

Distr.: General
18 November 2016

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

Concluding observations on the seventh periodic report of Argentina*

1. The Committee considered the seventh periodic report of Argentina (CEDAW/C/ARG/7) at its 1443rd and 1444th meetings, on 1 November 2016 (see CEDAW/C/SR.1443 and 1444). The Committee's list of issues and questions are contained in CEDAW/C/ARG/Q/7 and the responses of Argentina are contained in CEDAW/C/ARG/Q/7/Add.1.

A. Introduction

2. The Committee appreciates that the State party submitted its seventh periodic report. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group. It welcomes the oral presentation of the delegation and the further clarifications provided in response to the questions posed by the Committee during the dialogue, and its further written replies sent to the Committee.

3. The Committee commends the State party's delegation which was headed by Ms. María Fabiana Tuñez, President of the National Women's Council. The delegation also included representatives from the Ministry of Health; the Ministry of Justice and Human Rights; the Ministry of Foreign Affairs and Worship; the Supreme Court of Justice; the National Institute of Statistics and Censuses; and the Permanent Mission of Argentina to the United Nations Office at Geneva.

B. Positive Aspects

4. The Committee welcomes the progress achieved since the consideration in 2010 of the State party's sixth periodic report (CEDAW/C/ARG/6), in particular the adoption of the following:

(a) Law 27.210 of 4 November 2015, establishing a body of attorneys to provide legal aid to victims of gender-based violence;

(b) National Code of Criminal Procedure (Law 27.063 of 4 December 2014), which reduces the length of legal proceedings and recognizes the rights of victims of gender-based violence;

* Adopted by the Committee at its sixty-fifth session (24 October-18 November 2016).

- (c) National Civil and Commercial Code (Law 26.994 of 1 October 2014) which recognizes the economic value of household work;
- (d) Law 26.862 of 5 June 2013 guaranteeing access to all scientific methods of assisted fertilization;
- (e) Law 26.844 of 13 March 2013 on the Special Employment Contract Regime for Persons Employed in Private Homes and its Regulatory Decree 467/2014 which recognises labour rights and protection for domestic workers;
- (f) Law 26.842 of 19 December 2012 providing for the prevention and punishment of trafficking in persons and assistance to victims;
- (g) Gender Identity Act (Law 26.743 of 9 May 2012), recognizing the right to one's self-perceived gender identity;
- (h) Decision of the Supreme Court of Justice (*F., A.L.s/Medida autosatisfactiva*" F. 259. XLVI, sentence of 13 March 2012), interpreting the Penal Code provisions concerning the legal interruption of pregnancy; and,
- (i) Law 26.618 of 15 July 2010 Egalitarian Matrimony Act, recognizing equal rights to marriage for same-sex couples.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption or establishment of the following:

- (a) The National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019);
- (b) The National Early Childhood Programme adopted by Decree 574/2016, providing for the establishment of child care facilities, in 2016;
- (c) The *Justicia 2020* programme providing for the establishment of centres where women belonging to disadvantaged groups may receive free legal aid, in 2016; and
- (d) The Department of Guidance, Support and Protection to Victims responsible for the protection of victims of trafficking and sexual exploitation, gender-based violence, as well as institutional or other forms of violence against children, in 2014.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

- (a) The Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in 2015;
- (b) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in 2011;
- (c) The 1961 Convention on the Reduction of Statelessness, in November 2014; and
- (d) ILO Convention No. 189 (2011) concerning Decent Work for Domestic Workers, in 2014.

C. Principal areas of concern and recommendations

National Congress

7. **The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It**

invites the National Congress, in line with its mandate, to take necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.

Visibility of the Convention, Optional Protocol and the Committee's general recommendations

8. The Committee observes that the Convention takes precedence over national legislation in the State party and can be directly applied by the domestic courts and authorities. However, the Committee remains concerned about the lack of court cases and administrative proceedings, in particular at provincial and municipal levels, where provisions of the Convention were directly invoked and/or applied. It is further concerned that the provisions of the Convention, the Optional Protocol thereto and the Committee's general recommendations are not sufficiently known in the State party, including by the public authorities.

9. The Committee recommends that the State party:

(a) **Take appropriate measures to ensure the dissemination of the Convention, the Optional Protocol thereto and the Committee's general recommendations among relevant stakeholders, including government officials, members of legislative bodies, the judiciary, lawyers, law enforcement officers and the general public, in order to promote awareness of women's human rights in the State party;**

(b) **Encourage judges at all levels of the judiciary, public officials and lawyers to apply or invoke the provisions of the Convention in court and administrative proceedings and to take into consideration the jurisprudence of the Committee under the Optional Protocol as well as its general recommendations; and**

(c) **Enhance women's awareness of their rights and the means to enforce them, targeting specific groups of women such as indigenous and Afro-descendant women, women living in rural and remote areas, women with disabilities and older women.**

Legislative framework

10. The Committee notes the State party's adoption of key legislation aimed at promoting substantive equality of women and men. However, the Committee is concerned about:

(a) The lack of effective implementation of the comprehensive legislative framework for the advancement of women in the State party, resulting in *de facto* discrimination against women in areas such as participation in political and public life, education, employment, health, housing and access to land; and,

(b) The challenges faced by the State party in the implementation of the Convention across its territory, including for the matters that are under the jurisdiction of the provinces, such as education and health.

11. The Committee recalls its previous concluding observations (CEDAW/C/ARG/CO/6, para. 12), and recommends that the State party:

(a) **Identify areas where the legislation at the provincial level appears to diverge from the obligations of the State party under the Convention and promote legislative reforms and a process to harmonize legislation, prioritizing legislation on women's equal access to education and health services;**

(b) **Set up accountability mechanisms to monitor the impact of the implementation of legislation intended to promote gender equality at all levels of**

jurisdiction, and allocate appropriate human, technical and budgetary resources for such implementation; and

(c) Raise awareness among public authorities at the provincial level, about the rights enshrined in the Convention and strengthen the allocation of human, technical and financial resources for the implementation of national programmes on equality between women and men.

Access to justice and legal complaint mechanisms

12. The Committee commends the State party for the establishment of the Attorneys for Victims of Gender Violence Unit at the Ministry of Justice of Justice and Human Rights (Law No. 27.210 of November 2015) and welcomes the establishment of Access to Justice Centres (CAJ), which provide free legal counselling and the creation of specialized units (ATAJOS) at the Public Legal Aid Service, covering complaints and alternative dispute resolution mechanisms. Nonetheless, the Committee is concerned about the institutional, procedural, and practical barriers faced by women in gaining access to justice, such as:

(a) Discriminatory stereotyping, judicial bias and limited knowledge on women's rights among the judiciary and the police;

(b) Use of mediation in cases of gender-based violence against women;

(c) Limited access to legal aid and to interpreters of indigenous languages, and long distances to courts in rural and remote areas; and

(d) Women's limited access to information about their rights under the Convention as well on legal remedies available to women victims of gender-based violence, including marital rape.

13. **The Committee, in line with its General Recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) Provide systematic and mandatory capacity building to magistrates, judges, prosecutors, public defenders, lawyers, law enforcement, administrators, mediators, and expert practitioners on women's rights and the application of Law No. 26.485;

(b) Strengthen the role of the Women's Office at the Supreme Court to monitor respect for gender equality in the work of the judiciary;

(c) Ensure that cases of violence against women, including domestic violence, are under no circumstances addressed under mediation procedures and ensure that victims have access to effective remedies and redress;

(d) Ensure that information on legal remedies is available to women victims of gender-based violence, including in indigenous languages and in formats accessible for women with disabilities;

(e) Introduce a system of mobile courts, aimed at facilitating access to justice for women living in rural and remote areas;

(f) Ensure that the new unit of attorneys for victims of gender violence, the access to justice centres and the specialized units at the Public Legal Aid Service (ATAJOS) provide free legal aid to all women without sufficient means across the territory of the State party, and provide interpretation services to indigenous women; and,

(g) Ensure that victims of gender-based violence have access to timely and effective remedies that may take the form of restitution, compensation, and rehabilitation.

National machinery for the advancement of women

14. The Committee notes that the National Council of Women has increased its budget and that the Federal Council for Women has been strengthened by establishing a permanent secretariat that provides for coordination of its initiatives. However, the Committee is concerned about:

(a) The limited resources of the National Council of Women to promote gender equality strategies, as well as to support its role as the coordinating body for the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019);

(b) The lack of a systematic and institutionalized coordination between the federal and provincial governments, in particular the National Council of Women and the provincial and municipal women's areas across the territory; and

(c) Women's lack of effective participation in the design and monitoring of public policies on gender equality.

15. **The Committee recommends that the State party:**

(a) Increase the human, technical and financial resources of the National Council of Women and give it ministerial rank, to make it more visible and enhance its capacity to promote and monitor the implementation of gender equality policies;

(b) Strengthen efforts for permanent coordination between the National Council of Women, the Provincial Women's Offices and the Municipal Women's Offices, establishing clear lines of interaction and reporting mandates concerning the implementation of national plans in the area of gender equality; and

(c) Ensure that women's organizations and other non-governmental organizations participate in the design and monitoring of the implementation of gender equality policies.

Temporary Special Measures

16. The Committee observes that the State party recognises quotas for women's representation in Parliament and Trade Unions as a form of temporary special measures, established in 1991 and 2002 respectively. It also notes the different bills regarding parity in the participation of women and men in the three branches of government. However, it notes with concern the limited implementation of quotas, as reflected by women's low representation in provincial and municipal legislatures. The Committee is also concerned about the absence of temporary special measures to accelerate the achievement of substantive equality of women and men in other areas covered by the Convention such as education and employment.

17. **The Committee recommends that the State party:**

(a) Adopt and implement temporary special measures, in line with article 4, paragraph 1, of the Convention and its General Recommendation No. 25 (2004) on temporary special measures, at federal, provincial and municipal levels, with specific targets and timeframes to accelerate substantive equality of women and men in all areas where women continue to be disadvantaged or underrepresented, including for indigenous and Afro-descendant women, migrant and older women, and women with disabilities; and

(b) Regularly monitor and evaluate the impact of such measures and provide information on the results achieved in the next periodic report.

Stereotypes and harmful practices

18. The Committee notes that the State party has adopted measures to combat discriminatory stereotypes against women, in particular providing capacity building which targets officials of government and the justice system. It also notes that the State party is through public awareness-raising campaigns and legislation concerning the media, preventing sexism and banning sex-trade advertisements. However, it remains concerned about the persistence of discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society, the intersecting forms of discrimination as well as about the deep-rooted *machismo* culture in the State party, which underpin discrimination and gender-based violence against women, including sexual and domestic violence, femicides as well as sexual abuse at school and sexual harassment in the workplace.

19. **The Committee recommends that the State party:**

(a) Intensify its efforts aimed at dispelling the sexist attitudes and stereotypes displayed by State public authorities in the three branches of government;

(b) Adopt a comprehensive strategy targeting women, men, girls and boys to overcome *machismo* culture and discriminatory stereotypes on the roles and responsibilities of women and men in the family and in society. Ensure that this strategy also address intersecting forms of discrimination against women, as defined by the Committee's General recommendation No. 28 (2010) on "the Core Obligations of States Parties under Article 2 of the Convention on the Elimination of All Forms of Discrimination against Women", paragraph 18;

(c) Strengthen cooperation with civil society organizations in combating discriminatory stereotypes through public awareness raising campaigns such as the "#Ni Una Menos" campaign; and

(d) Amend Law No. 26.522 (2009) on audio-visual communication services, in order to provide the Ombudsperson with the power to sanction violations of the provisions to regulate gender stereotypes and sexism in media.

Gender-based violence against women

20. The Committee welcomes the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019). It also welcomes the measures taken by the State party to enhance data collection on gender-based violence through its National Institute of Statistics and Censuses, as well as the establishment of shelters for women victims of gender-based violence and their families by virtue of the Framework Protocol for Shelter Facilities. However, the Committee is concerned at the:

(a) Persistence of gender-based violence against women in the State party, including physical, psychological, sexual, and economic violence in both the private and public spheres;

(b) Reports about an increasing number of cases of *femicide* in the State party;

(c) Regional disparities in the provision of redress for victims of gender-based violence, including as regards the number of shelters, access to psychosocial counselling, legal aid and reparation;

(d) Lack of information on the accessibility of shelters for older women, women belonging to ethnic minorities, migrant and refugee women and women with disabilities; and

(e) Hate crimes against lesbian, bisexual, transgender and intersex persons (LBTI), including reports of harassment by the police, murders of transgender women, and

the killing of LGBTI activists, as well as the absence of statistical data on the number of complaints about such crimes, investigations, prosecutions and convictions of perpetrators, as well as on redress provided to victims.

21. **The Committee recommends that the State party:**

(a) **Allocate adequate budgetary resources for the effective implementation of the National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019);**

(b) **Enhance the prevention of *femicides* and ensure the investigation, prosecution and convictions of perpetrators of *femicides*;**

(c) **Ensure technical and financial resources to the Unified Register of Cases of Violence against Women to generate up to date statistical data, disaggregated by sex, age, ethnicity and relationship between the victim and the perpetrator, on the number of reported cases of gender-based violence against women, investigations, prosecutions, and convictions imposed on perpetrators, as well as redress provided to victims and their families;**

(d) **Ensure that shelters for women victims of violence provide legal and psychological counselling, rehabilitation, and other support services, and are accessible for women of ethnic minorities, women with disabilities, migrant and refugee women;**

(e) **Set up a trust fund financed from public and private sources, to provide compensation and other forms of reparation as well as legal aid to women victims of gender-based violence;**

(f) **Adopt criteria and guidelines for the provision of legal, psychosocial and economic assistance that is victim-oriented, recognizes the special needs of women with disabilities, and is culturally appropriate for indigenous women; and**

(g) **Denounce attacks on the human dignity and integrity of LGBTI persons, including by raising public awareness of their rights in partnership with civil society. Adopt measures to prevent hate crimes and ensure investigations, prosecutions, convictions and reparations.**

Trafficking and exploitation of prostitution

22. The Committee notes that the State party has strengthened its policy and institutional framework for combating trafficking in persons, namely by adopting the National Programme to Combat Human Trafficking and Exploitation and Protect and Assist the Victims Thereof. However, the Committee notes with concern:

(a) That the State party is a country of origin, transit and destination of trafficking in women, mainly affecting women from Brazil, Bolivia, the Dominican Republic, Paraguay and Peru;

(b) The lack of harmonization of provincial legislation with that at the federal level criminalizing trafficking in persons for purposes of forced labour and forced prostitution, which causes delays in prosecuting and meting out sentences for traffickers;

(c) The lack of information on a gender-sensitive approach in the identification of victims of trafficking and different forms of exploitation;

(d) Reported cases of complicity of public officials in cases of sex trafficking and exploitation of prostitution; and

(e) Girls in prostitution as well as the lack of effective prevention policies and measures to investigate, prosecute and convict all perpetrators involved in prostitution of girls.

23. **The Committee recommends that the State party:**

(a) **Effectively implement the National Programme to Combat Human Trafficking and Exploitation and Protect and Assist the Victims Thereof, and collect and analyse disaggregated data on both internal and cross-border trafficking and exploitation of women in prostitution;**

(b) **Expediently harmonize legislation criminalizing trafficking at all levels of jurisdiction and align provincial and municipal norms and practices with federal and international standards on trafficking in persons and exploitation of prostitution;**

(c) **Build the capacity of the judiciary and the police to conduct investigations of trafficking and exploitation of prostitution cases in a gender-sensitive manner and strictly apply existing criminal law provisions to prosecute and adequately punish perpetrators, and intensify efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information and harmonizing legal procedures to prosecute traffickers, particularly States of origin;**

(d) **Establish a referral and identification mechanism, increase funding for shelters, and provide counselling, rehabilitation services, and psychosocial assistance for women and girls victims of trafficking and exploitation of prostitution; and**

(e) **Combat girls' entry into prostitution and their exploitation, including by addressing poverty, as one of its root causes and investigate, prosecute and convict all perpetrators involved, including those on the demand side.**

24. The Committee is further concerned about insufficient structural measures for promoting economic empowerment of women and girls that could prevent their engagement in prostitution as their main income-generating activity, as well as about the absence of exit programmes for such women who wish to leave prostitution.

25. **The Committee further recommends that women's economic empowerment be enhanced by strengthening income-generating opportunities and provide exit programmes for women who wish to leave prostitution.**

Participation in political and public life

26. The Committee takes note of the advances in the representation of women in several areas, including in the National Congress and the judiciary. The Committee welcomes the draft legislation approved by the Senate, which establishes gender parity for appointments at the national level. The Committee also welcomes the approval by the Chamber of Deputies of the draft bill establishing parity for the political party lists, starting in 2017. It also observes that some provinces, including Cordoba, Santiago del Estero, Rio Negro and Buenos Aires, have adopted legislation requiring gender parity on political parties' lists of candidates. However, the Committee remains concerned about:

(a) The underrepresentation of women in Trade Unions, the Executive branch, particularly in decision-making positions, in the private sector and as heads of provincial and municipal administrations; and

(b) Barriers faced by women in political and public life, such as unequal distribution of child-raising and household tasks between women and men, violence and harassment against women engaged political life, and patriarchal structures within political parties.

27. **The Committee recommends that the State party:**

(a) **Approve the draft bills establishing gender parity in the Executive Branch (Bill 485/15), in the Supreme Court (N° 474-D-2015; 169-D-2016; 403-D-2016;**

905-D-2016; 1091-D-2016); and in elective positions (Bill N° 1655-D-2015 and 1198/16; 1192/16; 1063/16, 1032/16, 488/16);

(b) Take measures to implement Law 25.674 of 2002 establishing a "female union quota" in order to ensure women's representation in Trade Union positions and in the private sector;

(c) Take measures to accelerate women's full and equal participation in elected and appointed bodies at the provincial and municipal administrations, by removing barriers faced by women in political and public life;

(d) Intensify awareness-raising campaigns for politicians, journalists, teachers and the general public, to enhance the understanding that the full, equal, free and democratic participation of women on an equal basis with men in political and public life is a requirement for the full implementation of women's human rights; and

(e) Adopt measures to promote women candidates, such as financial support for campaigning, capacity building on campaigning strategies, leadership and negotiation skills for women.

Education

28. The Committee commends the State party on the high literacy rate of 98% for women and men above 15 years of age. It also takes note of the measures in the framework of the "Progresar" and "Conectar Igualdad" programmes. However, the Committee notes with concern:

(a) The high number of girls dropping out from school due to early pregnancy and the limited implementation of the Sex Education Programme by the provinces;

(b) Women's and girls' under-representation in traditionally male dominated fields of study, such as mathematics, engineering, and new information technologies; and,

(c) The low enrolment and resulting high illiteracy rates among indigenous women and girls, due to competing household and caretaking obligations, recruitment as workers in hotels or as sexual workers, and priority being given to the schooling of boys.

29. **The Committee recommends that the State party:**

(a) **Ensure the implementation of Law 26.150 of 2006 that creates the National Comprehensive Sex Education Programme across all provinces and its incorporation in the regular school curriculum, as well as the training of teachers to deliver the programme in an age appropriate manner at all levels of education, aimed at promoting responsible sexual behaviour and preventing adolescent pregnancy and sexually transmitted diseases;**

(b) **Facilitate re-entry into school for young mothers, including by granting scholarships;**

(c) **Promote women's and girls' choice of non-traditional fields of study and career paths, such as mathematics, engineering and new information technologies, and other technical-vocational areas, including by providing career counselling and guidance; and**

(d) **Adopt and implement targeted measures, including temporary special measures in line with article 4, paragraph 1 of the Convention and General Recommendation No. 25 (2004) to accelerate equal access to all levels of education by indigenous girls and women, and enhance the school infrastructure in rural and remote areas to facilitate their access to education.**

Employment

30. The Committee is concerned about the following:

(a) Persistent gender wage gap, particularly in the private sector, which especially affects women with high levels of education;

(b) Unemployment and concentration of women in the informal sector of the economy, in particular migrant women;

(c) Lack of sex-disaggregated data on domestic work and the absence of monitoring mechanisms to oversee the working conditions of women domestic workers in compliance with mandatory laws;

(d) Women's limited access to decision-making positions in private companies and the lack of measures in place to facilitate conciliation of family and work life;

(e) Persistent exploitation of child labour in the State party, including in domestic work and in private sector business (pubs, restaurants), and the lack of information about strategies at the provincial and municipal levels to combat child labour; and,

(f) Limited access to employment opportunities for women experiencing interseccional discrimination and social stigmatization, such as transgender women.

31. **The Committee recommends that the State party:**

(a) Apply the principle of equal pay for work of equal value as well as gender-neutral analytical job classification, evaluation methods and regular pay surveys;

(b) Create more opportunities for women, including migrant women to gain access to formal employment, in particular by promoting the equal sharing of domestic and family responsibilities between men and women, providing sufficient and adequate childcare facilities, and strengthening incentives for men to exercise their right to parental leave; and adopt a time-bound plan to implement ILO Recommendation No. 204 concerning the Transition from the Informal to the Formal Economy (2015), with a view to facilitating women's access to the formal economy;

(c) Monitor the working conditions of women domestic workers, including through regular inspections of private households, and ensure that women domestic workers are covered by social security schemes;

(d) Collect information on women's representation in the private sector, design strategies to promote women in decision-making positions by training them in management skills, and adopt legislative and non-legislative measures to facilitate conciliation between work and care responsibilities, such as promoting flexible time arrangements;

(e) Undertake a new survey on child labour, strictly enforce legislation on the minimum age of work in the State party, and conduct awareness raising campaigns to tackle child labour, in particular the domestic work of girls;

(f) Accelerate the adoption of programmes at the national, provincial and municipal levels to promote access to employment opportunities for women who experience interseccional social stigmas and discrimination against them; and

(g) Widespread good practices carried out by the Province of Buenos Aires on employment of transgender women, to other provincial and municipal levels.

Health

32. The Committee acknowledges measures adopted by the State party in the framework of the National Sexual Health and Responsible Parenthood Programme, and welcomes the adoption of the Law 26.862 on assisted fertilization, in 2013 and the Guide for the comprehensive health care of transgender persons, in 2015. It also notes the actions undertaken for preventing HIV/AIDS and Sexually Transmitted Diseases, including the delivery of antiretroviral medication. However, the Committee is deeply concerned about the stagnation of maternal mortality rate in the State party, due in part to unsafe abortion, the limited access to legal abortion in the State party, contrary to the legislation and the decision taken by the Supreme Court of Justice in 2012, the frequent refusal of doctors to perform an abortion based on conscientious objection, and cases of prosecutions against women who have carried out abortions.

33. **The Committee urges the State party to:**

(a) **Reduce maternal mortality rate, ensuring that women have access to appropriate services, including emergency obstetric services, in connection with pregnancy, including ante-natal, maternity and post-natal services, and increase the budget allocations for the provision of gynaecological and obstetric services in rural and remote areas;**

(b) **Initiate accountability procedures to ensure that all provinces approve protocols on the practice of non-punishable abortion, in line with the decision of the Supreme Court of Justice in 2012 and in line with the national Protocol for the Comprehensive Care of Persons Entitled to Legal Interruption of Pregnancy;**

(c) **Ensure that women have access to safe legal abortion and post-abortion services and define and apply strict justification requirements to prevent the blanket use of conscientious objection by doctors refusing to perform abortions, considering in particular the situation of early pregnancies as a result of rape and incest that may amount to torture; and**

(d) **Accelerate the adoption of the draft law for the voluntary interruption of pregnancy increasing legal access to abortion, not only in cases of rape and risk for the life or health of the pregnant woman but also other circumstances such as incest and severe foetal impairment is at risk.**

34. The Committee is further concerned about the:

(a) High rate of early pregnancies in the State party;

(b) Limited access to mental health services, particularly for women living in rural areas and women with low incomes, and regional disparities in the implementation of the Mental Health Act (Law No. 26.657), which provides for de-institutionalization, rehabilitation and reintegration of the patient into the community;

(c) Absence of specific strategies to ensure access to quality health care for older women;

(d) Limited access to specialized health services, in particular sexual and reproductive health services, for women with disabilities; and

(e) High consumption of tobacco among girls as compared to boys.

35. **The Committee recommends that the State party:**

(a) **Ensure access to counselling and education on sexual and reproductive rights for adolescent girls and boys, conduct awareness-raising campaigns about modern contraceptive methods and increase access to safe and affordable contraceptives;**

(b) **Develop strategies at the local level in partnership with teachers and civil society aimed at promoting family planning and to overcome cultural barriers to the use of contraceptives;**

(c) **Adopt a strategy with time-bound targets and indicators to provide access to mental health services to women across the State party and disseminate information about available mental health services;**

(d) **Design policies and programmes at the national and provincial levels to ensure access to health care for older women;**

(e) **Ensure that women with disabilities have access to information in accessible formats about their sexual and reproductive health and rights;**

(f) **Take measures to ensure that health services, particularly gynaecological services are made accessible to women with disabilities, in particular through investments in health facilities and equipment, and by raising awareness among health care professionals on the rights and dignity of women with disabilities; and**

(g) **Ratify the World Health Organisation Framework Convention on Tobacco Control, reduce the high tobacco consumption among adolescents, in particular girls, and address the health consequences.**

Economic empowerment of women

36. The Committee commends the efforts made by the State party in the development of social policies since its last Concluding Observations. Nevertheless, it notes with concern that such policies have had a limited impact on reducing poverty and improving women's economic livelihood. It is also concerned that the number of female entrepreneurs in the State party has decreased and that only a small percentage of women avail themselves of financial loans for making investments. The Committee is further concerned that women entrepreneurs have only limited access to microcredits.

37. **The Committee recommends that the State party take economic structural measures to reduce poverty and improve women's economic livelihood. It also recommends taking targeted measures, such as special microcredit and low interest credit schemes and technical assistance and counselling, to increase women's access to loans and financial credit and promote their entrepreneurial activities.**

Rural women

38. The Committee welcomes that the Rural Land Act (Law No. 26.727 of 2011) provides for the protection of family farming and biodiversity, and that women have equal rights as men to access land, enter into contracts and administer assets. However, the Committee is concerned about:

(a) **Poverty among rural women and their dependency on public transfers and limited access to justice, education and health services, particularly in the most deprived areas;**

(b) **The negative impact on rural women's access to land of Executive Decree No. 820/2016 of 29 June 2016 removing certain restrictions on the acquisition and leasing of rural land by foreign individuals and legal entities;**

(c) **Rural women's risk of forced eviction and gender-based and sexual violence and harassment in the context of large scale economic development projects; and**

(d) **The disproportionate impact of climate change and other natural disasters on rural women.**

39. **The Committee, in line with its General recommendation No. 34 (2015) on the rights of rural women, recommends that the State party:**

(a) **Design specific programmes aimed at ensuring sustainable development and combating poverty situations faced by rural women, through specific resource allocation, employment opportunities, social protection measures, and specific education programmes for rural women;**

(b) **Adopt safeguards and monitor processes for acquisition and leasing of rural land, with the aim to protect land ownership by women, and facilitate their participation in the revenues of large scale development projects;**

(c) **Adopt policies to prevent forced eviction and prevent violence, stigmatization and attacks against rural women in the context of large scale economic development projects; and**

(d) **Ensure that rural women are represented in decision-making processes at all levels in the agricultural sector, including as regards policies concerning disaster risk reduction, post-disaster management and climate change.**

Indigenous women

40. The Committee notes with concern that indigenous women face intersecting forms of discrimination in the State party, based on their ethnic origin and social status, as well as racial hate, violence, poverty and marginalisation. It is particularly concerned about:

(a) The lack of recognition and protection of land tenure and ownership by indigenous women, forced evictions from indigenous traditional lands in regions such as Gran Chaco, and indigenous women's exclusion from decision-making processes concerning land use;

(b) Indigenous women's limited access to water, including drinking water and sanitation due to lack of infrastructure, in particular in isolated indigenous communities such as the Wichi in Miraflores (Gran Chaco region);

(c) The negative impact on the health of indigenous women and girls, who are engaged as agricultural workers, of the use of pesticides, fertilizers, and agro-chemicals; and

(d) The absence of effective consultation and benefit sharing mechanisms to ensure the free, prior and informed consent of indigenous women to development projects on their territories.

41. **The Committee recommends that the State party:**

(a) **Adopt measures to formally recognize indigenous women's land tenure and ownership, and promote dialogue at the community level aimed at eliminating discriminatory norms and customs that limit indigenous women's land ownership rights;**

(b) **Prevent forced evictions of indigenous women by strengthening legal and procedural safeguards, and ensure their meaningful participation in decision-making processes regarding the use of traditional indigenous lands;**

(c) **Ensure that indigenous women have adequate access to safe and affordable water for personal and domestic uses, as well as for irrigation;**

(d) **Review the current negligent handling of complaints about harmful pesticides, fertilizers and agro-chemicals use filed by indigenous women before the Ministry of Health, and ensure that such cases are solved in a timely and appropriate manner, in line with the Committee's General recommendation No. 34 (2015) on the rights of rural women; and**

(e) **Set up a mandatory and effective consultation and benefit sharing mechanism to seek the free, prior and informed consent of indigenous women regarding the use of their natural resources and lands.**

Migrant, refugee and asylum-seeking women

42. The Committee notes the existence of the Migration Act Law No. 25.8716 (2003) and the Refugee Law No. 26.165 (2006). However, the Committee is concerned about the absence of programmes aimed at social and economic integration of migrant, refugee and asylum-seeking women in the State party. It is also concerned about the exclusion in practice of refugee, asylum-seeking and undocumented migrant women from social protection, such as *Asignacion Universal por Hijo* (AUH) and disability-related entitlements, as well as from education and health care services.

43. **The Committee, in line with its General Recommendation No. 26 (2008), on Women Migrant Workers and its General Recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, recommends that the State party enforce Refugee Law No. 26.115 (2006). It also recommends that the State party develop comprehensive programmes to enable refugee asylum-seeking and migrant women to have access to education, employment, social protection and health care, and collect sex-disaggregated data on the results of such programmes.**

Women in detention

44. The Committee takes note of the Gender Programme in the Federal Prison Service (SPF). However, the Committee remains concerned about:

- (a) Number of women in pre-trial detention;
- (b) Invasive body searches performed on women in prisons and the absence of information about the use of electronic surveillance systems at the provincial level;
- (c) Limited access to education, job skills training, work opportunities and health services for women in detention;
- (d) Reports of ill-treatment of women in detention, including physical and psychological violence inflicted by penitentiary officers and solitary confinement; and
- (e) Delays in the implementation of Law 26.472 (2009) on alternatives to detention for pregnant women and mothers with children below five years of age.

45. **The Committee recalls the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules, GA resolution 65/229, 21 December 2010) and recommends that the State party:**

- (a) **Take measures to limit the use of pre-trial detention of women, including by widening the recourse to precautionary measures;**
- (b) **Prohibit invasive physical searches of women by penitentiary officers and develop mandatory capacity building programmes for prison staff on gender equality and women's dignity and rights;**
- (c) **Allocate human, technical and financial resources aimed at expanding the coverage of education, employment programmes and health services to also include women in pre-trial detention;**
- (d) **Prioritize the implementation of the recommendations made by the Subcommittee on the Prevention of Torture (CAT/OP/ARG/1) and accelerate the investigation of alleged cases of ill-treatment and other cases of gender-based violence against women in detention; and**

(e) **Accelerate the implementation of the Law 26.472 (2009) and provide alternatives to detention for pregnant women and mothers with young children, taking into account the best interest of the child.**

Equality in marriage and family relations

46. The Committee notes that the Civil and Commercial Code (Law 26.994) reform recognises equal rights of women and men in relation to marriage. However, it notes with concern the absence of gender-based criteria and legal advice to apply provisions under the New Civil and Commercial Code (article 440), allowing for marriage under 18 years based on authorization of judicial authorities, and the decisions on financial compensation for economically disadvantaged spouse, during proceedings aimed at divorce.

47. **The Committee recommends that the State party collect disaggregated statistical data on marriages of adolescents above 16 and below 18 years of age and define clear criteria to assess applications for judicial authorization of such marriages. It also recommends that the State party adopt guidelines on the compensation of the economically disadvantaged spouse for use in divorce proceedings, in line with the Committee's General Recommendation No. 29 (2013) on article 16 of the Convention (Economic consequences of marriage, family relations and their dissolution); and ensure that women without sufficient means have access to free legal aid during divorce procedures.**

Data collection and analysis

48. The Committee notes with concern the insufficient updated disaggregated information and data on the situation of women facing intersecting forms of discrimination based on their sex and age, ethnic origin or socio-economic, migrant, asylum-seeking, refugee or disability-related status as well as sexual orientation and gender identity.

49. **The Committee recommends that the State party collect statistical data disaggregated by sex, age, ethnic origin, and migrant, asylum-seeking, refugee and disability status as well as by sexual orientation and gender identity in all areas of the Convention, including education, employment and health, and in the public and private spheres. The State party should use the findings on disaggregated data collection to identify areas of discrimination as a base-line for developing its policies.**

Dissemination

50. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Congress and to the judiciary, to enable their full implementation.**

Follow-up to concluding observations

51. **The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 27 (a); 33 (b) and (d) and 41 (d) above.**

Preparation of the next report

52. **The Committee invites the State party to submit its eight periodic report in July 2020. In case of delay, the report should cover the entire period until the time of its submission.**

53. The Committee requests the State party to follow the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents” (HRI/MC/2006/3 and Corr.1).
