

The Right to the City around the World



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Toward a World Charter for the Right to the City

The interest of UNESCO to promote the Right to the City converges in many ways with the collective initiative of diverse international networks, social and nongovernmental organizations, and academic and professional groups to promote processes in support of formulation of a World Charter for the Right to the City and its adoption as a new collective human right.



Background

The process that sparked this initiative began within the preparatory activities leading to the II United Nations Conference on Environment and Development, known as the Earth Summit, held in Rio de Janeiro, Brazil, in 1992. The National Forum for Urban Reform (FNUR, for its initials in Portuguese), Habitat International Coalition (HIC), and the Continental Front of Communal Organizations (FCOC, for its initials in Spanish) joined forces to draft and sign the treaty on urbanization titled For Just, Democratic and Sustainable Cities, Towns and Villages.

As part of the preparatory process toward the Earth Summit, that same year HIC organized the International Forum on Environment, Poverty, and the Right to the City, held in Tunis. That event would mark the first time the theme was debated among members of our Coalition from diverse regions of the world.

A few years later, in October 1995, several HIC members participated in the event titled "Toward the City of Solidarity and Citizenship," convoked by UNESCO. That occasion inaugurated the participation of UNESCO in the theme of urban rights. That same year, Brazilian organizations promoted the Charter of Human Rights in the City, civilian precursor of the City Statute promulgated several years later by the Brazilian government.

Another important milestone in the path leading to the initiative to formulate a World Charter for the Right to the City was constituted by the First World Assembly of Urban Inhabitants, held in Mexico in the year 2000, with the participation of some 300 delegates from social organizations and movements from 35 countries. Within the theme of rethinking the city from the people, participants debated the conceptualization of a collective ideal that would provide the foundation for proposals oriented to construction of democratic, inclusive, educative, livable, sustainable, productive, and safe cities.

One year later, now in the framework of the First World Social Forum, the Charter formulation process was opened. Since then, and in conjunction with the annual World Social Forums and the regional Social Forums, work has been ongoing on specific contents and dissemination and promotion strategies of the Charter. Within the Charter process driven by civil society networks and organizations, two events in particular included thorough review of the original text and the dissemination and negotiation process.

The first took place in Quito, Ecuador, in conjunction with the First Social Forum of the Americas. Representatives from diverse social movements joined the Charter promotion group to debate regarding the need for two instruments: one basic human rights tool, and a distinct political tool through which to broaden and activate social mobilization around this new right.

Participants in the second event, held in Barcelona in September 2005, critically addressed the structure, contents, reaches and contradictions posed by a Charter that leaves aside rural habitat issues, and employs terms originating from the Latin American and European contexts that fail to reflect priority concepts and issues for Asian, African, and Middle Eastern countries.

Parallel to these civil society initiatives, some governments, at the regional, national and local levels, have been generating legal instruments seeking to legislate human rights in the urban context. The most advanced of these include, at the international level, the European Charter to Safeguard Human Rights in the City, signed to date by more than 400 cities, and the already-mentioned City Statute of Brazil decreed in July 2001, and at the local scale, the Montreal Charter.



Foundations and motivations

The high potential of human development characteristic of life in cities as spaces of encounter, exchange and complementation, of enormous economic, environmental and political diversity, as well as important concentration of production, service, distribution and educational activities is today faced with multiple and complex processes which pose immense challenges and problems for social coexistence.

The development models implemented in the majority of impoverished countries are characterized by the tendency to concentrate income and power, generating poverty and exclusion, contributing to environmental degradation, and accelerating migration and urbanization processes, social and spatial segregation, and privatization of common goods and public spaces. These processes favor proliferation of vast urban areas marked by poverty, precarious conditions, and vulnerability to natural disasters.

Today's cities are far from offering equitable conditions and opportunities to their inhabitants. The majority of the urban population is deprived or limited in virtue of their economic, social, cultural, ethnic, gender or age characteristics in the satisfaction of their most elemental needs and rights. Public policies that contribute to this by ignoring the contributions of popular inhabiting processes to the construction of the city and citizenship, are only detrimental to urban life. [1]

The concrete problems faced by city inhabitants are multifold, especially in the case of those whose economic or migratory condition or vulnerability or minority status relegate them to bear the greatest burden of insecurity and discrimination: difficult access to land and dignified housing, massive and aggressive forced evictions, planned urban segregation, real estate speculation pressures, privatization of social housing, real estate violence (mobbing) against poor tenants, and even criminalization of the self-managed housing and popular urbanization production processes, among other assaults and obstacles of all types.

The initiative to formulate this Charter is oriented, first of all, to fight against all the causes and manifestations of exclusion: economic, social, territorial, cultural, political, and psychological. It is proposed as a social response, as counterpoint to city-as-merchandise, and as expression of collective interest.

It is a complex approach that requires articulation of the human rights theme in its integral conceptualization (civil, political, economic, social, cultural and environmental rights) to that of democracy in its diverse dimensions (representative, distributive, and participative).

The Charter defines this right as the equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice. Our proposal is therefore not limited to a charter of human rights in the city, but rather is conceived as an instrument capable of promoting and guaranteeing the right of all people to the city, in its multiple dimensions and components.

Aware of the postures denying the existence of collective human rights, we nevertheless affirm that this is a new human right of collective character, as is certainly the right to a healthy environment.

Notes:

1. Preamble of the current version of the World Charter for the Right to the City, September 2005.

**Nature and scope**

Formulation and promotion of a World Charter for the Right to the City has the end purpose to build an instrument both universal and compact which may be adopted by the United Nations System, the regional human rights systems, and governments, as legal instrument or at least basic reference in the definition and adoption of the Right to the City as a new human right. The Charter is therefore conceived as a human rights instrument.

However, the world-wide promotion and dissemination of this initiative, initially originating from Latin American civil society, first conceived of the Charter as a political document which would serve to mobilize broad social sectors potentially interested in the theme. It was primarily oriented to civil organizations and social movements, and it has gradually expanded to incorporate local authorities, international bodies, and other public, private and social actors.

The broadening of the debate to other regions of the planet and broader social sectors has posed the need to develop different and complementary texts, which facilitate the consolidation of, on one hand, a consistent human rights document and, on the other, one or several documents designed to disseminate the initiative, advance broad social awareness-building on the relevance of the topic, and activate social and political participation in the formulation and promotion of the Charter and the positioning of the Right to the City within international bodies, governments, and public opinion. Work is currently being developed in both directions.

**Principles**

Although this topic is still subject to debate, based on the various proposals and arguments collected during the Charter formulation process, we may consider that it is

founded on the principle of free determination: key element of the international legal system and guiding principle of the International Pacts on Civil and Political Rights and on Economic, Social and Cultural Rights.

The Charter is also structured around the principles of nondiscrimination; interdependence and indivisibility of human rights; equality; priority attention to persons and groups in situation of vulnerability; no-regressivity; progressive implementation; subsidiarity; solidarity; cooperation, and responsible sustainability.

In the urban-specific, the Charter is sustained in the following principles:

- Full exercise of citizenship: the city as sphere of realization of all human rights.
- Social function of the city and of urban property: distributive equity and full usufruct by all inhabitants of the resources, goods and services offered by the city, with the collective good prevailing over individual property rights and speculative interests.
- Democratic management of the city: the decisive role of citizen participation in urban management through direct and representative forms.

Other themes which would sustain the determination of fundamental specific principles, but which remain in need of debate, refer to:

- Democratic production of the city and its livable spaces: the right of all persons to directly participate in planning and production of both public and private spaces in which daily life is developed, through mechanisms of participative planning and social production of habitat. **[2]**
- Sustainable and responsible management of natural and energetic resources in the city and its surroundings: conditions which impede that the city's development take place at the cost of other cities and the countryside.
- Democratic enjoyment of the city: the city as space open to exchange, encounter, leisure, recreation, and collective creativity.

All human rights and democracy in its diverse modalities and expressions are inextricably intertwined in the city as the most elevated, complex, and plural expression of human interaction in territory.

Democracy will not exist in its most profound sense while poverty, inequality, exclusion, and injustice prevail. There is no city without citizens capable of freely shaping the decisions that affect their lives.

Notes:

2. We understand "social production of habitat" as all those processes which generate livable spaces, urban components, and housing, carried out under the control of self-producers and other social agents acting without profit motives.



Content

The Right to the City is interdependent of all recognized rights, integrally conceived, and it is open to incorporate new rights. Among the first, it includes the right to work in equitable and satisfactory conditions, to form and belong to a union, and to social

security. It implies the right to build and create the city; the right to a place, to remain in it, and to mobility; the right to water, food, housing, public services, and democratic use of public spaces; the right to health, education and culture; to development and a healthy environment; to consumer protection, assistance to persons with special needs, and the right to physical security. Also the right to public information and political participation, including the right to gather, manifest, organize, and deliberate, directly and through representatives, and respect for minorities and ethnic, racial, sexual and cultural plurality.

In addition to these rights recognized and regulated in the principle human rights pacts and conventions established and monitored by the United Nations System and regional human rights instances the Charter also calls for recognition of other rights particularly relevant to urban life: the right to land, adequate sanitation, transportation, and energy.

One may also foresee subsequent incorporation of new rights developed in response to current urban challenges and the need to conform a political culture capable of more effectively responding to the new and more complex conditions in which social coexistence takes place in cities. To offer a few examples: in the large urban conglomerates it is no longer enough to recognize the right to availability of public transportation; one also needs to be able to move from place to place easily and quickly. The right to public spaces is not sufficient; rather, these spaces require symbolic elements which give them collective identity, and accessible and nearby facilities to give the different urban areas the value of centrality. These spaces should shelter uses destined for employment of free time and creative expression, and guarantee the right to enjoy walkable and beautiful urban spaces, free of visual and noise pollution. One could also envision the right to maintain and publicly express the cultural identity of the different communities that make up the city, guaranteeing respect for differences and equality of citizen rights for all residents, including migrants. Another expanded right might refer to the right not only to be consulted, but to decisively intervene in the planning, budgeting, design, operation, monitoring and evaluation of urban development policies and programs.

The right to the city, within this complex vision, is not limited to partially defend the human rights destined to improve the conditions in which we inhabit the city, but also implies rights to influence its production, development, management and enjoyment, and to participate in the determination of the public policies that foster their respect, protection, and implementation.



Issues under debate

The formulation and promotion of the Charter is a participative, complex, and long-term process, that poses for debate the conceptualization itself of the Charter as well as its structure, contents, and language.

Everything, from the title itself to the global scope of this instrument, is open to debate. Charter or manifest? The first term has been preferred considering that what is needed is an instrument of rights and obligations and not simply a manifestation of intentions, or a list of policies subject to the will of the government-in-turn. It is proposed as a Charter of defendable rights, independent of momentary political circumstances. At the

political and educational level, other types of documents are evidently needed oriented to social mobilization in support of the Charter promotion and adoption process.

Why a World Charter? The diversity of cultures and specific situations between and within regions and countries pose the need for specific instruments. Nevertheless, beyond those and given the universal character of human rights, the need also exists to regulate the Right to the City at the global level.

The Charter initiative emerged through the framework of the World Social Forum, and its recognition and regulation as a new human right should take place within bodies of the United Nations organization.

Based on the universal contents of the Charter, the formulation of local, national and regional instruments will be not only possible but also necessary to address the specificities of the different cultural and territorial spheres.

Why focused only on the city? This is the question which has stimulated the greatest debate. In particular because the concept of city in some regions of the world refers to the formal territorial space in which the middle and upper classes live, but not the area inhabited by workers.

City, in several Asian countries, means rejection of popular settlements and massive eviction processes in the name of the city, reason for which the social sectors in these areas toward which the Charter focuses its priorities reject the term. That is why those in some countries would prefer concepts such as the right to land or to community.

In completely urbanized European countries, the term city allows no distinctions. Alternative concepts emerge such as community and the right to a place to live. The first works in English to refer the same to a city or to a village, but it does not work in Spanish, in which community refers to a collective that shares common purposes, far removed from the complexity and diversity of cultures and interests that characterize cities. The second concept does not reflect the wealth of contents and reaches of the Right to the City, nor does it express its collective character or make any distinction between city and countryside. A third concept circulating in the debates is that of human rights habitat, but this term lacks symbolic and mobilizing force.

This leads us to the center of the debate: Why limit the Charter to the urban sphere, when there are countries, especially in Asia and Africa, in which the still-predominant form of habitat is rural? And when in many places the most grave habitat-related rights violations occur in the countryside?

Or, might we be playing into the hands of the large interests that command the economic globalization process in the world? These interests promote the city as motor of development and instigate competition between cities to their own benefit, ignoring rural communities and even obviating national governments.

The city, more than a factor of stimulation for the countryside, has been the center from which its devastation is orchestrated. In this sense, does limiting the Charter to the city imply continuing to strengthen those processes? Does it even contribute to fragment and confront the social movements of the poor from the countryside and the city?

This debate has led us to approach rural movements such as La Vía Campesina, with the objective to find a way to articulate a shared strategy, without denying the need for specific instruments for each the rural and urban spheres. This will also foster enrichment and reinforcement of the social processes struggling against exclusion in both contexts.

There are principles and lines of action directed to respect human dignity in both the countryside and the city that guarantee this articulation, but there are also specificities that demand instruments adequate to each need and context.

Finally, it is clear that the Right to the City does not refer to the city as we know and suffer it today, but to the other possible city, inclusive in all aspects of life (economic, social, cultural, political, spatial); sustainable and responsible; space of diversity, solidarity, and peaceful coexistence; democratic, participative, vibrant and creative. A city that does not grow at the cost of its surroundings, the countryside, and other cities.

Enrique Ortiz

President, Habitat International Coalition (HIC) www.hic-net.org
September 2006



Toward Just Democratic and Sustainable Cities, Towns and Villages

NGO Global Forum, HIC, FCOC, Forum for Urban Reform, Río de Janeiro, 1992

The majority of HIC efforts in Rio within the NGO Global Forum were focused on the Urbanization Forum, organized in conjunction with FCOC (an Inter-American organization uniting urban movements from: Latin America, the Caribbean, Canada and the U.S.) and the Brazilian Urban Reform Forum, 1992. The result of the Forum is the Treaty titled *Toward Just Democratic and Sustainable Cities, Towns and Villages* negotiated among HIC, FCOC, and the Brazilian Urban Reform Forum and signed by more than 140 organizations from throughout the world. The Urbanization Treaty was one of about 30 independent sector treaties developed within the global Forum and promoted by the NGO international Task Force for UNCED as the most important outcome of the event.



NGO Treaty on Urbanization

1. Since World War II, a model of development focused on economic growth, capital accumulation and profit has been consolidated. The well-being of humanity has been cast in a minor role and unlimited greed has led to concentrations of wealth and poverty. To archive increasing growth corporations and governments are using up the planets resources, destroying the environment and polarizing citizen and countries into rich poor categories.
2. Economic growth based on industrial expansion and consumption has displaced rural populations from their land and intensified urbanization, creating a growing world-wide metropolis and critical problems of impoverishment and environmental degradation.

3. Cities are the centre of political and economic processes and the accumulation of capital, organised globally. They are the command centres of vast network, integrating the rural and the urban. Thus, there is a close relationship among rural, urban and environmental issues.
4. Millions of people live in urban centres with critical problems of water, air and soil pollution, with no chance to meet their basic need for food, housing, water, sanitation, drainage, waste disposal and public transport.
5. This jeopardizes their health and even reproduction, and over-burdens women, who have the main responsibility for managing everyday life within the family and the community.
6. Impoverishment and environmental degradation are getting more acute as a consequence of neoliberal policies. Multilateral finance agencies and governments are withdrawing from their obligations to invest in urban infrastructure or even to have any social policies thus denying many their rights to full citizenship. The scale of this has no precedent in modern history. The result is that women are forced to assume increased burdens, because of their role in the home and popular organization in the community.
7. Monopoly capital is encroaching on public space as facilities and services are privatised without any consideration of citizens' interests in presenting on improvising their quality of life.
8. Free market policies on the provision of health, education and housing deny impoverished people access to these services, both in the North and the South. The result is increasing numbers of the homeless people, street children, slums, tenements and unserviced urban areas, with precarious public transport unsafe drinking water and inadequate sanitation and waste disposal. Above all, this leads to the destruction of peoples identity, cultural values and family structures, with increasing numbers of women heading households.
9. Another consequence is urban violence, murder and oppression of children, women and homeless people, not sparing the leaders of social movements that struggle for democracy and improvement in standards of living.
10. Contrary to the neo-liberal thought, the state must initiate public policies that invert these priorities. It must address the needs of those who are being impoverished by structural adjustment programmes by structural adjustment programmes and ensure just social relations.
11. We need to create a new sustainable development model, aimed at humanity's well-being in harmony with nature based on participatory democracy and social justice, for present and future generations, without any gender, economic, social political or religious discrimination.
12. The active participation of civil society, specially the social movements, popular associations and organizations that produce new actors, is essential to building this new model. These organizations need to be recognized by governments and international agencies as legitimate spokespersons of the people, in the spirit of democratic participation.
13. Radical changes are needed in the present and future conditions of life of the majority of the population, and this is only possible with effective implementation of agrarian reform, urban reform and reform of the state. Restructuring of the international institutions which are part of the UN system the international Monetary Fund World Bank and UNCHS (habitat) can reduce dependency of sovereign nations on the centres of power, and lead to a change in social policies of governments of the North toward people and governments of the South.

14. There is need for urban transformation based on the ever-widening participation of citizens in policy and decision making at local, national and international level, where political and cultural values can be change.

Basic Principles

15. The Right to Citizenships, which is understood as the participation of habitants of cities, flows and villages in n deciding their own future, It includes their right to land and means of livelihood it includes their right housing sanitation, health, education, food, job opportunities, public transport, leisure and information, it includes their right to freedom of organization, with respect for minorities and ethnic sexual and cultural pluralities. It includes the preservation of citizens' cultural and historical heritage and their access to a culturally rich and diversified environment. With no distinctions of gender, nationality, race, language or religion belief.
16. Democratic management at local level which is understood as a form of planning, producing, operating and governing, cities, towns and villages with control by participation of civil society. It entails the enhancement of popular participation and to strengthening of local self-government, including its autonomy.
17. The social function of the city and property, which is understood as the common interest prevailing over individual rights to property, so that citizens have a social and a physical space where the democratic decision making process can take place. This includes the process of producing and creating knowledge writhing parameters of social justice, and the creation of environmentally sustainable conditions.

Proposals

18. To democratise cities, towns and villages though fulfilment of all existing national and international rights and through creating new right which give priority to allocation of common resources to the impoverished population locally, nationally and internationally.
19. To bring the design, planning and management of human settlements within the physical limits of the environment and infrastructure, in order to create an ecological balance and conserve the historic and cultural heritage and practices.
20. To created linkages between the public, private and social sectors through participatory mechanisms in the formation of public policies. These must be based on appropriated technologies which maximize the use of natural resources within a sustainable framework.
21. To create mechanisms of control by civil society and local government over the resources obtained or raised, as well as management of international debt for investment in the areas under their control.
22. To guarantee a new equilibrium between cities and rural areas, by eliminating intermediaries in the trade and facilitating direct relations between producer and consumers. This entails decentralizing supply centres and supporting popular organizations. It also entails the management of technology processes so that the rural inhabitants can regain their clean air, water and soil.
23. Universalization of basic sanitation services and infrastructure with equitable access for all users.
24. To increase and ensure the participation of the population specially women, in legal and administrative mechanisms that promote their new role in processes of

- planning control and decision-making.
25. To promote the right to information, including access of the popular sectors to the mass media.
 26. To promote and facilitate the setting up funds at a local, national and international level for the production of housing, building materials and civic facilities. The funds should be autonomous but subject to social control.
 27. To facilitate the use of public funds to create micro enterprises, cooperatives and other forms of income and productive employment.
 28. To give priority to various modes of public transport, promoting non-polluting systems.
 29. To support campaigns for women's equal access and rights to land and housing, and to take measures to reinforce the leaderships roles of women and social movements, such as supporting women's Action Agenda 21.
 30. To promote social economic, environmental and legal conditions in which forced evictions, displacement, resettlement or migration are not possible without the informed consent of the people concerned.

Commitments

31. The signatories of this treaty agree to create and participate in a Global Forum toward Just, Democratic and Sustainable Cities, Towns and Villages. This Forum will contribute to the advancement of social movements for building a life with dignity in cities, towns and villages, widening the environmental, economic, social, cultural and political, rights of the residents. It will contribute to changing the management of these settlements and improving quality of life, creating an environment to be enjoyed by present and future generations.
32. This Forum undertakes to endorse actions in favour of the popular sectors which have suffered most from the process of social exclusion imposed by the current model of development.
33. Commitments to the Treaty include:
 - a. Documenting and denouncing mass evictions, other violations of housing rights, and those related to environmental deterioration and destruction.
 - b. To promote local, national, regional and international, exchange of experiences, information, expertise and technical assistance among the signatories of this treaty.
 - c. To carry out acts of solidarity and support for individuals, groups and organizations facing oppression or retaliation for their work in defense of the right to citizenships, the right to housing and/or the protection of their environment.
 - d. To systematize, analyse and disseminate knowledge, and to facilitate new research, which will advance action and social change in cities, towns and villages, housing and environment. This Knowledge should link popular organizations support institutions and social research for the purpose of living strength to their work and social struggle.
 - e. To support and assist in networking, pressure actions and lobbying at local, national, regional and international levels, in defence of principles and proposals included in this Treaty.
 - f. To use all opportunities to strengthen the local, national, regional and international links among social movements, NGOs, Forum and local self-government.
 - g. To facilitate initiative for networking and joint action among the

signatories of this Treaty, to enhance effective local action.

34. To ensure effective constitution of the Global Forum toward Just, Democratic and Sustainable Cities, Towns and Villages, the signatories agree to set up a joint committee, consisting of the representative each from Habitat International Coalition (HIC), the Continental Front of Community Organizations (FCOC), and the Forum to Urban Reform.

Rio de Janeiro, June 1992



European Charter for Women in the City, "Moving toward a Gender-Conscious City" A Common Platform for Discussion at European Level Parity in Democracy Will Improve Living Conditions for All. UN, EC, Istanbul, 1996

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Action-Oriented Research supported by the Commission of the European Union Equal Opportunities Unit, 1994

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Foreword

The Charter is viewed as a lasting and open analytical process containing a series of concrete proposals which might be put into practice in order to take into account and to promote increasingly active citizenship by women in regional and town planning as a whole.

One of the presuppositions is that a woman's self-interest does not exist as such, but that women may act as catalysts in the process of change and of improvements of living conditions of all concerned.



Purposes of the Charter

The proposal for a "Charter for Women in the City" aims at conceiving a new philosophy in town planning, likely to make a constructive contribution to a true democratic debate which will take into account the needs and the different expectations of citizens, women and men alike. Efforts for revitalising cities must converge to create, newer, political and economic priorities aiming at increased social harmonisation. The issue at stake is to recreate spaces and close social ties with increased equal opportunities for women and men in urban and rural life.

The aim of this Charter is to promote a more liberated society, free from all stereotypes which hinder any development in town planning and services, housing, safety and mobility.

Cities must therefore be rethought and remodeled with a woman's perception, which will be instrumental in giving them a new balance and another dimension.



The quest for a new city philosophy Changing outlooks and viewpoints

Change will be achieved by:

- Removing obstacles that delay a woman's "Right to the City";
- Highlighting the issue to all involved, operating and deciding in matters related to town planning, housing and living conditions;
- Promoting new revitalized democratic decision-making process in town planning and the development of improved living conditions through the introduction of, and the contributions by, women at all levels of involvement and decision making;
- Creating a renewed awareness, a more dynamic sense of social responsibility, through a truly active citizenship that brings the decision makers and the citizens, with their day-to-day concerns, closer together;
- Promoting a different philosophy in regional and town planning, specifically focused on human values;
- Attempting to infuse a sense of dynamic change that will benefit all active participants in this new plurality, this new society.



Gender in a plural society

Taking into account social, cultural and historical relationships between women and

men is essential for initiating any change.

This will eventually require:

- Establishment of parity in the decision-making process to insure equal opportunities for women and men;
- Development of a new communal culture shared by men and women, in which gender-related studies and concerns will be the very core of intellectual renewal;
- A balancing of the male vision with the women's vision and perception as innovative elements in regenerating urban dynamics.



Some declarations

"In order to keep the situation from going from bad to worse, today's societies should launch a debate on their future and possible options and priorities. This implies that we consider meaning rather than means and that moral, ethical and human—rather than mercantile—values must be restored."

Professor Michel Beaud teaches economics at the Université of Paris VII - Jussieu - Le Monde (6 September 1994)

Women pay particular attention to how things actually work. For instance, when it comes to developing pedestrian precincts, I usually go and see for myself how things are coming along. Most of the time, engineers are men and they tend to think in terms of men's shoes. If a town is to be accessible and pleasant for everybody, why, then it should be remembered that women do not always wear low-heeled shoes. If pavements are well conceived, this also means that the disabled might move freely without stumbling upon uneven surfaces or other hazards. What I try to achieve at a political level is to start out from actual daily occurrences. A woman's position is important to me in that way, i.e. in the variety of issues where women come in".../..."It is not enough to demand parity or equality, we must go out and get it, and women are quite up to it. I feel it is very important because I am convinced that women, in their way of working in politics, always seek alternative solutions rather than struggle for power."

Catherine Trautmann, Mayor of Strasbourg, interviewed by Véronique Degraef (1994)

Admitting that being a woman is a general category should merely encourage every woman to express her individual nature. And this expression is no more "male" than it is "female", it cannot be generalised, it is unique and incomparable; and only as such, is an innovation, a potential contribution to a lucid civilisation, highly aware of its constraints..."

Julia Kristeva - Les Cahiers du Grif - Groupe de Recherche et d'Informations féministes (1975)



A definition of "gender"

Feminist theories, numerous as they are, have at least one point in common which is the starting-point for all: gender as it is structured in society, and in every society, subject to a variety of forms, is affected by the power one gender has over the other, and by the role and image it attributes to the other gender.

Therefore gender and gender relationships must be theoretically and politically reviewed and redefined.

In their present state, gender issues are historical products and, though secular, do not embody the truth about gender.

Though united in their denunciation, opinions nevertheless diverge, and with hindsight, two streams of thought may be distinguished.

The first, which may be called "essentialiste," supports the view that constructions have concealed and perverted an essence or nature of femininity which therefore should be brought to light.

The second, which may be said to be humanist or rationalist, supports the view that all is nothing but sexual division and that, as such, is objectionable and that men and women, though different, are all endowed with the same reason, unduly annexed by men to this day.../...

by Françoise Collin.
author, philosopher.

Excerpt from a written contribution to "Présences 1991" "Deux sexes, c'est un monde" (Gender makes a world)



I. European Charter for Women in the City

Action-oriented Research supported by the Commission of the European Union Equal Opportunities Unit, 1994



The Motivation

"The city is an organized memory"
"Women are the forgotten ones in history"

Hannah Arendt, philosopher

Whereas women are absent from, or particularly unobtrusive in, all decision making levels related to cities, housing and town planning. Whereas they are as yet very little involved in the major political, economic and social issues at stake. Whereas their particular needs are hardly taken into account in planning and programs, as they are usually overridden by the decision makers totally different interests;

Whereas living conditions in the city - viz. the neighborhood and housing - influence

and affect to a great extent the daily lives of its inhabitants; women in particular are affected as they in addition often carry out a double day's work and therefore have to rely to a great extent on quality city services and how this affects transport and environmental policies.

Whereas most women are doubly excluded as city users and as town and housing planners;

Whereas in order to be a "born-citizen," one must be from somewhere, and this home, far from being a neutral element, predisposes by its very nature and quality, how this citizenship will be expressed. Whereas today, and indeed historically, the rules of the game and priorities, especially political and budgetary ones, are defined mainly by men, who are convinced they are acting in the interest of all;

Whereas women are the most discriminated against when it comes to employment, that they are the poorer segment of society and therefore bear the major burden of the side-effects of dysfunctional (such as housing, lack of mobility, and violence in particular). For all these reasons, women have a direct interest in improving urban development and rural planning;

Whereas town planning considers only nuclear families in which a woman's lot is largely reduced to housework and a man's job is usually the only one away from home. This model, which has fixed social stereotypes, has been less typical for several decades now and no longer represents but a minority, is gradually being replaced by new types of families which town planning has neither foreseen nor taken into account, thereby creating renewed dysfunction and social tension.

Whereas many European and cities world-wide are going through a crisis and jeopardising social balances and peace. This state of affairs is due to the complexity of the problems which the required be solved as a whole. Obsolete urban theories and methods curb any development and innovation, and generate and perpetuate cities in crisis. The Charter of Athens of Le Corbusier which divided cities into single-function districts introduced distortions and has led, in time, to serious disturbances. Tangible results are troubled city districts, social outcasts, as well as the social and economic costs arising from commuting between the home and the work place. Pollution and heavy traffic in cities are also due to urban policies. Quality in city life is seriously jeopardised and if cities are to have any future at all, this handicap has to be tackled.

Whereas cities must now face major and unprecedented challenges to achieve the following objectives: environmental preservation and sustainable development, improved quality of life for all, including increased equality, solutions to urban malfunctions and the fight against exclusion, active and balanced democracy for a plural society, in which women are actively involved.

A new approach and fundamental structural changes are unavoidable if a European town planning policy is to deal effectively with these challenges. In any case, nothing will be solved without women's contribution, democratically legitimate on the one hand, and as an essential source for renewal in urban dynamics on the other.



The 12-Point Declaration

1. Women in the City and Active Citizenship

Active citizenship must be approached on the one hand through careful consideration of the influence of dwelling place and on the other, of how representative authorities and economic and political mechanisms in the city work

A more realistic democratic representation. Limitations on a woman's full access to city life must be removed through new means which will promote active citizenship.

The quest for a new town planning philosophy. Women, whether in their private or public lives, have still to identify themselves with, and appropriate, areas and services in their daily environment before becoming fully-fledged citizens.

This means taking steps to reveal persisting discriminatory practices against women in town planning and management.

This kind of discrimination is the result of historical social and cultural conditioning which has moulded the differences between men and women, not only as regards town planning and quality of life, but broader economic, social and cultural exclusion as well. Cities have become a mirror this type of discrimination.

2. Women in the City and Decision Making and Parity in Democracy

Women, at all times, must participate at all levels of the decision-making process at all levels regarding town planning, urban space, housing, transportation and environmental quality

Parity in democracy at all decision-making levels. Being part of the decision-making process is essential for emancipation. Women are very poorly represented in town and country planning as well as in housing policies. Cities were built without women and are still largely developed without their contributions. Their daily concerns are not a political priority.

Women must therefore be equally involved with all matters pertaining to living conditions. They must be heard in every debate and be consulted in every political and technical decision, from local to European level. Women represent half of the talent and potential qualifications on the planet, and their low representation in key positions is a loss for society as a whole.

The urban project is a major issue on the eve of the XXIst Century: any democratic revival must necessarily include promoting women's participation in decision-making processes.

3. Women in the City and Equal Opportunities

Equal opportunities must be promoted in education and research, in work places and in all professions relate to town and country planning, urban space, housing, mobility and safety in cities

Because democratic evolution is not spontaneous. Incentive policies must be launched in order to promote women's involvement in activities linked to town planning and the building industry.

Mentalities must change, as they remain to this day very misogynous in these areas, through a substantial change the notion of "women at home" conveyed by the media and school books, and through the example of creative women leadership, women architects and women town planners.

Women graduates in architecture and town planning must be encouraged to join the professions and be acknowledged by them.

4. Women in the City and Participation

Equitable participatory processes must be set up for women which will favour renewed ties of solidarity

Create intermediate decision levels. True "egalitarian urban democracy" must contribute to an exchange of points of view and help to come to the right decisions in housing, work, co-operative societies, cultural values and environmental quality.

Strategies for change. Women must have access to information about welfare administration, decision-making practices concerning the management of public funds, how to provide for needs, responding to women's hopes and a wide range of potential solutions.

Women as well as male inhabitants must be allowed space for managing individual initiatives and self-sufficiency. These are intermediate decision levels which might eventually lead to active citizenship and a debate on issues of general interest, and particularly of women's interests.

5. Women in the City and Daily Life

Daily life as seen through a woman's eyes must become a political issue

Create synergy of practical steps. A woman's approach to life in the city should lead to a different approach to iniquities in relation to minorities and to "invisible groups" of which women are a part. Town planning, city networks and environmental quality as perceived through daily life should take into account new variables.

Women, who will have become aware of their personal identities, their capabilities for intervention and their needs, will be able to strengthen social

ties and take a more active part in dealing with day-to-day contingencies.

6. Women in the City and a sustainable Development

Women must be fully involved in policies for maintaining the ecological equilibrium on our planet

We are merely borrowing the Planet Earth from our children. Preserving nature has become a major issue in a sustainable town development (Rio Summit) Women are highly aware of the issues linked to the quality of their environment; they know that it has become a major political challenge for future development (Agenda Item 21). Women's movements are particularly sensitive to this and are fully concerned with this new dimension in the economy and in town planning.

7. Women in the City and Social Safety and Mobility.

Every woman, and particularly underprivileged or isolated women, must have easy access to public transport in order to circulate freely and to fully enjoy economic, social and cultural life in the city. Women too have a right to the city

Key elements for change: safety and mobility for women. Safety in cities, both day and night, should be completely rethought while taking into account women's points of view. As they remain vulnerable targets when it comes to violence and aggression, town planning must be reviewed and carefully considered in terms of proper conduct.

As women who are socially or culturally excluded run the double risk of being trapped in their own isolation, their needs must be taken into special account by policies for increasing women citizens' mobility.

A safe city will promote mobility for all and for women especially. Feeling safe will greatly contribute to social cohesion.

8. Women in the City and the Right to Housing and Habitat

Women are entitled to adequate housing and habitat

Key elements for change: quality and diversity in housing and proximity public services. Lack of appropriate space in the neighbourhood for women's needs, conceived for and by them, leads to a loss of identity and to limited active citizenship. Public and private spaces, as a whole, are conceived and produced essentially by men or on male criteria, do not take the least of needs as expressed by women and lack in concern for the diversity of needs. Moreover, appropriate housing also includes convenient public services which are instrumental in reducing chores still largely shouldered by women.

Women are also very much aware that space specifically conceived for growing children are woefully lacking.

9. Women in the City and Gender Issues

Gender issues in the city must be acknowledged as the source for a newly shared culture and should participate in establishing a new town and country planning philosophy

Promoting gender-related education and a new democratic philosophy. The study of the historic, social and cultural relationships between men and women may contribute towards devising new and increasingly realistic solutions to the urban crisis and improving the quality of life of all city dwellers. Gender as a branch of knowledge of social relationships between men and women is an efficient means for abolishing stereotypes and approaching urban life from a different point of view.

10. Women in the City and Education and Local Experimentation

Gender issues in cities must be taught in schools, institutes for architecture and town planning, and in universities. Experimentation in cities is urgently needed if any changes are to occur

Acquiring knowledge and know-how. Constant follow-up of the various stages of progress. Research and assessment are essential for measuring the extent of discrimination against women in cities. Gender issues in cities must therefore be taught in universities and in colleges and be acknowledged as an indispensable branch of knowledge.

Experimenting on life scale. Pilot projects are also recommended for generating fresh political attitudes that take account of gender issues.

11. Women in the City and the Role of the Media and Transmitting Experience

The media must set out to spread messages which will counteract stereotypes and show women in roles reflecting their development and emancipation

Transmitting and spreading knowledge and know-how. New research and discoveries must be transmitted and distributed on a wide scale by the media if they are to be prime movers in social changes through abolishing obsolete social figures which hinder emancipation in society as a whole.

12. Women in the City and Networks

Exchanging information through a European network will promote the Charter and implement its 12 points

Circulating the Charter. Setting the stage for change through strong and assertive policies at European level. A European network for exchanging information is an essential tool for pro-active programmes and a change of attitudes. Contributions of the kind from, for instance, Scandinavian countries and North America will in all likelihood give rise to other, new types of pro-active programmes. Linking up to other international networks is important for

developing world-wide solidarity between women on similar issues and to firmly anchor a European presence in other continents, particularly in international bodies.



The 12-Point Declaration: Short presentation

Women in the City and ...

1. **Active Citizenship**
Active citizenship must be approached on the one hand through careful consideration of the influence of dwelling place and on the other, of how representative authorities and economic and political mechanisms in the city work.
2. **Decision Making and Parity in Democracy**
Women at all times must actively participate at all levels of the decision-making process in town planning, urban space, housing, transportation and environmental quality.
3. **Equal Opportunities**
Equal opportunities must be promote in education and research, in work places and in all professions related to town and country planning, urban space, housing, mobility and safety in cities.
4. **Participation**
Egalitarian participatory processes must be set up for women which will favour renewed ties of solidarity.
5. **Daily Life**
Daily life as seen through a woman's eyes must become a political issue.
6. **Sustainable Development**
Women must be fully involved in policies for maintaining the ecological equilibrium on our planet.
7. **Social Safety and Mobility**
Every woman, and particularly underprivileged or isolated women, must have easy access to public transport in order to circulate freely and to fully enjoy economic, social and cultural life in the city. Women too have a right to the city.
8. **The Right to Housing and Habitat**
Women are entitled to adequate housing and habitat.
9. **Gender Issues**
Gender issues in the city must be acknowledged as the source for a newly shared culture and should influence a new town and country planning philosophy.

10. Education and Local Experimentation

Gender issues in cities must be taught in schools, institutes for architecture and town planning, and in universities. Experimentation in cities is urgently needed if any changes are to occur.

11. The Role of the Media and Transmitting Experience

The media must set out to spread messages which will counteract stereotypes and show women in roles reflecting their development and emancipation.

12. Networks

Exchanging information through a European network will promote the Charter and implement action of its 12 points.



A Political Outline

"Transforming Daily Life into a Political Issue "

EUROPEAN PARLIAMENT NATIONAL PARLIAMENTS	LEGAL PROCESS	EUROPEAN UNION European Commission	MEMBER STATES National Governments
Towards Parity in Democracy		Implementing European Measures	Implementing National Measures
<ul style="list-style-type: none"> • Act at political level through lobbies in community, national and international institutions, and political parties to promote the European Charter for Women in the City. • Strengthen the position of women at all levels of decision-making : locally, regionally, in professional bodies, real estate, companies and firms, the media. • Create new co-operative housing models, alternative neighbourhood organisations, NGOs, networks and intermediate levels of decision-making which mainly involve women (schools for democracy). • Highlight women's talents, unveil their architectural achievements. • Rediscover the city through women's eyes, abolish stereotypes. • Raise awareness of the sex-related aspects of daily life and its bearing on women's daily lives in particular : surveys, round tables, debates, manifestations, charters, exchanging positive experiences. 		<ul style="list-style-type: none"> • Promoting research, assessing issues, creating cross-border networks between associations for women in Europe. • Launching action-oriented research and taking into account gender issues in programmes for cities, mobility and urban safety. • Supporting parity at decision-making levels: commissions, networks and observation stations related to the confines of daily life. • Supporting exchanges of experience and solidarity with women from eastern Europe and Southern countries. 	<ul style="list-style-type: none"> • Promoting gender issues in urban space, housing, town planning and mobility in education and decision-making bodies. • Devising local participation processes for women. Launching pilot projects, inviting women architects to take part in contests and public projects. • Supporting parity at all decision-making levels. • Supporting political choices and priorities which will improve the living conditions of women, marginal and minority groups.
<i>MAKING A STATEMENT FROM THE OUTSET</i>		MIDDLE COURSE OBJECTIVE	
THE ENVIRONMENT FOR DAILY LIFE AND EMPLOYMENT OF TIME IN THE CITY FACTORS THAT DISCRIMINATE AGAINST WOMEN		IMPROVED LIVING CONDITIONS FOR ALL	
<i>PARTICIPATION AN ACTIVE CITIZENSHIP FROM THE BOTTOM UP</i>		INSTITUTIONAL PROCES FAIR POLITICAL CHOICES	



II. 5 Priority themes. Basic criteria, Research, Actions. Inventory of main parameters

A. Town Planning and Environment, Mobility, Urban Safety, Housing, Strategies

Which are the crucial elements and factors in a town that affect particularly women's everyday lives ?

- Safety or insecurity in town
- The number and the quality of neighborhood services and community services
- Day nursery facilities
- Transport facilities
 - individual transport (car, bicycle)
 - public transport.
- The Quality of the environment
- Access to culture, leisure activities, to the town decision-making centres
- The job distribution and access to employment within cities.

By what means can women's interests be expressed?

- Involving women and updating the decision-making processes
- Increasing the exchange of information and innovating projects
- Determining the town's main social, economic and cultural indicators from the women's point of view;
- Making men aware of, and accustomed to, the thinking process which fully embraces gender; i.e., both sexes.

women "taking-care-of"

Even nowadays, women and mothers, mostly take care of children, the family, the elderly and sick relatives. Formerly, women also took care of the animals on the farm. This experience is necessary on a greater scale in solving environmental problems. Environmental care is to care - not to waste.

bottom up perspective

The great system-changes in public decision-making, that are required for a sustainable society can be brought about through grass-roots processes, that are based on the commitment of individuals and groups. Women often have this "bottom-up" perspective with the individual and the family, "the small life", as a starting point.

a holistic view

One of the major reasons for the failure of a sustainable development policy for our societies is the "sectorisation" of the problems. Women's outlook on life often stands for a more holistic view.

linear thinking - cyclic thinking

Women have the capacity to deal with restricted credit-finance and limited resources in the household. That means that women have been forced to learn how to think in recycling terms. Their competence can help to solve the planet's problems.

A. Town planning environment

To meet the challenges of planning philosophy has democracy as well as present. Women form the b cities because they are expected to now, they have remained been kept away from the from concrete actions which everyday life, they are revitalise the city dynamic expert know-how regarding

B. Mobility

For women, the choices will gain more easily -as well as access to the range of possible are burning issues. Being being cooped up and/or isolated women's personal development

C. Urban Safety

The architecture and the order directly connected with the noticed in the streets. Women to be considered as the only personal safety. In order to most essential that safety in the expression of a self-respect

D. Housing

As far as housing and facilities are concerned considered as experts on the life spaces. Whereas appropriation of share identification are in the concerns, women who do not own" as Virginia Woolf work is lacking in the building and social dimensions. An essential to improve the con

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One of the major reasons for the failure of a sustainable development policy for our societies is the "sectorisation" of the problems. Women's outlook on life often stands for a more holistic view.

linear thinking - cyclic thinking

Women have the capacity to deal with restricted credit-finance and limited resources in the household. That means that women have been forced to learn how to think in recycling terms. Their competence can help to solve the planet's problems.

network and hierarchy

The everyday small decisions in a home are related to the family and relations to others - to strengthening relations to survive rather than to concentrate on the increase of the economic power. This special skill of women, the issues of war and peace are simply focused on "peace".

A. Town planning and environment

To meet the challenges of the 21st century, a new planning philosophy has to be found, in which democracy as well as quality should be more present. Women form the best potential to revitalise cities because they are experts on everyday life. Up to now, they have remained "invisible" and have been kept away from the field of decisions. Starting from concrete actions which meet the real needs of everyday life, they are going to enable us to revitalise the city dynamics as well as renew the expert know-how regarding town-planning.

B. Mobility

For women, the choices which will enable them to gain more easily -as well as in a more equal way- access to the range of possibilities offered by cities are burning issues. Being able to get away from being cooped up and/or isolation is a major asset to women's personal development.

C. Urban Safety

The architecture and the organisation of a city are directly connected with the violence which is to be noticed in the streets. Women should no longer have to be considered as the only people in charge of their personal safety. In order to achieve this goal, it is most essential that safety in the city ought to become the expression of a self-respecting society.

D. Housing

As far as housing and fittings as well as other nearby facilities are concerned, women are to be considered as experts on the future development of life spaces. Whereas notions such as the appropriation of shared life spaces and identification are in the heart of present-day concerns, women who do not "have a room of their own" as Virginia Woolf would say, can detect what is lacking in the building of another form of urban and social dimensions. And such dimensions are essential to improve the condition of cities.

E. Strategies

The idea is to establish a package of political measures as well as forms of practice which will ensure durability and make significant democratic progress irreversible.

Deconstruction the former processes, designing new kinds of knowledge and of know-how, and their quick transmission form the key strategy for achieving this.

II. 5 Priority themes. Basic criteria, Research, Actions. Inventory of main parameters

A. Town Planning and Environment, Mobility, Urban Safety, Housing, Strategies

Which are the crucial elements and factors in a town that affect particularly womens everyday lives?

- Safety or insecurity in town
- The number and the quality of neighborhood services and community services
- Day nursery facilities
- Transport facilities
 - individual transport (car, bicycle)
 - public transport.
- The Quality of the environment
- Access to culture, leisure activities, to the town decision-making centres
- The job distribution and access to employment within cities.

By what means can womens interests be expressed ?

- Involving women and updating the decision-making processes
- Increasing the exchange of information and innovating projects
- Determining the towns main social, economic and cultural indicators from the womens point of view;
- Making men aware of, and accustomed to, the thinking process which fully embraces gender, i.e. both sexes.



A. Town planning and environment

Town planning has been characterised since Le Corbusiers 1933 Athens Charter by a separation of functions and single-function zoning, including a very traditional way of assigning roles to the two sexes - schematically, women in the private sphere, and men in the public one. Now, several decades later, such an approach has proved itself to be harmful to the lives of the inhabitants because cities suffer from serious urban and social malfunctions which, with time, are increasingly acute and pervasive. Some situations have become critical and show very clearly the serious decay in a urban life, as the deterioration of the fabric of society is mirrored by a concomitant deterioration of the fabric of towns. Social changes have not been taken into account, solutions have not kept pace with reality.

Up to now, decisions which dictate the whole population's surroundings have been taken on a very small of number decision-makers, generally male ones; i.e., politicians and specialists. They are still reluctant to open up the process of decision-taking. However, they are aware they have lost the ability to solve and master all the numerous problems caused by the present-day growth of cities. But they are still convinced that their choices are in everyone best interest. And yet, these male planners do not really believe that the gender dimension could be integrated into town planning, as they have not perceived or understood the importance or the dynamics of such an approach. They do not give much thought to the fact that women could be a driving force in the regeneration of city life.

Town planning issues

And yet, everybody agrees that a new land-use-planning philosophy is most necessary. First, districts experience crisis, then the population is shoved aside and discriminated against and finally the situation becomes explosive. So we must react immediately and take positive steps. The degeneration of the urban fabric and the concomitant deterioration of the quality of life which most of the population is experiencing, gives a general feeling that cities are becoming dehumanised. This calls for immediate measures to tackle the situation on the following main lines:

- by revitalising democracy and extending decision-making to a larger part of the population, by bringing decisions closer to the field of action, to peoples everyday life, bearing in mind there should be a certain balance as well as social coherence. Citizenship is at the heart of discrimination. A persons environment is to be considered as an ideal background which can reinforce active citizenship and help "becoming someone

somewhere.

- by considering issues linked to a sustainable development and respecting a balanced environment. However, at present, people's minds are increasingly focusing on repairing the damage which has already been done.
- by promoting a better quality of life for the entire population and by recreating spaces and links for solidarity.

The European Charter for Women in the City

A proposal for a new town planning philosophy.

Within the prospective framework of a new town and country planning philosophy, it is essential that fundamental structural changes should occur and that people should also become aware of the issues at stake. To initiate a new and profitable start - geared towards quality of life, sustainable development and increased democracy in decision-taking-, old methods, reflexes and habits should become a thing of the past in order to allow the creation of a new and dynamic approach. Women provide opportunities and potential for creativity which may lead to a new spirit and inspire pro-active citizenship.

- As former procedures ought to give way to new, appropriate methods, the European Charter for Women in the City suggests a new town and country planning philosophy which would be both appropriate and original, and would run along the following main lines:
 - a different approach
 - adoption of alternative policies
 - strong regeneration thrust.

Five keys for regeneration :

1. Promoting democratic parity for men and women alike in all decision-making processes.

A developing democracy, in terms of balanced equity in decision-taking processes, necessarily implies that women would become a target population for action programmes.

2. Taking into account gender in all town planning decision-making processes.

3. Reversing decision-making processes by basing them on daily life.

This is the basic groundwork for planning and devising development policies. This is what is meant by reversing decision-making processes. Living spaces and contexts are at the heart of activity and thought. Decisions are no longer taken at the top and thrust upon the local population: they are, as it were, taken from the bottom up.

The outcome of decisions may be discovered in a person's environment; decisions merge and reveal the issues at stake.

No matter at what level decisions are taken, they always affect citizens of both sexes who, more often than not, are unaware of any decision having been made, as they were not included in the decision-making process.

A person's environment bears testimony to the decisions made in urban-related matters.

Inhabited environments are reference points which gauge the state of society; they bring in turn its condition, struggles and malfunctions to light. Any changes in the quality of living conditions may be perceived and assessed there.

4. Creating intermediate decision levels, a laboratory for democratic experimentation and active citizenship.

5. Carrying out an interdisciplinary survey on quality of life in cities: safety, mobility, housing, neighborhood facilities, and the required strategies to achieve such goals.

Any improved quality of life can be appreciated through various factors, but safety, mobility, housing, neighborhood facilities, and the proposed strategies are all inter-related and changes in quality. These are

priority issues in women's daily lives but they are also essential to a certain quality in life and bring social cohesion.

These fundamental changes will also break the deadlock and will help to:

- identify and relinquish stereotypes linked to gender-related task divisions which dictate socio-cultural conditioning and the ways of relating to space and becoming part of it ;
- explore other forms of decision-taking, renewing knowledge through research and surveys on the effect of gender-based differences, means of approach to, and personal experiences of, city life, and on the underlying development in terms of social relationships ;
- find appropriate solutions for town and land-use which would meet the needs of the inhabitants and which would take into account socio-cultural differences in a plural society;
- encourage city inhabitants to shoulder their responsibilities and to come to accept urban changes, through dynamic social participation. Active citizenship can boost democracy, increase the feeling of belonging, and add a new zest to social life.

Women have a tremendous potential to offer when it comes to developing positive, creative town planning and generally improving living conditions and regenerating city dynamics.

In order to build up a constructive approach, women, with their expertise in managing their daily lives, will be a great asset to town planners who tend to be cut off from reality. Women are eager to contribute, as they are usually forgotten and excluded from present-day urban decisions. In daily life management, women have become experts in reconciling numerous aspects and dimensions with a creative but pragmatic approach.

Women seem to be less aggressive and domineering in their approach to the world than men. They have developed a sensitivity which has made them more alert to the complexity of the problems. Women have taken a humanistic view of life which helps them to identify priority decisions. Now, women have become precious "resource individuals" for creating a balanced democratic equity.

Environment issues and a sustainable city development

As economic growth has slumped, we have become aware of the serious damage caused by a century of disruption and of short-term investments for immediate return: our planet's future is in jeopardy, a great deal of its non-renewable energy resources has been depleted, huge areas have become deserts and the air, the water and the soil are highly polluted. Basic human ties have been broken in the name of vested interests, thereby perpetuating fratricidal and economic wars, which are rekindled by this end-of-the century's crisis.

Women are highly sensitive to the degrading effects of these problems, since they are the chief victims of hard times. Women are usually the first to be made redundant, they are always the targets of growing violence and are affected by the lack of prospects for their children. Women therefore often put forward proposals and strongly support an alternative project for economic development which would no longer lead to social degradation or increased poverty in cities or rural areas.

Basic criteria to be considered.

A. Town planning

- Planning for quality rather than quantity; town planning in which various functions are linked together;
- Planning integrated social, cultural, economic, demographic and political factors rather than a sector-based planning;
- Questioning men and women's comparative natural approaches to town planning ;
- Taking into account that cities are not neutral, but are alive with gender-based social and cultural relationships;
- Listening carefully to city dwellers in order to renew town planning;
- Preserving the environment and establishing sustainable city development;
- Helping women to become active citizens in reviving neighbourhood life in the city.

Research to be carried out or to be continued.

A. - Town planning (comparative analyses at a European level).

- Analysis of the obstacles women encounter during their day-to-day activities in town (length and purpose of travel, access to day nurseries, insecurity, etc.);
- A study of the Athens Charters perverted effects on womens use of urban space, time, housing, work and leisure activities ;
- Analysis of the implications for women of sector-based and mono-functional town planning;
- An assessment of womens involvement in decision-making processes (political and economic decisions, investments, property development, contract building, architecture, town planning, public engineering, etc.);
- A study of a new family structures, their functioning and expectations ;
- A study of the influence of tele-working on a womans social status (in terms of exclusion, isolation, or lack of social benefits).

Action Programmes & Possible Solutions.

A. Town planning

- At European level: European authorities must not neglect womens expert advice in matters of economic growth and ecology ; European programmes (such as URBAN or RECITE) should include gender-related issues;
- At national level: guides for an improved life style could become rules of thumb in which relevant criteria would denounce stale stereotypes;
- At regional level: improved public transport would bring inhabitants closer to daily activities. Further activities could be organised within housing estates. Every development project should systematically include a chapter devoted to womens emancipation;
- At local level:
 - intermediate decision levels, areas for co-operation, neighbourhood groups for raising the populations, and especially womens, awareness of problems encountered in town planning;
 - increased neighbourhood services in strategic areas : for instance, on the way to school or close to public transport stops ; creating home nurseries for children;
- Assistance to members of existing European networks such as Neighbourhoods in Crisis (Laboratories of European Citizenship), Eurocities, the European Womens Lobby, etc;
- Womens and womens organisations participation in planning schemes for public areas;
- City grading in terms of quality of life (urban planning, participation, safety) from a womans point of view (the Canadian example).

The Contributions of Other Declarations

Still considered to be the prime reference in urban planning by many town planners, disparaged by many others as the root of all evil affecting present-day sprawling megacities, Le Corbusiers 1933 Athens Charter, is more than 60 years old ! Assertions subsequently leading to questions, city planners tend to suggest a full range of new charters in which humanistic declarations and clamorous recommendations advocate an ideal city as seen through a mans eyes. Does this imply that women continue to live in the image of man or that they see themselves as a subgroup? This alone justifies the creation of a European Charter for Women in the City.

The following excerpts from declarations and charters are meant to voice our concern for the future of our cities. They will in all likelihood corroborate our view but they shall also reveal that most town planners remain totally unaware of any approach which might promote closer gender-related social ties.

In the 5 themes which are being developed, the following declarations shall be referred to:

- ATHENS CHARTER. (LE CORBUSIER - 1933)
- MEGARIDE CHARTER. (City of Peace, City of Science - ITALY - 1994)
- TURIN MANIFESTO. (Network for the Revitalisation of Neighbourhoods in a Crisis - Turin - 1994)
- BARCELONA DECLARATION. (25 towns - European Network of Neighbourhoods in a Crisis - Barcelona - 1992)
- EUROPEAN TOWN PLANNING CHARTER. (European Conference of the Ministers in Charge of Town Planning - Torremolinos - 1983)
- EUROPEAN CHARTER FOR TOWNS AND AGGLOMERATIONS. (Conference on Sustainable Cities and Towns - Denmark - 1994)
- EUROPEAN URBAN CHARTER. (Permanent Conference of European Local and Regional Authorities - Council of Europe - 1992)
- EUROPEAN CHARTER FOR TOWNS. (International Studies Centre of the Urban Development - Florence - 1993)
- EUROPEAN FORUM FOR URBAN SAFETY. (Paris Conference - European Urban Safety Network - 1991)
- WOMEN AND URBAN SAFETY - I ACCUSE FEAR. (Conference in Montreal - 1992)
- EUROPEAN CHARTER FOR BEING ENTITLED TO ACCOMMODATION AND THE STRUGGLE AGAINST EXCLUSION. (Foundation for Mans Progress - 1992 - Paris)
- WOMEN AND THE BUILDING OF EUROPE. (UCL European Conference with the support of the Equal Opportunities Unit - Brussels - 1994)
- ATHENS DECLARATION - WOMEN IN OFFICE. (European Conference - European Network Women in Decision-Making - European Womens Lobby - Equal Opportunities Unit of the GD V - Athens - 1992)
- THE EUROPEAN UNIONS INTERNATIONAL PERSPECTIVES. (Third midterm community action program - COM(90) 449 final - Brussels - 1990)
- PRACTISING LOCAL DEMOCRACY. (24 proposals for the citizens and candidates use - Association for Democracy and Local and Social Education - for the 1995 municipal elections in France - adels - Strasbourg - 1994)
- CHARLEROI DECLARATION. (Citizenship and Large-Scale Poverty - Resolution 243 - Permanent Conference of European Local and Regional Authorities - Council of Europe - 1993)
- RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT. (Rio de Janeiro June 1992 - Agenda 21)

Contributions from other declarations.

- A. Town planning.

ATHENS CHARTER

(LE CORBUSIER-1933)

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| <ul style="list-style-type: none">• Habitation zones are determined according to hygienic reasons.• House alignment along roads must be prohibited.• Large distances between high constructions must be kept open for green areas. | <ul style="list-style-type: none">• Arts and crafts closely linked from urban life, must occur in areas.• Town planning can only be |
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MEGARIDE CHARTER *(THE CITY OF PEACE AND SCIENCE - Naples, Isle of Megarida Research Group: Technological innovation and territorial transformation for the*

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|---|---|
| <ul style="list-style-type: none">• CITY AND NATURE: The balance between urban environment and natural environment is the cornerstone on which the model for the sustainable development of the city of the future should be based.• CITY AND PEOPLE: The city of the future must be interracial. It must offer every citizen a satisfactory quality of life while respecting the differences between individual communities and the cultural identities of the places where these live.• CITY AND CITIZENS: The city of the future will have to guarantee to each citizen maximum access to places, services and information - a city where each different group finds conditions that respond to its particular needs, which it must be able to express freely. | <ul style="list-style-type: none">• CITY AND COMPLEX and telematics in particular the city has to offer and to• CITY AND TECHNOLOGY and telematics in particular the city has to offer and to• CITY AND TIME: 7 telematics in particular, the city has to offer and to ma |
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TURIN MANIFESTO Urban areas, testing grounds for Europe's citizens

(Network for the Revitalisation of Neighbourhoods in a Crisis - Turin - 1994)

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| <ul style="list-style-type: none">• Develop new forms of local democracy to take account of the aspirations of some of the sectors of the population excluded from the local community (the old, children, women, foreigners and refugees, sometimes the victims of racism or xenophobia) and improve the living conditions of citizens in our cities whatever their origins may be. | <ul style="list-style-type: none">• Transform public action into a new and appropriate solution with the local population.• Implement integrated strategies individual and community• Encourage the participation finding solutions to businesses, voluntary associations and politicians. |
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EUROPEAN TOWN PLANNING CHARTER

(European Conference of the Ministers in Charge of Town Planning - Torremolinos)

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| <ul style="list-style-type: none">• Any town and country planning policy, at whatever its level may be, must be based on the citizen's active participation. It is essential that he or she be informed, in a clear and understandable form at all stages of the planning process and in the framework of the institutional structures and procedures. | <ul style="list-style-type: none">• Town and country planning people's surroundings, v culture, leisure or also communities or whether well-being by creating cultural facilities which different classes of the thanks to the right choice |
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B. Transport - Mobility

Mobility is key to success

Mobility is an essential part of daily life as it is the main means of access to city services and social encounters. Being able to cover distances swiftly and comfortably, is a necessity today, as people wish to make wider acquaintances and form new ties with other groups and individuals. Mobility conditions access to employment as well as social integration, but it can also become a factor for social discrimination and even exclusion of people whose movements are restricted, which happens to be the lot of the underprivileged in society.

Womens restricted mobility.

Women undoubtedly have fewer chances of becoming actively involved in urban life: they are less likely than men to have a personal vehicle, public transport networks remain inadequate, and insecurity prevails in certain districts, especially at night.

When a woman wants to combine a professional activity with housework, she must overcome all sorts of obstacles, and more specifically :

- the home, workplace and commercial centres are scattered
- inadequate public transport, especially in the suburbs
- public schedules are chiefly conceived for journeys to and from work
- the opening hours of public services assume that customers are free during working hours
- the shortage of day nurseries and their accessibility.

All these factors restrict womens mobility, often making the difference between men and women on the job market and discriminating against active citizenship. Town planning is a real hindrance to certain activities to the point of making them impossible. From an economic standpoint, women are increasingly penalised because the urban environment imposes upon them higher costs for accessing the labour force and leisure activities. Limited access to a wide range of jobs also explains why, in spite of decidedly improved training, women have not managed to achieve a significant breakthrough in the most sought-after and well-paid professions.

However, the aim here is not to rehash yet again discuss the separation of the home and workplace which is, in itself, a victory in womens struggle for freedom: intensive housework has always been a way to control and to exploit a womans work. In this respect, managers may be tempted to resort to teleworking as a way of sending women back to their homes.

A matter of choice:

Decision-makers - mostly men, who are usually fairly typical of the socio-professional field they represent- are in favour of developing road infrastructures and advocate easy vehicle access to commercial centres, offices and housing estates. The higher the social class, the greater the attachment to the car. Therefore, it is not surprising that decisions concerning mobility tend to promote private vehicle ownership. Moreover, this trend is confirmed by the lobbying of road contractors who want to establish their economic power and their political influence. At a European level, transport policies are linked to huge economic interests. Automobiles, high speed rail and air transport have the dominant modes of travel, which of course has a considerable impact on womens choices of transport, if only because at the smaller budgets left for local transport.

Many women in European cities own a car and that is undoubtedly their most spectacular victory in past years: cars have even become a necessity for woman who can afford to keep up with the "high" standards the well-to-do social classes set themselves in family and educational matters. It is noteworthy, in this context, that women and mens behaviour is fairly similar. Women usually consider that a car is essential to their freedom.

However, many women still have to use public transport, walk or ride a bicycle. They often depend on schedules and transit systems, often in discouragingly poor comfort. These women understandably feel they are the poor relations of their privileged sisters who have the advantage of possessing a vehicle.

If women had more influence in transport policy-making, would the outcome be any different? Most decidedly so, as women are particularly sensitive to the quality of life in cities, and would put forward values such as social interaction, environment preservation, and safety.

Taking part in the decisions:

If the number of vehicles is to be controlled with a view to sustainable development, public transport should meet consumer expectations and should not appear as a second class choice, reserved for women, children, youth, the

elderly and the underprivileged. Women should rightfully occupy positions which would allow them to take part in setting up mobility policies. In view of the size of the task to be achieved, and the various authorities to be consulted, women must clearly voice their opinions, since exchanging different points of view has always widened the scope for action.

Basic Criteria.

- B. Mobility.
 - Gaining access to as many opportunities a city has to offer as possible remains a prime concern for women;
 - Equal opportunities for individual and public services (employment, access to cultural activities);
 - Shortening the distances in cities, where the use of cars may be kept within reasonable limits, and where children would be "allowed";
 - Women are potential promoters of a new and ecological transport policy ideally represented by women : walking, bicycle-riding and public transport;
 - Ensuring that cars are no longer be reserved for a privileged section of the population.

Research .

- B. Mobility.
 - Making an inventory of womens presence at all decision-making levels regarding the transport and infrastructure sectors;
 - Studies of how women deal with the following three interfering facts :
 - malfunctions and interferences in the use : space/time/housing
 - reducing the number of working hours and part-time work
 - the ways stereotypes are carried on.
 - Analysing womens numerous journeys during an ordinary day (transport chains: which destinations, what distances are covered in a day, which evolution);
 - Access to leisure activities : in the neighbourhood, in town, in the suburbs;
 - The consequences, endured especially by mothers, of childrens prolonged education and of cultural incentives which compel parents to play taxi all over town
 - Real or potential urban insecurity which leads parents -especially mothers- not to let children go to school on their own or to places of social nature (which causes an increase in traffic and extra constraints for women, such as regularity in a job);
 - Analysing active womens specific contributions as regards public transport : relationships with the customers, the quality of the management and the money which has been saved.

Actions Programmes and Possible Solutions.

- B. Mobility
 - Promote consideration of gender issues by European city networks such as Eurocities, which advocates a carefree city;
 - Public transport should be available for women outside of commuter traffic hours (schedules, services, comfort, before and after the journey): access to recreational areas, evening classes, part-time jobs;
 - Public transport network should employ more women planners, drivers and operators;
 - Flexible means of transport, such as bicycles or small urban electric cars, must be promoted and improved (cycle tracks, bicycle garages near public transport stops, council bicycles, etc.);
 - Experiment easy and long-distance call systems;
 - Convenient, user-friendly, short-distance transport, as well as alternative transport means to suburbs and rural areas (small neighbourhood buses, volunteer drivers, pool taxis); small urban vehicle road/rail transport ought not to be, as is often the case, for women only;
 - Regular security night watches, at bus or tram stops, must be ensured;
The frequency of public transport must be increased : regulation of traffic lights, highway sections for public vehicles only; improved comfort: easy access for prams, bicycles, etc.; improved safety: women prefer surface transport to underground travel and the personal touch to automatic devices.

Contributions of other declarations.

- B. Mobility.

ATHENS CHARTER (*LE CORBUSIER-1933*)

- Distances between places of work and of life have to be reduced.

MEGARIDE CHARTER (*THE CITY OF PEACE AND SCIENCE - Naples, Isle of Megara Research Group: Technological innovation and territorial transformation for the future*)

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| <ul style="list-style-type: none"> • CITY AND MOBILITY: Mobility in the city of the future will have to be provided primarily by collective transportation; furthermore, every individual should be | <ul style="list-style-type: none"> guaranteed full freedom of movement, compatible with the structure of the city, on foot and by bicycle. |
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EUROPEAN CHARTER FOR CITIES AND TOWNS
(*Conference on Sustainable Cities and Towns - Denmark - 1994*)

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| <ul style="list-style-type: none"> • We, cities and towns, recognise the importance of effective land-use and development planning policies by our local authorities which embrace the strategic environmental assessment of all plans. We should take advantage of the scope for providing efficient public transport and energy which higher densities offer, while maintaining the human scale of development. In both undertaking urban renewal programmes in inner urban areas and in planning new suburbs we seek a mix of functions so as to reduce the need for mobility. Notions of equitable regional interdependency should enable us to balance the flows between city and countryside and prevent cities from merely exploiting the resources of surrounding areas. | <ul style="list-style-type: none"> • We, cities and towns, shall ensure the well-being and sustain social well-being through efficient transport. We know that the city has to reduce energy consumption and support the unnecessary. We shall give priority to public transport (in particular to walking, cycling and make a combination of modes) in our planning efforts. Motor transport ought to be limited to facilitate access to local economic activity of the surrounding areas. |
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THE EUROPEAN URBAN CHARTER
(*Standing Conference of Local and Regional Authorities of Europe- Council of Europe*)

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|--|---|
| <ul style="list-style-type: none"> • We must reduce the number of journeys and especially the use of private cars. • We have to reconquer the social space in streets. | <ul style="list-style-type: none"> • Mobility is not to be an end in itself. It should make cities liveable and sustainable. |
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C. Urban Safety

Women's lives in cities are always dictated by real or potential urban insecurity. This is yet another obstacle to

women becoming fully active citizens, as they cannot easily take part in public life or in the city's centres of interest when the time and place are not convenient.

To openly voice concern about insecurity is a way not only of solving women's daily problems, but also helping men and women to tackle the issue of violence in general.

The right to the city

However, this latent or real violence - which has many social and economic aspects - cannot be solved by planning of public spaces alone. On the other hand, a new approach to urban insecurity from a woman's point of view can help restore to cities their social function as a forum for meeting and exchanging ideas. This is in the interest of men and women alike. The idea is to rethink town planning so as to ensure respect for the moral and physical integrity of women. The city should mirror a self-respecting society.

Women who hold responsible positions in this sphere such as contractors, architects, town planners or municipal civil servants, often possess a car and come from "liberal", well-to-do families, so they are not aware of the problems connected with insecurity which are experienced by women living on the outskirts of cities, elderly women or women social outcasts. Women enjoying the benefits in city life give the impression of living in an emancipated society, but with respect to their age and their social background, they tend to belong to a privileged minority.

A safe urban environment from a woman's point of view should allow her:

- to know where she is and where she's going
- to see and be seen, to hear and be heard
- to run away and get assistance if necessary.

Urban violence

The endless list gets longer by the day. In an urban environment, violence is not an organised response to oppression, but a "lifestyle", often a way of expressing senseless anger and despair, as explained by the psycho-analysts, and there is the desire to dehumanise the victim which is necessary for the attacker's premeditated antisocial act.

Women, children, the elderly, the disabled and all those of a different colour, language or lifestyle are the first ones to be affected by the malfunctions in society.

It is a fact that attackers are almost always men. More than any other social group, women must organise their lives and above restrict travelling in town, in order to protect themselves from violence.

Domestic violence

Violence does not stop at the front door. However, domestic violence concerns all of us as, once again, it affects mainly women. Better physical surroundings, may help. In any case, many studies show that the environment too has a role to play in this type of situation.

Insecurity and the imagination

More than any other issue in present-day society, insecurity acts as a coincidence between reality and its expression. There will always be, probably increasingly, acts of aggression which will legitimise security measures, but scare mongers have managed to steal the headlines. From that point of view, it would be interesting to decipher the stereotypes and pictures conveyed by children's books and the media in order to, try to change people's attitudes.

Acts of aggression against women by strangers in public places are fewer than those carried out by women's friends, husbands or acquaintances in the privacy of the home. And yet many women do not feel safe in the streets or in parks. Various social mechanisms act in such a way that personal experience, fear or negative information are blame on public places. Feeling vulnerable always reinforces apprehension. The threat of violence starts long before the actual physical aggression.

Safety and mobility

Women's mobility is increasingly limited as soon as it gets dark. The feeling of insecurity is reinforced in monofunctional areas with office buildings and factories, and squares and parks.

In large cities women do not always own a car and tend to walk more than men and to use public transport more often. Women have less freedom of choice when it comes to travel. Insecurity on the streets and in public transport compels some women to travel in a car or in taxis or to simply stay home. Elderly women

belong to the most disadvantaged social group.

Information and social awareness.

The fear of physical aggression reinforces the need for safety. To a certain extent, the media even contribute to insecurity as they are more keen on reporting negative developments rather than positive action schemes. What should we do against the rise of crimes? Change your newspaper, says Willy Nagel, a criminologist in Leiden, Netherlands.

Men have to be encouraged to assume their responsibilities and do something to stop male violence against women. Which means that men, just like women, must get involved in looking for solutions. Institutions, communities and education departments must be mobilised.

Working groups should be set up. They ought to include institutions and bodies dealing with public transport, as well as users and their associations.

Raising peoples and the media social awareness through articles, programmes and comic strips. Exchanging, at a European level, information on positive action schemes carried out by towns or associations.

Propose European standards for safety which would be a reference for city inhabitants, craftsmen, town planners, architects and politicians. National, regional and community development policies could also refer to these standards.

Basic Criteria.

- **C. Urban safety.**
 - Womens safety in cities is the expression of a self-respecting society: a safe city from a womans viewpoint is also everybody elses ;
 - A man/woman partnership means that men have to admit that women experience a feeling of insecurity and that there are reasons which justify this feeling; women are not the only ones to be concerned by their personal safety;
 - It should be possible to have access to realistic information on aggression which would help women to calm objectively their fears;
 - Women have a right to the city: the adoption in each city of a declaration of principle, specifically conceived by men and for men who wish to prevent all forms of violence against women, ought to be considered;
 - Cities must acknowledge that womens safety is part of their mandate.

Research.

- **C. Urban safety.**
 - Continuing research in order to grasp the significance of gender in such matters ; finding out which forms of self-restriction and self-defence women resort to when they are confronted with insecurity and with real or potential violence ;
 - Surveys, interviews, statistics on the opportunities for womens access to activity centres, travelling at night, the consequences of insecurity on political participation, womens fear of speaking about acts of aggression they have experienced ;
 - Analysing town planning with regard to public and domestic violence against women;
 - Encouraging men to form associations which aim at making people socially aware and at preventing male violence against women;
 - Studying domestic violence by looking at conflicts between women and men which take place in the privacy of their homes ;
 - Analysing fear and the imagination ;
 - Carrying out research on the issue in institutes for architecture (workshops for assessing the effects of architectural choices on the feeling of insecurity).

Actions, solutions

- **C. Urban safety.**
 - Developing, on a municipal scale, analyses from the viewpoint of women with regard to

- prevention, to the feeling of insecurity;
- Asking women to draw up an inventory of the negative aspects in the framework of municipal actions, writing a guide to the assessment of the safety of places by calling on ordinary women and not just experts (exploration steps in the city of Montreal, for instance);
- Setting up permanent committees, in the municipalities women and city, which should include Town representatives, policemen, public transport representatives, taxi drivers, architects, etc.;
- Encouraging men to take on their responsibilities and to take action against male violence against women : creating centres for social awareness and listening purposes;
- Including, in the municipal policy, the struggle against sex violence; setting up "municipal action committees" which are to consider the cultural aspects in such matters;
- Writing a guide for designers and decision-makers making it possible to identify the elements in the urban environment which are likely to have some impact on womens safety (parking lots, parks and squares, streets);
- Adding in the granting conditions of planning permissions the schemes capacity to enhance public places and to create a safe environment (city of Montreal);
- Allowing in town planning ways which are easy to supervise at night; favouring social or semiformal supervision;
- Increasing the number of emergency phone terminals in the streets, in parking lots and squares, with most visible signposts;
- Fitting trams and buses with alarm systems (e.g. the Toronto subway) so that people can warn the driver of any ongoing harassing;
- Improving public lighting as well as the signposts so that people can easily find their way around;
- Providing cities with public toilets which can be found in the appropriate places;
- Seeing about organizing classes on safety in architecture and town planning schools as well as in engineering schools, with the obligation to include the dimension gender in the schemes;
- Developing transport modes which give a feeling of security at night (taxis driven by women, being able to call a taxi from a bus or a tram so as to be sure to get home without having to wait, etc.)
- Tackling the problem of women who are harassed by their landlords, by go-betweens, by neighbours (women have the right to enjoy peacefully the use of the premises) : adapting the criminal code, the civil code, the Charter of rights and liberties as regards sexual harassing related to housing (Quebec);
- Arranging entrance halls in buildings so that there arent any nooks, making sure such halls are well lit, providing glass elevator doors and also locking systems for the windows, the entrance doors, making sure the lock is changed each time there is a change of tenant, providing places for prams and bikes near the entrance, putting mirrors in the corridor angles, etc.

Contributions of other declarations

- C. Urban safety.

ATHENS CHARTER (*LE CORBUSIER-1933*)

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| <ul style="list-style-type: none">• The determination of residential areas is to be dictated by according to hygienic reasons.• The alignment of houses along main roads must be prohibited.• High constructions which are distant from one another will liberate the ground in order to have large green spaces. | <ul style="list-style-type: none">• Arts and crafts, which are to be placed in the designed spaces within the towns.• Everything in towns should be planned. |
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MEGARIDE CHARTER (*THE CITY OF PEACE AND SCIENCE - Naples, Isle of Megaride Research Group: Technological innovation and territorial transformation for the future*)

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| <ul style="list-style-type: none">• CITY AND PEOPLES: The city of the future must be inter-racial. It must offer every citizen a satisfactory quality of life while respecting the differences between individual communities and the cultural identities of the places where these live. | <ul style="list-style-type: none">• CITY AND SECURITY: The city must be able to move through it, leave it, and return to it. It must have to make the city more flexible, guarantee a minimum of rights that everyone must have. |
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TURIN MANIFESTO (*Network for the Revitalisation of Neighbourhoods in a Crisis - Turin - 1994*)

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| <ul style="list-style-type: none">• Recognising the implemented dynamics in neighbourhoods in a crisis; relying on them and doing one's best to reinforce the programs which have already been carried out for two years. | <ul style="list-style-type: none">• Founding new forms of social organization that take into account the aspirations of certain categories of people who are excluded from local development: children, women, refugee victims of racism or violence, and the living conditions of the people of their origins. |
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EUROPEAN URBAN CHARTER

(*Permanent Conference of European Local and Regional Authorities - Council of Europe - 1984*)

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| <ul style="list-style-type: none">• A coherent safety and prevention policy with regard to criminality must rely on prevention, repression and solidarity. | <ul style="list-style-type: none">• Prevention of criminality in the city. |
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EUROPEAN FORUM FOR URBAN SAFETY

(*Paris Conference - European Urban Safety Network - 1991*)

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| <p>7 STEPS TO MAKE CITIES SAFER</p> <ul style="list-style-type: none">• Countries must finance social and urban policies. now• Countries must set up national structures for the prevention of crimes, to carry out research and development plans and to facilitate the implementation of efficient prevention programmes, especially at town level.• Municipalities should set up structures for the prevention of crimes. This should mobilise, at their respective levels, the chief people in charge of policies regarding accommodation for families and youngsters, social services and also the police and justice departments.• Cities, countries, international organisms and non-government organisations have to encourage citizens to participate in prevention and to realise to what extent the implementation of efficient means, aiming at making our communities safer, is essential to the development of cities. | <ul style="list-style-type: none">• Developed countries must create an international network for the prevention of crimes, in keeping with the principles which the centre can be a model for.• The United Nations must encourage international co-operation on the prevention of crimes. The General Assembly to give place to a special session in the next decade, on the prevention of crimes.• The European Forum for Urban Safety and the Mayors Conference are to be created. Municipalities shall improve their safety. |
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WOMEN AND URBAN SAFETY - "I ACCUSE FEAR" (*Conference in Montreal - 1991*)

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| <ul style="list-style-type: none">• EACH WOMAN HAS A RIGHT TO THE CITY | <ul style="list-style-type: none">• WOMEN'S FEAR, A FACT OF URBAN LIFE |
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D. **Housing**

Are homes, districts and cities gendered?

The fact that specific roles are assigned to men and women does have effect on housing and its location, on housing zoning, transport policy and the range of social services. Behaviour and values which perpetuate such roles can be an obstacle to housing, owing to a narrow definition of family and household, and also owing to the use of housing and zoning codes as lifestyle framing instruments. In spite of the obvious evolution in family structures, such behaviour and values set the standard of the nuclear family living in its private house.

Public places are traditionally masculine (mens spaces), whereas housing-related private places are generally feminine (womens spaces). Does the myth of the housewife as queen express reality or does it just give another alibi for the eviction of women from public life and to keep them cooped up in their homes, in a place which actually does not belong to them? Are women an element which can bring comprehension and change?

The question is who decides on, and by what criteria programming the design and the construction of living spaces? And likewise, we must ask ourselves who profits from these urban and private spaces and what are the influences of their relationship on womens daily lives in particular?

Domestic space is like an extremely complex product, in which policy strategies are to be found. Women are the target and the privileged agents of such strategies. A neighbourhood, a house are like palimpsests and it requires a certain knowledge in order to decipher them, as stated by Ursula Paravicini. The history of domestic space has many dimensions to it and we must understand them in order to master them. In that, way it is possible to return that space to the women and the men who live in it.

The male body - of the universal man- determines the dimensioning of space. Leonardo da Vincis man, Le Corbusiers modulator, and Neuferts universal standard are all men. Please note that the female body standards are only enhanced for the dimensioning of the kitchen, the service rooms and the bathroom, the major concern being the upkeep and not the use of such places!

Moreover, housing plans are mostly designed to the basic needs of a nuclear family and the usual task share-out within the couple: man in charge of production, woman in charge of reproduction.

The hundreds of thousands of homes which have been designed and built during these last fifty years have been done so according to the postulates adopted by the modern movement. The development of suburbs and the construction of garden cities with their pastoral aspects implied the eviction of women from the social life of the inner cities, which thus meant that women were to be in charge of everyday social life at family level.

This way of seeing things can be found in handbooks and in reviews. Consequently, it forms the foundations of housing plans. In any case, the professional world as a whole is totally imbued with such views.

Redefining housing and neighbourhoods

The feminist approach.

The feminists analyses and proposals concerning housing and cities are in keeping with their struggle for social equality and economic emancipation which, according to them, remains closely linked to organising urban spaces and daily life. Thus even nearly a century ago women suggested having kitchenless homes fitted with collective facilities for the cooking and laundry, collective households with community facilities conceived in a scientific way. Contesting the usual housing models is something which is still going on even if this issue is of minor importance to certain historians.

If we examine critically the existing data, a double exclusion of women can be noticed: as life spaces experts and planners, and also as users of such spaces. There may be more and more women who study to become architects (about 50% of female students in the faculties of architecture in Greece), but even nowadays, less than 10% of them actually practice the profession and there are even fewer women present in professional associations.

Housing spaces are also hit by this discrimination shown by the spaces which men take for themselves. For example, in homes, the study is a place for men, whereas the multiple-use kitchen is known as the womans domain, i.e. a place where mothers do not just fix the meals, but also help the children with their homework. Actually, in a space which a woman is supposed to be at home, she does not really have any place of her own and even less a room for her exclusive use.

Transition between private and public spaces.

The transition from house to public space has always played an important part in the relationship between women and the community to which they belong. The more this transition space is marked, the more important the relationship with the outside world is. This relationship still exists in certain neighbourhoods. In most present-day homes - i.e., the lower middle class apartments- the transition space is limited to a narrow balcony and a high

frame in the kitchen. Thus, unconsciously and in the name of modernity, a blind wall has been erected around housewives lives. Consequently, redefining the boundaries between private and public spaces, allowing a new concern for architecture in public spaces as well as in semi-private/semi-public spaces near homes, is going to make women want to leave the private domestic space to invest the public neighbourhood space.

Homes and the related services as extensions to housing.

Women enjoy living for a long period of time in the same neighbourhood community of which they can clearly assess the geographical limits. In addition to belonging to a neighbourhood community, the quality of the extension to homes means a lot to women. The quality of homes is evaluated not just according to technical characteristics (volume, number of rooms, comfort, etc.) but also according to common public space which goes with it, the proximity of the nearby services, and the number of available services at local level. Extension to housing should give access to remunerated work. The quality of the public services (schools, leisure, health facilities, transport, etc.) concerns particularly women, especially in the lowest income districts, where private sector services are not accessible.

Changing the perspective.

How can we conceive of a house which is not determined by the male perspective of daily life and work, a place which does not just take into account mens needs? Of course there is no simple answer to such a question.

The starting point for research in this field is to be aware of the fact that a built-up area is not neutral, that contradictions exist between mens and womens experience, and also between theoretical models and real practice. This statement does not aim at disclosing a plot against women, but it enables people to perceive the priorities according to which a built-up area is conceived and achieved, especially when it comes to matters such as housing.

Proposals - old or new ones - for alternative forms of housing enable people to examine other sides to the problem and also the possibilities of change these other sides can offer. However, such proposals are not ready-made solutions. Real solutions, i.e. different housing plans, can only result from a survey of womens experiences and needs.

- Women have to speak up as users of housing and urban spaces and must demand the right to have their say in matters which are likely to influence their lifestyles;
- The idea is to respect womens experiences and needs when it comes to designing and instructing built-up areas as an alternative response to the urban crisis and social exclusion;
- The revitalisation of neighbourhoods and cities has to be linked to a local development process which ensures equal opportunities for women.

Basic Criteria .

- D. Housing.
 - Women are to be considered as experts on housing;
 - The gender dimension is a good way to understand matters such as the needs and the positions of the different social categories, especially the poorest and the homeless;
 - The necessary commitment for an ecosociety requires a link between an environment protection policy and an emancipation policy;
 - People, particularly women, take over places when they are asked to participate;
 - The instructions given to architectural creation are a necessity: they must take into account the instrumental dimension of the town, and they must also take into account the fact that the premises bear standards and values which are essential to the practice;
 - Town planning focused on the inhabitant, which brings housing, places of work and leisure facilities closer together, and which enables city dwellers to gain access to job opportunities, to raise children and to relax more.

Research .

- D. Housing.
 - Drawing up an inventory of womens participation at all decision-making levels: public or private, whether as builders, salesmen or saleswomen, advertising specialists, of editors of housing magazines;

- Analysing the criteria for the clientele present-day decision-makers have in mind (public and private developers, building firms, estate agents, council housing agencies, etc.);
- Analysing the extra work women have to do during their leisure time (weekend cottage, trailer);
- Evaluating the importance of single-parent families in order to provide suitable lodging for communal structures of living;
- Making a compendium of European alternative housing plans:
 - housing adapted to varied family structures, to living under the same roof
 - flexible housing which allows subletting, the building of extensions and organising semi-public transition spaces, for example;
- Making an inventory of the different experiences in Europe of setting up operations which are likely to favour housing co-operatives, adaptations through time, etc. Finding solutions which are the most adapted to peoples needs, especially to different groups of women;
- Analysing the implications of teleworking at home on womens social lives: suggesting alternative solutions within the adaptation of neighbourhood services to this new datum;
- Analysing new ways to delimit a territory starting from the transition from the notion of border and territory to the notion of a network of relationships which extend throughout the city and beyond;
- Spotting the places where active citizenship is put into practice and making such places more accessible;
- Developing new types of knowledge concerning men and womens perception and experience of living spaces (psychology applied to the use of spaces: e.g. as regards cleanness and order, prohibitions, refuge spaces of escape such as the bathroom, the garage);
- Examining the possibilities of more individual, more private spaces, where can withdraw everyone within a family living under the same roof.

D. Housing.

- Writing guides - for the attention of contractors, building companies, estate agents, council housing agencies - which emphasise the gender dimension as regards the use of the premises, the feeling of belonging, the way premises are used, etc.;
- Drawing up evaluation grids of projects (renovation, new constructions) according to womens perspectives;
- Promoting pilot operations in which women are directly involved; favouring the setting-up of anti-speculative operations such as housing co-operatives with integrated services, non-profit homes;
- Favouring the exchange of services and solidarity within neighbourhoods;
- Favouring participation procedures in the framework of networks such as Neighbourhoods in a Crisis (tests of European citizenship), aid funds for womens initiatives;
- Favouring the creation of meeting places in order to get women out of their isolation (information, learning about the life of a city);
- Favouring - by means of legislative measures - subletting, the transformation of single-family houses into separate homes (isolated elderly people in particular);
- Encouraging the creation of transition housing for women who have been abused;
- Creating a municipal advice and intervention service for non-D.I.Y. women (economical ways to make homes safer - Quebec);
- Equal access to bank loans for house purchase;
- Extending the supply of different housing types of support housing which allows for adaptation;
- Reinforcing womens tenants rights (improper or discriminatory clauses in leases, confidential information required);
- Defining municipal regulations related to construction schemes or public planning which should ensure more rigour, equity and transparency towards both the property developers and citizens.

About children.

- Improving the social facilities and the proximity services in order to:
 - make it easier for women to gain access to job opportunities;
 - give aid to the childrens education and their leisure activities;
 - improve the assistance offered to elderly women;

(Canadian example : Open sesame, women who have people to support are given the opportunity to work in shops);

- Fitting out more public and semi-public places with day nursery facilities : in town halls, in post offices, in

laundrettes;

- Having more appropriate places - in the immediate vicinity of schools - where it is possible to look after children after school hours;
- Having in each neighbourhood organisations which can look after sick children and places offering round-the-clock care to take off the pressure of working parents;
- Organising play micro spaces in each small plot with a concern for safe access, visibility, security and animation (exploitation of non-built-up plots or of abandoned buildings); organising possibility spaces;
- Providing leisure facilities for children in each neighbourhood (by using the existing structures such as schools, especially); imagining summer holiday programs with proper supervision and everything.

About how to improve social bonds.

- Tackling problem of the homeless non-citizens of Europe and the most vulnerable groups: ideas here include transitional housing for people in crisis and micro-lodgings for the homeless (Dutch experiences of womens initiatives aiming at the development of shelters/trailers);
- Proposing transit homes to accommodate women plus their families in a state of crisis, as well as creating new forms of micro accommodation for the homeless;
- Proposing new forms of rented accommodation or of housing co-operatives; adapting the allocation rules for council housing (especially for single-parent families); creating housing associations which aim at developing reasonable-priced homes adapted to children and meant for single-parent families (for example, in Vancouver, Canada since 1984 - Among Us Women).

About how to make things changing on national and European levels.

- Interceding with national and European trade organisations;
- Creating yearbooks containing the names of the women architects in each State are or, why not, yearbooks at a European level;
- Taking action at the level of architecture schools organisations (AEEA/EAAE) and of the architecture students associations: organising round tables and forums on with stereotypes;
- Becoming aware of the gender dimension: i.e. among the personnel of the housing advice services (such as the CAUE, France which is an architecture, a town-planning and an environmental Council);
- Launching a European-type international competition but it meant for young women architects and it would be called Euro FEM (Finland Ministry of Environment and Liisa Horelli and Gunlaug Östby- Euro FEM congress is planned in Hämeenlinna in 1998).

Contributions of other declarations .

- D. HOUSING.

ATHENS CHARTER (*LE CORBUSIER-1933*)

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| <ul style="list-style-type: none">• The daily functions cycle -home work leisure (recuperating)- shall be quickly settled by town planning with great saving of time, the home being considered as the very centre of town planning and as the reference point for all measures. | <ul style="list-style-type: none">• The initial core of town dwelling) and its insertion as an efficient-sized residential unit. |
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EUROPEAN CHARTER FOR RIGHT TO HOUSING AND THE STRUGGLE AGAINST EXCLUSION (*Foundation for Man's Progress - Fondation pour le Progrès de l'Homme - 1992*)

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| <ul style="list-style-type: none">• All men and women have the right to dwell. It does not just mean having a right to a roof over one's head. It also means having a right to dignity and to citizenship.• In order to fight against exclusion, we must start with the social outcasts themselves, we must help them become socially aware of their identity and of their abilities, enable them to reinforce their social ties and to participate actively in solving their problems. | <ul style="list-style-type: none">• Freedom of circulation and the harmonization of policies of the member States should take into account what people have to do to the struggle against exclusion. |
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EUROPEAN CHARTER FOR CITIES AND TOWNS (*Conference on Sustainable Cities and Towns - Denmark - 1994*)

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| <ul style="list-style-type: none">• We, cities and towns pledge to meet the mandate given by Agenda 21, the key document approved at the Earth Summit in Rio de Janeiro, to work with all sectors of our communities - citizens, businesses, interest groups - when developing our Local Agenda 21 plans. | <ul style="list-style-type: none">• We recognise the call for "Environmental Action for All" and the "responsibility" for the implementation of the programme to be shared by the community. |
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EUROPEAN URBAN CHARTER (*Permanent Conference of European Local and Regional Authorities - Council of Europe - 1994*)

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| <ul style="list-style-type: none">• City dwellers have a right to private life in their homes.• Each person or family is entitled to safe and sound accommodation.• Local authorities must ensure diversity, freedom of choice and of mobility with regard to housing. | <ul style="list-style-type: none">• The rights of the persons, especially the most underprivileged, should be guaranteed by the market.• Economic development and social justice are indissociable.• Each city dweller has the right to participate in recreation activities. |
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WOMEN AND EUROPEAN CONSTRUCTION (*UCL European Conference with the support of the Equal Opportunities Unit - Brussels - 1994*)

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| <p>European women who are in favour of the development of the European union,</p> <ul style="list-style-type: none">• Convinced that it can only occur with more democratic institutions and with more transparent decision processes,• Remind us of the Athens Declaration on democracy with equal representation of both sides and demand its implementation in all community institutions,• Assert that the European Union cannot develop without the participation of both male and female citizens of Europe; this participation should be based on continuous information on the European Parliament's schemes and decisions, | <ul style="list-style-type: none">• Are convinced that this action is most essential to the development of the intergovernmental conference.• Therefore demand that especially Parliament or NGO assemblies, meetings with citizens in order to debate the content of the treaties and the conditions to be put forward for 1994. <p>(Provisional text by way of 18 November 1994)</p> |
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E. Strategies

- Democratic progress does not occur spontaneously and societies cannot become liberated without a thorough questioning of the foundations of their structures.
- Gender-related concerns are often missing in the centres of interest and in the praxis of those involved with town planning in the various European countries. The gender policies and analyses give power back to the most vulnerable social groups.
- In order to make visible and to take into consideration women and their expectations in town planning and in order to make democratic changes irreversible in peoples mentalities as well as in the concrete reality of town planning, a strong strategy is essential.
- To women, their right to the city is what is at issue in this procedure. Deconstructing former methods and designing new kinds of knowledge and of know-how, and the in quick transmission form the strategic main line of the procedure. Although it may be unavoidable, this new planning philosophy which is put forward can be approached from different angles, it can become established and adapted in a supple way to the priorities and the sociocultural context of different places or countries.

Methodological procedure

In order to make a decisive and irreversible breakthrough, several main themes should be considered simultaneously:

- Setting thing in motion by the assertion of political will at European level followed by the States and local authorities, which are the main entities concerned. Note that at this stage, Europe is already ahead of certain countries. This movement can also be extended to the Central and Eastern European Countries and to other parts of the world by a boomerang effect, its positive effects can be multiplied.
- Carrying out priority actions which function in synergy.
- Ensuring a constant follow-up in order to spot hitches, noticing when progress is made and marking the stages of it.

The priority actions

They aim at the same time at:

- teaching about democracy, the main focus of which the purpose is democracy with equal representation of both sides and active citizenship for women - is the most important main line;
- the creation of a new planning philosophy of which the main theme is in reversing the direction of decision-taking. Everyday places and situations, all dimensions considered, become the test of - as well as a major centre for - action and thought. Thus decisions are taken at the grass roots, near the places where people live, i.e.. go "bottom up";
- promoting a new gender-related university teaching which is focused on gathering knowledge related to town planning;
- the active transmission of the new solutions trough the media.

The links and fields of the major actions.

With an objective of success, a series of coherent actions is being considered in order to create a dynamic movement, the effect of which is synergy.

They include :

- Education, higher education and research.
Because education is a driving force and a vector of social change.
- All forms of communication whose priority targets are both the political and the professional

decision-makers in the fields in question. Universities, schools and research structures are concerned as well by the flows of communication which should be developed in order to change in a durable way people's attitudes to town and country planning.

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- Determining concrete achievements at local level -experiments fields on a real scale - is essential. They should promote support for urban and social change. The improvement of womens safety in cities, easier access to mobility, the way facilities pertaining to housing or to the neighbourhood have been conceived to make womens daily lives easier, remain the Key areas for appreciating and evaluating a more appropriate concrete procedure.

It goes without saying that the quality of homes and living spaces is as beneficial to men as to women, which doubly validates the procedure; it gives women the opportunity to make emerge a whole range of general problems as regarding planning which even now is the tip of the iceberg of problems which have to be solved in order to improve, bearing in mind a sustainable development perspective, everyones -men and womens- environment for living.

The gender as a new research area and designing new kinds of knowledge and know-how.

Research plays a decisive part in the formulation of policies. We must take action so as to make up for the decision-makers and professionals relative lack of knowledge about gender. The lack of data and reference points makes it difficult for women to stand up for their claims and needs in regard to the residential environment. In order to compensate delays or lacks, measures should be considered, more particularly:

- Demonstrating that the gender dimension is not an optional criterion, but an unavoidable procedure necessary to the achievement of any town planning scheme aimed at getting rid of the power inequalities between men and women;
- Giving education units in charge of architecture and town planning minimum documentation related to gender and also educational tools;
- Generating, with regard to this, new methods as well as other intellectual approaches in order to acquire new attitudes and arouse the creation of a new field of interest;
- Designing new kinds of knowledge concerning the way women perceive and experience life spaces with regard to the development of the psychology of space;
- Continuing more detailed research in order to identify better the patterns which lead to stereotypes of which both women and men are the subjects/objects and which they convey without knowing it;
- Developing a historical perspective so as to denounce the so-called naturalism of human behaviour. Studying and emphasising the recurrence of certain phenomena which are believed to be new, such as, say, single-parent families. Today, this important theme calls for particular attention in terms of an adapted response to urban facilities and to the change of lifestyles and of all forms of places of residence;
- Going deeper into studies on specific groups of women: the aged, immigrant women, female adolescents or young women tied up by family prohibitions or singular customs which hamper their full development; telling cosmopolitan women (especially architects and town planners) about the living conditions of women who live in seclusion by force of circumstances and not because it was their choice;
- Stimulating the creation of teaching chairs oriented towards considering the gender dimension and promoting competitions and forms of university stimulation in order to develop among students this strangely forgotten theme but nevertheless integral to any conception exercise of planning and architecture.

Womens presence in decision-making posts.

- Women have to be more present everywhere so that key or decision-making posts can be equally shared out among men and women. We have to break the glass ceiling which still keeps women from gaining access to such posts, in the town and country planning disciplines and also other fields which remain closed, in particular in higher education, disciplines such as architecture and town planning. We are to do so especially

by giving greater priority to women when posts are created or juries are formed.

Communication.

Communication must be perceived as a crucial link in order to increase tenfold the impact of the actions which have been carried out by local, national, European and international networks.

The circulation of information is vital if we wish to formulate and consolidate a new approach. It is essential to use it and stress its importance, especially in order to:

- Make people aware of active citizenship and of the part women can fully play in the city;
- Promote and reinforce women's image in the media, insist upon their presence among decision-makers, architects and the local élite;
- Create newsletters which are likely to be distributed among decision-makers, researchers and networks so as to inform them about European programmes and their possibilities, about information related to research and actions concerning the gender and women in particular;
- Have input into conferences and seminars which take into account the gender dimension to town and country planning, housing, transport and safety;
- Organise specific training seminars for town and country project co-ordinators so that they become socially aware of the new procedures;
- Create and distribute yearbooks in which the names of resource women are to be found at national, European and international levels;
- Create audio-visual documents: films on video tape and on CD-ROM showing positive actions and interviews of women experts on the subject; create awareness-raising handbooks, educational comic strips;
- Develop exchanges of information on participatory procedures which have been initiated by or for women in the framework of European networks, such as Neighbourhoods in a Crisis, Eurocities or the European Council of Communes and Regions;
- Set up a lobbying structure among the European institutions in the framework of their various programmes and networks, by relying on the existing networks and more particularly on the European Womens Lobby;
- Distribute the Charter in political and economic circles and also among associations, create initiative centres.

Favour local dynamics with women, by means of concrete action.

Women can fruitfully contribute to the renewal of the city dynamics, if they are no longer blocked by traditional conceptions which restrict their access to training or to job opportunities. The burden of domestic life, of taking care of the children and often of elderly people - all these burdens are so many handicaps if social facilities logistics or if a more equitable share-out of the tasks in a couple cannot free women from them, so that women can find the time to fully enjoy their abilities, both for their personal development and in the community's interest. To initiate the dynamics of change in that direction, the following must occur:

- Favouring actions on a council scale, in the neighbourhood and creating places where women can meet and talk and also where solidarity ties can be made.
- Creating support or relay structures such as town halls especially and/or neighbourhood associations. Women's participation often starts with their implication in conviviality and local solidarity actions.
- Arousing the setting up of Foundations such as Women and city, building, dwelling (Netherlands) which are likely to promote new action schemes in favour of homeless women, second-class women, immigrant women, coloured women, nomadic women;
- Creating co-operative banks chiefly managed by women and which are likely to favour the implementation of

plans put forward by women;

- Giving women the chance to meet as, when they get together, women become aware of their social identity and are likely to make it evolve. They collaborate in the research and the achievement of concrete goals within their neighbourhoods and their communes starting from actions which meet everyone's -man and woman- real daily needs. Women create the conditions of social dynamics;
- Arousing the creation of intermediate decision levels, the schools of active democracy, starting from the concerns linked to life surroundings, to the quality of the environment, to participation in the decisions. Those spaces and moments are ideal for encouraging the dialogue between local and private authorities and also the community or informal sector;
- Creating with children and adolescents municipal councils which would really show parity;
- Looking for the means which would make women no longer feel guilty about not daring to claim positive discrimination. Favouring their freedom of speech. Understanding the reasons for their reluctance to getting involved with power structures related to building and urban development;
- Giving financial means to women's and feminist associations so that they can do their work and fully participate in the life of their cities;
- Actualising the part played by women in the structural change process so that they are recognised and identified as people who are fully entitled to the city;
- Favouring the feeling of belonging somewhere, of identification and of appropriation of places by means of women's active participation in the decisions concerning neighbourhood life;
- Creating and encouraging formal and informal networks of men and women experts, of resource people and associations which favour the exchanges of experiences, information, the making up of data bases, the setting up of an INTERNET network, making it possible to enrich each year good practice;
- Creating a European network of exchanges of information and of resource people to give a broader dimension to the concept of the establishment of a new planning philosophy by means of the daily life approach; stimulating and enriching the international thinking on this subject (the EU, the Council of Europe, the UN);
- Being inspired by the UN's Global Housing Strategy - women's participation in the development program.

Ensuring a constant follow-up.

Since the charter is triggering a new process, it is essential to mark the stages so that the process can be consolidated and so that its real progress can be grasped precisely.

Which means:

- Making an inventory of women's presence at all decision-making levels;
- Planning meetings: symposiums, conferences to have an idea of the ongoing changes;
- Creating a European Observatory of the Equal City.

Particular Actions.

We must seize the opportunities which are favourable to the elaboration of new possible fields of development.

- Having a right to accommodation should be included in the Treaty of Rome when it is going to be revised in 1996; this is important to the 5 million homeless people which are to be found at present in Europe, many of

those people being women;

- The gender-related field of knowledge should be included in the various national and European programmes dealing with urban issues -e.g. URBAN, etc.;
- It is important to take part in European schemes such as the European Urban Observatory: R.O.M.E. network sustained by the GD XVI in the framework of the RECITE programme (computerised network between 10 cities - forward-looking budget 1,800,000 ECUs);
- We must also establish links and set up research/action projects with the existing European networks:
 - Development Agencies (19 associate towns) B-Brussels
 - Environet (5 associate towns) DK-Horsens
 - European Urban Observatory (10 associate towns) E-Barcelona
 - Neighbourhoods in a Crisis (31 associate towns) B-Brussels
 - Eurocities (30 associate towns) B-Brussels
 - Strategies of medium-sized towns (9 associate towns) P-Evora
 - Region Universities (6 regions) E-Valladolid
 - Citizenship and Large-Scale Poverty
 - Council of European Communes and Regions (114 members) B-Brussels.

Contributions of other declarations.

- E. Strategies.

ATHENS CHARTER (*LE CORBUSIER-1933*)

- | | |
|---|--|
| <ul style="list-style-type: none"> • The daily functions cycle -home, work, leisure (recuperating)- shall be quickly settled by town planning with great saving of time. | <ul style="list-style-type: none"> • Town planning must ens same time, it must enjoy action. • Private interest shall be s |
|---|--|

BARCELONA DECLARATION

((25 towns belonging to the Network of "Quartiers en Crise" Programme - Barce

- | | |
|--|--|
| <p>The determining part played by cities in the major economic and social changes in Europe has to be recognised. That is why the mayors and town representatives are pressing the European Community Institutions:</p> <ul style="list-style-type: none"> • to consider the neighbourhoods in a crisis as priority action zones within the new framework of interventions planned for 1994-1997. | <ul style="list-style-type: none"> • to add -in its proposals f to the existing objective the economic and urba intend to implement • to favour the developm and know-how on the n of neighbourhoods in a local authorities. |
|--|--|

TURIN MANIFESTO *Network for the Revitalisation of Neighbourhoods in a Crisis*

- | | |
|--|--|
| <ul style="list-style-type: none"> • Establishing contacts with other European city organisations (Eurocities, Council of European Towns and Regions, Forum for Urban Safety, etc.) | <p>in order to co-ordinate t as to bring to a successf to a coherent Europe appropriate means.</p> |
|--|--|

EUROPEAN CHARTER FOR RIGHT TO HOUSING AND THE STRUGGLE AGAINST *(Foundation for Man's Progress - Fondation pour le Progrès de l'Homme - 199*

- | | |
|--|---|
| <ul style="list-style-type: none"> • There is also a lot to exchange and learn, as regards the struggle against exclusion, from non-European countries and especially Third-World countries. We can favour exchanges with networks from other continents. | <ul style="list-style-type: none"> • Housing is one of the exclusion, if not the struggle strategy effec consultation should tak governments of the Con policies as regards hou and economic policies. |
|--|---|

EUROPEAN TOWN PLANNING CHARTER - TORREMOLINOS CHARTER

(European Conference of the Ministers in Charge of Town Planning under the ae Council of Europe - Spain - 1983)

- | | |
|--|---|
| <ul style="list-style-type: none"> • Town and country planning contributes to a better organisation of the European territory and to looking for solutions to problems which go beyond the national framework and aim thus at creating a feeling of common identity, taking into account the north-south and the east-west relations. | <ul style="list-style-type: none"> • A person and its well-l shares with the environ and country planning c offer the person life su which ensures the de personality in a human-s |
|--|---|

EUROPEAN URBAN CHARTER

(Permanent Conference of European Local and Regional Authorities - Council o

- | | |
|---|---|
| <ul style="list-style-type: none"> • A continuous training and educational effort is most essential. | <ul style="list-style-type: none"> • The protection of natur feeling of belonging s dwellers' commitment t |
|---|---|

ATHENS DECLARATION - WOMEN IN POWER

(European Conference - European Network "Women in Decision-Making" - E Opportunities Unit of the GD V - Athens - 1992)

- | | |
|--|---|
| <ul style="list-style-type: none"> • A democratic system must ensure equal participation of its | <ul style="list-style-type: none"> • Under representation of |
|--|---|

Suggestions for writing a RECOMMENDATIONS BOOK adaptable by each lobby

As regards women, transnational environment, transport and housing policies.

The Council of Europe and the Commission of the European Union are invited

- To request the presence of womens associations in the European commissions. For example, within the Commission Europe 2000 (general Management of the Commissions regional policies file Europe 2000: Developing the European Territory 1992) with regard to environment and natural resources, urban agglomerations, rural, border and coastal regions, and transport.
- To arouse the consideration of the gender dimension in the framework of the action programmes of the European Union which deal with urbanity (such as the URBAN programme), to favour exchanges of information on this subject within the various GM departments and include in the 4^o action programme the issue about the gender dimension in the city, to set up action programmes in association with HABITAT II (UNCHS Nairobi) based on the preservation of the environment, the participation of the inhabitants (women and men) and the gender dimension;
- To support transnational research in that field and draw up inventories of what is going on in decision-making circles, especially on a transnational scale (investors and property developers, administrators of estates, architects, engineers);
- To support the creation and the development at a European level of a permanent network of Women in the City and of an Equal European Observatory in the City;
- To arouse and support research in that field at the European University Institute in Florence and at the Dublin Foundation.

As regards womens contribution in the urban process.

Governments and local authorities are invited

- To organise architecture and town planning contests in which the gender dimension is to be considered; to encourage this approach as one of the important factors in the invitations to tender issued by the State or by local authorities;
- To organise campaigns for accelerated information at all decision levels in particular for the attention of architects, geographers, engineers, economists, town planners and sociologists;
- To set up adult education programmes dealing with the gender dimension within universities, more particularly in architecture and engineering schools. To induce research by creating researcher posts for women and men as well as teaching chairs which take into account the gender dimension;
- To make the population as a whole and school-age children in particular- sensitive to the critical examination of life surroundings and to the daily practice of an egalitarian democracy;
- To encourage having municipal councils made up of children with perfectly equal representation of both sides;
- To promote initiatives which favour womens participation in the existing consultative and executive organs at local level, by setting up and conducting campaigns which aim at making women sensitive to active citizenship starting from an analysis of life surroundings and also by consequently adapting the timetables of

the municipal services;

- To encourage the carrying out of pilot plans on womens initiative by giving ground and by setting up operations in association with local community organisations.

As regards womens participation.

Parliaments are invited to.

- Create reflection commissions with equal representation of both sides which shall examine the various aspects of everyday life in order to make political issues out of them.

As regards womens rights.

The judicial organisations are invited to.

- Examine the texts related to land ownership, real estate, tenants rights and to the consultation mechanisms by relying on womens experiences and the obstacles they encounter;
- Devise forms of legislation which favour the emergence of an alternative housing market -and not a speculative market- based on co-operative principles.

As regards European and international exchanges.

Nongovernment associations are invited to.

- Federate the actions and reflections within a European Women in the City network in connection with other networks in Europe and elsewhere in the world;
- Multiply the information campaigns as well as the training programmes which aim at promoting women in the field of town and country planning.

As regards womens roles in the city and at home.

The media are invited to.

- Make public opinion sensitive to the gender and to the modes of perpetuation and transmission of stereotypes in the fields of housing, town planning and transport;

- Support film projects (films, CD-ROM) which aim at showing other ways of dwelling in Europe.

As regards women, the environment and life surroundings.

Trade Unions are invited to.

- Make public opinion sensitive to the gender and to the modes of perpetuation and transmission of stereotypes in the fields of housing, town planning and transport;
- Support film projects (films, CD-ROM) which aim at showing other ways of dwelling in Europe.

We especially reply on.

- action programmes
- recommendations which were put forward by way of conclusion to seminars and international conferences
- various statements
- actions carried out by European networks
- actions carried out on the initiative of womens associations.

The influence of the gender with regard to housing and town planning, womens decision-making, learning about democracy, being entitled to accommodation: these are all major themes which have been analysed for more than a decade in Europe and throughout the world. However, the cities in a crisis, the 5 million homeless people, non-citizens of Europe, show that the difficulty is also to be found in the rendering of these analyses into action strategies.

This Charter for Women in the City is mainly inspired by the analyses and recommendations which have been put forward during conferences, symposiums and research in the field of the City. In this charter, the City -where more than 80% of the European population lives- is considered from the particular angle of socially built relationships between women and men. The challenge being that this original procedure is likely to make things move on and arouse a real change procedure.

At world level :

1. The Universal Declaration of Human Rights: Art. 25- Everyone has a right to adequate living standards to ensure ones health, ones well-being and those of the family, especially as regards feeding, clothing, housing, medical care and also as far as the necessary social services are concerned;
2. The Town Planning Programme and the Programme for a Sustainable Development of Cities aroused by the UNCHS (Habitat) which stress the inhabitants participation and an analysis of the situation by becoming socially aware of the problems linked to environment preservation.
3. The Housing Programme (UNCHS), The role of women in housing aiming at preparing the 1996 Habitat II conference of which the major concerns will be womens participation in the decisions, appropriate accommodation for everyone and the preservation of the environment. One of the first contributions is oriented towards proposing to consider the city according to its sex differentiation aspects.
4. The World Housing Day on 4 October 1993, aroused by the UN, focused on becoming socially aware of the part played by women in the improvement of housing and recommending a more democratic participation of women and especially the creation of networks so as to share the analysis of the problems, the breakthroughs and the experiences.
5. Womens Convention for a Healthy Planet - Miami 1991 - preliminary meeting to the United Nations conference on environment and development - Rio 92 - with its Global Forum and its Women Planet workshops. Womens 21 Diary emphasises the topics in our world which should be given priority and formulates a request for, among other things, the unavoidable presence of women in the UNs commissions so

as to ensure a change process.

At European level:

6. The Green Book (European Social Policy) of the 1993 Commission of the European Communities as well as the 2 Social Europe publications, i.e. The Social Urban Development (1/92) and Towards a Solidarity Europe: Housing (3/92).
7. The European network Women in Decision-Making (Equal Opportunity Unit of the Commission of the European Communities) and the Athens Declaration Women in Office of 3 November 1992 which advocates the reinforcement of European democracy by means of, among other things, equal participation of women and men in public and political decision-making.
8. The European Urban Charter, adopted on 18 March 1992 by the Permanent Conference of European Local and Regional Authorities (PCELR) during its annual plenary Session in Strasbourg, gathers, in a single heterogeneous text, a series of principles on a sound urban management at a local level. It sticks to the qualitative aspects of urban development and to the quality of life.
9. The European Charter of Town Planning or Torremolinos Charter from 1983. (European Conference of The Council of Europe Ministers in Charge of Town and Country Planning). This charter starts from the postulate that town and country planning is the space expression of the economic, social, cultural and ecological policies in any society and recommends a democratic, an overall, a functional and prospective procedure.
10. The recommendations of the 2 conferences aroused by the Council of Europe, in Athens in 1991 called Womens Participation in decisions concerning Town Planning and Life Surroundings, in Örnkölsvik in Sweden in 1994 called The Challenges to the European Society at the Approach of the Year 2000: Womens Role and Representation in Town and Country Planning.
11. The conference of the OCDE (Foreign Trade and Development Organisation) called Women and the City - Housing, Services and Urban Environment in October 1994 which puts forward the specificity of womens approaches in the conception of town planning and housing. The 1992 report of the OCDE called Conducting Structural Changes - Womens Role; the conference called The Reasons for Undertaking: Women are Thinking of the Society of Tomorrow (ILE Programme).
12. The Citizenship Charter -June 1994- establishes common ground for reflection on citizenship (Co-ordination Group with the participation of the Foundation for Mans Progress).
13. The European Charter for Being Entitled to Accommodation and The Struggle against Exclusion of which 8 European networks are the signatories (1989). This charter, made on the initiative of the International Housing Coalition (IHC - Europe) and the Foundation for Mans Progress, defends in particular the fact that everyone has a right to housing.
14. The international meeting -Democracy and The Rights of a Person- in Lisbon in April 1993 of which the theme was The Role of Women in an Interdependent World organised on the initiative of the North-South Centre, of the Council of Europe and the African Unity Organisation. The aim of the numerous recommendations put forward is to support and promote the role of women of all countries of the world as regards the building of democratic societies; to ensure the elimination of all forms of discrimination and of acts of violence against women; to admit that womens rights are rights of the person and that this concept of rights of the person must apply to everyone regardless of sex, ethnic group, religion, age, physical abilities or of social class.
15. Research/Action financed by the Equal Opportunity Unit carried out in 1993, the theme being Men and Womens decision-making mode as regards urban space and housing, in 6 European countries. This survey reveals a crying deficit of women in teaching posts in architecture schools and in practising the profession. The gender dimension in regard to architecture and town planning is hardly known in Europe, whereas in America it is already currently taught in schools.
16. The recommendations put forward during the Seirov/Nirov convention in September 94 in Driebergen, Netherlands, the theme being Emancipation as related to Physical Planning, Housing and Mobility in Europe.
17. The Neighbourhoods in a Crisis network, counting 31 European towns and which relies on the residents commitment -especially womens- to take part in the actions.

DEMONSTRATION CALENDER

The "European Charter for Women in the City" has been put forward or will be during various demo

- June 1994 Nairobi : "Gender, Urbanisation and Environment" (UNCHS - Mazingira Institute), International Sociological Association, Research Committee 43 on Housing and the Built Environment
- September 1994 Geneva: Preparatory Conference and Forum for the 1996 Habitat II Conference in Istanbul
- October 1994 Paris : "OCDE" Conference "Women and the City"
- October 1994 Vienna : Preparatory Conference and Forum for the 1995 World Conference on Women in Beijing
- November 1994 Brussels: "Women and European Construction" Conference
- November 1994 3^o Meetings on Local Democracy and Citizenship in Strasbourg
- December 1994 Research on housing : orientations for the second half of the 90s (Families and lifestyles; residential trajectories, exclusion...) - research seminar of the Housing Socio-economic Network - Paris
- Year 1995 Presentation in 4 French towns on the occasion of the preparation for the coming municipal elections - Life Surroundings Group - GD V - Paris and dissemination in Europe
- July 1995 V^o Conference of the local and regional elected women
Dublin "Women, Democracy and Politics: an Exchange of Views Between Elected Women from Eastern and Western Europe"
organised by the Council of European Communes and Regions
- September 1995 UN World Conference on Women in Beijing
Theme: "Equality, Development and Peace"
- September 1995 UN World Conference on Women in Beijing
- November 1995 UN Conference in Dubai: "Best Practices" in Human Settlements
- Beginning 1996 UNIFEM Conference (for Habitat II)
- June 1996 Istanbul : HABITAT II (UNCHS)
two themes : "Appropriate Housing for Everyone" and "Human Settlements Issues in the Context of Sustainable Development"



Charter for womens right to the city. WFW, Barcelona, 2004

We have the right to demand equality when inequality renders us inferior, but we have the right to defend the differences when equality de-characterizes us, hides us, or ignores us.

Declaration of Feminist Networks of Latin America and the Caribbean. CEPAL Mexico, 2004 .

We must admit the gender factor in the city as source of a new shared culture, and we must participate in the definition of a new philosophy of territorial ordering.

European Charter on the Woman in the City, 1996.



Introduction

Where we come from ...

We live in a world in process of rapid urbanization in which cities, as the primary forms of human settlements, simultaneously express the potential of culture, technology and goods and services, product of human development and creativity, capable of guaranteeing the collective wellbeing of humanity. At the same time, the nonrenewable natural elements and resources of the planet are strongly threatened and social exclusion and fragmentation is one of the deepest wounds presented within urban territory.

We know that wealth is concentrated in the hands of a few and poverty is the life condition of many. We know that these profound dualities of reality divide the world into rich and poor countries, and cities into citizens and the excluded, the latter lacking the basic social and economic rights that constitute the necessary condition to acquire citizenship status.

We also know that the world economic system characterized by intensification of capitalist relations, with unfair rules of international trade, curtailment of national sovereignties, and reduction of the State role as primary guarantor of universal human rights, is not removed from this reality. On the contrary, it is consequence and intrinsic condition of the functioning of the neoliberal model, based on the logic of maximization of economic benefits.

We know that acquirement of greater profits requires conditions in which the work of men and women as well as nature and its resources are the adjustable variables. And we know that the imposition of economic fundamentalism legitimizes war and armed conflict between countries.

We know that women are those primarily affected by an economic model that excludes them from its benefits, and on the contrary erodes their rights by considering them cheap labor for the operation of the global economy, at the same time that they assume the social cost of privatization of public services that had previously been responsibility of the States.

Therefore, we should also know that, more than reducing inequality between countries and alleviating the poverty of broad social sectors within them, it is necessary to eradicate the economic model that produces them. This would appear to be the challenge of men and women in contemporary democracies.

Why a Women's Charter for the Right to the City?

Women and feminism, through the generation and divulgation of knowledge and development of actions, linked among community women from distinct social sectors, their organizations and networks, and academic and political bases, have led one of the greatest cultural changes of the past century, contributing a new interpretation of the world and society by questioning the subordination of women as the basis of social relations and thereby allocating new contents to concepts such as democracy, citizenship, and participation.

The active role of womens and feminist organizations in distinct international spaces such as the United Nations Conferences has enabled the incorporation of specific commitments within governmental action platforms to respond to womens demands and proposals for the achievement of their rights, to education, to health, to paid employment, to political participation, and to the right to decide regarding their bodies. The right to the city and access to the goods and services of the same is one of those rights. This is undeniably a significant advance, given that women have historically contributed to the construction of human settlements, while the planning of the same has not incorporated womens needs and excludes them from the decisions that affect their lives.

Much has been said and formulated by the worlds governments in terms of statements and commitments regarding the rights demanded by women and specifically to guarantee adequate environments for life in rural and urban

settlements. These commitments have been expressed in the United Nations Conferences on the Environment and Development (Rio de Janeiro 1992), Women (Beijing 1995), and Habitat II (Istanbul 1996), among others. We know that these declarations are not legal instruments but rather only recommendations. On the other hand, CEDAW, approved in 1979 and ratified in 1981, is a legally binding instrument and constitutes a relevant reference for governmental commitments to equality of opportunities for women in all spheres of life.

We can not fail to mention the objectives of the Millennium Goals in relation to human settlements, or the progress made in relation to recognition of new economic, social and cultural rights and their placement at the same level as civil and political rights in terms of the possibility to demand States compliance with their acquired obligations.

Substantive progress has been achieved by the placement of topics of interest to the world community from womens perspective within the social agenda and that of governments. However, as expressed by various declarations of womens and feminist organizations to the entities responsible for the follow-up to said commitments, the gaps between the statements and effective implementation of the same remain quite relevant. In particular, mechanisms to enforce them remain weak, as do the economic resources allotted for their promotion and for the monitoring of their fulfillment.

In addition, local governments have ratified commitments in favor of women in specific international spaces such as the IULA Worldwide Declaration on Women in Local Government (Harare 1998) and the recent Declaration of the Constituent Assembly of Cities and United Local Governments (Paris 2004).

In this sense, the present International Charter for Womens Right to the City proposes to emphasize the challenges yet pending to achieve the equitable and democratic cities to which we all aspire. It also revisits the European Charter of Women in the City (1995) and the declarations of Building Cities for Peace (2003) and the Montreal Declaration on Womens Security (2002).

It is a Charter open to future and new proposals. This is the path opened by the womens and feminist organizations in the world to achieve many of the rights from which we were historically excluded. Articulating efforts among women from all countries and regions, critically evaluating the results of actions, respecting the diversity that characterizes us (social class, ethnicity, age, nationality, culture) and developing consensus around interests in pursuit of another possible world, in which the sexual difference does not necessarily translate into social inequality. From the experiences, we women have learned to construct, reformulate, propose and move forward.



Statement of the problem

1. Women and democratic management of the city.

1.1 Participation and local power.

The systematic integration of women invigorates the democratic foundations, efficiency, and quality of local governments. So that local governments may satisfy the needs of women and men, they must base themselves on the experiences of both genders through balanced representation in all decision-making levels ranging across the broad spectrum of responsibilities of local governments (IULA Worldwide Declaration on Women in Local Government, 1998).

However:

- The percentage of womens participation in the highest executive and political decision-making positions in city governments in all countries is far from equitable, given that women as political subjects in practice lack a position of equality.
- Womens areas, when they exist in local governmental structures, are de-hierarchized and lack assigned budgets and capacity to place proposals into operation.
- The unpaid and volunteer work in the community, in particular in the poorest and most impoverished sectors of our cities, is carried out by women, as a result of the privatization and/or reduction of public services, and naturalized as an extension of the domestic-private work historically assigned to women.
- Women fulfill the role of mediators and activators of the social programs and services of public policies and are not beneficiaries themselves as citizens.

1.2 Participation in urban and territorial planning.

It is necessary to formulate and reinforce policies and practices to promote women's full participation and equality in the planning of human settlements and in the adoption of related decisions (Habitat II, 46e).

However:

- Women remain absent from decisions linked to the territorial and urban planning of our cities, i.e. decisions on the context and physical environment in which they live, work, and dream. They constitute more than 50% of the population of cities, and their participation in human settlements construction, improvement and maintenance is a recognized fact, given the leadership role they have historically assumed in urban social movements in defense of land, housing and services.

1.3 Participation in control of public investments and expenditure.

Participation is a citizen demand and condition of democratic management of cities: the participative budget is potentially one of the most important tools that some governments have begun to implement, responding to criteria of transparency, given that it expresses the economic, social and cultural priorities and therefore represents those who benefit from the assignment and distribution of public resources.

However:

- The budget is considered gender-neutral, assuming that it responds to the needs of the population as a whole, denying the existence of social, age, cultural, and sexual differences and therefore ignoring women's specific needs and requirements, as well as their economic contributions through unremunerated labor in the private and community sphere.

1.4 Obstacles to women's participation and active citizenship.

To participate it is necessary to have the conditions to do so; the freedom and the right are not enough. Equitable treatment in a context of inequality can mean reinforcement of inequalities. We know that needs are not balanced in a field of equality, but rather the needs of those who hold the greatest power (social and gender) prevail, subsequently legitimizing the interests of the latter as collective interests.

However:

- Obstacles persist for women's real participation, products of the sexual division of work in the home, the lack of economic resources, of time in light of the burden of activities (remunerated and domestic work), of mobility, and of access to information, and their under-representation in the organizations of the community.
- Discrimination also exists specifically affecting determined social groups. Women are not all equal but some of us are more equal than others, and young women, the indigenous, displaced, migrants, afro-descendants, organized or not, have been left out of the public decision-making that affects their lives (Declaration of Latin American Feminist Networks. CEPAL, Mexico 2004).

2. Women and the right to a sustainable city.

2.1 Access to urban public services .

Women are the primary users of urban services and facilities, given that regardless of their incorporation within the remunerated workforce, labor division within the household has not changed and women continue to hold primary responsibility for domestic and intermediate activities to fulfill family needs. The incompatibility of locations of housing, employment and urban activities, and the resulting repercussions on the time resource, constitute some of women's greatest obstacles to their autonomy and active citizenship.

However:

- Trade and financial liberalization, with its process of privatizations, has a continually heavier affect on public policies related to provision of essential services, impacting the economy of social maintenance and reproduction, with the burden falling primarily on the shoulders of women (Feminist Networks Declaration. CEPAL, Brazil).

Despite governmental declarations and commitments (Habitat II, 1996), urban and housing policies in practice continue to a large degree to assume a limited concept of housing, without taking into account its interdependence with access to employment, public services, infrastructure networks, or environmental quality, with consequences in the lives of the population and in particular women.

2.2 Access to clean water.

According to UNIFEM research, women hold the responsibility for water management at the domestic and community levels in the majority of developing countries. This gender inequality has implications in womens daily lives, not only from the perspective of their rights, but also impeding them from becoming involved in activities such as education, income generation, politics, leisure and recreation. (WHRnet. Women and the privatization of water, 2003)

However:

- The privatization of water, imposed on many countries by the World Bank and the IMF as condition for allocation of loans, excludes those who can not pay for it from access to the service, placing at risk the lives and health of the population and in particular women. Of the 1.2 billion persons without access to water, more than half are women and girls. (WHRnet. Women and the privatization of water, 2003)

2.3 Security conditions in the city.

The perception of urban insecurity is one of the most worrisome problems of our cities, aggravated by the authoritative and repressive response to the same promoted by the communications media. Violence that is experienced or perceived as a real threat exercises a restrictive effect for access, use and appropriation of the city by its citizens and in particular women, constituting one of the most important obstacles for their mobility and therefore their autonomy.

However:

- The insecurity specifically affecting women, both violence in the private sphere and gender violence in the city, tends to be invisible. Aggressive and violent behaviors, in the streets, public spaces, and transportation services, include insults, sexual harassment, and rape. This criminality is rarely denounced and even less often punished, as evident in the significant gap between cases denounced by victims and the punishment of aggressors. The physical planning of the city does little to recognize and take into consideration the link between crime prevention and the conditions and design of the city and its public spaces.

2.4 Mobility in the city.

Public transportation is used more predominantly by women, who must often travel with small children or accompanied by elderly or infirm persons. The conditions of public transportation, including its routes, security, and functionality, condition peoples decisions regarding activities to be carried out in terms of the economic and time costs. In addition, womens movement around the city is different than that of men due to their necessity to balance remunerated and domestic work.

However:

- In many cities, and in particular in the larger ones in which transportation needs involve greater distances, public transportation is deficient, in particular in the poorer sectors, constituting an obstacle to the search for better labor opportunities, citizen participation, recreation possibilities, and leisure time activities.

The differentiated needs of men and women in relation to mobility in the city are not considered in public transportation policies. Social exclusion increases in the poorest sectors, isolating women in their homes and neighborhoods.

2.5 The relation with the environment

The environmental risks to health related to pollution in the urban areas may have a disproportionate effect on the health of women and children in reason of their different susceptibility to the toxic effects of diverse chemical substances, their different exposure to them, and the character of the tasks frequently carried out by women (Habitat).

However:

The elevated environmental pollution in urban areas of the majority of countries is increasing, aggravated by accelerated urbanization, deforestation of natural areas, and use of noxious chemical products. An estimated one billion persons currently live in informal settlements without basic sanitation services in environmental risk areas, and in homes constructed with materials which are inadequate or dangerous for human health.

In developing countries, multinational companies often do not comply with labor legislation on personal protection and safety conditions in the workplace, or with the environmental impact control norms required in their countries of origin. In many production areas, the cheap labor is provided by women.

- Environmental and sustainable development policies consider women as either victims of the environmental deterioration or as a useful resource as environmental agents to counter the ecological deterioration and favor the effectiveness of actions. Women are absent in decision-making levels regarding management of natural resources and in particular nonrenewable resources.

2.6 Access to secure housing tenure.

There are advances in the majority of countries regarding legal frameworks that recognize women's right to property and inheritance. The majority of national constitutions do not restrict juridical equality between men and women and protect the right to property, especially private property, favoring housing acquisition by all citizens.

However:

Cultural practices and mechanisms persist that limit the effective application of laws. The women of poor and impoverished sectors, single mothers, women displaced by armed conflicts, natural disasters or economic speculation of land, migrant women, as well as indigenous and afro-descendent women, suffer limitations and/or discrimination for access to secure tenure of housing or to subsidies and credits for the same.

A high percentage of women are unable to meet the eligibility criteria imposed for access to subsidized or defrayed-cost housing. Such programs presume regular incomes and formal employment, while women's income comes from informal and unstable jobs.



Proposal

World Forum of Women in the Context of the World Forum of Cultures, Barcelona, July 2004.

Dialogue: women and the city.

1. Recognizing the commitments contracted by the governments of cities to create peaceful, sustainable societies, inclusive for all, based on solidarity, respect for citizenship, for governance and for human rights. (Declaration of the Constituent Assembly of Cities and United Local Governments, Paris 2004).
2. Recognizing the commitments contracted by city governments to women, expressed in CEDAW and the various United Nations conferences on the Environment (Rio 1992), Women (Beijing 1995), and human settlements (Istanbul 1996). These commitments are results of the consensus of the governments with civil society, and are the product of decades of work by women and feminist organizations articulating demands and proposals related to the expansion of their citizen rights.

3. Recognizing the commitments of city governments in the IULA Worldwide Declaration on Women in Local Government (1998) as well as the Final Declaration of the Constituent Assembly of Cities and United Local Governments (Paris, May 2004).
4. Ratifying the distinct declarations of the womens and feminist organizations at the international level in the follow-up and monitoring processes of the commitments acquired by the governments of the worlds cities in the distinct United Nations conferences.

We women, ask the governments of the cities, to:

**Comply with Their Acquired Commitments.
Assign Resources for Their Implementation.
Demonstrate Advances through Quantitatively and Qualitatively Measurable Achievements**

1. Democratic Management of Territory.

There is no democracy without joint participation of women and men in the spheres of local representation and decision. Womens participation in local politics and the resolution of their objectives of equality will be one of the central concerns of our organization.
Cities and United Local Governments, Paris, 5 May 2004.

With the goal to create sustainable, equalitarian and democratic local governments, in which women and men can participate in equitable form in decision making, and so that they have comparable access to services, the gender perspective should be transversely integrated in all sectors of policy definition and local government management.
IULA Worldwide Declaration on Women in Local Government, Zimbabwe 1998.

To make this effective, we women issue a call to action and we state that the following are necessary:

- Affirmative legislations, such as quota or affirmative-action laws that guarantee the participation of women in local government in the maximum spheres of decision-making, both executive and legislative, as well as in councils, neighborhood associations, etc., supporting the formation of female leadership.
- Formal recognition of womens and feminist organizations as interlocutors of the local government of cities, for decision making in public policy matters and specifically for the physical planning of the city (provision of infrastructure and services, urban security, housing projects, public spaces), institutionalizing consultation and participation procedures that respond to the differentiated and specific needs of female and male citizens.
- Institutionalize womens areas with independent budgets within the structures of local city governments that guarantee the transversal integration of gender in all areas of municipal tasks and in the government's public policies, programs and plans.
- Develop actions that guarantee conditions for effective participation of women in decisions regarding the city, in environmental ordinance, and in local development taking into account existing obstacles for participation on a level playing field (cultural stereotypes, unequal distribution of domestic labor, unemployment, single female heads-of-households, age, social condition, or discrimination based on nationality, ethnicity, or sexual orientation).
- Implement public policies that contribute to transform the division of labor in the private world and to modify the dichotomy between public and private activities and the necessary cultural changes.
- Elaborate gender-sensitive participative budgets that guarantee the participation of women and their organizations in the definition of priorities for allocation of public expenditures and investments within the city territory, taking into account their diversity, age groups, ethnicity and culture.
- Incorporate surveys on use of time within official statistics to make visible the economic contribution made by women through production of goods and services within the household as well as community activities and social policies, based on womens time and unpaid labor. The work undertaken by women who organize to improve the conditions of their community should be remunerated with wages and just social benefits.
- Develop urban gender indicators that identify the quality of life in the city of male and female citizens through access to different services, and which at the same time monitor the effective fulfillment of governmental commitments with equality of opportunities for women and men in access to and appropriation of the city.

2. Sustainable Cities as a Human Right.

The right to the city is inter-linked and interdependent to all of the internationally recognized human rights, conceived in an integral manner. It therefore includes the right to land, to means of subsistence, to work, to health, education, culture, shelter, social protection, security, a healthy environment, sanitation, public transportation, entertainment, information, etc.

World Charter for the Right to the City. Signed by social organizations and movements. WSF, Porto Alegre 2002.

To make it effective, we women issue a call for action and determine that the following elements are necessary:

1. Access to security of tenure of housing and to urban services, goal requiring the following actions:
 - Promote affirmative actions that effectively equalize womens rights with those of men, recognizing that, beyond the laws that establish equality of rights between the genders, cultural transformation (of practices, traditions, etc.) is required to overcome situations of subordination and inequity.
 - Implement housing policies that contemplate the differentiated social insertion of women, which in the case of the poorest women is fundamentally in the informal economy, as well as different situations of social vulnerability: women displaced by armed conflicts, immigrants, single household heads, etc.
 - Incorporate the perspectives of cultural and ethnic diversity within public housing policies, eliminating all form of discrimination in access to housing, credits and subsidies, based on sex, age, ethnicity, sexual orientation, creed or nationality, without ignoring womens specific interests in an atmosphere of equity.
 - Develop a policy of functional decentralization that considers equitable distribution of urban services and facilities across the territory. Also, contemplate within housing policies access to services interdependent to housing as well as urban activities in general that foster quality of life.
 - Prioritize creation of infrastructure, services and facilities oriented to the dependent population (children, the elderly, the disabled) whose care has been and continues to be assumed by women, constituting an obstacle for their full citizenship.
 - Consider within the design of the city the suppression of architectural barriers that hinder the use of the city or discriminate against and exclude persons with temporary or permanent disabilities, the elderly, etc.
 - Effectively control the rise in cost and the loss of quality of services which are passed to the management of private companies within the accelerated process of privatizations, guaranteeing access to public services for the whole of society. In addition, develop mechanisms to guarantee said access (subsidies or differentiated tariffs) in particular for the most socially-excluded sectors, among which are women. The local governments should assume this responsibility jointly with the companies, with the participation of all the social sectors.

2. Guarantee, especially, access to clean water and sanitation, considering its impact on the health of the population and that of women in particular who are most exposed to problems of lack of the same given the domestic and community activities socially assigned to them, as well as the consequences on their daily lives (increased time and labor demands). Water is not a merchandise item, and should therefore not be privatized or commercialized.

3. Public transportation that is safe and adequate for womens mobility requirements :
 - Generate information disaggregated by sex on movement around the city through studies on the origins and destinations of trips, to be reflected in the design of public transportation policies that respond to the differentiated needs of women and men, to facilitate use, enjoyment and appropriation of the city.
 - Incorporate physical security within the transportation system as a conditioning factor of the mobility of persons, minimizing situations of risk and aggression, in particular against women.

4. Safe cities for women, safe cities for all.

- Design public policies on urban security that prevent the violence exercised against women and children in the city based on new forms of care and protection of persons that emphasize a preventative and not a repressive approach, involving all social sectors, including men and women.
- Integrate urban security as attribute of physical space in planning of the city and of social programs and projects that promote more secure public spaces, neighborhood settings, city centers, streets, and city outskirts for all citizens.
- Promote awareness campaigns on violence against women in the framework of human rights directed to the population in general, involving distinct social sectors, the education community, and in particular the communications media as primary shapers of public opinion and potential allies in the questioning of cultural stereotypes that legitimize violent conducts against women.

5. Cultural transformations that reverse situations of social inequity and gender subordination in all spheres of life.

- Commit local governments to prioritize the training of functionaries, employees and professionals in the gender theme to foster its transversal integration within the design of public policies and urban programs and projects.
- Commit the educational sector in general and universities in particular to promote gender as constitute part of knowledge within the different disciplines, in particular those of architecture and urban planning, and to promote research that contributes to transform the andocentric vision of the city.
- Commit the communications media to constitute themselves as the primary disseminators of a culture of equity between men and women, questioning stereotypes that promote womens subordination in society and consolidate their exclusion in the city.
- Commit men and women to work jointly to create a global, just, equitable and solidary society. To achieve this society, it is necessary to understand that the sexual division of labor is one of the obstacles for womens full citizenship. The city, the organization of the space as expression of social and gender relations, can and should promote necessary cultural changes.

We the women gathered at the World Forum of Women issue a call for the points raised in this charter to be considered in the World Charter for the Right to the City and Local Agenda 21 on Culture (to be approved by the Forum of Local Authorities for Social Inclusion). Both initiatives will be presented at the World Urban Forum in Barcelona in September 2004.



Toward a Charter-Agenda of Human Rights in the City. Similar experiences regarding this project

Nowadays, there exist a large number of organisations, institutions, and all kinds of networks that make an effort to defend and guarantee human rights within the city. Among them there are a few projects in sync with the Charter-Agenda project that need to be highlighted and analysed to know what is being done, and how it is being done.



1. Montreal's City Charter

The Declaration of Montreal, which came into effect 1st January 2006, is a text that establishes the rights and responsibilities of citizens living in this city, and the compromise of local authorities to achieve them. The declaration itself (article 29) establishes its binding effect for Montreal, its paramunicipal agencies, city-controlled corporations, their employees and other parties working on behalf of the city. It is also binding to all Montreal citizens. This clearly states that it is a limited compromise, as we will see further ahead.

The text is structured as follows:

- Preamble: Among other things, there is references to fundamental texts and events related to human rights, such as the Universal Declaration of Human Rights (1948), the Vienna Declaration and the Programme of Action of the World Conference on Human Rights (1993), and texts that link with Quebec or Montreal (such as the Quebec Charter of Human Rights and Freedoms from 1975, or the Canadian Charter of Human Rights and Freedoms from 1982). The Ombudsmans figure is also highlighted as a guarantee to the people that local authorities will be prosecuted if they violate the content of the Charter.
- Part I: Principles and values (art. 1-14).
 - The city understood as a space where human dignity, tolerance, peace, and equity must be the essential abiding principles (art. 1);
 - Human dignity (art. 2);
 - Respect, justice, and equity (art. 3);
 - Transparency management of municipal affairs (art. 4);
 - Citizen involvement in all municipal affairs (art. 5);
 - Development of citizens in a physical, cultural, and social environment that protects and enhances the community (art. 6);
 - Environmental protection and sustainable development (art. 7);
 - The recognition, protection, and presentation of Montreals heritage contribute the maintenance and improvement of the quality of life and to Montreals renown (art. 8);
 - Culture (art. 9);
 - Equitable provision of services among all citizens (art. 10);
 - Recreation, physical activities, and sport as main features of quality of life (art. 11);
 - Diversity (art. 12);
 - Montreal as a French-speaking city that also provides all services in English (art. 13);
 - Citizens must never infringe on the rights of others (art. 14).
- Part II: Rights, Responsibilities, and Compromises (art. 15-28): This is the substantive part, which establishes citizen rights and responsibilities, and municipal compromises. It is divided into equally structured chapters: 1) an article with citizen rights and responsibilities, and 2) municipal compromises.

The chapters are detailed below:

Democracy (Chapter 1).

- Rights and responsibilities:
 - Citizens have the right to security, and cooperate with the Montreal administration to ensure continued enjoyment of this right.
- Municipal commitments:
 - Encouraging public participation and providing citizens with useful and clearly formulated information.
 - Facilitating access to documents pertaining to municipal affairs.
 - Ensuring that the public consultation process is a credible, open, and effective process, by adopting and maintaining the appropriate procedures.

Economic and Social Life (Chapter 2)

- Rights and responsibilities:
 - Citizen social and economic rights.
 - Citizens cooperate with the Montreal administration by engaging in activities that are in

sync with municipal compromises.

- Municipal commitments:
 - Taking the necessary measures to ensure decent housing.
 - Considering the needs of disfavoured people, especially those who come from modest income families.
 - Keeping, with the support of its government partners, assistance measures for vulnerable persons.

Cultural Life (Chapter 3)

- Rights and responsibilities:
 - Cultural rights of all citizens.
 - Citizen contribution to enjoy such rights.

- Municipal commitments:
 - To take the necessary measures to preserve, protect, and maintain the cultural and natural heritage.
 - To maintain geographic and economic access to all cultural and artistic community centres, fostering their use.
 - To support development and diversity of all cultural practices.

Recreation, physical activities, and sports (Chapter 4)

- Rights and responsibilities:
 - Citizen rights to enjoy recreation, physical activities and sports.
 - Citizen contribution to enjoy these rights through civic behaviour, such as appropriate use community services facilities.

- Municipal commitments:
 - Supporting a wide range of services that meets the publics evolving needs.
 - Developing high-quality parks, as well as the necessary facilities for leisure, physical and sports activities.
 - Encouraging access to facilities and activities.

Environment and Sustainable Development (Chapter 5)

- Rights and responsibilities:
 - Rights of all citizens to environmental protection and sustainable development.
 - Citizen contribution through performing activities that consistent with municipal

commitments, and specifically with respect to responsible water consumption.

- Municipal commitments:
 - Promoting waste reduction, re/use, and recycling.
 - Reconciling protection with cultural, social, and economic development.

Security (Chapter 6)

- Rights and responsibilities:
 - Citizen right to public security.
 - Citizen participation to ensure continued enjoyment of this right, making a special emphasis preventive measures.

- Municipal commitments:
 - Developing its territory safely.
 - Supporting specific measures aimed to security for women.
 - Promote safe use of public spaces, such as parks or community or recreational facilities.

Municipal Services (Chapter 7)

- Rights and responsibilities:
 - Rights of all citizens to high-quality municipal services.
 - Citizen contribute to accomplish this goal, especially through keeping the city clean.

- Municipal compromises:
 - Providing municipal services in a skilful, respectful, and non-discriminatory manner.
 - Promote supply and distribution of municipal services in an equitable manner.

- Part III: Scope, Interpretation, and Implementation. This is also a fundamental part, and it states:
 - That the Charter is to be binding for Montreal, its public authorities, city- controlled corporations, municipal employees, and any other spheres that are involved, both with the city, and with its citizens.
 - That the Charter represents a minimum set of standards.
 - That the meaning of citizen is anybody who lives within the city territory.
 - That all compromises are subject to the limits imposed on the Montreal authority and the authority shared by the city with other levels of government to the limits inherent in the financial resources available in general, and to reasonable limits in a free and democratic society.

This paragraph is especially important, since it can mean justifying a failure to fulfil certain compromises by local authorities. In fact, the way this article is written, there are three possible

causes that justify this failure to comply:

- competences of the Montreal City Council;
- financial resources, and;
- reasonable limits in a free and democratic society.

The first one could be compared with the subsidiarity principle in the European Charter for Human Rights in the City, with the only difference that the European Charter is destined to different European cities with different organisations and systems, while the Montreal Charter is designed specifically for this city. In the Montreal Charter, sharing competences can be understood as a possible limit to effectively fulfil its obligations, while the European Charter has the opposite goal: the fact that the competence is not municipal does not justify the failure to respond by local authorities; much on the contrary, they must do everything at their reach to guarantee the established rights.

The last limit must also be highlighted, since it is a very unspecified concept that can deal with many different matters. Which are the reasonable limits to a municipal compromise?

- The role of the Ombudsman (articles 32-41): These articles establish its principles and competences, understanding that any citizen who believes that he or she has been wronged as provided in Part II may file a claim with the Ombudsman. The second paragraph of Article 32, which states that this Charter has no intention of being the base for any legal action nor to be used in any judicial proceedings or similar, is also very important.
- Final disposition (art. 42): within four years of the date this Charter comes into force, and periodically thereafter, Montreal will conduct public consultations aimed at assessing the effectiveness, the relevance, and the coverage of the rights and responsibilities defined in this Charter, as well as the monitoring, investigative, and complaint procedures that it provides.



2. **European Charter for Women in the City**

This is an initiative nominated in the United Nations Concourse of Good Practice. It was sponsored by Dubai in 1996, and rated GOOD. The Programme for Good Practice was originated in the UNs Second Conference on Human Settlements (HABITAT II), which took place in June 1996 in Istanbul, Turkey.

This Charter is a European investigation project, and it was sponsored by the European Commission (Unity through Equal Opportunities). It contains an evaluation of the current situation of women, based on an analysis of 5 priority topics (urban planning and sustainable development, security, mobility, habitat and local equipment, strategies), an electronic database of human resources, biographic references, and a catalogue of 66 best practices. The purpose of this Charter is to establish a worldwide electronic network that can draw conclusions in these cases from a gender-related point of view.

Although the name Charter can lead to confusion, it is not an articulated text nor a compromising document, but joint platform to debate with all of its participants.

This Charter is disseminated in Europe, and in international agencies, by several European associations. One of the primary goals is to establish an International Aid and Expert Network on Gender and Human Settlements, whose mission will be to underline gender-related topics as an investigation field on certain approaches to urban planning, mobility, citizen security, and housing. This network is closely cooperating with Euro FEM (Scandinavian Project Network and it is connected with other networks and NGO with similar philosophy.

The document is structured as follows:

- Preface:
 - Goals of this Charter:

- A new urbanism philosophy.
 - Greater social harmony.
 - Development of a more emancipated society free of stereotypes.
 - Definition of another city philosophy: measures to achieve it.
 - Gender in a plural society: necessary conditions.
- Exposition of the problem: 8 reasons why it is necessary to have a different approach to the city.
- The Declaration in 12 points:
 1. Women in the city and active citizenship.
 2. Women in the city; decision-taking and equal democracy.
 3. Women in the city and equal opportunities.
 4. Women in the city and participation.
 5. Women in the city and daily life.
 6. Women in the city and long-term development.
 7. Women in the city and security and mobility conditions.
 8. Women in the city and the right to housing and a decent surrounding.
 9. Women in the city and the gender factor.
 10. Women in the city and locally experimenting and educating.
 11. Women in the city and the role of mass media and shared responsibility.
 12. Women in the city and information networks.
- The investigation-action team.



3. World Charter for the Right to the City

As the preamble states, this is an articulated text that seeks to engage compromise and measures that must be assumed by civil society, local and national governments, parliaments, and international organisms, so all people can live with dignity in our cities. It is not yet definite, and we welcome everybody to take part in it through proposals. It is to be highlighted that it was exclusively elaborated by citizens, not by political authorities.

HIC and COHRE are some of the organisms that coordinate the process to create the World Charter on the Right to a City, as well as Brazil's Urban Reform Forum, the POLIS Institute, and the Urban Forum of Ecuador.

The document is structured as follows:

- Preamble: It is highlighted that the project is originated in civil society (popular movements, nongovernmental organizations, professional associations, forums, and national and international civil society networks, somewhat in the same direction as the World Social Forum (2001), but trying to yield compromises with local and national governments, members of parliament, and international organisations.
- Part I: General provisions (articles 1-2). This part is very important inasmuch as it defines the basic concepts:
 - Right to a city, which includes or means:
 - No discrimination (specifying no discrimination for migratory condition, or sexual orientation).
 - Right to preserve the cultural memory and identity.
 - Defined as the enjoyment of cities within the principles of sustainability, democracy, equity, and social justice.
 - Collective right that provides its citizens with legitimacy of action and organization () with the intention of achieving full exercise of the right to free self-determination and an adequate standard of living.
 - Interdependent right with all internationally acknowledged and integrally conceived human rights, which includes all the civil, political, economic, social, cultural and

- environmental rights already regulated in the international human rights treaties.
 - The city as a space for the exercise and fulfilment of collective rights => it includes the right to develop, to have a healthy environment, to enjoy and preserve natural resources, etc.
 - The city as a collective, culturally rich, and diversified space that belongs to all of its inhabitants.
 - Bifolded concept of the city, with two different meanings (both of them very extended):
 - Physically: the city is every metropolis, village, or town that is institutionally organized as a municipal or metropolitan unit of local government.
 - Politically: the city is the whole of institutions and actors who intervene in its management, such as governmental authorities, legislative and judicial bodies, institutionalized social participation entities, social movements and organizations, and the community in general.
 - Definition of citizens as all people who permanently or temporarily are inhabitants of the cities.
 - Co-responsibility of cities and national authorities to progressively achieve full efficiency of economic, social, cultural, and environmental rights, as well as all civil and political rights, always within the limits of the country's legislation.
- Principles and strategic fundamentals of the right to a city.
 1. Full exercise of citizenship and democratic management of the city.
 2. Social function of the city and the urban property.
 3. Equity, non-discrimination.
 4. Special protection for vulnerable persons and groups.
 5. Social commitment of the private sector, understood as follows: Cities should promote that actors from the private sector take active part in social programmes and economic endeavours with the purpose of developing solidarity and full equity among its inhabitants.
 6. Promotion of solidary economy and progressive taxation policies.
- Part II: Rights related to the Exercise of Citizenship, and Participation, Planning, Production, and Management of the City (articles 3-11)
 - City Planning and Managing, which means:
 - Broad, direct, equal, and democratic participation of all citizens.
 - Guaranteeing the proper working of collegiate bodies, audiences, conferences, and public consultations and debates.
 - Allowing and acknowledging the citizens initiatives when proposing legislative proposals and urban development plans.
 - To formulate and apply coordinated and effective policies against corruption.
 - Safeguard the principle of transparency that guarantees effective responsibility of its governors with their citizens, local administrations responsibility with the other levels of government, and regional and international bodies related to human rights.
 - Social production of housing: cities must establish the necessary mechanisms to support the different approaches to social production of habitat and housing, paying especial attention to self-managing processes.
 - Equitable and sustainable urban development: balance between urban development and protection

of natural, historic, architectonic, cultural, and artistic heritage, which:

- opposes to segregation and territorial exclusion;
- prioritises on social production of housing;
- guarantees the social function of the city and the property.

It also means integrating urban security as a necessary feature of public space.

- Right to public information
 - Requesting and receiving complete, true, and appropriate information regarding administrative and financial activities of any city administration, legislative or judicial bodies, and of private or mixed corporations that offer public services.
 - Producing the required information in a minimum time span, being only limited by the respect to individuals' right to privacy.
 - Guarantee access to efficient and transparent public information. In order to achieve this, access of all population sectors to new information technologies must be encouraged, as well as its progressive renovation.
 - Guaranteeing the right of every person or organised group to obtain information regarding the availability and location of proper grounds, housing programmes developed in the city, and available support mechanisms.

- Freedom and integrity: the right to physic and intellectual freedom and integrity.

- Political participation: free and democratic election of local representatives. Therefore, cities must:
 - Guarantee the right to a free and democratically election of local representatives, execution of plebiscites and popular legislative initiatives, and equitable access to public debates and audiences on relevant issues to the city.
 - Implementing affirmative action policies for women and minorities to represent and politically participate in all elections to local bodies, and have the opportunity to define their public proposals, budgets, and programmes.

- Right of association, right to manifest and to gather, and democratic use of public urban space: cities must provide and guarantee public spaces to these effects.

- Right to justice.
 - Public mechanisms of conciliation, transaction, mediation, and arbitration.
 - Special measures that strengthen cost-free public defence and favour vulnerable sectors of the population.

- Right to public security and peaceful, solidary, and multicultural coexistence: here, the role of the security forces is highlighted, underlining that:
 - one of their main missions is to respect and protect citizen rights. This implies that the force can exclusively be used within the provisions of the law, and with democratic control.
 - all of these citizens have the right to take active part in controlling and evaluating security forces role.

- Part III: Rights to Economic, Social, Cultural, and Environmental development of the city (articles 12-16)
 - Right to water resources, and to access and supply of public services, both common and private.
 - Permanent access to public services.
 - Reasonable social tariffs and adequate service for everybody.
 - Public services that depend on the level of administration closest to the citizens.
 - Social control mechanisms to monitor the quality of service.
 - Right to public transport and urban mobility.
 - Accessible public transportation systems at a reasonable price and that meet the environmental and social needs of the citizens (i.e., people with special needs due to age, gender, or handicap).
 - The fostering of the use of non-pollutant vehicles and pedestrian areas.
 - The removing of all architectonic barriers, etc.
 - Right to housing.
 - Housing expenses at a reasonable price, and housing with proper means to live in them.
 - Adequate housing supply and urban facilities.
 - Priority to vulnerable groups in regulations and policies.
 - Inclusion of women in the documents of possession and property, regardless of their civil status.
 - Installing shelters and social rental housing for women who suffer from domestic violence.
 - Right of all citizens to demand from the authorities that the right to housing be effectively implemented progressively, and through the application of all available resources.
 - Right of housing tenure for all citizens.
 - Acknowledgement of organisations and social movements that vindicate and make joint efforts to put all housing-related rights into play.
 - Applying the above to all people, including families and groups, and especially to nomads, travellers, and gypsies.
 - Right to work.
 - Cities are co-responsible with national authorities in achieving full employment.
 - Fight child labour.
 - Mechanisms to ensure everyone's equal access to work.
 - Right to a healthy and sustainable environment
 - Preventive measures against pollution and disorganised occupation of territory.
 - Respect to the natural, historical, architectonic, cultural, and artistic heritage.
- Part IV: Final provisions.
 - Obligations and responsibilities of the Government to promote, protect, and implement the right to

the city.

- The international bodies and the national, provincial, regional, metropolitan, municipal and local governments are responsible for the effective application and defence of the rights enunciated in this Charter.
 - The failure of the governments to implement or apply these measures, taking actions against its own principles and regulations () will mean a violation of the Right to the city.
- Measures to implement and monitor the right to the city.
 - Cities have the obligation to maximize their available resources to fulfil all regulations established in this Charter.
 - They must educate and train human rights to all public agents related with the implementation of the Right to the City.
 - They must keep monitoring the degree of respect upheld for the rights in this Charter.
 - Violation of the Right to the City: it establishes the actions and omissions that are considered as a violation of the Right to the City.
 - Demandability of the Right to the City: this article establishes that all persons have the right to access to and use of effective and complete administrative and legal resources related to the rights and duties enunciated in the present Charter, including the non-enjoyment of such rights.
 - Compromise of the Charter with the Right to the City: the Charter establishes the following compromises for all major parts:
 - Networks and Social Organisations;
 - Local and national governments;
 - Parliaments;
 - International bodies.



3. **European Charter for the Safeguarding of Human Rights in the City**

This Charter is an articulated text that acknowledges a series of rights to all citizens who live in the city, and it establishes mechanisms to implement and protect it.

The Charter was adopted in the European City Conference for Human Rights, and was approved in the 2nd Conference, which took place in Saint Denis (2000). The 1st Conference took place in Barcelona, in 1998, in memory of the 50th Anniversary of the Universal Declaration of Human Rights, and has taken place every two years thereafter.

Since it is a compromise from local authorities of different European cities, and not from nations, it is not an international treaty that has jurisdiction on national governments, but is intended to be as a joint administration process. The Charter is, above all, a political compromise between local authorities that yields a true government programme assumed by all signing cities. This means that it should serve as an instrument to adjust local legal measures to the new needs in protection and guarantee of human rights. On the other hand, it must also aid to orient public politics in the cities.

The text is structured as follows:

- Introduction: This Charter intends to provide substantive content to human rights, and it underlines that although the city is the best place to guarantee them, it is also the one where more contradictions can take place. Signing cities compromise to the objectives in the Charter by integrating social unity in the long term, in public space, and to increase their citizens awareness.

- Part I: General provisions (articles 1-7)
 - Right to the City, which means or implies:
 - Conceiving the city as a collective space that belongs to all its inhabitants.
 - The right to find the necessary conditions for a proper social, political, and environmental environment of all its citizens.
 - To assume compromises of solidarity.
 - The compromise of municipal authorities to foster the respect to everyones dignity.
 - Principle of equity of rights and non-discrimination: citizens are provided with this right if they live in all signing cities, regardless of their nationality.
 - Right to cultural, linguistic, and religious freedom.
 - Protection of vulnerable citizens and groups.
 - Duty of solidarity: local communities are united by a duty of reciprocal solidarity. Local authorities:
 - Take part in this duty promoting development and quality of public services.
 - Foster the creation of webs and solidarity associations between citizens.
 - It will control the carrying out of public duties.
 - International municipal cooperation. Signing cities:
 - Compromise to cooperate with local groups of developing countries - which are specified- and to involve as many citizens as possible.
 - It specifically addresses the financial agents to take part in cooperation programmes.
 - Principle of subordination: this is the principle that governs the distribution of competences between the Nation, its Regions, and its Cities, and it implies the following:
 - On the one hand, that it must be periodically monitored to avoid that the nation or its regions relieve their duties on its cities.
 - On the other hand, that the goal is to guarantee that public services depend on the administration level closest to the people.
- Part II: Civil and political rights of local citizens
 - Right of political participation, which means and/or implies:
 - Free and democratic election of local representatives.
 - Encouragement by local authorities of extending the right of suffrage in the municipal sphere to all the resident adult population that is not national after a period of residence in the city of two years.
 - Encouragement of democratic participation of citizens through their access to public debates, interpellate, or express their opinion.
 - Transparency principle: cities () organise the system of government and the administrative structure in such a way as to make effective the responsibility of governors to the citizens, as well as the responsibility of municipal administration to governmental

bodies.

- Right of association, meeting, and demonstration:
 - Local administrations encourage associative life as an expression of citizenship
 - Cities offer public spaces for the organisation of meetings.

- Protection of private and family life.
 - The city protects the family as an essential element of local democracy.
 - Active policies to oversee physical integrity of its members.
 - Respecting the freedom of choice in educational, religious, cultural and political matters.
 - Protection of childhood and youth.

- Right to information.
 - Citizen rights to have information related to the social, economic, cultural, and local administrative life, limited only by:
 - The privacy of the individual.
 - The protection of small children and young people.
 - Local authorities guarantee the necessary means by which information is made accessible, effective, and clear. It also encourages the learning of computer technologies.

- Part III: Economic, social, cultural, and environmental rights of accessibility.
 - General right to public services.
 - Social policies as a decisive part of their policies for the protection of Human Rights.
 - The right of the citizens to have free access to the municipal services of general interest.
 - oppose to commercialising personal services of social support;
 - oversee that there are basic services of quality at acceptable prices in other sectors of the public service.

 - Social policies as a rejection to exclusion.

 - Right to education. Municipal authorities:
 - Foster access to primary education for children and young people of school age.
 - Encourage adult education.
 - Contribute to making available to everyone both the spaces, and the educational, schooling and cultural centres, in a multicultural framework of social cohesion.
 - Contribute to increasing the level of citizenship through educational teaching.

- The Right to Work:
 - Citizens have a right to enjoy sufficient resources, obtained through a worthy occupation which guarantees the quality of life. For this, local authorities:
 - contribute as far as possible to reach full employment;
 - encourage to match offer and demand for work;
 - undertaking activities accessible to unemployed people;
 - compromise to not sign any municipal contract without introducing clauses of rejection of illegal work force;
 - develop mechanisms to ensure everyone's equal rights at work, in order to avoid any discrimination;
 - encourage equal access to work for women by establishing kindergartens and other measures, and for the handicapped through installing appropriate equipment;
 - encourage the creation of protected jobs for those individuals who need to be reintroduced into the working world.

- Right to culture: citizens have a right to culture in all its expressions, manifestations and modalities. For this, local authorities, in cooperation with cultural associations and the private sector, promote the development of the urban cultural life with a respect for diversity.

- Right to a home: All citizens have the right to a proper, safe and healthy home. To achieve this, municipal authorities:
 - Encourage the existence of an appropriate offer of homes and district equipment for all their inhabitants.
 - Guarantee the right of nomads to stay in the city in minimum conditions of safety and dignity.

- Right to health:
 - Favour equal access for all citizens to medical services and preventive services of health care.
 - Contribute at an overall level to promote health for all citizens, with their active participation.

- Right to the environment: Citizens have a right to a healthy environment that seeks compatible behaviour between industrial development and environmental balance. For this, local authorities:
 - Adopt preventive policies against pollution.
 - Put into practice all the necessary actions through which the citizens can responsibly appreciate the countryside which surrounds and outlines the city, so that they may be consulted over any changes which may mean changes to it.
 - Develop specific education on environmental care.

- Right to harmonious and sustainable city development: to achieve this, municipal authorities:
 - supervise town planning and management with citizen participation, especially in seeking

a balance between urbanism and environmental care.

- Right to circulation and tranquillity in the city: municipal authorities:
 - Acknowledge the right of the citizens to have available a means of transport compatible with tranquillity in the city.
 - Foster accessible public transport.
 - Control the automobile traffic and ensure its fluidity with environmental sustainability.
 - Strictly control the emission of all types of noise and vibrations.
 - Defines pedestrian areas and encourages the use of non- polluting vehicles.
 - Undertake to set aside resources for the necessary infrastructures to make these rights effective.

- Right to leisure. Municipal authorities:
 - Acknowledge citizen rights to enjoy leisure time.
 - Guarantees the existence quality leisure facilities open to all children, without discrimination of any kind.
 - Foster active participation in sports.
 - Encourage sustainable tourism.

- Consumer rights: within the limits of their competence, cities seek to protect the rights of their consumers.

- Part IV: Rights related to the local democratic administration.
 - Efficiency of public services. Local authorities:
 - Guarantee the efficiency of their public services, and their feasibility with the demands of the citizens, and monitor the situation to avoid discrimination of any kind.
 - Local authorities will provide the necessary instruments to evaluate their municipal action, and they will bear in mind the results of such evaluation.

 - Principle of transparency:
 - Citizens:
 - must be able to know their political and administrative rights and obligations through publication of municipal regulations;
 - have a right to have a copy of those the local administration acts that affect them.

 - Local authorities guarantee transparency and rigorous control of public funds.

- Part V: Guarantee mechanisms for the human right of accessibility.
 - Local administration of justice
 - Signing cities:
 - Develop policies designed to improve citizens access to Law and Justice.
 - Encourage the extra-judicial resolution of civil, criminal, administrative and labour disputes, through the establishing of public mechanisms of reconciliation, settlement, mediation and arbitration.
 - Municipal justice exercised by magistrates who prove to be independent.
 - Accessibility of local police: Corps of highly qualified municipal police, with missions of security and coexistence.
 - Prevention mechanisms:
 - Social or district mediators.
 - Municipal ombudsman.
 - Monitoring committee made up of citizens.
 - Budgeting and taxing mechanisms:
 - Budget that admits participation.
- Final provisions: Legal value of the Charter and mechanisms for its application:
 - The Charter remains open for any additional cities who may want to sign it.
 - Signing cities:
 - Incorporate the principles and norms in their local ordinances.
 - Acknowledge 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 that obstruct or could be contrary to exercise of the acknowledged rights.
 - Compromise to acknowledge this Charter as the primary legal standard binding the city through mentioning it specifically in all the municipal ordinances and regulations.
 - Compromise to create a commission that evaluates the application of the Charter every two years.
 - The Meeting of the Conference of Cities for the Human Rights will decide the mechanism to implant for the proper monitoring to verify the reception and the fulfilment of this Charter by the signing cities.
- Additional provisions:
 - First: to promote that nations may allow participation in municipal elections of resident citizens that are not national.
 - Second: to suggest to the nations and the European Union the completion of human rights declarations.
 - Third: Agenda 21 programmes.

- Fourth: to keep the municipal government within the respect of all rights established in the Charter in case of armed conflict.
- Fifth: The signature by the representative of the city who attends in Saint Denis on 18th May, 2000, must be ratified by the Municipal Council that will establish the necessary restrictions to the articulated text.



Toward a World Charter-Agenda for Human Rights in the City. Barcelona, 2006

1.- Introduction

*Process promoted by the organization of United Cities and Local Governments, UCLG..
With the scientific collaboration of:
Institut de Drets Humans de Catalunya.
Barcelona, 2006 .*

This working document should serve as a base to initiate the drafting of a World Charter-Agenda for Human Rights in the City in the sphere of the Commission on Social Inclusion and Participative Democracy of the United Cities and Local Governments (UCLG) organization, under the coordination of the Parliament of Barcelona and in the framework of the Forum of Local Authorities for Social Inclusion of Porto Alegre (FLA).

The document is divided into several sections. The first addresses the background and justification of the project, based on the work carried out by the FLA since its beginnings in matters related to human rights protection. In summary, the project aims to bring human rights closer to citizens, who perceive them as something distant and theoretical. Alongside that pursuit is the attempt to make cities better places to live, and the goal that persons participate more in the administration and management of their city.

Below are presented the objectives of the project and the elaboration process, and a proposal of the type of instrument intended for elaboration.



2.- Background and justification of the project

The base of this project is found in the Forum of Local Authorities for Social Inclusion (FLA) of Porto Alegre, which is a forum of mayors meeting since 2001 simultaneous to the World Social Forum and whose objectives include to construct and develop, in conjunction with civil society, public management alternatives in the globalization process.

Since its creation, and on the occasion of the second and third Local Authorities Forums organized in January 2002 and 2003 in Porto Alegre, local officials from throughout the world accepted the challenge to occupy a political space in the international sphere and to assume an active role implementing public policies of insertion and democratization of wealth and power.

In its fourth edition, celebrated in Barcelona on 7-8 May 2004 within the framework of the Universal Forum of Cultures, the objectives of the FLA were to strengthen the presence of cities in the international arena to maximize the potential for peace, democracy, sustainable international cooperation, and cultural diversity.

In FAL V, celebrated in Porto Alegre in 2005, a Work Plan was approved which established Human Rights in Cities as one of the central themes of the FLA. The intention was thereby established to advance toward a World Charter on Human Rights in the City.

And finally, in the meeting held in January 2006 in Caracas at the occasion of FLA VI, the commitment was reaffirmed in favor of social inclusion as necessary means to achieve a just society and a more participative democracy. For that reason, the working group on human rights was created coordinated by the Parliament of Barcelona, whose primary objective consists of elaborating the World Charter-Agenda for Human Rights in the City.

The justification of the need for this Charter-Agenda is found in the fact that early-21st century society is more than ever a worldwide society. One of the most expressive effects of this has been the generalized growth of urbanization

processes in the entire world. The large cities have gradually converted into metropolises (cities of cities) that in most cases are more and more spread out, or into a sum of occupied and peripheral spaces, accompanied by the appearance of human agglomerations, orphans of wellbeing and marked by exclusion.

These urbanization processes are the result of an unstoppable will of the right that corresponds to persons, to all persons, to look for and define the margins necessary to assure a dignified life adequate to their needs, and comparable to that to which human communities collectively aspire. And it is evident that the distribution of suffering is not equitable between the cities of the North and those of the South, or between cities and their rural surroundings.

We can understand that cities emerged and governed under the optic of neoliberalism tend to fabricate homogenization measures (macro-social planning, construction standardization, unified development of the market). But it is also true that in many places of the planet a call is emerging in favor of democratic urbanism, favorable to difference, multiplicity, and decentralization.

But while the largest pockets of marginality and exclusion are in the urban peripheries, it is also in the metropolitan or peripheral cities where the spark of transformative hope of inclusion can be ignited. Above all, the city is lived as the place in which it is possible to guarantee some rights hardly reachable in other spheres. The genesis and care of rights is found there and it is there where human rights find their space, their dimension, and their history: their effective reality. Human rights, even if interpreted in different ways in the diverse existing cultures, constitute a global and a majority aspiration of humanity and possess in themselves sufficient socializing energies to share a democratic and humanist project.

One of the strong points of cities is that of proximity. It is a concept and a reality that go beyond the sphere of space; it is political. From the cities, human rights acquire consistency, corporeity, and realization. But at the same time that it converts into the fundamental instrument to materialize those rights, the city has also maintained an ambiguous attitude vis-à-vis its own development. The most evident proof of this is the existence of a large sector of persons in our cities whose lives are marked by the denial of many basic rights. This population pocket is augmented by the globalized migratory movements, the daily flow of rickety African boats toward European shores, the movement of Latin Americans toward the cities, the Mexican migration processes toward the United States, etc. These are some of the innumerable manifestations that appear day-to-day on our television screens and in the daily press, many times cauterizing sensitivities of solidarity and revealing political inaction, repressive and unsolidary responses, insecurity and lack of respect toward the dignity of persons. Confronting these problems with social-transformation criteria means prioritizing actions oriented to recover this dignity through inclusive public policies. For that motive it will be necessary that the Charter-Agenda also reflect these situations that today mark the pulse of history.

It is evident that these inclusive challenges (breathing life to the fundamental rights of persons) are accompanied by concrete positionings, bathed in a strong dose of repolitization that should point toward alternative forms of socialization. The inclusive policies should pivot around three substantive focuses: that of full citizenship (whole of rights and duties that raise persons to the category of citizens), that of sustainability (responsible commitment to the future generations) and that of democracy and participation that confers legitimacy on the inclusive models of progress.

In this phase, which it has been our turn to live and share, it is important that we take advantage of all those openings that the system itself offers to weave the necessary networks that help us all cities and citizens- move forward toward a more equitable democratic and social model. The constitutive Charter of the FLA captured this aspiration. Today it is our turn to establish the foundations to advance construction of these networks of cities that attempt to build a common and diverse culture firmly seated in human rights.

It is a matter of joining all the efforts that from different spheres have fostered the defense of human dignity. Codify this effort, seek common proposals and values, give them shape and construct all the possible complicities, both institutional and social, so that our cities exist in a framework of a reflection and effective practice that safeguards the rights and responsibilities of a citizenship increasingly planetary.

Today we are on a positive path to address the construction of a common culture, of certain ethical principles converted into collective heritage, that conjugate respect for diversity and for existing cultural and ethical pluralism with legal or normative recognition for all persons of their rights and responsibilities in the civic and local sphere. Today it is possible from the cities to recognize the worlds that approach us as never before in history, to differentiate them and understand them as a historical and social construction, and not lose the hope that another world is possible and that it is being constructed out of the dynamism of cities. For that reason it is important to move forward on this proposed elaboration of a World Charter-Agenda for Human Rights in the City that serves to build the consensus necessary in the world regarding our cities that we hope to see globalized in a different more human and socially inclusive manner.



3.- Objectives of the project

With approval of this Charter-Agenda on Human Rights in the City, the general objective pursued is to construct the

consensuses that are necessary between municipalism and the social movements, and to achieve the materialization and placement into practice of human rights and fundamental freedoms in each city of the planet, such that the rights of citizenship, endowed with full substantive content, are extended to all persons who inhabit the same. All of this without forgetting that the implementation of the Charter-Agenda must consider advanced forms of democratic participation.

The following specific objectives are posed for that purpose:

- To involve a large number and variety of actors in the process of reflection and drafting of the Charter-Agenda.
- To implement a true participative process that legitimizes its results.
- To incorporate the Charter within the work plan of the Commission on Social Inclusion and Participative Democracy of the UCLG.
- To search for the effective and real political commitment of implicated local authorities.
- To divulgate the project on a worldwide scale.
- To implement the Charter-Agenda at the local scale through adaptation of municipal norms and design of inclusive local policies.
- To work in the definition of evaluative indicators for cities.
- To advance in an observatory of public policies in the implementation of the Charter.



4.- Elaboration process

The elaboration of the Charter-Agenda will have two parallel lines of action: the activities of the Promoting Group, and the activities of the Group of Experts.

Before proceeding to outline the action of each of these groups, it is important to clarify their composition:

- The Promoting Group will be formed by political functionaries from:
 - the technical Secretariat of the Network of Peoples and Cities for Human Rights of the Parliament of Barcelona,
 - some townships from said Network,
 - the UCLG working group on Global Citizenship: the Province of Milán, Managua, and United Cities of France,
 - the cities that wish to join the project.

- The Group of Experts will be formed by human rights specialists either from the academic sphere or from entities involved in their defense. To assure the legitimacy of this Group at the international scale, this Group should have the participation of persons from:
 - South America
 - North America
 - Sub-saharan Africa
 - The Arab world
 - Asia
 - Australia
 - Europe One person within the Group of Experts will be designated to serve as Coordinator.

The constitution of the Promoting Group initially requires (November 2006-January 2007) informing the cities that form part of the UCLG about the initiative so that those interested may join efforts with the same. In this way, within the January 2007 FLA, the project will be presented in a joint manner, stimulating the participation of all the cities that wish to join the Promoting Group. To this end, two reports will be presented at the following FLA regarding the general characteristics of the project and the state of the situation.

The first meeting of the Promoting Group is planned to take place at FLA 2007. A second meeting will be held a few months later to validate the draft to be prepared by the Experts Group and to contribute additional ideas. Toward the

end of 2007, the text of the World Charter-Agenda for Human Rights in the Cities will be presented so that all cities that wish to sign it, and thereby acquire the commitments established in the same, may do so.

The other line of action is that to be carried out by the Group of Experts. Once the members have been contacted and their participation confirmed, they will initiate the draft of the Charter-Agenda, to be subsequently validated by the Promoting Group as noted above. The participative process will then proceed so that all persons or entities interested in the project may propose all types of additions or amendments to the draft. This process should be dynamic, with interaction between the Experts Group and the participants. A specific web page will be created for this purpose, through which all who wish to do so may post their observations. However, it will also be necessary to create a forum space of most frequent questions, etc., i.e. all that is necessary to make it a dynamic process open and conducive to participation.

The participative process will finalize in late 2007, at which time all proposed amendments to the draft will have been gathered for consideration by the Experts Group in its elaboration of a new draft. Said version will be presented at the meeting of the Promoting Group which will validate the text, thereby determining its final version.

Finally, the World Charter-Agenda for Human Rights in the City will be presented at FLA 2008.



5.- Type of instrument

It is first necessary to point out that we are conditioned by two elements:

1. The juridical value of the instrument. Whatever the form of the document may be, given that its signatories are representatives of cities consignees of the Charter-Agenda- it can never be an international treaty or any type of legally-binding instrument in the plane of international relations. On the other hand, it can have juridical value as administrative agreement of transnational character. In any case, this point is important because it detracts importance from the more or less articulated character of the document, which will not influence its legal weight.
2. The name. The expression Charter-Agenda indicates a complex document endowed with at least a double condition. As systematic text (articulated or separated in points or epigraphs) and as action program.

In light of these conditioning considerations, some possibilities may be eliminated. A text along the lines of the Barcelona Commitment (Barcelona 1998), with a more literary than legal style, would not coincide with the ambitions of this initiative. In the same way, a document that lists human rights applicable to the local sphere, akin to the European Charter to Safeguard Human Rights in the City (Saint Denis, 2000) would also be insufficient, because it would lack an agenda of local administration commitments.

Moving a step further, a text that simply lists municipal commitments and a plan of action would come up short as a Charter of Rights. It is necessary to in some way establish that the citizen, man or woman, has the right to determined conducts or benefits on the part of the administration; that we are not talking simply about obligations voluntarily assumed by the townships, but that they derive from rights of citizenship. For that reason it is necessary to specify which rights they are.

The Charter-Agenda of Human Rights in the City should recapitulate citizen rights and duties, municipal obligations, and action commitments, within specified timeframes. It should therefore contain:

- A text organized in a more or less classic fashion in which an initial paragraph formulates a locally relevant right (all persons have the right to) and subsequent paragraphs develop the local administrations obligations for the guarantee of said right. The text need not be organized in articles, but may be divided in paragraphs, epigraphs, etc.
- The above would be necessarily complemented by an action program for the realization of each right. If a detailed action program is not desired, this specification may be included at the end of each article (or paragraph or epigraph). If, as we favor, the preference is for certain detailed commitments in terms of results, timeframes, and success indicators, said section should constitute a second part of the document, with a structure parallel to the first.

In this way, the structure of the document should include:

- A brief introduction in which it is established that the rights recognized are done so in the framework of

municipal competencies.

- A first section separated in various chapters of rights that avoids the classic categories (civil and political; economic, social and cultural) and places emphasis on a municipal configuration of the rights. Each part shall be separated in articles/epigraphs with a citizen right/municipal duty structure.
- A program of action for the realization of each of the rights that includes concrete municipal commitments with their timeframes, for example, of one and five years following signature of the document, as well as indicators on the results necessary to achieve.

Examples

1. Right to education.

- Formulation of the right:
Citizens enjoy the right to education
- Obligations derived for the city:
The municipal authorities ...
... facilitate access of school-age boys and girls and youth to basic education.
... foment the formation of adults...
...contribute to make available all school, education, and cultural spaces and centers in a multicultural and socially cohesive context.
...contribute to raise the level of citizenship through educational pedagogies, in particular in reference to the struggle against sexism, racism, xenophobia, and discrimination, implanting principles of peaceful co-existence and hospitality.
- Municipal commitments.
At the moment of signature of the Charter-Agenda: xxx One year after signature of the Charter-Agenda: xxx Five years after signature of the Charter-Agenda: xxx
- Indicators:
Percentage of school enrollment of children and youth: must surpass x % (?)
Names of vocational courses for adults offered in the city: must achieve a ratio of x courses/population.
Number of persons enrolled in said courses: determine goal ratio.
Educational and cultural spaces in the city: determine ratio.
Effective use of said resources:
Elaboration and placement into practice of a program on civism.

2. Right to housing.

- Formulation of the right:
All citizens have the right to dignified, safe, and healthy housing.
- Obligations derived for the city.
The municipal authorities...
...oversee the existence of an adequate supply of housing and neighborhood facilities for all ...
...said facilities shall include shelter structures for the homeless to guarantee their safety and their dignity, as well as structures for female victims of violence
- Municipal commitments.
At the moment of signature of the Charter-Agenda: xxx One year after signature of the Charter-Agenda: xxx Five years after signature of the Charter-Agenda: xxx
- Indicators.
Protected housing in the city: total percentage; percentage in new construction Median cost of housing: relation to minimum wage; evolution Homeless shelter programs



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Global Charter-Agenda for Human Rights in the City

In my submission, I bring into play the sources of international human rights, make the distinction between ordinary and human rights, spell out the domestic territorial and institutional applications of human rights, pose questions on the delegation of human rights and obligations of the State to municipal or local authorities, suggest a catalogue of human rights norms to deliberate on for the Charter-Agenda and comment on standards and indicators.



Sources of human rights

The Global Charter-Agenda is a declaration of human rights in the city. Therefore, it is essential that there is common understanding within the Expert Group on human rights and the sources of human rights as they are now. This is important for the sake of legitimacy, consistency and coherence. The sources of international human rights is the set of instruments, which includes global, regional and subsidiary instruments.

Global instruments include: the UN Charter (UNCH), the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Regional instruments include: the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms (and protocols) and the European Social Charter, the American Convention on Human Rights and the African Charter of Human and Peoples Rights. The regional human rights system is strong in Europe, less so in the Americas, weak in Africa and non-existent in the Middle East and Asia.

Subsidiary instruments include: the conventions with respect to labour, refugees, racial discrimination, torture, women, children and migrant workers. I have compiled a Human Rights Instruments and States Obligations Matrix, to serve as reference map of the complex territory of the sources. The Matrix is attached.

I shall confine myself to the global instruments with respect to the Charter-Agenda.



Ordinary and human rights

Rights whether ordinary or human have correlated duties. Human rights are inherent in human beings. They are what Hart (reference omitted) describes as general rights rather than special rights since they are universal to all humanity. Declarations and conventions of human rights do not create and give rights to human beings. They simply announce the rights that human beings have.^[3]

This distinction between ordinary and human rights is important for the Charter-Agenda to be clear about, as the functions of the duty-holder vary in relation to them. The function of the national government in relation to human rights is different from its function in relation to ordinary rights. For the latter, the governments only concerns are to provide an adequate framework of domestic laws to define who has what rights, against whom, and in what circumstances. By contrast, human rights are primarily claims against the public authorities of the State itself either to remain free from interference with them, or to require them to act in some specific fashion. For any human right, the

correlative duty falls in the first instance on the authorities of the State itself, not on other members of the community.^[4]

Notes:

3. Jones, Peter. (1994): Rights. pp.81-82, (Palgrave)
4. Sieghart, Paul. (1983): The International Law of Human Rights. pp. 20, (Clarendon Press: Oxford)



Territorial and institutional applications

In regard to the domestic territorial applications of the international human rights instruments, the provisions of their respective covenants extend to all parts within the jurisdiction of the State whether unitary or federal (UDHR 2; ICCPR 50; ICESCR 10). Likewise, concerning the institutional application, the provisions extend to all public authorities of the State, which include municipal or local authorities.



Delegation of obligations

It is the obligation of the public authorities of the State to respect, ensure, protect and fulfil human rights. The delegation of obligations and the extent, to such parts of the States, as municipal or local authorities is a complex matter.

The Charter-Agenda is a global declaration of the United Cities Local Government Organizations (UCLG). The members are municipal or local authorities, that is, a category of public authorities of their respective States. They are directly or indirectly duty-holders. There is no exception or exemption. Therefore, the questions the Charter-Agenda requires to resolve are:

- a. What are the human rights that ought to be delegated to municipal or local authorities?
- b. What is the extent of the obligations of the State that ought to be delegated to municipal or local authorities?
- c. How to reach agreement on the delegation of human rights and the extent of obligations to municipal and local authorities?
- d. What factors and difficulties might inhibit the municipal or local authorities to fulfil the obligations of the State, within their respective territories and communities?

The global scope of the Charter-Agenda requires thinking on how best to achieve its global fit, given the heterogeneity of the cities within and across the states, and their existence within national human rights systems, both strong and weak or nascent and institutionalized. For example, the Kenyan national human rights system is nascent, whereas the South African one is more institutionalized. Moreover, the Kenyan capital city of Nairobi has very limited autonomy and its legal authority is limited to enacting only by-laws and not laws. What would be an appropriate fit between the Charter-Agenda and a city such as Nairobi, in comparison to Barcelona?



Norms for the Charter-Agenda

The global human rights instruments by themselves enumerate a significant number of rights and freedoms, that is, the substantive and procedural norms. How can they be classified so that they have practical utility? A classification exists, which is designed purely to be functional and to facilitate ease of reference regardless of the instruments in which they appear or any of the sequence followed within these instruments.^[5]

The main categories of the Sieghart classification include: Physical Integrity; Standard of Living; Health; Family; Work; Social Security; Assistance and Welfare; Education and Training; Property; Legal Integrity; Mental and Moral

Integrity; Joint Activities; Politics and Democracy and Collective Rights. I suggest a catalogue of human rights norms for consideration for the Charter-Agenda, based on the above classification of categories (and sub-categories). It is for illustration purposes, a human rights pool to draw on. I have confined myself to the provisions of the covenants of the global instruments. The catalogue is annexed. The question to resolve is: What categories and the provisions of the covenants of global instruments are to be included or excluded from the Charter-Agenda, and why?

For example, the connection of the human rights provisions for torture and ill-treatment may not be obvious on the face of it. But when brutal, punitive and forced evictions occur in cities, in principle the provisions of UDHR (5) and ICCPR (7) are invoked. It is because such evictions cause inhuman or degrading treatment or punishment. The correlative State obligation with respect to the referred covenant is absolute and immediate.

Notes:

5. Id at 15

**Standards and indicators**

The committees of the covenants (ICCPR, CSECR) assume standard setting and indicators development work with respect to the provisions of the covenants. They issue General Comments, to define the normative content of the rights, State obligations and those of non-state actors, including violations. The Charter-Agenda should take advantage of these achievements, in addressing standards and indicators.

**Annex: Catalogue of Human Rights Norms**

It is for deliberation on the normative content of the Global Charter-Agenda of Human Rights in the City. It includes the provisions of UDHR, ICCPR and ICESCR.

**Physical Integrity****1. Life.**

- UDHR.

3. Everyone has the right to life.

- ICCPR.

6.

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

State Obligation: Absolute and immediate under ICCPR.

2.

3. Liberty and security; arrest and detention.

- UDHR.

3. Everyone has the right to liberty and security of person.

9. No one shall be subject to arbitrary arrest or detention.

- ICCPR.

9.

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.

State Obligation: Absolute and immediate under ICCPR.

4. Torture and ill-treatment.

- UDHR.

5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- ICCPR.

7. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

State Obligation: Absolute and immediate under ICCPR.

5. Freedom of movement.

- UDHR.

13.

1. Everyone has the right to freedom of movement and residence within the borders of each state.

- ICCPR.

12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

State Obligation: Absolute and immediate under ICCPR.



Standard of Living

- UDHR.

25.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstance beyond his control.

- ICESCR.

11.

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

State Obligation: Qualified and Progressive under ICESCR.



Health

- UDHR.

25 (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services.

- ICESCR.

12.

1. The State Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - a. The provision for the reduction of the stillbirth-rate and of the infant mortality and for the healthy development of the child;
 - b. The improvement of all aspects of environmental and industrial hygiene;
 - c. The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
 - d. The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

State Obligation: Qualified and progressive under ICESCR.



Family

1. Marriage and Family.

- UDHR.

UDHR 16.

1. Men and women of full age, without any limitation due to the race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and its dissolution.

3. The family is the natural fundamental group unit of society and is entitled to protection by society and the State..

- ICESCR.

10. The States Parties to the present Covenant recognizes that:

3. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

State Obligation: Qualified and progressive under ICESCR.

2. Mothers and Children.

- ICCPR.

24.

0. Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

State Obligation: Absolute and immediate under ICCPR.

Work

1. The right to work.

- UDHR.

23.

1. Everyone has the right to work, to free choice of employment and to protection against unemployment.

- ICESCR.

6.

1. the State Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

State Obligation: Qualified and progressive under ICESCR.

2. Pay and Conditions of work.

- ICESCR.

7. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work, which ensure, in particular:

- a. Remuneration which provides all workers, as a minimum, with:
 - i. Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed condition of work not inferior to those enjoyed by men, with equal pay for equal work.
 - ii. A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- b. Safe and healthy working conditions.

State Obligation: Qualified and progressive under ICESCR.

3. Slavery, servitude, forced labour.

- UDHR.

4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

- ICCPR.

8.

0. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
1. No one shall be held in servitude.
- 2.
- a. No one shall be required to perform forced or compulsory labour. State Obligation: Absolute and

immediate under ICCPR.



Social Security, Assistance, and Welfare

- UDHR.

22. Everyone as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

25.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in the circumstances beyond his control.

- ICESCR.

9. The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

State Obligation: Qualified and progressive under ICESCR.



Education and Training

- UDHR.

26.

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children. (14) Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years to be fixed in the plan, of the principle of compulsory education free of charge to all.

- ICCPR.

18.

4. The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

State Obligation: Absolute and immediate under ICCPR.

13.

5. The States Parties to the present Covenant recognize the right of everyone to education, They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable

all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further activities of the United Nations for the maintenance of peace.

6. The States Parties to the present Convention recognize that, with a view to achieving the full realization of this right:

- a. Primary education shall be compulsory and available free to all.
- b. Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education.
- c. Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education.
- d. Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education.
- e. The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

7. The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians, to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

8. No part of this Article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this Article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.



Property

- UDHR.

17.

1. Everyone has the right to property alone as well as in the association with others.
2. No one shall be arbitrarily deprived of his property.



Legal Integrity

1. Recognition before the law.

- UDHR.

6. Everyone has the right to recognition everywhere as a person before the law.

- ICCPR.

16. Everyone shall have the right to recognition everywhere as a person before the law.

State Obligation: Absolute and immediate under ICCPR.

2. Equality before the law.

- UDHR.

7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

- ICCPR.
 - 14.**
 - 1. All persons shall be equal before the courts and tribunals.
State Obligation: Absolute and immediate under ICCPR.
- 3. Fair Trial.
 - UDHR.
 - 10.** Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.
- 4. Retroactive penal laws.
 - UDHR.
 - 11.**
 - 1. Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.
 - ICCPR.
 - 14.**
 - 2. Everyone charged with a criminal offense shall have the right to be presumed innocent until proven guilty according to law.
 - 14.**
 - 3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees in full equality.

State Obligation: Absolute and immediate under ICCPR.



Mental and Moral Integrity

1. Dignity, personality, and name.
 - UDHR.
 - 1.** All human beings born free and equal in dignity and rights that are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
 - 29.**
 - 1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
 - ICCPR.
 - 24.**
 - 2. Every child shall be registered immediately after birth and shall have a name. State Obligation: Absolute and immediate under ICCPR.
2. Privacy, honor and reputation.
 - UDHR.
 - 12.** No one shall be subjected to arbitrary interferences with his privacy, family, home or correspondence, nor to attack upon his honour and reputation. Everyone has the right to the

protection of the law against such interference or attacks.

- ICCPR.

7.

2. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation
3. Everyone has the right to the protection of the law against such interference or attacks.

State Obligation: Absolute and immediate under ICCPR.

3. Thought, conscience, and religion.

- UDHR.

18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in a community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

- ICCPR.

18.

0. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief on his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

4. The State Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own conviction.

State Obligation: Absolute and immediate under ICCPR.

4. Culture, arts, and science.

- UDHR.

27.

4. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

- ICESCR.

15.

0. The State Parties to the present Covenant recognize the right of everyone:
 - a. to take part in cultural life;
 - b. To enjoy the benefits of scientific progress and its applications;
 - c. To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is an author.
1. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

State Obligation: Absolute and immediate under ICESCR.



Joint Activities

Assembly.

- UDHR.

20.

- 1. Everyone has the right to freedom of peaceful assembly
- ICCPR.

21. The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in democratic society in the interest of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.
 State Obligation: Absolute and immediate under ICCPR.



Politics and Democracy

- UDHR.

21.

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

- ICCPR.

- 25.** Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and with no unreasonable restrictions:
- a. To take part in the conduct of public affairs, directly through freely chosen representatives;
 - b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures;
 - c. To have access, on general terms of equality, to the public service in his country.

State Obligation: Absolute and immediate under ICCPR.



Collective Rights

1. International peace and security.

- UDHR.

28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

- ICCPR.

2. Any advocacy of national, racial, or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

State Obligation: Absolute and immediate under ICCPR.

2. Minorities.

- ICCPR.

27. In those States in which ethnic, religious, or linguistic minorities exist, persons belonging to

such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

State Obligation: Absolute and immediate under ICCPR.

Human Rights and State Obligations Matrix

STATE OBLIGATIONS	A human rights norm creates an "obligation" or a "duty" on the state to respect the obligation of conduct or means, whereas others impose obligation of conduct (Means): The nature of the state's legal obligation as requiring the obligation of effect (Result): The nature of a state's legal obligation as requiring the state to fulfill its duty under a treaty		
HUMAN RIGHTS INSTRUMENTS	Duty to Respect Human Rights	Duty to Ensure Human Rights	Duty to Protect
Global Instruments United Nations Charter Universal Declaration of Human Rights Covenants ICCPR Civil Human Rights Political Human Rights ICESCR Economic Human Rights Social Human Rights Cultural Human Rights (see summary descriptions below)	The obligation to respect human rights means that states refrain from in any way interfering with individuals in the enjoyment of human rights. It is the conscious recognition of the human rights in individuals or groups, and conduct and treatment consistent with recognition of such rights. Usually this is an obligation of the state, that is, for the state to respect human rights and to refrain from interfering with these rights of those within its jurisdiction.	The obligation to ensure requires that states do all that states can to see that all other states, organizations and individuals act in a way as to allow full enjoyment of human rights.	The obligation to protect means that states have a legal obligation to take necessary steps to prevent human dignity by a state or private individuals. Failure of the state and to protect the rights of other members constitutes a violation by the state.
Subsidiary Instruments Conventions Labour (several) Refugees (1951) Racial Discrimination (1965) Women (1979) Torture (1984) Children (1989) Migrant Workers (1990)			
Regional Instruments Council of Europe Convention... European Social Charter American Convention on Human Rights African Charter of Human and Peoples' Rights (None for Middle East & Asia)			

CIVIL HUMAN RIGHTS (CHR) Generally relating to or involving the general public, their activities and their needs or ways or civic affairs as distinguished from special (such as military or religious) affairs. A term describing a category of human rights that are rights held by individuals to enjoy freedom within a civil society and equality with others. Civil human rights are individual freedoms, such as freedom of privacy, expression, religion, and movement; nondiscrimination; due process of law; freedom from torture; and the right to life, liberty, and the security of the person. These are not the same as "Civil Rights," as utilized in the United States, even though some civil rights are also civil human rights. Examples of the former include racial equality and nondiscrimination.	POLITICAL HUMAN RIGHTS (PHR) Human rights that relate to an individual vis-a-vis the public society, the conduct of government, and how that individual can participate in and effect change in a society to his benefit. These are rights that assure to a member of society the opportunity for making/changing/proposing/ administering governmental public policy, especially in matters affecting such members. Political human rights are a type of what were called "First Generation (Human) Rights" that protect a person's right to participate in the direction and development of a society, such as the right to vote and to run for government office. "Civil" and "political" human rights together made up the so-called "first generation" of human rights.	ECONOMIC HUMAN RIGHTS (EHR) A category of human rights whose purpose is to assure that human beings have the ability to obtain and maintain a minimum decent standard of living consistent with human dignity. The particular rights include the right to food, health care, social security, work, and leisure and the right to form trade unions. Economic rights are considered programmatic or progressive rights.	SOCIAL HUMAN RIGHTS (SHR) Human rights that relate to interpersonal interaction or the welfare of human beings in society. 1. Social (Human) Rights v. Civil (Human) Rights: Most particularly, Social (Human) Rights describe (economic, social, and cultural) rights together used to be referred to as Social (Human) Rights. These rights include, inter alia, the right to work, and the right to form trade unions.
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Description of Human Rights terms used in the matrix are taken from:
A Handbook of International Human Rights Terminology. H. Victor Conde. University of Nebraska Press, 2004.
 (Compiler of matrix takes responsibility for any misinterpretation of description of terms)

(Matrix compiled by: Davinder I)



The World Charter on the Right to the City, Leticia Marques O. (COHRE),

Paris, 2005

This paper is meant to provide information about the Charter on the Right to the City, its contents and the participatory social process where discussion and definitions were undertaken. This paper was presented in the public debate on Urban Public Policies and the Right to the City sponsored by the United Nations Human Settlements Programme (UN HABITAT) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), in March 2005, in Paris.

The original proposal, called the Charter for Human Rights in the Cities, was presented by the FASE NGO at the VI Brazilian Conference on Human Rights in 2001 and was based on the active use of international instruments of civic, political, economic, social, cultural and environmental human rights. This proposal took into consideration the terms of the European Charter for the Safeguarding of Human Rights in the City, which was presented at Saint-Denis in May of 2000 and was adopted by more than two hundred European Cities. The Treaty for Democratic, Equitable and Sustainable Cities, Towns and Villages approved at the World Conference on the Environment ECO/92 in Rio de Janeiro, Brazil was also a parent of the present Charter for Human Rights in the City.

The Charter for Human Rights in the Cities was born with the objective of improving the action platform and the strengthening the demands being made by urban social movements and by the civil society and for the unification of the networks and social forums in the struggle for democratisation and urban reform. Its objective is to support the strategies for political and institutional changes in and concerning cities, as a base for the struggle against inequalities and supported by an active mobilization of Brazilian society to ensure the enjoyment of all human rights by all men and women who inhabit the cities. From that moment onwards, in all the World Social Forums the theme of the Right to the City has been debated.

However, it was only following the second World Social Forum in 2002 that the non-governmental social movements and organisations all over the world, and especially in Latin America, started drafting the text now called the World Charter on the Right to the City. In June 2001, the passing into of the Brazilian Federal Law on Urban Development, known as the City Statute unleashed wide dissemination of the concept of the right to the city as a new collective human right based on a platform of urban reform to be implemented by the various countries.

Activities related to the World Charter carried out in 2004 at the Americas Social Forum in Quito and at the World Urban Forum in Barcelona constituted fundamental benchmarks for the incorporation of strategic city themes, such as democratic urban governance; popular participation in urban management and budgeting; the recognition and effective implementation of economic, social, cultural and environmental rights; adoption of a fairer and more sustainable model for urban economic development which would strengthen the urban-rural partnership and reduce poverty.

At the World Social Forum in Porto Alegre, Brazil in 2005, more than seven hundred persons took part in a Workshop on the Right to the City, representing a special moment in which a diverse range of international, regional, national and local organisations, activists and social agents, popular leaders, professionals, academics, public authorities, young people, women, senior citizens, and Afro-Brazilians demonstrated unequivocally their interest in the subject. They undertook to do everything possible to promote the creation of more equitable, democratic and sustainable cities. At the same time, the Brazilian Government, in the person of the Minister of the Cities, formally adhered to the process of discussion and implementation of the Charter.

What are the objectives of the World Charter on the Right to the City?

International experience has shown that from the point of view of the social movements, that it is necessary to establish effective monitoring mechanisms and instruments for ensuring the fulfilment of rights for supporting social demands it is clear that effective mechanisms of supervision and legal instruments for ensuring attention to social demands must exist if their social demands are to be met. The efficiency of the political will of a government really dedicated to altering the status quo in the political, economic, social and cultural relationships in any society cannot be disputed. However, declarations of rights are often only obtained at times of advancing popular social movements, when it is necessary to give legal standing to social demands, especially in situations where powerful and reactionary group hold the political power.

Legal remedies are to some extent instruments to be used when other resources, such as political pressure and social demand have been exhausted. The human rights movement has demonstrated repeatedly that social strategies alone are insufficient to ensure social justice and for this reason, it is necessary to perfect suitable legal instruments capable of forcing compliance. For some time now, it is apparent that the strategies of demand and the implementation of social rights are complementary.

In this sense, the NGO social movements and organisations have proclaimed the urgency of the need of stressing the role that cities have to play as areas where the collective enjoyment of riches, culture, goods and knowledge is guaranteed to all the inhabitants. This is in contrast to the discriminatory protection now guaranteed only to those who own property, goods or financial capital. The terms of the present World Charter seek to revert the predominance of economic and monetary values over the social functions of the city. The right to the city is interdependent to all other existing human rights, integrally conceived and internationally recognised, and includes civic, political, economic, social, cultural and environmental rights. It includes also the right to liberty of assembly and organisation, the right to the full exercise of citizenship and to participation in the planning, construction and management of the city; the socially-conscious development of the habitat; the respect for minorities and for ethical, racial, sexual and cultural plurality; respect for

immigrants and guarantees for the preservation of the historical and cultural inheritance.

However, one of the concerns expressed many times by organisations and social movements from Asia and Africa is the fact the Charter is limited to the cities, because they point out that over 900 million people representing three quarters of the 1.2 billion of the poorest people in the world live in rural areas and depend on agriculture for their livelihood. Amongst these, an expressive number are women and ethnic minorities entirely neglected in the decision-making processes. Especially in the developing countries, the absence of policies of agrarian reform and support for family agriculture and the lack of access to essential natural resources such as water and technology has been a contributory reason for the constant migration to the cities.

It is also true that the cities are nowadays to a great extent places of residence for a considerable portion of the worlds poor where the development models and existing urban management contribute to the concentration of riches, property and power; to the informality of the relationship between labour and capital and in the possession of urban land; to the degradation of the environment; and to the occupation of public spaces by rich private individuals and firms, generating more exclusion and promoting social and territorial segregation.

Latin America is the worlds most urbanised region where more than 75% of the population live in cities; in the Middle East and the European West, two-thirds of the population are city-dwellers; in Africa the growth of the cities is associated with the increase in urban poverty; and Asia, notwithstanding the fact that 60% of the population now live in rural areas, is the region where the urban transition is most rapid. Although the industrialization process has improved the quality of life and generated employment, the excluding and inequitable development model has resulted in a failure to attend to the basic human rights. These and other serious negative tendencies call for special attention and immediate remedial action in the cities.

In Latin America, where social movements organized in favour of urban reform have gained force in the last decade, the right to the city has been understood as the right to equitable enjoyment of the city while respecting the principles of sustainability, democracy, social justice and the fulfilment of the social function of property. It is a right that confers legitimacy on organised action, based on its uses and customs, and with the objective of achieving full exercise of the right to an adequate standard of living. The necessity of having a very clear international instrument which local social movements, civic society and governments can use to revert the current tendencies, makes the World Charter an important political reference document for local actions and demands.

An instrument with these characteristics may have various purposes: to serve as a political, social, economic and environmental reference in the creation of policies; as a data-base of principles orienting the processes of construction, production and management of the cities attached to the fulfilment of human rights; and as a Charter establishing rights, duties, and supervision to orient action by public and private agents active in the cities.

Even if an international statute to protect the right to the city did not exist, there are many dispersed norms, especially in the areas of economic, social, cultural and environmental rights that should direct the formulation and implementation of public urban policies, the exercise of collective rights and social living.

Dr. Miloon Kothari, UN Special Rapporteur for adequate housing points out that the fundamental human rights which now exist and which are used to strengthen and promote the right to the cities, can be considered collective rights exactly as the right to auto determination and the right to development.

In this context, the city territory, whether urban or rural is an area where collective rights may be exercised and realised as a way to ensure the proper distribution and the equitable, universal, just, democratic and sustainable use of the resources, riches, services, goods and opportunities available in cities. The right to the city is interdependent of all the human rights internationally recognised seen as integral and indivisible.

Within the scope of the World Charter, the use of a wider concept of the city was to allow for differences in size, political organisation, physical structure and the social perception of cities around the world, by utilizing a holistic definition that considers the integrity and unity of its territory.

The principal objective of a city is to fulfil a social function, guaranteeing all its inhabitants integral enjoyment of the economy, the culture, the utilisation of resources, the realization of projects and investments in their benefit, based on criteria of equitability, fair distribution, economic complementation, respect for culture, diversity and environmental sustainability.

The development of the social functions of the city, being of interest to all the inhabitants, falls into the classification a diffuse or wide-spread interest, in view of the fact that all the inhabitants are effected one way or another by the activities going on around them. Therefore, the relationship established between the subjects is with the city, which is a diffused way of living. To assure the full development of the social functions of the city as an interest diffused amongst the inhabitants legitimacy of administrative action should be conferred on any inhabitant, group of residents or vulnerable groups to act not only in the defence of the collective interest of some determined group, but also in the defence of these social functions.

Due to the economic, social and cultural importance of cities in the national, regional and metropolitan contexts, and remembering that the fulfilment of legal norms related to the rights to the city is within the competence of governments

of the nations, the World Charter should open a dialog at this level of government, as well as with regional and local authorities.

Following the Workshop on the Right to the City carried out at the World Social Forum in 2005, the persons involved undertook to actively seek to other participants and collaborators, above all with the movements and social movements in Africa, Asia and Europe as well as with local and national governments. They also plan an international workshop for the near future to discuss a platform for the international implementation of the World Charter and to draw up strategies for international legalization.



A look at the place today of the Right to the City in Latin America and the Caribbean

1. The Internationalization Process of the Right to the City

The new millennium points toward a worldwide increase of the population living in cities, considering that half of the world population is located in urban centers. According to United Nations statistics, the degree of urbanization has now surpassed the 50% mark. In 2005, the population living in cities was already 3.2 billion people, with another 3.2 billion in rural areas. It is estimated that in 2050 the world's urbanization rate will reach 65%, with between 45 and 50% of city inhabitants living in poverty. Cities will be responsible for all future population growth and 95% of it will occur in the urban areas of peripheral countries, whose population will increase to almost 4 billion. Half of this population explosion will take place in informal communities. The population living in poor neighborhoods (slums, favelas, shanty towns, tenement houses) will reach 1.3 billion persons in 2015, and 2 billion in 2030 or 2040, with a higher percentage of poor or extremely poor than among the remaining population in the rural areas. [6]

Democratically governing cities, as territories of great economic, environmental, political and cultural wealth and diversity, in a way that the rights of their inhabitants be respected, is a challenge for humanity in the new millennium.

In our daily experiences in the cities, in the search to create the necessary conditions to live in harmony, peace and happiness, we have fought against models of society based on high rates of concentration of wealth and power that benefit a reduced number of persons and economic conglomerates. And we have confronted the accelerated urbanization processes that contribute to degradation of the environment and to privatization of public space, generating poverty, exclusion, and social and spatial segregation.

Cities as social spaces that offer their inhabitants equal conditions and opportunities to live with dignity, regardless of their social, cultural, ethnic, gender or age characteristics, continues to be the objective of many individuals, social groups, civil society organizations, popular movements, religious institutions, political parties, public managers, and local and national governments committed to achievement of a better life in our cities, one of happiness, peace, harmony and solidarity with other persons.

Many experiences and practices have been developed in Latin America and the Caribbean by national and local governments, and civil and community organizations, to modify modes of governing, planning and developing cities, so that their inhabitants take advantage of and appropriate their wealth, both in economic aspects and also in the production of knowledge and culture, that can be translated as initiatives of development of the right to the city.

In light of the commitments already assumed in previous Assemblies of MINURVI and of the Ibero-American Forum to promote social and spatial equity in Latin American and Caribbean cities, a strong commitment is needed to appreciation of the right to the city as paradigm of national policies on urban development.

In order to achieve just, human, healthy and democratic cities, a step that must be taken is that of institutional recognition of the right to the city as paradigm in the field of city government, in a way that management forms and public policies produce as result the elimination of social inequalities, of discriminatory practices in all their forms, and of the segregation of individuals, social groups and communities based on the type of housing or location of the settlement in which they live.

Evolution of the right to housing with this perspective dates to the theoretical reflections formulated by Henri Lefebvre in France in the 1960s, continuing to the construction of political agendas of urban reform by civil society sectors in Latin American countries in the 1980s, as occurred for example in Brazil and Colombia.

The path then continued with dialogues in the 1990s between human rights activists, environmentalists, nongovernmental organizations, urban popular movements, local and national authorities, and international bodies in the Global United Nations Conferences, including the Conferences on the Environment and Development in 1992 in Rio de Janeiro and on Human Settlements (Habitat II) in 1996 in Istanbul. These conferences introduce -in Agenda 21 and the Habitat Agenda respectively- components of the right to the city in their attention to the adequate living conditions

which need to be met in human settlements.

At the beginning of this century, the road continues with the debates and dialogues promoted by the networks and Global Forums that address urban themes, in particular the World Social Forum and the World Urban Forum. At the turn of the new millennium, these two World Forums have converted into a privileged stage for debates, dialogues and experience-exchanges on the right to the city.

The World Social Forum is distinguished by having channeled the process resulting in the World Charter for the Right to the City, which had the reference of the European Charter for Human Rights in the City elaborated by the Forum of Local Authorities in Saint Denis in May 2000.

The construction process of the World Charter for the Right to the City, unfolded within the World Social Forum, has the objective to disseminate the conception of the right to the city as a new human right based on a platform of urban reform to be implemented by the countries, aiming to modify world urban reality through construction of just, human, democratic and sustainable cities. It also has the objective of institutional recognition of the right to the city as a new human right in the United Nations bodies (such as the Habitat Agenda, the UNDP, and the Human Rights Commission) as well as in the regional bodies (such as the Organization of American States). This action has the objective to influence forms of governing in cities and global, regional and national policies, to assure that they be democratic and serve to reverse the paradigm of social inequality in cities.

Notes:

6. Special Material Planeta Favela, Carta Capital en la Escuela, edition June–July 2006, p. 37.



2. Components of the World Charter for the Right to the City

2.1 On understanding of the Right to the City

The World Charter for the Right to the City begins by addressing the comprehension of the right to the city, defining what is understood as city and as citizens. It then establishes the principles of the right to the city. The Charter contains rights relative to management of the city, civil and political rights of the city, and the economic, social and cultural rights. [7]

The final part of the Charter establishes measures for implementation and oversight of the right to the city and the commitments to be assumed by social networks and organizations, national and local governments, and international bodies.

The conception of the right to the city present in the Charter is that of recognition of an emerging right of the persons who live in cities. Taking into consideration the evolution of the human rights pertaining to the so-called third and fourth-generation historic rights, such as the right to a healthy environment and the right to the cultural heritage of humanity, the Charter introduces a conception of collective and diffuse human rights in reference to the city and not of individual rights. The Charter clearly highlights a conception differentiated from the traditional vision of individual human rights, present, for example, in the European Charter on Human Rights in the Cities, which affirms rights that should be guaranteed for the inhabitants of the city.

The World Charter for the Right to the City brings with it the notion of just cities free of discrimination as a collective right. Article 1 contemplates the value of equality when addressing discrimination in cities. As established in this article, all persons should have the right to a city without discrimination based on gender, age, race, health conditions, income, nationality, ethnicity, migratory condition, or political, religious or sexual orientation, and to preserve cultural memory and identity. This means that the existence of discriminatory practices and actions in cities represents violations of the right to the city against all of its inhabitants and not only against victims directly affected, for example, by racist practices.

The Charter defines the right to the city as the equitable usufruct of cities within principles of sustainability, democracy, equity, and social justice. Based on the comprehension of the city as culturally rich and diversified collective space that pertains to all of its inhabitants, the right to the city is understood as a collective right of the inhabitants of cities, especially of the vulnerable and disadvantaged groups, that confers them with legitimacy of action and organization, based on their uses and customs, with the objective to achieve full exercise of the right to free determination and to an adequate standard of living.

The Charter adopts the fundamental principles of international human rights by affirming that the right to the city is

interdependent of all the internationally-recognized human rights, conceived in integral form. The right to the city is therefore interrelated with all the civil, political, economic, social, cultural and environmental rights already regulated in international human rights treaties. Based on the principles of international human rights, measures are foreseen that should be taken up by the national authorities for promotion of the right to the city.

According to the Charter, cities, in co-responsibility with national authorities, should adopt all measures necessary, to the limit of their resources, to progressively achieve, through all appropriate means and with the adoption of legislative and normative measures, the full effectiveness of the economic, social, cultural and environmental rights. In this way, the cities, through adaptation of their legislative frameworks to the international treaties, should dictate the legislative or other provisions to make effective the civil and political rights foreseen in the Charter.

As the space in which the right should be exercised and respected, the Charter outlines the territory of cities and their rural surroundings, as a form of assuring equitable, universal, just, democratic and sustainable usufruct of the resources, wealth, services, goods and opportunities offered by cities.

The Charter contains two components for the demarcation of a space as city. For its physical character, the city is all metropolis, city, town or village that is institutionally organized as local governmental entity of municipal or metropolitan character. It includes both the urban space and the rural or semi-rural surroundings that form part of its territory.

As political space, the Charter understands the city as the whole of institutions and actors that intervene in its management, such as the governmental, legislative and judicial authorities, institutionalized social participation entities, social movements and organizations, and community in general.

The Charter also presents a definition of citizen for purposes of recognition of persons' right to the city. All persons who inhabit the city, in a permanent or transitory manner, are considered to be citizens.

Notes:

7. The latest version of the World Charter for the Right to the City is available online through the web page of the International Observatory of the Right to the City: www.oidc.org.br



2.2 On the Principles of the Right to the City in the World Charter

The Charter establishes the following principles of the right to the city:

1. Democratic management of the city
2. Social function of the city
3. Social function of property
4. Full exercise of citizenship
5. Equality, nondiscrimination
6. Special protection for vulnerable groups and persons
7. Social commitment of the private sector
8. Promotion of the solidary economy and of taxation and progressive policies.

The Charter's adoption of the principle of democratic management of the city reinforces the understanding of the right to the city as a collective and diffuse right of the city's inhabitants. In this way, the city is understood as a space of realization of all human rights and fundamental freedoms, assuring the dignity and collective wellbeing of all the persons in conditions of equality, equity and justice, as well as full respect for social production of habitat.

The principle of democratic management of the city implies that all persons have the right to find in cities the necessary conditions for their political, economic, cultural, social, and ecological realization, assuming the duty of solidarity.

Respect for this principle of the right to the city means, according to the Charter, that all persons who live in the city have the right to participate through direct and representative forms in the elaboration, definition, implementation and oversight of public policies and the municipal budget of the cities to strengthen the transparency, effectiveness and autonomy of local public administrations and of popular organizations. Lack of mechanisms and entities that assure the participation of the inhabitants in city management represents a clear violation of the right to the city.

The Charter also contemplates the social function of the city as principle of the right to the city, with the indicator of just distribution of wealth and of culture among city inhabitants. According to the Charter, the city exercises a social function when it guarantees to all of its inhabitants full usufruct of the resources offered by the same. As form of exercise of its social function, the city should carry out projects and investments to the benefit of the urban community as a whole, within criteria of equitable distribution, economic complementarity, respect for culture, and ecological sustainability to guarantee the wellbeing of all the inhabitants, in harmony with nature, for today and for future generations. For that, the public and private spaces and goods of the city and of the citizens should be used with priority granted to the social, cultural and environmental interest.

Regarding the social function of property, the Charter recognizes that all citizens have the right to participate in the property of the urban territory within democratic and socially just parameters and environmentally sustainable conditions. The Charter leaves clear the role of urban policy to promote socially just and environmentally balanced use of urban space and land, in secure conditions and with gender equality.

To assure observance of this principle of the right to the city, the Charter calls for measures to include application of legislation that contains mechanisms and sanctions oriented to guarantee full advantage of urban land and of unused, underused or unoccupied public and private real estate.

As means to address the social function of property in the formulation and implementation of urban policies, the collective social and cultural interest should prevail over the individual right to property and over speculative interests.

As forms with which to inhibit real estate speculation, the Charter establishes the adoption of urban norms for a just distribution of the obligations and benefits generated by the urbanization process and the adaptation of all economic, taxation and financial policy instruments as well as public expenditure instruments to the objectives of equitable and sustainable urban development. The extraordinary incomes (gains in value) generated by public investment (currently captured by real estate companies and individuals) should be managed to the benefit of social programs that guarantee the right to housing and to a dignified life for sectors in precarious conditions and living in risk situations.

In relation to the principle of equality and nondiscrimination, the right to the city should be guaranteed to all persons who inhabit cities, either in a permanent or transitory form, with no discrimination of any kind. The Charter points out that commitments that should be assumed by cities for the fulfillment of this principle, such as implementation of public policies that guarantee equality of opportunities for women in cities, expressed in the Convention on Elimination of All Forms of Discrimination against Women (CEDAW) and in the Conventions on the Environment (Rio de Janeiro 1992), Women (Beijing 1995) and Human Settlements (Habitat II) (Istanbul 1996), among others. For this purpose, the necessary resources must be allocated in governmental budgets for effective implementation of these policies and to establish mechanisms and qualitative and quantitative indicators to monitor its fulfillment across time.

On the principle of special protection for groups and persons in situations of vulnerability, the Charter considers as vulnerable the persons and groups in situations of poverty, environmental risk (threatened by natural disasters), victims of violence, persons with disabilities, the displaced, refugees, and all group that, in accordance with each city's reality, is in a situation of disadvantage in relation to the other inhabitants. Within these groups, priority attention shall be dedicated in turn to the elderly, women and in particular those who are single household heads, and children.

The Charter affirms that those groups and persons in situation of vulnerability in cities have the right to special measures of protection and integration, resource distribution, access to essential services, and nondiscrimination. According to the Charter, cities, through policies of positive affirmation of vulnerable groups, should suppress the obstacles of political, economic, social and cultural order that limit the freedom, equity and equality of citizens and that impede the full development of the person and his or her effective political, economic, cultural and social participation in the city.



2.3 On the Elements of the Right to the City

The following are considered to be rights relative to city management: equitable and sustainable urban development; participation in city budgeting; transparency in city management, and the right to public information. Equitable and sustainable urban development requires the city to commit to regulate and control urban development through territorial policies that prioritize production of social-interest housing and fulfillment of the social function of public and private property, in observance of collective social, cultural and environmental interests over individual interests. For that purpose, cities are obligated to adopt urban development measures, in particular the rehabilitation of degraded and marginal housing, promoting an integrated and equitable city.

Regarding the right to participation in the city budget, signatory cities must commit to guarantee a direct, equitable, and deliberative participation system in the definition of municipal policies and budgets, through institutional channels open to all citizens, male and female, as well as community organizations and sector and territorial

councils and commissions.

Regarding transparency in city management, in accordance with the principle of transparency, cities commit to organize their administrative structure in a way that guarantees the effective responsibility of their governing officials vis-à-vis the citizens, as well as the responsibility of the municipal administration vis-à-vis the governmental bodies, complementing democratic management.

In relation to civil and political rights, the following are established: the rights to political participation, to justice and public security, and to peaceful, solidary, and multicultural co-existence. Regarding the right to political participation, cities should guarantee the right to free and democratic election of local representatives, the implementation of plebiscites and popular legislative initiatives, and equitable access to public debates and audiences on themes related to the right to the city.

Regarding the right to justice, cities must commit to guarantee access to justice services, establishing special policies in favor of the most impoverished groups of the population and strengthening the free public defense systems.

To safeguard the right to public security and peaceful, solidary and multicultural co-existence, cities must commit to create conditions for peaceful relations, collective development, and the exercise of solidarity. For this purpose, cities must guarantee full usufruct of the city, respecting diversity and preserving the cultural memory and identity of all citizens, without discrimination.

The Charter also addresses economic, social, cultural and environmental rights in cities, which include the following: access to domestic and urban public services, public transportation and urban mobility, housing, education, work, cultural and leisure activities, health, and the environment.



2.4 Strategies for the implementation of the World Charter for the Right to the City

The Charter establishes measures for implementation of the right to the city, such as: maximum use of the city's available resources to fulfill the juridical obligations established in the Charter, providing training and education in human rights to all public agents related in any way with the implementation of the right to the city, establishing evaluation and monitoring mechanisms of urban development and social inclusion policies.

The Charter specifies the situations that undermine the right to the city, in terms of actions or omissions whose effect is to impede, deny, hinder, or prevent the realization of the rights established in the Charter. Conditions which must be particularly defended include: collective political participation of inhabitants, including women and social groups, in city management; fulfillment of the decisions and priorities defined in the participative processes that form part of city management, and maintenance of cultural identities, forms of peaceful co-existence, and social production of habitat.

Finally, the commitments are established for implementation of the Charter. The Charter calls on the social networks and organizations to build the platforms through which to demand the fulfillment of the right to the city, and to document and disseminate national and local experiences that contribute to advance the construction of this right. The national and local governments must commit to elaborate and promote institutional frameworks that consecrate the right to the city and to construct partnership platforms with broad civil society participation to promote sustainable development in cities. The international entities must undertake all possible efforts to build awareness of and to stimulate and support governments to assume the Charter commitments, and to monitor and promote application of the international human rights covenants and other instruments that contribute to construction of the right to the city.



2.5 Declarations and Charters on the Right to the City in the International Agenda

In the urban international agenda, various world events have taken the initiative to construct declarations and charters on issues related to the right to the city, with the purpose to articulate legally and politically-based instruments that introduce a local dimension of economic, social and cultural rights, in the world sphere, that envisions the city as a place of rights, and a space for the guarantee, affirmation, and realization of human rights. These documents translate an ideology that confers value and political sense to the cultural and organizational patrimony accumulated in the local sphere and in cities. Based on the articulation of these initiatives, the road toward international recognition of the right to the city as a human right is continually shorter.

The following documents may be identified as the most significant contributions to date in this international agenda:

- World Charter for the Right to the City - V World Social Forum, Porto Alegre, 2005.
- Declaration of the European Coalition of Cities against Racism, IV European Conference of Cities for

Human Rights, Nuremberg, 10 December 2004.

- Declaration of United Cities and Local Governments, Paris, 5 May 2004.
- Declaration of Santa Cruz de la Sierra, April 2004. First Latin American Congress of Cities and Local Governments Initiative of the Latin American Federation of Cities, Municipalities and Local Government Associations.
- European Charter on Womens Right to the City, European Commission, 1995.
- World Declaration on Local Autonomy- Counsel of the UIAL, Toronto, June 1993.
- Agenda 21 of Culture IV Forum of Local Authorities for Social Inclusion of Porto Alegre in the Universal Forum of Cultures, Barcelona 7-8 May 2004.
- Latin American Municipal Agenda Latin American Federation of Cities and Municipalities - FLACMA, 2001.
- Bogotá Declaration on the City from the Human Rights Perspective. Latin American Seminar on the Right to the City and Human Rights, Bogotá, May 2006.

It is also important to highlight two initiatives focused on disseminating experiences and actions in promotion of the right to the city. The first is that of the International Observatory of the Right to the City (IORC) conceived by the ABONG Cooperation Program SUD Coordination, among civil society organizations of France and Brazil. The International Observatory was promoted through a collective and democratic process among the organizations that participated in the activities of the program.

The mission of the IORC is to promote observation and registry of social practices of implementation or defense of the right to the city carried out through popular movements, organizations, forums and networks, such as: access to housing, regularization of urban occupations of social groups, democratic management of the city, and protection of cultural rights, among others. As communication instrument, the Observatory has established a web site: www.oidc.org.br with the objective to make available and disseminate the initiatives, experiences, studies and research on topics related to the right to the city.

In relation to the World Urban Forum organized by the United Nations, it is important to note the UNESCO and Habitat Agency initiative to develop international research on urban policy and the right to the city, promoting seminars, dialogues, and discussion groups on existing experiences of policy implementation oriented to the promotion of the right to the city. The conclusions will be presented at the IV World Urban Forum in the city of Beijing in 2008. ^[8]

In light of the many challenges currently facing the countries of Latin America and the Caribbean in their efforts to construct just, humane, democratic, and sustainable cities, one of the steps to fulfill this mission is to develop actions to recognize and promote the right to the city as the foundation of urban development policies, as a response to combat the social inequality and spatial segregation present in the cities of our region.

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8. For more information: UNESCO Programme Specialist, Social Sciences Research and Policy, Brigitte Colin. Email: b.colin@unesco.org UN Habitat Director of UN Habitat Liaison Office with EU and Belgium, Paul Tailor Shipra Narang. Email: shipra.narang@unhabitat.org



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World Charter for the Right to the City. Second version, 2004–2005

- Social Forum of the Americas Quito July 2004
- World Urban Forum Barcelona October 2004
- World Social Forum Porto Alegre January 2005
- Revision in preparation for Barcelona September 2005.



Preamble

The new millennium dawned with half of the world's population living in cities, and experts forecast that by 2050 the world's urbanization rate will reach 65%. Cities are potentially territories with vast economic, environmental, political and cultural wealth and diversity. The urban way of life influences the way in which we link with our fellow human beings and with the territory.

However, contrary to these potentials, the development models implemented in the majority of impoverished countries are characterized by the tendency to concentrate income and power, generating poverty and exclusion, contributing to environmental degradation, and accelerating migration and urbanization processes, social and spatial segregation, and privatization of common goods and public spaces. These processes favor proliferation of vast urban areas marked by poverty, precarious conditions, and vulnerability to natural disasters.

Today's cities are far from offering equitable conditions and opportunities to their inhabitants. The majority of the urban population is deprived or limited in virtue of their economic, social, cultural, ethnic, gender or age characteristics in the satisfaction of their most elemental needs and rights. Public policies that contribute to this by ignoring the contributions of the popular inhabiting processes to the construction of the city and citizenship, are only detrimental to urban life. The grave consequences of this situation include massive evictions, segregation, and resulting deterioration of social coexistence.

This context favors the emergence of urban struggles that remain fragmented and incapable of producing transcendental changes in the current development model, despite their social and political importance.

In the face of this reality, and the need to counter its trends, urban organizations and movements linking together since the First World Social Forum (2001) have discussed and assumed the challenge to build a sustainable model of society and urban life, based on the principles of solidarity, freedom, equity, dignity, and social justice, and founded in respect for different urban cultures and balance between the urban and the rural. Since then, an integrated group of popular movements, nongovernmental organizations, professional associations, forums, and national and international civil society networks, committed to the social struggles for just, democratic, humane and sustainable cities, has worked to build a World Charter for the Right to the City. The Charter aims to gather the commitments and measures that must be assumed by civil society, local and national governments, members of parliament, and international organizations, so that all people may live with dignity in our cities.

The Right to the City broadens the traditional focus on improvement of people's quality of life based on housing and the neighborhood, to encompass quality of life at the scale of the city and its rural surroundings, as a mechanism of protection of the population that lives in cities or regions with rapid urbanization processes. This implies initiating a new way of promotion, respect, defense and fulfillment of the civil, political, economic, social, cultural and environmental rights guaranteed in regional and international human rights instruments.

In the city and its rural surroundings, the correlation between these rights and their necessary counterpart of duties can be demanded in accordance with the different responsibilities and socio-economic conditions of its inhabitants, as a form of promotion of: just distribution of the benefits and responsibilities resulting from the urbanization process; fulfillment of the social functions of the city and of property; distribution of urban income; and democratization of access to land and public services for all citizens, especially those with less economic resources and in situations of vulnerability.

For its origin and social meaning, the World Charter for the Right to the City is, above all, an instrument oriented to strengthen urban processes, vindications, and struggles. We call on the Charter to be constituted as a platform capable of linking the efforts of all those actors public, social and private interested in allocating full validity and effectiveness to this new human right through its promotion, legal recognition, implementation, regulation, and placement in practice.



Part I General Provisions

Article I. The right to the city

1. All persons have the Right to the City free of discrimination based on gender, age, health status, income, nationality, ethnicity, migratory condition, or political, religious or sexual orientation, and to preserve cultural memory and identity in conformity with the principles and norms established in this Charter.
2. The Right to the City is defined as the equitable usufruct of cities within the principles of sustainability, democracy, equity, and social justice. It is the collective right of the inhabitants of cities, in particular of the vulnerable and marginalized groups, that confers upon them legitimacy of action and organization, based on their uses and customs, with the objective to achieve full exercise of the right to free self-determination and an adequate standard of living. The Right to the City is interdependent of all internationally recognized and integrally conceived human rights, and therefore includes all the civil, political, economic, social, cultural and environmental rights which are already regulated in the international human rights treaties.

This assumes the inclusion of the rights to work in equitable and satisfactory conditions; to establish and affiliate with unions; to social security, public health, clean drinking water, energy, public transportation, and other social services; to food, clothing, and adequate shelter; to quality public education and to culture; to information, political participation, peaceful coexistence, and access to justice; and the right to organize, gather, and manifest ones opinion. It also includes respect for minorities; ethnic, racial, sexual and cultural plurality; and respect for migrants.

Urban territories and their rural surroundings are also spaces and locations of the exercise and fulfillment of collective rights as a way of assuring equitable, universal, just, democratic, and sustainable distribution and enjoyment of the resources, wealth, services, goods, and opportunities that cities offer. The Right to the City therefore also includes the right to development, to a healthy environment, to the enjoyment and preservation of natural resources, to participation in urban planning and management, and to historical and cultural heritage.

3. The city is a culturally rich and diversified collective space that pertains to all of its inhabitants.
4. For the effects of this Charter, the meaning of the concept of city is two-fold. For its physical character, the city is every metropolis, village, or town that is institutionally organized as local governmental unit with municipal or metropolitan character. It includes the urban space as well as the rural or semi-rural surroundings that form part of its territory. As public space, the city is the whole of institutions and actors who intervene in its management, such as governmental authorities, legislative and judicial bodies, institutionalized social participation entities, social movements and organizations, and the community in general.
5. For the effects of this Charter, all the persons who inhabit a city, whether permanently or transitionally, are considered its citizens.
6. Cities, in co-responsibility with national authorities, should adopt all necessary measures to the maximum allowed by the resources available to them to progressively achieve, by all appropriate means and with the adoption of legislative and regulatory measures, the full realization of economic, social, cultural, and environmental rights. Furthermore, cities in accordance with their legal framework and the international treaties, should dictate legislative or other appropriate provisions so they fully reflect the civil and political rights gathered in this Charter.



Article II. Principles and strategic foundations of the right to the city

1. Full exercise of citizenship and democratic management of the city:
 - 1.1. Cities should constitute an environment of full realization of all human rights and fundamental liberties, assuring the dignity and collective well-being of all persons, in conditions of equality, equity, and justice. All persons have the right to find in the city the necessary conditions for their political, economic, cultural, social, and ecological realization, assuming the duty of solidarity.
 - 1.2. All persons have the right to participate through direct and representative forms in the elaboration, definition, implementation, and fiscal distribution and management of public policies and municipal budgets, in order to strengthen the transparency, effectiveness, and autonomy of local public administrations and of popular organizations.

2. Social function of the city and of urban property:
 - 2.1. As its primary purpose, the city should exercise a social function, guaranteeing for all its inhabitants full usufruct of the resources offered by the city. In other words, the city must assume the realization of projects and investments to the benefit of the urban community as a whole, within criteria of distributive equity, economic complementarity, respect for culture, and ecological sustainability, to guarantee the well-being of all its inhabitants, in harmony with nature, for the present and for future generations.
 - 2.2. The public and private spaces and goods of the city and its citizens should be used prioritizing social, cultural, and environmental interests. All the citizens have the right to participate in the ownership of the urban territory within democratic parameters, with social justice and within sustainable environmental conditions. The formulation and implementation of public policies should promote socially just and environmentally balanced uses of urban space and soil, in conditions of security and gender equity.
 - 2.3. Cities should promulgate adequate legislation and establish mechanisms and sanctions designed to guarantee full advantage of urban soil and public and private properties which are deserted, unused, underused, or unoccupied, for fulfillment of the social function of property.
 - 2.4. In the formulation and implementation of urban policies, the collective social and cultural interest should prevail above individual property rights and speculative interests.
 - 2.5. Cities should inhibit real estate speculation through adoption of urban norms for just distribution of the burdens and benefits generated by the urbanization process, and the adaptation of economic, tributary, financial, and public expenditure policy instruments to the objectives of equitable and sustainable urban development. The extraordinary income (appreciation) generated by public investment currently captured by real estate and private sector businesses should be redirected in favor of social programs that guarantee the right to housing and a dignified life for the sectors living in precarious conditions and risk situations.

3. Equality, no-discrimination:
 - 3.1. The rights enounced in this Charter should be guaranteed for all the persons who inhabit cities, either permanently or temporarily, with no discrimination of any kind.
 - 3.2. Cities should assume commitments acquired in regard to implementation of public policies that guarantee equal opportunities for women in cities, expressed in the Convention for the Elimination of all Forms of Discrimination against Women (CEDAW) and in the Environment (Rio de Janeiro 1992), Womens (Beijing 1995), and Habitat II (Istanbul 1996) Conferences, among others. The necessary resources should be allocated from governmental budgets to assure the effectiveness of said policies, and the necessary mechanisms and quantitative and qualitative indicators should be established to monitor their fulfillment over time.

4. Special protection of groups and persons in vulnerable situations.
 - 4.1. Groups and persons in vulnerable situations have the right to special measures for protection and integration, resource distribution, access to essential services, and protection from discrimination. For the effects of this Charter, the following groups are considered vulnerable: persons or groups living in poverty or situations of environmental risk (threatened by natural disasters), victims of violence, persons with disabilities, forced migrants (displaced), refugees, and all groups living in disadvantaged situations with respect to the rest of the inhabitants, in accordance with each citys reality. In turn, priority attention should be addressed within these groups to the elderly, women (in particular female household heads), and children.
 - 4.2. Cities, through affirmative action policies in favor of the vulnerable groups, should suppress the political, economic, social, and cultural obstacles that limit the freedom, equity, and equality of citizens and impede the full development of the person and his or her effective political, economic, social, and cultural participation in the city.

5. Social commitment of the private sector:

Cities should promote the participation of private sector agents in social programs and economic

endeavors with the purpose to develop solidarity and full equality among inhabitants, in accordance with the guiding principles established in this Charter.

6. Promotion of the solidary economy and progressive taxation policies:

Cities should promote and value the political and economic conditions necessary to guarantee social-solidarity economic programs and progressive taxation systems that assure just distribution of the resources and funds necessary for implementation of social policies.



Part II. Rights relative to the Exercise of Citizenship and to Participation in the Planning, Production and Management of the City

Article III. Planning and management of the city.

1. Cities should open institutionalized forms and spaces for broad, direct, equitable and democratic participation by male and female citizens in the processes of planning, elaboration, approval, management and evaluation of public policies and budgets. Guarantees should be in place for the operation of collegiate bodies, audiences, conferences, and public consultations and debates, and to allow and recognize popular initiative processes in legislative proposals and urban development planning.
2. In conformance with the fundamental principles of their legal organization, cities should formulate and apply coordinated and effective policies against corruption; in promotion of the participation of society; and that reflect the principles of the force of law, dutiful management of public affairs and goods, integrity, transparency, and accountability.
3. To safeguard the principle of transparency, cities should organize their administrative structures in a way that guarantees the effective responsibility of their functionaries vis-à-vis their citizens, as well as the responsibility of the municipal administration in its relations with other levels of government and regional and international human rights bodies and entities.



Article IV. Social production of habitat

Cities should establish institutional mechanisms and develop the necessary legal, financial, administrative, programmatic, fiscal, technological, and training instruments to support the diverse modalities of social production of habitat and housing, with special emphasis on self-managed processes, whether they be individual, family, or organized collective efforts.



Article V. Equitable and sustainable urban development

1. Cities should develop urban-environmental planning, regulation, and management that guarantees equilibrium between urban development and protection of natural, historic, architectural, cultural and artistic heritage; that impedes segregation and territorial exclusion; that prioritizes social production of habitat, and that guarantees the social function of the city and property. For that purpose, cities should adopt measures that foster an integrated and equitable city.
2. City planning and the sectoral programs and projects should integrate the theme of urban security as an attribute of the public space.



Article VI. Right to public information

1. All persons have the right to solicit and receive complete, reliable, adequate and timely information in

relation to the administrative and financial activity of any entity pertaining to city administration, the legislative and judicial branches, and the businesses and private or mixed societies that deliver public services.

2. The respective governmental or private sector functionaries should produce the information required of their area of competence within a minimum time period if they do not have the information at the moment of the request. The only limit on access to public information is respect for the right of individuals to privacy.
3. Cities should guarantee mechanisms so that all persons have access to effective and transparent public information. For that purpose, actions should be developed to promote access for all population sectors to the new information technologies, their use, and their periodic up-dating.
4. All persons or organized groups, and especially those who self-produce their housing and other habitat components, have the right to obtain information on the availability and location of adequate land, housing programs developed in the city, and support instruments available.



Article VII. Freedom and integrity

All persons have the right to freedom and integrity, both physical and spiritual. Cities should commit to establish protection guarantees that assure that these rights are not violated by individuals or institutions of any nature.



Article VIII. Political participation

1. All citizens have the right to participate in local political life through the free and democratic election of their local representatives, as well as in all the decisions that affect local policies of urban planning, production, renovation, improvement, and management.
2. Cities should guarantee the right to free and democratic election of local representatives, the realization of plebiscites and popular legislative initiatives, and equitable access to public debates and audiences on issues relevant to the city.
3. Cities should implement affirmative action policies for the representation and political participation of women and minorities in all local elective posts and positions responsible for the city's public policy, budget, and program definition.



Article IX. Right to associate, gather, manifest, and to democratic use of urban public space

All persons have the right to associate, meet, and manifest themselves. Cities should provide and guarantee public spaces for this effect.



Article X. Right to justice

1. Cities should adopt measures designed to improve the access of all persons to the law and to justice.
2. Cities should foment the resolution of civil, penal, administrative, and labor conflicts through implementation of public mechanisms of conciliation, transaction, mediation, and arbitration.
3. Cities should guarantee access to justice services, establishing special policies in favor of the vulnerable population groups, and strengthening free public defense systems.



Article XI. Right to public security and peaceful, solidary and multicultural coexistence

1. Cities should create conditions for public security, peaceful coexistence, collective development, and the exercise of solidarity. For that they should guarantee the full usufruct of the city, respecting diversity and preserving the cultural memory and identity of all citizens free of discrimination of any kind.
2. The primary missions of the security forces include respect for and protection of the rights of citizens. Cities should guarantee that the security forces under their jurisdiction apply the use of force strictly within the provisions of the law and with democratic control.
3. Cities should guarantee the participation of all their citizens in the control and evaluation of the security forces.



Part III. Rights to Economic, Social, Cultural, and Environmental Development of the City

Article XII. Right to water and to access and supply of domestic and urban public services

1. Cities should guarantee for all their citizens permanent access to public services of potable water, sanitation, waste removal, energy and telecommunications services, and facilities for health care, education, basic-goods supply, and recreation, in co-responsibility with other public or private bodies, in accordance with the legal framework established in international rights and by each country.
2. In regard to public services, cities should guarantee accessible social fees and adequate service for all persons including vulnerable persons or groups and the unemployed even in the case of privatization of public services predating adoption of this Charter.
3. Cities should commit to guarantee that public services depend on the administrative level closest to the population, with citizen participation in their management and fiscal oversight. These services should remain under a legal regimen as public goods, impeding their privatization.
4. Cities should establish systems of social control over the quality of the services provided by public or private entities, in particular relative to quality control, cost determination, and attention to the public.



Article XIII. Right to public transportation and urban mobility

1. Cities should guarantee for all persons the right to mobility and circulation in the city, in accordance with an urban and interurban circulation plan and through an accessible public transportation system, provided at a reasonable cost and adequate for different environmental and social needs (gender, age, capacity, etc.).
2. Cities should stimulate use of non-polluting vehicles and establish areas reserved for foot traffic, permanently or during certain times of the day.
3. Cities should promote removal of architectural barriers, installation of the necessary facilities in the mobility and circulation system, and adaptation of all public or public-use buildings and work and leisure facilities to guarantee access for persons with disabilities.



Article XIV. Right to housing

1. Cities, within the framework of the respective competences, should adopt measures to guarantee for all citizens that housing expenses be accessible in accordance with incomes, that it fulfill adequate living conditions, that it be adequately located, and that it adapt to the cultural and ethnic characteristics of those who inhabit it.
2. Cities should facilitate adequate housing supply and urban facilities for all citizens and establish subsidy and finance programs for land and housing acquisition, tenure regularization, and improvement of precarious neighborhoods and informal settlements.
3. Cities should guarantee priority for vulnerable groups in housing laws, policies, and programs, and assure finance and services specifically designated for children and the elderly.
4. Cities should include women in the possession and ownership documents issued and registered, regardless of their civil status, in all public policies developed related to land and housing distribution and titles.
5. Cities should promote the installation of shelters and social rental housing for female victims of domestic violence.
6. All homeless citizens, individually, as couples, or as family groups, have the right to demand of the authorities effective implementation of their right to adequate housing in a progressive manner and through application of all available resources. Shelters and bed-and-breakfast facilities may be adopted as provisional emergency measures, without obviating the obligation to provide definitive housing solutions.
7. All persons have the right to security of housing tenure through legal instruments that guarantee it, and the right to protection from eviction, expropriation, or forced or arbitrary displacement. Cities should protect tenants from profiteering and from arbitrary evictions, regulating housing rents in accordance with General Comment N° 7 of the United Nations Committee on Economic, Social and Cultural Rights.
8. Cities should recognize as direct interlocutors the social organizations and movements that defend and work to fulfill the rights linked to the right to housing contained in this Charter. Very special attention, promotion and support should be directed to organizations of vulnerable and excluded persons, guaranteeing in all cases preservation of their autonomy.
9. This article is applicable to all persons, including families, groups, untitled occupants, the homeless, and those persons or groups whose housing circumstances vary, including in particular nomads, travelers, and romanes.



Article XV. Right to work

1. Cities, in co-responsibility with national authorities, should contribute, to the degree of their possibilities, to the achievement of full employment in the city. Cities should also promote continued education and retraining for workers, employed or unemployed, through permanent formation programs.
2. Cities should promote the creation of conditions to prevent child labor so that boys and girls may enjoy their childhoods and acquire an education.
3. Cities, in collaboration with other public administrations and the private sector, should develop mechanisms to guarantee equality for all persons in labor matters, impeding any discrimination.
4. Cities should promote womens equal access to employment through the creation of day care centers and other measures, and of disabled persons through implementation of appropriate facilities. To improve work conditions, cities should establish programs to improve the urban housing used by female household heads and vulnerable groups as work spaces.
5. Cities should promote progressive integration of the informal commerce carried out by low-income and unemployed persons, avoiding their elimination and repression toward informal merchants. Spaces adapted for informal commerce should be provided and adequate policies should be developed for their incorporation within the urban economy.



Article XVI. Right to a healthy and sustainable environment

1. Cities should adopt prevention measures against pollution, unordered occupation of the territory, and occupation of environmental protection areas, as well as measures in favor of energy conservation, waste management and reuse, recycling, recovery of slopes, and expansion and protection of green areas.
2. Cities should respect natural, historic, architectural, cultural, and artistic heritage, and promote the recovery and rehabilitation of degraded areas and urban facilities.



Part IV. Final Provisions

Article XVII. Obligations and responsibilities of the state in the promotion, protection, and implementation of the right to the city

1. Cities should promote the progressive integration of the informal comerse carried out by low-income and unemployed persons, avoiding their elimination and the repression toward informal merchants. The international bodies and the national, provincial, regional, metropolitan, municipal and local governments are responsible for the effective application and defense of the rights enunciated in this Charter, as well as all the civil, political, economic, social, cultural, and environmental human rights of all citizens, based on the international human rights system and the system of competences valid in the respective country.
2. The no-implementation by the responsible governments of the rights contained in this Charter, or their application in disagreement with the guiding principles and directives or with the international and national human rights norms applicable in the country, will constitute violation of the Right to the City, which may only be rectified through implementation of the necessary measures for the reparation/reversal of the act or omission originating the violation. Said corrective measures should assure that the negative effects or damages derived from the violation be repaired/reverted in such a way as to guarantee for all citizens effective promotion, respect, protection, and fulfillment of the human rights contained in this Charter.



Article XVIII. Measures for implementation and monitoring of the right to the city

1. Cities should adopt all the necessary regulatory measures, in an adequate and immediate manner, to assure the Right to the City for all persons, in conformance with this Charter. Cities should guarantee the participation of citizens and civil society organizations in the regulatory review process. Cities are obligated to use up to the maximum of the resources available to them to fulfill the legal obligations established in this Charter.
2. Cities should provide training and education in human rights for all the public agents related to the implementation of the Right to the City and corresponding obligations, in particular for functionaries employed by the public bodies whose policies influence in any way the full realization of the Right to the City.
3. Cities should promote the teaching and socialization of the Right to the City in all educational centers, universities, and through the communications media.
4. Cities should establish, together with their inhabitants, evaluation and monitoring mechanisms through an effective system of right to the city indicators, with gender differentiation, to assure the Right to the City based on the principles and norms of this Charter.
5. Cities should regularly and thoroughly monitor the degree of respect upheld for the obligations and rights enunciated in this Charter.



Article XIX. Violations of the right to the city

1. Violations of the Right to the City are constituted by the actions and omissions, legislative, administrative and legal measures, and social practices that result in impediment, rejection, difficulty, or impossibility in the:
 - implementation of the rights established in this Charter;
 - collective political participation of all inhabitants, including in particular women and social groups, in city management;
 - fulfillment of the decisions and priorities defined in the participative processes that form part of city management;
 - conservation of cultural identities, forms of peaceful coexistence, social production of habitat, and the forms of manifestation and action of social and citizen groups, especially the vulnerable and disadvantaged, based on their uses and customs.

2. Actions and omissions may be incurred in the administrative field in the elaboration and execution of projects, programs and plans; in the legislative sphere through law enactment and control of public resources and governmental actions; and in the legal sphere in trials and decisions on collective conflicts and court decisions in relation to issues of urban interest.



Article XX. Demandability of the right to the city

All persons have the right to access to and use of effective and complete administrative and legal resources related to the rights and duties enunciated in the present Charter, including the non-enjoyment of said rights.



Article XXI. Commitments in relation to the charter for the right to the city

I. The social networks and organizations commit to:

1. Broadly disseminate this Charter and promote international articulation in favor of the Right to the City within the context of the World Social Forum, as well as in other conferences and international forums, with the objective to contribute to advance the struggle of the social movements and nongovernmental networks in the construction of dignified life in the cities;
2. Build platforms with which to demand the Right to the City, and document and disseminate national and local experiences that contribute to the construction of this right;
3. Present this World Charter for the Right to the City to the distinct bodies and agencies of the United Nations System and regional bodies to initiate a process whose objective is the recognition of the Right to the City as a human right.

II. The national and local governments commit to:

1. Elaborate and promote institutional frameworks that consecrate the Right to the City, and urgently formulate plans of action for a model of sustainable development applied to cities, in accordance with the principles enunciated in this Charter;
2. Build partnership platforms, with broad civil society participation, to promote sustainable development in cities;
3. Promote the ratification and application of the human rights treaties and other international and regional instruments that contribute to the construction of the Right to the City.

III. The members of Parliament commit to:

1. Promote citizen consultations and undertake lobby activities with the objective to enrich the contents of the Right to the City and advance their recognition and adoption by the international and regional human rights bodies and by the national and local governments.
2. Elaborate and enact laws that recognize and consecrate the human Right to the City, in accordance with the contents enunciated in this Charter and with the international human rights instruments.
3. Appropriately adapt the national and local legal frameworks to incorporate the international obligations assumed by the States in human rights matters, with special attention to those contained in this Charter.

IV. The international bodies commit to:

1. Undertake all possible efforts to sensitize, stimulate, and support governments in the promotion of campaigns, seminars and conferences, and to facilitate appropriate technical publications that support governmental adherence to the commitments contained in this Charter;
2. Monitor and promote the application of the human rights treaties and other international and regional instruments that contribute to the construction of the Right to the City;
3. Open spaces of participation in the consultative and decision-making bodies of the United Nations system that facilitate discussion of this initiative.

All persons, civil society organizations, local governments, members of parliament, and international organizations are invited to actively participate at the local, national, regional and global levels in the process of integration, adoption, dissemination and implementation of the World Charter for the Right to the City as one of the paradigms for a better world in this millennium.

Translation: Jodi Grahl, May 2005.



Comments on the Charter on the Right to the City, HIC-Housing and Lang Rights Network, Cairo, 2004

Housing and land rights network. Habitat international coalition.

The basis of this commentary is the text of the Charter on the City to the City, arising from the Latina American Social Forum workshop and discussion, Quito, July 2004. The texts consulted were the Spanish original and the French the translation. An English version was available, but was unreadable and could not be considered authoritative or representative.

General comments:

- It was very encouraging to see and feel that the text comes from the people. The narrative style is direct and clear. That should not, however, obviate the need for precise references to the specific human rights (or even to their legal sources). Human rights law is supposed to have emanated similarly from the people, but now have the force of binding obligations on States. If anyone is claiming a right, s/he naturally refers to its putative guarantees (human rights treaties and other instruments) and uses their language and ALWAYS refers to the corresponding State obligations. The Charter does this in part, but is somehow reticent about calling an obligation an obligation, and identifying the duty holder bound to fulfill it.
- This is all the more important whereas the "right to the city" so far has been fabricated only as a slogan. It is

not a normative human right like those that comprise it: the rights to life, housing or education for example. Therefore, actually to achieve recognition of something called "the right to the city" in the corpus of human rights, the Charter must refer to and build on the existing rights that are already internationally recognized, for which States and through them local authorities, like those of the cities have corresponding obligations. Otherwise the Charter could appear romantic and rhetorical, starting unnecessarily from scratch as a claim without the already solid base that it has in the form of its constituent rights (as mentioned above).

- What is very encouraging, however, is the Charter's implication that the rights and corresponding obligations also apply to local authorities. Perhaps the drafters were not thinking about actually asserting this needed legal theory explicitly in text, but it is present in so many subtle ways. Perhaps it could be more explicitly so. The latest version shows a new and emerging strategy: to have local authorities sign on as committed parties to implement the Charter. That changes the prospectus of the original initiative, but gives it some kind of practical purpose that it previously lacked.
- This charter is actually related to other initiatives in both time and content. It will be good to keep the others in mind, if only for strategic reasons. However, some of them may compete and others complement. For example, the Human Rights Cities Project of PDHRE obviously builds on the existing rights and has a series of activities behind it (which the Charter does not yet have), all asserting the same notions as those in this Charter and constituting "rights" to the city, although not borrowing that slogan. The World Charter on Local Governments is another initiative that speaks to the same constituency, but obviously needs to incorporate the rights language and corresponding obligations to be consistent with the legal theory that the Charter on the Right to the City is apparently trying to assert, and is consistent with public international law theory.
- It may be useful to link with these other initiatives formally. Certainly, it would make no tactical sense to compete with like-minded parties. Also, it is important also that WACLA could benefit from the social base that is giving rise to this Charter.
- More relevant and inclusive than any of these are the title and concept of a "Human Rights Habitat" (e.g., as recently announced in Nairobi as a campaign in that city). Since the Latin American movement giving rise to this text has not yet integrated enough into the human rights culture to adopt this title, the suggestion is here only for comparative purposes and to be thorough in relating the Charter to other parallel, compatible and truly global efforts.
While the human rights community in many parts of the world (esp. MENA) is not sufficiently linked to a community base, the "human rights habitat" concept offers a vehicle for needed convergence there. In MENA, where 70% of poverty is in the rural areas, the "Right to the City" falls on millions of deaf ears. Titles are important in determining the scope of their influence and relative inclusiveness of their constituency.
- We endorse Liliana Rainero's related point on the need for this Charter to refer to local authorities, instead of cities. This is simply because "city" does not necessarily apply to all those who need to have these principles realized in their living environment. The focus on "Cities" as such, reflects a very special Latin American bias that will sacrifice the utility of the Charter outside that region. The majority of populations across Africa and Asia are not urban. It also suggests an still-surprising position coming out of Latin America that ignores indigenous peoples again and which bias we trust is not intended or wanted. It also demonstrates a rural/urban dichotomy that is anathema to the language of rights and governance principles. So, the drafters of the Charter face tactical, chauvinist, regionalist, urbanist, moral and legal choices. The "rural" reference in the Charter does not look serious, because it is dropped after it is introduced. The authors have to be clear and tactically honest about whether they really want to have this Charter enjoy a wide and inter-regional appeal, or not. If they do, then it needs to reflect a wider experiential base. In any case, the drafters must chose whether to be inclusive in their concept of the audience and subject of the Charter as strictly urban, or seriously reconsider broadening it.
- It remains a question as to the drafters distinctions among the terms pueblo, villa, or for that matter "aldea" (actually the Arabic term in Spanish) for "village." More curious is how these subtly differing terms may be translated. The terms used in the French version ("faubourg"), does not mean village, nor is it represented by a local authority.
- The Charter needs to be clear in the first article in its definition of terms "ciudad" and "ciudadanos" and not try to include the rural areas artificially, especially as later in the text. References to "urban" habitat, territory... are constant. However, migration from the rural areas to the cities, which is one of the main reasons of overpopulation in the urban areas, can be explained in article V, para. 1. To relate the phenomenon and its consequences here and detail that, consequently, a set of parallel measures should be determined and implemented to fight the poverty in rural areas and the migration that it provokes. That would make more sense and be clearer, as now the definition at the beginning and the following texts are not consistent, which makes the definition a bit confusing.

- If the drafters really want to include local authorities to take responsibilities, but always refer only to cities in general, that wider application will not be possible.
- We also fully support Liliana's point about women being treated as part of a category of weaker persons to be protected, lumped with children and handicapped people all the time!
In that sense, all references to participation should mention men and women, instead of people, to insist on the importance of having women participating in the decision-making and all participatory processes.
- We fully support the idea of having cities/local authorities signing on the Charter as new and very interesting. We fully support this initiative and think that it should be emphasized from the beginning, and in the introduction/preamble that needs to be added. Otherwise, it pops up as a kind of surprise in mid-Charter. It would be more appropriate at the very core of the Charter's implementation and principles.

Specific comments:

- Finally, the few references to estados nacionales are quite obsolete. There are few examples, in fact, of the pretense of the nation-state. Especially in Latin America and North America we should know this like we know our skin. Except maybe for Portugal, there is no such thing in Europe either, and even modern political science theory (except, perhaps, that still taught at the University of Chicago) has dropped the term. France has seven nations in it; Ecuador-where the drafting discussion took place-has 22 indigenous nations, not counting the immigrants over the past 500 years. The term "nation-state" was born from the notions of 19th Century thinkers who wanted to justify the subordination of minority and indigenous peoples and the different nations on the territorial jurisdiction of States. This sought to and create an ahistorical and artificial justification to manufacture consensus about the State as an administrative unit with its monoethnic definition as one "nation-State." Even some current conflicts are rooted in this falsehood. How does it reappear in this Charter, of all places. The translation into French used the Spanish usage as an adjective and not two nouns as it is in the expression "États-Nations," but that of États Nationaux. Although it might appear less controversial at first sight, what it means in French is not very clear, and would make the reader think of the national authorities.
- Although we think we understand the intentions behind it, Article II, para. 2 is confusing more importantly because it echoes one of the most common arguments used by local authorities to evict people and destroy houses; i.e., el interes comun sobre el derecho individual de propiedad This is exactly what authorities say when they evict people from State lands, even if they are poor citizens who have built houses on it and lived in for decades. This is also what they argue when 'beautifying' city centers etc. They always say that it is in the common interest of the population. It is also the term used by racist regimes (e.g., Israel) for dispossession indigenous peoples for colonial purposes.
- The impulse may have been to denounce capitalist property accumulation. Fair enough. However, there is language in human rights (again, if indeed we are taking about 'rights') that could serve better. If the purpose is to regulate the individual interests of rich people and private companies, it cannot be left ambiguous and open to the opportunistic interpretation of our opponents' including cities/local authorities with bad intentions to use this para. as a pretext for eviction.
- In complement and really to make that point clear, it is para. 6 & 7 of Art. 2 that should be further detailed. They are very soft and vague when they are the only ones dedicated to the private sector.
- In Art. IV, twice the term 'social' may have meaning in some local vernacular, but here does not convey any understandable meaning. It should be defined somewhere. For example what do "al uso social del suelo urbano" y "una tarifa social" mean? They may have local clarity, but translation will be a challenge.
- In this same article, para. 2, as the counterpart of the fact that women should not be considered as vulnerable, but rendered vulnerable, men should not be always forgotten! Not only poor women and children deserve access to water for consumption and hygiene?
- Art. VI on participation is very good, but it would really deserve to give examples or ideas about the system of direct participation.
- Art. XVII on the right to housing is good but could be made much stronger with a paragraph on the obligation of the cities/local authorities not to evict people themselves! It is good to say that they should protect people from being evicted by private owners, but in proportion the number of people evicted by local authorities is certainly much higher.

Conclusion.

Apart from the little notes on language and usage of terms, the grand observation is that the Present draft tries to come closer to containing the existing rights for purposes of grounding its claims, but could be more courageous and explicit about that. It also could be more clear about the new and interesting application of having authorities sign on to it as a kind of compact with local inhabitants, at least to remind them in explicit terms of the international human rights law principles that supposedly already govern their performance.

If the Charter asserts new rights not already codified, then it needs to distinguish and be explicit about that.

The Charter has to decide and, therefore, be clear and consistent about its scope: whom to include and whom to exclude. It seems by its choice of terms to achieve both without being clear enough, or explaining why.

The Charter could benefit from an introduction or preamble that lays out its purpose, use, grounding principles and precedents, and sets out the means of implementing it.

In general, the purpose of the Charter is becoming clearer, and this version is an improvement over previous ones. It has such great potential as an instrument of human rights education, practical guidance and crystallization of needed legal theory (e.g., applying treaty obligations to local authorities) and bonding popular culture across regions (as opposed to just binding together those in a single one). For these laudable purposes, we offer the foregoing humble commentary and remain ever-willing to contribute to and promote the effort more.

*Staff of the HLRN Coordination Office (Cairo, Egypt)
27 August 2004.*



Transform the City in a Global World, Notes for a debate on the World Charter for the Right to the City from a human rights perspective, Barcelona/Porto Alegre, 2005

*Gerardo Pisarello Observatori DESC.
Sebastián Tedeschi COHRE Americas.
August 2005 .*

The preoccupation to envision urban space as a sphere that guarantees specific rights and needs for all of its inhabitants is relatively recent. Although there have been some juridical contributions, [9] the majority of initiatives in this sense have come from critical urbanism and from the movements of struggle for access to housing. [10].

In the discussion process carried out within the five editions of the World Social Forum, a group of social movements, NGOs and academics progressively constructed a text with the purpose to protect specific rights in the urban sphere, the last version of which is entitled the World Charter for the Right to the City. The discussion process of this first phase emphasized introduction of contents into the text and accumulation of adherents, without having carried out a thorough review of the documents consistency. The present document proposes to present a critical review from the human rights perspective of the virtues and weaknesses of the World Charter with a view toward its effectiveness as a complementary legal tool for the urban struggles for inclusion and a better quality of life.

Notes:

9. See for example: Edesio Fernández and Varley, Ann (eds) *Illegal Cities. Law and Urban Change in Developing Countries*. London New Cork, Zed Books, 1998. Or: Juli Ponce Solé, *Poder local y guetos urbanos*, MAP-Fundación Carles Pi i Sunyer, Madrid, 2002.
10. In this sense, an outstanding role should be attributed to the classic essay by H. Lefebvre, *El derecho a la ciudad*, Península, Barcelona, 1969. In a more current sense, see also the works of David Harvey, *Espacios de Esperanza*, Akal, Madrid, 2003; Jordi Borja, *La ciudad conquistada*, Alianza, Madrid, 2003. And in the Latin American sphere: Enrique Ortiz, *Repensando la ciudad para la gente ¿Qué Ciudad para una nueva era?* Preparatory text for the World Assembly of Urban Inhabitants, HIC Latin America, 2002.



1. The opportuneness of a World Charter for the Right to the City: is it needed?

The discussion process of a new text of rights requires a considerable investment of civic energies. To avoid duplicating or entering into competition with similar efforts, and in particular to avoid later frustrations that generate abandonment of the process, it is indispensable to justify its reason for being.

The question regarding the timeliness of a World Charter for the Right to the City can be split in two. First: Is a Charter on urban rights necessary? Second: Is a Charter with world-wide scope necessary?

A. The objection of the repetitive character of the Charter.

One of the objections formulated to the Charter for the Right to the City is that it protects rights already addressed in other Charters, laws, constitutions, and international human rights treaties. This is partially true.

The majority of civil, political, social and cultural rights addressed in the Charter do in fact reproduce rights consecrated in other state and international juridical instruments. That is logical, given that what the Charter intends to highlight is the need to protect a series of rights, many of them already recognized, in a specific sphere, which is the urban sphere.

That «space-focused» transposition and concentration of already-consecrated rights implies the risk of duplications and unnecessary repetitions, which should be carefully avoided. However, the obsession over «repetition» should be qualified:

First of all, the gathering of dispersed rights is fundamental to acquire an integral and autonomous perspective of a determined problem. Many Conventions, in fact, repeat principles and rights consecrated in others. The rights to non-discrimination and to protection of vulnerable groups are good examples. From this point of view, the Charter could be a good opportunity to consecrate in a systematic manner the best standards of protection dispersed in different instruments, as well as to perfect little-developed standards.

Secondly, the transposition of rights to the sphere of the city also reveals how the urban space by its generation of its own specific needs gives a new dimension to many classic rights and obligates the formulation of other rights not yet considered. Following are some of the rights and duties which need to be considered in urban code and which only a very generous interpretative will could extrapolate from already-existing normative instruments:

- the principle of the social function of the city;
- the right to participate in elaboration of municipal budgets;
- the right to participate in ownership of urban territory, and socially just and environmentally balanced use of urban space and land;
- the right to participate in urban value appreciation;
- the recognition of informal markets and the right to progressive integration of the informal commerce carried out by low-income and unemployed persons;
- the right to participate in urban-environmental planning, regulation and management that impedes territorial segregation and exclusion;
- the right to participate in the control and evaluation of security forces;
- the right that public services be a dependency of the administrative level closest to the population, with citizen participation in their management and oversight;
- the right to mobility and circulation in the city, according to an urban and inter-urban mobility plan and through an accessible public transportation system, at reasonable prices;
- the right to remain in the city and not be arbitrarily expelled or distanced from it;
- the right to removal of architectural barriers, implementation of necessary facilities in the mobility and transportation system, and adaptation of all public or publicly-used buildings and work and leisure places, to guarantee their accessibility for disabled persons;
- the right of the homeless to shelters with bed and breakfast, without ignoring the obligation to provide definitive housing solutions.

Many of these rights are found recognized in a fragmented manner in laws, local charters, and constitutions. Their joint consecration could significantly contribute to make visible their interdependence and indivisibility.

B. The objection of the excluding character of an urban Charter vis-à-vis rural spaces.

Another frequent criticism of the Charter is that an instrument of protection of rights in the urban sphere would exclude and be detrimental to needs particular to the rural sphere. This is certainly a possible risk, but unnecessary.

It is no doubt true that privatization and the commercialization of social relations have generated enormous inequalities between the city and the countryside, as well as between different urban areas. In fact, the labor, consumption, and service advantages enjoyed in many cities are nothing less than privileges obtained at the cost of exploitation of the rural surroundings or of other cities.

From this perspective, it is evident that the right to the city can not be understood as the right to maintain the truly existent privileges of cities. On the contrary, it should be conceived as a right which includes duties of solidarity, and therefore not only obligates removal of the inequalities produced inside cities, but also those produced between them or with the countryside, in regional or international relations.

C. The potentials of a World Charter.

This question links precisely with that of the opportunity of a world-scope Charter. And as clearly illustrated in conflicts between the countryside and the city, between cities of the North and the South, or between rich and impoverished cities, local urban problems cannot be resolved exclusively in the local sphere.

One of the greatest virtues of a World Charter is, precisely, that it obligates thinking of the right to the city as a right which may be generalized in space and sustained in time. In other words, as a right whose enjoyment, in a specific city or for a particular generation, can not be produced at the cost of its frustration in another city, in the rural regions, or for future generations.

While beginning at intermediate scales may be effective and have a high exemplifying value, a World Charter can be a useful tool in at least two senses.

Firstly, it would contribute to eradicate the illusion that the right to the city can be guaranteed, in a coherent way, in one sole privileged country or region of the planet. Secondly, it would allow the exchange of international experiences of struggle for urban rights, coordination of efforts, and collective addressing of problems, such as ecological and social issues, whose dimension is decidedly collective. In that sense, an urban rights protection instrument of international reach should not be seen as an alternative but rather as a complement to other local, state or regional Charters.



2. The antecedents of a World Charter for the Right to the City: where did the idea come from?

From a legal point of view, instruments of varying reach can be traced: local, state, regional, and to a lesser degree international, which in a specific or fragmented way regulate the management of cities and urban space from a rights perspective.

1. In the local sphere, for example, important urban rights are directly or indirectly protected by instruments such as the *Chartre Montrealaise des droit et responsabilite* of Montreal (Canada), or the *Constitución de la Ciudad Autónoma de Buenos Aires* (Argentina).
2. In the state sphere, important legal and even constitutional tools exist that refer to rights linked to the city.

In the legal plane, specific progressive instruments can be found of protection of urban rights, such as the *Estatuto da Cidade* [11] of Brazil, or fragmentary tools such as recent Scottish legislation in housing matters, or the *Ley de Reforma Urbana* in Colombia. [12].

Some Constitutions, for their part, also recognize rights and obligations linked to urban questions, normally in the framework of regulation of the right to housing. For example, the Portuguese Constitution of 1976 establishes in article 65 the duty to elaborate planned housing policy and urban planning that guarantee the existence of an adequate transportation and social services network; or the duty to supervise real estate and to expropriate all the urban lands considered necessary, establishing the legal requisites for their use. Article 47 of the Spanish Constitution, for its part, establishes the obligation to use land in accordance with the general interest; the duty to impede speculation; and the duty to grant participation to the community in value appreciations generated by the urbanistic action of public entities.

3. In the regional sphere, while the American Human Rights Convention is limited in its references to social rights in general, article 26 remits to a series of rights established in the Charter of the OAS (COAS) that address some questions of the city and of the poor in the city. [13].

In the European sphere, in 1953 the United Nations advanced in Versailles a European Charter of Municipal Freedoms, oriented in particular to protect the autonomy of local managements in the face of arbitrary intrusions by state or sub-state governments. The European Charter of Local Autonomy of 1985 had a similar sense.

However, the most relevant instrument in this area is without any doubt the European Charter to Safeguard Human Rights in the City, assumed by more than 200 European cities in Saint Denis, France, in May 2000. [14] This European Charter embodied a great advance in the recognition of rights of those who inhabit cities, in particular because it is directed to regulate urban space from a perspective that obligates public and private powers and confers rights to the persons who live in the city.

The primary weakness of the European Charter, in any case, is that it is an instrument signed by the local authorities without the intervention of their States or of European Union bodies. Its legal value is therefore restricted and it is reduced to the cities that have signed it. The mayors are currently in a discussion process on how to implement it, [15] but its practical effectiveness has been limited.

4. In the international sphere, beginning with the United Nations system, mentions of the city are scarce and disperse.

Based on the antecedent of the European Charter of Municipal Freedoms, in 1998 the United Nations promoted a Draft World Charter of Autonomous Local Government. However, the objective of this initiative, once more, was to protect local governments, and not precisely the persons or groups who live in cities.

In the specific sphere of international human rights law, urban rights are indirectly protected in the instruments that address the right to adequate housing, fundamentally the International Pact on Economic, Social and Cultural Rights (ICESCR) of 1966. [16] Elements for the protection of urban rights are also contributed by the Convention on the Elimination of All Forms of Discrimination against Women (1981), the International Convention against Corruption (2003), and the Uniform Norms on Equality of Opportunities for Disabled Persons (1993) in particular in reference to the issue of accessibility, among others.

From civil society, the earliest antecedent of the current discussion was the Treaty on Urbanization [17] signed by several social networks on the occasion of ECO-92, discussion of which was continued by HIC-Latin America and in particular in Brazil by FNRU. The Brazilian Charter on Human Rights in the City followed in 1995, and the World Charter on Human Rights in the City later emerged out of the World Social Forums (I, II and III). At the Social Forum of the Americas held in Quito, Ecuador in July 2004, a new text proposed by COHRE was presented. This text, elaborated based on the mentioned predecessors, received observations and modifications in reference to distinct points of view from the array of movements and sectors proclaiming their adherence to the idea of a World Charter.

Beyond its rhetorical impact, the choice of the expression right to the city, instead of that of rights in the city used for example by the European Charter, intends to place stronger emphasis on the collective dimension of protected space. It would not be the same to limit the Charter to guaranteeing the individual or group right to not be discriminated in a city that discriminates, or the personal right to health in an unhealthy city, as promoting the existence of equitable, healthy and livable cities for all.

Despite the internationalist intentions, the discussion process of the World Charter has to date been able to incorporate concerns and points of view fundamentally from Latin America, without having achieved a technical consolidation. At this moment there is an urgent challenge to open broader discussion with the other regions and, at the same time, advance in the technical consolidation of the document.

Notes:

11. Although adopted by law 10,257 of 10 July 2001, it is fruit of a process originated with the 1988 reform of the Brazilian Constitution.
12. Law 388 is dated 1997, but the Constitutional Reform of 1991 already included provisions such as the recovery of urban plus-values.
13. Article 34.1 of the COEA establishes among the basic goals for integral development, urban conditions that make possible a healthy, productive and dignified life. For its part, in article 45, which establishes a series of principles for reaching a just social order, accompanied by economic development and true peace, paragraph f) specifically refers to the incorporation and increasing participation of marginalized population sectors, both rural and urban, in the nation's economic, social, civic, cultural and political life, in order to achieve the full integration of the national community, acceleration of the social mobility process, and consolidation of the democratic regime. It also proposes stimulating all efforts in popular promotion and cooperation whose purpose is the development and progress of the community.

14. The European Urban Charter approved by the European Council in 1993 and the European Citizenship Charter approved by the European cities in 1996 should also be considered in this process.
15. The IV Conference of the European Charter to Safeguard Human Rights in the City was held on 9-10 December 2004 in Nuremberg, Germany, with contributions by legal professionals very active in the construction of the international human rights system, such as Theo Van Boven.
16. Various elements exist contributed primarily by the international standards on the right to adequate housing. The Committee on Economic, Social and Cultural Rights, for example, issued two General Comments to the International Covenant on Economic, Social and Cultural Rights, numbers 4 and 7, in which it attempts to define the reach of the right to housing and the right to be free from arbitrary eviction. In addition, the first UN Special Rapporteur on the Right to Housing elaborated a Draft International Convention on the Right to Housing, which, although not approved, may be considered a valuable antecedent in the matter.
17. Also known as the Treaty for just, democratic and sustainable cities, towns and villages.



3. The sense of a World Charter for the Right to the City: What is it intended to be?

Once the antecedents and the possible opportunity of the Charter have been argued, it is indispensable to establish what type of document we want it to be. At the time of presentation of the document at the Social Forum of the Americas in 2004, the Charter was referred to as a possible Utopian Manifest, a Declaration for the Management of Local Governments, a Declaration on Local Governmental Autonomy, or a Charter of Rights.

A Utopian Manifest is a document that marks a political-social horizon intended to be built. Its objective, more than converting into a management tool or an instrument that may be assumed by the public powers, is to establish goals to work toward in order to build a more just society in the urban sphere.

A Declaration for the Management of Local Governments would be a document directed essentially to governmental and public administration functionaries, with objectives and practices of good urban management. A sort of public management manual for progressive cities. In a similar sense, the primary target sector of a Declaration on Local Governmental Autonomy would not be so much the urban inhabitants but rather the local governments. Its objective would be to protect the autonomy of local governments against arbitrary interference or breaches by other public entities.

A Charter of Rights is something different. It is an instrument that enounces the rights of the persons who live in cities and the obligations of political authorities and private agents regarding realization of these rights.

This last option is that which was finally selected and the current intention is to follow the same path traveled by the international Human Rights Conventions. These treaties and conventions establish, on one hand, the obligations of States Parties and the mechanisms to monitor their fulfillment, and on the other the rights of the persons and the mechanisms to demand and defend said rights.

One of the primary functions of the Charter would therefore be to underline the difference between urban policies and urban rights. Policies are discretionary and depend on the political authority in turn. Rights, in contrast, define stable intentions that transcend the given moment, and can be invoked even against the will of those in government.

To some degree, the Right should be seen as something activated when other instruments or agencies fail, including those of politics and social demand. From the perspective of the social movements, international experience has demonstrated that, in a strategic plane, the opening of effective oversight mechanisms and the existence of tools with which to demand rights are fundamental to complement their struggles.

In recent decades, social movements have confirmed that their strategies to demand their rights are insufficient if not complemented by effective oversight mechanisms and explicit routes through which it is possible to de-legitimize the powers in force, denouncing and demonstrating their failures to fulfill their duties. **[18]**.

In reference to the degree of legal enforceability to which the Charter aspires, different levels can be established:

In the international law field, a distinction tends to be made between what is considered hard law and what is considered soft law. Hard law is the law in strict sense, assumed by States as such and with binding character. Soft law, in contrast, refers to provisions which have the form of juridical norms for example, provisions that attribute rights and establish obligations- but which are not strictly binding, and whose effectiveness depends on their being taken into consideration by authorized juridical operators (judges, legislators, etc.).

The international treaties on human rights matters would be an example of hard law. The comments or observations dictated with the purpose to establish the reach of their contents by the bodies that monitor their fulfillment, would be

examples of soft law. [19].

In reference to the World Charter, a maximum objective would be to convert it into an International Convention. A minimum objective, on the other hand, might be to solicit the pronouncement of a General Comment by the Committee on Economic, Social and Cultural Rights regarding the urban questions. Maximum and minimum strategies could also be established in the regions based on the already developed processes.

Another problem posed from the juridical perspective by insertion of the Charter in international human rights law, has to do with the fact that the international system has developed as a system of coordination among States. Cities do not participate in international law. States-Provinces, Regions, and Municipalities have obligations in human rights matters, but in virtue of their organic integration within the States that subscribe the international treaties and which are the specific responsible parties.

According to the current functioning of the system, a human rights violation committed by a province of a federal State [20] or of a city [21] implicates the international responsibility of the State. The UN Committee on Economic, Social and Cultural Rights has pronounced in that sense, for example in its recommendations to Canada in 1998. [22].

From this point of view, the strategy of a world-scope Charter, focused on the competencies and obligations in rights matters of local authorities but allocating responsibilities to the States that sign it, presents important advantages over a Charter between cities.

The primary advantage is that the number of cities in the world is much higher than the number of countries. A Charter subscribed by the States would allow the Charter to recur to the oversight systems already foreseen in international human rights law and defend the protected rights as complementary to and interdependent with the rights protected in the other treaties. [23].

As a strategy of gradual promotion of a world social movement for the Right to the City, in any case, we should not discard the possibility to promote the protection of the right to the city in the regional human rights protection systems. A path such as this would accelerate the protection and allow it to be perfected, and it would be less costly for civil society organizations to activate its exercise.

Notes:

18. The international struggle for realization of the Additional Protocol of the International Covenant on Economic, Social and Cultural Rights confirms this affirmation. The Committee on Economic, Social and Cultural Rights, in its 15th period of sessions celebrated in Geneva on 18 November-6 December 1996, concluded its examination of a draft facultative protocol of the International Covenant in which it enounces the right of all individuals or groups to present denouncements regarding incomppliance of the Covenant. The facultative protocol proposal was elaborated in response to a recommendation by the World Conference on Human Rights. Nevertheless, to date it has not been placed into operation.
19. As an example, the right to housing is protected by the International Covenant in article 11, although the reach and contents of the right to housing are expressed in General Comments No. 4 and 7, and to some extent No. 15.
20. According to article 28 of the International Covenant: The provisions of the present Covenant shall be applicable to all component parts of the federal State with no limitation or exemption of any kind.
21. The ruling elaborated by the International Law Commission of the United Nations General Assembly at its 53rd period of sessions addresses the reach of the responsibility of States for internationally illicit events. Article 4 establishes that, according to international law, the behavior of all organ of the State shall be considered action of the State, be it through the exercise of legislative, executive, judicial or other functions, regardless of its position in the organization of the State and whether it pertains to the central government or to a territorial division of the State. United Nations. General Assembly. Document A/CN.4/L.602/Rev.1.* 26 July 2001.
22. Final observations of the Committee on Economic, Social and Cultural Rights: Canada 10/12/98.E/C.12/1/Add.31. Paragraph 52.
23. One could recur to the Committee on Human Rights, the Committee on Economic, Social and Cultural Rights, or the Oversight bodies of the CERD or the CEDAW among others.



4. How may the content of the World Charter for the Right to the City be made translatable, clear, and enforceable?

In order to generalize it in time and in space, a Charter of planetary pretensions must be, above all else, translatable,

both in terms of experiences and in a strictly linguistic sense.

This implies, on one hand, that the Charter must be capable of gathering cross-spatial and cross-cultural experiences. Not all cities are the same and not all of their inhabitants have the same circumstances. Placing in common the problems of certain mega-cities (Mexico City, Mumbai, Madrid, New York, Cairo) among themselves or with small cities requires a careful combination of abstract and generalizing language and wording closer to concrete experiences, and a special disposition to place oneself in the position of others. In the same way, connecting the demands of feminist movements, unions, ecologists, the disabled, religious groups, and those from different continents and different regions within those continents, requires avoiding the sectarian temptation to only incorporate or to favor incorporation of one's own demands, as well as the tendency to become the privileged translator of the demands of others.

On the other hand, a World Charter should take particular care to be syntactically and semantically translatable in different cultural settings. The forms of relating a right, an obligation, or a violation, may vary in accordance with linguistic registries. In some languages, for example, the use of masculine or feminine nouns or adjectives has a discriminatory burden which does not emerge in others (ciudadanos-ciudadanas, los habitantes-las habitantes versus citizens, inhabitants, etc.). Avoidance of obscure, baroque, or repetitive expressions is an elemental reflection of multicultural disposition and a basic condition for the effectiveness of the Charter. The person or group that feels that their right is expressed in a «foreign» language does not appropriate it or assume the struggle for its enforceability.

In the same way, a World Charter that also aspires to have juridical form in an immediate or short-term horizon, must be very clear in the definition of determined concepts, such as sphere of application, protected subjects, obligated subjects, protected interests, etc. Clear determination of the obligations of public and private powers is a fundamental requisite to be able to denounce situations of inobservance and impede impunity. A Charter that abuses the use of rhetorical expressions, that is confusing, contradictory, repetitive, or excessively vague, is a Charter condemned to juridical, and especially political and social, ineffectiveness.

In general terms, particular attention should be dedicated to the following questions:

A. The preamble.

A preamble should be a brief presentation of the motives that justify the dictates of the Charter, of its immediate legal antecedents, and of its most elemental purposes. Filling it with references to the Charter itself or with rhetorical considerations contributes little and may confuse. There are explanations whose educational purpose could well have a place outside the legal text.

B. General and specific themes, policies and rights.

In its current draft, the Charter mixes general and specific themes and general legal obligations with concrete indications regarding public policies. This latter characteristic is inconvenient for a charter of rights. The document should be purged of those elements that make it an unviable instrument. The text of the political platform should be separated from the enunciation of rights.

C. Uses of the term city.

The concept of city defined in the preamble is a sum of aggregates which has taken a heterogeneous mass of concepts that, more than clarify, disperse and confuse. In a text of this type, the expression city should be exclusively reserved to three suppositions: the sphere of application of the Charter, the subject obligated in external relations, and the object of protection.

The city as sphere of application.

The Charter's definition of city is confused and ambiguous. It is important to explain in a simple and brief way that the city is, above all, a space. And that the specific characteristic of said space is that of being urban. Here, as occurs with the European Charter, a certain degree of indeterminacy is perhaps preferable to an exhaustive description of physical possibilities (number of inhabitants, surface area), administrative variations (municipality, metropolitan entity, etc.) or confusion of spheres (the city as urban but also rural space, etc.).

The city as obligated subject in external relations.

Determination of the obligated subject is fundamental for legal effects. The main obligated parties in the city are the public powers or local authorities (administrative, legislative, and legal, in accordance with the legal statute and the degree of political autonomy of the city). Nevertheless, this information must be qualified in three senses:

1. In first place, when guaranteeing rights, it is possible to distinguish between internal regulations -in the city- and external relations among cities or between cities and rural areas.

In reference to internal regulations, the more concrete expression: the local authorities shall protect is preferable to the expression: the cities shall protect .

In reference to external relations, however, it makes more sense to say that the cities and not the local authorities shall be the ones to subscribe agreements or shall have duties of solidarity or cooperation with other cities or with the rural areas.

In both cases, nevertheless, it is important to take into account the different management capacities of mega-cities (and their mega-local authorities) in comparison with those of small urban centers (and modest local authorities).

2. In second place, it is necessary to keep in mind that, just as cities do not always have the same faculties to be obligated in their external relations (which depends on the degree of political de-concentration and decentralization of the State in which they are located), local authorities also do not always have competencies to guarantee certain rights. In the majority of legal ordinances, for example, concession of active and passive suffrage to foreigners in local elections is a competency of the federal or central State. The faculty of enforcement has significant relevance when demanding compliance or responsibility for fulfillment of obligations. The effectiveness of the Charters obligations is definitively conditioned by correct use of normative techniques, given that, as is well known, public powers are accustomed to alleging motives of (lacking) competency to excuse themselves of obligations over assumed human rights.

There are various options in this case. The description of the obligation may be modified in a more flexible sense (local authorities shall promote the vote of foreigners, for example, instead of guarantee) or a specific clause may be introduced in reference to the condition of subsidiarity, sufficiently broad so that it may be compatible with distinct constitutional orders (all the rights enounced in this Charter are understood as obligations of the local authorities without prejudice to the obligations that correspond to other regional, state or international authorities).

3. In third position, the characterization of the obligated subjects as public subjects may leave out the obligations of private subjects. There are two possibilities in this case: either establish that the public authorities shall protect rights vis-à-vis the private actors, or directly stipulate the obligations of private actors in rights matters. In either case, it is necessary to also foresee that, while all city inhabitants have duties, not all enjoy the same status. The duties of private actors should be established in accordance with their capacity and their power: the owner of a hotel chain does not have the same obligations as the woman who rents out a spare bedroom in her house. The Charter should introduce some nuance in the wording to reflect this distinction (private powers, companies, inhabitants, etc.).

The city as object of protection.

This is the sense held, for example, by the expression Right to the city. Here the city is, in effect, the object protected by the right. Nevertheless, formulated in those terms, it has only a rhetorical value which serves as general instruction but which must be clarified if used in the text. It would therefore be necessary to say: persons have the right to a city that does not discriminate or to an inclusive city or a sustainable city or a city with quality public services.

D. Obligated subjects and protected subjects.

If the obligated subjects can be the cities in external relations, and the local authorities or public powers in the internal regulations, then the protected subjects can be the persons, the inhabitants, or the citizens.

The notion of person is most comprehensive given that it does not imply any type of exclusion. The human rights contemplated in the instruments emanated from the United Nations Organization refer, in the majority of cases, to all persons. This notion indicates the universality of the rights-holding subjects. The problem is that at the moment of recognizing certain rights in particular political rights, such as the right to vote, or cultural rights, such as the right to one's own language- and the moment of allocating duties, said notion impedes distinction, to pose an extreme case, between a tourist and a person who has lived his entire life in a place. A compromise in relation to these rights would be to recognize the possession of all the rights by all persons, while establishing certain minimal residency conditions for their exercise.

The notion of inhabitant has the virtue of expressing a certain relation of rootedness, temporary or definitive, with the city. In that sense, it responds in a more or less concrete manner to the general rule in rights matters that those who are in a place, are from that place. The problem is that if the condition of resident is linked to very demanding requirements (having a permanent residence, employment in the formal market, cultural or linguistic knowledge of the place) it may convert into excluding or discriminatory criteria.

Finally, the notion of citizen has valuable political weight given its role as emancipative vehicle and in the conquest of rights linked to membership to a community. However, in the framework of multinational States and massive migrations, the link of rights-entitlement to national citizenship supposes condemning those who do not have citizenship to a status of exclusion and discrimination. To preserve the positive weight of the term, it would of course be possible to think of a citizenship of multiple nationalities guaranteed based on simple residence criteria.

E. The formulation of duties and obligation.

The valuable experience of the human rights movement has contributed to systematize the types of obligations that States, in their external obligations, or public powers, in their internal relations, can assume in human rights matters. This scheme is explained by Professor Van Hoff and has been used in the majority of United Nations Human Rights instruments.

Professor Van Hoff establishes the existence of four levels of obligations: an obligation to respect (to not violate), an obligation to protect (to impede third parties from violating), an obligation to guarantee (to adopt measures to implement or make effective the rights) and an obligation to promote (to adopt measures to increase the level of real protection of) the right in question^[24].

A similar classification of obligations is that developed by the UN Committee on Economic, Social and Cultural Rights^[25] for the fulfillment of the ECOSOC rights in which the States must respect, protect and satisfy the mentioned rights.

The obligation to respect requires that the State abstain from taking actions that deprive an individual of the use of available material resources that he or she judges necessary to satisfy his or her basic ECOSOC rights.

The obligation to protect requires that the State implement the necessary measures to avoid that other individuals or groups violate the integrity, freedom of action, or other human right of the individual, including the violation of his or her material resources. In this point, at least in reference to ECOSOC rights, the States are obligated to protect individual freedom of action vis-à-vis private or public agents who may intend to encroach upon it.

The obligation to satisfy implies that the State undertake the necessary measures to assure that each person, within his or her corresponding jurisdiction, is granted the opportunity to obtain satisfaction of those basic needs that, as recognized in the human rights instruments, can not be guaranteed through personal efforts. For example, in reference to the right to feed oneself, the obligation to satisfy implies both assistance to assure opportunities to obtain food, and direct provision of food or of the resources needed to acquire it in the case in which no other possibility exists, for example due to unemployment, a situation of disadvantage, age, or a crisis, sudden disaster, or a situation of marginalization.

We think that such a typology of obligations may prove very useful for the enunciation of urban rights in the Charter, thereby avoiding the need that the Charter mention in the case of each right the State obligation to implement policies or the obligation of the legislative bodies to dictate laws, given that articles XIX and XXI include a clause for all the rights enounced in the Charter that imply these obligations.

Barcelona / Spain.
Porto Alegre / Brazil.
August 2005.

Notes:

24. Van Hoff, G., The Legal Nature of Economic, Social and Cultural Rights: A Rebuttal of Some Traditional Views, in Alston, P. and Tomasevski, K. (eds).
25. The UN Committee on Economic, Social and Cultural Rights (the Committee) is the application and interpretation body of the Covenant. Through elaboration of General Comments (on particular areas covered in the Covenant) and Final Observations in the periodic reports presented by States on their observance of the Covenant, the Committee has progressively detailed the contents of each of the rights contained in the International Covenant on Economic, Social and Cultural Rights.



Some proposals for a possible revision of the World Charter for the Right to the City, Barcelona/Porto Alegre/Bilbao, 2005

A) Criteria used to elaborate this Proposal

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Asier Martínez.
September 2005 .*

These reflections are intended to complement and develop those already presented in the text Transform the city in a global world^[26] in reference to the World Charter for the Right to the City (referred to in this document as the WCRC). Its objective is to offer some ideas to reinforce the educational and operative character of the provisional version of the WCRC in anticipation of discussion of the same at the upcoming Barcelona meeting.

For this purpose, with no pretension to present here an exhaustive evaluation or to propose an alternative Charter, a series of general lines are suggested to reorder and simplify the content of the current version, while maintaining and respecting the ideological and political tone of the Charter agreed to by the organizations involved to date.

Expansions or revisions of rights or duties are suggested only where manifest absences or formulations that complicate the effectiveness of the WCRC are perceived. The parameters of the language and the standards consecrated in international human rights law have been adopted for this revision. Special attention has been dedicated to the structure and contents of the European Charter to Safeguard Human Rights in the City (ECSRC), in light of both its specifically urban character and its regional scope.

In all those aspects in which no particular observation has been noted, it may be understood that the formulation or contents as contained in the latest version of the WCRC may be maintained.

To simplify and to give greater operative and educational character to the WCRC, the authors of this text propose it be reorganized based on a Preamble and three Titles, subdivided in turn into different Chapters.

Title I would present a series of General Provisions on the Right to the City that would include a series of Preliminary Definitions as well as some Overriding or Guiding Principles for the transversal interpretation of the rest of the Charter. Title II would address the Content of the Right to the City and would specify the concrete rights and obligations derived from the same. Finally, Title III would be dedicated to present the Mechanisms to Guarantee and Demand the Right to the City.

Notes:

26. By Gerardo Pisarello and Sebastián Tedeschi.



B) The Preamble

With no necessity to delete contents other than perhaps a paragraph or two, it is proposed that the current Preamble be reorganized and simplified in accordance with the following criteria:

- a. Why the urban context? Here it would be necessary to briefly explain why, in the current context of globalization, commercialization, etc., urban problems and conflicts merit specific treatment.
- b. Why the right to the city and not just rights in the city? Here should be justified the intention of the WCRC to

influence in a more collective perspective of rights than, for example, that of the ECSRC. In this way, it would not be limited to defending rights in any city but rather to demand a city that, as collective construction, commits to guarantee human rights. This would be precisely the sense of concepts such as social production of habitat or social function of the city.

- c. Why a Charter of rights and obligations and not a utopian manifest or a discretionary urban policy program? It would be good to take advantage of the Preamble to recall the difference between a Charter of undeniable and demandable rights to be upheld by the political power regardless of the moment, and a (non-demandable) manifest of intentions or a public policy program (discretionary and dispensable according to political circumstances).
- d. Why a world-scale Charter? Finally, it will be important to explain why a Charter of worldwide scope is necessary and not simply a regional, state or local instrument. The historic and normative antecedents to the current Charter should be mentioned here (Social Forums, etc.).



C) General Provisions on the Right to the City

The General provisions would have the objective to establish a series of interpretive criteria that would enable the clarification of and foster the functionality of the rest of the Charter, while also avoiding some unnecessary repetitions.

This section could be separated into two chapters: one on Preliminary Definitions that would help unify the meaning of terms used repeatedly throughout the text, and the second on Guiding Principles that would provide transversal criteria to interpret the specific rights and duties contained in the Charter.

Chapter I: Preliminary Definitions.

This chapter should basically include the definition of: 1) the sphere of application of the WCRC; 2) the beneficiary subjects, and 3) the obligated subjects.

1. The sphere of application: here it would be necessary to specify that the city is the sphere of application of the Charter, leaving clear that it is a space, and that this space is, above all, urban.

To avoid this term being understood in a sense that excludes the rural surroundings or other cities, it might be added that the sphere of application shall be interpreted in accordance with principles of solidarity and cooperation and of sustainability (later developed as guiding principles).

2. The beneficiary subjects. Three issues should be emphasized here:
 - a. Clarify who the entitled subjects are (whether they be the citizens, the inhabitants or the persons) and, accordingly, what is understood by citizens, inhabitants and persons (those who live, those who permanently or transitionally- reside, etc.).
 - b. Recall that entitlement may be exercised individually or collectively through the movements and organizations in which inhabitants act.
 - c. To avoid the term being understood in an abstract and formal sense as if all potential beneficiaries were in de facto equal situations, it should be clarified that entitlement shall be interpreted in accordance with principles of equality and nondiscrimination, with priority to the persons and groups in greatest situation of vulnerability (later developed as guiding principles).

3. The obligated subjects: a triple distinction could be introduced here:
 - a. In the internal sphere of the city, the local authorities (political, administrative, jurisdictional) would be the primary obligated subjects.

To avoid this term being understood in a sense that places exactly the same level of obligations on cities with varying degrees of competencies in contexts with varying levels of decentralization, it could be added that their obligations shall be interpreted in the framework of the principle of subsidiarity (later developed as guiding principle).

- b. The inhabitants, and private actors, individually or collectively, may also be obligated subjects.

To avoid this expression from treating all participants equally in spite of differences, it may be added that their obligations shall be interpreted in the framework of the principle of responsibility according to capacity and resources (later developed as guiding principle).

- c. In the sphere of inter-regional or inter-national relations, the expression cities may also designate the obligated subject in the framework of the principles of solidarity and cooperation and of sustainability (later developed as guiding principles).

Chapter II: Guiding principles of the Right to the City.

The guiding principles would be transversal overriding criteria of interpretation of the entire Charter and of each of the specific rights consecrated therein.

They should therefore be formulated, rather than as rights, as mandates or duties of the public powers.

In this way, and while they may be repeated and expanded upon in other parts as in the Preliminary Definitions or in the specific rights and duties of the Title of Contents- the Charter text may always refer in general to Chapter II of Title I.

Based on the content of the WCRC, the ECSRC, and some suggestions presented in the article by Joe Schechla, the following 10 Guiding Principles are proposed:

1. Principle of social function of the city.

This should include the duty to avoid speculation, the social function of property and of urban spaces and assets, etc.

2. Principle of inter-dependence and indivisibility of rights.

Once formulated as guiding principle (All the rights recognized in this Charter shall be guaranteed in an indivisible , manner), repetition in the rest of the text should be avoided.

3. Principle of equality and nondiscrimination.

To avoid unnecessary repetitions throughout the Charter, this principle should include:

1. A general clause of formal equality and nondiscrimination based on ethnic, religious, migratory status, or other motives;
2. A general clause on material equality and positive actions;
3. A specific and transversal clause on male-female equality and nondiscrimination based on sexual or gender motives.

As suggested by Joe Schechla, sexual equality is not like any other. It is the broadest and most transversal equality and justifies a specific clause that applies across the entire text and avoids constant duplications.

4. Principle of priority to persons and collectives in greatest situation of vulnerability.

This would include a formulation such as: The rights recognized in this Charter shall be guaranteed to all inhabitants (citizens, persons, or whatever is decided). Without detracting from the same, public policies shall prioritize the persons and groups in greatest situation of vulnerability.

The precept may include a brief definition of vulnerability as absence of autonomy and dependence on assistance and specify the criteria of vulnerability: economic, sexual, ethnic, physical, etc. (the contents of this list will be necessarily similar to those stipulated in cases of nondiscrimination).

5. Principle of responsibility according to capacity and resources.

This would be an opportunity to define the reach of the obligation to protect rights vis-à-vis violations originating not from other public powers but from private powers.

A formulation such as the following could be included: The local authorities shall protect the rights recognized in this Charter from threats originating from other private actors. Private parties shall be obligated in

accordance with their position of power, their capacity and their resources.

6. Principle of non-regression.

This would be an opportunity to define the reach of the duty of respect and of the negative obligations of local authorities.

A formulation could be included such as the following: The local authorities shall respect the rights recognized in this Charter and shall refrain from adopting actions that may arbitrarily hinder their exercise. Urban public policies and programs may not restrict recognized rights unless in the verified interest of better satisfaction of the whole of rights recognized in the Charter and greater protection for the persons and groups in greater situation of vulnerability.

7. Principle of progressivity.

This would be an opportunity to define the reach of the duty of satisfaction and of the positive obligations of local authorities.

A formulation may be included such as: The local authorities shall satisfy in a progressive manner the rights recognized in this Charter. Situations of crisis, scarcity or emergency may not be used as an excuse to not comply with these duties. At all moment, the public powers shall demonstrate that they are implementing their maximum efforts and pursuing the maximum use of human, technological and financial resources to satisfy at least the minimum content of the rights in question.

8. Principle of subsidiarity.

The European Charter offers a simple formulation of this principle which might be used as transversal criteria.

A beginning might be added to this formula such as the following: Lack of competencies may not be used as an excuse to not satisfy the recognized rights. At all moment, the public powers shall demonstrate that they are using all of their areas of competency that enable them to satisfy at least the minimum content of the rights in question.

9. Principle of solidarity and cooperation.

This would include duties that cities would be required to observe in their external relations, with their own surroundings and with other urban and rural regions.

10. Principle of sustainability.

The right to the city should be qualified as a sustainable right, in other words, subject to being generalized in space and time. It would include the duty that cities exercise their rights without detriment to the rights of other cities or vulnerable rural areas and without detriment to the rights of future generations.



D) Content of the Right to the City

Under this title would be integrated the concrete rights and duties that make up the right to the city. The current formulation is confusing, repetitive, and fails to respect the categories that it itself establishes.

For example, it is important to distinguish between mandates or duties (the local authorities shall respect or shall guarantee on the one hand, and rights (all inhabitants shall have the right to).

All rights certainly suppose duties, although not all duties necessarily have a correlated subjective right (the duty to establish progressive fiscal policies can not be opposed to a subjective right to demand a fiscal policy of this type).

Since the duties which are transversal to all the rights are outlined in the Guiding Principles, care should be taken in the chapters on specific rights to refer to the most specific duties possible.

Two changes are proposed in the configuration of the Title on Contents of the Right to the City. One is methodological, and the other is a style matter.

- a. Firstly, we propose to eliminate the distinction between civil and political rights versus social, cultural and environmental rights.

Without affecting the establishment of duties for all rights within the Guiding Principles, the above distinction, employed in both the WCRC and in the ECSRC, weakens the idea of indivisibility and reinforces the classic myth of the distinction between two categories of rights.

For educational reasons, therefore, a structure is proposed with specific and separate chapters for each type of rights: political, civil, social, cultural and environmental.

- b. Secondly, we propose to unify the collective formulation of each of the chapters of rights. If the Charter itself refers to the Right to the City, the chapters could specify the concrete reach of that general right. The specification would have important educational consequences at the moment of explaining and disseminating the Charter.

The following 5 chapters are therefore suggested: I- Right to a politically participative city; II- Right to a free, creative and secure city; III- Right to a socially and economically inclusive city; IV- Right to a culturally plural city; V- Right to an ecologically sustainable city.

Each one of these chapters would comprehend a series of specific, negative and positive, rights and duties. The rights and duties of political participation would go in chapter I; civil rights and duties in chapter II; economic-social rights and duties in chapter III; cultural rights and duties in chapter IV; and environmental rights and duties in chapter V.

This proposal is not so much about introducing modifications in the already-formulated rights in the Charter, but rather about simplifying and relocating them in accordance with the new structure.

Upon drafting the different rights, it will be important to take the following elements into account:

- A. The specifically urban dimension of the rights and of the duties. It is important to solidify this aspect in the wording to avoid simple repetition of classic rights contained in other human rights covenants and documents.
- B. It will also be important to recall the possible individual and collective exercise of all the rights, from the right to water, to freedom of information, the right to health care, etc.
- C. It is also important to take advantage of the criteria used by international human rights law in all the rights - the Charter already does so in some cases, incorporating the standards of UN General Comments- improving them if applicable.

Certainly, an excessively meticulous formulation would run the risk of burdening small cities with obligations not demanded of other entities. Nevertheless, both the principle of subsidiarity (that obligates if and when the competencies exist) and the principle of progressive realization (that obligates up to the maximum of available efforts and resources) enable us to avoid this problem.

Chapter I: Right to a politically participative city.

Two categories could be included here: the rights of direct participation, and the rights of indirect or represented participation.

a. Right to direct political participation.

This section should include the right to participation in elaboration and execution of public budgets and of urban policies.

It should also include the right to be consulted on urban issues and, above all, the duty of public authorities to convoke these consultations on questions of political relevance for the city.

b. Right to indirect political participation.

The right to vote should be included here. This point would open the issue of the vote of foreigners. The WCRC says little on the subject. One possible formula, which would allow the WCRC to go a short step further than the ECSRC (already advanced in its context), would be: Cities shall promote the concession of the right to active vote to all non-nationals, of voting age, in a maximum period of 2 years of residence.

The idea, specifically, would be to establish a maximum limit. The European Charter states that cities shall promote concession of voting privileges following 2 years. Compared to the current norm, that is already

progressive criteria. But it could be pushed further.

Chapter II: Right to a free, creative and secure city.

To not repeat political rights contained in other international human rights instruments, all the rights protected should be worded in urban code. In addition to the rights already protected in the current WCRC draft, the Charter must also note the right to freedom of expression in the urban space and the rights to privacy and information protection, rights which are fundamental in a moment of security hysteria.

It is also proposed that the Charter include the traditional rights to manifestation, assembly and association (and perhaps freedom of expression itself) within a generic but specifically urban right to use of public space.

a. Right to public information.

Once the right is formulated, this section should include that which both the WCRC and the ECSRC refer to as the duty of transparency or the obligation to provide spaces and resources.

b. Right to privacy and protection of information.

c. Right to use of public space.

This would include, among others, the rights of assembly, association, manifestation, and the right to freedom of expression.

d. Right to physical, psychological and moral integrity.

e. Right to security.

This right could be stated this way or, to avoid ambiguity, as the right to democratic security, or the right to security in the exercise of rights, or as the right to security with rights.

In any case, this is the place to define the right to control or to participate in the control of security forces, of neighborhood-based police, etc.

Chapter III: Right to a socially and economically inclusive city.

a. Right to quality public services.

The current Charter repeats and confuses many aspects. There should perhaps be a general right to quality public services (drainage, sanitation services, housing, education, labor, etc.), subsequently expanding on the content of each of the rights, albeit with some repetition.

b. Right to water.

c. Right to housing.

d. Right to work.

The right to work should clarify the right to recognition, in addition to wage-paying employment, of domestic, volunteer, and elder or childcare work, etc., as well as of other socially necessary activity.

Neither the ECSRC nor the WCRC refer to the separation between employment and income or questions such as the right to a basic subsistence or citizen income. This should perhaps be discussed.

The ECSRC mentions the duty of local authorities to create protected public employments (for persons with disabilities, etc.). There is no mention of this issue in the WCRC.

e. Right to health.

f. Right to education (this right does not currently figure in the WCRC, although the European Charter refers to nonsexist, non-racist, etc. education in article XIII. The situation of immigrant children and adolescents, and those living in the streets, might also be mentioned here.)

- g. Finally, the right to progressive integration of informal commerce should be maintained but as a differentiated article within this chapter.

Chapter IV: Right to a culturally diverse city.

- a. Right to cultural, linguistic and religious freedom.
- b. Right to leisure.
- c. Right to cultural memory and to identity .

The right to individual and collective identity can enter into conflict with the cultural freedom of others or with the right to revise ones own identity or uses and customs. It might therefore be established that these rights shall be exercised within respect for the rest of the rights considered in the Charter.

Chapter V: Right to an environmentally sustainable city.

It may be recommendable to redirect the following rights to this chapter:

- a. Right to harmonious and sustainable urbanism.
- b. Right to public transportation.
- c. Right to circulation and to tranquility.



E) Mechanisms to guarantee and to demand compliance with the right to the city

The mechanisms of guarantee of the rights contained in the Charter are multiple. Some correspond to the inhabitants themselves to guarantee fulfillment of the rights (social guarantees). In other cases, institutions are responsible for doing so (institutional guarantees). Normally, when referring to the ability to demand compliance, reference is made to petitions presented to the institutions so that they in turn guarantee the rights.

The following might be distinguished here:

- a. Preventative social and institutional guarantees.

The city might here be assigned the generic duty to promote, respect and protect the existence of neighborhood, educational, social worker, and other mediators. The option might also be considered to create City Observatories or other local entities to participate in these tasks (some in fact already exist).

- b. Institutional guarantees of reparation or compensation.

Here should be outlined the different institutional mechanisms that could be activated in case of violation of a right (legislative, administrative or jurisdictional, according to the degree of decentralization of the State in which the city is located). These are reparation or compensation mechanisms, given that they are activated in case of violation of a right.

- c. Social guarantees of reparation.

The possibility should be considered here that, in case of obstacles to or insufficiency of institutional guarantees, social guarantees may be activated capable of overseeing and uncovering such cases of non-compliance. In addition to the classic rights of manifestation and association, a right (or duty) might be foreseen regarding public civil and nonviolent disobedience in response to such cases. Such a clause could constitute an important contribution by the Charter to human rights defense instruments.



The Charter on the Right to the City and Community as a Human Rights Habitat, HIC-HLRN, Cairo, 2006

Preamble

The new millennium dawned with over one billion people living without adequate housing and services. Despite development efforts, the world faces increasing rural poverty as fewer and fewer people are able to survive on their land. With consequent urban migration, half of the world's population is now living in cities, and experts forecast that, by 2050, the world's urbanization rate will reach 65%. However, the official bias toward the urban way of life with its special production and consumption patterns, diversity and density overshadows the needs of rural and land-based people. Consequently, the city greatly influences the way in which we relate to our fellow human beings, to the national territory, the environment and the planet. Too often, this urban perspective and consumption pattern lead to ever-greater encroachment on the wider natural environment, appropriating and degrading the lands, resources and livelihoods of rural communities, including especially indigenous peoples.

Cities hold vast economic, environmental, political and cultural wealth, diversity and potential. Despite the focus on building up the cities, the urban development models currently implemented in most countries tend to concentrate income and power in ways that institutionalize exclusion and deepen poverty; preempt rural development; widen environmental degradation; accelerate migration and rampant urbanization; combine social, economic and spatial segregation; and privatize public goods, services and spaces. These processes generate vast urban areas marked by squalid living conditions, precarious human settlements and consequent vulnerability to natural, social and environmental disasters.

Behind the glittering lifestyle for a fortunate few city residents, today's human settlements fall far short of offering equitable conditions and opportunities to their inhabitants. The majority of the human population by virtue of their economic, social, cultural, ethnic, gender or age characteristics are limited in, or deprived from satisfaction of their most elemental needs and, therefore, rights. Public policies that contribute to such development patterns ignore the contributions of the popular processes of inhabiting and constructing human settlements that give definition and meaning to citizenship.

The official alternatives to the people's process are often detrimental to sustainable development. The gravity of the consequences from present social-engineering models includes massive evictions, rapid urban migration, segregation (urban apartheid) and a general deterioration of social coexistence.

These divergent approaches to community development cohabit in a context where official policies engender struggles that can fragment natural communities and despite their social and political importance and problem-solving potential prevent them from contributing to our needed transcendence. Official ideology and its development models instead repel popular participation in the community design, implementation and maintenance (sustainability) processes. A preferable planning-and-development approach would encourage actual inhabitants to anticipate and proffer solutions to socioeconomic problems through democratic mechanisms.

In the face of this contentious reality and the need to reconcile conflicting currents, urban and other inhabitants organizations and social movements have joined together since the First World Social Forum (2001) to embrace the challenge finally to offer a sustainable model of social development and community life based on the guiding principles of solidarity, tolerance, democracy, reconciliation, civil conduct, mutual respect, integrity, transparency, equality, equity, dignity, sustainability, human rights and social justice. Their effort has been founded on respect for diverse cultures and on equality and dignity in rights for both urban and rural societies, which are organically and inextricably bound. Subsequently, an integrated group of popular social movements, nongovernmental organizations, professional associations, forums, and national and international civil society networks, have committed to this common effort toward forming just, democratic, humane and sustainable cities, one result of which is this World Charter for the Right to the City and Community as our human rights habitat.



Scope and Purpose

Article 1.

The Charter aims to channel these commitments and guide the practical measures that civil society, local and national governments and international organizations must assume, so that all people may live with dignity and rights in our common habitats, including, in particular, ethical urban centers.

A city or any other community is a collective space that belongs to all those who live in it; they possess the right to find there the conditions for their civil, cultural, economic, political, social and ecological fulfilment, at the same time assuming duties of solidarity that uphold the human dignity of all inhabitants.

The purpose of this Charter is to establish human dignity of all persons, in habitat as human settlements and as planet earth.

Article 2.

This Charter arises from the realization that the common and individual well-being of the majority of people remains in perpetual decline. In order to rise out of the cycle of poverty and worsening living conditions, it is essential to institutionalize their effective participation in all processes affecting their well-being. This Charter also recognizes and reinforces the legally established obligations of the States to ensure respect, protection and fulfillment of human needs as human rights at all levels: locally, nationally, regionally and internationally.

Article 3.

This Charter recognizes that the relation between the community and the State is organic and bound by laws, overarching policies, overlapping jurisdictions and practical coordination. No city, town, village or district exists outside the context of the States treaty, constitutional and statutory obligations, policies, programs, projects, institutions and budgets. While the States corresponding treaty obligations must apply also to local authorities, the over-riding State obligations under human rights treaties and as referred to under this Charter require the central government also to ensure that cities respect, protect and fulfill human rights obligations for all inhabitants, and contribute to the means and capacity for communities to do so.



Addressing Current Problems

Article 4.

Many moral issues and values are at stake in our current stage of human development. Local and regional distinctions affect the specific character of these issues and values; however, it is clear that the problems addressed in this Charter form common themes:

- a. The processes of subsidiarity and decentralization of decision making and distribution of goods and services have become distorted in such a way as to lose sight of the values expressed in Article 1. In many cases, decentralization has meant the withdrawal of central government from traditional services and the exercise of sovereignty, leaving local authorities to cope with new administrative burdens, leading to unequal patterns of development within national jurisdictions and subjecting local communities to the transfer of social goods and services to the control of private and foreign interests.
- b. The gap between the haves and the have-nots within and among communities in a given State, as well as between and among States, is growing more pronounced as wealth becomes unconscionably more concentrated in fewer hands.
- c. The temptation to self-enrichment prevails in private and public sectors in the form of corruption and nepotism at the expense of the public, particularly those in greatest need.
- d. Ironically, current development patterns compel rural people and communities to leave their lands and repair to the urban centers, where typically they are further punished and criminalized for their poverty and where slums are treated as problems, rather than the available solutions to deeper policy flaws.
- e. The resulting anger, misery and hopelessness of the vulnerable people is often manipulated for antisocial purposes and violent means, including exploitation by private sector interests, contraband trade and/or social and religious extremism.
- f. Forced evictions are commonly practiced both incrementally and at large-scale, most often with illicit violence and without safeguards, compensation, or other remedy.
- g. While costs and restrictions to accessing social housing are increasing, both the quantity and quality of social housing stock are declining in most countries, not least due to privatization of social housing and the reduction of public services.
- h. Urban apartheid, with its various forms of social and economic segregation, is increasing by design and by

- default, whereby spatial separation permanently excludes certain ethnic and social groups.
- i. Typically, privatization of spaces and services has not served to meet human needs in communities, but rather foreclosed or inflated the cost of access to vital public goods and services and supplanted the relationship of the people with their local authorities.
 - j. The shareholder value of the city has declined with the direct globalization of real estate through speculation.
 - k. Women are subject to perpetual dispossession, poverty (especially mothers) and violence in both the domestic sphere and in the larger community.
 - l. Neoliberal reforms that erode social security benefits, coupled with the aims of introducing ever-lower wages, have exacerbated all the negative trends in living conditions and community development.
 - m. The flight of productive industries has caused the phenomenon of shrinking cities and the decline of every development indicator in affected communities.
 - n. In some parts of the world, the aging of populations without sufficient new labor forces threatens the viability of communities and the base of critically needed public and social services.
 - o. The suburbanization of (especially informal) communities poses problems of jurisdiction and responsibility for managing the public sphere.
 - p. Homelessness, due to various causes, is increasing, with growing numbers of women and children affected, and all homeless people subject to criminalization for their impoverishment.
 - q. Discrimination practiced against migrants, minorities, stateless persons, refugees and others without citizenship or nationality rights force them to endure squalid living conditions.
 - r. Constantly increasing energy prices coincides with conditions of housing inhabitability (e.g., poor insulation) and climate change.
 - s. Governments, local authorities and even private citizens seek to stifle the informal economy without viable alternatives for those poor communities that depend on it.
 - t. The dominance of neoliberalism ideology and its proponents not only create or aggravate these negative trends, but also seek to dismiss them and refuse responsibility for their remedy.

The crises in our communities, especially the inadequate living conditions of a growing segment of inhabitants, carries the obligation to define certain rights more clearly. It imposes also on us the recognition of the fulfilment of other human needs of community life as rights as we strive for more-open and democratic society. While human rights are universal and, thus, belong to everyone, every person, both free and socially responsible, must guarantee the same rights for all the others.



Vision and Demands

Article 5.

This Charter is formed around basic, common principles. It is our vision and commitment to pursue these principles to guide the development of our communities. In doing so, we also demand that local and national authorities implement these principles in their public functions.

1. Our cities and communities must uphold human and womens rights and freedoms with their corresponding obligations. While these rights are combined under the human right to development, that includes the specific human rights to adequate housing, public services, social security, public information, decent work, education, food and water, physical security and the highest attainable level of mental and physical health. Contained also with these rights are the rights to consumer protection, protection and assistance for persons with special needs, and everyones right to a safe a healthy environment. These rights and their corresponding State obligations are set forth in the principal human rights covenants and conventions developed through the UN system over the past six decades. In addition to these codified human rights, we hereby claim also the rights of all to equitable land use, proper sanitation, adequate access to energy and public transportation in our cities and communities.
2. While participation is also a human right, full and unobstructed participation is also essential to exercising the roles and responsibilities of citizenship in shaping decisions and sharing outcomes. For our communities to be participatory, they must be conducive to exercising the rights to associate freely, to gather and manifest peacefully, to deliberate directly and through democratically elected representatives, to access and exchange information, and to enjoy the democratic use of public space.
3. Intergenerational equity and sustainability of our communities are necessary to sustain human life. Protecting and preserving the social and economic functions of the community must be balanced also with the protection and maintenance of the environmental to ensure viability into future generations.
4. Our communities have to uphold social and gender justice for all, which entails the assurance that (1) no one

will be favored or disfavored in the enjoyment of rights or services on any arbitrary criterion, including by way of nepotism, sexism or other forms of corruption; (2) that vulnerable members of society receive adequate protection from such injustices; and (3) that affirmative action programs seek to compensate for the disadvantages inflicted on those who have been historically subjected to social and gender injustice.

5. Solidarity is an essential quality and condition for maintaining the community as a human rights habitat. It involves the formulation of broad alliances and common purposes both within interest groups and across lines of difference. The principle of solidarity coincides with an appreciation of strength in diversity and the recognition that tolerance and understanding can prevent and resolve conflict. Applying solidarity in the community means also respect, protection and fulfilment of everyone's right to cultural fulfilment, including freedom of religion and conscience, within the principles of human rights.
6. Transparency in the management of the city or community requires disclosure of the reasoning, objectives, processes and outcomes of public functions. It includes also full disclosure about the planning and disposition of any public goods and resources. Transparency also requires the full disclosure of any private resources applied in the pursuit of any public function (e.g., contributions to political campaigns, public-private projects, etc.).
7. Accountability in the proper management of the city or community arises from a culture of service that is the essence of good governance. Every actor and decision maker, including the broader participants in decision making, always should be accountable to the public and all those affected by their actions or omissions.
8. Social production of habitat is the people-centered and locally initiated process of building solutions to human settlements problems, including the construction of housing and infrastructure and provision of services according to the design, implementation and maintenance by the local inhabitants. Social production of habitat is already the dominant mode of building low-income communities throughout the world, authorities and private actors should aid and encourage these forms of community development as economical and viable alternatives to imposing alien forms of development.



Over-riding principles

Article 6.

Corresponding with the rights and principles of this Charter, local and state authorities bear the obligations to respect, protect and fulfill them. This means that all authorities bear the duty (1) to avoid violating these rights by its own commission or omission, (2) to protect against violations by other parties and (3) to take positive steps to ensure the constant improvement of living conditions and to assist those in need or subject to violation. According to international law, authorities are obliged to apply over-riding principles in order to ensure the proper implementation of rights:

1. Self-determination of peoples and communities, both in the external and internal expression of a people or community setting and pursuing its own development objectives;
2. Nondiscrimination on any basis that is inconsistent with human rights is prohibited, including discrimination based on race, color, religion, economic status, gender, sexual orientation, work, descent, political affiliation, language, family or marital status, ethnicity or other arbitrary criterion;
3. Gender equality cannot be subordinated to other ideological criteria, domestic legislation or cultural relativism inconsistent with the principles of human rights and nondiscrimination;
4. The rule of law ensures that the rights are protected and the violations are remedied under constitutional and legislative provisions that guarantee justice;
5. International cooperation is an obligation of State for both donor and beneficiary countries to ensure that human rights, including the principles of this Charter, are upheld domestically as well as extraterritorially;
6. Nonregressivity/progressive realization is that State obligation that requires authorities to ensure no deterioration of living conditions or retrogression in the enjoyment of the rights and principles enunciated in this Charter.



Violations

Article 7.

The rights contained in this Charter apply to each and every inhabitant of the communities that adopt, endorse or sign it. Violations of this Charter are to be subject to adjudication as any other standard or norm under the law. This includes the guarantee of victims rights to resist violations, as well as to appropriate remedy, including just compensation, in the case of a violation.



Commitments

Article 8.

International bodies and the national, provincial, regional, metropolitan, municipal and local governments, as well as social-sector organizations, all bear responsibility for the effective implementation of the rights and principles enunciated in this Charter, based on the international human rights system and the system of competences valid in each respective country. With due attention to regional and local specificity, the adherents to this Charter pose urgent measures to address the growing deprivation and nonfulfillment of human well-being in our cities and communities.

Article 9.

The social networks and organizations commit to:

- Broadly disseminate this Charter and promote international articulation in favor of the Right to the City and Community as a human rights habitat through their participation in civic forums of all kinds, contributing to the struggles by social movements and nongovernmental networks to build a dignified life for all wherever they live;
- Build platforms with which to claim the Right to the City and Community, and document and disseminate national and local experiences that contribute to the development, recognition and implementation of this right;
- Present this World Charter for the Right to the City and Community to local, national, regional, international and multilateral forums and agencies, including the United Nations System, to advance the process toward recognition of the Right to the City and Community as a concept of international law.

Article 10.

Local governments commit to:

- Promote citizen consultations and lobby activities to enrich and localize the contents of the Right to the City and Community;
- Adopt all the necessary regulatory measures, in an adequate and immediate manner, to assure the Right to the City and Community for all persons, in conformance with this Charter;
- Guarantee the participation of citizens and civil society organizations in the regulatory review process;
- Use up to the maximum of the resources available to them to fulfill the legal obligations established in this Charter;
- Improve the quality and quantity of social housing, and enhance access to it;
- Land reform and urban reform to restore tenure to those people and communities that rely on land for their livelihood;
- Provide training and education in human rights for all the public agents related to the implementation of the Right to the City and Community and all corresponding obligations to create human rights habitats, in particular for functionaries employed by the public bodies whose policies influence in any way the full realization of the Right to the City and Community;
- Promote the teaching and socialization of the Right to the City and Community in all educational centers, universities, and through the communications media.

Article 11.

National governments commit to:

- Adapt the principles of the Charter in policies developed in the executive branch;
- Harmonize national legislation, regulations and legal practices/procedures to enable enjoyment of the Right to the City and Community throughout the country;

- Ratify any currently outstanding human rights treaties;
- Promote citizen consultations and lobby activities that seek to apply the principles of the Charter at the national level;
- Apply existing State obligations and human rights under treaty throughout the court system, including through the formation and continuing education of judges and lawyers;
- Improve the quality and quantity of, and access to social housing;
- Land reform and urban reform to restore tenure to those people and communities that rely on land for their livelihood;
- Support the local authorities adhering to this Charter morally, materially and administratively to implement the Right to the City and Community.

Article 12.

International and intergovernmental bodies commit to:

- Refrain from imposing conditions and policies that impede States and cities from respecting, protecting and fulfilling the Right to the City and Community;
- Adopt the Charter on the Right to the City as an practical instrument for realizing current and future multilateral commitments, inextricably linking human rights with the development and environmental protection processes;
- Consider the Right to the City and Community as a concept of international law;
- Undertake all possible efforts to sensitize, stimulate, and support governments in the promotion of campaigns, seminars and conferences, and to facilitate appropriate technical publications that support governmental adherence to the commitments contained in this Charter;
- Open spaces of participation in the consultative and decision-making bodies of the United Nations system that facilitate discussion of this initiative.

Article 13.

All persons, civil society organizations, local governments, members of parliament, and international organizations are invited to participate actively at the local, national, regional and global levels in the process of integration, adoption, dissemination and implementation of the World Charter for the Right to the City and Community as one of the paradigms for a better world in this millennium.

Article 14.

Arising from its social origin and meaning, the World Charter for the Right to the City and Community as a Human Rights Habitat is, above all, an instrument oriented to guide human development processes to integrate the best of economic advancement, public administration, physical planning and human rights so as to strengthen claims and struggles for realizing human rights in the city. Adherents to this Charter collectively call for it to serve also as a platform for linking, consolidating and, ultimately, harmonizing the efforts of all concerned actorspublic, social and private-to plan, promote, legislate, implement, regulate, and otherwise perform in accordance with its enshrined principles. Thus, the present Charter applies to all these parties in a common bond, each to do its part in order to build and manage the public sphere by, with and for all of its people. Applying these principles in earnest enables human communities truly to become human rights habitats.



Final Provision

Article 12.

Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act aimed at the destruction of any of the rights and freedoms recognized herein or at their limitation to a greater extent than is provided for in the present Covenant.



Observations by Gerardo Pisarello (Observatori DESC), Barcelona, March 2006

Dear Enrique and Sebastián:

The lines that follow reflect provisional impressions and I would not want them to have a negative impact on the Charter discussion process.

Joes proposal produces a certain perplexity for me. I think that it is a personal, and of course legitimate, initiative. But as a whole I feel it offers few of the virtues anticipated from a revision of the Charter.

In general, I feel that it moves too far away from the initial impulse of the movements involved in discussion of the Charter, adding questions that require discussion and not simplifying or clarifying others that remain opaque. Perhaps for questions of language or others, the proposal selectively reflects some of the opinions aired in Barcelona (those of Knut or Davinder, for example) and fails to reflect the richness of the discussion.

The selection of the title continues to seem unfortunate to me. With all the limits that may be desired, the expression right to the city has a political weight and an educational persuasion capacity that is lacked by other similar slogans. Abandoning it or diluting it with a more indeterminate demand such as the right to community would require posing a different process, with other timeframes and directed to other actors.

The rural movements have a clear demand: agrarian reform and the right to land. The urban movements that defend that struggle should support it, denounce the role of today's cities in exploitation of the countryside and propose a different relation between the two. That is precisely the sense of urban reform and the right to the city: to transform the current excluding, violent and unsustainable cities into inclusive and participative spaces compatible with the development, not the ruin, of other rural and urban spaces.

This task is incumbent on all the movements for a different world, but especially on the urban movements, which are those of the people who live in the cities, preserve their memory, build the best of them, and often suffer the worst of them. Those movements demand a battle-cry that gives a more or less unified sense to their struggles or at least places them in common. In America, in Europe, and even in Asia, the right to the city is the slogan that best reflects an innumerable list of demands that are found in the local space and are linked to questions such as property occupations, real estate market encroachment, informal settlements, ghetto-ization, etc.

In any case, the right to the city is not a call for more capitalist urbanization or for fewer rural spaces. It is quite the opposite. It is the generalization of the right to the city, to an urban space in which living with dignity surely demands the quantitative decrease of many capitalist urban centers and a democratically determined transfer of social resources to many rural areas (in the end, the rural areas may also need drinking water services, medical care, and dignified and culturally adequate housing and facilities).

The struggles for agrarian reform can not remain impassive or occur on the margin of the struggles for urban reform, or vice versa. They have much to teach and much to learn from each other. The fact that in addition to their common demands they also each have their own specific claims does not mean that they must be contradictory.

The right to the countryside and the right to the city, in other words, can perfectly well be seen as rights each with their own emphases, but brothers. In reality, the right to the city is the right to the cities, and therefore it might be said, to more modest, more sustainable, and more ruralized cities. The right to the countryside, for its part, is also the right to a rural space with cultural, social and aesthetic opportunities, in other words, more urbanized and with possibilities of access to many of the resources that the capitalist mega-cities currently concentrate in a savage manner.

A Charter could certainly be elaborated for the joint right to the countryside and to the city, or for agrarian reform and for urban reform, or, as Joe suggests, for the right to the community or a place to live with dignity. But the sense of such a text would be distinct, and both the urban and the rural movements would surely be left unsatisfied.

The issue would be, on the contrary, to pose a Charter for the Right to the City: a) specifically urban; b) but conscious of the current relation of exploitation between city and countryside, or between cities of the North and of the South; and c) the need to transform the city in an equalitarian, participative and sustainable sense. I do not think that Joes proposal achieves that balance, aside from a few interesting concrete points.

The structure of the Charter is also a bit strange. In my opinion there is an excess of descriptive articles that do not enable or prohibit or obligate anything. Article 4 is a good example of this. Although the sections repetitions aside- are interesting, it is a description of what occurs in cities that would correspond more to the Preamble than to the body of the text.

In our proposal, we suggested to maintain the rights consecrated in the initial version, while simplifying the wording. In contrast, it was proposed that the titles be modified in a sense that would confer content to the otherwise neutral expression of right to the city. Thus, for example, the rights of participation would be included in the section on the right to a participative city; social rights would be gathered under the title the right to a socially inclusive city; environmental rights under the right to an ecologically sustainable city, and so on.

Joes proposal is entirely different. Many rights disappear, not always with sufficient reason, and the titles used are not very attractive from a pedagogical perspective.

On the other hand, I feel it would be very useful to have an introduction of a series of overriding principles that allow a

transversal interpretation of the different rights contained in the Charter. The sense of some of them might be discussed such as the principle of the rule of law- as well as the introduction of many of them in an additional chapter on visions and demands (?).

The problem of the subjects (consignees) of the rights and of the obligated subjects also remains unresolved. Article 7, for example, refers to all inhabitants as entitled to all the rights, while article 6.2 although it does not use rights language- maintains the notion of citizenship. It is not that it is wrong, but the point was to be as clear as possible on these questions.

The chapter on commitments seems reasonable to me, although in many cases I prefer the expressions used in the original version of the Charter, and in others, I find unjustified repetitions or inclusions. For example, why must only local governments improve the quality and quantity of social housing (article 10)?

In reality, my general perplexity has to do with the fact that the Latin American Charter had been criticized, among other reasons, for its confused, repetitive and unclear character. But I do not think that Joes proposal is immune from these same criticisms.

It is an original text, yes, but to the extent that the previous text in many extremes is unrecognizable. This seems to me to be a problem that is not minor for the whole of the process. It is a text that also clarifies things, but at times it unnecessarily obscures them and introduces a type of descriptive language that either should go to the Preamble or should be modified in a sense similar to that of the previous Charter.

What to do now? The intention of these lines is to avoid paralysis and to pose an alternative course of action. I feel it is indispensable to preserve the expression right to the city, arguing all that needs to be argued. Regarding the final structure, perhaps it would be possible to again review the last version of the Charter alongside that discussed in Barcelona and alongside Joes proposal, which certainly has more than a few interesting points.

Gerardo.



Observations by Enrique Ortiz (HIC-AL), Mexico City, 6 March 2006

**Gerardo Pisarello.
Sebastián Tedeschi.
Nelson Saule.
Joe Schechla.**

Dear colleagues:

Attempting to comply with our calendar toward Vancouver, I am sending a first general observation on the Charter text proposed by Joe. It is limited to the title itself and the reaches of the Charter.

The central issue, to be debated in the process of integrating a universal text acceptable for all the regions, is that of the specificity itself of the Charter.

- The city, or
- the whole of urban and rural communities that make up human habitat.

The profound sense of this dilemma does not lie, in my opinion, in the exclusion that might be implied by leaving predominantly rural regions out of the text. The central issue is that of the countryside-city articulation. It is accepting without any question that, in the pendulum of priorities imposed by the powerful and their allies (UN-WB-IMF, etc.), the city today is held up as the motor of development, as the central actor of international competitiveness, as privileged interlocutor of the transnational corporations that promote and control the economic globalization processes.

Declaring unviable and abandoning the rural sphere today appears to lead us to a countryside without people, handily facilitating the appropriation by those who control the world economy of the natural resources, the land, and the popular knowledge and know-how of the rural people. It also contributes to deepen the more profound disarticulation of the

social struggles.

How can we avoid falling into this trap while drafting the Charter?

The right to the city makes sense when it exists alongside the right to inhabit the countryside with dignity. Within the roundtable discussion on the Charter that we organized within the workshop on the Right to the City at the Caracas WSF, several participants expressed the need to articulate both themes. There appear to be several options:

- i. That proposed by Joe, reflecting the concerns expressed by other regions registered in Barcelona, to open the scope of the Charter beyond cities. Joe resolves it by adding the concept of community and emphasizes the inclusivity of the concept adding human rights habitat.
- ii. A second option commented in the Barcelona workshop is to title it the World Charter for the right to a place to live, that integrates rural and urban habitat without distinctions.
- iii. Another option would be to produce two charters oriented to the specific issues of each sphere, articulating the two through a common preamble.
- iv. Others.

Observations.

- i. Joe's proposal preserves the term right to the city which in the Latin American case is already in circulation and forms part both of debates on city-related topics and of the demands of urban social movements. Regarding the term community, which intends to include the rural settlements and towns that do not reach the category of city, there are certain problems in its definition and understanding in different languages.
 - o Community in English refers first of all to the persons of a given population or district, to the group of persons who live together, and qualifies the whole of goods and ideas that they share.
 - o Comunidad in Spanish refers to an association of persons who have a common interest, who share a culture, a way of seeing life or a rule of co-inhabitation. This implies that several communities may co-exist in a city or town.

The difference is subtle but important, given that the Charter is directed to all the inhabitants of a settlement, recognizes its diversity, and is of universal application.

The first relevant antecedent to the Charter, in which a solution was sought on this very issue, was the Treaty signed in Rio de Janeiro by the Brazilian Forum for Urban Reform, FCOC and HIC, in which the whole of urban and rural human settlements is covered under the title: For just, democratic and sustainable cities, towns and villages.

Already in that case, we ran into problems in the terminology referring to the diverse sizes and categories of settlements at the moment of their translation into different languages.

Human rights habitat, for its part, could be translated into Spanish in a similar way as in the European Charter to Safeguard Human Rights in the City, as *derechos humanos en el hábitat*, which would leave the title proposed by Joe as:

- o *Carta sobre el derecho a la ciudad y la comunidad como derechos humanos en el hábitat*, or something along those lines. However, while it is clear in English, it is confusing in Spanish.
- ii. A title that integrates both the rural and the urban, and is easily translatable to other languages, would be: World Charter for the right to a place to live. After many debates on the issue, that is the name we gave many years ago in HIC to our campaign for the right to housing. The idea then was to not limit this right to access to a mere blanket or house.

However, this concept does not capture the collective dimension and the wealth of contents gathered in the Charter project broadly developed to date. It appears to be limited to housing, services, and the most immediate surroundings.
 - iii. The third option aims to articulate two instruments specifically focused on rural and urban habitats respectively through a common preamble.

Sofía Monsalve of FIAN mentioned in Caracas that FIAN in coordination with *Vía Campesina* participates in the drafting of a Convention on human rights in the rural sphere, which may be an opportunity to articulate the two initiatives. This would also enable the opening of the sphere of our debates to other actors and the building of greater social force to advance both instruments.

This proposal also presents difficulties. One immediate and practical one would be attempting to coordinate and articulate two ongoing dynamics.

Another more profound difficulty has to do with the central motive that is implicit in these initiatives. The equitable usufruct of land, infrastructure, facilities, and inhabitable and public recreation spaces, is the central issue in the case of the city. In the case of the rural-focused instrument, the central motives are equitable distribution of means of production (including land and water) and the right to actively participate in the control of the territory, natural resources, and decisions that impact the countryside.

These difficulties do not annul the possibility to have two articulated instruments.

- iv. Another possibility that could be explored is that of opening the Charter, from its first paragraphs, with a philosophical-poetic definition of city, as the place of human encounter, exchange, and co-inhabitation. As such it does not depend on the size or location of a human conglomerate, but rather on the sense itself of living together in a determined place.

Knowing that the technicalities of the urbanists, lawyers, economists, demographers, and other experts, and the solemn postures of some politicians and academics, would be opposed to such an approach, it would be good to try it from the perspective of the people.

After all, the character of all city is based on the original relation of a human group to a specific place, with its climate, its resources, and its landscape. From this original relation emerge cultures and open the courses of history of all human settlements.

This would obviate the problems mentioned in point (i) and would open again the possibility to establish consensus around a World Charter for the Right to the City. However, it would complicate precise distinction of the specificity of the whole of urban problems.

Whatever the option may be that is preferred by the collective promoting the Charter, it is necessary to more explicitly clarify in the Preamble the countryside-city link in today's context. This implies considering that the countryside-city relation, in times of civilization change such as we are living today, is no longer limited to that which occurs between the urban conglomeration and its immediate surroundings. In today's world, relations between the urban and the rural also exist through flows of information and virtual control, through the electronic media handled from the large global cities and the global nodes and enclaves subordinated to them in our countries.

I don't know if these disquisitions are helpful, but in some way we should address this issue. What do you all think?

Fraternally.

Enrique Ortiz.



Observations by Sebastián Tedeschi (COHRE), Porto Alegre, March 2006

Dear Enrique, Gerardo, Joe and Nelson:

Along general lines I share Gerardo's reflections. I think that Joe made some corrections to the text that are good, but we continue to have problems with the specificity of the urban Charter. The keys of understanding provided by Enrique can perhaps help us. Here I will offer some reflections on the space of regulation addressed by the Charter and on the time/moment in which we are developing the discussion of the urban and the rural.

The SPACE of this articulation of networks, movements and organizations is the urban space. Our concerns are in relation to the city as space of exploitation and marginalization, and also the city as larger home (the third skin). This place in which the movements of the network urban movements- carry out their social struggle, where we think about transforming their political demands into rights, is the city.

The scale of regulation is therefore very significant. We can think in terms of the space-planet and work on a declaration on the right to a place to live, and I think this is one of the large lessons of Barcelona 2005. However, this network in which we have been debating more than five years now would not be the adequate circle in which to close this discussion, considering that we should incorporate within this debate Vía Campesina, FIAN, and other NGOs that work focused on Agrarian Reform, ecologists, and other movements. This process is a challenge that we must begin to address. I think that the keys formulated by Enrique, capturing the FIAN proposals, follow these lines.

But there is another process of discussion on the right to the city whose TIME is already well advanced. I now share with Enrique the idea that the solution to the countryside-city issue in this case consists of incorporating some definitions in the urban Charter that address this conflict, and proposing, among the Charter's principles, guidelines against the

destruction of the countryside and undue appropriation by cities of value from the rural sphere. I think this should be developed within a principle that promotes sustainable cities, in which the sustainability reference is relative to all spaces, both urban and rural.

Regarding the alternatives posed by Enrique, I am more inclined toward the idea of two instruments specifically focused on rural and urban habitat respectively. I think such a solution would be more respectful of the real discussion process occurring among the movements and NGOs. The important issue is that we exchange ideas between the two spheres, but without losing the specificity that we need to obligate our governments to very specific obligations.

Regarding the structure of the Charter, I think it would be possible to attempt to make the text compatible with the chapters and titles in the work we presented in Barcelona with Gerardo and Asier, with the majority of the proposed text improvements drafted by Joe, but translated into a code of obligations of central and local governments, with the exception of the term Right to the city and the community.

I relieve the term Right to the Community is more confusing than Right to the City. I do not see how it can be understood as obligation of local governments in Spanish. Therefore, in that case I want to insist on the term right to the city / derecho a la ciudad that on the other hand is already a slogan that sustains the movements in their current struggles against evictions and urban segregation.

Sebastian Tedeschi

Legal Officer CAP.

Centre on Housing Rights and Eviction (COHRE)

www.cohre.org

Housing Rights for everyone, everywhere.



The Right to the City as Complex System, Repercussions for the Formulation of the Charter, Enrique Ortiz Flores (HIC-AL), Mexico City, June 2008

The objective in the drafting of the Charter for the Right to the City is not that it be a simple declaration or a set of proposals oriented to formulate policies, but rather that the Charter recognize and guarantee at the personal and collective level the right to just, equitable, democratic and sustainable cities for all of their current and future inhabitants. All of this synthesized in one cohesive document, product of a broad process of collective construction.

This vision recognizes the right to the city as a complex right. It obligates recognition of the parts and the whole, management of the contradictions between rights and realities and between the rights themselves, and work to concretely realize them today and to guarantee their future viability.

It also leads to visualizing the crosscurrents that intertwine and collide, such as those between current trends toward social degradation versus growing pressure of conscious individuals and social collectives struggling for new plural and multicultural forms of social cohesion and co-existence. Or between the tendency to confront problems through massive, homogenizing and quantitative approaches versus new processes that value the wealth of diversity and seek the multiplication of initiatives and options capable of taking advantage of capacities also on a large scale. Or between feverish consumerism of products, energy and space versus the urgency to advance toward more austere and solitary forms of life that assure that resources are shared by everyone and that contribute to preserve life in the planet. Or between a world of winners and losers, that today focuses its ethic on money and profit, versus the growing dream of a world founded in solidarity with a dignified place for all.

The right to the city is located at the center of these and other great contradictions and the highly dynamic interactions generated in contemporary society. From the positioning assumed and the effectiveness of the paths followed to address these phenomena will emerge the possible organization of the city as space of collective co-existence and of viable and sustainable good life for all of its inhabitants.

To achieve effective application of the Charter and avoid a situation in which the complexity of the right to the city and the different possible focuses to address it transform it into a confused instrument limited to a declarative character, consensus has been reached through its debate process to formulate it as a human rights instrument.

The universal, indivisible, integral, interdependent, and inalienable character of human rights makes them the most suitable instrument to integrally address the urban complexity, and therefore the complex right to the city.



1. A necessary preliminary reconsideration

According to the human rights approach, one of the points in debate around the second version of the World Charter for the Right to the City has emerged regarding Article II on the strategic principles and foundations of this new right.

An initial criticism refers to the diverse categories used to define the principles. Some, such as equality and nondiscrimination, and special protection of groups and persons in situation of vulnerability, are guiding or overriding principles applicable to the whole of human rights, and should be recognized as part of the transversal criteria of interpretation of the Charter. Others, such as full exercise of citizenship, the social function of the city and of property, and democratic management of the city, have a more strategic character and profile the objective image of the city that we seek to build. And others, such as the social commitment of the private sector and promotion of progressive taxation policies, are in fact of programmatic nature.

None in fact is sufficient to explain the wealth of contents of these diverse categories. And it is therefore necessary to reconsider the issue of the principles.

Behind the right to the city lie dreams and utopias that -the same as for all the human rights recognized and yet to be consecrated- translate into guiding principles that orient their interpretation and define the criteria for their application. Free determination, nondiscrimination, equality, gender equity, solidarity, cooperation, subsidiarity, responsibility in accordance with capacity and resources, participation, transparency, and priority attention to vulnerable sectors, are principles applicable to all human rights.

The singular characteristics of the right to the city pose, in addition, the need to recognize specific principles. In the Treaty on Just, Democratic and Sustainable Cities, Towns and Villages, formulated in 1992 in the citizen forum parallel to the Earth Summit, three of these characteristics were already recognized: full exercise of citizenship, the social function of the city and of property, and democratic management of the city, the same which are also integrated in the first version of the World Charter for the Right to the City.

As noted above, the second version introduced as specific principles notions that correspond to diverse categories and levels of approximation to the urban processes, leaving aside others that are fundamental such as democratic production of and in the city, sustainable and responsible management of resources, and democratic and equitable enjoyment of the city.

These latter principles, added to the three already recognized in the Charter process, have a more strategic connotation in that they sketch the profile of the city to be built through democratic and participative processes. For this reason, in consultation with several collaborators committed to the Charter process, it is proposed to consider them as strategic foundations^[27] of the same.

Notes:

27. Foundation here is synonymous to principle, but it has a connotation of basis-for-action more than as orienting or ideological reference.



2. The right to the city, a complex correlation of objectives and contents

The matrix presented below expresses part of the complexity and wealth of contents and functions implicated in the right to the city. In it are correlated the concrete vision of the city we want proposed by the World Assembly of Urban Inhabitants held in Mexico in October 2000 (see resolutions in separate document in this collection) with the strategic foundations of the Charter (annex 1), oriented to construct the conditions and the institutional supports that lead to make it possible.

Approximation of the right to the city, centered on the dreams and vindications of its inhabitants, requires political and institutional will to translate it into laws that formalize it, in public policies that advance its specific realization, and in instruments, resources and programs that make its realization viable.

The needs and demands of city inhabitants (rows in the matrix) necessarily translate into rights (existing and yet-to-be-conquered). The strategic foundations (columns), translate into public policies, instruments and concrete actions (see annex 1). Every intersection or node of the matrix contains these two dimensions, although some are strategic and determinant for the realization of the right to the city and others refer to necessary or complementary support to achieve it. The nodes also profile the interactive, contradictory and complementary processes that occur between the State and organized civil society.

While in the case of the matrix rows, the indivisibility of human rights makes it difficult to refer them specifically to the

diverse characteristics that define the city we want, it is possible to recognize that the democratic and inclusive city is linked primarily to civil and political rights; the sustainable city to environmental rights; the productive to economic; the educational, healthy, secure and livable city to social, and the convivial city to cultural rights.

In this way as well, in the case of the columns:

- Full exercise of citizenship refers to enjoyment and realization of all human rights and individual freedoms for all the inhabitants of the city, through the construction of dignified conditions of life cemented in freedom and justice. But it is not limited to individual exercise of human rights in the city, but rather proposes the right to the city as a whole of rights of collective character.
- The social function of the city and of property refers fundamentally to distribution and regulation of the use of the territory and equitable usufruct of the goods and services that the city offers.

THE RIGHT TO THE CITY, A COLLECTIVE AND COMPLEX RIGHT

The city we want (World Assembly of Urban Inhabitants)		Strategic foundations of the right to the city					Complementary observations	
		Full exercise of citizenship	Social function of the city and of property	Democratic management of the city	Democratic production of the city and in the city	Sustainable and responsible management of resources	Democratic and equitable enjoyment of the city	
Democratic city		●	●	●	●	●	●	Representative democracy Distributive “ Participative “
“ inclusive		●	●	●	●	●	●	Solidary, equitable
“ sustainable		●	●	●	●	●	●	In the ecological, economic, social and political
“ productive		●	○	○	●	●	○	In the social and the economic
“ educative		●	○	○	○	○	○	
Livable city	“ safe (disasters)	●	●	●	○	○	○	
	“ secure (violence)	●	○	○	○	○	○	
	“ healthy	●	○	○	○	●	○	
	“ convivial and culturally diverse	●	●	○	○	○	●	Rescue of public space
● strategic ○ of indispensable support ○ complementary		City of rights	City for all	Politically participative city	Socially productive city	Viable and sustainable city	Open, free, creative and enjoyable city	
		Anticipated goals						

- Democratic management of the city implies citizen participation up to the highest level in formulation and direction of public policies, and planning and control of urban processes.
- Democratic production of the city and in the city is consolidated in the strategic objective to rescue and

reinforce the productive and income-generation capacity of its inhabitants, in particular the popular sectors, fomenting social production of habitat and development of solidary economic activities oriented to consolidate a productive habitat.

- The sustainable and responsible handling of the city's natural and energy resources and its heritage pursues socially responsible use of resources, today and for future generations.
- Democratic and equitable enjoyment of the city seeks to reinforce social co-existence, and specifically the rescue, expansion and improvement of public space and its use for gathering, leisure, creativity, and critical manifestation of political ideas and positions.

(The objectives and the type of instruments that must be developed for implementation of the right to the city are presented in Annex 1 of this text).



3. Democratic and rights-based cities, strategic axes of the right to the city

A first review of the matrix identifies two guiding axes of the right to the city:

- Consolidation of active and responsible citizenship through full exercise of all human rights and fulfillment of the obligations derived from the same, and
- Democratization of all the strategic processes that form and that seek to co-responsibly (State-society) realize the collective right to the city.

The full exercise of citizenship leads to construction of a city of rights and includes the whole of human rights: civil, political, economic, social, cultural and environmental, linked to habitat and the right itself to the city as collective right.

Building a democratic society is not limited to the urgent need to strengthen representative democracy, but rather includes the determined stimulation of distributive and participative democracy.

The profound democratization of our societies is in fact unavoidable requisite to articulate these processes. There is no democracy without citizenship and no citizenship without rights and obligations.

The city for which its inhabitants struggle and the goals pursued by the promoters of the World Charter as a whole define the profile of the city objective that today inspires us to work for the promotion and adoption of the right to the city as a new human right.



4. The Right to the City in the construction of Another Possible World

Another level of more profound complexity of the right to the city is established upon relating the socio-political, economic, and physical-environmental factors that determine the quality of life in a determined urban sphere.

In the context of the grave world trends that lead to social exclusion of broad and growing social sectors, the right to the city should be oriented toward construction of that other possible world for which those of us promoting the World Charter have struggled.

To advance in that perspective, based on the complex interdependence of the three considered factors, the need is posed to improve the quality of life of all the persons that inhabit the city through the satisfaction and full realization of all human rights, articulated in interdependent and integral form, and the democratization and interconnection of all the spaces and entities responsible to direct their management, all of this based on the following objectives:

1. To contribute to construction of inclusive, livable, just, democratic, sustainable and enjoyable cities.
2. To contribute to advance processes of social organization, strengthening of the social fabric, and construction of active and responsible citizenship, and
3. To contribute to construction of an equitable, inclusive and solidary urban economy that guarantees the productive insertion and the economic strengthening of the popular sectors.

The human, physical and economic dimensions are all considered in these objectives. The right to the city, in accordance with these objectives, can help by being factor of social and political strengthening of the population, of sustainable territorial ordering and management, and of growth of the solidary economy.

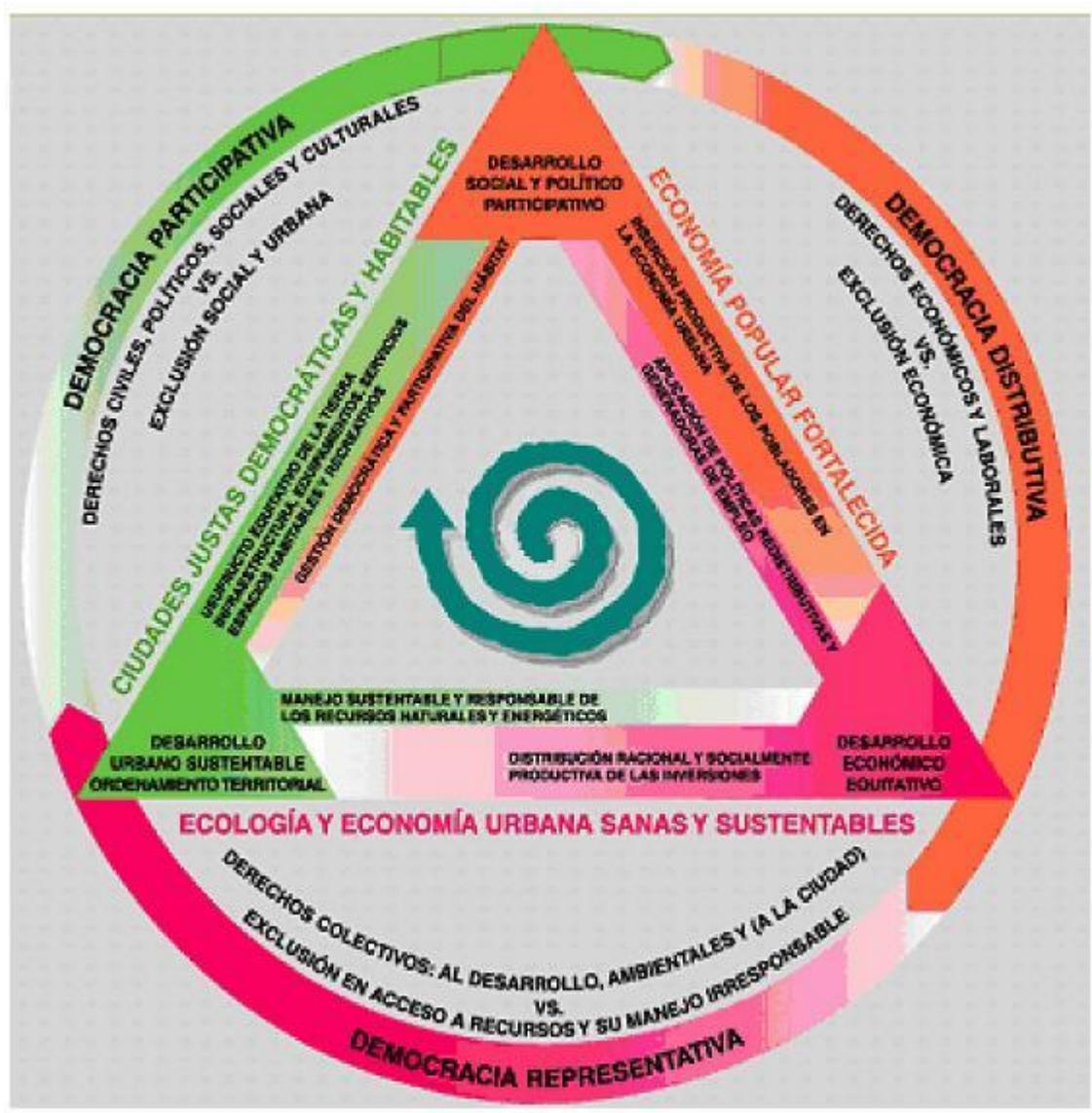
Construction of the other possible world involves the expansion of the transformative consciousness of persons, of their articulation in committed and active collectives, and of the mobilizing hope of those who dream of a city for all: it therefore has a human, social and political dimension.

The territory, the city itself, the neighborhood and the home, constitute the physical dimension of the right to the city. This right touches both the environmental and the built patrimony, and poses the need to preserve them and place them at the service of life, of the inhabitants of today and of future generations.

Relocating the human person and nature at the center of our ethic leads also to rethinking the economic dimension of the right to the city. This demands a critical and profound review of the relation between production and reproduction, to articulate them in benefit of the human being as subject and primary objective of economic activity.

The following elements must all be recognized and promoted by the right to the city in order to advance another possible economy, founded on work, solidarity, and human know-how and creativity: the valuing of work above capital; solidary collaboration and complementation; productive insertion of inhabitants in urban society; recognition and appreciation of womens role in the economy; fair trade; respectful exchange with nature, and the development of technologies which are adequate to organized production processes.

The interactions among these three factors and between the State and the population are illustrated in the following figure:



It is a dynamic and articulated interaction that not only illustrates the complexity of the right to the city but also the importance of overcoming sectoral, disciplinary and specialized approaches in the analysis and handling of the urban phenomenon.

Managing the city of the 21st century demands learning to administrate its complexity, through processes that facilitate inter-sectoral coordination and that advance toward new forms of integral and participative management of urban issues.

It also involves the construction of a dynamic and critical balance between organized civil society and State institutions through reinforcement of the organizational, productive and management capacities of social and civil organizations, and the democratic opening of spaces of negotiation, planning, control and action that promote and support their co-responsible participation to the highest possible level. It therefore demands political will and social commitment.

Finally, it poses the consequent emergence of a new culture and a new ethic, both centered on the human being, life, and respect for nature.



5. Implications for the drafting of the Charter

The formulation of the Charter clearly illustrates that the right to the city is not only a question of human rights. Social processes converge in its promotion and concrete operation that struggle for the objective that these rights not only be recognized, respected and protected, but fundamentally that they be materially realized and solidified for all.

The drafting of the articles that address the rights included in the Charter therefore must be very careful to assure that said rights are not limited to their legal dimension as important as it may be- but rather express the wealth of contents, interactions, priorities and responsibilities synthesized in the matrix. By maintaining the Charter as human rights instrument, we are encompassing the totality of elements included in it, but we must remain aware in its drafting of the importance of the State role in its recognition, promotion, defense, instrumentation and realization, and that of society in the co-responsible exercise of its rights and citizen obligations.

This obligates a review of the wording itself of the current version of the Charter that attributes to cities the duty to implement the rights, leaving unclear the responsibility held by public powers and in particular local authorities in their application. The Charter must specify the obligations and responsibilities of the State as well as the commitments acquired by other social actors to socialize its contents and to assume co-responsibility in its fulfillment.

From the complex interactions presented in the second graph between the socio-political, the economic and the physical-environmental, the need is derived to allocate a transformative and precise sense to the right to the city and therefore to the wording of the Charter.

The right to the city does not refer to the city as we know it today but rather to that city we imagine and want to build. It is not equivalent to producing hundreds of thousands of commercial homes or kilometers of streets and pipes, but rather touches very diverse aspects of the planning, production, use and consumption of the city itself and its components; of governmental management and the participative and co-responsible action of its inhabitants; of social relations, co-existence, and fun and creative uses of public spaces; of diversity in all its urban manifestations and of the mechanisms to protect, improve, and give social sense to the city's environmental, cultural and built heritage.

All of these and other elements that define the city as complex system are contemplated in the strategic foundations and in the whole of interrelated human rights in this proposal. But their transformative force will depend largely on the congruency and the care dedicated to define the Charters organization, contents, and wording itself, and, of course, the precision and profundity in the agreements and responsibilities that it gathers.

Annex 2 presents an outline of the Charter for the Right to the City that reflects several of the proposals presented here and others gathered from the debates underway around the structure of the Charter for the Right to the City in process in Mexico City.



Citizenship: vector of humanism

Enrique Ortiz.
Paris, 12 October 1995.

Two cases I have recently witnessed serve to introduce the theme of humanization of the city and citizenship.

On the last day of September I had the opportunity to attend a political act with high symbolic content, which culminated an important phase of a Mexican towns struggle to impede construction of a golf course in its territory.

The bureaucratic process to make way for installation of a golf course in the outskirts of the town of Tepoztlan a project promoted by foreign investors and their Mexican partners, with the approval of the State of Morelos and the blessing of the bishop awaited only the signature of the towns Municipal President to authorize the zoning change.

The signature was granted with no town council meeting and no consultation with the people.

Local opposition to the project emerged immediately. The elderly and the young, women and men, both those native to the town (known as Tepoztecas) and more recent arrivals who moved to Tepoztlan drawn by and respectful of its particular beauty and spirit (known as Tepoztizos), joined together to fight against the now imminent development project.

They seized the municipal presidency and installed roadblocks to control access routes to the town and impede entry of machinery and of those who might attempt to placate their protest.

They achieved the resignation of the Municipal President and they successfully employed legal means so that the Federal Procurator for Environmental Protection issue a transitory freeze on all construction works due to the projects lack of environmental impact studies.

The majority of Mexican communications media presented the events as the belligerent attitude of a few professional troublemakers from an opposition party, and called for the immediate review of the Ecological Defenders decision, in order to immediately proceed with the 400 million dollar investment that would provide employment and generate economic activity for a starving town.

The reality was quite distinct, given that the movement soon demonstrated the almost unanimous stance of the inhabitants of Tepoztlan against implementation of the project. Very diverse solidarity relations were built around the popular struggle, but nothing was able to convince the state government of the need to definitively cancel construction of the golf course.

The town, now with no municipal authority, decided to take into its own hands the integration of a transitory municipal council, and through its own recourses organized elections without turning to any party or electoral entities. Now on the path toward self determination and faced with the prevailing incomprehension of the state government, they decided to integrate a free and popular town government, evoking fundamental constitutional principles.

The state government rushed to declare the illegality of the thereby-constituted local government, but the people had firmly decided to institute their new authorities in a massive act carried out in the towns main plaza.

That is the event I had the fortune to witness. In the act, in adherence with an ancient indigenous custom, the staff of command is handed over to the head of the new town council. The ceremony is carried out by a personality bearing a large feather headdress and representing the wind-man descended from the majestic Tepozteco mountain that stands high over the small valley in which the town is settled.

Before delivering the staff of command, the wind-man spoke of the importance of governing obeying the people; of listening to the people, of not making decisions behind their backs that affect their lives; of respecting the landscape, nature, and cultural traditions that give life to local society; of caring for all of this to guarantee that the town continue to be the material and spiritual sustenance of the generations to come.

Upon handing over the staff, the wind-man pronounces these words: Take this baton of command which is not a symbol of greatness, power and pride; I tell you, it is symbol of peace, justice and humility do honor to my name and Tepoztlan will not have hurricanes, but rather a soft breeze that will make my presence felt like a balsam .

The new Municipal President, also attired in symbolic dress, with Zapata-style leather coat and broad hat, received the staff of command promising to make decisions with his people, in open council, and to continue the struggle for definitive cancellation of the golf course project. An intensely present people, among smells of copal and sounds of drums and teponaztle percussions, firmly living their present moment, affirmed with a unanimous No to the golf course! their decision to banish forever the nightmare of the 400 million dollars.

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Days earlier, in Kobe, Japanese city recently impacted by an immensely powerful earthquake, I lived another experience that helps illustrate the close relation between human wellbeing and citizenship.

The earthquake that on 17 January 1995 affected the Gran Hanshin region destroyed more than 100,000 homes and gravely damaged an equal number more. The survivors took refuge in camps and shelters set up in public buildings.

The government acted quickly to demolish and remove the rubble and to rehabilitate urban and port infrastructure, reactivate the productive plant, and build provisional housing. It moved at full speed to respond to the housing needs, such that by the end of September, of the 300,000 persons left homeless on 17 January, only 3000 remained in camps and waiting centers.

Despite the governmental efficiency, news came out of Kobe of situations that could be in violation of the human rights of the disaster victims in regard to their housing conditions. Habitat International Coalition, in coordination with various Japanese organizations, sent a commission to verify the facts of the situation. We visited camps, waiting centers, and provisional housing units, and we met with earthquake victims, volunteers, physicians, professionals and public functionaries. In summary, the situation I want to share with you is as follows:

All the disaster victims we interviewed complained of not having been heard in their demand that their provisional housing be located within the neighborhood in which they previously lived. They had not only lost family members and seen their homes crumble before their eyes, but they had also lost their community, their social relations and solidarity ties, and in many cases, the links with their sources of livelihood.

The elderly and disabled were the only ones granted the option to remain in centrally-located provisional units, but they were obligated to concentrate in prefabricated two-story buildings. They were also uprooted from their places, their relations, and, most gravely, from their solidarity support networks. All of those we interviewed felt alone. Many people had died of sadness and abandonment.

The rest of the earthquake victims were pressured in different ways to accept the provisional housing offered to them in more distant locations. In some cases, so far away that they were now forced to invest significantly increased time and money in transportation to their jobs.

Since most were renters, and no adequate information was ever made available to them, an enormous sense of insecurity prevailed regarding their future. Rents had jumped as much as 200 and 300%, such that even with public subsidies, many were unable to secure access to adequate housing. Most wanted to return to their neighborhoods, but despite government proposals to build 77,000 permanent units between 1995 and 1997, there was no guarantee they would be able to access them and much less to return to their former communities.

Even many who owned their homes found themselves denied authorization to rebuild because their plots were located in areas included within the urban reorganization plan.

The city of Kobe decided to take advantage of the earthquake to implement an old urban reorganization plan which implied opening avenues, developing certain urban megaprojects promoted by large investors, opening new green areas, and building multi-family housing complexes.

The people in general assume the situation and accept what is offered to them with resignation, albeit also with enormous anger and desperation. Nevertheless, we were able to meet with some groups which have decidedly worked to defend their place in the city, their dignity, and their rights.

We found one group that since the earthquake had established itself in its neighborhood park, and thanks to outside solidarity, secured its own dignified and well-organized provisional housing and installations. It was the only place in which we heard laughter and saw flowers and plants in the stoops of the provisional homes. This group was being pressured to accept distantly-located provisional housing, with the argument that occupation of the park is illegal.

A decree was issued in August closing the camps and canceling the support being provided in meals. Those who for distinct reasons oppose moving far away, are accused of being selfish and are said to have given up their rights. Some concentrated in waiting centers in which they share collective dormitories divided among families by cardboard panels barely one meter high.

The authorities allege that they know and understand the suffering and complaints of the disaster victims, but they respond that they can not listen to everyone and their responsibility is to act in their benefit through rigorous application of the reconstruction plan.

The Kobe restoration plan poses the following objectives: security, by creating a community in which people can live, work, recreate, and gather with a sense of security; vitality, by creating a community full of creativity and vitality; appeal, by creating a community with its own attractions; and working together, to create a community.

No one would oppose such objectives, nor the insistence over the entire course of the plan to restore the community, stimulate its creativity, and do so guaranteeing the security of everyone. The problem is that it has all been posed out of the obstinate conception of the planners and decision makers. And they appear to be influenced in their conception of city by an imperative need to link Kobe into the network of international competition among cities and to open investment opportunities to guarantee its insertion within economic globalization.

Social participation in the conception of the restored city was limited to a few sessions to which personalities from distinct sectors were invited, representing different primarily economic interests. The profound voice of community Japan, of common citizens, their dreams and their rich urban perception, have been ignored. The city of money, of the economy, and of competition will therefore ultimately triumph.

What is at play in these two experiences?
What do they have to do with the theme of this gathering?

At play is what appears to be, at this historic moment, the confrontation between two city projects: the city of globalization and money, and the city of places and people.

In the so-called New International Economic Order the large cities fulfill the role of nodal points of the global economy. Within them is concentrated power, control over new technologies, and capacity to disseminate new symbols.

Thanks to the advance of communications and information technology, they can rapidly connect with other world centers which they feed and control and from which they receive information and decisions. This also allows them to establish immediate connection with other regionally important cities which carry out similar but subordinated functions.

The power is exercised through these information flows, which constitutes a profound change in the role played by cities until a short time ago.

The space of flows, as Manuel Castells puts it, now rules over the space of places. Meanwhile, a sense of roots, historic connection, culture, and community life continue to prevail in the space of places.

In the globalized city, information has replaced human communication. Men and women won over by this model appear to mimic the coded language and operating form of computers and appear to leave behind the gratitude of human communication established with the other for the simple pleasure of being together.

Fortunately we are still very far from all pertaining to that abstract and distant world of flows and systems. Another world continues to subsist, linked to places, the town, the neighborhood, the community.

The case of Tepoztlan exemplifies this other world, real, concrete and vital, of the people who reaffirm their localization as radial center from which they link with the world.

Gustavo Esteva recently wrote that a global perception that can not be expressed in local terms lacks reality, it is mere speculation, ideology.

The struggle of the Kobe earthquake victims to return to their neighborhoods with their people also illustrates the strong presence of identity and of pertinence to a determined place, even within a would-be globalized city.

The sphere of the community, that links social groups and environment through the rich and plural expression of cultures, strongly persists. It is the foundation of the struggle of the Tepoztecos, and of indigenous communities in general, to defend their territories. This defense implies realizing their right to decide regarding the resources existing in those territories, based on their culture and their history.

In the urban sphere, primarily in the non-industrialized countries, multiple experiences develop that link territorial control and social management. New neighborhoods emerge in which the whole of activities that define urban settlement processes are coordinated and developed under the direct control of the popular community-based organizations: selection of the site; mobilization of resources to build their homes; introduction and management of services and facilities; and the development, consolidation and environmental improvement of their neighborhoods.

These groups operate not only in physical urban development, but in many cases also assume the generation of productive activities, and organize to address basic goods supply, health services, gender issues, education, recreation, and sports. In their more evolved phases they are generators of artistic expressions and creativity, and they act politically to defend and propagate their experience.

This is the front guard of new urban community practices, the seed of a city that is more free, democratic, plural, creative, and diverse in expressions, than that conceived by the systematized and homogenized mind of the technocrats or the city left loose to the whims of market forces.

We can not deny that we live in an increasingly better communicated and interdependent world and that this opens humans to enormous potential for the construction of a city wealthier in opportunities of all kinds. But it is impossible to accept that this world of everyone can be constructed through authoritarianism, imposition, narrow concentration of power, and the steamrolling of cultures and of time to be together. This would be a project of grey men, to evoke Momo, the beautiful book by Michael Ende.

The universal has its root and sustenance in places and in concrete men and women, in their plural and diverse involvement and in profound respect for differences. In a world for everyone, everyone should have the opportunity to express themselves, to be heard, and to actively and responsibly participate in decisions that affect them. Cultural diversity, like biodiversity, constitutes the wealth of our planet. No project based on homogenization and reductionism will open course to a world for all.

The equalitarianism and universalism cited to promote the globalizing project of the powerful, always ends crushing and colonizing the weaker and those with the audacity to express a different proposal.

Humanizing cities is much more than building wide tree-lined streets, underpasses, parks and public spaces. It is more than providing housing for all and equipping the city with good facilities, public buildings and rapid transport.

Humanizing the city is above all else about opening spaces for full exercise of the freedom, creativity and enjoyment of its inhabitants. It is guaranteeing that they appropriate it, imagine it, live it, enjoy it, transform it. As pointed out in the document that invited us to this event, the citizen must be reinserted at the center of things and of decisions, thereby contributing to recreate the plural city, melting pot of culture.

Placing the city at the service of people implies removing the economy from the center of our ethic and of our modern urban conceptions. To humanize the city is to democratize it, in the broadest sense of the term. That is, to facilitate the access of all to the goods and services that society produces, creating conditions that prioritize those who have the least, children, women, and society's most vulnerable groups such as the elderly and disabled.

It is also reinforcing representative democracy and broadening spaces and possibilities for the exercise of direct democracy.

To humanize the city is in synthesis to construct citizenship, realizing the rights of its inhabitants, and making possible the exercise of their responsibilities.

The Treaty signed by the social and nongovernmental organizations during the Río 1992 Global Forum, titled For just, democratic and sustainable cities, towns and villages, expresses the right to citizenship as fundamental principle.

This right is understood as participation of the inhabitants of cities and villages in the direction of their destinies. It includes the right to land, to means of subsistence, housing, sanitation services, health, education, public transport, food, work, leisure, and information. It also includes the right to freedom of organization; respect for minorities and ethnic, sexual and cultural plurality; respect for immigrants and recognition of their full citizenship; preservation of historical and cultural heritage, and the enjoyment of a culturally rich and diversified space, without distinctions of gender, nation, race, language, and beliefs.

This small text synthesizes the vast field of interrelations that must be constructed between fundamental freedoms and human rights, in their broadest conception, to humanize our cities.

Therein lies the reason for which, when some countries in the Habitat II preparatory process have opposed recognition of the right to housing as a fundamental orienting principle of the Conference, it is necessary to return to the most profound root sense upon which this right is sustained.

That is the right that we human beings have, just as any other species of our planet, to a place in which to live. This is an inalienable right closely linked with the right to life, in its spiritual as in its material aspects.

It is through this right, which is beyond any legislation or governmental program, that it is possible to articulate the other rights and freedoms proposed in the text of the cited Treaty signed at the Río Global Forum for the full exercise of our citizenship and the humanization of our cities. The right to a place in which to live in peace and with dignity; the freedom to choose that place and how to inhabit it; the civil right to organize to make said right effective; and the political right to participate in the orientation of State-established policies and instruments related to housing and urban development, all lead us along another route to the economic, social and cultural rights that they are attempting to deny us. In the end, the whole of human rights are interdependent and indivisible.

UNESCO can fulfill a fundamental role in this universal struggle for citizenship and the humanization of the places we inhabit.

Its work in the field of culture and education opens a vast field of action to affirm, in all the world spheres, the principles and the paths to follow to guarantee the full exercise of our citizenship as vector for the humanization of our cities.

As a first step, a strong voice must be raised within the Habitat II preparatory process, which is currently tending to orient its postulates and strategies toward support of market-facilitative policies, to make heard those who are still capable today of imagining and of building the cities of the people.

I would like to conclude these reflections as I began, linking the common sentiment expressed by cultures as apparently distant as the Japanese and the Mexican regarding the meaning held for our lives by the place in which we have chosen to live, with roots and with links to the rest of the world.

As I listened to the sorrow-filled voice of an elderly Japanese woman as she told the story of how she had been eradicated from her community, I remembered a line uttered 10 years earlier by an elderly Mexican woman, herself a victim of the Mexico City earthquakes of 1985. I carried her words with me, and I read them at various opportunities to the bureaucrats, journalists and the people themselves. The testimony gained immediate popularity and it now circulates translated into Japanese as Doña Marías poem:

"No, no way will I accept to be sent somewhere else. I would not leave even if they promised me the Virgins pearls. Do you know why? Because I have lived here since I was little, everyone knows me, they more or less know my situation: I live alone because my children are off somewhere and I am ill. When sky and earth fall on top of me, people help me a lot. They bring me food, they tell me how to take my medicine, and they look out for me because they know who I am: Doña María. Someplace else I am nobody and maybe even less



The new citizen rights

Introduction

Jordi Borja.
Barcelona, May 2000.

The present text proposes a catalogue of urban rights as a contribution to the renewal of political culture in the sphere of the city and local government.

The city has historically been the sphere of citizenship, in other words, the territory of free and equal men and women. We feel it useful to emphasize below two aspects of the relation between city and citizenship.

On one hand, the political-juridical equality linked to the citizen statute, as in Kelsons words: all persons who live together in the same territory and are subjected to the same laws should have the same rights and duties.

On the other, the city has been the framework of life that makes possible the exercise of the liberties linked to citizen rights: choice of work and housing, access to education and basic services, etc.

It is not necessary to argue that the reality for a large part of the urban population has considerably failed to fulfill the promises of citizenship. However, we feel it would be a step backwards to limit ourselves to denouncing the historically accumulated deficits and injustices in our cities. Today's territorial, economic, cultural, and other changes impose new challenges. And the demands of the population go beyond those limited to covering accumulated needs, as urgent as these may be, and are.

To the degree in which we find ourselves facing new situations, a new political culture is also needed that builds a discourse providing legitimacy and coherence to local governments and civic movements. If that does not occur, we run the risk of accentuating territorial and socio-cultural fragmentation, of proffering an anachronistic or corporative image of civic initiatives (which may be real if they lack a universalistic anchorage), and of depending only on how the public policies of the established institutional system resolve in each case.

The economic, political and cultural change we are living is very unequal. Today's economic (productive and financial) and technological processes advance much faster than the political and cultural processes. And in many aspects the social inequalities increase.

Political change is necessary -oriented by fundamental universal values- that consolidates new rights and obligations, to respond to both old and new inequalities and exclusions. There is no process of change without a previous process of struggle for the legitimization and consolidation of new rights. Once again, we find ourselves today at the beginning of an era of citizen rights, as has regularly occurred since the 18th Century. Each century has its revolution to fight; ours is against oligarchic globalization and for citizen democracy.



Urban rights

In the text below, we propose a catalogue of urban rights -obviously not exhaustive- formulated as a contribution to the renovation of political culture in the sphere of the city and local government. The legitimization of local demands and the synthesis between universalistic values and territorial political practices require the formulation of rights that foster development of democratic combat for justice in the city. An already disappeared social-democratic leader, Mitterand, responding to the question: What is socialism today? formulated by a journalist, referred to two words: It is justice. It is the city. This is what it is about.

- 1. Right to the place.** People are entitled to maintain their residence in the place in which they have their social relations, within their meaningful surroundings.

Or to have another residence of their free choice. All of the persons who live in a place which they have contributed to build, within which they are rooted and that provides sense to their lives, should be able to continue to live therein, and are entitled to re-locate within the same area if it is transformed through policies of urban development or rehabilitation of degraded or marginalized habitats. Local authorities shall protect the vulnerable populations who may suffer processes of expulsion by private initiatives.
- 2. Right to public space and monumentality.** The city today is a whole of geometrically variable spaces and of (physically and administratively) fragmented, diffused, and privatized territories. Public space is one of the basic conditions for urban justice, a factor of social redistribution, a vocationally equalitarian and integrating organizer of urbanism. All areas of the city should be linked by a system of public spaces and endowed with elements of monumentality that give them visibility and identity. To be seen and recognized by the others is a condition of citizenship.
- 3. Right to beauty.** The luxury of public space and of collective facilities is not wastefulness, it is justice. Public housing, infrastructure and service programs should incorporate the aesthetic dimension as evidence of urban quality and of recognition of social necessity. The more social content an urban project has, more

important is the form, design, quality of materials, etc.

4. **Right to collective identity within the city.** Internal organization of urban space should facilitate the socio-cultural cohesion of the communities (neighborhoods, age groups, ethnicities, etc.). Citizen integration is more feasible if persons are also inserted in close referential groups. Citizenship is multidimensional and requires multiple collective integrations, be they to adhere, to participate, or to confront. For the excluded, conflictive group integration is indispensable to obtain their recognition.
5. **Right to mobility and accessibility.** There must be a tendency toward equalizing conditions of access to central locations and mobility from each metropolitan area. These rights are indispensable today so that the so-called urban freedoms or theoretical possibilities that the city offers be truly usable. The right to move with facility around the metropolitan city must be universalized, and not reserved to those with access to a private vehicle. The accessibility of each area is indispensable in order that it exist for the others.
6. **Right to centrality.** All the areas of the metropolitan city should have places with value of centrality and all inhabitants should be able to access with equal ease the urban or metropolitan centers. In the metropolitan city, the articulation of old and new centers, the access and requalification of historic centers, not only of the central city but also of outlying areas, the creation of new centralities that are polyvalent in their functions and mixed in their social composition, are consubstantial elements of urban democracy. The centralities mark the primary differences among cities.
7. **Right to conversion of the marginal or illegal city into city of citizenship.** Public policies should develop citizen policies in the margins, legalizing and equipping settlements, introducing urban quality and social mixture within them, and promoting original forms of citizen participation that adapt to the characteristics of particularly vulnerable populations. The large communications or economic infrastructure projects carried out in urban peripheries, as well as commercial or real estate projects, should always be builders of the city, incorporating housing and basic urbanization programs as well as elements of monumentality.
8. **Right to metropolitan or pluri-municipal government.** Without detracting from the democratic and functional importance of the nationalistic or regional spheres (federalization of large and medium States), citizens have the right, for reasons of participation and of effectiveness of public management, to a government of proximity. In the most urbanized regions, this government should have a pluri-municipal or metropolitan dimension. It is not about suppressing the municipalities; even small ones are valid spheres of representation and of (sometimes very limited) management. But nearby-based public management almost always requires spheres of planning and programming, of management of costly services, and of redistribution of resources, that covers a diversity of municipalities. We should pose for ourselves the direct election of these governments so they may acquire greater democratic legitimacy, and to guarantee that they take into account the people more than the square kilometers.
9. **Right to political innovation.** Local and regional governments should gather and consider social demands in order to innovate in reference to electoral systems, participation mechanisms, planning and management systems, etc. It is neither functional nor fair that, regardless of population size or local government capacity, all governments have the same organizational forms and competencies. A flexible political-legal framework is needed that allows local governments or the citizens to propose (or in some cases impose via referendum or popular consultation) new election forms, new participation mechanisms, new competencies, or new management or planning instruments. This has been implemented in some cases with noteworthy success: participative strategic planning and budgeting, decentralization, municipal justice, internet connection for all. The relations between administrations and between public and private actors should incorporate increasingly more contractual forms and not only hierarchical or compartmentalized forms.
10. **Right to access and to use of information and communications technologies.** Public administrations should not only protect and guarantee this right but also use information and communications technologies to truly democratize access of all to services of general interest. This includes the right to social use of current information and communications technologies, especially in relations with public administrations (one same service window). Neighborhoods and homes, all of them, have the right to be on-line.
11. **Right to the city as refuge.** The city should offer areas of refuge for those who for legal, cultural or personal reasons must protect themselves for a time from the more repressive State apparatuses, for as long as the democratic institutions are unable to protect or integrate them. On the other hand, these shelter areas form part of urban supply as transgressor adventure.
12. **Right to protection by the local government vis-à-vis superior political institutions and service-providing organizations and companies.** The local government should act as ex officio defender of citizens as persons subjected to other jurisdictions and also as users and consumers. This protection by local governments should compensate the tendency toward indirect management or privatization of services and the consequent reduction of the public function. Furthermore, the complexity of social consumption increases

citizen dependency on service and social distribution companies that often act in oligopolic markets.

13. **Right to local justice and security.** Justice is inaccessible today for the majority of citizens (due to its cost, slowness, etc.). Security is seen primarily in terms of repression, and security policies are posed in particular when insecurity affects the middle and upper sectors and agents and representatives of the institutions. Local municipally-based justice and security as concerted action between the local institution and organized civil society, is today an immediate demand of the majority of citizens, to the degree that it can assure more effective prevention and if necessary quicker penalizing reaction.
14. **Right to illegality.** Paradoxically, both the social collectives and occasionally the local institutions should assume the cost of promoting illegal or a-legal initiatives in order to transform an unrecognized demand into a legal right (for example, to obtain the re-conversion of use of public space frozen by a state institution). In other words, this right responds to demands which can be considered legitimate although not legal. Examples include the rules to absolve the okupas, official tolerance in delimited urban areas regarding drug use, ephemeral social use of private spaces with public vocation, etc.
15. **Right to employment and to a citizen wage.** The urban-regional sphere should guarantee a social role that provides monetary, i.e. remunerated income to the whole of the active population. In addition to employment-generating initiatives (for example, local management of services, urban ecology, etc.), it is within this sphere that some forms of citizen wage and ongoing training for all can also be experimented and developed. The urban-regional space can be a framework of management of these policies between local governments and union and social organizations.
16. **Right to environmental quality,** as the right to an integral quality of life and to preserve for future generations. This right includes the use of natural and energy resources, historical-cultural heritage, and protection from aggressions against atmospheric quality (pollutants, congestions, filth, ugliness, etc.).
17. **Right to difference, to intimacy, and to choice of personal relations.** No one may suffer discrimination based on their beliefs, cultural habits, or sexual preferences, provided the basic rights of the persons with whom they interact are also respected. All type of freely consensual personal links (for example, homosexual couples) deserves equal protection. There is no one model of personal or family life that is entitled to more protection than another.
18. **Right of all residents in a city to the same political-juridical status as citizen,** and therefore equality of rights and responsibilities. Citizenship should be distinguished from nationality (which in the context of globalization and supra-state political unions should lose its current absolute character, i.e. the faculty to provide a differentiated status). The relationship with a territory with a social context- is that which should determine legal status.
19. **Right that direct representatives of citizens, both institutional** (local and/or regional government) **and social** (professional, economic, union, territorial, and other organizations) **participate in or obtain access to the international conferences and entities that address issues directly affecting them.**
20. **Right of citizens to equal mobility and access to information similar to that of private capitals and public institutions.** Right to access to all types of information of general interest emanated from public entities and service companies. Right to complete physical mobility within the political and economic spaces in which one is immersed.
21. **Right of local and regional governments, organizations, and cities to constitute networks and associations that act and are recognized at the international scale.** This right includes recognition by the UN and all of its organizations and programs and by much less transparent organizations (such as the World Trade Organization or the World Bank). Regulation of the globalized processes can not be adequately carried out solely by State governments and large economic groups, as the failure of the MAI (Multilateral Agreement on Investment negotiated by the OECD) recently demonstrated.



For a renewed and updated Declaration of Citizen Rights and Obligations

Today's territorial processes (such as the segmentation between rich and poor municipalities), economic processes (such as the decisions of delocalized agents) and cultural processes (such as new forms of racism and xenophobia) require a solemn commitment by public powers to guarantee the rights and duties of citizens that incorporate the new urban rights. Charters and declarations formulated in recent years, such as those of Porto Alegre (1999) and Paris-St. Denise (2000), are some sources which may be consulted for more insight into these rights and their implementation.



The development and legitimization of these rights will depend on a triple process

- A cultural process of hegemony of the values at the foundation of these rights and work to make said rights explicit and specific.
- A social process of citizen mobilization to legalize these rights and the creation of mechanisms and procedures to implement them.
- A political-institutional process to formalize and consolidate these rights and to develop the policies necessary to make them effective.

To the degree that in many cases these rights appear as a political novelty and have not yet developed sufficient social root, the role of intellectuals is fundamental as both a socio-cultural force and a collective capable of defining the contents and motivations of these rights. In this historic phase, the challenge posed to the intellectual sector by territorial issues demands great moral courage and considerable political audacity.

Post script.

Other possible and necessary rights, such as the right to not get bored or to be forced to lose your time, the right to happiness and to cordiality, etc, will be addressed at another time. Also, the right to revolution, or at least to a public space which allows expression of the desire for revolution or at the very least to express oneself against the bad government (as Gil de Biedma would say) or against any form of authoritarian or excluding power.

See the book "La ciudadanía europea" by J. Borja, G. Dourthe, V. Peugeot and A. Espuny (Ed. Península, April 2001) which includes an extensive bibliography, the contribution by J. Borja in the Proyecto Educativo de Ciudad (Township of Barcelona, 1999), and the book by J. Borja and Z. Muxí ("Espai públic: Ciutat y ciudadanía"; Diputació de Barcelona, 2001), the Spanish translation of which is currently in production by Alianza Editorial.



Democracy and good government. Citizen participation and political innovation. Proximity management. Declaration San Cristóbal de la Laguna, Tenerife. 10 March 2006

The La Laguna Declaration of 2004 began with defense of the concept of global citizens and emphasized the response to the challenge represented by the millions of persons who, because they migrate from one country to another, are stripped of their condition of citizens. In other words, they are denied that which is inherent to citizenship: equality in terms of subjects of rights and duties in relation to the whole of inhabitants of the territory to which they have arrived and in which they reside.

In this Declaration, we begin with defense of local citizenship, or residency citizenship, linked to the concrete territory in which one lives, a sphere not only of co-inhabitation, but also of governance. It is the sphere in which is exercised the practice of citizen rights and duties, in which one is recognized by the others, in which are developed the public policies that make rights effective, in which political participation is more accessible. It is also the sphere in which discrimination and exclusion are most visible, in which not only local social inequalities and contradictions are expressed, but also those derived from the globalizing processes.

Local citizenship is the other face of global citizenship, it is the place in which universal values, the human rights charters, and the international declarations are realized and materialized. It is also where these theoretical values and rights are denied, formally or de facto.

Democratic consciousness is acquired locally, but it only has political strength if exercised with global sense. Citizen participation is a form of valuing democracy, directly influencing the decisions that shape governments of any level, and is a form of comprehension of the globalized world. The globalized world impacts daily life cultural and economic- in the most remote locations of the world. Local public policies of any level are always a moment of a certain type of globalization. It is a matter of developing local policies articulated with supra-national institutions, governmental and nongovernmental institutions that defend a globalization of rights and responsibilities that do not accept the authoritarian normative force of the interests of financial capital that uses debt to subject dependent national states to their interests. Regardless of the greater or lesser success of democratic global policies, the local government space can and should promote policies, in the sphere of its competence, founded in values of solidarity, tolerance, and the search for equality.

In this local-global dialect, the State on one hand sees its monopoly of sovereign political power reduced, but on the other is the indispensable mediator to the degree that it maintains the primary prerogative of dictating norms, structuring institutions, and articulating public policies. This Declaration is also directed to those who hold the political

responsibility of the States.

1. Human rights and citizen rights.

The Universal Declaration of Human Rights (1948) represented a fundamental moment in the progress of world recognition of values with vocation of universality. But human rights must be integrated in the juridical ordinance, solidified in public policies, and promoted by representative institutions in turn derived from the vote and full participation of all the inhabitants of the territory in which the norms and policies are applied. This is our starting point, which was the ending point of the previous declaration. *All those who co-inhabit a territory should enjoy the same rights and fulfill identical duties.*

2. Complex societies and political innovation.

We live in urbanized societies, more complex and diversified than the industrial societies, whether little or highly developed. It is the society of information, full of promises and contradictions, of opportunities and risks. Societies of diversified population that lives in very disparate conditions and expresses very differentiated demands. Cities that frequently are agglomerations of municipalities, discontinuous territories, structured by socio-economic flows and articulated by urban nuclei of unequal size and quality. But which in turn live social and cultural fragmentations that question the integration indispensable for democratic governance. A society that offers the promise of greater degrees of freedom, but which in practice excludes growing sectors of its population. In these territories, it is indispensable to develop public policies of proximity that address the heterogeneity of populations, and this requires innovative participative practices.

Political innovation, deliberative democracy, and multiplication of participative mechanisms, are today inescapable challenges.

3. From simple to complex rights.

These complex societies are in turn corresponded by complex, dynamic and flexible rights to adapt to societal diversity. It is insufficient to proclaim the right to housing. We must conceptually construct and practically develop the right to the city. And overcome the simple right to education in an initial stage of life for the right to continued formation. And complement the right to work with the right to basic sustenance or a citizen wage. All should possess the right to vote and to be elected, together with the classic civil and political rights of liberal democracies. And the economic, social and cultural rights that truly enable participation in the elaboration and application of integral or transversal public policies of the territories and of the institutions of proximity.

It is significant how in recent years the diverse international bodies, some representative of the States, others of local authorities, and others of distinct dimensions of civil society, have elaborated *charters or declarations of rights*. Just a few of them are listed here:

- The Declaration of the first World Forum of Local Authorities together with the first World Social Forum in Porto Alegre and the Charter of human rights in the city promoted by the same Local Authorities Forum and approved in Saint-Denis, France.
- The Recommendation on citizens participation in local public life by the European Council.
- The Charter of emerging rights (elaborated by a group of Human Rights Institutes and approved in the Universal Forum of Cultures of Barcelona).
- The Charter on the Right to the City, in process of elaboration by a broad group of popular organizations headed by Habitat International Coalition and other international networks.
- Charters and Declarations by the United Nations or others that, despite more sectoral formulations, address general interests such as the Charter on the rights of children.

These Charters constitute a patrimony of great value to reformulate citizen rights corresponding to our times. But it should also be recognized that in many cases, for now their immediate effectiveness is very limited.

4. The local and regional sphere as place of democratic political innovation.

The other face of globalization is revaluation, or in certain cases the emergence, of political territories and entities of proximity, those locally (city, municipality) and regionally based (sometimes endowed with national identity). The factors, in addition to those historic and cultural, are modern. They are the defining spheres of economic synergies, of productivity and of the attractiveness of the territory. It is here that the need is posed to promote a differentiated identity, for reasons of socio-cultural cohesion and for positioning in the global. The call for an important proportion of self-government responds both to the imperative to project toward the exterior and that to adequately respond to the demands of a complex society. However, the entities lack the adequate institutions to respond to these challenges, in terms of their organization, competencies, and resources. This too often leads, on the one hand, to prioritize the competitiveness of each region at any price, and, on the other, to passively assume multiplication of inequalities and exclusions due to the hegemony of the

ideology of all market.

The responses demanded by these challenges require a powerful capacity of political innovation. Urban and metropolitan territories must reconstruct their political-institutional architecture. And they must refocus their representative institutions in two senses. First, a new type of relation between institutions: more contractual than hierarchical, more cooperative than compartmentalized. Second, a new relation with the citizenry: develop and complement representative-electoral democracy through mechanisms particular to deliberative, participative, direct and digital democracy.

However, despite the many partial but interesting experiences, we perceive a strong resistance to change on the part of some institutions whose representativity poorly reflects the complex society of their territory, politically and administratively fragmented. Certain institutions within which are produced an excess of partisan occupation, of overlapping bureaucracies and of opaque decision and management processes. Sectoralized and rigidly compartmentalized administrative organizations, incapacity to generate effective transversal connections or coordinations, and distance from decision-making centers, can lead to the creation of incommunication with a large part of urban society.

The citizen demand for effective participation confronts the autistic tendencies of governmental institutions.

5. **Participation as condition of democratic governance and as hope of social progress.**

Participation is a relation between political institutions and citizens that supposes a process through which public policy elaboration and/or management is deliberated. In this relation, which is a process, the parties recognize and confront each other, expressing according to each case a will to simply express and inform oneself, or to negotiate, cooperate, or oppose, in function of their values or interests.

Today, in our complex urban societies, it is not enough to reduce citizen participation to the electoral moment, regardless of how much centrality may be conceded to it. Nor is it sufficient to understand participation as only information or consultation (generally limited to sectors traditionally articulated with the institutions). Participation supposes the possibility to intervene and influence public policies and only realizes its innovative or transformative potentials if it includes all types of social sectors, especially those that suffer some type of exclusion. If that is the case, it is a fundamental means to optimize the effectiveness of public policies, to anticipate or prevent perverse effects and paralyzing conflicts (or at least to regulate them) and to promote necessary changes in the institutions themselves. We do not propose to transfer political decisions to one form or another of so-called direct or assembly-based democracy; in the end, legitimate decision-making is the competency of the institutions legitimized by universal suffrage. *We propose participative processes that enable construction of active consensuses.*

6. **Remove obstacles and innovate in the means of citizen participation.**

The political-legal framework in some cases excludes a part of the population: the non-residents in the municipality, the immigrants. This exclusion may be by omission: failure to establish mechanisms that guarantee effective participation of marginal or vulnerable sectors or forms of information and presentation that are understandable and motivational. The accessibility to institutions, their transparent functioning, and the use of adequate means to communicate with citizens, especially through current technologies, are necessary conditions to develop civil society and citizen participation.

We perceive important resistances to fomenting citizen participation on the part of political duty-holders and technocrats or functionaries. Their lack of interest often results from their incapacity to provide effective responses or their lack of preparation to handle social dialogue. Or it may be due to unwillingness to modify complicated and unclear procedures that in practice hinder the participative relation. The result is that the participative energies that manifest in determined periods of democratizing hopes, soon decline. Only small but stable nuclei are consolidated that install themselves in a scarcely functional relation with the public administrations and generate a passive citizenship susceptible to erratic political behaviors.

Nevertheless, democratic culture and local political experience have accumulated experiences on the means to promote participation. We do not intend to present a catalogue here, but we do propose some of the instruments that have demonstrated their viability and utility, such as:

- Public recognition and support to the associative fabric, to citizen networks, to the platforms or coordinators that are born in specific circumstances. Without vetoes or fears in cases in which conflictive positions are expressed, which, on the contrary, are the most necessary.
- Facilitation of connection points with the institutions for all citizens, including individuals, families, and informal collectives, either to receive demands or criticisms or to establish forms of cooperation that materialize citizen co-responsibility.
- Plans, programs and projects can and should be elaborated through participative processes as illustrated by certain (although not all) experiences with participative budgets, strategic plans, citizen councils, citizen participation committees in different areas of public management, etc.

- The creation of meeting spaces of the citizenry, such as accessible and polyvalent civic or socio-cultural centers with shared management.
- Recognition of citizen rights to submit legislative initiatives or to propose projects or programs, and rights to popular consultation and public audiences and the acceptance of deliberative assemblies.

Special attention is merited by those participative procedures which, on one hand, require institutional representatives to render accounts to interested citizens, and those that, on the other, stimulate the presentation of viable and innovative proposals by citizens.

7. **Public space as condition of co-inhabitation and citizen participation.**

Current social dynamics, derived from global processes and local inequalities, are conditioned by market logics, and fears derived from uncertainties and vulnerability or precariousness (in employment, housing, risk threats, etc.) and by the prepotent modes of political and economic powers. The result is increasing social segregation, privatization of public spaces, and the construction of arid and laconic territories in terms of social relations.

We feel that special attention is merited to consideration of the city as public space in its political, symbolic and physical sense. Public citizen space is not a residue between roadways and buildings, it is the space itself of the city, the collective space, there where society expresses and represents itself, where diversity and cohabitation are manifested.

We therefore pronounce against actual and de facto segmented, specialized, and privatized spaces.

A significant case is that of how children are almost always contemplated in the urban space: always accompanied and watched over, and for whom are reserved certain enclosed spaces like domestic animals, denying them basic rights of freedom, initiative, independence. Children are a very concrete reality and a metaphor of the current citizen condition. Listening to their voice may be as just for them as liberating for the whole of citizens.

Today, in these vast urbanized territories, we call for the need to make city, to create polyvalent and significant public spaces, to construct crossways and centralities that articulate and make perceptible the real city, that endow visibility and accessibility to all the areas and to all the populations that make it up, that mark limits and symbolic references throughout the territory which allow the citizens to position themselves within it.

Opposed to this democratic conception of the open and inclusive city, trends appear today marked by the will of exclusion and by fear. First, social collectives are criminalized and punitive policy is exalted in the name of saving co-existence in public space. Then, expulsion and relegation are practiced of all those who represent the contradictions and exclusions of our societies, those preferably unseen in order to avoid assuming the dark face of our civilization.

Public space, its social and formal quality, its integrating capacity, its expressivity to transmit sense to citizen life and its potential as site of manifestation of collective wills and individual freedoms, is a test with which to measure the democratic city.

8. **Citizenship and nationality.**

Modern urban societies are cosmopolitan or they are not modern urban societies. The migratory processes are as much an integral part of globalization as is the fact that it is in the local sphere that the insertion processes of the new populations must develop. In parallel, respect and support for these populations identity rights require a prior condition: the recognition of said populations as citizens, with equality of rights and duties. In the urban societies of globalization, it is not possible to maintain the excluding relation between nationality and citizenship. *Residential citizenship, i.e. citizenship linked to legal residence in a territory, is the only possible and desirable future.*

9. **Individual and collective rights.**

Progress of democracy is linked to progressive autonomy of persons, of the individual. On one hand, individuals today accumulate a diversity of relations and identities that allow them in principle to develop their autonomy. However, our urban societies fragment while they integrate, exclude at the same time that they receive the newcomers, are concentrated exponents of the cosmopolitan but also of the communitary. Regional and local institutions, for their part, may be tempted to reinforce their identity, promoting their specific differentiating elements with the pretension of establishing common cultural lines that assure cohabitation and governance.

For all of those motives, it appears indispensable to establish some basic principles in this regard. One: *the global framework requires reinforcement both of the autonomy of persons and the identity of the collectives, whether or not they are linked to a territory.* Two: *collective rights are worthy of protection but can never impose behavior norms that contradict basic human rights or the legal norms in force in a democracy, nor*

impose on individuals behaviors unwanted by them.

10. **Global protection of basic rights at the local level.**

In consonance with all the above, the local and regional institutions should contribute to guarantee, through corresponding norms and public policies, the basic rights of persons and of collectives or communities in relation to their rights to remain and develop themselves in their chosen location, to freely determine their life project and therefore to remain in their place of origin or on the contrary to relocate and be accepted in other places, to have guaranteed access and be attended to by the entities or companies that provide general-interest services, to security and means of survival, to justice, to recognition in any place in which they reside with the full range of their citizen rights.

To the degree that a large part of these norms and policies depend on more global, state or supra-state frameworks, the local and regional institutions shall promote that necessary actions be undertaken by the States or multinational economic groups to assure adequate adaptation of global legislations and policies to the exercise of these rights.

We feel that the institutions of proximity, regardless of whether or not they have the competency, should assume the protection and defense of the rights of all their citizens.

11. **Citizen rights and vulnerable groups.**

Urbanized societies, whether located in more- or less-developed countries, are characterized today by increasing social and cultural inequalities and segregations. Therefore, public policies and participative procedures in these societies require a diversity of positive actions. The policies oriented by specific objectives and positive actions directed to vulnerable groups or those who suffer concrete democratic deficits are very diverse. For their general importance, we note the following:

- a. Equalitative democracy policies, especially those oriented to gender equality, but also those addressing all the collectives that suffer political, civil, economic or cultural discrimination.
- b. Policies designated to two age groups that currently suffer social and territorial discriminations in urban societies: children and the elderly. Urbanized spaces are not designed for them.
- c. Immigrant policies that address legal and cultural deficits suffered by immigrants, who without formal recognition of their rights and without social and cultural valuing of their identities and abilities are unable to acquire real citizenship status.
- d. Policies that address minorities, by virtue of social or cultural characteristics or sexual orientation, and those who suffer limitations in their capacities, those who for historic, cultural or social or even legal motives are not accepted or considered as citizens with the same rights and possibilities.
- e. Those excluded from the formal economy and from the legal city, those who live in the vicious cycle of marginalization.

All these collectives require not only policies and norms that enable positive actions to be developed in their favor. They also need adequate and specific participative mechanisms that enable them to be seen and heard, to express their demands, and to develop their capacity to pressure and negotiate.

12. **Democratic development, good government, and citizen participation: the right to the city and citizen rights.**

The territories of daily life are some, and those of political organization are others, while those of social and economic processes are others still. In other words, for individuals, their territory is a neighborhood, their daily routes, a few determined points in the landscape. Institutions are organized in territories defined in often remote pasts and almost never adequate to the requirements of the present. Social and economic processes today configure spaces of variable geometry that may overflow municipal and regional borderlines. Democratic governance must be constructed in this complexity. For that to be possible, we have noted what we determine to be some basic principles:

- . Recognition of the basic areas of daily life as spheres of expression of collective demands and of communication between institutions and citizens.
- a. Political organization of territory to guarantee correspondence with real spheres of management and decision. This almost always means that metropolitan cities be endowed with forms of representative and decentralized government at the same time that the regional entities guarantee policies to rebalance the territory and reduce social inequalities.
- b. Recognition of a whole of rights that configure what has been called the right to the city, which include housing and basic services, but also city facilities, as well as the identity of the place, public space, monumentality or symbolic image that links collective memory with the sense of future, mobility, accessibility, centrality and visibility.
- c. The citizen rights that allow them to be free and equal: political-juridical equality, recognition of individual rights and collective identity (cultural, religious, etc.), the right to ongoing formation and to basic sustenance,

socialization of information and communication technologies, protection by local or regional powers from higher political powers and companies responsible for provision of general-interest services, the right to local justice and security, the right to privacy and to choice of personal linkages. All of these rights imply duties, the primary and most generic of which is solidarity and respect for the rights of others.

d. Rights to participation in local political management can not be considered as a concession of public powers considered the only legitimate powers to represent citizen interests. On the contrary, their recognition is derived both from the conditions of good government and from the guarantee that citizen needs, demands, interests and aspirations shall be taken into account. Democratic public policies therefore may not exist without the implantation and development of: mechanisms of information and communication and of participation in the deliberative processes that lead to elaboration of public norms, plans and programs; forms associated with the management and follow-up of projects and programs, and transparent systems for decision-making, management and evaluation of public policies, as well as means through which to recur to judicial powers if these requirements are not fulfilled.

In conclusión.

In this period of historic change, it is not possible to clearly perceive either all of the risks or all of the opportunities, but we do know that our present and our future are in play in a large part of the cities, in the urbanized territories, there where the vast majorities of population are concentrated, the centers of power and the motors of economic growth. But also where the vast inequalities, exclusions, and risks derived from modes of development that tend toward collapse, are expressed. To foster a visible present, to avoid catastrophic processes today and tomorrow, to contribute to a hopeful future, all the life forces of our societies are necessary.

For all these motives, we call on the public powers and civil society, each from its different responsibilities:

- To advance and promote the participation and integration of citizenry;
- To support the citizen initiatives that express the potentials of our urban societies;
- To contribute to full exercise of the rights of all citizens.

It is a matter of justice, but also a condition of vital interest for the survival and the progress of all humanity.

SIGNATURES.



Bogotá Declaration on the city from the human rights perspective. June 2006.

From the experience of Bogotá and other Latin American cities.

Meeting in the city of Bogotá, Colombia, on 2 June 2006, invited by the Mayor of Bogotá, the Spanish Agency of International Cooperation, Pontificia Universidad Javeriana, Universidad Nacional de Colombia, Universidad de Valladolid, Fedevivienda, and Habitat International Coalition, with support from the Colombia Office of UN-Habitat;

we, invitees from Mexico, Brazil, Argentina, Bolivia, Uruguay, Peru, Chile, Spain and Colombia;

with the goal to advance the debate on materialization of human rights in the city and their application through public policies and urbanism, taking as reference the proposals carried out in Bogotá, both by the city's current administration and by other actors including academics, nongovernmental and social organizations, and considering it necessary to complement the discourse of sustainable city to enrich the conclusions of the III World Urban Forum of Vancouver, we consider it mandatory to again rethink the city.

- The economic, social and cultural changes of the last decades have been so profound and the population increases so intense, explained fundamentally by displacements, either voluntary or forced by political and economic circumstances, leading to the impoverishment and exclusion of a large part of the population.
- This dynamic situation demands decided repositioning of the way of seeing and acting on the city that places into question sectoral approaches and the classic governmental urban-development modalities in practice.
- Cities have become leading subject of first order, converting into the most dynamic scenario of the economy and society. This makes it necessary and urgent to manage their complexity and resolve the conflicts that occur

within them, with an inclusive view.

- Resolution of urban conflicts poses the necessity to build consensual criteria around principles such as the common good, equity, and the social function of the city and of property. Democratic management of the city implies creating formulas to build consensuses and settle disputes, to conciliate any possible tensions between the different rights. Who has more rights over urban space, over the city: those who have inhabited it for decades or those who arrive expelled by war or hunger from their previous homes? Who can demand the urban development of a space and why? And who can demand the protection of a space and why? Who decides which culture, among the many that populate the city, should be reflected and assumed in the streets? These are some questions that current paradigms have been unable to resolve. We therefore convoke a rethinking of the city from the perspective of the human rights of all citizens, men and women.
- Because it assumes the new challenges of the growth of cities based on express recognition of the right to the city, proclaiming those who inhabit them as their protagonists, as objects and subjects in the exercise of citizen power.
- Because it enables understanding of the territory of the city as space of interdependence of human rights.
- Because it induces redefinition of public obligations and competencies and of priorities in policy establishment, addressing conflicts through placement of collective interests at the center.
- Because it leads equally to revisit definition of priorities with the whole of civil society and to reinforce the social networks.
- Because, upon verification of the limits of the market to address the rights of large parts of the population, the role of the collective subjects changes in its relation with public policies and institutionality, primarily in terms of the redistribution of the benefits generated by urban growth and transformation processes.
- Because it poses dialogue on multiple levels and scales, and among the different actors: society, public administrations, civil organizations, international bodies, etc.
- Because this proposal includes and strengthens the development of other still valid focuses: environmental sustainability, social and cultural diversity, inclusion of vulnerable groups (children, elderly, disabled, etc.), participation in decision-making, etc.
- Because it integrates with other international processes underway oriented to highlight human rights in the city, such as the proposal of the World Charter for the Right to the City.
- Because this proposal is long term, in its consideration as an indivisible whole all of the rights of all citizens: civil and political, economic, social and cultural, collective rights to the environment, and the right to the city itself.
- Because it is a novel response, a new way to confront the current urban situation, that suggests and incites a change of paradigms. Current models have completed their cycle. The new method that is proposed facilitates said substitution, without abandoning the utopia.
- Because it is based on the essential, on the dignity of all citizens, male and female, to organize the territory of their life in common: the city. We consider this declaration to be a working document so that from the distinct institutional, social, or international entity spheres, contributions may be gathered toward the collective construction of cities, public policies and urbanism that guarantee integral materialization of the human rights of all citizens, to be able to thereby guarantee their sustainability.



Participation and the right to the city. Conversations on the right to the city . Fabio Velázquez. September 2007

1. Presentation.

The right to the city is the possibility that urbanists potential and actual- may be protagonists in the construction of the city as collective space. In this sense, to refer to participation as a dimension of the right to the city, it is necessary to address three concepts: city, public space, and citizenship. They are closely related concepts, with mutual signification, in that the values linked to each condition the values of the other two; none of the three may exist without the others.

The city is the public space in which identifications and differences are produced. Open and meaningful place in which all type of flows converge: economic, cultural, information and power.

Citizenship is historically the statute of the person who inhabits the city. The values linked to the city freedom, equality, social cohesion, protection and development of individual rights and rights of expression and construction of collective identities- depend on the citizen statute being a material, and not only a formal, reality. But this statute also depends on the city truly functioning as public space.

The city as public space and the exercise of citizenship as a permanent construction, a daily conquest: urban social life obligates us to conquer new rights or to make effective those we already possess.

1.1. Public space.

Public space may be considered from various, non-excluding, points of view:

- As polyvalent functional space that orders relations between the constructed elements and the multiple forms of mobility and permanence of persons.
- As cultural space that provides symbolic references, urban landmarks, protective environments with significant force.
- As social space, instrument of redistribution, of community cohesion, of collective self-esteem, of visibility and of construction of social identities.
- As political space of formation and expression of collective wills, space of representation and of conflict, of consensus and dissents, of political agreements.

Participation is associated with each of these dimensions, in that the subject contributes as actor in the construction of the functional, cultural, social and political space. Nevertheless, the conquest of the Right to the City is strengthened in particular with participation in the political dimension of public space.

Participation in the city remits therefore to political space as highly determinant or point of condensation of all the territorial, social and political logics. In this sense, all actions and decisions around regulation of urban life are political decisions.

1.2 The city as public political space.

Max Weber defines the city as stratum community of bourgeoisie who give themselves their own government. In that sense, the city is where the possibility exists for political management of proximity, participative political innovation, reconstruction of collective identities, definition of territorial strategies, and finally, construction of a political project of the city.

These questions reveal the challenge of making city in a context of urban change carried along by the tension between two logics: globalization (that de-structures and restructures economic, labor, cultural and political dynamics) and social inequalities.

In reference to the process of making city and the realization of rights, Jordi Borja observes: The city conquered by each one of us is at the same time integration in the existing city and the transgression to build the future city, the conquest of new rights and the construction of a territory-city of articulated cities. **[28]**

According to this, the city is the space to conquer rights. However, not all its inhabitants possess equal citizen status. Participation is the right to intervene in or to influence the decisions related with the exercise of rights, that is, in the formulation of public policies. Then, therefore, the right to the city is in essence the right to build a city in which full citizenship may be exercised.

1.3. The deepening of democracy and the right to the city.

The central articulating focus of the right to the city is participation, in two senses: in a political reference, and in an empirical reference. From a political perspective, participation means activating the right to intervene in the decisions related to exercise of rights.

In this sense, both the positioning and the possibilities of realization of the right to the city necessarily include the transformation of democracy in the sense that the space of politics not be reduced to institutions, parties, and elections. In fact, this dimension of representative democracy is that which reveals more and more its

political limitations:

- Crisis in the form of political mediation: control of the oligarchy and client-relations in the political parties, resulting in a loss of citizen trust.
- Deficit in accountability through elections.
- Low representativity of those elected in relation with socio-cultural and political diversity.
- Low participation levels.
- Increasing influence of the bureaucracy in collective decisions, with rigid, authoritarian and technocratic models.

In response to these limitations, it becomes necessary to look for new organizational models that make self-government possible as city-related decision-making entity. One response in this sense is participative democracy, understood as a new grammar of the relations between civil society and the State whose focus is the perfection of forms of cohabitation among distinct individuals and collectivities.

This new grammar relies on three foundations:

- Recognition of human plurality. The city as space of diversity, of construction of identities based on socio-economic, cultural and symbolic determinants.
- High-intensity active citizenship, aware of its rights, co-responsible, and protagonist of construction of the city.
- Strengthening of the public sphere as space of encounter between the State and Civil Society is a wager for democratic innovation, for the opening of new spheres of action and deliberative, decision-making, and plural spaces, in other words, spaces that respond to the criteria of diversity referred to earlier.

Participative democracy is the space of civil society, of social organizations, and of forms of collective action, where corporative micro-interests transcend. It is the space of citizen participation that poses demands and proposals, that demands responsibility of public authorities that offers alternatives for the management of social, urban, economic, and other public policies.

Social mobilization and reinforcement of democratic institutionality are the two faces of contemporary democracy, a democracy that combines representation and participation; private and collective interests; political agents and social organizations; individuals and diverse groups.

1.4 Participation in public space.

Participation in the public political space of the city is the logic of the development of the city. Said logic possesses elements such as construction of a sense of community and self-government. The city has a value: freedom, which is associated with the collective construction of a government for the city. And participation in the city government supposes construction of a political project.

This self-government or political project of the city should be realistic in relation to what happens in the city, and it is in this sense that one speaks of the empirical reference of Right to the City. For example, inequality as one of the phenomena of influence of globalization in the city, in response to which, assuming the city as political project would mean understanding and acting on the way in which conditions of exclusion are produced in the city.

The Right to the City therefore has a political reference (what people have to say) and an empirical reference (what happens in the city), whose contrast between the political view and what happens in the city- is what allows construction of a city project. Exercising the Right to the City therefore signifies comprehending the city as political project and achieving the emergence of the city as such.

1.5 Participation in Bogotá.

The experience of Bogotá shows that, in general, the inhabitants of the city are not very participative, and the city has been built basically from client-type practices. However, starting in the 1980s, the need began to be posed to build a city project that approached consolidation in the late 1990s with formulation of the Territorial Ordering Plan.

On the other hand, some social mobilization experiences began to emerge in Bogotá beginning in the mid-1990s and a State opening to participation in district and local development planning. In this sense, a glimpse of collective construction of a city project begins to appear, and the first signs are currently perceived of constitution of a high-intensity citizenry.

However, the wager for a strategy to stimulate participation in the city continues as pending assignment, due, among other factors, to the incapacity of the city to politically project itself and to strong State co-optation of

the social logics that impede greater autonomy.

Currently, the district administration is formulating the Public Policy on Participation that poses, among other objectives, to motivate citizens so that they develop interest in public issues, organize themselves, strengthen their capacity to intervene in public scenarios, and take part in the decisions that directly affect them or have an impact on the collective interest.

2. **Conversation.**

The interventions and debate focused around the following themes:

○ **Co-optation and institutionalization of participation.**

In Bogotá and probably in the country, conditions have not been created to conquer the city and impede the institutionalization of participation. The social movements of the 1970s have been co-opted and institutionalized, such that participation is no longer an initiative and a social process, having converted into an institutional offer, and a concession.

Conquest of rights supposes transgression. However, the current dynamic of participative practices, not only associates participation with the conquest of institutionality, but assumes it as a demonstration of effectiveness.

For these reasons, it is necessary to identify the wagers or the sense of participation that would allow us to overcome this situation and certain type of tensions such as that produced between construction of a collective political project and proliferation of individualist and emergency imageries.

○ **Conditions that motivate or limit participation.**

To motivate citizen participation, it is necessary to take into account the factors or conditions that directly or indirectly influence political apathy. Some of these factors are affirmed cultural barriers such as religious values, individualism, conservatism, fear, political manipulation, and the deteriorated image of politics, which emerge as large obstacles for construction of a political project around the city.

The negative perception held of politics contributes to the fact that many existing initiatives and solidarities among community organizations, for example in the case of women, are unable to reach the level of political organization. Behind these dynamics lies the difficulty to pass from solidarity of particular identities to the discourse of the common good, to transcend one's own interests, and even to negotiate them, and on the other hand to advance in the construction of political projects that cross and link these experiences.

In this sense, the challenge is in breaking or assigning new significance to these cultural barriers and building renovated political projects for the city, identifying and maximizing proposals capable of cohesion and mobilization.

○ **New grammars of participation.**

Finally, in a context of plurality and diversity, it is necessary to recognize and learn to read new grammars and scenarios of construction of identities that may end up decisive in the mobilization for the right to the city.

3. **Other questions for discussion.**

Participation as necessary and determinant condition for realization of the right to the city should be assumed from a double dimension: as right, but also as duty. However, this supposes a clear definition of the responsibilities of local governments and also of citizens.

On the other hand, a wager in favor of participation should conciliate, harmonizing the offer and the promotion made from the institutions with the initiatives and agendas created by citizens and their social organizations.

Notes:



The Right to the City, Fabio Velázquez (Foro Nacional por Colombia), Bogotá, 2007

1. Toward a new horizon of rights.

The concept of the right to the city today expresses the yearning of very diverse social and political sectors that cities organize and function with the principal reference of the possibility that those who live there may do so in dignity, may realize their life projects and their aspirations and expectations as citizens, and finally, may be their authors, their crafters, and at the same time their primary beneficiaries.

Over the course of two centuries, and up to the present, a group of civil, political and social rights has been configured through the dissent of specific sectors of society against an ignominious order, which has achieved the mobilization of the whole of society.

The right to the city is inscribed in that same logic; the demand for this right obeys the fact that broad sectors of the population that live in cities have lost the possibility to do so with dignity, both because they are unable to participate in the fruits of the generation of wealth in terms of quality of life, and because they are unable to intervene in the decisions that affect their present and their future.

However, as observed by Borja, [29] the typology of simple rights, inherited from the democratic tradition of the XVIII and XIX generations up to the present day, is insufficient to respond to the demands of today's world marked by the information society and globalization, with all of its promises, contradictions, opportunities and risks.

It is therefore necessary to move toward a notion of complex, dynamic, and flexible rights, both individual and collective, [30] that cover new fields of social life and much more diversified and individualized populations. This supposes, for example, moving from the right to medical care to the right to health and to social security; from the right to environment to the right to quality of life; from the right to housing to the right to the city. The last of these involves political, social, economic and cultural dimensions; it is linked to all the internationally-recognized rights, conceived integrally, and is interdependent with each of them.

In this sense, the right to the city responds to awareness acquired among broad social and political sectors to define a new horizon of rights capable of orienting collective actions, motivating political action, and designing public policies that contribute to configure a vision of the city through an integral and interdependent view of human rights, that corresponds to the complex character of the city as space of life.

Nevertheless, the notion of city is not new. It has a certain tradition in modern social thought, in particular following the work of Henri Lefebvre, who suggested such a concept four decades ago not only in analytical but also political code. For Lefebvre, capitalist urbanization was converting the city into merchandise, an exchange value, destroying its primary trait: being the space of encounter among different persons, groups, and cultures and a place for enjoyment and satisfaction of human needs.

That set of circumstances led common citizens to lose control of urban life, which was left in the hands of capitalist agents, especially landowners and real estate promoters, who transformed the city to make it adequate to their commercial interests.

In other words, the city ceased to pertain to the people, who were expropriated of their right to decide over their own destiny, and in consequence, to produce the city and enjoy it in their image and likeness.

For Lefebvre, the right to the city is the right to centrality, to not be marginal, excluded, superfluous. It is the right to encounter with the rest of the people, to reach agreement on the desired city, to exercise control over urban life. In his words: the right to the city means the right of citizens to figure in all the networks and circuits of domination, of information, of exchanges. Which does not depend on an urbanistic ideology, or an architectural intervention, but rather on an essential quality or property of urban space: centrality. [31].

This notion of right to the city is about rescuing man as principal element, as protagonist of the city that he himself has built over the course of history, returning to him the possibility to realize himself as person, to have access to a better quality of life and to enjoy equality of conditions and opportunities.

Today's circumstances are of course very different than those which led Lefebvre to create the notion and propose his own hypotheses. That, nevertheless, does not detract from their analytical or political validity. Today we have complex, diverse, segmented and exclusive cities, situation which converts the concept of right to the city into an idea-force of great potential, as possible utopia that can orient the design of urban policies and the defense of the city as space of life and of collective action.

Notes:

29. BORJA, Jordi (2003) *La ciudad conquistada*, Madrid: Alianza Editorial, p. 290 and ss.
30. Reference is made today to emerging rights, citizen rights instead of human rights, as a way to emphasize their political condition and give them a degree of specificity that helps overcome the abstraction of human rights. These rights are gathered in the project on the Charter of Emerging Human Rights elaborated in the framework of the Barcelona 2004 Forum of Cultures.
31. LEFEBVRE, Henri (1972) *Espacio y Política*, Barcelona: Editorial Península.



2. City, public space and citizenship

The contents that today can be attributed to the notion of the right to the city necessarily include the relation between city, public space and citizenship, posed by Jordi Borja in his work *La Ciudad Conquistada*. [32] The city is, above all, a public space, an open and meaningful place in which all types of flows converge: economic, cultural, information, and power. For its part, citizenship is historically the statute of the person who inhabits the city as human creation, in Borja's words, so that within her live free and equal beings. [33].

Public space is the continent of representation of society in which the city is inscribed. There is installed in all its capacity, difference, otherness. It is political space, it is space of formation and expression of collective wills, of political agreements, of consensus and dissents.

None of these concepts can exist without the other two. It is in this dialectic relation that the notion of the right to the city rests. The values linked to the city of liberty and of social cohesion, of protection and development of individual rights and of expression and construction of collective identities, of participative democracy and of basic equality among its inhabitants, depend on the citizen statute being a material reality and not only a formal recognition. And also that the city truly function as public space, in a physical sense (socialized centralities, mobility and accessibility; social and functionally diversified areas; locations with meaningful attributes) and in a political and cultural sense (collective expression and representation, identity, social cohesion and citizen integration.) [34].

According to this, citizenship is not a given, but rather a permanent construction, a daily conquest that implies demanding new rights, endowing its contents and satisfiers with meaning, as well as demanding public policies that make effective the already formally-existent rights. In this sense, the inhabitants of cities have a vocation of citizenship whose full development is acquired through predisposition for action and the will to assume the dynamics and conflicts of urban social life.

The right to the city is inspired in the idea of the city as cultural, collective, and therefore political product. The city is, in essence, a public-political space of formation and expression of collective wills, space of solidarity but also of conflict. The right to the city is the right to construct a city in which it is possible to live with dignity, to recognize oneself as part of it, to co-exist alongside those who are different and to influence its destiny.

The right to the city is the right to access to urban freedoms, which supposes a series of political, social and institutional conditions that make visible the polyphony of identities and interests of urban inhabitants; that make possible encounter, deliberation and influence over collective issues; that offer the exercise of rights and duties. In other words, it is the right to conditions that enable the development of citizenship, the construction of the political subject.

The right to the city is no other right than that to construct and make city, a dignified city whose spaces make possible the distribution of resources, both material (opportunities for income generation, health care, education, housing, etc.) and symbolic (participation, communicational exchange, and access to information).

Today the city is a space in which are found diverse values, subjectivities, identities, languages, and cultures. In consequence, the conformation of citizenship, originating in said space, supposes a principle of equality in the diversity and appeals to the guarantee and realization of all human rights and of fundamental freedoms. It should therefore convert into guarantor of harmonious cohabitation, cooperation, and solidarity among its inhabitants. If in the 20th

century some authors re-dimensioned urban culture in order to understand cities, today a process of re-dimensioning is underway of citizen culture based on the right to the city, a right based on the need that the city respond to the rights of its inhabitants and be a livable, accessible and sociable space.

For that, the right to the city proclaims its political dimension, in an effort to recover citizens deliberative, organizational, lobbying, and social and political demand capacities, especially those of citizens in situations of discrimination and violation of their economic, social and cultural rights. In the same way, the right to the city implies pursuing discussion around the reigning ethic in cities and the development model that currently shapes them, as well as the possibility that citizens may develop their life projects in the framework of multiculturalism, gender democracy, and social diversity.

Notes:

32. BORJA, Jordi. Op. Cit.

33. Ibid. p. 21.

34. Ibid. p. 22.



3. Dimensions of the right to the city

The right to the city as complex, integral and interdependent right encompasses the different dimensions of urban life. In first place, it is the right to a habitat that facilitates the fabric of social and symbolic relations, endowed with urbanistic, economic, social and environmental attributes that realize urban qualities such as public space, mobility, accessibility and centrality, the last of these not only in physical-geographic and also functional terms.

In second place, it is the right to feel oneself part of the city, to generate senses of belonging to the city and to micro-territories. It is the right to socio-cultural cohesion and to permanent construction of the collective identity as necessary condition for the invention of projects of future. But it is also the right to difference, to intimacy, and to choice of personal links and networks in a context of freedom.

Thirdly, the right to the city is the right to live with dignity in the city, to exercise social citizenship, to equality of opportunities vis-à-vis the redistribution of material resources. In other words, the right to the city is the right to the fulfillment of Economic, Social and Cultural Rights and to local justice and security.

In fourth place, it is the right to co-existence, to establish multiple social connections in different scales, to create spaces of encounter and association, to be concerned with the different other, to accept and address conflict as part of daily relations. In this sense, the right to the city supposes civism and tolerance in the public space.

In fifth place, it is the right to the city government, [35] expressed in five interrelated aspects: the right of all the residents of a city to have the same juridical-political status of citizen and therefore equality of rights and responsibilities; the right of citizens to participate in public decisions, to be government, to intervene in the development and planning of the future of the city; the right to political and democratic innovation in terms of electoral systems, participation mechanisms, planning and management instruments; the right to a close-by government, also known as government of proximity decentralization-; finally, the right to information and communication technologies as a form of democratizing access to all general-interest services, but also to facilitate relations with the public administration.

Finally, it is the right to project oneself as city toward the immediate surroundings and toward the world through diverse strategies, without detracting from the demands and quality of life of its citizens; to form regional and international networks and to influence the decisions of the national and international entities that affect city life.

Notes:

35.  This dimension acquires special importance for the realization of the right to the city to the degree that it reveals its contribution to renewal of political culture in the sphere of the city and local government.



4. Attributes of the right to the city

As highlighted earlier, the right to the city is an integral right that involves political, social, economic and cultural dimensions. The right to the city is the right to demand rights in a space of realization of freedoms and construction of full citizenship: the city.

The right to the city is a complex right. It is universal, because any person may live in the city. It is integral because it has to do with all the conditions of life. It is interdependent with other internationally-recognized human rights. It is not one more right, it is the right to demand fulfillment of the rights that already formally exist and to demand new rights in a scenario of realization as city. Therefore, the right to the city is above all an instrument of political vindication and collective action.

While the right to the city is inherent to the whole of universally accepted and recognized human rights, it does not have their same juridical status, situation which impedes demanding it with the same prerogatives as simple rights. Nevertheless, the right to the city is increasingly integrated within the general vision of human rights. [36].

According to Borja, [37] the development and legitimization of complex rights such as the right to the city requires a triple process:

- A cultural process, of hegemony of the values at the foundation of the right and of its explanation appropriation-
- A social process, of citizen mobilization, to secure its legalization and the creation of mechanisms and procedures that enable its realization.
- A political-institutional procedure to formalize and consolidate it, and to implement the public policies that make it effective.

Aside from its legalization, the realization of the right to the city supposes the predominance of a political culture inspired in the democratic principles of solidarity, freedom, pluralism, respect for difference, and equality of opportunities for all men and women. It also supposes, therefore, a new form of relations between the State and society and an alternate modality of exercise of politics, characterized by the collective search for the common good. The articulation of efforts and of interests constitutes a necessary requisite to transform the right to the city into reality, and for the civilized airing of tensions and conflicts, eradication of any form of authoritarianism and of political, social and cultural exclusion. The contrary would raise insurmountable barriers for the creation of joint spaces of construction of the city and citizenship.

Notes:

36. Evidence of this is the positioning of the theme in different spheres, as well as the initiatives at the international level emerging over the past several years, with the goal to elaborate and discuss the World Charter for the Right to the City.
37. BORJA, Jordi. Op. Cit. p. 322



National Declaration for Urban Reform in Argentina, World Habitat Day, Buenos Aires, 1 October 2007.

We, the undersigned, representatives of a broad spectrum of base and neighborhood organizations, nonprofit institutions, cooperatives, public universities, state organizations of different levels, parliamentarians, and international bodies located in Argentina, today, October 1st 2007, on the occasion of commemoration of World Habitat Day, promote the organization of a collective and plural space to carry forward the struggle for urban reform in Argentina.

We do so, concerned by the following:

- Despite the fact that the right to dignified housing is protected in the National Constitution dating back 50 years, the country remains without a legal framework or policies that guarantee its protection at the national and provincial levels.
- Although our country incorporated within its Constitution the Inter-American Convention on Human Rights (Pact of San José, Costa Rica), which in article 21 establishes that PROPERTY HAS A SOCIAL FUNCTION, it remains without consideration in legal rulings or in public policies.

- Access to urban land, to adequate housing, and to corresponding urban services and facilities, have become increasingly more difficult, due to the lack of policies that intervene in the market to halt speculation and favor the recovery of vacant lands for social purposes.
- Argentinean cities are a space of segregation and marginalization of the poor, whose role as social constructors of habitat is not recognized. Urban planning is postponed in the public agenda, and is technocratic. Civil society, with its organizations, has scarce spaces to decide how cities are constructed.
- There is an increasing rise of evictions, revealing the failure to adapt our procedural norms to international standards in the issue of forced evictions, and the use of judicial power and security forces to carry out acts that violate human dignity.
- Urban renewal plans continue to be carried out that expel the poor out of urban centers, segregating them in cities or locations far removed from social networks of survival, denying them the right to the city, with methodologies detected in some cases similar to those applied during the military dictatorship.
- Public services mostly privatized- have tariffs increasingly inaccessible for the poor, and judicial rulings are sought for property seizures to cover the debts.
- No housing policy exists yet in Argentina, beyond incentives to the private construction sector, that is decentralized, that articulates local resources, or that considers the integrality of habitat and favors community efforts of construction of the city.

For these motives, we propose to join efforts to promote an urban reform process in Argentina that enables the guarantee of:

1. **LEGAL PROTECTION OF THE RIGHT TO HOUSING AND TO THE CITY.** A call is made for the adoption of norms at the federal level that establish a minimum juridical framework to protect human rights in the city sphere, respecting the autonomy of the provinces and municipalities. Legal instruments and tools must be created that facilitate the regularization of informal neighborhoods and state-built housing complexes, that establish the subjective right to demand through the Judicial Power the implementation of these tools, in accordance with that established by the UN Committee on Economic, Social and Cultural Rights in its General Comment N° 4.
2. **DEMOCRATIZATION OF ACCESS TO LAND AND URBAN CONSTRUCTIONS.** We promote the implementation of policies to recover vacant urban properties (land and buildings) and to establish sanctions against real estate speculation, through progressive taxes. Active, direct and permanent State intervention through assignment of resources oriented to the formation of LAND AND CONSTRUCTION BANKS managed with social control.
3. **THE RIGHT TO TENURE REGULARIZATION.** We call for establishment of a procedure of dominion and urban regularization of apt lands, that considers the integrality of processes, establishes time limits, and in case of delay, State inaction or eviction threat, allows inhabitants of informal settlements to legally claim the regularization of their housing. In cases in which regularization is impossible for urban or environmental motives, relocation policies should be implemented to other suitable lands, outfitted with urban services and near the place of origin. Budget resources should be included for the purchase of occupied and open lands, and funds should be assigned to expropriation laws which have been emitted and not implemented. In addition, urban usucapion should be updated and collective usucapitation should be incorporated.
4. **THAT EVICTION PROCESSES DO NOT VIOLATE HUMAN RIGHTS. ABOLITION OF THE LAW OF USURPATION.** United Nations standards in forced eviction matters must be incorporated (General Comment N° 7 of the UN Committee on Economic, Social and Cultural Rights) within the Code of Civil and Commercial Procedures and the Penal Procedure Code, and instructions must be issued to the Public Ministry for its immediate application in current processes. In addition, the figure of usurpation as penal crime should be overturned in light of its repressive and anti-democratic character.
5. **DEMOCRATIZATION OF ACCESS TO PUBLIC SERVICES.** The Government should promote a regulatory framework of public services that guarantees differentiated tariffs in accordance with the incomes of the sectors with most-limited resources and implement actions of urbanization of informal and precarious low-income settlements in conjunction with land-title processes.
6. **ENDOW LOCAL GOVERNMENTS WITH INSTRUMENTS TO STRENGTHEN THE MANAGEMENT OF HOUSING STOCK.** Instruments must be developed to provide local governments with tools for coercive action in relation to the commercialized conditions of current housing stock. In this sense, we propose to critically review the Argentinean experience of action in relation to the rental market, progressive taxes on vacant housing, incentives for medium-scale densification, etc.
7. **PARTICIPATION OF AFFECTED PERSONS OR ORGANIZATIONS IN URBAN AND HOUSING POLICIES.** Persons affected by housing construction or improvement plans have the right to participate in institutional spaces of

control of said housing and regularization programs. In addition, citizens and their organizations have the right to participate in urban policy design, without discriminations.

8. **REINFORCEMENT OF HABITAT SELF-MANAGEMENT PROCESSES.** Effective involvement of the inhabitants should be promoted in the configuration of their habitat, with policies that support the development of their organizations and participation in the planning, management and direct administration of public resources in programs that address the whole of habitat components (land, materials, labor, tools, technical assistance, fees and insurance, training) as well as a range of complementary programs that reinforce their development. In addition, stimulate their leadership role in local and neighborhood processes and use the subsidy with promotional objectives in favor of collective self-management capacities.
9. **URBAN DEVELOPMENT WITHOUT DISCRIMINATION.** Regularization policies should cover settlements on both public and private lands and should integrally consider the inclusion of low-income informal settlements within the urban development process.
10. **ACCESS TO CENTRAL URBAN AREAS.** In the frame of the conception of construction of a democratic city, the right to centrality is fundamental. In this sense, instruments, resources and regulations should be defined that guarantee the establishment of the popular sectors in central urban areas.
11. **PROMOTION OF URBAN AND HOUSING POLICIES WITH REDISTRIBUTIVE CHARACTER.** Measures must be implemented oriented to overcome public actions generated by narrowly-focused programs, to promote the de-commercialization of habitat goods and services, to promote alternative forms of tenure (other than individual property) and to develop instruments to recover plus-values generated by actions of the State and by inhabitants themselves, with the purpose to socially distribute the benefits of urbanization.
12. **TAX REFORM.** Transformation processes must be developed of current tax structures at the national, regional and local scales of profoundly regressive character, formulating tributary instruments that instead are clearly progressive, in which those who have more, pay more; those who have less pay less, and those who have nothing pay nothing.
13. **MODIFICATION OF THE FEDERAL HOUSING LAW.** This law, designed to assign State resources in function of the financial and construction sector, must be transformed into a law in function of the right to housing and the city.

Adherents: 104 signatures of social organizations / nonprofit entities / nongovernmental organizations dedicated to promotion and development / cooperatives / public bodies / Universities and research centers/ international entities in Argentina, and others.

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Integral Urban Reform. Promoter for National Unity against Neoliberalism. Movimiento Urbano Popular, Mexico 2008

Integral Urban Reform is needed that places human needs at the center, in other words, that is based on a human settlements policy that prioritizes said needs above the interests of big capital.

This Integral Urban Reform should contain:

- Regulatory plans for the growth of each city that guarantee that workers live near their work centers, hospitals, supply markets, educational centers, sports centers, and places of leisure, and that they have public transportation which in a few minutes takes them to all the locations in which they resolve their fundamental needs.
- This Reform should consider the direct intervention of the people and their organizations in the planning of urban life, with the right to decide on distribution and use of land and regarding the expropriation of vacant lots and housing tenements. Direct intervention should also apply regarding a supply system under the direction and administration of the popular organizations.
- The establishment of differentiated prices of land and services according to the type of residential area. The workers would pay much less for their homes and services in comparison with properties in luxury areas.
- Necessary guarantees for the full development of those who inhabit the cities, preserving ecological surroundings and the environment.
- Necessary mechanisms so that all city inhabitants enjoy necessary infrastructure and services.
- Integral attention to the urban problems of the large cities to guarantee their orderly growth.
- Instruments to preserve and rehabilitate the ecological reserves of the country, impeding the expansion of the urban stain toward them.
- Mechanisms for the expropriation of any urban lands for public benefit that may be necessary to build homes required by families without a home. Also, guarantees to make effective the right of all persons to organized access to construction materials of local origin in order to avoid the costs of materials fabricated in other

regions.

- Supervision of pollution emissions should be assigned to the organization of the people.
- An agile system so that the popular organizations may promote popular culture and knowledge of political and social questions.
- An integral supply system that controls the prices of basic products to avoid speculation and shortages.
- Instruments and programs that grant the lands located in the best places of the cities to the workers, with all the services and comfortable homes.
- Regulation of tenure of urban lots to avoid massive urban landholdings.
- Legal and social instruments that avoid privatization of public services such as water, electricity, telephone, drainage, trash collection, etc.
- Rent controls in the popular neighborhoods.
- A permanent program of expropriation of all tenement housing for its low-cost sale to the renters themselves.
- Mechanisms that foster gradual elimination of the differentiation between the countryside and the city.

Avoid irregular settlements in high-risk and ecological-reserve areas and relocate those that exist, through the planning of the countryside human settlements, considering the integral development of Mexicans and long-term demographic trends, recognizing the rights to land, water, housing, the city and habitat as human rights, and prohibiting forced evictions, in accordance with the contents of the International Covenant on Economic, Social and Cultural Rights.

URBAN POPULAR MOVEMENT.



Declaration of Civil Society Organizations to the XVII Assembly of MINURVI. Proposals for the Adoption of the Right to the City in the Urban Policies of Latin America, COHRE, HIC-AL, Habitat for Humanity-LAC and more. San Salvador, 2008

The XII Ibero-American Forum of Housing and Urban Development Ministers and Authorities, held in 2007, recognized in its Santiago Protocol that the right to the city and comprehensive policies of urban development are key and a priority in order to achieve a reduction in poverty and the equitable distribution of the benefits that stem from growth. Since its ratification by the Heads of State and Government at their XVII Ibero-American Summit, there exists a specific directive (point 29 of the Action Plan) to move forward until the recognition and implementation of the Right to the City through the creation of public policies that ensure access to land, to adequate housing, to infrastructure and to the social facilities as well as to sufficient and sustainable financing sources and mechanisms.

The civil society organizations of Latin America, whom have had as their focus during decades the concretion of the right to housing and the human rights related to habitat, consider that this is a relevant step in facing urban problems and renew our commitment to contributing to the collective effort that is required in order to achieve the realization of the right to the city for all inhabitants.

This joint Declaration sets forth elements, conceptual as well as practical, and, in particular, concrete measures ranging from public policy and adequate legislation to the assignment of sufficient resources in order to allow us to move forward as quickly as possible towards the fulfillment of the fundamental principles of the Right to the City:

1. Full exercise of citizenship.
2. Social function of the city, land and property.
3. Democratic management of the city.
4. Democratic planning and production of the city, in public as well as private areas.

5. Sustainable and responsible management of the natural resources and energy of the city and its surroundings.
6. Democratic and equitable enjoyment of the city.

We believe these actions are necessary because:

- Cities in Latin America are areas of segregation, marginalization, exclusion, and even criminalization of the poor, whose role as protagonists in the social production and management of habitat is not recognized. Urban planning has been postponed in the public agenda and its implementation has become technocratic, while there remains little room for the civil society, through its organizations, to effectively participate in the debate and definition of the city's future.
- During the accelerated process of urbanization, access to urban land and housing, which have long been defined as mere merchandise, becomes increasingly harder to obtain for a large part of the population. It is evident that there is a lack of public policies to intervene in the land market, stop land speculation, and promote the use of land and vacant property towards a social use.
- The policies of credits and subsidies provided for mass housing projects, which is increasingly widespread in the region, results in serious drawbacks and perverse consequences for the poor (to whom these credits and subsidies should reach), among them: increasing socio-space segregation, lack of habitable conditions, increases in the cost of land, lack of secure tenure and threats to the economic subsistence of the family.
- At the same time, urban renovation plans continue to be implemented resulting in the expulsion of the poor from urban centers, segregating them in areas far away from the social network that ensures their survival and without the facilities that community life requires. A large portion of the low-income sectors of the population lack access to public services in sufficient quantity and quality, and the trend towards the privatization of these services results in an ever increasing inaccessibility because of the rising fees that usually follow such privatization.
- The persistence of practices that violate human rights demonstrates the lack of harmony between the internal legislation of the States and applicable international standards. An example is the matter of forced evictions and the use of judicial power and security forces to commit acts that violate human dignity and increase the insecurity and poverty of the victims.

Based on the foregoing, we detail below a series of specific measures to be adopted by the States, at all of their political levels, with the objective of promoting, protecting and guaranteeing the right to the city to all inhabitants throughout Latin America.

1. **STRENGTHENING THE PROCESSES OF SELF-MANAGEMENT OF HABITAT.** Promote policies that recognize the effective involvement of inhabitants in the configuration of their habitat, supporting the development of their organizations by means of the direct planning, management, and oversight of public resources as relate to programs that include all of habitat's components (land, urbanization, materials, labor, tools, technical assistance, capacity building), stimulating their role as protagonists in local and neighborhood processes, and utilizing subsidies with the purpose of promoting collective self-management and the strengthening of the popular economy.

DEMOCRATIZATION OF THE MANAGEMENT OF THE TERRITORY AND ACCESS TO LAND AND PROPERTY. Assuming urban and territorial planning as a public duty and promote legislation that encourages and guarantees citizenship participation in the formation of, and joint leadership over, policies and programs, including mechanisms for their tracking and evaluation. More particularly, implement policies that concretize the social function of property and designate land for the social production of housing and social housing projects, focusing on the recovery of unoccupied/ undeveloped/idle urban spaces (land and buildings).

Urban land and buildings and the imposition of sanctions against real estate speculation, by means of: 1) progressive taxes to encourage/promote socially just use of the land; 2) collection of increases in the value of land or of gains that result from public planning decisions and investment in public works; 3) forced sales, a requirement that property be constructed or developed within a short period, and the expropriation of lands and buildings that are underutilized, not being utilized, or not constructed upon.

2. **REGULARIZATION OF SECURE TENURE AND ACCESS TO PUBLIC SERVICES.** Guarantee the orchestration of mechanisms that permit the urban, social and judicial regularization of settlements that are generally characterized as informal (by means of processes that expedite the titling of property as a result of the passage of time collective/individual adverse possession, prescription on a large scale and with summary procedures, recognizing the reality of the social use of the land), so that inhabitants can resort to judicial process to protect their housing tenure rights. Said regularization must be accompanied by neighborhood improvement programs aimed at social, economic, and territorial inclusion of these neighborhoods. At the same time, promote a public service framework that guarantees fees that are regulated and adjusted depending on the income of the inhabitants (including subsidies that are intended as a redistribution of wealth), without impacting the quantity and quality of the services provided to lower income segments, and that is obligatory both for public as well as private operators.

3. **HARMONIZING OF NATIONAL AND LOCAL LEGISLATION WITH INTERNATIONAL STANDARDS AND COMMITMENTS IN THE AREA OF HUMAN RIGHTS.** Incorporate United Nations standards regarding forced evictions (General Observation No. 7 of the Committee on Economic, Social, and Cultural Rights and the Basic Principles and Guidelines on Development based Evictions and Displacement of the Special Rapporteur on the right to adequate housing) as codifications in the Rules of Civil and Commercial Procedure and the Rules of Criminal Procedure and provide instructions to the Public Ministry for their immediate application in pending matters, in order to avoid the criminal conviction of inhabitants. Simultaneously, establish training programs for the public officials regarding these matters, and in particular for those officials involved in the judicial system.

With the purpose of being given the opportunity to collaborate in the implementation and monitoring of the above-stated actions, we request that the Heads of State and the Ministers of Housing and Urban Development, as well as other officials at all levels of government, provide timely and necessary institutional spaces^[38] in order to ensure the complete participation by the civil society in decisions that affect the present and future of Latin American cities.

San Salvador, September 2008.

COHRE-Américas.

Habitat International Coalition-Latin America (HIC-AL).

Habitat for Humanity LA/C .

See the complete list of signatories : <http://derechoalaciudadhic-al.blogspot.com/>

Notes:

38. As used herein, spaces include open dialogue, alliances, partnerships, opportunities, and other vehicles whereby an actor has the ability to interact openly and meaningfully regarding a particular subject.



Mexico City Charter for the Right to the City

At the international level, since the year 2000, a group of organizations, popular movements and civil society networks from various countries has advanced debate and exploration of the World Charter for the Right to the City which synthesizes the commitments of the different actors toward the goal that all persons may enjoy full development and a dignified life.

For its part, in Mexico City (Federal District), Mexico, on 31 July 2008 the Promoting Committee (initially made up by organizations of the Urban Popular Movement MUP- of the CND; the Mexico City Government; the Latin American office of Habitat International Coalition; the Space on Economic, Social and Cultural Rights DESC-; the Human Rights Commission of the Federal District, and the Social Procurator of the Federal District) made public the process of the Mexico City Charter for the Right to the City, the goal of which is to generate an instrument through which to demand human rights at the local level.

The Mexico City Charter is a complex approach articulating the theme of human rights in their integral conception (civil, political, economic, social, cultural and environmental rights) with that of democracy in its diverse dimensions (representative, distributive and participative). Democracy in its most profound sense will not exist while poverty, inequality, exclusion, and injustice prevail. There is no city without citizens capable of freely influencing the decisions that impact their lives.

The purpose pursued in the formulation of this Charter is oriented to confront the causes and manifestations of exclusion: economic, social, territorial, cultural, political and psychological. It is presented as a social response against the city-as-commodity, and as expression of the collective interest.

As part of the process, on 1 December 2008, the first Forum toward the Mexico City Charter for the Right to the City was held, with the purpose to socialize the initiative and advance in analysis and debate of the collective construction of the Charter. Organizations, diverse entities, and individuals were invited to participate.

The strategic foundations that structure the Charter and which served to stimulate the debate in the first Forum are:

1. Full exercise of Human Rights in the City.

For a city of human rights.

Full exercise implies the realization of all human rights and fundamental freedoms with no discrimination of any kind, assuring collective dignity and wellbeing, in conditions of equality, equity and justice. All persons have the right to find in the city the necessary conditions for their political, economic, cultural, social and ecological realization, assuming the duty of solidarity.

The objective is to generate conditions for the development of a dignified and quality life for all persons in the city, at both the individual and collective levels.

2. Social function of the city, of land and of property.

For a city for everyone: inclusive, solidary, equitable.

This refers primarily to the distribution and regulation of the use of territory and equitable usufruct of the goods, services and opportunities that the city offers, prioritizing the collectively-defined public interest.

The objective consists of guaranteeing the right of all persons to a secure place in which to live in peace and with dignity through generation of instruments for participative control and limitation of speculation, urban segregation, exclusion, and forced evictions and displacements.

3. Democratic management of the city.

For a politically participative and socially co-responsible city.

This implies citizen participation in all spaces and up to the highest levels (decision-making, control, and co-management) in the formulation, implementation, follow-up and evaluation of public policies, planning, budgeting, and control of urban processes.

The objectives are reinforcement of democracy through creation of spaces and mechanisms of direct democratic decision-making and management and the development of participative programs of planning, follow-up and evaluation of urban public management.

4. Democratic production of the city and in the city.

For a socially productive city.

This aims to rescue and strengthen the productive capacities of the city's inhabitants, in particular the popular sectors, fomenting social production of habitat and the development of economic activities that are solidary and capable of consolidating a productive habitat.

Its objectives are to make viable the right of all persons to participate in habitat production and guarantee the productive insertion of inhabitants, in particular young men and women, in the urban economy.

5. Sustainable and responsible handling of the natural, patrimonial and energy resources of the city and its surroundings.

For a viable and environmentally sustainable city.

This refers to the pursuit of socially responsible use of resources. It implies the enjoyment by all persons, communities and peoples of a healthy environment that allows them to develop in equality of conditions.

Its objective is to guarantee better environmental conditions and that urban development not occur at the cost of the rural areas, ecological reserves, or the resources of other cities or of future generations.

6. **Democratic and equitable enjoyment of the city.**

For an open, free, critical and fun city.

This aims to reinforce harmonic social interaction and the rescue, expansion and improvement of public space.

Its objective is to recover and strengthen the cultural, leisure and recreational functions of public space and respect toward and reinforcement of cultural diversity in the city.