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REVIEW

Gender, gender-based violence and training on the Micaela Law

Género, violencia de género y capacitación sobre la Ley Micaela

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ABSTRACT

Introduction: gender-based violence is a pervasive and underestimated issue worldwide, affecting all societal aspects, including universities. While Argentina has made progress in gender rights, universities still struggle with gender-based violence due to enduring patriarchal structures.
Development: gender violence persists in universities, perpetuating androcentric biases in teaching, leadership, and decision-making. The Micaela Law, passed in 2018, mandates gender training for government officials, including universities, aiming to combat this issue. The National University of Avellaneda and others have initiated gender training programs in response to this law. The Inter-University Network for Gender Equality and Against Violence (RUGE), integrated into the National Inter-University Council (CIN), promotes gender equality within universities through policies, strategies, and protocols.
Conclusions: implementing the Micaela Law and integrating the gender perspective in universities are essential steps towards fostering inclusive academic environments. This aligns with international obligations and contributes to creating a more egalitarian society.

Keywords: Gender-Based Violence; Micaela Law; Argentina; Gender Perspective.

RESUMEN

Introducción: la violencia de género es un problema generalizado e infravalorado en todo el mundo, que afecta a todos los aspectos de la sociedad, incluidas las universidades. Si bien Argentina ha progresado en materia de derechos de género, las universidades siguen luchando contra la violencia de género debido a las estructuras patriarcales perdurables.
Desarrollo: la violencia de género persiste en las universidades, perpetuando sesgos androcéntricos en la enseñanza, el liderazgo y la toma de decisiones. La Ley Micaela, aprobada en 2018, ordena la capacitación en género para los funcionarios del gobierno, incluidas las universidades, con el objetivo de combatir este problema. La Universidad Nacional de Avellaneda y otras han iniciado programas de capacitación en género en respuesta a esta ley. La Red Interuniversitaria por la Igualdad de Género y contra la Violencia (RUGE), integrada al Consejo Interuniversitario Nacional (CIN), promueve la igualdad de género dentro de las universidades a través de políticas, estrategias y protocolos.
Conclusiones: la implementación de la Ley Micaela y la integración de la perspectiva de género en las universidades son pasos esenciales para fomentar ambientes académicos inclusivos. Esto se alinea con las obligaciones internacionales y contribuye a crear una sociedad más igualitaria.

Palabras clave: Violencia de Género; Ley Micaela; Argentina; Perspectiva de Género.

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INTRODUCTION

Gender-based violence is a highly uncomfortable issue and is little recognized by those who suffer its effects; it is the most naturalized type of violence and has a specific social legitimacy. It is a problem in different regions of the world regardless of nationality, age, social class, or academic level.[1]

The transformation and progress in rights and public policies for women and non-hegemonic gender identities experienced in Argentina and throughout the region in recent years is an undeniable process.[2]

The University as a training institution is not exempt from the problem of gender-based violence, an existing reality that crosses the university environment as much as other social environments and is based on unequal power in interpersonal relationships.[3]

In most university disciplines, androcentric theoretical and methodological assumptions are maintained, ignoring gender analysis.[4] This is because the University was born as a male institution, excluding women. After all, they were considered "the incomplete sex, " relegated to the private sphere.[1]

The University reproduces the patriarchal society in which it is immersed, still sustaining a robust hierarchical structure characterized by unequal relationships.[5] This inequality hurts the victims' personal and professional lives.[6]

Gender violence is a dynamic problem that has to do with social and intersubjective ties, which mutates over time. The inequality it generates affects the whole exercise of rights. Gender violence is a matter of affecting human rights.[7]

In universities, this type of violence manifests itself in pedagogies, in the way of understanding apprehension, in teaching materials, in governance structures, and even in other ways.[8] Moreover, while there is gender parity in terms of the teaching and non-teaching staff, there is not in terms of higher positions, with women and sexual dissidents being excluded from higher hierarchical positions, professorships, and decision-making spaces, there being no equitable redistribution of spaces of responsibility.[7] This shows that there are still disadvantageous conditions for women and dissident identities, both in their role as students and work performance.[1]

Some research shows that the university system does not have the tools to address gender-based violence: many people who suffer this type of violence in the field do not report it, as they believe that the institution will not take them seriously or support them.[9]

In addition, the spaces dedicated to gender issues lack infrastructure, adequate budgets, and other academic entities' status within the National Universities.[10]

According to Primate & Espeche, 2021, it is necessary to generate policies of profound transformation with an impact on our educational communities and society as a whole.

National Universities, within the framework of their autonomy, can include the gender perspective through affirmative policies and actions in order to become aware of the reality, avoid gender discrimination in the field, and build fairer and more egalitarian democratic societies respecting fundamental rights and freedoms regarding equality and integrity, and remedy the historical backwardness of women and dissident identities.[10]

In the first place, and for the policies above to be carried out, it is necessary to denaturalize discrimination and violence. This is where Law 27.499 "Micaela Law on mandatory gender training for all persons in the three branches of government" passed in 2018, a training device on gender issues that requires public officials to conduct training on gender issues, which should reach the University as an institution dependent on the public sector and whose proper interpretation should impact on policies, actions and pedagogical plans, takes center stage.[11]

The law arose from the struggle of the feminist movement, community organizations, and the parents of Micaela García, a young woman murdered by Sebastián Wagner, who was on parole granted by the Execution Judge Carlos Rossi, who did not take into account several opinions of experts on the subject as they were not binding for the judges' decision making, which strongly advised against his release, one of them by the prosecutor in the case and another by the Penitentiary Service.[12]

The State is considered a tool that allows norms sanctioning to contribute to formally incorporating other subjectivities that serve as an engine of social and cultural change.[12]

The foundations of the Micaela Law include the need for the State to guarantee mechanisms for institutionalization, effectiveness, and follow-up of training programs to achieve sustainable changes, as well as monitoring and evaluating the impact of their implementation at the national level. This measure opens the possibility of addressing the critical mission of preventing situations of violence and sexist discrimination through the training task to eradicate them.[2]

Adherence to the Micaela Law, unanimously approved by all rectors through Plenary Agreement 1076/19 of the CIN, implied a turning point. Within each University, the law works as a framework that promotes and strengthens institutional work to train on gender issues and violence against women. This means that training no longer depends on voluntarism or the demands of groups.

In this sense, following the contributions of Vazquez Laba and Pérez Tort, this programmatic discussion implies

considering gender equality as a guiding principle for universities in the new century,

highlighting the commitment of feminist university women from all faculties to the struggle for the recognition of sex-gender identities and non-heterosexual sexual orientations in the university system,

Strengthening the transformation process that has already begun with the devices for attention to situations of gender discrimination and violence and

We are promoting the commitment of the entire university community to build freer subjectivities based on eradicating violence.

These imprints are reflected in the training in the law.

According to Calzoni (2018), a fundamental pillar that characterizes the University of Avellaneda (UNDAV) is the commitment of the professional to the community, since although the function of the University is to train professionals, these are, in turn, citizens

who must understand the reality of the social context in which they find themselves, and must be intrinsically linked to the common objectives of the population.[13]

In the specific context of the National University of Avellaneda, implementing the Micaela Law began by training its authorities in 2019.

The Micaela Law, through training, proposes to mainstream the gender perspective in public policies.[12]

This work is based on the need to evaluate perceptions regarding gender and gender violence, taking as a starting point the training proposed in the Micaela Law as a precept that this training contributes to sensitizing and raising awareness on gender issues.[14]

This is in line with Harrington & Spasiuk (2021), who states that there is a clear need and importance of designing a mechanism to evaluate the impact and quality of training related to the Micaela Law.

The results of this study will sustain that the UNDAV generates mechanisms to counteract inequality.

This is supported by the proposals of Lopez (2015), who states that the State must be firmly committed to educational actions that eradicate symbolic violence and the social construction of identities.

DEVELOPMENT

The facts of everyday life and research on gender violence in the university context demonstrate an apparent inequality between men, women, and identities dissenting from the heteronormative. This inequality is the product of social construction that attributes to the male gender skills, strengths, and places within society in a clear position of hierarchical superiority over women and sexual dissidence.[15]

In 2015, the social movement emerged in Argentina that meant a turning point in society under the slogan “Ni una menos” (Not one less). This movement managed through its demands to place the issue of gender-based Violence on the agenda, to broaden and deepen awareness, understanding, and visibility of gender-based Violence as a public and not a private problem. The movement impacted institutional agendas, including National Universities,[16] deepening the implementation process of gender policies.[17]

Accordingly, the Inter-University Network for Gender Equality and Against Violence (from now on RUGE) was incorporated into the National Inter-University Council (now on CIN). Its objectives are to eradicate gender-based Violence against women and diversity and to achieve gender equality.[18] To achieve this, it proposes strategies and policies related to the gender issue in the university environment, articulation with organizations, the Micaela Law on mandatory training in gender and gender violence for all persons working in public service, and protocols for action in order to promote a university system with greater equality and less discrimination.[17]

In this framework, National Universities began to develop spaces and projects related to the issue,[16] promoting concrete actions for preventing, addressing, and eradicating gender violence.[15]

The CIN adhered through plenary agreement No. 1076/19 to Law No. 27,499 and invited university institutions in pursuit of preventing Violence in all its forms, creating tools to prevent cases of Violence and making visible a problem that across the academic system at different levels, to comply with the law above, because National Universities are not specified in the Micaela Law.

Training on gender is necessary to establish policies that collaborate with eradicating gender violence. Mainstreaming the gender perspective in universities should be central to professional training and intervention.[10]

It is a fundamental tool for guaranteeing human rights, provides young university students with tools for deconstructing the various forms of discrimination, and is relevant in the training of future legal operators.[11]

López Saavedra (2020) in her article “La transversalización de la perspectiva de género en las políticas públicas. Antecedentes y estado actual de la cuestión” (Gender mainstreaming in public policies. Background and current status of the issue), stated that in order to achieve this goal, it is necessary to have a model that allows the permanent incorporation of the gender perspective in the very conception of public policies.

At the same time, it cannot ignore the circumstances and responsibilities socially pre-established in our society for women and men. In conclusion, she concluded that it is necessary to sensitize public agents and actors to the gender issue, the accurate and effective integration of the gender perspective in the governmental dynamics of the territory, and, finally, the spatialization of public policies that National Universities can implement in the exercise of their autonomy for territorial development with a gender perspective since they require a strong political commitment, mobilization of resources and specialized gender training.[19]

In turn, with specific reference to universities, Larena and Molina (2010), in their research: “Gender violence in universities: research and measures to prevent it,” available in the Revista de Investigaciones en Intervención Social, set out to understand the social reality for a possible transformation.

The results showed that gender violence hurts the personal and professional lives of the victims and that it is, therefore, necessary for the university institution to develop training and awareness-raising activities, spaces for victim support and assistance, and spaces for coordinating measures to prevent Violence.

As stated by Aladro (2021) in her research “¿Universidad feminist? Una nueva etapa de la política universitaria Argentina”, the university institutions joined as protagonists in the expansion of human rights, where the exercise of university autonomy is proposed for the adoption of institutional policies from a rights-based model; the mainstreaming of the gender perspective in the university institution through actions of awareness, prevention, and eradication of sexist violence, and curricular change; a State that initially appears as a parallel actor but that, as time goes by, sees in the University an alliance to fulfill its legal obligations.

Following Oszlak and O’Donnell (1976), the State takes a position and intervenes before a socially problematized issue, that

is, before a particular situation that generates a disvalue in various social actors, which society considers a priority at a given time.

By the decision of the State through its organizations, the problems are included in the institutional agenda. In order to solve or mitigate the problem, the State carries out an intervention through public policies.[20]

Public policies are understood not as mere technical tools but as a complex process far from linear and orderly. They comprise different cycles of action that must be studied integrally due to their interdependence.[21]

In order to solve the problem considered a priority, different actors intervene, the State (public sector) and other private actors, and interests that can continually be improved by incorporating different approaches are disputed.

Of particular interest in this research is the gender approach, which aims to make visible and correct inequities contributing to strengthening democracy, favoring the organization and participation of social subjects in order to ensure that their demands are considered.

According to Tomayo Saez (1997), the public policy cycle has several phases that are not linear and can feed back on each other.

First, the construction and definition of a problem as such, its dimensions and main characteristics, fundamental for the subsequent development of public policy, reducing the scope of possible alternatives. A political question arises regarding which actors interested in the problem will be considered.[22]

Then, the formulation of solution alternatives. This phase depends fundamentally on the formulation of the problem. It is the action plan where the objectives to be pursued and the various alternatives to achieve those objectives are established, assessing the consequences of each one to select an option or a combination of alternatives proposed. This phase excludes public actors.[22]

Analytically, once the alternative solution has been selected, it is undertaken. This is the implementation phase. Then, an evaluation is carried out to contrast what was expected with what was achieved.[22]

This project will focus on the implementation phase, a complex and conflictive process of interaction between objectives and results.[23]

As stated by Pressman and Wildavsky (1973), during the implementation process, negative factors such as the complexity of joint action, i.e., the multiplicity of participants involved in the process their perspectives and interests, can influence the process. This results in detailing objectives and resources and adapting them to particular circumstances and operators.

Public policies are materialized in programs and projects. Programs refer to the technical construction of different activities to be carried out and the planning of a solution to a specific problem through different tools and resource allocation.[24]

The programs are made up of projects that pursue the same objectives. All projects have three phases: identification, formulation, and implementation/monitoring/evaluation. Therefore, they are subject to modifications.[22]

Gender mainstreaming in the design of intervention plans, programs, and projects includes two crucial perspectives: gender analysis and gender planning.

Gender analysis will make it possible to understand the reality of existing inequalities in responsibilities and decision-making capacity. It will assess obstacles and resistance to the initiative to incorporate the gender perspective and the possible strategic resources to overcome them.

The implementation of actions implies incorporating the gender perspective in the analysis, planning, development, and evaluation so that policies are effective, addressing objectives such as the Elimination of existing obstacles in the construction of absolute equality, compensating for historical inequality, and promoting the participation of the various genders in the different areas where they have been excluded.[12]

CONCLUSIONS

Within the framework of the implementation of public policies with a gender perspective, the Argentine State complies with the commitments and obligations assumed from the Convention on the Elimination of all forms of Discrimination (from now on CEDAW), the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (known as the Convention of Belém do Pará) and, the University as a training institution, reaffirms its commitment to the construction of a more egalitarian, inclusive and equitable society.

Mainstreaming the gender perspective in universities should be central to training and professional intervention and eradicating violence. It is necessary to integrate the gender perspective, conceived as a strategic process that involves sustained changes in the structure of society. Public policies on gender equality are defined as the set of intentions, decisions, objectives, and measures adopted about gender equality in any sphere: cultural, economic, affective, social, and educational in order to integrate equal treatment and opportunities in the planning, execution, and evaluation processes.

REFERENCES

1. Buquet A, Cooper JA, Mingo A. Intrusas en la Universidad. Universidad Nacional Autónoma de México; 2013.

2. Primante V, Espeche M. La Ley Micaela en Argentina y la posibilidad de tejer estrategias superadoras del abordaje punitivista de la violencia. Universidades 2021; 72:79-84.

3. Rovetto FL, Figueroa NE. “Que la universidad se pinte de feminismos” para enfrentar las violencias sexistas 2017.

4. Ballarín Domingo P. Los códigos de género en la universidad. Revista iberoamericana de educación 2015.

5. Salinas E, Pérez S, Saravia S, Baez VC, Galarza V, Antelo VS. Identificación de pacientes e Identidad de género: conocimientos y actitudes hacia la atención de pacientes trans desde la perspectiva del personal de enfermería. Salud, Ciencia y Tecnología 2023;3:418-418. https://doi.org/10.56294/saludcyt2023418.

6. Larena R, Roldán SM. VIOLENCIA DE GÉNERO EN LAS UNIVERSIDADES: INVESTIGACIONES Y MEDIDAS PARA PREVENIRLA. Trabajo Social Global-Global Social Work 2010;1:202-19. https://doi.org/10.30827/tsg-gsw.v1i2.911.

7. Página|12. Mujeres, universidad y "techo de cristal": una deuda pendiente | OPINIÓN. PAGINA12 1649878560. https://www.pagina12.com.ar/415063-mujeres-universidad-y-techo-de-cristal-una-deuda-pendiente

8. Torlucci S, Vazquez Laba V, Pérez Tort M. La segunda reforma universitaria: políticas de género y transversalización en las universidades. A segunda reforma da universidade: políticas de gênero e integração nas universidades 2019;no. 9. https://doi.org/10.24215/24517836e016.

9. Cruz LMSDL, Fernández CA de. Factores asociados a la violencia contra los estudiantes de enfermería del internado rotativo. Salud, Ciencia y Tecnología 2023; 3:464-464. https://doi.org/10.56294/saludcyt2023464.

10. Corleto B, Gabriela A. Perfiles educativos 2011;33:211-25. http://www.scielo.org.mx/scielo.php?script=sci_abstract&pid=S0185-26982011000500018&lng=es&nrm=iso&tlng=es.

11. Ronconi L. La violencia de género en las universidades. Análisis de las respuestas institucionales en la Facultad de Derecho de la UBA. ¿Hacia un cambio de mirada? Perspectivas de género en la educación superior: una mirada latinoamericana © Isabel C Jaramillo Sierra y Lina F Buchely Ibarra (coords), y varias autoras Cali: Universidad Icesi; Red Alas 2020.

12. Lezcano S. Construyendo nuevas subjetividades: el caso de la Ley Micaela. Actas de Periodismo y Comunicación Social 2021; 7(2).

13. Calzoni. Educación e Inclusión. Garabombo 2 | PDF | Nación | Democracia. Scribd s. f. https://es.scribd.com/document/380729012/Calzoni-Educacion-e-Inclusion-Garabombo-2

14. Cardoza W, Rodriguez C, Pérez-Galavís A, Ron M. Work psychosocial factors and stress in medical staff in the epidemiology area of a public institution. Interdisciplinary Rehabilitation / Rehabilitacion Interdisciplinaria 2023;3:52-52. https://doi.org/10.56294/ri202352.

15. La violencia de género: de cuestión privada a problema social - ProQuest s. f. https://www.proquest.com/openview/893f77818ed29a2225283fe08c52d34b/1?pq-origsite=gscholar&cbl=4852148

16. Vallejos A, Freire V. Ley Micaela en la Universidad Nacional de Lanús. Aportes para la erradicación de las violencias por razones de género 2021.

17. Vazquez Laba VP, Perez Tort M. La segunda gran reforma universitaria: Género y feminismo para la creación de políticas de igualdad. Red Interunivesitaria por la Igualdad de Género y contra las Violencias; Consejo Interuniversitario Nacional; 2021.

18. Galeano I. Agresiones sufridas y factores determinantes de la violencia física y no física hacia el personal de enfermería por pacientes y acompañantes. Salud, Ciencia y Tecnología 2022;2:52-52. https://doi.org/10.56294/saludcyt202252.

19. Zamora AR, Miranda RP, Cruz IAR, López YS, Pedroso MS, Robaina LP. Caracterización clínico–epidemiológica del intento suicida. Interdisciplinary Rehabilitation / Rehabilitacion Interdisciplinaria 2022;2:20-20. https://doi.org/10.56294/ri202220.

20. Romero G. ¿Impacta el mobbing en los testigos?: Un estudio observacional en el personal de enfermería de un hospital del conurbano bonaerense. Salud, Ciencia y Tecnología 2021;1:6-6. https://doi.org/10.56294/saludcyt20216.

21. Lindblom CE. El proceso de elaboración de políticas públicas. Instituto Nacional de Administración Pública (INAP); 1991.

22. García MVQ. El Sistemas de cuidado y políticas públicas en Uruguay: Análisis desde la perspectiva de corrientes múltiples. Revista de Salud Pública 2020; 24:18-28.

23. Implementación de las políticas, La – MA Porrúa s. f. https://maporrua.com.mx/product/implementacion-de-las-politicas-la/

24. Arias E. Evaluacion de Proyectos de Inversion En La Empresa Sapag Chain Nassir 1era edicion s. f.

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