

## **Re-imagining Human Rights Practice Through the City: A Case Study of York (UK) by Paul Gready, Emily Graham, Eric Hoddy and Rachel Pennington<sup>1</sup>**

### **Introduction**

Cities are at the forefront of new forms of human rights practice, which are moving away from singular, top down, state-focused strategies in favor of multi-dimensional, multi-actor, contextual and more bottom-up approaches. The York Human Rights City Network (YHRCN) is an illustration of this. In York, a participatory indicator project focusing on economic and social rights is being used to try and move away from state-led participation to community driven 'structured engagement'. (Marshall, Ward and Browne 2014). This approach, focusing on participation, everyday concerns, positive and enabling perspectives about rights, and socio- economic rights, speaks to the need to recalibrate human rights in the current global political context, for example of austerity, to make them relevant and fit for purpose. This represents a challenge for both mainstream city governance arrangements and human rights practice.

Governance refers to political and economic processes through which a range of private economic actors and sectors of civil society are incorporated into areas of policymaking and implementation which until recently had been seen as the responsibility of the state. Economic globalization and austerity are two driving forces behind such processes. It is within a setting of emerging and shifting governance frameworks that cities and local authorities have to assert their power.

### **York Human Rights City Network**

York is a town of just over 200,000 people situated in the north of England. In the nineteenth century, York's economy was dominated by the railways and confectionary and since the 1970s; it has become a service town, with a significant tourist industry and two universities (the University of York and York St. John University). York's modest size and relative economic prosperity when compared to larger, more industrial Northern towns, has made it a desirable place to live and study. Such pressures have driven up prices and inequality in the city. Among those affected by these inequalities is the city's minority ethnic population, which was 11 per cent of the total population in 2009.

Like other human rights cities, York built on its own particular history when

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seeking to give the label local content. This is a key element of localizing human rights in the concrete place and space of a city. Early on, research was undertaken into the history and culture of York, seeking to ensure 'frame alignment' with a positive narrative about the city. This positive narrative included five key elements: democratic innovation; philanthropy shaping local and national agendas; faith in the city; internationalism; and a strong commitment to social justice.

At an organizational level, two main features characterize the human rights city initiative. First, it has largely been driven by diverse individuals operating within an open membership. Second, the organizational form or constitution has evolved, and remained fluid. Central to the network's own governance has been the broader question of the city's governance – Which actors needed to be engaged with? What should be our relationship with the City Council?

A set of governance guidelines were agreed upon by the Steering Group on 19 December 2014. The guidelines established a Steering Group consisting of eleven people: the Chair, Network Coordinator and representatives from the following groups which will have permanent seats on the Steering Group: the Centre for Applied Human Rights, York CVS, International Service, and York City Council. A further five places are reserved for other individuals and organizations on a rotating basis (two year terms, with a maximum of two terms). The Chair and rotating members will be appointed by the Steering Group, through a yet to be determined application process. Beyond the Steering Group, individuals and organizations can become part of the network and there will be two meetings a year which are open to all members. Open meetings are presented as opportunities for debate about current issues, and for presenting the work of the network to a wider constituency.

Network discussions about organizational form and governance were underpinned by two important debates. First, the issue of how to relate to the City Council was resolved by providing it with a permanent seat on the Steering Group. As such, a model of collaborative governance was adopted.

Second, various proposals sought to balance leadership, in the form of an Executive or Steering Group of core actors, with democracy, and open meetings which would allow a broader range of actors in the city to hear more about the network and also shape its activities. (Minutes, 23 October 2013; Minutes, 19 November 2013; Minutes, 6 September 2014; Minutes, 6 November 2014). This governance model is more leadership-driven, and less democratic, than an earlier proposed model.

The vision and mission of the YHRCN translate into three objectives: to encourage practitioners and policy makers at a City level to use human rights law and principles to guide their work; to raise public awareness and generate debate about human rights issues through the arranging of public events; and to mobilize human rights to provide protection for vulnerable groups, both locally and as a form of

international solidarity.

The core elements of YHRCN's human rights approaching were as follows. First, a bottom-up, more locally-informed approach was adopted. For example, the network took as a point of reference the PANEL principles from a human rights-based approach to development (participation, accountability, non-discrimination, empowerment, and the law), as a process-based and localizing understanding of human rights practice, as well as the Human Rights Act. Second, the Network emphasized that human rights related to everyday concerns. Human rights is about the ordinary and on-going, and not just about spectacular events. Finally, the Networked focused on presenting a more positive/balanced view of human rights. Therefore, human rights are not just about protecting unpopular groups and causes, such as the due process rights of terrorist suspects or the rights of prisoners to vote (although it is in part about protecting such groups). It provides protection and a means of problem solving for all.

The aim of the network was to create a culture of human rights and to generate a counter-narrative to the prevailing one of threat and siege. Identifying locally relevant rights seemed a good way of sidestepping hostility towards the Human Rights Act, and demonstrating widespread support for rights when separated from the polarized debate surrounding the Act. The main vehicle for delivering this approach has been a participatory local indicator project, which brings together YHRCN's approach to city governance and human rights practice. In doing so, it draws on the work of Participation and Practice of Rights (PPR) in Belfast. (Marshall, Ward and Browne 2014). PPR's methodology moves from the local to the global, identifying local concerns based on lived experience, and then supporting people to translate these concerns into rights-based demands for change. Local concerns are mapped onto a relatively small number of indicators and benchmarks which communities themselves can monitor. Finally, there is an attempt to move from top down, state-led participation to community driven 'structured engagement'. This is based on the understanding that state-led opportunities for participation have significant limitations, and in particular routinely exclude the most marginalized from shaping public policy. Through structured engagement the community interacts with government agencies on its own terms, through the public launch of a campaign, annual reports on progress made against the indicators and benchmarks, etc. Conventional power relations are disrupted as communities identify their own priorities, set the indicators and benchmarks (that is, the types of change wanted and the speed of change sought), monitor progress themselves, and in the process build their capacity and seek to hold duty bearers to account. When resistance occurs, the anchoring of demands in national and international human rights adds legitimacy to local demands.

### **Implementing the Approach – The Indicator Project**

It was decided that a two-stage participatory approach would be employed, first to ask York citizens which five rights they felt were most important, and then to select

indicators linked to these rights. A group of students based at CAHR conducted the research to identify the five priority rights 'for York'. They carried out a survey on the streets of York and online and interviewed local NGOs working with disadvantaged minorities. In total, 453 surveys were completed, and 6 NGOs were interviewed. The five rights selected from a non-exhaustive long list of civil-political and social, economic and cultural rights were education, non-discrimination and equality, health, an adequate standard of living, and housing. Each secured over 200 'votes'. (Khachatryan et al. 2015).

During the indicator research there were again discussions within the Steering Group about balancing leadership and democracy, with an agreement that the Steering Group would 'retain some sort of final say to ensure we are focusing on rights with which progress can be made locally.' The second phase of participatory engagement consisted of five focus groups, one on each priority right, with relevant local civil society actors led by the Network Coordinator in May 2015. The focus groups were designed to start the process of identifying specific indicators linked to the five rights. At the end of 2014 YHRCN secured a grant from the Economic and Social Research Council Impact Accelerator Account which sought to embed the indicators developed in the culture, practice and policies of three members of the network: the City Council, York CVS and North Yorkshire Police. In the summer of 2016 training took place with the City Council and York CVS, and an initial set of indicators was agreed on - for each right a handful of indicators were identified (see Appendix 1), agreed on through consultation, expert input and the availability of data. YHRCN will publish a report annually documenting and analyzing progress against these indicators, starting with a baseline report in late 2016.

The YHRCN approach to indicators has four core elements. First, the Network decided to focus on a few priority rights, each with a handful of priority indicators, rather than attempting to develop more a comprehensive approach. Second, both the development of the indicators and their monitoring should be participatory – as such, tools will need to be owned by local residents and to be accessible and easy for people in the City Council and members of the public to use. Third, both qualitative and quantitative indicators would be selected. While numbers matter, and statistics can provide powerful advocacy and education messages, the Network was also interested in accessing and communicating the experiences of local people, which requires qualitative data and a focus on personal stories. At present most indicators are quantitative, and work is ongoing to generate stronger qualitative data. Fourth, 'structured engagement' with the City Council was facilitated by involving the Council in the development of the indicators, providing council workers with training about the indicators, yet making clear that the Network will both work collaboratively with the Council but also where necessary hold it to account.

The precise role the indicators will play remains work in progress. While likely to be of limited value in terms of day-to-day policy and practice (Council staff and civil society groups will have other, often more detailed, indicators guiding their work), the

legitimacy of the rights/indicators resides in the fact that they identify shared local priorities, and are linked to relevant legal instruments. In some ways they will play a role at city level similar to treaty ratification at a national level, in that they 'formalize good intentions'. The indicators represent a gesture or marker of intent, in this case for local government, civil society and citizens. It is also hoped that they will provide a platform or vehicle for dialogue between relevant stakeholders and for problem solving.

### **Challenges Facing YHRCN**

There are four general challenges facing YHRCN. The first challenge is, given the need to develop momentum, and even a movement, what is our audience – key policy and practice actors (the audience to-date); groups which are marginalized or discriminated against; target communities; or perhaps those adjacent to the converted, those interested in social justice and community issues but who do not as yet engage with human rights? Given prevailing multi-actor governance frameworks, the network needs to do more to reach out to businesses and the private sector. When holding events, one key lesson learned is that the network needs to use innovative, accessible venues to attract new audiences. Film festivals have been a successful tactic, especially when they use diverse venues for documentaries and short films.

A second challenge is how to relate human rights to the local and every day. One priority is to develop an evidence base for human rights protection and problem solving in this area. That said, if 'translation' of human rights to the local and existing mores is too effective, too complete, human rights loses its edge, its leverage for progressive change, and simply becomes a way of supporting the status quo. An important issue for the future is how and when to tackle unpopular issues and work with unpopular constituencies. An obvious constituency for the network to work with in York is the traveler community, which has three sites in York. Yet the Steering Group was advised by some community members early on not to start by working on such a divisive issue.

A third challenge is that as elsewhere, activists in York do not have to adopt a human rights frame. One alternative possibility is 'fairness and equality' as employed by the York Fairness Commission. A Fairness Commission was launched in July 2011 as an independent advisory body to the City of York Council, concluding with a report in September 2012. It aimed to look into how to make York a fairer place to live and work, developing a vision for York focused on challenging social and economic inequalities. Building on the Fairness Commission report and its recommendation to turn York into a Living Wage City, a Living Wage Coalition was formed in York in 2013. Actions taken by the Council have included extending the living wage to council staff and workers and resolving to take steps towards a living wage for apprentices. (Yorkshire Post 2014). The campaign for a living wage has gone national and achieved some gains at a national level.

Another alternative is a narrower frame, such as racial justice. A tension between human rights and racial justice emerged during three conversations on racial justice and human rights convened by the Joseph Rowntree Foundation (JRF) in 2014, involving York civil society groups. Advocates of a racial justice framing were concerned that their issue would get diluted or side-lined under a human rights framework, as they felt it had often been in the past in York. Supporters of a human rights frame argued that its strength was its breadth, including racial justice but also other concerns, and its ability to identify links between issues through analysis assessing indivisibility and intersectionality. A special meeting was convened purely to discuss framing tensions. (Minutes, 3 September 2014). This example speaks to a classic advocacy dilemma: how to link the specific and the general, and which strategy best achieves support and leverage with both those undertaking the advocacy and the targets of the advocacy.

A fourth and final challenge is to determine what a human rights city really is, and when it is appropriate to embrace the label. YHRCN has been driven by an elite group of actors – there is as yet no mass movement or ‘culture of human rights’ backing the initiative. These are outcomes to be worked for and championed, not preconditions to be ignored. As such, formal recognition seems premature, not to say presumptuous.

## **Conclusion**

Human rights cannot be fully effective in the United Kingdom until they are appropriated and adapted by local authorities and communities. (De Feyter 2006; Merry 2006: 227). A culture of human rights requires a general belief among society members that human rights are central to everyday lives and everyday problem solving. City-level work can play a role in developing this consciousness. The first element in creating a human rights city is the shift from state-based government to multi-actor governance. It is within this setting of emerging governance frameworks that cities and local authorities have to assert their power. Challenges facing human rights practice and implementation – localizing an international framework, addressing cultural difference and building rights as culture, and framing rights to reach desired audiences – play out in particular ways in cities. Cities provide particularly compelling ‘sites and stakes’ for multi-actor, multi- strategy activism, where issues such as austerity and hate crime become a reality in local settings.

York is the site of a human rights city campaign because of a particular confluence of history, politics and people, and the fact that this confluence set it against dominant trends in national political and human rights discourse. The focus on participation or structured engagement, everyday concerns, positive and enabling perspectives and socio-economic rights speaks to the need to recalibrate human rights in the current context of globalization and governance to make them fit for purpose.

