ARGENTINA

1. Discriminatory family code

The statutory minimum age of marriage for women and men in Argentina is 18.¹ There are no planned changes to this legislation and no customary or religious law that governs the age of marriage. Argentina was the second country in the Americas to legalise same-sex marriage in July 2010.²

There are approximately 400,000 indigenous people in Argentina, from 19 different groups. Indigenous groups are recognised in the Argentine Constitution, but it is unclear whether indigenous customs and traditions affect the marriage age of women in these groups.³

Concerning early marriage, UN data reports that 12.9% of women ages 15-19 have been married.⁴

The law provides that men and women have equal decision-making authority over children in marriage and that both women and men can be head of household.⁵ However, detailed time use surveys have shown that women's share of unpaid care work (already higher than men's) increased when there was a young child in the house.⁶ Although the law gives women and men equal decision-making authority over children after divorce, this is not always the case in practice. For example, although women and men have equal parental rights, custody after divorce tends to default to the woman, with men getting parental visitation. Proposed reforms to the Civil Code (proposed in 2012) seek to address these discrepancies.⁷ Proposed reforms also seek to address imbalances between parents and children, giving more rights to children.⁸

The Argentine Civil Code provides equal inheritance rights to wives and daughters, though there is no quantitative or qualitative information on how this legislation functions in practice.

Both women and men can initiate divorce, according to the Civil Code.⁹ Current divorce laws split money evenly between divorced couples, often to the detriment of women. Proposed reforms to the Civil Code seek to address this issue by compensating if there is a financial imbalance between the

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¹ Argentine Civil Code
² Freedom House (2013)
³ Minority Rights Group International (2008)
⁵ Argentine Civil Code, Law No. 23264/85
⁶ Division for the Advancement of Women (2009)
⁷ Argentina Independent (2012)
⁸ IPS News (2012)
⁹ Civil Code, Articles 201-205
spouses.\textsuperscript{10} In addition, a public opinion poll in 2008 found that Argentine people believed that divorced women were treated a great deal worse (8%), somewhat worse (20%), and a little worse (24%) than other women.\textsuperscript{11}

2. Restricted physical integrity

Domestic violence is criminalised both under Law 24,417 (Protection Against Family Violence Law, enacted in 1994) and Law No. 26,485 (Comprehensive Protection Act to Prevent, Punish and Eradicate Violence against Women in Areas Where They Develop Their Relationships, enacted in 2009). Under the more recent legislation, domestic violence is defined comprehensively yet remains a misdemeanour offense, prosecuted in civil rather than criminal court. Only when violence is found to involve a “crime against sexual integrity” it is punishable by up to 20 years in prison.\textsuperscript{12} The implementation of this legislation is overseen by the Consejo Nacional de la Mujer (CNM, National Council of Women) and the Office of Domestic Violence. However, according to the most recent Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) shadow report available, “CNM lacks strong national leadership as well as adequate human and economic resources to pursue concrete policies, as it does not receive sufficient funds from the national government for the application of the law.”\textsuperscript{13} Further, the Office of Domestic Violence was created by the Supreme Court of the Nation and has operated, since its inception in 2008, solely in the city of Buenos Aires and is not a proactive public policy, but only receives complaints.

While no official nationwide data is collected on domestic violence reporting or convictions, in 2012 the Office of Domestic Violence (which, again, operates only in Buenos Aires) received approximately 800 complaints a month, 63% from women.\textsuperscript{14} Because of the lack of nationally-collected data, there have also been attempts by NGOs to document the prevalence of domestic violence by looking at national media accounts of women killed in violent situations by partners or ex-partners.\textsuperscript{15} In 2011, the Argentine NGO La Casa del Encuentro reported that 282 women were killed as a result of domestic violence.\textsuperscript{16}

Although there is no available data on police attitudes towards domestic violence victims, Argentina is a signatory country to UN Security Council Resolution 1325. In 2005, the CNM signed and implemented a contract with the Ministry of Justice and Human Rights, which involved the training of 1,200 police and security officers through seminars and workshops on gender violence and the preparation of a draft Police Action Protocol on family and gender violence. Seminars were offered in 2008 on implementing

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\textsuperscript{10} Argentina Independent (2012a)
\textsuperscript{11} World Public Opinion Poll (2009)
\textsuperscript{12} US State Dept. (2013)
\textsuperscript{13} ELA et al. (2010)
\textsuperscript{14} US State Dept. (2013)
\textsuperscript{15} Amnesty International (2009); La casa del Encuentro (2009)
\textsuperscript{16} Argentina Independent (2012b)
the protocol. In 2012, the Office of Domestic Violence, together with the Security Ministry, trained 1,850 members of the security forces in Buenos Aires on dealing with domestic violence.

The criminalisation of rape is covered under Law No 25,087 (modifying the Criminal Code, enacted in 1999). The definition includes marital rape, and the perpetrator cannot avoid prosecution by marrying the victim. As with domestic violence, only when violence is found to involve a “crime against sexual integrity” are harsher punishments enacted. Further, the need to provide proof of sexual injury resulting from the rape can make conviction difficult. The implementation of this legislation is overseen by the CNM. Although nationwide statistics are not collected, the organisation ELA (Equipo Latinamericano de Justicia y Genero) calculated from the 2007 National Crime Information System data that there were 2,173 female victims of rape, and 4,557 cases of other violent sexual crimes against women reported in that year. According to the most recently available information, in 2010 the Ministry of Justice National Crime Policy Office estimated that only one-third of sexual violence crimes were reported and only 10% resulted in conviction.

The Argentine Criminal Code includes sexual harassment by defining sexual abuse as a crime which happens through violence, threat, coercion, intimidation, or abuse of an employment relationship, or of authority or of power. The penalties for sexual harassment vary widely, depending on the city and province, and can include anywhere from five days to four years in prison. There is no data on the frequency of reporting nor on attitudes towards sexual harassment. A recent shadow report to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) suggests a failure both to provide a comprehensive anti-violence policy and to implement current legislation, stating: “Argentina lacks national, provincial, and local public policies for the prevention and eradication of violence... [and] current attempts to prevent or address the issue of violence are isolated actions that do not amount to a government policy.”

There is no law criminalising female genital mutilation, nor was evidence found indicating that it is practiced in Argentina.

More

Crimes of honour have been documented by the organisation ELA (Equipo Latinamericano de Justicia y Genero). In 2009, ELA calculated National Crime Information System data from 2007, finding 235 reports of crimes of honour against women.
According to the Inter-American Commission on Human Rights, who held a hearing on the Situation of Human Rights of Women in Argentina in March 2013, **indigenous women** are especially vulnerable to human rights abuses in Argentina.  

As in other parts of Latin America, **femicide** – or the killing of women – is a particular issue for concern in Argentina. In 2012, Congress passed an amendment to Article 80 of the Criminal Code, increasing the penalty for femicide to life in prison for men who kill women, or people identifying themselves as female. The law includes a clause about “extraordinary circumstances,” which would allow a judge to lessen the sentence for femicide to between 8 and 25 years.

Violence against **lesbian and transgender women** has been reported in Argentina, with 19 murders of transgender people reported by the Trans Murder Monitoring project in 2013. In 2012, Argentina passed a Gender Identity Law guaranteeing rights for transgender people.

In 2012, the Supreme Court decriminalised **abortion** in cases of rape, prior to which abortion was only available in order to save the woman’s life (upon judicial permission), when her health was at risk, and when a mentally handicapped woman was raped. This ruling involved a re-interpretation of Section 2, Article 6 of the Argentine Criminal Code, which says that abortion is not a punishable act "if the pregnancy stems from a rape or an attack on the modesty of a woman of feeble mind" to include all women – not just “feeble minded” – and allows that women who have been raped no longer be required to receive judicial permission to have an abortion. According to the most recently available information from the Department of Health, abortion-related deaths are the leading cause of maternal mortality in Argentina.

### 3. Son bias

The male/female **sex ratio** at birth is 1.05 and for the working age population (15-64 years old) is 1. There is no evidence to suggest that Argentina is a country of concern in relation to missing women.

In 2011, the ratio of female to male primary **school enrolment** was 99% and 110% for secondary education. In addition, the ratio of young literate females to males was 100.4. According to data provided by UNICEF (2008-2012) there is virtually no gender gap in primary education, and the existing gap in secondary education is in detriment of boys.

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26 Center for Human Rights and Humanitarian Law (2013)  
27 Argentina Independent (2012c)  
28 Transgender Europe (2013)  
30 BBC News (2012)  
31 ELA et al. (2010), p. 9  
32 CIA (2013)  
4. Restricted resources and assets

Under the Constitution, women have equal rights to **access to land**. In practice, however, land continues to be owned by men; for example, women in Argentina head only 18% of agricultural holding, according to the FAO.\(^{35}\) In some indigenous communities, land is communally owned. This does not have an adverse effect on women and, overall, customary law is marginal.\(^{36}\) However, there are current suggested reforms to the Civil Code regarding indigenous land ownership that will likely affect indigenous women.\(^{37}\)

Under the Constitution, women have equal rights to **access property other than land**, including housing (in Article 14). However, according to the most recent shadow report to CEDAW, there is a serious housing deficit in Argentina and affordable housing is largely unavailable for low-income segments of the population. Women are more negatively affected, as they constitute a higher percentage of the poor. Although national housing policies have been put in place since 2003, they are not gender sensitive and thus do not address the specific needs of Argentine women.\(^{38}\)

Although women have equal rights to **access credit and loans** under the Argentine Constitution, only 10% of the total population (women and men) in Argentina actually have access to credit and loans.\(^{39}\) According to the World Bank, only 34% of men and 31% of women had accounts at formal financial institutions, and only 1.1% of men and 0.7% of women received loans from private lenders in 2012-2013.\(^{40}\) Women make up a high number of workers in the informal sector and of those with low-wage jobs, making it difficult for them to meet the requirements for accessing a loan (formal bank accounts, collateral, etc.). The inability to access loans also affects women’s ability to own property, especially housing.\(^{41}\)

Women do have wide access to microfinance in Argentina. According the latest comprehensive data available through Microfinance Information Exchange (2011), with information from 13 microfinance institutions, women made up 65.29% of microfinance borrowers.\(^{42}\) The organisation *Pro Mujer*, which targets women specifically, had the highest number of borrowers overall – nearly twice as many as the next highest lender, *FIE Gran Poder* (counting both male and female borrowers).\(^{43}\)

Moreover, there are government subsidies targeted at women. For instance, the *Asignación Universal por Hijo para Protección Social* (Universal Child Allowance for Social Protection) and *Progresar*. The

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35 FAO (2010)  
36 FAO (n.d.)  
37 Amnesty International (2013)  
38 ELA et al. (2010)  
39 ELA et al. (2010)  
41 ELA et al. (2010)  
42 Microfinance Information Exchange (2013)  
43 Microfinance Information Exchange (2013)
latter is also a government aid, providing $600 per month to unemployed and underemployed women aged 18 to 24.\textsuperscript{44}

5. Restricted civil liberties

There is no evidence of laws or discriminatory practices that affect women’s free access to public space and freedom of movement. There are no laws requiring women to be granted male permission to leave the house. However, it is unclear whether indigenous customs and traditions affect women's access to public space among the country’s 19 indigenous groups.\textsuperscript{45}

In the area of political voice, since 2000, an official decree states that one-third of the members of both houses of congress must be women (Decree No. 1246, 2000). It is achieved by requiring that party electoral lists have at least 30% women in all electoral lists (Electoral Code, Article 60, 3-4).\textsuperscript{46} In 2003, a decree was passed to increase gender diversity among the Supreme Court of the Nation (Decree No. 222, 2003). In 2013, women held 37.4% of parliamentary seats.\textsuperscript{47}

There are also quotas at the sub-national level, which vary throughout the country.\textsuperscript{48} At the local (provincial) level, women comprise 27% of legislators, although the level varies greatly between provinces, from a low of 4% to a high of 48%.\textsuperscript{49} As of December 2008, women were in charge of only 15% of ministries and 26% of the secretariats in Argentinean provinces. As of 2010, all local municipality heads were male, and women were only 11.3% of local secretaries and made up only 29.03% of local legislative councils.\textsuperscript{50} This situation has evolved in recent years. Only in the province of Córdoba, in December 2011, were elected 56 women heads of municipalities for a four-year period. The provinces of Buenos Aires and Santa Fe, as well as others, also have or have had several women heads of municipalities.\textsuperscript{51}

More

Although there is no nationally collected data on women’s representation in the media, national efforts to address discrimination against women in the media have been underway since 2006. At that time, the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) and the Federal Broadcasting Committee (COMFER) “set up an observatory on discrimination in radio and television... [to] evaluat[e] the contents of current programming, to detect cases of gender discrimination, and to impose the corresponding sanctions.”\textsuperscript{52}

\textsuperscript{44} Administración Nacional de la Seguridad Social, http://www.anses.gob.ar/noticia/la-presidenta-cristina-fernandez-de-kirchner-presento-progresar-904 (accessed 5 May 2014)
\textsuperscript{45} Minority Rights Group International (2008)
\textsuperscript{46} The Quota Project (2013)
\textsuperscript{47} OECD (2014), Gender, Institutions and Development Database, http://stats.oecd.org
\textsuperscript{48} The Quota Project (2013)
\textsuperscript{49} CEDAW (2008)
\textsuperscript{50} ELA (2010), pp. 15, 17
\textsuperscript{51} Ministerio del Interior y Transporte, http://www.mininterior.gov.ar/ (accessed 05/05/2014)
\textsuperscript{52} ECLAC (2009)
There are a number of laws in place to protect women in employment: Law 20/392 (1973; no compensation may establish differences between men and women for work of equal value); Decree no. 54 (1998; promotes plan for equal opportunities between men and women in the workplace); Law 25/674 (2002; on female participation in the collective bargaining units, working conditions or female union quotas).\textsuperscript{53}

Women in Argentina receive 90 days of paid maternity leave, paid at 100\% of their salaries, through an employer-funded system.\textsuperscript{54}

\textsuperscript{53} FAO (n.d.)
\textsuperscript{54} International Labour Organization (2011)
Sources


World Bank (2013) Global Financial Inclusion Database [database].