

The Impact of Inadequate Caregiving Support on Women's Housing Stability

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I. Introduction

Historically, the social, economic, and professional burden of caring for children, elders, and people with disabilities falls predominantly on women. According to the Family Caregiver Alliance, women can spend as much as 50% more time caring for their family members than men.[1] The United States (U.S.), and specifically Florida, do not provide women with adequate caregiving support that allows them to care for their children and make a livelihood, often resulting in homelessness. Mothers who experience housing instability are often their children's sole provider.[2] Public early education and childcare are critical to sustain employment, education, and other resources that are essential to preventing and ending homelessness. Without childcare that is adequate, safe, and reliable, caregivers cannot look for or keep gainful employment or attend trainings or otherwise further their education to enhance their earning potential to prevent and end homelessness.[3] This memo will analyze the gaps in caregiving support in the U.S. and Florida specifically, relevant human rights standards, and comparative good practices that may be useful for the U.S. or Florida to adopt.

II. The Current Situation in the United States and Florida

Families in the U.S. and Florida do not receive adequate childcare support in terms of parental leave, subsidies to parents, and opportunities to enroll children in high-quality early childhood education. The Family and Medical Leave Act (FMLA) only entitles employees to twelve weeks of unpaid leave.[4] Many states have passed laws giving parents the right to leave, but Florida is not one of them, making the FMLA the only way for Floridians to get parental leave if their employer does not have its own leave policy.[5]

Subsidized childcare in the U.S. is meager. In the U.S., couples spend 25.6% of their income on childcare while single parents spend 52.7%.^[6] In Florida, couples with two children spend an average of 21.1% of their yearly income on childcare,^[7] while single parents with two children living at the poverty line spend over 50%.^[8] In the U.S., most childcare providers are private, so the average cost of childcare in care centers is about \$9,500 per year,^[9] while in Florida the average cost is \$9,200.^[10] Further, due to strict eligibility guidelines, families who would greatly benefit from federal childcare assistance are often ineligible because their income is not low enough.^[11] The federal government provides childcare subsidies, but most eligible people do not receive them.^[12] This discrepancy is likely due to many reasons, including the fact that some families do not apply for them because the process is difficult, they are unaware that subsidies exist, or because some local providers do not accept subsidized children.^[13] Even when families do receive subsidies, they are often not enough to cover high-quality childcare and education.^[14] According to the National Women's Law Center, in 2018, only 8% of center-based providers provided childcare during the evenings, overnight, or on the weekends.^[15] This is true despite the fact that "nearly one in five working mothers of very young children work in low-wage jobs—jobs that frequently involve evening, overnight, weekend, or irregular hours."^[16] Childcare services that are available 24/7, 365 days per year are essential to working mothers, especially those on the lower-end of the socioeconomic spectrum who often work odd jobs with odd hours.

Furthermore, early childhood education, which serves as a form of caregiving support, varies across the nation in terms of enrollment, funding, and quality. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), early childhood education is a crucial opportunity for education in a "period of remarkable brain development for children" that helps form "the foundation for emotional wellbeing and learning throughout life . . . as it promotes holistic development, gender equality and social cohesion."^[17] Enrollment of three to five year-olds in early childhood education and care (ECEC) in the U.S. varies drastically by state.^[18] In the District of Columbia, 80% of three to five year-olds are enrolled in ECEC and primary education, while only 46% are enrolled in North Dakota.^[19] In Florida, however, 72% of four-year-olds are enrolled in a voluntary prekindergarten education program, but there is no state funded program for three-year-olds.^[20] So, only about 50% of three and four year-olds in Florida are enrolled in prekindergarten programs.^[21] Even more alarming, the National Institute of Early Childhood Education Research (NIEER) says it costs a minimum of about \$11,000 per year per student to fund full-day, high-quality preschool in Florida, but the state only spends about \$2,000 per student per year.^[22] This could explain Florida's NIEER public prekindergarten quality rating of two out of ten.^[23]

It is important to note that President Biden has proposed the American Families Plan, where the federal government would subsidize childcare costs and spend about \$225 billion annually.[24] Under this plan, the cost of childcare would be capped for low-income and middle-class families at 7% of their total income.[25] Low-income families, however, could even end up paying less than that.[26] This plan was incorporated into the Build Back Better Act which provides for free childcare for children under the age of six, free universal preschool services, and up to four weeks of paid family and medical leave per year.[27] This Act has passed the House.[28] This is a step in the right direction for the U.S. and would ease a large part of the burden on low-income families, and particularly women.

III. Analyzing Inadequate Caregiving Support from a Human Rights Perspective

This analysis relies on six key international instruments. First, the Universal Declaration of Human Rights (UDHR), which is the foundational document of international human rights. [29] The UDHR is not a binding treaty but some of the document is customary law and the U.S. played an integral role in its drafting.[30] Second, the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) have been signed and ratified by the U.S., meaning the country is bound by them.[31]

Finally, the International Convention on Economic, Social, and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention on the Rights of the Child (CRC) have been signed but not ratified by the United States,[32] meaning the U.S. must “refrain . . . from acts that would defeat the object and purpose of the treaty.”[33] In fact, the U.S. is the only country in the world that has not ratified the CRC.[34] Additionally, Miami-Dade County joined the Cities for CEDAW movement,[35] and passed an ordinance in 2015 to “locally adopt the spirit underlying the principles of CEDAW,” making it a CEDAW county.[36]

A. Right to Non-Discrimination and Equality

Since women are disproportionately the primary caregivers in families, inadequate childcare support particularly disadvantages women, contravening their human right to non-discrimination and equality. Article 7 of the UDHR recognizes this core human right, stating that “[a]ll are equal before the law and are entitled without any discrimination to equal protection of the law.”[37] Article 26 of the ICCPR reiterates this and requires states to “prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex. . . .”[38] Additionally, CEDAW is organized around the right to non-discrimination and equality for all women. Article 3 requires states to take “in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women.”[39] Under international human rights law, it is not enough to address discriminatory intent, but states must also address disparate impacts. The Committee on the Elimination of Discrimination against Women (CEDAW Committee), responsible for monitoring compliance with CEDAW, explained that **states must “ensure that there is neither direct nor indirect discrimination against women.** Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to men and

women but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognize structural and historical patterns of discrimination and unequal power relationships between women and men.”[40]

B. Right to Work

Furthermore, inadequate caregiving support impedes women from fully exercising their right to work. ICESCR recognizes the right to work under Article 6, stating that “[t]he States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.”[41] Additionally, Article 11 of CEDAW recognizes this right, requiring states to “take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular: (a) The right to work as an inalienable right of all human beings. . . .”[42] By failing to provide adequate caregiving support, women, as primary caregivers, are discriminated against because their ability to work is limited due to the need to care for their family members. In fact, in its General Recommendation on Article 16, the CEDAW Committee notes that “childcare responsibilities frequently prevent women from establishing a path to paid employment. . . .”[43]

The U.S. and Florida should encourage companies to provide more opportunities for remote employment. The UN Working Group on discrimination against women and girls noted that technology can be harnessed to provide women with more flexible work arrangements including distance learning and work-from-home opportunities to allow them to balance work and childcare.[44]

Additionally, paid parental leave is an essential form of caregiving support that provides women with the resources and time to care for their children while remaining employed. Article 11 of CEDAW recognizes the right to paid leave as a part of the right to work.[45] Without providing women with paid leave, states are essentially telling women they must choose between being members of the workforce and being actively involved in their families as caregivers. In turn, states are also telling single mothers and women experiencing homelessness that they must choose between working and housing. The UN Working Group on discrimination against women and girls highlighted the importance of access to paid parental leave that complies with international standards as just as important as providing accessible, affordable, and high-quality childcare, saying,

"[e]nsuring all workers have access to a comprehensive system of paid maternity, paternity and parental leave, in line with international standards, is also essential, as is providing accessible, affordable and quality care services."[46] It further noted the importance of policy reform to ensure that women engaged in all types of work, not just traditional forms of work, receive parental leave.[47] In the U.S., 77% of workers do not have paid leave because their employers do not provide it. [48] Further, 63% of Floridians do not even receive unpaid leave through the FMLA. [49] Since some women do not have access to any caregiving support or cannot afford it, many women are forced to quit their jobs in order to take care of their newborns. Thus, by failing to provide for paid leave, the US. and Florida violate a woman's right to work.

Moreover, failing to provide caregiving support restricts women's work options. Caregivers may have to take more days off of work or are unable to conform to a work routine because of time spent caring for their family, causing them to earn less money and increasing the likelihood of them experiencing poverty or homelessness.[50] The Family Caregiver Alliance found that 22% of unmarried women caregivers took a leave of absence, and 20% switched from working full-time to part-time.[51]



77%

of U.S. workers do not have paid leave.



63%

of Floridians do not even have unpaid leave.

C. Right to Protection of the Family

International human rights law requires adequate childcare support as part of the right to protection of the family. Article 16 of the UDHR states that “[t]he family is the natural and fundamental group unit of society and is entitled to protection by society and the State.”[52] The UDHR, moreover, states in Article 25 that “[m]otherhood and childhood are entitled to special care and assistance.”[53] ICESCR recommends that “[t]he widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.”[54] The Committee on Economic, Social and Cultural Rights (CESCR), responsible for monitoring implementation of ICESCR, explains that adequate childcare support allows people to “realize his or her rights to family protection and assistance. . . .”[55] By not providing families with adequate caregiving support, parents are may be forced to leave their children with low-quality childcare providers,[56] or are unable to work due to caregiving needs, leading to and perpetuating poverty and homelessness.[57]

D. Right to Education

Moreover, inadequate childcare support impact’s children’s right to education. The right to education is recognized in Article 26 of the UDHR,[58] and Article 13 of ICESCR.[59] Both essentially state that “[e]veryone has the right to education. Education shall be free, at least in the elementary and fundamental stages.”[60] Article 29 of the CRC outlines the aims of education for children, such as “[t]he development of the child’s personality, talents and mental and physical abilities to their fullest potential.”[61] In its General Comment No. 1, the Committee on the Rights of the Child (CRC Committee), responsible for monitoring the implementation of the CRC, states that “[e]very child has the right to receive an education of good quality which in turn requires a focus on the quality of the learning environment, of teaching and learning processes and materials, and of learning outputs.”[62] A lack of sufficient support in the form of subsidies means that low-income parents can only afford low-quality care for their children, which includes education.[63] Providing women with adequate caregiving support will allow them to work more often, make more money, and place their children in high-quality care facilities.

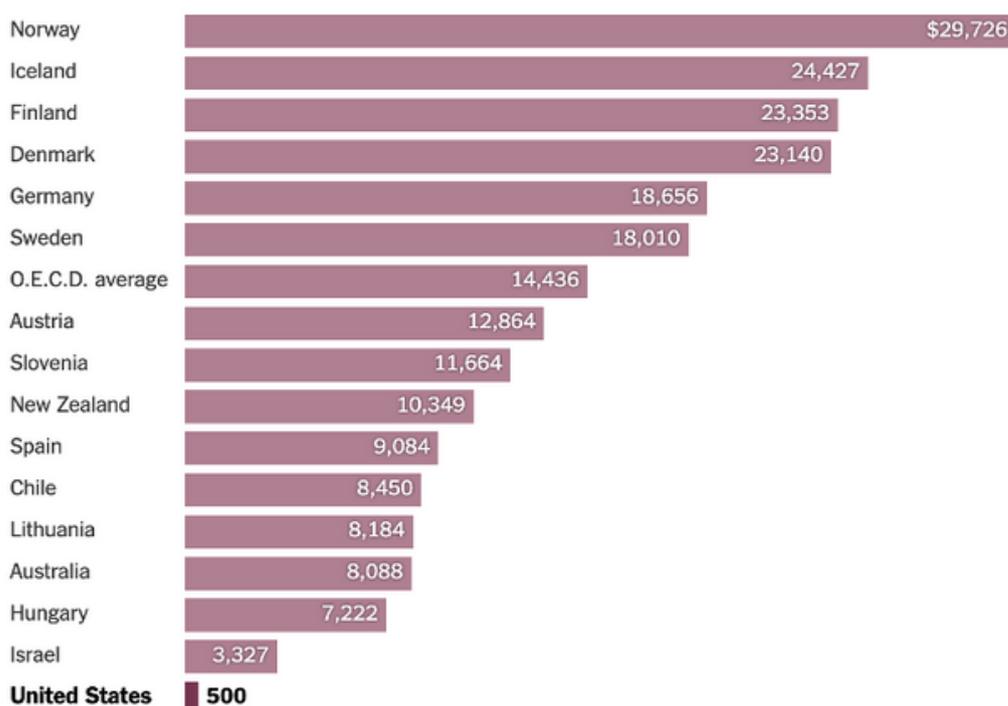
E. Right to Housing

Further, inadequate caregiving support can undermine the right to housing. The right to adequate housing is recognized in Article 25 of the UDHR,[64] and Article 11 of ICESCR.[65] Both recognize that “[e]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including . . . housing. . . .”[66] As previously explained, inadequate caregiving support impedes the ability of many women to work, making it more likely to fall into the cycle of poverty or homelessness.[67] Further, according to a report from the Institute for Children, Poverty & Homelessness, single mothers experiencing homelessness are less likely to receive childcare subsidies than those who are housed.[68] In Florida, some, though not all, families experiencing homelessness are automatically eligible to receive childcare assistance without needing to meet the usual work requirements but they are not prioritized, like in Massachusetts.[69] Adequate caregiving support would enable mothers grappling with homelessness to look for and keep employment, receive training, and invest in an education.[70] It is, therefore, critical to housing stability.

IV. Comparative Analysis

How Much Governments Spend on Child Care for Toddlers

Annual public spending per child on early childhood care.



The U.S. and Florida fall short of providing adequate caregiving support to mothers compared to the services and support provided by other countries and states. This chart shows the amount countries spend per child on early childhood care.[71] Denmark, which caps the cost of childcare for parents through subsidies,[72] is towards the top, spending \$23,000, while the U.S. is last, spending a mere \$500 per child. As previously mentioned, on the state level, Florida spends a mere \$2,000 per student per year to fund preschools, even though NIEER says it costs a minimum of about \$11,000 per year per student to fund full-day, high-quality preschool in Florida.[73] That statistic from NIEER and the above graph shed light on how much the state is willing to spend to fund high-quality childcare facilities. This can also be compared to other states like New Jersey, which spends over \$14,000 annually per child, Rhode Island, North Carolina, and Oregon, all of which spend more than \$10,000.[74]

Moreover, many countries heavily subsidize childcare, essentially removing this burden for mothers. In Denmark, couples spend about 10.7% of their income on childcare while single parents spend an average of about 2.9%.[75] This is likely due to the availability of sufficient subsidies. There, the cost of childcare is capped at a certain percentage of the local cost or at a certain share of family income.[76] In fact, Denmark subsidizes childcare up to the age of ten and even gives families with toddlers a quarterly allowance of \$700.[77] In Chile, public childcare is free under the age of five, fully paid for by the government.[78]

Further, the Chilean government also provides three hours of public afterschool care for children ages six to thirteen.[79] In addition to Chile, Italy and Malta both provide free childcare as well.[80] Finally, due to adequate subsidies in many countries including Germany, Austria, Sweden, and Estonia, people with two children spend less than 10% of their income on childcare, and in Estonia, single low-income parents spend almost nothing. [81]

In a 2021 study of forty-one countries, **the United Nations Children’s Fund (UNICEF) ranked the U.S. last in terms of national parental leave policy.**[82] However, nine states and Washington, D.C. provide paid family leave.[83] Washington, D.C. offers eight weeks of paid family leave to care for a newborn and six weeks to care for a family member with a serious health condition.[84] California also offers paid family leave for eight weeks but people only receive 60–70% of their previous wages.[85] In Russia, statutory requirements provide women with up to one and a half years of paid leave and an additional one and a half years of unpaid leave.[86] Further, many other countries also have universal paid maternity leave, including Chile with twenty-four weeks, Estonia with sixty-two weeks, Poland with eighty weeks, and the Czech Republic with eighty-two weeks.[87] Therefore, compared to other countries and states, the U.S. and Florida does not provide adequate parental leave to mothers.

V. Recommendations

In order to address the current gaps in caregiving support, the U.S. should undertake the following measures:

- The U.S. should increase subsidies for childcare, varying the amount in accordance with family income and local expenses, to assure all children birth to age ten have access to safe, high-quality childcare and education.
- Universal high-quality early childcare and education should be available seven days a week, twenty-four hours a day, to empower families to achieve greater financial self-sufficiency and to prevent and end homelessness.
- The U.S. should pass the American Families Plan proposed by President Biden to increase government support for childcare.
- The U.S. should ensure all eligible mothers are receiving federal childcare assistance by simplifying the application process and raising awareness on the availability of subsidies.
- The U.S. should pass laws guaranteeing adequate paid parental leave for all people. The traditional twelve weeks of maternity leave in the U.S. is not extended to all parents, including those engaged in informal work,[88] and is insufficient to allow parents to provide proper care for their children.

Additionally, Florida should take the following steps to address this issue of inadequate caregiving support:

- Florida should prioritize childcare assistance to all families experiencing homelessness and grant automatic eligibility.
- Florida should incentivize local childcare providers to accept subsidized children and provide extended hours of high-quality early childcare and education.
- Florida should spend more money on funding high-quality preschool accessible to all children.
- Florida should provide all people with a universal statutory entitlement to paid parental leave.

VI. Endnotes

- [1] Nat'l Ctr. on Caregiving Fam. Caregiver All., Women and Caregiving: Facts and Figures, Fam. Caregiving All., <https://www.caregiver.org/resource/women-and-caregiving-facts-and-figures> (last visited Sept. 30, 2021).
- [2] See Comm. on Econ., Soc., & Cultural Rts., General Comment No. 19 The Right to Social Security ¶ 32 (Feb. 4, 2008) (“Non-contributory schemes must also take account of the fact that women are more likely to live in poverty than men and often have sole responsibility for the care of children.”).
- [3] Meeting the Child Care Needs of Homeless Families: How Do States Stack Up?, Inst. for Child., Poverty & Homelessness (Aug. 1, 2014), <https://www.icphusa.org/reports/meeting-the-child-care-needs-of-homeless-families>.
- [4] Tony Bertram et al., Early Childhood Policies and Systems in Eight Countries: Findings from IEA’s Early Childhood Education Study 36 (2016).
- [5] Lisa Guerin, Maternity Leave Rights in Florida, Disability Secrets, <https://www.disabilitysecrets.com/resources/disability/disability-rights/maternity-leave-rights-in-florida> (last visited Sept. 29, 2021).
- [6] Jacqueline Howard, The costs of child care around the world, CNN (Apr. 25, 2018), <https://www.cnn.com/2018/04/25/health/child-care-parenting-explainer-intl/index.html>.
- [7] Frank Olito, Here's what the average American family spends on childcare in every state, Bus. Insider (June 25, 2019), <https://www.businessinsider.com/what-the-average-american-family-spends-on-childcare-2019-6>.
- [8] Child Care Financial Assistance, Community Coordinated Care for Children, Inc., <https://4cflorida.org/donate-now/donations-1> (last visited Sept. 26, 2021).
- [9] Howard, *supra* note 6.
- [10] Child Care Costs By State 2021, World Population Review, <https://worldpopulationreview.com/state-rankings/child-care-costs-by-state> (last visited Sept. 26, 2021).
- [11] See Lillian Mongeau, Broken system: Child care subsidies ensure low-quality, limit access, Hechinger Rep. (June 28, 2020), <https://hechingerreport.org/broken-system-child-care-subsidies-ensure-low-quality-limit-access> (“Parents who earn even a small raise at work can find themselves no longer eligible for benefits and suddenly unable to afford something they had covered when they were earning less, turning their raise into a pay cut.”).
- [12] *Id.*
- [13] Rebecca Madill, Why millions of eligible children miss out on federal child care grants, Child Trends (May 12, 2017), <https://www.childtrends.org/blog/millions-eligible-children-miss-federal-child-care-grants>.

[14] Mongeau, *supra* note 11.

[15] An Increasing Number of Parents Seek Child Care during Non-Standard Hours, Nat'l Women's L. Ctr. (Mar. 15, 2018), <https://nwlc.org/an-increasing-number-of-parents-seek-child-care-during-non-standard-hours>.

[16] *Id.*

[17] Early childhood care and education, United Nations Educ., Sci. & Cultural Org., <https://www.unesco.org/en/education/early-childhood> (last visited on May 6, 2022).

[18] How do early childhood education systems differ around the world?, Org. for Econ. Coop. & Dev., <https://www.oecd-ilibrary.org/sites/Oa156279-en/index.html?itemId=/content/component/Oa156279-en#wrapper> (last visited Sept. 29, 2021).

[19] *Id.*

[20] Samuel Stebbins, How Early Education in Florida Ranks, MSN (June 12, 2021), <https://www.msn.com/en-us/money/careersandeducation/how-early-education-in-florida-ranks/ar-AAKYcGv>.

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] Joya Misra, US parents pay nearly double the 'affordable' cost for child care and preschool, *The Conversation* (May 11, 2021), <https://theconversation.com/us-parents-pay-nearly-double-the-affordable-cost-for-child-care-and-preschool-160129>.

[25] *Id.*

[26] *Id.*

[27] Build Back Better Act, H.R. 5376, 117th Cong. (2021).

[28] *Id.*

[29] Universal Declaration of Human Rights, art. 7, G.A. Res. 217 (III) A, U.N. Doc. A/810 (Dec. 10, 1948) [hereinafter UDHR].

[30] *Id.*

[31] International Convention on Civil and Political Rights, art. 26, ratified June 8, 1992, 1996, 999 U.N.T.S. 171 [hereinafter ICCPR]; International Convention on the Elimination of All Forms of Racial Discrimination art. 2, ratified Oct. 21, 1994, 660 U.N.T.S. 1 [hereinafter ICERD].

[32] David Berris et. al., Challenging Racial Injustice in the Criminalization of Homelessness in the United States: A Human Rights Approach, 75 *Univ. Mia. L. Rev.* 116, 125-26 (2021) (citing Marie Wilken, U.S. Aversion to International Human Rights Treaties, *Glob. Jus. Ctr. Blog* (June 22, 2017),

<https://globaljusticecenter.net/blog/773-u-s-aversion-to-international-human-rights-treaties>); Convention on the Rights of the Child, signed Feb. 16, 1995, 1577 U.N.T.S. 3 [hereinafter CRC].

- [33] What is the Difference Between Signing, Ratification and Accession of UN treaties?, Dam Hammarskjöld Libr., ask.un.org/faq/14594 (last visited Sept. 30, 2021).
- [34] Sarah Mehta, There's Only One Country That Hasn't Ratified the Convention on Children's Rights: US, Am. Civ. Liberties Union (Nov. 20, 2015), <https://www.aclu.org/blog/human-rights/treaty-ratification/theres-only-one-country-hasnt-ratified-convention-childrens>.
- [35] Described by UN Women as "a nationwide, grassroots effort to encourage local governments to become more gender equitable. . . . CEDAW ordinances require cities to evaluate their programs and budgets and ensure they affect men and women equitably." Cities for CEDAW, United Nations Women U.S.A., <https://unwomenusa.org/gcc/cedaw> (last visited Nov. 10, 2021).
- [36] CEDAW and the Status of Women in Miami-Dade County, Recommendations by the Miami-Dade County Commission for Women 1-2 (Dec. 6, 2016) available at <https://www.miamidade.gov/advocacy/library/2016-status-of-women-recommendations.pdf>.
- [37] UDHR, *supra* note 29.
- [38] ICCPR, *supra* note 31.
- [39] Convention on the Elimination of All Forms of Discrimination Against Women, art. 3, signed July 17, 1980, 1249 U.N.T.S. 13 [hereinafter CEDAW].
- [40] Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women ¶ 16 (Dec. 16, 2010).
- [41] International Covenant on Economic, Social, and Cultural Rights art. 6(1), Oct. 05, 1977, 993 U.N.T.S. 3 [hereinafter ICESCR].
- [42] CEDAW, *supra* note 39, art. 11(1).
- [43] Convention on the Elimination of All Forms of Discrimination Against Women, General Recommendation on article 16 of the Convention on the Elimination of All Forms of Discrimination against Women (Economic consequences of marriage, family relations and their dissolution) ¶ 44 (Oct. 30, 2013).
- [44] United Nations Working Group on Discrimination Against Women and Girls, Women's Human Rights in the Changing World of Work ¶ 22 (2020).
- [45] CEDAW, *supra* note 39, art. 11(1)(e).
- [46] United Nations Working Group on Discrimination Against Women and Girls, *supra* note 44, ¶ 46.
- [47] *Id.* at ¶ 47.
- [48] Nat'l P'ship for Women & Fams., Key Facts: Paid Family and Medical Leave 1 (2021).
- [49] *Id.*
- [50] Nat'l Ctr. on Caregiving Fam. Caregiver All., *supra* note 1.
- [51] *Id.*

[52] UDHR, *supra* note 29, art. 16.

[53] *Id.* at art. 25.

[54] ICESCR, *supra* note 41, art. 10(1).

[55] Comm. on Econ., Soc., & Cultural Rts., *supra* note 2, ¶ 22.

[56] Mongeau, *supra* note 11.

[57] See Nat'l Ctr. on Caregiving Fam. Caregiver All., *supra* note 1 ("Caregiving reduces paid work hours for middle aged women by about 41 percent." (footnote omitted)).

[58] UDHR, *supra* note 29, art. 26.

[59] ICESCR, *supra* note 41, art. 13.

[60] *Id.*; UDHR, *supra* note 29, art. 26.

[61] CRC, *supra* note 32, art. 29.

[62] Convention on the Rights of the Child, General Comment No. 1 (2001): ARTICLE 29 (1): The Aims of Education ¶ 22 (Apr. 17, 2001).

[63] Mongeau, *supra* note 11.

[64] UDHR, *supra* note 29, art. 25.

[65] ICESCR, *supra* note 41, art. 11, art. 13.

[66] UDHR, *supra* note 29, art. 25; see also ICESCR, *supra* note 41, art. 11 ("The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.").

[67] Meeting the Child Care Needs of Homeless Families: How Do States Stack Up?, *supra* note 3.

[68] Inst. for Child., Poverty & Homelessness, Profiles of Risk: Child Care 3 (2012).

[69] Meeting the Child Care Needs of Homeless Families: How Do States Stack Up?, *supra* note 3.

[70] *Id.*

[71] Claire Cain Miller, How Other Nations Pay for Child Care. The U.S. Is an Outlier., N.Y. Times (Oct. 6, 2021), <https://www.nytimes.com/2021/10/06/upshot/child-care-biden.html>.

[72] Howard, *supra* note 6.

[73] Stebbins, *supra* note 20.

[74] *Id.*

[75] Howard, *supra* note 6.

[76] *Id.*

[77] Miller, *supra* note 71.

[78] Claudia Martinez & Marcela Peticara, The Impact of Extending Childcare on Female Labor in Chile, Poverty Action Lab, <https://www.povertyactionlab.org/evaluation/impact-extending-childcare-female-labor-chile> (last visited Nov. 8, 2021).

[79] Id.

[80] United Nations Child.'s Fund, *Where do rich countries stand on childcare?* 19 (2021).

[81] Id.

[82] Id. at 7.

[83] Id. at 8.

[84] DC Paid Family Leave, D.C., <https://does.dc.gov/page/dc-paid-family-leave> (last visited Nov. 8, 2021).

[85] California Paid Family Leave, Cal., <https://edd.ca.gov/disability/paid-family-leave> (last visited Nov. 8, 2021).

[86] Bertram et al., *supra* note 4.

[87] Id.

[88] United Nations Working Group on Discrimination Against Women and Girls, *supra* note 44, ¶ 47.