

World Charter for the Right to the City

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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 peoples' 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 one's 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, Nondiscrimination:

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), Women's (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 city's 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.
3. 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, Demonstrate, 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 nonpolluting 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 romanies.

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 women's 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. 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. Claiming 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 nonenjoyment 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 from Spanish: Jodi Grahl, May 2005