

The European Charter for the Safeguarding of Human Rights in the City

60th



ADDRESSED TO THE MEN AND



Why, at the beginning of the 21st century, is there a need for a European Charter for the Safeguarding of Human Rights in the City? The Declaration of Human Rights (1948) is universal. Has it not been adequately reinforced and finalised by countless agreements, which to a varying degree concern the protection of specific rights? The European Convention on Human Rights (1950) offers a legal guarantee. Despite this, there are many rights not yet realised and citizens find it difficult to find their way through the labyrinth of legal and administrative red tape.

How do we better guarantee these rights? How can we act more effectively? How do we create the right conditions for the personal wellbeing of everyone?

This is where the role of the city comes in.

Today, both for those inhabitants of rural areas who make the long march to the city, but above all for those foreigners who arrive seeking freedom and new experiences and looking for employment, to live here temporarily or permanently, it is clear that the city is now where the future of mankind lies.

The city today is home to all kinds of assemblies and, above all, a space for personal development. At the same time, it is the locus for contradictions, conflict and danger: The urban space with its anonymity on the one hand is a source of all types of discrimination rooted in unemployment, poverty, and disdain for cultural differences, while simultaneously municipal and social practices are appearing, which more and more build on the principle of solidarity.

City life today also demands that certain rights be more clearly defined. This is necessary, for it is here in the city we live, seek work and move around. This also obliges us to acknowledge new issues, such as respect for the environment, the guarantee of healthy food, the matter of tranquillity and the opportunity for social exchange and leisure, etc.

WOMEN OF THE CITY



And finally, in the face of the crisis facing elected democracy in the national states today and in view of the concern over European bureaucracy, the city emerges as a possible new political and social space.

Here exciting possibilities for an accessible democracy are emerging. All city dwellers will be able to participate in civic life and thus in citizenship. If all of the rights laid down below are for everyone, then each citizen must secure those rights for all others in freedom and solidarity.

The commitment which we undertake concerns all people of today. It does not claim to be exhaustive and the breadth of its application depends on how far the citizens make it their own. It is merely an outline response to the aspirations of those citizens, aspirations which arose in the cities. This Charter contains a set of points which will enable all citizens to access their rights, and local government, at the subsidiary level, to facilitate their delivery and to recognize and put an end to any violations of those rights.

This support should facilitate problem solving and clarification of any apparent contradictions integral to life in the city.

The intention

to facilitate integration into public life in the long term.

The principle

equality.

The objective

to raise the political awareness of all inhabitants.

THE UNDERSIGNED EUROPEAN CITIES

Recognise that the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, 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 all, whether inhabitants of cities or otherwise.

They acknowledge that human rights are universal, indivisible and interdependent and that all public bodies have a responsibility to guarantee them. They further recognize that the mechanisms for their application and protection are as yet not adequate, particularly with regard to social, financial and cultural rights.

They are convinced that good administration of cities requires respect for and a guarantee of human rights for all inhabitants without exception, with the object of promoting social inclusion and protection of the weakest.

They are therefore convinced of the necessity of a European Charter for the Safeguarding of Human Rights in the City, which expresses formally and clearly those rights and civil liberties to which all citizens are entitled and which in addition makes known the obligation of the city administration to guarantee those rights according to its powers within the national legal framework.

They adopt the stance of the European Charter of Local Self Government, which strives to make the municipal administration more accessible to the public as well as more effective. Moreover, following the recommendations of the Barcelona Agreement, signed on October 17, 1998, by those cities participating in the European Conference Cities for Human Rights, they aim to improve the collective public space for all citizens, with no exception.

They have therefore unanimously pledged commitment to the following:

Art. I RIGHT TO THE CITY

1. The city is a collective space belonging to all who live in it. These have the right to conditions which allow their own political, social and ecological development but at the same time accepting a commitment to 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 apply to all persons who inhabit the signatory cities, irrespective of their nationality, henceforth known as "citizens".
2. These rights are guaranteed by the municipal authorities, without any discrimination with regard to colour, age, gender, sexual orientation, language, religion, political opinion, ethnic, national or social origin, or level of income.

Art. III RIGHT TO CULTURAL, LINGUISTIC AND RELIGIOUS FREEDOM

1. All citizens have the right to exercise their cultural, linguistic and religious freedom. The municipal authorities act, in collaboration with other administrations, to ensure that children who belong to minority linguistic groups can study their mother tongue.
2. Freedom of conscience and individual and collective religious freedom are guaranteed by municipal authorities to all citizens. Within the limits of national legislation, the municipal authorities must take all necessary steps to ensure such rights, and at the same time are called upon to safeguard against the creation of ghettos.
3. With regard to secular matters, the cities encourage mutual tolerance between believers and non-believers, as well as between the various religious communities.
4. The municipal authorities are to preserve the history of their people and respect the memory of those who have died, guaranteeing to uphold the dignity of cemeteries.

Art. IV PROTECTION OF THE MOST VULNERABLE GROUPS AND CITIZENS

1. The most vulnerable groups and citizens have the right to enjoy special protection.
2. The authorities shall take all necessary steps to help the disabled to fully integrate in the life of the city. 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 of the population, guaranteeing each one the right of participation in civic life / citizenship.
4. The cities adopt all the measures necessary to assist the social integration of all citizens, regardless of the reason for their vulnerability, thereby preventing discrimination against them.

Art.V DUTY OF SOLIDARITY

The local community is united by an obligation to mutual solidarity which is supported by the local authorities. The latter are engaged in promoting the development and quality of public services.

Art.VI INTERNATIONAL MUNICIPAL CO-OPERATION

1. The cities promote mutual awareness of peoples and their cultures.
2. The signatory cities undertake to co-operate with regional and local authorities from developing countries in the areas of infrastructure, protection of the environment, health, education and culture, and to involve the maximum number of citizens.
3. The cities particularly encourage financial agents as well as the population at large to participate in co-operation programmes, with the purpose of developing a feeling of solidarity, eventually achieving full equality between peoples, which transcends urban and national frontiers.

Art.VII PRINCIPLE OF SUBSIDIARITY

1. The principle of subsidiarity which governs the areas of responsibility of the state, the regions and the cities, must be constantly negotiated and managed in a new and vigilant way to prevent the central state and other competent administrations from neglecting their own responsibilities in the cities.
2. These negotiations should guarantee that public services operate more efficiently and on the administrative level closest to the people.

Art.VIII RIGHT OF POLITICAL PARTICIPATION

1. All citizens have the right to take part in local political life through the free and democratic election of local representatives.
2. The signatory cities wish to see the right of municipal suffrage extended to the entire adult resident non-national population who have resided in the city for more than two years.
3. Democratic participation is generally encouraged outwith the times of those periodic elections necessary for the election of municipal governments. To this end, citizens and their organisations can access public debates, direct enquiries to the municipal authorities over issues concerning the regional and local authority, and express their opinion either through a "municipal referendum" or through public action and meetings.

4. In keeping with the principle of openness and in accord with the legislative regulations of their respective countries, the cities organise their municipal governments and their mode of operation in such a way that they contain mechanisms which hold accountable both elected representatives and the municipal administration.

Art. IX RIGHT OF ASSOCIATION, ASSEMBLY AND DEMONSTRATION

1. The rights of the citizens to association, meeting and demonstration are recognised and guaranteed.
2. The local authorities encourage associations as an expression of citizenship, and respect their 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, provided regulations are adhered to.

Art. X PROTECTION OF PRIVATE AND FAMILY LIFE

1. The city protects people's right to a private and family life and recognises that respect for the family unit, in all its current manifestations, is a fundamental element of local democracy.
2. The municipal authorities protect the family unit from its foundation, without interference in its internal running. The authorities particularly provide assistance in housing issues. Low income families receive financial support, and structures and services are put into place to help children and old people.
3. Each individual has the right to be emotionally attached to the person of their choice and, provided all the legal requirements are fulfilled, is free to marry that person without obstacle.
4. The municipal authorities develop active policies to monitor the physical safety of family members and encourage the disappearance of all forms of ill-treatment within the family unit.
5. With regard to freedom of choice in educational, religious, cultural and political matters, local authorities adopt all the necessary measures to protect children and young people, and base their education on the principles of democracy and tolerance with the opportunity for full participation in the life of the city.
6. The local authorities create suitable conditions so that children can enjoy their childhood.

Art. XI RIGHT TO INFORMATION

1. Citizens have the right to information on matters concerning social, economic, cultural and local administrative life, limited only by respect for the boundaries of privacy of the individual and the protection of small children and young people.
2. The municipal authorities offer free open and easy access to information. With this in mind the learning, facilitation of access to and regular updating of Information Technology skills is to be encouraged.



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

1. The signatory cities consider social policies a decisive part of their policies for the protection of human rights and they undertake to guarantee these rights within the limits of their authority.
2. Citizens are entitled to enjoy free and smooth access to general municipal services. For this reason the signatory cities oppose the privatisation of personal support services and monitor to ensure that good quality basic services are made available in other areas of public at the lowest possible and stable prices.
3. The cities commit themselves to develop social policies, aimed expressly at the most disadvantaged, which would reject any form of exclusion but champion human dignity and equal rights.

Art. XIII RIGHT TO EDUCATION

1. Citizens have the right to an education. The municipal authorities provide access to basic education for all children of school age. They encourage accessible adult education which corresponds with the values of democracy.
2. The cities contribute to social integration and to multi-culture by making available to everyone without distinction public spaces, as well as spaces in further education establishments, schools and cultural centres.
3. The municipal authorities raise public consciousness through education, particularly with regard to the struggle against sexism, racism, xenophobia and discrimination.

Art. XIV THE RIGHT TO WORK

1. Citizens have a right to enjoy sufficient financial recompense for a worthwhile occupation which guarantees a satisfactory quality of life.
2. The municipal authorities strive towards the creation of full employment within their possibilities. To make the right to work an achievable goal, the signatory cities encourage the matching of supply and demand in the job market, and resolve to promote further education and the updating of skills in the work force. They develop measures with the unemployed in mind.
3. The signatory cities undertake not to sign any municipal contract without including clauses rejecting child labour and illegal employment, whether involving nationals or foreign workers.
4. The municipal authorities develop mechanisms, in collaboration with other public institutions and companies to ensure equality for everyone at work, and to prevent any discrimination on the grounds of nationality, gender, sexual orientation, age or disability in matters of salary, working conditions, right of participation, professional promotion or wrongful dismissal.

They promote equal opportunities in the workplace for women by making various structures available to them, such as nurseries, and for the handicapped by the installation of appropriate amenities and equipment.

5. The municipal authorities encourage the creation of protected jobs for those individuals returning to the world of work and encourage in particular the creation of jobs in the areas of public service, the environment, social provision and adult education.

Art. XV RIGHT TO CULTURE

1. The citizens have a right to culture in all its expressions, forms and manifestations.
2. The municipal authorities, in co-operation with cultural associations and the private sector, promote the development of urban cultural life with a respect for diversity. Suitable public spaces are at the disposal of citizens to use for cultural and social activities as they see fit, with equal conditions applying to all.

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 an appropriate supply of homes and infrastructure for all their inhabitants, without exception, within the limits of their financial resources. They must include measures encompassing the homeless which will guarantee their safety and dignity, as well as safeguard structures for women who are victims of violence or 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 health care.
2. The municipal authorities adopt all necessary initiatives for public health with particular reference to preventive and active intervention measures where required.
3. The signatory cities, through their actions in the spheres of economy, culture and social town planning, 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 a sustainable balance between industrial development and the environment.

2. To this end the municipal authorities take precautionary measures by creating policies of pollution prevention (including that of noise pollution). They promote energy saving, recycling or re-usage and guarantee refuse disposal. They extend and protect the green zones of the cities.
3. The municipal authorities put into practice all the actions necessary for citizens to appreciate and care for the countryside surrounding their city. At the same time they enable the citizens to be consulted over any changes affecting this landscape.
4. The municipal authorities develop specific teaching strategies for presenting the theme of environmental protection, particularly aimed at children.

Art. XIX RIGHT TO HARMONIOUS CITY DEVELOPMENT

1. The citizens have a right to an ordered town planning development which guarantees a harmonious relationship between residential areas, public services and amenities, and green areas.
2. The municipal authorities, with citizen participation, deliver a system of town planning and administration which sustains a balance between urban development and the environment.
3. In this context they pledge to respect the natural, historic, architectural, cultural and artistic heritage of the cities by actively seeking the restoration and reuse of existing buildings.

Art. XX RIGHT TO MOVEMENT AND TRANQUILLITY IN THE CITY


1. The local authorities recognise the right of the citizens to have a transport system in keeping with the desired tranquillity of the city. To this end they develop a public transport system accessible to all and incorporating a system of city and inter city links. They manage motor traffic and see to it that it runs smoothly and in harmony with the environment.
2. The municipalities rigorously control the emission of all types of noise and vibrations. They define those permanent pedestrian areas and those restricted to certain times of the day and encourage the use of environmentally friendly vehicles.
3. The signatory cities undertake to set aside resources to help fulfil these rights, calling upon where appropriate financial co-operation between local authorities, private business and society in general.

Art. XXI RIGHT TO LEISURE

1. The cities recognise the right of citizens to leisure time.
2. The local authorities guarantee quality leisure spaces for all children without discrimination.
3. The municipal authorities facilitate participation in sports activities, and provide accessible facilities for all
4. The municipal authorities encourage sustainable tourism and oversee the balance between city tourism on the one hand and the social and ecological wellbeing of the citizens on the other.

Art. XXII CONSUMERS' RIGHTS


Within the limits of their authority, the cities uphold consumers' rights. To this end, and with reference to foodstuffs, they guarantee the supervision of weights and measures, the quality and composition of products and the accuracy of information with regard to sell-by dates.



Art. XXIII EFFICIENCY OF PUBLIC SERVICES

1. The local authorities ensure the efficiency of public services, and that these fit the requirements of users. Every measure will be taken to avoid any form of discrimination or abuse.
2. The municipal authorities will have at their disposal various means of evaluating their activities and will take on board the results of this evaluation.

Art. XXIV PRINCIPLE OF OPENNESS

1. The signatory cities guarantee the openness of the administrative process. Citizens must be informed of their political and administrative rights and obligations through regular and comprehensible publication of the municipal regulations.
 2. The citizens have a right to a copy of those files which refer to them, except in cases where there are restrictions in the public interest or where the privacy of a third party may be compromised.
 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 particular with reference to proper management of municipal spending;
 - > The selection of officials and other municipal personnel, by merit and suitability.
 4. The municipal authorities guarantee openness and rigorous control of the use of public funds.
- 

Art. XXV LOCAL ADMINISTRATION OF JUSTICE

1. The signatory cities develop policies designed to improve citizens' access 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. Where necessary, a municipal arbitration body will be set up, either elected by the public or established by the municipal authorities. It would include independent magistrates, i.e. people of good repute, and has the power to settle conflicts between citizens and local government, in a fair manner.

Art. XXVI POLICE IN THE CITY

1. The signatory cities encourage the development of a highly qualified community police division, responsible for local security and fostering a sense of community. These police officers take preventive measures against crime and can be seen as an educational force in the raising of civic awareness.

Art. XXVII PREVENTIVE MEASURES

1. The signatory cities put in place preventive measures such as
 - > social or local neighbourhood mediators, particularly in areas with high social tension;
 - > the municipal Ombudsman or "People's Advocate", as an independent and impartial institution.
2. To realize the citizens' rights laid out in this Charter, each of the signatory cities establishes a steering committee made up of citizens and entrusted with evaluating the implementation of the Charter.

Art. XXVIII TAXATION AND BUDGETARY MECHANISMS

1. The signatory cities undertake to set up their budgets in such a way that they will enable the rights set out in this Charter to be implemented. For this purpose they may establish a system of "citizens' participation" in the budget. The citizens in various city districts or their associations can voice their opinions over which measures they consider necessary to help realize these rights.
2. The signatory cities, in awareness of the equality of all citizens with regard to public levies, undertake to permit no social, fiscal or ecological irregularities within their area of competence, or, if they exist, to make sure that these irregularities are abolished.

LEGAL SIGNIFICANCE OF THE CHARTER AND MECHANISMS FOR ITS APPLICATION

1. When this Charter is passed, it will remain open for the individual signature of all those cities which want to endorse its aims.
2. The signatory cities will incorporate into their local ordinances the principles, regulations and guarantee mechanisms laid down in this Charter and refer to them expressly in justification of their official activities.

3. The signatory cities recognize the irrefutable legality of the rights stated in the Charter and undertake to reject and terminate all legal transactions, particularly municipal contracts, the consequences of which would militate against the implementation of those rights. They resolve to act in such a way that all other legal entities will also recognize the legal significance of these rights.
4. The signatory cities undertake to set up a commission which every two years is called upon to evaluate the implementation of the rights laid down in this Charter and publish its findings.
5. The network of European Conference Cities for Human Rights, established by the signatory cities, will decide on an appropriate follow-up mechanism to monitor regularly that the Charter is being properly implemented by those signatory cities.

FIRST

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

SECOND

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

THIRD

Each of the signatory cities will draw up and put into motion its Agenda 21 Programme, in application of the agreements adopted in the UN Conference on the Environment and Development, held in Rio de Janeiro in 1992.

FOURTH

In the case of armed conflict, the signatory cities will ensure the preservation of the city's autonomous government and maintain the rights laid out in the Charter.

FIFTH

The document agreed on by representatives of the cities is subject to ratification by the Municipal Council which may introduce reservations into the text as deemed appropriate in view of national legislation.

For more information www.ville-ge.ch

