

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

Recognition of work in the home in the 2009 Constitution of Bolivia



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Country and/or location of implementation: Bolivia

Instances and/or legal framework responsible for its implementation: Regulation

Specific issue covered and beneficiaries of the action or policy

On January 25, 2009, Bolivia held a referendum to approve the Political Constitution of the State of Bolivia. Of the total votes cast, 61.4% were in favor of the approval of the new Constitution. [...] Based on these results, on February 7, 2009, President Evo Morales enacted the new Constitution in the City of El Alto, located in the Department of La Paz. [This] Constitution was drafted by the Constituent Assembly that had worked since August 2006 (Ministry of Transparency and the Fight against Corruption, n.d.).

The constituent process reflects the effort to shape a different vision from the colonial, capitalist, centralist, patriarchal and confessional State, and instead establish a “Unitary Social State of Law, Plurinational, Communitarian, free, independent, sovereign, democratic, intercultural, decentralized, and with autonomies” (Article 1, *Political Constitution of the State, February 7, 2009*). “Throughout this process, one of the most interesting elements was the construction of intercultural dialogues between women of different classes and ethnicities” (Oviedo & Wexler, 2009, p. 225). “The struggle of indigenous women begins from the early days of Spanish domination, continuing through the independence processes, then in all periods of the Republic, and these historical claims are embodied in the new laws of the State” (Oviedo & Wexler, 2009, p. 223). Domestic workers were summoned to join the Constituent Assembly and thus include their proposals in the new Political Constitution of the State (López Ángel, 2012). The latter “incorporates in its articles issues that were put on the social agenda thanks to the struggle of Bolivian domestic workers, such as the value of salaried work in the home, the rejection of racism and discrimination, [and] the rejection of gender and class violence” (Peredo Beltrán, 2015). In this context, the Constituent Assembly incorporated the following article into the constitutional text:

Article 338: The State recognizes the economic value of work in the home as a source of wealth and it shall be quantified in public accounts (Political Constitution of the State, February 7, 2009).

Furthermore, multiple articles referring to gender issues that are scattered in the constitutional text were incorporated, the following being particularly relevant to the issue of care:

Article 64, paragraph I. Spouses or cohabitants have the duty to take care, under equal conditions and through common effort, of the maintenance and responsibility of the home, [and] the education and integral formation of their children while they are minors or have any disability (Political Constitution of the State, February 7, 2009).

These two articles, on the one hand, recognize the economic value of care work and, on the other, promote the co-responsibility shared by men and women in this work in the home.

Results expected from and obtained with the action or policy

Article 338 is part of one of the central mandates expressed in the constituent debate. The success of this Constitution highlights “the sensitivity of governments seeking greater social inclusion and alternative development models” (Espino, 2011). This historic achievement at the regulatory level has been described as a symbolic policy. “Symbolic policies are important to increase public awareness of the importance of household work; [...] they will never replace substantive ones, but in the long term they could have an indirect positive effect on the working and living conditions of domestic workers” (Castaño, 2018, p. 8). And so it is that:

The recognition of the economic value of work in the home contradicts the argument that household work is not productive and, therefore, domestic workers should not have the same rights as other workers. However, Article 338 has not yet been enforced. (Castaño, 2018, p. 4).

Since 2011, national and departmental meetings have been held on an ongoing basis with the aim of collectively building a public gender agenda. Within these spaces, one of the laws that has been prioritized is the Law for the Revaluation of Work in the Home, which has not yet been approved.

Despite the fact this aspect has not been advanced [substantively, its] incorporat[ion] in the Constitution is very important, because it represents an advance in the implications opened by [a] process of questioning [a patriarchal/colonial

system] and even more so now when the care economy is becoming a proposal that garners the attention of society. (Peredo Beltrán, 2015, p. 54).

Obstacles and challenges in the implementation of these policies and actions

The incorporation of these issues into the constitutional text was neither easy nor free of controversy within the constituent convention. In fact, this particular article was met with the most resistance.

The recognition and appreciation of domestic work goes against the naturalization of the reproductive role and the assignment/designation of the domestic sphere to women, and of positions stating “they want to turn the man-woman relationship into a worker-employer relationship” or “how am I going to pay my wife for her work at home, if she does it all out of love”. Laughter, sarcasm, mockery, and ridicule were also used to devalue the proposals. In this case, there was also the determined defense of the female assembly members who, in the Economic Development Commission, overcame their partisan differences, thus achieving the unanimous approval of the article. (Uriona & Sánchez, 2014, p. 90).

However, this entire struggle seems to have helped unite the various groups of women who participated in the constituent work, in that they all recognized that they were victims of patriarchal oppression regardless of their differences, simply because they were women.

The testimonies reveal that the constituent assembly was a meeting place for different women who were able to agree on a common agenda in a tense, complex process of intense debate and conflict. It was a process of female empowerment, of personal transformation, and the gestation of collective projects with a nationwide vision. [...] It was the space that, for many women, consolidated a generic identity, their exercise as political subjects (Uriona & Sánchez, 2014, p. 93).

Justification of compliance with the inclusion criteria

Achieving recognition of care work in a country's highest legislation shows the political will to value this type of work and the people who engage in it.

For more information, visit www.oas.org/dil/esp/constitucion_bolivia.pdf