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LOCALISING SOCIAL RIGHTS: A NORMATIVE FRAMEWORK FOR LOCAL DEMOCRACY IN TIMES OF DISPLACEMENT AND RECONSTRUCTION IN EUROPEAN CONTEXT

This article examines the critical role of local self-government in securing social rights amidst displacement and post-conflict reconstruction, with a particular focus on Ukraine's experience within a broader European context. It analyzes the gap between national legislation, often designed for central governments, and the urgent imperative for local authorities to act on the ground, especially when millions are displaced by war or crisis. The research moves beyond traditional understandings of local democracy, integrating legal concepts of subsidiarity and decentralization to argue for an enhanced role for local councils in human rights protection.

Drawing on Ukraine's decentralization reforms since 2014 and its response to the 2022 full-scale invasion, the article demonstrates how local authorities can innovatively respond to challenges, even in the absence of clear national guidance or full financial autonomy. It introduces a novel question about "localizing" social rights, exploring how mayors and local councils can become primary actors in human rights protection, including for displaced persons.

This article demonstrates that local self-government plays a crucial role in advancing social rights amid displacement and post-conflict reconstruction, particularly within the evolving multilevel governance framework. Ukraine's decentralization reforms provide a compelling case of how domestic law can both reflect and challenge international legal standards, revealing persistent gaps and tensions in implementation. Strengthening local autonomy, therefore, is not only a matter of legal compliance but a necessary condition for fostering social inclusion and democratic resilience in fragile settings. The article constructs a doctrinal framework for future research, emphasizing the importance of human capital, social cohesion, and the dynamic interplay between central and local authorities in building a resilient, rights-based governance model, which is critical for Ukraine's European integration and the broader European space.

Key words: local self-government, social rights, decentralization, Ukraine, post-conflict reconstruction, human rights, displaced persons, European standards.

Мішина Н. В. ЛОКАЛІЗАЦІЯ СОЦІАЛЬНИХ ПРАВ: НОРМАТИВНА БАЗА ДЛЯ МІСЦЕВОЇ ДЕМОКРАТІЇ В ЧАС ПЕРЕМІЩЕННЯ ТА ВІДНОВЛЕННЯ В ЄВРОПЕЙСЬКОМУ КОНТЕКСТІ

Ця стаття досліджує роль місцевого самоврядування у забезпеченні соціальних прав в умовах переміщення та постконфліктного відновлення, з особливим акцентом на досвіді України в європейському контексті. Вона аналізує прогалину між національним законодавством, орієнтованим на державний рівень, та нагальною потребою органів місцевого самоврядування діяти на місцях, особливо коли мільйони людей втрачають свої домівки через війну чи кризу. Дослідження виходить за рамки традиційного розуміння місцевої демократії, інтегруючи правові концепції субсидіарності та децентралізації для обґрунтування посилення ролі місцевих рад у захисті прав людини. На прикладі реформ децентралізації в Україні з 2014 року та її реакції на повномасштабне вторгнення 2022 року, стаття демонструє, як органи місцевого самоврядування можуть інноваційно реагувати на виклики, навіть за відсутності чітких національних вказівок чи достатньої фінансової автономії. Вона ставить нове питання про «локалізацію» соціальних прав, розглядаючи, як мери та місцеві ради можуть стати первинними суб'єктами захисту прав людини, включаючи вимушених переселенців.

Стаття демонструє, що місцеве самоврядування відіграє вирішальну роль у просуванні соціальних прав під час режиму воєнного стану постконфліктної реконструкції, особливо в рамках розвитку багаторівневої системи управління. Реформи децентралізації в Україні є переконливим прикладом того, як національне законодавство може як відображати, так і кидати виклик міжнародним правовим стандартам, виявляючи прогалини та суперечності у їх впровадженні. Таким чином, перегляд повноважень органів місцевого самоврядування є не лише питанням ефективності їхньої діяльності, а й необхідною умовою для сприяння соціальній інтеграції та стійкості територіальних громад. Стаття пропонує базу для майбутніх досліджень, підкреслюючи важливість людського капіталу, соціальної згуртованості та взаємодії між органами державної влади та органами місцевого самоврядування для створення стійкої моделі управління, що є критично важливим для європейської інтеграції України та ширшого європейського простору.

Ключові слова: місцеве самоврядування, соціальні права, децентралізація, Україна, постконфліктне відновлення, права людини, переміщені особи, європейські стандарти.

The current situation highlights a critical problem for both scientific study and practical action. Many people in Europe have lost their homes due to war or other crises. Cities and towns, through their local councils and other bodies of local self-government, often play an important role in helping these people find housing, healthcare, and schools. These

services are not just basic needs; they are directly connected to human rights. Local authorities (or local self-government bodies) are frequently the first to respond to these needs 'on the ground', at the grassroots level. However, most laws and rights are created with national governments in mind. This creates a gap: local leaders must act, but they do not

always have clear rules or enough support to do so effectively.

This article aims to explore how local self-government bodies can support social rights during times of crisis and in the period after. It will examine the idea of local democracy as more than just holding elections. The study will also use important legal concepts such as subsidiarity and decentralisation. These ideas help explain why local councils should have a stronger role in protecting rights. Examples from Ukraine will be used to show how local authorities can work effectively during difficult times. This article does not present research results; instead, it builds a legal and political framework for future research.

Literature review. Many scholars write about decentralisation and human rights. However, they often work in separate academic fields. Legal experts focus on the law (see [1–2]), while political scientists study power structures and reforms (see [3–4]). Few attempts have been made to connect these different areas. This article aims to bring them together. It will ask how legal rules and local practices can work well together. It will also consider what kind of rules or support local governments need to protect people's rights, especially when national systems are weak.

The article also introduces a new question: What does it truly mean to “localise” a social right? This is not simply about giving money to local councils. It is about changing how we think about rights and who is responsible for them. Can a mayor or a local council become the primary actor in human rights protection? What are the legal implications of this? What does this mean for people who are displaced, such as refugees or those affected by war? These questions are new, but they are very urgent in today's world.

Ukraine serves as a valuable case study for understanding these issues. Since 2014, Ukraine has reformed its local self-government system, giving more power to communities. After the full-scale invasion in 2022, millions of people were forced to move. Local self-government bodies had to act quickly to respond. Some cities, towns and villages provided better help than others. Some made strong local decisions, even without clear guidance from the national government. These early experiences offer important lessons for how local democracy can develop during conflict. They also help us consider how to plan for peace and the return of displaced populations.

The main goal of the article is to develop a normative framework that explains how local self-government can protect and promote social rights during periods of displacement and post-crisis reconstruction, using Ukraine as a key example within a broader European context.

Legal Framework: Standards and Reality. Local self-government is important, when it comes about

the Council of Europe law. The European Charter of Local Self-Government (1985) declares that local authorities should manage a “substantial share of public affairs” and enjoy political, administrative, and financial independence, under the principle of subsidiarity [5]. These rights are enshrined in domestic law and, ideally, in constitutions. Local bodies must serve local needs efficiently, without oversight of expediency from higher levels [5].

Ukraine adopted this European approach in 1997 by ratifying the Charter, and in 2014 launched a major decentralisation reform. From 2015 to 2020, Ukraine saw the voluntary amalgamation of over 1 000 communities into strong local units, known as united territorial communities (hromadas), and local budgets rose sharply from UAH 68 bn to UAH 275 bn [3]. These reforms gave local self-government bodies responsibility for housing, welfare, education, registration, and administrative services.

The war after 2022 tested Ukraine's new local self-government system. Local officials had to support internally displaced persons, organise defence, repair infrastructure, and manage finances under martial law. Many hromadas responded quickly and innovatively to new challenges. This shows that local self-government can work under pressure. But it raises important questions: what is the legal framework for local social rights in times of crisis? How can local autonomy protect displaced people? These questions frame the normative challenge of local democracy and social rights in Europe.

In international law, the right to adequate housing and social protection is well recognized. For example, the European Committee of Social Rights has interpreted Article 31 of the European Social Charter as requiring effective local measures for housing and homelessness prevention [6]. Local councils often manage municipal housing, social shelters, and welfare programs. Yet, national laws may not formally assign these duties to local bodies. This gap can leave displaced families without clear legal protection at the local level.

In Ukraine, the Cabinet of Ministers issued a resolution in 2023 requiring hromadas to provide temporary housing and support for internally displaced persons (IDPs). Article 2 of this resolution tasks local councils with identifying housing needs, allocating community property, and cooperating with NGOs and UN agencies. However, local budgets and staffing often remain weak. Interviews with municipal staff show many local councils rely on volunteers or civil society for relief efforts. This creates a practical decentralisation - local self-government bodies act, but without full legal or financial autonomy.

Local democracy also involves participation. The concept of participatory budgeting has spread in Europe (e.g. Porto Alegre, Paris, Strasbourg). In Ukraine, several hromadas introduced partici-

patory budgeting in 2018–2019, giving residents voting power on local development [7, p. 140]. During the war, some communities continued this practice, including IDPs in the process. This shows that local democracy can include displaced people as rights-bearers, not just beneficiaries. It also shows how local social rights can be created together by citizens and institutions.

Beyond these examples, the war has also highlighted the varying capacities of Ukrainian hromadas. Some communities, especially those with strong pre-war leadership and established networks, were able to adapt more quickly and provide comprehensive support to their residents and IDPs. This difference in response often depended on local initiatives, rather than clear national guidelines. This suggests that the success of localising social rights is not only about formal legal frameworks, but also about the human capital and social cohesion within local communities.

Furthermore, the experience of wartime decentralisation in Ukraine has shown a dynamic interaction between central and local authorities. While the national government has provided some general directions, local councils have frequently taken the lead in developing specific solutions tailored to their unique circumstances. This “bottom-up” approach to crisis management, driven by immediate needs, has sometimes led to innovative practices that could inform future legal and policy reforms. It emphasizes the need for flexibility in national legislation to allow for local adaptation.

The challenges of reconstruction also bring new questions for local self-government. As displaced populations consider returning, and damaged infrastructure needs rebuilding, local authorities will face complex tasks related to urban planning, resource allocation, and ensuring equitable access to services. This period will require a strong legal basis for local social rights, ensuring that the needs of all residents, including those returning, are met fairly. The lessons from the initial crisis response will be crucial for building a more resilient and rights-based local governance model.

Finally, the ongoing process of Ukraine’s integration into the European Union adds another layer of complexity and opportunity. EU accession will require further alignment of Ukrainian legislation with European standards, including those related to local self-government and human rights. This provides a unique chance to embed the lessons learned during the war into a robust legal framework for local social rights, ensuring that local authorities are fully empowered and supported to protect their citizens’ fundamental rights in both normal times and during future crises.

Social Rights and Participation: Theory and Practice. Local self-government bodies play a

crucial role in realizing social rights, especially in fragile contexts. As Jennifer M. Dodge notes, decentralization “can enhance the responsiveness of public authorities to local needs, especially those of vulnerable populations” [8, p. 51]. This responsiveness is vital in post-conflict settings like Ukraine, where displaced populations face urgent social challenges. However, decentralization alone does not guarantee social justice; it requires meaningful participation and resource allocation at the local level to transform legal norms into real benefits for citizens [9, p. 12].

The principle of subsidiarity supports this approach by emphasizing that decisions should be made as closely as possible to the citizens affected by them. According to Arend Lijphart, subsidiarity is “a key mechanism for achieving both democratic legitimacy and effective governance” [10, p. 62]. In Ukraine’s decentralization reforms, subsidiarity underpins the transfer of powers to hromadas, aiming to empower local governments to address displacement challenges effectively. Yet, as scholars like de Sousa Santos argue, subsidiarity must be paired with “deep democratic engagement” to ensure marginalized groups, including displaced persons, are not excluded from decision-making processes (see more: [11]).

Moreover, the multidimensional nature of social rights calls for a multilevel governance perspective. Sabine Klocker explains that social rights “are best guaranteed when multiple governance levels cooperate, creating a legal and institutional framework that links international standards to local implementation” [12, p. 239]. This aligns with the European Charter of Local Self-Government’s requirement that local authorities have not only administrative but also financial autonomy to fulfill their obligations [5]. Ukraine’s experience, with its ambitious decentralization laws and international commitments, offers a rich case to explore how these theoretical frameworks operate in practice during times of crisis and reconstruction.

Effective local democracy depends not only on formal powers but also on the capacity of local governments to engage citizens meaningfully. According to Archon Fung, “public participation improves the legitimacy and quality of governance, especially in contexts of social vulnerability” [4, p. 520]. For displaced persons, who often face social exclusion, local councils and mayors must actively involve them in decision-making to ensure that social rights are met in practice. In Ukraine, decentralization reforms include mechanisms for citizen participation, but challenges remain in reaching marginalized groups displaced by conflict [13, p. 69].

The legal framework for local self-government must also reflect the realities of social fragmentation

and displacement. David Miller argues that social cohesion is essential for democratic legitimacy and must be “actively nurtured through policies that promote equality and social integration” [14]. Local authorities, empowered through decentralization, can serve as frontline actors in promoting social cohesion by guaranteeing access to housing, education, and employment for displaced communities. Ukraine’s reforms offer a test case where constitutional provisions and international obligations intersect with local realities of displacement and return (see [15, p. 168]).

Finally, international human rights norms provide an important backdrop for localizing social rights. According to Diane F. Orentlicher, “local governments are increasingly recognized as critical agents in implementing human rights on the ground” [16, p. 249]. The European Charter of Local Self-Government explicitly links local autonomy with respect for fundamental rights, suggesting a normative framework where local democracy and human rights protection are intertwined. Local self-government can be a powerful tool to address social rights challenges in times of displacement and reconstruction. However, it requires more than just legal provisions. Local authorities must have the resources and political will to act effectively. As scholars emphasize, multilevel governance depends on cooperation between different levels of government to ensure that policies are consistent and inclusive. Without this coordination, local initiatives risk being isolated or underfunded.

The Ukrainian experience illustrates both the opportunities and difficulties of localizing social rights. The 2014 decentralization reforms have expanded local powers, but the ongoing conflict and displacement create complex governance challenges. Local councils and mayors are on the frontline, tasked with integrating displaced persons and rebuilding communities. Yet, social rights are often under pressure due to limited budgets and competing political priorities. This gap between formal decentralization and practical implementation must be addressed to realize the full potential of local democracy.

Looking forward, further research and policy development are needed to support local governments in fragile contexts. International actors, including the Council of Europe, can play a role by promoting standards and offering technical assistance. Moreover, local governments should be recognized as key actors in human rights implementation, with their successes and challenges documented and shared across Europe. Strengthening local autonomy, while ensuring accountability and inclusion, is crucial for sustainable peace and social cohesion in post-crisis societies.

Conclusion. This article demonstrates that local self-government plays a crucial role in advancing

social rights amid displacement and post-conflict reconstruction, particularly within the evolving multilevel governance framework. Ukraine’s decentralization reforms provide a compelling case of how domestic law can both reflect and challenge international legal standards, revealing persistent gaps and tensions in implementation. Strengthening local autonomy, therefore, is not only a matter of legal compliance but a necessary condition for fostering social inclusion and democratic resilience in fragile settings.

Future research should further explore how local governments operationalize these rights in practice, especially in contexts of ongoing displacement and political instability. Comparative studies across different European jurisdictions would help clarify the conditions under which local democracy can effectively mediate between global norms and local realities. Such inquiry would contribute to refining normative frameworks that support sustainable decentralization and social justice in post-crisis environments.

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