

Thirty Successful Experiences of Redistribution, Reduction,
Recognition, Remuneration and Representation in Care Work

Constitutionalization of the right to care, Mexico City, Mexico



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Country and/or location of implementation: Mexico City, Mexico

Instances responsible for its implementation: Regulation

Specific issue covered and beneficiaries of the action or policy

In 2016, a constituent assembly was installed in Mexico City that listens to and builds on the demands and proposals of the feminist collective “Las Constituyentes CDMX” and other groups. This process brings into the debates around the Constitution of Mexico City the inclusion of the right to care and one’s own time for the inhabitants of Mexico City. (Garfías & Vasil’eva, 2020, p. 29).

The Honorable Constituent Assembly of Mexico City, in solemn session held on January 31, 2017, approved the Political Constitution of Mexico City (*Mexico City Political Constitution, February 5, 2017*). The following rights and actions are enshrined therein:

Article 9, letter B: Right to care

Every person has the right to care that sustains their life and provides them with the material and symbolic elements to live in society throughout their life. The authorities shall establish a care system that provides universal, accessible, relevant, sufficient, and quality public services and that develops public policies. The system shall give priority attention to persons in a situation of dependency due to illness, disability, [or] life cycle, especially in childhood and old age, and to those who, on an unpaid basis, are in charge of their care. (p. 14).

Article 10, letter B, item 5, points

- Recognition of domestic and care work as generators of goods and services for production and social reproduction, and
- promotion of work–family reconciliation mechanisms, including voluntary geographic mobility due to the proximity of the work center and the worker’s home, with the agreement of the employers. (p. 16).

Article 11, letter F

The rights of the elderly are recognized in this Constitution, which include, among others, the right to identity, to an accessible and safe city, to specialized health services and palliative care, as well as to a non-taxable economic pension as of the age determined by law. Considering the specific needs of women and men,

the City will establish a comprehensive system for their care that prevents abuse, abandonment, isolation, neglect, mistreatment, violence, and any situation that implies cruel, inhuman or degrading treatment or punishment, or that threatens their safety and integrity. (p. 20).

Article 17, letter A, item 1

A general system of social welfare shall be established and operated [...] which shall consider at a minimum the following elements [...] d) The development and efficient and transparent operation of the systems of education, health, social assistance, care, culture, and sports in an articulated manner throughout the territory of the City. (p.38)

Article 13, letter F

In Mexico City, everyone has the right to have time for socializing, recreation, personal care, rest, leisure, and a reasonable length of working hours. In accordance with the principle of substantive equality, the authorities shall promote social, economic, and territorial policies that free up time and allow people to achieve a state of well-being (p.24).

Article 6, letter D, item 2

All structures, expressions, and forms of family community are recognized with equal rights, fully protected by the law, and supported in their caregiving tasks (p. 7).

Results expected from and obtained with the action or policy

The Mexico City Constitution states the government shall create a Care System which provides accessible, relevant, high quality, and sufficient public services and in which new public policies are developed in order to guarantee the right of all people to be cared for and—this being very relevant—the rights of those who are caregivers. (Economic and Social Council of Mexico City [CES CDMX], n.d., p. 1).

So far, no such system has been enacted, but there are several proposals under discussion. One of these proposals has been prepared by the “Economic and Social Council of Mexico City, a body made up of various sectors of society, which has managed to promote the most relevant issues on the City’s agenda, where the Economy of Care Commission was formed to discuss and approve the implementation” (CES CDMX, n.d., p. 1) of a proposal to create

a “care system for the city that includes principles, objectives, components, institutional structure, and financing” (CES CDMX, n.d., p. 49).

It is worth mentioning that on April 4, 2019, the first bill for the creation of a Care System was introduced in the Mexico City Congress for the capital city.

Obstacles and challenges in the implementation of these policies and actions

The main challenge in enforcing the rights enshrined in the text of the Mexico City Political Constitution is the definitive enactment of an integrated system of care for the city's inhabitants.

Justification of compliance with the inclusion criteria

This Constitution enshrines a multiplicity of rights related to care, housework and family work, thus expressing a strong recognition of the value of this work and of the people who perform it. This is undoubtedly a historic legislative achievement.

For more information, visit oig.cepal.org/sites/default/files/2017_constpolit-icacdmx.pdf