Abstract. This year we are celebrating human rights – for instance, there are 230 years since the Declaration of the Rights of Man and Citizen and 330 years since the Bill of Rights. After a discussion on this topic with a friend specialized in political philosophy, I came across a study conducted with the support of the Town Hall of York, which is interesting in itself, for the results provided, but it is even more interesting through the novel concepts proposed: “human rights city” and “applied human rights”. The latter, finally opens a new and reliable path for the actualization of human rights, especially since this topic seemed to just float around for many decades. In this study we are also addressing the manner in which human rights became “applied human rights” in the case of York – human rights city.

Keywords: “human rights city”; “applied human rights”; the actualization of human rights.

Introduction

The interest for the concept of human rights extended from citizens to human individuals and groups\(^1\), to academia, parliaments, governments, NGOs and societies, as well as from political philosophy into political science and international relations through themes such as “human rights regime”, “children rights” or “women rights” etc. related in turn to the wider topics of dignitas\(^2\) and “human dignity”\(^3\), human development,” human security,” decent societies” and “global democracy”.

Which are the developers and the guarantors for the human rights transposed into reality? Is this a question included in declarative documents that shape political philosophy in democracy, or solely a civic, democratic and liberal or republican regime, or, simply, a regime of human rights?

---


\(^{2}\) An important concept in late-classical Roman law.


Decency and development are in our perspective the main keywords describing the activity of an organization such as People's Movement for Human Rights Education⁴ (previously People's Decade for Human Rights Education) was established in 1988 as an independent and international NGO, which aims to transpose human rights into people's lives through education, confident that education about human rights will result into more influential type of actions.

Their concept of human rights learning overpasses the production of pedagogical and training materials, but it aims to create such material and events that enhance also a dialogue for socio-economic development that provides sustainability to human rights actualization. This NGO activates in more than 60 countries, with branches in Latin America, Africa, Eastern and western Europe, North America, and Asia, in our view, this way, proving the universal meaning and meaningfulness of human rights, proving that it is possible to explain them in very diverse cultural realms and to base concrete and successful human rights projects on this universal basis⁵.

During the decade 1995-2004, it worked to constitute the United Nations Decade for Human Rights Education and it continues to work against ignorance: “learning about human rights as a way of life is an imperative for meaningful human, social and economic development. There is none other [way] to break thought the vicious cycle of humiliation”⁶, as the organization states on its internet page. In this respect, the training endorsed aimed to deliver a comprehensive vision of human rights running projects addressing also extended, non-traditional human rights such as the economic, social and cultural rights, gender equality and non-discrimination.

The concept of “human rights city” – “community in dignity”

The concept of “human rights city” developed from the concept of “community in dignity” proposed and actualized by UN documents and actions, as well as by an international network of national and trans-national NGOs.

The success of PDHRE actions is given by community work and by the ramifications of the network of human rights educators and activists, all over the world, including the local community leaders attentive an knowledgeable in what concerns the needs of target groups. Their holistic vision of human rights lead them to the direction of development of the concept and associated realities of Human Rights Cities described best by the phrase “community in dignity” (capturing the elevation from the approach of charity in relation to human societies and human problems toward an approach of dignity).⁷

---

⁴ See also http://www.pdhre.org/ accessed at 29th April 2019.
⁵ Ibidem.
⁶ Ibidem.
⁷ Ibidem.
PDHRE initiated and sustained the dialogue about the holistic vision of human rights at the UN and it was recognized as a leading representative of the NGO Committee on Human Rights and in 2003 Shulamith Koenig (the organization’s founder) was honoured by the UN Human Rights Award, with a tradition of 35 years, previously received as well by Martin Luther King and Nelson Mandela.

The UN General Assembly Resolution A/RES/63/1738, adopted at the 18th of December 2008, declared 2008 as The International Year of Human Rights Learning, recalled among other conclusive documents the World Programme for Human Rights Education of 2006, by which it “encouraged all States to develop initiatives”, recognizes human rights learning as crucial for the “acquisition and internalization of knowledge and understanding of one’s own and others’ human dignity” and identifies the factors that should be involved in the actualization of human rights: “society, academia, the private sector, where appropriate, and parliamentarians can play an important role at the national, regional and international levels in the promotion and protection of human rights, including in the development of ways and means to promote and implement learning about human rights as a way of life at the community level”.

In this important document there is a significant difference in acknowledging the target of human rights: instead “citizens” or “individuals”, we have explicitly several hypostases of the human being “every woman, man, youth and child”. We can notice at the same time that the hypostasis of the “elder” is still subsumed at the categories of “man” and “woman”, while “youth” and “child” appear explicitly, maybe conveying the deep conviction that the actualization of dignified development of societies and the human rights learning are still rather a part of our common future, not of the present?

More important is that the document captures in present tense the idea of actualization of full human potential through learning, the ability to act on human rights knowledge about all human rights and fundamental freedoms, this way getting at the effective “realization of human rights and fundamental freedoms for all”.

Collaborating with the UN, NGOs like PDHR contributed to the emergence of a new political culture based on Human Rights, based on the paramount idea that “the language of human rights is able to expose ‘the immorality and barbarism of the modern face of power [...] We cannot take rights seriously without taking suffering seriously.’” As a consequence, the actualization of rights, or “the applied human rights” cannot become reality unless we address as well other problems such as “poverty, warfare, environmental degradation, the deleterious
effects of globalization, discrimination, disease, illiteracy and labour exploitation” as threats to liberty, security and dignity.

The UN and the NGOs like PDHR accomplished a functional framework for learning, debate and action in the actualization of human rights. PDHR has even identified “ten guiding principles for human rights in society”: human rights education is meaningful in relation to people’s struggles and they reflect the diverse solutions to these struggles; human rights learning constitutes “an individual and collective human right”, as well as a way of life (here, our emphasis); human rights learning expresses and perpetuate a “universal commitment to [human] dignity and worth”; “it should be participatory and an exemplary practice of the virtues it proselytizes for others”; human rights learning goes against “injustice, exploitation, patriarchy, impoverishment, tyranny, civil strife, genocide, catastrophic state failures, calamitous abuses of power” and against “humiliation and despair”, too, sustaining “action for change” and social transformation; human rights learning supports “the human right to peace, which includes the human right to a denuclearized earth, immunity from all weapons of mass destruction and the armament process, and the human rights of all to benefit from peaceful uses of science and technology”.14

Other guidelines included in this Decalogue of human rights in society emphasize also the urgency of the following aspects: 1. the eradication of genocide practices, of the complete recognition of women’s human rights “based on respect for the dignity of all women”; 2. the necessity of a full description and actualization of the dignity of labour (in terms of work conditions, requirements and pay); 3. the development of an anti-exclusion human rights culture and 4. the dedication for a process unfolding human rights solidarities and a collective conscience structured around “the ['empowering and inspirational'] message of dignity and equal worth of every individual person”15, triggering “empowering and inspirational action”16.

In the light of these principles of human dignity rights the “human rights city” is defined as following: “A human rights city is a city or a community where people of good will, in government, in organizations and in institutions, try and let a human rights framework guide the development of the life of the community. Equality and non-discrimination are basic values. Efforts are made to promote a holistic vision of human rights to overcome fear and impoverishment, a society that provides human security, access to food, clean water, housing, education, healthcare and work at liveable wages, sharing these resources with all citizens – not as a gift, but as a realization of human rights”.17

---

15 Ibidem.
16 Ibidem.
In 2013, an ampler study\textsuperscript{18} looked at several European cities as “human rights cities” (Barcelona, Graz, Salzburg, Nantes, Budapest, Gothenburg and York). The research report shows that each city was visited by a research team (2-4 students, for four days) in March and April 2013. Among the criteria of selection of the cities were the interest for a particular urban subject or set of rights (e.g. Barcelona), or the interest for a focused or more comprehensive approach on rights (Gothenburg).\textsuperscript{19} This study identified a series of main research questions “What are the motivations of cities to take a human rights approach? 2. Which actors are involved in the city’s engagement with human rights? 3. What mechanisms and instruments does the city use to engage with human rights? 4. What are barriers and pitfalls of taking a human rights approach in the city? 5. What is the added value of taking a human rights approach in the city?”\textsuperscript{20}

Marks, Modrowski & Lichem\textsuperscript{21} tell the story of the first human rights city, confirmed by PDHRE in 1998. The People from Rosario, Argentina (“delegates from local NGOs representing women, children, workers, people with a disability, indigenous groups, the academic and religious communities, and other local community activists”\textsuperscript{22}) decided to join forces on June 30, 1997 and walked into the office of the mayor, determined to pass a proclamation establishing their city as a “human rights sensitive city”, as a step toward creating a “human rights community” described by respect for human rights, equity and peace promoted among all inhabitants of the city\textsuperscript{23}.

With this proclamation, Rosario became the world’s first human rights city\textsuperscript{24}. As many other cities across the world followed this example, the concept of “human rights city” became a serious preoccupation. In Barcelona and Graz the initiative to develop their cities as human rights cities came from the authorities and not from the NGOs as in the case of Rosario\textsuperscript{25}. Oomen and Baumgärtel (2012) notice the interesting aspect consisting in the increasing direct engagement of local authorities with concepts, directions and activities that look at cities as spaces for “human rights actualization”\textsuperscript{26} or for “applied human rights” brought to the fore by international human rights.

\textsuperscript{19} Ibidem.
\textsuperscript{20} Ibidem.
\textsuperscript{22} Ibidem.
\textsuperscript{23} PDHRE, Developing Sustainable Human Rights Cities: Knowing, Claiming and Securing Our Right to be Human, People’s Movement for Human Rights Education, New York, 1988, p. 17.
\textsuperscript{26} Ibidem, p. 19.
Should we really talk about “localizing human rights” as these authors consider? In my view, in well-established democracies, especially where democracy has a continuous functionality of more than five decades the application of democratic universal principles in local settings had to have a human rights component, too. But the argument of authors like De Feyter, or De Feyter and Parmentier is in fact that, honestly, there is no area free of human rights violations, by default, on the one hand, and that the credibility and effectiveness of the human rights gets transposed into a clearer framework when implemented at the local level, where the violations of human rights take place.

Fact is that now there are at least seven human rights cities in Europe: Barcelona, Graz, Salzburg, Nantes, Budapest, Gothenburg and York. The process of “internalization” and “implementation” of international human rights at the local level led specialists to talk about a “human rights spiral” with five phases “in which domestic and global actors join forces in transnational networks to pressure nation-states into the full institutionalization of human rights, so that norm compliance becomes a matter of habit,” but it does not take the municipal level into account and this is the aspect corrected by the reality of the “human rights cities”.

At the local level, human rights get understood in a concrete and practical meaning through the governmental institutions and NGOs as the main factors initiating and implementing human rights under legislative and value system aspects, within a functional, particular and legitimate framework.

The studies approaching the process of localizing international human rights that implies realizing UN human rights principle, decisions and verifies courses of action at the local level indicate a direction of analysis following the socio-scientific notions of localization, the insights provided by various other science, but for me the most interesting is the legal viewpoint.

National constitutions, especially in western democracies, include the so-called first-generation rights (civil and political in nature, as the freedom of speech, voting rights and freedom of religion) protecting the individual from an overbearing state. Second-generation rights are of an economic, social and cultural nature.

---

27 I found extremely interesting the case of San Francisco where the local activist experts had the initiative to get the city to adopt the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), under the circumstances where the United States of America as a state did not ratified the treaty. Cf. M.F. Davis, ‘Thinking globally, acting locally: States, municipalities, and international human rights’. In: C. Soohoo, C. Alibua, and M.F. Davis (Eds.) Bringing human rights home: A history of human rights in the United States, Praeger Perspectives, Westport, Connecticut, 2009, pp. 267-273. The efforts to adopt CEDAW as municipal law support were initially weaken by the fact that it was interpreted as another municipality’s instrument of control, but social dialogue rendered the CEDAW principles clearer and this way the San Francisco initiative triggered similar actions throughout the USA.


29 Ibidem.
(and they attained an increased importance after World War II, with the Universal Declaration of the Human Rights proclaimed universally by the United Nations General Assembly at 10th December 1948, by resolution 217 A, translated in 500 languages, as a common standard for the human race). As a consequence, attention to equality was transposed in more concrete aspects such as the right to housing, the right to education and the right to healthcare.

National legally binding declarations and charters are crucial to enforce these rights. Both states and local authorities are responsible to fulfil the duty of realizing a wide range of international human rights that are applicable to their local situations. Naturally, the mechanisms allowing states and local authorities to carry on the obligation to uphold these human rights vary with the right implemented and with the existing legislative contexts and traditions. It is also relevant to assess the relationship between the local and national authorities, whether the right under implementation is a due process right or not, all evaluated in the light of the international human rights treaties mentions in relation to the duty of the local government.

Monist or dualist constitutional systems are also to be considered, that is, the relationship assumed by a specific state to the international legal order (the monistic system is dominant in Europe, taking the domestic and the international legal provisions to have equivalent standing after ratification). As an interesting detail, when considered according to their legal binding effect, under the same monistic European system, in countries such as Czech Republic, Lichtenstein, Romania, Slovak Republic, the international treaties relating to human rights, exclusively, stand above the ordinary legislation.

Things are different with the dualist system where the international legal order is separate from the domestic legal order, and international rules need explicit consent from the state to become applicable. International laws need to be adapted to national legal contexts, traditions, customs and spirit in order to become effective within that specific legal system. An example in this respect is the United Kingdom. Thus, the European Convention on Human Rights became enforceable in the UK only after the UK Act on Human Rights was created.

As crucial as local governments are in the implementation of the international treaties, it so happens that they rarely explicitly mention their involvement (maybe, except for the Convention on the Rights of the Child that mentions of all authorities), although the fact that the State assumed human rights legally binding obligations means that all local authorities in that state should assume the obligation of realizing human rights, implementing them accordingly30.

In European law it is clear that all organs of the administration in a European state even when we are talking about decentralized authorities are to apply provisions of directives that are directly effective. Local authorities are subjected to national law. Yet, in the unlikely cases when national law diverges from directives

made in treaties under European law, local authorities are called upon to respect the European directives\textsuperscript{31}.

*In time, this “exercise” of implementing human rights results in enhancing the power held by the municipality.* A municipality could and should capitalize upon the position as a “human rights city” to improve either the international legitimacy or its standing in what concerns the electorate, or both. But this is not a straightforward phenomenon. Literature shows that in the case of Graz and their opposition to migration, while migration is part of the local human rights approach, we have a situation of “means protecting only what is already enjoyed”\textsuperscript{32}, which does not lead to a very good standing according to international treaties, but ensures a very good one towards the electorate.

Although, human rights provide a crucial potential to challenge practices that sustain human rights violations, in the light of the example described above, appears relevant to appreciate also whether the human rights city is in some cases a mere badge of honour only used to enforce ideological and electoral power.

Further joined legislative, educational and communicational efforts are necessary to address in an even more nuanced manner the question of the universality and application of human rights in a world of cultural diversity that spring new challenges for local governments (e.g. municipalities), which are facing new dilemmas brought about by diversity and by the limited resources of their cities, but especially by a deeper understanding for human rights as a unifying framework of solidarity that is worth upholding, sometimes at the cost of not protecting “what is already enjoyed”, for the preservation of that *dignitas* nucleus, found at the heart of our (still) praised quality of being human and humane.

*The case study: York as a human rights city*

York has been a human rights city since 2017 and the first city of this sort in the UK, with a first investigation report published in 2016. The city of York published yearly reports\textsuperscript{33} on the achievements and setbacks. The case study I am proposing here approaches the manner of assessing the quality of a human rights city and it has three parts: first, the analysis of “York Human Rights City Declaration”, second, the presentation of the indicators involved in defining and maintain York as a human rights city with special attention to education, and, third, the conclusions.

---

\textsuperscript{31} See the so-called “Costanzo Obligation”: “national administrative authorities are obliged to solve conflicts between provisions of national law and provisions of European law in favour of the provision of European law, when necessary, by leaving the provision of national law unapplied [our emphasis]”, cf. M. Verhoeven, “The ‘Costanzo Obligation’ and the principle of national institutional autonomy: supervision as a bridge to close the gap?” *Review of European Administrative Law*, Vol. 3, No. 1, 2010, pp. 23-64.


York proclamation goes as following: “York, in becoming a Human Rights City, embraces a vision of a vibrant, diverse, fair and safe community built on the foundations of universal human rights. This vision is shared by citizens and institutions in our city, including the City Council, North Yorkshire Police, voluntary organisations and faith communities. We are building on York’s own particular history of democratic innovation, philanthropy and an international outlook, all of which have shaped our commitment to social justice. This declaration marks an ambition, a significant point in a journey, not a final destination. As the United Kingdom’s first Human Rights City we are committed to making our vision real, putting fundamental rights at the heart of our policies, hopes and dreams for the future. Signed by Councillor Dave Taylor, The Right Honourable Lord Mayor of York; at the declaration event, at the Merchant Taylor’s Hall, on Monday 24th April 2017”.

This proclamation emphasizes a vision characterized by the commitment for social-justice which is upheld by the following key factors: “citizens and institutions in our city, including the City Council, North Yorkshire Police, voluntary organisations and faith communities”. In this respect, it is a vision in which the grassroots and the official factors meet, rendering it particularly efficient.

The indicators of human rights are selected considering the priorities for human rights (equality and non-discrimination, education, health and social care, a decent standard of living, and the right to housing) in the area, the providers of necessary social services and the beneficiaries of these services and priorities (“pieces of information that can help us to understand how well York is doing over time in relation to York’s five priority human rights. The indicators we use have been selected through consultation with local organisations, users of services and service providers”).34 The rights of disabled people, the rights of women, the rights to housing even for homeless and migrants are all addressed in this booklet.35

However, in our case study we choose to focus on education. We consider education as a very important indicator and here we shall focus on this one. The analysts of applied human rights also give education a special place in their report and even emphasize the need to a new education-related indicator: they compared the percentage of economically disadvantaged children reaching the expected standards for reading, writing and maths at the end of primary education to the rest of the children in York.

According to the booklet, the education indicators have a double basis in international law (International Covenant on Economic, Social and Cultural Rights 1966, Article 13 and Convention on the Rights of the Child 1989, Article 28, e) and in domestic law (Human Rights Act 1998, Schedule 1, Part 2, Article 2; Equality Act 2010, Part 6, Chapter 1, Section 85; Education Act 1996, Section 13; Education and Skills Act 2008, Part 1, Chapter 1).36

In the graphic below we can see the yearly variations of the number of dropout teens.

---

34 Ibidem, p. 9.
36 Ibidem.
Considering the indicator constituted by the number of pupils who meet the standard in reading, writing and math at the end of primary education joined with the indicator of economic disadvantage the booklet shows that only two-fifths of children who are considered economically disadvantaged leave primary school with the expected standards of reading, writing, and maths, compared to two-thirds of other pupils.

The results of the investigation concerning applied human rights in York have shown that in 2018 the proportion of young people aged 16-17 not in education, employment or training (NEET), has slightly reduced, which is a progress.

Among the conclusions of the study we find also the idea that “Most indicators show little change compared with last year’s figures and this is a cause for concern. For example: • Gender weekly pay gap in York (£117) remains above the national average. • Child poverty rates have not reduced.”

Another very important conclusion was “Delivering a Community Voices programme to enable individuals not usually reached by Council consultation processes to have their say. In 2018, outreach was conducted with homeless people and in some of the city’s less affluent wards.”

Hopefully, further research shall address this interesting idea and capitalize upon it, to the benefit of York community and the European human rights community, which might be created progressively, one town and one village at the time.

Conclusions

Concepts such as the “human rights city” and “applied human rights” represent a step forward in the realm of human rights studies. Further research is necessary

---

37 Ibidem, pp. 29, 30.
38 Ibidem, p. 29.
and welcome. Comparative studies approaching European cities of human rights with similar demographic structures should proliferate. This has the potential to evolve into a socio-political, law, geography and cultural studies interdisciplinary sub-domain. The study of the consistent research presented by York Booklet on Human Rights could have made the object of a separate study. Here we only wanted to emphasize the importance of the above-mentioned concepts and to surprise the correlations between international and domestic law, education, age, schooling or training and decent vs. disadvantageous status and to briefly describe these correlations because they are representative for the mechanism of applied human rights of second generation, the one describing the decency and solidarity of our democratic sense of communion.

BIBLIOGRAPHY

PDHRE, Developing Sustainable Human Rights Cities: Knowing, Claiming and Securing Our Right to be Human, People’s Movement for Human Rights Education, New York, 1998;  

Sites:  
http://www.pdhre.org/ accessed at 29th April 2019;  