

## Human rights cities and good administration

Irina MOROIANU ZLĂTESCU

Page | 29

### ABSTRACT

*Good administration, a key element of good governance, is often used as a synonym for good governance, although this refers to a broader concept, which concerns a system of values and principles that regulate the exercise of power in a society. The need to ensure better administration and, implicitly, better governance makes us remember that the rule of law, democracy, respect for human rights, constitute common values on which the European Union is founded, that in a rule of law, power belongs to the people, its exercise belongs to the state, which has the role of holder of power, together with its citizens and local communities. The practical expression of executive power, the technical component of state power, is public administration, whose main objective is to protect the fundamental rights and freedoms of the individual. However, although states are the ones who must be the first to guarantee respect for human rights, local and regional communities are the ones that, according to the powers they have, must take numerous measures legislative, budgetary, administrative, educational, etc. that lead to the respect of these rights. Since recent years more and more people live in urban areas, globally reaching even half of the planet's inhabitants living in urban areas, in many cities around the world and obviously in European EU member states, there has been a move to reimagine urban governance and community life by incorporating the principles of international and regional human rights instruments, to better organize cities, so that human rights are respected, even launching a campaign that aims to establish an active community of cities and urban territories at a global level, which promotes public action based on human rights.*

**KEYWORDS:** *Good Administration, Good Governance, European Union, Charter of the Fundamental Rights of the European Union.*

### 1. Introduction

The main principles and essential values that stand at the very foundation of the European Union are underlined by Article 2 of the Treaty on European Union, namely the respect for human dignity, freedom, democracy, the rule of law, equality and, of course, the respect for human rights implies respect for the rights of minorities of people falling into these groups. All Member States stand behind these values, while endorsing a society that is defined by non-discrimination, equality, tolerance, pluralism, justice, solidarity.



It is well known that power belongs to the people in a state of law and the state enforces it, for the benefit and together with local communities and its citizens. Given this context, the instrumental, objective, technical component of state power, public administration represents "an activity closely linked to the executive power"<sup>1</sup>, as the concrete representation of executive power. The doctrine defines public administration as an operation, procedure, activity carried out based on "constitutional or legal prerogatives"<sup>2</sup> in the public interest and having as its main target the shielding of the fundamental rights and freedoms of the individual, public administration enables the sustainable development of the community in a state of law, its well-being to be clearer. All the procedures, activities and its very functioning are regulated by norms which aim to promote responsibility, transparency and equal treatment, while trying to prevent any kind of abuses or influences. Every state is organized, as far as public administration is concerned, at central and local level, the rule being administrative de-concentration, nevertheless, while the states are the key, the ones who must be the first to guarantee respect for human rights, local and regional communities are the ones that, according to their competencies, must take numerous legislative, budgetary, administrative, educational, and so on, and these measures can occasionally even lead to some restrictions regarding the exercise of fundamental human rights, so the impact is not always positive.

When discussing European Union, the public administration, or better said the way it performs is in accordance with the principles of the rule of law, stated within EU Treaties, and we should mention accountability, transparency, equal treatment and this includes, according to art. 6 paragraph 1 of the Treaty on European Union in consolidated form, the Charter of Fundamental Rights of the European Union "which has the same legal value as the Treaties" and which states within art. 41 the right to good administration for the Member States.

## 2. The Right to Good Administration at the European Union Level

Discussing public administration, the right to good administration is a complex and fluid concept, quite difficult to understand or explain<sup>3</sup>. Good administration mainly targets the way in which public administration authorities and institutions enforce their power and exercise their duties, as it should support the dialogue and cooperation between all actors involved, transparency and objectivity in decision-making, efficiency and effectiveness, fairness and responsibility in the activity it conducts, taking into consideration and acting in the interest of the citizen as well as the general interest of society. The term is often used as an equivalent for good governance, and is frequently associated with similar principles. Good governance is a broader concept, though, as it refers to a system of values and principles that regulate the exercise of power in a society as a

---

<sup>1</sup> Emil Bălan, *Instituții administrative*, Editura C.H. Beck, 2008, București, p.17.

<sup>2</sup> Dana Apostol Tofan, „Drept administrativ”, *Curs universitar*, vol.1, ed.3, Editura C.H.Beck, București, 2014, p.17 and the following.

<sup>3</sup> See Marie-Clotilde Runavot „La bonne administration”: consolidation d’un droit sous influence européenne, in *Revue française de droit administratif*, Editura Dalloz, Paris, no.2/2010, pp.395 and the following.

whole<sup>4</sup>. The aim of good administration is, according to the doctrine, to guarantee and ensure a fair and impartial process (and procedure), within a reasonable and predictable time frame<sup>5</sup>.

Better governance, through better administration, should and must take into account the simple fact that the actors benefiting from the regulations, namely citizens, the public and private sectors must be at the centre of attention.

We have previously shown that, within the democratic process, at the European regional level, the Council of Europe and the European Union have had a key role. Firstly, with the help of the legal tools and mechanisms of administrative democracy and we should mention, as instruments at the Council of Europe level, the Convention for the Protection of Human Rights and Fundamental Freedoms, generically called the European Convention on Human Rights<sup>6</sup>, Resolution 77(31) on the protection of the individual regarding administrative acts<sup>7</sup>; Recommendation CM/REC(2007)7 on good administration<sup>8</sup>; Recommendation No. R(80)2 of the Committee of Ministers on the protection of the individual in relation to the acts of administrative authorities; Recommendation No. R(87)16 of the Committee of Ministers on administrative procedures affecting a large number of persons and others, and at the level of the European Union, in addition to the Charter of Human Rights to which we referred earlier and to which we will keep on referring throughout this article, we should mention the Treaty on the Functioning of the European Union which in art. 15 paragraph (1) provides that in order to promote good governance and to ensure the participation of civil society, the institutions and entities of the European Union shall carry out their activity respecting the principle of transparency and, obviously, and let us not forget the Code of Good Administrative Conduct<sup>9</sup>.

As we mentioned before, it is a fact that the Charter of Fundamental Rights of the European Union, within art. 41<sup>10</sup>, emphasizes the right to good administration and even offers a global description of this right. The above-mentioned article of the Charter states that any individual facing a problem has the right to benefit from unbiased and fair treatment, of course, within a reasonable time, when reaching the institutions of the Union, as well as its offices and agencies. Moreover, it is clearly presumed that any person is, in every case, heard before any individual measure is taken that could affect or harm him or her in any way, also that any person has access

---

<sup>4</sup> See also Irina Moroianu Zlătescu, Claudia Elena Marinică, Securitatea juridică și calitatea reglementării – impact asupra bunei guvernări, in Gabriela Varia, Ionuț Bogdan Berceanu, coordinators, Securitatea juridică și calitatea reglementării: standarde europene și naționale, Editura Universul Juridic, București, 2024, pp.15-31.

<sup>5</sup> Ibidem.

<sup>6</sup> See also Jacques Chevallier, Science administrative, 6<sup>e</sup> édition mise à jour, Editions PUF, Paris, 2019, pp.9-13.

<sup>7</sup> Adopted by the Committee of Ministers on 28 september 1977 (<https://rm.coe.int/16804dec56>).

<sup>8</sup> Adopted by the Committee of Ministers to member states on good administration- <https://rm.coe.int/16807096b9>

<sup>9</sup> See Irina Moroianu Zlătescu, Evoluția relațiilor dintre cetățeni și administrație- cetățenia administrativă in Emil Bălan, Marius Văcărelu, Gabriela Varia, Dragoș Troanță, coordonatori, Spațiul administrativ în secolul XXI- Administrative Space in the 21st century, Editura Wolters Kluwer Romania, 2021, pp.25-26.

<sup>10</sup> The concept of good administration is regulated in the Charter of Fundamental Rights of the European Union (art. 41) and provides for the obligation of the Member States of the European Union to respect the provisions of the Charter, but also those of the fundamental treaties, with the unequivocal support of the case law of the European Union Court of Justice (CJEU) and the ECHR.

to his or her own file, given some legitimate interests, related to both confidentiality and professional secrecy and, last but not least, commercial secrecy.

It is worth mentioning that, as the Charter states, the administration is obligated to give reasons and valid motivation for its decisions. As the same article of the Charter underlines, the individual has the right to be compensated for damage caused by EU institutions or entities in the exercise of their functions in accordance with the general principles common to the laws of the Member States of the Union. The manner of addressing an EU institution or entity is clearly established, namely in writing, in one of the languages of the Treaties. Obviously, the answer will be given by them in the same language. In conclusion, Article 41 of the Charter provides for the right to good administration, enshrining the right of any person to be treated impartially, fairly and within a reasonable time by the institutions and entities of the European Union. It should not be omitted that this article is accompanied by procedural guarantees in the matter<sup>11</sup>.

### 3. Cities and Territories of Human Rights for 2030

In fact, in recent years, many cities in the European EU member states have been reimagining urban governance and community life by incorporating the principles of the Charter, especially those of its art. 41, because, by creating a better city, residents feel welcome first and foremost. The European Union Agency for Fundamental Rights - FRA has developed an extremely practical guidance tool to help cities improve their efforts to respect Human Rights<sup>12</sup>. As this Report indicates, cities of the European Union are already making significant contributions to advancing human rights, through local sector-specific policies, such as enhancing services for children and youth, providing support for the elderly and homeless, and fostering the inclusion of Roma communities and migrants; although these initiatives play a vital role in creating more inclusive societies, these efforts are not always explicitly framed in human rights terms<sup>13</sup>. Obviously, the phenomenon of reimagining urban governance is not only found in the EU states but is found at a global level, a better city being one in which fundamental human rights are respected<sup>14</sup>. In fact, at a global level, the campaign entitled: "10, 100, 1000 cities and territories of human rights for 2030" was launched several years ago.

---

<sup>11</sup> See also Irina Moroianu Zlătescu, Spre o codificare a procedurii administrative, in Emil Bălan, Cristi Iftene, Dragoș Troanță, Marius Văcărelu, editors, Codificarea administrativă. Abordări doctrinare și cerințe practice; Administrative codification. Theoretical approaches and requirements of the practice, Editura Wolters Kluwer, Romania, 2018, p.72.

<sup>12</sup> The European Agency for Fundamental Rights (FRA) has published a Practical Guidance to help cities improve their efforts to respect human rights. The guidance has been designed together with cities, regions, experts, international organizations and networks that shared practices and experiences and aims at encouraging local authorities to follow human rights standards.

<sup>13</sup> Human Rights Cities in the European Union A Guide to Support Local Authorities in Making Human Rights Part of People's Daily Life, European Agency for Fundamental Rights, Luxembourg: Publications Office of the European Union, 2022, p.3, available at [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-guide-human-rights-cities\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guide-human-rights-cities_en.pdf)

<sup>14</sup> Human rights cities is a term used to describe local governments of any size that base some of their policies on international human rights law and principles.

The cities of Barcelona, Grigny, Gwangju, Mexico, Utrecht, Vienna have jointly launched an Appeal proposing that cities and urban areas commit to making their efforts more effective for the respect of human rights through the global campaign mentioned above.

This campaign is promoted by the United Cities and Local Governments (UCLG), through its Commission on Social Inclusion, Participatory Democracy and Human Rights (UCLG-CSIPDHR). The Commission includes local and regional governments that aim to make progress in the respect of human rights, through access to education, adequate housing, health, food, security, by establishing the framework for transformation and the fight against inequalities, discrimination and, last but not least, climate change. It should be noted that the origins of the Committee are linked to the first edition of the Forum of Local Authorities (FAL), whose work took place in parallel with the World Social Forum in the early 2000s and which led to the creation of UCLG in 2004 and UCLG-CSIPD in 2005, which became UCLG-CSIPDHR in 2011, a moment marked by the adoption of the Global Charter-Agenda for Human Rights in the City and that registration for this campaign had to be done before November 15, 2023. At the same time, it should be noted the role of the Global Cities Hub (GCH), a Swiss non-governmental organization, created in 2020, which connects cities, local and regional governments and the international Geneva ecosystem, facilitating the possibility for cities and city networks to contribute to multilateral processes, to establish relations with international organizations, etc.

The campaign we are referring to aims to establish an active community of cities and urban territories at a global level, which promotes public action based on human rights, in order to guarantee the dignity of all the inhabitants of these cities and territories, especially since, if in 1950 a third of the world's population lived in urban areas, currently more than 50% of the planet's inhabitants are in cities, and in 2050, it is expected that the situation will be exactly the opposite of that of 1950, with around seventy percent of the world's population living in urban areas<sup>15</sup>, which makes the "right to the city", a concept launched by the French philosopher Henri Lefebvre, become, in turn, a significant concept, included in the debates regarding social transformation related to urbanization<sup>16</sup>.

---

<sup>15</sup> Human Rights Cities recognize cities as key players in promoting and protecting human rights. The term generally refers to cities where local governments and residents are governed morally and legitimately under human rights principles. The Gwangju Declaration on Human Rights Cities, adopted during the very first World Human Rights Cities Forum, defines human rights cities as 'both a local community and a socio-political process in a local context, where human rights play a key role as the fundamental values and guiding principles'. Human rights cities emphasize the importance of interlocal and international cooperation and solidarity among cities engaged in the promotion and protection of human rights, securing wide participation from all actors and interest groups, in particular socially marginalized and vulnerable groups, and the importance of effective and independent human rights protection and management systems. (- Report of the Human Right Council on its 13th session (A/HRC/30/49, August 2015). From "Role of local government in the promotion and protection of human rights")

<sup>16</sup> This process was then resumed at the beginning of our millennium by the well-known social scientist David Harvey (2003) who, somewhat later, in 2010, would consider the right to the city "more than an individual freedom to have access to urban resources" and affirm that "It is a right to change ourselves, transforming the city", leading to the remodelling of the urbanization process. The 14th World Human Rights Cities Forum was successfully held in Gwangju, South Korea, on 10 and 11 October 2024, and included a paper session on „Civic Space and Human Rights

Currently, several cities in different member states of the European Union, such as, for example, in Austria, the cities of Graz, Salzburg and Vienna; in Italy, the city of Turin; in the Netherlands, Middelburg and Utrecht; in Spain, Barcelona and Valencia or in Sweden, Lund have already become human rights cities, and other cities, such as in Finland, Turku, are on the way to acquiring such a status.

#### 4. Conclusions

Good administration, a key element of good governance, as we mentioned before, aims to ensure the efficient, transparent management of public resources and services at the local, city and territorial levels, optimizing the effectiveness of public administration at the urban level and leading to the satisfaction of citizens in the respective communities.

An essential issue for human rights cities, which in fact represent the level of governance closest to the people, is the identification of "those left behind" for their social inclusion, through measures taken in all areas of social life, by ensuring non-discriminatory, equal access to resources and opportunities regarding employment, motivation at work<sup>17</sup>, ensuring adequate housing, the right to education, the right to health, information and communication, mobility, security, justice, culture in order to fight social exclusion and ensure the active participation of all individuals in a local urban community to all levels of economic, social, political and cultural life, by encouraging the active participation and involvement of all community members in the local decision-making process, by identifying barriers and prejudices, combating discrimination and inequality, while promoting equal treatment, and so on<sup>18</sup>.

At the European Union level, continuous preoccupations for narrowing the gaps in the member states and regions highlight the need for a strong cohesion policy focused on addressing the challenges concerning the growth of sub-national disparities among large metropolitan regions and other regions and the regions under the risk of falling into the so-called 'development trap'.<sup>19</sup> Recently, at the end of 2024, there were identified three key challenges in tackling regional inequalities: the lack of sufficient coordination and synergy between cohesion policy and other EU policies, the unevenly distribution of the benefits of cohesion policy, which are exacerbating

---

Cities", jointly organized by the UNESCO Chair in Human Rights and Human Security, University of Graz, the Raoul Wallenberg Institute for Human Rights and Humanitarian Law, Lund, the UNESCO Centre for the Promotion of Human Rights at the Local and Regional Levels, Graz, and the Chonnam University, Gwangju

<sup>17</sup> See also Gary P. Latham and Craig Pinder, Work motivation theory and research at the dawn of the twenty-first century, *Annual Review of Psychology*, 56(2005), p.485.

<sup>18</sup> See also Luiz Carlos Bresser Pereira, *Practical Principles for Public Administration*, 2005, available at <https://bresserpereira.org.br/works/smallpapers/9.PrinciplesPublicAdministration-UN.pdf>, p.1-8.

<sup>19</sup> European Commission, *The ninth Report on Economic, Social and Territorial Cohesion*, 27 March 2024, available at [https://ec.europa.eu/regional\\_policy/information-sources/cohesion-report\\_en](https://ec.europa.eu/regional_policy/information-sources/cohesion-report_en).



inequalities within countries and, thirdly the increasing number of tools and competing governance models contribute to greater administrative complexity.<sup>20</sup>

## REFERENCES:

1. Apostol Tofan Dana, *Drept administrativ, Curs universitar, vol.1, ed.3*, Editura C.H. Beck, București, 2014.
2. Bălan Emil, *Instituții administrative*, Editura C.H. Beck, București, 2008.
3. Chevallier Jacques, *Science administrative, 6<sup>e</sup> édition mise à jour*, Editions PUF, Paris, 2019.
4. Jancová Lenka, Kammerhofer-Schlegel Christa, Centrone Marco, *The Future of EU Cohesion: Scenarios and their impacts on regional inequalities*, Brussels, European Union 2024, available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2024/762854/EPRS\\_STU\(2024\)762854\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2024/762854/EPRS_STU(2024)762854_EN.pdf)
5. Latham P. Gary and Pinder Craig, *Work motivation theory and research at the dawn of the twenty-first century*, *Annual Review of Psychology*, 56(2005), p.485.
6. Moroianu Zlătescu Irina, *Spre o codificare a procedurii administrative*, in Emil Bălan, Cristi Iftene, Dragoș Troanță, Marius Văcărelu, editors, *Codificarea administrativă. Abordări doctrinare și cerințe practice; Administrative codification. Theoretical approaches and requirements of the practice*, Editura Wolters Kluwer, Romania, 2018.
7. Moroianu Zlătescu Irina, *Evoluția relațiilor dintre cetățeni și administrație - cetățenia administrativă in Emil Bălan, Marius Văcărelu, Gabriela Varia, Dragoș Troanță, coordonatori „Spațiul administrativ în secolul XXI - Administrative Space in the 21st century*, Editura Wolters Kluwer Romania, 2021.
8. Moroianu Zlătescu Irina, Marinică Claudia Elena, *Securitatea juridică și calitatea reglementării – impact asupra bunei guvernări*, in Gabriela Varia, Ionuț Bogdan Berceanu, coordonatori, *Securitatea juridică și calitatea reglementării: standarde europene și naționale*, Editura Universul Juridic, București, 2024.
9. Pereira Luiz Carlos Bresser, *Practical Principles for Public Administration*, 2005, available at <https://bresserpereira.org.br/works/smallpapers/9.PrinciplesPublicAdministration-UN.pdf>.
10. Runavot Marie-Clotilde „La bonne administration”: consolidation d’un droit sous influence européenne, in *Revue française de droit administratif*, Editions Dalloz, Paris, no.2/2010.
11. European Commission, *The ninth Report on Economic, Social and Territorial Cohesion*, 27 March 2024, available at [https://ec.europa.eu/regional\\_policy/information-sources/cohesion-report\\_en](https://ec.europa.eu/regional_policy/information-sources/cohesion-report_en)

---

<sup>20</sup> Jancová Lenka, Kammerhofer-Schlegel Christa, Centrone Marco, *The Future of EU Cohesion: Scenarios and their impacts on regional inequalities*, Brussels, European Union 2024, available at [https://www.europarl.europa.eu/RegData/etudes/STUD/2024/762854/EPRS\\_STU\(2024\)762854\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2024/762854/EPRS_STU(2024)762854_EN.pdf).



12. Human Rights Cities in the European Union A Guide to Support Local Authorities in Making Human Rights Part of People s Daily Life, European Agency for Fundamental Rights, Luxembourg: Publications Office of the European Union, 2022, available at [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-guide-human-rights-cities\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-guide-human-rights-cities_en.pdf)

### **ABOUT THE AUTHOR**

**Irina MOROIANU ZLĂTESCU**, PhD, Professor at the National University for Political Studies and Public Administration, Bucharest, MCC and Assessor for the European Law Institute, Vienna.

E-mail: [irina.zlatescu@administratiepublica.eu](mailto:irina.zlatescu@administratiepublica.eu)

