



Press Release 55/2025 English

## **THE INTER-AMERICAN COURT OF HUMAN RIGHTS RECOGNIZES THE EXISTENCE OF A STAND-ALONE HUMAN RIGHT TO CARE**

*San José, Costa Rica, August 7, 2025.* The Inter-American Court of Human Rights notified today Advisory Opinion 31 of 2025 on the content and scope of care as a human right and its interrelationship with other rights, adopted on June 12, 2025, in response to a request submitted by the Republic of Argentina in January of 2023. This advisory process had the second highest participation in the Court's history, with a total of 129 observations received, and it was the first in which an international court was asked to address the right to care.

The full text of the Advisory Opinion, the official summary, an easy-to-read version, and the details of the request and advisory process are available at a microsite created with information in Spanish, English and Portuguese, at the following [link](#).

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In Advisory Opinion 31, the Court indicated that care is a basic, unavoidable and universal need, on which the existence of human life and the functioning of society depend. It recognized that care work comprises tasks aimed at maintaining people's well-being, including providing assistance to those in a situation of dependency or those who require help, whether temporarily or permanently. Moreover, it determined that it is necessary to ensure minimum care conditions for a dignified existence, especially for individuals in a situation of vulnerability, dependence or with limitations.

Based on the foregoing the Court concluded, following a systematic, progressive and *pro personae* interpretation of the different rights enshrined in the American Convention on Human Rights, that a stand-alone right to care exists. It noted that the right to care also derives from the rights recognized in the American Declaration and the Charter of the Organization of American States. Accordingly, States must respect and guarantee this right and adopt legal and other measures necessary to achieve its complete fulfillment.

The Court considered that the stand-alone human right to care comprises the right of all individuals to have the time, space and resources to provide, to receive or to establish for themselves the conditions that ensure their comprehensive well-being, and that allow them to freely carry out their life projects, according to their capacities and life stage. The basis and scope of this right can be found in the principle of social and family co-responsibility, the principle of solidarity, and the principle of equality and non-discrimination. Moreover, it established that the right to care has three basic dimensions: to receive care, to provide care and to exercise self-care.

- The right to receive care entails that all individuals who have a degree of dependency have the right to receive quality, sufficient and adequate care to live with dignity. This care must guarantee their physical, spiritual, mental and cultural well-being.

- The right to provide care consists of the right to do so in conditions of dignity, both in an unpaid and paid basis. It entails that caregivers can perform their work without discrimination, with full respect of their human rights, and guaranteeing their physical, mental, emotional, spiritual and cultural well-being.
- The right to self-care is the right of caregivers and those who receive care to ensure their own well-being and to address their physical, mental, emotional, spiritual and cultural needs.

The Court also noted that the right to care and its content are closely related to other rights, due to the principles of interdependency and indivisibility of human rights, which acquire specific characteristics based on the requirements and needs of vulnerable groups.

When referring to the obligations of States regarding the right to care in light of the right to equality and non-discrimination, the Court confirmed that, due to negative gender stereotypes and sociocultural behavioral patterns, women perform the majority of unpaid care work, three times more so than men. This unequal distribution is an obstacle to the exercise of the rights to work, to social security and to education, of women, girls and adolescents in conditions of equality. In addition, unpaid care work constitutes a significant contribution to the gross domestic product of countries; however, it has been rendered invisible, without exception. Therefore, States must adopt measures to revert the stereotypes that lead to this unequal distribution and to guarantee the rights of women, girls and adolescents who perform unpaid care work in conditions of equality. The Court also indicated that, based on the principle of co-responsibility, measures must be adopted for society and the State to fulfill the guarantee of the right to care.

Moreover, the Court confirmed that in some cases, individuals who require more intense care face obstacles to exercise their right in conditions of equality and non-discrimination. Therefore, it ruled on the right of boys, girls and adolescents to receive care, and indicated that States must establish a legal framework to guarantee their access to care when it cannot be provided by their family. Regarding the right of elderly persons to receive care, it found that States must adopt measures to guarantee access to and permanence in quality care services for the elderly, considering their rights to autonomy, independence, safety and a life free of violence. On the rights of persons with disabilities to receive care, the Court noted that the guarantee of the right to care must start from the need for "support" and not just "attention," and it must be based on respect for their rights to autonomy, independence, safety and a life free of violence.

Finally, the Court ruled on the relationship between the right to care and the economic, social, cultural and environmental rights. Regarding the right to work, the Court indicated that care work is protected by the American Convention. Consequently, States must progressively guarantee that individuals who perform paid care work -such as individuals who work in nurseries, schools and medical centers- enjoy the same rights as all other workers. Moreover, it indicated that persons who perform unpaid care work -meaning those who do not receive economic compensation, mainly within the home- should progressively enjoy a series of minimum social security guarantees for their health, dignity and self-care.

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The Court's composition for the issuing of this Advisory Opinion was as follows: Judge Nancy Hernández López, President (Costa Rica); Judge Rodrigo Mudrovitsch, Vice-President (Brazil); Judge Eduardo Ferrer Mac-Gregor Poisot (México); Judge Ricardo C. Pérez Manrique (Uruguay); Judge Verónica Gómez (Argentina) and Judge Patricia Pérez Goldberg (Chile). Judge Humberto Antonio Sierra Porto did not participate in the deliberation of this Advisory Opinion due to reasons of force majeure.

Judge Patricia Pérez Goldberg disclosed her partially dissenting opinion. Judge Nancy Hernández López, Judge Eduardo Ferrer Mac-Gregor Poisot and Judge Verónica Gómez disclosed their concurring opinions. The text of the opinions will be communicated soon.

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