

The Argentine Republic

Positions for the Commission on the Status of Women

I. Strengthening the Rule of Law in Addressing Violence Against Women

The Argentine Republic fully acknowledges the importance of addressing and remedying violence against women globally as shown by active participation in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).¹ Argentinian Law No. 24417 of December 1994 protects citizens from domestic violence by allowing judges to evict abusive spouses from family households, and thereby empowering women in the judicial system and strengthening their role in society.² In April 2009, the Argentine government passed Law No. 26485, which approves Integral Protection, Punishment, and Eradication of Violence against Women in areas in which they Develop Interpersonal Relations.³ President Cristina Fernandez de Kirchner acknowledges the importance of women as driving forces for informed decision making processes as well as the advantages of women representing populations internationally, stating “Our society needs women to be more numerous in decision making positions and in entrepreneurial areas.”⁴

Through CEDAW, the Argentine Republic has taken steps, including the implementation of the world’s first gender quota law in 1991, to eradicate issues of gender inequality and inefficient rule of law. In the Electoral Quota Law, party lists are required to have a minimum of 30% women running as candidates for all national elections. This has increased the number of women in national legislature to 37% in the Chamber of Deputies and 39% in the Senate.⁵ Also through domestic implementation of CEDAW, Argentina has 40% women in the workforce and continues to submit reports to CEDAW most recently in 2004, CEDAW/C/ARG/5/Add.1, which outlines efforts of the National Women’s Council to increase awareness and implement policies that are beneficial to women. The National Women’s Council was created by the National Plan for implementation of Resolution 1325 of the United Nations Security Council. The Council promotes the National Programme of Training, Technical Assistance and Awareness-raising Activities relating to Violence against Women which focuses on prevention and proper treatment of violence against women.⁶ Additionally, the Argentine Republic has ratified the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women which builds on global standards of the 1977 Geneva Convention Article 76 for combating this violence by increasing awareness and strengthening the courts protective orders for women.⁷

The Argentine Republic proposes the creation of a subcommittee within CEDAW consisting of exemplary member nations that will expand upon the ideals of the Inter-American Convention to Prevent, Sanction and Eradicate Violence against Women in order to raise the standards in the international community. Through this subcommittee, a number of international guidelines and plans will be developed as a means for improving women’s rights. Goals for this sub-committee include:

- 1) Extend the definition of gender violence provided in article one and two of the IACPPEVW to be included as an international global standard.
- 2) Redirect legal processes to focus on treatment for victims rather than punishment for perpetrators. This must be implemented to cease the re-victimization of women through legal processes. Argentina has taken action through the National Refugee Committee that other countries may use as a guideline to provide free council for women subject to violence as well as psychologists and other professionals to assist victims.⁸

¹ United Nations. UN Entity for Gender equality and the Empowerment of Women. *Convention on the Elimination of All Forms of Discrimination against Women*. New York, 2009. Web. 20 Sept. 2013. <<http://www.un.org/womenwatch/daw/cedaw/>>.

² United Nations. High Commissioner for Refugees. *Argentina: Women Victims of Domestic Violence; State Protection and Resources Available to Victims*. Buenos Aires, 2008. Web. 19 Sept. 2013. <<http://www.refworld.org/docid/47ce6d7ca.html>>.

³ United Nations. Organization of American States. *Integral Protection Act to Women. Law 26,485*. Buenos Aires, 2009. Web. 22 Sept. 2013. <<http://www.hsph.harvard.edu/population/domesticviolence/domesticviolence.htm>>.

⁴ Cristina Fernández de Kirchner: *President of Argentina*. Eight Women Around the World. 2012. Web. 29 Sept. 2013. <<http://www.mtholyoke.edu/~carve22r/classweb/eightwomen/kirchner.html>>.

⁵ “Argentina.” *Quota Database*. International IDEA, 15 Apr. 2013. Web. 29 Sept. 2013. <<http://www.quotaproject.org/uid/countryview.cfm?CountryCode=AR>>.

⁶ United Nations. Convention on the Elimination of all Forms of Discrimination against Women. *Follow-up to the fourth and fifth periodic reports of States parties: Argentina*. Buenos Aires, 2004. Web. 22 Sept. 2013. <http://www.iwraw-ap.org/resources/pdf/31_official_documents/argentinaARG5Add1.pdf>.

⁷ United Nations. Division for Advancement of Women. *Handbook for Legislation on Violence Against Women*. New York, 2010. Web. 19 Sept. 2013. <<http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>>.

⁸ *Multisectorial Services and Responses for Women and Girls Subject to Violence*. Commission on the Status of Women: UN, 2013. Web. 31 Aug. 2013. http://www.un.org/womenwatch/daw/csw/csw57/panels/panel2_moderators_summary.pdf.

- 3) Diminish the scope and power of discriminatory customary laws. Argentina has worked to reverse gender inequalities through gender quota laws, which have succeeded in increasing female participation in government. Written laws must be made to overrule such discriminatory laws of custom.⁹

II. Combating the Challenges of Protecting Refugee Women and Girls

The Argentine Republic strongly rejects the spread of violence against refugee women and girls, evidenced by Argentina currently providing shelter for 3,360 refugees (34% of which are women)¹⁰ from regional conflicts. The Argentine Republic has constantly taken steps to combat the challenges of protecting refugee women including the implementation of the National Refugee Law No. 26.165 in November 2006, aimed at providing proper support and psychological care.¹¹ Under this law, the Argentine Republic has created the National Refugee Committee (CONARE) charged with observing guidelines from the United Nations High Commissioner for Refugees (UNHCR) regarding the protection of refugee women and gender violence.¹² CONARE works to ensure timely processing of asylum-seeker applications and additionally helps asylum-seekers and refugees find work and education.¹³

The Argentine Republic reaffirms commitments to ideals of the 1951 Refugee Convention (ratified in 1961) along with groups such as Stop Violence against Women, UN Women and UN WomenWatch. Collaboratively working to combat the three major challenges of women is exacerbated for refugee women and girls; discrimination, sexual and gender based violence and access to protection and assistance.¹⁴

Argentina created Law No. 26.364 on trafficking in persons; an issue recognized by the UNHCR as directly related to refugee women and girls.¹⁵ Since 2005, Argentina has participated in UNHCR Regional Solidarity Resettlement Programme, which has made it easier for refugees to find a safe haven in Argentina from surrounding States.¹⁶ Additionally, the Argentine Republic has ratified the UN Beijing Platform on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In the Security Council, Argentina recently voted in favor of SC/RES/2106, which declared sexual violence as a major international crime and encouraged states to treat it as such with full legal ramifications.¹⁷

The Argentine Republic recognizes that cooperation between UN entities and Member states is imperative for the empowerment and protection of women. The Argentine Republic proposes the expansion of Millennium Development Goal number three on empowerment of women. The proposed change in post 2015 is the extension of the goal to specifically address empowering refugee women and girls. Furthermore, member nations are encouraged to create and sign on to a protocol to CEDAW regarding refugee women and explicitly strengthening their protection. The Argentine Republic proposes the creation of a council of refugee women, following the guidelines of the 2011 UNHCR document “Survivors, Protectors, Providers; Refugee Women Speak Out”; on the current situation of refugee women to facilitate knowledgeable actions for improving the status of women. Additionally, the agreed conclusion in the ECOSOC 1997/2, touching upon Gender Mainstreaming,¹⁸ must be further implemented in all actions of the United Nations to decrease discrimination and underrepresentation of women and gender inequalities. To promote increased protection and assistance of refugee women, Argentina encourages other nations to implement a commission such as the Argentine National Refugee Commission to ensure that refugee facilities contain separate sanitation for women and men, as well as increased safety and privacy for the women and girls of refugee camps.¹⁹

⁹ United Nations. Division for Advancement of Women. *Handbook for Legislation on Violence Against Women*. 2010. Web. 20 Sept. 2013. <<http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>>.

¹⁰ United Nations. High Commissioner for Refugees. *Submission by the United Nations High Commissioner for Refugees for the Office of the High Commissioner for Human Rights' Compilation Report Universal Periodic Review: Argentina*. 2012. Web. 19 Sept. 2013. <<http://www.refworld.org/pdfid/4f7868d42.pdf>>.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ United Nations. High Commissioner for Refugees. *UNHCR Statistical Yearbook*, 2011. Web. 20 Sept. 2013. <<http://www.unhcr.org/516285b89.html>>.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ United Nations. Security Council. *SC/RES/2106 Women, Peace and Security*. 2013. Web. 19 Sept. 2013.

<[http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106\(2013\)\(english\).pdf](http://peacemaker.un.org/sites/peacemaker.un.org/files/SC_ResolutionWomen_SRES2106(2013)(english).pdf)>

¹⁸ United Nations. UN Women. *Commission on the Status of Women: Follow-Up to Beijing*. 1997. Web. 20 Sept. 2013.

<<http://www.un.org/womenwatch/daw/csw/critical.htm#gender>>.

¹⁹ United Nations. High Commissioner for Refugees. *Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons*. 2003. Web. 20 Sept. 2013. <<http://www.unhcr.org/3f696bcc4.html>>.