
Committee on the Elimination of
Discrimination against Women
Seventh session

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Concluding comments of the Committee on the Elimination of
Discrimination against Women: Argentina

Initial report

341. The Committee considered the initial report of Argentina (CEDAW/C.5/Add.39 and Amend.1) at its 112th and 118th meetings, on 22 and 25 February 1988 (CEDAW/C/SR.112 and 118).

342. In her introduction, the representative of Argentina informed the Committee that with the return of democracy, her country had experienced a revival. The Government had made a commitment towards making human rights an effective tool of society and those rights included equality between men and women. The Convention was ratified in 1985 and that had prompted numerous institutional reforms both at the national and provincial levels.

343. The Health and Social Action Ministry had created an under-secretariat for women in 1987. Its main objectives were to promote women's rights and to suppress disadvantages in all spheres of life. At the national level, more than 10 provinces had established governmental organs directly concerned with the status of women.

344. Although the Constitution established the principle of equality between men and women, legislative reforms had taken place recently, such as patria potestad compartida, now shared by both parents, and the elimination of any juridical discriminatory measure against children born in or out of wedlock. Regarding marriage laws, both spouses could now choose their domicile jointly, women were not obliged to use the husband's name, new grounds for divorce had been introduced and women now had the right to remarry once divorce had been obtained.

345. Discriminatory practices still existed as in the penal code regarding adultery. Despite the will of the Government to achieve de jure equality, full equality would not be attained until prejudices and discriminatory practices were eradicated. To assist in these pursuits, the secretariat of Human and Family Development had created a commission to elaborate a series of television spots on sex discrimination.
346. Financial resources had been allocated to provincial governments in order to assist them in developing promotion campaigns, training, and day-care centres. Non-governmental organizations continued to play a very important role in all the reforms and programmes mentioned.
347. New text books had been introduced in Buenos Aires that did not contain stereotyped and discriminatory models. Distance courses had also been created in order to reduce the rate of women's drop-out.
348. Equality between women and men was guaranteed by the Republic, and the Labour Contract Law provided that there would be no differences in remuneration between men and women for work of equal value. However certain protective laws would have to be revised, such as the law regulating night work. Improvements were also necessary in the provision of labour safeguards for domestic workers.
349. The main difficulties and obstacles standing in the way to integration were of an economic nature, since women were the most affected by the present crisis. The introduction of new technologies had also been detrimental to women. Statistical data revealed that social prejudices affected women's employment. The National Statistical Institute was studying the reasons for the lack of data related to women's employment; for example, women's work in farms or at home had not been considered as productive work.
350. There was no discrimination in Argentina regarding the health services provided, and special public health services specially tailored for women had been established recently, such as cancer-screening tests and family-planning. Housewives had been included in programmes regarding retirement as "autonomous workers".
351. In rural areas, women were involved particularly in livestock farming and small-scale farming; the Government had established technical assistance programmes for the producers and their families and had also disseminated information on women's rights. Community action plans for rural women had also been created, which included the marketing of local produce, the provision of water, the extension of telephone lines in rural areas and day-care centres. Yet not many women were attending agricultural technical schools, owing to the arduous nature of the school-work, the lack of facilities and the incompatibility with family duties.
352. Women had played a very important political role in Argentinian politics, in the current democratization process. However, their participation in the election of candidates on the party lists and in similar processes left much to be desired. That trend would have to be reversed and social prejudice would have to be examined.
353. In a world where \$1,800 million a minute was spent in armaments, the socio-economic inequalities had created a dramatic separation between developed and developing countries. However, in spite of the external debt, she was convinced

that there was room for growth in a democracy, a pursuit that her Government would not abandon.

354. The Committee congratulated the representative of Argentina on the presentation of the initial report and noted that there was an evident commitment by the Government to implement the Convention as well as other international human rights instruments. Argentina had gone through a dark period of military rule, the consequences of which were still felt. The report was sincere in that it admitted frankly the obstacles encountered and still to be overcome. However, there was a lack of data regarding the actual situation of the status of women in areas covered by articles 10, 11 and 12 of the Convention. The measures taken by the Government were to be commended. It was remarkable how illiteracy rates had dropped after the ousting of the dictatorship, and how considerable an effort had been displayed in changing the education system. Experts mentioned that a new beginning for the country also meant a new beginning for women.

355. Experts requested information on how the Convention affected or superseded national legislation and the relation in general between international and internal law.

356. It was asked what action had been taken to publicize the Convention and the country's report and whether any action had been taken to identify the needs of particular groups of women such as single mothers and migrant women.

357. More information was requested regarding the working and functioning of the different women's offices within the Government and whether there existed any co-ordination in the work of the different institutions. It was asked whether non-governmental organizations and government offices in charge of women's programmes collaborated in relation to different questions such as prenatal and postnatal care, abortion facilities, etc.

358. It was also asked what mechanism the Government offered to guarantee equal rights to women and whether there were any cases where women had invoiced the provisions of the Convention. It was asked whether government offices were receptive to women's demands.

359. It was asked why protective legislation was referred to as a measure to accelerate de facto equality since this type of regulation resulted in more discrimination of women and whether temporary special measures such as positive action or quotas had been proposed in any field. No statistics had been provided on the extent to which men in practice shared household duties and the upbringing of children with women, and experts wanted to know how many families could afford domestic service. Information was also sought on the influence of religious institutions on the advancement of women.

360. More information was requested on programmes designed to rehabilitate prostitutes, on whether prostitution had increased or decreased, on the number of shelters for battered women and laws regarding violence against women and whether laws punishing rape included rape within marriage. It was also noted that laws penalizing adultery might be discriminatory and would require revisions and information was requested on the reaction of women's organizations to this issue.

361. Information was requested on the participation of women in political parties and trade unions. Experts expressed the hope that Argentinian women, who had been

highly visible during resistance against the dictatorship recently, would continue to participate in political life. They also wanted to know whether there were any programmes to attain a better level of participation by women in decision-making, and whether feminist organizations were independent from the political parties or affiliated to them.

362. Experts requested information on the enforcement of article 9 of the Convention in courts and on whether both parents could transfer nationality to their children.

363. There were vestiges of a sex-biased education. There were no statistics related to patterns of attendance at institutions of higher learning, and although it was understood that education was compulsory, it was not mentioned until what age. It was asked to what extent education was free, what had been the effect of the literacy plan and whether to be literate was a requirement to be a candidate for parliament. It was noted that women comprised 70 per cent of all the people enrolled in distance courses and it was asked whether these were emergency measures in order to reduce drop-out rates.

364. Clarification was sought as to whether the under-secretariat was involved in the activities of the Ministry of Health. Experts asked for details on the general health-care system, abortion rights and medical insurance for single mothers. It was also asked whether women in domestic service were covered by social benefits and if there were any unemployment benefits.

365. Members of the Committee commented on the statement of the report regarding the effect of new technologies on women's employment and asked whether studies had been carried out on this subject. Unemployment among rural women was extensive and it was asked what kind of training was given to them and whether results were available on the effects of such unemployment. The Committee was also interested to know how many women used the available day-care centre facilities and how much they cost, especially what was the cost ratio to the salary received. Questions were also asked relating to job security during maternity.

366. It was appreciated that the Government was making great efforts to strengthen domestic workers' rights and to review and abolish outdated protective legislation such as the banning of night work only for women. The legislation to ban discrimination of women by trade unions was commented upon and it was asked whether many cases had been presented. Other questions related to sexual harassment at work, the percentage of women in the labour force, unemployment rates for women and men, minimum wages, the retirement age of men and women, plans to introduce paternity leave, details on the implementation of the provisions regarding equal pay for work of equal value and statistics on wage differentials between women and men. Information was requested about the income tax system and whether it could be said to encourage or discourage women to enter into employment.

367. The situation of rural women was examined in detail. Special attention was given to the rural extension programmes and on how they affected women. Questions were raised on the current conditions and the future action plans of the Government to improve the situation, on health care, the distribution of land-ownership, the percentage of indigenous population, the role of co-operatives if any, seasonal labour, the mechanization of house-work and farming and its effect on women.

368. Experts commended the Government of Argentina on the new family law and additional information was requested on the revised grounds for divorce. Clarification was also sought on the impact the law had had on common law relationships, and on the criteria used for access to food allowances.

369. It was asked what were the rights of children born of parents in and out of wedlock.

370. The representative of Argentina replied that awareness campaigns regarding the ratification of the Convention had been carried out in the rural areas with the collaboration of the provincial governments and the mass media; open seminars for the study of the Convention had also been held. The Convention could be involved directly in court; positive precedents had been established with the ratification by Argentina of the American Convention for Human Rights which the courts had applied directly.

371. She explained that there were three main offices in charge of women's affairs. One was the Under-Secretariat for Women's Affairs, within the Ministry of Health and Social Affairs, which carried out the programme "Women, health and development". The other was the General Directorate for Women, under the Under-Secretariat for Human Rights, within the Ministry of External Affairs and Religious Affairs. At the provincial level, other organs in charge of women's affairs had been created at the insistence of the Under-Secretariat for Women's Affairs. There was no co-ordinating body and she would pay special attention to comments made by the Committee in this regard.

372. The Under-Secretariat for Women's Affairs was entirely composed of women and comprised four departments, each dealing with different subjects, such as studies and research, advancement and participation, institutional relations and co-ordination, and planning. There were currently no plans to introduce temporary special measures.

373. The modification of social and cultural patterns, including support for working women, was under way through public discussions and mass media programmes. She noted that young men were more open to assuming housework in the marriage, but she had no statistical or case material at hand. She recognized that the unremunerated work of women continued unrecorded in the national indexes. The mass media programmes were seen on the State-owned television channels which were a majority, but not on the privately-owned channels. There were no pre-marriage guidance or counselling services. The official religion in Argentina was Roman Catholic. Regarding the influence of religious institutions on the advancement of women, it would be said that there were conservatives and vanguardists. Court action had been taken in some cases against the exploitation of women as sex objects in mass media and by the advertising industry. Some programmes had been banned on this account.

374. A commission on battered women had been created recently as well as centres for their assistance which taught the victims their rights and how to bring suits through judicial and police channels. These centres also tried to influence public opinion with a view to eradicating sexist and discriminatory practices. Violence against women was not considered by Argentine society in general as a virile or masculine trait; this propensity was only found at the lower socio-cultural level.

375. There was extensive legislation within the Penal Code regarding rape which established prison sentences according to the degree of violence or intimidation used. The penalties ranged from 6 to 15 years in prison.
376. Prostitutes were rehabilitated by private and religious groups. The State had no specific programme in this regard. The term "honest woman" in Argentina's legislation was used as a moral term designed to protect women. She agreed that this was an outdated term and asserted that it would soon be revised.
377. The feminist movement was not affiliated to any political party and was independent. Other professional organizations were in close contact with the Under-Secretariat for Women's Affairs and some, like the Organization of Women in Legal Careers, gave free advice when called upon. Movements, such as the housewives which had protested price increases, had been responsible for the creation of a state agency for consumer's affairs.
378. There were no statistics on women's participation in trade unions, but it could safely be said that the lack of participation was due to prevailing machistas attitudes in the organizations. Regarding political participation, more interest on the part of women to run for office had been noted since the present Government had initiated its reforms.
379. Nationality was acquired by the place of birth (jus soli), and not by parental derivation (jus sanguinis).
380. Regarding the educational policy of the Government, an advisory commission at the University of Buenos Aires had been created to elaborate and co-ordinate projects to eliminate discrimination against women in education. In Buenos Aires, textbooks did not show any stereotyped models. Co-education was the norm in Argentina in the State schools. Private schools were supervised by the State and in some cases received subsidies as well.
381. Women and men had the same opportunities to enter universities, and these were free of charge in State schools. Primary education was compulsory and free of charge. Courses at distance (a distancia) were successful, especially in remote areas. One successful project involved a television set and video-tapes; students gathered at a centrally located community centre and followed the lessons. At the end of the course an evaluation would be made and a certificate delivered; both primary and secondary levels were included in this programme.
382. There were 1,184,964 functional illiterates, and the Government was implementing a national literacy plan to remedy this situation.
383. Equal pay for equal work was assured by the Constitution. In case of discrimination regarding salary scales, the courts were able to accept the complaint and rule both through principles outlined by the Convention and the national legislation.
384. Provisions for protective legislation would be removed as soon as they were considered outdated.
385. The representative also replied to questions which had been raised regarding benefits associated with old age, disability and death. Contributions to these funds were given by the individual or by the employer or the State, as

appropriate. There was no discrimination in regard to these provisions. Pensions on retirement could be collected after 30 years' service and women could retire at age 55 while men at 60. She explained the different schemes related to the social security system.

386. Paternity leave was granted for one day - on the occasion of the birth of the child. Leave of absence was paid in general. Regarding child and family care leave, women could request a leave of absence on two grounds: the birth or sickness of a child and the attendance to family matters of great importance. They had to prove that they had been working for one year at the same place, that they were employed and lived in the country. The leave of absence could be 6 months to a year, depending on the circumstances. She described the situation of young single mothers. Family planning services were available upon request. Birth control devices were not distributed free of charge. Abortion was illegal but not considered as infanticide.

387. The income tax system was progressive and applied to the individual income with provisions for a non-taxable minimum.

388. Women co-operatives were very active in rural areas although not numerous. They ranged from office-cleaning to rabbit-breeding. Mixed co-operatives worked in diverse areas such as electrical services, credit and consumer services, insurance, housing, gardening, among others.

389. Many programmes had been developed to assist rural women, especially in technical training, co-operative formation, small-scale enterprises and marketing. Regarding migrant women farm-workers (called "swallows"), remuneration was equal for both sexes. Extension workers had been detached to the rural areas by the National Institute of Agricultural Technology with the view of promoting an improvement of women's living and working conditions. A literacy programme had also been introduced. Land tenure was of private nature. Both women who worked in rural areas and domestic workers were protected by specific labour laws.

390. Approximately 1 per cent of the population was of indigenous origin. The indigenous communities were provided with drinking water supply, education and guidance for the sale of their crafts. Religious associations assisted them in the latter. Migration was no longer as serious a problem as at times in the past, since efforts were being made to create jobs in people's places of origin.

391. The following laws and decrees had been adopted for the benefit of women since 1983, apart from the ratification of the Convention: law on joint parental authority, law on marriage and divorce, law on equal rights between children born in and out of wedlock, right to pension in case of cohabitation in de facto marriages, decree on cancer-screening tests, decree on family planning, law on the elimination of discrimination in the trade unions, decrees creating governmental organs in charge of the status of women, adoption of the American Human Rights Convention, the International Covenant on Civil and Political Rights and its Optional Protocol, and other international instruments.

392. She hoped that she had answered most of the questions and thanked the Committee for its interest and comments. She would bear in mind all the suggestions made.

393. The Committee thanked the representative for her comprehensive replies and clarifications. However, an additional clarification was requested.

394. It had been mentioned in the introductory statement that the principle of equal pay for work of equal value was accepted in Argentina, yet reference was made in the reply to equal pay for equal work only. After a short dialogue with the representative, the Committee expressed concern that the implications of the principle of equal pay for work of equal value were not always clear to States parties. What was required was the establishment of criteria to make it possible to compare female-dominated jobs with male-dominated jobs and to get a gender-neutral job evaluation. Such measures could also allow an upgrading of female-dominated jobs, thus constituting a means for the elimination of sex discrimination with regard to remuneration.

395. It would also be very beneficial if the Under-Secretariat was made part of the Council of Ministers where decisions and policies were made.

396. The Committee wished the representative of Argentina every success in her endeavours.