

**ARGENTINA**  
**NGO ORAL PRESENTATION**

**Presented by: Ms. Leticia Kabusacki and Ms. Josefina Durán**

**On behalf of ELA – EQUIPO LATINOAMERICANO DE JUSTICIA Y GÉNERO, in collaboration with Centro de Investigaciones de la Facultad de Ciencias Jurídicas y Sociales, Universidad Nacional del Litoral; Abogados y Abogadas del Noroeste (ADN), Asociación de Derechos Civiles (ADC); and COHRE – *Center on Housing Rights and Evictions*.**

Madame Chair,

We are Leticia Kabusacki and Josefina Durán from ELA – Latin American Team for Gender and Justice, presenting this Statement to highlight the issues set forth in the Shadow Report prepared by us in collaboration with the organisations named above, in three critical areas.

- \* **access to justice;**
- \* **issues related to employment and education;**
- \* **and reproductive rights as acknowledged by law.**

The Committee should note that the official technical agency of statistics, the National Institute on Statistics and Surveys, is not providing data segregated by gender and is manipulating information. As a result, information on the situation of women is not correctly depicted.

<b>I. ON THE ISSUE OF ACCESS TO JUSTICE AND DOMESTIC VIOLENCE</b>
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We find that there is a continuing perpetration of violence against women rooted in socio-cultural stereotypes and a systematic lack of protection by the State. **Although Argentina has a law to protect women against violence, it is, however, an isolated instrument that is not backed by policies, programmes or even basic infrastructure to enable its effective implementation. Therefore, with this sole instrument, the State is unable to respond to the realities, urgencies and lack of legal aid that face the victims of domestic violence.**

**While the law identifies the Women’s National Council -a Governmental body- as the implementing agency, it has not provided for sufficient resources (human or economic) to conduct such implementation. The Council has not articulated any strategy or policy that would identify ways or processes through which women will be able to use this legal instrument to access protection against violence.**

In its last report, the Government had informed the Committee of the creation of an agency, the Domestic Violence Office or OVD, as a strategy to deal with the problem of domestic violence. The Government’s conclusions on domestic violence are based on information gathered by this office. **It is interesting to note, however, that the OVD was created as an**

**initiative of the Supreme Court (not the State) with an exclusive jurisdiction in the City of Buenos Aires and a limited mandate to receive reports of cases and distribute them to criminal or civil courts sitting in the Capital City for their resolution. No legal aid is provided by the OVD, it does not offer any kind of professional support nor is it a public policy designed by the State to prevent or respond to a growing number of cases in the Capital City and beyond.**

There are other agencies created in different moments and jurisdictions to deal **partially** with aspects of domestic violence<sup>1</sup>. However, **without coordination, clear mandates and dissemination of information on how women will use these resources, there existence leaves women with very limited or scarce access to the protection of the State.**

Argentina must provide women with means to face the most visible consequences of domestic violence: **sufficient subsidies** to leave the household where the perpetrator leaves, if needed, **capacity building** to find jobs, provide **immediate childcare**. **The State's policies should not only be adequate but coordinated with all branches of power and with different jurisdictions in the country. We highlight their access to legal aid throughout the process because it is crucial. As the Committee is well aware, without full access to the justice system, their right to a life free from domestic violence becomes moot.**

**We would like to make a special observation on violence on women in the form of trafficking and forced prostitution. Victims are not legally protected since the law in Argentina is not in compliance with international treaties nor the Government has created the means to investigate and treat the issue adequately, which leaves women with no access to justice and protection on this increasing problem that makes women particularly vulnerable.**

## II. ON THE ISSUE OF EMPLOYMENT AND EDUCATION

Women are sub-represented in the formal workforce and over-represented in domestic and informal work. Since domestic and informal work are not under the protection of labor laws as formal employment, women face more precarious working conditions. **The State has to implement measures that will effectively put domestic workers in equal footage with formal employment.**

There is a troublesome absence of policies to articulate labor and private responsibilities for women, not only in the public sector but also in private employment. Women's role as primary care-givers of their families should not be an obstacle in their access to formal employment. **The State should procure services that women could use to delegate the care of dependents, if it is an obstacle for entering the workforce.**

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<sup>1</sup> Dirección General de la Mujer dependent of the City of Buenos Aires, Programme "Las Víctimas contra las Violencias" of the Ministry of Justice and Human Rights, and other municipal agencies as way of examples.

Although the educational system is not designed to replace care services, women often count on it to care for their small children while they are at work. When this is not possible they tend to delegate the care of young children in older children, specially girls, **depriving them from their opportunity to get proper education and perpetuating stereotypes.** In a great number of cases, **women drop their own right to education, which in turns leave them unprepared to enter the workforce.** **Argentina needs to take effective measures to promote the importance for women to complete their education and, as an incentive to pursue their own education, the State should provide services to care for their dependents whenever this is an obstacle.** Further, the State should ensure that the **geographical obstacles** for women to access educational institutions can be overcome.

### **III. ON THE ISSUE OF ABORTION IN CASES PERMITTED BY LAW**

Argentine law is very restrictive in terms of access to an abortion, which has a very negative impact in the lives of women, specially those women with no economic resources. However, there are cases in which abortion is legal, such as in health and life threatening situations or where rape has led to pregnancy. Further, if the victim of rape is mentally disabled, then the consent of the legal guardian is required. Public defenders, general attorneys, judges and health providers in the public health sectors have applied a restrictive approach to interpret whether an abortion is legal or not, as the door to deny women of this right. In some cases, the interpretation used is that raped women that are not mentally disabled are not permitted to access to an abortion since the exemption on rape cases only applies to mentally disabled women; in others, legal guardians of rape victims that are mentally disabled find that the simple requirement of giving consent is distorted and lost in the mist of judicial unrequired intervention. **The State has an obligation to ensure that the law is implemented properly and without unrequired interventions, so that whenever rights to access an abortion are conferred, women will not find them diluted.**

We thank you all for your attention.