

From Recognition to Enforceability: Care, Support and Access to Justice

A Roadmap from Latin America

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Based on *Access to Justice and the Right to Care. A Roadmap from Latin America for a Global Agenda*, ELA – Latin American Team for Justice and Gender

Care sustains life and the economy, but because of the way it is organized it also causes barriers

Care is indispensable for the reproduction of life, the economy and society. It involves time, work, resources, affections and responsibilities that are not distributed equitably. Care is conditioned, among other factors, by gender and the economic situation of individuals.

In Latin America

12 – 24%

Women devote between 12 – 24 % of their daily time to care work vs. between 5 - 9 % of their male counterparts (ECLAC, 2025).

21,4%

Is women's average contribution to regional GDP through unpaid work in Latin America, vs. 15% average contribution in OECD countries (ILO, 2019).

23,6%

Of women have no independent monetary income vs. 10.2% of men (ECLAC, 2025).

This distribution of time, resources and responsibilities not only conditions personal autonomy. They can also condition their ability to access to justice.

Recognizing care as a human right changes the conversation

The Inter-American Court of Human Rights' landmark **Advisory Opinion 31/25** recognized the right to care as an **autonomous, universal and interdependent human right** in its three dimensions: to provide care, receive care, and exercise self-care.

This recognition poses a new question: if care is human right, what are the conditions needed to demand its enforceability?

The Court's Advisory Opinion

- **An unanimous decision** by the highest human rights court in the region
- **A binding interpretation** within the regional public law framework
- **An interdependent right** connected to the right to work, to health, to education and to social security.

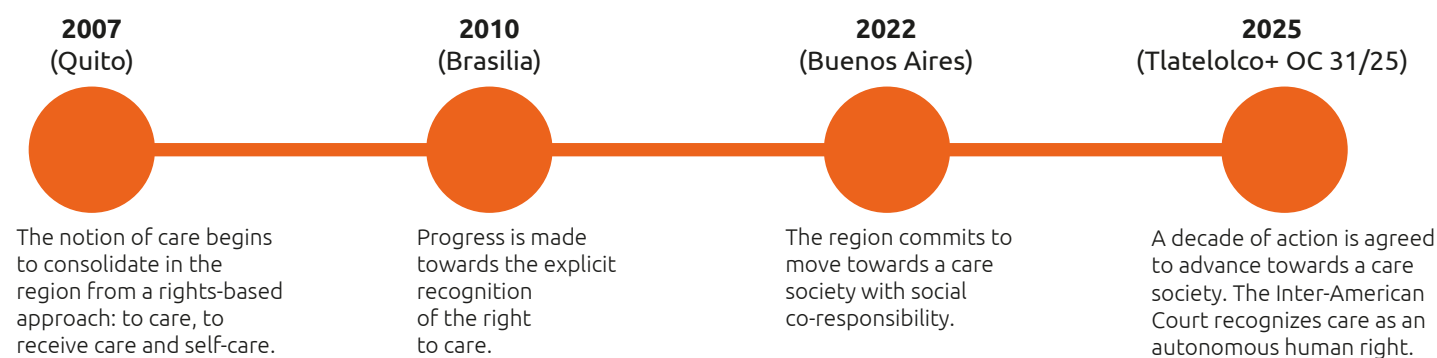
From care to access to justice

Caregiving responsibilities restrict time, constrain income-generating opportunities, and affect economic autonomy.



Two decades building consensus in the Regional Conferences for Women in LAC

This process was built from the bottom up, articulating academia, civil society and political negotiation.



How can the right to care be enforceable?

From a rights-based approach, care and support should promote autonomy, agency and full participation of all people in social and community life.

If this recognition is to be translated into individuals' concrete experiences, a still-underexplored dimension of the care agenda must be incorporated: people-centered access to justice.

Recognizing care as a human right involves establishing effective enforceable mechanisms for those who provide and receive care, so that we can also devote time and effort to our own personal well-being.

Four strategies for people-centered approach to access to justice

1. Defend and protect

Translate the AO 31/25 standards into **policies, services, regulations and effective mechanisms for the protection of the right to care**, based on adequate diagnosis with progressive and non-regressive measures.

2. Promote participation

Create conditions for people to **participate in debates, decisions, implementation and enforcement mechanisms**, aiming at reducing asymmetries among those involved.

3. Repair rights violations

Ensure effective **responses and remedies** especially for populations facing increased barriers, such as workers, migrants, the elderly and people with disabilities. This also includes defining and enforcing private-sector obligations in areas such as employment, health, and education.

4. Addressing structural problems

Improve the conditions that make it possible to exercise and claim a right: **information, budget, territorial organization, accessible justice services, transport, care infrastructure and effective participation conditions (research, monitoring and enforceability).**

An agenda for the next decade

Over the last two decades Latin America built a political, social and legal consensus that allowed for recognition of care as a human right. **The challenge now is to transform that recognition into an effective capacity to exercise and demand it.** This requires:

Cooperation and multilateralism

Bring the standards built in the region into global conversation and strengthen international cooperation.

Financing, regulation and accountability

Guarantee the necessary resources for care and support policies, adequate regulatory frameworks, and transparency mechanisms to monitor commitments and investments.

People-centered access to justice

Consider the justice system as part of the infrastructure needed to implement the right to care: to prevent backsliding, claim resources, ensure participation and obtain redress for violations.

The next step

The care and support agenda is not fulfilled with its recognition as a right. It needs to incorporate the conditions that allow people to **know, exercise, claim it and obtain an effective response when it is not enforced.** Thus, access to justice shifts from being a separate concern to becoming a prerequisite for the right to care.

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