



Human Rights and the City: Anti-Discrimination Laws and Policies in New York and Barcelona

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Abstract

By intersecting the human rights and urban politics literatures this thesis provides a first review of the outcome of human rights policies enacted by local governments. The research identifies two main models of these policies: the “anti-discrimination agency” and the “governance process”. Two most different cases are compared - New York and Barcelona – where the policy is implemented by two “human rights departments” and their two anti-discrimination agencies: the Human Rights Commission in New York and the Office for Non Discrimination in Barcelona. The Commission is a “law enforcement” body implementing the local civil rights statute, while the Office provides “law support” through mediation and legal advice within a broader legal framework. The human rights department of Barcelona also established the Inter-religious Centre of Barcelona, which deals with the city’s religious communities.

In an inter-disciplinary perspective, both the political and legal dimensions of the work of the two city departments are taken into consideration, considering different proactive/mediator/defensive styles of implementation. With respect to the political dimension, in New York, the human rights policy has overall declined after the 1970s against the background of increasing mayoral support to the local development agenda. Parallel to that, the policy has changed its focus from race (1950s-1970s) to sexuality (from the 1980s on). With respect to issues of lesbian, gay and transgender rights, the thesis analyses three “cases” where the Commission was or could be involved, showing a clear shift from a proactive towards a more defensive approach. In Barcelona, the department has raised human rights issues with either different proactive or mediator strategies in different arenas, according to the ideological profile of the leadership of the human rights department and its priorities. The thesis focuses on the conflict between human rights and the emerging security agenda of mayors, within which the department framed and negotiated the rights of the prostitutes.

With respect to the legal dimension of the human rights policies, the comparison between the Commission of New York and the Office for Non Discrimination shows a convergence of focus towards racial and ethnic discrimination against immigrants and different outcomes with respect to the capacity and will to provide effective remedies. On the one hand, the Commission is better equipped to

tackle systemic discrimination, although the use of law enforcement has been limited by case backlogs. Besides, the agenda of conservative mayors has pushed the Commission towards mediator and defensive approaches also in the field of law enforcement. On the other, the Office for Non Discrimination offers a weaker but wider protection as it is not constrained by any jurisdiction. Issues of group-related rights emerge in both cities, with the Inter-religious Centre of Barcelona operating with the ambiguous perspective of both supporting the rights of religious minorities and controlling these minorities for security purposes.



Michele GRIGOLO

Short bio: Michele Grigolo is Italian, born in Venice. He graduated in Political Sciences (International Studies) at the University of Padua (Italy) and obtained his European Master's Degree in Human Rights and Democratisation from the same university (currently, the Master's Degree is awarded by the European Inter-University Centre for Human Rights and Democratisation based in Venice). A reduced version of his Master's dissertation was published in the European Journal of International Law in 2003. He spent research periods at the Danish Centre for Human Rights in Copenhagen, the University of Thessalonica and the Robert Wagner Graduate School of Public Service at New York University.

He worked for the Italian Institute of Culture in Paris, the Municipality of Venice and the DG for Research of the European Parliament in Luxembourg within the framework of the Robert Schuman Scholarship. He has been research assistant to

Professor Michael Keating and Professor Ramon Marimon at the European University Institute (Florence), and for the EUIC. He has also taught for the MA Programme on European Union Studies at James Madison University (Florence).

On 5 February 2009, he defended his PhD entitled “Human Rights and the City: Anti-Discrimination Laws and Policies in New York and Barcelona” at the European University Institute (Florence). His fields of interests are the law and politics of human rights and non-discrimination at the international/European, state and local levels, urban politics and social policy.