



PUBLIC CONSULTATION

REVISION

Montréal Charter of Rights and Responsibilities

- INFORMATION DOCUMENT
- PROPOSAL - ADJUSTMENTS TO THE MONTRÉAL CHARTER

NOVEMBER 2010

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Invitation to citizens

You are invited to participate in the public consultation on the *Montréal Charter of Rights and Responsibilities* to be held by the Office de consultation publique de Montréal (OCPM).

The Charter provides for periodic assessments through public consultations, initially within four years of its coming into force, and periodically thereafter (article 42).

The consultation will allow you to:

- Express your overall opinion of the Montréal Charter;
- Propose adjustments to make improvements to the Montréal Charter;
- Offer suggestions to promote the Charter.

You don't have to be an expert to participate in this consultation.

You may attend the presentations, ask questions, express your opinion or present a brief, or simply be present at a meeting to learn more about the Montréal Charter and its application.

Regardless of your particular interest in the Charter, you will receive a warm welcome from the OCPM.

For more information:
ocpm.qc.ca or 514 872-3568

Please note

For those who would like to express their opinions but are unaccustomed to public speaking, Montréal and the Task Force on Democracy have produced a guide with hints to help you to participate.

To obtain a copy:
ville.montreal.qc.ca/participationguide
or call 514 872-7803



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The mandate and subjects of the consultation

At its meeting on July 7 last, the Montréal executive committee gave the OCPM the mandate to hold the public consultation on the revision of the Charter. In accordance with article 42, the assessment will focus essentially on citizens' rights and responsibilities entrenched in the Charter, Montréal's commitments (Part II, articles 15 to 28), and monitoring, investigative and complaints procedures (Part III, articles 32 to 41).

However, assessment of the right of initiative (article 16 h) is excluded from the present consultation, as the by-law prescribing that right, which has been in effect since January 1, 2010, provides for an assessment two years after its implementation.

The Montréal Charter in brief

TO WHOM DOES THE CHARTER APPLY?

The Montréal Charter applies to everyone, i.e. all citizens, including elected officials, civil servants, any other parties doing work on behalf of Montréal, boroughs, corporate departments, paramunicipal agencies, and city-controlled corporations (article 29).

In this Charter, a citizen is defined as *any person living within the city territory* (article 30), regardless of his or her status.

A UNIQUE DOCUMENT

In effect since January 1, 2006, the Montréal Charter is a unique document unanimously adopted by the Montréal city council and protected, since June 2009, by legislation providing that amendments may henceforth only be made through a Montréal by-law adopted by at least two-thirds of the votes cast.

The Montréal Charter covers Montréal's main spheres of authority recognized under Québec legislation: *Democracy; Economic and Social Life; Cultural Life; Recreation, Physical Activities and Sports; Environment and Sustainable Development; Security; and Municipal Services* (Part II, Chapters 1 to 7).

For each of those spheres of authority, the Charter attributes certain rights and responsibilities to citizens, including responsible water consumption, helping to keep the city clean, preserving the environment, respecting public property, not infringing on the rights of others, etc. This balance between rights and responsibilities is also part of what makes the Montréal Charter unique.

Moreover, to foster citizens' enjoyment of their rights, the Charter sets out Montréal commitments concerning public participation, equality between women and men, the struggle against poverty, access to drinking water, security in public areas and parks, cleanliness, access to libraries, and heritage presentation.

CITIZEN COMPLAINTS

More than a simple declaration, the Montréal Charter provides an application mechanism by appointing a neutral and impartial body, the Ombudsman de Montréal, to hear any disagreements citizens may have with Montréal pertaining to the Charter.

The role of the ombudsman is to foster dialogue and propose solutions. The ombudsman has the power to conduct investigations should he or she deem it necessary, and may suggest mediation, as required.



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However, the Montréal Charter was not designed to serve as the basis for a legal action. Montréal was looking to encourage mediation in its relations with citizens when disagreements arose in the application of the Charter, not their litigiousness.

LIMITS OF THE MONTRÉAL CHARTER

The application of the Charter is subject to the limits of Montréal authority and the authority shared by Montréal with other levels of governments. It is also subject to the limits of Montréal's financial resources (article 31).

For more information, please visit:
ville.montreal.qc.ca/charterofrights
or call 514 872-7803

The Montréal Charter, a social contract

The Montréal Charter is a fundamental text reflecting the values commonly shared among Montrealers, values such as respect for human dignity, tolerance, peace, inclusion, equality for all, justice, and equity (articles 1 to 4). Those are also the values behind the basic human rights recognized by the United Nations, through which all citizens of Montréal can build a city where life is good.

The Montréal Charter aims to promote responsible, harmonious and productive relations among citizens, and between citizens and Montréal. This goal is deeply entrenched in the history of Montréal, as Montréal's motto is *Concordia Salus*, salvation through concord, or well-being through harmony, a motto we owe to the first mayor of Montréal in 1833, Jacques Viger.

The Montréal Charter remains a unifying tool, helping to strengthen citizens' feeling of belonging. It recognizes the role of citizen participation in municipal affairs, serving as a form of social contract that provides for the concrete commitment of Montréal and the boroughs, and all of their staff and elected officials, to the constant improvement of public services.

International recognition

The Montréal Charter is the first of its kind in North America. It is often cited on the international scene, notably by UNESCO and UN-HABITAT, as a tool fostering inclusion and the Right to the City.

The exercise of civic responsibilities and enjoyment of citizens' rights take place primarily at the level of the city, and it is important to view those rights and responsibilities from a municipal perspective.

Nonetheless, besides the balance between rights and responsibilities, the most original aspect of the Montréal Charter often highlighted on the international scene is its drafting process that involved civil society.

The Charter was born of a civil society proposal presented at the Sommet de Montréal in 2002. It was drafted with the cooperation of citizens and experts from the Task Force on Democracy, a work group under the mayor's responsibility, and later submitted for public consultation in 2004. Following the consultation, the text was modified and enhanced, prior to being adopted by Montréal city council. The Charter therefore reflects a collective vision of Montréal, founded on the values, rights and responsibilities of its citizens.



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For many, the drafting process for the Charter is a model to follow. It has been cited in many international venues, including in Barcelona, Bucharest, Lyon, Nantes, Paris, Porto Alegre and, recently, Rio de Janeiro. This has led to international demand for translations of the Montréal Charter and, thanks to the cooperation of McGill University and the Université de Montréal, the Charter is now available in Arabic, Portuguese and Spanish. A translation into Mandarin is also under way at McGill University.

However, it is important to note that the Montréal Charter is relatively new compared with other charters. It will therefore take several years for this tool to become fully entrenched, and Montréal will continue to work towards that end. For example, Montréal will soon release a video, in English and French, on the Montréal Charter Web site.

ville.montreal.qc.ca/charterofrights

Implementation of the Montréal Charter

Once the Montréal Charter had been adopted, a major information and awareness-raising process was established for citizens and Montréal employees. In December 2005, a document announcing the Montréal Charter was delivered door-to-door throughout the territory of Montréal. Since then, more than 70,000 brochures, flyers, bookmarks and posters have been distributed. Advertisements have run in the Montréal metro, and more than 200 information sessions have made it possible to reach over 1,000 citizens and as many civil servants. A Braille version of the Charter has also been available in borough offices since the spring of 2010.

A great deal of work has already been accomplished. While the Montréal Charter has gained some recognition not all citizens know about its existence. Within the municipal apparatus, efforts must be sustained to integrate the values outlined in the Charter into Montréal's operating procedures.



SECTION 2 - PROPOSAL

ADJUSTMENTS TO THE MONTRÉAL CHARTER PART II - RIGHTS, RESPONSIBILITIES AND COMMITMENTS

Introduction

As indicated in the previous section, the public consultation on the Montréal Charter of Rights and Responsibilities is held pursuant to article 42 of the Charter providing for its revision, with citizen participation, within four years of its coming into force and periodically thereafter.

The Montréal Charter having been in effect since January 1, 2006, this consultation is the first revision exercise, and the targeted goal is to make adjustments to the text.

Article 42 prescribes that the assessment focus on the citizens' rights and responsibilities defined in the Charter, Montréal's commitments (Part II, articles 15 to 28), and the monitoring, investigative, and complaint procedures (Part III, articles 32 to 41).

As mentioned on page 3, the assessment of the right of initiative (article 16 h) is excluded from the present consultation as the by-law prescribing that right, which has been in effect since January 1, 2010, provides for an assessment two years after its implementation.

The Ville de Montréal is submitting a proposal for consultation, developed by the Task Force on Democracy, with a view to enhancing its commitments set out in the Montréal Charter. The proposed adjustments pertain to Democracy (Chapter 1), Economic and Social Life (Chapter 2), Recreation, Physical Activities and Sports (Chapter 4), and Environment and Sustainable Development (Chapter 5).

Citizens are invited to submit comments on this proposal and to offer suggestions on Part II, articles 15 to 28, and Part III, articles 32 to 41, as indicated above.

Note

The adjustments proposed by the Ville de Montréal appear in bold type in the Commitments sections. New wordings and new commitments have also been rewritten in bold type.

Chapter I Democracy

Article 16 | Commitments

To foster participation by citizens in municipal affairs, Montréal is committed to:

- a) Encouraging public participation and providing citizens with useful and clearly formulated information, **and supporting appropriate communication practices;**
— — —
- d) Providing annual summaries of the Montréal financial statements, budget and three-year capital works programme before public consultations are held and before their adoption;

New wording:

- d) Providing annual summaries of the Montréal financial statements, budget and three-year capital works programme **to promote citizen participation;**
— — —



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e) Fostering civic values among citizens;

New wording:

e) Taking appropriate measures to promote, in cooperation with community partners, the rights set out in the Montréal Charter as well as the responsibilities and values therein;

— — —

h) Defining and establishing guidelines for, and granting, through a by-law, the right of citizens' initiatives regarding public consultations, prior to the deadline for revising this Charter as provided in article 42;

New wording:

h) Maintaining, through a by-law, the citizens' right of initiative in public consultations;

Although the assessment of the right of initiative is not the object of the consultation, an adjustment is proposed for article 16 h) to adapt the text to reflect the fact that this right is now in effect.

— — —

i) Combating discrimination, **racial profiling, social profiling**, xenophobia, racism, sexism and homophobia, poverty and social exclusion, all of which serve to erode the foundations of a free and democratic society;

— — —

New commitment:

➤ **Supporting public budgeting processes related to the preparation of the Montréal budget and three-year capital works programme;**

Chapitre 2 Economic and Social Life

Article 18 | Commitments

To foster the economic and social rights of citizens, Montréal is committed to:

e) Promoting the assumption by citizens of their environment in view of eliminating poverty and social exclusion;

New wording:

e) Promoting the assumption by citizens of their environment in view of improving the economic and social life of the community;

— — —

New commitment:

➤ **Taking appropriate measures, with partners' support, in view of preventing and eliminating poverty and social exclusion;**



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Chapitre 4 Recreation, Physical Activities and Sports

Article 22 | Commitments

To foster the rights of citizens to recreation, physical activities and sports, Montréal is committed to:

- a) Supporting, **with the support of community partners**, a range of **diversified and complementary** services that meets the public's evolving needs;

Chapitre 5 Environment and Sustainable Development

Article 24 | Commitments

To foster enjoyment by citizens of their rights with respect to the environment and sustainable development, Montréal is committed to:

- a) Promoting waste reduction, re-use, recycling **and valorization**;

- d) Promoting public and **active** transportation **as well as modes of transportation** that would reduce the use of cars in an urban environment **and reduce greenhouse gas emissions**;

- f) **Preserving biodiversity by promoting its increase in parks and green spaces** and by promoting the protection and the enhancement of natural environment and urban woods;

New commitments:

- **Supporting responsible resource management;**
- **Encouraging the adoption of good sustainable development practices.**