



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: [registry@ohchr.org](mailto:registry@ohchr.org) – [cedaw@ohchr.org](mailto:cedaw@ohchr.org)

REFERENCE: AA/follow-up/Argentina/55

3 September 2013

Excellency,

In my capacity as Rapporteur for Follow-up on Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), I have the honour to refer to the examination of the sixth periodic report of Argentina at the Committee's forty-sixth session, held in July 2010. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission (CEDAW/C/ARG/CO/6). You may recall that in the concluding observations, the Committee requested Argentina to provide, within two years, further information regarding the specific areas of concern identified by the Committee in paragraphs 24 and 38 of the concluding observations.

The Committee welcomes the follow-up report received in December 2012, although it was received with a five-month delay, under the CEDAW follow-up procedure (CEDAW/C/ARG/CO/6/Add.1). At its fifty-fifth session, held in July 2013 in Geneva, the Committee examined this follow-up report and adopted the following assessment.

Regarding the recommendation made in **paragraph 24** of the concluding observations “to speed up the adoption and the implementation, in a consistent manner and in all provinces, of implementing legislation and the provision of financial resources to give full effect to the Comprehensive Law on the Prevention, punishment and Elimination of Violence against Women in their Interpersonal Relations. This must include the effective implementation of the existing legislation, at the national, provincial and municipal levels, to combat all forms of violence against women, including domestic violence”: The State party indicated that the National Women's Council is working to implement a set of specific programmes and actions to ensure that Act No. 26485 is applied consistently in all provinces. The Committee considers that this information is too vague and that it **did not receive sufficient information** to assess whether the recommendation has been implemented.

Regarding the recommendation “to strengthen its system of data collection in regard to all forms of violence against women”: The State party indicated that it had signed an agreement with the National Institute of Statistics and Censuses to establish a unified register of cases of violence against women. The Committee considers that the State party has taken some steps towards the strengthening of the system of data collection in regard to all forms of violence against women. Therefore, the Committee considers that the recommendation has been **partially implemented**.

Regarding the recommendation “to put in place a system to encourage women to report marital rape, as well as a set of indicators to assess trends in both the reporting and incidence of this crime”: The Committee **did not receive information** to assess whether the recommendation has been implemented.

H.E. Mr. Alberto Pedro D'Alotto  
Permanent Representative  
of the Republic of Argentina to the United Nations  
Route de l'Aéroport 10 (2nd floor)  
1215 Geneva 15

E-mail: [argentina@missionarg.ch](mailto:argentina@missionarg.ch)

The Committee recommends that the State party provide, **in its next periodic report**, additional information on steps taken to:

- 1) Ensure the effective implementation in a consistent manner and in all provinces of the Comprehensive Law on the Prevention, Punishment and Elimination of Violence against Women in their Interpersonal Relations;
- 2) Establish the unified register of cases of violence against women and provide data on violence against women; and
- 3) Put in place a system to encourage women to report cases of marital rape, as well as a set of indicators to assess trends in the reporting and the incidence of this crime.

Regarding the recommendation made in **paragraph 38** of the Concluding Observations “to ensure women’s and teenage girls’ access to health services, including sexual and reproductive health services, and to see to it that education on sexual and reproductive health is undertaken in all schools at all levels, as relevant”: While the State party indicated that it has put in place awareness-raising activities, it failed to indicate the actions taken to ensure women’s effective access to health services, including sexual and reproductive health services. The State party also failed to provide information on the actions taken since the issuance of the concluding observations to ensure that education on sexual and reproductive health is undertaken in all schools at all levels. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to adopt all the necessary measures to further reduce the high maternal mortality rate”: While the State party provided information on the implementation of plans and programmes launched before the issuance of the concluding observations, it failed to mention new activities undertaken since the issuance of the concluding observations to further reduce the high maternal mortality rate. The Committee considers that the recommendation has **not been implemented**.

Regarding the recommendation “to review existing legislation that criminalizes abortion, with serious consequences for the health and lives of women and to ensure that the Technical guide for the integral attention of non-punishable abortion cases is applicable in the whole country in a uniform manner so that there is equal and effective access to health services to interrupt pregnancies”: The State party indicated that, according to article 86, paragraphs 1 and 2, of the Criminal Code, abortion is not punishable in two situations: when carried out in order to avoid endangering the mother’s life or health and when pregnancy results from “rape or indecent assault of a woman with a mental disability”. The State party further mentioned the decision of the Supreme Court according to which it is understood that any abused women may terminate their pregnancy. While welcoming the decision of the Supreme Court that abortion is not punishable when the pregnancy results from rape, the Committee notes that the State party failed to provide information on whether there is equal and effective access in the whole country to health services to interrupt pregnancies. The Committee considers that the recommendation has been **partially implemented**.

The Committee recommends that the State party provide, **in its next periodic report**, additional information on actions taken to:

- 1) Ensure that women and teenage girls have access to health services, including sexual and reproductive health services, and that age-appropriate education on sexual and reproductive health, including on issues of gender relationships and responsible sexual behaviour, is undertaken in all schools at all levels;
- 2) Adopt all the necessary measures to further reduce the high maternal mortality rate; and
- 3) Ensure that the “Technical guide for the integral attention of non-punishable abortion cases” is applicable in the whole country in a uniform manner so that there is equal and effective access to health services to interrupt pregnancies.



Besides, the Committee take this opportunity to commend the State party for:

- 1) The withdrawal of article 132 of the Criminal Code providing that a female victim of rape could absolve her attacker from punishment by marrying him; and
- 2) The amendment to article 870 of the Criminal Code which defines and describes the circumstances that aggravate the offence of killing of a woman.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Argentina on the implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in black ink that reads "Barbara Bailey". The signature is written in a cursive style and is placed on a light-colored rectangular background.

Barbara Bailey  
Rapporteur on follow-up  
Committee on the Elimination of Discrimination against Women