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# Do Local Authorities Take Human Rights Seriously? Lessons from the French Case

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## Abstract

The central government has the primary responsibility for the protection of human rights. However, several factors such as decentralisation raise questions about the role of local authorities in this area. Our paper examines this issue through an interdisciplinary approach, combining international law and political sociology. Our focus lies on the case of France, the “homeland” of human rights: do French local elected authorities always take human rights seriously? Our research design combines qualitative and quantitative methods. After providing a background of the international legal context, this paper will present the findings on human rights local perceptions and practices of elected representatives. Human rights’ perceptions of these subnational political actors strongly depend on their educational qualifications and personal commitments. The same applies to the hierarchy that they draw between fundamental freedoms, social rights, and environmental rights. By contrast, local practices in favor of human rights vary most importantly according to the local authorities’ status and demographic weight, rather than their political hue. When human and financial resources are scarce, the goodwill showcased by local elected representatives is not sufficient to foster the proper implementation of human rights.

## Keywords

Human rights, local authorities, practice, representation, international law, interdisciplinarity

## 1. Introduction

In 1958, ten years after the adoption of the Universal Declaration of Human Rights, Eleanor Roosevelt, co-author of the text, wondered: ‘Where, after all, do universal human rights begin?’ And she replied: ‘In small places, close to home – so close and so small that they cannot be seen on any maps of the world’.<sup>1</sup> Yet, is this actually the case? Are these rights present in those places where one would expect them the most, that is, at the closest to the people, at the local level? While traditionally silent on this issue, the United Nations has been looking at it with increasing attention in recent years: as decentralisation has gained momentum and strengthened the powers of local authorities in many States, the ‘localization’ of human rights has become the ‘new kid on the block’.<sup>2</sup> In the opinion of the Human Rights Council and the High Commissioner for Human Rights ‘there exists a clear and strong connection between human rights and local government’,<sup>3</sup> with local authorities being called upon to play a crucial role, especially for protecting the right to housing and the prevention of inequalities.<sup>4</sup> Similarly, at the European level, the Congress of Local and Regional Authorities of the Council of Europe urges the development of indicators in order to raise awareness of human rights at the local level,<sup>5</sup> while the Committee of the Regions of the European Union stresses the ‘strategic’ role of territorial authorities in this field.<sup>6</sup>

Therefore, supranational institutions now consider local authorities as actors capable to fill the gap that central governments leave towards the realisation of human rights and hence to increase the effectiveness, or even the enforceability, of these rights in the context of a multilevel governance. Nonetheless, ‘it becomes clear that, while local governments [can] enhance the relevance of human rights, human rights [could] also enhance the power of local governments’,<sup>7</sup> especially of global cities. This approach has prompted local authorities to launch transnational networks in the field of human rights, in some instances with the support of international institutions. The International Coalition of Cities Against Racism<sup>8</sup> was thus set up by UNESCO in 2004, with a view to combating discrimination. Likewise, as of 1998, the authorities concerned by the European Conference Cities for Human Rights expressed their desire to foster a culture of human rights at a local level. United Cities and Local Governments, the largest organisation of local authorities, includes a Committee on Social Inclusion, Participatory Democracy and Human Rights. Moreover, in the realm of environmental law and climate action, networks such as C40 Cities have proliferated.

As a result of such international promotion of the local relevance of human rights, the question arises as to whether the elected representatives of local authorities take these rights into account: are they always fully aware of their legal obligations in the field of human rights? Do they regard themselves as capable of fostering their implementation and do they integrate these rights into their local government activities? Ultimately, do local authorities take these rights seriously and put them into practice? This article explores the diversity of local authorities in terms of their administrative status, the dimensions of their territory and the size of their population. Elected local representatives, whose individual social and political background can be profoundly different, represent a large and composite population. Our main hypothesis is based on the existence of a causal relationship between, on the one hand, the features of local authorities and those of their elected representatives, and, on the

other hand, their perceptions and ways of implementing human rights. More precisely, we aim to evaluate the extent to which elected representatives' social background and trajectories prove to be decisive. We therefore analyze how personal dispositions towards promoting, defending or prioritizing human rights are activated in specific institutional contexts, depending on the size and political color of the local authorities.

Our focus is placed on France, which is often referred to as the 'homeland of human rights',<sup>9</sup> as it is one of the birthplaces of these rights: in 1789, the Declaration of the Rights of Man and of the Citizen was adopted there. As stated in its constitution, France is a unitary and decentralised State.<sup>10</sup> Whilst deconcentration constitutes only an adjustment of the unitary State which consists in transferring the power of the central State to local administrative districts deprived of autonomy and legal personality, decentralisation entails autonomous local authorities which administer themselves freely within the framework of the competences which have been transferred to them. While the principle of free administration was laid down as early as 1946,<sup>11</sup> French decentralisation has been achieved in a series of successive phases, first in the 1980s<sup>12</sup>, then in 2003-2004<sup>13</sup> and 2013-2015<sup>14</sup>. The most recent decentralisation act, which follows the « Yellow Vests » crisis, is the Act of 21 February 2022 on differentiation, decentralisation, deconcentration and on various measures to simplify local public action (the « 3DS » law) ; it aims to give more room for maneuver to local elected officials by strengthening their regulatory power in their area of competence ; it also seeks to improve access to rights: it establishes an experiment to fight against the non-use of social rights when a person is eligible to receive social benefits and has not taken the necessary steps to get these benefits.

In France, there exist three types of local authorities administered by elected councils: the municipalities, the departments, and the regions<sup>15</sup>; no hierarchy or supervisory powers exist amongst these three levels of authorities. These local authorities have been granted a variety of competences in the economic, social, cultural or environmental fields; the municipalities enjoy a 'general clause of competence' which enables them to take action whenever the local interest so warrants. There are also local authorities with special status (e.g. the metropolis of Lyon) and overseas local authorities<sup>16</sup>, but our study focuses on local authorities under ordinary law.

At the start of 2022, the population of French local elected representatives comprised 34,970 mayors, 503,305 municipal councillors, 4,031 departmental councillors and 1,922 regional councillors. In Europe, France is the exception when it comes to the multiplicity of local authorities, despite the trend towards mergers of municipalities.<sup>17</sup> By way of comparison, the number of local authorities in Germany was around 11,000 in the United Kingdom 10,000, in Italy and Spain 8,000, and in Belgium less than 600. The population of local elected representatives examined is therefore even more numerous and diversified.

This article is structured as follows. After clarifying the international legal obligations of local authorities in the realm of human rights (2), we argue for an empirical study of local elected officials' perceptions and practices of these rights in their globality. In so doing, we

emphasize the originality of our interdisciplinary approach amongst the existing literature in international law and political sociology (3). It then describes in greater detail the research design of our case study on French local authorities, which brings together qualitative and quantitative data and methods (4). This is followed by a presentation of our main findings, showing that local practices vary most importantly according to the local authorities' status and demographic weight, rather than political hue (5). We finally discuss the implications of this research and its main results for future work on local authorities and human rights (6).

## 2. The international legal context

According to international law, the State is regarded as a single and indivisible entity, i.e. as a body which is distinct from each of its organs amongst which the exercise of public powers is apportioned. This unity principle carries a double consequence which forms two sides of the same coin. The first consequence is that, in this setting, local authorities have, *per se*, no international legal existence: the State stands between them and the international system, including in the field of human rights. Under the European Convention on Human Rights system, the local authority is regarded as 'governmental organisation', taking part in the management of 'the collective rights in the general interest of its residents'.<sup>18</sup> The Court points out that this characterisation of 'governmental organisation cannot be held to refer only to the government or the central organs of the State. Where powers are distributed along decentralised lines, it refers to any national authority which exercises public functions.'<sup>19</sup> Consequently, a local authority cannot bring an individual action against the State to which it belongs.<sup>20</sup>

Nevertheless, there is a second consequence of this principle of State unity: in view of this principle, '[t]he conduct of any State organ shall be considered an act of that State under international law, [...] whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State'.<sup>21</sup> This principle is valid for both federal and unitary States<sup>22</sup>. Put differently, every authority, including a decentralised authority or a federated state, may engage the international responsibility of the State. In this respect, central and local authorities are on an equal footing. Although local authorities act *ultra vires*, i.e. exceeding their competence, the State shall be held internationally responsible for the violation of human rights.<sup>23</sup> Accordingly, under international law, whilst local authorities are embedded in the larger entity of the State, which is the general duty bearer for international human rights obligations, they also have their share of responsibility within this indivisible entity.

Hence, when a state transfers part of its powers to its local authorities, the latter must take steps to ensure that the international human rights obligations of that State are observed. These international obligations fall under the classic triptych of human rights, namely respecting, protecting and fulfilling the latter human rights. In other words, local authorities are required not only to actively refrain from violating human rights, but also to provide protection to individuals from violations of human rights by third parties (in particular private persons such as corporations) and to ensure that these rights are made effective. The European

Court of Human Rights has stressed these obligations of local authorities. In the case of *Oneryildiz v. Turkey*, it laid emphasis on the responsibility of the Istanbul Metropolitan City Council for violations of the right to life. At issue in this case was a methane explosion on the site of a rubbish dump located in a district of this Turkish city; a number of persons living in a shanty town near this dump had perished as a result of this accident.<sup>24</sup>

However, the central government itself has specific human rights responsibilities towards local authorities. Firstly, it has a duty to inform local authorities about human rights; this information must be precise, concrete and adapted to the local context.<sup>25</sup> It should also involve them in the development of national human rights policies, especially when the State is decentralised.<sup>26</sup> The central government must also establish a clear legal framework: for local governance of human rights to be effective and efficient, competences must be clearly distributed between central and local authorities.<sup>27</sup> Finally, the central government should ensure the legality of activities carried out at the local level.

Yet, over the past few decades, some local authorities, organised in associations or networks, have aimed to go beyond this classical legal framework established by States by developing their own transnational human rights instruments. For instance, in 2000, the European Charter for the Safeguarding of Human Rights in the City was adopted upon the initiative of several European cities such as Saint-Denis (France), Nantes (France), Barcelona (Spain) and Geneva (Switzerland). This was followed by the 2011 Global Charter-Agenda for Human Rights in the City, developed by the transnational association United Cities and Local Governments. Yet, it is the European Charter for Equality of Women and Men in Local Life that has gained the largest number of signatories: 1,912 local authorities had signed it by October 2022, including 310 in France.<sup>28</sup>

These transnational instruments are not, as such, legally binding on the local authorities that subscribe to them: they can be viewed as soft law in the broadest sense of the term. Their declared purpose is to prompt the signatory local authorities to adopt good human rights practices within their own territory, especially by preparing action plans in this field. Similarly, the emerging concept of “human rights cities” should be noted: a city ‘which is organized around norms and principles of human rights’<sup>29</sup> can qualify as such. The authority itself sets out ‘the scope of its commitments through a participatory process’.<sup>30</sup> Whilst this practice, like that of charters, may be regarded as a step forward in some regards, it nevertheless remains rather ambivalent and must be approached with caution: ‘[it] can result in stronger adherence to norms and rights that are self-proclaimed (...) however, there is a danger in letting governments choose the human rights which they will adhere to and prioritise’.<sup>31</sup>

### **3. Studying human rights and local authorities across their diversity**

Our study adds to a legal literature that is still in its infancy in the area of international law concerning these issues. Moreover, it extends as well as distinguishes itself from political sociology research addressing human rights through the prism of local authorities. In fact,

grasping the practices of human rights at a local level as a whole and in a wide variety of contexts remains an unprecedented exercise.

The issue of the local adequacy of internationally recognised human rights remains a *'terra incognita'*<sup>32</sup> in the legal literature. Whilst numerous works exist on the relationship between NGOs or companies and human rights,<sup>33</sup> the role that local authorities play in the preservation of these rights has remained largely unexplored.<sup>34</sup> The limited number of works in this subject predominantly focus on the prospects for mobilizing human rights to effect social change<sup>35</sup>. They do not examine the role of human rights in local public policy. Furthermore, existing studies generally deal with federal States<sup>36</sup> As stressed above, any internal authority is legally capable of engaging the international responsibility of the State in case of breach of a human right: the character of this authority - whether it is an organ of central government, a federated State or a local authority - is irrelevant from this standpoint. However, in a federal state, the autonomy of local government is larger ; in a decentralised state, power is delegated to local government by statute and the State can therefore take back powers if it wishes; in a federal state, on the other hand, the distribution of powers is laid down in the Constitution, which cannot be changed so easily. This can have consequences for the representation and practice of human rights at local level.

Furthermore, sociologists and economists analyse governmental discourses on human rights and their reception in a territorial context. They reveal that such discourses serve as a principle of legitimisation of national power. This applies to some of the European Union countries where reliance on human rights can help justify restrictive migration policies.<sup>37</sup> Nevertheless, discourses on human rights are not restricted to the governments of wealthy countries whose social achievements are most advanced: in some developing countries, appeals to these global standards help define some national political agendas.<sup>38</sup> Extensive surveys commissioned by international institutions, in particular the OHCHR, also provide wide-ranging comparisons concerning the implementation of human rights, on the basis of quantitative indicators.<sup>39</sup> These surveys, however, share three well identified shortcomings, including in some of the sociological work using them. Firstly, such indicators are conceived to underline the positive impact of the ratification of international treaties by national governments, viewed as rational actors.<sup>40</sup> Secondly, these indicators use quantitative data of questionable reliability. Indeed, the declarative nature of the material gathered by international institutions, most often from State representatives, raises questions.<sup>41</sup> Thirdly, placing the nation State as the analytical focus results in the neglect of sub-national variations and the implications of local actions to promote human rights.

Nonetheless, a great deal of sociological work sheds light on the role of local authorities in the realm of human rights. Saskia Sassen shows that the establishment of an international human rights regime represents a cause of destabilisation of hierarchies rooted in the nation State: the representatives of local authorities take part, at least to some extent, in a process of denationalisation by contributing, at the local level, to the development of practices associated with a global dynamic.<sup>42</sup> Yet, whilst the author observes a strong rise in the power of 'global cities' and their representatives, she hardly explores the conditions for human rights action by

these ‘global actors’, nor their contribution to their implementation at the local level. Looking at local governments approach and use of human rights, scholars gathered by Martha F. Davis, Michele Grigolo and Barbara Oomen highlight ‘the rise of human rights cities’ and the growing mobilization of these rights, especially through urban policies.<sup>43</sup> These analyses, however, are mainly concerned with international metropolises in developed countries, which are also the most involved into the ‘cities’ diplomacy<sup>44</sup> and the most likely to adopt a human rights-based approach in their strategies of international relations.<sup>45</sup>

Sally E. Merry addresses the gap between legal principles and practices in a wider range of contexts, focusing on the persistence of violence against women. She demonstrates that local policies vary greatly in their content and outcomes. She also shows that, regardless of the efforts deployed by the United Nations and non-governmental organisations, human rights standards are to be developed under local terms to ensure their acceptance and effectiveness.<sup>46</sup> Nonetheless, the above author primarily approaches these rights through the lens of the problem of gender-based violence and the corresponding categories of public action. Furthermore, her analysis revolves around the mobilisation of human rights activists, the local roots of the activists’ backgrounds, as well as the ‘transformative’ impact of their practices on the local organisations involved, having also been clearly brought out in other works.<sup>47</sup> Hence the interest in shifting the focus of our research from local activists to the local government officials towards whom they will target their demands. Their relations, which are sometimes adversarial, are examined in sectoral case studies on migration-related legal issues<sup>48</sup> or on the implementation of the right to housing.<sup>49</sup> As a result, many aspects of the human rights perceptions and practices of local elected representatives remain in the shadows and their diversity warrants being highlighted.

Following the path of the legal consciousness studies, the status of local elected representatives prompts us to consider them as important ‘actors of the law’ when compared to other more ordinary citizens. Our view is that the relationship of local elected representatives to the law is determined by their experiences of local government on a daily basis. This in turn contributes to the process of social building of legality,<sup>50</sup> including with regard to international human rights. Nevertheless, the aim of our study is to ‘situate the legal consciousness’ of local elected officials, but also to show its limits,<sup>51</sup> related to their personal characteristics and those of the local authorities they daily represent. This is achieved by surveying a large and varied population, through a research design rarely applied in the field of legal consciousness studies.

After having previously pointed out different types of particularly contrasted relationships<sup>52</sup> to human rights amongst local representatives, here the focus is placed on the most divisive perceptions and practices of these rights and their major socio-political determining factors. This involves considering sociological works on local elected representatives and the social logics involved in their selection. This research reveals, in France as in other national contexts, an over-representation of men over 50 years of age, executives and intellectual professions, as well as an under-representation of employees and workers.<sup>53</sup>

Furthermore, it is a known fact that these logics become more apparent as one moves up the political hierarchy: they more strongly characterise the elected representatives of regional or



departmental authorities and large urban areas than those of small municipalities located far from the urban centres.<sup>54</sup> Nonetheless, attention should also be given to the great diversity of the profile of elected representatives, which is in turn linked to the heterogeneity of the local authorities they represent. Based on existing academic works, it may be assumed that familiarity with the law varies amongst them, although such familiarity is likely to be higher than that of ordinary citizens.

#### **4. An interdisciplinary and mix-method research design**

The study of the perceptions and practices of local leaders in the field of human rights entails drawing together fields of study which are usually compartmentalised, whilst at the same time providing input for their own discussions. Therefore, our approach has been interdisciplinary, bringing together international law and political sociology. At the outset, the notion of human rights was conceived as defined by jurists as ‘all the rights and fundamental freedoms inherent in the dignity of the human person and which concern all human beings’.<sup>55</sup> More specifically, the rights recognised in the 1948 Universal Declaration of Human Rights and the two 1966 International Covenants<sup>56</sup> have served as reference instruments, in particular during the preparation of the preliminary talks, given their general and universal character (in view of the number of ratifications by States). Notwithstanding this initial terminological framing, it is worth emphasizing that, on the one hand, from a legal standpoint, human rights are subject to multiple interpretations; on the other hand, from a sociological perspective, stakeholders may have a differing approach to this legal concept: the definitions of human rights of local stakeholders and that of international law are likely to coincide as well as to differ. Representatives of local authorities can ‘either question the framing established by the lawyer, for example in order to propose a different one; or they can view that framing as being off the point’<sup>57</sup>: thus, they can put in place facilities for the homeless with no sense of acting in favour of human rights, and even more so of international law. Human rights and their appeal are not only for local actors a system of law: they are also a set of values and images of good governance that are more inspirational and aspirational than legally binding<sup>58</sup>. Given that the purpose of this research is to identify the perceptions and practices of local representatives with respect to human rights, it would have been contradictory to seek to narrow down the concept of human rights to the legal domain. Consequently, our approach involves outlining the contours of human rights as perceived by these local stakeholders. Moreover, it aims to determine the nuances of their conceptions and practices of these international rights, linked both to their individual backgrounds and to the characteristics of their local authorities. Amongst these institutions, the survey primarily targeted local elected representatives in their capacity as legal representatives and in light of their responsibilities in this capacity.

Initially, a series of interviews with representatives of local authorities of varied status, size and geographical location served to bring the categories of thought and action of local elected

representatives to light in their details and diversity. We conducted interviews with 20 elected representatives from September 2014 to June 2015. They do not only vary in terms of their mandates and functions, but also according to the local authorities' status, size and political hue. These representatives were approached based on the title of their delegation, often mentioning human rights for the largest cities. For the smaller municipalities, we contacted their mayors or social affairs delegates. Furthermore, local government managers could either be present at the meetings or they could be invited for interviews related to their tasks. Thus, six interviews were carried out with executives from the city of Paris or from regional metropolitan areas. Thus, the interviewees accounted for a variety of regions and demographic contexts: there are representatives from 'global cities' as well as from medium-sized and rural cities. We adopted a similar approach for the party to which they belong - and that of the political majority in place for those interviewees belonging to the local opposition - when no label is claimed, as is often the case in small municipalities in France. We interviewed the elected representatives and their agents on their knowledge of the legal reference texts relating to human rights, ratified by their local authority, and on the hierarchies and conflicts they envisage (or not) regarding defence of individual freedoms, social and cultural rights, fight against discrimination or environmental protection. We also asked them about the local policies and mechanisms that exist in their municipalities to foster the application of human rights and their evaluation, as well as the education of officials and ordinary citizens. We also discussed relations with trade unions or non-governmental organisations engaged in the defence of human rights. This allowed us to take a look at their political commitment, including outside the political field and, more generally, at their personal backgrounds. In this connection, we linked the degree of familiarity with human rights of elected representatives to the exercise, preceding their mandate, of professions, if not specifically legal, at least involving the exercise of legal formalities.

This set of interviews constituted a preliminary and necessary step in the making of a questionnaire intended to statistically assess the relationship between, on the one hand, the perceptions, and practices of human rights by elected representatives and, on the other, their personal characteristics and those of their municipalities. Our survey was completed online between September and October 2015. We sent an introductory email to mayors and departmental and regional councillors at institutional addresses listed in a national database. The Association of French Departments also forwarded the link to the questionnaire. The questionnaire was conceived in close relation to the results of the qualitative survey, both in terms of the order and the wording of the questions, to limit refusals and the drop-out rate amongst respondents. As we will discuss it later, interviews confirmed to what extent human rights are frequently viewed as a subject far removed from their daily concerns. We thus took up the topics raised in the interviews, trying to limit legal technicalities in the wording of the questions and the points proposed. Our goal was to address the knowledge and practices of reference texts in the field of human rights, while avoiding as much as possible that the situation of the survey could appear as an examination. We also looked at the range of local public action mechanisms that could be linked to human rights by the elected representatives interviewed. Additional questions made it possible to determine the characteristics of the participants' local authority of reference (bearing in mind that respondents could choose only

one local authority in the case of multiple mandates). Lastly, we listed the different mandates and functions of the elected officials, along with the aspects of their social and professional backgrounds that were most relevant about our hypotheses.

The analysis of the responses first entailed defining the scope of the sample. In this regard, the difficulties in characterising the reference population of French local elected representatives constitutes *a priori* an obstacle regarding representativeness, due to the limited information provided by the French *Répertoire national des élus* (National Directory of Elected Representatives). Moreover, our sample was limited to 500 participants who had adequately filled out the questionnaire; we initially selected them based on the information collected on the local authorities (size, status, political majority), and then on the details of the personal background of the elected representatives and their perceptions and practices regarding human rights. This shows an over-representation of elected representatives from municipalities with more than 10,000 inhabitants (15.2%) and from regions (5.4%) or departments (6.7%). The under-representation of elected representatives from small municipalities may be related from the outset to their lack of interest in a topic such as human rights.

Following this preliminary stage, it was possible to statistically process data from the quantitative survey with a view to assessing our hypotheses on human rights perceptions and practices and their determining factors. Two major sets of hypotheses were formulated, on the one hand, on the relationship between the conceptions and practices of local elected representatives regarding human rights and on their possible disconnection; on the other hand, on the explanatory factors of the practices and perceptions of human rights: we aimed at showing the extent to which they are linked to the personal background of the elected representatives, but also to the status and size of the local authority they represent and its human and financial resources. Three additional interviews with elected officials were conducted at the end of 2016. The combination of quantitative data processing with qualitative analysis of the interviews enabled us to enrich the interpretation of the main statistical results.

## **5. Results**

We found that the perceptions and practices of local elected representatives with regard to human rights are very heterogeneous. We also highlighted explanatory factors of these variations. Social and political background of local elected representatives strongly determine their perception of these rights. Nonetheless, the goodwill of the elected representatives most committed to human rights, who also have the legal knowledge to do so, is not always sufficient, due to the lack of financial and human resources to put it into practice. In fact, local practices in the realm of human rights largely vary depending on the status of the local authorities, which is itself partly related to their demographic weight as well as to their budgetary and institutional resources.

### ***Perceptions determined by the social and political background***

The interest of local elected representatives in human rights depends to a large extent on their level of education and their personal commitments, whether these relate to trade union or association activism. This is also true of their (in)satisfaction concerning local policies capable of assuring the effectiveness of human rights, as well as the hierarchies that elected representatives establish amongst these rights.

The majority of the local elected representatives interviewed through the questionnaire showed a generally positive attitude towards human rights, with 55.9% hoping that local policies would be more inspired by them. Yet, they showed a very uneven willingness to consider the social problems they encounter at the local level in legal terms. There appeared to be a certain distance from human rights, or at least from their legal materiality, which is widely shared. A majority of them see human rights as being something of a '*distant fantasy*', to use the expression of an elected representative from a rural municipality of less than 3,500 inhabitants<sup>59</sup>. Holding a PhD in public law, she considers human rights as a major issue and she draws on them in her understanding of local political problems, particularly environmental ones. Nonetheless, she stressed the gap between such a subject and the daily concerns of the members of the municipal council, particularly the mayor, a farmer. Indeed, she ironically stated that this mayor would feel more competent to address the rights of his cows. The elected representatives of small municipalities, mostly without a political label, may in fact feel a certain distance towards human rights, including when they are invoked by the local executive. This was also the case in an interview with the ecologist mayor of a 10,000 inhabitants' municipality in a touristic area on the Breton coast: he mentioned that he had been accused of 'blabbering' by a member of the previous centre-right majority after having quoted the concept of the right to a healthy environment and its recognition in international treaties during a meeting of the city council.<sup>60</sup>

The ability to tackle local government issues in legal terms and to develop local policies that make reference to human rights is greatly influenced by the education and professional background of elected representatives. The tendency to adopt a juridical approach, as a 'particular view of reality that tends to describe and explain social practices on the basis of their relationship to the rule of law which is supposed to generate them',<sup>61</sup> is most clearly observed amongst elected representatives who have worked as legal professionals. Nuances can also be observed amongst laymen, depending on their level of education: the elected representatives holding a Master's degree or a PhD (36.9% of those who responded to the questionnaire) were more likely to consider public problems such as the poverty of single-parent families, unequal access to cultural facilities or the rise in air pollution in terms of human rights. The level of education also conditions access to positions of power in leading communities. Yet the education of political elites, whether they have completed a specialised law course or a more general one, does play a role in legal socialisation in France as it does in other Western European countries.<sup>62</sup> There is thus a clear association between the level of education and the interest in law, which is reflected in the willingness to have specific training in human rights. Amongst the local representatives who responded to our questionnaire, holders of a master's degree or a PhD were much more likely to be interested in such training than others (56.2% versus 46.7%). Awareness of their legal responsibilities in terms of human

rights is also reflected in their choice of institutions as the primary guarantors of human rights: local elected representatives with a Master's degree or a PhD are more likely than their lesser-educated counterparts to place these local authorities in the front line of guaranteeing effectiveness of human rights (cf. figure 1).

The minority of elected representatives who regard local authorities as being primarily responsible for implementing these rights are also less often pleased with the policies implemented in their area to ensure their effectiveness than those who give priority to the national or international levels of government (31.4% as compared to 18.3%). Local representatives who declared dissatisfaction in this area were also a minority, but this dissatisfaction is strongly influenced by certain personal characteristics (cf. figure 2). This was particularly the case for an interviewed communist elected representative from a working-class municipality in the Paris region, who denounced *'the fact that State budgetary transfers have been reduced'* and *'wondered how to manage to defend the values of the city, in particular equal access to social rights for all, while having reduced resources'*.<sup>63</sup> In addition to an overrepresentation of women amongst those elected representatives who declared their dissatisfaction, the influence of the political background can be observed, including outside the party to which they belong. Involvement in trade unions or non-profit organisations is correlated with membership of a left-wing party, as with a high level of education or declared religious practice - given that the history of mobilisations against poverty and for access to social rights is heavily imbued with social catholicism<sup>64</sup>. All these personal features determine the formulation of social problems in terms of human rights. We thus interpreted this dissatisfaction with local policies aimed at remedying as a form of frustrated legal goodwill.

This dissatisfaction is also intricately linked to the perception of clashes between human rights, such as the right to housing *versus* the right to property in cities where the housing market is particularly under pressure, but also to the hierarchy established between these rights. However, for most elected representatives who consider individual and political freedoms as a priority (47.6%), such potential conflicts seem less obvious. A hierarchy between the several types of human rights therefore set the interviewed elected representatives apart: the ones who take these rights as seriously as possible tended to give priority to social and cultural rights, the combat against discrimination and the right to a healthy environment. However, this hierarchy is, once again, determined by the personal characteristics of the elected representatives. This was shown by a multinomial logistic regression, modelling the explanatory factors of priority given to individual freedoms, social and cultural rights, fight against discrimination or environmental rights (cf. table 1). The model first highlighted a significant correlation between the priority granted to the defence of social and cultural rights and female gender, being younger than 65 years-old and activism in trade union or non-profit associations. This is reflected in an interview with the socialist deputy for social affairs in a medium-sized town in the Vosges, characterised by her involvement in charities:

*'The most important rights for us are social rights, because there are people in a truly vulnerable situation, and we help them a lot. [...] Above all, the social aspect, the social rights, are the responsibility of the local authorities. A town council is very often the first authority to act in the field of housing. The mayor always used to say to us: 'Healthcare is the responsibility of the State!' But in the end, we also intervened, particularly with the implementation of local partnerships and contracts.'*<sup>65</sup>

This model revealed the clear influence of both gender and age of the elected representatives interviewed on the importance given to fight against discrimination. Some social mechanisms lie behind these characteristics, such as personal experiences of gender discrimination or inadequate access to public services, but above all to associative or trade union commitments. In a similar way, giving priority to the defence of environmental rights appears to be linked to the level of education, as well as to commitment to non-profit organisations. For instance, the Breton elected representative mentioned above, who holds a doctorate in sociology, insisted on the active role he plays in protecting the coastline (and, more broadly, the environment), which may involve the invocation of reference texts on human rights.

### ***Practices determined by the local authorities' characteristics***

Whilst perceptions of human rights are strongly linked to the personal characteristics of local elected representatives, those of local authorities are the most decisive determining factors in local government practices in this field. The capabilities of local authority representatives to act depend on the political affiliation of the majority in power, but also and more importantly on their status and their demographic weight. These latter factors heavily influence the human and financial resources available to ensure the effectiveness of these rights.

In general, the larger the size and status of local authorities, the more often human rights are included in their deliberations or administrative acts. It is the most prominent local authorities who view human rights as a '*clear guideline for action*', to borrow the expression used in an interview by the chief of staff of the Deputy Mayor of Paris in charge of gender equality. The representatives of the regions, departments or the elected representatives of large cities or municipalities forming part of metropolises are characterised by local government practices that are more expressly geared towards the defence of human rights and a more extensive application of legal instruments than those of small municipalities. As previously mentioned, the elected representatives of regions, departments or municipalities forming part of regional metropolises often have a higher level of education. Their personal characteristics and those of their communities thus combined to foster a tendency to legalism. The references to human rights in the deliberations or administrative acts of the local authority councils involved reflect this legalism. In contrast, the representatives of rural villages or towns hardly invoke human rights. This is shown by the following quote from an interview with an opposition councilor from a town of around 10,000 inhabitants, administrative center of a sparsely urbanised area of Burgundy:

*'The issue of human rights has never been directly raised in the six or seven meetings in which I have participated since March. Well, maybe just the last one, where the right to housing was brought up, which can come under human rights, but that was all.'*<sup>66</sup>

Sometimes advancement of human rights in small municipalities can be a matter of 'symbolic politics', whereby leaders tend to show voluntarism in terms of rhetoric as their ability to act effectively decreases.<sup>67</sup> For example, representatives of a municipality of approximately 7,000 inhabitants in a rural area of Charente-Maritime may wish to promote human rights by naming a roundabout *'Droits de l'Homme'*, in spite of the limited capacity of the local authority to strengthen the effective implementation of these rights (cf. figure 3). In fact, only 16.5% of the mayors of municipalities with less than 3,500 inhabitants interviewed through the questionnaire claimed to have put in place legal access mechanisms.

In contrast, the top-ranking local authorities can draw on much greater budgetary resources for the setting up and running of legal access mechanisms, often involving the funding of specialised associations. Moreover, a first logistic regression model (cf. table 2) highlighted two explanatory factors on the funding of non-profit organisations defending human rights: the status of the groupings to which the municipalities belong and the size of their population. For metropolitan or regional governments, human rights can also be used as resources, as political and legal arguments to support claims of activist groups whose elected representatives are familiar with. These civil society representatives are thus likely to act, in turn, as intermediaries with potential voters. Besides, a second logistic regression model revealed the differentiated tendency of local elected representatives to ratify international texts intended for local authorities, according to their size and political hue (cf. table 2). The elected representatives of small municipalities rely less on these legal instruments, as they contribute little to the negotiation at the supranational level at which these are drawn up. The charters and other reference texts frequently include references to the right to a healthy environment or to the combat against discrimination. And yet, their ratification is often coupled with a priority being given to these issues in the exercise of local government. While environmental rights can be the focus of action in small municipalities, this is less the case for the fight against discrimination. Local policies that target minorities, the causes of which often have little visibility in the local political arena, are thus relatively rare. The legal consciousness of elected representatives thus appears as socially, but also institutionally determined. In fact, the extent to which reference texts on human rights are invoked depends on the size of the local authority. For example, the socialist Deputy Mayor for Local Democracy, Women's Rights and Gender Equality in Strasbourg stated in an interview that she *'regularly brings up the international conventions on the fight against discrimination against women'* during the deliberations of the city council<sup>68</sup>. By doing so, she demonstrated her awareness of international legality, which is fostered by having recourse to such legal instruments.

The personal resources linked to the background of these elected representatives, as well as their institutional resources not only foster the knowledge and signature of international texts, but also the drawing up of local reference documents. In addition, the local authorities that

make use of such legal instruments related to the content elaborate action plans concerning their implementation. This particularly true for the signatory metropolises to the European Charter for Equality of Women and Men in Local Life, where special training are offered to the executive staff or street-level bureaucrat in matter of struggle against discrimination.<sup>69</sup> Local elected representatives at regional, departmental or municipality level in regional metropolises can rely on their administrative services to draw up and implement local political programs focused on the defence of human rights. These local elected representatives can also count on the greater number of trade unions and non-profit organisations in the areas where they are elected, and even on their personal ties with human rights associations, even more so when the latter are subsidised.

Furthermore, the ratification of international human rights texts, such as the funding of associations to foster their implementation on a local level, tends to be associated with a left-wing political majority<sup>70</sup>. This was illustrated by the statement made by the interviewed Socialist Deputy Mayor for International Relations at the Paris City Council:

*‘The political affiliation is not irrelevant. The city of Paris is constantly approached by associations, but when the municipality is of a left-wing political affiliation, it is even more so. Moreover, the elected representatives support certain causes more precisely, in line with their particular sensibilities. Anne Hidalgo [Mayor of Paris], for example, is particularly committed to supporting gender equality. This is something she embodies, and by embodying it, she furthers the cause.’<sup>71</sup>*

Nevertheless, left-wing elected representatives are not the only ones to demonstrate ‘their commitment to the spirit of human rights’, to quote from an interview with the Deputy Mayor for Social Affairs in Bordeaux<sup>72</sup>, who was part of the centre-right majority. She assumes that interest in texts aimed at fostering the effective implementation of human rights at the local level is dependent on the ability to put them into practice. In this respect, she is also endorsed by the aforementioned communist elected representative from the Paris region:

*‘It is pointless to sign a whole range of charters to show that we adhere to such and such a value if this is not backed up by action. It is important to know whether there is a political commitment on the part of the municipality to put in place action plans that will make it possible to change things.’<sup>73</sup>*

Therefore, the critical tone of such a discourse can be associated with the more restricted resources of a working-class suburban municipality as compared to a “global city” such as the Parisian capital to fulfil the commitments related to such legal instruments.

## **6. Conclusion and implications for future research**

This study on the perceptions and practices of local elected representatives in the realm of human rights in France is the first of its kind. It reveals that the reception of these rights by



local leaders is mitigated. Whilst local authorities are legally bound by human rights, the majority of French local elected representatives have little awareness of their responsibilities in this area. The perceptions that elected representatives have of human rights vary and are to a large extent conditioned by their own experiences.

The expression of an interest in these rights mainly depends on the level of education and personal commitments, whether these are trade unionism or charity activism driven by religious belief. Such commitments often place elected officials on the political left, but not exclusively. The winning of municipal mandates by the French ecologist party in May 2020 also calls for a refinement of the assumption that partisan and human rights commitments are linked. In contrast, local practices in support of human rights are primarily dependent on the status of the local authority, and therefore its demographic weight, as well as the economic, financial, human, legal or institutional resources available to it. To sum up, where resources are insufficient, the legal goodwill of local elected representatives is often not adequate to ensure the effective implementation of human rights. Therefore, it is the institutional variables that prevail, despite the fact that the personal resources will always influence access to the most central positions of local power.

Our findings run counter to an abstract approach often put forward in the political debate on the ‘universality of human rights’: whilst the role of local authorities in the protection of these rights is expanding, it is also far from being uniform. Hence, it is possible to note a certain degree of helplessness, or even a relative lack of interest, in the safeguarding of human rights in the small municipalities situated far from the urban centres. By contrast, the most important local governments strongly asserted the protection of these rights as a concern, especially amongst metropolises. It is thus as if their elected representatives are taking on the most legitimate legal forms to bolster their growing power as ‘global players’.

The question now arises as to the extent to which these findings regarding the French experience are found in other States. According to the UN Advisory Committee, a challenge to local governments that obstructs their implementation and promotion of human rights is shortage in institutional capacity and/or resources, due either to the lack of political will to enable local governments, or to the difficult economic situation in the country: ‘Though decentralization is potentially conducive to participatory democracy, citizen engagement, transparency and accountability, these positive features remain contingent on the existence of mechanisms and political will to implement democratic governance. Lack of the necessary resources and budgets to finance the implementation of projects and services at the local level undermines the ability of local governments and detracts from their legitimacy in local communities’.<sup>74</sup> Our study has confirmed that such difficulties may exist in France. In doing so, it calls for further work on comparisons with other States, especially those whose constitutional organisation is different, such as federal States. Indeed, the question remains as to the extent to which such factors as the legal division of powers at the national level have a bearing on the way in which international human rights are incorporated and implemented at the local level. In addition, we can also ask what role the central State plays in the perception of international human rights by local authorities. We hypothesise that local authorities would take these rights more seriously and invest at least some adequate resources if they had to

answer to the State rather than to a distant human rights infrastructure.<sup>75</sup> In France, none of the decentralisation acts includes a strong reference to human rights or a reminder of local authorities' obligations in this area. By contrast, in the United Kingdom, local councils are under a legal obligation to comply with human rights (mainly those listed in the ECHR) on the basis of the Human Rights Act 1998; a comparison between these two countries, in particular on the role of the central State, could thus be considered in future research.

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## Notes

<sup>1</sup> Eleanor Roosevelt, 'In Your Hands: A Guide for Community Action for the Tenth Anniversary of the Universal Declaration of Human Rights', March 27, 1958, United Nations (New York: Church Peace Union, 1958).

<sup>2</sup> Barbara Oomen, Martha F. Davis and Michele Grigolo (eds.), *Global Urban Justice: The Rise of Human Right Cities* (Cambridge: Cambridge University Press, 2016).

<sup>3</sup> Human Rights Council, *Role of Local Government in the Promotion and Protection of Human Rights – Final Report of the Human Rights Council Advisory Committee*, 17 August 2015, par. 26 (UN Doc. A/HRC/30/49).

<sup>4</sup> Office of the UN High Commissioner for Human Rights, *Local Governments Unite to Defend and Promote Human Rights* (2019: <https://www.ohchr.org/en/stories/2019/07/local-governments-unite-defend-and-promote-human-rights>).

<sup>5</sup> Council of Europe, Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles, Commissioner for Human Rights, on the Effective Respect for Human Rights in France Following his Visit from 5 to 21 September 2005* (CoE Doc. CommDH (2006) 2).

<sup>6</sup> European Union, Committee of the Regions, 'Opinion on the 'Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union' (2012: UE Doc. C 9/61).

<sup>7</sup> Michele Grigolo, 'Local Governments and Human Rights: Some Critical Reflections', *Columbia Human Rights Law Review* 49(1) (2017): 67-98.

<sup>8</sup> This organization has been renamed 'International Coalition of Inclusive and Sustainable Cities' in 2014.

<sup>9</sup> See Council of Europe, Commissioner for Human Rights, *Report by Mr Alvaro Gil-Robles*, 7.

<sup>10</sup> Art. 1 of the Constitution of 4 October 1958.

<sup>11</sup> Art. 87 of the Constitution of 1946.

<sup>12</sup> See the 'Defferre' Acts, in particular the Act of 2 March 1982 on the rights and freedoms of municipalities, departments and regions.

<sup>13</sup> See in particular the constitutional Act no. 2003 -276 of March 28, 2003, relating to the Decentralised Organization of the Republic.

<sup>14</sup> See in particular the Act of 27 January 2014 on the modernization of territorial public action and the affirmation of metropolises.

<sup>15</sup> See art. 72 of the French Constitution of 1958.

<sup>16</sup> *Ibid.*

<sup>17</sup> Gabriel Bideau, 'Les communes nouvelles françaises (2010-2019): une réforme territoriale silencieuse', *Annales de géographie* 728, no. 4 (2019): 57-85.

<sup>18</sup> ECtHR, Decision 23/11/1999, *The Municipal Section of Antilly v. France*, n° 45129/98.

<sup>19</sup> ECtHR, Decision 1/ 02/2001, *Ayuntamiento de Mula c. Espagne*, n° 555346/00.

<sup>20</sup> See also ECtHU, dec. 23/03/2010, *Dösemealti Belediyesi c. Turquie*, n° 50108/06.

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- <sup>21</sup> International Law Commission (ILC), *Draft articles on Responsibility of States for Internationally Wrongful Acts*, 2001; see also ICJ, Advisory Opinion of 29 April 1999, *Difference Relating to Immunity from Legal Process of a Special Rapporteur of the Commission on Human Rights*, Rep., 87.
- <sup>22</sup> See, for instance, about United States of America, International Court of Justice, Lagrand Case (Germany v. United States of America), Provisional Measures, Order of 3 March 1999, Reports 1999, p. 16, par. 28.
- <sup>23</sup> Human Rights Council, *Role of local government in the promotion and protection of human rights – Final report of the Human Rights Council Advisory Committee*, 17 August 2015, 6 (UN Doc. A/HRC/30/49).
- <sup>24</sup> ECtHR (Grand Chamber), Decision of 30.11. 2004, Case *Öneryildiz v. Turquie*, n° 48939/99.
- <sup>25</sup> Human Rights Council, *Role of Local Government in the Promotion and Protection of Human Rights – Final Report (...)*, *op. cit.*, p. 20, § 74.
- <sup>26</sup> Human Rights Council, *ibid.*, p. 7, § 21.
- <sup>27</sup> Human Rights Council, *ibid.* p. 5, § 14.
- <sup>28</sup> Catherine Le Bris, Pierre-Edouard Weill, ‘La Charte européenne pour l’égalité des femmes et des hommes dans la vie locale: Genèse transnationale et usages territorialisés d’un instrument de soft law’, *Annales de Géographie* 733-734, no. 3 (2020): 18-45.
- <sup>29</sup> Michele Grigolo, ‘Towards a Sociology of the Human Rights City. Focusing on Practice’, in Barbara Oomen, Martha F. Davis et Michele Grigolo (dir.), *Global urban justice (...)*, *op. cit.*, chapter 15, p. 277. See also Michele Grigolo, *The Human Rights City: New York, San Francisco, Barcelona*, (London: Routledge, 2019), p. 4, 5 and 6: ‘I understand the human rights city as practice developed within the ‘field’ of human rights’.
- <sup>30</sup> Cynthia Soohoo, ‘Human Rights Cities’, in Barbara Oomen, Martha F. Davis and Michele Grigolo (eds.), *Global Urban Justice*, chapter 14, p. 258.
- <sup>31</sup> Cynthia Soohoo, ‘Human Rights Cities’, *ibid.*, p. 258.
- <sup>32</sup> Conference of the Council of Europe Conference of Ministers responsible for Local and Regional Government, 17<sup>th</sup> Session, Kyiv, 3 - 4 November 2011 (CoE Doc. MCL-17(2011)11).
- <sup>33</sup> Janusz Symonides (ed.), *Human Rights International Protection, Monitoring, Enforcement* (London: Routledge, 2019); Jilles L. J. Hazenberg, ‘Transnational Corporations and Human Rights Duties: Perfect and Imperfect’, *Human Rights Review* 17 (2016): 479–500.
- <sup>34</sup> Barbara Oomen, ‘Frontier Cities: The Rise of Local Authorities as an Opportunity for International Human Rights Law’, *European journal of international law*. 29(2) (2018): 607-630.
- <sup>35</sup> Koen De Feyter, Stephan Parmentier, Christiane Timmerman and George Ulrich (eds.), *The Local Relevance of Human Rights* (Cambridge: Cambridge University Press, 2011).
- <sup>36</sup> Jonathan Miaz, Matthieu Niederhauser, Martino Maggetti, ‘From international law to subnational practices: How intermediaries translate the Istanbul Convention’, *Regulation and Governance* (2023); JoAnn Kamuf Ward, Sarah Paoletti, ‘Human Rights Developments at the State and Local Level in the United States: A Bird’s-Eye View’, *The Pennsylvania Bar Association Quarterly* 63 (2016): 63-74; Charlotte Ku, William H. Henning, David P. Stewart, and Paul F. Diehl, ‘Even some International Law is Local: Implementation of Treaties through Subnational Mechanisms’, *Virginia Journal of International Law* 60(1) (2019): 102–155; Judith Wyttenbach, ‘Systemic and Structural Factors relating to Quality and Equality of Human Rights Implementation in Federal States’, *International Human Rights Law Review* 7(1) (2018): 43–81.
- <sup>37</sup> Yasemin Nuhoglu Soysal, *Limits of Citizenship: Migrants and Postnational Membership in Europe* (Chicago: Chicago University Press, 1994).
- <sup>38</sup> Thomas Risse, Stephen C. Ropp, Kathryn Sikkink (eds.), *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).
- <sup>39</sup> E.g. the guide published by the OHCHR, presenting a series of indicators for measuring the implementation of human rights intended for governmental or non-governmental actors: <https://www.ohchr.org/en/instruments-and-mechanisms/human-rights-indicators>.
- <sup>40</sup> Emilie Hafner-Burton, Kiyoteru Tsutsui, ‘Human Rights in a Globalizing World: The Paradox of Empty Promises’, *American Journal of Sociology* 110, no. 5 (2005): 1373–1411; Wade M. Cole, ‘Human Rights as Myth and Ceremony? Reevaluating the Effectiveness of Human Rights Treaties, 1981–2007’, *American Journal of Sociology* 117, no. 4 (2012): 1131–71.

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- <sup>41</sup> Sally E. Merry, *The Seductions of Quantification: Measuring Human Rights, Gender Violence, and Sex Trafficking* (Chicago: University of Chicago Press: 2016).
- <sup>42</sup> Saskia Sassen, *A Sociology of Globalization* (New York: Norton & Company, 2007).
- <sup>43</sup> Barbara Oomen, Martha F. Davis and Michele Grigolo (eds.), *Global Urban Justice: The Rise of Human Right Cities* (Cambridge: Cambridge University Press, 2016).
- <sup>44</sup> Yves Viltard, 'Conceptualiser la diplomatie des villes. Ou l'obligation faite aux relations internationales de penser l'action extérieure des gouvernements locaux', *Revue française de science politique* 58, no. 3 (2008): 511-533.
- <sup>45</sup> Agnieszka Szpak, 'Human Rights Approach in Selected European Municipal Strategies of International Relations', *Journal of Contemporary European Studies* 31, no. 1 (2023): 169-183.
- <sup>46</sup> Sally E. Merry, *Human Rights and Gender Violence. Translating International Law Into Local Justice* (Chicago: The University of Chicago Press, 2006).
- <sup>47</sup> Kiyoteru Tsutsui, 'Human Rights and Minority Activism in Japan: Transformation of Movement Actorhood and Local-Global Feedback Loop', *American Journal of Sociology* 122, no. 4 (2017): 1050-1103.
- <sup>48</sup> Michele Grigolo, 'Human rights and cities: the Barcelona Office for Non-Discrimination and its work for migrants', *The International Journal of Human Rights* 14, no. 6 (2010): 896-914.
- <sup>49</sup> Pierre-Edouard Weill, 'Le droit au service des personnes défavorisées ? Les effets pervers de la mise en œuvre du droit au logement opposable', *Gouvernement et Action Publique* 2, no. 2 (2013): 279-302.
- <sup>50</sup> Patricia Ewick and Susan Silbey, *The Commonplace of Law. Stories of Everyday Life* (Chicago: University of Chicago Press, 1998).
- <sup>51</sup> Leslie B. Nielsen, 'Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment', *Law and Society Review* 34, no. 4 (2000): 1055-1090.
- <sup>52</sup> Catherine Le Bris, Pierre-Edouard Weill, 'Les élus locaux au défi de la protection des droits de l'homme : entre vœux pieux et ligne d'horizon', *Droit et Société* 111, (2022): 401-421.
- <sup>53</sup> Élodie Guérin and Eric Kerrouche, 'From amateurs to professionals: The changing face of local elected representatives in Europe', *Local Government Studies* 34, no. 2 (2008): 179-201.
- <sup>54</sup> Luc Rouban, 'Les sommets de l'exécutif urbain : les maires des villes de plus de 30 000 habitants entre 1983 et 2014', *Revue française d'administration publique* 154, no. 2 (2015): 377-390.
- <sup>55</sup> Jean Salmon (ed.), *Dictionnaire de droit international public* (Bruxelles: Bruylant, 2001).
- <sup>56</sup> International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights, 16 December 1966.
- <sup>57</sup> Catherine Le Bris (ed.), *Les droits de l'homme à l'épreuve du local. Tome 1. Les fondements : la confluence de l'universel et du particulier* (Paris: Mare et Martin, 2021).
- <sup>58</sup> Barbara Oomen, Martha F. Davis and Michele Grigolo (eds.), *Global Urban Justice*.
- <sup>59</sup> Interviewed by Pierre-Edouard Weill, September 2014.
- <sup>60</sup> Interviewed by Pierre-Edouard Weill, November 2016.
- <sup>61</sup> Jacques Commaille, Laurence Dumoulin and Cécile Robert (eds.), *La juridicisation du politique, Leçons scientifiques* (Paris : LGDJ, 2000), 18.
- <sup>62</sup> Debra J. Schleef, *Managing Elites. Professional Socialization in Law and Business Schools* (Oxford: Rowman & Littlefield Publishers, 2005).
- <sup>63</sup> Interviewed by Pierre-Edouard Weill, September 2014.
- <sup>64</sup> Zachary R. Calo, 'Catholic Social Thought and Human Rights', *The American Journal of Economics and Sociology* 74, no. 1 (2015): 93-112.
- <sup>65</sup> Interviewed by Pierre-Edouard Weill, April 2015.
- <sup>66</sup> Interviewed by Pierre-Edouard Weill, September 2014.
- <sup>67</sup> Murray Edelman, *The Symbolic Uses of Politics* (Urbana: University of Illinois Press, 1964).
- <sup>68</sup> Interviewed by Pierre-Edouard Weill, October 2014.
- <sup>69</sup> Catherine Le Bris, Pierre-Edouard Weill, 'La Charte européenne pour l'égalité des femmes et des hommes dans la vie locale: Genèse transnationale et usages territorialisés d'un instrument de *soft law*', *ibid.* p. 35.
- <sup>70</sup> See also Michele Grigolo, *The Human Rights City: New York, San Francisco, Barcelona*, (London: Routledge, 2019), in particular p. 180: the author shows that progressive local governments have been

especially receptive of civil and human rights, helping to turn their cities into laboratories for experimenting with human rights-based approach.

<sup>71</sup> Interviewed by Pierre-Edouard Weill, January 2015.

<sup>72</sup> Interviewed by Catherine Le Bris.

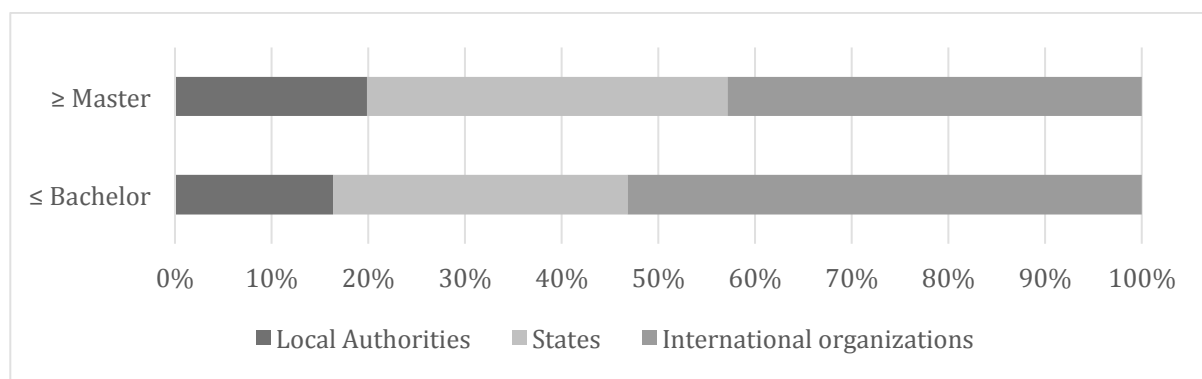
<sup>73</sup> Interviewed by Pierre-Edouard Weill, September 2014.

<sup>74</sup> United Nations, Human Rights Council, *Role of local government in the promotion and protection of human rights*, 32.

<sup>75</sup> See Adam Ploszka, 'From human rights to human wrongs. How Local Government can Negatively Influence the Situation of an Individual. The Case of Polish LGBT Ideology-free Zones', *The International Journal of Human Rights* 27, no. 2 (2022): 359–379. This article shows that the State can definitely steer local authorities' approach to human rights.

## List of figures and tables

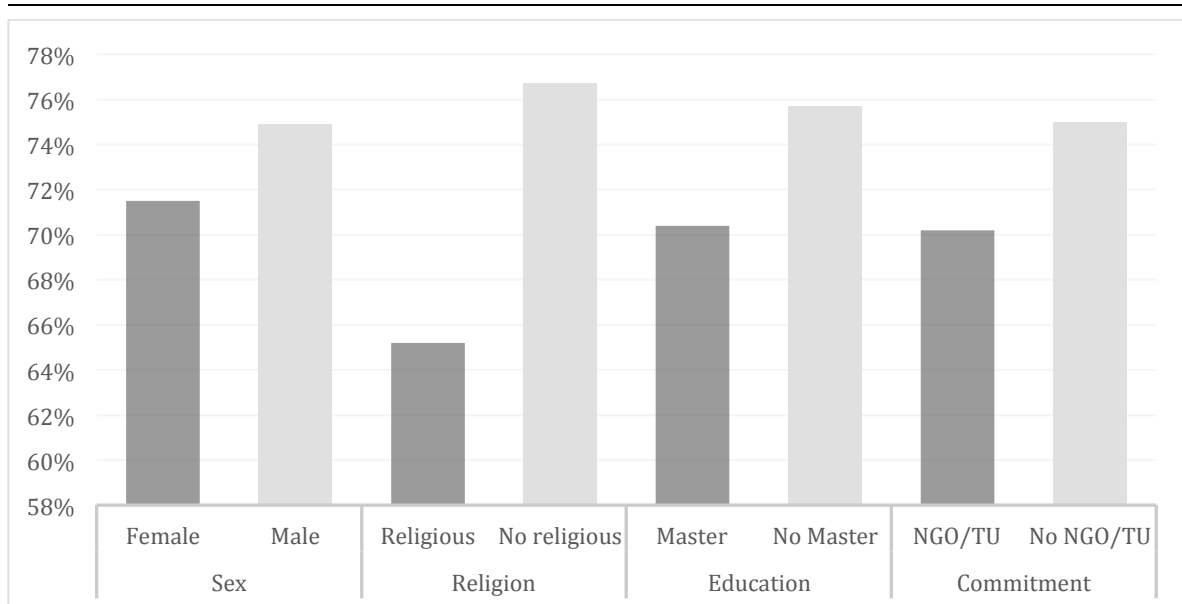
**Figure 1: Priority human rights institutions and local authority size**



Source: GLOCAL, 2015.

Interpretation: Amongst the local elected representatives who hold a master's degree or a PhD, only 42.8% consider international organisations to be the priority guarantors of human rights, as compared to 53.2% of elected representatives with a lower level of education.

**Figure 2: Satisfaction with local policies and personal features of elected officials**



Source: GLOCAL, 2015.

Interpretation: Amongst the local elected representatives, women are less likely than men to declare their satisfaction towards local human rights policies (71.8% against 75.1%).

**Table 1. Multinomial logit models on hierarchy between human rights (odd ratios)**

Variables		Social and cultural rights (37.8%)	Struggle against discrimination (9.4%)	Environmental rights (5.2%)
Sex	Male	ref.	ref.	ref.
	Female	1.560*	2.207**	1.131
Age	< 65	ref.	ref.	ref.
	> 65	1.257	3.925***	0.296
Degree	Master/Phd	ref.	ref.	ref.
	< Master	1.074	0.791	0.286**
NPO/TU	No	ref.	ref.	ref.
	Yes	1.824**	2.125*	1.893

Source : GLOCAL, 2015.

Interpretation: Compared to the majority of elected representatives who consider the defence of individual and political freedoms as a priority of local policies (47.6%), those who place priority on social and cultural rights are much more likely to be women and to be actively involved in a non-governmental organisation or a trade union.

\* P < 0.10 ; \*\* P < 0.05 ; \*\*\* P < 0.005.

**Figure 3 : « Rond-Point des Droits de l'Homme » in Saint-Pierre d'Oléron (France)**



**Table 2. Logistic regression models on funding for NGOs and ratification of legal texts**

Variables	Funding for NGOs	Text ratification
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		Coeff.	Odds ratio	Coeff.	Odds ratio
Status	<i>Communauté de communes (ref.)</i>				
	Communauté d'agglomération	0.357	1.429		
	Metropolis	0.501*	1.651		
Population	< 3 500 ( <i>ref.</i> )				
	3 500 - 10 000 inhabitants	0.094	1.098	0.014	1.014
	10 000 - 100 000 inhabitants	0.713*	2.040	0.666	1.946
	> 100 000 inhabitants	0.996**	2.708	3.158***	13.522
Political hue	<i>No hue (ref.)</i>				
	Left			1.775**	5.902
	Right			1.208*	3.347

Source : GLOCAL, 2015.

Interpretation: For the same population, the elected representatives of a municipality belonging to a metropolis are much more likely to fund an NGO advocating human rights than those whose municipality belongs to a community of municipalities.

\* P < 0.10; \*\* P < 0.05; \*\*\* P < 0.005.

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