

**EVALUATION ON THE FULFILMENT ON THE
CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN (CEDAW)
IN RELATION TO THE EXAMINATION OF
THE FOURTH PERIODIC REPORT TO THE CEDAW COMMITTEE
65 SESSION**

OCTOBER 2016

Estimated experts from the Committee:

We write to you on the representation of the Latin American and the Caribbean Committee for the Defence of the rights of women in Argentina (CLADEM - Argentina), the Institute of Gender, Rights and Development (INSGENAR) and Catholics for Choice Argentina (CDD), in relation to the Fourth Periodic Report to the CEDAW Committee presented by the Argentinian state about the validity of the Convention on the Elimination of all forms of discrimination against women (CEDAW).

This presentation put at your disposal a specific report elaborated by three representative organizations from the civil society to show the advances, setbacks, lacks and neglects from the Argentinian state of its responsibility on the respect and guarantee of the rights content in the Convention, especially in the rights referred to the problematic of pregnancy and child forced maternity.

We hope you can consider the problematic situation that we present here for the evaluation audience in the 65° period of sessions and at the moment of the final observations about Argentina.

We remain at your disposal to expand or clarify what may be necessary.

SITUATION OF PREGNANCY AND MATERNITY IN GIRLS UNDER 15 YEARS

ARGENTINA

The Committee of Latin America and the Caribbean for the defense of the rights of women (CLADEM)¹, elaborated and presented in 2016 the Regional Balance regional report "Girls Mothers. Pregnancy and forced child maternity in Latin America and the Caribbean" to show a problem that is not so visible in our societies and affects the group of girls under 15 years.

The Regional Balance "Girls Mothers" present evidence on the magnitude of the problematic in the region and the limited response from the state, and develops the concept of forced child maternity in order to show the issue.

We consider that a **FORCED CHILD PREGNANCY (FCP) is produced when a girl under 15 years old has an undesirable pregnancy and the abortion is denied, complicated or delayed.**

The continuation of that pregnancy until the end constitutes a FORCED CHILD MATERNITY (FCM), because the girl was not looking for it or desire it. The desire of the girl of having an abortion is the clearest indicator that she does not want to be a mother.

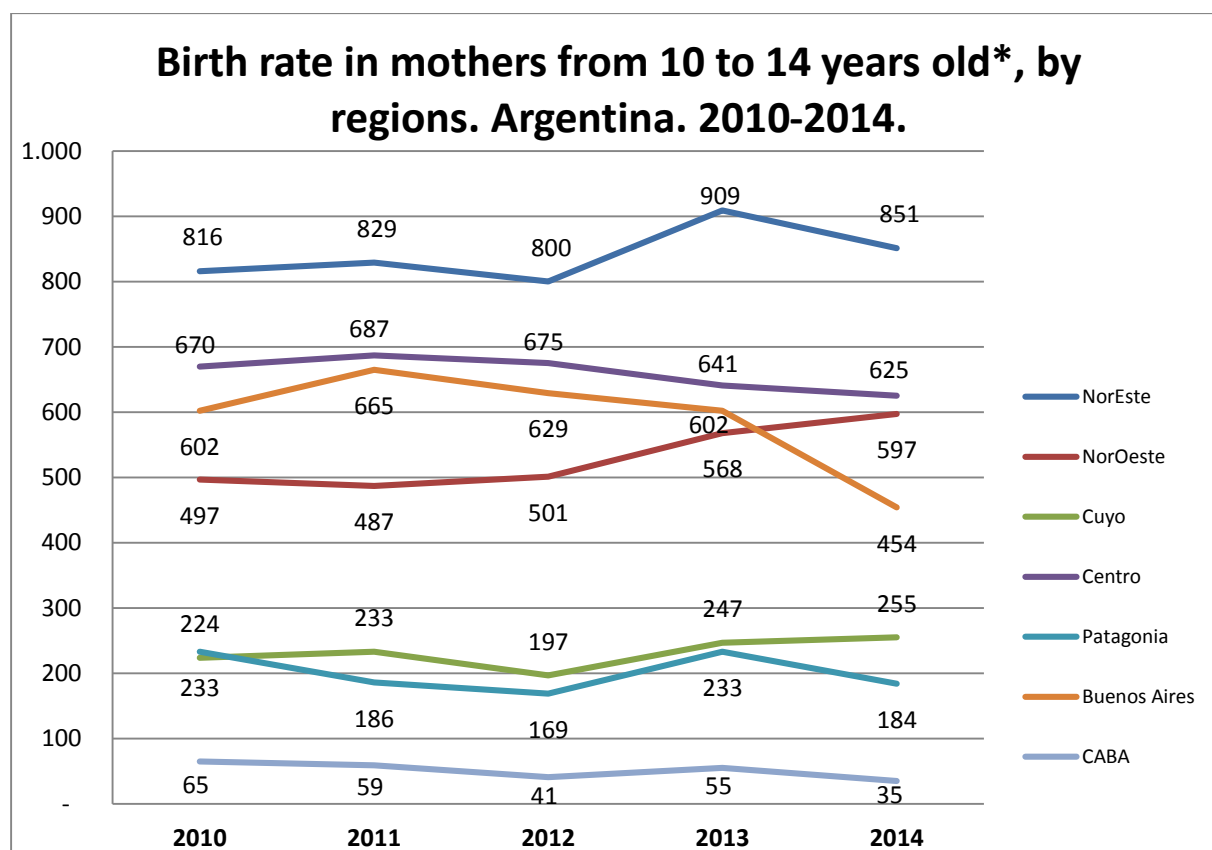
In the Balance is identified that the FCM comes before three types of violations to the girls human rights: 1. Sexual abuse, violation of the sexual freedom; 2. The obligation in carrying on an undesired pregnancy; 3. The denied, complication or delayed abortion, that makes the girls obligated mothers. These are situations where there is a continuation of violence against girls that constitutes torture or cruel, inhuman and degrading treatment.

¹ CLADEM is a feminist network that works for women's rights in Latin America and the Caribbean, using the law as a tool for social change. It has consultative status in Category II in the United Nations since 1995 and is recognized for its participation in the activities of the OAS since 2002. The network CLADEM has a presence in the following countries: Argentina, Bolivia, Brazil, Colombia, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Perú, Puerto Rico, Dominican Republic, Uruguay. CLADEM has presence in Argentina in the following provinces: Buenos Aires, Chubut, Entre Ríos, Jujuy, Mendoza, Neuquén, Santa Fe (Rosario), Salta and Tucuman.

SITUATION OF PREGNANCY AND CHILD FORCED MATERNITY IN ARGENTINA

According to the information publicated during the last 5 years in official data bases, more than **THREE THOUSAND GIRLS** under 15 years old face pregnancies and births in Argentina. This is an average of 9 girls having a birth a day.

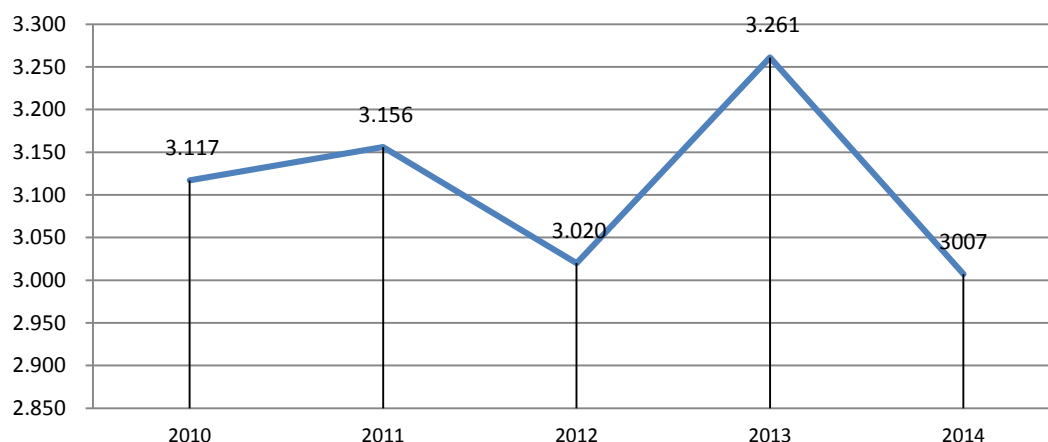
The pregnancies in this age range are mostly a result of sexual abuse suffered by girls by family members (fathers, step fathers, brothers, uncles, etc.) or men close to their family circle. Even though the abortions in cases of sexual abuse are legal, in general, the abortion is denied to women of all ages.



(*) The bitths whose mother age is unknown are excluded.

Elaborated by CLADEM ARGENTINA (2016) with data from the Statistics Department, Basic Information. National Ministry of Health, years 2010, 2011, 2012, 2013 and 2014

Numer of bitths from girls mothers, from 10 to 14 years old*. Argentina. 2010-2014.



(*) The bitths whose mother age is unknown are excluded.

Elaborated by CLADEM ARGENTINA (2016) with data from the Statistics Department, Basic Information. National Ministry of Heath, years 2010, 2011, 2012, 2013 and 2014

Number of births from girls mothers from 10 to 14 years old, by regions. Argentina. 2010-2014.

REGIONES	2010	2011	2012	2013	2014
NorEste	816	829	800	909	851
NorOeste	497	487	501	568	597
Cuyo	224	233	197	247	255
Centro	670	687	675	641	625
Patagonia	233	186	169	233	184
Buenos Aires	602	665	629	602	454
CABA	65	59	41	55	35
Total Regiones	3.107	3.146	3.012	3.255	3.001
Lugar no especificado	5	9	4	3	2
Otro país	5	1	4	3	4
Total País	3.117	3.156	3.020	3.261	3.007

Noreste: Formosa, Misiones, Chaco, Corrientes; **Noroeste:** Catamarca, Jujuy, Salta, Santiago del Estero, Tucumán; **Cuyo:** LA Rioja, Mendoza, San Luís, San Juan; **Centro:** Córdoba, Entre Ríos, Santa Fe; **Patagonia:** Chubut, La Pampa, Neuquén, Rio Negro, Santa Cruz, Tierra del Fuego; **Provincia de Buenos Aires;** **CABA:** Ciudad Autónoma de Buenos Aires.

The bitths whose mother age is unknown are excluded.

Elaborated by CLADEM ARGENTINA (2016) with data from the Statistics Department, Basic Information. National Ministry of Heath, years 2010, 2011, 2012, 2013 and 2014

The provinces from the Northeast (NEA) have the highest number of births of children from mothers under 15 years old. From that provinces, Misiones and Chaco have the highest numbers and an ascendant tendency. In 2010, NEA provided 26% from the total births, and in 2014 went up to 29%.

The set of provinces from the Northwest (NOA) has lower rates of 3. From 2012 to 2014 a gradual increase is recorded. Salta is the province that showed growth especially mothers of girls throughout the series.

In 2010, the province of Buenos Aires provided almost 20% of all births in this age range, and in 2014 reduced to 15% of total births. We must say that the Buenos Aires province is the most densely populated province.

In 2010, 11 provinces registered less than two pregnancies every thousand girls from 10 to 14 years old (Jujuy, Salta, Tucumán, La Rioja, Mendoza, San Juan, San Luis, Córdoba, Tierra del Fuego, Buenos Aires, Buenos Aires city). 13 provinces have between two and more pregnancies every thousand girls (Chaco, Corrientes, Formosa, Misiones, Catamarca, Santiago del Estero, Entre Ríos, Santa Fe, Chubut, La Pampa, Neuquén, Rio Negro and Santa Cruz).

In 2014, eleven provinces remain with less than two pregnancies (La Rioja, Mendoza, San Luis, Córdoba, Chubut, La Pampa, Neuquén, Rio Negro, Santa Cruz, Buenos Aires, Buenos Aires city). There are 13 provinces between two and more pregnancies (Chaco, Corrientes, Formosa, Misiones; Catamarca, Jujuy, Salta, Santiago del Estero, Tucumán, San Juan; Entre Ríos, Santa Fe, Tierra del Fuego), two of them with more than 4 every thousand girls, Chaco, Formosa and Misiones from the northeast (NEA).

In short, there is concern that in recent years the number of girls exposed to the situation of pregnancy and maternity does not show a clear downward trend, that the actions in comprehensive sexuality education meet provincial barriers, that legal abortion is prevented or obstructed by provincial and national authorities.

Fecundity rate of birth from girls mothers 10 to 14 years old, by region.

Argentina. 2010-2014.

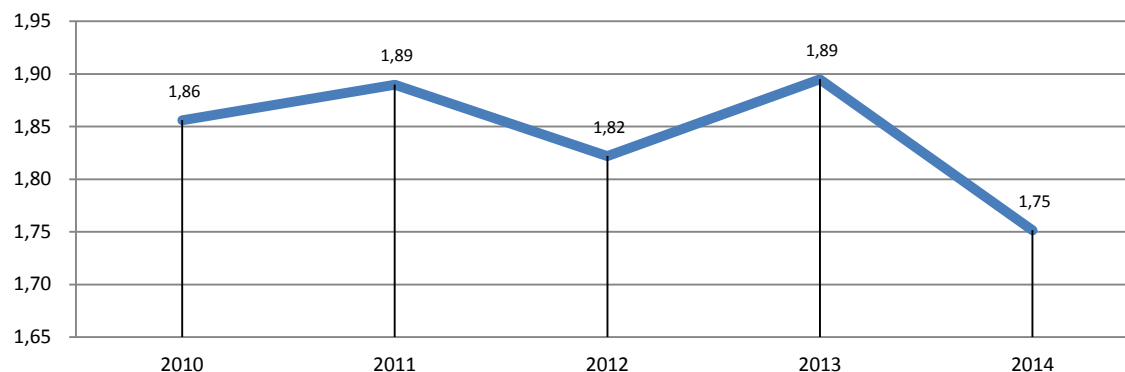
REGIONES	2010	2011	2012	2013	2014
NorEste (NEA)	4,22	4,39	4,35	4,70	4,50
NorOeste (NOA)	2,10	2,07	2,18	2,43	2,58
Cuyo	1,58	1,66	1,41	1,72	1,78
Centro	2,11	2,18	2,18	2,03	2,00
Patagonia	2,31	1,88	1,72	2,11	1,65
Buenos Aires	1,00	1,10	1,04	0,95	0,72
CABA	0,74	0,66	0,44	0,59	0,37
Total País	1,86	1,89	1,82	1,89	1,75

The births whose mother age is unknown are excluded.

Elaborated by CLADEM ARGENTINA (2016) with data from the Statistics Department, Basic Information. National Ministry of Health, years 2010, 2011, 2012, 2013 and 2014.

In red the fecundity rate over the national median.

Specific fecundity rate in girls from 10 to 14 years old. 2010-2014. Argentina



Elaborated by CLADEM ARGENTINA (2016) with data from the Statistics Department, Basic Information. National Ministry of Health, years 2010, 2011, 2012, 2013 and 2014.

Specific fertility rate (10 to 14 years old)

According to fertility rates in all provinces of the NEA series exceed by more than two points the National Specific Fertility Rate (NSFR). NOA provinces and the Centre also exceed one to two points.

Cuyo provinces remain under the national rates in most years except for 2014. The rates in the provinces of Patagonia are lower in 2011, 2012 and 2014 and increased in 2010 and 2013.

The Province of Buenos Aires and the city of Buenos Aires (CABA) reported in all years lower rates than the below the rates NSFR series. The city of Buenos Aires has fertility rates below 1 throughout the series. We want to emphasize that CABA presents lower fertility rates in all age groups. The Province of Buenos Aires in the last two years of the series shows less than 1 SFR.

CONSEQUENCES OF PREGNANCY AND CHILD FORCED MATERNITY

The risks for girls in these pregnancies are very high. The risk of life is usually twice that of older women; often they suffer from a number of serious complications such as obstetric fistula and pre eclampsia, deep depression, social isolation, etc². The abortion is invoked in many cases but is usually denied.

At physical, psychological and social level, motherhood transforms the lives of women. Girls at the age of 14, 13, 12 and fewer years are not prepared to face this experience and the dimension of the changes and responsibilities that entails. Girls exposed to forced pregnancy face a limit on their right to education and in the long term, they face a limit to their job opportunities and socio-economic in general. The social and family relationships are often altered to the detriment of the children.

We note with concern that each year three thousand Argentine girls go through the experience of pregnancy and childbirth, and state responses are very limited.

- Sexual violence is sanctioned but the law is not enforced. It is estimated that over 95% of cases go unpunished.

- While in our country is legal to interrupt the pregnancy on the grounds of sexual violation and health, obstructions for access to this right persist (see specific report on abortion)

- There are not specific protocols to attend girls under 15. Teens from 10 to 19 years are a very complex and diverse universe where girls from 10 to 15 are invisible on preventive strategies and health care.

Allegations of sexual abuse against girls: There are no systematic and consolidated official data on sexual abuse and rape girls.

"In 2007 a total of 11,181 complaints of crimes against sexual integrity, of which 3,276 are violations were made. It is possible that the actual figures are much higher since a significant number of people do not report".

² CLADEM (2016). Girls mothers. Pregnancy and forced child maternity in Latin America and the Caribbean. Available in: www.cladem.org

QUESTIONS

- Which programs and specific actions are conducted by the State to prevent child sexual abuse and forced pregnancy on girls under 15 years leading to the eradication of the problem that remains constant over time pregnancies.
- Which steps has the State to overcome obstacles encountered by women in general and girls under 15 years in particular, for the practice of legal abortion (in cases of sexual violence and health risks).

RECOMMENDATIONS

- Advancing statistical systems to enable more visibility of this problem. In addition to records of live births must have records of pregnancies by age group, periodic inspections according to a stage of pregnancy, as well as overcome the problems of underreporting of abortion.
- Legislate as an offense to force girls under age 15 to continue with pregnancies that result from rape. It should be considered torture or cruel, inhuman and degrading treatment.
- Provide safe abortion services for girls in case of rape and health as contemplated jurisprudence and law.
- The state should design public policies to prevent forced child pregnancy and forced child motherhood.
- Show progress in the implementation of policies that contribute to the empowerment of girls and provide psychological and legal sexual education, access to reproductive health services and counseling
- The legislative power must advance the discussion and approval of the law of legal, safe and free abortion.