

# Advancing Women's Sexual and Reproductive Rights in Argentina

## Challenges to Implementing International Law

GLORIA BONDER, MARJAN RADJAVI AND CARLOTA RAMIREZ

*Depuis les 30 dernières années l'Argentine a connu des changements dans la législation et les politiques qui visaient à incorporer les droits humains internationaux dans le discours relatif aux femmes et à l'Etat. L'auteure met en évidence le rôle des ONG qui furent les médiateurs au stade de l'internationalisme. Elle explique comment les normes internationales de concert avec la société civile ont pu influencer sur les lois et les politiques nationales relativement aux droits sexuels et reproducteurs et pour amorcer un changement social et politique.*

*Este artículo describe los cambios en la legislación y las políticas que han ocurrido en Argentina, durante los últimos 30 años, con el propósito de incorporar los derechos humanos internacionales dentro del discurso de las Mujeres y el Estado. Se centra en el nivel internacional, particularmente en el papel de las ONGs como mediadores de este proceso. Se identifica cómo actores de la sociedad civil aprovechan las normas internacionales para impactar las leyes y políticas nacionales en relación a los derechos sexuales y reproductivos y cómo se lideran transformaciones sociales y políticas.*

Although very young in years, Argentinean women's and human rights organizations have grown to become indispensable actors in the

promotion and protection of human rights and in developing participatory citizenship in the country. Over the last three decades these organizations have, collaboratively and independently, developed and strengthened transnational networks, created regional and international alliances, organized national meetings, participated in international and regional human rights and women's conferences, coordinated campaigns and disseminated information through websites and publications, playing a leading role in securing reforms in women's rights, and holding the Argentinean government accountable. One outcome of these actions has been the constitutional reform of 1994 that incorporated international human rights treaties into national legislation, providing new opportunities and tools to demand the state fulfill its obligations to women and men. Yet, the progress obtained in these last decades has unveiled new problems, and unresolved issues remain

### Democracy and Gender Equality

In the 1980s Argentina, like most countries in Latin America, transitioned from an authoritarian and military regime to a democratic political system initiating a complex process of democratization both at the political and social level. This

occurred in conjunction with structural adjustment policies imposed by the International Monetary Fund (IMF), the World Bank and other financial institutions, creating tensions and contradictions. It took place in the context of the wider (and expansive) environment of regional and global integration and at a time in history when more than ever before human rights were recognized as pertaining to all individuals (Barreiro). These political, social, and economic changes in the national and international scenario provided an opportunity for Argentinean women's and feminist organizations to incorporate issues of gender equality and women's rights into the political agenda. The women's movement that emerged after years of violence and authoritarian regimes,<sup>1</sup> found it imperative to prioritize respect of human rights and the rule of law in their actions, entailing demands for gender justice along with efforts for restoration of democracy and active citizenship (Molyneux).

At the national level this movement expressed the complexity and diversity of its constituency of feminist and non-feminist groups, academics, and government organizations focusing on gender, women from political parties and trade unions, and various other actors. Due to this diversity, there emerged

multiple and contradictory practices and discourses about the roles of the State, international organizations (particularly the United Nations and the Organization of American States), and the Catholic Church.<sup>2</sup> However, despite such differences, for over more than two decades women's organizations and feminist groups in the country have worked together on a number of initiatives for the promotion of women rights.<sup>3</sup> From 1986 the Argentinean women's movement has convened 22 national meetings with an ever increasing involvement; augmenting participation from 900 individuals during the first meeting to more than 30,000 in the last two.<sup>4</sup> It has also built a progressive ability to utilize international human rights instruments to lobby for and promote gender justice and to strengthen democracy. These joint efforts have aided in achieving important gains in national and provincial legislations and policies.

Prior to the reestablishment of the democratic system, in the 1980s the Argentinean feminist and women's movement capitalized on State signature of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW)<sup>5</sup> to pressure political parties to include women in their agendas. In 1983 the newly elected democratic government created the first National Mechanism for the Advancement of Women<sup>6</sup> and over the next decade, 21 provincial women's offices at varying stages of institutional development were established. While CEDAW was signed in 1980, democracy only returned in 1983 with the first democratic election since 1976. Argentina was also the first country in the region to pass affirmative action legislation to foster women's political participation<sup>7</sup> having an immediate impact on the composition of the legislature, initially in the house of representative and later in the senate.<sup>8</sup> Another significant advance in legislation was the reform of the Constitution in

1994 entrenching all international human rights treaties signed by Argentina, including CEDAW.<sup>9</sup> The incorporation of these treaties into the new constitution established the right to equal opportunities and treatment for men and women as well as political participation guaranteed by positive measures.<sup>10</sup> With this reform and the new status of CEDAW, Argentina began to review

---

**The women's movement that emerged after years of violence and authoritarian regimes, found it imperative to prioritize respect of human rights and the rule of law in their actions.**

---

its legislation to eliminate discriminatory provisions in order to comply with the rights set out by the convention. Over the next 15 years the national Congress approved a significant number of laws that have had a profound impact, changing the lives of Argentinean women and more importantly, challenging ingrained cultural and institutional barriers to women's advancement. In addition to changes in legislation, the government, through its different offices, began to develop and implement a new series of policies and programs in an attempt to comply with its international obligations.

### **Sexual and Reproductive Health**

In the area of health, a national law of sexual health and responsible parenthood was passed by Congress in October 2002 defying decades of

conservative resistance spearheaded primarily by the Catholic Church.<sup>11</sup> The law established the creation of a national program for sexual health and responsible procreation with emphasis on prevention and early detection of STDs and HIV infection, free and universal provision of contraceptives, access to information and counseling, the promotion of female participation in decision-making, and improvement in the quality and extent of sexual and reproductive health services.

Despite these advances, there remains a sobering gap between equality legislation and its place in the lives of women. An illustration of these disparities is the rate of maternal mortality,<sup>12</sup> which in Argentina between 2005 and 2006 increased from 39 deaths per 100,000 live births to 48 per 100,000.<sup>13</sup> According to data provided by the Office of Statistics and Health Research,<sup>14</sup> of the 279 deaths registered in 2005, 28 percent of women died during abortions. Compared with other countries in the region, the high mortality rate reflects the prevalence of unsafe, illegal, and unregulated abortions, as well as barriers to access to contraceptives, and lack of autonomy over sexuality.<sup>15</sup> This situation has been the cause of concern for both the CEDAW and the ECO-SOC Committees of the United Nations as it contravenes both CEDAW and the International Convention on Economic, Social and Cultural Rights.<sup>16</sup>

Feminist scholars have argued that sexual and reproductive rights, indeed the exercise of all rights, involve two key elements: power and resources. The first is an essential condition for autonomous, informed decisions; the second is necessary to exercise decisions in a safe and effective manner (Correa and Petchesky). With this understanding, feminists participating in the women's movement affirm that women's sexual and reproductive rights must include freedom and autonomy to decide if one wants

children, how many and in which conditions, as well as demand access to all social, political, economic and cultural rights and resources to make and carry out decisions.

### Local Uses of International law

Sonia Alvarez conceptualizes NGOs as “discursive fields of action.” She argues that social movements constitute a particular way of doing politics, “a discursive, expansive heterogeneous field where cultural and political meaning are fashioned and continually contested and in relationship to which people who identify with the movement and are situated in a wider range of social and political spaces constantly renegotiate their political identities and practices” (184). In this case study conducted in 2007, we find several points of divergence in this heterogeneous field of women’s sexual and reproductive rights that hinders the use of international human rights norms in Argentina. These divergences do not occur at fixed points in time, but in a process of deconstruction and reconstruction of discourses and practices that mean organizations and individuals concerned with women can only sometimes work together adopting the discourse and practices of women’s human rights.

This case study investigated factors that appear to reinforce or reduce the gap between international norms and their implementation at the national or local level, with a focus on sexual and reproductive rights.<sup>17</sup> As Martha Finnemore and Kathleen Sikkink note, “international norms must always work their influence through the filter of domestic structure and domestic norms, which can produce important variations in compliance and interpretations of these norms” (893). According to this point of view, global norms make sense only when incorporated into local law and culture through processes shaped by structural and institution-

al factors, as well as by State/non-State relationships. Notably, global norms are influenced by national networks of activists linked together by national and international NGOs, grassroots organizations, and public opinion (see, also, Hathaway; Keck and Sikkink). While it is true the interaction of these mediators is very complex and to some extent unpredictable (partially due to questions

---

## The shifting commitment of the state to gender issues, and the institutional weakness of the judicial system, have emerged as major barriers to implementation of international law.

---

of legitimacy) (Franck), it warrants in-depth investigation. According to Harold H. Koh, the process can be divided into three phases: 1) the interaction of transnational organizations including nation-states, international organizations, multinational corporations, NGOs and individuals that generates international norms, 2) the instigation of interpretations through interaction of national and international fora, and 3) the internalization of international norms in the domestic system which completes the process that leads to compliance (Koh). As Argentina has entrenched international law in its constitution since 1994, this paper focuses on the internalization stage that can also be referred to as localization; it involves political, social and juridical mechanisms central to generating compliance with international law.

In Argentina, women’s NGOs have

used international human rights instruments to advocate for women’s rights particularly on issues of sexual and reproductive rights. However, while references to human rights are widespread, found in elementary textbooks, social and health service publications, political campaigns, and elsewhere, sexual and reproductive rights appear infrequently in public and political discourse. The following instructive findings emerge from 17 open-ended interviews conducted mainly with Argentinean women’s and human rights NGOs. They are representative of the current diversity present in the wider socio-political landscape of Argentina. They serve to clarify the role of NGOs as mediators in the localization process, whereby international norms are harnessed with the purpose of impacting national policies and laws.

### Principal Findings

The existing gap between international norms and relevant realities has launched much debate amongst women’s and human rights groups, especially regarding the efforts and resources allocated to working with international and governmental organizations, and the benefits obtained in return. In Argentina, the arbitrary and shifting commitment of the State to gender issues, the institutional weakness of the judicial system, and continuing lack of resources have emerged as major barriers to implementation of international law as understood by respondents in the study. However, other factors, particularly those related to health issues and sexual and reproductive rights have led to civil society use of international law despite these very barriers.

### *Sexuality, Reproduction and Rights: An (Ill)legal Relationship*

As with any term that has multiple connotations and is used as political currency by various groups, “sexual and reproductive rights” re-

mains elusive. The debate about such rights evolves while the term is deconstructed and reconstructed in conjunction with new ideas about femininity, masculinity, the family and community, gender relationships and procreation. Clearly legal debate encompasses much more than simply regulations and procedures, involving also the cultural and institutional construction of subjectivities, duties, obligations, privileges and notions of justice. This is true for Argentina where the legal debate about sexuality and reproduction constitutes one aspect of the broader tension-ridden and challenging process of re-democratization. Mediatized cases of raped adolescents and mentally-challenged women who were refused legal “therapeutic” abortions in public hospitals have intensified the debate.<sup>18</sup> These extreme situations have generated opposing opinions amongst civil society actors. As suggested by the interviewees the way in which each group of actors conceptualizes and expresses ideas about sexual and human rights creates fractures between groups, even among those who claim more progressive, innovative and inclusive understandings of gender roles and relationships.

Interview findings point to a persistent lack of articulation among and between women’s and human rights groups. According to many women’s organizations, human rights groups tend to ignore women’s specific needs and rights. While some actors participate in both types of organizations, collaboration among the two is sporadic at best, due to their varying priorities. It was not until 2002 (and then again in 2004) that the first and only human rights organization was actively involved in the elaboration of a Shadow Report presented to the United Nations CEDAW Committee.

In addition, the recent history of military dictatorship has introduced human rights into public discourse mainly in terms of the violations

committed by the State on bodily integrity. This has focused on the illegal detention, torture, murder, and disappearance of citizens, and the kidnapping of children. It has not privileged an investigation of the private/public debate as presented by women’s groups, but has rather concentrated on women’s biological roles as mothers as a fundamental and integral responsibility (Feijoo).

---

### **Existing human rights discourse in Argentina appealing to international law serves as a barrier to the incorporation of sexuality and procreation in the scope of recognized human rights.**

---

Interviews conducted suggest that existing human rights discourse in Argentina appealing to international law serves as a barrier to the incorporation of sexuality and procreation in the scope of recognized human rights. These rights then suffer as they become the purview of the private domain, and subject primarily to the conservative elements in the medical profession and the courts.

#### ***Issues of Translation: From the Universal to the Individual***

Another significant factor that mediates between international norms and their local manifestation is how ideas are translated into a language meaningful to “non-experts.” The notion of universal rights as well as the idea of justice is based on the assumption that all individuals are equal, which is not what most people experience or believe. In ad-

dition, even in discussing women’s rights, legal culture often excludes specific needs of women. Therefore, those NGOs that use human rights language suggest a process of “translation” is required to convey global norms to women, and to render them meaningful in the context of their lives, particularly to those less privileged.

NGOs interviewed described different strategies to convey women’s rights to various target audiences. Some organizations work in low-income communities carrying out campaigns and educational activities in order to communicate in plain language the contents of international and national human rights legislation. Others concentrate efforts on the professional community, on lawyers, judges, physicians, and policy-makers. The use of test cases comprising of strategic litigation was mentioned as a strategy to influence public opinion and to advocate for changes in national legislation.

However, most NGO participants in the study agreed the translation of universal rights into lives impacted by increasing inequalities and exclusion remains a challenging task. This is true in Argentina where a significant number of individuals are unaware of their constitutional rights and the protections granted them by law (de Barbieri). Among those who know their rights, access to justice is a further impediment (Birgin and Kohen). These circumstances characterize a situation of exclusion that is notably at odds with citizenship and democratic ideals. This contradiction has compelled feminists in the region to develop theoretical thinking and to organize actions around the notion of citizenship as a key concept in the current political context. For instance, according to Virginia Vargas (2000a) the ideas of citizenship and citizenship rights as they evolve, express the dynamics of exclusion-inclusion in particular socio-historical contexts and present opportunities for the emergence of new rights. For both Vargas and



Brazil, 2009. Photo: Xochitl Rubio

Néstor García Canclini (cited in Banchs Rodriguez), the formal recognition of new and expanded meanings of human rights and the notion of citizenship itself are the result of practices that emerge and are exercised by the grassroots, and exert pressure on other levels of society. Corresponding with this view, respondents in the study consider that localization is a process consisting of constant transition and contestation, a progressive challenging of existing practices of exclusion, and an increasing recognition of diversity.

***Tension Between Global Market Economy and Local Implementation of International Human Rights***

The process of globalization has created a paradoxical set of circumstances. At the same time that globalization of legal norms and communications is facilitating the recognition and advancement of women's rights including sexual and reproductive rights, globalization of the economy is simultaneously making it difficult for large groups

of women to benefit from these prospective gains. NGOs have benefited from the opportunities of new information and communications technologies to strengthen women's movements. This has been achieved through the establishment of transnational networks and alliances, and increased engagement in collective action, both influencing international policies and organizations. On the other hand, economic globalization has resulted in a concentration of economic power, generating a process of exclusion that stands in the way of democratic processes (Valente 2000b). As previously mentioned, in Argentina and Latin America more generally, political democratization and the implementation of structural adjustment programs during the 1980s and '90s<sup>19</sup> resulted in neoliberal policies intensifying inequality and undermining the fragile basis of earlier forms of social solidarity (Molyneux).

Line Barreiro argues that globalization of the economy, which has occurred in the absence of equally global and democratic regulation,

has deepened already existing differences between developed and developing countries. In this context and in spite of the existence of international legal instruments and agreements for the promotion and protection of human rights, it would appear that developing states lack real ability to guarantee such rights. Many of the barriers to implementing women's human rights at the local level, especially those related to access to adequate services, result from this situation of conflicting interests and lack of resources.

Despite advances resulting from a change of economic policies after the 2001 crisis in Argentina, findings indicate that resources are still scarce at many levels; the State provides insufficient and inadequately funded women's health and legal services. Due to the problems created by the growing economic gap between social groups, the incorporation of even a progressive gender perspective in public programs is rendered ineffective. Respondents in the study noted women's NGOs that operate as service-providers in lieu of

comprehensive State programs cannot access financial resources, especially in the medical sector, and that this has a negative effect especially on low-income women.

Furthermore, due to years of human rights violations perpetrated by the State, the current national legal system lacks both credibility and authority. Corruption is another pervasive problem in government, generating privileges opposed to the very ideals of citizenship. According to the 2005 United Nations *Human Development Report*, Argentinean's lack of respect for the law can even be considered part of the "national identity." This produces a contradictory situation in which human rights and women's organizations have been vocal in demanding state compliance with international obligations, while at the same time distrusting the political classes and government actors they petition to carry out reforms. According to findings the lack of credibility of the judicial system, which is part of the general distrust, translates into the perception that international legal norms and public policies about sexual and reproductive health do not benefit the grassroots. Furthermore, the role international organizations have played in encouraging economic policies that brought the country to the brink to collapse and their perceived ineffectiveness in preventing illegal intervention in the case of Iraq contribute to this undermining of institutional and governmental credibility. In addition, there are very few organizations that possess knowledge and financial resources to access the international or Inter-American system of protection of human rights.

Interviews confirm that a significant proportion of Argentinean women's and feminist organizations have set their sights on an alternative globalization as a prerequisite for democratic societies inclusive of women's rights, including in the health sector. One of the challenges for NGOs working locally is

to articulate issues of global justice in light of the immediate needs of women's health in their communities, through actions that promote women's consciousness about existing and aspirant socio-economic and political factors, and lead to women's empowerment.

## Conclusions

For feminist organizations in Argentina and in the region, the exercise of sexual and reproductive rights represents a profound questioning of conservative philosophical, ideological, religious, and political positions. In this newly emergent globalized scenario, the body has become "a space endowed with citizenship"<sup>20</sup> and it is in this arena where a multiplicity of experiences and articulations occurs and new meanings are created. The linking of sexual and reproductive rights to democracy by Argentinean women's organizations periodically challenges and periodically supports prevailing human rights priorities. What remains constant is that it opens up the possibility to pursue equality with an understanding that it is always exercised in a context of power and resources.

Women's sexual and reproductive rights in Argentina are mediated through networks of activists, linked together by NGOs, local movements, political parties, international and regional organizations, and various other State and social actors. The interaction of these mediators at times can lead to increased access to resources and authority through coordinated action in the international sphere and its local impact. Global norms activate legal obligations nationally, but as these interviews reveal, the local context is of utmost importance as it provides an opportunity for the internalization of these norms.

The work of social actors who focus on sexual and reproductive rights, human rights and women's citizenship intersects with women's lives on the ground, and is only

made relevant when translation reflects the lives of these women. New meanings that result from formal and informal local pressures ensure that once laws have been brought in contact with other laws and cultural norms, and once they have been interpreted, the processes of re-democratization can begin. Re-democratization coupled with women's human rights and efforts to assess the relationship between women and the State, is a very complex matter. Civil society in Argentina has an uncomfortable relationship with the State as the primary bearer of rights, just as human rights discourse is at times at odds with the sexual and reproductive rights of women.

Sônia Correa and Rosalind Petchesky delineate four principles of an ethical perspective on reproductive and sexual rights based on this understanding of power and resources including bodily integrity, personhood, equality and respect for diversity (see, also, Dixon-Mueller). Some will argue that these principles pose conflicts and contradictions that can only be resolved by the creation of new social arrangements (Machicao). But, in order to promote a genuine appropriation of the international and human right law and norms, NGO culture and practices need also to be challenged. A serious and open debate about predominant conceptions of sexuality and reproduction and how each are embedded in subjectivity is needed to understand the decisive role played by women's subjectivity, gender relations and social imagination in the symbolic and cultural social order that impacts women's rights in Argentina. The immediate challenge confronting Argentinean NGOs working on women's human rights is to find creative avenues to highlight these complex and fluid interrelationships between sexual and reproductive rights, human rights and women's citizenship, in their constant and often contradictory engagement with personal, political, and social transformation.

*The International Development Research Centre (IDRC) Canada has provided funds towards conducting research on Gender, International Law and Justice (GILC) in a number of case study countries including Argentina. The authors would like to thank the Gender Unit of the IDRC for intellectual and financial support. Appreciation from the authors is also due to Eva Sol Lopez, a student at the Latin American Faculty of Social Sciences (FLASCO) and collaborator of Gender, International Law and Justice.*

*Gloria Bonder is the director of the Center of Gender, Society and Policies based on the Latin American Post Graduate Institute of Social Sciences-FLASCO, Argentina*

*Marjan Radjavi is Research Director of Gender, International Law and Justice, and has been working on women's issues since 1991.*

*Carlota Ramirez is a faculty and researcher at the Center of Gender, Society and Policies based on the Latin American Post Graduate Institute of Social Sciences-FLASCO, Argentina*

<sup>1</sup>The methods implemented by the military junta that governed Argentina from 1976 to 1983 have been defined by some as State terrorism. Authors such as Hannah Arendt define state terrorism as an instrument used by government to eliminate political opponents and to terrify people. Patricia and William Marchak state that this process is instigated when a significant sector of the population believes state actions are necessary to bring order to society. Eventually this evolves into generalized suspicion creating a context in which fear and terror paralyzes civil society. In Argentina the methods applied by the military juntas involved kidnapping of men, women and children, torture and murder of dissidents of the regime. Human rights organizations estimate that the number of disappeared is approximately 30,000 in-

cluding 500 children born in captivity. For further information on the subject see Marchak.

<sup>2</sup>Most of the feminist groups that currently participate in the Argentinean women's movement emerged during the '70s "second wave" of feminism. They are comprised of middle class, educated, professional women organized in an autonomous movement. During the '80s, after the Second Regional Feminist Meeting in Lima, an important sector of the movement began to re-define their actions, to debate the transition to democracy and the role women should play in it. For further information, see Birgin.

<sup>3</sup>For instance in the field of women's health alone, the Argentinean feminist movement and the Women's Global Network for Reproductive Rights organized from 1996 to 2003, eight regional campaigns advocating for women's health with a range of participants from 25 to 170 groups from 10 to 15 countries each time. A detailed account of these experiences can be found in: Las Campañas de la Red de Salud de las Mujeres Latinoamericanas y del Caribe.

<sup>4</sup>For over two decades the ENM has promoted initiatives and actions pertaining to community daycare, quota laws, legislation against domestic violence, legalization of divorce, shared parental rights, contraceptives and abortion campaigns, and pensions for housework, among other issues. Still, the ENM does not represent a real point of reference either for civil society actors or for the state.

<sup>5</sup>Later, in July of 2004 the Inter-American Institute on Human Rights (IHR) along with various women's organizations began to work on a number of strategies for ratification of the Optional Protocol of CEDAW. The Catholic Church exerted a strong opposition to the ratification arguing that, it would imply a surrendering of sovereignty and would open a wide door towards abortion legalization (Eduardo Tagliaferro, Página/12, Thursday November 2006 ). Finally, due to the joint ef-

fort of the IHR, women's groups and human rights movements and legislators committed to women's rights, Law No. 26.171 that ratifies the Optional Protocol of CEDAW and delineates its implementation, was passed on November, 2006.

<sup>6</sup>The *Dirección de la Mujer*, under the Secretaría de Desarrollo Humano y Familia del Ministerio de Salud y Acción Social, later became a secretariat under the direct supervision of the President which represented a significant change in its status, and later, in 1992 this secretariat was transformed into the National Women's Council. This last organization was responsible for strengthening and promotion of public policies for equal opportunities and treatment of men and women.

<sup>7</sup>The Quota law approved in November of 1991 represents an innovative advance, since the quota operates in the electoral system and has a compulsory mandate with respect to all political parties. For further information, see APDH.

<sup>8</sup>In 1991 at the time of law was passed, there were only 5.44 percent of women in the lower house; this number grew to 36 percent in 2006. With the renewal of the senate in 1999 the number of women in this house increased from 4.13 percent to 43 percent in 2006 (Dirección de Información Parlamentaria).

<sup>9</sup>The listing of international human rights agreements includes: The American Declaration on the Rights and Duties of Man; The Universal Declaration of Human Rights; The International Covenant on Economic, Social and Cultural Rights; The International Covenant on Civil and Political Rights and the Optional Protocol thereto; The Convention on the Prevention and Punishment of the Crime of Genocide; The International Convention on the Elimination of All Forms of Racial Discrimination; The Convention on the Elimination of All Forms of Discrimination Against Women; The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; The Convention on

the Rights of the Child.

<sup>10</sup>Constitution of the Republic of Argentina, art. 37 and 75 (23), 1994.

<sup>11</sup>National Law 25.673 passed on October 2002.

<sup>12</sup>This is a health indicator that alludes to the varied and multiple dimensions, economic, social and cultural, that impact women's lives and their health.

<sup>13</sup>*Página 12*, December 26, 2007. Online: <<http://www.pagina12.com.ar/diario/sociedad/3-96668-2007-12-26.html>>. Retrieved 26 December 2007.

<sup>14</sup>Dirección de Estadísticas e Investigación en Salud –DEIS, Ministerio de Salud de la Nación.

<sup>15</sup>In Argentina, abortions are illegal and are classified in the Penal Code as a crime against life. There are only two occasions in which an abortion is legal: when the health or the life of the woman is in danger and when the child is the result of rape of a mentally-incapacitated woman. Despite the fact that in these cases, prior judicial authorization is not required, physicians usually request authorization to protect themselves. When this authorization is slow, the procedure cannot be performed.

<sup>16</sup>In its 2004 recommendations, the CEDAW Committee urged Argentina to adopt all necessary measures to reduce the high maternal mortality rate, as well as the rate of sexually-transmitted diseases, including HIV/AIDS, among women. The Committee requested that comprehensive information on the evaluation of the National Programme for Sexual Health and Responsible Parenthood be included in the next periodic country report. In addition the Committee of the ESCR in its observations in 1999 stated: "23. The Committee is concerned that the right to health is not being fully implemented in the State party. In particular, it is concerned about the conditions in public hospitals in general and with psychiatric hospitals in particular. 24. The Committee is concerned about the health of pregnant women, in particular the relatively high ma-

ternal mortality rate, and the high adolescent pregnancy figures. 25. The Committee also notes with concern the increasing incidence of violence against women, in particular domestic violence. 32. The Committee calls upon the Government of Argentina to take steps to guarantee equality in law and in practice between men and women in the enjoyment of economic, social and cultural rights. 38. The Committee urges the State party to review its policies on health, and in particular that it pay attention to the issues of mental health, maternal mortality, adolescent pregnancies and HIV/AIDS, and that it provide the Committee with comprehensive statistics in its next periodic report."

<sup>17</sup>Gender, International Law and Justice is a comparative project focusing on the gap between international commitments to gender equality and how local actors understand and use these commitments to make advances in a number of case study countries; to date fieldwork has been conducted in Argentina, Iran, Kenya and Pakistan on various public services including education, health and water.

<sup>18</sup>The Penal code in Argentina establishes that abortion is a crime in all circumstances. The only exception is when the life or health of the pregnant woman is in danger or if the pregnancy results from the rape of a mentally disabled woman. However the absence of clear policies makes access to such "nonpunishable" and "therapeutic" abortions very rare.

<sup>19</sup>According to a recent report of CPAL in 2006, the region underwent a reduction in poverty and unemployment, with an improvement in the distribution of wealth in some countries. However socioeconomic inequality is still very high compared with other regions (see "Panorama Social de América Latina 2007").

<sup>20</sup>Campaign for a Convention on Sexual Rights and Reproductive Rights. Manifesto Second Version, October 2006. Online: <<http://www.convencion.org.uy/>>. Retrieved 2 February 2007.

## References

- Alvarez, Sonia. "Advocating Feminism: The Latin American NGO 'BOOM'." *International Feminist Journal of Politics* 1 (2) (September 1999): 181-209.
- Arendt, Hannah. *El Los orígenes del Totalitarismo*. Editorial Alianza, 1951.
- Asamblea Permanente por los Derechos Humanos (APDH). "El Poder de las mujeres: Derechos Humanos." Document published by the APDH 2005: 24-25. Online: <http://www.apdh-argentina.org.ar/publicaciones/archivos/el%20poder%20de%20las%20mujeres.pdf>/Banchs Rodríguez, María. "Mujer, Invisibilidad y Ciudadanía." *Revista Venezolana de Estudios de la Mujer* 3 (8) (1998): 95-110.
- Barreiro, Line. "Incertidumbre." *Derechos sexuales. Derechos reproductivos. Derechos Humanos. III Seminario Regional*. Comité de América Latina y el Caribe para Defensa de los Derechos de la Mujer–CLADEM, Lima, Perú, 2002.
- Birgin, Haydee. "Argentina: De la Certeza a la Incertidumbre." *Lola Press* Nro. 1 (2007). Online: <[http://www.lolapress.org/elec1/artshpanish/birg\\_s.htm](http://www.lolapress.org/elec1/artshpanish/birg_s.htm)>. Retrieved 18 January 2007.
- Birgin, Haydee and Beatriz Kohen. "Justicia y Género: Una experiencia en la ciudad de Buenos Aires." *Acceso a la justicia como Garantía de Igualdad*. Edit. Birgin and Kohen. Buenos Aires: Editorial Biblos. Colección Identidad, Mujer y Derecho, 2006. 233-253.
- Canclini, Néstor García. (1994) "Consumidores y Ciudadanos." Edit. Gedisa, Barcelona. Pág. 21 Cited by Banchs Rodríguez María, 1998. *Mujer, Invisibilidad y Ciudadanía*. *Revista Venezolana de Estudios de la Mujer*, 3, 8, 95-110.
- Corrêa, Sonia and Rosalind Petchesky. "Reproductive and Sexual Rights: A Feminist Perspective." *Population Policies*

- Reconsidered*. Eds. Gita Sen, Adrienne Germain and Lincoln C. Chen. Cambridge: Harvard University, 1994. 107-121
- de Barbieri, Teresita. "Derechos sexuales y reproductivos. Aproximación breve a su historia y contenido." Presentation delivered at the Encuentro de Periodistas de América Latina y el Caribe, 3-5 December 1998. *Revista Mujer Salud* 2-99. RSMLAC. Online: <<http://www.reddesalud.org/espanol/datos/ftp/barbieri.htm>>. Retrieved 5 March 2007.
- Dirección de Información Parlamentaria. Online: <[www1.hcdn.gov.ar/dependencias/dip/bases.htm](http://www1.hcdn.gov.ar/dependencias/dip/bases.htm)>. Retrieved 29 Jan. 2007.
- Dixon-Mueller, Ruth. *Population Policy and Women's Rights: Transforming Reproductive Choice*. Westport, Conn.: Praeger, 1993.
- Feijoo, María del Carmen. (1994) "From Family Ties to Political Action: Women's Experiences in Argentina." *Women and Politics Worldwide*. Eds. Barbara J. Nelson and Najma Chowdhury. New Haven: Yale University Press, 1994. 59-72.
- Finnemore, Martha and Kathryn Sikkink. "International Norm Dynamics and Political Change." *International Organization* 52 (4) (1998): 887-917.
- Franck, Thomas M. "Legitimacy in the International System." *American Journal of International Law* 82 (4) (1988): 705-759
- Hathaway, Oona. "Do Human Rights Treaties Make a Difference?" *Yale Law Journal* 111 (2002): 1935-2045
- Keck, Margaret E. and Kathryn Sikkink. *Activists Beyond Borders*. Ithaca: Cornell University Press, 1998.
- Koh, Harold H. "Why do Nations Obey International Law?" *Yale Law Journal* 106 (1997): 2599-2659.
- Las Campañas de la Red de Salud de las Mujeres Latinoamericanas y del Caribe. Online: <http://www.gloobal.net/iepala/gloobal/fichas/ficha.php?id=148&entidad=Textos&html=1>>. Retrieved 9 October 2007.
- Machicao Barbery Ximena. "Sexual and Reproductive Rights: Exercising Citizenship." *Women's Human Rights: Unfinished Business*. Eds. Adriana Gomez and Deborah Meacham. Santiago, Chile: Latin American and Caribbean Women's Health Network, 2003. 67-68. (Women's Health Collection No. 7).
- Marchak, Patricia, with William Marchak. *God's Assassins: State Terrorism in Argentina in the 1970s*. Montreal: McGill-Queen's University Press, 1999.
- Molyneux, Maxine. "Research Perspectives on Gender Justice in the Latin American and Caribbean Region." *Gender, Justice, Citizenship, and Development*. Eds. Maitrayee Mukhopadhyay and Navsharan Singh. Zubaan/IDRC 2007. Online: <[www.idrc.ca/en/ev-108814-201-1-DO\\_TOPIC.html](http://www.idrc.ca/en/ev-108814-201-1-DO_TOPIC.html)>. Retrieved 15 Aug. 2007.
- "Panorama Social de América Latina 2007." Periodical Report, CEPAL, 2007. Online: <<http://www.eclac.org/cgi-bin/getProd.asp?xml=/publicaciones/xml/9/30309/P30309.xml&xsl=/dds/tpl-i/p9f.xsl&base=/tpl-i/top-bottom.xslt>>. Retrieved 15 January 2007.
- United Nations Development Program (UNDP). "Argentina después de la crisis. Un tiempo de Oportunidades." *Human Development Report 2005*. <[http://hdr.undp.org/en/reports/nationalreports/latinamericathecaribbean/argentina/name\\_3388,en.html](http://hdr.undp.org/en/reports/nationalreports/latinamericathecaribbean/argentina/name_3388,en.html)>. Retrieved July 2007.
- Valente, Virginia Vargas. "Cinco Años después: La significación de la conferencia de Beijing, 1995, para el movimiento de mujeres." Dialogo solidaridad Global, 2000a. Online: <[www.antenna.nl/~waterman/gina.html](http://www.antenna.nl/~waterman/gina.html)>. Retrieved 12 April 2007.
- Valente, Virginia Vargas. "Ciudadanías globales y sociedades civiles. Pistas para el análisis." 2000b. Online: <[http://www.dhnet.org.br/w3/fsmrn/biblioteca/36\\_virginia\\_vargas.html](http://www.dhnet.org.br/w3/fsmrn/biblioteca/36_virginia_vargas.html)>. Retrieved 21 September 2007.

## FARIDEH de BOSSET

### The summer of fourteen

Shyly, she walked in the room  
and said hello.  
She as fourteen years old,  
pimple-faced and chubby,  
not yet a woman  
and not a child.  
Some how not that lovable  
in her awkwardness  
until the memory of the summer  
I was fourteen flooded by being,  
a summer so difficult and confusing  
that I never left my bed.  
And suddenly  
the girl was cherished tenderly.

*Farideh de Bosset is a poet who sees the storm in each soul and the seed of beauty in each cell and wants to share it with the world.*

## LISA SHATZKY

### Where the Poem Comes From

Cracks, schisms, broken  
rocks that chafe your hands and make them  
bleed. The black crevice  
you keep falling  
into again and again not because  
you didn't see it (as you once claimed)  
but because it's there and smells  
of gutrot and earth shit and  
you know something alive  
is still inside, some lost spark  
from a falling star  
you must retrieve  
but more often than not  
you come back up with  
a fistful of dead bones.  
Light under the door.  
Rain against the cabin windows.  
Elongated moments you wrap yourself in  
to deny the outstretched arms of night.  
Autumn's first leaves drenched in gold.  
Unfinished conversations.  
Arguments with yourself  
that you never win.  
Pain so unbearable you forget  
to breathe.  
Love so unbearable you forget  
to breathe.  
New snow.  
Engorged lips grasping the nipple.  
Cat's coughed up furball.  
The cow's eyes  
on the way to the slaughterhouse.  
Groceries left in the rain.  
Phone calls from the debt collector  
you don't return.  
Moonrise after summer thunder  
dancing on the bedroom floor.  
Early morning  
when you first wake up  
and don't know what day it is  
there's only light  
and anything is possible  
until you spill coffee on your white shirt  
as you jump back into the fray.

*Lisa Shatzky's poetry appears earlier in this volume.*

## PATIENCE WHEATLEY

### Poets are Odd

A psychiatrist divines  
that Poets are odd.

All writers, he says,  
are odd  
have more emotional and  
mental problems  
than other people.

But poets  
aren't as bad  
as some of the others:  
fewer depressions  
less unstable

Can it be the healing  
of metaphor  
the vistas opened by  
simile  
the depths plumbed by  
the sound of  
rhythm, or dare I say it,  
rhyme?

Perhaps poetry  
puts truth  
in blinding light

allowing no denial

but offering  
solace of comparison.

*Patience Wheatley's poetry appears  
earlier in this volume.*



*Brazil, 2009. Photo: Xochitl Rubio*