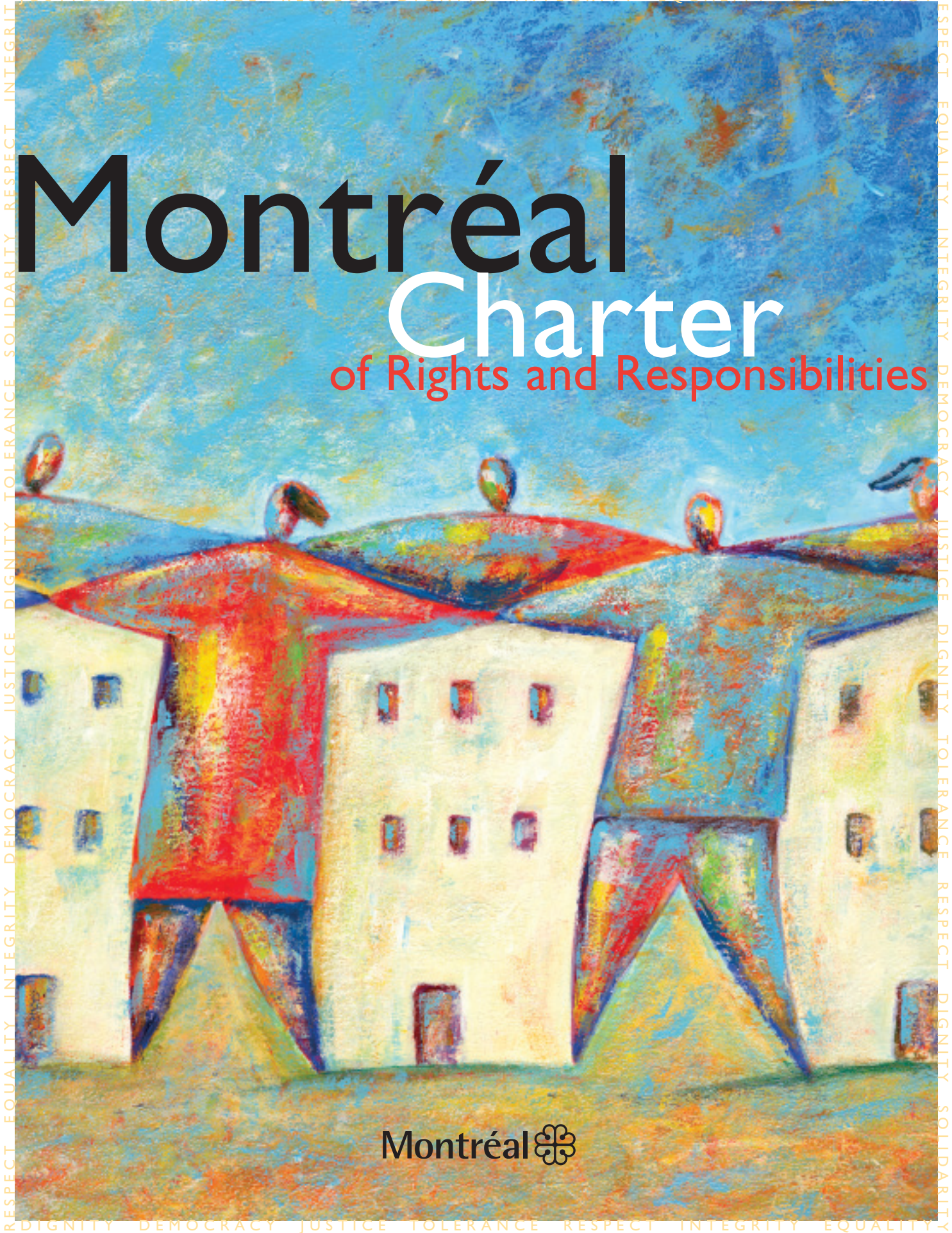


JUSTICE TOLERANCE RESPECT DIGNITY INTEGRITY EQUALITY DEMOCRACY



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RESPECT EQUALITY INTEGRITY DEMOCRACY JUSTICE DIGNITY TOLERANCE SOLIDARITY RESPECT INTEGRITY

Montréal

Charter

of Rights and Responsibilities

Montréal 

DIGNITY DEMOCRACY JUSTICE TOLERANCE RESPECT INTEGRITY EQUALITY

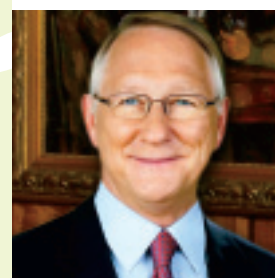
Message from the Mayor

The result of an extensive public consultation process, which benefited from the input of several experts, the *Montréal Charter of Rights and Responsibilities* recognizes the values shared by all Montrealers and facilitates the harmonious development of our city. Using an innovative approach, the Charter establishes the principles of rights and also, responsibilities. It calls for the concrete commitment of Montréal and its entire personnel to the ongoing improvement of public services.

The Charter designates the Montréal ombudsman as the neutral and impartial body responsible for promoting solutions when citizens and the city disagree on issues based on its content. But it is mainly the shared effort of citizens and the city that will ensure the respect of the rights included in the Charter.

In addition to fostering closer ties among citizens, elected officials and the municipal administration, with this Charter, Montréal adopts an essential tool for building a future rooted in the qualities we value: openness, respect for human dignity, solidarity, transparency and democracy.

We can be proud of our Charter, as it is the first of its kind to be adopted by a major Canadian city.



A handwritten signature in black ink, which appears to read "Gerald Tremblay". The signature is fluid and cursive.

Gérald Tremblay
Mayor of Montréal

The Montréal Charter of Rights and Responsibilities was adopted by the Montréal city council on June 20, 2005, and came into effect on January 1, 2006. Resulting from the Montréal Summit, the Montréal Charter was developed under the supervision of the Task Force on Democracy.

Produced by the Direction
des communications et
des relations avec les citoyens
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MONTRÉAL CHARTER OF RIGHTS AND RESPONSIBILITIES

Whereas



- Whereas** a consensus was reached at the Montréal Summit (2002) in favour of a *Montréal Charter of Rights and Responsibilities* that would highlight values serving to unite and engage citizens, as well as define their rights within the city;
- Whereas** citizens are, together with Montréal, responsible for upholding civic values that foster safety, neighbourliness, respect for the social environment and respect for and preservation of the natural environment;
- Whereas** citizens enjoy the rights and freedoms proclaimed and guaranteed by the *Universal Declaration of Human Rights* of December 10, 1948 and under international and inter-American human rights conventions ratified by Canada and to which Québec has declared itself a party;
- Whereas** all basic rights are indivisible, interdependent and interrelated under the *Vienna Declaration* issued by the *World Conference on Human Rights* (1993);
- Whereas** citizens enjoy the basic rights under the *Québec Charter of Human Rights and Freedoms* (1975) and the *Canadian Charter of Rights and Freedoms* (1982);
- In view** of the *Montréal Declaration Against Racial Discrimination* (1989) and the *Proclamation of March 21 as “International Day for the Elimination of All Forms of Racial Discrimination”* (2002);
- In view** of the *Montréal Declaration on Cultural Diversity and Inclusion* (2004);
- In view** of Montréal signing the *Worldwide Declaration on Women in Local Government* of the International Union of Local Authorities (IULA) (2002);
- In view** of Montréal’s declaration (2005) in honor of International Women’s Day;
- In view** of the *Policy Statement by the Montréal Community Regarding Sustainable Development* (2003);

Dignity

Tolerance

Equality

Respect

Justice

Whereas Montréal recognizes that it may, through its actions and authority, help promote the rights and responsibilities of citizens;

Whereas Montréal intends to engage its elected officials, employees, paramunicipal agencies and city-controlled corporations in an effort aimed at promoting and protecting inclusive citizenship;

Whereas every citizen has the duty to refrain from any behaviour that would infringe on the full exercise by others of their rights, and thereby undermining the dignity and the quality of life of all;

Whereas each citizen is responsible for observing laws, by-laws and the public good;

Whereas the *Montréal Charter of Rights and Responsibilities* is an original instrument that has been provided to citizens as a source of inspiration in their daily lives and in the exercise of their rights and responsibilities, and which they may also invoke to the ombudsman if they feel that they have been wronged by a decision, an action or an omission of Montréal, of a paramunicipal agency, of a city-controlled corporation, of a civil servant, of an employee or of any other party performing work on behalf of the city;

Montréal hereby proclaims through this *Montréal Charter of Rights and Responsibilities* its commitment to work with its citizens in building on these rights and responsibilities and in ensuring their application.



Principles and Values

ARTICLE 1 | The city is both a territory and a living space in which values of human dignity, tolerance, peace, inclusion and equality must be promoted among all citizens.

ARTICLE 2 | Human dignity can only be preserved as part of a sustained struggle against poverty and all forms of discrimination, and in particular, those based on ethnic or national origin, race, age, social status, marital status, language, religion, gender, sexual orientation or disability.

ARTICLE 3 | Respect, justice and equity are values that give rise to a collective desire to enrich Montréal's position as a democratic, united and inclusive city.

ARTICLE 4 | Transparent management of municipal affairs serves to foster the democratic rights of citizens.

ARTICLE 5 | Citizen involvement in municipal affairs serves to build trust in democratic institutions, develop a sense of belonging to the city and promote active citizenship.

ARTICLE 6 | Development of citizens must evolve within a physical, cultural and social environment that protects and enhances the community.

ARTICLE 7 | Environmental protection and sustainable development have a positive impact on economic, cultural and social development and contribute to the well-being of current and of future generations.

ARTICLE 8 | The recognition, protection and presentation of our heritage contribute to the maintenance and improvement of quality of life and to Montréal's renown.

ARTICLE 9 | Culture is a key component of Montréal's identity, history and social cohesion and serves as an essential driving force in the city's development and vitality.

ARTICLE 10 | An equitable provision of services takes into account the diverse needs of citizens.

ARTICLE 11 | Recreation, physical activities and sports are aspects of the quality of life that contribute to comprehensive personal development and to cultural and social integration.

ARTICLE 12 | Montréal's diversity represents a great resource that is further enhanced by fostering the inclusion of and harmonious relations among its communities and persons of all origins.

ARTICLE 13 | Montréal is a French-speaking city that also provides services to its citizens in English, under the law.

ARTICLE 14 | Citizens may not act in such a manner as to infringe on the rights of others.

Rights, Responsibilities and Commitments

CHAPTER I

Democracy

ARTICLE 15 | **Rights and Responsibilities**

Citizens have democratic rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They contribute to this effort by performing activities consistent with the commitments stated in this chapter.

Citizens may exercise their voting rights and participate, within their means, in issues of concern to them and may respectfully express informed opinions in view of influencing the city's decisions.

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;
- b) Facilitating access to documents pertaining to municipal affairs;
- c) Ensuring that the public consultation process is credible, open and effective, by adopting and maintaining the appropriate procedures;
- 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;
- e) Fostering civic values among citizens;
- f) Promoting representation by women of all origins, Aboriginals, visible minorities and members of ethnic and cultural communities and young people within consultative and decision-making bodies;



Dignity



- g)** Supporting equality between women and men;
- 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;
- i)** Combating discrimination, xenophobia, racism, sexism and homophobia, poverty and social exclusion, all of which serve to erode the foundations of a free and democratic society;
- j)** Planning for the renewal of Montréal's public service by facilitating the employment of young people within it and by recruiting employees who reflect the diversity of the city's population, in accordance with the applicable equal access to employment programmes.

CHAPTER II

Economic and Social Life

ARTICLE 17 | **Rights and Responsibilities**

Citizens have economic and social rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They contribute to this effort by performing activities consistent with the commitments stated in this chapter.

ARTICLE 18 | **Commitments**

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

- a)** Taking appropriate measures to ensure that housing meets public health and safety standards and to provide relocation services if a dwelling must be closed or vacated;

- b)** With the support of its partners, taking the appropriate measures to provide homeless persons with temporary and secure shelter, if and when the homeless express such a need;
- c)** Considering the needs of vulnerable persons and particularly individuals from low and modest income families in its implementation of housing measures;
- d)** Maintaining, with the support of its governmental partners, assistance measures for vulnerable persons that foster their access to appropriate and affordable housing;
- e)** Promoting the assumption by citizens of their environment in view of eliminating poverty and social exclusion;
- f)** Providing citizens with access to sufficient quantities of quality drinking water;
- g)** Ensuring that no citizen is denied a supply of drinking water for economic reasons.



CHAPTER 3 *Cultural Life*

ARTICLE 19 | **Rights and Responsibilities**

Citizens have cultural rights and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They contribute to this effort by performing activities consistent with the commitments stated in this chapter.

ARTICLE 20 | **Commitments**

To foster the cultural rights of citizens, Montréal is committed to:

- a) Taking appropriate measures to preserve, protect and present the cultural and natural heritage and to promote the dissemination of knowledge and information that highlight this heritage;
- b) Maintaining geographic and economic access to its cultural and artistic centres and fostering their use;
- c) Promoting creative endeavors;
- d) Supporting the development and diversity of cultural practices;
- e) Fostering the development of and promoting its public library system as a venue for knowledge and information.

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CHAPTER 4

Recreation, Physical Activities and Sports

ARTICLE 21 | **Rights and Responsibilities**

Citizens have rights to recreation, physical activities and sports and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of these rights. They contribute to this effort by performing activities consistent with the commitments stated in this chapter, such as through the appropriate use of community facilities.

ARTICLE 22 | **Commitments**

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

- a) Supporting a range of services that meets the public's evolving needs;
- b) Developing high-quality parks and facilities for recreational, physical and sports activities that are fairly apportioned in view of the community's evolving needs;
- c) Promoting access to activities and facilities.

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CHAPTER 5

Environment and Sustainable Development

ARTICLE 23 | **Rights and Responsibilities**

Citizens have rights with respect to the environment and sustainable development and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They contribute to this effort by performing activities consistent with the commitments stated in this chapter, and specifically with respect to responsible water consumption.

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 and recycling;
- b) Reconciling protection of the environment and of the built heritage with cultural, social and economic development;

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- c) Fostering continuous improvement of air quality, shoreline water and soil;
- d) Promoting urban public transit and transportation systems which would reduce the use of cars;
- e) Promoting access to the city's river shorelines and green spaces;
- f) Promoting the protection and the enhancement of natural environments and urban woods;
- g) Taking measures to reduce abusive irritants resulting from noise and traffic, to control those stemming from dumping garbage and encouraging civic responsibility by citizens that shows respect for our social and natural environments.

CHAPTER 6

Security

ARTICLE 25 | Rights and Responsibilities

Citizens have the right to security and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of this right. They contribute to this effort by performing activities consistent with the commitments stated in this chapter, particularly by emphasizing preventive measures.

ARTICLE 26 | Commitments

To foster the enjoyment by citizens of their right to security, Montréal is committed to:

- a) Developing its territory in a safe manner;
- b) Supporting specific measures aimed at security for women, in partnership with community key players;
- c) Promoting the safe use of public space, such as parks and community and recreational facilities;
- d) Supporting preventive measures aimed at increasing citizen awareness and involvement with respect to this issue, in partnership with public safety and civic officials;
- e) Protecting people and property.



CHAPTER 7

Municipal Services

ARTICLE 27 | Rights and Responsibilities

Citizens have the right to a high quality of municipal services and to participate with the Montréal administration in a joint effort to ensure the continued enjoyment of this right. They contribute to this effort by performing activities consistent with the commitments stated in this chapter, and particularly by helping to keep the city clean.

ARTICLE 28 | Commitments

To foster the rights of citizens to a high quality of municipal services, Montréal is committed to:

- a) Providing municipal services in a skilful, respectful and non-discriminatory manner;
- b) Promoting the supply and distribution of municipal services in an equitable manner;
- c) Promoting flexibility in supplying municipal services and in the use of public space to meet the various needs of citizens;
- d) Taking measures to limit disruptions or obstacles depriving citizens of safe pedestrian access to their homes and to the city's network of sidewalks and footpaths;
- e) Taking appropriate measures to ensure the cleanliness of public property;
- f) Promoting universal access in organizing the city and specifically in municipal buildings and services.

Equality

Implementation

Scope, Interpretation and

ARTICLE 29 | The *Montréal Charter of Rights and Responsibilities* is binding on Montréal, its paramunicipal agencies, city-controlled corporations, their employees, civil servants and any other parties doing work on behalf of the city. It is also binding on all Montréal citizens.

The *Montréal Charter of Rights and Responsibilities* represents a minimum set of standards as defined in article 144 of the *Charter of Ville de Montréal*. It thus applies to the boroughs, under the rules established herein.

ARTICLE 30 | In this Charter, “citizen” means any person living within the city territory.

ARTICLE 31 | These commitments are subject to the limits already imposed on Montréal authority and the authority shared by the city with the 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.

ARTICLE 32 | Any citizen who believes that he or she has been wronged as provided in Part II may file a complaint with the ombudsman.

This Charter is not intended to serve as the basis for a legal action nor to be used in a judicial or quasi-judicial form.

ARTICLE 33 | In exercising the powers conferred upon him or her by this Charter, the ombudsman must:

- a) In responding to a complaint, interpret by-laws in a manner consistent with this Charter;
- b) Subject to article 12 of the *By-law concerning the ombudsman*, investigate complaints by citizens which are based on Part II of this Charter and which are a result of decisions, actions, omissions of Montréal, its paramunicipal agencies and their employees, city-controlled corporations and their employees, civil servants and any person performing work on behalf of the city.

ARTICLE 34 | For the purpose of any inquiry based on this Charter, the ombudsman may, if it is deemed necessary, refer to the Preamble and to Part I of this Charter in interpreting Part II.

ARTICLE 35 | When the principle basis for a complaint filed with the ombudsman arises from this Charter and is based on a decision of the city council, the executive committee or a borough council, the ombudsman may conduct an inquiry into the decision, recommendation or action or omission covered by the complaint.

However, the first paragraph of this section does not apply if the decision, recommendation, act or omission in question is essentially budgetary in nature.

ARTICLE 36 | All the other clauses of the *By-law concerning the ombudsman* apply to complaints received and inquiries conducted by the ombudsman under this Charter, except in situations in which the Charter amends their scope.

ARTICLE 37 | If the ombudsman has a reasonable basis for believing that a complaint arising from this Charter is admissible, he or she may, in the course of the inquiry, engage in mediation to find one or more solutions compatible with the Charter.

F i n a l P r o v i s i o n s

ARTICLE 38 | In all cases of mediation, the ombudsman must transmit a copy of results achieved and his or her recommendations to the parties and individuals concerned by the complaint and inquiry.

ARTICLE 39 | In any case of mediation, the ombudsman's report must state the nature of the results of the mediation or of his or her recommendation, including details of appropriate measures and details of recommendations for actions to take or for actions to cease.

In cases in which it is impossible to correct, within a reasonable time, the situation that gave rise to a complaint that is deemed to have been properly founded, the ombudsman's report shall state the reasons.

ARTICLE 40 | The ombudsman may, if he or she deems it appropriate, undertake on his or her own initiative an inquiry pertaining to the violation of one or more rights of citizens as stipulated herein.

ARTICLE 41 | The annual report submitted by the ombudsman to the city council and which pertains to the fulfillment of his or her duties shall include a specific section providing a summary of his or her actions and activities based on this Charter. The ombudsman may make any recommendation in it that he or she deems appropriate.

ARTICLE 42 | **Revision of the Charter**

Within four years of the date this Charter comes into force, and periodically thereafter, Montréal 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 in the monitoring, investigative and complaint procedures that it provides.



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Montréal Charter
of Rights and Responsibilities

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