

## Argentina

### Concluding observations adopted at the 31<sup>st</sup> session

356. The Committee considered the follow-up report to the fifth periodic report of Argentina (CEDAW/C/ARG/5/Add.1) at its 660th meeting, on 16 July 2004 (see CEDAW/C/SR.660).

#### Introduction by the State party

357. In introducing the follow-up report to the fifth periodic report of Argentina, the representative gave an overview of the new approach of the current Government, which had taken office in May 2003, in the political, economic, social and cultural fields and in human rights. Central to the Government's efforts were initiatives to promote growth with social justice, the eradication of corruption and an end to the culture of impunity in public institutions and private organizations. The Government aimed at the re-establishment of social mobility, the promotion of development and economic growth, the creation of jobs and a more equitable distribution of wealth, while enhancing the social inclusion of women and men and strengthening, protecting and assisting families. The representative also highlighted the important role of civil society in these efforts. The judiciary had also undergone an institutional renovation, and two of the three new members of the Supreme Court of Justice were women. The reconstruction would also be based on a firm policy of human rights that acknowledged the work done by the Madres de la Plaza de Mayo and the Abuelas de la Plaza de Mayo.

358. The devastating effects of policies since the mid-1970s and the economic crisis of 2001-2002 were reflected in the 2002 poverty indices, which showed that 42.3 per cent of Argentines lived below the poverty line and 21.5 per cent were unemployed. In 2003, those rates were reduced to 36.5 per cent and 14.5 per cent, respectively. The primary policies aimed at alleviation of the crisis and the high poverty rates included the Economic Emergency Law, the Emergency Health Law, the National Programme on Food Emergency and the Unemployed Head of Household Programme.

359. Social expenditure had been increased to combat poverty, support social inclusion and strengthen families. Social programmes had been replaced by a set of federal social policies that included the National Plan for Food Security, the National Plan for Local Development and Social Economy and the Family Plan. New, efficient, service-delivery methodologies, including at the provincial level, ensured that some 94.4 per cent of the budget allocated to social programmes went directly to beneficiaries, instead of the 40 per cent of previous years.

360. Among the measures that had a direct impact on the situation of women were the increase in private sector salaries, the initiation of negotiations towards collective agreements and the increases in the minimum wage for 2004, public sector pay and minimum pensions. The scope of certain social programmes had been expanded significantly, through such measures as pensions for mothers with seven or more children and life pensions for all individuals over 70 years of age, the majority of whom were women, who previously lacked social security.

361. The crisis had generated, especially for women, a multiplicity of organizations and forms of social participation. These organizations had become the conduit for implementing various strategies in support of families. This social mobilization also deepened people's — and especially women's —

awareness of their rights and supported their effective exercise, as well as the realization of equal opportunities. These organizations formed part of the Consultative Councils on Social Policy, which were responsible for ensuring the implementation of the social plans. Civil society organizations were critical for the development and implementation of assistance programmes and the restoration of the social fabric.

362. Institutional agreements existed between the National Women's Council and various bodies of the executive branch of Government. The National Women's Council participated in the development of strategic policies to restore the culture of work and strengthen equal rights and responsibilities between women and men within the family. It had developed various programmes aimed at capacity-building and the provision of technical assistance in areas relating to women at the provincial and municipal levels and to governmental and non-governmental organizations for the promotion of rights in the areas of paid and unpaid work, violence and health. The representative highlighted two of the Council's internationally funded programmes, namely, the Federal Programme for Women and the Programme to Strengthen the Family and Build Social Capital, and also noted that many of the Government's social programmes directly improved women's quality of life.

363. In concluding, the representative referred to the "Let's Get to Work" programme and its role in creating economic opportunities for women.

### **Concluding comments of the Committee**

#### *Introduction*

364. The Committee expresses its appreciation to the State party for the timely submission of its follow-up report to the fourth and fifth periodic reports, which the Committee had requested upon consideration of those periodic reports in 2002, and for responding to the concerns raised at that time. The Committee congratulates the State party on its delegation, headed by the President of the National Women's Council. It commends the State party for the oral presentation made by the delegation, which sought to clarify the current situation of women in Argentina and provided additional information on the implementation of the Convention in the country.

365. The Committee commends the State party for its declared political will and efforts to improve the status of women in Argentina, and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

366. The Committee is aware that the State party is still enduring the grave economic crisis that has affected the political, social and institutional life of the country.

#### *Positive aspects*

367. The Committee congratulates the State party on the social policies and programmes put in place, particularly in the areas of poverty reduction, job creation and access to education, aimed at repairing the damage done to the social fabric by the serious economic, financial, political and social crisis experienced by the country since 2001.

368. The Committee commends the State party for its measures to increase the participation of women in public life in the renewal process of the country. It particularly welcomes the fact that two women judges have been appointed to the Supreme Court of Justice, and that women now constitute 41.67 per cent of senators, 33 per cent of members of Parliament and 27 per cent of deputies in the provincial legislatures. It also welcomes the fact that, further to the adoption of National Law No. 25.674 and Decree No. 514/2003, known as the

Law on Trade Union Quotas, a woman is now part of the presiding body of the confederation of labour.

369. The Committee appreciates that 21 provincial women's offices that form the Federal Women's Council have been consolidated for the implementation of policies and programmes on the advancement of women.

*Principal areas of concern and recommendations*

370. While welcoming the efforts of the State party, the Committee is concerned that the national machinery for the advancement of women does not have sufficient financial and human resources to effectively promote the advancement of women and gender equality in the present phase of political, economic and social renewal. The Committee is also concerned that the National Women's Council has a limited role in the governmental structure and that it is not part of the presidential Cabinet.

**371. The Committee recommends that the State party strengthen the existing national machinery in order to make it more effective as a catalyst for gender equality in all spheres of life of the country, at the federal as well as the provincial and local levels, by providing it with adequate visibility, power and human and financial resources at all levels and enhancing its ability to coordinate effectively the work of existing mechanisms at the national and local levels. It also calls on the State party to strengthen the machinery's capacity to effectively carry out activities for the advancement of women and the promotion of gender equality, and to ensure that gender perspectives are addressed in all policies and programmes.**

372. While welcoming the adoption and implementation of social and economic policies and programmes aimed at offsetting the impact of the crisis in the country, including the National Plan for Food Security, the National Plan for Local Development and Social Economy, the Family Plan, the Economic Emergency Law, the Emergency Health Law, the National Programme on Food Emergency and the Unemployed Head of Household Programme, the Committee is concerned that women are mainly beneficiaries of these measures rather than being equal participants and actors in their design and implementation. The Committee is concerned that this approach will perpetuate stereotypical views of the role of women and men rather than effectively support women's political and economic empowerment.

**373. The Committee recommends that the State party emphasize a women's- empowerment approach and incorporate gender perspectives in all its social and economic policies, programmes and projects so as to ensure that they support the goal of gender equality and women's enjoyment of their human rights. It invites the State party to periodically assess such measures and their impact on women so as to ensure that they do not perpetuate discrimination against women.**

374. The Committee is concerned about the poor working conditions women endure in both the formal and informal sectors of the economy. It is particularly concerned about the persistence of wage disparities between women and men, which are discriminatory, and about the lack of social benefits and services for women. The Committee is concerned that in the prevailing situation of economic difficulty and uncertainty, women may face even greater obstacles than usual in claiming their rights and taking steps against discriminatory practices and attitudes in their employment and economic activities.

**375. The Committee urges the State party to make all necessary efforts to ensure the enforcement of legislation requiring employers to provide equal pay for equal work, as well as efforts to ensure that women receive adequate social benefits and services. It also calls on the State party to**

**ensure full adherence to existing legislation so that women can use means of redress without fear of reprisals from employers.**

376. The Committee is concerned about the situation of rural women, particularly in view of their extreme poverty and lack of access to health care, education, credit facilities and community services.

**377. The Committee urges the State party to pay special attention to the needs of rural women, ensuring that they participate in decision-making processes and have full access to education, health services and credit facilities.**

378. The Committee expresses concern about the increase in the incidence of violence against women, including domestic violence and sexual harassment in the workplace, which might be correlated to the crisis in the country. The Committee is also concerned that perpetrators of acts of violence are often unpunished.

**379. The Committee urges the State party to ensure that a comprehensive approach is taken to address violence against women and girls, taking into account its general recommendation 19 on violence against women. This must include the effective implementation of the existing legislation, at the provincial level, to combat all forms of violence against women. In addition, the Committee urges the State party to consider enacting a law, at the federal level and applicable to the entire territory of the country, aimed at combating and eradicating violence against women and at ensuring that women who are victims of violence and sexual harassment have access to protection and effective redress, that perpetrators of such acts are effectively prosecuted and punished and that women are effectively protected against reprisals. The Committee also recommends that the State party launch a national public-awareness campaign on violence, against women and the social and moral unacceptability of such violence especially in the current difficult time the country is experiencing, and increase its efforts to provide gender-sensitive training on violence against women as a violation of women's human rights for public officials, particularly law enforcement personnel, the judiciary and health-service providers.**

380. While appreciating the establishment of the National Programme for Sexual Health and Responsible Parenthood, the Committee is concerned about the lack of information on the State party's efforts to evaluate the effectiveness of that Programme. The Committee also expresses concern about the high pregnancy rate among adolescents, the high rate of maternal mortality, one third of which is caused by illegal abortion, and the increase in sexually transmitted diseases, including HIV/AIDS. The Committee is also concerned that the crisis is having a negative impact on women's and adolescent girls' access to comprehensive health services, particularly for reproductive and sexual health.

**381. The Committee urges the State party to ensure that women's and adolescent girls' access to health services, including sexual and reproductive health services, is fully ensured at the present time. It calls upon the State party to ensure that education on sexual and reproductive health is undertaken in all schools. It also urges the State party to adopt all necessary measures to reduce the high maternal mortality rate, as well as the rate of sexually transmitted diseases, including HIV/AIDS, among women. The Committee requests the State party to include in its next periodic report comprehensive information on the evaluation of the National Programme for Sexual Health and Responsible Parenthood.**

382. The Committee is concerned that the report provided insufficient data on the types of vocational and technical education by sex and field of study and insufficient information on how sex education is taught and at which levels.

**383. The Committee requests the State party to include in its next report comprehensive data and information on women's educational situation and opportunities, including in respect of vocational education. The Committee requests the State party to provide in its next report information about the availability and provision of sex education.**

**384. The Committee urges the State party to ratify the Optional Protocol to the Convention and to accept, as soon as possible, the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.**

**385. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report. It invites the State party to prepare its next periodic report in accordance with the Committee's guidelines for reporting.**

386. The Committee notes that States' adherence to the seven major international human rights instruments, i.e. the International Covenant on Economic, Social and Cultural Rights (CESCR), the International Covenant on Civil and Political Rights (CCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (MWC) enhances the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. Therefore, the Committee encourages the Government of Argentina to consider ratifying the treaty to which it is not yet a party, i.e. the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

**387. The Committee requests the wide dissemination in Argentina of the present concluding comments in order to make the people of Argentina, and particularly government officials, politicians, parliamentarians and women's non-governmental organizations, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".**