City of human rights
The Barcelona model

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1 Introduction

Introduction

Managing public life on a local level and especially in a city has become a central feature of preventing human rights violations and ensuring their protection. The objectives, decisions and activities of any public policy implemented by local authorities must be in line with promoting human rights in their municipality. Inequalities are avoidable and we can neither assume them or accept them as normal. Understanding that inequalities are a consequence of violating human rights challenges us directly as a public authority, leads us to search for the root of the problems and find transformative policies so more people enjoy these rights.

Barcelona City Council has been giving more priority to human rights in public policies in recent years, adopting a government measure in 2016 entitled 'Barcelona, City of Rights', with the subtitle 'Preventive actions, actions to guarantee citizen rights and actions to include the human rights approach in public policies'. This measure created the city's own model, the Barcelona model, which requires an inclusive perspective, embracing diversity, that is based on respecting, protecting and guaranteeing human rights to enable sustainable human and social development.

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The measure proposes 10 action lines designed to establish the necessary conditions so all our citizens can effectively enjoy their human rights. More specifically, action number 5 proposes drawing up methodological guidelines on applying the human rights approach to public policies. It is in this framework that we are presenting this guide, so it might serve as a reference for advising other local authorities on how to include the human rights approach in their policies, in order to ensure their citizens' rights are effectively protected. This approach, developed by the United Nations, has respecting, protecting and guaranteeing human rights as its basis and objective, and offers the tools that will make sustainable human development possible. It has been used in other areas, such as development cooperation, for some years now. Using it to draw up and apply in municipal policies is a challenge that Barcelona City Council addresses in this document.

Today, the city is experiencing the same contradictions as the world we live in, where we see poverty, unemployment and a lack of access to housing, among other problems. It is important to bear in mind that these inequalities are not a conjunctural matter, and are instead a reality that is now established and defines the everyday life of people in our city. Barcelona's commitment is to address these complexities and establish genuine public policies based on human rights.

The reference framework for this guide is the **Government Measure 'Barcelona, City of Rights'**. That measure defines the city of human rights model which Barcelona City Council is committed to. Its regulatory reference framework is the **European Charter for Safeguarding Human Rights in the City** and a vision that also embraces intercultural and gender approaches, as well as the rights approach.

This guide is written for public policy planning staff in local government. It has therefore been drawn up in accordance with the specific characteristics of local government bodies. We have also borne in mind other experiences and the recommendations of international bodies such as the United Nations (UN) on a global level and the Fundamental Rights Agency (FRA) on a European Union (EU) level.

The guide is organised into four parts. The first section includes a presentation and justification of the document itself. In the second, we describe Barcelona's city of human rights model, which includes incorporating the human rights-based approach in defining municipal public policies.

The third section places this guide in the general framework of human rights and the right to the city, identifying its regulations and specific characteristics, as well as the analytical-methodological framework that is applied and which corresponds to a comprehensive intersectional approach that embraces the intercultural, gender and human rights approaches.

In the fourth section, we present the basic, theoretical and methodological aspects of the human rights-based approach (HRBA) from national and international experiences and literature. This goes into incorporating the comprehensive human rights approach into the different stages of local public policies (identification, design, implementation and assessment). It includes specific questions adapted to local policies in order to make it easier to visualise and apply this idea.

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At the height of the 21st century, the effects and contradictions of globalisation are reflected in our cities. Unemployment, poverty, inequalities and even pollution are some of its more visible negative consequences. Part of the remit of local bodies is to seek the well-being of their citizens and to fight to eliminate inequalities. It is incumbent on them. Various causes such as inequalities provoke repeated violations of human rights, and people have the right to see human rights respected. They have rights and they also have responsibilities, because every person is an active subject in their own processes and decisions.

Thus, Barcelona City Council's public policies have increasingly been focused on human rights in recent years, because it is its duty to protect them. It has created its **own city of human rights model**, a city understood as a collective space of rights with a public administration that can respond to its needs, thanks to its proximity and flexibility. A city which must adopt an inclusive perspective, embracing diversity, that is based on respecting, protecting and guaranteeing human rights to enable sustainable human and social development.

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2.1
THE FOUR CONCEPTS OF THE BARCELONA MODEL AS A CITY OF HUMAN RIGHTS

The Barcelona model as a city of human rights is based on **four concepts**: (1) the right to the city, (2) the human rights-based approach (HRBA), (3) the intercultural perspective and (4) the feminist perspective.

1. The right to the city

In a world where cities are gaining protagonism as international players, the role of **local authorities as defenders of human rights** is being asserted. This role of guarantor is being achieved with the planning and rollout of public policies to prevent rights violations.

The European Charter for Safeguarding Human Rights in the City, a programmatic text adopted in Saint-Denis in the year 2000, defines the **role of the city** as follows:

'*The city is a collective space belonging to all its inhabitants, who have the right to conditions which allow their own political, social, economic, cultural and ecological development but which also means assuming the duties of solidarity.*'

The aspiration of living in a town or city where the human rights of all its inhabitants are respected, guaranteed and protected is the ultimate aim of the right to the city. That is how cities that defend human rights like Barcelona are defined.

2. The human rights-based approach

This approach puts human rights at the centre of public policies. Human rights have a clearly established legislative framework,[1] so the public policies necessary for protecting and guaranteeing them need to be developed. Respecting, protecting and guaranteeing them make sustainable human development possible.

That means **municipal policy, plan, programme and service objectives have to be in line with human rights standards.** Such an approach involves a series of specific HRBA indicators and methodological tools, which up to now have been applied above all in identifying and formulating projects, which local authorities such as Barcelona are starting to implement when proposing and rolling out specific public policies.

[1] This legislative framework is explained in more detail in point 3 of this guide. ▶

This approach clearly establishes roles for people and social stakeholders that imply a change in the power relationships between them:

- people have rights by virtue of the fact they are people, that is, they are **rights holders**;

- the State and other public authorities become a subject with legal and moral duties in relation to their fulfilment and development, in other words, they are **duty bearers**;

- various social stakeholders (businesses, universities, NGOs, the media, etc.) and also individual persons have rights but they also have responsibilities with regard to fulfilling human rights, that is, they are **responsibility bearers**.

We will go into the human rights approach in a city of human rights model in more depth in section 2.4 of this guide.

3. The intercultural perspective

Barcelona is a diverse and plural city where people from different contexts and cultural backgrounds live together. Faced with this reality, the City Council has made a firm commitment to roll out policies with an intercultural perspective that are aimed at building the city together.

The **intercultural approach** strives to foster good relations between individuals from different backgrounds, cultures and religions by focusing on individuals as the key figure and rights holder. In Barcelona, this intercultural approach is based on **three principles** explained below:

- **Cultural diversity:** fostering recognition of the other as a valid social, cultural and political asset. This also means promoting knowledge and raising awareness of cultural diversity in the various spheres of action, appreciating the diverse cultures, traditions and beliefs of which it is formed, as well as the different interests and needs.

- **Equal rights, opportunities and non-discrimination:** fighting for equality and against discrimination in order to achieve equality. The emphasis here is on equal opportunities and defending rights. The aim is to ensure every individual and group has access to the process of building and developing communities on an equal footing, without asking for assimilation in exchange.

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- **Positive interaction/intercultural dialogue:** promoting the weaving of relations in a neighbourhood or area by fostering collaborative relationships. The aim is to break down the 'them and us' attitude in order to build the common ground, working on shared interests and aspects. The key in this context is to give way to dialogue and highlighting the power relations.

This **intercultural model is counterposed to the multicultural model**, which is based on respect and recognition of cultural, linguistic and religious differences but not on reinforcing the common elements and interrelationships that unite people. Multiculturalism is based on principles of equality and difference, and interculturalism adds diversity and positive interaction to the former.

In practice, we cannot stop a certain multicultural reality imposing itself on communities, so interculturalism is a desired objective, or a municipal policy in the case of Barcelona. Not reinforcing these links can promote social segregation and fragmentation, which are not propitious for ensuring a good level of cohesion. **Interculturalism means going a step further and accepting interaction as a source of mutual enrichment**.

4. The feminist perspective

Feminism is a political position and a social movement organised by women at the same time. The latter, becoming aware of the discrimination they face by virtue of being women, decide to get organised in defence of their rights. As a pathway to emancipation, feminism seeks to transform a society based on patriarchy, a social organisation where authority is exercised by men and which belittles the values of a fair and equitable society. It seeks a society based on equality and freedom between men and women, and justice understood as a set of values such as respect, recognition, equality and freedom. Values that start from the conviction that any policy promoted by the public institutions must make use of the tools and consolidate the achievements of the feminist movement.

The Barcelona model as a city of rights is based on the fight against inequality and sexism and the commitment to gender equity, that is, a commitment to real and ef-

fective equality, recognition, freedom and gender justice. This same model points the way to building a city where women have a voice and a decision-making capacity; where domestic chores and looking after others are tasks distributed on a fairer and more equitable basis; where poverty and insecurity, which currently have a woman's face, gradually disappear; where all women can enjoy a life free of violence, and where our sexual, cultural, religious and functional diversity are recognised and championed.

To sum up, the model aims to incorporate the **feminist perspective and gender approach** in all the actions the City Council takes to achieve a more democratic, fairer and more respectful city. The model promotes a city where women feel they are protagonists and where they are in a position of equality in cultural, economic, social and political life.

2.2
OTHER ACTION PRINCIPLES TO BEAR IN MIND

Together with these four key concepts in the Barcelona city of human rights model, we also propose the following principles of action:

- Territorialisation: all the steps for rolling out this model will have to be coordinated with district action for them to be effective.

- Feedback and interdependence: one of the characteristics of human rights is their interdependence, which means that any right is connected with the rest and the impact on one has effects on the others. The actions required to implement the model are also interdependent and, therefore, in an ongoing dialogue, feeding off each other and seeking synergies to boost their effect and impact.

- Networking and municipalism: Barcelona can do a great deal alone but much more with others. In the field of human rights it is possible to work with a host of city networks and local bodies.

- *Glocal* perspective (global and local): Barcelona is clearly a glocal city, and the joint analysis of the local effects of global phenomena has to be a constant in order to propose actions and policies aimed at the causes of the various human rights violations that occur in the city.

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• Co-production and co-leadership: as regards networking with other entities and the public, we need to go a step further and propose co-production of public policies and co-leadership.

▶

Concepts and principles of the Barcelona city of human rights model

Source: Original

Territorialisation

Co-production and co-leadership

Feedback

Right to the city
—
Rights-based approach
—
Intercultural perspective
—
Feminist perspective

Glocal perpective

Networking and municipalism

2.3
THE OBJECTIVES OF THE BARCELONA CITY OF HUMAN RIGHTS MODEL

The legislative framework of human rights is clearly established. **But it is necessary to respect that framework and develop some public policies for the city that protect and guarantee those rights**.

The Barcelona city of human rights model therefore proposes **an overall objective and two specific objectives.**

Overall objective	Specific objectives
To promote a diverse, intercultural and multifaceted city model where everyone has real and effective access, under equal conditions, to all human rights recognised and guaranteed in the city.	**Human rights in public policies:** to include a human rights-based approach in public policies. **Public policies on human rights:** to design and roll out human rights policies according to substantive priorities.

Specific objective 1.
To include human rights in public policies

In a democratic society, it is essential that respect for and the exercise of human rights is assured in all public spheres. That begins by **ensuring that public authorities themselves comply with human rights standards when drawing up policies** in response to problems of a public nature and to ensure the well-being of their citizens.

Public policies are a vital government tool for intervening in society and key in managing today's welfare states. However, societies are very complex these days, so planning, designing and rolling out public policies, and good governance, have to address major challenges such as access to public services, decentralisation and local democracy, gender equality, migration, culture and social inclusion, among others.

We need to be aware that the role of public policies is to contribute to prevention and help to guarantee rights, and their impact on people's everyday lives. A city of human rights focuses on the individual as a rights holder, and makes respecting, protecting and guaranteeing human rights the basis of its public policies. That means:

• The objectives of municipal policies, plans, programmes and services have to be in line with human rights standards, and that equality and non-discrimination have to become their central thread.

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• It is very important to *improve the knowledge and technical capacities of civil servants* in a cross-cutting, horizontal and multisectoral way with regard to human rights issues.

• *Participation and non-discrimination have to be key elements at all stages of constructing* this public policy, from the outset, when identifying the problem, to assessing the policy.

• This is a key factor in helping to strengthen the public's capacities and empower them so they demand and exercise their rights.

• *Changes need to be made in the way the public policy cycle is posed* and in the justification for action taken. The justification of these public policies has to lie in respecting, protecting and guaranteeing human rights that have the ultimate aim of transforming the system and empowering the citizens.

• There is also a need in *the rollout and assessment stages of public policies* for plans, strategies and indicators based on human rights that seek to get to the root of social inequalities and change the power relations.

**Specific objective 2.
To develop human rights policies**

This means **designing and rolling out specific policies on human rights**. In recent years, human rights have increasingly occupied a more central place in Barcelona's public policies.[2] These rights are not something abstract, out of context, but something that needs to be thought through and promoted in the context of the territory they are exercised in; in this case, the city and its neighbourhoods.

So it is *necessary to develop human rights policies that tackle specific issues* such as hate speech, which includes racism, xenophobia, Romaphopia, homophobia, etc., civil rights and public freedoms in the use of public space, like right to demonstrate, and full citizenship, such as the rights of the migrant and foreign population, among others.

On that point, it is important to bear in mind that political will plays a decisive role in defining the priorities for achieving these objectives. The political impetus given to local initiatives that have human rights and mainstreaming as their basis will be key. The intention is that public policies eventually incorporate the collective dimension of human rights.

This guide puts the emphasis on the first of the specific objectives, since it is designed for internal use by local technical staff so they can develop public policies in line with human rights standards.

In order to effectively implement the Barcelona city of human rights model, we have planned various lines of action that are divided according to three principles: 'respect', 'protection', and 'fulfilment and guarantee', which are described below:

a. **respect:** lines aimed at preventing direct violation of a right by the public authority itself;

b. **protect:** those rolled out to establish the necessary conditions for people to effectively exercise rights;

c. **comply/guarantee:** those the authority triggers when a rights violation has already occurred.

Now we are going to explain what the differentiating features of this model are, those that set it apart from other approaches.

2.4
DIFFERENTIATING FEATURES OF THE CITY OF HUMAN RIGHTS MODEL

As mentioned previously, the city of human rights model enables us to reach a **deeper understanding of the roots of the underlying causes of problems** and, as a method of analysis, differs from a **needs-based approach**, as we can see in the following table:

[2] An example of that might be the Government Measure 'Barcelona, City of Rights', cited in the introduction to this guide and presented in July 2016. Available at:

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Differences between needs-based and city of human rights-based approaches

Source: Prepared for this report with data from (Cyment & Font, 2007) (Gimenez & Valente, 2010).
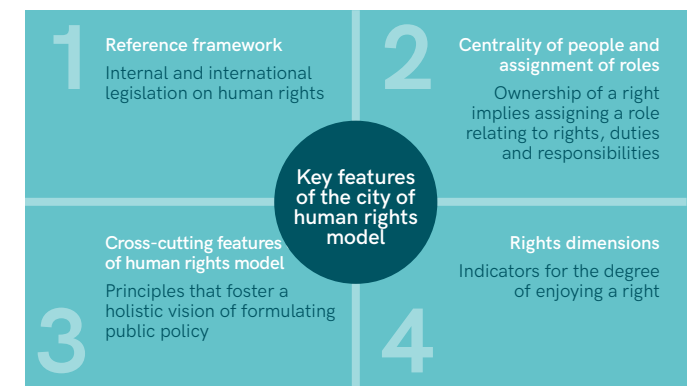
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	Needs approach	City of human rights model
PEOPLE	Based on service provision, and people are treated as policy 'objects'.	Seeks compliance with human rights standards in response to the demands of people as 'subjects' of rights.
PROBLEMS	Analyses the immediate causes of problems.	Analyses the structural causes of problems (discrimination, power relations).
NEEDS/ RIGHTS	Charity satisfies needs. Seeks to satisfy needs when the beneficiaries are not able to do so themselves (turning them into passive service receivers).	Seeks compliance with legal obligations to respect human rights. Seeks to empower people so they can demand their rights (turning them into stakeholders in exercising their rights).
STAKEHOLDERS	Stakeholders: State and beneficiaries.	Stakeholders: rights holders, responsibility bearers and duty bearers.
SCOPE	Works in the local sphere. Communities dependent on services offered by governments.	Works in various spheres (local, national, international). Changes in the power relations that generate empowerment and greater access to resources for more marginal groups.
RESULTS/ PROCESSES	Basic needs can be met on the basis of targets and results.	Exercising rights requires both results and processes.
PARTICIPATION	Participation is a strategy (often to legitimise actions).	Diverse participation is a right, an objective and a strategy.
VISION	Sectoral vision.	Comprehensive vision and intersectoral work.

Putting the city model into practice has a big impact on the way public policies are formulated. Understanding that all problems have certain structural causes requires a comprehensive response that takes all rights into account and is coordinated with all the other players and stakeholders involved. It also includes an analysis of the power relations and gender inequalities, as well as the structures that sustain them, an analysis of the different forms of discrimination in societies and, at the same time, a causal analysis of the violation of human rights.

The HRBA embodied in the city of human rights model is a 'way of seeing' and a **'way of doing'** to achieve human rights (Jimenez Benitez, 2007, p. 35). **It relates rights with duties** and assigns them, awarding roles to the different stakeholders as rights holders, responsibility bearers and duty bearers.

In short, we could say that the city of human rights model **reformulates the State-society relationship and strengthens the legal, social and political enforceability of human rights.** In that sense, the city of human rights model implies guidelines and advice, in the form of a guide, for the process of formulating, rolling out and assessing public policies, offering a common framework in the public policy cycle. Human rights constitute the basis, the objective and the tool of all action in the public policy cycle.

The city of human rights model must therefore be applied throughout the public policy cycle.

Source: Original   ▶

1 Reference framework
Internal and international legislation on human rights

2 Centrality of people and assignment of roles
Ownership of a right implies assigning a role relating to rights, duties and responsibilities

Key features of the city of human rights model

3 Cross-cutting features of human rights model
Principles that foster a holistic vision of formulating public policy

4 Rights dimensions
Indicators for the degree of enjoying a right

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Below, we describe each of these features in more depth:

1. A reference legislative framework:

The city of human rights model incorporates the standards, values and principles enshrined in the Universal System for the Defence and Promotion of Human Rights (treaties, pacts and conventions ratified by states and resolutions) and international jurisprudence, as well as those that feature in regional systems or are recognised in constitutions and other internal state legislation. The principles, values and standards of human rights, which incorporate and integrate the intercultural and gender perspective, are the way to achieve objectives defined by public policy and become the objectives of that policy.

Public policy derives from international standards on human rights, which the State is obliged to comply with as well as the various levels of government once they have been incorporated into internal legislation and regulations. At a local level, other acquired commitments could also be included as a reference framework, such as the European Charter for Safeguarding Human Rights in the City (Saint-Denis, 2000) in the case of Barcelona City Council.

It is important to stress that such a reference framework has to take into account both conventional mechanisms (treaties, reports, etc.) and non-conventional ones (special rapporteurs' reports and the Universal Periodic Review - UPR).

2. The centrality of people:

Public policies are centred on people but there is a change of role. The city of human rights model assigns roles to people and social stakeholders that imply a change in the power relationships between them:

• Rights holders: all people have rights by virtue of being people. Some people or groups see their rights are violated or they suffer discrimination because of the colour of their skin, their social status, etc. Holders are no longer beneficiaries but genuine rights holders.

• Responsibility bearers: by virtue of being part of a society, human beings and other social stakeholders (businesses, universities, NGOs, media, etc.) have responsibilities, just as they have rights, which are linked to fulfilling and developing human rights.

• Duty bearers: those who have to ensure rights are exercised. The State and other public authorities become a subject with legal and moral duties in relation to their fulfilment and development. Those duties are to:

a. **respect:** 'demands the State does not interfere directly or indirectly in the enjoyment of the right';

b. **protect:** 'requires that the State adopt measures to prevent third parties interfering in the [full exercise of the] right', and

c. **fulfil/guarantee:** 'demands that the State and other public authorities adopt legislative, administrative, budgetary and other appropriate measures to facilitate, provide and promote the full exercise of the right'.

3. Cross-cutting features of the city of human rights model

The city of human rights model, as a 'way of seeing' and a 'way of doing' (that is, linking human rights, interculturalism and a gender approach as a basis, objective and methodology), incorporates the following principles, in addition to the principles of human rights:

• Diverse participation and inclusion: every person and every people have the right to participate actively, freely and significantly in the development, as well as contribute to and enjoy civil, economic, social and political development, where human rights and basic freedoms may be realised. Citizen participation, understood as a mechanism for building active democracy, has to reflect the diversity that exists in the city.

• Empowerment/capacity building: processes by which people and groups appropriate their situation, strengthen their capacities for interacting with other public authorities and other groups to have control over their own circumstance and achieve their own goals, with the aim of improving their quality of life being capable of achieving the kind of life they value.

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• Equality and non-discrimination: all people are equal. All human beings have rights without discrimination of any kind and regardless of their race, colour, ethnicity, age, language, religion, political or any other opinion, national or social background, disability, property, birth or any other conditions, as established by the bodies that control human rights treaties.

• Intercultural approach: the defence of cultural diversity is an ethical imperative, inseparable from respect for a person's dignity [...], in particular the rights of minorities and indigenous peoples. Public policies have to mainstream knowledge, visibility and recognition of cultural diversity as a common wealth, as well as the basis for positive interaction, critical dialogue, the web of relations and collaboration between culturally diverse individuals and groups. They also have to incorporate culturally diverse participation criteria and mechanisms, which means diverse participation needs to be increased and fostered by specific actions, not merely with the presence of people from different backgrounds but also by including diversity in the participatory mechanisms.

• Transparency, enforceability and accountability: public authorities and other duty bearers must answer for their compliance on human rights matters. In that regard, they are obliged to comply with legal standards and the standards contained in human rights instruments. Enforceability does not mean just in legal or judicial terms but also in political and social terms, in order to ensure the availability of information, resources and channels that are culturally accessible, friendly and suited to every citizen.

4. **Rights dimensions** are six characteristics that enable individualised analysis of each of these rights (availability, accessibility, adaptability, acceptability, quality and sustainability).

In order to make human rights effective, various bodies (ISI Argonauta, IDHC – Catalonia Human Rights Institute) have defined six dimensions that serve as indicators for measuring the possible accomplishment of a right:

AVAILABILITY	Means ensuring there are sufficient services, facilities, mechanisms, procedures or any other means for giving shape to a right for the whole population. Number of establishments, resources, inputs, programmes, projects, goods and services made available for fulfilling the right in the territorial sphere (districts) and which are culturally suitable
ACCESSIBILITY	Means no discrimination in service delivery, and in the physical sense, geographical scope or in access in a cultural, economic or religious sense to the services. Established mechanisms for ensuring equal access to services without potential discrimination for reasons of race, colour, sex, ethnicity, age, language, religion, political or any other kind of opinion, national or social background, disability, property, birth or any other condition.
ADAPTABILITY	Means that the medium and content chosen to give shape to exercising a right should have the necessary flexibility so they may be modified, if required, to adapt them to the needs of societies and communities undergoing transformation, and to respond to varied cultural and territorial contexts.
ACCEPTABILITY	Means that the medium and content chosen to give shape to exercising a right should be accepted by the people they are targeted at, something which is very closely related to adaptability and criteria such as belonging and cultural suitability, as well as citizen participation in drawing up the policy in question.
QUALITY	Means not only the technical quality assessed by the opportunity, integrity and effectiveness of the actions but also the human quality inasmuch as it meets the expectations of the service provider and the service recipient.
SUSTAINABILITY	Means allowing continuity over time and requires incorporating and monitoring compatibility of the structure and way of working proposed in a public policy with the cultural and ethical values of the group involved and of society, which makes it acceptable to those communities, players and organisations.

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Font: Source: Prepared for this guide with data from (Salinas & Zambrano, 2013) (Guillen & Tomas, s/d) (Del Rio, 2013) (OACDH, 2004) (OACDH, 2006) (Equipo de ISI Argonauta, 2010) (PNUD, 2013) (UNFPA, 2012).

3

Human rights, what they are and how we understand them

Human rights are the foundation on which the model described here is built. Therefore, below, we offer some reflections on this concept and on how guarantee and protection systems have gradually been created on a universal, regional, national and local level, and which are aimed at establishing the necessary conditions for human rights to be effectively enjoyed by all citizens and acting in the event of any violation of human rights.

All human beings are born free and equal in dignity and rights. Human rights are inherent in human beings, without distinction of race, sex, nationality, ethnic origin, language, religion or any other condition. They are a moral idea and a political conception.

Human rights are based on human dignity and equality, in other words, people's freedom and psychological and physical well-being, and the guarantee of a decent life. Every person, by virtue of being a person, possesses rights that must be recognised and respected by the public authorities. According to the United Nations, rights are conceived to protect everyone from actions or omissions on the part of public authorities or individuals that try to impede or restrict the enjoyment of these rights.

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Characteristics

To ensure that all human rights become effective rights, they need to have the following four characteristics:

Universal	Inalienable	Interdependent and interrelated	Indivisible
Means recognising that human rights apply to all human beings in the same way, given they are based on the dignity inherent in every human being.	Human rights are inherent in the person and cannot be subject to restrictions except in cases legally provided for and with all the pertinent legal guarantees.	Human rights are interdependent, as the level of enjoyment of any right depends on the degree to which others are fulfilled.	All civil, cultural, economic, political and social rights are equally important; one is no more important than another.

Source: United Nations (2012)

3.1
PROTECTION AND GUARANTEE SYSTEMS

Belief in the dignity and equality of all members of the human species and in other principles of human rights can be found in nearly all cultures, civilisations, religions and philosophical traditions. Various declarations and laws have been written to that end.

Background

Some of these **texts preceded those on people's rights**, for example, the Magna Carta (1215), the Petition of Right (1628) and the Bill of Rights (1689) in England. But at the end of the 18th century, natural rights were recognised as legal rights for the first time in human history and became one of the basic features of some constitutions. Since then, an almost contractual relationship has been established between the State and the individual, whereby the power of the former is based on the free consent of the latter. The French Declaration of the Rights of Man and the Citizen in 1789 and the American Bill of Rights in 1791 are based on those premises.

The totalitarian regimes established in the 1920s and the 1930s systematically violated human rights in their own territories. The Second World War that followed was marked by generalised attacks on life and human dignity, where those regimes sought to wipe out whole groups of the population for reasons of race, religion, nationality, sexual orientation, ideology, and so on. It became increasingly clear there was a need to draw up some effective international instruments that could protect human rights.

The Universal Declaration of Human Rights and the subsequent international covenants

Thus, in October 1945, the **United Nations** (UN) organisation was set up. Three years later, in 1948, in accordance with the working plan set out by the United Nations Commission on Human Rights, work began **on creating a universal system for protecting human rights**, which included various legal instruments for guaranteeing those rights and preventing violations.

We are referring to the **UN International Charter of Human Rights, which consists of the Universal Declaration of Human Rights** and the two covenants that develop it: the International **Covenant on Civil and Political Rights** (1966) – as well as its two optional protocols – and the **International Covenant on Economic, Social and Cultural Rights** (1966). The Declaration has no binding legal value (compliance is not compulsory) but it includes the lines that need to be followed on rights' issues and it is often cited as a reference in the basic laws and constitutions of various states. It has the character of a legislative benchmark for generating consensus.

Moreover, a range of universally applicable standards have been drawn up to protect certain vulnerable groups such as children, refugees or people with disabilities. They are intended to raise protection standards in the face of human rights violations that are considered to be particularly abhorrent. These international treaties provide for supervisory committees before which the states have to appear periodically to give an account of their fulfilment of the duties provided for.

It needs to be borne in mind that the provisions set out under this framework are not binding, in the way resolutions, declarations and reports may be, but help to create a trend in the way states interpret and act on them.

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Human rights bodies

A series of official bodies monitor compliance with the aforementioned treaties.

Firstly, the **Human Rights Council (2006)**, which is an inter-governmental body within the United Nations responsible for strengthening the promotion and safeguarding of human rights around the globe. By means of the Universal Periodic Review mechanism, it reviews the human rights situation in the UN member states. Special procedures may also be established, headed by the special rapporteur, who deals with certain situations in specific countries or questions of global interest.

On a European level, we need to differentiate between the Council of Europe and the European Union. The **Council of Europe (1949)** comprises 47 member states and is tasked with establishing and supervising European standards on human rights. It adopted the **European Convention for the Protection of Human Rights and Fundamental Freedoms** (1950), now known as the **European Convention on Human Rights (ECHR)**. Of particular significance is the control system established by the ECHR, called the European Court of Human Rights. (ECtHR) Both states and individual citizens may address this court, which sets out the interpretation and limits of human rights that national jurisdictions have to apply with regard to the rights recognised in the Convention.

Secondly, we have the **European Union** (1951), which currently comprises 28 member states and which, since the approval of the Maastricht Treaty in 1992, demands respect for human rights as a condition for being admitted to the EU. In the same vein, 1993 saw the approval of the 'Copenhagen criteria', which establish as a criterion for membership of the European Union that any state wishing to join must guarantee it has institutions that ensure human rights are respected. The constitutions of each of the member states guarantee the fundamental rights, as does the **European Charter of Fundamental Rights** (2000). With the entry into force of the Treaty of Lisbon in 2009, the Charter was accorded the same legal value as the treaties. As a guarantee mechanism, the EU has the European Court of Justice (ECJ), to which EU citizens may appeal once all internal avenues have been exhausted.

With regard to the Spanish State, the **Spanish Constitution** of 1978 establishes the fundamental rights and duties and the mechanisms for guaranteeing those rights and freedoms in Title 1. In Catalonia, Title 1 of the Statute of Autonomy (2006), 'Rights, duties and governing principles', consolidates and raises the standards set out in the Constitution. It is also important to highlight the figure of the **ombudsman** (in Spain **defensor/a del pueblo** and in Catalonia **síndic/a de greuges**) whose main role is to protect and ensure these rights are respected by the public authorities in their actions.

European Charter for the Safeguarding of Human Rights in the City

The **European Charter for the Safeguarding of Human Rights in the City** (Saint-Denis, 2000) plays a key role at a municipal level. This is the result of the work begun in Barcelona in 1998 at the 'Cities for Human Rights' conference to commemorate the 50th anniversary of the Universal Declaration of Human Rights. The participating cities adopted the 'Barcelona Commitment', a roadmap for adopting a political document to promote respect, protection and guarantees for human rights at a local level.

Barcelona City Council adopted this European Charter on 21 July 2000, an act which meant incorporating its principles into local laws, as well as the rights and guarantee mechanisms established in it. The approval of the **Citizens Charter** marked a step further. The Barcelona Charter of Rights and Duties (2010) was designed to be an educational device for promoting, disseminating and respecting rights, and for specifying and raising awareness of rights.

Furthermore, in 2011, the global city organisation, United Cities and Local Governments (UCLG), through its Social Inclusion, Participatory Democracy and Human Rights Committee, adopted the **Global Charter-Agenda for Human Rights in the City**, at its World Council meeting in Florence, attended by over 400 mayors from all over the world. Barcelona has played an active part in this process but it still has to be ratified by the City Council.

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To sum up, we could say that the European Charter for Safeguarding Human Rights in the City is the benchmark local instrument for recognising, protecting and guaranteeing rights in the local world and in defending the right to the city.

3.2
DIALOGUE ON HUMAN RIGHTS AND INTERSECTIONALITY

Generally and historically speaking, no tradition has denied that people should enjoy a minimum of well-being that requires respect for their most important needs. Belief in the dignity and equality of all members of the human species goes back many centuries, and can be found in nearly all cultures, religions and philosophical traditions. Different cultures question what that means in practice but human rights establish a minimum agreement based on human dignity and what well-being means, and draw a line that such questioning should not pass. This cultural perspective nuances the universal nature of rights. It proposes an approach that integrates **human rights, a gender analysis and interculturalism**.

The intercultural approach is geared towards fostering **harmonious relations between people of different cultures and religions**. People form identities, nourished by the diverse social relations they participate in and linked to the power relations they are involved in society. The intercultural approach does not mean assimilation to the dominant culture, but rather a space in which cultures interact, discuss and participate on equal terms in defining the public space and taking decisions on society (Zapata-Barrero, 2007).

It aims to achieve social transformation by means of changes in the dynamics of exclusion, discrimination, invisibilisation and inequality faced by certain groups belonging to minority cultures. In that way, people take centre stage and are **rights holders in their cultural diversity** and not uniformity.

Gender analysis is a key tool that seeks to tackle differences based on gender. It is a matter of these being accepted and valued, and identifying what conditions give rise to a lack of recognition of the identity of women, men, transsexuals, intersexuals, and so on. That way we can look for ways of making it possible for them to exercise their capacities as rights holders.

Gender analysis also takes patriarchy into account as a system of oppression, whereby women are subject to male authority throughout the entire fabric of the social, political and economic system. A concept that needs to be borne in mind in this analysis of power and oppression relations is that of **intersectionalism**. This analysis flows from the demands of certain feminist movements, who assert there are other levels of oppression superimposed, besides patriarchy: racism, xenophobia, age, social class, functional diversity, etc. Inasmuch as they participate in different levels of social relations, people can have diverse levels of oppression superimposed.

The idea of the **human rights-based approach** is to ensure conditions of independence for everyone on equal terms. This requires regulations that ensure people can properly exercise their capacities, which vary according to the different social, cultural, political and ethnic contexts they find themselves in.

3.3
THE LIMITS OF RIGHTS

Throughout this guide, we have stressed the fact that rights are complementary. We have said reinforcing one reinforces all the others. However, there are limits to exercising rights: one person's freedom of expression reaches its limit in insulting or slandering another; freedom of religious conscience may be limited by protecting animal rights; the right to private property may be limited by the right to housing. The Universal Declaration of Human Rights itself offers us an initial orientation on the clash or match between rights in Article 29 (2):

> '*In the exercise of their rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*'

It is therefore the legislator who shapes the rights map initially, and who finds the balances according to the political configuration of the time. It is important to point out the political climate and the role of lobbies and civ-

ic movements in drafting laws, that is, the capacity of a particular group to modify the legal context of human rights. Finally, it is essential to note that the judiciary's interpretation of law is what ultimately defines the rights map with precision.

Therefore, and as a general criterion, the clash of rights should be seen as entailing a weighing up of the various values present, that is, assessing the reasons in favour of one or the other. This requires taking proportionality into account, so that the value or legal asset sacrificed is only sacrificed to the extent it is necessary to give effect to another that has priority.

[3] Sen, A. (2009). The Idea of Justice. Cambridge, Massachusetts. Harvard University Press. ▶

To sum up, and as Amartya Sen[3] noted, not only is indispensable technical knowledge needed in drawing up a public policy, it is also necessary to put the interests of each group on the scales in order to define more precisely the way in which that policy enables rights to be effectively enjoyed.

4

Incorporating the city of human rights model into the public policy cycle

Incorporating the human rights model into the public policy cycle

This section offers a representation of the public policy cycle to allow a clear understanding of their dynamics. It is not a question of showing a rigid outline, but rather a reference framework. We will use the right to housing as an example, since it is one of the priority policies and best developed in line with this model.

We explained earlier that **the HRBA takes into account both the results and processes** (in Section 2.4, when we differentiated between the needs and rights approaches). So, it is possible to mark a difference between:

• The **results** of the public policies, which respond to the six dimensions of human rights (from Section 2.4: availability, accessibility, quality, sustainability, adaptability and acceptability).

• The **processes** for achieving the results, which respond to the principles of human rights (from Section 3, universality, interdependence, inalienability, indivisibility) and from the rights-based approach (from Section 2.4, participation and inclusion, capacity building, equality and non-discrimination, intercultural approach, transparency and accountability).

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What does incorporating the city of human rights model into Barcelona City Council's public policies mean?

It means **changes** on different levels:

✓ in the political sphere, as it affects the Council's priority objectives and how these objectives and specific policies combine with the city of human rights model, the gender perspective and the intercultural approach to generate transformative processes.

✓ in the institucional sphere: where it means staff training in human rights, gender and interculturalism; the creation of a new management culture, of new structures and spaces at City Hall, as well as taking on culturally diverse municipal staff.

✓ in the operational sphere: with methodological changes in defining, implementing and assessing public policies which mainstream the promotion of a human rights-based approach, the gender perspective and interculturalism, which also ensure more participation, transformative potential and sustainability, as well as accountability, transparency and legitimacy.
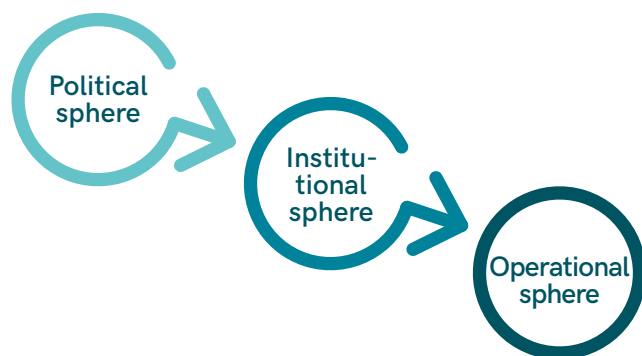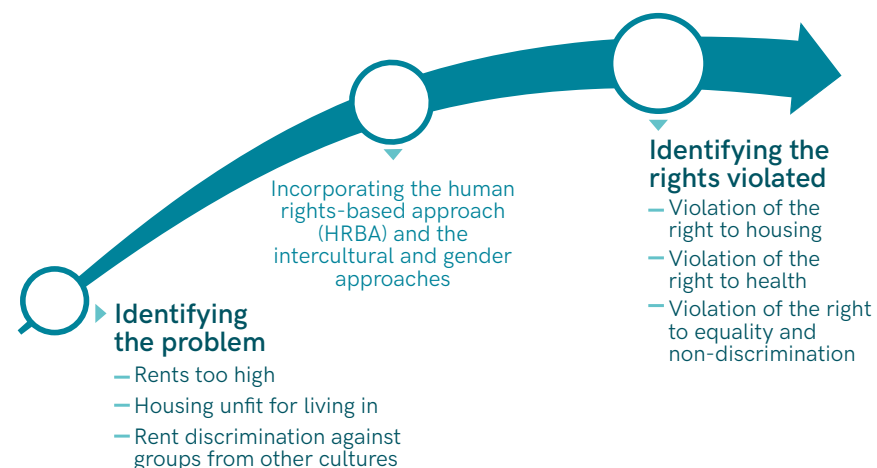
4.1
FIRST STAGE: IDENTIFYING/ DEFINING THE PROBLEM AND INCLUDING IT IN THE MUNICIPAL AGENDA

The HRBA's application in the public policy cycle will be one of the central planks of the city of human rights model. It will help us to give shape to the main human rights' principles and declarations in real policies, as well as respecting, guaranteeing and protecting human rights in the city.

1. Identifying the problem and formulating it as a right

The first stage of the public policy cycle is to identify the context and existing problems, in terms of violating rights (and not needs). Usually, problems are not expressed by citizens in rights violation terms, but in terms of the problems and needs they have.

For example, the problem is expressed as: 'We can't afford to pay rent in Barcelona. It is too high'. By incorporating the HRBA once the problem has been defined, and in order to regard it as being included in the municipal agenda, it is necessary to identify the rights violated. In this case, it would be 'the right to access a decent home has been violated'.

Political sphere

Institutional sphere

Operational sphere

Source: Original

Identifying the problem
— Rents too high
— Housing unfit for living in
— Rent discrimination against groups from other cultures

Incorporating the human rights-based approach (HRBA) and the intercultural and gender approaches

Identifying the rights violated
— Violation of the right to housing
— Violation of the right to health
— Violation of the right to equality and non-discrimination

Source: Original

The comprehensive vision of the HRBA leads us to identify other rights that may have been violated, that may be a cause or consequence of the right to housing violation, or be linked to it. For example, violation of the right to housing due to it being overpriced could be linked to the right to health, because exorbitant prices could imply unhealthy conditions in the housing that the people affected can afford, or they might generate a situation of energy poverty because those people cannot meet other costs.

Besides turning problems into rights, it is necessary to carry out a thorough analysis of the causes that have led to violation of the right. For such an analysis, the following points need to be taken into account:

• **Identify the most vulnerable groups and those excluded**, look for the key areas where their rights have been violated, what the reasons are and the means required for responding to their needs, and **attach special importance to strengthening their capacities**. The aim is for them to be empowered and to become an active part of the public policy cycle process, by encouraging broad and effective participation in that process.

• It should be **linked to the specific context, the one closest to reality**, and not left on an abstract plain. It is important to consider the social, political, cultural and environmental setting, as well as the legal, legislative and institutional conditions of that context. That means looking at the effects of laws and policies and analysing the structures that implement them, as well as culture and current lifestyles, to see if they contradict basic rights.

• **Work on structural and underlying changes**, that can be sustained over time, to get to the root of the right violation and not just the immediate effects.

2. Reviewing the standards and limits of the right

It is vital to analyse the international standards on human rights and those included in internal state legislation. This analysis of the legal and legislative developments will establish a right framework that will constitute the lowest common denominator for the content of the affected right.

→ **How will you do that? In three steps:**

• **Step 1:** analysing the right based on European and international treaties;

• **Step 2:** analysing how the right is regulated in the state, regional and municipal framework (legislation, public policies and guarantee systems);

• **Step 3:** identifying the dimensions of the right concerned and assessing the behaviour of the public authorities and responsibility bearers.

✓ **STEP 1 and 2**
Analysing the right and its regulation

Here the right is analysed on the basis of European and international treaties, as well as the legal institutionalisation of the right in the State, regional and municipal framework (legislation, public policies, guarantee systems). Let's take the example of the right to housing:

Example of the right
to housing
▼

UNIVERSAL SYSTEM[4]		EUROPEAN SYSTEM[5]	
Universal Declaration of Human Rights HRC	International Covenant on Economic, Social and Cultural Rights HRC | CESCR	European Social Charter CoE | ECHR	Charter of Fundamental Rights of the European Union TUE | EC
▸ **Art 25.1**	▸ **Art. 11**	▸ **Art. 16**	▸ **Art. 34.3**
1. Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care and necessary social services; [...]	1. The States Parties [...] recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to a continuous improvement of living conditions. The States Parties will take appropriate measures to ensure the realisation of this right [...]	Right of the family to social legal and economic protection. [...] The Parties undertake to promote the economic, legal and social protection of the family, especially by such means as social and family benefits, fiscal arrangements, the provision of family housing, benefits for newly-weds and any other appropriate means.	Social security and social assistance 3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources [...].

(1) LEGISLATION IN FORCE IN SPAIN

▶ **Spanish Constitution.** Article 47. Right to enjoy decent and adequate housing.

▶ **Statute of Autonomy of Catalonia.** Article 26. Rights in the area of housing; Article 47. Housing.

▶ **Act 18/2007,** of 28 December, on the Right to Housing. Catalan Government.

▶ **Royal Decree-Law 6/2012,** of 9 March, on Urgent Measures to Protect Low-Income Mortgage Debtors. Spanish Government.

(2) PUBLIC POLICIES IN FORCE

▶ **Right to Housing Plan (2016-2025).** Barcelona City Council.

▶ **Territorial and Sectoral Housing Plan,** Catalan Government.

(3) GUARANTEE MECHANISMS

▶ CJEU ruling on the incompatibility of the Spanish system for executing mortgages and evictions with EU law on consumer protection (14 March de 2013).

▶ Spanish ombudsman, Catalan ombudsman, Barcelona ombudsman.

✓ **STEP 3**
Analysing the situation of the violated right

In order to analyse the **situation of the righ**t, we need to assess its violation:

• **(1) Measure the degree of right violation** in each of its dimensions, which we described in the previous section (availability, accessibility, acceptability, quality, sustainability and participation).

• **(2) Assess the behaviour of the public authorities** with regard to fulfilling, or not, their duties at all levels (for example, to what extent the right to housing is being respected, protected and guaranteed at the various levels of the authority).

• **(3) Assess the behaviour of the various duty bearers** as regards fulfilling, or not, their responsibilities.

Below we take the right to housing in the city of Barcelona as an example analysing the dimensions of a right:

Example of the right to housing
▼

Dimensions	Parameters	Example: right to housing
AVAILABILITY	▶ Means ensuring there are sufficient services, facilities, mechanisms, procedures or any other means for giving shape to a right for the whole population. Number of establishments, resources, tickets, programmes, projects, goods and services available for fulfilling the right in the territorial scope (districts).	▶ **Availability of services, materials, facilities, infrastructures:** suitable housing must contain certain indispensable elements for health, safety, comfort and nutrition, such as drinking water, electricity, heating, public lighting and a drainage system, among others. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*
ACCESSIBILITY	▶ Means no discrimination in service delivery, and in the physical sense, geographical scope or in access in a cultural, economic or religious sense to the services. Established mechanisms for ensuring equal access to services without potential discrimination for reasons of race, colour, sex, ethnicity, age, language, religion, political or any other kind of opinion, national or social background, disability, property, birth or any other condition.	▶ **Accessible to all:** given different groups have specific needs that need to be taken into account when facilitating access to housing (such as those of people on low incomes, for those of people facing discrimination for ethnic, cultural or gender reasons, people with disabilities, victims of natural disasters, etc.). *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?* ▶ **Bearable expenses:** spending on housing has to be at a level that does not impede or jeopardise satisfying other basic needs. So the percentage housing expenditure represents has to be commensurate with the level of income. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*

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ACCEPTABILITY	The medium and content chosen for exercising a right has to be accepted by the people being targeted. The different cultural values, models and needs of the holders, especially groups identified as being vulnerable, have to be considered. (That requires respect for the culture of individuals, minorities, peoples and communities, as well as awareness of gender and the requirements of the life cycle; in practice that might require offering services in minority languages or in culturally acceptable ways.)	**Location:** housing has to be in a place that allows access to certain services: employment options, a health centre, schools and other social, cultural and religious services. Likewise, housing should not be built on polluted sites or near sources of pollution. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?* **Culturally suitable:** a suitable home means respecting a person's cultural identity and way of living. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*
QUALITY	Means not only the technical quality assessed by the opportunity, integrity and effectiveness of the actions but also the human quality inasmuch as it meets the expectations of the service provider and the service recipient.	**Habitability:** Ensures features such as physical safety and security, sufficient space, protection from cold, heat, rain, wind and other threats to health, from disease-carrying organisms and from structural risks. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*
SUSTAINABILITY	Enables continuity over time for monitoring the compatibility of the structure and proposed function with the cultural and ethical values of the groups involved and of society. Analysis of the compatibility of the right to housing for these communities, players and organisations over the years.	**Legal security of tenure,** means living in a place without fear of being forcibly evicted or receiving undue or unexpected threats. It also means controlling what happens with housing even though it might not be owned. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*

		Public policies protecting the right to housing for all groups with an intercultural and gender approach. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*
DIVERSE PARTICIPATION	Intervention of individuals and their organisation in formulating, monitoring and assessing public policies and other activities impacting on the stakeholders involved. Citizen participation, understood as a mechanism for building active democracy, has to reflect the diversity that exists in the city.	**Participation of the main stakeholders** identified in the mapping of stakeholders in recognising the violation of rights and other stages of public policy. Especially rights holders. *Is this being guaranteed? Yes/No, To what extent? In every district? For all the groups concerned?*

▲

Source: Original

3. Identifying and assigning roles of the various stakeholders involved in accordance with the HRBA: rights holders, responsibility bearers and duty bearers

The HRBA **assigns roles**, which mean a **change in the power relations** between the different stakeholders involved.

✓ **Rights holders:** the HRBA recognises everyone is a rights holder. It determines the relationship between individuals and groups with demands that lead to full enjoyment of a right (rights holders) and State or non-State stakeholders with correlative obligations (duty bearers and responsibility bearers). This way, as explained in other sections, citizens go from being a subject of needs that have to be covered to a subject of rights with capacities for exercising them.

✓ **Responsibility bearers:** hi ha persones o actors socials que actuaran com a titulars de responsabilitats, en relació amb el seu rol respecte del desenvolupament dels drets humans.

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Among responsibility bearers, we find:	
COMPANIES	They carry out their activity within a society, and that activity can give rise to positive or negative consequences for exercising rights.
CIVIL SOCIETY ORGANISATIONS	All civil society collectives and organisations of a private nature, and non-profit, that work directly with governmental stakeholders and duty bearers to guarantee rights, and/or work directly with the people whose right has been violated. There is a broad range of stakeholders in this group, such as NGOs, the Church, grassroots organisations, trade unions, associations and universities, among others.
THE MEDIA	They contribute, or not, to giving a voice to ordinary citizens, overseeing the authorities, disseminating democratic values and denouncing rights violations.
FAMILIES, TEACHERS, LAWYERS, ETC.	They have a vital role of responsibility with regard to those rights holders who have no capacity for asserting them, such as children, subjects of rights.

✓ **Duty bearers:** are those who have to guarantee rights can be exercised, above all the State and other public authorities that switch to being the subject with legal and moral obligations for their fulfilment.

Example of the right to housing
Source: Original, based on
(ACNUDH-ONU Habitat, s/a)
▼

DUTIES		Example of the right to housing
RESPECT	Requires the State (public authority) not to interfere directly or indirectly in the enjoyment of the right.	For example, it must refrain from carrying out forced evictions and demolishing houses; denying security of tenure to certain groups; imposing discriminatory practices that restrict access to and control over housing, or denying the return of housing to certain groups, depending on their gender, ethnicity, background, culture, religion, etc.
PROTECT	Requires that the State adopt measures to prevent third parties interfering in the full exercise of the right.	Central governments have to adopt legislation or other measures to ensure that private stakeholders (housing owners, property developers, landowners and businesses) comply with human rights standards relating to the right to suitable housing. For example, they (or local authorities when it is in their power) have to regulate the housing markets and rents to promote and protect the right to suitable housing; ensure banks and other financial institutions grant finance for housing without discrimination; ensure that private water supply, sanitation and other basic connected services do not endanger its availability, accessibility, acceptability and quality; ensure that landlords do not discriminate against certain groups (for reasons of gender, culture, age, etc.), and ensure that private stakeholders do not carry out forced evictions.
FULFIL/ GUARAN-TEE:	The duty to fulfil/ guarantee rights requires the State to adopt legislative, administrative, budgetary, judicial, promotional and other appropriate measures for the full realisation of the right to suitable housing.	Central governments (or local governments when it is in their power) have to adopt a housing plan or policy that: defines the objectives of developing the housing sector, focusing on vulnerable groups; decides the resources available for achieving these objectives; describes the most economical way of achieving them; outlines the responsibilities and periods for applying the necessary measures; follows up the results, and ensures adequate resources are available for cases involving violations of this right. *Barcelona City Council's policy, the 2016-2025 Right to Housing Plan, points out: '[…] guaranteeing the right to housing in Barcelona demands measures outside municipal authority. Tackling phenomena such as gentrification, the rise in rents, replacing flats for regular use with flats for tourists and speculative investment in property requires legislation on a regional and State level. The Plan therefore includes an annexe that specifies which essential measures come under the jurisdiction of other public authorities'.*

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It is also necessary to **establish the existing relations between the different stakeholders** in relation to a right. Once the various holders and bearers have been identified, and their rights, duties and responsibilities have been defined, we move onto relating them, for which we need to ask ourselves specifically about:

• The State's duties to rights holders and to each responsibility bearer

• The responsibilities that each responsibility bearer has to rights holders and to other responsibility bearers.

• The responsibilities that each rights holder has to duty bearers.

4. Mapping stakeholders

Our analysis serves to assign the role of each stakeholder in the HRBA. But that analysis is abstract, so it does not give us a real photograph of their nature and their relations. More research is necessary to **get an accurate picture of the stakeholders** in the intervention area. That means **mapping stakeholders**.

Prior to that, we need to draw up a table-list identifying individual stakeholders or important organisations in the area, and list them according to four characteristics:

• the type of **organiation,**
• what their **role** is,
• what area or sectors ther **cover,**
• and what **resources** they have.

This list serves to identify the stakeholders and see their characteristics, but not their capacities, nor the interactions established between them. The resources at their disposal or their institutionalisation do not ensure that a stakeholder is valid or influential in certain communities or areas. Therefore, other variables need to be considered:

• **Power to influence:** influence each stakeholder has does not only depend on their resources, nor on whether they are more or less institutional. There are stakeholders that have legitimacy over a sector of the population, or have

more representation because, for example, they have a greater symbolic value. The extent of their influence will depend on the community's interests and agendas, and the mandates awarded to each stakeholder. In order to define the power to influence, it will be necessary to analyse each stakeholder's strengths, weaknesses and dependencies.

• **Power relations between stakeholders:** there are different types of power and relations between the stakeholders. It is not just a question of obvious forms of power such as economic, because sometimes there are invisible de facto powers. It is important to bear in mind that the relations between stakeholders will change, depending on the power they have: on their level of administrative classification, the institution concerned (formal, informal, on the one hand; cultural, association, constituent and cognitive on the other) and the sense of belonging the community has.

• **Existing resources:** the resources available to each stakeholder are not only economic ones but also social and political ones, as well as the capacities these stakeholders have. This information will help us to understand the level of availability, access and control over resources for each stakeholder and who has power over these. It will also be necessary to analyse the different capacities of the various stakeholders.

Given the multicultural or intercultural reality of cities, it is important to **analyse the map of stakeholders** with 'cultural lenses' that will enable us to understand aspects such as the sense of belonging in communities, the diverse cultural contexts and sensitivities, or the needs and aspirations of the various communities living together in the city.

And, as we have explained repeatedly, in carrying out this intercultural analysis of the various stakeholders, it will be necessary to take **intersectionalism** into account, **that is, the diverse kinds of oppression and discrimination that each vulnerable group might suffer. Social identities overlap and each stakeholder might suffer** various forms of discrimination, sometimes accumulated. These different levels of oppression may be differentiated by age, background, religion, sex, sexual orientation, and so on.

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Guiding questions for STAGE 1: IDENTIFYING THE PROBLEM AND INCLUDING IT ON THE AGENDA	
1.	Has there been a review of the extent to which the rights demanded are reflected in the **human rights obligations in international legislation** (including the European Charter for Safeguarding the Right to the City and other international commitments assumed by Barcelona City Council)?
2.	Do we know the **judicial institutionalisation (regulation) of the right in the State, regional and municipal framework** (legislation, public policies, national and local guarantee systems)?
3.	Has **work been done with intermediaries** (civil society, local communities and academics) to get a better understanding of the needs of vulnerable people?
4.	Has **due attention been paid to the issues of power relations**, discrimination, inequality, ethnic and cultural origin, age, sex, etc.?
5.	Have the **stakeholders been identified** who are possible rights holders, responsibility bearers and duty bearers in the specific case?
6.	Have the **relations between the rights holders, responsibility bearers and duty bearers been found? And have the set of demands that rights holders might make** (to the duty and responsibility bearers) and the correlative duties of duty and responsibility bearers been identified?
7.	Has a suitable **stakeholder mapping**, which includes their relations, resources and power situation been done?
8.	Has account been taken of the **Government Measure 'Barcelona, City of Rights'** in general and the action principles in particular (territorialisation, feedback and interdependence, networking and municipalism, gender perspective, local perspective, intercultural perspective, co-production and co-leadership)?
9.	Has account been taken of **the principle of subsidiarity and municipal powers** with regard to the rights concerned?
10.	Has agreement been reached with the stakeholders involved (especially the rights holders) on the approach to the problem for its inclusion in the municipal agenda?

4.2 SECOND STAGE: DEFINING STRATEGIES AND DESIGNING THE PUBLIC POLICY

Once the problem has been formulated as a right and incorporated in the municipal agenda, we are in a position to **identify the possible interventions** and define the most suitable one for promoting a change from the current to the desired situation. We need to design an applicable public policy that is capable of being rolled out.

In order to get to that point and incorporate the HRBA in this stage, we can identify the following phases:

1. Identifying and selecting the public policy strategy

From the outset, it will be necessary to **establish a dialogue between the rights holders, duty bearers and responsibility bearers**, as well as the institutions that have the task of performing these actions, and, as far as possible, reach a consensus with them.

In this phase, to strengthen the right selected, we have to identify the challenges and the alternatives and select the strategic areas. When it comes to identifying and selecting the public policy strategy, we need to have carried out **an in-depth analysis of the capacities of the stakeholders** (rights holders, responsibility bearers and duty bearers), **the obstacles we face in this context, and the causes and effects of the problems posed**. Only if we know all that will we be able to **pose the possible alternatives and prioritise**.

Then, in this phase of defining the rights-based intervention, we propose taking the following steps:

✓ **Defining the desired changes/rights:** for example, guarantee/protect the right to have access to decent housing; prepare the city for an ageing population, etc.

✓ Identifying and **analysing** the various **alternative possibilities:** for example, financial help with buying or renting? Help with renovation or moving home to another environment? Concentrate efforts on the most vulnerable groups, namely, young people, newcomers and women victims of gender violence, or not? Keep the current system or look for new formulas? And so on.

✓ Raising and **selecting** ideas and **strategies for intervention:** for example, the 2016-2025 Right to Housing Plan: Challenge 1 - stepping up mediation and in-

creasing rent subsidies to help people get access to and keep their housing; Strategic area A - preventing and attending to housing emergencies and residential exclusion (Ajuntament de Barcelona, 2016).

✓ Reviewing and **validating the strategies** selected by means of public and expert participation processes: for example, drafting the 2016-2025 Right to Housing Plan coincided with developing the 2016-2019 Municipal Action Plan, which facilitated the organisation of 21 meetings, two in each district and a citywide meeting, which allowed us to learn at first hand about the problems identified by neighbourhood residents.

2. Formulating the public policy

In this stage, we have at our disposal the specific priorities, the results we want to achieve and the activities that need to be carried out to generate these results in a clear, concise and structured form. Methodologically speaking, in this case we will use the classical, analytical Logical Framework Approach (LFA), as in the case of cooperation[6] but, with the HRBA, the **objectives, process, activities and results have to contribute towards realising the violated righ**t. We have to plan and manage by focusing on positive, progressive changes sustained over time, that is, the necessary changes in people's lives so they can fully exercise the right.

This means the **HRBA sustains that the process** by which the rights are satisfied **is as important as the results** of the process (UNDP, 2011). As we have explained above:
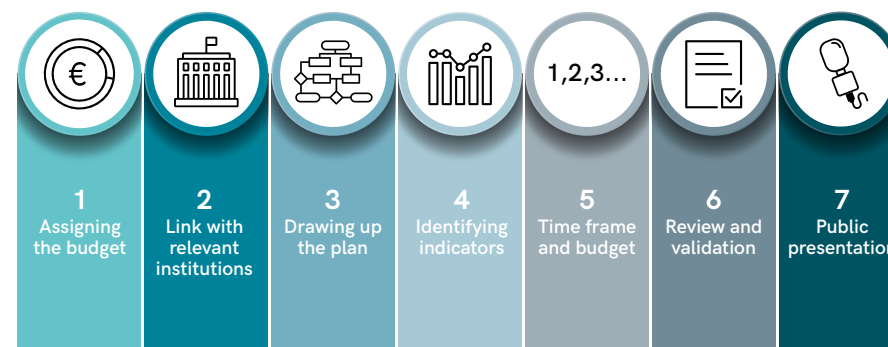
• The **results** of public policies **respond to the dimensions of human rights** (availability, accessibility, quality, sustainability, adaptability and acceptability).

• For their part, the **processes** for achieving the results respond to the **principles of human rights** (universality, interdependence, inalienability, indivisibility) **and of the HRBA** (diverse participation and inclusion, capacity building, equality and non-discrimination, intercultural approach, transparency and accountability).

Therefore, **incorporating the HRBA** in formulating public policy means it is necessary **to check that**:

▶
[6] Logical Framework Approach: benchmark analytical method for planning and managing projects, generally cooperation, based on participation and consensus.

a. the content responds to the gaps identified in the analysis and the information obtained;

b. the content responds to the strategies selected, as a result of the dialogue between the rights holders, duty bearers, responsibility bearers and the institutions tasked with carrying out the actions. The priorities, results and activities have to be defined with the participation and commitment of the communities and the authorities;

c. it incorporates processes based on HRBA principles in planning the policy's execution (diverse and inclusive participation, empowerment/capacity building, equality and non-discrimination, intercultural and gender approach, transparency and accountability);

d. it incorporates results linked to the HRBA dimensions (availability, accessibility, adaptability, accessibility, sustainability and quality).

To **formulate the public policy,** the following **steps**[7] need to be followed:

▶
[7] Steps based on the reference framework outline in: Subirats, J.; Knoepfel, P.; Larrue, C.; Varone, F. (2008). *Análisis y gestión de políticas públicas. Barcelona: Ariel Ciencia Política.*

| 1 Assigning the budget | 2 Link with relevant institutions | 3 Drawing up the plan | 4 Identifying indicators | 5 Time frame and budget | 6 Review and validation | 7 Public presentation |

▲ Source: Original

The important thing is to **incorporate the human rights-based approach in all phases and aspects of the formulation and programming**, as can be seen in the following example:

PROGRAMMING ELEMENTS	With the HRBA	Example of the right to housing
OVERALL OBJECTIVE (structural changes it contributes to)	▶ Positive changes in the long term and sustained over time with regard to realising the right in question, and its full enjoyment on the parts of the holders. ▶ With the HRBA implies seeking the realisation of the right in question.	All Barcelona's citizens are guaranteed the right to decent housing in an inclusive (gender and intercultural approach) and sustainable manner.
SPECIFIC OBJECTIVES (specific objectives)	▶ Changes in the short and medium term in the human conditions or in the institutions/organisations involved. ▶ With the HRBA, refers to the positive changes in rolling out the right's standards and principles, as well as capacity building for exercising rights and duties.	Envisages changes that are verifiable (by means of indicators) in availability, accessibility, adaptability, acceptability, sustainability and diverse participation that improve enjoyment of the right to decent housing in line with internationally established criteria. *For example: The strategic areas of the 2016-2025 Right to Housing Plan are:* A: Preventing and attending to housing emergencies and residential exclusion B: Ensuring the proper use of housing C: Increasing the stock of affordable housing D: Maintaining, renovating and improving the current housing stock
RESULTS/ PRODUCTS (lines of action)	▶ Changes or immediate results achieved as a consequence of the activities carried out; usually require the joint efforts of other stakeholders involved. ▶ With the HRBA means they have to contribute towards closing the gaps in enjoyment of the right and the capacity gaps of rights holders, responsibility bearers and duty bearers for guaranteeing the right. They also have to contribute towards reducing violation of the right.	Results linked to increasing housing availability and affordability with an inclusive perspective for the most vulnerable people/families based on a participation process that incorporates territorial criteria (neighbourhoods). *For example: in the 2016-2015 Right to Housing Plan, the lines of action in area B: Ensuring the proper use of housing* B1. Putting empty dwellings on the rental housing market B2. Maintaining residential use and residents B3. Improving knowledge and management of the public housing stock
ACTIVITIES (actions)	▶ Actions for which resources (human, technical and material) are mobilised and which are formulated to achieve the expected results. ▶ With the HRBA means the activities have to be focused on promoting, protecting and defending the rights and be designed to close the capacity gaps to ensure the rights are fulfilled. ▶ The operational planning of the activities and sub-activities takes shape in the rollout stage on the basis of action plans or programmes.	*For example: in the 2016-2015 Right to Housing Plan* Line of action B2: Maintaining residential use and residents Actions programmed: B2.1 Detecting and penalising cases of property mobbing B2.2 Amending planning regulations to prevent residential use being replaced by other uses B2.3 Incorporating the proposals of plans for tourist uses B2.4 Measures for monitoring and controlling free-market rent prices, which includes various sub-activities, such as: • Creating a rent observatory and publishing the results; • Linking renovation agreements to rent capping; • Establishing the concept of abusive rents; • Pushing for a change in legislation.
INDICATORS	▶ Generally speaking, indicators are data that give us certain signs (indications) with regard to a specific object of study. They are tools that enable us to describe, measure and learn more about actions, processes and situations. ▶ With the HRBA, refers to indicators as: 'Specific information about the state of an event, activity or result that may be related to human rights standards, which tackles and reflects a human rights problem and principles, and which is used to evaluate and supervise the promotion and protection of human rights.' [8]	Defining indicators in the public policy formulation stage is essential for the other stages (execution and assessment), in order to guarantee the principle of transparency and accountability, as well as guide the actions of those responsible for carrying out and managing public policy. *Example: synthesis of the formulation (indicators, time frame and budget) for the 2016-2025 Right to Housing Plan Strategic area B: Ensuring the proper use of housing.*

▲
[8] United Nations, 'Report on Indicators for Monitoring Compliance with International Human Rights Instruments'. Geneva, May 2006 (HRI/MC/2006/7).

	▶ The indicators have to measure the degree of violation and realisation of a right, so it is important to consider the analysis as well as all the dimensions (availability, accessibility, acceptability, quality, sustainability and participation) and principles of the HRBA. It is also important to combine qualitative and quantitative indicators for measuring the results of an intervention.	
TIME FRAME	▶ It is vital to establish a time frame, both for actions and achieving results, in order to be able to comply with the principle of transparency during their execution (which includes monitoring) and assessment.	
ASSIGNING RESOURCES	▶ Programming any public policy has to be linked to the availability of sufficient resources (temporary, human, material and financial) for carrying out the planned activities. This enables the results to be achieved within the planned dates.	

Guiding questions for STAGE 2: DESIGN AND PROGRAMMING	
1.	▶ Has the current situation been assessed with the participation of the stakeholders involved in the human rights legislative framework (including the European Charter for Safeguarding Human Rights in the City) and in its **dimensions** (availability, accessibility, quality, acceptability, sustainability and diverse participation) before planning?
2.	▶ Have the **statistics and objective data sources been used** to strengthen the design and formulation of public policy with other professionals in the sector, administrators and politicians?
3.	▶ Have the measurable **indicators** based on human rights been used to analyse the current situation?
4.	▶ Have the **key stakeholders** (rights holders, responsibility bearers and duty bearers) and especially the most vulnerable groups been identified and included in the decision-taking, design and programming of the public policy?
5.	▶ Have the **legislation and the bodies responsible for safeguarding**/monitoring the rights concerned at international, European, national and local levels been identified?
6.	▶ Have **HRBA principles been incorporated** into the design and programming (participation and inclusion, capacity building, equality and non-discrimination, transparency and accountability)?
7.	▶ Has account been taken of the most important **capacity shortcomings of the rights holders** (for demanding their rights)? And of the most important capacity shortcomings of the **responsibility and duty bearers** (including Barcelona City Council in its political, technical, operational and support spheres) for fulfilling their obligations?
8.	▶ Have the actions required for closing the most important **capacity gaps** of the *rights holders* been identified so they can demand their rights? Have the actions required for closing the most important capacity gaps of the *duty and responsibility bearers* been identified so they can fulfil their duties?
9.	▶ Has account been taken of the **Government Measure 'Barcelona, City of Rights'** in general and the action principles in particular (territorialisation, feedback and interdependence, networking and municipalism, gender perspective, local perspective, intercultural perspective, co-production and co-leadership)?
10.	▶ Have the intermediaries (civil society, the local and academic communities, specialised institutes, etc.) **participated** to increase understanding and look for possible solutions?
11.	▶ Have activities been coordinated with other levels of government and/or other municipal areas? Have efforts been made to establish a **coordination** mechanism on the rights concerned?

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12.	Has action been taken to **involve interest groups and raise public awareness**? For example: has a hypothesis been put forward where everyone wins to get public support? Has there been participation in public debates or in the media to raise awareness of the rights concerned and counter erroneous concepts? Have the rights concerned been linked to everyday life in order to improve it? Have communication materials been adapted so they are accessible for everyone with regard to language, style, culture, channel, etc.? Has work been done with elected representatives and public figures to help promote the rights concerned?
13.	Have **different funding sources** been considered for activities? Have opportunities been explored for joint funding of different levels of government or municipal areas?
14.	Is there a multiannual **budget** to ensure long-term stability?

4.3
THIRD STAGE: ROLLING OUT THE PUBLIC POLICY

The rollout of public policies includes actions carried out by public and private players, or individuals and groups, with the intention of achieving the objectives and results decided previously in the programming stage (Subirats, Knoepfel, Corinne, & Frederic, 2008).

Incorporating the HRBA in this stage requires:

✓ **Assigning the budget**, iincluding specific items for positive action measures designed to correct the situation of inequality faced by the most vulnerable groups and which adopt an intersectional approach (analysing the different levels of oppression – gender, age, ethnicity, culture, etc.). (Principle of equality and non-discrimination, principle of an intercultural approach)

✓ Including **human rights indicators and measures** when developing action plans, programmes, projects and specific actions to apply the policy, incorporating human rights principles into it (diverse and inclusive participation, capacity building, equality and non-discrimination, an intercultural approach, transparency and accountability).

✓**Adapting public administration tools,** such as regulations, guides, protocols and directives so they ensure HRBA principles are applied in implementing the policy. (Principle of empowerment/capacity building)

✓ **Capacity building in the HRBA, gender and intercultural approach** for people who participate in rolling out the policy (on a political, technical and operational level), especially for those directly involved. (Principle of empowerment/capacity building)

✓ **Coordinating with other institutions**, policies and programmes, establishing inter-institutional coordination spaces that enable public policy to be implemented consistently and effectively. (Principle of diverse and inclusive participation)

✓ **Establishing spaces for dialogue with rights holders and responsibility bearers** to enable public policy to be adapted and implemented in a consistent and effective manner. (Principle of diverse and inclusive participation, an intercultural approach and the principle of transparency and accountability)

✓ **Defining a follow-up system** with human rights indicators that specifies the actions, people in charge, time frame and budget, and identifying the **supervisory body** that will enable the rollout results to be monitoredt. (Principle of transparency and accountability)

✓ Establishing the **mechanisms for accessing the information** generated by the follow-up system, by rights holders, public authorities and the general public. (Principle of transparency and accountability)

Below we cite some key elements for rolling out public policies.

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▼ **Key elements in rolling out public policy.** Source: Original

RESOURCES ⇄	ACTIVITIES ⇄	RESULTS ⇄	IMPACT
The financial and human resources, data and information, the political commitment to the purpose.	Actions undertaken for which resources (human, technical and material) are mobilised and formulated to achieve the expected results.	Tangible goods and services envisaged in the policy.	Changes in the social characteristics that, ultimately, are the reason for the policy.
With the HRBA the resources have to include the political commitment, public administration tools such as regulations guides, protocols and directives that ensure HRBA principles are applied. They also have to include personnel at all levels (politicians, technical, support and direct assistance staff, etc.) with HRBA capacities as well as an intersectoral and gender approach.	**They require operational planning.** With the HRBA the activities have to be focused on promoting, protecting and fulfilling rights. Specific actions are carried out on an ongoing basis during the relevant period that contribute to improving housing availability and affordability with an inclusive perspective for the most vulnerable people/families based on a participation process that incorporates territorial criteria (neighbourhoods).	With the HRBA the improvements envisaged in the programming with regard to availability, accessibility, acceptability, quality and sustainability are achieved as a result of the activities, which improve the gradual enjoyment of the right (to decent housing) in accordance with internationally established criteria.	With the HRBA there have been improvements in the enjoyment of rights with structural changes of an inclusive (gender and intercultural approach) and sustainable nature.
A key factor here is having the relevant information broken down.	Specific actions are also carried out that are designed to close the capacity gaps of rights holders, and responsibility and duty bearers (on a political, institutional and operational level)	[Changes in the medium term in the public policy's target population, especially among the most vulnerable groups.]	[Changes in the long term that affect the community in general.]
For example: the Right to Housing Plan envisages some quantitative targets that establish the financial resources that will be allocated to guaranteeing the right to housing.	The pertinent human rights principles are included in carrying out these activities.	*For example: in the 2016-2015 Right to Housing Plan*	*For example: in the 2016-2015 Right to Housing Plan*
	For example: in the 2016-2015 Right to Housing Plan	(1) The rent price observatory provides information to rights holders and duty bearers so rents can be controlled.	(4) There have been legislative changes on a central government level that allow Barcelona City Council to regulate rents.
	Line of action B2: Maintaining residential use and residents /B2.4 Measures for monitoring and controlling free-market rent prices:		
	(1) Creating a rent observatory and publishing the results.		
	(2) Linking renovation agreements to rent capping.		
	(3) Establishing the concept of abusive rents.		
	(4) Pushing for a change in legislation.		

Rollout/implementation (under the control of the implementing body)	**Results/changes** (under the control of the implementing body)

Guiding questions for STAGE 3: ROLLOUT and IMPLEMENTATION
1. ▶ Has the strategy for applying the public policy been outlined and is it being applied (action plans, programmes, projects, specific actions) in line with **domestic laws and international standards on human rights**, as well as general recommendations adopted by treaty supervisory bodies? Is it being monitored?
2. ▶ Has the strategy for applying the public policy been outlined and is it being applied (action plans, programmes, projects, specific actions) in accordance with HRBA **principles** (participation and inclusion, capacity building, equality and non-discrimination, transparency and non-discrimination)? Is it being monitored?
3. ▶ Has the strategy for applying the public policy been outlined and is it being applied (action plans, programmes, projects, specific actions) in accordance with HRBA **dimensions** (availability, accessibility, quality, acceptability, sustainability and diverse participation)? Is it being monitored?
4. ▶ Has the strategy for applying the public policy been outlined and is it being applied (action plans, programmes, projects, specific actions) in accordance with the **action principles** of the Government Measure 'Barcelona, City of Rights' (territorialisation, feedback and interdependence, networking and municipalism, gender perspective, glocal perspective, intercultural perspective, co-production and co-leadership)? Is it being monitored?
5. ▶ Have plans been made for **developing the capacities** that rights holders need to get involved in public policy implementation on a qualified basis? Are they being carried out and monitored? (For example, the capacity to access information, organise, advocate a policy change, gain access to justice, and so on?)
6. ▶ Have plans been made for **developing the capacities** required (in the political, administrative, technical, operational and support spheres) so Barcelona City Council's responsibility bearers (and those of its bodies and suppliers, etc.) can carry out their responsibilities at all levels? Are they being carried out and monitored?
7. ▶ Have plans been made for **developing the capacities** that responsibility holders need to exercise them in public policy implementation? Are they being carried out and monitored?
8. ▶ Have **participation mechanisms** been established for the stakeholders involved in implementing public policy? Are they operating and **being monitored**?
9. ▶ Have the **specific responsibilities and duties** that responsibility and duty bearers have to undertake to respect, protect and guarantee for rights holders been identified? Are they being monitored?
10. ▶ Have public policy **plans, programmes and projects** been coordinated with other levels and areas of Barcelona City Council? Have the corresponding coordination mechanisms been set up?
11. ▶ Have the materials, technical and human **resources** (internal and external) necessary for incorporating the HRBA into public policy been foreseen, identified and quantified?

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4.4
FOURTH STAGE: ASSESSING THE PUBLIC POLICY

'A rights-based assessment is not merely a technical exercise in compiling and analysing data. It is a dialogue and a democratic process for learning, from each other, for increasing accountability and changing the power relations between the interested parties.' (Theis, 2004)

Assessment is an indispensable part of the public policy cycle, essential for learning and taking decisions; an instrument for seeing to what extent a specific action or public policy has contributed to transforming the power relations, or has rectified inequalities and discriminatory policies.

Moreover, it is part of being accountable and improving the processes of transparency and exchanging information between all the players involved.

Key aspects that have to be considered

In order to incorporate the HRBA into the assessment of public policies, we need to take into account the following points:

Taking into consideration the institutional mandate and international HR agreements, as well as domestic legislation	1. Has the assessment been carried out in accordance with Barcelona City Council's regulations and standards? *(e.g. Have the current rights, intercultural perspective and gender approaches been included?)* 2. Has the assessment considered the resolutions and recommendations of human rights mechanisms when looking for, measuring and evaluating the public policy results? *(e.g. Has it been done within the framework of the agreements, resolutions, treaties and reports, etc., on the right to housing?)*
Focusing on rights, empowerment and capacity building	3. Does the assessment help to create and enhance a rights culture? How? 4. Does the assessment promote the empowerment of the participants, especially the most vulnerable groups, by means of participatory and inclusive methods? 5. Does the assessment scale and measure the changes with regard to empowering/building the capacities of rights holders, responsibility and duty bearers (dimensions to be borne in mind: commitment, authority, access to and control of resources, communication, rational decision-making)?
Putting the emphasis on inequalities and intersections	6. Does the assessment identify the rights holders and most vulnerable groups, as well as the duty and responsibility bearers? 7. Does the assessment put the emphasis on the most disadvantaged groups, such as those where gender/ethnicity-culture/age/area of residence, etc. intersect? 8. Does the assessment take into account the results are being measured from a human rights perspective, broken down, and considering the various dimensions of human rights (availability, accessibility, adaptability, accessibility, sustainability and quality) and intersections (of gender/ethnicity-culture/age/area of residence, etc.)?
Putting the emphasis on knowing the processes	9. Does the assessment review the management, procedures and capacities of the bodies and institutions that intervene, especially those tasked with rolling out the public policy (including the different areas involved)? 10. Does the assessment analyse the suitability of the regulatory, temporary, budgetary, material and human resources assigned to the public policy, by all the bodies and institutions involved and, especially, the institution responsible for rolling out the public policy? 11. Does the analysis take human rights principles (diverse and inclusive participation, empowerment/capacity building, equality and non-discrimination, an intersectoral approach – intercultural and gender, transparency and accountability) into account in all stages of the public policy?
Incorporating human rights indicators	12. Does the assessment include indicators on the situation of the right in question? 13. Does the assessment incorporate capacity indicators for the rights holders and duty and responsibility bearers? 14. Does the assessment incorporate indicators on the inclusion of human rights principles in identifying, designing, rolling out/implementing and assessing the public policy?
Accountability	15. Does the assessment contribute to accountability for the realisation of rights? 16. Does the assessment generate recommendations for duty bearers to go further in the transformation in accordance with change theory?

▲
Source: Original, based on (UNFPA, 2012)
(UNEG- United Nations Evaluation Group, 2011)

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▶ **What are human rights-based indicators?**

Indicators with the HRBA are defined as 'specific information on the state or condition of an 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'.[9]

Human rights indicators must incorporate the **following conceptual elements** (Equipo ISI Argonauta, 2011) (Naciones Unidas, 2012):

• The indicators selected for a right have to be linked to the **standards of that right**.

• They have to provide information that enables both the intention and the commitment to be measured, as well as the result and the consolidation of the **efforts of the institutional duty bearers** to comply with them.

• They have to reflect the duty to **respect, protect and guarantee**.

• They have to **mainstream human rights principles**: diverse and inclusive participation, empowerment/capacity building, equality and non-discrimination, an intersectoral – intercultural and gender – approach, transparency and accountability.

What kinds of indicators are used in the HRBA?

The set of indicators used in public policy assessment with the HRBA must make clear **what measures Barcelona City Council has taken** to carry out its duties and responsibilities.

There are various ways of **classifying** the indicators. In these cases they are classified:

✓ By the type of information: quantitative, qualitative and mixed.

✓ By the way they are obtained: objective and subjective.

✓ By their objectives, time period and expected effects: structural, process and result (the process and result

indicators must be broken down by the various intersectional aspects, such as age, ethnic belonging, religion, language, social status, place of residence, etc.).

In the latter case, there are three **types** of indicators it will be useful to understand, taking as *an example the indicators for the right to decent housing, which are shown below:*

1) **Structural indicators:** from its acceptance of international human rights standards. This would mean, for example, the date of this right's inclusion into the Constitution or the existence of laws that authorise the authorities to carry out arbitrary, forced evictions.

2) **Process indicators:** its actions to fulfil its duties that derive from the regulations. For example, the proportion of public spending that is allocated to social or community housing.

3) **Result indicators:** the results of these activities from the perspective of the population affected. For example, the cases of forced evictions notified.

Guiding questions for STAGE 4: ASSESSMENT
1. Does the assessment include **structural, process and result indicators**?
2. Has an initial assessment of all the indicators analysed been made, establishing the starting point in the design and programming stage to enable observation of the changes produced between the situation that gave rise to the public policy and the results and impacts derived from that public policy? (availability, accessibility, quality, diverse participation sustainability and acceptability). *(Process indicator).*
3. Has a **follow-up and assessment system** been planned for all the public policy stages that incorporate the HRBA principles and dimensions? And of the government measure's action principles? *(Process indicator).*
4. Is it possible to measure the way in which the public policy processes and the derived programmes/projects **satisfy human rights principles** (participation and inclusion, capacity building, equality and non-discrimination, transparency and accountability), with an intersectional vision (gender, age, ethnicity, culture, etc.) and especially for the most vulnerable groups? *(Process indicator).*
5. Have the human rights indicators been identified that will make it possible to measure/scale the reduction in the **capacity gaps of rights holders, duty bearers and responsibility bearers?** *(Result indicator).*
6. Have indicators been defined that will make it possible to measure/scale the institutional, legal and/or behaviour **changes** that lead to a greater empowerment of rights holders for demanding their rights and of duty and responsibility bearers for complying with their obligations? *(Result indicator).*
7. Is it possible to mesure/scale the **positive and sustained changes in the violation and enjoyment of rights on an individual and group level?** *(Structural indicator).*

5

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