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**CHARTER OF EMERGING HUMAN RIGHTS**

**Human rights in a globalised world**



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# CHARTER OF EMERGING HUMAN RIGHTS

## Human rights in a globalised world

### PART ONE

#### GENERAL FRAMEWORK: VALUES AND PRINCIPLES

##### **I. Why a Charter of Emerging Human Rights?**

We are entitled more rights than we thought. The Charter of Emerging Human Rights arises from the global civil society in the beginning of the 21st century with the aim to contribute to the design of a new horizon of rights that will orient the social and cultural movements of collectivities and peoples, and that will at the same time be inscribed in the contemporary societies, the institutions, the public policies and the agendas of leaders from a new relationship between the global civil society and the authorities.

Human rights are the foundation of societies. The globalised society speaks out in defence of the effective guarantee of rights, assuring all of freedom and the conditions for a happy life.

In the fifty-six years that have elapsed since the United Nations General Assembly solemnly proclaimed the Universal Declaration of Human Rights on 10 December 1948, political, social, ideological, cultural, economic, technological and scientific changes have taken place that have influenced deeply the knowledge of human rights, the mechanisms for their assurance, and the

strength and impact of the voices and movements that, from the global civil society, demand their respect.

Half a century has elapsed, a considerable distance has doubtless been covered and a universal juridical patrimony is beginning to be built and consolidated. Nevertheless, human rights have not been defined in a permanent way because each social or technical evolution makes relationships more complex and opens new temporary paths of domination or plunder. Who can doubt that we find ourselves today before one of these stages, perhaps one of the most difficult stages to be crossed in the history of humanity?

The world arranged itself around a distribution between sovereign states, with each state taking responsibility for the group that it represented. In the 21st century, however, we are living unavoidably in a world of greater complexity. The inter-State relations and the transnational movements are interlinked and crossed with confrontations between States, conflicts that persist, and social violences that affect entire regions. Many States have grown weak and show signs of instability and corruption. Poverty may be seen as one of the most flagrant violations of human rights in this century. The effectiveness of rights is called into question and the issue of the violations committed by the States themselves has not been resolved either. These violations, far from diminishing, are multiplying within a context marked by an obsession for security. Together with this, transnational relations create situations that elude the control of the States and the effective application of the rights that have been so difficult to proclaim.

The notion of the Nation-State on which the bases are laid for the liberal doctrine of human rights has changed. We are witnessing not only the weakening of the Nation-State but also the strengthening of the transnational market and of financial actors who, through multinational companies and alliances and financial consortia, define economic policies that influence the whole planet. The liberal credo, a sign of one-dimensional thought, is becoming consolidated in the face of new and uncertain scenarios within the framework of economic and political globalisation.

This situation is arising at the same time as the dangers increase in the world. Some stem from ideological representations mixed with religious fanaticisms, whereby those who belong to another national, religious or cultural identity are considered enemies. Other dangers are linked to uncontrolled technological advances: the development of means of control and surveillance of

the life of individuals, increasingly perilous and indiscriminate weapons that affect even the environment and biological diversity, interventions on the human being, and the manipulation of freedoms.

The Charter of Emerging Human Rights recognises and is inspired by the spirit and principles of the Universal Declaration of Human Rights of 1948 and by international and regional instruments adopted to date by the international community; moreover, it takes up and ratifies their dimensions of universality, indivisibility and interdependence and the indispensable articulation between human rights, peace, development and democracy.

Whereas the Universal Declaration of Human Rights arose from an Assembly of States, the Charter of Emerging Human Rights is built from diverse experiences and struggles of the global civil society, taking up the most clearly-defined demands of its social movements.

Additionally, while the Universal Declaration of Human Rights is a resolution adopted solemnly by the United Nations as a founding document of a 20th-century humanistic ethics and the “common ideal to be achieved” from an individualistic and liberal standpoint, the Charter of Emerging Human Rights arises from the experience and voices of the global civil society at the beginning of the 21st century.

This Charter involves a new conception of citizen participation and conceives the emerging rights as citizen rights. The aim is to overcome the political deficit and the powerlessness between the desired changes and the present precarious conditions for their achievement.

Human rights are, however, the result of an unfinished process under permanent transformation. New commitments, needs and rights are emerging, but above all an awareness is arising in the present societies, which make visible peoples and social groups who appear today with a voice through the emergence of an organised international civil society. The Charter of Emerging Human Rights takes shape as a response to the globalisation processes, the partial and unequal nature of which excludes from their benefits broad layers of the world population, particularly in the underdeveloped countries but also in the developed countries, designing a scenario of poverty, violence and exclusion as a framework of global relationship.

New social, economic and political actors that are appearing or becoming visible in the 21st century are also arising today in the face of new contexts and of the globalisation of the economy, major transformations of science and technology, medical engineering, phenomena such as world migrations and movements of large population nuclei, the increase of poverty at world level and of extreme poverty in the Third World, the appearance of new forms of slavery, intensification of terrorism and narcotics trafficking, subsistence and intensification of inter-ethnic conflicts and of the political hegemony of one country with respect to political blocs under formation in the present-day geopolitical configurations, among other great challenges that the world is now facing.

This Charter corresponds to the recent idea according to which humanity as a whole forms a political community with the duty to take upon itself its destiny in a shared way. This is compatible with a respect for the existing State political communities. However, a new combination is required between the pluralistic communities and the shared political community to which we all belong.

The basis of the rights formulated in this Charter corresponds to a notion of synthesis, the notion of the universal public interest that should allow all human beings, without exception, to be assured of the means for freedom within a respect for the equality of persons, peoples and Nature.

This Charter has the purpose of strengthening the interdependence and integrity of the rights of men and women, without seeking to replace any existing instruments; on the contrary, it supplements and strengthens them. This is a Charter that emanates from the global civil society and it should be considered a part of a consuetudinary normative process, but it should also be considered, for individuals and the States, a new ethical imperative of the 21st century.

We are confronted, accordingly, with the need to globalise solidarity, to develop alternative projects, to imagine new alliances, to favour new forms of resistance, to guarantee effectively new proposals for an international democracy, sustainable development and peace, and to conceive, from the standpoint of civil society, the human rights of the 21st century.

The Charter of Emerging Human Rights shapes the landscape of a world often touched by barbarity, recalling that, in the worst of risks and conflicts, humanity always stands up and finds within itself the energies for progress.

## II. Values

The successive declarations of human rights have been based on the recognition of a series of values considered to be the basis for the positive coexistence of human beings in peace and freedom. Freedom, equality and fraternity have gone down in history as the basic values of modernity. Freedom, justice, peace, and dignity are the values that form the substrate of the Universal Declaration of Human Rights. They are values that refer to one another, that interweave and that call for each other: there is no freedom without equality; freedom and equality are ingredients of dignity and justice; without peace there is no freedom, and the absence of peace may be the result of the absence of justice or equality.

Values are not static, or the meaning of their terms is not. The words that designate the fundamental values, even though they are always the same, acquire different nuances according to each period. The freedom that was defended by the 18th-century revolutionaries, although it is now partly consolidated in the societies governed by the rule of law, manifests itself today with new demands that must also be defended. On the other hand, our freedoms today are threatened by a series of circumstances that did not exist two centuries ago. Equality has gone about filling itself with content as a result of the impulse and development of social sensitivity in the 20th century. The right to peace and to life, which we claim today, is seen in the light of a series of new perils, such as weapons of mass destruction, terrorism, globalisation of inequality or a technological development that can enslave us owing to a lack of control or of adequate orientation. Fraternity, or solidarity, is acquiring increasingly international dimensions. Lastly, a value such as tolerance, which arose as an antidote to the wars of religion, has ended up by being the minimum demandable of the citizens of the present democracies – although it is perhaps too minimal to leave us satisfied.

The Charter of Emerging Human Rights makes explicit and highlights the way we understand or wish to understand today the fundamental values that are described succinctly below.

## **Dignity**

Human beings have dignity because they have no price. Human beings have dignity because they are an end in themselves and not only a means to the ends of other persons. Both assertions are from Kant and there is still no better way to define human dignity than what this philosopher once proposed. The Renaissance figure Pico della Mirandola, on the other hand, had defined human dignity as the possibility of individuals to decide about their own life, to be able to choose how to live. In both cases, dignity is intrinsically joined to freedom. The dignity of human beings stems from their condition as free agents. Since every individual deserves the same dignity, it should be understood today as a right and, at the same time, as an obligation: the right to see freedom recognised and the obligation to exercise freedom responsibly and without disdaining the freedom of others.

In our world, very especially entitled to such dignity are the most vulnerable persons: those who live in poverty, those who suffer incurable illnesses, the persons with a disability independently of its typology, and minority groups. They all lack the recognition of their ability to act as free agents and, therefore, to function as human beings.

## **Life**

The value of life has always been the first and most basic value. Without life, no other value is sustainable. The paradox is that the possibilities of destroying human lives have not decreased with time, but rather increased. The development of weapons, the imperialistic endeavour of States, the incomprehension and indifference with respect to others' discomfort, make the life of persons one of the most vulnerable values. The need to continue insisting on the value of life is shown by the fact that the death penalty or extrajudicial executions still exist in some places, that the trafficking of persons exists, and that extreme hunger and poverty have not yet been abolished.

On the other hand, although individuals wish to live above all else, at the same time they wish to live well – they want a life of quality. Scientific and technical development in combination with economic development may stand at the service of human life and even non-human life, but they may also develop to the detriment of that value. The defence of a healthy balanced environment, the claim for the right to a worthy death, and the value that we attribute to the city highlight the fact that the life that we value today is a life of quality.

## **Equality**

The affirmation that there is no freedom without equality remains valid. The value of equality is a condition of freedom. But egalitarianism without nuances lies far from the minds of our time. The objective of distributive justice must be the equal access of all to the most basic goods. We call this “equality of opportunities”, “equality of capacities” or simply “equality”. It is not a matter of eliminating differences but of achieving that differences will not be discriminatory or exclusive. It is a question of conceiving an equality that is compatible with the specific needs of the various groups. It is a question of establishing which groups or peoples have historically suffered greater discrimination and to act positively in their favour.

Against the neoliberal tendencies, it is necessary to continue to proclaim the value of equity. Without equity, individuals are not really free, even if their freedoms are formally recognised, and the life that is their lot is lacking in quality and dignity. It is necessary to proclaim without reservations the universality of equality and to unfold policies of distributive justice at the international level.

## **Solidarity**

Charity and the love for one’s neighbour were the basis of the “fraternity” acclaimed by the French revolutionaries. Today we prefer to speak of solidarity, a value that becomes strengthened as the social sensitivity among people increases and grows stronger. The phenomenon of social movements materialises the need to become mobilised and organised in order to exercise solidarity and promote solidarity attitudes. If equity is a value to be developed mainly by the political institutions in the hands of which lie the policies of distributive justice, solidarity is a value that should be developed by individuals. The public policies will have better results and will be carried out better if they are accompanied by solidarity attitudes.

## **Positive coexistence**

The value of positive coexistence stands out in the face of the repeated outbreaks of racism and xenophobia in response to the growing migratory movements, in the face of the explicit rejection of what is different, and in the face of the phenomenon of mistreatment that victimises the weakest persons. It is a value that goes beyond tolerance, which is too meagre a virtue to be considered a satisfactory democratic value. We tolerate that which we do not like and which discomforts us, that which we would like to set at a distance from us. Tolerance leaves us indifferent with respect to the various forms of life, and it does not demand that we integrate

them in our world or accept them. What is valuable and necessary at this time is not only to tolerate the Other, but to recognise him or her as an equal and to learn to live in positive coexistence with everyone.

### **Peace**

The latest declarations of rights arose as reactions to the terrible wars and massacres of the 20th century. However, no declaration has succeeded in putting an end to wars. The conflicts of today are of another type and are due to unforeseen causes, but they tend to be settled all the same with violence and force. Nevertheless, the rejection of armed conflicts has taken more shape in the democratic societies. This is shown by the repeated acts of civil disobedience and conscientious objection with respect to military obligations and the financial investment in weaponry. There is an urgent need for the right of asylum as an indispensable right for persons who must flee their countries in war.

Today we link peace to the value of dialogue, a value on the rise that has been repeatedly demanded. Over and above the claim for recognition of cultures, identities and own languages, there is an urgent need for the value of language in itself – which is the most specific trait of human beings and which should join us all in an authentic “community of dialogue”.

### **Freedom**

The individual freedoms form the most treasured, most consecrated and most developed value in our societies. But freedoms, too, become vulnerable when terrorist threats oblige a tightening of citizen security. The value and extension achieved by freedom of expression, for its part, clashes with the duty to respect the privacy and image of persons. Individual freedoms are also threatened by the not always well-founded emphasis on purported collective rights.

Greater freedom entails greater responsibility. The value of freedom in the democratic liberal societies depends on the capacity to maintain the balance between the individual freedoms and the rest of the rights, the guarantee of which comes to limit these freedoms in one way or another. To achieve this is to exercise freedom responsibly.

### **Knowledge**

The knowledge society has converted knowledge into a basic value. Thanks to telecommunications, the access to public and private information is a universalisable asset.

Scientific innovations and technological development must be accessible and known to all persons whom they affect. Education ceases to be a stage in life and goes on to extend throughout the life of persons. Knowledge is a condition of freedom and also of dignity and equality.

### III. Principles

The Charter of Emerging Human Rights comprises the following transverse principles:

**Principle of coherence.** It is conceived from a holistic focus that promotes and claims the indivisibility, interdependence and universality of human rights. This Charter does not belong to just another generation of human rights, because it also conceives these rights from a historicist focus that promotes their integrity, without generations.

**Principle of horizontality.** The emerging rights arise in a horizontal way without any hierarchisation. This principle likewise claims the international, regional and local levels as articulated spaces for the necessary protection and promotion of human rights.

**Principle of promotion of multiculturality.** This principle recognises the individual rights and the collective rights on the same plane of equality and seeks to go beyond the debate between these categories and between individual rights and social rights; therefore, it recognises both individuals and peoples as collective subjects of rights. There is no justification for maintaining a classic bipartition between these rights. All human rights are individual and all have, at the same time, a collective dimension.

**Principle of solidarity.** This principle promotes solidarity as an ethical demand with a character of co-responsibility between all actors, but it ratifies the States and the international community as the guarantors of the respect, promotion and validity of human rights.

**Principle of political participation.** This recognises the political dimension of all human rights and the necessary space of citizen participation in each one of them. This principle is, at the same time, a transverse human right.

Principle of gender. This integrates a dimension of gender that seeks to position the rights of women and recognises these rights both from a perspective of positive discrimination and from their necessary transverse inclusion in the whole framework of this Charter of rights. Moreover, it claims the recognition of sexual diversity and the dimension of gender from masculinity.

Principle of social inclusion. This implies not only the provision of guarantees of access to the vital opportunities that define a full social citizenship in our present-day societies, but also the fact of being accepted with one's own characteristics, abilities and limitations as one more member of that society. This principle is of universal character and, therefore, it also inspires the rights of the sector of persons with a disability, independently of the typology of their disability and the degree to which they are affected by it.

Principle of demandability. Since this Charter is a programmatic text in its first stage, it comprises, as from today, the endeavour to adopt mechanisms that are binding for the States and postulates the development of mechanisms that favour its demandability. No right may be relegated by its nature as a "programmatic right" and neither may this justify its being disregarded or omitted.

Principle of non-discrimination. The universal character of the emerging rights is based on the principle of non-discrimination. This principle is, at the same time, a transverse human right.

Principle of human security. This Charter claims human security as a holistic principle, considering it to be a human right at the same time.

## PART TWO

### CHARTER OF EMERGING HUMAN RIGHTS

We, the citizens of the world, members of the civil society committed to human rights, forming part of the universal political community, assembled in Barcelona, called by the Universal Forum of Cultures Barcelona 2004:

Inspired by the values of respect for the dignity of the human being, freedom, justice, equality and solidarity, and the right to an existence that will allow the development of uniform standards of welfare and of quality of life for all;

Recognising the full validity and applicability of the Universal Declaration of Human Rights, of the International Pact on Civil and Political Rights, of the International Pact on Economic, Social and Cultural Rights, and the rest of the international instruments on protection of human rights;

Observing that millions of people suffer serious systematic violations of human rights, endure inhuman conditions and are subjected to situations of war, hunger, poverty and discrimination;

Recalling that, as is proclaimed in the Universal Declaration of Human Rights, the recognition of the intrinsic dignity of all the members of the human family, and the equality and inalienability of their rights, are the foundation of freedom, justice and peace in the world;

Recalling that, in accordance with the Universal Declaration of Human Rights, all persons have the right to the establishment of an international social order in which the rights and freedoms that are proclaimed therein shall be made fully effective;

Recalling that human rights are universal, indivisible and interdependent, and that the affirmation of this universality and indivisibility does not exclude legitimate differences of cultural and political nature in the action of each one of these rights, as long as compliance is made with the terms set out by the Universal Declaration for all of humanity;

Affirming the inexcusable demand that the international community and the State, regional and local public powers as well as the non-governmental agents shall assume a greater role in the safeguard of human rights and fundamental freedoms, and that they shall procure the full

effectiveness of the enjoyment of the rights by all human beings in an egalitarian way, without discrimination;

Affirming the need to deepen and to strengthen democracy in all its dimensions, and the need to strengthen the United Nations system in defence of human rights;

Wishing, moreover, to build a global civil society based on justice and human rights;

We proclaim the following rights as Emerging Human Rights for the Twenty-First Century.

### **Title I. The right to egalitarian democracy**

**Article 1.** The right to existence under conditions of dignity. All human beings and the peoples of whom they form a part have the right to live under conditions of dignity.

This fundamental human right comprises the following rights:

1. The right to security of life, which entails the right of all human beings, for their survival, to dispose of drinking water, of energy and of adequate basic food, and not to suffer situations of hunger. All persons have the right to a continuous supply of electricity in a sufficient amount to meet their basic needs of life.
2. The right and duty to eradicate hunger and extreme poverty, by virtue of which all persons and the peoples of whom they form a part, have the right to demand, at the national and international level, the adoption of effective measures and policies for the fight against hunger and extreme poverty to which over one thousand million human beings are subjected at present.

The States and the non-State actors, and in particular the transnational companies, the trade union organisations, and the NGOs, should co-operate and adopt policies in the field of their respective spheres of activity, addressed to the prevention of the reproduction and perpetuation, at international level, of situations of hunger and extreme poverty, and to the eradication of same, in particular in the underdeveloped countries.

3. The right to personal integrity, that founds itself in the fact that all persons are inviolable and have the right to their physical and psychic integrity. The death penalty and summary executions are forbidden under any circumstances or in any place.
4. The right to the basic income, which assures all persons, independently of their age, sex, sexual orientation, civil status or employment status, the right to live under worthy material conditions. To such end, the right is recognised to a regular income defrayed on the account of the State budgets, as a right of citizenship, to each resident member of society, independently of their other sources of income, and without prejudice to the demand for compliance with their tax duties in the respective State, which income shall be adequate to allow them to cover their basic needs.
5. The right to work, in any of its forms, remunerated or not, which covers the right to exercise a worthy activity guaranteeing quality of life. All persons have the right to the fruits of their activity and to intellectual property, under the condition of respect for the general interests of the community.
6. The right to health, health care and medicines, which assures access to the best health technologies, to the enjoyment of a health system of prevention, surveillance and personalised care and to have the essential medicines. All persons and all peoples of whom they form a part have the right to the respect, by the scientific and technological developments in the field of health, and in particular in relation to genetic engineering, of the fundamental principles of the dignity of persons and of human rights.
7. The right to education, to knowledge and to a continued and inclusive training and to eradicate illiteracy, which aspires to provide access for all human beings to a continued quality education and vocational training that is adapted to their personal needs and to the demands of society, and that is inclusive of all the members of society, without any discrimination. All human beings have a right to the eradication of illiteracy.
8. The right to a worthy death, which assures all persons of the right to the respect of their will not to prolong artificially their life, as expressed in a testament or similar document, with all due guarantees.

**Article 2.** The right to peace. All human beings and the peoples of whom they form a part have the right to the guarantee of human life by a social system in which the values of peace and solidarity are essential and in which conflicts are settled by means of dialogue and other forms of peaceful social action.

This fundamental human right comprises the right of all persons to conscientious objection with respect to military duties. All persons forming part of an army have the right to reject military service in internal or international armed operations that are in violation of the principles and rules of international humanitarian law, or that constitute a serious, massive and systematic violation of human rights.

**Article 3.** The right to inhabit the planet and to the environment. All human beings and the peoples of whom they form a part have the right to live in a healthy, balanced and safe environment, to enjoy the biodiversity present in the world, and to defend the maintenance and continuity of their surroundings for the future generations.

**Article 4.** The right to a full and effective equality of rights. All human beings and the peoples of whom they form part have the right to a full and effective equality of rights. This fundamental human right comprises the following rights:

1. The right to equality of opportunities, which recognises the rights contained in this Charter without any type of discrimination by reason of race, ethnic group, colour, gender or sexual orientation, genetic characteristics, language, religion, political opinions or those of any other nature, national or social origin, the circumstance of belonging to a minority, fortune, birth, disability, age or any other condition.

For the achievement of equality, consideration shall be given to the existence and overcoming of the de facto inequalities that diminish it, and to the importance of identifying and satisfying the particular needs of human groups and peoples, derived from their condition or situation, as long as this does not result in discriminations against other human groups.

2. The right to protection of the collectivities in situation of risk or exclusion, which recognises to all persons belonging to a collectivity at risk or to a people in a situation of exclusion, the right to special protection by the public authorities. In particular:

- ?? Boys, girls and adolescents have the right to the necessary protection and care for their welfare and full development.
- ?? Elderly persons have the right to a worthy autonomous life, and the rights to the protection of their health and to participation in social and cultural life.
- ?? Immigrants, whatever their legal status may be in the State to which they have immigrated, have the right to the recognition and enjoyment of the rights proclaimed in this Charter, as well as the effective protection, by the State to which they have immigrated, of the fundamental rights and freedoms established in the Universal Declaration of Human Rights.
- ?? The persons with a disability, regardless of the typology of their disability and the degree to which they are affected by it, have the right to participate in and form an active part of society, to contribute to its articulation and development, to exercise their citizenship with rights and duties, and to develop their abilities.

## **Title II. The right to pluralistic democracy**

**Article 5.** The right to pluralistic democracy. All human beings and the peoples of whom they form a part have the right to the respect of the individual and collective identity, and the right to cultural diversity.

This fundamental human right comprises the following rights:

1. The right to pluriculturality, which guarantees the right to live in a setting of cultural wealth, of reciprocal knowledge and mutual respect among persons and groups of distinct origins, languages, religions and cultures. All languages, religions and cultures are equal and equally protected.
2. The individual right to cultural freedom, which entails the right of all persons to know, live, preserve and develop their own cultural identity, including their linguistic identity.
3. The right to the recognition and protection of the common cultural identity, which recognises to all human groups and all peoples endowed with the feeling of being united by a historical, cultural, religious, linguistic or other solidarity, the right for their common identity to be protected and to obtain the collective status of their choice in

the bosom of the broader political community, without the defence of their own identity justifying, in any case, violations of the fundamental rights of persons.

4. The right to the honour and own image of human groups, which recognises to all human groups and all peoples united by a historical, cultural, religious, linguistic or other solidarity, equality in dignity and honour and the right to the respect of their honour and image by the communication media and the public authorities.
5. The right of the indigenous peoples and the persons who form part of them to special measures of recognition of their distinctive characteristics so that they may benefit fully from their cultural, intellectual and natural resources.
6. The right to freedom of conscience and religion, which guarantees to all persons and the peoples of whom they form a part, freedom of conscience and religion, and the right to change religion or not to have any religion. All persons have the right to practise their religion unrestrainedly, but they shall be protected against all proselytism in the public sphere.
7. The right to information, which entails the right of all persons and of all the peoples of whom they form a part to receive true verified information from the communication media and the public authorities.
8. The right to communication, which recognises the right of all persons and of all the peoples of whom they form a part to communicate with their fellow persons by any means of their choice. To such end, all persons have the right to the access to and the use of the information and communication technologies, and the Internet in particular.
9. The right to the protection of personal data, which assures all persons of the right to the protection and confidentiality of the data of personal character that concern them, and to access such data and to rectify them.

### **Title III. The right to parity democracy**

**Article 6.** The right to parity democracy. Women and men have the right to parity democracy.

This fundamental human right comprises the following rights:

1. The right to equality, which means that the women in all societies and of all peoples, without exception, have the right to equality of legal, political, economic, social, labour-related and cultural status with respect to men. The principle of equality favours the adoption of preferred means of protection in favour of women at the local, national and international levels.
2. The right to personal self-determination and sexual diversity, which recognises to all persons the right to exercise their freedom and sexual orientation.
3. The right to the choice of personal ties, which extends to the recognition of the individual right to sentimental association with the chosen person, including the right to marry, without there existing any obstacle whatsoever to the free full consent for such act. All types of freely consented personal ties merit equal protection.
4. The right to reproductive health, which recognises the sexual and reproductive rights of all persons and the right of men and women to the protection of maternity, including maternity outside of marriage. All women have the right to access quality reproductive, gynaecological and obstetric health services.
5. The right to the protection of all the manifestations of familial community, which recognises the right of all human beings to the protection and safeguard of the family, by the public authorities, regardless of the form of the family and independently of the equal responsibility of each of the parents in relation to the education and maintenance of their minor children.
6. The right to parity representation, which entails an equivalent proportion between women and men, of all ages, in all bodies of political participation and management.

#### **Title IV. The right to participatory democracy**

**Article 7.** The right to participatory democracy. All human beings and all the peoples of whom they form a part have the right to participate actively in public affairs and to enjoy a democratic administration at all levels of government.

This fundamental human right comprises the following rights:

1. The right to the city, which assures that all human beings and the peoples of whom they form a part will find in the city the conditions for their political, economic, social, cultural and ecological fulfilment.
2. The right to universal mobility, which recognises the right of all persons to migrate and to establish their residence in the place of their choice.
3. The universal right to active and passive suffrage, which entails the right of all persons of legal age, independently of their nationality, to active and passive suffrage in all electoral processes and popular consultations that are held in their place of customary residence.
4. The right to be consulted, which guarantees the right of all human beings to be consulted collectively on the decisions that affect them.
5. The right to participation, which entails the right of all persons and of the peoples of whom they form a part to participate, through agile effective channels, in the adoption and control of public decisions in the matters that concern them, and to challenge, before the courts, the decisions with respect to which they allege a right or a direct or indirect interest as grounds for the legitimation of same.
6. The right to housing and to residence, which guarantees to all human beings the right to maintain their residence in the place where they have their social relations, in their significant settings, or to have another place of their free choice.
7. The right to the public space and to monumentality, which entails the right to an urban setting articulated by a system of public spaces endowed with elements of monumentality that lend them visibility and identity.

8. The right to beauty, whereby the urban space shall incorporate an aesthetic dimension and a harmonious sustainable urban design as evidence of urban quality.
9. The right to collective identity in the city, which means the right to an internal organisation of the urban space that simplifies the sociocultural cohesion of communities.
10. The right to mobility and to accessibility, since all persons have the right to orderly traffic that is respectful of the environment, and to move easily about the metropolitan city. All persons with a disability have the right for their mobility to be simplified and to the elimination of all architectural barriers.
11. The right to the conversion of the marginal city into the city of citizenry, which entails the right of all persons to inhabit quality urban areas, with a character of centrality.
12. The right to metropolitan or pluri-municipal government, which guarantees the right of all persons, for reasons of participation in and efficacy of public management, to a local government of proximity which may have a pluri-municipal or metropolitan dimension in the most urbanised regions.

## **Title V. The right to solidarity democracy**

**Article 8.** The right to solidarity democracy. All human beings and the peoples of whom they form a part have the right to the development and safeguard of the rights of future generations. This fundamental human right comprises the following rights:

1. The right to science, technology and scientific knowledge, which guarantees the access to the scientific, technological and humanistic knowledge and to benefit from the results of such knowledge.
2. The right to participate in the enjoyment of the universal common good, which guarantees the right to enjoy the cultural heritage of humanity, the Antarctic, the ultra terrestrial space and the celestial bodies, the bottom of the seas and oceans outside the limits of the jurisdictions of the States, the biological resources of the high seas, the

global climate, the works of the spirit of universal interest that form part of the public domain, all the cultures of the world and the human genome.

The system of the universal common good is based on the community and solidarity of all human beings, peoples and States, and entails the application of the principles of non-appropriation, the use of same for exclusively peaceful purposes, the rational balanced use that watches out for the conservation and improvement of the goods, the peaceful settlement of conflicts, freedom of access without any discrimination whatsoever, and international supervision to watch out for the full implementation and respect of the foregoing guiding principles.

3. The right to development, which establishes that all human beings, as the central subjects of development, have the individual and collective right to participate in an economic, social, cultural and political development in which all the human rights and fundamental freedoms may be fully achieved, to contribute to this development, and to enjoy it.

The right to development, as an internationally formulated emerging human right, has as its specific scope of application the underdeveloped countries, and it is exercised collectively. This right includes the full disposal, exploration, operation and commercialisation, by such countries, of their natural resources, and the right of all persons belonging to their populations to participate in the adoption and control of the decisions relating to the management of such resources.

## **Title VI. The right to garantiste democracy**

**Article 9.** The right to garantiste democracy. All human beings and the peoples of whom they form a part, have a right to law, to democracy and to international justice.

This fundamental human right comprises the following rights:

- I. The right to international justice and to collective protection by the international community, which guarantees to all persons and all the peoples of whom they form a part the right for the international community, through the appropriate bodies of the United Nations, to adopt all the measures necessary to prevent and detain the mass and systematic violations of human rights wherever such violations occur.

2. The right to democracy and to democratic culture, which entails the right to live in a free democratic society, in which the rule of law and human rights are respected, and to be administered by an efficient transparent public administration that is accountable for its management.
3. The right to the truth and to justice, which entails the right of all persons for the public authorities to open an investigation and to identify and penalise the guilty in cases of serious violations of human rights, so as to allow the victims and the members of their family to seek and clarify the truth of what has happened and to receive the respective reparation.

The States shall refrain from adopting measures of amnesty, prescription and exoneration from responsibility that seek to prevent the investigation and penalisation of the persons responsible for serious violations of human rights. In particular, no persons shall enjoy any immunity whatsoever that exonerates them from being tried for the crime of genocide, for war crimes or for crimes against humanity.

4. The right to resistance, which entails that all peoples in a struggle against a direct or indirect foreign oppression, of military, political, economic or cultural nature, have the right to resist such oppression by all the legitimate means within their reach; and to seek and receive, in such struggles, international support in accordance with the purposes and principles of the Charter of the United Nations.
5. The right and the duty to respect human rights, which guarantees all persons the effective protection of human rights at the national and international levels. The States and other actors, and in particular the international financial institutions and the transnational companies, have the duty to respect human rights. These legal obligations go beyond the national borders.
6. The right to a fair international system, which recognises to all persons and to the peoples of whom they form a part the right to an international system in which the rights and freedoms set out in this Declaration and in the other international instruments on protection of human rights will be fully effective, including the right to reparation for the violation of the human rights of the persons who have been the victims thereof. For the full protection of their human rights, all persons may take

recourse to international instances in the cases in which the national protection may have been insufficient.

7. The right to global democracy, which entails the right of all human beings and of the peoples of whom they form a part, to a democratic international system based on the respect for the principles and rules of International Law and governed by a United Nations organisation that will make effective the rights and freedoms set out in this Declaration and in the other international instruments on protection of human rights.