



Call for inputs for an expert workshop and a comprehensive thematic study on the human rights dimension of care and support

Make Mothers Matter has long highlighted the inequitable distribution of unpaid family care work and how it prevents women, in particular when they are mothers, to access decent work and fully participate in the labour market, an issue which came under the spotlight during the Covid-19 pandemic. Indeed, this crisis has shown the importance of paid and unpaid care work for the sustainability of life, the functioning of our economic system and our societies.

This answer to the call for input focusses on women who are mothers, as the primary caregivers of their children – mainly in relation to employment (access and related rights).

- 1. In your country, regional or at the global level, how are the following rights recognized and protected under national, regional and/or international law? Please provide concrete examples, such as legal provisions, jurisprudence of courts and/or human rights mechanisms:**
 - Human rights of unpaid and paid caregivers, including those who are women, persons with disabilities, children and older persons;
 - Human rights of recipients of care and support, including those who are women, persons with disabilities, children and older persons;
 - Human right relevant to self-care of caregivers and recipients of care and support, including those who are women, persons with disabilities, children and older personsSuch recognition and protection may be made in relation to, but not limited to, the rights to work, social security, adequate housing, health, education, enjoyment of scientific advancement, legal capacity, equality in marriage, independent life in the community, rest and leisure, and the rights relevant to participation. It may include the recognition of care and/or support as human right(s) under the law.

Recognition of Care as a Right

The Buenos Aires Commitment, which was adopted by UN Economic Commission for Latin America and the Caribbean (ECLAC)'s Regional Conference on Women in Latin America and the Caribbean in November 2023, paves the way for the recognition of Care as a Right in Latin American countries: “everyone has the right to care that sustains their lives and provides them with the material and symbolic elements they need to live in society throughout their lives. The authorities will establish a care system that provides universal, accessible, relevant, sufficient and quality public services and develops public policies. The system shall give priority attention to people in a situation of dependency due to illness, disability, life cycle, especially childhood and old age, and to those who, in an unpaid manner, are in charge of their care”.

However, this right has yet to become a reality at national level – although it was part of the new Chilean constitution which was rejected by the people.

The only Constitution that recognizes care not only as valuable work, but also as a fundamental right, is Mexico City's 2017 Political Constitution. Its article 9 states that “everyone has the right to care that sustains their lives and provides them with the material and symbolic elements they need to live in society throughout their lives. The authorities will establish a care system that provides universal, accessible, relevant, sufficient and quality public services and develops public policies. The system

shall give priority attention to people in a situation of dependency due to illness, disability, life cycle, especially childhood and old age, and to those who, in an unpaid manner, are in charge of their care”¹.

Recognition of unpaid care work as productive & valuable work

A good example of National Law that recognizes unpaid care work as ‘productive’ work is the 2008 Ecuador Constitution, whose article 333 establishes that “unpaid work of self-sustenance and caregiving, carried out in the home, is recognized as productive work”².

At the global level, the 2013 International Conference of Labour Statisticians (ICLS) Resolution *concerning statistics of work, employment and labour underutilization*³ also de facto recognizes unpaid care and domestic work as ‘productive work’, and mandates States to include this work in national labour statistics.

Framing unpaid care work as productive work – and therefore valuable work under our current economic value system – opens the way to granting unpaid carers rights similar to those of workers in formal employment, including basic social protection rights. In effect, this would mean disconnecting basic social protection from formal employment.

For women who are mothers, basic social protection would notably include minimum income and access to healthcare and maternity protection.

Article 333 of the Ecuadorian constitution actually goes on to explicitly say what it concretely means to recognize unpaid care work as productive work: “The State shall strive towards a labour system that works in harmony with the needs for human caregiving and that facilitates convenient services, infrastructure, and work schedules; it shall, in particular, provide services for child care, care for persons with disabilities, and other services as needed for workers to be able to perform their activities; it shall furthermore foster the joint responsibility and reciprocity of men and women in domestic work and family obligations”.

2. Concrete policy or programmatic measures taken to promote and ensure the rights of caregivers and recipients of care and support in national care and support systems, mentioned under Question 1 above. If possible, please indicate the impacts of such measures.

Such measures may include, but not limited to, social security/protection, working conditions, human support, childcare, long-term care and support, health services, education, transportation, housing, water and sanitation, assistive devices, digital technology, deinstitutionalization, access to justice, governance, financing, monitoring and evaluation, and awareness raising.

The EU and the ECLAC regions provide examples of recent regional initiatives and policies to ensure the rights of caregivers and care recipients.

At the EU level:

¹ The Right to Care. From Recognition to its Effective Exercise, Laura Pautassi, March 2023, Friedrich Ebert Stiftung – Available at <https://library.fes.de/pdf-files/bueros/mexiko/20270.pdf>

² Ibid.

³ Available on https://webapps.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/normativeinstrument/wcms_230304.pdf

- The **EU Work-life balance directive**, which was adopted in 2019 and came into force in August 2022 is now being implemented across EU countries⁴. This directive notably gives parents and other employees with caregiving responsibilities, the right to request flexible working arrangements, as demonstrated and implemented in the UK since 2014 and made more accessible in 2022⁵. Flexible working arrangements include the choice of a combination of working from home and in the office, making use of job-sharing, flexitime, part-time, as well as compressed, annualised, or staggered working hours.
- The 2022 **EU Care Strategy**⁶ offers specific guidelines, actions, and recommendations to ensure comprehensive care services that include the provision of quality, affordable and accessible long-term and early childhood services in all EU countries. If most EU countries have already adopted care policies focused on specific populations such as older people, persons with disabilities, and children, this strategy is an important step in moving from sectoral policies to cross sectoral national Care Systems.
- The **EU Child Guarantee** is part of the European Strategy on the Rights of the Child and the Action Plan of the European Pillar of Social Rights. It seeks to ensure that every child has access to at least six basic rights: education and childcare, education and extracurricular activities, at least one healthy meal per school day, health, adequate housing and healthy nutrition.

At the **ECLAC level**, the successive Regional Conference on Women in Latin America and the Caribbean have resulted in a series of agreements which have called for the adoption of national care policies, established the principle of co-responsibility (or collective responsibility), and set in motion the recognition of Care as a Right. The most recent conference, which took place in Argentina in November 2022, resulted in the *Buenos Aires Commitment*, which lays the groundwork for building a *Care society* “that prioritizes the sustainability of life and the planet, that guarantees the rights of the people who need care, the rights of the persons who provide it and that considers self-care, that counteracts the precariousness of jobs in the care sector and that makes visible the multiplier effects of the care economy in terms of well-being and as a dynamic sector for a transformative recovery with equality and sustainability”⁷.

At national level, **Uruguay** was a pioneer in 2015 when it created the **National Integrated Care System**, with its key feature being its intersectoral and inter-institutional organisation involving different government sectors as well as workers, academia, private entities providing care services, and non-governmental organizations. Other Latin American countries like Costa Rica, Chile and Argentina are following suit and are also in the process of building comprehensive care systems⁸.

National policies specifically supporting mothers and children

⁴ <https://makemothersmatter.org/work-life-balance-eu-parliament-voted-the-directive-on-work-life-balance/>

⁵ See <https://www.gov.uk/government/news/millions-of-britons-to-be-able-to-request-flexible-working-on-day-one-of-employment>

⁶ Communication 2022/440 on the European Care Strategy (September 2022) – Available on <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10382#navItem-relatedDocuments>

⁷ Towards people-centred Comprehensive Care Systems and Policies: Dialogues between Latin America, the Caribbean, and the European Union – EU-LAC Foundation, UN Women for the Americas and the Caribbean, National Institute for Women of Mexico, Global Alliance for Care, Economic Commission for Latin America and the Caribbean (ECLAC), 2023 – Available on https://oig.cepal.org/sites/default/files/en_care_dialogues_report_eulac.pdf

⁸ Ibid.

- **Maternity protection** is key, both to preserve the health of the mother and her newborn, and to provide a minimum of job and income security (through protection from dismissal and discrimination, the right to resume work after leave, and maintenance of wages and incomes during maternity leave...). However, according to the International Labour Organisation (ILO) only 41% of women with new-borns receive maternity cash benefits that provide them with income security around childbirth. In particular, for women working in the informal sector, which is the case for the majority of women in most developing countries, maternity protection remains elusive.
- **Care credits** in pension schemes: most EU countries have established such systems to compensate for the time taken up by the unpaid work of raising a child. These schemes typically consist of additional contribution periods for each child, but they are usually not enough to compensate interrupted careers and lower wages. It is important that fathers can also claim these benefits should they be the parent staying at home to care for a child.
- **Childcare services**: providing quality, accessible, and affordable childcare is essential for mothers to engage in paid work. Their disproportionate share of unpaid care and domestic work remains the main obstacle to their participation in the labour market and gender equality. Although most EU countries offer childcare services, as of 2020, more than half of children under the age of three were cared for exclusively by their parents, with important variations between countries: in Germany more than 80%, followed by Bulgaria (71%), vs. 22% in Portugal and the Netherlands (22%)⁹. It is also important to offer different childcare options to families (e.g. creche, childminder, etc.) so that they can choose the one that best fits their need.

The role of grassroots NGOs and the private sector

Driven by governments, national care and support policy must also embrace the principle of co-responsibility and involve/support other stakeholders, notably the private sector and grassroots organisations working at community levels.

For example, governments should support **Mothers Centres**¹⁰ which have a proven track record in empowering and connecting mothers to build caring communities across the world. The concept is simple: a Mother Centre is a space, usually with a couple of rooms and a kitchen, where mothers can practice community parenting; share knowledge and challenges, relax, breathe, participate and embrace self-care. These are social and learning spaces created by mothers for mothers.

Grassroots programs promoting the **involvement of men/fathers** in caregiving to redistribute unpaid care and domestic work more fairly, also deserve support, as they have proven benefits for mothers, children and fathers alike. Examples of such programs include MenCare/Equimundo's Programme P, which has been implemented in a dozen countries,¹¹ or ACEV's father support programs in Turkey¹².

National care and support policy should also directly or indirectly encourage the **private sector** to implement policies supporting parents and other employees with caregiving responsibilities. Such policy can include: flexible working arrangements, childcare support, emergency leave, adequate paid maternity/paternity/parental leave and support upon return. These policies bring many

⁹ Childcare arrangements in the EU – Eurostat, May 2022 – Available at <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20220504-2>

¹⁰ See the work of MMM associate members *Mothers Centers International Network for Empowerment (MINE)* – www.minemothercenters.org and *Mothers Matter Center Canada* (www.mothersmattercentre.ca)

¹¹ See <https://www.equimundo.org/programs/program-p/>

¹² See <https://www.acev.org/en/what-we-do/our-programs/for-mothers-and-fathers/father-support-program/>

benefits, not only to mothers and other employed unpaid caregivers, but also to employers in terms of better talent acquisition and retention, as well as improved productivity and employee engagement.

In addition, motherhood – and more generally parenthood and other unpaid caregiving work – is a learning experience that equips those unpaid caregivers with soft skills that include among others: planning and organisation, problem solving, active listening and empathy, crisis or conflict management, negotiating, leadership and decision-making skills... All these skills are very much in demand in the corporate world. Recognising and valuing these skills as part of a broader company's policy to support employees with caregiving responsibilities, is a practical way of valuing their experience as unpaid carers. It also raises awareness of the **synergies that exist between the personal and professional spheres**.

3. Main challenges faced at the national level in creating robust, resilient and gender- responsive, disability-inclusive and age-sensitive care and support systems with full respect for human rights.

The main challenges remain: gathering large political support and working across sectors.

It is imperative to bring together all populations that require care and all actors involved, and generate synergies with economic, labour, health, education, and social protection policies from a gender, age and disability perspective, using a human rights-based and co-responsibility approach.

It is also important to promote the multiple benefits and the economic and social returns on investing in comprehensive care systems. These include:

- Improved well-being for people; in particular, early childhood care and education can improve the physical and cognitive development of children, especially those from disadvantaged backgrounds, with lasting effects into adulthood, notably in terms of employment and income prospects
- Job creation in the Care sector, which in turn means a return on income for the State through tax and social security contributions
- Increased women's participation in the workforce, which has a significant impact on mothers, improving their economic autonomy, increasing family income and the quality of life of households, with, again, an economic return for States via taxes.

Taking a holistic and multisectoral approach to care also allows harnessing possible synergies between different sectors' agendas and policy-making – for example between children's rights and women's rights.

4. As much as possible, we would appreciate receiving the following information in relation to your responses to points 1 and 2 above:

- **Data disaggregated by sex/gender, age, disability, and if possible also by other grounds, including income, race/ethnicity, geographic location, migratory status and other characteristics;**
- **Information on people who are in vulnerable situations and/or who face intersecting forms of discrimination, such as single parents, widows/widowers, children deprived of family environment; persons with disabilities and older persons in care institutions; as well as those who are affected by humanitarian crises, armed conflicts, disasters; living in poverty; living in rural areas; migrants, refugees, asylum seekers; belonging to minorities or indigenous communities; and those who are deprived liberty.**

Single mothers are among those in vulnerable situations because of their childcare responsibilities, which not only puts them at a higher risk of poverty, but is also a cause of discrimination or even stigmatisation. Indeed, a single mother does not have much choice: she has to assume full responsibility for both the unpaid work of running the house and raising children, and the necessary paid work to bring an income into the home.

We would like to draw attention to the lack of reliable statistics on single mothers. Existing data on single-motherhood are scarce and mostly estimates:

- According to UN Women, globally nearly 8% of all households are headed by a single parent and 84% of single-parent households are headed by mothers¹³
- In absolute numbers, this represents **101.3 million single mothers, i.e. mothers living alone with their children. However, an important diversity exists in their living arrangements: many do not live alone with their children but instead live in extended households, which means that they are not counted – and mostly invisible to policy makers**¹⁴
- Single parenthood has been increasing over the past decades, and it concerns both developed and developing countries, albeit for different reasons. Single parent households' share ranges from 6% in Eastern & South-Eastern Asia and Central & Southern Asia, to 11% in Latin America & the Caribbean¹⁵
- About 3.4% of single mothers are under the age of 25 which makes them particularly vulnerable.

It is also important to note that single-motherhood can have many causes, but in the vast majority of cases, it is not a choice. Reasons for single-motherhood include: non-recognition of the child's birth by the father; abandonment of the home by the father; divorce; widowhood; separation because of migration or refugee status; personal choice.

¹³ Progress of the world's women report 2019-2020: Families in a changing world, UN Women - <https://www.unwomen.org/en/digital-library/progress-of-the-worlds-women>

¹⁴ Ibid. See also 'Expert's take: By undercounting single mothers, we underserve families, Antra Bhatt, UN Women website article February 2020 <https://www.unwomen.org/en/news/stories/2020/2/experts-take-antra-bhatt-on-single-parent-households>

¹⁵ Ibid.