

GLOBAL CHARTER-AGENDA FOR HUMAN RIGHTS IN THE CITY

SYNTHESIS DOCUMENT

Conclusions of the Experts Group

October 2008

Preamble

Whereas all human beings are endowed with the rights and freedoms recognized in the Universal Declaration of Human Rights (1948) and the international instruments that build upon it, in particular, the International Covenants on Economic, Social and Cultural Rights, and on Civil and Political Rights (1966) and other basic human rights treaties,

Whereas all human rights are universal, indivisible and interdependent, as indicated in the Vienna Declaration (1993), and reaffirmed in the Millennium Declaration (2000) and the Declaration for the 60th Anniversary of the United Nations (2005); and that therefore not only is the satisfaction of economic and social rights indispensable for the full exercise of political rights, but at the same time only the exercise of civil and political rights permits the participation in the decision-making mechanisms, in particular in the area of the redistribution of wealth that can lead to the achievement of economic and social rights,

Whereas the city is a basic political community in which all its inhabitants participate in a common project of freedom, equality in diversity, and development,

Convinced of the need to promote in our cities and territories a form of development that is sustainable, equitable, inclusive and respectful of human rights without discrimination; and of the need to act to extend democracy and local autonomy so as to contribute to building a world of peace and solidarity,

Whereas the mission of local institutions, through their actions and authority, is to apply this project and they must play a fundamental role in guaranteeing the effective exercise of the human rights of all their inhabitants,

Whereas citizenship, rights and responsibilities are firstly expressed at the level of the city,

GENERAL PROVISIONS

A. Objective

- The *Global Charter-Agenda for Human Rights in the City* aims to promote and strengthen the human rights of all the inhabitants of all cities in the world.

B. Scope of Application

- All Charter-Agenda provisions apply to all city inhabitants without discrimination. For purposes of this Charter-Agenda, all inhabitants are citizens without distinction to race, gender, language, religion, ethnic or national origin, social condition, political or philosophical opinion, age or sexual orientation.
- A city inhabitant is any person that lives within its territory with an intention of permanence, even if without fixed domicile.
- A “city” is defined as a local government of any size: urban agglomerations, regions, and metropolises, municipalities.
- “City” obligations listed in this instrument should be understood as the duties of local authorities and administration, in accordance with the powers they may have constitutionally recognized.

C. Values and Principles

The Charter-Agenda is based on the following values and principles:

- The dignity of every human being as a supreme value
- Freedom, equality, recognition of difference, social inclusion and justice
- Democracy and participation as the policy of cities
- The principle of the universality, indivisibility and interdependence of human rights
- The principle of cooperation and solidarity among all members of each city, as well as among all cities throughout the world
- The principle of social and environmental sustainability
- The principle of the shared and differentiated responsibility of the cities and their inhabitants, in accordance with abilities and means.

RIGHTS PROVIDED FOR AND AGENDA OF RIGHTS AND OBLIGATIONS

I. THE RIGHT TO THE CITY

1. All city inhabitants have the right to a city chartered as a local political community that ensures adequate living conditions for all persons, and provides good coexistence among all its inhabitants, and between them and the local authority.
2. The city offers all its inhabitants all available means to exercise their citizenship.
3. City inhabitants have the duty to respect the rights and dignity of other inhabitants and staff employed by the local community. Likewise they shall respect the laws, regulations and public property.

Suggested Action Plan

As a framework and summary of all rights provided for in this Charter-Agenda, the above right will be satisfied to the degree in which each and every one of the rights described therein are fully guaranteed. All things considered, the city must implement horizontal mechanisms of application, such as:

- a) Adoption and application of a human rights training program for local personnel including, if needed, the hiring of human rights specialists
- b) A participatory analysis or audit of human rights in the city, which would enable the undertaking of a status diagnosis.
- c) Periodic evaluation of the Charter in the framework of a public consultation
- d) A participatory local action plan in human rights matters, as a result of the previous analysis and evaluation.
- e) Creation of institutions, independent of the political authority, empowered to receive complaints and suggestions from the city's inhabitants and having inquiry and mediation functions.

II. RIGHTS OF PARTICIPATORY DEMOCRACY

1. All city inhabitants have the right to participate in political and city management processes, in particular:
 - a) To participate in the decision-making processes of local public policies;
 - b) To question local authorities regarding their public policies, and to assess them;
 - c) To a transparent and accountable city.
2. The city promotes the participation of its inhabitants in local affairs, ensures them access to information, and recognizes their ability to impact local decisions. Particularly favours the participation of women and minority groups.

The city promotes the exercise of all its inhabitants' civil, political, collective and individual rights. To this end, it facilitates the participation of civil society, including human rights advocacy associations, in the definition of policies and the implementation of measures aimed at making the rights of its inhabitants effective.

3. City inhabitants participate in local affairs in step with their abilities and means. They take part in decisions of their concern, and respectfully express their opinions towards other individuals

and groups. City inhabitants take on the local policy in terms of the common interest, for the benefit of the community.

Suggested Action Plan:

Short-term:

- a) Establish promotional measures for participation in electoral processes.
- b) Organize a representation of those city inhabitants who do not have the right to vote in local elections.
- c) Establish mechanisms to provide all city inhabitants with access to transparent and efficient public information. In particular, essential information should be published in the city's most common languages.
- d) Adoption of measures granting the freedom of movement and the ability to voice opposition when large public events are organized in the city.
- e) Annual publication of a clearly drafted summary of the city's budget and balance sheet.
- f) Establish a system of public premises for meetings of local entities, movements and associations
- g) Implement a local radio station

Mid-term:

- a) Establish a consultation process for the preparation of the budget.
- b) Establish a system of popular participation for the drafting of local projects, programmes and policies, including the city's master plan.
- c) Organize popular consultations open to all city inhabitants, when justified by the general interest issues presented.
- d) Adoption of a system to petition before the local authorities.
- e) Promote before the competent national and international authorities the legal recognition of the right of suffrage in local elections of all residents of the city, irrespective of their country of citizenship.

III. RIGHT TO PEACE AND SAFETY IN THE CITY

1. All city inhabitants have the right to the safety of their person and property against any type of violence, including that potentially committed by law enforcement agencies.

2. The city ensures the security and physical and mental safety of all its inhabitants, and takes measures to combat acts of violence, regardless of who the perpetrators may be.

The city is equipped with efficient and democratic law enforcement agencies, prepared to protect all city inhabitants without discrimination.

Furthermore, the city adopts measures to combat school and domestic violence and, in particular, violence against the most vulnerable groups, such as women, minors, the elderly and the disabled.

The city assumes its role in the management of social conflicts, to prevent friction between the different groups that live in the city turning into actual conflict, and fosters coexistence and dialogue among them.

3. In fulfilling their responsibility, city inhabitants act in a manner compatible with the promotion of everyone's safety. They respect the principles of non-violence, as well as the local law enforcement agencies that act in accordance with this Charter-Agenda.

Suggested Action Plan

Short-term:

- a) Prepare studies, surveys and safety maps to appraise the status of the issue and its perception by the citizenry, as a foundation for the drafting of a public safety policy.
- b) Start up a participatory process for the different approaches on improving safety across the city's different communities and neighborhoods.
- c) Granting of government credit facilities and financial aid, and provision of business premises for the local network that works in the neighborhoods most sensitive to safety problems.
- d) Opening of a weapons collection service.
- e) Specialized training for local police forces, on awareness of and respect towards the different social and cultural realities of the city, for interventions in sensitive neighborhoods.
- f) Specialist human rights training for local police forces.

Mid-term:

- a) Engage the different departments in charge of urban planning, parks and gardens, public lighting, police and social services, to adopt all-encompassing measures to make public and semiprivate areas safer and more accessible.
- b) Engage the respective national justice systems in the analysis of crime patterns, for purposes of decriminalizing those categories of minor offenses, petty crimes and antisocial behavior that are easier to combat with non-punitive measures which attempt to rehabilitate and integrate the offenders.

IV. RIGHTS OF CHILDREN

1. All of the city's children, whatever their gender, have the right to living conditions that enable their physical, mental and ethical development and to enjoy all the rights recognized by the 1989 International Convention on the Rights of the Child. In accordance with this Convention, a child is any person under the age of 18.

2. The city ensures all its inhabitants under the age of 18 decent living conditions, in particular, the opportunity to receive normal schooling.

3. In fulfilling their responsibility, city inhabitants act respectfully towards the rights of children.

Suggested Action Plan

- a) Establish a network of daycare centers and childcare equipment at reasonable prices, with a

balanced distribution throughout the city.

- b) Establish an alert network that enables the city to intervene in cases where persons under the age of 18 are at risk, particularly orphans, homeless children, child victims of sexual exploitation, HIV/Aids sufferers and those displaced by war.
- c) Opening of new reception centres for children, with healthcare, counselling and family relief services (including grandparents) where none exist, and strengthening of those existing.

V. RIGHT TO BASIC PUBLIC SERVICES

1. All city inhabitants have the right to a socially and economically inclusive city and, to this end, to access basic social services in acceptable technical and financial conditions.
2. The city creates, or promotes the creation of, quality and non-discriminatory public services that guarantee the following minimum items to all its inhabitants: training, health, housing, energy, water, and sufficient food, under the terms indicated in this Charter-Agenda.

The city takes the necessary measures to ensure a fair distribution of public services over its entire territory. Particularly, in countries with rapid urban growth, the cities must take urgent measures to improve the quality of life and opportunities of its inhabitants, especially those of less means as well as persons with disabilities.

3. City inhabitants use social services responsibly.

Suggested Action Plan

Short-term:

- a) Establishment of a social participation system in the monitoring of services rendering, especially with respect to quality, fee setting and front office operations. The participation system should give particular regard to the city's poorest neighborhoods, as well as to collectivities of persons with disabilities.
- b) Immediate abeyance, where existing, of the legal, administrative and procedural requirements that bind the provision of basic public services to the legal status of city inhabitants.
- c) Review of local procedures and regulatory provisions, to provide the low income persons with greater access to basic services.
- d) Careful observation of the needs of transients and other nomadic populations in the area of basic public services.

Mid-term:

- a) Establish efficient measures to make sure that private sector players who manage social or public interest services respect the rights guaranteed under this Charter- Agenda fully, and without discrimination. Contracts and concessions of the city shall clearly set forth its commitment to human rights.
- b) Adoption of measures to ensure that public services report to the level of government

closest to the population, with the participation of city inhabitants in their management and supervision.

VI. RIGHT TO EDUCATION, CULTURE AND DIVERSITY

1. All city inhabitants have the right to inclusive and ongoing quality training and education, and to enjoy culture in all its diverse expressions and forms.

2. The city stimulates creativity, supports the development and diversity of cultural practices, together with venues for the dissemination of culture and art, in particular, local public libraries.

In conjunction with other competent authorities, the city ensures the free and compulsory schooling of all children under the age of 16 living therein.

The city promotes training and ongoing education programs for adults.

In cooperation with cultural associations and the private sector, the local authorities promote the development of a cultural urban life.

The city ensures all its inhabitants access to communication services and tools. It promotes the learning of electronic and information technologies with free public workshops.

The city respects and protects the cultural diversity of its inhabitants, the only limit being their full respect towards the rules of coexistence and universally recognized human rights.

3. In fulfilling their responsibilities, city inhabitants act in a manner compatible with the commitments listed in matters of education, and respect the city's cultural diversity.

Suggested Action Plan

- a) Adopt measures to ensure access to primary education for all school-age city inhabitants.
- b) Adopt support measures for adult education and ongoing training, including vocational training.
- c) Expansion of a public library network throughout all the city's neighborhoods.
- d) Adopt measures to conserve, protect and sustain the city's cultural heritage, and its sustainable and respectful access by tourists and city inhabitants
- e) Plan for the creation, expansion or maintenance of quality recreational areas open to the public without discrimination
- f) Adopt measures to ensure universal Internet access.
- g) Careful attention to the needs of transients and other nomad populations in the field of access to education.

VII. RIGHT TO HOUSING AND ABODE

1. All city inhabitants have the right to:

- a) Decent and sanitary housing in a living area with features of urban centrality.
- b) Security of legal title over their home and plot of land
- c) Unconditionally take up abode
- d) Migrants have the right to needs-adapted settlement areas.

2. Cities, especially those with rapid urban growth, reconcile their approaches on land use and housing development, to adapt them to the economic, social and cultural needs of the majority of the population, particularly the most vulnerable groups.

Cities take measures to improve the regulation of the local housing market, for purposes of ensuring affordable options for the most vulnerable groups.

Cities combat spatial exclusion and segregation with interventions based on social inclusion and diversity.

Furthermore, the city recognizes the right to take up abode of all its inhabitants, by promoting the guarantee of their title of occupancy, in particular for the most vulnerable groups, and especially, for the inhabitants of informal settlements.

In collaboration with other competent authorities, the city takes appropriate measures to offer a decent provisional abode to homeless populations, as well as an adequate site for migrant populations. It allows the administrative abode of homeless people at care associations, in order to ensure that they benefit from social services, particularly health services, in the city.

3. In fulfilling their responsibilities, city inhabitants use their regular home appropriately and promote neighborly relationships. Owners of multiple homes bear in mind that, together with other types of income, housing has a social and environmental function.

Suggested Action Plan:

Short-term:

- a) Assess accommodation needs as a function of the city's population profile, and create or strengthen a local service to recognize them
- b) Assess the situation of informal settlements in the city, and dialogue with their players to secure their possessions and status, and improve their living conditions.
- c) Immediate stay of evictions that do not respect General Observation No. 7 of the Committee on Economic, Social and Cultural Rights, especially in informal settlements, and establishment of an alternative protection and accommodation system for evicted people.
- d) Expansion of public land by way of urban development, planning, and well-devised, area-based distribution in favor of the low-income persons.
- e) Opening of a local front office and readiness of local authorities to taken on board and work with migrant associations in the processes of negotiation and management of certain local policies and services.
- f) Careful attention to the housing needs of transients and other nomad populations.

Mid-term:

- a) Establish a procedure for land domain regularization that establishes timeframes and is non-discriminatory, especially with detriment to the most disfavored persons and groups. Involve the competent government in this procedure, where applicable. In the event of governmental delay or inaction, or risk of eviction, the inhabitants of informal settlements shall be entitled to legally demand the regularization of their housing.
- b) Adoption of a public or subsidized housing construction plan, affordable for low income persons, and a plan for the provision of decent shelters for the homeless.
- c) Enactment of the appropriate regulations to ensure full use of urban land, and of public and private property that is undeveloped, unused, underused or unoccupied, to fulfill the social function of property. Legislative action on a regional or national scale will be promoted when necessary.
- d) Adoption of a local regulation that ensures the accessibility of housing for the disabled, and establish an inspection plan in collaboration with affected groups.
- e) Adaptation of local regulations to provide for the enforceability of the right to housing.

VIII. RIGHT TO WATER, ENERGY AND FOOD

1. All city inhabitants have the right to potable water, sanitation, electricity and/or gas and appropriate food.
2. The city guarantees all its inhabitants equal access to energy, potable water, sanitation services, in adequate amounts and quality, regardless of their means or the geographical location of the user.

The city also guarantees all its inhabitants access to sufficient healthy and nutritional food, and that no person is deprived of food for lack of economic means. The city takes measures to mitigate and relieve hunger, even in cases of natural or other types of disasters.

The *access* mentioned in this section is to be understood from both a physical or material perspective (proximity) as well as economic (affordable price).

3. In fulfilling their responsibilities, city inhabitants consume water and energy in a manner that respects their conservation, and make appropriate use of facilities and equipment.

Suggested Action Plan

Short-term:

Adoption of a local ordinance, when competent to do so, that prohibits outages of water, gas, electricity and other energy sources for people in precarious situations with minimum consumption rates.

Mid-term:

- a) Establish a sliding-scale rate system which ensures that minimum consumptions of water and energy are practically free or very inexpensive, and which increases in step with consumption to penalize waste.

- b) Negotiate water and energy distribution terms with private operators, in the sense of guaranteeing the rights provided for under the Charter-Agenda.

IX. RIGHT TO THE ENVIRONMENT, TO PUBLIC TRANSPORTATION AND TO SUSTAINABLE URBAN DEVELOPMENT

1. All city inhabitants have the right to harmonious urban development, with balance among all neighborhoods, and adequate provision of public transportation, and to an ecologically sustainable city.

2. The city ensures that urban development is undertaken with harmonious balance among all its neighborhoods, which prevents social segregation.

The city takes the necessary measures to achieve a healthy urban environment, and makes particular efforts to consistently improve air quality, and reduce inconveniences caused by noise and traffic.

The city is equipped with an efficient mass transit system that reaches all neighborhoods in a balanced manner.

3. In fulfilling their responsibility, city inhabitants act in a manner that respects the conservation of the environment and public installations, including public transportation. The inhabitants also participate in collective community efforts to promote harmonious urban planning and sustainable development, for the benefit of current and future generations.

Suggested Action Plan

Short-term:

- a) Adopt measures aimed at raising awareness among city inhabitants of their responsibility in the processes of climate change and biodiversity destruction, and at determining the ecological footprint of the city itself, to identify priority action areas.
- b) Adopt preventive measures to combat pollution and the disorganized occupation of land and environmentally protected areas, including energy saving, waste management and reutilization, recycling, and expansion and conservation of green spaces.
- c) Adopt measures against corruption in urban development.
- d) Adopt measures to promote collective transportation services accessible to all the city's inhabitants.

Mid-term:

- a) Approval of an urban and inter-urban transit plan based on a public transportation system that is accessible, affordable and adequate for different environmental and social (gender, age and disability) needs.
- b) Installation of the necessary equipment in the transit and traffic system, and adaptation of all public or publicly-used buildings, work and recreational places to ensure access for the disabled.
- c) Review urban development plans to ensure that no neighborhood or community is

excluded or abandoned, and that they all have elements of centrality. Planning shall be transparent and organized based on priorities, with greater efforts on the most disfavored neighborhoods.

- d) Metropolitan, and potentially regional and national, planning in terms of urban development, public transportation and environmental sustainability.

FINAL PROVISIONS

X. Adoption of the Global Charter-Agenda, and entry into force or acceptance at each city

- The Global Charter-Agenda shall be adopted in ... (*to be determined*) following a wide and global participatory process.

- The Charter-Agenda shall become effective in each city after it goes through a consultation process that allows the inhabitants of the city to discuss it and adapt it to local conditions and to the national legal framework, and upon its acceptance by a qualified majority of the city assembly. The same mechanism shall apply for any review of the local Charter-Agenda.

- The Local Charter-Agenda adopted in this way will have maximum regulatory status at local level.

Y. Mechanisms of application:

- Cities establish an expert group or independent commission on human rights (where available, this role could be performed by the local ombudsman) to ensure local implementation of the Charter-Agenda. They may also determine a complaints or mediation procedure.

- Cities establish a consultation process to evaluate periodically the implementation and effects of the Charter-Agenda.

Z. Role of the city in the promotion of human rights on an international scale

- Cities commit themselves to promote transnational local cooperation both in general, as well as for the implementation of this Charter-Agenda and to encourage respect for human rights worldwide.

- Cities endeavor to collaborate, within their powers, in the drafting of mandatory state reports of the UN system for human rights protection.