



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Forty-sixth session

Summary record of the 926th meeting

Held at Headquarters, New York, on Tuesday, 13 July 2010, at 10 a.m.

Chairperson: Ms. Gabr (Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Sixth periodic report of Argentina
(CEDAW/C/ARG/6, CEDAW/C/ARG/Q/6
and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Argentina took places at the Committee table.*

2. **Ms. Mondelo** (Argentina), introducing the sixth periodic report (CEDAW/C/ARG/6), said that while the global financial crisis had presented the new Government with profound challenges, it had also given rise to a new political, economic and social model with human rights as a core component. The role of the State had been revised and a number of significant changes had afforded the country sustainability and resistance to external influences. For example, in an effort to temper the harmful effects of the international financial crisis, the Government had implemented high-impact policies to stimulate consumption, production and exports. Those policies were designed to continue strengthening human rights and had direct and indirect implications for women.

3. In respect of mechanisms for women, the National Women's Council (CNM) had taken an active role in incorporating the gender perspective through bodies like the Federal Women's Council, which had worked for the passage of Law 26.485 — the Comprehensive Law on the Prevention, Punishment and elimination of Violence against Women in their Interpersonal Relations (the Violence against Women Act). The budget of CNM had been increased, which had made it possible to create new programmes to promote women's rights. CNM also worked closely with the National Social Policies Coordination Council and the judiciary.

4. The Committee's recommendations pursuant to the previous report regarding statistics had been taken into account and efforts continued to deliver sex-disaggregated data and a comprehensive system of gender indicators for more precise and effective public policies. The "Observatory on Violence" established by the Violence against Women Act had provided a mechanism for reliable statistics. The National Statistics and Census Institute (INDEC) and other

official bodies had also provided statistical information needed for the report.

5. Turning to the political participation of women, despite persistent stereotypes and social resistance, the President of Argentina was a woman; both candidates in the 2007 election had been women. A number of ministries, including the Ministry of Defence and the Central Bank, were also led by women. With 40 per cent women in the legislature, Argentina was among the countries with the highest level of women's participation in politics. There were two women on the Supreme Court, on whose initiative the Domestic Violence Office and its branches had been created. The Supreme Court had also created the Women's Office to promote gender mainstreaming throughout the judicial system. Overall, women accounted for 54 per cent of the staff of the judicial branch, according to the Women's Office gender map.

6. In line with the Convention, a number of measures had been taken to promote greater equity between the sexes and to remove the causes of discrimination against women. Legislation had been passed and reforms implemented to create social security policies that were more inclusive of women and children, such as the Universal children's allowance programme. Employment policies had also focused on women. Collective bargaining and collective labour agreements included clauses on gender equity. Further, a number of draft laws had been submitted to address women's rights within the framework of the Tripartite Commission on Equality of Opportunities for Men and Women in the Workplace. In response to the Committee's recommendations, the Secretariat for Rural Development and Family Farming had been created, and included a gender unit to promote programmes for rural and indigenous women. A national registry on family farming had also been created to highlight the role of rural women in social and production activities.

7. Significant advances had also been made in health policies from a gender perspective. The National Sexual Health and Responsible Parenthood Programme had implemented a number of initiatives, including a sexual and reproductive health hotline that offered women legal and other information regardless of where they lived. In respect of abortion, the technical guide for the care of non-criminal abortions had been updated and approved by resolution 1184/2010 on 12 July

2010. Lastly, the Senate would debate a draft law on equality in marriage on 14 July 2010.

8. Turning to education, she said that the literacy rate for both men and women was nearly 100 per cent. The Government maintained an active education agenda with explicit emphasis placed on gender equity. As a result, women made up 37 per cent of students in technical schools, and women graduates of those schools had found non-traditional employment opportunities. The Government had supplemented the technical scholarship system, and 47 per cent of technical, engineering, mechanical and agro-technology scholarships had been awarded to women.

9. The Government's commitment to human rights and gender equity extended to its foreign relations. It welcomed the creation of the new United Nations Entity for Gender Equality and the Empowerment of Women, supported the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance and joined the call for a Convention on the Rights of Older Persons. The Government continued to support treaty bodies as necessary components in protecting human rights, and reiterated that political commitment to human rights must translate into economic support to ensure sustained progress.

Articles 1 to 6

10. **Mr. Flinterman** said that he would like information on mechanisms to ensure uniform application of the Convention and on how the federal Government responded when a provincial government did not comply with the Convention. He would also like to know what the Government had done to promote the Convention, and whether courts referred specifically to it. He would appreciate detail on when and how women used the *amparo* procedure in cases of human rights violations.

11. **Ms. Simonovič** said that it would be helpful to know whether the report had been submitted to Parliament and adopted by the Government before it was sent to the Committee. The role of non-governmental organizations (NGOs) in the reporting process should be explained as well. It was also unclear whether the Convention and the Optional Protocol were considered higher than or equal to domestic law. Lastly, she would appreciate information on the status of regional conventions.

12. **Ms. Patten** asked for information on impact assessment mechanisms for legislative reforms, policies and programmes. In addition, it would be helpful to have data on awareness-raising and training programmes on the Convention for the judiciary, law enforcement officials and members of the legal profession. She wondered how access to justice was ensured for women, in particular in remote areas, and whether there was a comprehensive legal aid system. In respect of the 2006 refugee law 26.165, she would like to know what measures had been taken to ensure its full implementation, in particular for female asylum-seekers and refugees, and those in vulnerable situations. Information on gender training for border, migration and asylum officials, in particular for treating victims of domestic violence from the Dominican Republic, would also be helpful.

13. **Ms. Jaising** asked whether there was legislation to ban all forms of discrimination based on sex, and whether it included remedies to improve access to justice and obligations to protect, promote and remove all obstacles to equality. Impact assessment in all areas, including maternal mortality and access to reproductive health services, was necessary.

14. **Ms. Hayashi** said that she would like information on how international human rights instruments were implemented, in particular, the recommendations of treaty bodies, and how national human rights institutions were encouraged to expand their activities to protect women victims of sexual violence and harassment. She asked to hear more about the role of NGOs in civil society.

15. **Ms. Popescu** said that the terms "equity" and "equality" were not interchangeable; the proper terminology was "equality". She would like to know how the Government had implemented the Beijing Declaration and Platform for Action and the Millennium Development Goals (MDGs). It was also important to include more sex-disaggregated data in the next report, in particular on indigenous women.

16. **Ms. Awori** said that the increase in the budget of CNM was inadequate, given the increase in its responsibilities after the entry into force of the Violence against Women Act. She would like information on budgetary and structural provisions and on steps to further empower CNM.

17. **Ms. Neubauer** said that she would like information on the legal basis and mandate of CNM,

how the CNM president was appointed and her status in relation to Government members of the CNM executive board. It was also important to know the relationship of CNM to the National Social Policies Coordination Council. In respect of financial and human resources, she would like information on technical and professional staff contracted with funding from the United Nations Development Programme (UNDP), in particular whether they were considered permanent CNM staff and how sufficient staff would be secured after the funding ceased. She would also like to hear about the institutional capacities of the provincial women's empowerment and equality mechanisms.

18. She requested information on the main improvements in establishing or strengthening gender equality structures within ministries, departments and sectors, and whether there had been any positive developments at the municipal level. She would appreciate data on local women's offices established during the reporting period, and on impact assessment of capacity-building programmes conducted by CNM for Government sectors. In particular, she wondered whether gender mainstreaming was part of the daily routine of Government officials involved in policymaking, and how the gender perspective was integrated into the budgetary processes.

19. **Ms. Prigoshin** (Argentina) said that there were difficulties and regional differences in any federal system, and CNM considered such cultural and geographic specificities in every action. Notwithstanding the difficulties, educational campaigns had been implemented to raise awareness of the Optional Protocol at the national and regional levels. Discrimination was addressed as a form of indirect violence through the Violence against Women Act.

20. Turning to the reporting process, she said that the State and civil society had worked together to draft the sixth report. While some members of Parliament had been directly involved in the process, Congress as an institution had not. Civil society organizations had not been invited to participate in drafting the report, but, as a core component of gender programmes, they had participated in most actions designed.

21. When provinces failed to comply with the Convention, non-compliance was addressed through awareness-raising and training campaigns targeting

decision makers. While the Constitution clearly stated that provinces could decide on matters of gender discrimination and violence, it was also clear that international treaties was constitutional standing. CNM was the principle enforcer of the Convention and the Violence against Women Act, and it regularly coordinated with national, provincial and municipal authorities. Its inter-agency National Executive Commission, comprised of gender policy representatives from all ministries, met weekly. The Federal Women's Council had members from every province. Professionals who worked on discrimination issues received training in overcoming the difficulties encountered in a federal system.

22. **Ms. Balart** (Argentina) said that the Supreme Court had mapped access to justice and made it available on the Internet. There were agreements with lawyers and offices providing free legal aid, and some provinces offered the itinerant lawyer system in rural areas. Women's offices had trained judges and would soon begin a programme to train personnel who would then commit to replicating the gender training they had received in their provinces.

23. **Ms. Prigoshin** (Argentina) said that the judiciary was working with a number of official representatives to draft a decree on the Violence against Women Act to be signed on 19 July. That group was also working with CNM on how to implement the Act to create real change.

24. **Ms. Mondelo** (Argentina) said that while CNM had incorporated new activities, UNDP funding had not been used for its permanent staffing needs. The technical and professional staff referred to were being gradually incorporated into the national budget. The National Social Policies Coordination Council connected Government institutions; when a law was passed the Council formed a link between the State and civil society to apply the law. The president of CNM was appointed by the executive branch, and each province appointed the representative for its area. Provincial offices established monitoring and coordinating centres, while the federal office formulated policies and guidelines with each ministry. Advisory councils had been established to enhance the participation of civil society. Each province addressed the issue of women's shelters on the basis of federal housing programmes.

25. **Ms. Popescu** said that she would like to know more about gender quotas and their impact at the provincial level, and whether it had been necessary to enact special legislation at that level to encourage use of the quota system. Specific examples of temporary special measures in areas including education and employment, in particular those targeting indigenous women, would be helpful.

26. **The Chairperson**, speaking as an expert, said that social obstacles and attitudes in respect of women's rights were worrisome. More effort was needed to change attitudes through dialogue, civil society organizations, the media and education, perhaps through a national plan.

27. **Ms. Murillo de la Vega** said that, in combating stereotypes, it was important to have positions of women in power. The Government must make it clear that violence against women was punishable. Was there an amendment regarding marital rape in the Penal Code? She was also concerned about sexual violence in women's prisons, and asked why men were still among the personnel of those institutions. Preventive detention was widespread, and it seemed that continuous transfer, which gave officials opportunity to take advantage of women prisoners, was considered a punitive measure. She asked for data on the number of cases brought against officials who had abused female detainees. Lastly, she asked whether abortion could be freely practised and promoted, and whether single and lesbian women had the right to assisted fertilization.

28. **Ms. Hayashi** said that she would like to know whether the Supreme Court saw preventive detention as an exceptional measure and if efforts had been made to develop alternatives. She would be interested to hear about Government measures to ensure the safety of women and children in detention, in particular in respect of hygiene, medical care, nutrition and prevention of torture. Information on investigations into the cause of death for women and children who had died in prison would be helpful, as would details on Government efforts to follow the recommendations of the Committee against Torture, in particular regarding inspection of nude detainees and vaginal inspection of visitors.

29. **Ms. Simonovič** said that she would like to hear more about the signing of the Violence against Women Act by the President on 19 July. She would also like more information on the Observatory on Violence, the

Domestic Violence Office and the Women's Office of the Supreme Court, particularly in the provinces. Information on standards for women's shelters in the provinces was also needed. She would also like statistics on the number of women murdered by their partners, as well as analysis of measures that could prevent such violence.

30. **Ms. Arocha Dominguez** said that it was not clear what measures the State had taken to train educators about stereotypes. She would like to know how the State rose to the challenge of promoting women in all their diversity. Lastly, special temporary measures were not addressing marginalized women.

31. **The Chairperson**, speaking as an expert, said that she would like to know the details of the National Programme on the Prevention and Punishment of Trafficking in Persons and on Victim Support. Specifically, she wondered how personnel were trained and how marginalized populations were protected. She would like information on shelters and hotlines for victims of trafficking, awareness-raising campaigns and regional cooperation.

32. **Ms. Chutikul** asked how the Government defined trafficking and whether the definition included exploitation other than prostitution. She wondered why victims over 18 received different treatment. Details on how the Violence against Women Act was implemented in respect of prevention, protection, monitoring and evaluation were needed, and on coordination among agencies to implement it. She would also like information on its budget and resources. It was unclear whether the National Programme on the Prevention and Punishment of Trafficking in Persons and on Victim Support was the national plan of action and whether it had objectives, a time frame, monitoring indicators and guidelines for implementation. Mechanisms for systematic international cooperation on trafficking were equally unclear, in particular programmes for return and reintegration. It would be interesting to know how the recruiting of traffickers was prosecuted and what happened to victims who were not from member countries of MERCOSUR.

33. **Ms. Mondelo** (Argentina), referring to gender quotas, said that each province complied with national law and gradually developed its own form of response to the quota law. A national plan of action for assistance to victims of violence was included in the

biennial plan to be concluded in 2011. It included government bodies and the provinces through CNM.

34. **Ms. Prigoshin** (Argentina) said that the National Plan to Combat Violence against Women was designed to eradicate detrimental social behaviours and attitudes, and included ongoing training. There had been cases of marital rape but there were no indicators to clarify whether there were more rapes, or more reports of rape, as a result of awareness-raising campaigns. The Violence against Women Act stipulated respect for the rights of detained women. The regulatory decree to be signed on 19 July would complement the Act in specific areas. In respect of non-criminal abortion, the Church hierarchy and the pro-life movement exercised influence over society and doctors in particular. The courts had stated that refusal to perform the procedure was not in compliance with national law.

35. **Ms. Balart** (Argentina) said that the Supreme Court worked through the Domestic Violence Office and its Women's Office in the provinces to remove obstacles to women's access to justice. Initiatives had also come from the provinces to share information and technical assistance. A number of Domestic Violence Offices had opened in the provinces and had created networks. Both Offices had daily contact with the provinces.

36. **Ms. Gatti** (Argentina) said that there were three important points concerning the Violence against Women Act: it was federal law; it offered comprehensive protection for victims of trafficking; and victims could not be punished for offences they might have committed during the time they were victims. The Ministry of Justice and Human Rights had established the Office for Rescue and Support of Victims of Trafficking. Training of personnel was ongoing in the capital and in the provinces. Trafficking units had been established in each province, and eight were already functioning with aid units. The Office for Rescue and Support of Victims of Trafficking worked with an interdisciplinary team to follow up with victims until they testified in court. At that point, the Ministry of Social Welfare and international migration organizations took over to provide rehabilitation and reintegration or return services. While the Violence against Women Act had been based on the United Nations Convention against Transnational Organized Crime and its Protocols, some elements, including the difference in treatment of women over 18, were being

amended. All ministries worked to ensure compliance with the Violence against Women Act, in particular the Ministry of Justice and Human Rights, the Ministry of Social Development and the Ministry of Labour. The extortion and kidnapping unit of the Office of the Public Prosecutor worked closely with federal security forces, and bilateral agreements had been signed with countries whose citizens were victims of trafficking in Argentina. The immigration status of victims was not taken into account. Since the adoption of the Violence against Women Act, six cases had been completed and sentences handed down, and 753 victims had been rescued from trafficking networks.

37. **Mr. Luongo** (Argentina) said that the Ministry of Social Development had created a federal council including all provinces to approve a protocol for assistance to victims. The Ministry and neighbouring countries had established awareness-raising campaigns along their borders to include prevention, protection and assistance to victims.

38. **Ms. Murillo de la Vega** said that she would like to know whether marital rape was considered a crime. If so, there should be awareness-raising campaigns to ensure that fact was well known. She would like to know how prison personnel who had abused women prisoners were brought to justice, and how many cases were ongoing. It would be interesting to know whether single mothers and lesbians had access to assisted fertilization and whether there was a campaign to promote it.

39. **Ms. Hayashi** said that she would like to know what steps had been taken to address vaginal inspection by prison officers.

40. **Ms. Prigoshin** said that marital rape was penalized and there were awareness-raising campaigns in place. Access to assisted fertilization for single mothers and lesbians was under consideration. Treatment of women in prison was being assessed, and while violation of intimacy in the visitor inspection process was being established as an offence, the process was lengthy.

41. **Ms. Gatti** said that there was a programme in the Ministry of Justice and Human Rights to care for victims of violence against sexual intimacy once a police report had been made. There were no statistics available, but marital rape had been reported.

The meeting rose at 1 p.m.