

# Government Measure

## Barcelona City of Rights Programme

Actions of prevention and guaranteeing citizens' rights and actions to include a human rights-based approach in political policies

# BCN

**December 2017**

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**Ajuntament de  
Barcelona**



**Area of Citizens' Rights, Transparency and Participation**

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## **CONTENTS**

<b>1. INTRODUCTION AND JUSTIFICATION OF THE MEASURE</b>	<b>4</b>
<b>2. OBJECTIVES OF THE MEASURE</b>	<b>6</b>
<b>3. THEMATIC PRIORITIES</b>	<b>7</b>
<b>4. LINES OF ACTION OF THE MEASURE</b>	<b>8</b>
<b>5. OPERATIONAL PRINCIPLES</b>	<b>15</b>
<b>6. SCHEDULE</b>	<b>17</b>
<b>7. BUDGETARY PROPOSAL FOR CARRYING OUT THE MEASURE</b>	<b>19</b>

# 1. INTRODUCTION AND JUSTIFICATION OF THE MEASURE

In recent years, Barcelona City Council's political policies have become increasingly centred on human rights. The post of Commissioner for the Defence of Civil Rights was created 24 years ago, in 1992. The Councillor's Office for Civil Rights was created 21 years ago, in 1995, followed soon after by the Office for Non-Discrimination. Today, Human Rights, understood as Citizens' Rights, are at the forefront of the Department of Citizens' Rights, Transparency and Participation.

However, the posturing and positioning in defence of Human Rights are often criticised for being too abstract and general, that the grand principles and declarations do not become specific measures and actions. Recognising the right to equality and non-discrimination, for example, may seem easy, but making it effective and ensuring that it can be enjoyed, is not that simple.

**For this reason, this government measure enshrines the vocation and commitment to human rights in ten lines of action that will guide the municipal government's political policies in terms of citizens' rights.**

Inequalities, whether they be social, economic, political, cultural or of any other kind, are not inevitable and we cannot assume that they are so, or normalise them. Understanding inequalities to be a consequence of human rights violations is something that speaks to us directly as an administration, and makes it possible to interpret and analyse the real world in terms of responsibilities, whether they be individual or collective.

For these reasons, it is considered essential to give renewed impetus to the way specific municipal programmes and services work in terms of citizens' rights, in order to provide them with greater focus, coherence, effectiveness and impact in the city. This is also a decision in favour of transformative policies, which look for the root of the problems, the structural causes that cause inequalities and imbalances in

power relationships. This is a perspective that interprets political action in a comprehensive way, taking into account the various facets of transformative processes: information, training, advocacy and mobilisation of the general public.

**In this term of office, we are beginning a new era that involves a conceptual change with regard to the previous municipal government. Firstly, we are abandoning a perspective that is exclusively centred on civil rights, replacing it with one that is open to citizens' rights,** where the local dimension of human rights is reinforced. This means that we are also reinforcing the concept of the interdependence and indivisibility of rights, with the belief that all human rights are complementary and inseparable. Therefore, progress for one right facilitates progress for the others. In the same way, the loss of one has negative effects on the whole.

**However, when we speak of citizens' rights, we are also speaking about the city's rights.** We regard rights not as something abstract and out of context, but as something that must be thought about and promoted within the territory where they are applied; in this case, the city and its neighbourhoods. *"The city is a collective area that belongs to all of its inhabitants, who have the right to enjoy the conditions they need for their political, social, economic, cultural and ecological fulfilment, something which also involves taking on obligations of solidarity"*. This is how the European Charter for the Safeguarding of Human Rights in the City defines rights in the city. This text was adopted in Saint Denis in 2000 and has currently been signed by over 400 cities throughout the continent. It was the culmination of a collective effort, in which the City of Barcelona and many of its institutions played an important part. This definition is still valid today and we are making it our own through this government measure.

**Secondly, our approach to citizens' rights involves an inclusive perspective**

**with regard to our city's diversity, from an intercultural standpoint.** This intercultural perspective, for which Barcelona is internationally renowned, involves the recognition of diversity from a positive-interaction and non-discriminatory standpoint. In this sense, the Barcelona City of Rights Programme faces the challenge of coordinating and seeking synergies with the Barcelona Intercultural Programme, combining an intercultural perspective with a human rights-based approach.

The human rights-based approach (HRBA) has been developed by the United Nations as a conceptual framework in which respect for the protection and guaranteeing of human rights forms the foundation, the objective and the tools that make sustainable human development possible. This approach establishes a series of indicators and methodological tools, which have so far been used mainly for identifying and formulating projects. These are now starting to be used by administrations, especially local governments, when proposing

and implementing specific public policies. Therefore, development adapted to municipal policies and the application of HRBA will be one of the objectives of the Barcelona City of Rights measure. This will help us to turn the grand principles and declarations of human rights into real policies, and once again place Barcelona at the vanguard of public-policy proposals at an international level.

**Therefore, the Barcelona City of Rights Programme has a general objective, two specific objectives, three thematic priorities and ten lines of action that include over twenty specific actions.** The Programme begins in 2016 and will be rolled out throughout the remainder of this term of office, in 2019, with an approximate yearly budget of one million euros.

The management of these actions will be fostered by the Department of Citizens' Rights and Immigration, using Barcelona City Council's Fourth Deputy Mayor's Office as a political reference.

## 2. OBJECTIVES OF THE MEASURE

### General Objective:

- To promote a diverse, intercultural and multifaceted city where everyone has real, effective and equal access to all the human rights that are recognised and guaranteed by the city

### Specific Objectives:

- Human rights in public policies: The inclusion of a human rights-based approach in public policies

- Public policies on human rights: The design and implementation of human rights policies according to substantive priorities

### 3. THEMATIC PRIORITIES

The Barcelona City of Rights Programme's thematic priorities are as follows:

- **The rhetoric of hate and discrimination:** racism, xenophobia, Islamophobia, anti-Semitism, LGTBI-phobia, anti-gypsy sentiments, discrimination against poor people... all of these manifestations of hate conceal a common denominator: the rejection and discrimination of people who are seen as being different. This discrimination is the seed which, if cultivated and watered, germinates into a lack of social cohesion and problems of coexistence, or even worse.
- **Civil rights and public freedoms in the use of public areas:** The rights of demonstration, association, freedom of expression, protest, etc., what all of these civil rights and public freedoms have in common is that they are considered to be instrumental rights: they are used to claim other rights. Another

thing they have in common is that, generally speaking, they are exercised in public areas. The administration has to ensure the protection of these rights, providing the necessary conditions for exercising them. However, it also has to ensure that they are respected, that the administration itself does not violate these rights by undertaking actions that may be considered as institutional violence.

- **Full Citizenship:** Full citizenship concerns the situation where people do not have access to all of the city's guaranteed rights. In terms of this access, there can be no discrimination due to different administrative situations. Therefore, this priority is centred around the city's immigrant and foreign population, with the right to vote (active and passive legitimisation) and the right to nationality or easy registration as some of its priorities.

## 4. LINES OF ACTION OF THE MEASURE

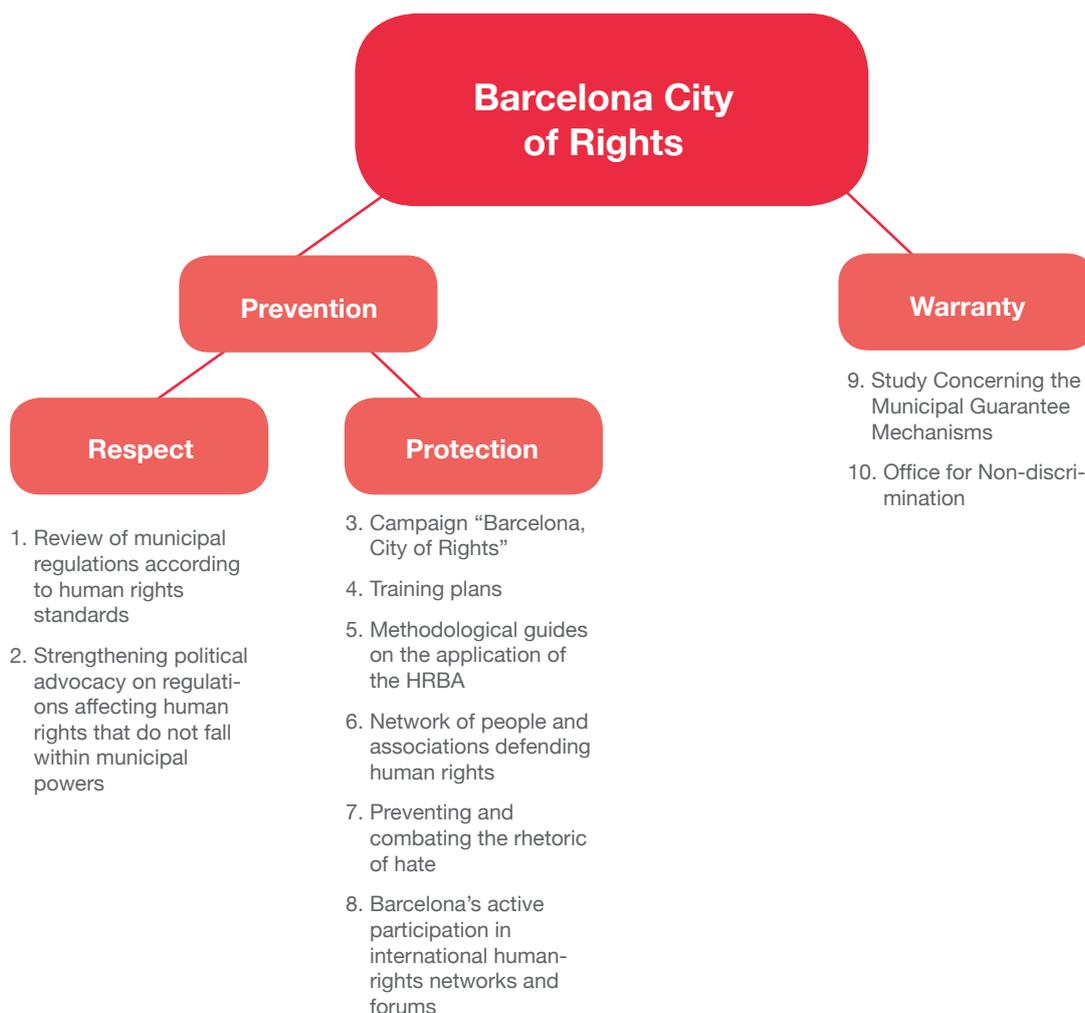
The measure's lines of action are divided into those addressing the prevention of human rights violations and those that are activated when a violation occurs, i.e., actions that guarantee rights. This means that public administrations have two basic tools for preventing human rights violations: regulations and policies. In the language of human rights, these are the tools

of respect for human rights (those aimed at preventing the direct violation of a right by the administration itself) and protection (those that are deployed in order to establish the necessary conditions that permit the effective use of those rights). We will use this classification to organise the actions included in the government measure.

8

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Barcelona City of Rights  
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## **Actions related to respect for human rights**

These actions are the ones aimed at preventing the direct violation of a human right by the administration itself. This type of action includes those concerning regulations, the first political action for establishing a framework for rights and the first line where certain rights can be violated in an immediate fashion. We distinguish between actions relating to municipal regulations and non-municipal regulations.

### *1. Review of municipal regulations according to human rights standards*

This action will be carried out in the Department of Citizens' Rights and Immigration Services' review of municipal regulations that may affect aspects of human rights, in order to propose improvements in accordance with international standards.

A preliminary list of municipal regulations will be drawn up for review, and the order of priority and the schedule to be applied will be agreed with the areas concerned.

The reviews will depend on each subject, but a common methodology will be used, based on the following steps:

- Identification of the human right(s) affected by a specific regulation.
- The legal status of each of the affected rights: Identification of the right for local, state and international application instruments, with a special analysis of the European Charter for the Safeguarding of Human Rights in the City.
- Establishment of international standards for each right: drafting a report with the obligations arising from each right in UN international agreements and benchmark European instruments.

- The drafting of recommendations for making changes, additions and deleting aspects of the municipal regulation concerned.
- A specific proposal for municipal regulations.

The plan is to carry out two or three reviews a year, and the priority areas will be those concerned with civil and political rights and public freedoms.

### *2. Strengthening political advocacy on regulations affecting human rights that do not fall within municipal powers*

Many of the matters affecting citizens' rights do not fall within municipal powers, and for that reason, there are no local regulations to review. The actions must be geared towards carrying out advocacy work with other competent administrations. The Foreigners Act and the Asylum Act, which have a direct impact on the rights of some citizens, would be an example of this kind of regulation.

The measure's specific action includes the drafting of legal reports with recommendations that follow international standards, in order to address the competent administrations. These reports will be drafted jointly with organisations that specialise in the subject. This action also includes the publicity campaigns needed to provide information about the contents of the reports presented.

The plan is to produce one or two reports a year, and the priority areas will be those concerned with foreigners and full citizenship.

## **Actions for the protection of human rights**

These are actions aimed at establishing the conditions needed to ensure all citizens ef-

fectively enjoy their rights, taking into account the various factors contained in the theory of change: information, training, advocacy and mobilisation. Working with these different factors allows for a comprehensive approach and treatment of public policies that aims to prevent human rights violations.

### 3. “Barcelona, City of Rights” Campaign

Making Barcelona a city of rights involves informing the general public about, firstly, what their rights are and, consequently, how they can exercise them. Informing the general public about their rights is an obligation that the municipal government cannot ignore. In order to do so, this measure proposes various general and specific campaigns. Furthermore, the campaigns will be designed to highlight the joint responsibility shared by the administration and the general public, in ensuring everybody enjoys the effective use of their rights.

The first publicity campaign will be a general campaign on rights in the City of Barcelona. The European Charter for the Safeguarding of Human Rights in the City will serve as its main theme and it will bring together actions that are currently being carried out by the various municipal areas. This campaign will reinforce the image of a city that defends and promotes human rights and will help to highlight and give greater visibility to the municipal commitment in this regard.

This action will include the creation of an image and publicity that will help to identify the various projects, actions and measures with the same objectives that will subsequently be carried out. The Barcelona City of Rights publicity campaign will be launched at the end of 2016.

There will be a route around Barcelona, the central theme of which will be the Universal Declaration of Human Rights, in order to highlight city areas, locations and stories that illustrate and exemplify both the violations that have been committed and positive examples of the struggle for and vindication of human rights.

The route will be up and running in 2017.

In subsequent years, there will be more specific campaigns on rights which will prioritise political action, such as tackling the rhetoric of hate and discrimination. There will be at least one campaign a year.

### 4. Training plans

However, an informed general public is not enough. What is needed is a capable, trained general public, citizens who not only know about their rights, but who also know how to exercise them. In this sense, the measure provides for the creation of a human-rights training plan in 2016, based on the practice and real exercising of those rights, to be implemented in 2017 and 2018.

This training plan will include training proposals adapted to different audiences and groups. Where necessary, it will be carried out in a co-ordinated and agreed manner with human rights organisations that already provide training in these matters. Subjects will include the rights recognised in the city, the principle of equality and non-discrimination, and the existing guarantee mechanisms and how to use them, as well as municipal obligations.

In addition to having an informed, trained general public, it is equally important to have a municipal administration with informed, trained workers. For this reason, the measure also includes the creation of a human-rights training plan aimed at the City Council’s own staff, in coordination with its areas and districts and the Human Resources Department, in order to integrate this plan into the City Council’s normal training schedule. The training plan proposal will be preceded by a training-needs analysis which will help to optimise the effort and resources involved.

The various training plans will be presented in 2016. They will be adapted to each specific target audience, according to detected needs, and implemented from 2017 onwards.

## *5. Methodological guides on applying a human rights-based approach to public policies*

In order to complete the scope of the theory of change, advocacy actions need to be established aimed at transforming how things are done and how problems are approached. As we have seen, the human rights-based approach (HRBA) establishes an analysis of reality as a set of human rights violations, which leads to a change in paradigm and perspective, and above all, a change in the analysis of the causes of the problems and therefore in the proposed solutions. This approach includes a series of methodological tools and indicators that may become the basis for planning public policies and which aim to tackle the root causes of human rights violations and transform the power relationships that cause existing inequalities. Far from being maximalist rhetoric, this approach proposes specific courses of action that can be translated into methodological guides for various subjects and areas. The HRBA has been used for years in development cooperation and in the sphere of United Cities and Local Governments (UCLG).

One of the areas where the HRBA has most been used is in education, where the development of guides, activities and actions for teaching human rights have more of a track record. It is also the area where it is necessary to place more emphasis on policies for preventing human rights violations.

The measure proposes the production of a common methodological guide in 2017, which will be adaptable to the areas and subjects that show an interest in its application in 2018.

## *6. Network of people and associations defending human rights*

Lastly, no transformation is possible without social mobilisation. And there is no social mobilisation without a strengthened

civil society. In accordance with this premise, the measure includes the creation of a network of people and associations that defend human rights in the City of Barcelona. The network's main objective will be to promote a real human-rights culture in the city. In order to do this, its functions will be: observing and monitoring the state of human rights in Barcelona, providing consultancy services for the municipal administration, which will ask the network to evaluate policies for the human rights matters it wishes to promote; coordinating human-rights movements and associations, as well as strengthening the network itself.

In this way, the network will create a stable, permanent mechanism that has never before existed, a place where people and organisations that defend human rights can meet with Barcelona City Council. This meeting point will help to ensure constant reflection and ensure a watchful eye is kept on the state of human rights in the city and it will serve as a place for the co-production of public policies.

The network is made up of both individual people and organisations and will use the United Nations general definition of a human rights defender, i.e., a person who individually, or with others, works for the promotion or protection of human rights. Human rights defenders promote both the rights of a specific group of people (children, LGTBI...), and a specific group of rights (ESCR, public freedom...)

The network will be set up in 2016 and it will decide on the work plan to be implemented in coming years.

## *7. Preventing and combating the rhetoric of hate*

As we mentioned above, the struggle against the rhetoric of hate and discrimination is one of the programme's priority areas. Demonstrations of intolerance, discriminatory treatment and the belittling of people for simply belonging to a specific group, in a real way, accidentally or attrib-

uted, is a violation of human rights and an attack on society as a whole, because it undermines social cohesion and fractures the links between people and between different groups.

In order to tackle this, this line of action establishes various specific procedures as preventative actions, including: drafting a plan against Islamophobia, which is being designed in 2016 and which will be set in motion in 2017, a plan against anti-gypsy sentiments scheduled for 2017, some international conferences in February 2017 on the rhetoric of hate on social networks and strategies for combating it, and support for some actions carried out by human rights organisations, such as annual reports on LGBTI-phobia, annual reports on racism and xenophobia and reports on the presence of the rhetoric of hate in the media, among others.

This action is completed by the actions planned by the Office for Non-discrimination.

#### *8. Barcelona's active participation in international human-rights networks and forums. 20th anniversary of the European Conference of Cities for Human Rights*

The defence and promotion of human rights movements have always had a marked international side. The internationalisation of human rights in the mid-20th century, symbolised by the adoption of the Universal Declaration of Human Rights, marked a turning point in the concept of respecting people's rights as not just an internal concern for each state, but as a concern for the international community in general.

For the City of Barcelona, this international role is an undeniable fact, and it is one of the hallmarks of the municipality, which has always stood out for its innovative public policies for prevention and guaranteeing human rights. However, this role has lost impetus in recent years and it needs to be reinforced and improved.

In 1998, an international conference was held in Barcelona. Bringing together over 70 European cities and more than 200 organisations from all over the continent. This was the beginning of the exemplary municipal movement for human rights. The "Barcelona Commitment" was adopted during this conference. This programmatic text formed the basis for the European Charter for Safeguarding Human Rights in the City, which was approved in Saint-Denis two years later, and which has now been signed by over 400 European cities. The 20th anniversary of that first conference will be celebrated in 2018 and, politically speaking, it could be the right time for a new international event to propose once again that local administrations, faced with the inefficiency and lack of political will show by international organisations and states, should assume their obligations in terms of human rights and take steps to protect the rights of their citizens. This international conference will be held at the end of 2018.

In terms of human rights, Barcelona is also part of some formally established networks, such as the UCLG's Committee on Social Inclusion,

Participatory Democracy and Human Rights, the European Coalition of Cities Against Racism (ECCAR) and Eurocities; as well as other municipal movements that are not formally established, such as the refugee city network, the *ciutats lliures de mordasses* [ungagged cities] network, the *moviment pel dret a la ciutat* [rights in the city movement] and the TTIP-free Cities, among others.

These networks and platforms help to augment the international impact of the policies implemented in the city and they also serve as a means of learning from experiences and different perspectives.

In this sense, the measure proposes to continue with and reinforce Barcelona's

active participation in these networks and its search for new collaborative networks, along with the adoption of the Global Charter-Agenda for Human Rights in the City in 2018, as an international benchmark programmatic text. It will foster the adoption of the Charter by other cities in order to actively promote human-rights culture among municipal administrations, as it did with the European Charter.

Furthermore, there are plans to put Barcelona forward for the Executive Committee of the European Coalition of Cities Against Racism (ECCAR) at the end of 2017.

### **Actions for guaranteeing human rights**

We will set these actions in motion once a violation of human rights has occurred. They will therefore be concerned with investigation and, where necessary, punishment and compensation for the violation.

#### **9. Study Concerning the Municipal Guarantee Mechanisms**

In order to improve the municipal response to human rights violations, whether they are caused by the City Council, private individuals, companies or other administrations, it is necessary to conduct an assessment study of the various services and windows offered by Barcelona. The aim of this study will be to identify any overlaps and gaps and to propose improvements and changes in order to establish a real system for guaranteeing human rights at a local level.

This study will be carried out in 2016.

#### **10. Office for Non-discrimination (OND)**

The City of Barcelona has had a municipal service dedicated to tackling discrimination-related human rights violations since 1998. For a number of years the OND was not considered to be a priority service, and it underwent a change of name when the Civil Rights and Non-Discrimination Agen-

cy was created in 2014, which we are not continuing with. This government measure brings back the name Office for Non-Discrimination. This name is well-established in the city's memory, and we have decided to give it a new impetus as a mechanism for guaranteeing human rights at a local level.

The OND will focus its efforts on the following three operational functions and on the thematic priorities mentioned above. Its operational functions will be:

- Assistance and advice for victims of human rights violations: people who have been victims of human rights violations will continue to be cared for, especially with respect to established thematic priorities. This assistance and advice, basically legal in nature, will be improved by applying new assistance protocols, setting up a more powerful database and publicising the service more widely both among the general public and internally at the City Council. This service will have to be provided with greater resources, and specialised legal advice will be needed, which will be contracted. If a violation by the City Council itself is detected, the OND will contact the *Oficina de la Síndica de Barcelona* [Ombudsman's Office], the competent mechanism, in order to co-ordinate its response. Where a violation constitutes a crime, the OND will advise the person about the legal steps they should follow and, specifically, it will contact the Public Prosecutor. In the remaining cases, an out-of-court settlement will be sought, which could involve mediation, a specialised service that will be contracted.
- Strategic litigation: The OND, as a major player in watching over human rights violations, may promote the involvement of the City Council in certain cases that it considers to be strategic and whose resolution may mean a profound change or transformation of both soci-

ety and politics. This function will be reserved for the established thematic priorities and always carried out in coordination with the Central Legal Services.

- **Drafting Specialised Reports:** The two previous functions will provide a broad and specific view of human rights violations and enable general guidelines to be extracted from the individual cases attended. These general guidelines will be the subject of specialised reports that will be drafted. These aim of these reports will be to detect structural problems that cause human rights violations and to propose improvements to counter them. These, mainly legal, reports will be carried out by external experts.

The OND will work intensively on the following thematic priorities: the rhetoric of hate and discrimination, civil rights and public freedoms in the use of public areas,

and full citizenship. A campaign against discrimination in the workplace is planned for 2017. However, the list may be extended during this term of office in order to respond to any future problems detected.

There will be a review of the protocols and database for the cases dealt with by the OND, in order to improve the processing of the information that may be compiled

and to ensure an appropriate return on the work carried out for the general public. This review will be ready at the end of 2016.

Furthermore, there are plans to revamp the OND's image and its means of diffusion, as well as updating its communication channels, with the creation of social network accounts and a specialised website. These new features will be up and running in 2017.

## 5. OPERATIONAL PRINCIPLES



In order to set in motion the various above-mentioned actions, the following operational principles will be taken into account and applied.

- **Territorialisation:** All the actions included in this measure will have to be co-ordinated with district actions in order to be effective. This means that an effort must be made to explain the

measure and to create mechanisms of exchange and coordination, in order to include the vision, experience and knowledge of the different territories.

- **Feedback and Interdependency:** Interdependency is one of the characteristics of human rights, meaning that any right is linked to the others and that when one is affected, this has effects

on the others. Therefore, all the actions included in the measure are also interdependent and there must therefore be a continuous dialogue between them in order to provide feedback and to look for synergies that will enhance their effects and impact.

- **Networking and Municipalism:** Barcelona can do a lot on its own, but it can do much more if it works with others. In the field of human rights there are a great number of city networks and local bodies that should be studied and taken into account. These networks will be strengthened and reviewed regarding the measure's themes, such as UCLG, ECCAR, Eurocities...
- **Gender Perspective:** Of all the inequalities found in the city, gender inequality affects the largest number of people, specifically the 51% of the population who are women. Each and every action included in this measure takes this fact into account and they all share the common objective of gender justice.
- **Glocal Perspective:** Barcelona is clearly a glocal city and the joint analysis of the local effects of global phenomena must be a constant in order to propose actions and policies that address the causes of the various human rights violations that occur in the city.
- **Use of International Human Rights Standards:** International human rights law, with its declarations and treaties (the Universal Declaration of Human Rights, International Pacts, other United Nations agreements, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the EU's Charter of Fundamental Rights), but also with its guarantee mechanisms (Human Rights Committee, Committee on Economic, Social and Cultural Rights, Special Rapporteurs, European Court of Human Rights...), produce what is known as international human rights standards, which are the internationally accepted norm and must always be the basis and the legitimisation for public policies, in application of one of the basic principles of a human rights-based approach.
- **Intercultural Perspective:** The intercultural perspective of recognising diversity and positively interacting with that diversity will be applied as a principle across all the actions included in the measure.
- **Co-production and Co-leadership:** in terms of networking with organisations and individual citizens, we have to take a step forward and opt for the co-production of public policies and co-leadership. This principle will be applied in a very clear and direct way in actions such as the network of people and organisations that defend human rights, but also in other, less obvious examples, such as the co-production of reports and studies on the human rights situation in the city.

## 6. CALENDAR

	2016		2017				2018				2019			
	Q3	Q4	Q1	2T	Q3	Q4	Q1	2T	Q3	Q4	Q1	2T	Q3	Q4
<b>Review of municipal regulations and protocols in accordance with human rights standards</b>														
<b>Strengthening political advocacy concerning regulations affecting Human Rights that are not under municipal control</b>														
<b>Campanya difusió "Barcelona Ciutat de Drets"</b>														
General campaign														
Design of publicity and image elements														
Human Rights Route														
Individual campaigns														
<b>Training plans</b>														
Design of City Council training plan														
Implementation of City Council training plan														
Design of general public training plan														
Implementation of general public training plan														
<b>Methodological guides on applying a human rights-based approach to public policies</b>														
General methodological guide on HRBA														
Adapted Guides														
<b>Network of people and organisations that defend human rights</b>														
Creation														
Adopting the work plan														
Implementing work plan														
<b>Preventing and combating the rhetoric of hate</b>														
Design of plan against Islamophobia														
Implementation of plan against Islamophobia														
Conferences on rhetoric of hate on social networks														
Designing plan against anti-gypsy sentiments														
Implementing plan against anti-gypsy sentiments														
Support for various reports on rhetoric of hate														



## 7. ALLOCATED BUDGET

	July-Dec 2016	2017	2018	2019
Actions concerning respect for human rights	27.000	57.000	57.000	57.000
Actions concerning protection of human rights	301.000	700.000	750.000	825.000
Actions concerning the guarantee of human rights	140.000	303.000	300.000	300.00
<b>TOTAL</b>	<b>468.000</b>	<b>1.060.00</b>	<b>1.107.000</b>	<b>1.182.000</b>