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RETHINKING ACCOUNTABILITY IN INTERNATIONAL LAW: THE ROLE OF LOCAL AUTHORITIES IN THE IMPLEMENTATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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1. *Introduction*

Local and regional authorities play a fundamental role in the promotion and protection of human rights, given their proximity to citizens and their responsibility for delivering essential public services. Housing, education, healthcare, and sanitation—core services provided at the local level—are intrinsically linked to the enjoyment of fundamental rights. In addition, local authorities are key actors in the design and implementation of policies in areas such as urban planning, environmental protection, social inclusion and must ensure that these policies are guided by principles of non-discrimination, participation, transparency, and accountability.

Local governments also foster democratic participation by facilitating the involvement of marginalized groups in decision-making processes, ensure access to justice at the local level, and respond directly to pressing social challenges such as homelessness, domestic violence, and systemic discrimination. In fulfilling these roles, they serve as indispensable agents in the realization of civil, political, economic, social, and cultural rights.

Over time, there has been growing recognition across Europe of the key role played by local and regional authorities in the effective implementation of human rights. Through

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both delegated and autonomous competences, these authorities are increasingly expected to mainstream human rights into local governance frameworks. However, the full and equal enjoyment of rights at the local level remains uneven due to a range of factors, including deepening social inequalities, economic exclusion, the urban–rural divide and phenomena such as hate speech, disinformation, corruption and radicalization. These challenges have, in numerous instances, led to violations of the European Convention on Human Rights (ECHR), with the European Court of Human Rights (ECtHR) having been called upon to adjudicate cases involving the direct or indirect involvement of sub-national authorities.

Improving the local implementation of human rights thus remains a priority. The commitment to multi-level protection has been reaffirmed in the *Reykjavík Declaration*, adopted by the Heads of State and Government of the Council of Europe at their Fourth Summit on 16–17 May 2023¹. The Declaration expressly recognizes the responsibility of “national and local authorities” for the implementation of the ECHR and the execution of the Court’s judgments. It further calls upon national governments to reinforce cooperation with local and regional authorities to ensure the effective execution of those judgments that concern them.

This vision was reaffirmed in the follow up report “*Reykjavík one year later*”, adopted at the 133rd Session of the Committee of Ministers (16–17 May 2024)², which underscores the need for more ambitious cooperation to ensure the execution of judgments and promote democracy, the rule of law and fundamental rights. It highlights key thematic priorities, including social rights and justice, children’s rights, migration, trafficking and smuggling of human beings, anti-discrimination, gender equality (including the implementation of the Istanbul Convention), environmental protection, cultural rights and youth participation in decision-making. These challenges demand the active involvement of all actors responsible for upholding human rights—most notably local authorities and the Congress of Local and Regional Authorities of the Council of Europe.

2. *The involvement of the Congress of Local and Regional Authorities in the implementation of the ECHR: an outline*

Within the institutional framework of the Council of Europe, the Congress of Local and Regional Authorities occupies a unique position. Representing local and regional authorities across the 46 member States, the Congress has long been committed not only to promoting democracy and citizen participation, but also to strengthening the protection of human rights at the local level³.

Over the years, the Congress has developed a clear conviction: good local and regional governance is inseparable from the effective protection of fundamental rights. It is at the local level—within cities, municipalities, and regions—that the real-life implementation of

¹ European Implementation Network. (2023, May 22). *Reykjavík Declaration: United around our values*. <https://www.einnetwork.org/blog-five/2023/5/22/reykjavik-declaration-united-around-our-values>

² Council of Europe Committee of Ministers. (2024). *Reykjavík one year later: Follow-up report to the 2023 Summit*. <https://www.coe.int/en/web/cm/reykjavik-implementation-report>.

³ See Congress of Local and Regional Authorities of the Council of Europe, *The role of local and regional authorities in the implementation of human rights*, Recommendation 280 (2010). <https://rm.coe.int/1680718fc2>.

human rights often takes place. Issues such as access to housing, healthcare, education, non-discrimination and the fight against poverty are not abstract legal concepts—they are everyday challenges for local authorities⁴.

While the Congress initially focused on monitoring the *European Charter of Local Self-Government*⁵ and observing local and regional elections, its mandate has progressively evolved to include the promotion of human rights as a core dimension of local autonomy.

A turning point came in 2010 with the adoption of Recommendation 280, which explicitly called for the training of local and regional elected representatives in human rights⁶. This recommendation aligns with the *UN Declaration on Human Rights Education and Training*, which urges States to ensure human rights training for public officials and other relevant personnel⁷.

In the following years, the Congress built on this foundation. In 2011, it adopted Resolution 334⁸ on the development of human rights indicators at local and regional level, offering practical methodologies for data collection and analysis. A 2014 report subsequently compiled best practices, emphasizing the importance of peer exchange and mutual learning among local authorities⁹.

Beyond normative work, the Congress has produced a series of practical tools. Notably, the 2016 *Compendium on Promoting Human Rights at Local and Regional Level* serves both as a reminder of the role of local authorities and as a guide for implementing human rights policies¹⁰. One of the most tangible initiatives has been the *Human Rights Handbooks for Local and Regional Authorities*, launched in 2018. These handbooks provide thematic guidance (e.g., on non-discrimination, social rights, women's rights, environment) and are designed as user-friendly tools for public officials¹¹.

In parallel, the Congress's political priorities for 2021–2026 have placed a strong emphasis on raising awareness of human rights, combatting corruption, discrimination, radicalisation, violence against women and children and promoting gender equality¹². These themes reflect contemporary challenges but also the Congress's long-standing emphasis on inclusive, rights-based local governance.

A notable step forward was the 2022 report entitled "*A fundamental right to the environment: a matter for local and regional authorities*", which highlighted the emerging recognition

⁴ European Commission against Racism and Intolerance (ECRI), *Annual Reports*, European Committee of Social Rights, *Conclusions XXII-1*, (2022).

⁵ European Charter of Local Self-Government (adopted 15 October 1985, entered into force 1 September 1988) ETS No 122.

⁶ Congress of Local and Regional Authorities, *Recommendation 280* (2010), cit.

⁷ UN General Assembly, *Declaration on Human Rights Education and Training*, UN Doc A/RES/66/137, 16 February 2012.

⁸ Congress of Local and Regional Authorities, Resolution 334 (2011) *Developing indicators to raise awareness of human rights at local and regional level*, 20 October 2011, 21st Session CG (21)10, Rapporteur: Lars O MOLIN, Sweden.

⁹ Congress of Local and Regional Authorities, Resolution 365(2014), *Best practices of implementation of human rights at local and regional level in member states of the Council of Europe and other countries*, 25 March 2014, 26th Session CG(26)5, Rapporteur: Lars O MOLIN, Sweden.

¹⁰ Congress of Local and Regional Authorities, *Compendium: Promoting Human Rights at Local and Regional Level* (Council of Europe, 2016).

¹¹ Congress of Local and Regional Authorities, *Human Rights Handbooks for Local and Regional Authorities*, vols 1–3 (Council of Europe, 2018–2021), <https://www.coe.int/en/web/congress/human-rights-handbooks>.

¹² Congress of Local and Regional Authorities, *Priorities for 2021–2026*, (Council of Europe, 2021) <https://www.coe.int/en/web/congress/priorities>.

of the right to a clean, healthy and sustainable environment¹³. The Congress's work was further endorsed and revitalised by the *Reykjavik Declaration* adopted at the 2023 fourth summit of Heads of State and Government of the Council of Europe¹⁴. Following the Summit, the Congress launched a new general report on the state of implementation of fundamental rights at the local level—a major initiative aimed at improving knowledge and building capacity.

The need for such efforts is evident: local-level violations of human rights often result not from hostility, but from a lack of awareness or training. Even where domestic law complies with the European Convention on Human Rights, implementation often falters due to insufficient local capacity¹⁵. This is why the Congress continues to advocate for training, education and access to human rights resources for elected representatives and local staff¹⁶. The Congress's work demonstrates a crucial truth: human rights are not only a matter for Strasbourg or national capitals—they are local issues. They must be protected and promoted at the level closest to the people. Recognising local and regional authorities as essential actors in this regard transforms legal obligations into lived realities.

This represents a broader shift: from formal compliance to substantive implementation; from national governance to multi-level governance and from seeing international law as abstract, to treating it as a practical instrument for justice and inclusion at the local level.

3. Defining “local authorities” in International and European Law: A Complex Landscape

Despite the critical role that local authorities play in the implementation of human rights, a persistent challenge remains: there is no universally accepted definition of “local authorities”. Their roles, powers and responsibilities differ markedly across Countries, reflecting the diversity of institutional and administrative frameworks. In general terms, local authorities refer to the lowest tier of public administration within a State. In unitary systems, they typically constitute the second or third level of governance, whereas in federal systems, they may fall within the third or even fourth tier. This variability underscores the complexity of promoting effective human rights implementation at the local level throughout Europe¹⁷.

Across jurisdictions, local government units are organized, named, and function in diverse ways—commonly referred to as counties, prefectures, districts, cities, towns, boroughs, parishes, municipalities, or villages, among others. The European Court of Human Rights (ECtHR) acknowledges this multifaceted nature in its jurisprudence. Different forms

¹³ Congress of Local and Regional Authorities, *A Fundamental Right to the Environment: A Matter for Local and Regional Authorities* (CG(2022)43-14) <https://rm.coe.int/a-fundamental-right-to-the-environment/1680a7292b>.

¹⁴ Council of Europe, *Reykjavik Declaration – United around Our Values*, (17 May 2023) <https://www.coe.int/en/web/reykjavik-summit/declaration>.

¹⁵ Council of Europe, *Bringing Human Rights Home: Role of Local Authorities in Implementing the ECHR* (Council of Europe, 2020) <https://www.coe.int/en/web/local-democracy/bringing-human-rights-home>.

¹⁶ Congress of Local and Regional Authorities, *Toolkit on Human Rights Training for Local Officials* (Council of Europe, 2022).

¹⁷ See U.N. General Assembly, *Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee*, A/HRC/30/49, 7 August 2015, par. 8; High Commissioner for Human Rights of the United Nations, *Local government and human rights – Report*, A/HRC/51/1022 July, par. 3.

of municipal entities exist, each with varying sources of authority and responsibilities. Frequently, overlaps arise between actors and functions, depending on the constitutional architecture and the degree of autonomy afforded to local authorities in each member State.

According to the ECtHR, local authorities are considered part of the "State *apparatus*," and thus lack standing before the Court under Article 34 of the European Convention on Human Rights. Their responsibilities are typically delegated through legislation or directives from higher levels of government and generally involve the regulation and administration of local public affairs and services. The scope of their empowerment must be assessed in light of their relationship with central or regional governments, which usually retain competence for strategic planning, regulation, programming and financing. Within this framework, local authorities may exercise varying degrees of discretion, applying subsidiary regulatory powers while remaining subject to their respective legal regimes.

The principle of local autonomy is enshrined in the *European Charter of Local Self-Government of the Council of Europe*, which asserts that administrative supervision over local authorities should be confined to ensuring conformity with legal and constitutional provisions. The Charter's broadly framed provisions reflect the wide variation in the powers and functions of local governments across Europe.

While the terms "local government" and "local self-government" are often used interchangeably, a conceptual distinction is warranted. Local self-government is rooted in the principle of devolution, characterized by locally elected authorities with a high degree of autonomy. In contrast, the notion of local government may also encompass entities that act as agents of the central government, appointed by and accountable to it, in line with the principle of de-concentration.

A cornerstone of genuine democracy lies in the degree of autonomy granted to local authorities. Effective localization of democracy and human rights requires political, fiscal, and administrative decentralization¹⁸. Democratic checks and balances are essential for enabling local governments to uphold human rights within their territories. In this context, a clear and binding legal framework is indispensable for delineating the organization, powers, and responsibilities of local authorities while safeguarding their autonomy. Constitutional guarantees provide the strongest legal protection, although detailed legislative frameworks on local governance can also serve to enhance clarity, accountability and effective democratic administration.

4. *The role and obligations of local authorities in upholding and advancing human rights within the international legal framework*

Building on this, the role of local authorities in promoting and protecting human rights must be understood within the framework of international law. While local governments are often the primary actors in implementing—or occasionally violating—human rights standards, they are not recognised as subjects of international law. Rather, the State is considered a single legal entity, regardless of its internal structure. When a State ratifies a human rights treaty, it assumes the obligation to respect, protect and fulfil the rights therein. Only States may be the subject of complaints under international human rights mechanisms,

¹⁸ See U.N. General Assembly, *Role of local government in the promotion and protection of human rights*, cit.

and they cannot evade responsibility by invoking the actions or omissions of local authorities. Under general international law, the conduct of all State organs—central or local—is attributable to the State. This principle is clearly codified in Article 4 of the *International Law Commission's Articles on Responsibility of States for Internationally Wrongful Acts* (ARSIWA), which provides that «[t]he conduct of any State organ shall be considered an act of that State under international law», regardless of its position within the State. The European Court of Human Rights has consistently reaffirmed this approach. In *Assanidze v. Georgia*,¹⁹ the Court held that a State is responsible under the Convention for the actions of all its authorities—central or local. In that case, local authorities in Adjara failed to comply with a judgment ordering the applicant's release, despite efforts by the central government. Likewise, in *Storck v. Germany*²⁰ concerning the applicant's involuntary placement in a psychiatric clinic, the Court found the State responsible for the omissions of local health and judicial bodies, emphasising that responsibility arises wherever the violation is attributable to public authorities, regardless of the level of government.

Customary international law confirms that States remain internationally accountable irrespective of their internal administrative structure. International law does not regulate how States distribute powers between central and local authorities. However, all public authorities—whether central, regional, or local—are attributable to the State for the purposes of international responsibility. Even illegal acts by State organs are considered acts of the State. This is reinforced by Article 27 of the *Vienna Convention on the Law of Treaties*, which prohibits States from invoking domestic law as justification for failing to perform international obligations.

Although the primary responsibility for implementing human rights lies with the central government, local authorities often play a vital complementary role. Upon ratifying a human rights treaty, a State may delegate implementation to subnational entities. In such cases, it is the duty of the central government to ensure that appropriate mechanisms, procedures, and oversight are in place to guarantee compliance. Cooperation between central and local levels can significantly enhance the fulfilment of international human rights obligations. UN human rights treaty bodies have consistently emphasised the importance of coordination across all levels of government in the implementation of international human rights obligations. For instance, the Committee on Economic, Social and Cultural Rights has called on States to ensure effective coordination between ministries and local authorities to align domestic policies with their obligations under Article 11 of the Covenant²¹.

Moreover, there are instances in international law where obligations are not only imposed on the State as a whole but are expressly directed at all organs and authorities, including those at the local level. A notable example is Article 3 of the *Convention on the Rights of the Child*, which provides that “[i]n all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” This provision clearly extends the treaty's binding effect to all public bodies, including those at the subnational level.

¹⁹ ECtHR, [GC], no. 71503/01, Judgment 8.4.2004

²⁰ ECtHR, no. 61603/00, § 101, ECHR 2005.

²¹ See Committee on Economic, Social and Cultural Rights General, Comment No. 4, *The right to adequate housing* (art. 11 (1) of the Covenant), para. 12, adopted at the Sixth Session of the Committee on Economic, Social and Cultural Rights, on 13 December 1991, <http://www.refworld.org/docid/47a7079a1.html>.

Several treaty bodies have explicitly addressed the responsibilities of local authorities. The UN Human Rights Committee²² has affirmed that all levels of government - national, regional, and local - can incur the international responsibility of the State under Article 2 of the *International Covenant on Civil and Political Rights*²³. Similarly, the Committee on Economic, Social and Cultural Rights has noted that implementation of the Covenant does not rely solely on judicial remedies but also on administrative measures, which are often appropriate and necessary. The Committee stressed²⁴ that individuals under a State party's jurisdiction have a legitimate expectation that all administrative authorities will take the Covenant's provisions into account in their decision-making processes. Additionally, certain treaty provisions specifically require action by local authorities. Article 18(2) of the Istanbul Convention - the Council of Europe *Convention on preventing and combating violence against women and domestic violence* - explicitly states that local authorities are responsible for implementing the Convention's provisions.

The historically limited focus on the role of local governments in international human rights law prompted the UN Human Rights Council²⁵ to call for dedicated research on the issue, acknowledging the growing relevance of “glocalisation” and reaffirming that States and local governments share responsibility and play complementary roles in implementing human rights domestically. This recognition is echoed in the *Reykjavík Declaration*, adopted at the Council of Europe Summit on 23 May 2023, which underscores that both national and local authorities are responsible for implementing the European Convention on Human Rights and ensuring compliance with the judgments of the European Court of Human Rights. The growing recognition of the role played by local authorities in the field of human rights within international law—evident in the conventions and declarations discussed above—merely formalises a broader trend that has been unfolding in practice over the past few decades. In times of State crisis or political paralysis, local governments have increasingly emerged as key actors capable of delivering concrete responses. Their growing relevance has been acknowledged by political leaders, academics, and international and regional organisations alike.

Local authorities are no longer merely symbolic participants in human rights processes—they are directly engaging with international norms, often applying them in their policies and practices. This has led to the rise of “human rights cities²⁶” which actively invoke

²² Human Rights Committee, *General Comment no. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant*, 29 March 2004.

²³ *International Covenant on Civil and Political Rights* 1966, 999 UNTS 171.

²⁴ Committee on Economic, Social and Cultural Rights, *General Comment no. 9, The domestic application of the Covenant*, 3 December 1998, at 9.

²⁵ Human Rights Council, *Report of the Advisory Committee on Its Ninth Session*, UN Doc. A/HRC/AC/9/6, 14 August 2012, at 19.

²⁶ The cities in question have not only given rise to tense political debates but have also highlighted the legal pluralism stemming from cities that in some fields (such as immigration and reception) “decouple” local policies from those adopted at the national level (see P. SCHOLTEN, *Between National Models and Multi-Level Decoupling: The Pursuit of Multi-Level Governance in Dutch and UK Policies Towards Migrant Incorporation*, in *Journal of International Migration and Integration*, 2015, No. 17(4), pp. 973-994), legal pluralism is usually understood as the coexistence of different normative orders within a socio-political space. In early work, the competing normative orders were those developed in the national and local context (A. GRIFFITHS, *Legal Pluralism. In An Introduction to Law and Social Theory*, in R. BANAKAR, M. TRAVERS, ed. *Portland and Oxford*, 2002; S. E., MERRY, *Legal Pluralism*, in *Law and Society Review*, No. 22(5), 1988, p. 869-896). Recently, scholars have come to theorise the place of international human rights law as a normative order within local contexts (K. DE FEYTER, S. PARMENTIER, C. TIMMERMAN, G. ULRICH, *The Local Relevance of Human Rights*, Cambridge, 2011; M. GOODALE, S.E. MERRY, *The*

and implement human rights at the local level. While their involvement in international law remains relatively understudied, it is not entirely new. For years, cities have participated in bilateral cooperation initiatives and transnational networks addressing global challenges—whether fighting apartheid and racism, promoting environmental sustainability or advancing social justice.

Institutionally, this evolution is mirrored in the creation of bodies such as the European Union's Committee of the Regions in 1994 and the Council of Europe's Congress of Local and Regional Authorities established in the same year, often referred to as the Council's 'third pillar'²⁷. More recently, we have seen a proliferation of city networks operating as forms of transnational power, positioned between the top-down logic of international negotiations and the bottom-up pressure of civil society movements²⁸.

This shift has drawn increasing attention from social scientists²⁹ and scholars of international law. Yet, many legal scholars³⁰ remain hesitant to embrace a stronger international role for local authorities, primarily due to the traditional view that these entities lack international legal personality. While this concern is understandable, it risks overlooking the practical relevance of their growing involvement, especially in the realm of human rights.

The key point of contention lies in the question of international legal responsibility and subjectivity. For some scholars, the State remains the only entity accountable under international law, making it impossible to attribute legal responsibility directly to local

Practice of Human Rights: Tracking Law between the Global and the Local, Cambridge, 2007). However, the ongoing dynamic in which local authorities invade international human rights law to diverge from state policies still requires further analysis and technical training (B. OOMEN, BARBARA, M.F. DAVIS, M. GRIGOLO (eds), *Global Urban Justice: The Rise of Human Rights Cities*, Cambridge, 2016).

²⁷ Its predecessor, the Conference of Local and Regional Authorities of Europe, had been established in 1957. See A. LAMBRECHT-FEIGL, *The Congress of Local and Regional Authorities: European Co-operation Close to the Citizens*, in T. KLEINSORGE (ed.), *Council of Europe*, 2015, p. 182.

²⁸ Cf. M. ACUTO, *City Leadership in Global Governance*, in *Global Governance: a Review of Multilateralism and International Organizations*, 2013, n.19, pp. 481 ff. Among the most relevant examples of this trend can be found in the field of climate change (see *Covenant of Mayors for Climate and Energy* of 22 June 2016, www.globalcovenantofmayors.org) and, as already mentioned, of the migration (see. M. BAUMGÄRTEL, B. OOMEN, *Pulling human rights back into local authorities, international law and the reception of undocumented migrants*, in *The Journal of Legal Pluralism and Unofficial Law*, 2019, no. 2, pp. 172-191).

²⁹ The social science literature on global cities and city networks is vast and largely inspired by Sassen's work. S. SASSEN, *The Global City: New York, London, Tokyo*, Princeton, 2001. See, for example, M. ACUTO, *Global Cities, Governance and Diplomacy: The Urban Link*, 2013. One of the few legal articles on the subject, A. ACCARDO, J. GRIMHEDEN, K. STARI, *The Case for Human Rights at the Local Level: A Clever Obligation?*, in W. BENEDEK (ed.), *European Yearbook on Human Rights*, 2012, No. 33, makes a similar point. See also B. OOMEN, M. BAUMGÄRTEL, *Human Rights Cities*, in A. MIHR, M. GIBNEY (eds.), *The Sage Yearbook on Human Rights*, SAGE Publications Ltd, 2014, p. 709 ff.

³⁰ Originally, international legal personality was attributed exclusively to States, which continue to represent the primary and indispensable subjects of international law, since they acquire such personality by the mere fact of existing as sovereign and independent entities. Over time, however, other actors have also come to be recognised as subjects of international law. Insurgents may acquire international personality when they are sufficiently organised and exercise effective control over part of the territory of a State. Similarly, national liberation movements have been recognised as international subjects when engaged in struggles against colonial domination, foreign occupation, or racist regimes, in line with the principle of the self-determination of peoples. The Holy See, too, constitutes a subject of international law by virtue of ancient custom, although its very nature excludes it from being the addressee of certain international norms, such as those governing the conduct of hostilities.

authorities³¹. Others have attempted to move beyond this impasse by treating local governments not as subjects, but as objects of international norms³² - or by interpreting their initiatives, particularly in the framework of city networks, as expressions of soft law with a degree of normative influence.

What this evolving discussion reveals is that the international legal analysis of local authorities is in flux and there is now a genuine effort to rethink how these actors fit into the broader architecture of international law. One major limitation of current scholarship is the tendency to focus narrowly on cities, which may constrain the development of a more inclusive and forward-looking legal framework. Rather than seeking to simply regulate existing practices, future research should aim to challenge traditional legal concepts and explore new theoretical frontiers.

In this regard, local authorities represent a particularly promising ‘new frontier’ for international law - especially in the field of human rights, which, despite their expansion in recent decades, are often criticised for failing to guarantee effective protection³³. As already noted, local governments are well-positioned to respond to these concerns: not only do they play a central role in delivering public services and guaranteeing access to rights but their proximity to citizens gives them unique insight into local needs and vulnerabilities. In recent decades, their engagement with international human rights law has become not only more frequent but increasingly formalised - both within their own institutional frameworks and in coordination with national governments. This growing institutionalisation signals a deeper transformation that merits sustained scholarly attention.

5. *Some examples of local authorities as “human rights actors” worldwide*

In recent decades, local authorities have increasingly embraced explicit commitments to the promotion and protection of human rights. This growing engagement reflects a broader shift in the governance of rights, whereby cities and municipalities are no longer merely administrative entities implementing national directives but have become active sites of human rights innovation and implementation. The emergence of so-called “human rights cities³⁴” in the late 1990s marked a significant milestone in this evolution. Although initially propelled by civil society movements and grassroots advocacy, these developments have gradually assumed formal legal dimensions, with local authorities adopting concrete policies and institutional structures grounded in international human rights law³⁵.

Barcelona stands out as a pioneering example in this regard. The city launched a comprehensive human rights policy that included the creation of a Civil Rights Department, two dedicated municipal human rights offices (the Office for Non-Discrimination and the

³¹ J. CRAWFORD, M. MAUGUIN, *Les collectivités territoriales non-étatiques et le droit international de la responsabilité*, in *Société Française pour le Droit International*, Paris, 2002, p. 165.

³² G.E. FRUG, D.J. BARRON, *International Local Government Law*, in *The Urban Lawyer*, 2006, No. 38, p. 1.

³³ E. M. HAFNER-BURTON, K. TSUTSUI, *Human Rights in a Globalizing World: The Paradox of Empty Promises*, in *American Journal of Sociology*, 2005, p. 1373; A. FOLLESDAL, J. KARLSSON SCHAFFER, G. ULFSTEIN, *The Legitimacy of International Human Rights Regimes: Legal, Political and Philosophical Perspectives*, Cambridge, 2014.

³⁴ See European Union Agency for Fundamental Rights, *Human rights cities in the EU. A framework for reinforcing rights locally*, 2012, p. 15.

³⁵ B. OOMEN, BARBARA, M.F. DAVIS, M. GRIGOLO (eds.), *Global Urban Justice*, cit.

Office for Religious Affairs), a local ombudsman, a Human Rights Observatory and the 2010 *Barcelona Charter of Rights and Duties*³⁶.

Graz³⁷, another prominent human rights city, established a Human Rights Council composed of representatives from government, civil society and academia, alongside a local rights monitoring mechanism. These institutional innovations demonstrate a deliberate attempt by local governments to integrate international human rights principles into urban governance.

The World Human Rights Cities Forum, held annually in Gwangju, South Korea, further illustrates the increasing global reach of this trend. The Forum defines a human rights city as both a local community and a socio-political process in a local context where human rights play a key role as fundamental values and guiding principles³⁸. It has become a prominent platform for municipal actors, scholars and international institutions to exchange practices and reaffirm the importance of rights-based local governance.

In many cases, cities have taken the initiative to implement specific international human rights treaties, even in the absence of national ratification. In the United States, cities such as San Francisco and Los Angeles have adopted local ordinances³⁹ reflecting the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), despite the federal government's failure to ratify the treaty⁴⁰. Similarly, several European cities have pre-emptively incorporated the *Convention on the Rights of Persons with Disabilities* into their local policies and planning frameworks⁴¹. These actions reflect a growing willingness among local authorities to treat international legal standards not merely as aspirational but as directly applicable to local governance.

Another example is the *European Coalition of Cities against Racism*, launched by UNESCO in 2004⁴² and based on the *Convention on the Elimination of All Forms of Racial Discrimination*⁴³. This coalition adopted a *Ten-Point Action Plan*, committing its member cities to proactive anti-discrimination measures and peer-based reporting mechanisms. Cities such as Paris, Vienna,

³⁶ M. GRIGOLO, *Human Rights and Cities: The Barcelona Office for Non-Discrimination and Its Work for Migrants*, in *International Journal of Human Rights*, 2010, p. 896; ID., *Building the "City of Rights": The Human Rights Policy of Barcelona*, in *United Cities and Local Government* (eds), *Inclusive Cities Observatory*, (2011), available at www.uclg-cisd.org/sites/default/files/Barcelona_2010_en_final_0.pdf; see also Barcelona. *The European Charter for Safeguarding Human Rights in the City* (2010), available at <https://ajuntament.barcelona.cat/dretsdiversitat/en/documents-and-resources>.

³⁷ K. STARL, *Human rights and the city: obligations, commitments and opportunities. Do human rights cities make a difference for citizens and authorities? Two cases studies on the freedom of expression*, in B. OOMEN, M.F. DAVIS, M. GRIGOLO (eds.), *Global Urban Justice: the rise of Human Rights cities*, Cambridge, p. 179; M. GRIGOLO, *The Human Rights City: New York, San Francisco, Barcelona*, New York, 2019.

³⁸ World Human Rights Cities Forum. (n.d.). <https://www.whrcf.org>.

³⁹ See S. L. LOZNER, *Diffusion of Local Regulatory Innovations: The San Francisco CEDAW Ordinance and the New York City Human Rights Initiative*, in *Columbia Law Review*, 2008, p. 768. *Convention on the Elimination of All Forms of Discrimination against Women* 1979, 1249 UNTS 13.

⁴⁰ T. EZER, *Localizing Human Rights in cities*, in *Review of Law and Social Justice*, Vol. 31, No. 1, 2022, pp. 67 ss.

⁴¹ B. OOMEN, E. VAN DEN BERG, *Human Rights Cities: Urban Actors as Pragmatic Idealistic Human Rights Users*, in *Human Rights and International Legal Discourse*, 2014, p. 160. *Convention on the Rights of Persons with Disabilities*, Doc. A/RES/61/106, 13 December 2006.

⁴² UNESCO (2004). *Ten-Point Plan of Action of the European Coalition of Cities against Racism*.

⁴³ See European Coalition of Cities against Racism, available at www.eccar.info. *Convention on the Elimination of All Forms of Racial Discrimination* 1965, 660 UNTS 195.

and Bologna have used this framework to address racial discrimination, promote diversity and ensure equal access to services.

Local authorities have also played a crucial role in the context of migration, often adopting positions that contrast with those of national governments. The Netherlands provides a salient case study. Since 2012, when the Dutch central government prohibited municipalities from offering emergency shelter to undocumented migrants, cities such as Utrecht and Amsterdam have defied this policy by continuing to provide basic humanitarian assistance⁴⁴. The rationale has been both pragmatic and principled: denying shelter was seen as contrary to international human rights standards and morally untenable.

In 2014, the European Committee of Social Rights (ECSR) found that the denial of emergency shelter to undocumented migrants violated the Netherlands' obligations under the European Social Charter⁴⁵. Despite the Dutch government's rejection of the ECSR's findings, citing the non-binding nature of the Charter in this context, the Committee of Ministers of the Council of Europe reaffirmed the ECSR's conclusions⁴⁶. The ensuing political controversy nearly precipitated the fall of the Dutch government in 2015⁴⁷ and culminated in a compromise arrangement whereby limited shelter was provided in five municipalities, contingent upon the migrants' compliance with deportation proceedings⁴⁸. Many local authorities, including Utrecht and Amsterdam, strongly opposed the measure. The Utrecht city council argued that such a policy would lead to inhuman conditions, incompatible with international law and the ECSR decision. It resolved to continue providing unconditional shelter.

Amsterdam similarly grounded its policy choices in international human rights law. Nonetheless, the Dutch Administrative High Court later ruled that municipalities had no legal obligation to provide such shelter, describing the local policies as extra-legal benevolent acts (*buitenwettelijk begunstigend beleid*)⁴⁹. The ECSR, however, maintained that positive obligations under Article 13(4) of the Charter were not being met, especially in the absence of formal legal arrangements between national and local authorities or adequate financial support⁵⁰.

Comparable dynamics are observable elsewhere. In South Korea, the Seoul Metropolitan Government adopted a local human rights ordinance and established both a Human Rights Center and Commission, tasked with monitoring and advising on local human rights compliance⁵¹. In Mexico City, the 2017 city constitution enshrined a wide array of social and economic rights—such as housing, water, and non-discrimination—in line with

⁴⁴ See M. BAUMGÄRTEL, B. OOMEN, *Pulling human rights back into local authorities*, cit., p. 178 ff.

⁴⁵ European Committee of Social Rights (ECSR), *European Federation of National Organisations Working with the Homeless (FEANTSA) v. The Netherlands*, Complaint no. 86/2012, 10 November 2014. See also ECSR, *Conference of European Churches (CEC) v. The Netherlands*, Complaint no. 90/2013, 10 November 2014. European Social Charter 1961, 529 UNTS 89.

⁴⁶ Council of Europe, Committee of Ministers, Resolution CM/ResChS(2015)5, *Conference of European Churches (CEC) v. The Netherlands*, Complaint no. 90/2013, 15 April 2015.

⁴⁷ Municipality of Utrecht, Minutes Utrecht Council Meeting, Motion 34, 30 April 2015, available at <http://ibabsonline.eu/Agenda.aspx?site=utrecht&agendaId=577&FoundIDs=&year=2015>.

⁴⁸ Dutch Association of Municipalities, *Letters to the Chair of the Parties in Parliament*, Doc. ECSD/ U201500740, 28 April 2015.

⁴⁹ Appeals Division of the Council of State, Case 201601948/1/V1, 29 June 2016.

⁵⁰ ECSR, *Conference of European Churches (CEC) v. The Netherlands*, Complaint no. 90/2013, 10 November 2014, at 13.4.

⁵¹ Seoul Metropolitan Government, *Ordinance on the Establishment and Operation of the Human Rights Center*, 2012.

international human rights standards⁵². In Canada, Montreal has declared itself a human rights city and implemented policies addressing minority inclusion and social justice⁵³. In New York City, the Human Rights Commission has interpreted international norms to inform its enforcement of anti-discrimination laws and public education campaigns⁵⁴.

These examples reveal that local authorities are not only implementing human rights norms but also shaping them, offering contextualised interpretations that respond to the lived realities of urban populations. This active role enhances both the effectiveness and the perceived legitimacy of international human rights law. As cities and other subnational actors continue to position themselves as key implementers and innovators in the human rights domain, the discipline of international law must evolve to account for these developments—not merely as anomalies or exceptions, but as expressions of an emerging multi-level system of human rights governance.

6. *The ECtHR's Recognition of Local Authorities as Key Actors in the "Bottom-Up" Protection of Human Rights*

The jurisprudence of the European Court of Human Rights (ECtHR) increasingly acknowledges the crucial role of local authorities in the implementation and protection of rights under the European Convention on Human Rights (ECHR). Far from being mere administrative agents of the State, local governments are autonomous entities whose decisions often exert a direct and immediate impact on the enjoyment of fundamental rights. Their institutional proximity to individuals, deep understanding of local contexts and capacity for nuanced and proportionate decision-making place them in a unique position to provide context-sensitive human rights protection⁵⁵.

The Court has repeatedly underscored that many Convention violations stem from acts or omissions at the local level, particularly in domains where municipalities exercise significant discretion—such as housing, education, social services, urban planning, health care, child protection, policing, and access to basic utilities. In *D.H. and Others v. the Czech Republic*, the ECtHR examined how local educational practices, although formally compliant with national policies, led to the systemic segregation of Roma children⁵⁶. Similarly, in *M.S.S. v. Belgium and Greece*, the substandard conditions in Greek reception centres—managed at the local level—were found to amount to inhuman and degrading treatment under Article 3 ECHR⁵⁷.

This judicial attention to local governance reflects the principle of subsidiarity, a cornerstone of the Convention system. The ECtHR not only assesses the abstract compatibility of national laws with the Convention but increasingly examines how those laws

⁵² Constitución Política de la Ciudad de México, (2017).

⁵³ City of Montreal, *Montreal Declaration for Human Rights in Inclusive Cities*, 2018.

⁵⁴ New York City Commission on Human Rights, *Annual Report*, 2019.

⁵⁵ E. VAN DEN BERG, B. OOMEN, *Towards a Decentralization of Human Rights: the Rise of Human Rights Cities*, in T. VAN LINDERT, D. LETTINGA (Eds.), *The Future of Human Rights in an Urban World: Exploring Opportunities, Threats and Challenges*, Amsterdam, 2014, pp. 11-16.

⁵⁶ ECtHR, *D.H. and Others v. the Czech Republic*, [GC], app. no. 57325/00, Judgment 13 November 2007.

⁵⁷ ECtHR, *M.S.S. v. Belgium and Greece*, [GC], app. no. 30696/09, Judgment 21 January 2011.

are applied in practice at the local level. In *Yordanova and Others v. Bulgaria*, the Court ruled that a municipal authority's decision to evict a Roma community, although based on domestic illegality, lacked a proportionate assessment and thus failed to meet Convention standards⁵⁸.

Local authorities are therefore directly implicated in upholding a wide array of rights under the Convention, including Articles 2 (right to life), 3 (prohibition of inhuman or degrading treatment), 5 (liberty and security), 6 (fair trial), 8 (private and family life), 10 (freedom of expression), 11 (freedom of assembly), and 14 (non-discrimination). Notably, they also bear particular responsibility under Article 1 of Protocol No. 1 (protection of property), as their decisions on expropriation, zoning, taxation or business regulation can significantly interfere with property rights⁵⁹. The Court has consistently demanded that such interferences be lawful, serve a legitimate public interest, and maintain a fair balance between public and individual interests. Particular attention has been paid to forced evictions, especially affecting vulnerable groups such as the Roma, where the Court has underscored the need for culturally appropriate housing solutions and proportionality in eviction measures⁶⁰.

Environmental protection and public health are additional spheres in which the Convention has been interpreted dynamically, imposing obligations on local authorities under Articles 2 and 8. In environmental matters, although the Convention does not explicitly guarantee a right to a healthy environment⁶¹, the ECtHR has increasingly recognized that environmental degradation can engage rights protected under Articles 2 and 8, thereby imposing positive obligations on local authorities to prevent and mitigate environmental harm. Failures in waste management⁶², pollution control, disaster prevention⁶³

⁵⁸ ECtHR, *Yordanova and Others v. Bulgaria*, app. no. 25446/06, Judgment 24 April 2012.

⁵⁹ See in this sense ECtHR, *Guiso-Gallisy v. Italy*, app. n. 58858/00, Judgment 8 December 2005; *Scordino v. Italy (no. 1) [GC]*, app. no. 36813/97, Judgment 29 March 2006; *Perinati v. Italy*, app. no. 8073/05, 6 October 2009; *Ventorino v. Italy*, app. n. 357/07, Judgment 17 May 2011; *Ferrara v. Italy*, app. n. 65165/01, Judgment 8 November 2012; *De Luca v. Italy*, app. n. 43870/04, Judgment 24 September 2013; *Dimitar Yanakiev v. Bulgaria (no. 2)*, app. n. 50346/07, Judgment 31 March 2016; *Ukraine-Tyumen v. Ukraine*, app. n. 22603/02, Judgment 4 October 2010; *Lidiya Nikitina v. Russia*, app. n. 8051/20, Judgment of 15 March 2022; *Orlović and others v. Bosnia and Herzegovina*, app. n. 16332/18, Judgment 1 October 2019.

⁶⁰ See ECtHR, *Yordanova and Others v. Bulgaria*, cit.; *Winterstein & Ors v. France*, app. n. 27013/07, Judgment of 13 October 2013; *Paketova and Others v. Bulgaria*, app. nos. 17808/19 and 36972/19, Judgment 14 October 2022. In some Countries after the sentences pronounced by the Court against the eviction of Roma people some measure has been taken by the Governments concerned; for instance, the UK's *Mobile Homes Act 1983* was amended in June 2008 to give greater security of tenure to those living on caravan sites. See ECtHR, *Connors v. the United Kingdom*, app. no. 66746/0127, Judgment 27 May 2004. Also, in relation to enforcement of *Buckland v. The United Kingdom* (app. n. 40060/08, Judgment 8 September 2012) pronounced against UK and concerning eviction of a Gypsy without sufficient procedural safeguards in Wales by the local authorities (Article 8, right to respect for private and family life), law has been changed: amendments made to the *Mobile Homes Act 1983* in the context of *Connors* was extended to cover Wales in July 2013. As mentioned above, the amendments confer greater security of tenure on those living on residential caravan sites.

⁶¹ In the *Hatton and others v. United Kingdom case*, Judges Costa, Ress, Turmen, Zupančič and Sterner explained that the lack of explicit protection was due to the Convention's 1950s adoption, when environmental rights were not widely known.

⁶² See ECtHR, *Gómez v. Spain*, app. n. 4143/02, Judgment 16 November 2024; *Mileva and Others v. Bulgaria*, app. n. 43449/02 and 21475/04, 25 November 2010; *Grimkovskaya v. Ukraine*, app. n. 38182/03, Judgment 21 July 2011; *Brândușe v. Romania*, app. no. 6586/03, Judgment 7 April 2009.

⁶³ See ECtHR, *Ciechońska v. Poland*, app. n. 19776/04, Judgment 14 June 2011. This case concerns a death of a person caused by the fall of a tree due to negligence on the part of the municipality. See also ECtHR, *Öneriyildiz v. Turkey [GC]*, app. n. 48939/99, Judgment 30 November 2004, related to a person who died or suffered

and urban planning⁶⁴ have led to findings of State responsibility, with local authorities playing a crucial role in compliance. The Court has also addressed environmental harms and their implications for rights protection, placing further responsibility on local actors. In *Fadeyeva v. Russia*⁶⁵, municipal inaction in regulating industrial pollution led to a violation of Article 8, while in *Tătar v. Romania*⁶⁶, the authorisation of a cyanide-based mining operation implicated local authorities in failing to secure environmental safeguards, again under Article 8. These rulings demonstrate how classical rights can evolve to incorporate contemporary challenges, such as environmental degradation and public health risks. More recently, climate change has emerged as a significant concern under the Convention framework, with cases such as the recent Portuguese youth complaint⁶⁷ and the *KlimaSeniorinnen* decision⁶⁸ highlighting the duty of all levels of government, including local authorities, to adopt effective measures to protect citizens from foreseeable climate-related risks, consistent with Articles 2, 8, 1 Protocol No. 1 and 14 (prohibition of discrimination).

The obligation to protect vulnerable individuals is equally pressing. Under Articles 2, 3, 5 and 8, local authorities are required to prevent and respond to foreseeable threats, such as those arising in detention settings, domestic abuse and violence (against woman and children)⁶⁹, the neglect of persons with mental disabilities in treatment centers⁷⁰. Failures in

personal injury or damage to their homes as a result; *Kolyadenko and Others v. Russia*, app. nn. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05, Judgment 28 February 2012; *Budayeva et al. v. Russia*, app. n. 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02, Judgment 20 March 2008.

⁶⁴ Similarly, the Court found a responsibility of the competent local authorities under art. 8 in cases related to an unlawful construction and use of a cemetery near the applicant's home and water supply. The high level of bacteria found in the water from the applicant's well, coupled with a blatant violation of national environmental health and safety regulations, confirmed the existence of environmental risks, namely serious water pollution. See ECtHR, *Giacomelli v. Italy*, app. n. 59909/002, Judgment 2 November 2006; *Dzemyuk v. Ukraine*, app. n. 42488/02, Judgment 4 September 2014; *Tomyuk v. Ukraine*, app. n. 6948/07, Judgment 1 September 2017; *Dubetska and Others v. Ukraine* case, app. n. 30499/03, Judgment 10 February 2011

⁶⁵ ECtHR, *Fadeyeva v. Russia*, app. n. 55723/00, 9 June 2005.

⁶⁶ ECtHR, *Tătar v. Romania*, app. n. 67021/01, 27 January 2009.

⁶⁷ See ECtHR *Duarte Agostinho and others v. Portugal and 32 Other States*, app. n. 39371/20. On April 9, 2024, the European Court declared the application inadmissible.

⁶⁸ See, ECtHR, *Verein Klimaseniorinnen Schweiz And Others V. Switzerland*, app. n. 53600/20, Judgment 9 april 2024.

⁶⁹ See ECtHR, *Z and Others v. United Kingdom*, app. n. 29392/95, Judgment 10 May 2001. Local authorities were found in violation of Article 3 for failing to protect children from severe abuse and neglect by their parents. In the fight against domestic violence and violence against women in particular, a key role lies with the local authorities that can best monitor the risk of violence and take (v. *Landi v. Italy*, app. n. 10929/19, Judgment 7 April 2022; *Y and Others v. Bulgaria*, app. n. 9077/18, Judgment 22 March 2022).

⁷⁰ In *V.I. v. Moldova* (app. n. 38963/18, Judgment 26 March 2024) the Court expressly affirmed that (par. 173-174-175): “the school administration, the Nisporeni doctor, the legal guardian, the child protection authority and the hospital doctors – all with statutory duties of care towards the applicant, unanimously agreed to his placement in a psychiatric hospital and psychiatric treatment in the absence of any therapeutic purpose, as already found above by the Court. Administrative and medical admission documents consistently referred to the applicant's intellectual disability as ground for placement in a psychiatric hospital and psychiatric treatment, which attests to the authorities' perception that an intellectual disability was a mental disorder which required treatment. This “defectology” approach is further confirmed by the way the authorities subsequently argued, on the basis of new assessments, that the applicant was “normal” and therefore should not have been subjected to placement in a psychiatric hospital and psychiatric treatment” In the Court's opinion, the combination of the factors above clearly demonstrates that the local authorities' actions were not simply an isolated failure to protect the applicant's physical integrity and dignity but in fact perpetuated a discriminatory practice in respect of the applicant as a person and, particularly, as a child with an actual or perceived intellectual disability. The applicant's social status as a child without parental care only exacerbated his vulnerability.

these areas—whether through inadequate conditions, lack of preventive action or delayed responses—have frequently led to condemnations by the Court, as in *Stoicescu v. Romania* and *J.A. and A.A. v. Türkiye*⁷¹. The responsibility to ensure humane treatment extends to asylum seekers⁷² and other marginalised groups, who may face discrimination or ill-treatment⁷³ due to neglect at the municipal level.

In matters of public order, local authorities play a pivotal role in safeguarding the right to freedom of assembly under Article 11⁷⁴. While legitimate restrictions may be imposed to maintain order⁷⁵, they must always satisfy the tests of legality⁷⁶, safety and security⁷⁷, proportionality⁷⁸ and non-discrimination. ECtHR jurisprudence has highlighted instances where local bans on protests, disproportionate police interventions or discriminatory enforcement of regulations have violated this right⁷⁹. Similarly, under Article 10, municipalities must respect freedom of expression⁸⁰—including criticism local institutions⁸¹ and satirical expression⁸² (which often exaggerates or caricatures public figures or policies) - and access to public information⁸³.

⁷¹ ECtHR, *Stoicescu v. Romania*, app. n. 9718/03, Judgment 26 July 2011; *J.A. and A.A. v. Türkiye*, app. n. 80084/13, Judgment 27 June 2023.

⁷² ECtHR, *M.S.S. v. Belgium and Greece*, cit.

⁷³ Racially motivated violence against Roma communities in various localities has been recognized as a breach of Article 3 of the European Convention on Human Rights. These cases highlight the role of local authorities, particularly in enforcing judicial decisions and fostering inclusivity. See ECtHR, *Moldovan and Others v. Romania*, app. n. 41138/98 and 64320/01, Judgment 5 July 2005; *Kalanyos and others v. Romania*, app. n. 57884/00, Judgment 26 April 2007.

⁷⁴ See ECtHR, *Öllinger v. Austria*, app. n. 76900/01, Judgment 29 September 2006. The Court emphasized the duty to balance the rights of demonstrators and counterdemonstrators.

⁷⁵ See ECtHR, *Kudrevičius and Others v. Lithuania*, app. n. 37553/05, Judgment 15 October 2015. It clarified that even disruptive protests (e.g., blocking roads) are protected unless they incite violence.

⁷⁶ See ECtHR, *Bączkowski and Others v. Poland*, app. n. 1543/06, Judgment 3 May 2007. The Court found that a mayor's arbitrary refusal to allow a demonstration violated Article 11.

⁷⁷ See ECtHR, *Plattform "Ärzte für das Leben" v. Austria*, app. n. 10126/82, Judgment 21 June 1988. It underscored the duty to protect peaceful protesters from hostile opposition.

⁷⁸ See ECtHR, *Cheremskyy v. Ukraine*, app. n. 20981/13, Judgment 3 December 2023, it addressed the proportionality of punitive actions taken after a peaceful protest.

⁷⁹ ECtHR, *Lashmankin and Others v. Russia*, app. nos. 57818/09 and others, Judgment 7 February 2017.

⁸⁰ Freedom of expression under Article 10 is not unlimited: defamation, hate speech or speech that incites violence or intolerance may lawfully be restricted. Restrictions must be prescribed by law; pursue a legitimate aim (e.g., protecting reputation, public order, or morals); be necessary and proportionate in a democratic society) So, the Court did not find a violation of art. 10 in *Mária Somogyi v. Hungary*, app. n. 15076/17, Judgment 16 May 2024. In this last case the Court concluded that civil defamation proceedings seeking to protect the municipality's reputation had not pursued any of the legitimate aims enumerated in Art 10 § 2.

⁸¹ See ECtHR, *Kwiecień v. Poland*, app. n. 51744/99, Judgment 9 January 2007; *Lombardo and Others v. Malta*, app. n. 7333/06, Judgment 24 April 2007; *Kubaszeński v. Poland*, app. n. 571/04, Judgment 2 February 2010; *Cărlan v. Romania*, app. N. 34828/02, Judgment 20 April 2010; *Ziemiński v. Poland (no. 2)*, app. n. 1799/07, Judgment 5 July 2016; *Fedchenko v. Russia (no. 4)*, app. n. 17221/13, Judgment 2 October 2018; *Fedchenko v. Russia (no. 5)*, app. n. 17229/13, Judgment 2 October 2018; *Skudayeva v. Russia*, app. n. 24014/07, Judgment 5 March 2019; *Kita v. Poland*, app. n. 57659/00, Judgment 8 July 2008; *Fleury v. France*, app. n. 29784/06, Judgment 11 May 2010.

⁸² See ECHR *Patrício Monteiro Telo de Abreu v. Portugal*, app. n. 42713/15, Judgment 7 June 2022. In the same sense, *The National Youth Council of Moldova v. the Republic of Moldova* case, app. n. 15379/13, Judgment of 25 June 2024.

⁸³ See ECtHR, *Gillberg v. Sweden*, app. n. 41723/06, Judgment 3 April 2012. See also ECtHR *Guseva v. Bulgaria*, app. n. 6987/07, Judgment 17 February 2015. The European Court held that the information requested in this case was of public interest and had been requested to contribute to public debate on the topic of animal rights

The ECtHR has also stressed the importance of embedding equality and non-discrimination into local policies. It is no longer sufficient to avoid explicit bias: municipalities must proactively identify and remedy indirect or structural forms of exclusion. In *D.H. and Others*, for instance, the Court found that ostensibly neutral admission procedures disproportionately affected Roma children and lacked objective justification—demonstrating how entrenched local practices can produce discriminatory outcomes. This reasoning extends to a broad range of areas, including: prohibition of demonstrations on the ground of group-based discrimination⁸⁴, denial of recognition of foreign marriage⁸⁵, denial of access to some social benefits by local authorities⁸⁶, discriminatory local taxation⁸⁷, discriminatory measures taken by local authorities on the grounds of religion or belief⁸⁸.

The European Court of Human Rights has frequently identified violations by local authorities also in the context of family life and childcare, particularly under Article 8 ECHR. These include cases where local authorities had failed in their duty to carry out a thorough examination and investigation of the entire family situation before taking a decision and therefore did not take a balanced decision and a reasonable assessment of the competing interests (Article 8)⁸⁹. Under Article 3, failures to protect children from known abuse or neglect have also led to findings of inhuman or degrading treatment⁹⁰. Violations of Article 6 emerge in cases where parents are denied a fair trial in custody or child protection proceedings⁹¹. The Court has further addressed the failure of local authorities to enforce

⁸⁴ ECtHR, *Öllinger v. Austria*, cit.

⁸⁵ ECtHR, *Pajić v. Croatia*, app. n. 68453, Judgment 23 February 2016.

⁸⁶ For example, in the Italian Lombardy region, the introduction of a five-year residency requirement for the so called “baby bonus” was deemed excessive by the national courts. The exclusion disproportionately impacted migrant families who, despite being long-term contributors to the local economy, were excluded from essential family support. The national courts emphasized that such exclusions were disproportionate and violated the ECHR principles of non-discrimination and family life. The Tribunal of Bergamo (Sez. Lavoro, est. Cassia, XXX (avv.ti Guariso e Lavanna) c. INPS (avv. Collerone), the Court of Appeal of Brescia, (ordinance of 30 November 2016, pres. est. Nuovo, INPS c. XXX) and the Italian Constitutional (judgment of 4 March 2022, n. 54) in their rulings found that discriminatory residency requirements were disproportionate to the aim of managing public resources

⁸⁷ This is the case, for example, with the so-called “bedroom taxis” in the United Kingdom, which the Court found to be contrary to Art. 14 and Art. 1 prot.1 (see *J.D. and A v. the United Kingdom* case, app. nn. 32949/17 and 34614/17, Judgment 24 October 2019).

⁸⁸ See ECtHR, *Tonchev and Others v. Bulgaria*, app. n. 56862/15, Judgment 13 December 2022. A municipal authority disseminated pejorative and hostile descriptions of the Evangelical denomination to schools, which the Court found to disproportionately interfere with the applicants’ right to freedom of religion. See also ECtHR, *Centre of Societies for Krishna Consciousness in Russia and Frolov v. Russia* app. no. 37477/11, Judgment 23 November 2021. Local authorities denied permission for public religious events, which was deemed a violation of Articles 9 and 14. See also ECtHR, *Assemblée chrétienne des Témoins de Jéhovah d’Anderlecht et autres v. Belgium*, app. n. 20165/2022, Judgment 05 July 2022. Jehovah’s Witnesses were denied tax exemptions granted to recognized religions, which was found to be discriminatory.

⁸⁹ See ECtHR, *K. and T. v. Finland*, app n. 25702/94, Judgment 12 July 2011; *Strand Lobben and Others v. Norway*, app. n. 37283/13, Judgment of 10 September 2019; *T.A. and Others v. the Republic of Moldova*, app. n. 25450/20, Judgment 30 November 2021. Most recently see *Savinovskikh and others v. Russia*, app. no. 16206/19, Judgment 9 July 2024.

⁹⁰ See ECtHR, *Z. and Others v. the United Kingdom*, app. n. 29392/95, Judgment 10 May 2001.

⁹¹ Similarly, while enforcing *Reslova v. the Czech Republic* (app. no. 7550/04, Judgment 18 July 2006) the reformed law has improved the cooperation with the local authorities in the enforcement of visiting rights proceedings.

parental visiting rights and the improper deprivation of liberty of minors placed in closed institutions, as in *A. and Others v. Bulgaria*⁹².

Procedural guarantees are equally indispensable. Municipalities must implement judicial decisions effectively⁹³; economic constraints cannot justify non-compliance⁹⁴. As repeatedly affirmed by the Court, the right to a fair hearing is illusory unless it results in enforceable and meaningful outcomes⁹⁵.

Beyond traditional fields such as public services and environmental regulation, local authorities are increasingly engaged in emerging areas with direct human rights implications. In education, for instance, their responsibility under Article 2 of Protocol No. 1 encompasses not only access but also equality and respect for parental convictions.

In the realm of good governance, municipalities are key actors in preventing corruption and ensuring transparent allocation of resources, in line with rights under Articles 6 and 10 and the principles of the rule of law. These areas may at first appear distant from the sphere of human rights but are, in fact, closely intertwined with them. Local mismanagement of public funds, non-transparent procurement processes or discriminatory allocation of housing or permits can undermine the rule of law and infringe on rights protected under the Convention, including the right to property⁹⁶ (Article 1 of Protocol No. 1), the right to a fair trial (Article 6) and the right to freedom of expression (Article 10), particularly where whistleblowers are involved. For this reason, local authorities are increasingly called upon to strengthen integrity frameworks, enhance transparency and cooperate with Council of Europe monitoring bodies such as GRECO and MONEYVAL.

Lastly, the growing use of artificial intelligence (AI) by local governments—in areas such as welfare distribution, predictive policing and public service automation—raises new challenges for human rights protection. The recently adopted *Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law* (2024)⁹⁷ provides a normative basis to address these challenges. Local authorities will need to carry out human rights impact assessments, ensure transparency and accountability of AI systems, prevent algorithmic bias and guarantee public participation in the governance of digital tools. These responsibilities are particularly relevant in light of Article 8 of the Convention (right to respect for private and family life) and the broader democratic values underpinning the Convention system.

The evolving digital landscape underscores the growing recognition of municipalities as key actors within a multilevel human rights architecture, a view increasingly endorsed by academic scholarship⁹⁸. Some authors⁹⁹ have argued that local governments are no longer just subjects of national administrative law, but emerging agents in the global human rights

⁹² See ECtHR, app. no. 51776/08, Judgment 29 November 2011.

⁹³ See ECtHR, *Ventorino v. Italy*, app. n. 357/07, Judgment 17 May 2011; *Dimitar Yanakiev v. Bulgaria*, app. n. 50346/07, Judgment 31 March 2016.

⁹⁴ See ECtHR, *Pennino v. Italy*, app. n. 43892/04, Judgment 17 November 2014.

⁹⁵ ECtHR, *Hornsby v. Greece*, app. n. 18357/91, Judgment 19 March 1997; *McCann v. the United Kingdom*, app. n. 19009/04, Judgment 13 May 2008.

⁹⁶ See ECtHR, *Dimitar Yanakiev c. Bulgarie*, app. n. 1152/03, Judgment 2 October 2009.

⁹⁷ Council of Europe Treaty Series - No. 225, Vilnius, 5 September 2024.

⁹⁸ B. OOMEN, M. DAVIS, M. GRIGOLO (eds.), *Global Urban Justice: The Rise of Human Rights Cities*, Cambridge University Press, 2016.

⁹⁹ B. OOMEN, M. BAUMGÄRTEL, *Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law Open Access*, in *European Journal of International Law*, Vol. 29, n. 2, May 2018, pp. 607–630.

architecture, while others¹⁰⁰ notes that the principle of subsidiarity creates a normative space for local-level decision-making, but with an obligation to respect Convention standards. This recognition has also found institutional support. As noted above, the Council of Europe's Congress of Local and Regional Authorities, along with the European Charter of Local Self-Government, has consistently promoted the idea that municipalities are not only duty-bearers but essential partners in ensuring the effective implementation of human rights. The *Human Rights Handbook for Local and Regional Authorities*¹⁰¹ similarly reflects this evolution, offering guidance on translating Convention principles into concrete practices at the municipal level.

Ultimately, the ECtHR's jurisprudence paints a nuanced and dynamic picture of multilevel rights protection, in which local authorities are called upon not only to refrain from rights violations but also to proactively ensure rights-compliant governance. By holding local actors accountable while also empowering them, the Court affirms that the Convention is most effectively realised when human rights are embedded into the everyday decisions of those closest to the people they affect.

In sum, the ECtHR's case law reveals a clear trend: local authorities are essential actors in the Convention system, with both the potential to uphold and to violate human rights. Their actions must be guided by principles of legality, proportionality, and non-discrimination. Embedding human rights standards in local governance is not only legally required but essential for the realisation of the ECHR's objectives in practice.

7. *Local Authorities and International Human Rights: Towards a New Paradigm of Accountability*

The previous discussion has illustrated how some local authorities are increasingly identifying themselves as human rights actors, contributing to the implementation of international standards and the advancement of human rights goals. However, this growing engagement also exposes significant legal and practical ambiguities. Chief among these is the unresolved and controversial issue of the formal *status* of local authorities under international law. Despite their expanding role in areas that directly affect the enjoyment of human rights—from housing and education to policing and migration—both international and European legal frameworks remain largely silent or ambivalent about their standing as duty-bearers in the international legal order.

The case law of the European Court of Human Rights (ECtHR) clearly reflects this tension. Local authorities are recognised as both crucial vectors for the realisation of rights and, at times, as the very source of violations. Their proximity to citizens and their administrative responsibilities make them indispensable in translating Convention standards into practice. At the same time, their actions—or omissions—can give rise to rights infringements with potentially far-reaching consequences. As it has been argued, this dual role situates local authorities within a shared responsibility model that characterises multilevel human rights governance¹⁰².

¹⁰⁰ A. MOWBRAY, *Subsidiarity and the European Convention on Human Rights*, in *Human Rights Law Review*, Vol. 15, n. 2, June 2015.

¹⁰¹ Council of Europe, *Human Rights Handbook for Local and Regional Authorities*, 2nd ed., Strasbourg, 2021.

¹⁰² O. DE SCHUTTER, *International Human Rights Law*, Cambridge University Press, 2019, pp. 110–114.

Nevertheless, international law continues to treat the State as the primary and indivisible subject of legal responsibility. As it has been underlined, even when wrongful acts are committed by sub-state entities, “international responsibility remains unitary¹⁰³”. This principle safeguards the coherence of international obligations but simultaneously obscures the complex reality of decentralised governance, where local authorities often exercise significant autonomous power.

There is growing debate in academic literature about whether this model remains tenable. On one side, some scholars advocate for a rethinking of the classical Westphalian paradigm to accommodate the realities of local governance. Some authors, for instance, have argued in favour of recognising local governments as “norm entrepreneurs” in the field of human rights, whose proactive role in areas such as refugee protection and anti-discrimination policies merits formal acknowledgement in international law¹⁰⁴. Other scholars remain sceptical and warn that attributing international legal personality or responsibility to local entities risks undermining the central accountability of the State and creating legal fragmentation. Furthermore, current international legal doctrine lacks a clear mechanism to attribute violations directly to local governments in a way that would be legally binding or enforceable at the international level.

Despite these limitations, there are mechanisms—particularly within the European Union—that point toward a more nuanced accountability model. Unlike the ECtHR system, which holds the State exclusively responsible, EU law operates through a doctrine of *direct effect* and *supremacy*, which allows for obligations under EU law to be enforced directly against local authorities. The jurisprudence of the Court of Justice of the European Union (CJEU) has consistently held that all levels of government, including municipalities, must comply with EU law, especially where they are implementing Union acts¹⁰⁵. This has led to a stronger culture of compliance and a clearer delineation of responsibilities across levels of governance¹⁰⁶.

Such a model could provide inspiration for strengthening local accountability in the broader international human rights regime. While replicating the EU’s supranational legal order may not be feasible globally, its approach offers useful lessons: namely, that embedding enforceable obligations at multiple levels of governance, backed by judicial oversight and direct effect, can enhance both legal certainty and human rights protection.

Moreover, institutional mechanisms are emerging that reinforce local responsibility within the Council of Europe framework. The Congress of Local and Regional Authorities has repeatedly called for greater local involvement in human rights implementation. Instruments such as the *Human Rights Handbook for Local and Regional Authorities* aim to translate Convention standards into operational guidelines. Yet, these remain soft-law tools, dependent on political will and capacity at the local level.

¹⁰³ C. RYNGAERT, B. HOLLY, *Member State responsibility for the acts of international organizations*, in *Utrecht Law Review* 2011.

¹⁰⁴ B. OOMEN, M. BAUMGÄRTEL, *Frontier Cities*, cit., pp. 607–630.

¹⁰⁵ CJEU, *Case 103/88 Fratelli Costanzo* [1989] ECR 1839.

¹⁰⁶ P. CRAIG, G. DE BÚRCA, *EU Law: Text, Cases, and Materials*⁷, Oxford, 2020, pp. 186–204; D. CHALMERS, G. G. DAVIES, G. MONTI, *European Union Law: Text and Materials*³, Cambridge, 2019, pp. 215–22; C. BARNARD, *The Substantive Law of the EU: The Four Freedoms*⁶, Oxford, 2019, pp. 111–116. These authors explore how the principles of direct effect and supremacy empower individuals and entities to invoke EU law against public authorities at all levels, thereby reinforcing multilevel accountability in the Union’s legal order.

A key limitation in practice is that many municipalities lack the resources, expertise or institutional culture necessary to fully assume a human rights mandate. Strengthening the human rights capacity of local administrations - through training, independent oversight and participatory governance - is therefore essential. The ECtHR has made clear that decentralisation does not absolve States of their international obligations: States cannot hide behind local structures to avoid responsibility. However, the question remains whether, in the future, local authorities themselves could bear some form of direct international responsibility, particularly in cases of gross or systematic rights violations.

Comparative constitutional studies suggest that the degree of decentralisation and the constitutional status of municipalities significantly influence how international obligations are internalised. For instance, in federal systems like Germany or Spain, local authorities often have constitutionally guaranteed powers that may conflict with or delay the implementation of international standards. Understanding these domestic legal variables is crucial to evaluating both the risks and opportunities for more direct international responsibility.

8. *Conclusion*

While international law continues to place primary responsibility for human rights compliance on States, recent developments suggest a gradual rethinking of this traditional model. In particular, the role of local authorities in implementing the European Convention on Human Rights (ECHR) is gaining both practical relevance and normative attention. The jurisprudence of the European Court of Human Rights increasingly reflects the reality that local actors are often the first point of contact between individuals and public power and thus key to ensuring that rights are effectively protected.

Yet, the growing role of municipalities and regions in this domain has not been matched by a clear framework of international responsibility. Local authorities remain legally invisible in most international instruments, even as they are being tasked with duties that directly impact the enjoyment of fundamental rights. The current situation exposes a gap between law and practice: local authorities are central to implementation, but peripheral in accountability. Moving forward, a more integrated approach is needed. Strengthening the capacity of local administrations, clarifying their obligations under human rights law and embedding accountability mechanisms at subnational levels should be considered priorities. Models from EU law - where local authorities are bound by supranational obligations - offer useful inspiration for rethinking this relationship in the Council of Europe context.

Ultimately, the protection of human rights in Europe cannot rest solely on the actions of central governments. A truly effective Convention system must recognise the role of local authorities not only as implementers but as responsible partners in a shared framework of accountability. This shift may not require a radical overhaul of international law but it does call for a more realistic and inclusive understanding of how human rights are realised in practice.