



# International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General  
7 October 2016  
English  
Original: Spanish  
English, French and Spanish only

---

## Committee on the Elimination of Racial Discrimination

### Ninety-first session

21 November-9 December 2016

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted  
by States parties under article 9 of the Convention**

## List of themes in relation to the combined twenty-first to twenty-third periodic reports of Argentina

### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. This is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

### Information on the demographic composition of the population

2. Information on the population census, including data on the demographic composition of the population, in particular indigenous communities, people of African descent, the Jewish community, Roma and other minorities and migrants living in the State party. Information on the methodology used for collecting data and on the frequency with which censuses are conducted (CERD/C/ARG/CO/19-20, para. 3).

3. Disaggregated statistical information on the implementation of the national plan to combat discrimination and on the social and economic situation of indigenous peoples. Information on the breakdown of the data collected by the National Statistics and Census Institute on indigenous communities, people of African descent, the Jewish community, Roma and other minorities and migrants in the workplace.



**Legal, institutional and public policy framework for combating racial discrimination (arts. 2 to 7)**

4. Information on the progress made in developing legislation to define racial discrimination as an offence in accordance with the Convention (CERD/C/ARG/CO/19-20, para. 15).
5. Information on the progress made in appointing an Ombudsman (CERD/C/ARG/CO/19-20, para. 16).
6. Information on the measures taken to ensure the effective application of the legislative framework related to indigenous matters and discrimination and on the efforts made to promote a greater familiarity with the legislative framework and the Convention in all areas and regions of the country.
7. Information on the measures taken to ensure the consistency of the legislative and administrative provisions adopted at the national, federal and provincial levels with the Convention and on the steps taken to improve coordination between the different institutions working to protect human rights and to eliminate racial discrimination.
8. Information on the measures taken to increase the participation of persons belonging to minority groups in decision-making processes and their representation in decision-making positions in the State party, including in the education system, the judicial, legislative and executive branches and, in particular, in institutions whose work is of concern to them.
9. Information on the progress made in creating and consolidating mechanisms to facilitate the effective participation of indigenous peoples in the development, adoption, implementation and monitoring of public policies that concern them (CERD/C/ARG/CO/19-20, para. 23).
10. Information on the measures taken to combat prejudice and stigmatization directed at members of indigenous communities, people of African descent and other minorities and to recognize and give due prominence to their contribution to a multi-ethnic State (CERD/C/ARG/CO/19-20, paras. 24 and 27).
11. Information on the measures taken by the National Institute of Indigenous Affairs to ensure the full implementation of its programmes and policies and the effective participation of indigenous peoples in their development and operationalization. In addition, information on the steps taken to secure the adoption of a law designed to strengthen the role of the Institute, on the measures taken to ensure that the scope of its activities extend to the most remote areas of the country and on its budget (CERD/C/ARG/CO/19-20, para. 22).
12. Information on the implementation of the national plan to combat discrimination and on the participation of stakeholders in the implementation process.
13. Information on the participation of minorities in the development and implementation of the new national human rights plan and on the measures taken to give effect to the articles of the Convention.
14. Information on the progress made in combating stigmatization, xenophobia and discrimination in the media and in improving the support offered to the Observatory on Discrimination in Radio and Television.
15. Information on the progress made in combating racial prejudice, including the advances made possible by the work done by the National Institute against Discrimination, Xenophobia and Racism, and on the measures taken to extend existing information

campaigns and training activities to the most remote areas of the country (CERD/C/ARG/CO/19-20, para. 30).

16. Information on the action plans and other measures adopted to implement the Durban Declaration and Programme of Action at the national level (CERD/C/ARG/CO/19-21, para. 31).

### **Situation of indigenous peoples and persons of African descent (arts. 1 to 7)**

17. Information on the measures taken to guarantee effective access to basic services (decent housing, drinking water, health-care services, employment opportunities and quality education), particularly in rural areas, and to reduce poverty among indigenous communities, other minorities, migrants, refugees and asylum seekers (CERD/C/ARG/CO/19-20, para. 29).

18. Information on the progress made in introducing quality intercultural bilingual education, including in rural areas, and in improving indigenous peoples' access to secondary and higher education. Information on the percentage of the indigenous population and the percentage of the population at large that have not received a formal education and on the progress made in improving indigenous girls' access to education (CERD/C/ARG/CO/19-20, para. 19).

19. Information on access to health care for minorities living in rural areas, including sexual and reproductive health-care services.

20. Information on the measures taken and the mechanisms and procedures put in place to promote the recognition and protection of the rights of indigenous peoples over their traditional lands and natural resources and to ensure that indigenous peoples are involved in such efforts and are consulted about them. Information on the implementation and impact of the reform of the Civil and Commercial Code on the communal ownership of lands occupied by indigenous peoples. In particular, information on the measures taken to protect indigenous communities from forced evictions and violence, including measures taken in connection with the expiration of Act No. 26554 in early 2017. Information on the measures taken to prevent and investigate human rights violations related to forced evictions and violence and to prosecute the perpetrators of such acts, on the penalties imposed on the perpetrators and on how the procedural rights of the victims are safeguarded. Information on the number of persons who have actually availed themselves of free legal representation (CERD/C/ARG/CO/19-20, paras. 20 and 21).

21. Information on the measures taken to integrate the members of indigenous communities, persons of African descent and other minorities into the social and political life of the State party, including disaggregated information on the situation with respect to women (CERD/C/ARG/CO/19-20, para. 28).

22. Information on national and/or provincial mechanisms for conducting consultations to obtain the free, prior and informed consent of communities that may be affected by natural resource development projects in the territories that they traditionally occupy or use. Disaggregated information on the consultations conducted to date and, in cases of eviction, on how due process was ensured and on any remedial action taken, including financial compensation (CERD/C/ARG/CO/19-20, para. 26).

23. Information on acts of discrimination, exclusion, ill-treatment and abuse committed against indigenous children and on the measures taken to enforce the laws on birth registration, particularly at the provincial level.

24. Detailed information on the initiatives undertaken thus far in Argentina in support of the International Decade for People of African Descent 2015-2024.

### **Human rights defenders (art. 5)**

25. Information on the measures taken to protect indigenous human rights defenders, defenders of the rights of indigenous peoples and minorities and members of their families from reprisals, intimidation and threats. Information on the measures taken to prevent and investigate possible cases of harassment involving public officials and/or private individuals and to punish the perpetrators. Information on the measures taken in respect of the attacks made on family members of the human rights defender Félix Díaz, the violence suffered by the Nam Qom community of Formosa Province on 30 September 2015 and the assassination of the leader of the Senegalese community, Massar Ba, in March 2016.

### **Justice system and measures to combat racial discrimination (arts. 5 and 6)**

26. Information on the progress made in ensuring that indigenous peoples, people of African descent and migrants have full and effective access to justice. Information on the role played by the National Institute against Discrimination, Xenophobia and Racism in this area and the progress made to date in that endeavour (CERD/C/ARG/CO/19-20, paras. 20 and 21).

27. Information on the measures taken in respect of acts of racially motivated discrimination and violence committed by public officials. In particular, information on the preventive and protective measures taken and on any information and awareness-raising campaigns and training activities conducted in that connection. Information on the number of complaints lodged, the corresponding legal action taken and any penalties imposed for such offences (CERD/C/ARG/CO/19-20, paras. 25 and 26).

### **Situation of migrants (arts. 2, 5 and 6)**

28. Information on the use of racial profiling by the police. Information, including disaggregated data, on the measures taken to prevent and investigate acts of discrimination and violence against migrants and on the measures taken to ensure that such acts do not go unpunished.

29. Disaggregated information on the persons being held in the detention centre for foreign nationals in an irregular situation, including information on their detention conditions, the duration of their detention and any possible alternatives to detention. Information on the steps taken to prevent this form of detention from leading to the criminalization of migrants in an irregular situation and from exacerbating discrimination against them.

---