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ROLE OF LOCAL AND REGIONAL AUTHORITIES IN THE IMPLEMENTATION OF ECtHR JUDGMENTS: BIBLIOGRAPHICAL REVIEW*

Framing the Issue: When discussing the role of local and regional authorities in implementing ECtHR judgments, the article in the bibliographical review takes an innovative approach. This question has been significantly under-researched, not only in Ukrainian literature but also in Western European literature. Most authors who address the so-called 'implementation crisis' primarily focus on the involvement of other actors rather than local and regional authorities. This is what makes this problem particularly interesting, and the article contributes to furthering the scientific discourse on the subject.

Analysis of Recent Research and Publications: This article serves as a bibliographical review of Western European authors' works. It's worth noting that some representatives of the Ukrainian legal school have touched upon these issues, albeit briefly (see, for example, [1–6]).

The aim of the article is to provide annotations for publications by authors who analyze the roles of local and regional authorities in relation to human rights. These annotations may prove useful for researchers investigating the role of local and regional authorities in implementing ECtHR judgments.

Main text. This group of publications consists of works by authors who analyze the roles of local

and regional authorities in relation to human rights. This issue itself hasn't been well-researched, which is why contemporary literature includes numerous publications that focus on the methodology of such research.

For example, in 2021, M. Mostl and W. Tiefenbacher discussed the challenge of building bridges between local governments and the scientific community to promote human rights [7]. The authors shared their insights into the difficulties that arise when conducting research on human rights at the local level, and then they addressed the challenges, solutions, and encouragements within this process¹. M. Mostl and W. Tiefenbacher concluded their paper by inviting further scientific discourse and highlighting an annual conference dedicated to this methodological pursuit (in 2021 it was titled 'Human Rights Go Local –

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¹ M. Mostl and W. Tiefenbacher had included to this chapter of their article the sections: 'Research on Human Rights as a Valuable Basis for Evidence-Based Local Policy-Making', 'Developing Human Rights Indicators at the Local Level', 'Linking Local Efforts to Measure Human Rights with the Sustainable Development Goals', 'Generating Human Rights Data Relevant to the Local Level', 'Establishing Cooperation on the Local, National and International Levels', 'Exchanging Knowledge and Innovation with Peers and Researchers Worldwide'.

What Works: Field-proven Research Methods on Human Rights’). So not only the mentioned article, but the other publications of these authors within their project – as well as the publications of the others annual conferences’ participants – worth attention.

One more publication, that has a high methodological value for our Project, is the article of E. Durmuş ‘A typology of local governments’ engagement with human rights: Legal pluralist contributions to international law and human rights’ (2020). The author ‘argues that local governments are now at the core of a newly formed norm-generating community. Local governments engage with local and international actors and processes both within the rules of inclusion of contemporary international law-making – seeking to expand these norms to include local governments themselves – but they also contest and challenge the very rules of the game in the first place, and resort to creating “human rights in the city” as a body of norms parallel to international human rights law’ [8]. The author point out to the ‘state-centric and top-down image of human rights law’ [8, p. 35] and underlines, that ‘from an international legal perspective, local governments’ engagement with international law consistently reflects the unique nature of local governments as both (sub-)State and non-State actors’ [8, p. 38]. The author’s reasoning is essential for researchers dealing with the implementation of ECtHR judgments at the local level – this is mostly because – how E. Durmuş persuades – the “‘implementation’ here, aligning with the sub-State character of local governments, refers to the efforts to realise established positive international (rather than domestic) legal norms created in a State-centric manner’ [8, p. 43].

The publications within the group ‘Academic works on the analysis of the potential of local and regional authorities in ensuring human rights, mostly without specific reference to the implementation of ECtHR

judgments,’ are more extensive and diverse compared to the group of publications dedicated to the problems of implementing ECtHR judgments. The variety here is greater, influenced by a number of factors:

- firstly, the authors do not restrict their focus to European standards;
- secondly, the authors do not limit their focus to the experiences of European countries;
- thirdly, urbanization and related processes are drawing more and more attention to the concept of ‘human rights cities.

Firstly, the authors do not restrict their focus to European standards. The United Nations organization, for example, is quite active in this sphere, and there are publications that address the role of local and regional authorities in the implementation of UN human rights standards (see, for example, articles of S. Hoffman², also in co-authorship with R. T. Stern³, by N. L. Immler and H. Sakkers⁴, K. Gomes da Silva⁵ and others).

Secondly, the authors do not limit their focus to the European countries experience. Since the theory of municipal government originated in the USA, there is significant interest in the relevant experience of ‘grassroots support for human rights,’⁶ making it a popular topic for scientific research (see, for example, works of H. N. Haddad⁷).

² Hoffman, S. ‘The UN Convention on the Rights of the Child, decentralisation and legislative integration : a case study from Wales’.

³ Hoffman, S., & Stern, R. T. ‘Incorporation of the UN Convention on the Rights of the Child in National Law’.

⁴ Immler, N., Sakkers, H. ‘The UN-Sustainable Development Goals going local: learning from localising human rights’.

⁵ Gomes da Silva, K. ‘The new urban agenda and human rights cities : interconnections between the global and the local’.

⁶ Fraser, J. ‘Challenging State-Centricity and Legalism: Promoting the Role of Social Institutions in the Domestic Implementation of International Human Rights Law’.

⁷ Nichols Haddad, H. ‘When global becomes municipal : US cities localizing unratified international human rights law’.



There are the publications on these issues with the African experience (see, for example, article of Shipra Narang Suri, Martino Miraglia and Andrea Ferrannini⁸, of Conrad Mugoya Bosire⁹, others). There are also publications on the European issues.

One of the most laconic yet conceptual journal articles on this subject belongs to A.Kiefer. The author underlines the role of the local and regional authorities, when it comes about 'the opportunity to enhance the quality of life in their community by implementing human rights in their ordinary work' [9]. He briefly describes the role of the Congress of Local and Regional Authorities as of a 'Guardian of the European Charter of Local Self-Government' and then moves his attention to the local and regional authorities themselves as to the 'first line of defense for human rights' [9, p. 483–487]. The most interesting part of his article for the researchers of the implementation of the ECtHR judgements at the local level is chapter D 'Innovative Action for Promoting Human Rights' [9, p. 490–494]. Though A. Kiefer doesn't mention the ECtHR judgements and their implementation on the local level, his thoughts on how to adapt the best European cities' practices and with what NGOs to cooperate are creative and thoughtful.

One of the most interesting journal articles for the researchers of the potential of the local and regional authorities in the implementation of the ECtHR judgements belongs to V. A. Schorm, who rephrased the famous proverb and argued, that 'It Takes a Village to Implement a Judgement'. In his article V. A. Schorm shared the experience of Creating a Forum for Multi-Stakeholder Involvement in

⁸ Shipra, N. and Miraglia, M., and Ferrannin, A. 'Voluntary Local Reviews as Drivers for SDG Localisation and Sustainable Human Development'.

⁹ Mugoya Bosire, C. 'Local government and human rights : building institutional links for the effective protection and realisation of human rights in Africa'.

Czech Republic to implement one of the ECtHR judgements. The author underlines, that 'legislative reforms required accompanying measures, such as awareness-raising campaigns amongst local authorities'¹⁰.

Thirdly, urbanization and related processes are drawing increasing attention to the distinction between cities and other territorial communities, between the urban and non-urban collectives. On the one hand, this breaks down the entire concept of local government unhistorically, as local government has existed and evolved for centuries without such a differentiation, serving as a set of rules for all communities. On the other hand, it lacks synthesis, as municipal science merely follows the changes in modern society.

Among the authors whose publications are dedicated to the role of cities in promoting human rights and may be useful for researchers studying the implementation of ECtHR judgments at the local level, there are B. Oomen (highlighting 'the growing influence and self-confidence of local authorities' [10, p. 607] while noting that 'the role of local authorities in international law is under-researched' [10, p. 610]), also in co-authorship with M. Baumgartel¹¹, A. Wernick and A. Artyushina¹², T. Ezer¹³, H. N. Haddad¹⁴, T. Kempin Reuter¹⁵ and others. One more article should be highlighted separately, as its

¹⁰ Schorm, V. A. 'It Takes a Village to Implement a Judgement: Creating a Forum for Multi-Stakeholder Involvement in Czech Republic. The Dynamics of Domestic Human Rights Implementation: Lessons from Qualitative Research'.

¹¹ Oomen B., Baumgartel M. 'Human Rights Cities in book: The SAGE Handbook of Human Rights' (eds. Anja Mihr, Mark Gibney).

¹² Wernick, A. and Artyushina, A. 'Future-proofing the city: A human rights-based approach to governing algorithmic, biometric and smart city technologies'.

¹³ Ezer, T. 'Localizing Human Rights in Cities'.

¹⁴ Haddad, H. 'Localizing rights compliance : the case for cities as "shadow reporters" at international human rights treaty bodies'.

¹⁵ Kempin Reuter, T. 'Human rights and the city: Including marginalized communities in urban development and smart cities'.



title vividly demonstrates the current trend in constitutional law, which extends from the national level all the way up to the international level – the urbanization of human rights law. This trend is analyzed by M. Pieterse in 2022 in the journal article titled 'Urbanizing Human Rights Law: Cities, Local Governance and Corporate Power'¹⁶.

Within this group of articles, there is a subset of publications that further develop the concept of 'human rights cities.' These cities embody a grassroots approach to human rights in different ways. City authorities uphold and promote human rights within their jurisdictions, emphasizing the importance of local action and the engagement of individuals within their micro-communities and the city community as a whole. For researchers studying the implementation of ECtHR judgments by local and regional authorities, it is important to note that one of the key features of human rights cities is the implementation of human rights standards at the local level. This serves as a crucial point of alignment for relevant scientific research.

Amongst the authors, whose publications about the 'human rights cities' might be useful for the researchers of the implementation of the ECtHR judgements at the local level. Some of the publications address general issues related to human rights cities (see publications of K. G. da Silva¹⁷, N. Dragicevic and B. Porter¹⁸, others), while others analyze the positive experiences of specific cities (see 'Human Rights Cities and Regions. Swedish and International

Perspectives'¹⁹, M. Grigolo's analysis of Barcelona's practices²⁰ and others).

In *conclusion*, the literature review of the academic works on the analysis of the potential of the local and regional authorities in ensuring the human rights has highlighted a diverse range of authors and publications that delve into the role of cities in promoting human rights, making them valuable resources for researchers interested in the implementation of ECtHR judgments at the local level. These resources collectively offer a rich tapestry of knowledge for researchers seeking to explore the intricate relationship between cities, human rights, and the implementation of ECtHR judgments.

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¹⁶ See: Pieterse, M. 'Urbanizing Human Rights Law: Cities, Local Governance and Corporate Power'.

¹⁷ Gomes da Silva, K. 'The new urban agenda and human rights cities : interconnections between the global and the local'.

¹⁸ Dragicevic N., Porter B. 'Human rights cities: The power and potential of local government to advance economic and social rights'. Discussion paper. December 2020.

¹⁹ Human Rights Cities and Regions. Swedish and International Perspectives. Edited by Martha F. Davis, Thomas Gammeltoft-Hansen.

²⁰ Grigolo, M. 'Human rights and cities : the Barcelona Office for Non-Discrimination and its work for migrants'.



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Key words: local self-government, local and regional authorities, human rights, implementation of ECtHR judgments, urbanization, grassroots approach.

Мішина Н. Роль місцевих і регіональних органів влади у виконанні рішень ЄСПЛ: бібліографічний огляд

Метою статті є надання анотацій публікацій авторів, які аналізують ролі місцевих та регіональних органів у відношенні до прав людини. Ці анотації можуть бути корисними для дослідників, які вивчають роль місцевих та регіональних органів у виконанні рішень Європейського суду з прав людини.

Ця група публікацій складається з творів авторів, які аналі-

зують ролі місцевих та регіональних органів у відношенні до прав людини. Сама проблема досить слабо досліджена, і саме тому сучасна література включає численні публікації, які фокусуються на методології такого дослідження (див. роботи М. Мостла і В. Тіфенбахера, Е. Дурмуш та інших).

Публікації у групі «Академічні роботи з аналізу потенціалу місцевих та регіональних органів у забезпеченні прав людини, головним чином без конкретних посилань на виконання рішень ЄСПЛ», є більш розгалуженими та різноманітними порівняно з групою публікацій, присвячених проблемам виконання рішень ЄСПЛ. Тут різноманіття більше, адже на це впливає кілька факторів: по-перше, автори не обмежують свою увагу європейськими стандартами; по-друге, автори не обмежують свою увагу досвідом європейських країн; по-третє, процеси урбанізації та пов'язані з ними процеси все більше привертають увагу до концепції «міста прав людини».

У межах цієї групи статей існує підгрупа публікацій, які розробляють концепцію «міст прав людини». Ці міста втілюють підхід «знизу вгору» до прав людини різними способами. Місцеві органи влади підтримують і просувають права людини у своїх юрисдикціях, акцентуючи важливість місцевої діяльності та залучення громадян у їхні мікророзуми та міську спільноту в цілому. Для дослідників, які вивчають виконання рішень ЄСПЛ місцевими та регіональними органами влади, важливо врахувати, що однією з ключових рис міст прав людини є виконання стандартів прав людини на місцевому рівні. Це служить важливою точкою сумісності для відповідних наукових досліджень.

Ключові слова: місцеве самоврядування, місцеві та регіональні



органи влади, права людини, виконання постанов ЄСПЛ, урбанізація, підхід «знизу вгору».

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