

CEDAW: Why *Care* about Equality?

Exploring the principle of equality and non-discrimination in the context of women's unpaid care and domestic work in development discourse and practice.

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Abbreviations

Institutions/ INGOs

AAI	Action Aid International
ILO	International Labour Organisation
UNDP	United Nations Development Programme
UN	United Nations
CSW	Commission for the Status of Women
UNRISD	United Nations Research Institute for Social Development
UN WOMEN	United Nations Entity for Gender Equality and the Empowerment of Women

Treaties/ Declaration

CEDAW	Convention on the Elimination of all forms of Discrimination against Women
ICERD	Convention on the Elimination of Racial Discrimination
ICCPR	Convention on Civil and Political Rights
ICESCR	Convention on Economic, Social and Cultural Rights

Table of Contents

1. INTRODUCTION.....	5
2. METHODOLOGY	9
2.1. Research problem and aims	9
2.2. Research project's contribution to new knowledge.	10
2.2.1. Research on social policy in relation to unpaid care work in less developed countries.	10
2.2.2. The principle of equality and non-discrimination as a human right issue in the unpaid care work context	12
2.2.3. Unpaid care and domestic work as a developmental concern	13
2.3. Organization of the text and methodological approaches.....	14
3. THEORETICAL DISCUSSION ON FORMAL AND SUBSTANTIVE EQUALITY IN THE CONTEXT OF UNPAID CARE AND DOMESTIC WORK	16
3.1. Formal Equality: transformative enough to address women's unpaid care and domestic work?	17
3.2. Substantive equality and women's unpaid care and domestic work.....	23
3.2.1. The four dimensions of substantive equality in relation to unpaid care work	26
4. CEDAW: TOWARDS A MORE REDISTRIBUTIVE AGENDA FOR UNPAID CARE AND DOMESTIC WORK?	33
4.1. What form of gender equality does CEDAW advocate in order to challenge women's unpaid care and domestic work?	34

4.2. CEDAW: Reinforcing gender stereotypes in care work?	43
4.3. Contextualizing care in the CEDAW	47
4.3.1. The (mis)recognition of unpaid care work	48
4.3.2. The shift to social recognition	52
5. TRANSFORMING THE CARE-LESS DEVELOPMENT AGENDA.....	55
5.1. Women’s unpaid care and domestic work as a development concern: Meaning and interpretations	56
5.2. The Meaning of Gender Equality and Empowerment of all women and girls in the 2030 Agenda.....	62
6. WOMEN’S UNPAID CARE WORK: WHAT AND HOW IN DEVELOPMENT PRACTICE	66
6.1. Action Aid International	67
6.1.1. AAI’s narrative on women’s unpaid care and domestic work	68
6.1.2. AAI programming on women’s unpaid care and domestic work.	71
7. CONCLUSION	78
BIBLIOGRAPHY	81

1. Introduction

Women around the world invest 2.5 times more time than men in unpaid care and domestic work, with large disparities in time spent in cooking, caring for others, or cleaning. This figure varies greatly between countries depending on public services coverage and infrastructures relating to care work such as access to water, sanitation, energy, health, and childcare¹. Disparities in the amount of unpaid care and domestic work occur not only because of gender, but also because of each woman's age, location, income status, and number of children in the household. There continue to be pronounced imbalances between men and women in time allocation to care work and in the degree of freedom available to make choices in this respect. This unequal distribution of caring activities is linked to discriminatory social institutions and inequality based mainly on gender stereotyping. These gender disparities in unpaid care and domestic work represent a great risk to achieving the right to equality and non-discrimination between women and men. The recent report by the *UN Special Rapporteur on the Elimination of Extreme Poverty* identifies unpaid care work as a major human rights issue and highlights the relationship between unpaid care, poverty, inequality, and women's human rights². The disproportionate burden of unpaid care work allocated to women and girls represents a serious impediment to their accessing paid jobs, prevents girls attending school, and generates *time-poverty*, thus limiting women's participation in decision making, leisure, self-care, and health.

¹ UN WOMEN Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights” (2015:84)

² UN, Magdalena Sepúlveda, Report of the Special Rapporteur on extreme poverty and human rights on unpaid care work, August 2013

The principle of equality and non-discrimination is a cornerstone in international human rights law; however work on the relationship between gender equality and non-discrimination with unpaid care and domestic work remains very limited in UN discourse and practice. The CEDAW, despite its focus on discrimination against women and *substantive equality*³, has remained relatively silent on the topic⁴. In general, the principle of equality and non-discrimination in international treaties follows the formal equality model and prohibition of discrimination from a symmetrical perspective⁵.

This challenges us to question whether our idea of equality and non-discrimination needs to be transformed in the context of women's unpaid care and domestic work and to examine what type of equality (formal or substantive) can create the most suitable enabling environment in which women can make empowered choices as regards care work.

The recent 2030 Sustainable Development Agenda aims to transform the *care-less* development agenda by introducing a revolutionary target addressing *the recognition and value of unpaid care and domestic work*.⁶ This is the very first time mainstream development acknowledges in a global policy agenda the importance of tackling unpaid care and domestic work⁷ as a means of combating gender inequality, and promoting non-discrimination and women's empowerment. Yet there is little direction about how this target is going to

³ Fredman, S. (2003, 2008, 2013); Byrnes, A. (2012, 2013); Holtmaat, R. (2013)

⁴ Fredman, S. & Goldblatt, B. (2015)

⁵ Holtmaat, R (2013) and Byrnes, A. (2012)

⁶ See SDG No. 5.4. <https://sustainabledevelopment.un.org/content/documents/1579SDGs%20Proposal.pdf>

⁷ I refer to unpaid care and domestic work as *work* that does not have any remuneration (is unpaid) and involves tasks related to domestic duties such as cooking, cleaning, fetching water, and taking care of other people's children, the old, and the sick, etc. For different terminology on unpaid care work see Esquivel, V (2014).

be achieved, about policies or programmes to be implemented, or the theoretical and legal framework behind women's unpaid care work and gender equality and non-discrimination. Without any doubt the *care work* target is the result of tireless advocacy efforts by the international feminist movement, but there is still a question mark over whether the development sector is going to embrace feminist thinking in relation to women's unpaid care work or a more instrumental understanding about care and poverty alleviation. In this sense, the *care work* target opens up opportunities to enhance the debate and understanding of various types of equality, from formal to substantive, in order to address discrimination against women and girls arising from unfair distribution of care work. In addition, it would challenge the CEDAW to take more radical steps in line with *substantive equality* and question socio-economic structures that maintain a male-oriented definition of work elaborated mainly within the scope of formal equality between women and men.

In what follows, I will first introduce a theoretical discussion about formal and substantive equality in the context of women's unpaid care work. I will discuss (i) the shortcomings of the formal equality model in addressing unpaid care work and (ii) the relevance and potential of the substantive equality framework which is more focused on power transformation and empowerment of women to tackle discrimination against them based on the unfair distribution of care work. In a second chapter, I will put this discussion into the context of the CEDAW as a treaty which focuses on the elimination of all forms of discrimination against women. I will examine how the Women's Convention currently puts women's unpaid care and domestic work into context, looking especially at its general recommendations. I will argue that CEDAW shows a clear evolution from a formal model of equality as regards

women's unpaid care work to a more transformative approach clearly embracing substantive equality in its recent General Recommendation No. 34 (on rural women). A third chapter analyses how care work is raised as a development concern in the 2030 Agenda and then sets out some cases of excellent development practice adopted by INGOs.

2. Methodology

This chapter introduces the research methods and methodological approaches. Firstly, I address the research problem to be discussed and the challenge this represents. Secondly, I refer to the background literature on, and different entry points into, the topic and how the present project feeds into these. Finally, I refer to the organization of the research project, the background material, and the methodological approach adopted.

2.1. Research problem and aims

This research project explores the principle of equality and non-discrimination, with special attention to the CEDAW as regards women's unpaid care and domestic work in development discourse and practice. The point of departure is a review of the formal and substantive forms of equality found in international human rights treaties and question what type of equality can create the most suitable enabling environment in which women can make empowered choices as regards care work. The CEDAW, with its focus on the elimination of discrimination against women, has remained relatively silent on the topic. International development policy and practice has also been complicit in this silence. Despite the rhetoric of development discourse on gender equality and women's empowerment, the interconnection between women's unpaid care work and discrimination remains unchallenged in current practice and when addressed, it is often in terms of women accessing paid employment. Only recently has care work been included in the 2030 mainstream development Agenda, but the development community has emerging experience (at the level of policy and practice) in addressing the issue of women's unpaid care work in order to achieve sub-

stantive gender equality and women's empowerment. Starting from the legal discussion on the principle of equality and non-discrimination, I enquire about the differences between the formal and substantive models of equality and the shortcomings and potential of the respective models in addressing a more redistributive care agenda. Since development discourse and practice should be securely based on a human rights approach, I enquire as to what the CEDAW, as a treaty which focuses on substantive equality for women, can offer in this endeavor.

2.2. Research project's contribution to new knowledge.

For the purpose of this research, I identify three areas of background knowledge⁸: a) research on social policy in relation to unpaid care work in less developed countries; b) the principle of equality and non-discrimination as a human right issue in the care work context; c) care work as a developmental concern. I provide here a summary description of these three areas of enquiry and how this research project could contribute to new knowledge in each area.

2.2.1. Research on social policy in relation to unpaid care work in less developed countries.

The body of research on the care economy in less developed countries has grown during the last two decades⁹. Most of the research strongly criticizes the gender blindness of the

⁸ See footnote 10. In addition, research on the *Global Care Chain* (GCC) is also extensive:-Yeates, N. (2009); Hochschild, A.R.; Barber, P.G; Duffy, M. I do not address GCC here as this is not the subject of my research.

⁹ The literature on unpaid care work in the development context is very extensive. I refer here to some of key scholars: Razavi, S. (2007, 2011, 2013); Jenson, J. (2009); Molyneux, M. (2006); Chant, S. (2006, 2010, 2015); Budlender, D (2008, 2015); Chopra, D & Sweetman, C. (2014); Folbre, N. (2006), Yeates, N (2009); Elson, D., etc.

cash-transfer programs¹⁰, which re-enforce gender stereotyping¹¹ and the role of women as main caregiver in the household and beyond. Another important criticism is that the entry point of those programs is poverty alleviation rather than promotion of human wellbeing and respect for the human rights of women and girls¹². Most of the research has used Time User Survey¹³ (TUS) to analyse gender division of labour and recognise the imbalanced allocation of time between women and men spent on care and domestic work. There are two common issues in this literature: 1) identification of care work as a *burden* for women and something that needs to be eliminated, and 2) the treatment of care work as *only a women`s issue* and gender equality concern.

This research project aims to stimulate the debate around the concept of care as a form of *work* which *produces a well-being*. This approach does not define “care” in negative terms or only as a “burden”, but as a positive element and central issue for individuals, society, and wellbeing. By redefining the meaning of *care* from *burden* to *wellbeing*, I am trying to make us think differently in terms of policy responses to *care work*: namely as an issue that concerns society as a whole and that it is not merely a “problem” /“burden” affecting a specific group (women and girls in this case). Thus, it encourages structural changes in our socio-economic structures and, a re-thinking of sustainability and wellbeing. Furthermore, there is a risk of ghettoizing care as a women`s issue, always focusing on the caregiver (mostly women), with rarely a reference to the person who receives and needs care. This

¹⁰ Molyneux, M (2006)

¹¹ Cusack, S. (2013)

¹² Chant, S. (2006)

¹³ TUS accounts for the amount of time spent by women or men as regards division of labour. TUSs are not available in all countries, and especially in developing countries are hard to find. For TUS studies see Budlender, D (2008 and 2015) and Esquivel, V.

focus is mainly related to women fulfilling “care responsibilities” as mothers. Thus much of the work done is around this issue and ignores other aspects of “care” as a vehicle of inequality and social exclusion, not only for women and girls but also for other groups in need of care (I.e. children, older people, the sick and disabled).

2.2.2. The principle of equality and non-discrimination as a human right issue in the unpaid care work context

Care as a universal human right is first recognized in the Brasilia Consensus and the Report of the UN Special Rapporteur on the Elimination of Extreme Poverty. The Brasilia Consensus first established “*right to care is universal and requires solid measures to ensure its observance and to achieve co-responsibility of the whole of society, the State and the private sector*”¹⁴. In addition, the UN Special Rapporteur’s report picks out unpaid care work as a major human rights issue, highlighting the relationship between unpaid care and poverty, inequality, and women’s human rights. Other research elaborates on the *right to care* as a major issue for the individual and society at large¹⁵.

One of my project aims is to enhance the debate and understanding of the various types of equality from *formal* to *substantive* in order to address women’s unpaid care work, specifically in the development context. My intention is to do this analysis within the context of the CEDAW as a treaty focusing on the achievement of women’s substantive equality and to explore how understanding of equality and non-discrimination obligations need to be

¹⁴ Brasilia Consensus, Regional Conference on Women in Latin America and Caribbean, July 2010, p2

¹⁵ Busby, N. (2011)

transformed in order to properly address care work. I call upon CEDAW to elaborate further on a general recommendation on *redistribution of care and domestic work*

2.2.3. Unpaid care and domestic work as a developmental concern

Despite the considerable body of scholarly literature on the subject as discussed in point a), care continues to be neglected in development debate and programme design¹⁶. Strategic ignorance and system bias in the development industry have been elements keeping care off the agenda¹⁷. Others argue that one of the reasons is the lack of knowledge of large-scale, representative evidence about care in developing countries¹⁸. In addition, resistance to identify *unpaid care as work* has also contributed to the invisibility of care work. Under the current mantra of economic growth on the development agenda, strategies seek to support women's entrepreneurship or to incorporate women into the labour market without considering women's unpaid care work.

The current *Inequality* debate, the 2030 Development Agenda, the UNDP Development Report 2015 on *work* and the shift to substantive equality by some UN agencies will surely open up the opportunity to explore the underpinnings between economic growth, (in)equality and care work from a gender perspective, and the relationship between paid/unpaid work. The current reality is that the development sector has very little experience in addressing unpaid care work at the policy and programme level. The Sustainable Development Goal (SDG) 5: *Achievement of gender equality* could risk being a *buzzword* in the 2030 Agenda, unless a more transformative vision is included. In the last two years,

¹⁶ Eyben, R. (2012, 2015), Chopra, D. & Sweetman, C. (2014), GADN (2015)

¹⁷ Eyben, R (2015)

¹⁸ Budlender, D. (2010)

interesting initiatives has been developed by INGOs and bilateral agencies tackling care work at the policy and programme level. This project aims to add knowledge to the discourse on care work in the development industry and how this principle of substantive equality can support this endeavour. The research project also explores some interesting programme initiatives and narrative on women's empowerment and care work. The lessons learned can be incorporated into other thematic sectors such as water, economic empowerment, governance and participation in working towards a more redistributive care agenda.

2.3. Organization of the text and methodological approaches

This research project is organised into four main chapters. The first two chapters deal with the principle of equality and non-discrimination in international human rights law from a legal perspective. Chapter 3 provides a close analysis of the formal and substantive equality models and discusses the most suitable angle from which to address care work. Chapter 4 looks at the discussion of formal and substantive equality within the context of care work and the CEDAW framework. This chapter also examines the evolution of understanding about unpaid care work in the CEDAW. Chapters 5 and 6 focus on the interconnection of care work, women's inequality and development narratives. The case study in the last chapter shows how players in the development sector are currently implementing stand-alone programmes which address women's unpaid care work and put substantive equality into practice as well as offer a pathway to the empowerment of women.

This research will apply an interdisciplinary approach based on my academic and professional experience on gender, feminism, political science, and human rights law. I do think

all these perspectives are key to better provide a more holistic framework within which women's human rights in unpaid care work context can be more successfully achieved.

The theoretical framework is grounded in feminist legal analysis on the principle of equality and non-discrimination and I analyse this principle in the context of care work to explore the shortcomings or advantages of formal and substantive equality. For this, I review the work of key feminist legal scholars working on formal and substantive equality. I also incorporate legal textual analysis on the CEDAW provisions and general recommendations.

As a feminist working in development, I draw on my academic and practical experience of gender, feminism, and development and critically analyse the current gaps in the empowerment of women, gender equality, and development since *care* continues not to be central to the agenda, despite progress in the 2030 Agenda. In terms of implementation, development programmes are generally still failing women and communities to the extent that care is not properly addressed in programmes and government accountability for social policy.

In addition, the methods I shall apply are: 1) *intersectionality* - this will be used as a cross-cutting tool to analyse the impact of unpaid care and domestic work in as far as it is a driver of class/race/ethnic social exclusion and discrimination and, 2) the *substantive equality framework* to study common principles such as participation, accountability, non-discrimination, empowerment and normativity. These theoretical approaches have specific added value and complement each other in the analysis of care work.

3. Theoretical discussion on formal and substantive equality in the context of unpaid care and domestic work

A significant proportion of care and domestic work in many societies springs from kinship and friendship and it is done on an unpaid basis. Gender stereotypes, norms and beliefs have wrongly allocated the burden of unpaid care work to women and girls as a natural responsibility, bestowed by the *natural* role of nurture and caring for others. However, unpaid caregivers seldom have the opportunity to exercise choice in doing this work, making big sacrifices, perhaps missing the opportunity to enhance skills for paid work, be educated, to participate in decision making and have a voice, to enjoy leisure and self-care. Not only is their economic independence compromised, their personal autonomy and human development are also at risk. Therefore, it is time to start thinking about the potential for equality and non-discrimination to achieve transformation in the area of unpaid care and domestic work.

The principle of non-discrimination and equality constitutes a fundamental issue in international human rights law. However, the interconnection of equality, non-discrimination and unpaid care and domestic work has been mainly limited in the CEDAW to the economic contribution of unpaid care work to national economies, and it is completely absent from the rest of the treaties.

This chapter discusses what type of *gender equality* can create the most suitable enabling environment for women to make empowered choices in relation to care work. It will delve into formal and substantive understandings of equality as regards unpaid care and domestic

work and question whether the concepts of equality as well as *care* work need to be challenged in the light of a most *redistributive* agenda for unpaid care and domestic work.

3.1. Formal Equality: *transformative* enough to address women's unpaid care and domestic work?

The principle of non-discrimination is defined in international human rights law as prohibition of *direct and indirect discrimination* based on sex, race, religion, sexual orientation. Its aim is limited to achieving formal equality, or *de jure equality*, by removing discriminatory legislation on the above-mentioned grounds. This form of discrimination aims to treat people alike but fails to recognise historical and deep-rooted inequalities embedded in structures, institutions and people's beliefs, norms and, attitudes¹⁹.

Formal equality demands that women are treated in the same way as men. The entry point is *equal treatment* and prohibition of discrimination based on any discriminatory grounds. This type of equality is known by the *sameness* or *symmetrical approach* and, its fundamental characteristic is that it does not assume any structural disadvantage, or economic or social limitation for either sex in enjoying basic human rights²⁰.

All international human rights treaties, since the adoption of the UN Charter setting out the Universal Declaration of Human Rights (UDHR), highlight the principle of *equal rights* for men and women and non-discrimination as a fundamental corner-stone. The UDHR begins by affirming “*all human beings are born free and equal in dignity and rights*” (Article 1).

¹⁹ Byrnes, A (2012), Fredman, S (2003) and, Holtmaat, R. (2013)

²⁰ Byrnes, A (2013) and, Holtmaat, R. (2013)

Both the ICCPR (article 3) and ICESCR (article 3) have specific provisions for “*equal rights*” for women and men to enjoy all the human rights in the respective Covenants²¹.

It remains crucial to demand *formal equality* as a basic requirement for women’s achievement of human rights. *De jure equality* is the first step in dismantling discriminatory rules and structures that continue to oppress women and girls globally, especially in regard to issues related to family law, access to and control over resources, access to paid jobs, education and so forth²². Laws that directly discriminate against women on the basis of their sex are still in existence in national legislations, even though there are international legal obligations requiring States to abolish, amend or repeal these types of discriminatory laws²³.

Despite the need to maintain observance of formal equality for both women and men, *de jure equality* can “easily” be adopted in national legislation by removing discriminatory laws and policies that have hampered women in exercising their human rights, achieving autonomy, and participating in development. The challenge remains in the implementation of legislation and the potential that the law may or may not have to transform the power dynamics between individuals in society and thereby challenge oppression, and overcome the subordination of women through discrimination. This form of gender equality does not question how women experience different and often disadvantageous conditions and assumes that women and men are situated identically in the *world*. To some extent, *formal*

²¹ Fredman, S. & Goldblatt, B. (2015)

²² UN Women (2015:28)

²³ HRC (2015) Report, Working Group on the issue of discrimination against women in law and in practice

equality has generated *gender neutral* laws and policies perpetuating sex inequality because it fails to treat structural disadvantages and therefore maintains the status quo²⁴. Even worse, gender neutral laws can generate wider inequalities by considering all individuals as having equal access to opportunities for change. As MacKinnon argues “*under the sameness standard, women are measured according to our correspondence with men... Gender neutrality is thus simply the male standard*”²⁵.

To some extent, gender neutrality ignores the discriminatory conditions that individuals may face and which are rooted in institutions, social norms and stereotypes. As Sen argues “*equal consideration for all may require very unequal treatment in favour of the disadvantaged*”²⁶, in order to work on the historical inequality encounter.

One of the main problems is that “*this world*” is *male-oriented*. This is exactly one of the main criticisms to formal equality: it is grounded in the standard principle of the “*male comparator*”²⁷, which in a way is a highly conformist principle²⁸. In a sense, formal or *de jure equality* provides for women conforming to male-oriented social, economic, and political structures without challenging those structures. Women need to adapt themselves to those male-oriented structures in order to enjoy equal rights with men. This has clearly been the case as regards women’s access to the labour market. Constraints on women accessing this labour market have not been tackled, especially where women’s and girls’ traditional responsibilities for providing care and doing domestic work are concerned. The

²⁴ Holtmaat, R.(2013)

²⁵ MacKinnon, C. (1987:34)

²⁶ Sen, A (1999)

²⁷ MacKinnon (1987), Charlesworth, H. and Chinkin, C. (2000:229); Charlesworth, H; Chinkin, C; and Wright, S. (1991:634)

²⁸ Fredman, S (2003)

result is that more women and girls are having to cope with work both outside and inside the home.

There is huge content gap as regards women's unpaid care and domestic work in all the international human rights Covenants. Even though the CEDAW refers in its Preamble to the "*sharing of responsibility between men and women and society as a whole*" there is not a single provision referring to unpaid care work in the body of the Convention²⁹. Based on analysis of the text, *care* work in the CEDAW is very much associated with safeguarding the reproductive function of women³⁰. The CEDAW refers mostly to care work in relation to workplace support for parents³¹. In this sense, the Convention was the first treaty to refer to the need for child care facilities to enable parents' participation in the labour market. Subsequently, ILO³² stated that *child-care and family services and facilities needed to assist workers with family responsibilities to meet their employment and family responsibilities*³³. Thus, care work is limited to "sharing of childcare responsibilities" which in many countries has led to legislation on *parental leave*, ignoring the fact that other forms of care and domestic work are needed including for people in need of care. Furthermore, parental leave applies only to women and men who have formal paid jobs, so this leaves aside the vast majority of women working in the informal sector without any type of social protection scheme. Consequently, this view reinforces the idea of *work* as being solely *paid work*

²⁹ The Convention has issued two general recommendations on the topic, proposing the establishment of mechanisms to "count" women's time spent on care work and its translation into its contribution to the economy. See General Recommendation No.16 and No.17. It will now be interesting to follow the CEDAW Committee's current work on General Recommendation No 34 (on rural women). See section 4.

³⁰ See chapter 4

³¹ Fredman (2015)

³² ILO, Workers with Family Responsibilities Recommendation, 1981 (No. 165)

³³ Raday, F. (2012:301)

outside of the home³⁴. To some extent, the formal model of equality in relation to the right to work has put a greater burden on women, as Fraser argues the *critique to sexism is now supplying the justification for new forms of inequality and exploitation*³⁵.

Just as the formal model of equality only requires comparison between the sexes, unpaid care work has been defined as reflection of paid work, unpaid care work being a burden and a limitation on women accessing the paid employment.

International human rights treaties follow the *formal equality model* in regards unpaid/paid work. The CESCR, in two general comments on the right to work (2006) and the right to social security (2007), fails to recognise women's unpaid work and its remunerative value³⁶. The ILO's Social Protection Floor Recommendation also fails to recognise women's unpaid work – it sees social security as a worker's right rather than a human right³⁷. In addition, CEDAW in Article 11 concerning the *right to work* requires States to ensure the “same” right to women and men in relation to work, equal opportunities, and equal remuneration without tackling the constraints of unpaid care work for accessing the labour market.

This formal equality has left unchallenged the current social and economic structures that maintain the disadvantages women experience in paid/unpaid work. Furthermore, the formal equality model excludes women with care responsibilities from equal treatment if they

³⁴ Fredman, S. & Goldblatt, B (2015:35)

³⁵ Nancy Fraser, *How feminism became capitalism's handmaiden - and how to reclaim it*. The Guardian, October 2013.

³⁶ Farha, L. (2014) and Fredman, S. (2013)

³⁷ Darooka, P. (2012) quoted in Fredman, S and Goldblatt, B (2015)

are unable to “plug” the *care gap* at home. To “plug” the gap another woman would have to be taken on with low paid or under casual terms and conditions. This situation has, to some extent, perpetuated the belief that *care* is just a private matter to be resolved within the household and thus overlooks a broader social dialogue about the impact of care and policy responses to it.

Equally important, formal equality, in respect of the right to work, reinforces patterns of nuclear family models, ignoring a more suitable *intersectional* analysis³⁸ that may have to take into consideration other grounds of discrimination that women may face as primarily caregivers in the household and/or the limitations they face in “fulfilling this role” when accessing the labour market.

As a positive step, the latest UN Human Development Report introduces a more revolutionary concept of *work* which encompasses more than just paid jobs. The proposal embraces four dimensions of *work*: jobs/employment; unpaid care work; voluntary work; and creative work³⁹. This opens innovative opportunities to move away from male-oriented definitions of work and embraces a broader understanding of *work* within the context of the human cycle. This new concept will certainly contribute to challenging international human rights standards as regards the *right to work* and *rights at work*, but it will also improve discussion on recognising and making care work more visible as part of a more redistributive agenda.

³⁸ Intersectionality originated in the USA, where black feminist brought their particular situation in relation to gender and race into focus in order to challenge white middle-class women’s dominance in the women’s movement and black men’s dominance in the anti-racist organizations. The term was first coined by Kimberle Crenshaw (1989)

³⁹ UNDP (2015)

3.2. Substantive equality and women's unpaid care and domestic work

Substantive equality allows for a deeper understanding of deep-rooted inequalities and disadvantages that go beyond the concept of equal rights for women and men. The crucial point is that it is not so much the difference in treatment on the grounds of sex that should be an issue, but rather that women are subject to disadvantage on the grounds of their sex⁴⁰. International human rights law has mainly concentrated on the prohibition of discrimination or direct discrimination on any grounds without looking how already existing disadvantages continue to be a limitation on people's enjoyment of equal rights.

The International Convention for Eradication of all forms of Racial Discrimination (ICERD) is the first international treaty to set out the specificities of discrimination against people based on racial grounds, including a conceptualization of *direct* and *indirect discrimination*⁴¹. The CEDAW identifies discrimination against women on the basis of the definition of racial discrimination used in the ICERD. The CEDAW is, therefore, the first international sex/gender specific treaty to eliminate all forms of discrimination against women. Legal scholars have acknowledged the singular character of the Women's Conven-

⁴⁰ Fredman, S. and Goldblatt, B. (2015)

⁴¹ CERD article 1 "[A]ny distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

tion in operating the principle of substantive equality and the potential it has to achieve real equality for women by transforming imbalances in power structures⁴².

For the analysis of unpaid care work, the principle of substantive equality also introduces an interesting aspect by suggesting a difference in the way the individual and the group are considered. The formal model of equality deals mainly with the individual to protect her/him from direct and indirect discrimination. This principle ignores inequalities of a group-based nature, an issue raised by the ICERD and the CEDAW; it ignores the need to address systems and institutions that perpetuate such inequalities. Substantive equality does tackle group-based inequalities⁴³; it focuses on structural inequalities that may affect a large group of individuals based on their gender, ethnicity, religious beliefs, race, age, sexual orientation, etc.

The case of unpaid care work mostly affects women and girls as a large group because of deep-rooted gender discrimination based on stereotyping, cultural and social beliefs and norms, and the system of economic production that have relegated care work to being mainly a responsibility for women and girls. Ultimately, the (mis)recognition⁴⁴ of unpaid care work applies to this large group of women and girls because of their gender.

⁴² Holtmaat, R (2012), Byrnes, A (2012)

⁴³ Farha, L (2014); Byrnes, A (2012) and Fredman, S.(2003)

⁴⁴ "Misrecognition" consists in *recognition' wrongs* or inequality in the mutual respect and concern that people feel for one another in society, in Nancy Fraser (2003). This research uses the concept of (mis)recognition to refer to care work invisibility and lack of recognition which re-enforces inequality.

There are alternative concepts of substantive equality such as *equality of results*, *of opportunity* or, *of dignity*, but as Fredman highlights these remain incomplete⁴⁵. Substantive equality goes beyond the principle of *equal opportunities* as the intention is not just to eliminate barriers to women in accessing opportunities equally with men, but to effect a profound and fundamental power transformation in institutions. Equal opportunities can facilitate *options* for women to operate in an already defined political and socio-economic system. However, it is not only about providing women with more *opportunities* to exercise their *choices* in already ill-defined structures that deliver little for women. It is about challenging the way institutions⁴⁶ actually work.

A very revolutionary piece of work in development thinking is Sen's so called *Capability approach*⁴⁷ which focuses on the importance for individuals to exercise their *choices*. *Choice* is understood to mean *freedom* which includes not just freedom from political oppression, but, equally important, socio-economic and personal circumstances that make *options*, *opportunities* and *choices* feasible for people. Despite the capability approach being fundamental in development discourse and practice, it ignores the capacity of women to exercise their choices as regards care and domestic work.

To what extent is care and domestic work a matter of *choice* for women and girls worldwide? The reality is that caregivers seldom have the opportunity to exercise *choice* in doing

⁴⁵ Fredman, S. and Goldblatt, B. (2015)

⁴⁶ I refer to institutions accountable for a redistributive agenda as regards unpaid care work such as the household, State, private sector, and community. This is based in the *Care Diamond* elaborated by Razavi, S. (2007)

⁴⁷ Sen, A (1999)

care work, thereby putting at risk their economic independence, health, education, and leisure. This also explains why care and domestic work is all too often done by those who have less power to negotiate alternative positions in the private or public sphere⁴⁸.

The main problem is that care work is not a matter of choice, it is work that needs to be done and someone has to do it. Everyone needs to be cared for at least once in their lifetime. Moreover, care implies interpersonal relationships which include an affective dimension with long term benefits for society at large. As argued by Fredman, other human rights values need to be recognized that are not only based on choice but on interpersonal relationships and interdependence⁴⁹.

3.2.1. The four dimensions of substantive equality in relation to unpaid care work

In response to this *equality discourse gap*, Fredman proposes an interesting four dimensional framework of *substantive equality*⁵⁰ with power transformation at its heart in order to achieve real equality. The substantive equality framework provides an excellent starting point for *recognising, reducing, redistributing* and *representing* the women's unpaid care work agenda⁵¹. Moreover, it offers items for analysis which contribute to thought on the urgent need to transform the current economic structures and on the role different institutions may play in pushing forward a *redistributive* agenda for care work.

⁴⁸ Pérez Orozco A. (2014)

⁴⁹ Fredman, S. (2008)

⁵⁰ The formulation of the *four dimensions of substantive equality* was first developed in Fredman 2002 and further developed in Fredman 2011.

⁵¹ The Triple Rs framework encompasses the *recognize, reduce and redistribute* agenda of women's unpaid care work. Diane Elson first presented this framework to UNDP (2009).

The four dimensions of substantive equality are summarized as: a) redressing disadvantages; b) addressing stigma, prejudice and stereotypes; c) accommodation and transformation, and d) agency and voice. In what follows, I analyse briefly those dimensions from a *care lens* perspective.

The first dimension focuses on *redressing disadvantages*, rather than equalizing treatment between women and men. Disadvantage is understood as both material and social. The burden of unpaid care work has disproportionately been allocated to women and girls, generating clear disadvantages for accessing paid jobs and economic independence. But also, women's *time poverty* has a negative impact in their availability for participation in public matters, education, self-care, and health, etc. The unequal distribution of unpaid care work has an impact on many human rights⁵². This disadvantage is both cause and effect of (mis)recognition of unpaid care work. Redressing disadvantages requires different treatment, not the equal treatment proposed by the formal model of equality. In this sense, affirmative action in favour of women and girls does not breach the principle of equality as long as those measures aim to redress discriminatory disadvantages. It is the duty of the State to adequately regulate, fund or provide care so as to shift the burden and take into consideration women's clear disadvantage as providers of care work. Legislation as well as policy need to incorporate the *care lens* in equality legislation, employment regulation and labour rights, public services, social protection, education, etc⁵³.

⁵² UN Report of the Special Rapporteur, August 2013

⁵³ Sepulveda, M. & Donald, K. (2014)

The incorporation of the *care lens* in legislation and policy will definitely challenge the idea of the “*male comparator*”. There is not a male comparator in terms of care work as this work has been traditionally done by women and girls and largely goes unrecognised and is invisible to male-oriented institutions. Following the *male yardstick* may somehow normalise the traditional male life experience as the standard and marginalise women and non-traditional male life experience. As Raday rightly points out, the fact that the requirements of maternity are identified as being an *exception* rather than the rule creates the marginalisation of the requirements of those who are deemed to be different. So if maternity were redefined as a normal condition around which society needs to be constructed, then measures to accommodate pregnancy, childbirth or breast-feeding would not be considered “special” and exceptional⁵⁴.

However, affirmative action (conciliation policies, flexi- working time) is not about freeing up women’s time or fixing things so that they can take on the domestic chores and care work at home. Under the full time work model, it is clear that women are expected to do more work, or perhaps men are expecting to do less?⁵⁵ Maybe it is time to scrutinise the full-time norm at the work place. As argued above, the current economic system is a hard reality for many women and girls globally, re-enforcing disadvantages and limiting their enjoyment of rights, independence, and human development.

The *redressing disadvantages* dimension precludes a “*levelling down*” option, whereby equality is achieved by removing benefits rather than extending them as has been the case

⁵⁴ Raday, F. (2012)

⁵⁵ NIKK (2014)

with some rights in the formal equality model⁵⁶. Affirmative action needs to promote a real redistributive agenda within the home and between the home, to the State, and the private sector. Measures should embrace recognition, visibility and value of care work, not patch up measure which fuel (mis)recognition. Male definitions of work and productive structures have strongly contributed to this (mis)recognition and invisibility because no economic value has been allocated to work involved with motherhood.

The second dimension of substantive equality investigates *stereotypes, stigma and violence* based on recognition wrongs or (mis)recognition which re-enforces discrimination and inequality. Socio-economic and political disadvantages are based in what Fraser calls *recognition wrongs* or (mis)recognition⁵⁷. This concept of recognition is based in the Hegelian notion that our identity is constructed in terms of how others see us⁵⁸. Stereotypes play a key role in shaping our identity and fighting against those stereotypes can be a difficult process when the construction of our identity as women and men is under scrutiny from any given society or community.

Women and men's opportunities and behaviours are determined as much by social institutions, including traditional gender roles and beliefs, as by the conditions of the communities and countries in which they live. Social institutions, such as formal and informal laws, social norms and practices, shape or restrict the decisions, choices and behaviours of

⁵⁶ Fredman, S (2008) Fredman S. & Goldblatt, B (2015)

⁵⁷ Recognition' wrongs consist in 'misrecognition' or inequality in the mutual respect and concern that people feel for one another in society, in Nancy Fraser (2003)

⁵⁸ Fraser, N. (2000)

groups, communities and individuals⁵⁹. By defining which behaviours are considered acceptable or unacceptable in a society, social institutions influence gender roles: in most societies, working for pay is considered a masculine task, while unpaid care work is seen as a women's domain⁶⁰.

*Sex-role stereotypes*⁶¹ focus on the roles and behaviours of women and men and typically assign them distinct, yet mutually reinforcing, roles and behaviours. Particular attention has been paid to the sex-role stereotypes of women as homemakers/caregivers and men as heads of households/breadwinners, which provides an indication of the pervasiveness and perniciousness of those particular stereotypes⁶².

The Special Rapporteur on contemporary forms of slavery describes how “*forced marriage combines sexual exploitation with domestic servitude. The victims are forced to perform household chores in line with gender stereotypes, while submitting to their husbands’ sexual demands*”⁶³.

Other gender stereotypes as regards unpaid care and domestic work are found in relation to food and housing. For instance, a range of different UN human rights bodies have highlighted how gender stereotypes - especially those concerning marriage and family relationships – have undermined women’s ability to enjoy an adequate standard of living, and this includes unequal access to food and housing as well as their increased vulnerability to pov-

⁵⁹ Cusack, S and Cook, R. J. (2012)

⁶⁰ Cusack, S. (2013)

⁶¹ A sex-role stereotype is a generalized view or preconception about the roles that women and men have or are expected to perform, and the types of behaviors that they possess or to which they are expected to conform. OHCHR (2013:XV)

⁶² OHCHR (2013)

⁶³ Gulnara Shahinian, *Report of the Special Rapporteur on contemporary forms of slavery, including its causes and its consequences*, UN Doc. A/HRC/15/20 (18 June 2010), para. 43.

erty⁶⁴. Redistributing roles and challenging the associated gender stereotypes require a transformative approach to equality, whereby women do not only recognise their needs, but are also able to question existing social and cultural norms. Challenging gender stereotypes in regard to unpaid care work goes beyond extending parental leave rights. Some studies affirm that involved fatherhood is good for women⁶⁵, but there is also a need for a more transformative approach that shakes the pillars of socio-economic power. Broader conceptualization of work, like the one recently adopted by UN agencies, supports the recognition of care work, putting the emphasis on a well-being approach with people at its heart in order to achieve sustainable long term development⁶⁶.

Accommodation and transformation is the third dimension of Fredman's substantive equality framework. This transformative dimension looks at how to "accommodate" difference by removing the detrimental element but not the difference itself. Instead of women adapting and coping with male-defined structures, there is an urgent need to look more closely at the public-private divide and probe as to why the imbalance of the power relationship in the household when responding to care needs can have an impact or be replicated imbalance in the public sphere. This dimension recognizes that change needs to be structural and not dependent solely on putting right the actions of individual perpetrators⁶⁷. The dimension

⁶⁴ Olivier De Schutter, *Report of the Special Rapporteur on the right to food*, UN Doc. A/HRC/22/50 (24 December 2012), para. 27(b).

⁶⁵ Men Care (2015:42)

⁶⁶ UNDP(2015) UN Human Development Report "*Work for Human Development*"

⁶⁷ Fredman, S. & Goldblatt, B. (2015)

also recognizes accommodation and difference between women themselves, avoiding the treatment of women as a homogenous group.

Finally, the participative dimension embraces the issue of *agency and voice* to highlight that those without a voice can hardly redress their *recognition wrongs*. This dimension offers women a voice and it operates on many occasions as a route to the empowerment of women.

Women themselves need to fight their own *recognition wrongs* as regards unpaid care work and, fight back against the belief that taking *care* of others is part of a woman's natural role. As illustrated in AAI's case study below, not imposing top-down decisions is crucial as a powerful tool for women to articulate their strategic interests. This dimension also echoes the issue of *representation* and the urgent need to reclaim political space concerning the case of unpaid care work using powerful evidence about its impact on discrimination against women. Imposing positive duties on the State to treat women differently provides opportunities for participation and the restructuring of institutions appropriately.

4. CEDAW: Towards a more *redistributive* agenda for unpaid care and domestic work?

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was the first international treaty concerned with the protection and promotion of women's human rights following its adoption in 1979 by the United Nations General Assembly. Its object and purpose as described by the Committee on the Elimination of Discrimination against Women (the CEDAW Committee) is "*to eliminate all forms of discrimination against women with a view to achieve women's de jure and de facto equality with men in the enjoyment of their human rights and fundamental freedoms*"⁶⁸. In its Preamble, the Women's Convention offers a holistic definition of discrimination against women as a violation of "*the principles of equality of rights and respect for human dignity,[it] is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries (...)*".

In the context of *care* work, the Convention has given little attention to the interconnections between all forms of discrimination against women, unpaid care work, and equality. In fact, the CEDAW has not drafted any provision on women's unpaid care work and it has

⁶⁸ General Recommendation No 25 on temporary special measures, CEDAW Committee, 2004, Thirtieth session Art. 4, para.1(on temporary measures)

a very limited analysis about what underpins women's unpaid care and domestic work as a form of discrimination against women⁶⁹.

This chapter aims to analyse the evolution that the Women's Convention has undergone as regards care work and whether this evolution responds to the needs of a more *redistributive* agenda on care work. In doing this, I will firstly introduce a theoretical discussion about the *principle of equality and non-discrimination* in the Women's Convention from a *care lens* perspective which allows me to better understand the form of equality the CEDAW advocates in order to challenge discriminatory practice as regards women's unpaid care work. Secondly, I will examine *how* and *if* gender stereotypes as regards care are properly treated by the Committee as a means of effectively fighting discrimination against women. Finally, based on the analysis of the CEDAW's general recommendations, I will show the progressive shift the CEDAW has undergone in relation to care work and the challenges ahead for the Women's Convention.

4.1. What form of gender equality does CEDAW advocate in order to challenge women's unpaid care and domestic work?

The CEDAW Committee has the responsibility to provide an interpretation of the rights of non-discrimination and equality and it is mandated to define adequate measures ensuring women's de jure and de facto equality with men. The focus on women-specific human rights' violations did not receive much attention in any other treaty literature until the mid-

⁶⁹ There are some General Recommendations addressing the issue of women's unpaid care work such as No.16 and No.17 and the CEDAW Committee's current work on General Recommendation No 34 (on rural women)

1990s⁷⁰. Despite the fact that the Women's Convention has been broadly ratified by a large number of States⁷¹, discriminatory national legislation against women is only too frequently be found. The greatest proportion of substantive reservations⁷² to the CEDAW has been entered by States parties with issues concerning private matters. For instance, Article 16 is the one with the greatest number of reservations (34), either to the entire article or to individual subsections⁷³.

The rights of equality and non-discrimination are the backbone of the Convention, guiding the overarching object and purpose and informing each of the obligations enumerated in the CEDAW. Articles 1-5 and 24 enumerate the general obligations of States parties to eliminate all forms of discrimination against women. Articles 6-16 of CEDAW outline the States obligations in specific areas of discrimination against women.

The right to non-discrimination is protected in the ICCPRs and the ICESCRs based on prohibition of direct sex discrimination⁷⁴. International human rights treaties recognise protection against discrimination on the basis of sex, rather than discrimination against women on the basis of sex⁷⁵.

⁷⁰ Otto, D. (2002) quoted in Farha L. (2014)

⁷¹ CEDAW State's parties <http://indicators.ohchr.org>

⁷² Most of the reservations are to all or part of Article 2 (obligation to review and change constitutions, laws and policies), Article 5 (abolition of discriminatory customs and traditions and of gender stereotyping); Article 7 (participation in public life); Article 9 (nationality); Article 15 (legal capacity, including choice of domicile); and Article 16 (equality in the family) in UNICEF (2009).

⁷³ UNICEF (2009:6)

⁷⁴ International Covenant on Civil and Political Rights (ICCPRs) Art 2(1); International Covenant on Economic, Social and Cultural Rights (ICESCRs) Art 2(2)

⁷⁵ Byrnes, A. (2012)

The CEDAW Article 1 defines discrimination against women based on differences in treatment because of the sex/gender of women and men. This represents an important shift in international human rights treaties as regards the treatment of non-discrimination. This form of discrimination imposes restrictions upon and/or impediments to the full realization of women's human rights and fundamental freedoms. In this sense, the Women's Convention clearly states that unequal treatment because of the sex/gender of women is discrimination which aims to *nullify or impair* women's rights. The Convention calls upon States obligation to correct any *direct and indirect discrimination*⁷⁶ that may exist in legal texts and policy which directly discriminate against women because of the fact of being a woman. The CEDAW aims to achieve formal equality or de jure equality by removing any discriminatory legislation that inhibits women's realization of their human rights. Nevertheless, the Committee argues that a purely formal legal approach is not sufficient to achieve the de facto equality of women with men⁷⁷.

Byrnes provides a close examination of the wording used by the Women's Convention where in Art. 1 it says that discrimination "(...) shall mean any distinction, exclusion or restriction made on the basis of sex...", "*distinction*" referring to sex-based differential treatment; "*exclusion*" implying practices and beliefs which deny women opportunities and rights and, "*restriction*" relating to the limitation of women's enjoyment of human rights as compared with men's enjoyment of those rights⁷⁸. According to Holtmaat, this broader approach to discrimination against women aims to go further than the principle of formal

⁷⁶ General recommendation No 25, para. 7

⁷⁷ Idem, para.8

⁷⁸ Byrnes, A. (2012)

equality. It highlights discrimination as an instance of oppression against women⁷⁹. This concept of oppression implies hidden or indirect sex discrimination and also structural and systemic gender stereotypes embedded in society.

The CEDAW's very comprehensive analysis of discrimination has not been extended to the sphere of women's unpaid care work, despite the fact that *distinction* as regards unpaid care work operates against women and girls because of gender stereotyping which continues to link care work to women as a *natural* responsibility or to those within the household with less negotiating power (normally girls). These practices and beliefs also *exclude* women and girls from taking up opportunities that can be crucial for their human development and independence such as education, participation in matters affecting their interests, accessing paid jobs, enjoy free time for leisure, self-care, and health. Undoubtedly, all these things place serious *restrictions* upon women in the exercise of their rights. In this respect, there is still a huge gap in the CEDAW as regards the application of a more robust gender analysis which should adopt a *care lens* perspective as regards the multiple forms of discrimination against women.

The concept of equality is not defined in the Women's Convention. However, the Committee⁸⁰ appreciates that the elimination of all forms of discrimination against women is a foundational requirement for women's de jure and de facto equality⁸¹. Legal scholars argue

⁷⁹ Holtmaat, R. (2013)

⁸⁰ CEDAW Committee has articulated the meaning of the rights of equality mostly in General Recommendation No. 25 (temporary special measures) and, No.28 (state obligations).

⁸¹ General recommendation No 25 para.4.

the CEDAW's understanding of the right to equality is strongly linked to the drafting of the principle of *substantive equality*⁸².

So far, the CEDAW has been more successful in removing discriminatory legislation as regards women's civil and political rights, but still has a long way to go as regards economic and social rights⁸³. This may explain why the CEDAW has not been very articulate in condemning unpaid care and domestic work as a form of discrimination against women.

For instance, the CEDAW in Art. 11 concerning the *right to work* requires States to ensure the "same" right to women and men in relation to work, equal opportunities, and equal remuneration. This formal equality has left unchallenged the current social and economic structures that keep women disadvantaged in paid/unpaid work. In particular, the CEDAW has not provided a more robust gender analysis on the constraints women may face in accessing paid employment because of care responsibilities at home.

Moreover, the CEDAW's Article 16 and, General Recommendation No. 21 (equality in marriage and family relations) refer to several issues regarding women and men *sharing responsibilities for care, protection and maintenance of their children* or, the right of women to decide the number and spacing their children because their *responsibility to bear and raise children* may affect enjoyment of other rights (education, participation, accessing paid work). Some of those articles reinforce the reproductive functions of women in society as mothers.

⁸² Fredman, S. (2003, 2008, 2013); Byrnes, A. (2012, 2013); Holtmaat, R. (2013)

⁸³ Farha, L (2014); Fredman, S (2013)

This shows that formal equality before the law is still a huge challenge, but also shows that issues related to private matters in the home such as care and domestic work are still at the heart of gender stereotyping when it comes to family member roles, family relationships in the home, and also in the broader community. Moreover, it also tells us about the difficulties in challenging ways of organizing care and domestic work in the home and in society at large. This is why tackling care and domestic work can be very revolutionary because it challenges stereotypes and transforms power relationships into positive ones for women and men.

The CEDAW's statements on equality have been criticized as regards their understanding of *equal access to rights* by both women and men. These critics rightly highlight the *male-yardstick*⁸⁴ character of the Women's Convention as it equalises women to a standard set by men without challenging the structural power imbalance that perpetuates women's inequality and discrimination. According to Chinkin, the Women's Convention sees discrimination against women as a legal issue and it believes that advancing gender equality will happen through education and changing attitudes. However, this does not promise any form of structural, social, or economic change for women⁸⁵.

In addition, *equal access* to rights for both women and men implies the *levelling up* option where equality is achieved by extending rights to women following the *male comparator*, but not necessarily transforming power structures. There is no *levelling up* option for care work because (a) the impact of care work has been invisible in the process towards achievement of women's human rights and, (b) there is no "comparator" model available

⁸⁴ Freeman, M. et al. (2012)

⁸⁵ Freeman, M. et al. (2012)

along the lines of the “male comparator” for the right to vote, education, etc. Against this, Fredman proposes the *levelling down* option, whereby equality is achieved by removing benefits. This could be perceived as more transformative as individuals will have to deal with situations where their position of power has been challenged⁸⁶.

The CEDAW Committee argues for a de facto *substantive equality* which means addressing the root causes of inequality embedded in society, including gender stereotyping, norms, and attitudes that perpetuate discrimination against women. The Committee urges States parties to redress the underlying causes and structures of gender inequality as a means of transformation and to achieve *equality of results* for women. This is very well acknowledged in the CEDAW Art. 5 addressing gender stereotypes which perpetuate gender inequalities. There are alternative concepts of substantive equality such as *equality of results* or, *equality of opportunity* but as Fredman highlights, these are incomplete⁸⁷. For instance, in the Women’s Convention, *equality of opportunity* aims to remove unjustifiable barriers at the point of selection for employment, education or other benefits. However, it does not guarantee that women and girls with *imposed* care responsibilities will be in a position to take advantage of such opportunities. In the case of equality of results the aim lies in monitoring the final results. For instance, if parity is achieved (in terms of job, political participation, etc) equality has been realized. However, the focus on monitoring the results does not imply any revision as to how imbalances in power relationships within institutions perpetuate discrimination.

⁸⁶ Fredman, S.(2008)

⁸⁷ Fredman, S. and Goldblatt, B. (2015)

The CEDAW, Art. 2 clearly mandates States parties to provide and protect equal rights for women under the law. Furthermore, Articles 3, 4 and, 24 calls for the implementation and promotion of all appropriate measures for women to achieve de facto equality. Article 4 supports this idea through the inclusion of *temporary* special measures to correct any asymmetry in terms of historical inequalities experienced by women. Any remedial measures which are gender based must be “*temporary*” or “*special*” so as not to breach the prohibition on discrimination⁸⁸.

Here the idea of “*improving the de facto position*” reminds us again of the “levelling up” option for the extension of rights to achieve equality. In addition, this provides arguments for an understanding of the CEDAW’s substantive equality as being closer to *equality of opportunities* and *equality of results* (mainly through *special* or *temporary* measures) which do not necessarily embrace the transformational dimension proposed by Fredman’s four dimensional substantive equality framework where transformation is a key element. On the other hand, “improving the position of women in society” falls short of what is needed is to transform society.

Another important feature is that CEDAW condemns any type of *discrimination* against women in the *public* and *private* sphere which reinforces the broader approach to discrimination. The CEDAW is the only international treaty to elaborate upon discrimination against women and recognise that it also occurs in the private sphere, that this form of discrimination is very severe, and that it has repercussions for women in the enjoyment of rights and fundamental freedoms in the public political, civil, social, economic, and cultural

⁸⁸ Fredman, S. in Boerefijn, I. (2003)

sphere. The issues concerning the private sphere are substantially addressed in General Recommendation No. 19 on violence against women⁸⁹. To some extent, the Committee offers a broader and integrated interpretation of discrimination against women, bringing the specifics of women's experience into the context of discrimination.

Thus far, the CEDAW has lost an opportunity to offer a more robust gender analysis as regards care work in the private and public sphere. Women's unpaid care work is done mostly in the private sphere where imbalances in power relationships are found and resisted not only by men but also by other female members of the household. Kandiyoti argues how women enter into a *patriarchal bargain* in order to maintain their power position within the household, even if this means the oppression of other women or even their own daughters⁹⁰. Care work is a clear example, where women with less power are left behind to do the most arduous care and domestic work. Care as burden can be a transmission chain of inequality and discrimination not only between women and men, but between women themselves and all these forms of discrimination take place mainly within the household.

Thus the Convention has been criticized as regards treating women as a homogenous group and for its interpretation of discrimination as only between women and men, based on sex/gender discrimination and without taking into consideration other grounds of discrimination such as race, ethnicity, age, etc. As part of the dynamic interpretation of the CEDAW, the Committee has elaborated on *intersectional discrimination* in General Rec-

⁸⁹ Holtmaat, R. (2013)

⁹⁰ *Patriarchal bargain* is a term coined by Deniz Kandiyoti (1988), which describes a tactic in which a woman chooses to accommodate and uphold patriarchal norms, accepting gender roles that disadvantage women overall but maximizing her own power and options.

ommendation No. 28, and recognises multiple grounds on which women may experience discrimination because of their gender, race, ethnicity, age, etc and which deny them the enjoyment of fundamental rights and freedoms. Despite this attempt in General Recommendation No. 28, and specific general recommendations on rural women, migrant women and refugees, the Women's Convention has not further integrated intersectionality as a tool for analysing the many grounds where discrimination operates and their impact on women more generally throughout the treaty.

4.2. CEDAW: Reinforcing gender stereotypes in *care work*?

The CEDAW establishes in its Article 5 the obligation of State parties to combat gender stereotyping by modifying the social and cultural patterns of conduct of men and women in order to achieve substantive equality and challenge structural inequalities embedded in institutions and society at large. Article 5 provides a robust framework to combat all forms of discrimination against women based on gender stereotypes. A close analysis of this article implies that gender roles affect women not only through individual acts by individuals but also in law, and legal and societal structures and institutions⁹¹. This is especially relevant for care work as the (mis)recognition of this type of work is closely linked with gender stereotypes of women's and men's roles in society and the division of labour.

According to Cusack, gender stereotypes can be positive or negative and they constitute a general view or preconception about attributes, characteristics, or roles that should be per-

⁹¹ Cusack, S. (2014:15)

formed by women or men⁹². Roles associated with maternity such as breast-feeding, pregnancy or childbirth are protected in the Women's Convention as an *exception* rather than as the norm. This has created the marginalisation of the requirements of those who are deemed to be different⁹³ and, has also re-enforced gender stereotypes of motherhood, nurture and care for others. Even though we could agree that this can be rewarding and emotionally positive, it has damaged women by cataloguing their care responsibilities as mothers. However, if maternity were defined as a normal condition around which society must be built, stereotyping about the natural responsibilities of women in the care of children could be more easily challenged. The reading of the Committee's work shows a clear tendency to identify *care* with women's reproductive role and with childcare *responsibilities*. Discriminatory social norms can explain gender inequalities in women's unpaid care work. While gender disparities in time-use can be explained by socio-demographic and economic factors, such as levels of education and wealth⁹⁴, half to two-thirds of the difference still remains unexplained and is considered as discrimination⁹⁵. Even among the wealthier and more educated households, inequalities in caring responsibilities persist: women devote more than 60% of their time to housework and care, irrespective of their employment status, income or education levels⁹⁶.

⁹² Cusack, S. (2013)

⁹³ Raday, F. (2012)

⁹⁴ OECD (2014)

⁹⁵ Berniell, M.I. & Sánchez-Páramo, C. (2011)

⁹⁶ Rizavi, S. and Sofer, C (2010).

The CEDAW Committee has not provided a broader interpretation of gender stereotyping as regards women's unpaid care work⁹⁷. For instance, the CEDAW's right to work (Article 11) does not include any specific reference to limitations on women accessing paid jobs because of their "responsibilities" for unpaid care work within the home. This shows the CEDAW's poor gender analysis as regards paid/unpaid work. It re-enforces the (mis)recognition of care as *work* and an understanding of *work* purely as *paid/productive work*. Some of the special measures are only in relation to early childcare responsibilities (breast-feeding, maternity leave, etc) and this re-enforces the invisibility of sex-related stereotypes in the belief that *care work* is part of women's roles and responsibilities.

In General Recommendation No. 21 (equality in marriage and family relations) and, relating back to Art. 16 (1) (e), the CEDAW Committee affirms "*the responsibilities that women have to bear and raise children affect their right of access to education, employment and other activities related to their personal development. They also impose inequitable burdens of work on women. The number and spacing of their children have a similar impact on women's lives (...). For these reasons, women are entitled to decide on the number and spacing of their children*"⁹⁸. Again, this thinking reinforces women's childcare responsibilities as a basic reason why women should take the decision as to when to become a mother. Perhaps this is unintended, but the CEDAW, with its focus on women's rights,

⁹⁷ UN (2013) Magdalena Sepulveda Rapporteur

⁹⁸ General Recommendation No. 21 on Equality in marriage and family relations, CEDAW Committee, 1994, UN Doc. CEDAW/A/49/38. para.21

should justify the number or spacing of children based on a woman's autonomous decision about her body.

In comparison with this, the CEDAW's Article 5(b) requires States Parties to take "*all appropriate measures*" to ensure that maternity is recognized as a social function in family education; and care for children is recognized as a common responsibility of women and men. The reading of this article appears to suggest that article 5(b) seeks to modify and transform the stereotypical view that women (and not men) are caregivers⁹⁹. However, it is still important to highlight that *care* is understood within the scope of childcare.

The CEDAW Committee has applied a broader interpretation of the principle of *equality and non-discrimination* in issues such as women's political and civil rights and a more restrictive interpretation in reference to women's economic rights¹⁰⁰. According to Cusack and Pusey, the Committee has shown greater consistency between interpretation and application of the principle of non-discrimination when a *robust gender analysis* is in place and the facts are available but adopted a weaker position where gender analysis is less rigorous¹⁰¹. For instance, in the CEDAW's general recommendation on women's political participation, the Committee incorporates the *care lens* perspective when explaining the constraints that caregiving and domestic work pose for women's political participation at different levels. It recognizes the gender stereotypes associated with women's caregiving and domestic work "*(...) women have been assigned to the private or domestic sphere, associated with reproduction and the raising of children, and in all societies these activities have*

⁹⁹ Fredman, S (2015)

¹⁰⁰ Fredman, S. (2013), Farha, L. (2014)

¹⁰¹ Cook, R.J & Cusack, S.(2009) in Holtmaat, R (2013)

*been treated as inferior. (...) compared with men in the public sphere*¹⁰². Even though there is an acknowledgement of the constraints for women's participation in public life because of the burden of care work, the Committee does not provide any recommendation to State parties in order to address a more *redistributive agenda* in relation to unpaid care work so that women can enjoy equal rights with men in political participation.

4.3. Contextualizing *care* in the CEDAW

The CEDAW shows a remarkable content gap when addressing gender equality in the area of women's unpaid care work, although care remains "woman specific"¹⁰³. As mentioned above, the most constant reference to care in the Women's Convention refers to childcare responsibilities which are anticipated in its Preamble "(...) *upbringing of children requires sharing of responsibilities of men and women and society as a whole*". Even so, this is not very transformative and it has not been translated into the CEDAW committee's general recommendations. In what follows, I will provide a brief analysis about how the understanding of care work in the CEDAW has evolved to include the most recent general recommendation on rural women.

¹⁰² General recommendation No. 23 on Political and Public life, CEDAW Committee, 1997, UN Doc CEDAW/A/52/38, para. 8

¹⁰³ Daly and Lewis (2000:283) in Esquivel, V. (2014)

4.3.1. The (mis)recognition of unpaid care work

The CEDAW Committee has tried to tackle the content gap by introducing one general recommendation directly aiming to measure and put a value on *women's unremunerated domestic activities*¹⁰⁴, along with other general recommendations¹⁰⁵ that touch upon or refer to care work. In my view, these general recommendations shine a light on the understanding, or lack of understanding, of the Women's Convention as regards care work as well as the approach the Convention has followed so far.

The General Recommendation 17 refers to care as “*unremunerated domestic activities of women*” and, recommends States parties to measure and quantify the unremunerated domestic activities of women in the gross national product. This conceptualization of *care* is similar that the one put forward by the Beijing Platform for Action (BPfA) back in 1995¹⁰⁶. At that time, the emphasis was placed on the contribution of “*unremunerated domestic work of women*” to the national economy in order to recognise that economic contribution and provide greater visibility of the unequal distribution of remunerated and unremunerated work between men and women.

¹⁰⁴ General Recommendation No.17, on Measurement and Quantification of the Unremunerated Domestic Activities of Women and Their Recognition in the Gross National Product, CEDAW Committee, 1993, UN Document CEDAWA/46/38

¹⁰⁵ I refer here to General Recommendations No 21(equality in marriage and family relations); 29 (economic consequences of marriage), 33 (women's access to justice) and, 34 (rural women)

¹⁰⁶ Countries should “Recognize and make visible the full extent of the work of women and all their contributions to the national economy, including their contribution in the unremunerated and domestic sectors” by “conduct[ing] regular time-use studies to measure, in quantitative terms, unremunerated work” (UN Fourth World Conference on Women 1995: Strategic objectives A.4 and H.3)

The general recommendation is drafted taking into account the CEDAW Article 11 - right to work- and, with the aim to *reveal the de facto economic role of women*¹⁰⁷. Critics argue that the focus on the “*remuneration of work*” was intended to make visible the unequal distribution of remunerated or unremunerated work between women and men, without embracing a broader understanding of reproductive work based on the functions it serves in the economic system as a whole, which was the main argument feminist economists put forward for the recognition and value of unpaid care work¹⁰⁸.

At that time, this was a controversial issue linked to the international initiative *Wages for Housework Campaign*¹⁰⁹ (WFH) which was the main political force behind demands for measuring and valuing unpaid work in Beijing. The WFH Campaign connected the issue of *recognition* and *valuation* of unremunerated work to its remuneration¹¹⁰. However, the WFH proposal does not take the form of *redistribution* of unpaid work but of *compensation*¹¹¹: women’s unpaid contribution to production is in the form of money, the work does not get redistributed¹¹².

As Fraser argues, recognition and redistribution of unpaid care work have clashed here. According to Fraser the “*recognition dimension* corresponds to (...) institutional patterns of cultural value” - what a society finds “valuable”. The *distributive dimension* “corresponds to the economic structure of society (...) property regimes and labour market, of economi-

¹⁰⁷ General Recommendation 17, introduction

¹⁰⁸ Esquivel, V. (2013)

¹⁰⁹ This campaign was very active in the 1970s in Italy and the UK and debated in the United States (Cox and Federici 1975; Prince Cooke 2010) in Esquivel, V. (2013).

¹¹⁰ Dalla Costa, M. (2006)

¹¹¹ Esquivel, V. (2013: 24) & Esquivel, V.(2013b:4)

¹¹² Esquivel, V (2013).

cally defined categories of actors, or classes, distinguished by their differential endowment of resources.¹¹³

To some extent, the CEDAW Committee has, with this general recommendation, put forward into the cultural realm a profound economic theme, namely the measurement and valuation of unpaid work and its inclusion in the gross national product. It has, however, done so without an in-depth reflection of distributive justice considerations. According to Esquivel this omission has been very contra-productive as there are continuous calls for *measuring and valuing* unpaid care work in some UN documents and, it is used by feminists who are not economists to introduce the language of recognition and visibility without a clear view of the purpose of the endeavour¹¹⁴. Of course, the measurement and value of unpaid care work remains important in order to inform policy development but the focus should be on a more *redistributive* agenda that highlights the role of caregivers' contributions to well-being and the costs of caregiving.

Unfortunately, the CEDAW Committee has made but a small contribution in framing a more redistributive agenda for women's unpaid care work. More recently, in the General Recommendation No. 33 (women's access to justice), the Committee recommends States parties to take into account unremunerated work and caregiving activities of women in determining "*appropriate compensation*" for harm in all civil, criminal, administrative or

¹¹³ Fraser, N. (2000:117)

¹¹⁴ Esquivel, V. (2013:5)

other proceedings¹¹⁵. The Committee defines “*compensation*” as *money, goods or services*¹¹⁶. This view clashes again with the *recognition dimension*, as framed by Fraser, which depends on the *cultural value* that a given society puts on domestic and caregiving work. So far, the cultural value for care work has proved to be *low*, especially taking into consideration the lack of attention paid by States to the development of care work policies and legislation, including the precarious working conditions of domestic care workers in national legislation.

General Recommendation No.29 (economic consequences of marriage and family relations) gives economic value to care and domestic work during the marriage and calls upon State parties to consider the economic contribution of care work as regards access to property rights after the dissolution of a marriage¹¹⁷. To be noted is the progress in the understanding of *care* from *unremunerated domestic activities* to the notion of *household and family care* including the constraints that unpaid care work may have on women’s achievement of economic opportunities and career development.

Most recently, the understanding of *care* has evolved in global political discourse with an emphasis on care as *work* generating *well-being* for society at large, rather than on women’s economic cost of providing it. The concept has progressed, displaying a more positive approach to care in terms of well-being for society, including the benefits to those who

¹¹⁵ General Recommendation No 33 on women access to justice, CEDAW Committee, 2015, UN Doc. CEDAW/C/GC/33, para.19 (c).

¹¹⁶ *Idem*, para. 19 (b)

¹¹⁷ General Recommendation No 29 on the economic consequences of marriage, family relations and their dissolution, CEDAW Committee, 2013, UN Doc. CEDAW/C/GC/29, para.47

receive care and the inter-relational character of care¹¹⁸. The negative aspects of care as defined so far in much of the literature - the stress, burden, and restrictions it imposes on those who provide care - are only an acknowledgement for an urgent demand to redistribute the burden of care between different stakeholders.

So far, the CEDAW Committee has provided little insight into this progressive well-being approach to care and it still mainly conceptualizes *care* as an economic contribution or as a woman's responsibility that hampers her development and interaction with others. Recent General Recommendation No. 34 (on rural women) provides a more comprehensive analysis about care work, but this is done only in relation to rural women.

4.3.2. The shift to social recognition

An initial shift towards the social recognition of care work is introduced in the general recommendation on migrant workers. Here, the CEDAW Committee calls upon the States obligations to respect, protect and fulfil the human rights of women throughout the migration cycle. Furthermore, those obligations must be undertaken "*in recognition of the social and economic contributions of women migrant workers to their own countries and countries of destination, including through caregiving and domestic work*"¹¹⁹. For the first time, the Committee introduces the *social dimension of recognition* to care work and it widens the scope of women's care work to caregiving and domestic work. While this shift is wel-

¹¹⁸ Razavi, S (2013); Sepulveda, M. & Donald, K. (2014) and; Chopra D. & Sweetman C. (2014)

¹¹⁹ General Recommendation No 26 on women migrant workers, CEDAW Committee, 2008, UN Doc CEDAW /C/2009/WP.1/R, para.3

come, the Committee still displays poor gender analysis as it does not spell out the *care gap* that migrant women leave behind in their home countries and the care supply women provide in their destination countries. Somehow in this situation, care and domestic work are still undertaken mostly by women without there being any proper response to a more redistributive agenda as regards care work.

This evolution is also demonstrated by the latest general recommendation on rural women in which there is full recognition of rural women's unpaid care work in terms of their economic contribution to local/national economies, food production, and to the wellbeing of the family and communities¹²⁰. This general recommendation is the most comprehensive so far in terms of women and girls unpaid care work. For the first time, the Committee recognizes rural girls' unpaid care work such as cooking, childcare, farm work, fetching water, firewood, etc. and, the barriers this represents for rural girls attending school. The Committee calls upon the States obligations to put in place programmes reducing the engagement of rural girls in unpaid care work¹²¹.

The Committee acknowledges the barriers rural women have in accessing paid jobs because of childcare responsibilities. As a result, the Committee calls for the provision of childcare services, including through solidarity and community services¹²². This thinking strengthens the *redistribute agenda* by incorporating other stakeholders as responsible for the delivery of care in line with Ravazi's *Care Diamond* explained in Chapter 3.

¹²⁰ General Recommendation No 34 on rural women, CEDAW Committee, 2016, UN Doc CEDAW/C/CG/34, para.17 (a) in reference art 14 CEDAW para.1

¹²¹ *Idem*, para.43 (d)

¹²² *Idem*, para.52 (h)

The Committee calls for arrangements to be put in place to ensure that rural women engaged in unpaid work and/or the informal sector have access to non-contributory social protection in line with GR 16 on unpaid women workers in rural and family enterprises. However, the Committee does not clarify whether care and domestic activities are recognized as part of unpaid work thereby allowing women access to non-contributory social protection floors. This issue is sensitive and has echoes of the *Wages for Household Campaign*, where the focus was not on the *redistribution* of unpaid care work, but on the *compensation* itself. More clarity in defining women's unpaid work needs to be sought taking into account the recent definition of *work* in its four dimensional perspective as described in the latest UNDP Human Development report.

This general recommendation also highlights the interrelation of rural women's human rights with an acknowledgement of the indivisibility of human rights. Thus, the Committee provides a robust gender analysis about the impact that unpaid care work has in rural women's political participation, access to paid jobs, health, and girl's attendance at school among other human rights. As mentioned above, this comprehensive approach to care work is just in reference to rural women. The Committee still has the challenge of incorporating a similar holistic approach to care for all women, independently of their geographical setting, as a means of combating discrimination against women globally. *Care* needs to be understood as a category that discriminates women independently of their economic, educational, and social status, and it is more harmful for women living in poverty in rural and urban settings.

5. Transforming the *Care-less* Development Agenda

The literature on women's unpaid care and domestic work is rich and extensive in addressing a variety of issues in government policy responses to the provision of care services, care work and gender stereotyping, diverse models of the family and the household structure, care work and migration, and, more recently, unpaid care work as a development concern¹²³. Despite the broadening body of research, women's unpaid care and domestic work have been largely absent from the mainstream development agenda. The invisibility of women's unpaid care work is explained by some scholars as a continuous association of this type of work with the private sphere of the household and directly related to women¹²⁴. This gap ignores the impact of women's unpaid care work on social wellbeing, economic growth, and long term sustainable development in general¹²⁵.

The recently adopted 2030 Development Agenda opens up opportunities to address women's unpaid care work as a means to achieve the four dimensions of substantive gender equality¹²⁶. It is time to dismantle the impact unpaid care work has on achieving a substan-

¹²³ Razavi, S. (2007, 2011, 2013); Jenson, J. (2009); Molyneux, M. (2006); Chant, S. (2006, 2010, 2015); Budlender, D (2008, 2015); Chopra, D & Sweetman, C. (2014); Folbre, N (2006), Yeates, N (2009); Elson, D., etc.

¹²⁴ Eyben, R. (2012, 2013)

¹²⁵ Chopra, D. & Sweetman, C. (2014)

¹²⁶ I refer here to Fredman's framework of substantive equality in Fredman, S (2002).

tive model of gender equality, in line with the rhetoric of 2030 Agenda on *sustainable development, human rights based and, Leave no-one behind*¹²⁷.

This chapter examines the progressive acceptance of women's unpaid care and domestic work as a development concern and as a key element to achieve substantive equality within the context of the 2030 Agenda. Despite the ambitious "leave no one behind" narrative, which implies a more substantive equality model, the reality is that gender equality is set out using a very conformist model. This puts at risk real achievements in power transformation.

5.1. Women's unpaid care and domestic work as a development concern: *Meaning and interpretations*

According to Kabeer development policy has touched on economic inequalities and social discrimination in an intermittent way but has remained largely focused on economic growth and the eradication of absolute poverty¹²⁸. It remains focuses on vertical or class-based inequalities related to income and not necessarily on horizontal inequalities based on social identities such as gender, race, caste, etc¹²⁹. Feminists in development have drawn attention to how the *intersection* between vertical inequality with the multiple and overlapping horizontal inequalities of gender, caste, race, and ethnicity helps to explain the persistence of poverty, discrimination, and social exclusion¹³⁰. This way of seeing discrimination

¹²⁷ UN (2013b)

¹²⁸ Kabeer, N. (2015:190)

¹²⁹ Stewart, F. (2002)

¹³⁰ Kabeer, N. (2015:191)

against women and persistent inequality aims at transforming imbalances in power structures as does substantive equality in the four dimensions mentioned in chapter 3.

The persistent gap in addressing women's unpaid care work as a broader issue associated with discrimination against women and inequality is also explained by *care* being broadly labeled as of no "value", not producing material wealth, and therefore identified as a "burden" or "drudgery" because it demands time and energy without any monetary value¹³¹.

As Eyben argues, the inclusion of women's unpaid care work in the development agenda would have shaped the way we think in a broader sense about economic growth, development, and gender equality. Yet, the linkage in the thinking between development and *economic growth* has prioritised a very narrow concept of how the economy operates, only taking into consideration paid and visible forms of women's economic activities in the achievement of gender equality and economic growth more generally. The interpretation is that policies and procedures addressing equality and women's economic empowerment have been largely instrumental in the achievement of other developmental goals¹³². The most often used measure of economic empowerment has been the level of income earned by women primarily through their participation in the labour market. This ignores the disproportionate levels of women's unpaid care work, and the effect this has on them as part of the labour force¹³³.

¹³¹ Eyben, R. (2013)

¹³² Kabeer, N. and Natali, L. (2013)

¹³³ Chopra, D. & Müller, C. (2016)

The 2030 Agenda has been heavily influenced by the global debate on inequality¹³⁴. Feminists in development have brought to the debate the pervasive forms of women and girls' inequality, especially in the intersection of vertical and horizontal inequalities, and the urgent need to tackle these in order to achieve substantive gender equality. The title given to the latest UN Women Report "*Transforming the economy: Realising rights*" is not by chance; it is to highlight how the women's paid/unpaid work division still perpetuates and exacerbates gender inequality more widely.

Care work is recognized a priori as a good thing that brings wellbeing to the individual as well as the community and generally contributes to human development¹³⁵. This appreciation is very innovative and differs drastically from the conceptualization of *care* as a burden, non-rewarding, and drudgery. Under this *wellbeing approach* the unequal distribution of unpaid care work among women and girls still needs to be altered substantially and re-distributed accordingly among different stakeholders¹³⁶.

The report of the Special Rapporteur on extreme poverty was fundamental to unsettling the international community about the impact of unpaid care work as a major human rights issue. Focusing on women caregivers, the report exposes how unequal care responsibilities are still a major barrier to gender equality and women's equal enjoyment of human rights. Therefore, the failure of States to provide, fund, support and regulate care contradicts their

¹³⁴ Thomas Piketty's book "Capital in the twenty-first century" has heavily influenced global political discourse on inequality.

¹³⁵ The wellbeing approach to care work has been more recently acknowledged by UN agencies such as UNDP, UN WOMEN and, ILO under its decent work agenda. This understanding of care has been put forward by feminists in development.

¹³⁶ Chopra D. & Sweetman C. (2014)

human rights obligation by creating and exacerbating inequalities and limiting women's human rights¹³⁷.

During the 2030 Agenda¹³⁸ negotiations, women's rights activists were advocating strongly for the incorporation of a care work target, which included the elements of the Triple Rs framework. This framework offers a comprehensive model for tackling women's unpaid care work by *recognizing* care as *work* and the need to *reduce* the burden of unpaid care on women and girls by introducing a more *redistributive* agenda across several stakeholders. In the end, only *recognise* and *value* are acknowledged in the Sustainable Development Goals despite strong criticism from the women's rights movement¹³⁹. Nevertheless, the target does mention ways in which unpaid care and domestic work can be *redistributed* (through public services¹⁴⁰ and social protection policies¹⁴¹) or *reduced* (via infrastructure or shared responsibilities within the household). This conceptualization of women's unpaid care work matches better the *distributive justice* agenda in which fairness/justice is achieved through equal distribution of resources as against previous proposals focusing on *compensation* for unpaid care work. Although we can celebrate some success, close monitoring of this target will require that the idea of *reducing* women's unpaid care work focuses on *reducing the burden*, not necessarily *reducing care work*. As some scholars rightly

¹³⁷ UN (2013:4) Magdalena Sepúlveda, para.8

¹³⁸ Nesbitt-Ahmed, Z. and Chopra, D. (2015)

¹³⁹ Women's Major Group is a network of more than 600 women's rights organisations, leading conversations and negotiations in the 2030 Agenda.

¹⁴⁰ Target 4.2 refers also to "quality early childcare development, care and, pre-primary education" in Esquivel, V (2016)

¹⁴¹ Social protection policies/systems 'for all' are also mentioned in Targets 1.3 and 10.4. Target 5.4 emphasizes that care is a dimension of social protection. In Esquivel, V. (2016:20)

argue, care work of necessity needs to be increased¹⁴². It is equally important to avoid ways of addressing the unpaid care work issue which merely make it easier for women to access paid employment¹⁴³.

On this point, feminists in development have a lot to offer¹⁴⁴. Our experience and the evidence we have collected over decades provide arguments as to how women's unpaid care work should be tackled in order to achieve substantive equality. The literature shows that when unpaid care and domestic work are recognized, they are normally defined as a "*burden*" or "*drudgery*", as something that needs to be eliminated¹⁴⁵ because this burden puts limitations in women and girls' lives as regards human development and exercising of their human rights. Half of this definition is true: the disproportionate burden on women and girls' of unpaid care work seriously limits their enjoyment of rights. But, by defining *care* as a *burden* we are contributing to conceptualize *care* as negative, a waste of time and energy. Hence, care is an activity that none would like to do. This definition ignores the well-being attached to *care* in relation to the individual, households and society at large. In addition, it aims for the impossible because care work cannot be fully eliminated or reduced. Hence, there is a clear need to reduce the burden put- on women and girls through an agenda which better redistributes between the household, government, community, and private

¹⁴² Chopra D. & Sweetman C. (2014)

¹⁴³ For instance, last CSW Agreed Conclusion, addresses unpaid care work as an impediment to access paid jobs.

¹⁴⁴ Feminists in development and women's rights activists were key in their advocacy efforts during the 2030 negotiations. They achieved the *recognition* and *value* of unpaid care and domestic work in practical and ideological terms being a key element in transforming economic, social and political development.

¹⁴⁵ Chopra D. & Sweetman C. (2014)

sector. For instance, the International Labour Organization (ILO) as part of its *decent work agenda* for domestic workers has elaborated on the differentiation between care as a “*burden*” and *drudgery* without value and care as bringing *wellbeing* because all individuals are interdependent as least once in their life time.

By acknowledging a *wellbeing* approach to care work, we will be able to promote policies and legislation targeting a transformation in gender power structures and relationships. If unpaid care work were solely seen as a burden, we would promote patch up policies to reduce the burden without challenging economic and social structures.

Development practice shows that some programmes have reduced drudgery by decreasing the hours spent in carrying or queuing for water¹⁴⁶ or by making cash-transfers to the mother for taking care of her children and making sure they attend school, are well nourished and healthy so that they in their turn can look after the old and the young in the household¹⁴⁷. This type of approach reinforces gender stereotypes and presumes a woman’s natural role is to take care of others or carry out domestic duties. Furthermore, the issue of care is not resolved as it is still in the hands of women and girls.

¹⁴⁶ Bibler, S. & Zuckerman, E (2013)

¹⁴⁷ For instance, the national social protection programme Oportunidades in Mexico, or also in Brazil.

5.2. The Meaning of Gender Equality and Empowerment of all women and girls in the 2030 Agenda

The 2030 Agenda¹⁴⁸ will inform policy, financing for development, and global partnership in international development and cooperation for the next 15 years. The 2030 Agenda represents a shift in the development paradigm, by building its foundations on the idea of *sustainable development* and *Leave no-one behind*¹⁴⁹. The new Post-development Agenda is not about emerging or developing economies achieving targets like the previous Millennium Development Goals (MDGs), but about putting sustainable development at the centre in a way that it is universal, long-term, sustainable development inclusive for all¹⁵⁰.

For the first time, the mainstream international development community recognizes that no country in the world is sustainably developed enough and therefore the SDGs are universally valid for all countries in the world, not only developing countries¹⁵¹.

This is an ambitious development Agenda with 17 goals and 169 targets. It applies to all countries and integrates the economic, social, and environmental dimensions of sustainable development. It is also grounded in the respect for, and protection and promotion of human rights and fundamental freedoms¹⁵². It also encompasses a wider consultation with civil society players contrary to the previous MDGs which were heavily criticized for failure to consult and for their highly technocratic drivers.

¹⁴⁸ The cornerstone of the 2030 Agenda for Sustainable Development is derived from the Paris Agreement under the UN Framework Convention on Climate Change, the Addis Ababa Action Agenda (AAAA) on financing for development, and the SDGs monitoring indicators.

¹⁴⁹ UN (2013b)

¹⁵⁰ UN (2013b)

¹⁵¹ UN (2013b)

¹⁵² UN (2013b)

A closer analysis of the SDGs reveals that *gender equality* is defined in many of its targets on the basis of the *formal equality model* between women and men. The wording in the targets calls for “*equal rights between men and women*” as set out in the principle of formal equality. The *equal access* narrative remains with the *levelling up* option, whereby rights are extended, in this case to women.

Some targets, especially those related to *access to education, economic resources*, express the idea of *access to equal rights* between men and women. This is especially visible in the SDG related to education and its target No. 4.3 “*ensure equal access for all women and men (...) to tertiary education*”; or the wording related to *equal opportunity* for women to participate in the decision-making processes of political, economic and public life.

The equal access between men and women formula is very explicit in almost all the targets related to the economic sphere (access to economic resources, employment, or the broader *decent work* agenda). Target No 1.4 calls for “*(...) all men and women [to] have equal access to economic resources (...)*” and, “*equal pay for equal value*”; or target No. 5.7 “*(...) women’s equal access to economic resources and, (...) ownership and control of resources(..) in accordance with national laws*”. Women’s economic empowerment is so framed as to allow women to participate in the market economy on a par with men¹⁵³. In SDG 8, “equal opportunities for employment” is framed as if *barriers to entry* were the only problem women face in accessing the labour market. This ignores women’s over-representation among informal workers, gender wage gaps, and occupational segrega-

¹⁵³ Esquivel, V. (2016)

tion¹⁵⁴. In addition, target 5.7 on women's economic empowerment emphasises *equality of opportunity over equality of outcome*. It is also strange to read in SGD No 5 “*in accordance to national laws*” alongside the proposition to “*undertake reforms*”, as it is understood that the purpose of reform is to remove discriminatory national legislation.

The equal access between men and women formula follows similar patterns as some of the CEDAW provisions. Furthermore, there is no mention to any other type of equality, only some references to *equal opportunities* as a means to reduce inequality of outcomes. It is hard to believe how something as ambitious as the 2030 Agenda, the main aim of which is transformation of society, is not more explicitly grounded in the principle of substantive equality.

In this sense, the *Leave no-one behind* agenda assumes special relevance as it recognises that people face forms of inequality other than those related to their income. However, it is not enough to know who is being left behind, we also need to understand *why* and, what to do about it¹⁵⁵. The target on unpaid care work is very revolutionary in that sense because it allows us to think about and recognise other types of work fundamental to the sustainability of life and development and the need to address them in order to *Leave no-one Behind*.

In addition, the 2030 Agenda is grounded in the principles of international human rights standards and treaties. A commitment to human rights is found in the preamble to the Agenda. It states clearly that the Agenda is guided by the purposes and principles of the Charter of the United Nations, grounded in the Universal Declaration of Human Rights and international human rights treaties (para.10). However, as Esquivel argues, the Agenda has

¹⁵⁴ UN Women (2015b)

¹⁵⁵ Stuart, E & Woodroffe, J (2016)

formulated its goals and targets without taking into account the attainment of rights: for instance, by linking these to the right to education, the right to food, water and sanitation, education, sexual and reproductive rights and also women's rights¹⁵⁶.

The fact that the achievement of some targets is bound by national context and legislation, places limitations on how the universal human rights standards are to be understood. The targets in question are No. 5.4 on unpaid care and domestic work in which responsibility for care is shared between household and family as nationally appropriate and No. 5.7 related to women's access to economic resources and ownership. This is also limited by national legislation. This puts at risk the universality of human rights and it does not offer any opportunity to challenge national structures and institutions that may be restricted in their mandate to protect and promote human rights.

¹⁵⁶ Esquivel, V. (2016:12)

6. Women's unpaid care work: *What and How* in development practice

In the last five years, women's unpaid care and domestic work has assumed more relevance as a development concern among agencies, academic institutions, and INGOs, especially because of the 2030 Agenda. There are several development players who are working in cutting edge action-research on women's unpaid care work¹⁵⁷ as a means to achieve substantive equality and women's empowerment. This work has been influenced by the openness and increasing interest on care work policy and practice in the development sector. Currently, several players are taking very exciting steps in opening up the dialogue, and in shaping the direction of policy, strategies, and practice to tackle women's unpaid care work within the development sector.

This final chapter enquires about the *what* and *how* of unpaid care work in the development policy and practice of one selected development player. In doing this, I will bring together the three perspectives discussed in this research: the theoretical part on equality; the CEDAW understanding of care work, and the current discourse on care in the development agenda in order to assess the specific case study of the INGO - *Action Aid International* (AAI). AAI has piloted a stand-alone women's unpaid care programme in four countries with very interesting results and with a strong focus on women's empowerment and social

¹⁵⁷ Institute of Development Studies (IDS) or UN Research Institute for Development Studies (UNRISD); OXFAM with the incorporation of *Rapid Care Analysis* in programme interventions; UN WOMEN addressing women's unpaid care work as a fundamental element for substantive gender equality; UNDP incorporating unpaid care work as *work*; CEPAL; not to mention all the policy and narrative advanced by ILO under the *Decent Work Agenda*, which also call for a recognition and redistribution of unpaid care work.

transformation. I will conclude that the INGO is fuelling the discussion on substantive equality with important practical perspectives that show how substantive equality can work in practice in the context of women's unpaid care work and offer a more redistributive agenda for care work.

6.1. Action Aid International

Action Aid International (AAI) affirms its commitment to addressing unpaid care and domestic work in its International Strategy 2012-17, seeing it as one of the drivers to promote women and girls' human rights. As argued in the strategy, AAI supports strengthening the capacity of women to advocate gender-responsive economic alternatives, from cooperatives through to global policies, of a kind that recognise unpaid care and guarantee social protection as a means of breaking the poverty cycle¹⁵⁸. AAI supports efforts to make women's unpaid care work more visible and central to demands for affordable, quality public services financed through public taxation¹⁵⁹.

As with other INGOs, the entry point for addressing care work is women's economic empowerment. The aim is to build evidence that makes visible and demonstrates the value of women's economic contribution through their unpaid care work and use this evidence in a twofold manner: 1) as a pathway to women's empowerment and collective action so that oppressive economic structures can be challenged and 2) for promoting *community dialogue* around care and challenging stereotypes that (mis)recognize care work.

¹⁵⁸ AAI (2012)

¹⁵⁹ AAI (2013)

For AAI, unpaid care and domestic work include all the activities that go towards caring for a household such as cooking, cleaning, collecting water and firewood, and caring for the sick, the young, and the elderly when these activities are done by family members with no pay. Care involves also voluntary community work¹⁶⁰. In addition, for AAI there is no one solution to address the disproportional burden of unpaid care work upon women, but tailored solutions that need to be applied depending on the context, the need for care services, and the community.

6.1.1. AAI's narrative on women's unpaid care and domestic work

AAI's work on community participation and women's empowerment provides a very interesting scenario for care programming and practice. To the traditional Triple Rs framework, the INGO incorporates a fourth R, namely *Representation*, to advocate for political space and dialogue to provide evidence of the cost and impact of care work.

According to AAI, *recognition* seeks to make visible women's care work and conceptualize care as being *work* because it takes time and energy and *produces* well-being for society. Recognition can take several forms such as the provision of compensation for the work, taking it into account when determining other benefits, or measuring unpaid care work for inclusion in national statistics and gross domestic product. However, AAI does not mention the power of women themselves in the recognition of care work as a pathway to women's empowerment. While this is not explicit in the narrative and policy documents, discussion of *care* in Reflect Circles is a clear outcome of AAI's programme practice as shown in the case study below.

¹⁶⁰ AAI (2013:9)

AAI seeks to *reduce* the burden, but not the amount of care. The burden needs to be reduced through *redistribution* between institutions. AAI points directly to the role of the State as a key player in the provision of accessible and affordable service for all. AAI incorporates *community dialogue* on care work as a means of raising awareness about redistributing care within the household and from the household to the community, the State and the private sector. The organization adds a fourth R to the narrative: *Representation* refers to the need to have the political space and opportunity to represent ideas, evidence, and political proposals for redistribution of care work and provision of services. Even so, AAI does not explicitly mention *representation*¹⁶¹ in policy and programme narratives; many of the programme achievements show positive outcomes as regards women's representation in communities for advocacy of a redistributive agenda for care work, bringing forward the evidence and arguments gathered during programme implementation. INGOs have made the work on *representation* more relevant given their focus on community and civil society participation.

AAI aims to open a *dialogue* among women and members of the community about the recognition and value of care work. *Community dialogue* is a participative tool that allows people to question the nature of this work, its impact in the community and why it is done (mainly) by women and girls. According to AAI, *community dialogue* helps to engage discussion about the value of care in terms of well-being for the community¹⁶². The NGO in-

¹⁶¹ Representation appears first in AAI's training manual on women's unpaid care work (2016).

¹⁶² AAI (2013)

corporates *Reflect*¹⁶³, an *Empowerment Community Technique*, to work on the recognition and value of care with women and communities. *Reflect* is a participatory learning process that facilitates people's critical analysis of their environments and proposes political solutions to the collective problems they face. AAI chose *Reflect* as the most appropriate methodology for its women's unpaid care work programme in part because of its focus on literacy – a skill that many of the women in the targeted communities wanted to develop¹⁶⁴. The initial *Dialogues* with women about care work are done in *Reflect Circles*. Here a group of a maximum of twenty-five women discussed their understanding of care and domestic work with the help of a facilitator. The *Reflect Circle* becomes a space where participants discuss their local context and the power inequalities that shape their lives. It is in this space where women and girls start changing their beliefs about care work, the responsibility they take on and the (mis)recognition compared with men's paid work contribution¹⁶⁵.

AAI adapts its approach to care work and institutions from Ravazi's *Care Diamond*, allocating responsibility for the 4Rs (Recognize, Reduce, Redistribute and Represent) to each of the four institutions: household, community, State, and private sector. The NGO puts much effort into the redistributive role that institutions play in the provision of care. The first steps to redistribution are *within* the household from women to men. Secondly, AAI argues for overloads in care work to be redistributed between institutions, for instance from household to the State in terms of public services for care provision and between the State

¹⁶³ Adapted from Paulo Freire participatory methodologies for literacy work with individuals and communities.

¹⁶⁴ AAI (2013)

¹⁶⁵ AAI (2013)

and private sector as regards flexi-time working, parental leave, and other workers' rights for parents with family responsibilities.

AAI is committed to the human rights based approach (HRBA) in programming and policy in respect of empowerment, solidarity, and campaigning¹⁶⁶. AAI asserts the indivisibility and interconnectedness of human rights, recognizing that for people to enjoy their rights there is an urgent need to change not only policy, legislation, and practice, but also attitudes and behaviours¹⁶⁷. AAI interprets *care* as central to people's lives. Our livelihoods, well-being, and health depend very much on the care we are able to receive and provide. Its narrative provides examples of the violation of human rights if care is not provided or fully addressed. For instance, AAI discusses how the right to work, to free time and leisure, to a dignified standard of living are violated, etc¹⁶⁸. AAI speaks not only about the violation of rights suffered by those who mainly provide care (women and girls), but also about the rights of the elderly, children, and the sick who are unable to receive care adequate for their needs.

6.1.2. AAI programming on women's unpaid care and domestic work.

This section analyses AAI's multi-country programme in Nigeria, Nepal, Kenya, and Uganda focusing on women's unpaid care work¹⁶⁹. The main objective was to support

¹⁶⁶ AAI (2012)

¹⁶⁷ AAI (2012:11)

¹⁶⁸ The Special Report on unpaid care and domestic work and extreme poverty provides a detailed analysis of the violation of rights when care is not provided or because of the burden of care

¹⁶⁹ The programme was implemented in one rural and one urban or peri-urban community in each country except Nepal where the programme focused on rural communities

women, their families, and communities in *recognising* and *redistributing* women's unpaid care work¹⁷⁰.

The programme is inspired by efforts to measure time use and make more visible women's unpaid care work. AAI sought to transform the Time Survey User (TSU), a statistical tool, into a more participatory *time diary tool* adapted to women's needs and capacity for completing the survey.

In what follows, I will look more closely at how AAI translates Fredman's dimensions of substantive equality into active and participatory methodologies as a means to challenge attitudes and beliefs on care work.

AAI works on *addressing disadvantage* through strong participation and representation by women in the selected communities. Through women's participation¹⁷¹ in the *Reflect Circles*, they were able to articulate how they are oppressed and how they are *disadvantaged* in relation to the unfair distribution of care work. Working with the *time diary tool*, women started to recognise unpaid care as *work* that requires time and energy. In addition, they were questioning why care was mainly done by women and girls. The women realized also that their care work was not only (mis)recognized by the State, but also by the community itself.

Addressing disadvantages was key in adapting the participatory methodologies in line with the women's abilities. For instance the participants had difficulties in filling in the time

¹⁷⁰ AAI (2013: 7)

¹⁷¹ AAI programme sought the participation of 333 women living in poverty in the 4 countries. These women were responsible for unpaid care work and income earning activities for the household.

diary grid¹⁷² because they were not able to read the words under each activity. Therefore, one of the first activities was to develop agreed symbols for each of the activities. This practice fosters the principle of non-discrimination by enhancing women's *agency, self-esteem, voice* and collective action.

Addressing *stigma and stereotyping*, a second dimension of substantive equality, is closely related to pathways to empowerment and power transformation. Addressing the stigma and stereotyping women suffer is a process through which to achieve women's empowerment. To *recognise* women's unpaid care work is a long term process, where women themselves also need to do the exercise as a pathway to women's empowerment. Women's understanding of care work was heavily influenced by gender stereotypes. For instance, at the start of the programme women in Nigeria spoke of their "*God-Given role*"¹⁷³ to provide care so there was, therefore, no way of changing this role and little reason for discussion in a group. Other women started realizing the time and energy invested in care, "*Oh my! I did not know that I do 25 activities every day*"¹⁷⁴. The use of the time diary provided women with important evidence to quantify and visualize their own unpaid care work. By the second time the diary had been completed, women had started to identify patterns. A very revealing one was the division of labour and spaces. This division says that women's main area of operation is the home, whilst that of men is outside the home. This allows women to understand and discuss men's domination of public spaces. Hence, this type of dialogue helps women to reflect on gender inequality and injustice in their own lives and, at the

¹⁷² The 11 activities in the grid were: Paid GDP work; Unpaid GDP work; Collection of water; housework; care of children; care of adults; learning; social and cultural; mass media use; sleeping; other self-care.

¹⁷³ AAI (2013:23)

¹⁷⁴ AAI (2013:23)

same time, encourages mobilization and action around the unequal distribution of unpaid care work.

In this program, AAI first implemented the Reflection-Action methodology in women-only spaces and led by female facilitators familiar to the community. The main purpose was women's empowerment by raising their awareness of the value of unpaid care work and acting collectively to demand a more equitable share of the care work within the household and in their communities. In addition, the *dialogues created a critical mass of people able to articulate their demands better*. In Bamburi, Kenya, one woman explained how the time diaries have improved her literacy and also helped her to speak to her husband about care work, “(...) *I usually sit with my husband to discuss how I have filled in the diary. He corrects me and in the process realizes that he also contributes to my burden and therefore decides to help me.*”¹⁷⁵

The *accommodation and transformation* dimension comes into play when the participation of people, in issues that affect their lives, enables empowerment and collective action, thereby translating into the process of *duty bearers* claiming their rights. Participation in the Reflect Circles raised women's awareness about the impact of unpaid care work in their lives and personal development and as a result to look for ways of challenging this situation and claiming rights as *rights holders*. This process towards *transformation* goes hand with hand with *recognition, representation* and, especially *redistribution* of care - not only as a demand upon States but also upon the community at large.

¹⁷⁵ AAI (2013:25)

The redistributive agenda takes the shape of demands for accountability by various institutions. Since care is needed for the wellbeing of everyone, institutions need to be accountable in order to provide it and take responsibility for caring. Furthermore, accountability implies a first step towards recognition of care work.

In addition, AAI places heavy emphasis on promoting accountability for care work within the community. However, as AAI points out, community-led initiatives should not perpetuate the gender division of labour but rather help to challenge and redistribute unpaid care work and care for the environment¹⁷⁶.

The AAI's programme provides successful examples of women's collective action to demand accountability for care work. For instance, in Patharkot, Nepal, women used their *time diary* to show evidence about the hours they spend daily on fetching water. In the Reflect Circle women first agreed to collect initial funds for the building of a water tank. The women introduced the idea at a community meeting and the community agreed to build the tank. It also sought the financial support of local government to finish the water tank with government funds.

Similarly in Bamburi, Kenya, women started to draw a care service map in the Reflect Circles and identified that the early childhood centre was too far away for them to use. Here, again women advocated the construction of two classrooms to be used as an early childhood centre and they eventually received local government funds for the construction of the childhood centre¹⁷⁷.

¹⁷⁶ AAI (2013)

¹⁷⁷ Many other examples in the four countries were achieved by the women and their communities. See AAI 2013.

The achievements are not only related to care services or infrastructures. Changes were happening to a deeper level, changing attitudes and social norms in communities to better organize the redistribution of care. The dialogue within the community contributes to transform social norms and attitudes that continue to associate care as the main role of women and girls. While men were very reluctant to show their involvement in care work in the public sphere, women acknowledged that it was better to negotiate the sharing of care work within the household after the *dialogue process*. This power transformation inside the household is crucial for promoting change and long term development in relation to care work.

AAI's women's unpaid care programme has proved to be very successful, especially in promoting women's empowerment, through agency, voice and participation, to condemn unfair distribution of care work. In particular, AAI sets out the principles of equality and non-discrimination in terms of rights and States obligations to protect, respect and fulfil human rights. Care work is considered within the context of rights and here AAI highlights some arguments such as rights being inalienable, universal, non-negotiable, indivisible and, inter-dependent. This precise and realistic language can be an advantage in demanding rights and carrying out negotiations¹⁷⁸. In the programme document, there is an explicit reference to the CEDAW and the ICESR as guiding human rights treaties as regards unpaid care work.

AAI makes explicit the States obligation as regards these four countries since all of them

¹⁷⁸ Nyamu-Musembi and Corwall (2004)

have ratified the CEDAW and other key international treaties. Governments are therefore responsible for ensuring that the responsibility for care goes hand in hand with fulfilling women's rights, while also guaranteeing that those in need of care can access good quality care provision.

AAI shows an excellent practical perspective on how to provide meaning to and address women's unpaid care work at the community level. AAI also introduces the topic of care as a revolutionary issue through which women can be supported on the pathway to empowerment and at the same time as one which helps to challenge social norms and attitudes that still perpetuate inequality and discrimination against women. This programme has excellent aspects enabling the principle of substantive equality to be translated into practical, live action for change.

7. Conclusion

The unfair allocation of unpaid care and domestic work to women and girls continues to be a dramatic driver of inequality and discrimination against them in terms of accessing paid jobs, preventing girls from attending school, and generating women's time poverty so that they cannot invest it in other issues such as participation, leisure, self-care, or even health. As argued in this research, women's unpaid care and domestic work provide an interesting scenario to probe more deeply what the different models of equality (formal or substantive) offer and the best model to be adopted in order to achieve real transformation in the lives of women and girls. The invisibility and (mis)recognition of care work overlooks the structural character of the change needed in order to achieve real and transformative equality for women and girls worldwide. *Care* is now on track. The newly adopted 2030 Agenda with its specific target addressing the *recognition* and *value* of unpaid care and domestic work and also the endorsement, by several UN agencies, of more transformative forms of equality as well as the recognition of *care* as work, opens up opportunities for taking a close look at the interconnections between care and women's and girls' inequality.

As affirmed in this research, the discussion of the principle of equality and non-discrimination as regards care work shows a clear gap in international human rights law. Now only recently has the CEDAW drafted a general recommendation on rural women in which care and domestic work are addressed in a more holistic way as a means of achieving *de facto equality* for rural women.

This research has argued that equality between women and men has often adopted the formal equality model, where *equal treatment* and *prohibition of discrimination* is the key principle. This has clearly been the case for women and men as regards the equal right *to work*, but the paid/unpaid divide has not been properly addressed. This has resulted in more women having to cope with work both outside and inside the home. I conclude from this that this form of equality does not question how women experience different, and often disadvantageous, conditions, and assumes that women and men are situated identically in the *world*. To some extent, *formal equality* has generated *gender neutral* laws and policies perpetuating sex inequality because they fail to deal with structural disadvantages and therefore maintain the status quo.

As discussed in this research, substantive equality provides better tools with which to challenge the unfair allocation of unpaid care work to women and girls. Substantive equality puts power transformation at the centre in order to achieve gender equality. I conclude here that Fredman's substantive equality framework provides a very good starting point to *recognise, reduce, redistribute* and *represent* the unpaid care work done by women and the associated constraints. Moreover, it offers elements for analysis that contribute to thinking about both the urgent need to transform current economic structures and the role various institutions may play in pushing forward a *redistributive* agenda on care and domestic work. This theoretical perspective is currently well illustrated in some NGOs practice. I conclude that existing case studies show that the recognition and value of care work support efforts to achieve a more redistributed care agenda in the home and within communities. In addition, they represent an excellent pathway towards the empowerment of women and girls.

In this respect, I call upon the CEDAW, as a women's focus Covenant, to take steps that more clearly put forward the connections between substantive equality and women's unpaid care and domestic work. A good point of departure could be the recent general recommendation on rural women in which the CEDAW Committee incorporates a progressive understanding of *care* together with a robust gender analysis about the impact of care work on the lives of rural women and girls. However, the scope cannot remain limited to "rural women" because unpaid care work impacts on the lives of all women independently of their economic status, education, and geographical setting. It would be very much welcomed if CEDAW drafted a general recommendation on women's and girls' unpaid care and domestic work. This general recommendation should incorporate a substantive equality framework clearly redressing women's socio-economic disadvantages arising from care and domestic work. The framework should challenge stereotypes and stigma associated with women's unpaid care work, and strengthen women's own recognition of care as *work* which *produces wellbeing* and as such acts as a pathway to women's empowerment, agency, voice and participation. Hence, the CEDAW can support the efforts of the 2030 Agenda in its target on unpaid care work by providing a clear normative human rights framework for redressing the inequality and discrimination associated with women's and girls' unpaid care work.

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