# Rights, Gender and Progress Indicators: The Debts of Democracy

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## 1. Introduction

The lack of a gender-based approach on core issues, such as public and private indebtedness, and its consequences for people, appears over and over again as the effects of such lack become evident in our lives. This chapter analyzes the intrinsic and instrumental value of a gender-based approach in the field of financial obligations of States (public debt) and of women and sexual diversities (private debt), as well as in relation to the standards and principles connected to the protection of persons and their relation with the development and implementation of progress indicators.

These indicators are a solid tool from a number of aspects (design and assessment of policies of the three branches of the State, international supervision and monitoring, citizen empowerment and the disclosure of public information among several State agencies), and, at the same time, as long as they are incorporated into the set of State actions, they will enable greater institutionality and guaranties for exercising the rights of women and sexual diversities.

Particularly, in relation to the impact of public and private indebtedness, in section 2 of this chapter we focus on some elements that have characterized the economic processes in Latin America that, far from being neutral, have clearly had gender biases. In section 3, progress indicators are presented that are used in current international monitoring mechanisms in the region and their potential to measure State obligations linked to debt with a gender-based approach is considered. In section 4, the economic autonomy of women is addressed as a category of explicative and aspirational content,

which at the end creates a fiction, where both deficits in the exercise of rights and the different impacts of public policies are evidenced, including those related to debt and the access to loans by citizens. In section 5, final conclusions are presented that highlight the need to promote the recognition of a life free of indebtedness that enables women and sexual diversities to have economic autonomy in all its dimensions.

# 2. Incorporating approaches in indebtedness

Among the many contributions that feminism has made, the concept of 'approach' can be found, which relates to the claim of power asymmetry that structures societies and considers sexual differences and identities as pillars of hierarchization, and caused the incorporation and implementation of the powerful formula of *gender mainstreaming*. The concept summarizes one of the main strategies in the field of public institutionality, which is the idea of transversality. That is to say, the only way to transform structural inequalities requires going through all the areas of society that produce and reproduce them. This methodology challenged State theories, the economy, politics and subjectivities with a very important development at a global, interdisciplinary and regional level that enabled the visualization of the asymmetric relations between genders and to determine when a different treatment is legitimate and when it is discriminatory.

Precisely the gender-based approach produced a paradigm change as it developed a set of ideas, methodologies and techniques that questioned and analyzed the ways through which social groups have created and allocated responsibilities, activities and conducts to women, men and sexual diversities. This is not only a concept, but also an intervention strategy. It is worth remembering that, as early as in the 1990s, the feminist movement raised at a global level, but particularly in Latin America, that the effects of the macroeconomic policies implemented in the context of the structural adjustment in peripheral countries (today the Global South) have not been neutral in terms of gender. The emphasis was on the fact that the macroeconomic policies applied in the region in the last decades of the 20th century did not clearly recognize the implications of gender relations; even further, women were considered as an economic resource (Birgin, 1992).

First, in the diagnoses before the application of neoliberal policies, the existing relation between productive sectors, linked to the traditional economy, and residual or unproductive sectors, where essential services were included, particularly all care activities, whether paid or unpaid ones, was shown. Second, short-term austerity measures were implemented that aimed at maintaining added demand under control to lower inflation and reduce fiscal deficits. Also, long-term policies were implemented in order to liberalize trade, deregulate and privatize, considering the effects of

macroeconomic policies in the lives of women as they received the impact of the adjustment by working harder inside and outside households (Birgin and Pautassi, 2001). The inequality pattern is transformed into a structural pattern, and its approach, far from being a goal of public policies, was systematically invisibilized in the governmental agendas of Latin America.

It is worth mentioning that the pioneering contribution of feminism, along with the activism of women's movements, achieved its incorporation in the Platform of Action of the World Conference on Women in Beijing (1995) and, at a regional level, in the Conference on Women in Latin America and the Caribbean. In each one of the countries of the region, transversality has been a direct mandate for the mechanisms for the advancement of women (from ministries or undersecretariats) that generally plan their actions considering national plans for equal opportunities and treatment. However, transversality did not reach the 'hard' areas of State decisions, such as the economy, budget, treasury or institutional affairs, and in general there have been few times when women heads of ministries have been regularly integrated into presidential cabinets, much less been included in the debate on public indebtedness in these institutional areas.<sup>2</sup>

At the beginning of this century and in this context, the Millennium Declaration (2000) included the human rights approach as a core strategy, which consisted of highlighting the bonding nature of the State obligations contained in international covenants and treaties of human rights and how these rules must go through the action of the State in all its areas, jurisdictions, rules and actions (Pautassi, 2021). Without explicitly recognizing that this is a feminist strategy, the implementation of the human rights approach involved a significant scene change, especially for social policies at a regional level, and it provided an important action framework for many of the political leaders at the beginning of this century in Latin America (Abramovich and Pautassi, 2009). The principles of universality, equality, interdependence and indivisibility of human rights, as unavoidable guiding principles on human rights, are included as action standards for States, accordingly. Both approaches (gender and human rights) thus include transversality as their pillar of action and empowerment of persons as objective. In the case of Latin America, sectors of the feminist movement claim emancipation as a collective process (Lamas, 2020).

The actual implementation of this approach does not end in a political declaration, but it creates a methodology for the implementation of public policies with territorial implications and in all the levels of public institutionality. In particular, although a gradual achievement of rights content is included in international covenants and treaties, especially considering the restrictions resulting from the limitation of the available resources, its fulfilment is unavoidable. Furthermore, the human rights approach imposes numerous obligations with an immediate effect that

are related to the connected standard of using the maximum of available resources,<sup>3</sup> the standard of progress and the standard of non-regressiveness. In fact, when States ratify international instruments on human rights, States commit to make periodic reports before treaty bodies on the progressive measures to ensure the compliance of committed obligations.

It should be asked if among those mandates gender equity is included as a core element for accountability or if it is included through a narrative path. In other words, how much has been introduced in specific indicators that reflects if and how debt affects women and dissidences in a disproportionate way, and thus if measure scales have been established to determine the connection between public indebtedness and the achievement of equality and non-discrimination standards, especially with respect to the economic autonomy of women. As it will be explained in the following sections, the gender-based approach is not part of the approaches on debt yet.

# 3. Progress indicators: obligation on data

The accountability process is remarkably useful from a rights-based approach as it enables and requires the State to make diagnoses of the situation, identify implementation deficits, establish pending agendas and produce updated information that enables society to control State actions. This is how monitoring systems were introduced at the level of the system of United Nations (UN) High Commissioner for Human Rights (HCHR, 2012) and the Organization of American States (OAS) based on progress indicators for monitoring the Protocol of San Salvador by the Working Group for the analysis of national reports contained in the Protocol of San Salvador (WGPSS, 2015) and the Belém do Pará Convention (MESECVI, 2015). Progress indicators have the particularity that when measuring the obligations contained in human rights they include quantitative (structural, process and result) indicators, as well as qualitative indicators or qualitative progress signs.

In fact, the importance of introducing quantitative data and information, but mainly qualitative ones, is justified by the fact that these approaches assume that persons and their rights must be at the centre of the policies that the State creates, and, therefore, it would be a contradiction to assess or monitor policies with this approach without listening to the very beneficiaries of rights (Abramovich, 2021). Likewise, it has been warned that while the feminist and human rights perspectives are not included in the production of indicators for decision making and economic policies, it would be impossible to make progress on structural inequalities (Bohoslavsky, 2018).

The particularity of these type of indicators is that, unlike socioeconomic data that accounts for the development level achieved, progress indicators measure if the fulfilment of what was committed to for each right has

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effectively been achieved. In contrast to development policies or the 2030 Agenda and the 17 Sustainable Development Goals (SDG), indicators take the obligation included in each treaty as the unit of measurement, and based on this they determine the most suitable tools for its verification. Therefore, an important number of progress indicators have been defined that seek to assess State conduct regarding the compliance of obligations, which integrates and specifies the sustainable development agenda. This accountability and monitoring process by States is generating a large corpus of information and interpretation of the scope of rights. As an example, in the context of the indicators created by the WGPSS and approved by the OAS General Assembly in 2015, using three cycles of periodic reports, <sup>4</sup> States have been

**Table 17.1:** Type of indicators

Conceptual category	Type of indicator		
	Structural	Process	Result
Right reception	Incorporation of the obligation in the legislation	Human rights perspective in public policies	Guarantee situation in the main components of the law
Financial and budget commitment	Legal provisions that set forth resources to be allocated	Process relevance and efficiency to implement public policies	Availability (level and format) of invested resources
State abilities	Institutional structure of the State and legal system	Acceptability, adaptability and quality of efforts of budget programmes	Results on which the State has direct influence
Equality and non-discrimination	Institutionality to ensure equality, identification	Incorporation of the equality principle in actions, programmes and/or policies	Gaps in the guarantee of rights by groups or regions
Access to justice	Judicial and administrative resources for enforcement	Resource efficiency and procedural guaranties	Efficiency of judicial resources
Access to information and participation	Basic conditions for the access to information on the institution for the design, follow-up and assessment of public policies for citizens	Characteristics of public policies for access and guarantee of transparency and participation	Advance on information availability for the law, citizen empowerment and effective participation

Source: Own elaboration based on Pérez Gómez, Pérez Molina, Loreti, Pautassi and Riesco, 2022 (based on WGPSS (2015))

developing systems of public information based on indicators and using the following categories.

As shown, due to the existence of budget commitments as transversal categories and financial resources that each State allocates, along with State abilities which refer to the specific ways in which the inside power of a State is organized, together with the principle of equality and non-discrimination, among others, the bases to measure the scope of compliance of State obligations using indicators are established. Although in the case of the monitoring of the Protocol of San Salvador no indicators have been defined in relation to public and private debt, the matrix in progress enables the WGPSS to include them using the aforementioned categories.

It is worth mentioning that the first two cycles of reports assessed determined the bases for measuring rights, and during the third cycle the WGPSS starts to measure progressiveness as to the fulfilment of economic, social and cultural rights (ESCR). When assessing States that have submitted reports, WGPSS experts state that '... progressiveness cannot be assessed exclusively in terms of allocations of resources, let alone only in terms of budgets. Moreover, progressiveness goes beyond mere marginal advances in quantitative indicators as the execution of clear actions to improve the living standards of persons is needed ...' (WGPSS, 2020). They add that the assessment is based on

a multidimensional valuation that considers the evolution of the situation about the compliance with ESCR in a longitudinal way, assessing the changes of the different variables that form the core of the rights and considering a dynamic horizon, in accordance with the social changes that establish the essential requirements of population, defined using decent living standards for all persons without discrimination. For that purpose, the WG has applied a qualitative and quantitative method through which both information on right fulfillment using established indicators and observable trends in such level of fulfillment are processes, which is the basis to assess their progressiveness, considering the set of established indicators. (WGPSS, 2020)

This in turn includes an approach of gender, diversity and multiculturalism. In the case of States and civil society, it has implied an unprecedented exercise as they have no experience in these types of accountability mechanisms or in the periodic production of information. However, there is not a wide-ranging transformation yet and a greater breakdown of data is required by sex or gender identity, age, level of education, ethnicity and 'race' (Pautassi, 2018). In turn, using three cycles of report analysis based on progress indicators and qualitative progress signs, the inseparable relation between the quantitative data and the qualitative perspective has been strengthening.

But how can indebtedness' impact on the level of human rights fulfilment be measured? Are there obligations to ensure a life free of debts? Which are the rights that should be measured? The answers to these questions are of paramount importance. Although standards related to the concept of a decent life, rights interdependence and debt have been established,<sup>5</sup> they still need a greater conceptualization and to claim the consideration of indebtedness as a regressive measure in relation to the life conditions of the population and the guaranty of the access to ESCR. Therefore, in order to advance in this linking of obligations, standards and indicators, we start with the concept of economic autonomy of women and diverse sexual identities, so that from that point we can identify elements to be considered for future interventions both for public policies and for international monitoring.

# 4. The fiction of economic autonomy of women

According to the Economic Commission for Latin America and the Caribbean (ECLAC), autonomy is understood as 'the ability of persons to make free and informed decisions about their lives, so that they can be and make considering their own aspirations and wishes in the historical context that makes them possible' (ECLAC, 2022). Considering precisely gender inequalities, this institution identified three interrelated dimensions of women's autonomy: physical, economic and in political decision making (ECLAC, 2022).

Economic autonomy is understood as the ability of women to generate their own income and resources with access to paid work with equal conditions compared to men. It considers the use of time and the contribution of women to the economy (ECLAC, 2022). Autonomy implies exercising human rights and in particular economic autonomy requires exercising ESCR. All dimensions of women's autonomy are interdependent, like human rights.

Reflecting on economic autonomy and the exercise of citizenship, from a rights-based approach, allows visualizing the differences between what we request and what we aspire to as goals of equity and equality, as well as the complexities we must consider, many of them linked to power relations between women and men, which are present at the moment of proposing, designing and analyzing gender-based indicators (Rico and Marco Navarro, 2010).

Many times, we have claimed that having a paid job is not a synonym for economic autonomy for women, both due to the circumstances in which the job is given, usually without access to social security coverage, and in relation to the amounts of money women receive as remuneration. It is worth mentioning that women use their salary for different purposes, as they prioritize health and education costs of the family and they leave almost no margin to use their salary freely for what they want. Also, the low time

availability of women must be added due to domestic work and unpaid care work. Life is time, and if we do not have time at our disposal, we do not have our lives at our disposal. On top of that, the private indebtedness of women must be also added as another limitation of economic autonomy.<sup>6</sup> Then paid work is a necessary requirement, but it is not enough for this dimension of women's autonomy and probably it is not for diverse sexual identities either.

The economic autonomy of women is without a doubt a very important conceptual category to account for the different realities of women, the gaps and gender inequalities compared to men, but also among women. Women's autonomy, in all its economic, physical and political dimensions, is an aspiration, a must. However, today this is a fiction for two reasons. First, due to the lack of resources as even in the case of women with their own income, in general they have taken private debts; therefore, they are not necessarily free to use their income. This is a practical reason; economic autonomy results in a fiction due to an overwhelming reality.

Second, due to the fact that this autonomy, which has been so demanded by feminists, presents certain (apparent) contradictions with the theory of care, which is also feminist. Then the change of paradigm that we expect that places care at the centre of life (and of economy and policies) implies that women accept themselves as vulnerable, as opposed to the fully independent person that is supposed to function in societies and markets, and who is in charge of dependent populations (both in terms of economy and care). We propose to accept ourselves considering human fragility and interdependence. This is a theoretical reason that, in a nod to Nancy Fraser (Fraser, 1997), could be called the dilemma of care and autonomy.

Our interest focuses on the first reason that makes economic autonomy a fiction for women and how it relates to indebtedness, both at a micro and macro level.

## Women's indebtedness

Access to loans is something desirable and promoted by several international bodies and cooperation agencies, even by numerous women's organizations. This is an area where women face particular obstacles related to the absence of collaterals and formal jobs, often required for loan granting in the formal financial system.

Then when does loan access become a limitation instead of promoting the economic autonomy of women? First, when due to the obstacles to access formal loans, women turn to informal lenders for money, or even to institutions of the financial system specializing in microloans with a very high interest rate compared to the ones of traditional banking.

A study on women's indebtedness performed in the city of Tarija, Bolivia (ECAM, 2021), shows that almost one fifth of surveyed women became

indebted to satisfy health and educational needs; in other words, these are consumption loans, which are the ones with the highest interest. It also shows that physical and emotional health is modified after these loans due to the stress generated when they are repaid (or not repaid) and the family conflicts that this situation creates.

What was mentioned has resulted in an international tendency of financial civil disobedience, the so-called 'who owes to whom', which evidences the women's claims regarding what States, markets, men and the capitalist system owe. This tendency also questions the idea that women are good payers, which is considered as an advantage to receive loan programmes because payments made in a timely manner hide countless personal and family sacrifices (Equipo de Comunicación Alternativa con Mujeres – ECAM, 2021).

Moreover, it is undeniable that exercising financial civil disobedience leaves activists outside the financial system. However, the fact is that many women, especially entrepreneurs, craftswomen and women workers from the gastronomy sector and others, want to access financing and they needed it even more after the pandemic, when many of them used their capital and ran out of stock of their products. For instance, this was confirmed by a case study of women that work in tourism in two districts of the Chiquitania region in Bolivia (Knaudt et al, 2021). Another recent study by UN Women also shows that loans are a demand from businesswomen and women entrepreneurs who have the motivation to start and maintain a business, which in turn relates to the motivation to consolidate their autonomy. In addition, the study evidences that 99 per cent of loans granted to women in Bolivia are microloans. (Marconi et al, 2022).

Then, what can be done? How should the indebtedness issue be addressed? At first, policies and strategies that are deployed must understand that the purpose is to improve the situation of women, increase their income and their freedom of action, and not to restrict them.

The advice that could be offered is key. In this respect, a study carried out in Bolivia shows weak advice is given by financial entities as they do not believe this is their responsibility (ECAM, 2021), but this provision of information and advice can come from other sources, including the State and the women's movement.

The regulation of financial entities is also important, not only to make transparency measures compulsory with respect to the citizens that use their services, but also to limit the interest and to apply it properly. Also, the Bolivian case shows that many women workers who invest the amount of their loans in their business obtained them as consumption loans with a very high interest, but with fewer requirements (Knaudt et al, 2021; Marconi et al, 2022). This phenomenon, also identified in other cases, as happened in the past in Chile, for instance, can be reversed with the necessary willing and appropriate supervision by banking entities and States.

For the Bolivian case, it is worth mentioning the proposal of a common fund of guaranties and the creation of a trust for loans for businesswomen and women entrepreneurs that attracts both investors and cooperation funds (Marconi et al, 2022). In the case of Argentina, the several studies performed that link indebtedness, gender and care, especially the qualitative approaches, are very interesting (Partenio, 2022), and for the case of women workers in the health sector see Castilla (2022).

## Country indebtedness and the differential impact on women

Gender studies has plenty of evidence on the differential impact that the situations of fiscal vulnerability due to debt distress and the resulting fiscal austerity measures applied in countries have on women. A milestone in this regard were the programmes of structural adjustment applied in the region during the 1980s and 1990s. More recently, even during and after the pandemic, the management of external debt has also led to measures of the same type due to the conditions of credit agencies.

With the financial crisis of 2008, the United Nations Human Rights Office of the High Commissioner (OHCHR) had already warned about the fact that, in developing countries, the adjustment measures resulting from the crisis had an impact on structural inequalities, deepening them, in general, in the exercise of rights (United Nations Human Rights Office of the High Commissioner, 2013).

In a recent study (Geoghegan and Fois, 2021), the effects that the consequences of indebtedness in Latin America had on women and gender inequalities were analyzed, putting into perspective the risks faced by the region due to an increase of public debt, a problem that worsened with the pandemic. The authors make a call to Latin America not to repeat past mistakes and not to repay the debt that limits the fulfilment of human rights or the goals to reduce inequalities.

The conclusions of the aforementioned study highlight the fact that the impact of public debt distress is transmitted to citizens through jobs, public services, food security and private indebtedness. These effects are separated by sex and in most cases women disproportionately suffer, among other causes, due to the gender division of work as the job crisis and the shrinkage of the State result in an increase of the total work burden. The study concludes that, in contexts of tax inequality, public debt in the end is repaid by the sectors that benefited the least from the resources obtained with it.

The study by Giacometti et al (2019) evidences the differential impacts that austerity measures implemented by the Argentine government had on women, at least in the exercise of the right to health, education, work, social security and a life free of violence, as well as the evident effect among indigenous people and migrants, of which, it is worth recalling, half of them

are women. The previously mentioned study, which covers the period of 2015–19, evidenced a deficit in the exercise of long-standing ESCR, but it also showed how these needs have emphasized and even generated new deficits in the exercise of rights as a result of the crisis and the austerity measures applied. These are regressive measures that violate the principle of progressiveness in terms of human rights.

Moreover, the study shows the violation of several principles of international human rights law through sectorial policies, whether through action or omission. In other words, there are resources, but the State neither promotes effective policies of expenditure allocation nor guarantees coverage in social areas, or their distribution. The Argentine State is aware of these situations as they were mentioned by the mechanisms of international monitoring, among others, by the International Covenant on Economic, Social and Cultural Rights (ICESCR) Committee and by the WGPSS. Afterwards, (Bohoslavsky et al, 2020) it has been proved that, despite the fact that the Argentine State made a significant fiscal effort during 2020 to try to minimize the social and economic effects of the pandemic and the resulting recession, rights deficits persist and again affect women in an intersected way.

At the beginning of the pandemic, this larger public expenditure financed a number of measures whose goal was to quickly strengthen the health system; help workers and companies; make unconditioned monetary transfers to the most vulnerable persons; protect the rights of women, children, adolescents, elder persons and disabled persons; as well as a broad range of measures of emergency to minimize the economic and social impact of the pandemic, the social and compulsory lockdown (aislamiento social y obligatorio, 'ASPO') and the recession. These policies were implemented in the context of a recession and fiscal deficit and marked by the debt restructuring with private creditors and, most recently (2021), with the IMF. Despite the debt relief with private creditors, due to the drop of tax collection as a result of the economic collapse, the State increased public expenditure and for such purpose it turned to further monetary issuance. Even so, a considerable deterioration of ESCR can be observed in Argentina, and the rates of poverty, extreme poverty and unemployment are their most brutal expressions, along with the heterogeneous nature of a federal country, and of course with the differential impact among women and diverse sexual identities.

In Latin America, the right to care, to be cared and to self-care were gradually recognized in this context and, without a doubt, this was something that the pandemic accelerated (Pautassi, 2007), a formula resulting from applying the rights-based approach in the context of the Regional Conference on Women in Latin America and the Caribbean, which took place in Quito in 2007. This recognition of care as a human right, among

many other effects, separates care from the need or the status (formal paid worker), which were the reasons why it was provided for years. The change occurred after it was identified as a right that integrates the corpus of human rights and that established obligations for the State, companies, social and community organizations and families, where men have a significant debt with women. While it has been recognized, to date its jointly responsible exercise has not been made effective and the debt that society as a whole has with women has not been collectively assumed.

## 5. Final reflections

Whether we call it economic autonomy or not, it is clear that we, as the authors and also as women, advocate for women's freedom to decide about their economy (apart from their bodies) and this requires certain conditions to become possible. These conditions are the exercise of ESCR, which States have the obligation to respect, protect and fulfil. In particular, recognizing the right to care, as a process that combines historical feminist demands and current State obligations, creates an unprecedented space to coordinate among sectorial policies, administration levels of the State and between the State and civil society. In that respect, we especially highlight progress indicators and monitoring mechanisms established at a regional level, as they show the value of empirical evidence and the frequency of data production as a key to verify compliance with State obligations. Although they require greater dissemination and appropriation, the potential they have with respect to the indebtedness of women and sexual diversities is extremely important.

It is clear that policies must address the several limitations that women face today to have enough and regular income, and to be able to use it; these limitations are linked to, among other things, private indebtedness and the differential consequences of public debt policies in the countries. Including progress indicators to measure State obligation compliance in relation to indebtedness patterns must be a regular and frequent action that, among other functions, enables the measuring of principles such as the progressiveness principle and regressiveness prohibitions, along with the principles of equality and non-discrimination, among other core principles of human rights. These actions are already in progress at a regional level, we only need to promote their incorporation and appropriation at State level to encourage the State's effective compliance.

In turn, while the right to care is not recognized as a universal, comprehensive and interdependent right with civil, political and ESC rights, structural inequalities cannot be reduced or eliminated. In the same vein, we must promote the recognition of a life free of indebtedness secured by guaranties (and the provision of goods and services) to fully exercise economic autonomy. In the context of a law or institutional mechanisms, along with

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universal public policies, it is possible that the debts democracy has with women can be identified, measured and solved in an equal way.

## Notes

- These conferences have taken place since 1977 every three years and they generate agendas and regional gender political agreements.
- On this matter, see chapter 20 by Magalí Brosio and Mariana Rulli in this book.
- This is how the Committee on Economic, Social and Cultural Rights has considered it, 'General Comment No. 3. The nature of States parties' obligations (paragraph 1 of Article 2 of the Covenant)', 14 December 1990.
- PSS monitoring reports are available at: https://www.oas.org/es/sadye/inclusion-social/ protocolo-ssv/
- On this matter, see chapter 5 by Juan Pablo Bohoslavsky and Julieta Rossi in this book.
- 6 In agreement with several chapters of this book, particularly chapter 12 by M. Nieves Rico and chapter 13 by Ariel Wilkis and Florencia Partenio.
- In the following conferences that took place in Brasilia (2010), Santo Domingo (2013), Montevideo (2016), Santiago de Chile (2020) and Buenos Aires (2022), the recognition of care as a human right has been ratified and an agenda to promote care societies has been opened, https://conferenciamujer.cepal.org/15/es/documentos/compromiso-buenos-aires

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