



DRAFT FOR A

Montréal

Charter

of Rights and Responsibilities



December 2003

The proposed Montréal Charter of Rights and Responsibilities was made public on December 10, 2003, the 55th anniversary of the proclamation of the Universal Declaration of Human Rights. The planned charter is the result of discussions that were begun during the Sommet de Montréal and continued as part of the Workshop on Democracy, made up mostly of representatives of civil society. Their work has made it possible for the municipal administration to present Montréalers with an original, innovative proposal — one founded on values that unite us and are very much in our image. Enshrining these values in a charter would enrich democracy in the years to come, strengthen our desire to live together in growing harmony, and make all of us more aware not only of our rights, but also of the responsibilities we have toward each other, and that we are duty-bound to recognize in each other.

The proposal sets forth the principle that if we have rights, we also necessarily have responsibilities. The municipal administration would like to thank all the Workshop on Democracy participants for their singular open-mindedness and for the work they have put into ensuring that these two notions are enshrined in a single document.

The planned Montréal Charter of Rights and Responsibilities designates a neutral, impartial authority — an ombudsman — who will act to protect individual citizens and oversee the charter's enforcement. This mechanism for remedy places the charter in a class by itself among municipal instruments that recognize human rights. In fact, it will be unique in the world.

It is my fervent hope that this Montréal Charter will help propel us toward the heights that we must reach in terms of the quality of our democratic life. I say this because we have a responsibility to see the bigger picture; a duty to nurture ideals for ourselves and for future generations. Montréal must make this commitment with, and on behalf of, its citizens.

It is now up to you, fellow Montréalers, to make your views on this project known. The executive committee has asked the Office de consultation publique to hold public hearings to this end.

And so today I am inviting you to discover the proposed Montréal Charter of Rights and Responsibilities, and to make it your own. It is built on solid foundations, because significant collaborative effort went into its creation. There is no doubt that these foundations will be even stronger after these public hearings, the results of which will be studied with the greatest care.

I wish you the best in your work!

Gérald Tremblay
Mayor of Montréal

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MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

Preamble

Whereas the *Sommet de Montréal* (2002) generated a consensus in favor of a *Montréal Charter of Rights and Responsibilities*, focussing on the values that mobilize citizens and defining their fundamental rights in the city;

Whereas citizens together with the city promote the civic values that ensure safety, the respect of living surroundings, as well as the respect and preservation of the environment, and are committed to neighborliness;

Whereas citizens benefit from the rights and freedoms under the *Universal Declaration of Human Rights* of December 10, 1948, and under the international and interamerican instruments on human rights ratified by Canada and by Québec;

Whereas under the *Vienna Declaration* that resulted from the *United Nations Conference on Human Rights* (1993), all fundamental rights are interdependent, indivisible and interrelated.

Whereas citizens enjoy fundamental rights under the Québec *Charter of Human Rights and Freedoms* and the *Canadian Charter of Rights and Freedoms*;

Whereas the city adopted the *Montréal Declaration Against Racial Discrimination* (1989), the *Proclamation of March 21 “International Day for the Elimination of All Forms of Racial Discrimination”* (2002) and the *Montréal Declaration on Sustainable Development* (2003);

Whereas human dignity requires that people live free from misery and enjoy the full spectrum of human rights, and that it requires a collective effort of citizens and all levels of government;

Whereas the city recognizes that, through its programs, it has the opportunity to promote the rights and responsibilities of citizens;

Whereas the city wishes to promote human rights and responsibilities;

Whereas the city wishes to commit its elected officials, personnel, paramunicipal agencies and city-controlled corporations to promoting an inclusive citizenship within Montréal;

Whereas citizens have a responsibility towards their community to refrain from any behaviour which would disadvantage their co-citizens in the full practice of their

rights, a responsibility which, if not respected, would undermine the quality of life and dignity of everyone;

Whereas every citizen in a democratic society has a responsibility to abide by laws and regulations, respect the public good and respect the rights of others;

Whereas the *Montréal Charter of Rights and Responsibilities* is an instrument at the disposal of citizens as a source of inspiration in their daily lives and in the practice of their rights and responsibilities which they may invoke before the authority designed therein, and on which they can rely if adversely affected by a decision, omission or action of the city;

Therefore, the city proclaims through the *Montréal Charter of Rights and Responsibilities* that all Montrealers, city representatives, institutions and organizations should strive to ensure the respect of these rights and responsibilities and their application.

Section I

PRINCIPLES AND VALUES

Article 1

The city is both a territory and a living space in where the values of human dignity, tolerance, equality and peace must be promoted.

Article 2

Human dignity can only be safeguarded through a sustained fight against discrimination, xenophobia, racism, sexism, homophobia, poverty, and social exclusion.

Article 3

Trust, respect, justice and equality are values widely shared by citizens; and from these values flows a willingness to reinforce and consolidate Montréal as a democratic, united and inclusive city.

Article 4

Transparent and inclusive management of city business contributes to the promotion of democratic rights of its citizens.

Article 5

The involvement of citizens in municipal affairs serves to build trust in democratic institutions, develop a sense of belonging to the city, and promote the values of an active citizenship.

Article 6

To develop and mature, citizens need to evolve in a physical, cultural and social environment that protects and enriches community life.

Article 7

Citizens reap the benefits of sustainable development, including the fruits of economic, cultural and social development.

Article 8

The city, in pursuing its own development, shows respect for the environment and the promotion of sustainable development.

Article 9

The protection of the architectural, and natural heritage of the city forms part of the cultural rights of its citizens.

Article 10

In providing services, the city respects the diversity of its citizens, especially their cultural and religious differences.

Article 11

Citizens owe it to their community to refrain from encroaching on the rights of others.

Section II

RIGHTS, RESPONSIBILITIES AND COMMITMENTS

CHAPTER I

Democratic Life

Article 12

Rights and Responsibilities

Citizens participate in city affairs as they see fit, inform themselves, take part in the decisions that concern them and express informed opinions to influence these decisions.

Article 13

Commitments

To favor the participation of citizens in municipal affairs, the city is committed to:

- a) promoting public participation and providing citizens with all background material in clear language, and at a reasonable cost;
- b) ensuring that public consultations are credible, transparent and effective by adopting and maintaining the proper procedures;
- c) providing access to financial statements, budget and three-year capital expenditure programs, also in summary form, before public consultations are held prior to their adoption;
- d) promoting civic values;
- e) regulating the right of citizens to initiate municipal measures, notably in regard to by-laws of general interest;
- f) providing citizens who wish to meet to discuss city business with proper access to city premises in a reasonable manner and in accordance with by-laws;
- g) fighting discrimination, xenophobia, racism, sexism, homophobia, poverty and social exclusion, all of which undermine the foundations of a democratic society;

h) planning the renewal of city personnel by recruitment that reflects the diversity of the population of Montréal.

CHAPTER 2

Economic and Social Life

Article 14

Rights and Responsibilities

Citizens have economic and social rights, and take part, along with the municipal administration, in a collective effort to ensure the continued enjoyment of these rights.

Article 15

Commitments

To promote the enjoyment of economic and social rights by its citizens, the city commits itself to:

- a) taking adequate measures to ensure that housing meets public health and safety standards, guaranteeing that there will be no abusive evictions by the city, and recognizing that citizens are responsible for maintaining their homes in good condition;
- b) guaranteeing temporary, immediate and safe shelter to homeless people to the extent that they express the need;
- c) in the implementation of rights related to housing and shelter, considering the specific needs of vulnerable groups, notably families, the elderly, and those with physical or mental disabilities;
- d) with the support of its governmental partners, maintaining measures to provide vulnerable groups with access to suitable and affordable housing;
- e) guaranteeing citizens access to quality drinking water in sufficient quantity;
- f) guaranteeing that no one will be deprived of drinking water for economic reasons;
- g) promoting public transit;

- h) ensuring the safety of its citizens when using their parks and community facilities.

CHAPTER 3

Cultural Life

Article 16

Rights and Responsibilities

Citizens have cultural rights and take part, along with the municipal administration, in a collective effort to ensure the enjoyment of these rights.

Article 17

Commitments

To favor the enjoyment of cultural rights by its citizens, the city is committed:

- a) safeguarding and protecting the cultural, historical, scientific, architectural and natural heritage of the city, as well as promoting the distribution of relevant information;
- b) ensuring geographic and economic accessibility to culture by providing premises that promote and present art and culture, on a regular basis;
- c) promoting the development and multiplicity of cultural events on its territory;
- d) promoting the library network as a place of learning and consultation, as well as depositories of documents of public interest.

CHAPTER 4

Environment and Sustainable Development

Article 18

Rights and Responsibilities

Citizens have environmental rights and are actively involved, along with the municipal administration, in ensuring the continued enjoyment of these rights.

Article 19

Commitments

To provide enjoyment of environmental rights by its citizens, the city is committed to:

- a) promoting sustainable development by harmonizing the preservation of the environment with economic, cultural and social development;
- b) bringing about a constant improvement in the quality of city air, waterways and soil;
- c) limiting excessive noise and traffic nuisances, controlling those produced by garbage disposal operations and promoting proper civic behaviour;
- d) limiting disruptions or obstacles depriving citizens of safe pedestrian access to their homes.

CHAPTER 5

Physical Security

Article 20

Rights and Responsibilities

Citizens have a right to physical security and lend support to the municipal administration, in countering violence, incivility and hate crimes to ensure the continued enjoyment of this right.

Article 21

Commitment

To favor the enjoyment of its citizens to physical security, the city commits itself, in all its interventions, to diligently ensuring the physical security of citizens.

CHAPTER 6

Quality Municipal Services

Article 22

Rights and Responsibilities

Citizens have the right to quality municipal services and take part, along with the municipal administration, in a collective effort to ensure the continued enjoyment of this right.

Article 23

Commitments

To promote the enjoyment of the right to quality municipal services for its citizens, the city commits itself to:

- a) offering competent, respectful and non-discriminatory municipal services;
- b) favoring an equitable supply and distribution of municipal services;
- c) promoting reasonable measures to accommodate citizens with special needs.

Section III

SCOPE, INTERPRETATION AND IMPLEMENTATION

Article 24

The *Montréal Charter of Rights and Responsibilities* binds the city, its paramunicipal agencies, the city-controlled corporations and their civil servants and employees. It is equally binding on all citizens who raise claims under it.

Article 25

In the charter, the term “citizen” means any human being living within the city territory.

Article 26

The commitments under the charter are limited not only by the jurisdiction and powers of the city, by the powers the city shares with other levels of government, but also by the limits resulting from the financial resources it generally has at its disposal and finally, by such limits as are deemed reasonable in a free and democratic society.

Article 27

Any citizen or group of citizens who believe they have been wronged under section II of the charter may file a complaint with the ombudsman.

Article 28

In exercising the powers conferred on him or her by the *By-law concerning the ombudsman* and the charter, the ombudsman must:

a) interpret all municipal by-laws pertinent to the consideration of a complaint in a manner compatible with the charter;

b) investigate all complaints by citizens based on section II of the charter which result from decisions, actions or omissions by the city, paramunicipal agencies, city-controlled corporations, their civil servants or employees, all in accordance with article 12 of the *By-law concerning the ombudsman*.

Article 29

For the purpose of any enquiry based on the charter, the ombudsman may, if it is deemed necessary, refer to the preamble and section I of the charter to interpret section II of this charter.

Article 30

The application of article 11, paragraph 1 of the *By-law concerning the ombudsman* is suspended when the principal motive of the complaint filed with the ombudsman arises from this charter and is based on a decision made by the city council or the executive committee.

However, the first paragraph does not apply when a decision, recommendation, act or omission complained of, is essentially of a budgetary character.

Article 31

All the other clauses of the *By-law concerning the ombudsman* apply to complaints received and enquiries conducted by the ombudsman in accordance with the charter, except in situations where the charter amends their scope.

Article 32

When the ombudsman has reasonable motives to believe that a complaint based on the charter is admissible, he or she must, in the course of the enquiry:

- a) make all possible efforts and initiate a process of mediation and explore with the city and its representatives all solutions to reach mediated settlement that is profitable to all parties, in accordance with the charter;
- b) in all cases, report the results of the enquiry, including recommendations, when the mediation has been unsuccessful, or conversely, the results of the mediation;
- c) in all cases, transmit to the parties where applicable a copy of the results of mediation, or alternatively recommendations to the parties and individuals involved in the complaint and the enquiry;
- d) in all cases, the ombudsman's report must specify the results of mediation or any recommendations, including details of appropriate measures to be taken or detailed proposals recommendations;
- e) in all cases, the ombudsman's report may specify a delay for the implementation of the mediation settlement or any recommendation;
- f) in cases where it is impossible within a reasonable time to correct the situation which was the foundation of the complaint, the ombudsman's report must provide a full explanation.

Article 33

The ombudsman may, if it is deemed appropriate, undertake on his or her own initiative, an enquiry concerning the systematic violation of one or more of the rights under the charter.

Article 34

The ombudsman's written report, tabled with city council every year, contains a section summarizing the interventions and activities based on the charter and any recommendations put forth.

Section IV

FINAL CLAUSES

Article 35

Revision of the charter

Within 4 years after the coming into force of the charter, and periodically thereafter, the city, during public consultations, will proceed with an evaluation of the efficiency, relevancy and coverage of the rights and responsibilities set in the charter, including follow-up, enquiry and complaint procedures.