**The Norwegian National Human Rights Institution’s written input for the upcoming OHCHR report on Local Governments and Human Rights**

The Norwegian National Human Rights Institution (Norwegian NHRI) has a role as an expert body and advisor and can play a role in supporting municipalities in strengthening the implementation of human rights.[[1]](#footnote-1) Municipalities in Norway have an independent responsibility to protect and promote human rights and play a key role in safeguarding many human rights in practice. Municipalities are responsible for implementing human rights obligations in areas such as child welfare, care of the elderly and in primary and lower secondary schools. Their proximity to local residents and understanding of local conditions means that municipalities are in a special position to address human rights challenges.

The Norwegian NHRI has published a report about local governments and human rights in Norway (2022). The report includes the results of a survey (see below). The purpose of this report is to promote putting the human rights responsibilities of municipalities on the agenda, clarify the nature and scope of these responsibilities and highlight opportunities to strengthen local human rights implementation.

*It should be noted that the questions below are answered by referring to our own survey, the Norwegian NHRI has not carried out new research as a result of the letter from OHCHR on the Report on Local Governments and Human Rights.*

We have, in the period 2020-2022, conducted a quantitative survey to map knowledge levels regarding human rights among municipal leaders and to measure how human rights are included and expressed at the systems-level in municipalities. As far as we are aware, there are no other surveys on this topic in Norway. 200 municipalities were invited to participate in the survey. Of these, 145 municipalities answered the survey. The respondents can be separated into four leadership functions – municipal directors[[2]](#footnote-2), mayors[[3]](#footnote-3), leaders of the municipal child welfare services[[4]](#footnote-4) and leaders of the services responsible for elderly health care.[[5]](#footnote-5) A total of 218 informants answered the survey,[[6]](#footnote-6) which is a response rate of 27 percent.[[7]](#footnote-7)

***1. Knowledge of human rights among municipal directors, mayors, child welfare managers and health care managers in Norway:***

* A clear majority of the respondents (95%) know that municipalities have an independent responsibility to implement human rights when the municipality exercises public authority in selected areas. The findings indicate that key political and administrative leaders are aware of their human rights responsibilities. At the same time, it is important to emphasise that awareness of human rights responsibilities is not the same as actual implementation of human rights.
* Respondents' knowledge of human rights varies. About 60 percent of respondents generally think they have "fairly good" knowledge of human rights. This also reflects that most of the respondents know something about international conventions. Knowledge of child welfare cases where Norway has been convicted in the European Court of Human Rights (ECtHR) varies. About 70 percent of child welfare leaders know most of the ECtHR judgments, while for example only about 20 percent of mayors state that they are familiar with the content in the verdicts. About 60 percent of municipal directors, mayors and healthcare leaders have some knowledge of the recommendations from the UN to Norway. About 20 percent of mayors are not familiar with the UN recommendations.
* The respondents report most knowledge of the UN Convention on the Rights of the Child and the European Convention on Human Rights (ECHR). Knowledge about the Council of Europe's Framework Convention for the Protection of National Minorities and ILO Convention 169 on the Rights of Indigenous Peoples is very low.

***2. 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.***

To what extent have municipalities implemented special measures to strengthen work on human rights? In order to investigate this further, the municipal director[[8]](#footnote-8) was asked to state any special measures taken in the last five years with a view to strengthening human rights work in their municipality. Some special measures have been introduced in this area and the measures that have been implemented by municipalities vary:

* 60 % have introduced one or more measures, on average one (respondents could choose several alternatives). The most frequent measures are courses and training for the employees.
* 15-20 % have included human rights in the municipal plan.
* 10 % has adopted a separate action plan or strategy on human rights.
* 10% has allocated financial resources for earmarked measures.
* 10 % municipalities have introduced "other" measures - for example, dedicated focus in child welfare, established committee for coordination with other planning work / plan against domestic violence, UNICEF certification and the like.
* 20-30 % have not introduced special measures.

There are few municipalities among those participating in the survey, that have included human rights in the *municipal plan* or adopted a separate action plan or strategy on human rights. Despite the municipal plan being one of the most important steering documents a municipality has.[[9]](#footnote-9)

***3. 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.***

When it comes to local governments challenges related to the actual implementation of human rights in particular, three factors are most frequently mentioned by mayors and municipal directors:

* Lack of systematic training of employees working in different sectors of the municipality, time pressure and lack of financial resources.

Municipal directors and mayors have described briefly and in their own words what they believe will be useful in strengthening the municipality's work with human rights in the future. The answers can be summed up as the following:

* Knowledge building
* Prioritisation of human rights in the municipality's management
* Collaboration across the municipality
* Financial grants

Roughly half of the municipal directors and mayors confirm the need for more information on how human rights can be used as a tool in the municipality's work. About 70 percent of respondents believe that information about human rights for municipal employees should have a high priority. The finding shows that there is a desire among top leaders in municipalities to strengthen knowledge about human rights in the future.

The child welfare sector clearly constitutes the sector that municipal directors and mayors state as most challenging from a human rights perspective:

* Roughly 60 percent of municipal directors and mayors believe that child welfare is the area that constitutes the biggest challenge associated with municipalities' provision of services. Four out of ten respondents point to institution-based health care as the most challenging.

The survey shows that in most areas, the largest municipalities have come the furthest in introducing human rights thinking in their work and in formalising routines for this. This finding is in line with what the Norwegian NHRI assumed in advance of the survey.

The mayors score the lowest on knowledge of human rights and have the lowest participation rate in courses on human rights. About 20 percent of mayors have neither knowledge of the judgments against Norway from the ECtHR nor of the UN recommendations to Norway.

The findings concerning varying levels of knowledge of human rights among municipal leaders also reflect findings in an earlier survey conducted by Rambøll, which shows that most municipalities do not have employed lawyers.[[10]](#footnote-10) This is an important factor in building municipalities' competence in human rights.

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

Based on the findings, the Norwegian NHRI sees several points for improvement:

* Ensure systematic human rights training for employees working in municipalities.
* Strengthen knowledge about human rights among local politicians.
* Allocate more resources, including legal expertise, to strengthen municipalities' work with human rights.
* Include references to human rights obligations in steering documents.
* Strengthen the implementation of human rights in demanding sectors such as child welfare and health care sectors, as well as in the smaller municipalities in the country.

The Norwegian NHRI recommend local governments in Norway too:

**Recommendation 1**: Municipalities should strengthen their general knowledge, legal competence, capacity and systematic training in human rights.

**Recommendation 2**: Municipalities should strengthen their work in implementing human rights.

**Recommendation 3**: Central authorities should ensure clear implementation of human rights obligations in regulations administered by municipalities, allocate sufficient resources to municipalities to strengthen the implementation of human rights and ensure a good flow of information on human rights obligations from state to municipality.

Because human rights can both be secured and violated in Norwegian municipalities, the work of making visible and contributing to the safeguarding of municipalities' human rights responsibilities is something the Norwegian NHRI will prioritise in the years ahead.

1. See for example: The Human Rights Council (HRC), 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), og European Union Agency for Fundamental Rights (FRA), Human rights cities in the EU. A framework for reinforcing rights locally, 2021. [↑](#footnote-ref-1)
2. Municipal director / city council leader (possibly in collaboration with central administration). Responded on behalf of the Central Administration. When we in the following refer to «municipal director», the answers apply to the entire central administration. [↑](#footnote-ref-2)
3. Mayors responded on behalf of their office as mayors. [↑](#footnote-ref-3)
4. Heads of child welfare (the person who has been granted authority under the Norwegian Child Welfare Act: § 2-1 fourth paragraph) responded on behalf of the role of child welfare manager. [↑](#footnote-ref-4)
5. The head of health care responded on behalf of the role of unit leader for all nursing homes / municipal manager for health and care. [↑](#footnote-ref-5)
6. Although the number of municipalities (145 municipalities) participating in the survey with one or more respondents is relatively high, only one municipality participates with all four functions. The tendency is for one function to participate per municipality (61% of the municipalities), followed by two respondents (29%) and three respondents (10%). [↑](#footnote-ref-6)
7. Most leaders of the services responsible for elderly health care answered the survey and the fewest municipal directors. The statistical uncertainty of the estimates will consequently be highest for municipal directors and lowest for leaders of the services responsible for elderly health care. [↑](#footnote-ref-7)
8. Only 35 municipal directors answered this particular question, and the response rate is thus somewhat lower. [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. In a survey from 2020 conducted by Rambøll, the findings show that only 55 percent of the 254 municipalities that responded to the survey had one or more lawyers employed. See: <https://www.juristforbundet.no/nyheter/2021/innbyggernes-rettssikkerhet-er-truet-uten-jurister-i-kommunene/> [↑](#footnote-ref-10)