CHARTER FOR THE RESPECT OF THE RIGHTS AND DIGNITY OF RESIDENTS OF INFORMAL SETTLEMENTS

"The ignorance, neglect, or contempt of the rights of Man are the sole cause of public misfortunes..."

PREAMBLE

The founding organizations of this Charter note that the exclusion of the most disadvantaged and their marginalization lead to the emergence of poverty and to the emergence of informal settlements.

France has already been condemned by European and international bodies in regards to this. It is essential that a just balance be found between the constitutional right of property and the fundamental rights of the informal settlers, notably their right to housing. The intention is not to perpetuate slums or other types of precarious housing, but rather to improve the living conditions of the residents of informal settlements while awaiting more dignified and sustainable housing solutions.

This Charter is based on French, European, and International law, to reaffirm human rights as well as the obligations of all stakeholders involved in the public and private spheres in working in the context of informal settlements.

The rights and obligations enumerated in this Charter concern all phases of the occupation of the land, from installation to eviction or evacuation, depending on court ruling or administrative decree, without neglecting the imperative requirement to put into place appropriate alternative re-housing options.

The founding organizations of this Charter commit themselves to promoting and disseminating it all those concerned and to demanding the respect of its principles.

ARTICLE 1

To effectively implement the right to housing, the public authorities must do all that is possible to eradicate slums by re-housing those that have been forced to live there.


ARTICLE 2

No one may be discriminated against based on their type of housing, their socio-economic status, or any other criteria protected under international law.


ARTICLE 3

Any improvised shelter constitutes the home of its occupants. All have the right to have their home recognized and respected as well as its inviolability.


ARTICLE 4

No one shall be subjected to threats nor be illegally forced, by the owner, by forces of law and order, nor by any other person, to leave their improvised housing, the dwelling in which they are occupying, or the municipality. In cases to the contrary, those responsible for such will be held legally liable.

References: Articles 222-14-2, 222-17 to 222-18-2 and 222-4 of the Criminal Code; General Observations 4 and 87 of the Committee on Economic, Social and Cultural Rights.

ARTICLE 5

In carrying out their responsibilities, the forces of law and order are required to respect the informal settlers regardless of their nationality, their origin or their social status.

References: Articles 14-8-1 and R525-7 of the Internal Security Code.

ARTICLE 6

No one can be refused access to water, electricity, or residential trash removal, and public authorities must do all that is possible to ensure that these rights are respected.


ARTICLE 7

Any municipal or prefectural decree calling for evacuation must be justified by security considerations of an imminent threat to the well-being of the informal settlers and/or their neighbours, and strictly be based on a proportional appreciation of the threat posed to public order, while respecting the dignity of the informal settlers.

References: Articles L121-2-1 and L121-3-1 of the General Local Authorities Code; Articles 5 and 8 of the European Convention on Human Rights; Articles 4 and 7 of the Charter of Fundamental Rights of the European Union.

ARTICLE 8

Every informal settler should be able to challenge a municipal or prefectural decree which is patently illegal.


ARTICLE 9

No expulsion can take place without a legal decision and without respecting the guarantees enumerated in this Charter.

References: Article L1213-1 of the Code of the Environment; Article 38 of the Code of Civil Enforcement Procedure.

ARTICLE 10

Every informal settler threatened by expulsion is entitled to due process, particularly in regards to procedural rules, be it before civil or administrative courts.

References: Articles 10, 55, 303 paragraph 1, 633 to 664 and 751 of the Code of Civil Procedure; Article R641-1, R641-2 of the Code des procédures d'exécution; Article L1222-13 of the Code de l'urbanisme; Article R641-1 of the Code des procédures d'exécution; Article L1222-13 of the Code de l'urbanisme; Article R641-1 of the Code des procédures d'exécution; Article L1222-13 of the Code de l'urbanisme; Article R641-1 of the Code des procédures d'exécution; Article L1222-13 of the Code de l'urbanisme.

ARTICLE 11

In respect to timely maintenance, all informal settlers occupying land should benefit from the same rights as those living in constructed buildings.

References: Articles L121-2, L121-3-1, L121-3-2 of the General Local Authorities Code; Article 110 of the Public Health Code; Circular of 26 August 2012; Article 3 of the European Convention on Civil and Political Rights.

ARTICLE 12

No one can be expelled during the “winter truce”, unless a dignified and stable solution appropriate to their needs has been offered.


ARTICLE 13

No expulsion or evacuation should take place without a serious examination of the status of each person in regards to their family context, and their health, schooling, employment, and housing.

References: Circular of 26 August 2012.

ARTICLE 14

No expulsion or evacuation may take place without a prior housing solution or alternative proposed which is dignified, stable, and appropriate for the needs of the people. Such proposal should be in conformity with the principles of family unity and equal treatment of all persons.


ARTICLE 15

No one may be subjected to a forced expulsion, even if it is authorized by legal decision, as long as the involvement of law enforcement has not been provided for.

References: Article 206-4-2 of the Criminal Code.

ARTICLE 16

All informal settlers must be able to contest any manifestly illegal decision calling for the assistance of law enforcement.


ARTICLE 17

No expulsion or evacuation may compromise the continuing schooling of children, nor cause an interruption in the provision of health and social services to the persons concerned.


ARTICLE 18

No one should be subjected to the destruction or retention of their belongings or personal effects.

References: Articles 320-21, paragraph 3 and 320-22, paragraph 3 of the Criminal Code; Articles 249 and 249-2 of the Civil Code; Articles L1222-13; L433-1; L433-3 and R433-1; R433-6 of the Code des procédures d'exécution; Article L1222-13 of the Code de l'urbanisme; Article R641-1 of the Code des procédures d'exécution; Articles 2 and 17 of the Declaration of the Rights of Man and Citizen of 26 August 1789; Article 1, paragraph 1, of the Additional Protocol # 1 to the European Convention on Human Rights; Article 1, paragraph 1, of the Additional Protocol # 1 to the European Convention on Human Rights.

ARTICLE 19

No one should have their ability to come and go limited by law enforcement following an expulsion or evacuation from land. Informal settlers should continue to enjoy freedom of movement.

References: Article 12, paragraph 1, of the International Covenant on Civil and Political Rights; Article 2.3 of the Protocol #4 of the European Convention on Human Rights.