



To the Experts of the Human Rights Committee

Re: List of Issues Prior to Reporting (LOIPR) for Argentina – 144th Pre-Sessional Working Group

Dear Committee Members,

We respectfully submit for your consideration a series of suggestions to inform the drafting of the List of Issues Prior to Reporting (LOIPR) for Argentina.

At ELA – Latin American Team for Gender Justice, we have contributed to previous evaluations before this Honourable Committee. On this occasion, we present a number of issues we believe should be considered in preparing the list of questions that will guide the State report and presentation in the context of the Committee's review.

We wish to highlight that, since December 2023, the Argentine national government has undertaken a process of institutional dismantling, particularly affecting public policies aimed at promoting gender equality, eradicating gender-based violence, and ensuring access to fundamental rights for women and gender-diverse persons. These include [access to justice, the right to a life free from violence](#), and the [right to sexual, reproductive, and non-reproductive health](#), among others. Such setbacks seriously jeopardize Argentina's compliance with the International Covenant on Civil and Political Rights, especially concerning women, adolescents, girls, travestis, trans persons, and other structurally vulnerable LGBTQ+ groups in the country.

We remain at your disposal to expand upon or clarify any matter deemed necessary.

1. General context

Suggested general information to request from the State:

Please provide updated information on the impact of recent economic adjustment measures and institutional restructuring on gender equality policies. Indicate how budget cuts affecting state programmes, agencies, or departments dedicated to promoting gender equality, protecting against gender-based violence, and securing sexual and reproductive rights have impacted these areas. In this regard, please detail the measures taken to prevent regression in the State party's obligations under the Covenant, particularly with respect to Articles 2, 3, 6, 7, 17, and 26. Indicate whether any impact assessments have been conducted and whether mechanisms have been put in place to ensure the institutional sustainability of gender equality policies.

In light of General Comments No. 4 and No. 28 of the Committee, please report how the State party ensures the mainstreaming of a gender perspective in the formulation, implementation, and evaluation of public policies. Specify how gender-sensitive indicators and accountability mechanisms are incorporated, especially in a context of institutional weakening and economic crisis.

Please indicate how the State party ensures compliance with the principle of non-retrogression regarding the rights of women and LGBTQ+ persons, and whether legal or administrative provisions exist to safeguard the continuity of public policies that are fundamental to the exercise of the rights enshrined in the Covenant. In this regard, please inform whether the principles of proportionality, reasonableness, and temporality were considered and applied in the austerity measures affecting these policies.

1. Access to Justice and the Right to an Effective Remedy (Arts. 2, 14 and 26)

Women and trans persons facing violence or discrimination in Argentina face unequal access to the justice system due to structural barriers, institutional revictimisation, lack of specialised legal aid, linguistic or geographical obstacles, and lack of comprehensive protection.

In 2024, [the number of Justice Access Centres \(state-run centres offering free legal primary assistance on issues such as social security, family, labour, documentation, etc.\) was reduced by 20%.](#) These violations directly compromise the right to an effective remedy and equality before the law.

Suggested questions for the State:

- What policies has the State implemented to ensure access to clear, comprehensible, and timely information regarding judicial proceedings, available remedies, and the functioning of the justice system in cases of gender-based violence?
- What measures are in place to strengthen access to free and specialised legal aid with an intersectional approach, and what is the territorial coverage of these services?
- What monitoring and evaluation mechanisms are applied to the protection measures issued in cases of gender-based violence, and what actions are taken in cases of non-compliance?
- What measures have been adopted to mitigate the economic impact of judicial proceedings on victims of violence, particularly in relation to housing, caregiving responsibilities, and

income?

- What mechanisms are in place to overcome geographic, linguistic, or technological barriers that hinder access to justice for women in all their diversity, as well as for rural, Indigenous, migrant, and disabled persons?

2. Gender-Based Violence and the State's Duties to Prevent, Punish, Eradicate and Remedy (Arts. 6, 7 and 26)

Despite the framework set forth by Law 26.485, gender-based violence remains prevalent in Argentina, including femicides, travesticides, institutional and political violence. The implementation of the law has been undermined by weakened public policies, budgetary shortfalls, underexecution, and disarticulation of services.

Suggested questions for the State:

- What measures has the State party adopted to ensure the sustained, federal, and effective implementation of Law No. 26.485, and what has been the impact of resource reductions on protection programmes?
- Has a National Action Plan against Gender-Based Violence been developed since the beginning of President Javier Milei's administration in December 2023? What strategy has the State adopted to eradicate gender-based violence in Argentina?
- What territorial mechanisms are currently active to provide assistance, protection, and support to individuals in situations of violence, and under what conditions are they operating?
- What protocols are in place to prevent, investigate, and punish femicides committed by State agents, particularly with service weapons, and what early warning mechanisms exist?
- What mechanisms does the State have to ensure the effective enforcement of judicial protection measures and to respond in cases of non-compliance?
- What actions have been taken to implement and monitor Law No. 27.533 on gender-based political violence, particularly during electoral periods?
- What measures exist to ensure comprehensive protection for children of femicide victims, in accordance with the provisions of the Brisa Law (Law No. 27.452)?

3. Political Participation and Gender-Based Political Violence (Art. 25)

Although there is a national gender parity law and similar laws in 21 provinces and in the Autonomous City of Buenos Aires, women and trans persons remain underrepresented, particularly in the Executive and Judicial branches. In the case of the Supreme Court, recent appointments have exclusively involved male candidates, despite the diversity considerations required under Decree 222/2003.

Gender-based political violence acts as a systemic exclusion mechanism, especially in a political context where narratives frame quotas as "privileges."

Suggested questions for the State:

- What monitoring and evaluation mechanisms have been implemented to assess the actual impact of parity laws (both national and provincial) on reducing the gender gap within the Legislative Branch?
- What actions has the State undertaken to ensure the prevention, detection, punishment, and reparation of gender-based political violence, in accordance with Law No. 27.533?
- What mechanisms exist to guarantee the political participation of Indigenous, Afro-descendant, migrant, trans women, and women with disabilities, including their inclusion in political parties and electoral lists?
- What statistics are available on gender-based political violence in electoral contexts, and how do electoral, judicial, and administrative bodies coordinate to address it?
- What budgetary, material, and human resources have been specifically allocated to programmes aimed at promoting the political participation of the most marginalised groups (Indigenous women, Afro-descendant women, women with disabilities, migrant women, trans persons), and how is their effectiveness evaluated?

4. Equal Working Conditions and Workplace Violence (Arts. 3 and 26)

Gender gaps persist in employment through informality, feminisation of precarious labour, unequal caregiving burdens, and workplace violence. Law 27.636 (trans employment quota) and ILO Convention 190 have been ratified, yet implementation is insufficient.

Suggested questions for the State:

- What public policies has the State developed to prevent and sanction violence and harassment in the world of work, both in the public and private sectors, and what is the level of compliance with ILO Convention No. 190 in the country?
- What measures have been adopted to ensure the effective implementation of the trans employment quota, including actual incorporation into the National State and the regulation of incentives for the private sector?
- What strategies are in place to formalise employment in feminised and racialised sectors, and to guarantee social security and labour rights for workers in the popular economy and in community-based care spaces?
- What support, training, and labour inclusion mechanisms exist for trans persons, migrant women, and women with disabilities?

5. Access to Sexual and Reproductive Rights Under Conditions of Equality and Bodily Autonomy (Arts. 3, 6, 7 and 17)

Despite the legalisation of abortion in 2020, significant barriers remain. These include institutional conscientious objection, supply shortages, regional disparities, professional harassment, and the criminalisation of obstetric emergencies.

Simultaneously, state funding for sexual, reproductive, and non-reproductive health policies [has been withdrawn](#), affecting fundamental rights and undermining full citizenship.

Suggested questions for the State:

- What measures has the State adopted to ensure effective, federal, equitable, intercultural, and accessible access to voluntary termination of pregnancy in accordance with Law No. 27.610, particularly by providing reasonable accommodations and support where accessibility is necessary or required?
- What actions have been taken to prevent the collective or institutional use of conscientious objection, and what sanctions have been applied in cases of abuse?
- What measures have been implemented to prevent and remedy the improper criminalisation of pregnant persons for obstetric emergencies or spontaneous miscarriages?
- What policies are in place to ensure the availability of supplies such as misoprostol, mifepristone, and manual vacuum aspiration (MVA) within the public health system and across all provinces?
- What mechanisms have been established to guarantee respect for informed consent and confidentiality in all sexual and reproductive health procedures?

6. Right to Comprehensive Health with a Gender and Diversity Perspective (Arts. 6 and 26)

Trans people, persons with disabilities, Indigenous peoples, migrants, and those deprived of liberty face severe barriers to accessing inclusive and violence-free healthcare. Discriminatory practices include trans pathologisation, obstetric violence, denial of hormonal treatment, and lack of a rights-based approach in mental health.

Suggested questions for the State:

- What measures have been implemented to guarantee effective access to hormone treatments and surgical interventions as established by Law No. 26.743, throughout the country and without pathologisation?
- What actions have been taken to prevent practices of obstetric violence, forced sterilisation, and other non-consensual interventions, particularly concerning women with disabilities or those in detention contexts?
- What measures has the State adopted to ensure the effective implementation of Law No. 27.655 (Regime for Surgical Contraceptive Procedures, amending Law No. 26.130)?

- What policies have been developed to expand access to community-based mental health services with an interdisciplinary approach and grounded in gender, disability, and human rights perspectives?

7. Criminalisation of Abortion and Obstetric Emergencies (Arts. 7, 14 and 17)

In several provinces, pregnant persons have been criminalised for miscarriages or obstetric events. Legal proceedings have also been initiated against health professionals, educators, and activists who share information on sexual and reproductive rights.

Suggested questions for the State:

- What measures has the State taken to review and dismiss legal cases opened for abortions or obstetric emergencies, and to ensure the reparation of individuals who have been acquitted?
- What guidelines has the Judiciary issued to unify criteria for defending the legality of abortion and to prevent its criminalization in practice?
- What guarantees exist for freedom of expression, teaching, and activism regarding sexual and reproductive health, particularly in educational or territorial contexts?

8. Unpaid Domestic Work, Caregiving, and Shared Responsibility (Arts. 17 and 26)

The unequal burden of unpaid care work on women perpetuates structural inequalities. While legislative proposals exist to create a national care system, no institutionalised or funded public policy has been implemented. The current government's approach disregards structural inequalities and promotes narratives that restrict women's public participation.

Suggested questions for the State:

- What measures exist to ensure shared responsibility for care between the State, the market, families, and the community?
- What measures exist to encourage the participation of men in caregiving and thus promote the redistribution of domestic and caregiving tasks within households?
- What progress has been made in expanding the public offer of care services for children, elderly people, and people with disabilities, especially in low-income neighborhoods, rural areas, and northern provinces of Argentina (considering both new services, as well as the expansion of existing services or the extension of operating hours of existing services)?
- What progress has been made in expanding and improving care leaves (paternity leave, family illness leave, etc.) for the working population, especially men, both those in formal employment and those in informal or self-employed work, to promote the integration of care

responsibilities with work responsibilities?

- What policies have been developed to recognize and strengthen the work of community caregivers and ensure their tasks are remunerated under conditions of equality?
- What is the status of the new National Time Use Survey, which is mandated by Law No. 27.532 and requires it to be conducted periodically every two years, with the last edition being in 2021?
- What is the State doing to ensure compliance with the payment of child support by fathers who fail to meet this obligation, affecting mothers and their children?