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**Dr Koldo Casla**

Lecturer, School of Law

‘Human Rights Local’ Project Lead

Director Human Rights Centre Clinic

University of Essex

koldo.casla@essex.ac.uk

**Submission to inform the drafting by OHCHR of the report requested by the Human Rights Council Resolution 45/7 on Local Government and Human Rights**

1. In September 2020, the Human Rights Council adopted Resolution 45/7, in which it requested the UN High Commissioner for Human Rights (OHCHR) to prepare a report on the role of local government and the challenges faced in the promotion and protection of human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations, with a view to identifying possible elements of principles guiding local and national governments in this regard.[[1]](#footnote-1)
2. As per the call for input,[[2]](#footnote-2) OHCHR would welcome any relevant information for the preparation of the report, including on:
	1. Laws, policies and programmes that have been developed by local authorities explicitly to promote and protect human rights, including those related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.
	2. Challenges faced by local authorities and promising practices, to promote and protect human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.
	3. Key principles that should guide local and national governments in the promotion and protection of human rights.
3. **Human rights obligations extend to all branches, all public authorities and all levels of government, central, devolved, national and local**.[[3]](#footnote-3) As pointed out by the UN Committee on the Rights of the Child, central governments must ensure that local authorities “have the necessary financial, human and other resources effectively to discharge responsibilities for the implementation” of human rights obligations.[[4]](#footnote-4) Similarly, the UN Special Rapporteur on Adequate Housing urged States to “ensure that local or regional housing strategies are adequately resourced and that local governments have the capacity to implement them.”[[5]](#footnote-5)
4. In September 2021, the Human Rights Centre of the University of Essex published the report “**Human Rights & Local Government: Lessons from Human Rights Cities in Europe**”.[[6]](#footnote-6) This study is part of Human Rights Local, a project of the Human Rights Centre to make human rights locally relevant by bringing human rights closer to the ground, adapting international standards and principles to the local context.
5. The report identified some of the common characteristics among so-called Human Rights Cities in Europe, as well as the potential benefits of becoming one. The report provided historical background on the development of the concept ‘human rights city’. It also presented the case studies of nine cities in Europe, including three in the UK. The first seven cases declared themselves human rights cities: Barcelona, Graz, Lund, Nuremberg, Utrecht, Vienna and York. The case studies provided a background on the city, presenting some of the structures and initiatives employed to implement a human rights framework. The last two cities were Brighton & Hove and Newcastle. While they have not yet declared themselves human rights cities, both of them have implemented interesting local initiatives in the domain of housing and homelessness that resonate with human rights principles.
6. Research showed that, although in some contexts reference to human rights may prove politically sensitive, grounding policies and practices of local governments on universal human rights provides them with a degree of legitimacy. As human rights have a claim to universality and are drafted through global consensus, they can appeal to a wide variety of stakeholders in the city and bring them together.
7. Identification of problems and their causes in human rights terms can also help articulate concerns of residents vis-à-vis central government policy decisions that may have a particularly negative impact locally. Interviewees identified that becoming a human rights city provided the city with instruments for better collaboration and pooling of resources to tackle difficult issues. Several interviewees from human rights city administrations said that using a human rights framework enhanced their collaboration with civil society, which they identified as one of the main benefits of becoming a human rights city. Such collaboration was seen as particularly important in cities with limited resources. Others pointed out that human rights cities are successful at creating opportunities to bring together diverse groups. This contributed significantly to the prevention of discrimination, conflict and racism.
8. A human rights framework does not only enhance collaboration within the city but also at national and international forums. Human rights cities participate in different networks and share best practices and tools. Such forums also inevitably serve a promotional role and can lead to a race to the top.
9. Ideally, a human rights city would aim to strengthen capacity of residents as right-holders to claim their rights and participate in decisions that affect them. All human rights cities carry out activities to raise awareness on human rights and establish various platforms to allow, at a minimum, an exchange of views. Participation of different local groups in the assessment of a particular situation, identification of needs and solutions, and in the evaluation of policies and practices, can result in more effective and sustainable programmes.
10. Ultimately, the litmus test of a city’s commitment to human rights should be whether local practices and policies contribute to respect, protect and fulfil the rights of the population without discrimination of any kind. While the ‘human rights city’ label can have symbolic value and create new opportunities, the employment of human rights principles by city administrations is more important. Whether under the label of ‘human rights city’ or not, employing a human rights framework can result in better collaboration amongst different local actors and enhance inclusion of residents to decisions and practices concerning them.
11. My report “**Making the Right to Housing Real in Newcastle**” provides an example of how human rights can inspire local policy action irrespective of the label.[[7]](#footnote-7) Despite the city not having declared itself a human rights city, its success in tackling homelessness and rough sleeping can be partly attributed to its employment of the human rights principles of participation, inclusion and empowerment.
12. As described in my report, Newcastle was one of the three cities in England worst affected by the welfare reforms in cumulative terms, alongside Manchester and Central London, with losses of over £2,000 per household in the 2010s. Austerity also materialised in cash-strapped local governance, which resulted in diminishing resources to prevent and tackle homelessness, and to deliver other public services. Newcastle faced an overall budget cut of 32% between 2010-11 and 2018-19. Despite the UK context of austerity in public spending, the city managed to mobilise available resources to limit the impact and prevalence of homelessness. A comparatively large stock of social housing units (around 26,000) provided a structural baseline to prevent and tackle homelessness. During the years of austerity-driven national policies, Newcastle largely avoided cutting public spending on housing and homelessness. With its preventive approach, Newcastle City Council made the most of available resources, which are nonetheless limited considering existing demand, relatively high levels of poverty and destitution, and the cumulative consequences of austerity and Covid-19. There was a 75% reduction in the number of evictions from Newcastle’s council housing between 2007 and 2020. Unlike other large cities in England, Newcastle does not use Bed & Breakfast accommodation as a temporary solution. The relative low level of homelessness in Newcastle has been attributed to a combination of factors, particularly the preventive approach (going beyond the 56-day target of the Homelessness Reduction Act 2017), the availability of a large stock of council homes (conductive to higher social lettings and lower private rent levels), and a financial commitment from the local authority.
13. One of the recommendations of my research on Newcastle’s approach homelessness was that adequate housing must be **accessible for everyone**. This means public authorities should take proactive measures to ensure that housing is accessible also for groups and individuals who, due to different reasons, may face difficulties in accessing adequate housing. The principle of **active participation** speaks to the spirit of involving everyone in the community in the delivery of the ambitious goal of ending homelessness. Inasmuch as possible, meaningful engagement between public authorities and the voluntary sector should include people with lived experience of homelessness, who should be listened to in the identification of challenges and possible solutions. There is no better way to defend social rights than to hand over a megaphone to the people most affected by inequality, public spending cuts and social exclusion.
1. Human Rights Council, [Resolution 45/7, Local government and human rights](https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/257/50/PDF/G2025750.pdf?OpenElement) (6 October 2020), para. 6. [↑](#footnote-ref-1)
2. <https://www.ohchr.org/en/calls-for-input/calls-input/call-input-report-local-government-and-human-rights> [↑](#footnote-ref-2)
3. Article 28 of the [International Covenant on Economic, Social and Cultural Rights](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights); Article 50 of the [International Covenant on Civil and Political Rights](https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx); UN Committee on Economic, Social and Cultural Rights, [*General Comment No. 9: The domestic application of ICESCR*](https://www.refworld.org/docid/47a7079d6.html), UN doc. E/C.12/1998/24 (1998), para. 9; UN Human Rights Committee, [*General Comment No. 31: The nature of the general legal obligation imposed on State Parties to ICCPR*](https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhsjYoiCfMKoIRv2FVaVzRkMjTnjRO%2Bfud3cPVrcM9YR0iW6Txaxgp3f9kUFpWoq%2FhW%2FTpKi2tPhZsbEJw%2FGeZRASjdFuuJQRnbJEaUhby31WiQPl2mLFDe6ZSwMMvmQGVHA%3D%3D), UN doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 4. [↑](#footnote-ref-3)
4. UN Committee on the Rights of the Child, [*General Comment No. 5: General measures of implementation of CRC*](https://www.refworld.org/docid/4538834f11.html), UN doc. CRC/GC/2003/5 (2003), para. 41. [↑](#footnote-ref-4)
5. UN Special Rapporteur on Adequate Housing, [*Guidelines for the Implementation of the Right to Adequate Housing*](https://www.ohchr.org/EN/Issues/Housing/Pages/GuidelinesImplementation.aspx), UN doc. A/HRC/43/43 (2019), para. 63(b). [↑](#footnote-ref-5)
6. Irem Arf Rayfield and Koldo Casla, “[Human Rights and Local Government: Lessons from Human Rights Cities in Europe](https://www.essex.ac.uk/research-projects/human-rights-local)”, September 2021. [↑](#footnote-ref-6)
7. Koldo Casla, “[Making the right to housing real in Newcastle: How can Newcastle City Council implement the internationally recognised right to adequate housing to end homelessness? (Part of NCC-Crisis partnership and evidence review to end homelessness in Newcastle)](https://essexlawresearch.files.wordpress.com/2021/08/koldo-casla-june2021-crisis-and-ncc-right-to-housing-v2.pdf)”, June 2021. [↑](#footnote-ref-7)