**New Directions in Welfare:**

**Rights-based Social Policies in Post-Neoliberal Latin America**

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Abstract

What happens to the politics of welfare in the global South when neoliberal values are questioned? How is welfare re-imagined and re-enacted when governments seek to introduce progressive change? Latin America provides an illustration and a valuable entry point to debates about ‘interruptions’ of neoliberalism and the changing nature of social policy. Drawing on examples of disability policies in Ecuador and care provision in Uruguay, we argue that there is a ‘rights turn’ in welfare provision under the left that reflects a recognition that previous welfare models left too many people out, ethically and politically, as well as efforts to embed welfare more centrally in new patterns of respect for socio-economic and identity-based human rights. Given Latin America’s recent contestation of neoliberal development as well as its history of sometimes dramatic welfare shifts, the emergence of rights-based social provision is significant not just for the region but also in relation to global struggles for more equitable governance.

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The way societies provide welfare reflects complex amalgams of ideas, social demand, models of citizenship, economic possibility and constraint, and the pragmatic needs of politicians. Across the global South, the neoliberal revolution transformed dominant ideas about the purpose of social policies, reduced state capacity to provide public services and sought to discipline demands from below; the result was not just a retrenchment of welfare spending but, more fundamentally, a major rethink in what welfare was for and who should benefit from it. What happens, therefore, when neoliberal values are questioned by political movements that command enough support to win public office?? How is welfare re-imagined and re-enacted? How far do so called ‘post-neoliberal’ governments seek to replace neoliberal ideas and programmes, with alternative approaches and how far do they accept the legacies and mind-sets associated with neoliberalism?

Latin America offers a particularly valuable entry point to debates about the ‘interruption’ of neoliberalism[[1]](#endnote-1) or, at least, the rise of ideas that are ‘not quite neoliberal’[[2]](#endnote-2). The ‘pink tide’ in the early years of the twenty first century led to the elections of governments of the left across a significant part of the region, including Argentina, Brazil, Bolivia, Ecuador, Venezuela and Ecuador. This ‘new’ left explicitly promised a different model of governance, based on inclusion, the extension of citizenship and in some cases, an alternative philosophy of living well (‘*buen vivir’*). Yet, while the unfolding of post-neoliberal governance in the region is the subject of a considerable body of literature,[[3]](#endnote-3) analysis of social policies lags behind. This may not be as surprising as it initially seems; Rudra suggests that social protection systems in the developing world in general remain vastly under-studied[[4]](#endnote-4) while Barrientos notes that ‘few studies examine in any depth the normative principles underlying these objectives’.[[5]](#endnote-5)

This article, then, makes two contributions. In the first place, it furthers understanding of how progressive governments seek to combat inequalities in Latin America through social policy, building on Malloy’s insight that social policy constitutes a strategic entry point into ‘issues of state-society relations and the problems of governance’.[[6]](#endnote-6) Moreover, since Latin America has tended to pioneer social policy innovation in the developing world,[[7]](#endnote-7) changes to how welfare is viewed here are potentially of significance elsewhere, both in the global South and other regions, including Europe. Secondly, the nature and extent of welfare changes that are taking place under the left shed light on the much-debated phenomenon of ‘post-neoliberalism’ itself.

We concur with Gerlach that there is a need ‘to be analytically circumspect when dealing with notions [such as post-neoliberalism] that imply definitive breaks in time and space’.[[8]](#endnote-8) For us, being circumspect requires avoidance of excessive and sweeping macro-theorisation, which leads to grand but ultimately bland questions along the lines of whether it is even possible to depart from neoliberalism in an era of global capitalist accumulation, in favour of a more grounded nuanced and empirical approach. We start, therefore, with Ruckert, Macdonald and Proulx’s observation that, although the concept of post-neoliberalism ‘has been widely employed to understand the policy response of new left governments to the neoliberal Washington Consensus…. little effort has been made to systematically analyse policy and institutional trends amongst countries pursuing post-neoliberal strategies’.[[9]](#endnote-9) We then explore the direction of social policy to shed light on the question of whether, or how far, new left governments offer ‘a distinct departure form neoliberalism’ or, to the contrary, whether they are simply a cover for the retention of ‘the core elements of economic liberalism’.[[10]](#endnote-10)

To summarise our argument briefly, we find that welfare provision under the left in Latin America has gone beyond engineering behavioural change or the provision of minimal safety nets, in the manner typical of neoliberal welfare. Instead, there is evidence of social policies based on ideas of human rights, especially socio-economic and identity rights, that challenge neoliberal world visions. We do not claim that social policies are being re-written *tout court* or that all welfare programmes, in these countries or within the region, are inspired by the new template. The policy mix under the left in Latin America is one of continuity amid change - as Wylde pointed at the beginning of the post-neoliberal debate.[[11]](#endnote-11) Nor do we suggest that the new generation of rights-based welfare in the cases we discuss here is a magic bullet, capable of addressing the long-standing inequalities that have historically obstructed both development and democracy in Latin America. If there are pressures to expand social spending, constraints, both domestic and external, remain. Choices still have to be made about who benefits from, and who pays for, welfare. Modes of policy delivery established under neoliberalism also remain intact – though others have been introduced as well. But this is certainly not neoliberal social policy either. In particular, who is recognized by the state as a legitimate subject of welfare is changing, along with the language and goal of social policy. Put differently, social policy is no longer seen as a means to discipline society to the realities of marketized governance but rather as a source of protection and, potentially, a route to social and economic inclusion.

The post-neoliberal left in Latin America is characterized by significant variety in style and ambition.[[12]](#endnote-12) For this reason, in order to develop our argument, we draw on evidence from two countries governed by quite different left regimes: Ecuador, which could be said to be representative of a ‘left-populist’ regime, and Uruguay, which fits squarely in the ‘left-liberal’ mould.[[13]](#endnote-13) These countries, additionally, have quite different social policy histories. In both we find that new social policies have been introduced inspired by ideas of human rights. We show, in the case of Ecuador that an ambitious raft of policies has been introduced to support the human rights of people with disabilities; and, in Uruguay, there is a new national system of care (*Sistema Nacional de Cuidados -Cuidados)* to strengthen gender rights and recognise the unequal burden of care that falls on women and girls*.* These programmes provide social protection to social groups that have previously been ignored by the state (people with disabilities) and address newly recognised social needs (care provision) through the lens of human rights.

**Human rights and social welfare**

Support for post-neoliberal governance in Latin America reflected the intense costs paid by ordinary citizens in Latin America from decades of neoliberal experimentation. As the high period of neoliberal governance unravelled at the end of the 1990s, its declining legitimacy meant that the ‘political space for [imagining] new perspectives widened’.[[14]](#endnote-14) The left’s view that there was need for more inclusive social policies was echoed by the region’s social policy experts, who argued that a new approach to social policy was required to effect structural change, not merely ameliorate poverty.[[15]](#endnote-15) Cecchini, Filgueira and Robles speak of a new stage of welfare and social citizenship in the region,[[16]](#endnote-16) while Carnes and Mares note that ‘the contours of the social protection landscape…have become far broader and more fluid than would have been expected even a decade ago’.[[17]](#endnote-17)

Underpinning some of this change is a shift in ideas and a growing belief in the importance of human rights, especially socio-economic and identity rights, as a template for policy. This view stands in contrast not only to neoliberal perspectives on welfare, which focus on producing changes in individual behaviour as a way to adjust society to the market, but also to traditional welfare state approaches that have tended to draw on the experiences of advanced capitalist countries, the steady accumulation of different forms of citizenship, from political to social, and the shift from purely liberal democracy to more social democratic forms of rule[[18]](#endnote-18) and (male) models of citizenship and the workplace.[[19]](#endnote-19) Instead of acquiring welfare through citizenship, the labour market and the vote, human rights-based approaches urge states to recognise the needs of vulnerable citizens and communities who are subject to protection in international law but who may nonetheless lack the organization or the muscle to successfully upload their interests onto the policy agenda. The point of social policy informed by rights, ultimately, is not to deliver compensatory benefits but to put an end to the extreme forms of socio-economic inequalities that prevent human fulfilment. Disability campaigners, for example, now reject welfare approaches that take a medicalized model of disability and offer ‘assistance’ rather than addressing the effects of the ‘disabling’ environment around them.[[20]](#endnote-20) As such, they are closely linked to broader ideas about rights-based development.[[21]](#endnote-21)

Human rights ideas are embedded in Latin American political cultures and they are not generally viewed – or not simply viewed, at least – as a reflection of externally imposed agenda.[[22]](#endnote-22) The trend to democratization in the 1990s, along with the on-going need to deal with the legacies of massive human rights abuses across much of Central and South America, strengthened commitment to the rights agenda.[[23]](#endnote-23) Even regional integration schemes such as the Common Market of the South (MERCOSUR) and the Union of South American Nations (UNASUR) make explicit reference to the importance of supporting human rights,[[24]](#endnote-24) while the region quickly ratified the wave of new international rights charters since the 1990s that extended specific rights to, *inter alia*, rights for children, domestic workers, disabled people and migrants and their families.

As Radcliffe and Grugel and Riggirozzi note, human rights discourses are constitutive of post-neoliberalism; but left governments show a much stronger interest in social and economic rights, along with a growing interest in cultural, environmental and ‘difference’ rights, than strengthening civil and political freedoms.[[25]](#endnote-25) In Ecuador, the state’s obligations to deliver social rights is enshrined in the 2008 constitution and the language of socio-economic rights is beginning to shape debates about public provision of goods and services, particularly in the Andean region. President Evo Morales of Bolivia, for example, has spoken of the need to treat the provision of basic services as human rights.[[26]](#endnote-26) It is increasingly recognized that this concern with delivering socio-economic rights has led to improving performance in relation to welfare by most post-neoliberal governments.[[27]](#endnote-27) Sepulveda Carmona, the UN Special Rapporteur on Human Rights and Extreme Poverty speaks of there being ‘a quiet revolution’ in terms of social rights in Latin America.[[28]](#endnote-28) Riggirozzi, meanwhile, examines the rise of human rights in regional health policy making.[[29]](#endnote-29)

The post-neoliberal invocation of socio-economic rights in sum, reflects growing global and regional interests in valuing rights as a template for social policy. The view that states have a duty to treat every person as a subject of rights, not simply as a ‘beneficiary’ of largesse is gaining traction and rights have crept into debates about social policy in Europe as well as in Latin America, as Mabbett shows.[[30]](#endnote-30) The UN Economic Commission for Latin America and the Caribbean (ECLAC) now argues that ‘social protection [should be] the outcome of a basic right to belong to society, that is, to participate and be included’.[[31]](#endnote-31) For Cecchini et al rights-based welfare should mean, above, recognising that the social playing field is not level:

conceiving social protection from a rights-based perspective as a universal policy providing all citizens with egalitarian access does not mean providing uniform services for a heterogeneous population, but adapting services to cover differentiated needs and guarantee the enjoyment of rights for all.[[32]](#endnote-32)

But, interestingly, both ECLAC and post-neoliberal governments themselves have little to say about how this vision of rights-based welfare should be achieved, so long as recipients are treated as ‘subjects of justice’[[33]](#endnote-33). Indeed, they do not even reject, *a priori*, modalities of service delivery through targeted assistance programmes, which were introduced under neoliberalism and have become closely associated with it. This has led to some confusion as to how far such programmes represent a genuine break with neoliberalism, a point we return to at the end of this article.

**Contextualising rights-based social policies in Latin America: from weak universalism to neoliberal conditionality**

Latin America has a complex history of welfare provision. Social policies emerged in in parts of the region, especially in the Southern Cone countries of Argentina, Chile, Uruguay and Brazil, mid-way through the twentieth century and in some cases as early as the 1920s, in response to working and middle class demands from below.[[34]](#endnote-34) But the nature of party politics also shaped the way welfare developed.[[35]](#endnote-35) In particular, the fragility of Latin American party systems enabled politicians to shape welfare and distribute funds and benefits strategically, as a way of obtaining support and votes, rather than simply via ‘objective’ categories of need or duty of care.[[36]](#endnote-36) Coverage was thus more limited than in Europe and welfare created patterns of exclusion, as well as inclusion.[[37]](#endnote-37) The pattern of provision was one of ‘weak universalism’[[38]](#endnote-38), meaning that there were sharp distinctions in terms of access to benefits between rural and urban beneficiaries, and between working and middle class provision, in addition to the more usual gender-based inequalities typical of European welfare.

The size of the formal labour forces in the twentieth century in the Southern Cone meant that social insurance covered up to 70 per cent of the labour force by the 1970s and governments used the state to provide subsidies to urban working and middle classes through public housing, health care and transport.[[39]](#endnote-39) But elsewhere welfare was considerably more limited. Insurance schemes and state investments in education and public health expanded from the 1940s but coverage was thin and rural and indigenous communities scarcely benefited at all. Overall, across Latin America, a disproportionate amount of public spending was spent on the education and the pension provision of the middle classes and a relatively reduced number of workers, leaving others to depend to an important extent on irregular, personalised and politicised hand-outs.[[40]](#endnote-40)

The introduction of neoliberalism in the 1980s and 1990s cut a swathe through these patterns of uneven or ‘truncated’ provision and introduced a market imperative into social policy.[[41]](#endnote-41) Neoliberalism brought state aspirations to universal cover to a close and led to the introduction of targeted, conditional social programmes, aimed at adjusting recipients to the rigours of a more competitive global market. Programmes sought to change the behaviour of the poor (attitudes to health care and education for example) and encourage them to work in more uncertain and less protected labour markets, often for low wages, by creating tax incentives and workfare regimes. Rather than promoting a collectivisation of social risk, the new social policy paradigm accepted that the poor would face greater insecurity because of market opening and trade union reform, sought to encourage them not evade their social obligations and avoided ‘excessive’ welfare spending. [[42]](#endnote-42)

Conditional cash transfer programmes were the means to implement this new stage of social policy. Combining the philosophy of ‘human capital’ with the principle of targeting, they aimed to provide respite for the poorest while encouraging social adjustment to market norms. A range of income-support and conditional safety net schemes took off in the form of monthly allowances targeted above all at indigent mothers with school-age children (where they were conditional on school attendance), pregnant women and women with care responsibilities for disabled people. [[43]](#endnote-43)As an early adopter of cash transfer welfare, Latin American programmes were seen as global exemplars of how they work.[[44]](#endnote-44)

We should note here that the cash transfer revolution has created difficult legacies for post-neoliberal welfare reform programmes. In the first place, low wages and uncertain employment (rather than programme ‘generosity’) have meant that cash transfers came to represent up to 20 per cent of the income of poor households in the region, making it difficult for governments to remove them. At the same time, they ‘worked’ well in enabling spending to be directed at the poorest. Nevertheless the extent to which conditional cash transfers under neoliberalism reduced, rather than simply ameliorated, inequality is uncertain. While they served effectively as a means to alleviate the worst of the poverty caused by low wages and poor public services, beneficiaries remained poor, vulnerable and insecure.[[45]](#endnote-45) ECLAC certainly began to urge governments to begin to tackle inequality rather than focus simply on cash transfers as a means to poverty reduction. [[46]](#endnote-46) And, beyond the ‘technical’ debate about whether cash transfer work or not, social movements and activists objected to the portrayal of the region’s poor as feckless unless disciplined by the state, and responsible for their own poverty as well as to the burden many programmes placed on women.[[47]](#endnote-47). Above all, there was a recognition of the need to provide a fresh philosophical approach to welfare provision and begin to address the structural inequalities that created poverty and social exclusion in the first place. This led, as we show now, to post-neoliberal states accepting the importance of reaching out to new beneficiaries and changing the terms of their integration into society.

**Disability policies in Ecuador**

Ecuador stands out in Latin America, and indeed the global South, for pioneering policies to reduce stigma and promote rights-based social, political, economic and cultural inclusion of people with disabilities since 2007, when the left took office under Alianza-PAIS. That it has done so is even more remarkable given the limited social policy provision that the government of Rafael Correa inherited.

The advent of neoliberalism in the 1980s cut short some timid attempts to expand Ecuador’s social policies in the 1970s and ended any aspirations for universal coverage. But safety net provision and privatisation of services, especially in education and health, led to intense unrest, instability and social movement mobilisation in the 1990s, culminating in the formation of Alianza-PAIS and the victory of Correa, on a nationalist and ‘social justice’ ticket. The government expanded the social security, education and health budgets, in line with the new national development model, *Buen Vivir*, which emphasises human fulfilment and quality of life as markers of progress, rather than economic expansion and growth. [[48]](#endnote-48) Its goal, according to Correa, is to create a ‘more just and equitable society’.[[49]](#endnote-49)A rapid, and controversial, expansion of natural resource extraction and higher taxes on foreign firms, as well as better domestic tax collection, have funded significant increases in spending on education, infrastructure, health. [[50]](#endnote-50)

Disability moved up the social policy agenda in Ecuador thanks to the direct commitment of the government and the political entrepreneurship of Lenin Moreno Garcés.[[51]](#endnote-51) Correa’s Vice President, Lenin Moreno, who went on to win the Presidency in closely fought elections in 2017, enabling Ecuador to claim that it is resisting the political drift to the right in the region, led a highly visible campaign on behalf of people with disabilities. One of the very few politicians in Latin America with a physical disability, Lenin Moreno has a long history as a disability rights advocate. [[52]](#endnote-52) Moreover, his international standing is such that he also acted as UN Special Envoy on Disability and Accessibility before stepping down to fight the 2017 presidential campaign.[[53]](#endnote-53)

Rather than simply the introduction of compensatory social benefits, Moreno’s goal was to make Ecuador fully compliant with the 2006 UN Convention of the Rights of People with Disabilities (UNCRPD). Part of the expansion of international human rights treaties since the 1990s, the UNCRPD upholds the fundamental equality of disabled and non-disabled people in all areas of life, including the right to independence living and access to justice, and calls on states to ensure the implementation of these rights and guarantee the enjoyment or exercise, under equality of conditions with others, of all fundamental human rights and freedoms for persons with disabilities.[[54]](#endnote-54) Policies are also underpinned by the Sustainable Development Goals, the global template for development between 2015-2030, which identify disability as a development issue for the first time.[[55]](#endnote-55)

The raft of new policies introduced since 2007 is thus directly inspired by human rights and the need for the state to uphold those rights, and a recognition that disability is also an issue of development since people with disabilities tend to bear a double burden of poverty and social and political exclusion. [[56]](#endnote-56) Coordinated centrally under the umbrella of ‘*Discapacididades’,* programmes seek explicitly to go beyond *asistencialismo* and to drive change in the practices and attitudes, communities and to adapt the ordinary spaces of citizenship, such as schools, cities and the labour market, to the physical needs of everyone. The goal ultimately is to address poverty, exclusion and stigma. As such, disability is mainstreamed into most policy areas – to the extent that, by 2016, one of the government’s first responses to the 2016 earthquake was to monitor and respond to the needs of disabled people in the affected areas. [[57]](#endnote-57)

Before programmes could be introduced, however, the first task was to systematically understand the scale of need. The government had almost no information even about the scale of disability or the needs of people with disabilities. The first national survey of disability took place in 2005, just two years before Correa took office. This established that approximately 12.1 per cent of the population suffers life-affecting impairment, a figure that rises steeply with age; 80 per cent of disabled people were not in employment, at least not formally; and only 20 per cent of disabled people had completed primary education.[[58]](#endnote-58) With only these minimal facts at hand, and urged on by Moreno Garces, Correa declared a ‘state of emergency’ on his election with respect to the treatment and citizenship of disabled people and promised the introduction of steps to ensure enforcement of the UNCRPD. This was followed by the launch of *Ecuador sin Barreras* (Ecuador without Barriers) and ratification of the UNCRPD in 2008. Constitutional reform in 2008, meanwhile, allowed the government to specifically include the rights of disabled people within it in Articles 11, 32, 42, 47, and 369.[[59]](#endnote-59)

An important strand of the new policies has been to develop what is called ‘productive inclusion’, or the rights of people with disabilities to a place in economic life. A new law that 4 per cent of jobs in both the public and private sector be reserved for persons with disabilities followed, and inspections and monitoring programmes have been introduced to ensure businesses are in compliance. As a result, 1,250 micro-enterprises and 2,500 jobs were created for disabled people between 2013 and 2016 with US$9,194,400 invested in supporting small businesses for people with disabilties.[[60]](#endnote-60)Affordable loans were set, along with courses on executive leadership, computing, and small business administration, aimed specifically at encouraging participation on the economy. The Banco D-MIRO, a private foundation that was upgraded into a lending bank in 2011, established ‘*Producto Creer’* (Product Believe), which offers financial services to people with disabilities. These programmes clearly seek to go beyond the traditional compensatory income schemes that have dominated provision for people with disabilities. According to the World Bank, 10,000 people with disabilities who would otherwise have found it impossible to enter the workforce have found work since 2006.[[61]](#endnote-61) The number of people with disabilities employed in the formal economy grew between 2009 and 2015, from 15,179 to 80,381.[[62]](#endnote-62) There are also new programmes of social housing, alongside funding for more than 200 municipalities to improve access to public buildings, and the creation of sports and rehabilitation centres.

At the same time, the government sought to address the poverty-disability nexus though new forms of targeted provision, in effect seeking to use cash transfers as a means to reduce the embedded inequalities disabled beneficiaries and their carers face, for example in the housing markets and in terms of access to medicines. The programme Manuela Espejo was established in 2009 to develop a better understanding of the social needs of the disabled, including housing provision, while the Joaquín Gallegos Lara programme, also set up in 2009, established a monthly allowance of US$240 payable to carers of disabled people. Additional benefits include access to medicines, training for carers, funeral expenses and a US$500 life insurance policy for the care-giver.[[63]](#endnote-63) The programme has had a positive impact on the scale of extreme poverty in particular.[[64]](#endnote-64)

Ecuador’s energetic promotion of the rights of people with disabilities has been widely recognized in Latin America. In a region where disability is still often treated as a health problem and a source of stigma, Ecuador plays an important role regionally in advocating for the rights-based approach in a region. The government has advised Uruguay, Peru, Jamaica, El Salvador and Haiti on disabled rights, working closely with Pan-American Health Organisation (PAHO) to try and change attitudes and increase the visibility of people with disabilities (PAHO, 2014). Ecuador was also involved in the decision taken at the World Health Organisation in 2013 to develop a Disability Action Plan for Latin America, which will support the design of disability and rehabilitation programmes across the region.[[65]](#endnote-65) Ecuador was also involved in the decision taken at the World Health Organisation in 2013 to develop a Disability Action Plan for Latin America, which will support the design of disability and rehabilitation programmes across the region; and has been an active advocate of the UNCRPD at the UN Human Rights Council.[[66]](#endnote-66)

**Rights-based care in Uruguay: *Cuidados***

The provision of care is at the centre of a growing political debate, in the developing world and within the global South, in response to feminist critiques of economic and social relationships.[[67]](#endnote-67) Those critiques focus on dynamics of decision-making within households and in society, questioning the idea that individual women are able to make free, independent choices in how they allocate their time or participate in the market economy, including formal employment. They are part of growing controversy around gender inequalities and exclusion globally. The provision of unpaid care, understood as household maintenance, child care and the care of elderly or disabled persons, leads everywhere to gendered poverty and accentuates the low-status and stigma poor women experience.[[68]](#endnote-68) In Latin America, the economic value of care work is estimated to be around 20 per cent of national GNPs.[[69]](#endnote-69) Yet few governments in Latin America, or indeed elsewhere, have developed policies that seek systematically to address the provision of unpaid care or to regulate the paid care sector and, at the same time, reduce the gendered inequalities that care-giving accentuates.

In Uruguay, the practice of relying on of unpaid care by women and girls has skewed social and economic development in Uruguay in distinctive ways. Despite economic growth and long standing investments in public welfare, 35.8 per cent of a population of 770.679 aged 12 to 19 performs caring duties, and 44.2 per cent of that falls heavily on young women. A significant percentage of young women in the care system are also excluded from education because of (unpaid) care duties.[[70]](#endnote-70) Yet, despite the social costs to women and girls and the economic costs to the country, few governments in Latin America, or indeed elsewhere, have developed policies that seek systematically to provide care for those in need and, at the same time, reduce the gendered inequalities that care-giving tends to accentuate. Esquivel estimates that around a third of working women carry out care work in additional to their other employment.[[71]](#endnote-71)

Acknowledging the scale of the problem led to a commitment to reform of care. The *Frente Amplio* (FA) in Uruguay, a centre-left coalition which has promised sweeping reform of care, driven, above all, by pressures from women’s groups for recognition of the invisible costs of care to them and to those in receipt of care.[[72]](#endnote-72). The FA has been in office since 2005, under Tabaré Vazquez until 2010, who was then succeeded by Jose Mujica who had, like Vazquez, run a campaign based on social justice. Vazquez returned to the Presidency in 2015. The pace of social policy reform since 2005 has been intense and public service improvements, which have been more ‘significant changes in education, health care, transfer, wage, and tax policy than elsewhere in the region’[[73]](#endnote-73) have been achieved by blending new ideas about the need to extend economic, social and cultural rights onto old commitments to universal care.[[74]](#endnote-74)

Care provision was identified as a priority for the FA government shortly after taking office. *Cuidados*, which brings together previously disparate policies on early years, old age and funding for mothers and carers, is inspired by the feminist critique of the care economy and its gendered inequities.[[75]](#endnote-75) The aim is to break with welfare models oriented towards protecting male heads of households, and indirectly the nuclear family as the family archetype. Instead *Cuidados* introduces a new *raison d’etre* –a provision of rights-based care and the promotion of the rights of care-givers – to older generations of policy based on Uruguay’s long-standing commitment to universalism and more recent programmes of targeting. It combines direct cash transfer and vouchers (*bonos*) with more systemic policies that include the right to have care with policies to combat the gendered provision of care and recognition for unpaid work.[[76]](#endnote-76) *Cuidados* thus goes beyond traditional models of welfare in which care-giving has traditionally been ignored.

The practice of relying on of unpaid care by women and girls has skewed social and economic development in Uruguay in distinctive ways. Despite economic growth and long standing investments in public welfare, 35.8 per cent of a population of 770.679 aged 12 to 19 performs caring duties, and 44.2 per cent of that falls heavily on young women. A significant percentage of young women in the care system are also excluded from education because of (unpaid) care duties.[[77]](#endnote-77) Esquivel estimates that around a third of working women carry out care work in additional to their other employment.[[78]](#endnote-78) Acknowledging the scale of the problem led to a commitment to reform of care in 2008 and a promise of the introduction of an integrated set of programmes to provide care in 2008, and then to the creation of a cross-department working group in 2010, shortly after Jose Mujica – who expressed vocal commitment to increasing state provision of care - to ensure that the new system, which is still evolving, would not increase the unpaid work of women and accentuate gender inequalities.[[79]](#endnote-79)

As with *Descapacidades*, policy has been directly influenced by Uruguay’s international human rights commitments. The 2012 draft of a new integrated system of care (Hacia un modelo solidario de cuidados:propuesta para la construcción del Sistema Nacional de Cuidados) began by restating the care responsibilities of the state under international law, citing the UN Convention on the Rights of the Child in addition to the UNCRPD, the Beijing Platform, 1995, the Convention on Economic and Social Rights and the 1981 ILO Convention 156 on Workers with Family Responsibilities. It goes on to establish three priority areas where the ‘ethical imperatives’ for reform as President Vasquez emphasised in his inaugural speech were undeniable: early years child care provision; the care of disabled, the dependent and the old; and the need for support for care-givers. In all three areas, rafts of new measures have been introduced and older schemes are being updated.[[80]](#endnote-80) The main services include a cash-for-care system for home-based services, day centres and residential and nursing homes, and long terms regulations regarding carers’ work.[[81]](#endnote-81) With regard to the care of children, in November 2013 Law 19.161 introduced new entitlements, including the extension of paid parental leave when children are born, the principle of six months leave entitlement later for child care, which can be taken by either parent from 2016, and new forms financial support for parents in low income or of young children that may not have public day-care centres but private in the locality.[[82]](#endnote-82) The government has also committed to the provision of 28,000 free pre-school places by 2018-2019. Regarding the elderly, new programmes of social assistance and services were introduced in 2016, including 80 hours of care per month for those assessed as needed support in the home for basic needs. In addition, care homes were established to provide comprehensive care during the day and/or night for the elderly in situations of mild to moderate dependence residing in their homes, to provide relief to the caregiving family. Further reforms have been promised for 2017, such as the creation of day centres across the country that will provide medical and social care for the elderly and support families with regular care responsibilities. Finally, steps to support the professionalisation of care work have been introduced through free training and capacity building programmes, with the aim of improving the pay and conditions that paid care workers enjoy.[[83]](#endnote-83) This reflects other legislation on care, including a recognition of the rights of domestic workers in general, who have benefited from policies to establish a wage bargaining system and the introduction of a national programme of labour inspections (in the home) to enforce the law.[[84]](#endnote-84)

**Conclusion: the contributions, tensions and limitations of rights-based welfare**

What are we to make of the recent invocations of human rights in social policy in Latin America? Why do they matter and how far do they change the neoliberal paradigm? Should we offer a positive account of the contributions rights ideas, especially socio-economic rights, are making to social policy or, instead, should we stress their (very real) limitations? There is, in reality, some evidence for both. That this is so should not surprise us. As we s argued early in the debate about ‘post-neoliberal’ governance, most post-neoliberal governments steered away from even promising a complete break with neoliberalism, although all made pledges to address inequalities and transform the purpose, reach and social embeddness of the state. In the end, whether post-neoliberal governments are regarded as representing a real attempt at building more inclusive politics through social policies or simply ascjust neoliberalism-lite depends very much on what ‘more inclusive politics’ is judged to look like, and whether, in particular, it requires an end to market governance.[[85]](#endnote-85) Put differently, and to borrow from Gerlach’s recent discussion of *Buen Vivir,[[86]](#endnote-86)* whether we view post-neoliberal rights-based social policies as the start of more ‘adequate’ governance or simply an ‘inadequate’ idea depends on whether we privilege inevitably partial attempts at progressive reform and or whether we focus instead on the failure to escape political-economic and institutional compromises.

On the positive side, although some (though not all) post-neoliberal governments have a problematic engagement with civil rights, there can be little doubt that they engages seriously with socio-economic rights and that this is changing how the welfare duties of the state are understood. New discourses of socio-economic human rights are, as a result, beginning to recast the citizenship-state relationships with some highly vulnerable communities that were previously ignored or invisible. In some ways, then, it is possible to argue that the ‘rights turn’ in is beginning to transform the meaning of welfare and the obligations of government to its citizens. It may be too much to speak of new rights-based welfare programmes as ‘emancipatory’, but they certainly represent a recognition by the state that previous welfare models left too many people out. Despite the inevitable limitations of both *Descapacidades* and *Cuidados,* these programmes articulate an ambitious vision of building a better, less unequal society that is significantly different from either neoliberalism or traditional welfare approaches. [[87]](#endnote-87) The normative frameworks inspired by rights have transformed the language around how the duties of the state itself are understood and begun the task of shifting welfare responsibilities from the individual to the public sphere. *Discapacidades* in Ecuador and *Cuidados* in Uruguay also tell us something important about how the Left has tried to reach out to new constituencies and create programmes that directly target exclusion and marginalisation, as well as poverty.

But in other ways, judging again on the evidence presented here, rights-based welfare programme, it is also the case that whatever successes post-neoliberal governments can claim here, their policies fail to break entirely with neoliberal welfare, in ways that perhaps their advocates do not acknowledge. This is particularly so in terms of *how* programmes are implemented. In practice, both Ecuador’s disability programmes and Uruguay’s policies on care accept and adjust the conditional cash transfer programmes set up under neoliberalism. In both cases, policies tend to combine strategies to change mind-sets, end stigma and challenge discrimination with the provision of cash transfer programmes. Furthermore, precisely because they do not involve institutional reform at scale, they are less embedded and vulnerable both to changes in government priorities – we need to see what happens to them as the Left wave wanes and the Right once returns to office– and to slower growth. Whether these programmes articulate an ambitious and sustainable vision of a better, less unequal society and redefine the terms of neoliberal social policy still remains to be seen.

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