

FORTY-SECOND REGULAR SESSION  
June 3 to 5, 2012  
Cochabamba, Bolivia

OEA/Ser.P  
AG/doc.5242/12 rev. 2  
20 September 2012  
Original: Spanish/English

## SOCIAL CHARTER OF THE AMERICAS

(Adopted at the second plenary session, held on June 4, 2012,  
and reviewed by the Style Committee)

THE GENERAL ASSEMBLY,

CONSIDERING that the Charter of the Organization of American States (OAS) provides that integral development encompasses the economic, social, educational, cultural, scientific, and technological fields through which the goals that each country sets for accomplishing it should be achieved;

TAKING INTO ACCOUNT that the Inter-American Democratic Charter recognizes that democracy and social and economic development are interdependent and mutually reinforcing, and that promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and the consolidation of democracy and the rule of law in the states of the Hemisphere;

RECOGNIZING that social justice and equity are essential for democracy;

CONSIDERING that the Charter of the OAS establishes among its essential purposes to eradicate extreme poverty;

CONSIDERING AS WELL that extreme poverty constitutes an obstacle to development and, in particular, to the full democratic development of the peoples of the Hemisphere; and that its elimination is essential and constitutes a common and shared responsibility of the American states;

REAFFIRMING the determination and commitment of member states to urgently combat the serious problems of poverty, social exclusion, and inequity that affect, in varying degrees, the countries of the Hemisphere; to confront their causes and consequences; and to create more favorable conditions for economic and social development with equity to promote more just societies;

AWARE that member states, inspired by the principles of solidarity and inter-American cooperation, have committed to: adopt and implement actions towards the eradication of hunger and illiteracy; provide quality education; broaden access to health care and public services; strengthen social cohesion and inclusion; eliminate discrimination; generate decent and dignified job opportunities; encourage equitable income distribution; foster full participation by the people in decisions having to do with their development; and promote and protect human rights;

CONVINCED that these efforts will help provide effective social protection for the population, especially those living in poverty and extreme poverty, address situations of risk, and prevent the intergenerational transmission of poverty and a deepening of vulnerabilities caused by crises;

CONVINCED ALSO of the importance for social development of adopting policies to promote good governance, transparency, citizen participation, accountability, just treatment of citizens before the law, and the fight against corruption;

REAFFIRMING the universality, indivisibility, and interdependence of all human rights and their essential role in the promotion of social development and the realization of human potential; and recognizing the legitimacy and importance of international human rights law for their promotion and protection;

TAKING INTO ACCOUNT that the full exercise of economic, social, and cultural rights requires that a series of measures be progressively adopted by member states in conjunction with regional and international cooperation;

UNDERSCORING that these essential rights are not derived from one's being a national of a certain state, but are based upon attributes of the human person, and that these rights must be reaffirmed, developed, improved, and protected in order to consolidate in the Americas a culture characterized by democratic institutions, personal liberty, social justice, and the entitlement of its peoples to self-determination;

REITERATING the commitment of member states to the promotion and protection of human rights and fundamental freedoms without distinction as to race, nationality, creed, or sex;

RECOGNIZING further that the political participation of women, their full autonomy and independence, appreciation of their role in society and in the economy, and education that promotes gender equality are essential for development and democracy in all countries,

RECOGNIZING ALSO the ethnic, racial, cultural, religious, and linguistic diversity of the peoples of the Americas region and their contribution to the development of its countries, as well as the need to combat discrimination and social exclusion and to foster inclusion, tolerance, respect for diversity, and equal opportunities;

CONVINCED that cultural development is a key component in reducing poverty and achieving the goal of development;

RECOGNIZING that a safe environment is essential to integral development;

CONVINCED that integral development helps to create conditions of security;

REAFFIRMING the value of inter-American solidarity and cooperation for promoting the economic, social, and cultural development of the peoples of the Americas; and

RECOGNIZING the need to strengthen the inter-American system with an instrument to guide action and partnership-for-development activities designed to promote integral development

and observance of economic, social, and cultural rights, as well as the elimination of poverty and inequality,

RESOLVES to adopt the following:

## SOCIAL CHARTER OF THE AMERICAS

### CHAPTER I

#### SOCIAL JUSTICE, DEVELOPMENT WITH EQUITY, AND DEMOCRACY

##### ARTICLE 1

The peoples of the Americas legitimately aspire to social justice and their governments have a responsibility to promote it.

Development with equity strengthens and consolidates democracy, since the two are interdependent and mutually reinforcing.

The peoples of the Americas have the right to development in the framework of solidarity, equity, peace, and freedom, and member states have the responsibility to promote it with a view to eliminating poverty, especially extreme poverty, and achieving a decent standard of living for all.

Everyone is born free and equal in dignity and rights. Member states reaffirm their commitment to universal respect for and observance of human rights and fundamental freedoms as essential elements to achieve social justice and strengthen democracy.

##### ARTICLE 2

The promotion and observance of economic, social, and cultural rights are inherently linked to integral development, equitable economic growth, and the consolidation of democracy in the states of the Hemisphere.

Member states commit to promoting and to progressively realizing the full achievement of economic, social, and cultural rights and principles, through policies and programs that they consider are the most effective and appropriate for their needs, in accordance with their democratic processes and available resources.

##### ARTICLE 3

Member states, determined and committed to combating the serious problems of poverty, social exclusion, and inequity and to address their underlying causes and their consequences, have the responsibility to create favorable conditions for achieving development with social justice for their peoples, thus contributing to strengthening democratic governance.

Member states will strengthen and foster policies and programs directed towards the achievement of societies that offer all people opportunities to benefit from sustainable development with equity and social inclusion.

#### ARTICLE 4

Each member state has the primary responsibility for its development and, in choosing its economic and social system within a framework of democracy, should further the establishment of a more just economic and social order that will enable and contribute to the fulfillment of the individual.

In this context, they reaffirm the imperative for the hemispheric community to support national development efforts consistent with the principles of the OAS Charter and the commitment of member states to deepening solidarity and inter-American cooperation on development.

#### ARTICLE 5

Combating corruption and other unethical practices in the public and private sectors strengthens a culture of transparency and is fundamental for long-term growth and poverty reduction.

### CHAPTER II

#### INCLUSIVE AND EQUITABLE ECONOMIC DEVELOPMENT

#### ARTICLE 6

The individual is at the center, as principal participant and beneficiary, of an inclusive, just, and equitable economic development process.

In this regard, the formulation and implementation of sound and transparent economic and social policies by member states will further economic development, fostering investment and the generation of employment in all sectors, and reducing income inequalities. Important goals of these policies include the fight against poverty, reduction of social inequalities, promotion of equal opportunities, and improvements in standards of living. The foregoing requires the effort of both governments as well as civil society as a whole.

#### ARTICLE 7

Member states will strive, based on respect for human rights and the rule of law, and within the framework of democratic institutions, to make efforts, domestically and internationally, as appropriate, to eliminate obstacles to development with a view to achieving full enjoyment of civil, political, economic, social, and cultural rights.

#### ARTICLE 8

The promotion of decent work, the fight against unemployment and underemployment, as well as addressing the challenges of informal labor are essential elements for achieving economic development with equity.

Respect for workers' rights, equal employment opportunities, and improved working conditions are essential to attaining prosperity. Cooperation and social dialogue among government representatives, workers, employers, and other stakeholders promote good governance and a stable economy.

Observance of the International Labor Organization Declaration on Fundamental Principles and Rights at Work and its Follow-Up, adopted in 1998, helps to foster a quality workforce that drives economic and social progress and provides a basis for sustained and balanced growth and for social justice for the peoples of the Hemisphere.

#### ARTICLE 9

Member states will foster and implement public policies aimed at economic development with social justice, recognizing the importance of programs that contribute to social inclusion and cohesion and generate income and employment. In addition, in the framework of their national strategies, member states will continue implementing economic policies geared towards the improvement of competitiveness.

In this regard, they recognize the important role of micro, small, and medium-sized enterprises, in addition to that of cooperatives and other production units that contribute to the full incorporation into the labor market of women, youth, persons with disabilities, and other excluded groups.

The business sector plays a key role in creating jobs, expanding opportunity, and contributing to poverty reduction. Public policies and regulatory frameworks should facilitate the creation of new enterprises and the incorporation of the informal sector into the formal economy.

#### ARTICLE 10

Member states, in partnership with the private sector and civil society, will promote sustainable development by means of economic growth, social development, and conservation and sustainable use of natural resources.

Likewise, they recognize that public and private investment in human capacity building, in physical infrastructure, and in scientific and technological research and innovation are fundamental to reducing inequalities and to promoting inclusive, just, and equitable economic development.

#### ARTICLE 11

A property rights system should provide the peoples of the Americas with legal certainty, facilitate capital formation, and promote economic development with social justice, all of which contribute to their prosperity.

### CHAPTER III

#### SOCIAL DEVELOPMENT, EQUAL OPPORTUNITY, AND NON-DISCRIMINATION

##### ARTICLE 12

Member states have the responsibility to promote and achieve social development with equality and social inclusion for all.

##### ARTICLE 13

Member states recognize that the family is the natural and fundamental unit of society and is entitled to protection by society and the state. As the basis of human development, the family must be at the center of social development policies and programs as well as action plans designed to strengthen it and its members.

##### ARTICLE 14

Member states have a responsibility to develop and implement comprehensive social protection policies and programs, based on the principles of universality, solidarity, equality, non-discrimination, and equity that give priority to persons living in conditions of poverty and vulnerability, taking into account their national circumstances.

##### ARTICLE 15

Member states recognize the contributions of indigenous peoples, afro-descendants, and migrant communities to the historical process of the Hemisphere and will promote recognition of their value.

Member states also recognize the need to adopt policies to promote inclusion and to prevent, combat, and eliminate all forms of intolerance and discrimination, especially gender, ethnic, and race discrimination, in order to safeguard equal rights and opportunities and strengthen democratic values.

##### ARTICLE 16

Fair, equitable, and non-discriminatory access to basic public services is essential for integral development.

##### ARTICLE 17

Member states reaffirm that the enjoyment of the highest attainable standard of health is a fundamental right of all persons without discrimination and they recognize that health is an essential condition for social inclusion and cohesion, integral development, and economic growth with equity. In that context, member states reaffirm their responsibility and commitment to improve the availability of, access to, and quality of health care services. Member states are committed to these country efforts in the health area, in keeping with the principles promoted by the Health Agenda for the Americas 2008-2017: human rights, universality, comprehensiveness, accessibility and inclusion, Pan American solidarity, equity in health, and social participation.

Member states affirm their commitment to promote healthy lifestyles and to strengthen their capacity to prevent, detect, and respond to chronic non-communicable diseases, current and emerging infectious diseases, and environmental health concerns. Member states also commit to promote their peoples' well-being through prevention and care strategies and, in partnership with public or private organizations, to improve access to health care.

#### ARTICLE 18

Everyone is entitled to adequate food without discrimination. Member states commit to making every effort needed to eradicate hunger and malnutrition.

Member states commit to taking the steps needed to achieve full access to adequate, safe, and nutritious food, including steps to foster the conditions required for everyone to be free from hunger.

#### ARTICLE 19

Everyone is entitled to education without discrimination. Access to quality education at all levels and modalities is vital to achieving greater equity, improving standards of living, fostering sustainable development, developing human capital, reducing poverty, strengthening democratic institutions, transmitting civic and social values, creating responsible citizens committed to society, and promoting social inclusion.

Member states commit to ensuring equal and universal access to quality primary and secondary education and promote access to education at all levels, with an inclusive approach, especially early childhood education, in accordance with their domestic law.

#### ARTICLE 20

Member states recognize that water is fundamental for life and central to socioeconomic development and environmental sustainability and that non-discriminatory access by the population to safe drinking water and sanitation services, in the framework of national laws and policies, contributes to the objective of combating poverty.

Member states, in keeping with their national realities, undertake to continue working to ensure access to safe drinking water and sanitation services for present and future generations.

#### ARTICLE 21

Fighting poverty, reducing inequities, promoting social inclusion, and conservation and sustainable use of natural resources are fundamental and interrelated challenges facing the Hemisphere, and overcoming these challenges is essential to achieving sustainable development.

Member states will adopt and execute, with the participation of the private sector and civil society organizations, strategies, plans, and policies to meet these challenges as part of their development efforts and for the benefit and enjoyment of all persons and all generations.

## ARTICLE 22

Natural and man-made disasters affect populations, economies, and the environment. Reducing the vulnerabilities of countries to these disasters, with particular attention to the most vulnerable regions and communities, including the poorest segments of society, is essential to ensuring nations' progress and the pursuit of a better quality of life.

Member states commit to improving regional cooperation and to strengthening their national, technical, and institutional capacity for disaster prevention, preparedness and response, rehabilitation, resilience, risk reduction, impact mitigation, and evaluation. Member states also commit to face the impact of climate variability, including the *El Niño* and *La Niña* phenomena, and the adverse effects of climate change that represent a risk increase in all countries of the Hemisphere, particularly for developing countries.

## ARTICLE 23

Scientific and technological development helps to reduce poverty, improve living standards, and achieve integral development. Therefore, it is necessary to increase investment in education, scientific infrastructure, and applied research, as well as to take steps to promote and develop effective scientific talent and ensure that the increase in productivity and other advantages resulting from application of innovations benefit everyone.

## CHAPTER IV

### CULTURAL DEVELOPMENT, DIVERSITY, AND PLURALISM

## ARTICLE 24

Cultural development is a key element for social and economic development of peoples that fosters creativity and innovation as well as inclusion and social cohesion.

Accordingly, member states undertake to promote inclusive and participatory cultural development policies that include programs to support cultural and creative industries; to preserve and protect cultural heritage; and to respect and promote cultural diversity.

## ARTICLE 25

Member states recognize that people, individually and collectively, are the protagonists and beneficiaries of cultural development, which implies their participation in the design and implementation of cultural policies. In that regard, they will promote the participation of people in cultural life, in a framework of pluralism and respect for cultural expressions, social inclusion, better quality of life for all peoples, the strengthening of their identity and dignity, and the preservation and dissemination of cultural heritage in partnership with other stakeholders and social sectors.

#### ARTICLE 26

Member states recognize that different cultures coexist and interact in societies and that it is, therefore, necessary to promote policies and programs that foster cooperation and solidarity between and among them, as well as the full and effective participation of all people and groups with cultural identities in the framework of democracy and respect for human rights and fundamental freedoms.

They will promote, through intercultural policies and programs, respect for their peoples' linguistic and cultural diversity and their access to opportunities to preserve and transmit their culture, as well as to create and to express themselves in the language of their choice. Likewise, they will ensure that people are able to choose their forms of cultural expression.

#### ARTICLE 27

Cultural diversity is one of the characteristics of the nations and the peoples of the Hemisphere. Recognition of equality of people within diversity is a central premise for the democracies of the region. Accordingly, member states commit to valuing, respecting, promoting, and protecting cultural diversity and intercultural dialogue, on the understanding that protection of cultural diversity encompasses the safeguarding of modes of life, value systems, traditions, and beliefs.

Accordingly, the defense of material and immaterial cultural heritage is of vital importance and appears to be closely linked to the preservation, defense, and enrichment of cultural diversity.

#### ARTICLE 28

Member states recognize and respect the multicultural and multilingual nature of the nations of the Hemisphere and commit to promote respect for and knowledge of the diverse indigenous cultures, as well as to encourage harmonious intercultural relations. Indigenous peoples have the right to practice and preserve their traditions, customs, and traditional knowledge, and deserve to have the dignity and diversity of their cultures, traditions, histories, and aspirations respected and promoted.

#### ARTICLE 29

Every person has a right to enjoy cultural heritage and natural heritage. In that regard, member states commit to continue fostering actions and policies aimed at the protection and preservation of material cultural heritage; at safeguarding immaterial cultural heritage, including actions to raise awareness of the value of that heritage; at fostering conditions for their production, reproduction, and transmission; and at the protection of the diverse forms of traditional artistic and cultural creation. Furthermore, states have the responsibility to promote respect for the beliefs, traditions, and values of peoples, communities, groups, and individuals.

Member states also pledge to continue protecting the natural heritage, given the importance of conserving these unique and irreplaceable assets for the achievement of sustainable development.

#### ARTICLE 30

Member states will foster participation in artistic and cultural activities where arts and culture flourish and contribute to cultural enrichment. It is both necessary and appropriate for member states to generate and ensure a climate conducive to freedom of thought, expression, and information, as well as conditions that facilitate creative expression and promote research and imagination in an environment of tolerance.

#### ARTICLE 31

Member states will strengthen and promote public policies to disseminate culture in its diverse expressions. The promotion of media diversity and plurality favors the achievement of this objective.

#### ARTICLE 32

In the fight against poverty and in efforts to improve the quality of life of all peoples, member states recognize that supporting and investing in culture contribute to economic and social development, creation of employment, income generation, and construction of cultural identity, especially among young adults.

### CHAPTER V

#### SOLIDARITY AND COLLECTIVE ENDEAVOR IN THE AMERICAS

#### ARTICLE 33

Member states, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure international social justice in their relations and integral development for their peoples, as conditions essential to peace and security.

Integral development encompasses, *inter alia*, the economic, social, educational, cultural, scientific, technological, labor, health, and environmental fields, through which the goals that each country sets for accomplishing it should be achieved.

Inter-American cooperation is a common and shared responsibility in the framework of democratic principles and the institutions of the inter-American system.

Every state is responsible for its own development. Hemispheric cooperation contributes to the strengthening of regional integration, political dialogue, and multilateralism, and complements national efforts aimed at building human and institutional capacities to achieve integral development.

#### ARTICLE 34

Hemispheric cooperation contributes to the integral development of individual; to the elimination of poverty, social exclusion, and inequity; to the consolidation of democracy; and to prosperity for all peoples in the Americas.

Inter-American cooperation supports the efforts of member states to improve the quality of life of the inhabitants of the Americas. Cooperation is based on respect, solidarity, and complementarity.

Member states will foster conscious and creative public participation in their development process. No individual or nation should be denied the opportunity to benefit from development.

#### ARTICLE 35

In hemispheric cooperation, member states will promote inclusive mechanisms that favor the development of horizontal, South-South, and triangular cooperation actions, complementing traditional cooperation mechanisms.