



**The ILA study group on the Role of
Cities in International Law
City Report: Graz**

By Gregor Fischer and Gerd Oberleitner

December 2020

Authors:

Gregor Fischer

The European Training and Research Centre for
Human Rights and Democracy at the University of
Graz.

Prof. Dr. Gerd Oberleitner

UNESCO Chair in Human Rights and Human
Security at the University of Graz.

Localizing International Law, Internationalizing the City - The Human Rights City of Graz

*"The City of Graz, especially the members of the city council and of the city government shall be guided in their actions by the principles of international human rights. Thereby the residents of the city, especially the youth, shall be informed about the established codes of human rights and about the rights and obligations derived therefrom. It is an objective, especially with regard to those who bear duties in public institutions, organisations and associations to respect and fulfill the human rights relevant standards in the daily life of the city. Deficits in the field of human rights are to be detected at all levels of society to respond appropriately. Thereby human rights shall play a major role in the guidelines and decisions for the future development of the City of Graz. With this declaration and with the aims and code of practice associated therewith, the City of Graz as the European Cultural Capital 2003 expresses its understanding of culture and human dignity."*¹

1. Introduction: Declaring a Human Rights City

Graz, located in the South-East of Austria within the province of Styria, is the country's second largest city with a population of roughly 300,000. The operational paragraph of the unanimously adopted declaration of the municipal council quoted above is the official basis of Graz becoming a Human Rights City. Inspired by the declaration, several local institutions and initiatives were founded over the years to monitor and improve the respect for, protection as well as fulfillment of human rights guarantees in the city. The story of how this came to be is remarkably brief – only 7 months passed from the initial idea to the official declaration:

At the beginning, there was a nucleus of human rights engagement: The *European Training and Research Centre for Human Rights and Democracy (ETC Graz)*, a human rights NGO, hosted a seminar on Human Security and Human Rights Education in June 2000. Among the speakers was Shulamith Koenig, Director of the *Peoples' Decade of Human Rights Education (PDHRE)*, who had already helped implement the world's first human rights city in 1997 (Rosario, Argentina). Together with Koenig, those convened at the seminar reflected on the social, and, effectively, human rights work the city was already doing. The Human Rights City idea was ventilated among officials in the Austrian Ministry of Foreign Affairs and the Mayor of Graz – and the ground was fertile. The plan to officially declare the Human Rights City of Graz was

¹ Human Rights Declaration of the City of Graz, adopted by the municipal council on 8 February 2001, official English translation, see: https://www.graz.at/cms/dokumente/10284058_7771447/2975d1a7/HRC-Folder-eng-web.pdf; original German version: Menschenrechtserklärung der Stadt Graz, Gemeinderatsbeschluss vom 8. Februar 2001, online:

https://www.graz.at/cms/dokumente/10284065_7771447/a361963e/Menschenrechtserklaerung%20der%20Stadt%20Graz.pdf.

then presented at the 55th General Assembly of the United Nations on 15 September 2000 by Austrian Minister of Foreign Affairs, Benita Ferrero-Waldner.² As a result of this local-state-international interplay, and as the first city in Europe, Graz declared itself a Human Rights City on 8 February 2001.

This report lays out the implications of the said declaration and illustrates the practice derived from it during almost two decades. Its first section discusses the far-reaching aspirations of the Human Rights City vis-à-vis the traditional reading of international human rights law. Subsequently, the focus of the report lies on the reporting, monitoring and evaluation mechanisms of the city and their reference points in international human rights law. Resulting from the latter, the city's interpretation of its position under international human rights law is discussed. The last section sheds light on the establishment of the International Centre for the Promotion of Human Rights at the Local and Regional Levels under the auspices of UNESCO in Graz in 2020 as a prime example for linking international actors with the regional and local level. In its conclusion, the report confronts the city's formal engagements with practical realities and offers an outlook.

2. Localizing International Law: (Re-)Modelling Human Rights Development for the Local Level

The Graz Human Rights Declaration stresses that "human rights must not remain abstract but have to be felt in day-to-day behavior."³ To achieve this aspiration, the Human Rights City needed to operationalize and clarify its goals.

The development of a Human Rights City is, not unlike the implementation of human rights guarantees overall, work in progress. It is hence understood as a process. The above declaration, just like many human rights instruments at the international level, leaves ample room for interpretation. What the declaration means in practice is even harder to assess than it is already the case when we interpret the guarantees laid out by the international human rights framework. This is true for three reasons:

First, the above declaration explicitly identifies municipal officials as human rights duty bearers. As such, they need extensive know-how to truly be guided by human rights in their decisions. In 2001, there was hardly any precedent of what a Human Rights City should consist of institutionally and organizationally. Who was going to determine the consistency of policies with human rights, who should measure implementation? Could international practices like reporting be adapted for the local level?

Second, the overall development of international human rights law and the abidance thereto is by no means a steady process. Human rights implementation and enforcement lack efficacy.

² See: Eva Schöfer, *Graz – erste Menschenrechtsstadt Europas – eine Bestandsaufnahme*, ETC Graz, May 2002, 5.

³ Human Rights Declaration of the City of Graz, operational paragraph.

Cooperative human rights reviews among states – like the Universal Periodic Review (UPR) – still seem to be the best tools for the advancement of human rights in the international community’s workshop. Is the smallest territorial entity exercising governmental power, the municipality, indeed equipped with the competences and agency to arrive at specific measures and outcomes to reinforce the international level’s efforts?

Third, the international human rights framework sees the state, *the* human rights duty bearer, as a unit tasked with respecting, protecting, and fulfilling human rights. The framework has been, apart from a few international and regional documents,⁴ largely silent on how the state’s sub-entities are to engage therein. It is just as indifferent towards constitutional or administrative preferences of state parties to human rights treaties. In the end, individuals must be guaranteed the enjoyment of human rights. To determine what the political subdivision *city* can and cannot contribute thereto *de jure* and *de facto* is a delicate task.

The operationalization of the Human Rights City of Graz hence opened up three main areas of necessary clarification: 1) the appropriate institutional framework for the local level; 2) competences and agency of the local level in the area of human rights; and 3) interpretation of international norms and practices for the local level. Notwithstanding these challenges, the City of Graz took a leap forward and created something from (almost) nothing. In 2001, it remained to be seen whether the abovementioned challenges could in fact be transformed into concrete solutions at the local level. Was Eleanor Roosevelt right after all, are *small places* in fact ideal breeding grounds for progress on a global scale?⁵ Could clarity about what human rights mean or should mean in everyday life be provided from the local level upwards?

To describe how these challenges were taken up by the City of Graz, the following sections highlight major local practices, describe municipal competences, and go into detail on the human rights reports of the City of Graz.

2.1 Building an Institutional Framework for the Local Level

Already before the Human Rights City process was initiated, Graz displayed a lively human rights community, *inter alia* the NGO *Friedensbüro* (“Peace Bureau”). The first landmark regarding human rights research in Graz, as already mentioned above, predates the Human Rights City Declaration: The establishment of the *ETC Graz* in 1999 as an association under Austrian law marks the beginning of the localization of human rights in Graz. This engagement

⁴ E.g.: Council of Europe, Convention on the Participation of Foreigners in Public Life at the Local Level, CETS 144 (1992); UN Human Rights Council resolution 33/8 on local governments and human rights, UN Doc. A/HRC/RES/33/8 (6 October 2016); UN Human Rights Council, Role of local government in the promotion and protection of human rights – final report of the Human Rights Council Advisory Committee, UN Doc. A/HRC/30/49 (7 August 2015).

⁵ Eleanor Roosevelt, “The Great Question”, delivered at the United Nations in New York on March 27, 1958.

of international law and human rights scholars served as a catalyst for the initiation of the Human Rights City process only two years later.

After the 2001 Human Rights City Declaration, the City of Graz gradually established and/or supported local institutions and initiatives with competences relevant to the realization of human rights. A first institutional step was the setup of the municipal Department for Education and Integration in 2005. The department is tasked with, inter alia, providing support to city dwellers in intercultural orientation regarding administrative processes, facilitating procedures relating to integration between offices of the city and fostering interreligious dialogue.

As a next step, the Human Rights Council of the City of Graz was constituted in 2007. Its members, who are active in politics, administration or civil society organizations are nominated by the mayor.⁶ The Council forms working groups focused on topics, e. g. on human rights education or accessibility of the city. The Human Rights Council of the city advises decision-makers at the local level, including the mayor and the municipal council. A central competence of the Council is drafting the annual human rights report which is dealt with in detail below. As well since 2007, the City of Graz honors persons with outstanding achievements in human rights with its own biannual Human Rights Award.⁷

In 2009, the European Training and Research Centre for Human Rights and Democracy at the University of Graz (UNI-ETC) was established as the first competence centre for human rights at an Austrian university. The UNI-ETC and the ETC Graz, its NGO-sibling, mutually support each other in their research activities since then. The UNI-ETC provides interdisciplinary human rights courses, takes part in the international Global Campus of Human Rights⁸ and engages in national and international research projects. Furthermore, the Centre serves as a human rights clearing house at the University of Graz.

Since 2010, the project *Kenne deine Rechte* ("Know Your Rights") provides hands-on human rights education. Within the project, adolescents and young adults work as human rights reporters and critically reflect on human rights realities. Their articles are published online on the project's homepage.⁹ They are supported by human rights researchers and the Office of the Graz Human Rights Council. Recently, the project won the Bruno-Kreisky-Human-Rights-

⁶ Rules of Procedure of the Human Rights Council of the City of Graz (Geschäftsordnung), online: https://www.graz.at/cms/dokumente/10153819_7771489/7d8d4334/GeschaeftsordnungMRB_geaendert_Fassung_22012019.PDF.

⁷ See e.g.: Stadt Graz, Engagement, das vom Herzen kommt – Menschenrechtes sind mehr als nur ein Wort, online: https://www.graz.at/cms/beitrag/10341690/8106610/Engagement_das_vom_Herzen_kommt.html

⁸ Global Campus of Human Rights Homepage: <https://gchumanrights.org>

⁹ See: Know Your Rights (Kenne deine Rechte) Homepage - <http://kennedeinerechte.at/>.

Award.¹⁰ Further initiatives of the city include the publication of a poverty report (since 2012) and the support of interreligious activities.

Since 2007, the city, supported by a working group consisting of members of the city's Human Rights Council and its adjacent Office (whose duties are exercised by staff of the ETC Graz) publishes an annual human rights report. As explained in the first report in 2007, the purposes of these human rights reports are to inform the actors of the Human Rights City about the local human rights situation, reflect deficiencies, offer recommendations and serve as a basis for further evaluation of enacted measures. By the municipal council's subsequent approval, the report should provide a formalized framework for human-rights-based policies of the city. However, this political approval could not override the city's competences – whether it would be able to implement the recommendations on its own was and is determined by the Austrian constitution. The most important competence-related cornerstones found therein are illustrated in the subsequent section.

2.2 Constitutional Competences of Austrian Municipalities and Human Rights

Austria is a federal republic in which most competences, including weighty budgetary decision-making authority, are constitutionally conferred to federal (*Bund*) and regional (*Länder*) governments. Municipalities are assigned an *own sphere of action* (*Eigener Wirkungsbereich*) and are tasked with affairs conferred to them by national or regional laws in a *transferred sphere of action* (*Übertragener Wirkungsbereich*).¹¹ In the case of Graz as a statutory city (*Statutarstadt*), the city statute (*Statut der Stadt Graz*) further specifies the city's competences.¹² While most of the tasks falling within the municipality's own sphere of action can inherently influence the enjoyment of human rights (e.g. local health policing, construction and maintenance of kindergartens and nurseries, local security policing), the competences of Austrian municipalities to implement human rights are far from all-encompassing.

This is also true from the perspective of political sciences: Coinciding with the Graz human rights declaration in 2001, domestic political scientists argued that the legal as well as the realistic political (*realpolitische*) position of Austrian municipalities is largely dependent on conditions at the regional and national level. This substantiates the inequality between the Austrian state and sub-state entities at the expense of municipalities – an assessment that

¹⁰ Kenne Deine Rechte, Kenne deine Rechte erhält Bruno-Kreisky-Menschenrechtspreis, online: <http://kennedeinerechte.at/2019/05/kenne-deine-rechte-erhalt-bruno-kreisky-menschenrechtspreis/>.

¹¹ Art. 118 Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz - B-VG), BGBl. Nr. 1/1930 (WV) as amended by BGBl. I Nr. 194/1999 (DFB).

¹² Statute of the State Capital Graz (Statut der Landeshauptstadt Graz 1967), LGBl. Nr. 130/1967 (VI. GPStLT EZ 393).

suggests that there is not much maneuvering space to implement human rights.¹³ At the same time, these authors stated that there was a trend towards decentralization and that the newly developing engagement of the local level *inter alia* in European issues was a chance for integrated solutions to political issues and legal development as well as an overall success for municipalities.¹⁴ Underneath their academic radar, the internationalization of the city, even beyond Europe, was already underway in the form of human rights cities. In spite of the unchanged Austrian legal framework governing formal competences of the local level, the city had become an actor in the field of human rights.

2.3 Geographical Responsibility and Agency Transfer

Due to the narrow set of formal competences illustrated above, the drafters of the first Graz human rights report were faced with a problem: How should the all-encompassing nature of human rights fit into the narrow list of competences afforded to the local level in Austria? To solve this issue, the Human Rights Council of the City of Graz adopted an innovative, pragmatic approach towards the city and its role as a human rights duty bearer: it referred to a “geographical responsibility”, a commitment-driven, political responsibility for the human rights of all persons within its geographical boundaries. This geographical responsibility should be borne by the city government, the municipal council as well as the city administration and civil society and can be identified as one of the first instances of what today is called *localization of human rights*.¹⁵ Where recommendations made in the human rights reports fell outside the city’s constitutional competences, they should, according to the working group, be referred to the competent bodies at the regional or federal levels of the state. In most human rights reports of the City of Graz, a chapter on *Legislation and Spheres of Action* further specifies this approach. These chapters identify the city as an actor bound by international human rights law as a sub-entity of a state that has ratified human rights treaties, but also stress the political and moral responsibility of the Human Rights City and of its actors.

“Actors” is understood very broadly in this regard. From their outset, the Graz human rights reports incorporated a participatory approach to include as many human rights actors as possible. The first edition saw 165 invitations to contribute and 34 submissions accompanied by additional interviews conducted and requests for further information filed by the working group. This approach encompassed two lineages of agency transfer: First, local level stakeholders, including public officials, advocacy groups, administrators, political parties,

¹³ See: Fallend/Mühlböck/Wolfgruber, Die österreichische Gemeinde – Fundament oder „Restgröße“ im Mehrebenensystem von Kommunen, Ländern, Bund und Europäischer Union?, in: Forum Politische Bildung (Hg.): Regionalismus, Föderalismus, Supranationalismus, Wien/Innsbruck, 2001, pp. 45-61, 60.

¹⁴ Ibid., 61.

¹⁵ See Brenner, *New State Spaces: Urban Governance and the Rescaling of Statehood*, Oxford: Oxford University Press 2004; de Feyter, *Localizing Human Rights*, Discussion paper 2006/02, Institute of Development Policy and Management, University of Antwerp.

NGOs as well as civil society, were successfully encouraged to participate in the review of the human rights situation in the city and its continuous development and evaluation.¹⁶ Second, human rights issues that could not be sufficiently addressed at the municipal level due to constitutional and administrative constraints were to be referred to the competent entities, reinforcing the Human Rights City process in a bottom-up direction. The human-rights-relevant efforts at the regional (*Länder*) level,¹⁷ as well as the presently envisaged declaration of the *Human Rights Region Styria* (Menschenrechtsregion Steiermark) suggests that this effort has indeed been fruitful.

2.4 Interpretation of International Norms, Designing Practices for the Local Level

Just like the interpretation of the human rights responsibilities at the local level outlined above, the specifics of using international human rights law as a reference framework for the evaluation of the local human rights situation were not predetermined by the Human Rights City declaration. The declaration itself only refers to *the principles of international human rights*. Hence, the drafters of the Graz human rights reports were able to establish their own practice.

Structurally, the City of Graz' first human rights report (2007) follows the division of civil and political rights and social, economic and cultural rights. Interestingly, the Graz Human Rights Council chose the Articles of the legally non-binding Universal Declaration of Human Rights (UDHR) as the structural reference framework for the right-by-right assessment of the local situation.¹⁸ While referring to legally binding documents, e. g. the Covenants,¹⁹ might seem more favorable from a legal point of view, due to the City of Graz' self-commitment approach, these legal specifics do not exert any effects in practice. In turn, the regional, legally binding Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which is equipped with constitutional status in Austria²⁰ does not encompass the entire catalogue of rights stipulated by the UDHR.

In its core parts, the initial human rights report covers the UDHR's articles, uses governmental and NGO-provided reports and data to illustrate problematic areas, names good practices and

¹⁶ The wide array of contributors includes: The Styrian Ombud for Equal Treatment, the Styrian Chamber for Agriculture, municipal authorities, the Migrant Advisory Council, the Austrian People's Party Graz, the Social Democratic Party Graz, the Federal Police Directorate Graz, the Higher Regional Court Graz, Caritas (ecclesiastical charitable organization) Graz, the Ombud for Children and Young People, Department for Integration of the City of Graz.

¹⁷ E.g. embodied by the Charta of Coexistence in Diversity in the State of Styria (Charta des Zusammenlebens in Vielfalt in der Steiermark) as adopted by the State Government (Landesregierung) on 14 April 2011 and by the State Parliament (Landtag) on 21 June 2011.

¹⁸ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III).

¹⁹ UN General Assembly, *International Covenant on Civil and Political Rights*, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171; UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

²⁰ Convention for the Protection of Human Rights and Fundamental Freedoms (Konvention zum Schutze der Menschenrechte und Grundfreiheiten), BGBl. Nr. 210/1958 (NR: GP VIII RV 459 AB 509 S. 63. BR: S. 137.).

offers recommendations. It serves as a baseline for all subsequent reports, as it determines key areas which would remain relevant in the subsequent years in its analysis and, most importantly, in its recommendations. The latter are followed up year by year, a practice that mirrors human rights treaty reporting systems at the international level.

The reports from 2008 to 2019 vary in their methods and structure and partly focus on key human rights areas. The articles of the UDHR, however, remain the blueprint for the core part of the reports. Notwithstanding the preference for organizing the reporting in line with the UDHR's structure, the authors of the reports refer to other international instruments, especially treaties ratified by Austria they deem relevant for the city and its human rights performance, and do so extensively in the regular chapter *Legislation and Spheres of Action*.²¹ While this Austrian national acquis of human rights provisions forms the main portion of the legal framework referred to in this section, the authors also include provisions that empower the municipal level as a human rights actor, e.g. the European Charter of Local Self-Government or the European City Coalition Against Racism (ECCAR).²² This section also contains suggestions on further instruments that could be adopted by the city itself, e.g. the European Charter for Equality of Men and Women in Local Life and the European Charter for the Safeguarding of Human Rights in the City.²³ The former document was indeed signed by the City of Graz in 2012, and the city's activities in the area of gender mainstreaming have received recognition from the international level.²⁴

Overall, the City of Graz' practice of localizing human rights and documenting this process in its human rights reports is a *sui generis* approach.²⁵ It overcomes the constraints of constitutional competences of the municipal level and allows for a broad understanding of the city as a human rights actor (*geographical responsibility*). By combining this approach with a

²¹ This section includes, inter alia, the Covenants, ICERD - UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195; CEDAW - UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13; CAT - UN General Assembly, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, United Nations, Treaty Series, vol. 1465, p. 85; CRC - UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3; Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5.

²² Council of Europe, European Charter of Local Self-Government, ETS No.122, 15 October 1985; more detail on ECCAR below, 3.1.

²³ United Cities and Local Governments (UCLG), European Charter for the Safeguarding of Human Rights in the City, see: https://www.uclg-cisdg.org/sites/default/files/CISDP%20Carta%20Europea%20Sencera_baixa_3.pdf.

²⁴ See: Vallier, Letter of Reference for UNPSA nomination – City of Graz, online: https://publicadministration.un.org/unpsa/Portals/0/UNPSA_Submitted_Docs/2019/57A0ED04-D859-41F3-9B49-24E90E278788/UNPSA%20nomination%20letter%20Graz_Observatory%20of%20the%20Charter%20CEMR.pdf?ver=2018-11-26-063221-810

²⁵ For the etymology of the term "localizing human rights", see: de Feyter, Localizing Human Rights, Discussion paper 2006/02, Institute of Development Policy and Management, University of Antwerp 2006.

broad reference to international human rights instruments, the city communicates directly with the international level.

At the same time, the reports continue to invoke the political and moral obligations of the Human Rights City. Gaps in the municipal level's hard law competences are herein substituted by a continuous reinforcement of the self-commitment to human rights undertaken by the City of Graz. This could be interpreted as mere ritual, designed to change the *de facto* performance of the city. However, the long-standing practice of the Human Rights City of Graz, including expanding activities within the city administration,²⁶ reflects an understanding of legal as well as moral commitment. This is exactly what the international level deems to be necessary for better implementation of human rights, as proven by many declarations, the latest being the outcome document of the Vienna+25 Conference.²⁷ The bottom-up approach of human rights cities, hence, has led to a top-down reaction that directly embraces the efforts for human rights implementation at the local level.

The following section sheds more light on the interconnection of top-down and bottom-up activities that influence the Graz Human Rights City process, but also on the impulses for other municipalities as well as the international level stemming from 20 years of experience in localizing international human rights law in Graz.

3. Exchange Between the Local and the International Level

From the outset, the Graz human rights reports have been inviting stakeholders to participate in the Human Rights City process by providing their views and knowledge. The contributions from local actors as well as international networking have enabled and are still enabling a multi-level and multi-faceted exchange with national, regional and global actors, e.g. in the framework of European City Coalition Against Racism (ECCAR) and International Coalition of Inclusive and Sustainable Cities (ICCAR). The experiences gathered therein, and their scientific processing have resonated internationally and provide much needed hands-on knowledge (e.g. in the *Toolkit for Equality* presented in the next section). Building on the practices of the Human Rights City, Graz has invoked further international instruments to be implemented locally. These instruments and the Human Rights City process mutually reinforce each other. The establishment of the UNESCO Chair in Human Rights and Human Security at the University of Graz in 2016 and its renewal in 2020 as well as the establishment of the UNESCO Category

²⁶ See: City of Graz, Homepage Integration and Human Rights (Integration + Menschenrechte), online: <https://www.graz.at/cms/ziel/7686362/DE/>

²⁷ The Vienna+25 Declaration is a follow-up to the Vienna Declaration and Program of Action of 1993, https://www.bmeia.gv.at/fileadmin/user_upload/Zentrale/Aussenpolitik/Menschenrechte/Vienna_25_Outcome_Document.pdf. It recommends, inter alia, that cities and local governments should “[f]oster social inclusion and protection while implementing anti-discrimination and equality related measures effectively, and ensure that funding is not used for activities which may lead to incitement of hatred [and] [...] protect human rights effectively and ensure accountability of those responsible as well as providing remedies for victims and survivors of human rights violations.”

2 Centre for the Promotion of Human Rights at the Local and Regional Levels in 2020 provide additional institutional capabilities as well as a firmer embedment of international activities and networking within the City of Graz. These activities are a continuation of longstanding engagement of Graz with UNESCO, including the city's classification as World Heritage and its membership in the Creative Cities Network, a fact that is actively communicated by the city government.²⁸

3.1 Internationalizing Human Rights City Experiences

To enhance the impact of the existing exchange with victim groups of human rights violations, advocacy groups, political parties and others, Graz engages in international networks. In 2006, it joined ECCAR (founded in 2004 and led by UNESCO), whose key aims are enhancing municipal vigilance against racism, initiating/extending municipal monitoring of racism and discrimination, supporting victims of racism and discrimination, enhancing participation of city dwellers, and supporting cities in actively providing equal opportunities.²⁹

Consequently, human rights reports of the City of Graz have included the issue of discrimination in all its forms, especially discrimination against women, migrants, Muslims and people of color.³⁰ On a global scale, ICCAR serves as the roof under which regional coalitions like ECCAR are united. ICCAR consists of more than 500 cities that engage to ensure discrimination-free enjoyment of human rights at the local level. International/regional network meetings serve as fora for exchange of good local practices within these coalitions.³¹

The exchange of the Human Rights City of Graz with international actors is reinforced by, *inter alia*, fundamental research on the measurement of human rights implementation at the local level that provides information, as well as good practice models for local and international stakeholders.³² The ETC Graz, which serves as the Office of the Human Rights Council of the City of Graz and participates in drafting the Human Rights City Reports, enables direct interaction of research and practice. In this vein, Graz has been able to use a local human rights cluster during the past twenty years to support local human rights implementation, research,

²⁸ See e. g.: City of Graz, Graz wird UNESCO-Menschenrechtszentrum, online:

https://www.graz.at/cms/beitrag/10344192/8106610/Graz_wird_UNESCO_Menschenrechtszentrum.html

²⁹ See ECCAR, 10 Points Plan of Action to fight racism on the municipal level in Europe, 2004.

³⁰ Human Rights Report of the City of Graz (Menschenrechtsbericht der Stadt Graz) 2007, p. 13.

³¹ See e.g. ICCAR Global Steering Committee, Declaration of Nancy, 10 December 2018, p. 3, online:

https://www.eccar.info/sites/default/files/document/Declaration%20of%20Nancy%20-%20ICCAR%2010%20December%202018_0.pdf.

³² A newly revised compendium of the knowledge gathered in Graz will be available soon, titled "Doing Human Rights Research at the Local and Regional Level: Field-tested Methods [working title]". It is currently developed by Isabella Meier and edited by Gerd Oberleitner and Klaus Starl in the framework of the Human Rights Go Local Series jointly edited by the UNESCO Centre for the Promotion of Human Rights at the Local and Regional Levels and the UNESCO Chair in Human Rights and Human Security at the University of Graz. Online: <http://www.humanrightsgolocal.org/about-us/human-rights-go-local-publication-series/>.

and education. As this may set an example for other municipalities, the Human Rights City process has been accompanied by scientific research. One example of such knowledge to be exported is the *Toolkit for Equality*, a handbook for local decision-makers on promoting equality at the local level. It was initially developed by the ETC Graz within ECCAR and draws on experiences made within the Human Rights City process, enriching the exchange with the city's international network by providing scientifically processed stakeholder knowledge.³³

Besides providing know-how, the local human rights initiatives in Graz offer strong institutional anchors. The structure of the ETC Graz and its long-standing activities as well as the UNESCO Chair in Human Rights and Human Security established in 2016 became fertile ground for further international networking and reinforcement. The latest engagement by international actors at the local level in Graz brought along the setup of the UNESCO Category 2 Centre for the Promotion of Human Rights at the Local and Regional Levels.

3.2 Beyond the Human Rights City: Widening the Scope of International-Local Cooperation

As of late, the global community's lackluster success in meeting climate goals and developing sufficient political will in this area suggests that national governments' efforts must be supplemented with local and regional actors' engagement. Hence, urbanization and city development have manifested as core issues of global interest that exhibit significant overlaps with human rights issues.³⁴

Accordingly, the City of Graz' human rights actors incorporated further instruments from the international plane in their local agenda.³⁵ The New Urban Agenda as well as the (interconnected) Agenda 2030/Sustainable Development Goals (SDGs), especially SDG 11 (to make cities and human settlements inclusive, safe, resilient and sustainable) reinforce the local human rights process and serve as navigational aids its refinement.³⁶ These international goals, just like the Human Rights City process, invoke local level agency and ownership. Human rights cities can profit from their experience in implementing international human rights law when tackling sustainable development within the New Urban Agenda and SDG 11. These goals are, in turn, partly expressly referring to human rights as well as inherently relevant to the

³³ Within ECCAR, a handbook series (*Toolkit for Equality*) provides practical advice on non-discrimination, participation and the prevention of hate speech. It contains an evaluation tool which allows local administrations to measure their policies against 150 specific indicators. See: ECCAR, *Toolkit for Equality*, Bologna, Potsdam, Graz 2017, online: <http://www.eccar.info/en/eccar-toolkit-equality>.

³⁴ See UN Habitat, *Urbanization and Development: Emerging Futures*. World Cities Report 2016, Nairobi, 2016.

³⁵ Human Rights Report of the City of Graz (Menschenrechtsbericht der Stadt Graz) 2018, p. 35 – Note: The New Urban Agenda's slogan "Leave no one behind" is specifically referenced in this report even with regards to the sub-city (i.e. district) level, namely when addressing the closure of social institutions ("district centres") in Graz by the city government.

³⁶ UN General Assembly, *Transforming our world : the 2030 Agenda for Sustainable Development*, 21 October 2015, A/RES/70/1; United Nations Conference on Housing and Sustainable Urban Development (Habitat III), *Adopted Draft of the New Urban Agenda*, Quito, 17–20 October 2016.

implementation of human rights at the local level. In this respect, the approach of *geographical responsibility* can again facilitate the realization of international instruments' goals and reinforce human rights enjoyment at the local level. Just as was the case regarding human rights research, the implications of this new strain of international-local dialogue and reinforcement are scientifically analyzed by Graz' human rights research community to be extrapolated and transferable.³⁷ Further city activities in this area, like *city labs* which foster public participation and the development of policy guidelines/impact assessments will reinforce the move for a *right to the city* as described in the Habitat III policy papers.³⁸

3.3 Graz and UNESCO – Clearing House, Building Bridges, Facilitating Exchange

We have already discussed the issue of how sub-state entities as human rights duty bearers are more or less a blind spot of international law. In the case of the International Centre for the Promotion of Human Rights at the Local and Regional Levels under the auspices of UNESCO, a treaty under international law between Austria and UNESCO stipulates duties for all Austrian levels of government as well as for UNESCO in the establishment, financing and maintenance of the Centre. The Centre enjoys the support of the local, regional and federal Austrian government levels. It will not only contribute to the promotion of human rights in Graz, but also export institutional knowledge outside Austria and Europe. Its main goals include capacity building through counselling and training, interdisciplinary research, acting as a Clearing House, as well as international networking and cooperation with a special focus on SDGs 4, 10, 11 and 16. The Centre will contribute to countering inequality in and between states; fostering inclusive, safe, resilient and sustainable cities and settlements; and promoting peaceful and inclusive societies. In doing so, the Centre can rely on continued institutional knowledge and innovative approaches developed within the Human Rights City process (like the concept of *geographical responsibility* and the abovementioned *Toolkit for Equality*).

4. Conclusion and Outlook – Formal Engagement and Practical Realities

The Human Rights City process has significantly impacted the City of Graz. The possibilities for contributions from the sub-entity *city* to the realization of human rights guarantees have been carved out more clearly. The tools needed to further enhance the enjoyment of human rights at the local level have been developed and are used constantly. Capacity building for local policies that are well-informed by human rights is underway and well-equipped due to

³⁷ Gomes and Möstl, Implementing Human Rights and the 2030 Agenda for Sustainable Development at the Local Level: Key Issues and Examples, in: Oberleitner and Starl (series eds.), Human Rights Go Local Publications Series, Volume 1, HRGL Publishing, Graz, 2020.

³⁸ See: United Nations (Habitat III Secretariat), Policy Paper 1: The Right to the City and Cities for All, A/CONF.226/PC.3/1, 2017. Remarkably, a photo of Graz' city centre is featured on the cover sheet of the published version of the policy paper.

ongoing local-international cooperation. Norms and principles developed at the international level, as human rights law and, more recently, the SDGs, have found their way into the rhetorical repertoire of local politicians and civil society representatives.

Constant dialogue by stakeholder and (bottom-up) civil society engagement as well as with academia and international organizations remain crucial preconditions to keep the Human Rights City process vital and dynamic. The establishment of the UNESCO Centre and the continuation of the Human Rights City process in Graz are promising practices, as they epitomize a firm base for further human rights-friendly policymaking in the city as well as for the export of good practices in a local-international dialogue. They stand against an observable worldwide backlash against the international system of multilateralism and, especially, human rights instruments.³⁹ However, as much as human rights implementation starts in *small places*, utter disregard for them is first felt where real people live – at home, in the city. Just like the Human Rights City process altogether, the newest positive signals we have described must constantly be translated into concrete action in the municipality. The realities of human rights implementation at the local level, just like on the international plane, are not immune to (perceived or real) setbacks. All stakeholders therefore need to remain vigilant and pay close attention to possible deteriorations of the political climate and decision-makers' attention to human rights.

The authors choose two instances from the local context to illustrate the urgency of this observation: Lately, large city development projects implemented in Graz, namely the construction of a hydropower plant and the redesign of a public park, have provoked opposition from environmental groups and city residents alike.⁴⁰ After city residents' attempts to initiate a referendum on the powerplant were turned down by the city government,⁴¹ activists chose other routes of engagement. Their protest, taking the form of a permanent assembly in a camp at the to-be construction-site of the hydropower plant, was ended in a manner that violated the right to freedom of assembly, as adjudicated by the Austrian Constitutional Court.⁴² There was no public statement, neither before nor after the ruling, indicating that the city government regretted the human rights violation or that it would install appropriate safeguards in the future. This instance calls to mind that constantly reminding

³⁹ See, e.g.: Gilmour (United Nations Assistant Secretary-General for Human Rights), The global backlash against human rights, edited text of a lecture at University of California, Berkeley and McGeorge School of Law, Sacramento, 12 and 13 March 2018, online:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23202&LangID=E>.

⁴⁰ The protest was visible off- as well as online, e.g. at <https://steiermark.gemeinsam.jetzt/initiative/105/> and <https://www.murkraftwerk.at/>.

⁴¹ A decision whose legality was questioned by constitutional lawyers, see Müller, Graz müsste laut Jurist Volksbefragung über Murkraftwerk zulassen, Der Standard, 13 January 2017, online:

<https://www.derstandard.at/story/2000050698890/verfassungsjurist-graz-muss-volksbefragung-ueber-murkraftwerk-zulassen>.

⁴² Austrian Constitutional Court (Verfassungsgerichtshof - VfGH), Decision V1/2018, online:

https://www.ris.bka.gv.at/VfghEntscheidung.wxe?Abfrage=Vfgh&Dokumentnummer=JFT_20180928_18V00001_00&IncludeSelf=True.

local political decision makers of their commitments to the Human Rights City process and the SDGs as well as the notion of *geographical responsibility* is still necessary in Europe's oldest Human Rights City – just like everywhere else in the world, internationally, regionally and locally.

This fact was underlined recently when, on 23 April 2020, the municipal council adopted a 10-point plan of action against racism as foreseen in the ECCAR and ICCAR context. This is of course a positive signal after a 2-year-standstill during which the city failed to adopt said plan. In its preamble, the plan of action rightly stresses the importance of taking a firm stance against racism. However, it also emphasizes that “[individuals] not feeling at home in one’s own city” were to be taken just as seriously.⁴³ This figure is used by racist groups across the globe to advocate xenophobia and disseminate a rhetoric of *othering*.⁴⁴ The use of this wording by the municipal council could be misunderstood as a support of xenophobic positions by the Human Rights City of Graz. As a result, stakeholders’ and city dwellers’ trust in the Human Rights City process could be or might have already been damaged.

The above instance illustrates that a periodic, multi-stakeholder review which can effectively influence decision making must be assured. It reminds us that, even considering the promising developments described in this report, the translation of international law into local practice needs caution and alertness. May it be on the world stage or in Graz, a location Eleanor Roosevelt might have labelled as one of her *small places*, the process of human rights implementation is never fully finished, and human rights conformity has to be claimed time and time again.

⁴³ At the time of drafting this report, the transcript of the decision scheduled as item no. 3 for the municipal council’s session on 23 April 2020 (Präs. 063204/2018/0005, Europäische Städtekoalition gegen Rassismus; 10-Punkte-Aktionsprogramm für den Zeitraum 2020-2023) has not yet been issued. Coverage by the media: Gerald Winter-Pölsler, Schwarz-blaues Programm gegen Rassismus und Inländerdiskriminierung, 22 April 2020, online: https://www.kleinezeitung.at/steiermark/graz/5803772/Grazer-Gemeinderat_Schwarzblaues-Programm-gegen-Rassismus-und?fbclid=IwAR1P4D_bdGEfHf8p70w-P_nPycUU_VHjlOhzwQbMwp8qizjTKUwAELaVez8

⁴⁴ Most importantly in the local context, it served as a campaign slogan in the Styrian state elections in 2015: <https://www.derstandard.at/story/2000015768405/rechtsextremer-aktionismus-in-graz>. The wording subliminally invokes the figure of *Überfremdung* (“over-foreignization”) or even *Umvolkung* (“ethnomorphose”) used by the extreme right to propagate the idea of the “destruction of the white race.” See.: Harris, *Imagined Identity: Immigration, Ueberfremdung, and Cultural Chauvinism in German Far-Right Partisan Discourse*. *German Policy Studies* 1, 2001; Behrens, *The State and the Self: Identity and Identities*, Rowman & Littlefield, Lanham, 2017, p. 112, note 42.