

# Sexualized Violence in Argentina

## Debates – Laws – Education

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### a) Laws on (sexualized) violence

One of the key laws is the "Law on Violence against Women" which was passed in 2005 and provides a comprehensive framework for addressing gender-based violence, including sexual violence. This law includes provisions for the protection of victims and the prosecution of offenders, as well as measures to raise awareness and prevent violence from occurring in the first place. In an interview, sociologist Eleonor Faur underlined that although with this law the state faces an immense challenge in turning its promises into reality, the law proposes a turning point in terms of fighting against sexual violence as it defines violence against women in a more general sense rather than something only related to the family setting. (Valente 2009)

Argentina has ratified the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women, better known as the Belém do Pará Convention which recognizes that rape and sexual abuse within the context of armed conflict constitutes a war crime and crime against humanity. The importance of this act is that it is the first legally binding international treaty that criminalizes all forms of violence against women, especially sexual violence. (Organization of American States 2024)

There are also other legal binding laws and measures that are in force in Argentina such as 'Comprehensive protection to prevent, punish and eradicate violence against women in areas where they develop their interpersonal relations' (2009) on the Prevention and punishment of human trafficking and victim assistance (2008) and classifies aggravated homicide of women (2012) Act 2. In 2012, Act 26 was established to incorporate into the Penal Code the criminal offense of aggravated homicide for gender reasons. (Essayag 2017)

In addition, the government of Argentina has also implemented various campaigns against sexual violence:

- "No es No" (Universidad National de Cuyo - Dirección de Políticas Públicas y Planificación 2024)
- "No es amor, es violencia" (Observatorio de Políticas de Género 2021)
- "No es normal. Acoso Sexual" (Cambia el Cuento 2024)

### b) Feminist Debates

One of the main debates among feminists in Argentina has been the decriminalization of abortion. While some argue that access to safe and legal abortion is essential for preventing sexual violence and protecting the rights of women and girls, others argue that it is not the solution to address sexual violence, and that it could even put more women and girls at risk. Mabel Bellucci writes that actually we should be aware that "when we talk about abortion we are also talking about violence against the body, unplanned motherhood, desire, guilt, respect for individual rights, poverty, state coercion and corporate pressures, class inequality, cultural conditions, individual feelings and ownership of the body." (Bellucci 1997)

Mariela Daby and Mason Moseley argue that the mobilization against decriminalization of abortion has already started in the very early age in Argentina and reached its peak in 2015 with the campaign "Ni Una Menos" was launched against femicide. They claim that "once feminist issues were visible and feminist groups were activated, discussing abortion decriminalization became a possibility" and this discussion took shape in "the framing of the issue as a question of social justice" (Daby, Moseley 2022). There are also debates among feminists in Argentina about the intersectionality of sexual violence, and how different forms of oppression, such as racism, classism, and ableism, can exacerbate sexual violence and make it more difficult for victims to access justice and support. (Carvalho 2021)

### c) Legal protection against sexualization, e.g. criminal law on sexual offences or a right on self-determination

Sexual determination is largely defined in Argentina's Gender Identity Law as approved by the Senate of Argentina on May 8, 2012. For instance, the Gender Identity Law, Article 1 recognizes the recognition, the free development and the treatment of a person according to their gender identity, including "to be identified in that way in the documents proving their identity in terms of the first name/s, image and sex recorded there."

Article 2 of the same Law defines gender identity as "the internal and individual way in which gender is perceived by persons, that can correspond or not to the gender assigned at birth, including the personal experience of the body. This can involve modifying bodily appearance or functions through pharmacological, surgical or other means, provided it is freely chosen. It also includes other expressions of gender such as dress, ways of speaking and gestures." While it prevents gender related violence also the rejection of one's own determination of their gender identity.

**Gender Identity Law** also addresses the issues of minors. In Article 5, the law states that "in relation to those persons younger than 18 years old, the request for the procedure detailed in Article 4 must be made through their legal representatives and with explicit agreement by the minor, taking into account the evolving capacities and best interests of the child as expressed in the Convention on the Right of the Child and in Law 26061 for the Comprehensive Protection of the Rights of Girls, Boys and Adolescents. Likewise, the minor must be assisted by a children's lawyer as prescribed by Article 27 of Law 26061." It further writes that "when the consent of any of the minor's legal representatives is denied or impossible to be obtained, it will be possible to resort to summary proceedings so the corresponding judges will decide, taking into account the evolving capacities and best interests of the child as expressed in the Convention on the Right of the Child and in Law 26061 for the Comprehensive Protection of the Rights of Girls, Boys and Adolescents." (Senat of Argentina 2012)

### d) Sexual education at school

The Ministry of Education and the Ministry of Women, Gender and Diversity, have been working together to collect data on gender-based violence in schools, including sexual violence, in order to develop policies and programs. According to a report by the Ministry of Education, published in 2019, gender-based violence is a problem in Argentine schools, with one in four female students experiencing some form of gender-based violence, including sexual violence, during their time in school. (El Ministerio de las Mujeres, Géneros y Diversidad 2024) There have also been reports by non-governmental organizations and the media on the issue of gender-based violence in schools in Argentina. (Pispira, Cevasco, Silva 2022)

A report by the Ministry of Education published in 2019, found that while sexual education is mandatory in schools, there are significant gaps in the quality and coverage of the subject. Contents of the sexual education are not inclusive, and that there is a lack of attention to topics such as consent, sexual diversity and gender identities. In 2006 Argentina approved a law "**Ley de Educación Sexual Integral**" that required all schools in the country to provide their students with Sexual Education classes. The law progressively aimed to allow students to learn about the "biological, psychological, social, emotional and ethical aspects" of sexuality, to promote "responsible attitudes towards sexuality" and to assure "equality in both treatment and opportunity for men and women". However, it is also noted that many schools throughout the country didn't include Sexual Education in their curriculum as either with the excuses of economic deficits or religious pressure as the reasons for not implementing sexual education in the schools. (Amnesty 2019)

The Ministry of Education has developed a **national curriculum for sexual education** that is mandatory for all schools. The curriculum includes topics such as human sexuality, contraception, and the prevention of sexually transmitted infections (STIs) and unwanted pregnancies. Some schools in Argentina also use community-based approaches to sexual education, such as working with local organizations and health clinics to provide students with additional information and support. (Ministerio de Educación 2006)

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