

Fourth and fifth periodic reports

Argentina

(Exceptional Session)

339. The Committee considered the fourth and fifth periodic reports of Argentina (CEDAW/C/ARG/4 and CEDAW/C/ARG/5) at its 584th meeting, on 16 August 2002 (see CEDAW/C/SR.584).

(a) *Introduction by the State party*

340. In introducing the fourth and fifth periodic reports, the representative of Argentina pointed out that the fourth and fifth periodic reports provided information on implementation of the Convention during two presidential periods under different political parties. However, the National Women's Council, created 10 years before as an agency within the national executive, had been continuously working on specific objectives related to the implementation of the Convention regardless of changes in political leadership.

341. The representative provided an overview of her country's institutional, social and economic situation with regard to serious crisis which had erupted in December 2001 and noted the ways in which the crisis had affected women in particular. Unemployment rates had been increasing since 1995 and had reached an historic high in 2002. Sex-disaggregated data on that phenomenon was available only for the areas of Greater Buenos Aires, where the impact was higher among men (23.2 per cent) than among women (20.1 per cent). Despite the current crisis, the Government had taken steps to increase the number of working women by fixing quotas for women in unemployment plans and professional training.

342. A number of emergency plans had been implemented by the Government in response to the crisis, including a food emergency plan to provide people with financial assistance in purchasing food; and a "Male and female heads of household plan" to guarantee to eligible households the social inclusion family right, including school attendance, health care, training and placement in occupations. A health emergency had been declared in order to guarantee access to basic health-care goods and services.

343. The representative stated that women's mechanisms in Argentina were vulnerable to reductions in public expenditure and that the National Women's Council had suffered budget cuts of 75 per cent in 2000 and a further 27 per cent in 2001. The representative noted, however, that the Council had continued to implement most of its projected plans and programmes and had developed others.

344. The national Government, through the National Women's Council as executing agency, had been implementing the Federal Plan for Women, which was aimed at institutional strengthening of national, provincial and municipal women's machineries. Although the Plan had undergone a total reduction of funding from 15 million to 10 million pesos, causing delays and the postponement of some activities, accomplishments included the acquisition and distribution of computers for all provincial Women's Area offices; the holding of seminars, workshops and gender-related training and technical assistance, and financial support for local projects dealing with gender-sensitive public policies. Two externally funded programmes had also been developed to mainstream gender into projects financed by the World Bank and promote gender-sensitive family development.

345. With regard to the Committee's concluding comments on the second and third periodic reports in 1997, the representative described a number of actions which had been taken by the Government. They included the enactment and implementation of a quota law providing for the election of a minimum of 30

per cent of women to the National Congress. The results of the reform had been demonstrated in the national elections of 2001 in which women's participation reached the minimum level of 30 per cent.

346. The Government had also taken steps to adjust the country's penal code to the provisions of the Convention by passing the 1999 Crimes Against Sexual Integrity Act, and had been developing procedures and indicators for sex-disaggregated data collection and a gender gap indicator system for monitoring and policy formulation.

347. With regard to violence against women, the representative stated that legislatures in 20 provinces had passed relevant laws dealing with, inter alia, civil law jurisdiction, formal and informal marriages, mechanisms for reporting violations of the law, family interaction, educational and therapeutic programmes and treatments, and free medical and psychological assistance. At the national level, the tax reform law of 2000 contained provisions for medical insurance, retirement and pensions for domestic workers, and the Congress was considering approximately 10 bills dealing with the issue of sexual harassment. Since 1999, legislation had been introduced addressing the problem of alimony and penalties imposed for delinquency in payments.

348. The representative acknowledged that there were fundamental issues which needed to be addressed with regard to violence against women. They included specialized assistance for women victims of violence, coordination among various State agencies, easy and free-of-charge access to legal protection and wider awareness of women's human rights.

349. With regard to the Optional Protocol to the Convention, the representative stated that, in April 2002, a request had been made by the Government to withdraw the Protocol from consideration by the Congress. However, the bill was still in the Senate, where an exchange of views on its future approval was taking place.

(b) *Concluding comments of the Committee*

Introduction

350. The Committee thanks the State party for its fourth and fifth periodic reports under the Convention, which were prepared in accordance with the Committee's guidelines for the preparation of reports, and for its replies to the questions of the pre-session working group.

351. The Committee thanks the State party for having sent a delegation headed by the President of the National Women's Council of Argentina, despite the serious crisis the country is experiencing.

352. The Committee evaluated the serious economic, financial, political and social crisis which Argentina has been experiencing since 2001 and endorsed the decision of the pre-session Working Group to request the States party to submit expanded and updated information on the impact of the crisis on the country's female population; it decided accordingly to adapt its method of work for analysing reports as the content of the reports was not up-to-date.

Request for a follow-up report

353. In the framework of a constructive dialogue, the Committee expressed its dissatisfaction with the lack of information provided on the impact of the crisis on the country's female population, which negatively affected the implementation of the Convention; consequently, it decided to request the State party, in conformity with article 18, paragraph 1 (b), of the Convention, to submit a follow-up report in January 2004 for consideration by the Committee in June 2004.

354. The Committee made it clear that in no case was the follow-up report to replace the submission of a sixth periodic report by Argentina, scheduled for 14 August 2006, in accordance with article 18 of the Convention.

355. The follow-up report should take into account the areas of concern under the Convention as indicated in the paragraphs below and reply to the recommendations made by the Committee in these concluding comments, and should include expanded, updated and systematized information, including sex-disaggregated data as far as possible, about the impact of the crisis on the country's female population and the measures adopted to reduce and overcome its negative effects on women.

Principal areas of concern and recommendations

356. The Committee is concerned at the situation of women resulting from the growing increase in poverty, and extreme poverty, which has spread to more than half the population, and which can have a disproportionately heavy impact on the female population. Of special concern are women heads of household who are living in poverty and unemployed, with dependent children, and women from rural areas, indigenous populations and the most vulnerable sectors of the population.

357. The Committee recommends that the State party should pay special, ongoing attention to the situation of women and should take the necessary measures to prevent women, especially those from rural areas, indigenous populations and the most vulnerable sectors of the population, from bearing the heaviest burden of the crisis. It also requests the State party to ensure that the Programme for unemployed heads of household with children under 18 or disabled children includes a gender perspective in order that the few resources that are available for social allowances may be distributed without discrimination.

358. The Committee is concerned at the precarious nature of women's employment, in particular the situation of unemployed women in the informal sector.

359. The Committee recommends that the State party should make all necessary efforts to guarantee compliance with the labour legislation and protect women from the violation of their basic labour rights and from discriminatory dismissals.

360. The Committee is concerned at the high maternal mortality rate and at the fact that, with the increasing deterioration in health services, women, in particular those in situations of vulnerability, are losing their right to comprehensive health care, in particular as regards sexual and reproductive health. The Committee is also concerned because, in this critical context, the incidence of HIV/AIDS is tending to increase, especially among women.

361. The Committee recommends that the State party should guarantee women's access to health services, including sexual and reproductive health services, and that it should adopt the necessary measures to reduce the high maternal mortality rate. The Committee recommends that the State party should pay special attention to preventing and combating HIV/AIDS.

362. The Committee is concerned at the fact that the crisis has affected access by women, particularly girls, to public education because they lack the resources needed either to begin or continue their studies.

363. The Committee recommends that the State party should make every possible effort to guarantee access by girls to education under conditions equal to those of boys, with special attention to girls from the most vulnerable sectors.

364. The Committee is concerned that, although the State party has extensive legislation in the area of prevention and treatment of domestic violence, this problem has worsened. The Committee is concerned that the crisis might increase the risk of trafficking in women and girls and their exploitation for purposes of prostitution.

365. The Committee requests the State party to ensure that its Recommendation No. 19 on violence against women is taken into account and that all necessary measures are taken to provide full protection to the victims, punish those responsible and check the growing trend towards violence against women. The Committee requests the State party, especially, to evaluate the trafficking of women and girls and to strengthen domestic measures and, if necessary, international measures in cooperation with other countries that are countries of origin, transit or destination for the exploitation of women and girls for purposes of trafficking, in particular to prevent the exploitation of prostitution.

366. The Committee notes with concern the attempt to downgrade the National Women's Council and the lack of a formal strategy for coordination of the different State agencies.

367. The Committee notes the importance of continuity, autonomy management and coordination of the national mechanism for the advancement of women at this time of crisis in the country and recommends that they should be strengthened.

368. The Committee recommends that the State party should include and involve women in the process of economic, financial, political and social reconstruction of the country.

369. The Committee requests that the present concluding comments be widely disseminated in Argentina in order to inform the public, in particular public officials and politicians, of the measures taken to guarantee and to be adopted to guarantee the de facto and de jure equality of women and of the measures to be adopted for that purpose.