

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment, please email the [Knowledge and Information Management Unit](#).

22 January 2016

### ARG105407.E

Argentina: Women victims of domestic violence; state protection and resources available to victims (2013-2015)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

#### 1. Situation

##### 1.1 Background

In correspondence with the Research Directorate, a representative of the National Women's Council (Consejo Nacional de las Mujeres, CNM), the government agency that sets out public policies to prevent, sanction and eradicate violence against women (Argentina n.d.a), indicated that violence against women is a [translation] "present and worrisome reality" in Argentina (ibid. 13 Jan. 2016). Media sources report that violence against women, including domestic violence, has its roots in the Argentinean culture, more specifically in patriarchy (*Diario Libre* 18 Sept. 2013) or in machismo (*El Mundo* 28 Nov. 2014), which considers women as objects (ibid.). In correspondence with the Research Directorate, a representative of the Victims Against All Forms of Violence Program (Programa Las Víctimas contra las Violencias), a government program of the Ministry of Justice and Human Rights (Ministerio de Justicia y Derechos Humanos) that provides assistance to victims of domestic and sexual violence, similarly indicated that Argentina is a patriarchal society, where social organizations, the media, [translation] "and several institutions still reproduce a macho logic ... that ignores violence [against women], blames the victim, and does not hold aggressors accountable" (Argentina 15 Jan. 2016). She explained that this behaviour [translation] "deepens impunity and victims' revictimization" (ibid.).

##### 1.2 Statistics

*El País*, a Madrid-based newspaper, reports that there are [translation] "many" cases of abused women in Argentina and that the country does not have a registry of aggressors nor statistics on the number of women killed (3 July 2015). *Perfil*, a Buenos Aires-based newspaper, quotes the President of the Foundation for the Study and Research on Women (Fundación para Estudio e Investigación de la Mujer, FEIM), an NGO that defends the rights of women and girls in Argentina (FEIM n.d.), as also stating that Argentina does not have a national registry with statistics on domestic violence (2 Aug. 2013). The website of La Casa del Encuentro, an NGO based in Buenos Aires that advances the rights of women (La Casa del Encuentro n.d.a), indicates that, based on information compiled from the media, 295 and 277 women died in 2013 and 2014, respectively, as a result of domestic or gender-based violence (ibid. n.d.b). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

A report published in October 2015 by the Domestic Violence Bureau (Oficina de Violencia Doméstica, OVD) of Argentina's Supreme Court of Justice (Corte Suprema de Justicia de la Nación, CSJN) indicated that the OVD had received 11,273 domestic violence-related complaints so far in 2015, 10,252 in 2014, and 9,920

in 2013 (Argentina 8 Oct. 2015, 1). The percentage distribution of victims by gender and age group is as follows:

Gender/Age	2015	2014	2013
Women	66	65	64
Girls	13	14	14
Boys	12	12	14
Men	9	9	8

(ibid., 2).

The report provides the following percentages on the types of violence registered:

Type of Violence	2015	2014	2013
Psychological	97	96	96
Physical	66	67	68
Economic	35	37	42
Sexual	9	10	13

(ibid.).

The report further indicates the evaluation of the level of risk for the cases reported:

Level	2015	2014	2013
No risk	5	7	6
Low	14	13	11
Medium/moderate	54	49	45
High	23	25	29
Very high	4	6	9

(ibid., 3).

The report also indicates that, for 2015, the main perpetrators were ex-partners (46 percent), common-law spouses (18 percent), and spouses (14 percent) (ibid.). For 2014, the main perpetrators were ex-partners (43 percent), common-law spouses (19 percent), and spouses (16 percent) (ibid.).

### 1.3 Under-reporting

*Diario Libre*, a newspaper based in the Dominican Republic, quotes the Director of the Argentinean Observatory Adriana Marisel Zambrano on Femicides (Observatorio de Femicidios Adriana Marisel Zambrano) as stating that [translation] "many" women victims of domestic violence do not file complaints (18 Sept. 2013). The representative of the Victims Against All Forms of Violence Program indicated that, according to the experience of the program, victims of domestic violence do not file complaints because they are afraid of reprisals from the aggressor and do not have economic self-sufficiency to cover relocation-related expenses (Argentina 15 Jan. 2016). The representative further indicated that between 35 and 38 percent of victims who call the program's hotline for assistance do not file complaints (ibid.).

## 2. Legislation

Law 26.485, Comprehensive Protection Law to Prevent, Punish and Eradicate Violence Against Women Within Their Interpersonal Relationship Environments (*Ley 26.485, Ley de Protección Integral para prevenir, sancionar y erradicar la Violencia contra las Mujeres en los Ámbitos en que desarrollen sus Relaciones Interpersonales*) was adopted in 2009 (Argentina 2009). Forms of violence that are comprised in the definition of violence against women as per the Law include physical violence, psychological violence, economic violence and sexual violence, including spousal rape (ibid., Arts. 4-5). Article 26 of the Law outlines the protective measures available for women victims of violence, including domestic violence (Argentina 2009). A translation of this article is attached to this Response (Attachment 1).

The US Department of State's *Country Reports on Human Rights Practices for 2014* indicates that "penalties for rape range from six months' to 20 years' imprisonment" (US 25 June 2015, 14). The same source states that "evidentiary requirements, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting" rape, including spousal rape (ibid.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

Articles 7, 8, and 14 of Law 12569 of the Province of Buenos Aires indicate the protection measures that are available to victims of domestic violence in this province (Provincia de Buenos Aires 2001). A translation of these Articles is attached to this Response (Attachment 2). Information on other provincial laws on domestic violence could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Executive Director of La Casa del Encuentro, Argentina [translation] "'has made significant advances in legislation, but not on prevention and direct assistance to victims'" (*El Mundo* 28 Nov. 2014).

*El País* quotes the Director of the Foundation Sobran Motivos (Fundación Sobran Motivos), a Mendoza-based NGO that provides shelter to battered women, as stating that [translation] "'little by little all the protection measures that are enshrined in [Law 26.485] are being implemented'" (3 July 2015). She explained that while a male aggressor who has been accused of a crime receives free legal assistance, a woman who has been a victim of violence remains without counsel if she does not have enough resources (ibid.). The CNM representative similarly stated that the Law, in regards to access to the judicial system, for example, has not been fully implemented and that one of the main challenges is to have [translation] "resources allocated to the creation of comprehensive assistance programs" (Argentina 13 Jan 2016).

### 3. State Protection

The Executive Director of La Casa del Encuentro states that the police and the judiciary have a [translation] "'lukewarm'" attitude towards aggressors, they "'minimize'" the complaints filed by women, and they focus their investigation on the life of the victim rather than that of the aggressor (qtd. in *El Mundo* 28 Nov. 2014). The CNM representative similarly indicated that victims of domestic violence are [translation] "re-victimized" by authorities when they go to file a complaint, and that at some judicial bureaus, a "macho attitude" persists, which discourages victims to file complaints (Argentina 13 Jan. 2016).

*Country Reports 2014* indicates that, according to local NGOs, a "lack of police and judicial vigilance often led to a lack of protection for victims" (US 25 June 2015, 15). Similarly, *Diario Libre* quotes the Director of the Adriana Marisel Zambrano Observatory on Femicides as stating that complaints do not always keep the aggressor away from the victim (18 Sept. 2013).

The representative of the Victims Against All Forms of Violence Program stated that, since the program started in 2006, [translation] "there have been advances in filing complaints, obtaining protection for victims and investigating domestic violence-related cases" (Argentina 15 Jan. 2016, 3). She added that in the city of Buenos Aires, the judiciary takes into consideration the program's interventions and the testimony of its experts, which eases the burden of proof for the victim (ibid.). However, she noted that [translation] "no other program [for victims of domestic violence, aside from the Victims Against All Forms of Violence Program] has an inter-disciplinary or specialized team that accompanies victims in the field in situations of emergency" (Argentina 15 Jan. 2016, 2).

Statistics on the investigation, prosecution and conviction of domestic violence crimes could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

### 4. Support Services

#### 4.1 Shelters

*Country Reports 2014* indicates that the municipal government of Buenos Aires operates "a small shelter for battered women" (US 25 June 2015, 16). The website of the Ministry of Justice and Human Rights provides a referral guide with government programs to assist victims of domestic violence (Argentina n.d.c). These programs include the following shelters:

- Casa-Refugio Mariquita Sánchez: shelters women who are 21 years-old or older and have been victims of domestic violence, as well as their children (ibid.). The address of the shelter is not available to the public, for safety reasons, but the shelter can be reached by dialing the Women's Hotline (Línea Mujer), at 0800-666-8537 (ibid.). The shelter takes in newcomers from 10:00 am to 4:00 pm, Monday to Friday (ibid.).

- Casa de Medio Camino Julieta Lanteri: provides shelter to women victims of domestic violence who are in a [translation] "situation of social and employment reinsertion" (ibid.). The address of the shelter is also not available to the public, and the shelter can be reached by dialing Línea Mujer (ibid.).

In March 2013, the Foundation Sobran Motivos opened a shelter in Mendoza for women victims of violence (Fundación Sobran Motivos n.d.). The shelter has taken in [translation] "more than 230 women and children" since its opening (ibid.).

#### **4.2 Consejo Nacional de las Mujeres' Hotline**

The CNM representative indicated that the CNM operates a national hotline, called Línea 144, to provide advice and information on the types of assistance available, by locality, as well as information on how to proceed in cases of domestic violence (Argentina 13 Jan. 2016). The representative also indicated that, even though the hotline receives an average of 9,000 calls per month, it still has to deal with challenges in expanding its national coverage and in [translation] "coordinating its services with emergency assistance services and the procedures to file complaints" (ibid.).

#### **4.3 Mobile Brigade for the Assistance of Victims of Domestic Violence**

The Mobile Brigade for the Assistance of Victims of Domestic Violence (Brigada Móvil de Atención a Víctimas de Violencia Familiar) is a unit of the Victims Against All Forms of Violence Program (under the Ministry of Justice and Human Rights) that provides assistance, through hotline 137, 24 hours a day, year-round, and is free of charge (Argentina n.d.b). The brigade, which is based in Buenos Aires [it also provides services in three cities in the Misiones Province (Argentina 15 Jan. 2016, 1)], is composed of the following three teams:

- A phone assistance team, composed of psychologists who take the calls;
- A home intervention team, composed of psychologists and social workers, who provide assistance to victims, and of two federal police officers, who provide safety to the team and the victims;
- A follow-up team, composed of four lawyers, who are on call to provide legal assistance to the home intervention team and to the victims (ibid.).

According to statistics provided by the representative of the Victims Against All Forms of Violence Program, the brigade made 1,808 "interventions" in 2015, 1,873 in 2014, and 2,215 in 2013 (Argentina n.d.d). The statistics also indicate that hotline 137 received 13,853 calls in 2015, 14,011 in 2014, and 14,786 in 2013, and that 2,451 adult victims received assistance in 2015, 2,629 in 2014, and 3,207 in 2013 (ibid.).

#### **4.4 Other Programs**

Other programs run by the national government or by the government of the Autonomous City of Buenos Aires are listed on the website of the Ministry of Justice and Human Rights (ibid. n.d.e). They include the following:

- The OVD: it receives complaints for domestic violence cases 24 hours a day from Monday to Friday;
- The Victim's Assistance Centre (Centro de Atención a la Víctima) of the Argentinean Federal Police, from 8:00 am to 8:00 pm, Monday to Friday;
- The Women's Hotline (Línea Mujer) 0800-66-MUJER (0800-666-8537), free of charge;
- Community Centres for the Assistance of Victims of Violence (Centros Comunitarios de Atención Integral a la Violencia): they provide legal and psychological assistance to victims of domestic violence (ibid. n.d.c).

Information on the effectiveness of these programs could not be found among the sources consulted by the Research Directorate within the time constraints of this Response. Further information on services available outside of Buenos Aires could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Internet sites, including:** Amnesty International; Argentina – Ministerio de Desarrollo Social; *Clarín*; ecoi.net; Factiva; Guioteca; Human Rights Watch; International Crisis Group; Provincia de Córdoba — Poder Judicial; Radio Continental; United Nations – RefWorld, UN Women.

## Attachments

1. Argentina. 2009. *Ley 26.485, Ley de Protección Integral para prevenir, sancionar y erradicar la Violencia contra las Mujeres en los Ámbitos en que se desarrollen sus Relaciones Interpersonales* (Comprehensive Protection Law to Prevent, Punish and Eradicate Violence Against Women Within Their Interpersonal Relationship Environments). Excerpts translated by the Translation Bureau, Public Works and Procurement Canada. <<http://www.infoleg.gov.ar/infolegInternet/anexos/150000-154999/152155/norma.htm>> [Accessed 6 Jan. 2016]

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Date modified: 2016-01-05