

ARGENTINA

CEDAW A/43/38 (1988)

341. The Committee considered the initial report of Argentina (CEDAW/C/5/Add.39 and Amend.1) at its 112th and 118th meetings, on 22 and 25 February 1988 (CEDAW/C/SR.112 and 118).

342. In her introduction, the representative of Argentina informed the Committee that with the return of democracy, her country had experienced a revival. The Government had made a commitment towards making human rights an effective tool of society and those rights included equality between men and women. The Convention was ratified in 1985 and that had prompted numerous institutional reforms both at the national and provincial levels.

343. The Health and Social Action Ministry had created an under-secretariat for women in 1987. Its main objectives were to promote women's rights and to suppress disadvantages in all spheres of life. At the national level, more than 10 provinces had established governmental organs directly concerned with the status of women.

344. Although the Constitution established the principle of equality between men and women, legislative reforms had taken place recently, such as patria potestad compartida, now shared by both parents, and the elimination of any juridical discriminatory measure against children born in or out of wedlock. Regarding marriage laws, both spouses could now choose their domicile jointly, women were not obliged to use the husband's name, new grounds for divorce had been introduced and women now had the right to remarry once divorce had been obtained.

345. Discriminatory practices still existed as in the penal code regarding adultery. Despite the will of the Government to achieve de jure equality, full equality would not be attained until prejudices and discriminatory practices were eradicated. To assist in these pursuits, the secretariat of Human and Family Development had created a commission to elaborate a series of television spots on sex discrimination.

346. Financial resources had been allocated to provincial governments in order to assist them in developing promotion campaigns, training, and day-care centres. Non-governmental organizations continued to play a very important role in all the reforms and programmes mentioned.

347. New text books had been introduced in Buenos Aires that did not contain stereotyped and discriminatory models. Distance courses had also been created in order to reduce the rate of women's drop-out.

348. Equality between women and men was guaranteed by the Republic, and the Labour Contract Law provided that there would be no differences in remuneration between men and women for work of equal value. However certain protective laws would have to be revised, such as the law

regulating night work. Improvements were also necessary in the provision of labour safeguards for domestic workers.

349. The main difficulties and obstacles standing in the way to integration were of an economic nature, since women were the most affected by the present crisis. The introduction of new technologies had also been detrimental to women. Statistical data revealed that social prejudices affected women's employment. The National Statistical Institute was studying the reasons for the lack of data related to women's employment; for example, women's work in farms or at home had not been considered as productive work.

350. There was no discrimination in Argentina regarding the health services provided, and special public health services specially tailored for women had been established recently, such as cancer-screening tests and family planning. Housewives had been included in programmes regarding retirement as "autonomous workers".

351. In rural areas, women were involved particularly in livestock farming and small-scale farming; the Government had established technical assistance programmes for the producers and their families and had also disseminated information on women's rights. Community action plans for rural women had also been created, which included the marketing of local produce, the provision of water, the extension of telephone lines in rural areas and day-care centres. Yet not many women were attending agricultural technical schools, owing to the arduous nature of the school-work, the lack of facilities and the incompatibility with family duties.

352. Women had played a very important political role in Argentinian politics, in the current democratization process. However, their participation in the election of candidates on the party lists and in similar processes left much to be desired. That trend would have to be reversed and social prejudices would have to be examined.

353. In a world where \$1,800 million a minute was spent in armaments, the socio-economic inequalities had created a dramatic separation between developed and developing countries. However, in spite of the external debt, she was convinced that there was room for growth in a democracy, a pursuit that her Government would not abandon.

354. The Committee congratulated the representative of Argentina on the presentation of the initial report and noted that there was an evident commitment by the Government to implement the Convention as well as other international human rights instruments. Argentina had gone through a dark period of military rule, the consequences of which were still felt. The report was sincere in that it admitted frankly the obstacles encountered and still to be overcome. However, there was a lack of data regarding the actual situation of the status of women in areas covered by articles 10, 11 and 12 of the Convention. The measures taken by the Government were to be commended. It was remarkable how illiteracy rates had dropped after the ousting of the dictatorship, and how considerable an effort had been displayed in changing the education system. Experts mentioned that a new beginning for the country also meant a new beginning for women.

355. Experts requested information on how the Convention affected or superseded national

legislation and the relation in general between international and internal law.

356. It was asked what action had been taken to publicize the Convention and the country's report and whether any action had been taken to identify the needs of particular groups of women such as single mothers and migrant women.

357. More information was requested regarding the working and functioning of the different women's offices within the Government and whether there existed any co-ordination in the work of the different institutions. It was asked whether non-governmental organizations and government offices in charge of women's programmes collaborated in relation to different questions such as prenatal and postnatal care, abortion facilities, etc.

358. It was also asked what mechanism the Government offered to guarantee equal rights to women and whether there were any cases where women had invoiced the provisions of the Convention. It was asked whether government offices were receptive to women's demands.

359. It was asked why protective legislation was referred to as a measure to accelerate de facto equality since this type of regulation resulted in more discrimination of women and whether temporary special measures such as positive action or quotas had been proposed in any field. No statistics had been provided on the extent to which men in practice shared household duties and the upbringing of children with women, and experts wanted to know how many families could afford domestic service. Information was also sought on the influence of religious institutions on the advancement of women.

360. More information was requested on programmes designed to rehabilitate prostitutes, on whether prostitution had increased or decreased, on the number of shelters for battered women and laws regarding violence against women and whether laws punishing rape included rape within marriage. It was also noted that laws penalizing adultery might be discriminatory and would require revisions and information was requested on the reaction of women's organizations to this issue.

361. Information was requested on the participation of women in political parties and trade unions. Experts expressed the hope that Argentinian women, who had been highly visible during resistance against the dictatorship recently, would continue to participate in political life. They also wanted to know whether there were any programmes to attain a better level of participation by women in decision-making, and whether feminist organizations were independent from the political parties or affiliated to them.

362. Experts requested information on the enforcement of article 9 of the Convention in courts and on whether both parents could transfer nationality to their children.

363. There were vestiges of a sex-biased education. There were no statistics related to patterns of attendance at institutions of higher learning, and although it was understood that education was compulsory, it was not mentioned until what age. It was asked to what extent education was free, what had been the effect of the literacy plan and whether to be literate was a requirement to be a candidate for parliament. It was noted that women comprised 70 per cent of all the people enrolled

in distance courses and it was asked whether these were emergency measures in order to reduce drop-out rates.

364. Clarification was sought as to whether the under-secretariat was involved in the activities of the Ministry of Health. Experts asked for details on the general health-care system, abortion rights and medical insurance for single mothers. It was also asked whether women in domestic service were covered by social benefits and if there were any unemployment benefits.

365. Members of the Committee commented on the statement of the report regarding the effect of new technologies on women's employment and asked whether studies had been carried out on this subject. Unemployment among rural women was extensive and it was asked what kind of training was given to them and whether results were available on the effects of such employment. The Committee was also interested to know how many women used the available day-care centre facilities and how much they cost, especially what was the cost ratio to the salary received. Questions were also asked relating to job security during maternity.

366. It was appreciated that the Government was making great efforts to strengthen domestic workers' rights and to review and abolish outdated protective legislation such as the banning of night work only for women. The legislation to ban discrimination of women by trade unions was commented upon and it was asked whether many cases had been presented. Other questions related to sexual harassment at work, the percentage of women in the labour force, unemployment rates for women and men, minimum wages, the retirement age of men and women, plans to introduce paternity leave, details on the implementation of the provisions regarding equal pay for work of equal value and statistics on wage differentials between women and men. Information was requested about the income tax system and whether it could be said to encourage or discourage women to enter into employment.

367. The situation of rural women was examined in detail. Special attention was given to the rural extension programmes and on how they affected women. Questions were raised on the current conditions and the future action plans of the Government to improve the situation, on health care, the distribution of land-ownership, the percentage of indigenous population, the role of co-operatives if any, seasonal labour, the mechanization of house-work and farming and its effect on women.

368. Experts commended the Government of Argentina on the new family law and additional information was requested on the revised grounds for divorce. Clarification was also sought on the impact the law had on common law relationships, and on the criteria used for access to food allowances.

369. It was asked what were the rights of children born of parents in and out of wedlock.

370. The representative of Argentina replied that awareness campaigns regarding the ratification of the Convention had been carried out in the rural areas with the collaboration of the provincial governments and the mass media; open seminars for the study of the Convention had also been held. The Convention could be involved directly in court; positive precedents had been established with the ratification by Argentina of the American Convention for Human Rights which the courts

had applied directly.

371. She explained that there were three main offices in charge of women's affairs. One was the Under-Secretariat for Women's Affairs, within the Ministry of Health and Social Affairs, which carried out the programme "Women, health and development". The other was the General Directorate for Women, under the Under-Secretariat for Human Rights, within the Ministry of External Affairs and Religious Affairs. At the provincial level, other organs in charge of women's affairs had been created at the insistence of the Under-Secretariat for Women's Affairs. There was no co-ordinating body and she would pay special attention to comments made by the Committee in this regard.

372. The Under-Secretariat for Women's Affairs was entirely composed of women and comprised four departments, each dealing with different subjects, such as studies and research, advancement and participation, institutional relations and co-ordination, and planning. There were currently no plans to introduce temporary special measures.

373. The modification of social and cultural patterns, including support for working women, was under way through public discussions and mass media programmes. She noted that young women were more open to assuming housework in the marriage, but she had no statistical or case material at hand. She recognized that the unremunerated work of women continued unrecorded in the national indexes. The mass media programmes were seen on the State-owned television channels which were a majority, but not on the privately-owned channels. There were no pre-marriage guidance or counseling services. The official religion in Argentina was Roman Catholic. Regarding the influence of religious institutions on the advancement of women, it would be said that there were conservatives and vanguardists. Court action had been taken in some cases against the exploitation of women as sex objects in mass media and by the advertising industry. Some programmes had been banned on this account.

374. A commission on battered women had been created recently as well as centres for their assistance which taught the victims their rights and how to bring suits through judicial and police channels. These centres also tried to influence public opinion with a view to eradicating sexist and discriminatory practices. Violence against women was not considered by Argentine society in general as a virile or masculine trait; this propensity was only found at the lower socio-cultural level.

375. There was extensive legislation within the Penal Code regarding rape which established prison sentences according to the degree of violence or intimidation used. The penalties ranged from 6 to 15 years in prison.

376. Prostitutes were rehabilitated by private and religious groups. The State had no specific programme in this regard. The term "honest woman" in Argentina's legislation was used as a moral term designed to protect women. She agreed that this was an outdated term and asserted that it would soon be revised.

377. The feminist movement was not affiliated to any political party and was independent. Other

professional organizations were in close contact with the Under-Secretariat for Women's Affairs and some, like the Organization of Women in Legal Careers, gave free advice when called upon. Movements, such as the housewives which had protested price increases, had been responsible for the creation of a state agency for consumer's affairs.

378. There were no statistics on women's participation in trade unions, but it could safely be said that the lack of participation was due to prevailing machistas attitudes in the organizations. Regarding political participation, more interest on the part of women to run for office had been noted since the present Government had initiated its reforms.

379. Nationality was acquired by the place of birth (jus soli), and not by parental derivation (jus sanguinis).

380. Regarding the educational policy of the Government, an advisory commission at the University of Buenos Aires had been created to elaborate and co-ordinate projects to eliminate discrimination against women in education. In Buenos Aires, textbooks did not show any stereotyped models. Co-education was the norm in Argentina in the State schools. Private schools were supervised by the State and in some cases received subsidies as well.

381. Women and men had the same opportunities to enter universities, and these were free of charge in State schools. Primary education was compulsory and free of charge. Courses at distance (a distancia) were successful, especially in remote areas. One successful project involved a television set and video-tapes; students gathered at a centrally located community centre and followed the lessons. At the end of course an evaluation would be made and a certificate delivered; both primary and secondary levels were included in this programme.

382. There were 1,184,964 functional illiterates, and the Government was implementing a national literacy plan to remedy this situation.

383. Equal pay for equal work was assured by the Constitution. In case of discrimination regarding salary scales, the courts were able to accept the complaint and rule both through principles outlined by the Convention and the national legislation.

384. Provisions for protective legislation would be removed as soon as they were considered outdated.

385. The representative also replied to questions which had been raised regarding benefits associated with old age, disability and death. Contributions to these funds were given by the individual or by the employer or the State, as appropriate. There was no discrimination in regard to these provisions. Pensions on retirement could be collected after 30 years' service and women could retire at age 55 while men at 60. She explained the different schemes related to the social security system.

386. Paternity leave was granted for one day - on the occasion of the birth of the child. Leave of absence was paid in general. Regarding child and family care leave, women could request a leave of absence on two grounds; the birth or sickness of a child and the attendance to family matters of

great importance. They had to prove that they had been working for one year at the same place, that they were employed and lived in the country. The leave of absence could be 6 months to a year, depending on the circumstances. She described the situation of young single mothers. Family planning services were available upon request. Birth control devices were not distributed free of charge. Abortion was illegal but not considered as infanticide.

387. The income tax system was progressive and applied to the individual income with provisions for a non-taxable minimum.

388. Women co-operatives were very active in rural areas although not numerous. They ranged from office-cleaning to rabbit-breeding. Mixed co-operatives worked in diverse areas such as electrical services, credit and consumer services, insurance, housing, gardening, among others.

389. Many programmes had been developed to assist rural women, especially in technical training, co-operative formation, small-scale enterprises and marketing. Regarding migrant women farm-workers (called “swallows”), remuneration was equal for both sexes. Extension workers had been detached to the rural areas by the National Institute of Agricultural Technology with the view of promoting an improvement of women’s living and working conditions. A literacy programme had also been introduced. Land tenure was of private nature. Both women who worked in rural areas and domestic workers were protected by specific labour laws.

390. Approximately 1 per cent of the population was of indigenous origin. The indigenous communities were provided with drinking water supply, education and guidance for the sale of their crafts. Religious associations assisted them in the latter. Migration was no longer as serious a problem as at times in the past, since efforts were being made to create jobs in people’s places of origin.

391. The following laws and decrees had been adopted for the benefit of women since 1983, apart from the ratification of the Convention: law on joint parental authority, law on marriage and divorce, law on equal rights between children born in and out of wedlock, right to pension in case of cohabitation in de facto marriages, decree on cancer-screening tests, decree on family planning, law on the elimination of discrimination in the trade unions, decrees creating governmental organs in charge of the status of women, adoption of the American Human Rights Convention, the International Covenant on Civil and Political Rights and its Optional Protocol, and other International instruments.

392. She hoped that she had answered most of the questions and thanked the Committee for its interest and comments. She would bear in mind all the suggestions made.

393. The Committee thanked the representative for her comprehensive replies and clarifications. However, an additional clarification was requested.

394. It had been mentioned in the introductory statement that the principle of equal pay for work of equal value was accepted in Argentina, yet reference was made in the reply to equal pay for equal work only. After a short dialogue with the representative, the Committee expressed concern

that the implications of the principle of equal pay for work of equal value were not always clear to States parties. What was required was the establishment of criteria to make it possible to compare female-dominated jobs with male-dominated jobs and to get a gender-neutral job evaluation. Such measures could also allow an upgrading of female-denominated jobs, thus constituting a means for the elimination of sex discrimination with regard to remuneration.

395. It would also be very beneficial if the Under-Secretariat was made part of the Council of Ministers where decisions and policies were made.

396. The Committee wished the representative of Argentina every success in her endeavours.

CEDAW A/52/38/Rev.1 (1997)

273. The Committee considered the second and third periodic reports of Argentina (CEDAW/C/ARG/2 and Add.1 and 2 and CEDAW/C/ARG/3) at its 355th and 356th meetings, on 22 July 1997 (see CEDAW/C/SR.355 and 356).

274. In introducing the reports, the representative of Argentina pointed out that the country had undergone profound changes since the National Government had taken office in 1989. During that time, programmes on health, education and social welfare had been transferred to the provinces in order to strengthen the federal system.

275. The reform of the National Constitution in 1994 was an important step towards the achievement of equality for Argentine women. Most international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, now have constitutional status and are therefore considered complementary to the rights guaranteed in the text of the Constitution. Furthermore, the new Constitution promotes affirmative action in order to achieve de jure and de facto equality. It also reaffirms the need for special security regulations to cover women during pregnancy and lactation.

276. The representative indicated that the National Women's Council had developed a strong policy for monitoring the application of the Quotas Act, which had led even to the presentation of legal actions demanding that lists of political parties which did not comply with the requirements of the law be declared non-official.

277. The representative stressed the high status of the National Women's Council, which was at the ministerial level and reported directly to the President. The Council had recently focused on decentralizing its structure by strengthening the machinery of the provinces. Thus far, provincial councils for women had been established in 9 of the 24 provinces. The National Council also provided technical assistance and training to support the machinery at the provincial level.

278. Regarding the status of women in the labour market, the National Women's Council had established close cooperation with the Ministry of Labour and Social Security, aimed at promoting women in the labour force.

279. To disseminate information on the rights of women, the National Women's Council had distributed 35,000 free copies of a bimonthly magazine and a CD-ROM containing information on the national and international legislation in the field of women, including the Convention on the Elimination of All Forms of Discrimination against Women and the Beijing Platform for Action.

280. The representative informed the Committee about measures taken to prevent violence in the family and to assist the victims of violence. Special centres for information and advice and permanent telephone services had been established. An agreement between the National Women's Council and the Ministry of Justice had proposed a training programme for councillors and officials who deal with victims of violence. Together with the United Nations Children's Fund (UNICEF), the National Women's Council had launched a national training programme on

violence against women.

281. The representative stated that, at all educational levels, women constituted more than 50 per cent of the students. The Ministry of Education and Culture had established a special entity in charge of women's affairs. Its activities included the revision of curricula, training of staff in the provinces and a research competition relating to women in the educational system.

282. The representative indicated that women's health had improved throughout the last decade. The life expectancy of women increasingly exceeded that of men and maternal mortality rates had gone down. The Ministry of Health had launched training programmes to promote women's health issues.

283. To support rural women, a project providing training and credit facilities for women farmers was set up in 1989.

284. The Secretariat of Natural Resources had declared its commitment to including a gender perspective in all programmes and policies, as requested in the Beijing Platform for Action.

285. The representative informed the Committee that measures had been taken for the full implementation of the integrated system of retirement pensions of housewives approved by Law 24.828. Furthermore, bills had been presented to the National Congress to regulate labour relations concerning domestic employees and their retirement system.

286. The representative concluded by stating that legal measures were in preparation to ensure that women received alimony; a bill creating a national register of those in default of alimony payments had already been passed by the House of Representatives and was pending in the Senate.

Concluding comments of the Committee

Introduction

287. The Committee expressed its appreciation for the detailed responses provided by the Government of Argentina to all the questions sent in advance, as well as the updating of the information contained in the second and third periodic reports which the delegation had provided during their presentation.

288. The Committee was very appreciative of the fact that the delegation had reiterated the firm stance taken by the Government, as part of democratization, regarding its willingness to continue to develop a political ideology of equality for women and to ensure the full implementation of the Convention.

Positive aspects

289. The Committee welcomed the consolidation of democracy in Argentina.

290. The Committee commended the Government for granting the Convention a normative status on a par with the Constitution.

291. The Committee noted with satisfaction that the Constitution recognized the competence of the National Congress to adopt affirmative-action laws so as to guarantee equality of opportunity and treatment.

292. The Committee applauded the increase in the number of women parliamentarians, as a result of the effective application of the Quota Act.

293. The Committee applauded the constitutional recognition of the right of persons affected, of the High Commissioner and of associations to take speedy amparo proceedings against acts or omissions that harmed or threatened rights recognized by the Constitution.

294. The Committee also noted with satisfaction the creation of the Federal Women's Council and the National Women's Council, organs entrusted with the task of promoting and coordinating policies of equality.

Factors and difficulties affecting the implementation of the Convention

295. The Committee expressed concern that women had been adversely affected by the economic reforms and by the amendments to the labour and social-security laws adopted recently.

296. The Committee was concerned about the persistence of stereotypes with regard to the social roles of women and men.

Principal areas of concern

297. The Committee noted that reform of the Penal Code, which would bring it into line with the provisions of the Convention, was still pending.

298. The Committee expressed concern at the fact that the percentage of women pursuing technical careers continued to be low.

299. The Committee was concerned because the reports of the Government of Argentina lacked data and analysis concerning the situation of women subjected to slavery and exploitation for the purposes of prostitution.

300. The Committee was concerned about the very low number of women occupying managerial posts in the private sector.

301. The Committee was concerned about the fact that the rate of unemployment for women (20.3 per cent) was five percentage points higher than that for men (15.7 per cent).

302. The Committee noted with concern that there were no regulations governing the labour

relations of domestic employees.

303. The Committee expressed concern at the fact that there were no regulations to penalize sexual harassment in the workplace in the private sector.

304. The Committee was concerned about the fact that, despite economic and social development in Argentina, maternal mortality and morbidity due to childbirth and abortion remained high.

305. The Committee was concerned about women in rural areas having less satisfactory living conditions than those in urban areas.

Suggestions and recommendations

306. The Committee recommended that the Penal Code be reformed as soon as possible to bring it into line with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women, its general recommendations and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women.

307. The Committee suggested that the Government's plans for equality should be pursued and strengthened and that their results should be evaluated in a more systematic way. Efforts to that end should be reflected in the next periodic report.

308. The Committee recommended that programmes designed to eliminate stereotyping of the social roles of women and men should be sustained and reinforced. Efforts should be made to increase the number of women pursuing technical careers and occupying positions considered to be a male preserve, and to ensure that men share with women the task of caring for the children.

309. The Committee recommended that services for the care of young children who had not yet begun compulsory schooling should be increased and regulated.

310. The Committee suggested that programmes to increase awareness among the police, judges and health-care professionals concerning the gravity of all forms of violence against women should be maintained and strengthened.

311. The Committee requested the Government of Argentina to include in its next report legal and sociological information relating to article 6 of the Convention.

312. The Committee requested the Government of Argentina to provide information on measures taken to avoid, in both the public and the private sectors, discrimination in access to employment and to enforce ILO Conventions No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value and No. 156 concerning Workers with Family Responsibilities.

313. The Committee suggested that labour relations of domestic employees should be regulated.

314. The Committee recommended that sexual harassment occurring in the workplace in the

private sector should be penalized.

315. The Committee suggested that, in accordance with its general recommendation 17 (tenth session)² and with the Beijing Platform for Action, the Government of Argentina should place a value on unremunerated work and include it in national accounts by means of satellite accounts.

316. The Committee recommended that sex-disaggregated statistics relating to education, employment and social security should be supplemented, in particular by including the number of teachers at the various levels of the education system; the number of students receiving grants; part-time work; the number of open-ended contracts and those of a specific duration; average pay; and average retirement pension.

317. The Committee recommended that programmes designed to promote employment of women, particularly young women, should be intensified.

318. The Committee suggested that increased measures of all types should be taken to reduce maternal mortality and morbidity.

319. The Committee recommended that legislation which penalized mothers who had abortions should be reviewed.

320. The Committee recommended the strengthening of programmes and services directed towards rural women.

321. The Committee requested the Government of Argentina to disseminate these comments widely throughout Argentina, so as to make individuals aware of the measures that have been taken to implement the Convention and the remaining steps required to achieve de facto equality for women.

CEDAW A/57/38 part III (2002)

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.