

**EUROPEAN CHARTER FOR THE SAFEGUARDING
OF HUMAN RIGHTS IN THE CITY**

THE EUROPEAN CHARTER FOR HUMAN RIGHTS IN THE CITY

Addressed to the men and women of the city

Why, on the threshold of the 21st century, a European Charter for Human Rights in the City? The Declaration of Human Rights (1948) is universal. Has it not been reinforced and completed by many other undertakings which emphasise the protection of certain rights of varying extent? The European Convention (1950) offers what we call a legal guarantee. However, there exist many rights which are still not "effective" and the citizens find it difficult to see their way through the labyrinth of legal and administrative procedures.

How to give a better guarantee? How to act more effectively? How to ensure better public conditions for the private happiness of everyone?

This is where the City comes in.

Because everywhere, where the inhabitants of the rural areas continue their long march towards the cities and where these welcome large numbers of citizens in transit, but also and above all, foreigners who seek freedom, work and an exchange of awareness, the city has become the future of mankind.

The city is today the space for all kinds of meetings and, therefore, of all kinds of possibilities. At the same time it is the field of all contradictions and all dangers: in the urban space with its uncertain frontiers appear all those discriminations rooted in unemployment, poverty, the disdain for cultural differences, while at the same time civic and social practices of solidarity are sketched out and multiply.

City life today involves the obligation to define certain rights more clearly, because we live in the city, we seek work, we move about. It imposes also on us the recognition of new rights: a respect for the environment, the guarantee of sound food, tranquillity, possibilities of social interchange and leisure, etc.

Finally, in the face of the crisis which is shaking delegated democracy in the field of national States and in view of the unease which is stirred up by European bureaucracies, the city appears as the resource of a new political and social space.

Here is where conditions are opening up for a democracy of accessibility. The opportunity is there for all the citizens to participate in citizenship: a citizenship of the city. If every defined right belongs to everyone, then every citizen, free and supportive, must guarantee that right for all the others.

The commitment which we adopt here is addressed to women and men of our time. It does not claim to be exhaustive and its reach will depend on how the inhabitants of the city make it their own. It is presented as an outline answer to the expectations of the citizens which the cities create and reveal. This Charter will be situated, equally for

those who govern them, on the same subsidiary level of the city itself, as a set of points of support to claim their rights, recognise the occasional violations and put an end to them.

These points of support are offered as so many other opportunities to overcome the difficulties and reconcile logic, at times contradictory, which are implanted in the life itself of the city.

One will: to integrate the social links, in a lasting way, in the public area.

One principle: equality.

One objective: an increase in the political awareness of all the inhabitants.

The undersigned European cities:

Recognising that the Universal Declaration of Human Rights, the International Agreement on Civil and Political Rights, the International Agreement on Financial, Social and Cultural Rights, the European Convention for the Safeguarding of Human Rights and Fundamental Liberties, the European Social Charter and other international instruments of protection of Human Rights, apply to the inhabitants of cities as to any other person.

Remembering that Human Rights are universal, indivisible and interdependent, that all the public powers have a responsibility to guarantee them, but that their recognition and the mechanisms for the application are still insufficient, especially with regard to social, financial and cultural rights.

Convinced that the good administration of the cities requires the respect for and guarantee of Human Rights for all the inhabitants without exclusion, with the object of promoting the values of social cohesion and protection of the weakest.

Convinced, for these reasons, of the need for a European Charter of Human Rights in the City, which proclaims expressly, solemnly and understandably the public liberties and fundamental rights which are acknowledged for the inhabitants of the cities, and the undertaking of the municipal authorities to guarantee them, with respect to their competence and the powers they legally hold, according to the terms of the respective national legislations.

Inspired by the values of respect for the dignity of the human being, local democracy and the right to an existence which allows improvements in wellbeing and quality of life for everyone.

Adopting the stance of the European Charter of Local Autonomy, which tries to make the municipal administration more effective and bring it closer to the citizen, and following the recommendations of the Barcelona Compromise, signed on 17 October 1998 by the cities participating in the European Cities Conference on Human Rights, of improving the public collective space for all citizens without distinction of any kind.

They have decided, in common accord, to assume the following commitments.

PART I

GENERAL PROVISIONS

Art. I.- RIGHT TO THE CITY

1. The city is a collective space which belongs to all those who live in it, who have the right to find there the conditions for their political, social and ecological fulfilment, at the same time assuming duties of solidarity.
2. The municipal authorities encourage, by all available means, respect for the dignity of all and quality of life of the inhabitants.

Art. II.- PRINCIPLE OF EQUALITY OF RIGHTS AND NON-DISCRIMINATION

1. The rights contained in this Charter are recognised for all persons who inhabit the signatory cities, independently of their nationality.
2. These rights are guaranteed by the municipal authorities, without any discrimination with regard to colour, age, gender or sexual inclination, language, religion, political opinion, national or social origin, or level of income.

Art. III.- RIGHT TO CULTURAL, LINGUISTIC AND RELIGIOUS FREEDOM

1. The right of the citizens is recognised to exercise and develop cultural liberty.
2. All citizens have the right to exercise their linguistic and religious freedom. The municipal authorities, in collaboration with other administrations, act in such a way that boys and girls who belong to minority linguistic groups can study their maternal language.
3. Freedom of conscience and of individual and collective religion is guaranteed by the municipal authorities to all citizens. Within the limits of the national legislation, the municipal authorities do everything necessary to ensure such rights, overseeing this to avoid the creation of ghettos.
4. With respect to laic matters, the cities encourage mutual tolerance between believers and non-believers, as well as between the various religions.
5. The municipal authorities cultivate the history of their people and respect the memory of those who have died, ensuring the respect and dignity of the cemeteries.

Art.I V.- PROTECTION OF VULNERABLE GROUPS AND CITIZENS

1. The most vulnerable groups and citizens have the right to enjoy special measures of protection.

2. Disabled individuals are the subject of specific municipal assistance. Their dwellings and places of work and leisure must be adapted for them. Public transport must be accessible to everyone.

3. The signatory cities adopt active policies in support of the most vulnerable population, guaranteeing to each one the right of citizenship.

4. The cities adopt all the measures necessary to assist the integration of all the citizens, whatever the reason for their vulnerability, preventing the formation of discriminatory groupings.

Art. V.- DUTY OF SOLIDARITY

1. The local community is united by a duty of reciprocal solidarity. The local authorities participate in this duty, promoting the development and quality of public services.

2. The municipal authorities encourage the creation of networks and associations for solidarity among the citizens, and will control the correct carrying out of public duties.

Art. VI.- INTERNATIONAL MUNICIPAL COOPERATION

1. The cities promote mutual awareness of peoples and their cultures.

2. The signatory cities undertake to cooperate with local groups from developing countries in the sectors of urban facilities, protection of the environment, health, education and culture, and to involve in these the maximum number of citizens.

3. The cities particularly urge financial agents to participate in cooperation programmes and to make all the population become associated with them, with the purpose of developing a feeling of solidarity and full equality between the peoples which surpasses urban and national frontiers.

Art. VII.- PRINCIPLE OF SUBORDINATION

1. The principle of subordination which governs the distribution of competence between the State, the Regions and the Cities, must be permanently agreed to prevent the central State and other competent administrations from neglecting their own responsibilities in the cities.

2. This agreement has as its objective to guarantee that the public services depend on the administrative level closest to the people, in order to make them more effective.

PART II

CIVIL AND POLITICAL RIGHTS OF LOCAL CITIZENSHIP

Art. VIII.- RIGHT OF POLITICAL PARTICIPATION

1. All citizens have the right to take part in the local political life through free and democratic elections of local representatives.
2. The signatory cities are pressing for an extension of the right of active and passive suffrage in the municipal ambit to all the resident adult population which is not national after a period of residence in the city of two years.
3. Apart from the elections held periodically to renew the municipal governments, democratic participation is encouraged. To this end, the citizens and their organisations can access the public debates, interpellate to the municipal authorities over challenges which affect the interests of the local community and express their opinions, either directly through a “municipal referendum” or through public meetings and people’s action.
4. The cities, to safeguard the principle of openness and in accordance with the legislative ordination of the different countries, organise the system of government and the administrative structure in such a way as to make effective the responsibility of the governors to the citizens, as well as the responsibility of municipal administration to governmental bodies.

Art. IX.- RIGHT OF ASSOCIATION, MEETING AND DEMONSTRATION

1. The rights of the citizens to association, meeting and demonstration are recognised and guaranteed.
2. The local authorities encourage the associative life as an expression of citizenship, in respect of its autonomy.
3. The city offers public spaces for the organisation of open meetings and informal gatherings. It ensures free access to these spaces for everyone, with respect for the regulations.

Art. X.- PROTECTION OF PRIVATE AND FAMILY LIFE

1. The city protects the right to a private and family life and recognises that the respect for families, in whatever current form, is an essential element of local democracy.
2. The municipal authorities guard the family from its formation, without interfering in its internal life, and provide the members with facilities for access to a home and other similar opportunities. For this purpose they make available financial incentives for the more needy families and create structures and services for the assistance of small children and the elderly.

3. The municipal authorities develop active policies to oversee the physical integrity of members of families and encourage the disappearance of ill-treatment within them.

4. Always respecting the freedom of choice in educational, religious, cultural and political matters, the local authorities adopt all the necessary measures to protect children and young people, and encourage their education on the bases of democracy and tolerance and the possibility of full participation in the life of the city.

5. The local authorities create suitable conditions so that children can enjoy their childhood.

Art. XII.- RIGHT TO INFORMATION

1. The right of the citizens is recognised to have information of various kinds and from various sources in relation to the social, economic, cultural and local administrative life, limited by a respect for the privacy of the individual and the protection of small children and young people.

2. The municipal authorities offer the means by which the circulation of information which may affect the people is made accessible, effective and clear. For this purpose they encourage the learning of computer technology, access to it and its regular updating.

PART III

ECONOMIC, SOCIAL AND CULTURAL RIGHTS OF ACCESSIBILITY

Art. XII.- GENERAL RIGHT TO THE PUBLIC SERVICES OF SOCIAL PROTECTION

1. The signatory cities consider social policies as a decisive part of their policies for the protection of Human Rights which they undertake to guarantee within the limits of their competence.

2. The right of the citizens is recognised to have free access to the municipal services of general interest. For this reason the signatory cities oppose the commercialisation of the personal services of social support and watch to see that there exist basic services of quality at acceptable prices in other sectors of the public service.

Art. XIII.- RIGHT TO EDUCATION

1. The citizens have the right to education. The municipal authorities provide access to primary education for children and young people of school age. They encourage adult education in a context of accessibility and respect for democratic values.

2. The cities contribute to making available to everyone the spaces and educational, school and cultural centres, in a multicultural framework of social cohesion.

3. The municipal authorities contribute to increasing the level of citizenship through educational teaching, especially with reference to the struggle against sexism, racism, xenophobia and discrimination, implanting principles of tolerance and hospitality.

Art. XIV.- THE RIGHT TO WORK

1. The citizens have a right to enjoy sufficient resources, obtained through a worthy occupation which guarantees the quality of life.
2. The municipal authorities contribute, within their possibilities, to the obtaining of full employment. To make the right to work effective, the signatory cities encourage the matching of offer and demand for work, and promote the updating and retraining of the working population through continuous training programmes. They undertake activities accessible to unemployed people.
3. The signatory cities undertake not to sign any municipal contract without introducing clauses of rejection of illegal working, whether dealing with national or foreign working people, or those in a regular or irregular situation with respect to the national laws, as well as the rejection of child exploitation.
4. The municipal authorities develop, in collaboration with other public institutions and companies, mechanisms to ensure the equality of everyone at work, in order to impede any discrimination for reasons of nationality, sex, sexual choice, age or disability in matters of salary, working conditions, right of participation, professional promotion and protection against dismissal. They encourage equal access to work for women by establishing kindergartens and other measures, and for the handicapped by the installation of appropriate equipment.
5. The municipal authorities encourage the creation of protected jobs for those individuals needing to be reintroduced into the working world. In particular, the municipal authorities encourage the creation of jobs in the new areas of employment and in activities with a social benefit: services to individuals, the environment, social prevention and adult education.

Art. XV.- RIGHT TO CULTURE

1. The citizens have a right to culture in all its expressions, manifestations and modalities.
2. The municipal authorities, in cooperation with cultural associations and the private sector, promote the development of the urban cultural life with a respect for diversity. Public spaces are made available for cultural and social activities at the disposal of the citizens under conditions of equality for everyone.

Art. XVI.- RIGHT TO A HOME

1. All citizens have the right to a proper, safe and healthy home.
2. The municipal authorities endeavour to ensure the existence of an appropriate offer of homes and district amenities for all their inhabitants, without distinction by reason of their resources. These amenities must include structures of welcome for those who are homeless which will guarantee their safety and dignity, and structures for women who are victims of violence, particularly domestic violence, ill-treatment and for those who are attempting to escape from prostitution.
3. The municipal authorities guarantee the right of nomads to stay in the city under conditions which are compatible with human dignity.

Art. XVII.- RIGHT TO HEALTH

1. The municipal authorities encourage equal access for all citizens to medical and preventive services for health care.
2. The signatory cities, through their actions in the economic, cultural, social and town planning fields, contribute in a general way to the promotion of health for all their inhabitants, with their active participation.

Art. XVIII.- RIGHT TO THE ENVIRONMENT

1. The citizens have a right to a healthy environment which seeks compatibility between industrial development and environmental balance.
2. To this end the municipal authorities adopt, on the basis of the principle of precaution, policies of prevention of pollution, including noise, energy saving, refuse disposal, recycling, reusage and recovery, extending and protecting the green zones of the cities.
3. The municipal authorities put into practice all the necessary actions through which the citizens can appreciate, without degrading it, the countryside which surrounds and configures the city and so that they may be consulted over any changes which may alter this countryside.
4. The municipal authorities develop specific teaching with respect to nature, especially for children.

Art. XIX.- RIGHT TO HARMONIOUS AND SUSTAINABLE CITY DEVELOPMENT

1. The citizens have a right to an ordered town planning development which guarantees a harmonious relationship between residential areas, public services, amenities, green areas and structures destined for group usage.
2. The municipal authorities supervise the town planning and management with the participation of the citizens, especially in seeking a balance between urban factors and the environment.
3. In this context they undertake to respect the natural, historic, architectural, cultural and artistic heritage of the cities and the rehabilitation and reusage of the constructed heritage, in order to reduce the need for new building and its impact on the area.

Art. XX.- RIGHT TO CIRCULATION AND TRANQUILLITY IN THE CITY

1. The local authorities recognise the right of the citizens to have available a means of transport compatible with tranquillity in the city. To this end, they develop public transport accessible to all following a plan of urban and inter-urban movements. They control the automobile traffic and ensure its fluidity, respecting the environment.
2. The municipality rigorously controls the emission of all types of noise and vibrations. It defines the reserved areas for pedestrians in a permanent manner or at definite times of day for pedestrians and encourages the uses of non-polluting vehicles.
3. The signatory cities undertake to set aside resources for the necessary infrastructures to make these rights effective, where applicable having recourse to forms of financial cooperation between public entities, private business and general society.

Art. XXI.- RIGHT TO LEISURE

1. The local governments recognise the right of citizens to have free time available.
2. The local authorities guarantee the existence of quality leisure spaces open to all children, without discrimination of any kind.
3. The municipal authorities will make available active sporting participation and do whatever is needed for the necessary installations so that the practice of sport is available to all citizens.
4. The municipal authorities will encourage sustainable tourism and oversee the balance between the activity and the tourist return from the city and the social and environmental wellbeing of the citizens.

Art. XXII.- CONSUMERS' RIGHTS

Within the limits of their competence, the cities watch over protection of the consumers. To this end, and with reference to foodstuffs, they guarantee supervision and control of weights and measures, quality, the composition of products and the correctness of information, as well as the periods of valid usage.

PART IV

RIGHTS RELATIVE TO THE LOCAL DEMOCRATIC ADMINISTRATION

Art. XXIII.- EFFICIENCY OF PUBLIC SERVICES

1. The local authorities ensure the efficiency and effectiveness of the public services, and that these are adequate to the requirements of the users and watch to avoid any situation of discrimination or abuse.
2. The municipal authorities will have available instruments of evaluation of their municipal action and will take into account the results of this evaluation.

Art. XXIV.- PRINCIPLE OF OPENNESS

1. The signatory cities guarantee the openness of the administrative activity. The citizens must be able to know their political and administrative rights and obligations through publicity of the municipal regulations, which must be comprehensible and regularly brought up to date.
2. The citizens have a right to have a copy of those administrative acts of the local administration which refer to them, except where there are special obstacles or reasons in the public interest or in reference to other people's right to privacy.
3. The obligation of clarity, publicity, impartiality and non-discrimination in the action of the municipal powers is applied to:
The conclusion of municipal contracts, in application of a rigorous management of municipal spending.
The selection of officials and other municipal personnel, governed by the principles of merit and capacity.
4. The municipal authorities guarantee openness and rigorous control of the use of public funds.

PART V

MECHANISMS OF GUARANTEE OF THE HUMAN RIGHTS OF ACCESSIBILITY

Art. XXV.- LOCAL ADMINISTRATION OF JUSTICE

1. The signatory cities develop policies designed to improve the access of the citizens to Law and Justice.
2. The signatory cities encourage the extra-judicial resolution of civil, criminal, administrative and labour disputes, through the establishing of public mechanisms of reconciliation, settlement, mediation and arbitration.
3. In case of necessity, the municipal justice, exercised by magistrates - men of good repute - chosen by the citizens or the local government, has competence to settle in equity the disputes which affect neighbourhoods and the city administration and which are of the character of appeal.

Art. XXVI.- ACCESSIBILITY OF LOCAL POLICE

The signatory cities encourage the development of corps of highly qualified municipal police, to be officers of "security and of neighbourhood". These officers apply preventative policies against crime and act as a force for civic education.

Art. XXVII.- WARNING MECHANISMS

1. The signatory cities set up preventative measures, such as:
Social or district mediators, specifically in the most vulnerable areas.
The municipal Ombudsman or Defender of the People, as an independent and impartial institution.
2. To facilitate the exercise of the rights contemplated in this Charter and to submit the state of such facility to community control, each signatory city creates a warning committee made up of citizens entrusted with evaluating the application of the Charter.

Art. XXVIII.- TAXATION AND BUDGETARY MECHANISMS

1. The signatory cities undertake to draft their budgets in such a way that the provisions of income and expenditure allow the rights set out in this Charter to be made effective. For this they purpose they may establish a system of "participation budget". The citizens, organised in assemblies or sectors, or in associations, are able to express in this way their opinion over the financing the necessary measures in order to enjoy these rights.
2. The signatory cities undertake, in the name of a respect for the equality of all citizens before the public charge, not to permit the areas or activities which are under their competence to escape from legality in social, physical or environmental matters or of any other type; and that they will act in such a way that those areas of exception to legality which do exist disappear.

FINAL PROVISIONS
LEGAL VALUE OF THE CHARTER AND MECHANISMS FOR ITS APPLICATION

1. When this Charter has been adopted it will remain open for the individual signature of all the cities which adhere to its undertakings.
2. The signatory cities will incorporate into their local ordinances the principles and standards and guarantee mechanisms contemplated in this Charter and mention it explicitly in the legal reasoning for municipal actions.
3. The signatory cities recognise the imperative general right of the rights declared in the present Charter and undertake to reject and denounce any legal act, especially any municipal contract, the consequences of which obstruct or could be contrary to the exercise of the rights recognised, and to act in such a way that the other subjects of the right also recognise the superior legal status of these rights.
4. The signatory cities undertake to give recognition to this Charter through its express mention in all the municipal ordinances and regulations, as the primary legal standard binding the city.
5. The signatory cities undertake to create a commission entrusted to establish, every two years, an evaluation of the application of the rights recognised by this Charter, and to make such evaluation public.
6. The Meeting of the Cities Conference for Human Rights, constituted in plenary session of the signatory cities, will decide on the establishing of an appropriate follow-up mechanism to verify the proper reception and fulfilment of this Charter on the part of the signatory cities.

ADDITIONAL PROVISIONS

FIRST

The signatory cities undertake to act so that the national legislation of their States allows participation in municipal elections for non-national resident population, as set out in Article VIII.2 of the present Charter.

SECOND

In order to allow jurisdictional control of the rights contained in this Charter, the signatory cities undertake to request their States and the European Union to complete the constitutional declarations of Human Rights or the European Convention of Human Rights.

THIRD

The signatory cities will each prepare and start up their Agenda 21 Programmes, in application of the agreements adopted in the UNO Conference on the Environment and Development, held in Rio de Janeiro in 1992.

FOURTH

In the case of armed conflict, the signatory cities will watch over the maintenance of their cities' government with respect to the rights proclaimed in this Charter.

FIFTH

The signature of the individual person representing the city, present on the eighteenth day of May 2000 in Saint-Denis, is subject to ratification by the Municipal Council in Plenary Session, which may establish such reservations in the text as it deems appropriate.

Drafted in the city of Saint-Denis, on the eighteenth day of May, two thousand.