunities[[8]](#footnote-8).

j) In many municipalities, Equality Units do not have access to financial resources sufficiently to implement their activities, so they outsource through grants or try to find partners within the municipality that can undertake the necessary expenditures. When the budget is analyzed as a political text, the scarcity of the budgets allocated to Equality Units is also a factor that shows the weakness in the rights-based approach of the municipalities. Further, the access of Equality Units to the authorities of the relevant units within the municipal hierarchy is generally limited, so especially when equality actions must be carried out in cooperation with other units, the implementation process can be interrupted. Equality Units are institutionalized under different directorates in each municipality because Equality Units have neither a legal basis nor their own regulation and budget.

k) Equality Units can contribute to the localization and mainstreaming of the human rights perspective, and the creation of “democratic local governance” inspired by the European Urban Charter II[[9]](#footnote-9). They also can create much more concrete and everyday-life consequences for the protection of human rights. The UN Development Program uses the concept of “democratic governance” to underline that governance, beyond being a technical issue, encompasses “political” elements such as “legitimacy, accountability, rule of law and protection of human rights”[[10]](#footnote-10). All these are directly related to the goal of human development[[11]](#footnote-11) and largely frame how local governments should produce tools and mechanisms because “local governments are not an extension of the central government, but the main actor of the local democracy” (Göymen, 2000)[[12]](#footnote-12). We should also keep in mind that together with the City Councils, Equality Units are local governance mechanisms that emerged in the Local Agenda-21 (LA-21) process[[13]](#footnote-13).

**3. Key principles that should guide local and national governments in the promotion and protection of human rights.**

Equality Units can only realize their potential to mainstream human rights when they are effective and inclusive mechanisms. For this, both local governments and central governments have certain responsibilities.

l) Equality Units need to be more embraced and adopted by local governments as effective mechanisms. The measures to be taken within the municipal structure for the effective use of Equality Units are as follows: 1) Locating Equality Units in the organizational chart in a way to intervene in the strategic planning, budgeting and supervising processes, that is, in a way to affect the macro policy of the municipality, 2) Defining its institutional and political role more directly with the Mayor and allowing high level of interaction with other units of the municipality, 3) Framing its status by legislation and designing it in a way that will be least affected by administrative changes in the municipality as well as having its own regulation and budget 4) Extending its scope of authority from being a Unit to a "Directorate" or "Mandatory Consultancy", 5) Expanding its field to include all disadvantaged groups and fight against all kinds of discrimination, 6) Defining guidelines how the relations of municipalities will be established with civil society, private sector and other public actors, 7) Defining its authority in such a way that it can influence and direct all technical and social units in the municipality, 8) Employing individuals with strong rights-based perspectives, who have special expertise in social policy, budgeting and participation in the Units, 9) Defining equality targets set by the Unit and the minimum budget required for those targets in strategic plans concretely, 10) Taking organizational measures so that the units do not turn into mechanisms that provide services for disadvantaged groups, rather than focusing on the procesesses of inclusive needs assessment and policy development.

m) Channels of communication, coordination, and experience sharing between Equality Units in Turkey should be created by the Union of Municipalities of Turkey while metropolitan municipalities also should take responsibility for the coordination between Equality Units established in their districts. In order for Equality Units to come together more frequently and share experiences with each other, especially small-scale municipalities having budgetary constraints should be supported. For example, Trabzon Metropolitan Municipality’s Equality Unit regularly visits the “Equality Desks” in district municipalities and provides coordination and technical support for the implementation of equality policies locally[[14]](#footnote-14).

n) The steps that the central government should take for the formation of more effective and stronger Equality Units are as follows: 1) Providing the Equality Units a legal basis in the Municipal Law, 2) Re-regulating the institutional status of Equality Units in the municipal organization, especially in terms of the norm staff, 3) Encouraging the establishment of Equality Units in each municipality, setting incentives for local governments to implement their equality goals, and imposing sanctions.

o) As a result, just like the Legal Counsel or Financial Affairs Units, Equality Units should also be brought to every decision-making table, authorized to impose sanctions on other units in all service and policy-making processes, then the recommendations and evaluations they pose should be equally binding. For this, first of all, policy-making units and service-providing units should be separated in municipalities while Equality Units are institutionalized as an upper-mechanism along with other macro-planning structures such as Strategy Development Directorates. The establishment of local rights-based mechanisms such as Equality Units without being binding and having no authority will cause the ghettoization of equality, human rights, and inclusiveness within municipalities, especially in countries where democracy is weakly institutionalized such as Turkey. When centrally defined articles regulate the working scope, responsibilities, and authorization of Equality Units; that is, nation-wide regulations do not exist, the rights achieved by Units in a certain period can be lost along with the elections. Finally, this upper-mechanism with its all authority should be extended to encompass all disadvantages just like Human-Rights Units.

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3. http://www.kadindostukentler.com/ [↑](#footnote-ref-3)
4. Association for Supporting Women Candidates (2013) Tools and Mechanisms for Gender Equality at Local Level. [↑](#footnote-ref-4)
5. Turkey European Foundation (n.d.) Human Rights Based Programming and Service Delivery for Local Governments. [↑](#footnote-ref-5)
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14. Turkish Family Health and Planning Foundation (2019) Women's Participation and Egalitarian Mechanisms for Local Governments. [↑](#footnote-ref-14)