

Country session: Argentina

Date of session: 14th May 2018

Context

The Committee highlighted throughout its COB's the sensitive context of the financial crisis and the prospects of an IMF deal and its effects on children.

Background information

[OHCHR press release](#)

Webcast: [First part](#) and [second part](#)

Audio file: (pending)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report:

Common core document	
Initial submission	23 Aug 1993
Updated document	19 Dec 2016
Annex I; Annex II; Annex III	19 Dec 2016

	CRC:	OPAC:	OPSC:
No. of report	5 th and 6 th	No. of report	-
Due date	2 nd of July 2016	Due date	-
Submission	19 th of December 2016	Submission	-

Written replies	
Submission	<u>5 Mar 2018</u>
Due date	

Alternative reports

NGOs	<ul style="list-style-type: none"> • Colectivo de Derechos de Infancia y Adolescencia • ELA - Equipo Latinoamericano de Justicia y Género / FEIM - Fundación para el Estudio e Investigación de la Mujer • Infancia en Deuda • Fundación Sur Argentina • Comité Argentino de Seguimiento y Aplicación de la Convención sobre los Derechos del Niño • Center for Legal and Social Studies (CELS) • StopIGM
NHRIs	<ul style="list-style-type: none"> • Ministerio Público de la Defensa

State delegation

The State delegation was large and consisted of high level Ministers as well as technical level staff. It was headed by Gabriel Castelli, National Secretary for Childhood, Youth and Family of the Ministry of Social Development and Carlos Foradori, Permanent Representative in Geneva. He was assisted by the Ministry of Foreign Affairs, Ministry of Health, Ministry of Education, Ministry of Justice, Ministry of Finances and the Permanent Mission in Geneva.

Committee’s Task Force members

Name & Last Name	Country
Jorge Cardona (Coordinator)	Spain
Luis Pedernera Reyna	Uruguay
Kirsten Sandberg	Norway
Cephas Lumina	Zambia

Dialogue description

i. Character of the dialogue

The atmosphere was most of the times interactive and dynamic, with in depth discussion of the points raised but also punctuated by moments of tension between the delegation and the Committee members.

ii. General assessment made by the Committee

Overall the Committee was pleased to see the advancements on the enactments of measures to incorporate the CRC in national law. However, the members of the task force were concerned over several issues related to the effects of the financial crisis in social programs and the increasing police violence against protests of adolescents against school reform and the government.

iii. Main issues discussed:

- **Birth registration, name and nationality:** The Committee have focused its questions on the issue of birth registration in isolated communities and the administrative measures taken to tackle the issue of Statelessness, on the onset of the refugee crisis. The delegation replied that measures have been taken to ensure that children are registered at birth with mobile units of registration.
- **Protection of privacy and protection of the image:** The Committee welcomed the measures taken by the Argentinian government to improve their image on the media. However, they mentioned that Young people have complained that they have not space be heard on the media encouraging measures to tackle the problem.
- **Freedom of association, expression and of peaceful assembly and violence against children:** The Committee welcomed the creation of a youth centre, where young people can have a space for exchanging ideas and exercising their participation. However, when turning to the right of freedom of assembly the Committee have expressed serious concerns over adolescents that are being impeded by the police to perform public demonstrations. Added to this situation, the Committee have expressed serious concerns over the cases of police violence against children, including reported threats, torture in detention facilities, intimidation, including executions performed by the police citing the case of Luciano Arruda. Likewise, they have questioned about the existence of a mechanism for safely denouncing police violence as well as criticized the lack of impartial investigation of the police represented a serious concern of the committee. The delegation replied by saying that institutional violence is not part of a plan of the Argentinian government, but did not have cited any concrete examples of mechanisms to oversee it, only a program created by the ministry of justice to prevent torture and provide assistance to victims.
- **Children deprived of family environment:** The Committee raised several questions on the measures and measurement related to children from incarcerated parents. Among those questions were the existence of a monitor mechanism and policies do deal with the problem, guaranteeing the possibility of visit of their children. The delegation has replied by mentioning that the government have raised the possibilities of alternative sentences such as domestic imprisonment, by increasing the production of electronic devices.
- **Adoption and alternative care:** The Committee members raised questions concerning whether it exists any mechanisms to avoid unnecessary alternative care and to ensure the best interest of the child. Also, questions were raised on the issue of adoption, raising concerns over the persistence of the reservations of Argentina on the CRC concerning the regulation of adoption. The delegation replied by saying that two national laws already resolved this controversy over adoption.
- **Standard of living and programmes for social development, poverty and inequality reduction:** The Committee was very concerned with the situation of child rights and social programs directed to children in the midst of the economic crisis and the deal with the IMF. The Committee members questioned how this situation would impact the realization of the rights of children, in particular for the indigenous and

marginalized groups, asking for measures to ensure sustainability and efficient budget allocation for social programs such as the National Early Childhood Programs.

- The delegation has replied saying that the IMF deal negotiation is in its preliminary phase, but ensured that the social public spending on social programs have increased, for example the expansion of the universal cash transfer for parents with children. They are currently working to update the measurement of the public spending with children, but already mentioned that the number have been kept stable over the years. This last affirmation was questioned by a Committee member, mentioning that data shows that cuts on social programs do affect children, generating some moments of tension. Will children be actively involved on this assessment?
- **Enactment of laws and policies:** The Committee questioned the delegation about the approval of laws aiming to incorporate the CRC in national legislation, whether the government has proved that the 20 harmonized their own laws to comply with Children's Right. According to the delegation all the provinces were revised but it still exists some discrepancies in some cases, that the federal government has been trying to tackle with local capacitation of staff. The delegation also mentioned that other provinces without specific laws on child rights have been participating in the federal council of children.
- **Education:** The Committee showed great concern over the situation of primary and secondary education in the countries, considering the alarming drop-out rate. The government have replied by affirming that the main cause of drop-out is that the majority of people leaving school are young mothers and therefore, is implementing a program to solve the issue.
- **Disability:** Committee members have mentioned the fact that there are no data or plans to promote the inclusion of students with disabilities in schools and in programs directed to children. The delegation admitted that there are no disaggregated data on children with disabilities. The delegation replied that there is a plan for inclusion of persons of disabilities in school has started in 2016 to work on an inclusive culture.
- **Health services:** The Committee was worried about the disparities in access to health and the effects of budget cuts, also asking for clarification concerning the national law on abortion and unwanted pregnancies. The delegation replied that the Argentinian government allows abortion in the case of rape and has a protocol revising the technical guide of 2010 for non-punishable abortion. However, they have admitted that the application of abortion law changes from provinces. The Committee also questioned the delegation about measures to prevent unnecessary surgery for intersex children, where the delegation admitted that there are not many facilities in place to deal with this issue.
- **Mental Health:** do you have data of registry of children in treatment in community hospitals and medicalization of children? Laws are stricter for children, must report to the system of protection of the children. There are no data on that.
- **Special protection measures:** The Committee welcomed the initiative of create "Children Defenders", but was concerned over the lack of progress in making the group operational. The delegation replied by saying that 68 potential candidates were already admitted, with the active participation of CSO's in the public audiences, securing a budget of 50 million of pesos. Other issues around were also mentioned, notably the concern over violent eviction of indigenous people's land and over the low standards of regulation for business to comply and promote child rights.
- **Administration of juvenile justice:** The Committee have had many questionings and concerns over the state of juvenile justice in the country. Among them were questionings on the channels to denounce mistreatment, lack of visit of judges, heavier and tighter sentences on adolescents, many cases of suicide in detention centres and lack of investigation and reparation for victims. The delegation replied by saying that suicide cases has not been an issue since 2010, adding that the government has enacted two resolutions that protects and provides psychological support for staff working in juvenile detention and incarcerated children. However, the delegation admitted that there are not many policies for juvenile mediation across the country. They have also mentioned that the ministry of justice has created a program to prevent torture and to provide assistance to victims, including a new penal law with specialized courts and alternative measures. Finally, the delegation replied by saying that the government is mapping to monitor the conditions of penal facilities.



Recommendations of the Committee

In its [Concluding Observations](#), the Committee drew attention to the need of **urgent measures** concerning the following 3 areas:

Non-discrimination: the Committee urges the State party to ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards indigenous children, children with disabilities, minority children, children from migrant backgrounds, and LGBTI children; Ensure that children living in rural areas and in indigenous communities are not discriminated against in accessing quality education, adequate health care and housing; Introduce a unit within the National Institute against Discrimination to address cases of discrimination against children; Ensure that all cases of discrimination against children are addressed effectively, including by disseminating accessible information about what constitutes discrimination, establishing disciplinary, administrative or, if necessary, penal sanctions, and guaranteeing children's access to psychosocial and legal counselling in cases of discrimination.

Right to life: The Committee urges the State party to: Strengthen efforts to eradicate the root causes of infant mortality, particularly within the most vulnerable families, including those living in indigenous communities and remote areas; Undertake a comprehensive assessment of the extent, and causes of suicide with the aim of adopting a preventative policy; Take effective measures to address the impact of the detention environment on the mental health of children and to prevent child suicides in detention.

Torture and Institutional Violence: the Committee urges the State party to: Adopt a comprehensive strategy to end all abuse of children in institutional care settings, systematically monitor the situation of children in institutions and prioritize investigations of all instances of violence; Expediently adopt a comprehensive strategy to reduce overcrowding in juvenile detention centres and improve the living conditions of children in detention; Take measures to eradicate the disproportionate use of force against children and adolescents by the security forces and take urgent steps to cease police interventions in the school environment; investigate all allegations of torture, violence, harassment and abuse, including by the police, and ensure that the perpetrators are prosecuted and, if convicted, punished commensurately with the seriousness of their acts; Establish an information management system to track the number of cases of torture and other cruel, inhuman or degrading treatment or punishment of children in all settings, as well as the number of prosecutions of perpetrators and the punishments imposed; Establish a complaints procedure for all children in care and detention centres and provide appropriate remedies.

Sustainable Development Goals

- 1.3, on implementing nationally appropriate social protection systems and measures for all.
- 4.1, on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes
- 16.2, on ending abuse, exploitation, trafficking and all forms of violence against children
- 16.9, on providing legal identity for all, including birth registration

Next State report

CRC	
No. of report	7 th and 8 th
Due date	19 Dec 2026



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