

Montréal Charter
of **Rights** and
Responsibilities



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Montréal 

Foreword

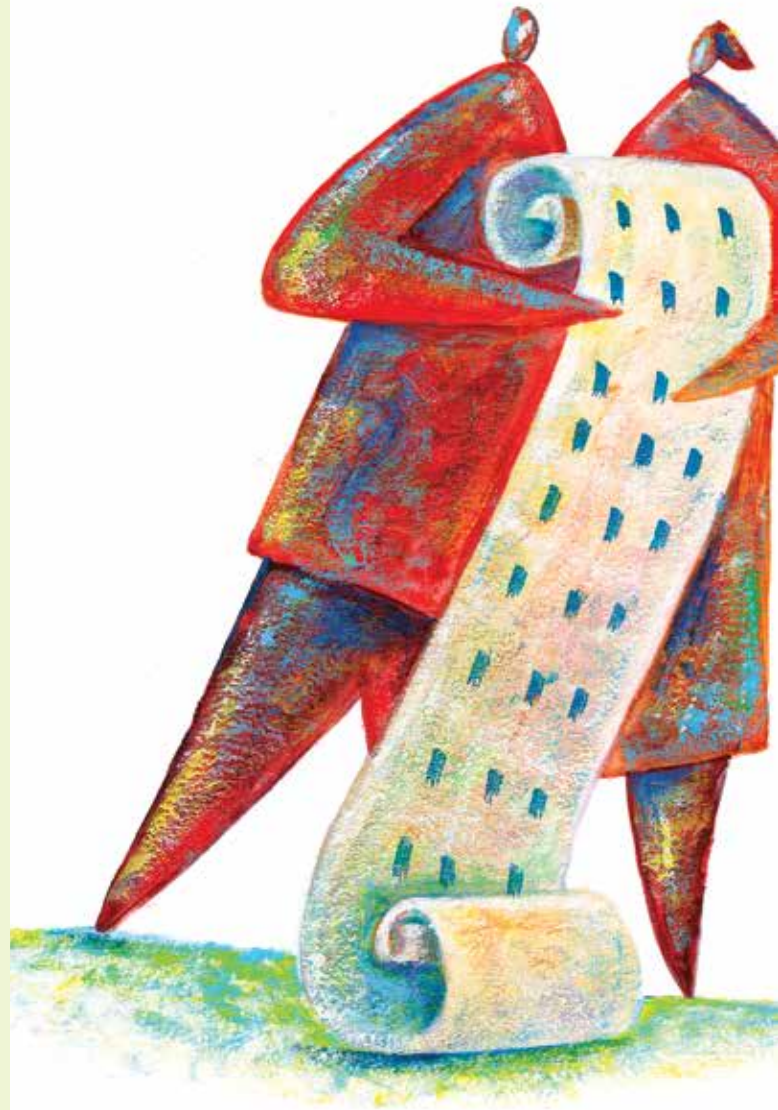
The Montréal Charter is rooted in the values of human dignity, justice, peace, equality, transparency and democracy. These same values are shared by Montrealers and constitute the underpinning of those fundamental human rights recognized by the United Nations.

The Montréal Charter uses an innovative approach in order to establish the principles of both rights and responsibilities. It is for all intents and purposes a social contract that 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 Montréal disagree on issues based on Charter's content. But, above of all, it is through the shared effort of citizens and Montréal that it is possible to ensure the respect of the rights included in the Charter.

The Montréal Charter was initially conceived by and for citizens with contributions from several experts and the Task Force on Democracy (2002-2014). The Charter was reviewed for the first time in keeping with the provisions of Article 42, this, once again, with the participation of citizens and the Task Force on Democracy, with a view to improving the Charter. As a result, several commitments such as those related to democracy, the environment and sustainable development were reformulated and others added in order to better reflect today's world.

The *Montréal Charter of Rights and Responsibilities* is a fundamental text for both Montréal and its citizens. This Charter is a first in North America.



MONTREAL CHARTER OF RIGHTS AND RESPONSIBILITIES

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 under the principles set forth in the *Vienna Declaration and Programme of Action* resulting from the *United Nations World Conference on Human Rights* (1993), all fundamental rights are, indivisible, interdependent and interrelated;

Whereas citizens enjoy the fundamental rights under the *Québec Charter of Human Rights and Freedoms* (1975) and by 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 for Cultural Diversity and Inclusion* (2004);

In view of Montréal’s signing the IULA (International Union of Local Authorities) *Worldwide Declaration on Women in Local Government* (2002);

In view of the *Montréal Declaration in honour of International Women’s Day* (2005);

In view of the *Policy Statement by the Montréal Community Regarding Sustainable Development* (2003);

Whereas Montréal recognizes that it may, through its actions and the exercise of its authority, help promote the rights and responsibilities of its 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 undermine 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 that they may also invoke before the Montréal 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 Montréal;

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 its 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 will to enhance and to consolidate Montréal's position as a democratic, united and inclusive city.

ARTICLE 4 | Transparency in the management of municipal affairs serves to promote the democratic rights of citizens.

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

ARTICLE 6 | Living in a physical, cultural, economic and social environment that protects and enhances the habitat they share with their fellow citizens contributes to the personal development of citizens.

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 enhancement of our heritage contribute to the maintenance and improvement of quality of life and to Montréal's reputation.

ARTICLE 9 | Culture is at the heart 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 | Leisure, physical and sports activities are aspects of the quality of life that contribute to comprehensive personal development and to cultural and social integration.

ARTICLE 12 | Montréal's cosmopolitan character represents a valuable resource that is further enhanced by promoting inclusion and harmonious relations between its communities and persons of all origins.

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

ARTICLE 14 | Each and every citizen of Montréal has the duty to act in a manner that does not 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 take part in this effort through actions consistent with the commitments stated in this chapter.

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

ARTICLE 16 | Commitments

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

- a)** Encouraging public participation and, to this end, providing citizens with useful information delivered in clear language and supporting the use of appropriate communication practices;
- b)** Facilitating access to documents pertaining to municipal affairs;
- c)** Ensuring the credibility, transparency and effectiveness of the public consultation process through the adoption and maintenance of appropriate procedures;
- d)** Providing citizens with summaries of Montréal's financial statement, every year, as well as explanations regarding the Montréal budget and its three-year programme of capital expenditures with a view to encouraging citizen participation;

- dd)** Supporting public budgeting processes with regard to the preparation of Montréal's budget and its three-year programme of capital expenditures;
- e)** Taking appropriate measures to promote, with community partners, the rights, responsibilities and values stated in this Charter and, to this end, supporting public awareness and educational initiatives;
- 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 forums;
- g)** Supporting equality between women and men;
- h)** Maintaining through a City Council by-law, a right of initiative for citizens in matters of public consultation;
- i)** Combating discrimination, racial profiling, social profiling, xenophobia, racism, sexism and homophobia, ageism, 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 public service by fostering the employment of young people within it and by recruiting employees with a view towards reflecting the diversity of Montréal population, in accordance with the applicable equal access to employment programmes.

Tolerance

CHAPTER 2

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 take part in this effort through actions consistent with the commitments stated in this chapter.

ARTICLE 18 | **Commitments**

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

- a)** Taking appropriate measures to ensure that housing meets public health and safety standards with regard to the health and safety of tenants and to provide relocation services when a building or dwelling must be closed or vacated;
- b)** Taking the appropriate measures, with the support of its partners, to provide homeless persons with temporary and secure shelter, as quickly as possible, should such persons have expressed the need;
- c)** Taking into account, in the implementation of housing measures, the needs of vulnerable persons and particularly individuals and families with low or modest incomes;
- d)** Maintaining, with the support of government partners, assistance measures for vulnerable persons that foster their access to appropriate and affordable housing;

- e)** Promoting citizen involvement in their respective communities in order to improve overall economic and social conditions;
- ee)** Taking appropriate measures, with the support of partners, to prevent and fight poverty and social exclusion;
- f)** Providing its citizens with access to quality drinking water in sufficient quantities;
- g)** Ensuring that no citizen is denied access to 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 take part in this effort through actions consistent with the commitments stated in this chapter.

ARTICLE 20 | **Commitments**

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

- a) Taking appropriate measures to preserve, protect and enhance 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 endeavours;
- d) Supporting the development and diversity of cultural practices;
- e) Fostering the development of its library network and also promoting it as well as its municipal museums network as a venue for knowledge and information.

CHAPTER 4

*Leisure, Physical and Sports Activities*ARTICLE 21 | **Rights and Responsibilities**

Citizens have rights to leisure, physical and sports activities and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter, notably through the appropriate use of community facilities.

ARTICLE 22 | **Commitments**

To foster the enjoyment by citizens of their rights to leisure, physical and sports activities, Montréal is committed to:

- a) Supporting and publicizing, with the support of community partners, a range of diverse and complementary services that meet the population's evolving needs, and promoting an active lifestyle;
- b) Developing high-quality parks and facilities for leisure, physical and sports activities that are fairly apportioned in view of the community's evolving needs;
- c) Promoting access to community activities and facilities.



CHAPTER 5

Environment and Sustainable Development

ARTICLE 23 | Rights and Responsibilities

Citizens have rights in matters of environment and sustainable development and participate with the Montréal administration in a joint effort to ensure the continued enjoyment of such rights. They take part in this effort through actions consistent with the commitments stated in this chapter, notably by consuming water in a responsible manner.

ARTICLE 24 | Commitments

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

- a)** Promoting waste reduction at source, re-use, recycling and valorization;
- b)** Reconciling environmental and built heritage protection with cultural, social and economic development;
- c)** Fostering the continuous improvement of water quality along the city shoreline and the quality of soil and air, and promoting measures to increase cool areas;
- d)** Promoting both public transportation and active modes of transportation as well as other forms of transit, thereby limiting the use of automobiles in an urban milieu, with a view to reducing air pollution and greenhouse gas emissions;
- e)** Promoting access to the city's shorelines and green spaces;
- f)** Fostering the protection and enhancement of natural environments and the urban forest;

ff) Preserving biodiversity and fostering its expansion in parks and green spaces;

g) Taking measures to reduce abusive irritants resulting from noise and traffic, controlling those stemming from the wrongful dumping of garbage and promoting with citizens responsible civic behaviours that show respect for the social and natural environments;

h) Supporting the responsible management of resources, notably with respect to water management;

i) Encouraging the implementation of sustainable development systems that take into account the evolution of knowledge and practices in this domain.



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 take part in this effort through actions consistent with the commitments stated in this chapter, notably through preventive behaviours.

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, with the support of community partners;
- c) Taking measures to ensure citizen security in public spaces, notably in 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 protection officials;
- e) Protecting people and their property.



CHAPTER 7

Municipal Services

ARTICLE 27 | Rights and Responsibilities

Citizens have the right to a high quality municipal services and to participate with the Montréal administration in a joint effort to ensure the continued enjoyment of this right. They take part in this effort through actions consistent with the commitments stated in this chapter, and notably in helping to keep the city clean.

ARTICLE 28 | Commitments

To foster the enjoyment by citizens of their right to a high quality municipal services, Montréal is committed to:

- a) Providing competent municipal services in a 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 spaces to meet various citizen needs;
- d) Taking measures to limit any nuisances or obstacles that may interfere with citizens' ability to safely access their homes or the city's network of pedestrian walkways;
- e) Taking appropriate measures to ensure the cleanliness of public property;
- f) Promoting universal access in developing its territory as well as universal access to municipal buildings, communications, programmes and services in general.

Scope, Interpretation and Implementation

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 performing work on behalf of Montréal. 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*. The Montréal Charter, therefore, applies to the boroughs, under the rules established herein.

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

ARTICLE 31 | The commitments set out in the present Charter are subject to the limits already imposed on Montréal authority and the authority shared with other levels of government, subject to the limits inherent in the general financial resources available, and to the reasonable limits of 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 Montréal 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 forum.

ARTICLE 33 | In exercising the powers conferred by the *By-law concerning the ombudsman*, the Montréal 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*, adopted by Montréal, investigate citizens’ complaints based on Part II of this Charter with regard to 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 Montréal.



Equality

ARTICLE 34 | For the purpose of any investigation based on this Charter, the Montréal Ombudsman may, if it is deemed necessary, refer to the Preamble and to Part I of this Charter in order to interpret Part II.

ARTICLE 35 | When the principal basis for a complaint filed with the Montréal Ombudsman arises from this Charter and is based on a decision of the City Council, the Executive Committee or a Borough Council, the Montréal Ombudsman may conduct an investigation into the decision, recommendation, action or omission that is the object of the complaint.

However, the first paragraph of this Article does not apply if the decision, recommendation, action or omission intended or alleged is essentially budgetary in nature.

ARTICLE 36 | The provisions of the *By-law concerning the ombudsman* apply to complaints received and investigations conducted by the Montréal Ombudsman under this Charter, except in situations where their scope may be limited by the Charter.

ARTICLE 37 | If the Montréal Ombudsman has reasonable grounds for believing that a complaint under this Charter is well-founded, he or she may, in the course of the investigation, engage in mediation in order to find one or more solutions compatible with the provisions of the Charter.

ARTICLE 38 | In all cases where mediation has occurred, the Montréal Ombudsman must transmit a copy of results of the mediation and his or her recommendation to the parties and individuals concerned by the complaint and investigation.

ARTICLE 39 | In any case where mediation has occurred, the Montréal Ombudsman's report must state the nature of the results of the mediation or of his or her recommendation, including details of measures deemed appropriate and details of recommendation to take action or to cease action.

In cases where it would be impossible to remedy the situation which has led to a complaint that was deemed justified within a reasonable timeframe, the Montréal Ombudsman's report shall explain the reasons.

ARTICLE 40 | The Montréal Ombudsman may, if he or she deems it appropriate, undertake any investigation on his or her own initiative with regard to the violation of one or more citizen rights, as set out in the present Charter.

ARTICLE 41 | The annual report submitted by the Montréal Ombudsman to the City Council and that pertains to the fulfillment of his or her duties shall include a specific section providing statements of his or her interventions and activities based on this Charter. The Montréal Ombudsman may make any recommendation in it that he or she deems appropriate.

Final Provisions

ARTICLE 42 | Revision of the Charter

Within four years of the date this Charter comes into force, and periodically thereafter, Montréal shall proceed with a public consultation aimed at assessing the effectiveness, relevancy and coverage of the rights and responsibilities defined in this Charter, and the monitoring, investigative and complaint procedures provided therein.

RIGHT OF INITIATIVE

The Right of Initiative in matters of public consultation (Article 16 h) empowers citizens to propose new and constructive solutions or innovative and mobilizing projects in order to meet the issues and challenges of their city by obtaining a public consultation following a petition. In this way, they have an opportunity to put forward original proposals, to make them known and to validate them through public consultation. With the Right of Initiative, citizens can contribute in a positive manner to their city's growth and development.

The *Montréal Charter of Rights and Responsibilities* was adopted unanimously by the Montréal City Council on June 20, 2005 (by-law 05-056) and came into force on January 1, 2006. The amendments to the Montréal Charter were adopted unanimously by the Montréal City Council on November 21, 2011.

Please note that in case of discrepancy, the French version of the Montréal Charter is the only official version.

Note
Following the adoption of amendments to the Montréal Charter by City Council, in 2011, Montréal proceeded with a general review of the English translation so as to ensure it resembled the French version as closely as possible.

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