

Thank you Madam Chair,

I speak on behalf CLADEM Argentina and nine other organizations (CELS; Insgenar; CDEM; Comisión Provincial por la Memoria; FEIM; CEDES; Católicas por el Derecho a Decidir; Feministas en Acción y Mujeres Trabajando).

In this intervention I will speak to the following priority issues: **1) The National Council of Women as a mechanism for the promotion of the rights of women; 2) The particular situation of Women in prison 3) Sexual Violence as a crime against humanity; 4) Sexual and Reproductive health; 5) Trafficking in women.**

1) MECHANISM FOR THE PROMOTION OF THE RIGHTS OF WOMEN: THE SITUATION OF THE NATIONAL COUNCIL OF WOMEN (arts. 1, 2, 3 and 7 of CEDAW).

The National Council of Women has been mandated with ensuring the realization of human rights of women. However, structurally it has neither the power to affect the formulation, design and implementation of public policies nor the budget or human capacity to effect such change. Further, it is neither seen as a critical institution by the government, nor accorded its due status. Therefore, it is unable to protect and promote human rights of women at either the national, provincial or local level.

Therefore we urge the Committee to recommend to the Argentine State:

1. To establish clear objectives for short, medium and long term periods in each of the matters addressed by the CNM.
- 2. To elevate its institutional status by according it due recognition and authority, backed by the human and fiscal resources to enable it to realize its mandate.**
3. To strengthen local and provincial measures which are necessary to ensure a proper implementation of the CEDAW.

2) THE PARTICULAR SITUATION OF WOMEN IN PRISON

The inhuman condition of detention of people in prison, especially women, identifies the state of Argentina as a perpetrator of systematic and grave human rights violations. Women's specific needs are completely ignored by the state. The women prisoners are subjected to violence, maltreatment and torture, are dealt with by male staff and have no access to adequate health programs, amongst other issues. A large majority of these women are from extremely deprived communities, and have been subject to a wide range of human rights abuses through-out their lives. While in prison they are given stereotypical work, which does not prepare them for a life post-imprisonment. They are also subjected to arbitrary transfers from one prison to another, leading to isolation from families, children and support networks.

Therefore, we ask that the Committee recommend to the Argentine State:

1. To promote the implementation of available legal measures to ensure women are not put into state institutions, such as prisons, especially those that are pregnant and / or with young children, throughout the country.

2. To prohibit the use of isolation and constant transfers as methods of punishment in places of detention.

3. To prohibit the presence of male staff in detention facilities that accommodate women.

3) SEXUAL CRIMES AGAINST WOMEN.

Despite the mandate of the Rome Statute, the Argentine state has failed to prosecute sexual crimes as crimes against humanity. In prosecution of the crimes committed during and by the last military dictatorship of the country, the judiciary is setting variable standards for sexual crimes. For instance, the courts are demanding evidence that the sexual crimes were “systematic and widespread” in order to be considered crimes against humanity. The articulation of the sexual crimes experienced by women –who have no legal aid- is being completely marginalized and trivialized by the courts. The investigation of these crimes ignores the sexual elements of the crimes, which are not adequately investigated, which in turn, also has impact on the results of the cases. This has not only led to impunity for sexual crimes, but impaired women’s access to just reparations. This has meant silence about sexual crimes and stigmatization of those who have spoken up.

Therefore we urge the Committee to recommend to the Argentine State:

To direct the judiciary to ensure the prosecution of sexual crimes as crimes against humanity and also put in place processes so as to enable women to articulate their experiences in a positive environment, with due access to emotional support.

4) SEXUAL AND REPRODUCTIVE HEALTH

The situation regarding sexual and reproductive health is the main problem that women in Argentina have in relation to their access to health. Besides being an indicator of the inequality among the regions of our country, it provides a clear example of the ineffective policies which have been set up to provide solutions to social phenomena such as teenage pregnancy, maternal mortality, the criminalization of all abortions permitted by law, or the lack of attention to girls and women in relation to cases of HIV / AIDS.

Therefore we urge the Committee to recommend to the Argentine State:

1. To fully implement the National Programme for Sexual Health and Responsible Procreation as a way to ensure the full implementation of all services in the sexual and reproductive health area, including the full functioning of the mechanism to provide contraceptives.

2. To adopt initiatives and specific programs to reduce the high rates of maternal mortality from

unsafe abortions. This implies the need to take measures to ensure that cases of non-criminalized abortions can be performed within the public health system, consolidating an interpretation of the Article 86 of the Criminal Code according to national and international human rights instruments, and to promote a national legal framework on abortion in general, as it continues to criminalize women who interrupt a forced or unwanted pregnancy compelling them to undergo clandestine abortions placing them in situations of serious risk to their life and health.

3. To sanction the Technical Guide for the Attention of non-criminalized Abortion as a Ministerial Resolution by the Ministry of Health of the Nation and to encourage its dissemination, ensuring its implementation across the country through an agreement of COFESA.

5) TRAFFICKING OF PERSONS (Art. 6 of the CEDAW)

In recent years Argentina has begun to put human trafficking on the public agenda of the national and provincial governments, as well as in the media. However, efforts to eliminate this serious crime that violates fundamental human rights, are still few and fragmented and they fail to address the complexity of a crime of international features.

Therefore, we ask that the Committee recommend to the Argentine State:

1. To develop at national and provincial levels, a comprehensive policy of assistance to victims, to consider their vulnerability previous to their victimization, the process of leaving a situation of trafficking and their reintegration in conditions that can not favor a new situation of this kind.
2. To implement measures to ensure a level of cooperation among the different jurisdictions involved in acts of trafficking.
3. To implement effective measures to identify trafficking networks.
4. To articulate national measures to eradicate trafficking of persons with the ones adopted within the framework of regional cooperation of the MERCOSUR.