

## **World Charter on the Right to the City**

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### **Preamble**

As we enter this new millennium, half the world population lives in cities and predictions are that by 2005 the degree of urbanization will have reached 65%. Potentially, the cities are areas of great riches and economic, environmental, political and cultural diversity. The urban lifestyle influences the manner by which we establish ties with our fellow human beings and with the territory.

However, contrary to this potential, in the development models currently implemented in the majority of third world cities we find only concentration of income and power and accelerated urbanization processes which contribute to the depredation of the environment and the privatisation of public spaces generating social and physical segregation.

Most cities are far from offering equitable conditions and opportunities to their inhabitants. A considerable portion of the urban populations is deprived or limited in the satisfaction of their basic necessities because of their economic, social, cultural, or ethnic characteristic or because of gender or age. This favours the emergence of representative social movements that struggle for urban rights although usually fragmented and incapable of producing significant change in the current development models.

Faced with this reality, the civil society entities that have maintained contact since the First World Social Forum in 2001, having analysed and debated the problem, took up the challenge to propose a sustainable model for urban society and lifestyle, based on first principles of solidarity, liberty, equality, dignity and social justice. A fundamental aspect of this model shall be the respect for different urban cultures and the balance between the urban and rural environments.

Ever since the First World Social Forum (held in the city of Porto Alegre, Brazil in 2001), a group of social movements, non-governmental organisations, professional associations, forums and country and international networks concerned with the social struggle for cities to be more democratic, just, human and sustainable, have been drafting a World Charter in which are depicted the responsibilities and measures to be undertaken by civil society, local authorities and national governments and international organizations to guarantee that all people live with dignity in the cities.

The Charter on the Right to the City is an instrument intended as a contribution to the urban struggle and as an aid in the process of recognition of the right to the city in the international human rights system. The core element of this right is the equitable usufruct of the cities considering the principles of sustainability and social justice. This right shall be understood as a collective right of all city inhabitants, especially those vulnerable and disfavoured, conferring legitimacy of action and organisation in accordance with their usages and customs in the search for full exercise of the right to an adequate standard of living.

We invite each and every person, organisations of civil society, local and national governments and international organisations to participate in this project at the local, national, regional and global level, to

contribute to the constitution, diffusion and implementation of the World Charter on the Right to the City as one of the paradigms of this millennium demonstrating that a better world is possible.

## **Part 1**

### **General Dispositions**

#### **ARTICLE 1**

#### **THE RIGHT TO THE CITY**

1. Everyone has a right to the city without discrimination of gender, age, race, ethnicity, political and religious orientation and preserving cultural memory and identity, in accordance with the principles and norms established herein.
2. The city is a culturally rich and diversified cultural space that belongs to all the inhabitants.
3. The cities in co-responsibility with the National States, commit themselves to adopt measures to maximum extent possible with the resources available, and take all appropriate steps, in particular by legislative measures, to progressively make more fully effective the enjoyment of universal economic, social, cultural and environmental rights, without in any way altering the essential minimum content of these rights.
4. For the purpose of this Charter, the denomination of City is given to any town, village, city, capital, locality, suburb, settlement or similar which is institutionally organised as a local unit of Municipal or Metropolitan Government independently of whether it is urban, rural or semi-rural.
5. For the purpose of the Charter, **citizens** are all persons who live in the city either permanently or in transit.

#### **ARTICLE II**

#### **PRINCIPLES OF THE RIGHT TO THE CITY**

**1. DEMOCRATIC MANAGEMENT OF THE CITY.** All citizens have the right to participate directly or by representation in the control, planning and governance of the cities in order to increase transparency, efficiency and autonomy of the local public administrations and popular organisations. All citizens have the right to participate in the planning, layout, control, management, rehabilitation and improvement of the cities.

**2. THE SOCIAL FUNCTION OF THE CITY.** The cities attend its social function if to guarantee to all persons the full usufruct of its economy, culture and resources, as well if urban projects and invested capital are implemented for the benefit of the citizen, by observing the criteria of equitable distribution, respect for the culture and ecological sustainability; the well being of all citizens in state of harmony with nature, for today and for future generations.

**3. THE SOCIAL FUCTION OF THE PROPERTY.**

- a. The public and private spaces and properties belonging to the city and to the citizens should be used in such a way as to prioritise the social, cultural and environmental interest. All citizens have a right to participate in the ownership of urban territory based on democratic parameters, on ideals of social justice and under sustainable environmental conditions. In the formulation and implementation of public policies, the socially fair use of both urban space and land must be promoted, with gender and environmental equity and with safety.
- b. In the formulation and implementation of urban policies the social and cultural interest must take priority over the individual right of property.
- c. All citizens have the right to participate on the process of generating land value increments by public investments on urban areas, which has been entirely captured by the private owners without any counterpart or activity undertaken in their properties.

**4. FULL EXERCISE OF CITIZENSHIP.** Cities should be locations for the realization of all human rights and fundamental liberties assuring the dignity and collective well being of all the people, in equality and justice as well as full respect for the social production of habitat. Everyone has the right to find in the city the necessary conditions for his/her political, economic, social and environmental development while assuming the duty of solidarity.

**5. EQUALITY AND NON-DISCRIMINATION.** The rights set out in this Charter shall be guaranteed to all persons who live permanently or part-time in the cities without any form of discrimination based on age, gender, sexual orientation, language, religion, opinion, racial or ethnic origin, income level, citizenship or migratory situation. The Cities commit themselves to implement public policies to provide equality of opportunities to women in the cities according to the CEDAW and to the Summits on Environment (Rio 92), Women (Beijing 95), and Habitat II (Istanbul 96). The Cities commit themselves to apply resources of the government budget to implement these policies and to establish instruments and indicators to monitoring the accomplishment of these objectives.

**6. SPECIAL PROTECTION FOR VULNERABLE PERSONS AND GROUPS.** The more vulnerable groups and individuals have a right to special measures for protection and integration, to have provided the basic services and to combat the discriminations.

For the purposes of this Charter vulnerable people are the following: persons and groups in situation of poverty, in health and environmental risk, victims of violence, the disabled people, migrants, refugees and all other groups which, in the reality of each city, are in a situation of disadvantage with respect to the rest of the inhabitants. Within these groups, attention must be primarily paid to the elder, women and to the children.

The cities, through affirmative action policies on behalf of the vulnerable groups, shall remove economic and social obstacles that in fact restrict the liberty and equality of the citizens, impede people's full development and effective political, economic, cultural and social participation in the city.

**7. THE PRIVATE SECTOR'S SOCIAL UNDERTAKING.** The cities shall ensure that the economic private agents participate in social programs and economic enterprises for the purpose of developing solidarity and equality amongst the inhabitants.

**8. ENHANCING ECONOMIC SOLIDARITY AND IMPOSING PROGRESSIVE POLICIES.** The Cities shall to promote and guarantee solidarity economic policy and programs.

## **Part II**

### **Rights Relating to the Management of Cities**

#### **ARTICLE III SUSTAINABLE AND EQUITABLE URBAN DEVELOPMENT**

1. The cities commit themselves to develop with the participation of all the citizens urban-environmental planning, regulation and management capable of guaranteeing the balance between urban development and the protection of the environment and the cultural, historical, architectural and artistic heritage, as well as preventing segregation and territorial exclusion. The cities shall to prioritise the social production of habitat and the observance of the social function of the city and of the private property. To this end, the cities shall undertake to adapt measures of urban development, in especially the recuperation of precarious or marginalized settlements in order to create an integrated and equitable city.

2. The planning, and the sector programs and projects in the cities shall take in account the urban security.

3. The cities shall undertake to guarantee that the public services will be assured and executed by the administrative level nearest to the population and that the citizens shall participate in the management and control over them. To the public services must be recognised the legal status of a public asset and be protected against privatisation.

4. The cities shall establish social control systems related to the urban services provide by public or private enterprises in especially with regard the quality of the services and the charges of the rates.

**ARTICLE IV  
PARTICIPATION IN THE DESIGN OF THE CITY BUDGET**

1. The Cities shall take in account the promotion of the right to the city according the definitions in this chapter to dispend public resources.
2. The Cities commit themselves to guarantee direct and deliberative participation in policy and budget designing, within institutional spheres opening to all citizens and communities organizations, as well as witin sector or territorial councils and commissions.

**ARTICLE V  
TRANSPARENCY IN MANAGEMENT OF THE CITY**

1. To safeguard the principle of administrative transparency the cities undertake to organise the administrative structure in such a way that the responsibility of the public servants and governments is effectively open to inspection by citizens. In the same way municipal governments should be transparent to higher organs of government so as to complete the chain of democratic management.
2. In accordance with the fundamental principles of their individual judicial status, the cities shall formulate and apply coordinated and efficient policies against corruption that promote the participation of society and reflect the principle of the rule of Law, the proper management of public affairs and assets, public integrity, transparency and the obligation to render accounts.

**ARTICLE VI  
RIGHT TO PUBLIC INFORMATION**

1. Everyone has the right to request and to receive complete, correct, adequate and timely information, from any department of the city administration, or from the Legislative or Judicial authorities, in respect of their own administrative or financial activities or those of the companies and private or mixed–economy societies contracted to provide public service.
2. The employees of the City Government or the private sector receiving a request for information from a citizen has an obligation to create and produce such information as refers to his or her area of competence and which is available at the time. The only limit for access to public information is that imposed by the right to intimacy of the persons involved.
3. The cities undertake to guarantee to make available procedures or mechanisms so that everyone may have access to effective and transparent public information. For this purpose they shall provide access for all sectors of the population and facilitate instruction in the use of information technology and how to access the data with periodic updates.

**Part III  
Civil and Political Rights of the City**

**ARTICLE VII  
LIBERTY AND INTEGRITY**

Everyone has the right to liberty and physical and spiritual integrity. The cities guarantee to provide protection so that individuals or institutions of any nature do not violate these rights.

**ARTICLE VIII  
POLITICAL PARTICIPATION**

1. In conformity with the laws that regulate the exercise of citizenship, all citizens have the right to participate in the local political life by means of democratic elections of the local representatives and in all decisions which affect the local policies regarding the city, including urban designing, development, management, renovation and improvement of neighbourhoods.
2. Cities shall guarantee the right to free and democratic elections of the local representatives, the realisation of plebiscites and popular legislative initiatives and the free and equal access to debates and public audiences.
3. Cities shall implement affirmative action policies of quotas for the representation and political participation of women and minorities in all local elective instances and in the definition of their public policies.

**ARTICLE IX  
RIGHT OF ASSOCIATION, ASSEMBLY, EXPRESSION AND THE DEMOCRATIC USE OF URBAN  
PUBLIC SPACE**

Everyone has the right to association, assembly and expression. Cities undertake to make public areas available for open meetings and informal gatherings.

**ARTICLE X  
RIGHT TO JUSTICE**

1. Signatory cities undertake to take steps to improve the access of all persons to the right to justice.
2. Signatory cities support the resolution of civil, criminal, administrative, and labour conflicts by implementing procedures of public conciliation, mediation and adjustment.
3. The cities undertake to guarantee access to justice by establishing special policies of favourable treatment for poorer population groups and by strengthening the systems of free public legal defence and assistance.

**ARTICLE XI  
THE RIGHT TO THE PUBLIC SECURITY AND TO COEXISTENCE BASED ON PEACE, SOLIDARITY  
AND MULTICULTURALISM**

1. The cities commit themselves to create conditions for the public security, peaceful coexistence, collective development and the practice of solidarity. To this end, full usufruct of the city is guaranteed while respecting the diversity, and preserving the memory and the cultural identity of all citizens without discrimination.
2. The principles of the mission of the security forces shall primarily include the respect and protection of the rights of the citizens. The Cities guarantee that the security forces under their command shall use force strictly in accordance with the legal provisions and democratic control.
3. Cities guarantee the participation of all citizens in the control and evaluation of the security forces.

**Part IV  
Economic, Social, Cultural and Environmental Rights of the Cities**

**ARTICLE XII  
ACCESS TO AND SUPPLY OF DOMESTIC AND URBAN PUBLIC SERVICES**

1. The Cities shall guarantee to all citizens the right to access to supplies of drinking water, electric power, light and heating, health hospitals, schools, garbage disposal, sanitation facilities, telecommunication, in joint responsibility with other public or private sectors in accordance with the legal framework of each country.
2. The cities shall undertake to guarantee that the public services, even if privatised before the signature of this Charter, are charged at rates socially accessible to the low-income families and unemployed persons, and are adequately implemented.

**ARTICLE XIII**  
**RIGHT TO TRANSPORT AND PUBLIC MOBILITY**

1. The cities guarantee the right of city mobility and movement by means of public transportation systems adequate and affordable to the citizens. The cities shall promote the establishment of a public transportation system accessible to everyone in accordance with a suitable urban and interurban traffic plan and with the diversity of environmental and social needs (gender, age and incapacities). They shall also stimulate the use of non-polluting vehicles and provide permanent or occasional pedestrian only areas for certain times during the day.
2. Cities shall promote the removal of structural barriers and the installation of equipments necessary to facilitate displacement, movement and traffic as well as the adaptation of all public buildings (or those used by the public), workplaces and evacuation areas for easier use by disabled persons.

**ARTICLE XIV**  
**THE RIGHT TO HOUSING**

1. In so far as they are competent to do so, the cities shall undertake to ensure that all citizens are guaranteed the right that the cost of adequate housing is compatible with their incomes; that the housing is habitable; that it is constructed in accessible and suitable locations and that it is adapted to the cultural characteristics of the residents.
2. The cities undertake to facilitate adequate offers of housing and the associated equipments and services for all citizens, and to guarantee to the poorer families home acquisition financing plans as well as service structures for the assistance of infants and elder people.
3. Cities shall guarantee to the vulnerable and homeless groups priority to benefit from housing laws and programmes. They shall also establish subsidies and loan programs for the purchase of urban land or houses, to regularise land ownership and to the improvement of precarious neighbourhoods and informal housing settlements.
4. Cities shall undertake to include in their own names, independently of their civil status, all women beneficiaries in documents of possession or ownership of land or goods regularised or registered within public programmes of land or housing distribution or titling.
5. All homeless citizens whether individually, in partnership, or in family groups are entitled to the right of immediate provision by the city public authorities of an adequate, sufficient and independent living space. Hostels, refuges and bed-and-breakfast lodgings may be used as temporary expedients but do not absolve the authority of the obligation to provide a permanent solution.
6. Everyone has the right to security of tenure of his or her home by means of legal instruments that guarantee the right of protection against evictions, expropriations and forced or arbitrary displacement.
7. The cities shall impede real estate speculation by creating urban norms and regulations for the equitable distribution of the expenses and benefits generated by the urbanization process in addition to the adjustment of economic, tributary and financial public instruments to the purposes and objectives of urban development.
8. Cities shall promote adequate legislation and establish mechanisms and sanctions designed to take full advantage of the use of public land and of public and private buildings which are unused, under-used or unoccupied, in order to ensure the fulfilment of the social function of the property.
9. The cities shall protect the occupants from arbitrary evictions and the tenants from usury by regulating the rental of living accommodation in accordance with General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights.
10. This present Article shall be applicable to all persons, including but not limited to, families, tenants without ownership titles, the homeless, and those whose living conditions vary, such as nomads, travellers and the Roma.
11. The cities shall provide shelter and housing to women victims of the domestic violence.

**ARTICLE XV**  
**THE RIGHT TO EDUCATION**

1. Everyone has the right to education. The cities and the National States, share the responsibility of guaranteeing access to elementary education for all boys and girls and young people of school age, and of promoting adult education. Together with other levels of government they shall also implement affirmative policies for superior education for the vulnerable groups.
2. The cities shall offer to all people educational and cultural spaces and school centres, in a multicultural context and with social cohesion.
3. Cities shall promote the improvement of the quality of citizenship by providing capacity building and education focusing on the struggle against sexism, racism, xenophobia and discrimination and by implementing principles of mutual neighbourly living, respect for the environment, participation and the cultivation of culture of peace.

## **ARTICLE XVI THE RIGHT TO WORK**

1. The cities and the National States are responsible to contribute as far as possible for the maintenance of full employment in the city. To this end they shall promote the upgrading and qualification of the workers by permanent education and training.
2. The cities shall promote conditions for children to enjoy their infancy by combating child labour.
3. In collaboration with other public administrations and the companies, the cities shall develop mechanisms to ensure equal opportunity for everyone in access to work without discrimination.
4. Cities shall promote equal access for women to work by creating day care centres and other facilities, and for disabled persons by the installation of adequate and suitable urban facilities. To improve work conditions the cities shall establish programs for the improvement of urban housing used by women and vulnerable persons as work places.
5. The cities shall undertake to promote the progressive integration of the informal business run by low-income or unemployed persons, avoiding its elimination and providing adequate areas and policies for the workers until such time as it can be incorporated into the formal urban economy.

## **ARTICLE XVII THE RIGHT TO CULTURE AND LEISURE**

1. Everyone has the right to culture in all its expressions, manifestations and modalities.
2. In cooperation with the cultural associations and the private sector, the cities shall promote the development of urban cultural life while respecting its diversity.
3. Cities shall undertake to make adequate public areas available for games and cultural activities under equal conditions for everyone.
4. In collaboration with other their national states, the cities shall be responsible for facilitating the active practice of sports and for providing the necessary sports stadiums and installations for the all the population.

## **ARTICLE XVIII THE RIGHT TO HEALTH**

1. The cities shall collaborate with their national government to promote the physical and mental health of all their inhabitants, by means of suitable economic, cultural, social and urbanisation actions.
2. The cities and their national government shall be jointly responsible to guarantee the right of access to the public services for the prevention of disease and of medical attention for everyone.
3. Cities shall adopt special measures to facilitate access by vulnerable and marginalized groups to the public services for the prevention of illness and medical attention.

4. Cities shall collaborate with their national government in providing essential medication in accordance with the regulations issued under the Action Program of Essential Medication of WHO, and for immunization against the principal infectious illnesses that affect the community.

## **ARTICLE XIX THE RIGHT TO THE ENVIRONMENT**

1. The Cities commit themselves to adopt measures against the disordered occupation of the territory and/or the protected areas and against contamination, including energy saving, the management and re-utilization of waste, recycling and the recuperation of watersheds to amplify and protect the green areas.
2. The cities commit themselves to respect their natural, architectonic, cultural and artistic heritages and to promote the recuperation and revitalization of degraded urban areas and equipment.

### **Part V Final Dispositions**

## **ARTICLE XX MEASURES FOR THE IMPLEMENTATION OF THE RIGHT TO THE CITY**

1. The signatory cities will adequately and immediately take all necessary steps and measures to ensure the Right to the City for everyone as laid out in this document. The cities guarantee the participation of all citizens and of the civil society organisations in the process of legislative revision. The Cities are obliged to use their maximum resources available to fulfil the legal obligations enshrined in this Charter.
2. The cities shall provide human right education to all the employees involved in the implantation of the Right to the City and the corresponding obligations. The training shall be given in special to those public employees of public organisations whose policies influence in any way the full realization of the Right to the City.
3. The cities shall promote the teaching of the principles of the Right to the City in schools and universities and in the popular means of media communications.
4. The citizens shall regularly supervise and evaluate the degree to which these rights are being observed overall.
5. The cities shall establish systems to monitor and supervise the execution of the policies of urban development and social inclusion. An efficient system of indicators to monitor and evaluate the right to the city shall be established and applicable to all cities so as to verify the fulfilment of the contests of this Chapter.

## **ARTICLE XXI THE VIOLATION OF THE RIGHT TO THE CITY**

1. The violation of the Right to the City is constituted by all acts of commission and omission undertaken by legislative, administrative and judicial institutions and/or social practices which result in obstruction or refusal, or which introduce difficulties or make impossible:
  - The realization of the rights including in this Charter;
  - The participation of inhabitants, social groups and citizens in urban management, or the participation in the implementation of decisions and priorities defined in the participative processes that make up the life of the city;
  - The fulfilment of the decisions undertaken and the priorities defined within the participatory process of urban management;
  - The maintenance of cultural identities, methods of peaceful coexistence, social production of habitat, as well as forms of manifestation, organisation and action of social or citizens groups, especially the vulnerable and disfavoured, based on their usage or customs.
2. The actions of commission and/or omission can be carried out by administrative sectors during the process of implementing projects, programs or plans; in the legislative sphere by the introduction of laws, by the

control of public funds or by public policies; or, in the judicial arena by judgements or sentences handed down in collective conflicts referring to themes of urban interest.

## **ARTICLE XXII EXEGIBILITY OF THE RIGHT TO THE CITY**

Everyone has a right to effective and full administrative and judicial recourse and remedy with respect to the rights enumerated in this document, including the right not to take advantage of such rights.

## **ARTICLE XXIII COMMITMENTS WITH THE CHAPTER OF THE RIGHT TO THE CITY**

I - The Networks and Social Organizations commit to:

1. Widely disseminate this chapter and strengthen the international articulations through the Right to the City in the context of the World Social Forum, in conferences and in international forums with the objective to the strengthen of social movements and NGOs networks and for the building of a dignified life in the cities.
2. To build platforms of the exegibility of the Right to the City, to document and disseminate local and national experiences, which aim at the construction of this right.
3. Present this Charter on the Right to the City to the different organizations and agencies of the United Nations System and to the Regional Human Rights System, to initiate a process to recognize the Right to the City as an international human right.

II – The Local and National Governments commit themselves to:

1. Produce and promote institutional framework to recognize and protect the Right to the City, such as formulating urgent plans of actions for the sustainable development of the cities, in accordance with the principles enshrined in this Charter;
2. Build associative platforms with the full participation of civil society aiming to promote sustainable development in the cities;
3. Promote the ratification and applications of human rights covenants and other international instruments that will contribute to the construction of the Right to the City.

III – International Organizations commit themselves to:

1. Embark on a mission to stimulate, sensitive, and support the government through the promotion of campaigns, seminars and conferences, and facilitate technical publications that highlight the adherence to the principles of this Charter;
2. Monitor and to promote the applications of human rights covenants and other international instruments that will contribute to the construction of the Right to the City;
3. Open participatory spaces for the consultative and decision-making bodies of the United Nations that facilitate the discussion with respect this initiative.