



Communique Committee of Experts

Committee of Experts expresses concern over gender-based violence against women in political life in the Province of Catamarca, Argentina

Washington, D.C., May 24, 2021. The [Committee of Experts of the Follow-up Mechanism to the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women "Convention of Belém do Pará"](#) (MESECVI) expresses its concern about the violence in the political sphere suffered by a group of militant women of the Unión Cívica Radical Party (Radical Civic Union) in Catamarca, Argentina. These women denounced another militant and aspiring candidate of the same party before the Party Electoral Board, so that his possible candidacy will be reviewed, based on a previous complaint against him related to a case of sexual abuse that was of public knowledge at the time.¹

Among other forms of harassment, the women who brought the accusation were reported to the party's Court of Conduct for having defamed and damaged the honor of the candidate denounced for rape, who was later charged by the courts of the Province.²

The aforementioned Court of Conduct sanctioned this group of women with a five-month suspension from their positions through a sentence from February 17, 2021, a resolution that is unappealable. Among other issues, the Court of Conduct based its decision stating a violation of the principle of innocence. It also stated that it was an abuse of the right to freedom of expression, because what was denounced by the complainants "does not have the character of mere opinions or value judgments, but of insulting statements outside the affiliate's political or partisan activity, resulting in an arbitrary interference with his private life."³

Therefore, the women challenged this decision before the Federal Justice, which, according to the information received, on April 28, 2021, had revoked the sentence issued by the Court of Conduct for defects in the procedure. The Committee welcomes the revocation of the aforementioned decision while recalling that the right of all women to a life free from violence, both in the public and private spheres, is a principle established in the [Convention of Belém do Pará](#).

¹ See article published in CatamarcActual on July 5, 2019. Available at: <https://www.catamarcactual.com.ar/politica/2019/7/5/gomez-denunciado-por-abuso-sexual-182957.html>.

² See, *Imputaron por abuso sexual a un ex candidato radical a gobernador de Catamarca*, article published in Página12 on February 27, 2021. Available at: <https://www.pagina12.com.ar/326434-imputaron-por-abuso-sexual-a-un-ex candidato-radical-a-gobernador>.

³ Sentence from the Court of Conduct from February 17, 2021, item XII.

In the same way, the Article 3 of the [Inter-American Model Law on the Prevention, Punishment and Eradication of Violence against Women in Political Life](#) defines violence against women in political life as “as any action, conduct or omission, carried out directly or through third parties that, based on gender, causes harm or suffering to a woman or to various women, which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of their political rights.” In the same way, according to the article 6 of the Model Law, one of the expressions of this violence is any conduct, action or omission that, based on gender “threatens, frightens or intimidates, in any way, one or several women and/or their families with the effect or purpose of nullifying her political rights, including resignation of the position or function that they hold or exercise, or to which they postulate.”

Based on this, the Committee notes that the sanction imposed on the complainants, although already revoked, was excessive because it impairs the victims’ political rights, a decision that can only be taken, in accordance with inter-American standards, under the application of a strict test of proportionality which defines if the sanction is necessary and proportional in a democratic society.

Likewise, the CEVI considers that the Court of Conduct should not have penalized the women for filing a complaint for a relevant and public event because it is part of the exercise of their rights. It also generates a frightening effect for them and for the rest of the activists of the party regarding the decision to continue filing complaints in the occurrence of other events that demand it.

Also, the Committee considers it necessary to remark that:

- a) a complaint on a case of sexual violence is not part of the private life of a public person -and even more so when he has decided to be a public person by his own decision- because, according to inter-American standards on freedom of expression, it is of the highest public interest to know if the possible candidates who, in their case, will represent the interests of the citizenry, have been accused of committing crimes; and
- b) the complaint before the Court of Conduct does not violate the principle of presumption of innocence because it is based on information that at that time was in the public domain and that has sufficient relevance for decisions to be made within the parties. This added to the fact that said Court is the appropriate instance to file complaints in this type of cases, which must be resolved in accordance with the standards of due process.

In this regard, the Committee requests the State of Argentina to continue taking the necessary actions to avoid discrimination and gender-based violence within political parties, as well as to continue generating prevention mechanisms to identify and prevent these cases that affect the access of women to the political life and their development in the field.

The Committee of Experts is the technical body of the MESECVI responsible for the analysis and evaluation of the implementation process of the Belém do Pará Convention. It is composed of independent Experts, appointed by each State Party among its nationals, and serve in a personal capacity.