

ARGENTINA

Specific references to women and girls with disabilities
CRPD Committee 2012 Country Review
List Of Issues (LOI), 16 May 2012 CRPD/C/ARG/Q/1
Concluding Observations (CO), 8 October 2012 CRPD/C/ARG/CO/1

Compiled by Myra Kovary, 31 March 2013

Women and girls with disabilities (Articles 1 – 4, 6 and 7):

The Committee requested information on the Gender and Disability Programme being implemented through the National Women's Council and the National Advisory Commission on the Integration of Persons with Disabilities (CONADIS), including information on budget, measures, specific actions, etc. (LOI, Para 28)

The Committee took note with concern of the unconvincing measures taken by the State party to address the specific needs of women and girls with disabilities and the lack of proper protection for their rights. (CO, Para 13)

The Committee noted with concern that there is no strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women, including those that assure effective participation in decision-making processes. (CO, Para 13 and Para 14)

The Committee urged the State party to pursue a broad and comprehensive strategy to realize all the rights set out in the Convention, taking due account of the human rights model of disability. The Committee recommended that the State party take effective steps to ensure that persons with disabilities — including children and women with disabilities — are actively involved in planning, implementing, monitoring and evaluating this strategy. (CO, Para 8)

The Committee recommended incorporating a disability perspective into all gender-equality programmes thereby guaranteeing the full and effective participation of women with disabilities on the same footing as other women. (CO, Para 14)

Access to justice (Article 11):

With reference to the concluding observations of the 6th CEDAW report, the Committee requested information on measures taken to promote access to justice for women with disabilities, including for women and children with disabilities who have been victims of sex crimes. (LOI, Para 10 and Para 14)

The Committee noted with concern that there is no strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women that deal with access to justice. (CO, Para 13)

Freedom from exploitation, violence and abuse (Article 16):

The Committee requested information regarding:

- 1) Policies to promote, defend and restore the rights of victims of sex crimes when those victims are persons with disabilities, particularly women and children with disabilities. (LOI, Para 14)
- 2) Targeted measures for boys and girls with disabilities that have been introduced in the Special Unit to Promote the Eradication of Sexual Exploitation of Children (UEESI). (LOI, Para 14)
- 3) Targeted measures for women with disabilities provided for in Act No. 26.485 on protecting, preventing, punishing and eliminating violence against women. (LOI, Para 15)

The Committee noted with concern that neither Act No. 26.485 on comprehensive protection and the prevention, punishment and elimination of violence against women nor Act No. 26.061 on the comprehensive protection of the rights of children and adolescents takes account of the specific situation of women with disabilities and children with disabilities, respectively. (CO, Para 29)

The Committee urged the State party to guarantee protection for women with disabilities and children with disabilities in, respectively, the revised versions of Act No. 26.485 and Act. No. 26.061 and their implementing regulations. It urged the State party to incorporate a disability perspective into policies and programmes developed on the basis of these acts. (CO, Para 30)

The Committee recommended that the State party collect data and information on violence and abuse against persons with disabilities, paying particular attention to women, children and persons who are institutionalized and that the State party should, inter alia, establish institutional mechanisms for the early detection of situations in which violence may occur, diligently investigate allegations of violent acts and make any adjustments in procedures that may be needed so that victims can testify and those responsible can be prosecuted. (CO, Para 30)

The Committee also noted with concern that there is no strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women that deal with violence. (CO, Para 13)

Respect for home and family (Article 23):

The Committee requested information regarding safeguards for protecting the rights of fathers and mothers with disabilities to exercise parental authority and not be deprived of this right on the basis of disability. (LOI, Para 20)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Forced sterilization and abortion (Articles 12, 17, 23 and 25):

The Committee requested information regarding safeguards to protect the rights of persons with disabilities to maintain their fertility, particularly measures taken to do away with forced sterilizations and abortions of women with disabilities. (LOI, Para 21)

The Committee expressed concern that persons with disabilities are being sterilized without their free and informed consent. (CO, Para 31)

The Committee recommended that the State party amend article 86 of its Criminal Code and article 3 of Contraceptive Surgery Act No. 26.130 so that they will be in accordance with the Convention and take steps to provide the necessary support to women under guardianship or trusteeship to ensure that the women themselves are the ones who give their informed consent for a legal abortion or for sterilization. (CO, Para 32)

Education (Article 24):

The Committee requested data, disaggregated by sex, on students with disabilities who are enrolled in regular schools and special schools. (LOI, Para 22)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Health (Article 25):

The Committee requested information on measures taken to ensure that sexual and reproductive health services are accessible to persons with disabilities. (LOI, Para 23)

The Committee requested information on the net expenditure on sex education and reproductive health programmes targeting persons with disabilities. (LOI, Para 23)

The Committee noted with concern that there is no strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women that deal with sexual and reproductive rights. (CO, Para 13)

Work and employment (Article 27):

The Committee requested information, disaggregated by sex, regarding compliance with the legal quota for hiring of employees with disabilities. (LOI, Para 25)

The Committee noted with concern that there is a lack of the disaggregated data (by, inter alia, sex, age, type of disability and geographic location) needed to assess compliance with this quota at the national and provincial levels. (CO, Para 43)

The Committee noted that it is disturbed about discrimination against women with disabilities in the realm of employment. (CO, Para 43)

The Committee noted with concern that there is no strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women that deal with access to the labour market. (CO, Para 13)

Adequate standard of living and protection (Article 28):

The Committee requested information on measures taken to provide social protection to boys and girls with disabilities under the Families Plan. (LOI, Para 26)

The Committee made no follow up comments with respect to gender on this issue in its concluding observations.

Statistics and data collection (Articles 1 – 4, 31):

The Committee requested information on the number of persons holding a “disability certificate” disaggregated by sex. (LOI, Para 1)

The Committee recognized the State party for the work it has begun in order to conduct the second national disability survey and to underscore the importance of compiling up-to-date data which will provide an accurate picture of the situation of specific groups of persons with disabilities who may be subject to multiple forms of exclusion, particularly women, children, institutionalized persons, those who have been deprived of legal capacity and those belonging to indigenous peoples. (CO, Para 49)

The Committee recommended that the State party systematize its collection, analysis and dissemination of statistics and data, taking into consideration the

situation of specific groups of persons with disabilities who may be subject to multiple forms of exclusion. The Committee urged the State party to step up its capacity-building measures in this area and to develop indicators that will reflect issues of multiple discrimination and intersectionality as they relate to persons with disabilities. (CO, Para 50)