

MONTREAL DECLARATION: People's Right to Safety

*6th World Conference on Injury Prevention and Control
Montreal, Canada, 15 May 2002*

The participants of the 6th World Conference on Injury Prevention and Control held in Montreal, Canada:

1. **Aware** that safety and security of person is a major concern to the entire world.
2. **Committed** to promote a safer world by building knowledge based policies and practices.
3. **Motivated** by the high incidence of injuries and deaths caused by trauma, armed conflict and violence around the world.
4. **Following** the Manifesto of Safe Communities adopted at the 1st World Conference on Accidents and Injury Prevention held at Stockholm, Sweden in 1989.
5. **Concerned** at the existence of safety hazards on a global scale and the serious threat that this poses to the life and health of the people of this world, particularly to children.
6. **Aware** that the concept of safety is complex and difficult to understand in all its entire dimensions, physical, social, psychological, and, therefore, difficult to promote.
7. **Noting** that in modern ways of living people have to use products and do things at places and at times which are determined by some one else or society at large.
8. **Aware** that people often have little choice in the design of, the home they live in, the design of the tools they use, the work place where they spend the majority of their day, the roads they use, the vehicles in which they travel.
9. **Recognising** that individuals cannot be expected to be careful all the time and that, particularly with respect to activities that are universal in nature, such as, domestic chores, road use and work in offices, factories,

farms, etc., the structures within which people function are more important in the occurrence of accidents and injuries than individual negligence.

10. **Realising** that effective safety enhancement requires an integrated approach, which takes into account several aspects in a framework that allows them to be viewed comprehensively.
11. **Reaffirming** the principle of sovereignty of States and accountability and responsibility in international cooperation to address the issue of safety.
12. **Recognising** that safety legislation, safety standards and management objectives should all reflect the safety and sustainable development context, and that standards applied by some countries may be inappropriate and of unwarranted social and economic costs to other countries.
13. **Affirming** that, nevertheless, it is necessary to articulate a universal vision and develop universal norms and standards in which people are able to lead their lives with safety.
14. **Recognising** the vital role of women in the propagation of safety and safe practices in everyday life and affirming the need for integration of a gender perspective at all levels of policy making and implementation of a global safety system.
15. **Stressing** the importance of and the need to promote international, regional and global cooperation among States and inter-governmental organisations and the non-governmental sector for the promotion of safety, safe technology and sustainable development.
16. **Acknowledging** that the provision of new and additional financial resources and access to relevant technologies is essential if a global system of safe and sustainable development is to become the norm.
17. **Noting** that, ultimately, safe and sustainable development on a global scale will strengthen friendly relations among States and contribute to peace for human kind.
18. **Following** the Universal Declaration Of The Rights Of Peoples, The Universal Declaration Of Human Rights,¹ The International Covenant On Civil And Political Rights,² The International Covenant On Economic,

Social And Cultural Rights,³ The Convention On The Elimination Of All Forms Of Discrimination Against Women,⁴ The United Nations Declaration on the Elimination of Violence Against Women,⁵ The United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict,⁶ The United Nations Convention On The Rights Of The Child,⁷ The Vienna Declaration and The Programme Of Action Of The World Conference Of Human Rights,⁸ Beijing Declaration and Platform for Action: The Beijing Conference On Women,⁹ Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development,¹⁰ The United Nations Declaration on Social Progress and Development,¹¹ The Draft United Nations Declaration Of Rights Of Indigenous Peoples,¹² and other relevant international human rights instruments.

19. **Guided** by the Rio Declaration On Environment and Development, Agenda 21,¹³ and other relevant instruments for prevention of industrial and environmental hazards, and recognising the many linkages between protection of human rights and protection of the environment.¹⁴
20. **Guided**, further, by the International Labour Organisation conventions and recommendations, including the ILO Declaration on Fundamental Principles and Rights at Work,¹⁵ The United Nations Convention concerning Freedom of Association and Protection of the Right to Organize,¹⁶ The United Nations Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively,¹⁷ and, The Convention Concerning The Prevention Of Major Industrial Accidents, The Istanbul Declaration and Programme of Action.
21. **Recognising** that the right to safety depends upon the full implementation of all civil, political, social, economic and cultural rights.
22. **Deeply** concerned by the disproportionate frequency and the magnitude of injury of civilians in armed conflicts.
23. **Deeply** concerned by the frequency of the small scale

but harmful hazardous events as well as by the magnitude and nature of major industrial accidents, including the incidents in Seveso, Chernobyll, Bhopal, Basel and elsewhere.

24. **Concerned** that the existing national and international system of hazard prevention, post disaster relief, medical and legal assistance and legal accountability are relatively inadequate and unable to both, prevent occupational, environmental and other hazards and to bring to account those responsible for avoidable deaths and injuries.
25. **Noting** that urgent action is needed to prevent future degradation of human life, animal life and the environment and, to adequately remedy the harms caused by the myriad safety hazards that proliferate in the modern world.
26. **Cognisant** of the inherent limitation of national and international law as it stands, as well as of the vital role of community organisations and peoples movements in preventing and ameliorating these hazards.

Affirm that:

Article 1 **The Principle**

Safety is a fundamental right. It is essential for the attainment of health, peace, justice and well-being.

Article 2 **The Definition**

Safety is a state in which hazards and conditions leading to physical, psychological or material harm are controlled in order to preserve the health and well being of individuals and the community.

Safety is the result of a complex process where humans interact with their environment, including the physical, social, cultural, technological, political, economic and organisational environments.

Safety is, however, not defined as a total absence of hazards. The object of this Declaration is not to eliminate all risks but rather to control them in order to protect the health and well being of individuals and the community.

Article 3

Non-discrimination

1. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, nationality, political opinion or affiliation, ethnic or social origin, disability, age, property, sexual orientation, birth, income or any other status.
2. On account of the particular discrimination faced by women in almost every aspect of life, attention should be given to the specific application of the rights stated below where women may be affected. On account of their vulnerability in general and their exploitation in the labour market, special protection should be accorded to the safety needs of children.
3. On account of the overwhelming, empirical connection between low incomes and absence of adequate safety provisions and, the disproportionate impact of safety hazards on racial, ethnic and other minorities, special protection should be afforded to low income societies and groups, and all minorities, including indigenous people.

Article 4

Decentralisation and Informed Consent

The introduction, expansion or continuation of unsafe or hazardous activities or structures into an environment should be based upon the informed consent, given without fear or undue influence of any kind, of the community likely to be affected by such actions.

Article 5

Right to Participation in Safety Promotion

People have the right to participate, individually and collectively, in the planning, design, implementation and

evaluation of all activities that may affect their safety and well being.

Article 6

Redress and Avoidance of Risk

All people shall have the right to redress against the violation of the fundamental right to safety. This right shall extend to entitle them to take such steps as maybe necessary to avoid the risk that they may face in the particular circumstances.

Article 7

Environmental Monitoring

1. Regular and effective monitoring of the living environment for possible, immediate and long term, effects of hazardous or potentially hazardous activities shall be ensured. This shall include the regular monitoring of the health of the population group or groups that come into contact with or are exposed to hazardous materials, processes or activities in any manner.
2. All data and information so generated shall be available in the public domain.

Article 8

Emergency Preparedness

Steps shall be taken for ensuring provision of adequate emergency services including the provision for police, fire fighting, medical and paramedical facilities, and disaster management services to all persons and communities. This shall include systems and procedures to provide warning for impending dangers and hazards.

Article 9

Relief and Compensation

1. Adequate mechanisms shall be established to provide relief and compensation to all persons injured or otherwise detrimentally affected by any unsafe or hazardous activity.
2. The mechanisms so established shall provide for the right to fair and adequate monetary compensation.

3. All persons and enterprises involved in hazardous or potentially hazardous activities shall provide adequate financial security, through insurance or other means, to cover potential interim relief costs, which may be payable during the interregnum between the injury suffered and the determination of the liability and compensatory damages.
4. All persons adversely affected by unsafe or hazardous activities shall have the right to obtain full disclosure of all documents pertaining to injuries, including medical records, test results and other information, as may be relevant or necessary for the purposes of medical treatment or for securing compensation and relief.

Article 10

Right to Fair Procedure

It is essential to provide for special procedures to deal with the complaints or actions arising out of effects of hazardous products and activities. These procedures shall include the right to a fair public hearing within a reasonable time by an independent and impartial court or tribunal established by law and acting in strict conformity with the due process of law and statutory protection for the integrity of the complainant.

Article 11

State Responsibilities

1. All States shall develop mechanisms to protect the people's right to safety against any violation by agencies, including corporate bodies.
2. All States shall respect and protect the right to safety. Accordingly all States shall formulate injury prevention and safety promotion policies.

Document Sources

1. The Universal Declaration Of Human Rights, <http://www.unhchr.ch/udhr/index.htm>.
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3. The International Covenant On Economic, Social and Cultural Rights, http://www.unhchr.ch/html/menu3/b/a_cescr.htm

4. The Convention On The Elimination Of All Forms Of Discrimination Against Women, <http://www.unhchr.ch/html/menu3/b/e1cedaw.htm>
5. The United Nations Declaration on the Elimination of Violence Against Women, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.RES.48.104.En?Opendocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.RES.48.104.En?Opendocument)
6. The United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict, <http://www.unhchr.ch/html/menu3/b/24.htm>
7. The United Nations Convention On The Rights Of The Child, <http://www.unhchr.ch/html/menu3/b/k2crc.htm>
8. The Vienna Declaration and The Programme Of Action Of The World Conference Of Human Rights, [http://www.unhchr.ch/huridocda/huridoca.nsf/\(Symbol\)/A.CONF.157.23.En?OpenDocument](http://www.unhchr.ch/huridocda/huridoca.nsf/(Symbol)/A.CONF.157.23.En?OpenDocument)
9. Beijing Declaration and Platform for Action: The Beijing Conference On Women, gopher://gopher.undp.org/00/undocs/gad/A/CONF.177/95_11/20
10. Copenhagen Declaration on Social Development and Programme of Action of the World Summit for Social Development, [gopher://gopher.undp.org/00/unconfs/wssd/summit/off/a--9.en%09%09%2B](http://gopher.undp.org/00/unconfs/wssd/summit/off/a--9.en%09%09%2B)
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13. Rio Declaration On Environment and Development, <http://www.unep.org/Documents/?DocumentID=78&ArticleID=1163>
14. Human Rights and the Environment, <http://www.unhchr.ch/environment/>
15. ILO Declaration on Fundamental Principles and Rights at Work, <http://www.ilo.org/public/english/standards/decl/declaration/text/index.htm>
16. The United Nations Convention concerning Freedom of Association and Protection of the Right to Organize, http://www.unhchr.ch/html/menu3/b/j_ilo87.htm
17. The United Nations Convention concerning the Application of the Principles of the Right to Organize and to Bargain Collectively, http://www.unhchr.ch/html/menu3/b/j_ilo98.htm