



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/ARG/3-4  
16 September 2009

ENGLISH  
Original: SPANISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third and fourth periodic reports of States parties due in 2004**

**ARGENTINA\* \*\***

[23 April 2008]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited before being sent to the United Nations translation services.

\*\* Annexes can be consulted in the files of the Secretariat.

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“This social inclusion project, a project that is changing what seemed to be the tragic fate of the people of Argentina, does not belong either to a particular sector or to a particular Government; it is a project of and for all Argentines.”

Dr. Cristina Fernández de Kirchner  
President of the Argentine Nation

## I. PRESENTATION

1. The executive branch, standing at the epicentre of one of the most serious social and economic crises in the history of the Argentine Republic, inaugurated a different kind of country model, linked to the culture of labour and production and designed essentially to repair a social fabric that had been torn apart by the persistent implementation of policies inspired by neo-liberalism, acting on the conviction that social peace, respect for the law and defence of human life and dignity are inalienable rights of all Argentines.

2. Within this framework and on the basis of an explicit human rights perspective, a State was built on the national territory that pursues policies aimed at remedying social inequities through continuous action in support of inclusion, creating opportunities for universal and equal access to education, health and housing, and promoting social progress based on the work and endeavour of each and every Argentine.

3. Our social development policies recognize the family as the mainstay of social inclusion, and treats individual citizens not as mere passive beneficiaries but as actors contributing to change.

4. On the basis of this ideological approach to State action and public policy, the new style of governance has succeeded, relying on the support and oversight of various political stakeholders as well as a wide range of social institutions and organizations, in leaving behind almost a century of patronage and in laying the foundations of institutionally based comprehensive protection of the rights of children and adolescents.

5. Our action is thus directed towards the development of an integrated and integrating approach, replacing the focus on irregular circumstances with the concept of universality of childhood, of children whose potential calls for the planning and execution of intersectoral and multidisciplinary policies and activities in all areas of government and at all levels.

6. This new stage has involved a major political commitment on the part of our Government. This is illustrated by the launching of the National Secretariat for Children, Adolescents and the Family, the establishment of the Federal Council for Children, Adolescents and the Family, and the policies and actions of the various branches of the Argentine Government.

7. As may be gathered from this report, the Argentine State has made considerable progress in implementing the Convention on the Rights of the Child during the period under review. The report also makes it clear that we must continue to move forward and to build on what has been achieved in a number of areas. It is towards this goal – full attainment of the rights of children and adolescents – that our efforts are directed on a daily basis.

## II. INTRODUCTION

8. The National Secretariat for Children, Adolescents and the Family, attached to the Ministry of Social Development of the Presidency of the Nation, is the specialized body of the executive branch responsible for the rights of children and adolescents pursuant to Act No. 26.061 of 2005 on the Comprehensive Protection of the Rights of Children and Adolescents.

9. As the institution that guides public policy in this area, the National Secretariat is responsible for preparing the reports to be submitted under article 44 of the Convention on the Rights of the Child and for representing the State in that connection; it also serves as the depositary of any recommendations made.

10. From the very outset, the National Secretariat decided to treat the process of preparation of the report as something above and beyond mere administrative compliance with the country's international obligations; it decided that the present document should constitute a tool for the conduct of a genuine assessment of the degree of compliance with the Convention on the Rights of the Child throughout the national territory.

11. To that end, the Secretariat planned and carried out a wide-ranging participatory process, convening meetings for the purpose at different levels.

12. At the national level it solicited institutional participation on the part of the Ministry of the Economy and Production; the Ministry of Education, Science and Technology; the Ministry of Justice, Security and Human Rights; the Ministry of Federal Planning, Public Investment and Services; the Ministry of Foreign Affairs, International Trade and Worship; the Ministry of Health; the Ministry of Labour, Employment and Social Security; the Ministry of Internal Affairs; and the Secretariat for Culture, the Sports Secretariat and the Secretariat of Planning for the Prevention of Drug Addiction and Action against Drug Trafficking. A specific questionnaire was sent to each of these bodies, together with the 2002 concluding observations of the Committee on the Rights of the Child and the Convention on the Rights of the Child.

13. On the basis of the data requested, a number of meetings were held with the national authorities to analyse the information available and the views of the departments concerned with a view to developing an integrated approach.

14. At the federal level, the participation of all executive authorities from the Argentine provinces was requested through the Federal Council for Children, Adolescents and the Family, a body in which the top authorities responsible for children, adolescents and the family in each jurisdiction are represented.

15. In addition, small-scale participation workshops were held in coordination with rights protection bodies operating in the provincial jurisdictions, at which more than 2,500 children and adolescents from all parts of the country expressed their views regarding rights to which they are entitled in their everyday environment (schools, gardens, community centres, etc.).

16. Advice on the strategy for preparing and drafting the report was obtained from the Inter-American Children's Institute (IIN) and the Organizations of American States

(OAS), following which it was decided to structure the report in such a way as to reflect the Committee's observations in 2002 and to deduce, in the light of those observations, the areas in which tangible progress was made during the period under review and the challenges that need to be addressed by the Argentine Republic in order to continue reaffirming its commitment to the promotion and protection of the rights of children and adolescents.

### **III. GENERAL ASPECTS**

17. The following is a brief presentation of the main social and economic indicators that shed light on the situation in the country during the period under review. They establish a general framework which can then be used to analyse specific aspects of the application in our country of the principles, rights and guarantees laid down in the Convention on the Rights of the Child.

#### **A. Demographic aspects**

18. According to information provided by the 2001 Population, Households and Residential Buildings Census conducted by the National Institute of Statistics and Censuses (INDEC), the total population of the Argentine Republic at the time was 36,260,130 inhabitants. Compared with the 1991 census, this represents an increase of 11.2 per cent (3,644,602 inhabitants), which corresponds to an average annual growth rate of 10.1 per thousand. The population projection for 2008 is 39,754,613 inhabitants.

19. An analysis of the composition of the total population by gender indicates that there are more females than males (51.3 per cent and 48.7 per cent respectively).

20. According to the 2001 census, there are 12,169,667 persons under 18 years of age in the country. With regard to the age distribution of the population, the 0 to 14 age group accounts for 28.3 per cent, while the 65 years and over age group accounts for 9.9 per cent. The comparable ratios for 1991 were 30.6 per cent for the 0 to 14 age group and 8.9 per cent for the 65 years and over age group.

21. These percentages reflect a characteristic of the country's demographic structure, namely the presence of signs of population ageing, i.e. an increase in the relative weight of older persons in the total population.<sup>1</sup>

22. Furthermore, according to data provided by the Ministry of Health, both the birth rate and the mortality rate remained stable during the period 2001-2005, with the birth rate fluctuating between 18.2 and 19.3 births annually per thousand inhabitants and the mortality rate fluctuating between 7.6 and 7.9 per thousand.

23. An increase of 1.9 years in life expectancy at birth was recorded between the 1991 census and the 2001 census. As a result, life expectancy at birth stood at 73.8 years in 2001 (70 years for males and 77.5 years for females). Moreover, according to the

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<sup>1</sup> Internationally, a population is deemed to be ageing when the 65 and over age group accounts for more than 7 per cent of the total population.

projections for the period 2000-2005, life expectancy is estimated at 74.3 years (70.6 years for males and 78.1 years for females).

24. On the basis of the results of the 2004-2005 Supplementary Survey of Indigenous Peoples (ECPI), it is estimated that there are 600,329 persons who identify themselves as belonging to and/or as first-generation descendants of indigenous peoples, which is equivalent to 1.6 per cent of the total population of the country.

25. According to the 2001 census, 1,531,940 persons were born abroad, which is equivalent to 4.2 per cent of the total population. Half of the migrant population come from neighbouring countries such as Paraguay, Bolivia and Chile. A smaller but nonetheless significant percentage of the migrant population comes from Italy and Spain.

26. According to the 2001 census data, the population density is 13 inhabitants per square kilometre. With regard to urban-rural distribution, 89.4 per cent of the population live in urban areas, while 10.6 per cent live in rural areas.<sup>2</sup> Comparing these data with those from the 1991 census, we find that the trend towards concentration of the population in urban areas is continuing. The urban population recorded in 1991 was 87.2 per cent and the rural population 12.8 per cent.

### B. Economic and social conditions

27. According to the Human Development Report published by the United Nations Development Programme (UNDP) in 2007, Argentina is highly placed in terms of the Human Development Index (HDI), ranking thirty-eighth in the world. It is ranked highest among the countries of South America.

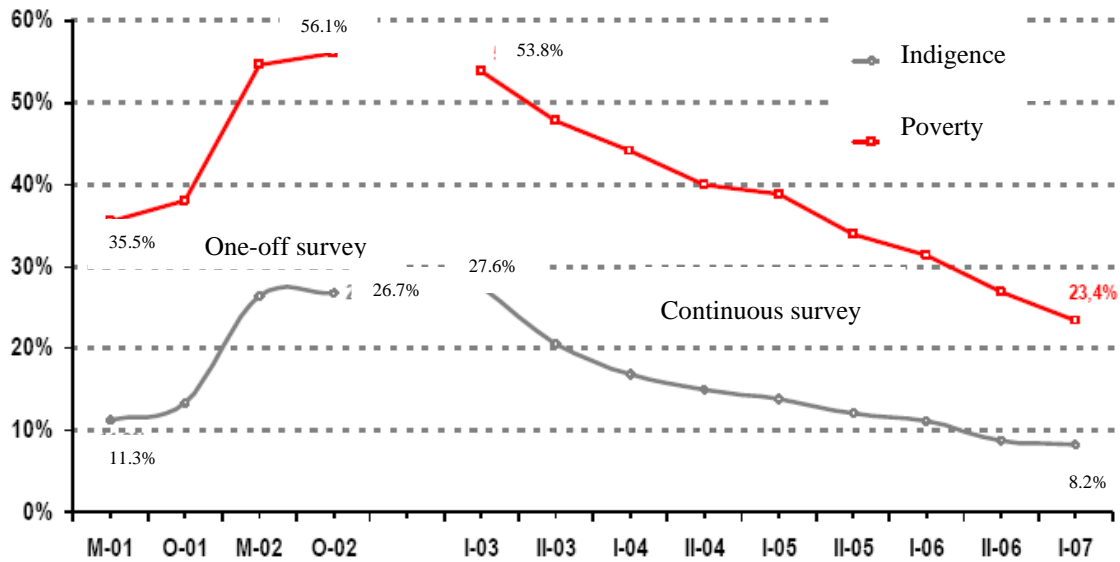
28. According to the Permanent Household Survey (EPH) conducted by the National Institute of Statistics and Censuses (INDEC), the total population under the poverty line declined from 53.8 per cent to 23.4 per cent between the first half of 2003 and the second half of 2007. Thus, **the prevalence of poverty in the overall population was cut by more than one half** during the period concerned.

29. During the same period the total population under the indigence threshold declined from 27.6 per cent to 8.2 per cent. The prevalence of indigence in the overall population was thus reduced to less than one third of the previous rate.

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<sup>2</sup> A population is classified as rural if it is grouped in districts of less than 2,000 inhabitants and if it is dispersed in open country areas.

### Poverty and indigence



Source: INDEC

30. The report presents a more detailed analysis of the decline in both household and individual poverty and indigence under the heading “Standard of living” in section IV.F and reviews the policies implemented to address the hard core of this major problem.

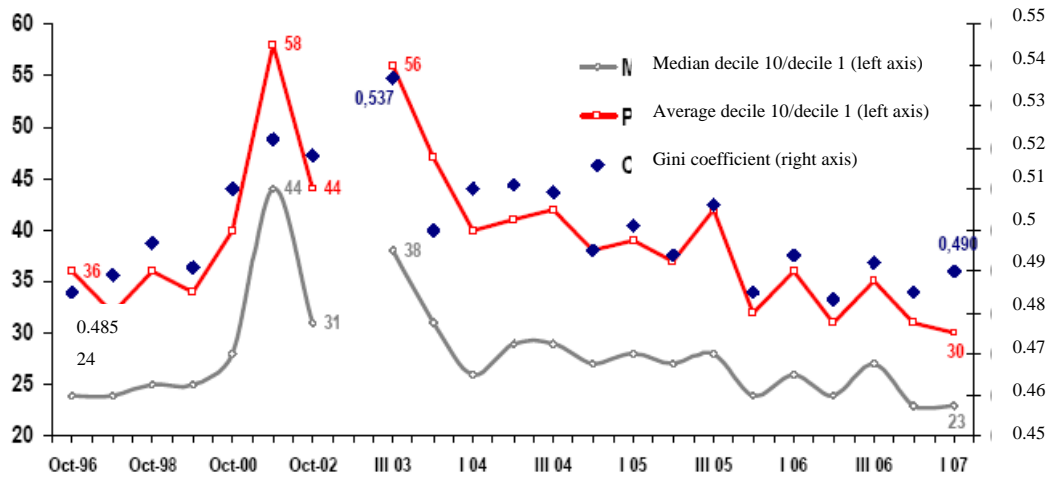
31. According to data for the third quarter of 2006, a further improvement in income distribution was recorded compared with the third quarter of 2005. The income gap between the richest 10 per cent of the population and the most disadvantaged 10 per cent declined during the period by 16.7 per cent.

32. The graph shows a continuous improvement in income distribution: during the first quarter of 2007, the value of the median decile 10/decile 1 indicator was half the value recorded in October 2001, and the Gini coefficient dropped from 0.537 to 0.490.



### Income distribution

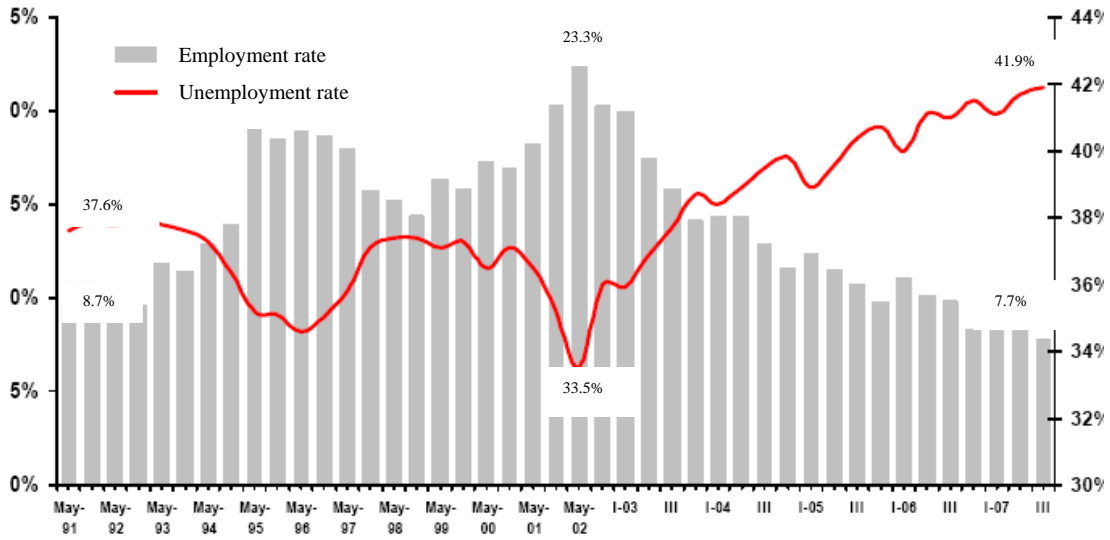
#### Main indicators



Source: INDEC

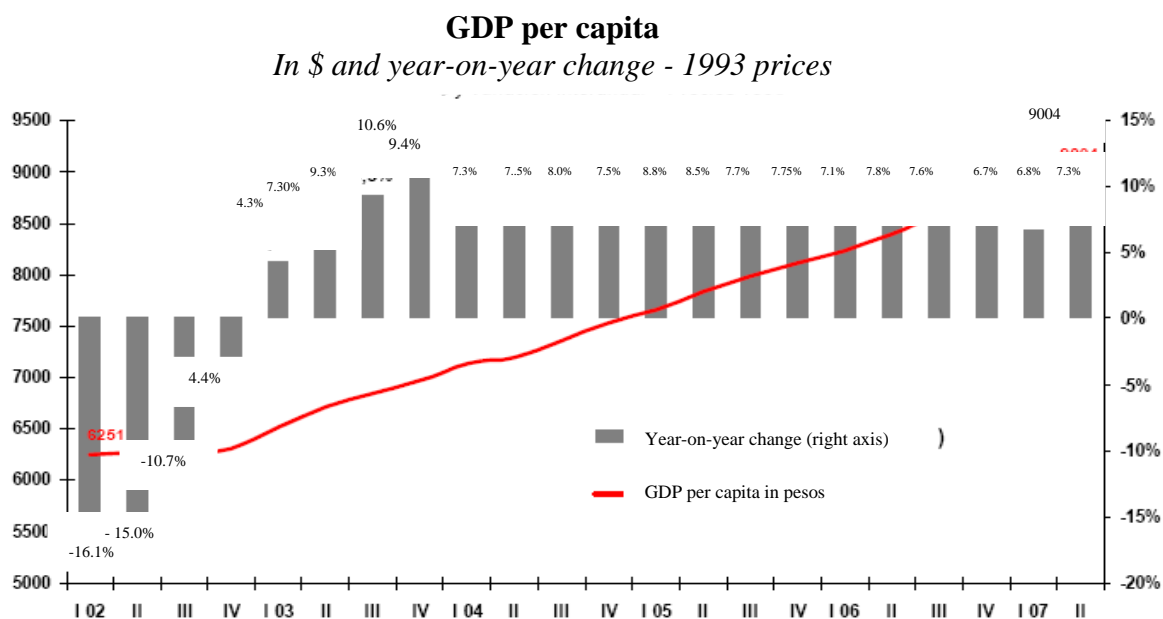
33. As shown by the graph, the severe crisis that hit the country is discernible in the levels of employment and unemployment recorded in May 2002. The two indicators show the pace of economic and social recovery in the Argentine Republic.

### Rate of employment and unemployment



Source: INDEC

34. The employment rate is currently higher than during the periods that preceded the crisis and the unemployment rate has therefore shown a marked decline, falling from 23.3 per cent in 2002 to 7.7 per cent in the third quarter of 2007. It has thus been reduced by almost two thirds.



Source: INDEC

35. As may be seen from the above graph, there has been a sustained increase in gross domestic product (GDP). These results confirm that in 2007 Argentina embarked on its fifth consecutive year of growth at an average rate of roughly 8.8 per cent per annum.

36. To complete this section, the following is a comparative table showing the country's emergence from indebtedness over the period.

#### Pre- and post-devaluation indicators of sustainability

Ratios	Dec. 2002	→	Mar. 2007
(Interest + amortizations)/GDP <sup>a</sup>	15.3%		9.7%
Interest/national revenue <sup>a</sup>	21.7%		8.6%
Total public debt/GDP	166%		62%
External public debt/GDP	95%		26%
Foreign currency debt/reserves	12 times		3 times
Foreign debt/reserves	9.4 times		2.6 times
Foreign debt/exports	9 times		2 times
Percentage of debt in foreign currency	79%		53%

<sup>a</sup> Compared with December 2001.

Source: Finance Secretariat

#### **IV. FOLLOW-UP TO THE PRINCIPAL AREAS OF CONCERN AND RECOMMENDATIONS CONCERNING ARGENTINA'S SECOND PERIODIC REPORT**

##### **A. General measures of implementation (arts. 4, 42 and 44 of the Convention)**

###### **1. Reservations**

**Paragraph 14. The Committee reiterates its recommendation (...) that the State party consider reviewing the reservations entered upon ratification of the Convention with a view to withdrawing them.**

37. As part of the process of preparing this report, which must rely for its implementation on the availability in advance of a rigorous mechanism that meets not only normative but also practical and operational requirements, the National Secretariat for Children, Adolescents and the Family convened various branches of the National Government with a view to undertaking a detailed analysis of the reservations and interpretative declarations entered at the time of adoption of the Convention on the Rights of the Child by Act No. 23.849 of 1990.

38. With regard to the reservation entered with respect to article 21 (b) to (e) of the Convention, the Argentine State reiterates that intercountry adoption shall not apply in areas within its jurisdiction because, in its view, before it can be applied a rigorous arrangement must exist for the legal protection of children in order to prevent the phenomenon of the sale of children and child trafficking.

39. The Argentine State considers that this reservation strengthens the guarantees afforded to children and adolescents within the national territory, since the child's origin, culture, distinctive characteristics and current residence are respected.

40. It should further be noted that there are numerous registered applicants for adoption resident in the Argentine Republic, a situation that underscores the need to continue taking steps to ensure that children are adopted by a family within the frontiers of their country of origin, thereby respecting the right to identity. This type of adoption is best suited to the individual characteristics of children born within the national territory.

41. With regard to article 24 (f) of the Convention, the Argentine State wishes to point out that it has not entered a reservation but has made an interpretative declaration regarding the concept of family planning set forth in the article. Hence the declaration does not have the effect of a reservation inasmuch as it neither precludes nor amends the legal effects of the treaty provision.

42. In any case, it may be assumed that the interpretative declaration has been superseded by the adoption of: National Act No. 25.673 of 2002 establishing the National Sexual Health and Responsible Parenthood Programme under the auspices of the Ministry of Health and its Regulatory Decree 1282/2003; National Act No. 26.150 of 2006 establishing the National Comprehensive Sex Education Programme under the auspices of the Ministry of Education; and National Act No. 26.206 of 2006 on National Education.

43. Eighteen jurisdictions out of twenty-four have adopted legislation along the same lines, namely: Buenos Aires, Chaco, Chubut, the Autonomous City of Buenos Aires, Córdoba, Entre Ríos, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, San Luis, Santa Cruz, Santa Fe and Tierra del Fuego.

44. It may be concluded in the light of the foregoing that the above-mentioned interpretative declaration has been rendered obsolete by both national and provincial norms that introduce the concept of family planning with respect to sexual and reproductive education, making the State responsible for taking positive measures to guarantee the right of all persons to easy access to information, education and services relating to their health and reproductive conduct.

## 2. Legislation

**Paragraph 16. The Committee recommends that the State party:**

- (a) Take all the necessary measures for the adoption by Parliament without delay of the draft law on the comprehensive protection of the rights of the child;**
- (b) Ensure the full implementation of the law on the comprehensive protection of the rights of the child, once enacted in compliance with the Convention, paying particular attention to the need to allocate the necessary human and financial resources in order to establish the adequate structures;**
- (c) Ensure that legislation at provincial level as a whole fully complies with the provisions and principles of the Convention;**
- (d) Seek technical assistance from, among others, the United Nations Children's Fund (UNICEF).**

45. The Argentine State initiated during the period under review an intense process of alignment of its domestic legislation with the provisions of the Convention, recognizing children and adolescents as persons with full legal personality.

### **Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents**

46. In accordance with the Committee's recommendations regarding this section and following a tough political and social debate, including various initiatives involving governmental and non-governmental actors, Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents was promulgated in 2005.

47. The provisions of the Act are designed to supersede the previous specialized intervention regime which, relying on the characterization of a state of material or moral danger and/or negligence, provided for mandatory State intervention on behalf of a target population consisting for the most part of children and adolescents from poor families with parenting difficulties; the regime applied predominant values and parameters of "normality", the definition of which had been evolving or undergoing a process of modernization while Act No. 10.903 on the Welfare of Minors was in force.

48. The core role assigned to judicial action in that model corresponded to the need for “ex officio” intervention in all cases in which circumstances of “moral or material neglect”, a concept that was not clearly or rigorously defined, were deemed to exist. Thus, action was taken on the basis of a report by some actor within the system, generally in the absence of a request by the parties involved, so that the exercise of parental authority was restricted on the assumption that the child was being protected from circumstances in which his or her rights were seriously endangered as well as from adverse social and economic circumstances.

49. Children were classified in administrative terms on the basis of hypothetical symptoms or shortcomings, which were then invoked to organize fragmentary benefits reflecting the type of problem and generally involving their isolation from negatively defined factors. This isolation led to the internment of children in various kinds of institutions. In all cases the decisions were taken by adults, acting in a judicial and administrative context, without consulting their views.

50. The separation of children from their families as a form of protection meant that families were held entirely responsible for the various problems encountered, including the lack of appropriate social and economic circumstances for parenting. The unstable structural circumstances with which both children and families had to contend were thus ignored, implying that the State itself, which claimed to be protecting them, bore no responsibility for the circumstances in question.

51. The new Act No. 26.061 is based on the doctrine of the comprehensive protection of children and adolescents. It is a legal instrument that adopts an innovative approach to the purpose and scope of State intervention, which should be regarded as a different type of action when it affects children and adolescents. This relates to both the content of policies, services and programmes on behalf of children and adolescents and to the powers, responsibilities and relations among the different State and non-governmental actors responsible for guaranteeing their well-being and the protection of their rights.

### **General principles underlying Act No. 26.061**

52. **Indivisibility** and interdependence of rights: As indicated by the title of the Act, the protection of rights must be comprehensive, in accordance with the core standard applicable to human rights instrument, namely their indivisibility and interdependence.

53. The interdependence of civil and political rights and economic, social and cultural rights is thus recognized, so that the fulfillment of each right affects the exercise of all other rights.

54. **Participation:** Children’s right to express their views freely and the right to have their views taken into account in all matters affecting them, as reflected in several articles of the Act, is a guiding principle that represents a major shift in the approach to children and their relations with the State, the family and adults. The aim is to guarantee children and adolescents a defining role in their own lives, rejecting their characterization as objects to be protected and inaugurating their status as persons with full legal personality.

55. The many areas in which the Act enshrines children's right to express their views and to be heard are enumerated in detail in article 24, which requires both public and private actors to respect and promote that right.

56. **The best interests of the child:** Article 3 of the Act defines this principle, which had previously been characterized in broad and non-specific terms. It refers clearly to the comprehensive and simultaneous fulfillment of all the child's rights and guarantees, ruling out the possibility of invoking a higher interest of the child that is not based on a holistic approach to his or her rights.

57. In short, neither the interests of parents nor those of the State may be treated in future as the sole interests of relevance when it comes to fulfilling children's rights: children are entitled to have their interests taken into account as a matter of priority in the formulation and implementation of policies, in the mechanisms governing the allocation of resources and in the settlement of disputes.

58. **Enforceability of rights:** Provision is made for the filing of both administrative and judicial proceedings. This principle stems from the reasoning that underlies human rights, whose recognition customarily calls for the establishment of judicial or other measures that enable the holder of a right to lodge a complaint with the judicial or other similarly independent authority, if the duty-bearer fails to comply with its obligation.

59. **Threat to or violation of rights:** Unlike the repealed legislation, which listed threats to the personal and social development and well-being of children as family shortcomings, the Act adopts a broad approach to situations involving a "threat to or violation of rights". It includes within the concept all types of threats to the development and integrity of children and adolescents. Threats thus include those to which they may be exposed within the family environment or from third parties as well as those resulting from acts or omissions on the part of State bodies.

60. **Right to family life:** The Act contains a series of provisions aimed at promoting a relationship of respect and support for the family on the part of the State, based on recognition of the right of children and adolescents to grow up and develop in their family of origin, the right to privacy of family life and the duty of the State to provide the family with appropriate assistance in meeting its child-rearing responsibilities and its duty to protect children's rights. It stipulates in this connection that one of the guidelines to be followed in formulating public policies in support of children and adolescents is that such policies should boost the family's role in ensuring the effective enjoyment of the rights of children and adolescents.

#### **New guidelines for public policies laid down in Act No. 26.061**

61. In accordance with the principle laid down in article 5 of the Act and which enjoys absolute priority, the guidelines to be followed by each level of government in formulating public policies applicable to children and adolescents are:

(a) Enhancement of the family's role in ensuring the effective enjoyment of the rights of children and adolescents;

(b) Decentralization of the implementing bodies and of the specific plans and programmes introduced pursuant to the various rights protection policies in order to guarantee greater autonomy, flexibility and efficiency;

(c) Joint management of government bodies at various levels in coordination with civil society, with continuous provision for training and oversight;

(d) Promotion of local intersectoral networks;

(e) Promotion of the establishment of organizations and agencies for the defence and protection of the rights of children and adolescents.

### **System of Comprehensive Protection of the Rights of Children and Adolescents**

62. Provision was made for the establishment of what is known as the “System of Comprehensive Protection of the Rights of Children and Adolescents”, a mechanism that brings together all agencies, entities and utilities that design, plan, coordinate, guide, implement and oversee public policies, under State or private management, at the national, provincial and municipal levels, for the promotion, defence, support, protection, safeguarding and restoration of the rights of children and adolescents, and establishes the means whereby the principles, rights and guarantees recognized in the National Constitution, the Convention on the Rights of the Child and other human rights treaties ratified by the Argentine State are effectively enjoyed.

63. The comprehensive protection system operates at the following levels:

(a) National: It operates as the specialized agency on the rights of children and adolescents within the national executive branch;

(b) Federal: It operates as the coordinating and consultative body for the design, planning and implementation of public policies throughout the territory of the Argentine Republic;

(c) Provincial: It operates as the planning and implementing body for policies concerning children; the individual provinces and the Autonomous City of Buenos Aires determine its form and hierarchical structure, while respecting areas of autonomy and pre-existing institutions.

64. The provinces are authorized (and have already begun in many cases) to conclude agreements within the existing legal framework with municipalities and communes in the provincial jurisdictions, and to establish an agency responsible for monitoring programmes aimed at comprehensive protection of the rights of children and adolescents in close coordination with non-governmental organizations acting in support of children, adolescents and the family.

### **New institutional framework**

65. The new regulations have led to changes in the bodies responsible for protection at the national level and have stimulated the restructuring of local administrations.

66. The administrative adjustments that are being undertaken in many provincial jurisdictions have generally led to the hierarchical organization of departments



responsible for implementing policies concerning children. These institutional changes are also accompanied by a legislative adjustment process which is currently in full swing under National Government oversight.

67. The Act created the National Secretariat for Children, Adolescents and the Family, the Federal Council for Children, Adolescents and the Family and the office of Defender of the Rights of Children and Adolescents (Ombudsman for Children and Adolescents); the process of selection of the latter is still under way.

68. Vigorous action is also being taken to draft and implement the National Plan of Action for Children's Rights,

69. By means of regulatory action, the State required all the provinces and the Autonomous City of Buenos Aires to designate or establish bodies for the protection of local rights and to adjust their internal regulations accordingly.

70. It is important to mention the new jurisdictions<sup>3</sup> that have enacted legislation designed to implement the standards laid down in the Convention and/or Act No. 26.061, namely: Buenos Aires, Chaco, Córdoba, Corrientes, Jujuy, Misiones, Neuquén, Río Negro, Salta, San Juan, San Luis and Tierra del Fuego.

71. All these facts and developments are creating a new institutional framework to serve as the scaffolding for the "rights protection system" which is composed of institutions of diverse character in terms of their structure, mandates and functions and whose interrelationship is intended to give effect to the principles, rights and guarantees enshrined in the Act.

### Education

72. **Act No. 26.206 on National Education** was adopted on 14 December 2006 and promulgated on 27 December 2006.

73. The legislation was the product of a historically unprecedented process of participation. The drafting methods used (see below) may be described as an example of participatory generation of norms.

74. By Decree No. 635 of 22 May 2006, the national executive branch invited all actors involved in the education system and in society as a whole to participate in the preparation of the draft National Education Act.

75. The Ministry of Education planned and conducted a process of discussion and consultation, which was launched in May 2006 through the presentation of a discussion document entitled "National Education Act: Towards quality education for a more just society."

76. During a six-month period, a large number of publicity events and reflection and debate sessions were held on the proposals. The participants in the process included: more than 750,000 teachers, representing the 44,000 schools that constitute the national

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<sup>3</sup> The pioneering initiatives were those of the Autonomous City of Buenos Aires, Chubut and Mendoza.

education system; hundreds of thousands of parents; more than 700 civil society organizations; teachers' unions and other professional associations and hundreds of academics, intellectuals, trade union leaders, entrepreneurs and representatives of grassroots movements and organizations. In other words, the process brought together a wide range of social actors and persons united by their commitment to and concern about the future of Argentine education.

77. On the basis of the proposals and views received, which were subjected to technical processing by the individual provinces and the Ministry of Education, the preliminary draft National Education Act was elaborated and circulated to all participant educational institutions and organizations for further debate and improvement through fresh analysis and specific contributions. After this second round of consultations, the final draft was elaborated. It incorporated the contributions made during the consultations and discussions and reflected core areas of agreement and social consensus in its general approach and specific content.

78. The Act defines education and knowledge as a public asset and the State as the guarantor and the principal authority with non-delegable responsibility for enforcement of the constitutional right to education.

79. Education is recognized as a national and political priority of the State, a step designed to surmount traditional sectoral approaches and to support processes of coordination that guarantee continuity in the implementation of the broad strategic lines of educational action.

80. It is important to mention in this connection that **the new Ministry of Science, Technology and Productive Innovation was established** by Act No. 26.338 of 6 December 2007 as an explicit political and strategic decision on the part of the Argentine State to invest in the development of knowledge as a tool for guaranteeing the country's sustainable progress.

81. The material basis for this statement is reflected in the guarantee of educational funding, which ensures that, with effect from 2010, following implementation of the provisions of **Act No. 26.075 on Educational Finance, a financial minimum of 6 per cent of gross domestic product (GDP) will be devoted exclusively to education**. It should be noted that consolidated expenditure on education, science and technology in 2006 and 2007 represented 5.1 per cent and 5.3 per cent respectively of GDP, exceeding the target rates. (See the subsection entitled "Investment in education, science and technology" under section IV.G below.)

82. The National Education Act represents a crucial step forward in the process of standardization of the education system, since it provides – albeit provisionally – for only two basic structures: a format involving seven years of primary schooling and five of secondary schooling, and another involving six years for each cycle. This structure is supplemented by universalization of the initial level, extension of compulsory education from 10 to 13 years, and the gradual introduction of extended or full schooldays in primary schools with a view to achieving the objectives set for that level. The Act also introduces regulations and objectives for secondary education, special education, art education, higher, technical and vocational education for adults and young people, rural

education, bilingual intercultural education, as well as home-based education and education in conditions of deprivation of liberty.

83. For each of these categories of education, some of which had never been contemplated before, the new Act imposes a series of objectives to be met and changes constituting a future work plan. For example, it institutionalizes the office of tutor in intermediate schools; it guarantees bilingual education for indigenous peoples and ethnically, linguistically and culturally different communities; it guarantees access for adolescents and young people deprived of their liberty to the education system, or their continued presence in or passage through the system; it also guarantees the continued attendance at school of pregnant students.

84. Another key aspect of the Act is the provision for innovations in teachers' professional ranking, training and career. To that end, a new structure has been established for the teaching career, consisting of a basic cycle and one involving specialization in teaching the curricular content relating to each level and category with a view to broadening and deepening the scope of professional training for future teachers. In the same context, it establishes the National Teacher Training Institute for the purpose of planning and implementing policies to coordinate the training system, developing plans, programmes and teaching aids, promoting and developing research activities, and pursuing other objectives.

85. The State is also required, under Act No. 25.844 which guarantees teachers' salaries and 180 schooldays, to assist the most vulnerable jurisdictions in making salary payments, thereby guaranteeing that no child is unable to attend school for that reason.

86. The additional supplement offered by Act No. 25.919 on the Teaching Incentive Fund, which extends the teaching salary incentive by five years, has achieved a gradual increase in schooldays and forms part of the minimum salary for all the country's teachers. (See the subsection entitled "Teaching salary guarantee" under section IV.G below.)

87. Moreover, the stimulus imparted to technical education has preserved the hallmarks of a noble tradition geared to meeting the challenges of the modern world. Act No. 26.058 on Technical and Vocational Education enumerates the main challenges to be met: schools equipped to meet labour market demands; technical schools that provide solid training, ensure continuity of studies and promote social involvement; schools that train entrepreneurs and persons capable of taking decisions and of keeping pace with a changing society.

88. Lastly, Act No. 26.150 on Comprehensive Sex Education stipulates that all children and adolescents have the right to receive sex education and, more broadly, provides for equal treatment of men and women. Its principal aims include transmission of relevant, precise, reliable and updated information on the various aspects of comprehensive sex education, and promotion of responsible attitudes to sexuality, based on the conviction that these are fundamental components of the upbringing of all children and adolescents.

89. It should be noted that Act No. 26.206 on National Education is fully in tune with and makes explicit reference to Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents, which recognizes the right to free and high-quality education, to be guaranteed by the State on an equal basis to all children and adolescents.

### **Sexual and reproductive health**

90. Act No. 25.763, adopted on 30 October 2002, promulgated on 21 November 2002 and regulated by Decree No. 1282/03, established the Sexual Health and Responsible Parenthood on Programme under the auspices of the Ministry of Health with the general aim of improving the sexual and reproductive health of the entire population, adopting a rights and gender-based approach that reflects the multidimensional character and the complexity of the subject of sexual health.

91. It should be made clear that the Act does not seek to take the place of parents in providing advice and sex education to minor children. On the contrary, its aim is to offer guidance and suggestions, supporting parents in the exercise of their parental authority, and promoting respect and an environment of trust and empathy in the context of medical consultations wherever possible. Thus, the Act acknowledges that it is parents who are entrusted with the extremely important task of offering guidance, suggestions and support to their children when they learn, for instance, about sexually transmitted diseases such as AIDS and/or genital and mammary gland illnesses and other diseases, so that minors are recognized as rights holders and women and men are qualified to plan their lives responsibly and independently.

92. In the same vein, Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents recognizes the right of the latter to comprehensive health care, to receive any medical assistance they need and to have access on an equal footing to services and activities related to prevention, promotion, information, protection, early diagnosis, timely treatment and recovery (see art. 14).

93. Decree No. 415/06, which contains the regulations for implementation of the Act, states that the right of adolescents to comprehensive health care includes attention to their sexual and reproductive health (see regulation concerning art. 14).

94. It is also important to draw attention to the National Comprehensive Sex Education Programme under the auspices of the Ministry of Education, which recognizes the right of all children and adolescents to receive comprehensive sex education in the public educational establishments run by State and private bodies in the national and provincial jurisdictions, the Autonomous City of Buenos Aires and the municipalities. The term comprehensive sex education is taken to comprise biological, psychological, social, emotional and ethical aspects of the subject.

### **Other legislative developments**

95. Other legislative developments which have equipped us with an appropriate set of tools for guaranteeing the rights of children and adolescents include the following:

96. Act No. 26.316, adopted on 21 November 2007 and promulgated on 12 December 2007, designates 19 November each year as the National Day for the Prevention of Abuse of Children and Adolescents.

97. Act No. 26.290, adopted on 7 November 2007 and promulgated on 29 November 2007, requires the forces forming part of the Internal Security regime to provide in their curricula for staff training in the human rights of children and adolescents in order to ensure the enforceability of such rights in the event of institutional action affecting them.

98. The aim of Act No. 26.233, adopted on 28 March 2007 and promulgated on 24 April 2007, is to promote and regulate Child Development Centres, which are centres providing integrated care for children under four years of age and which also take action, in family and community contexts, to build capacities conducive to the promotion and protection of children's rights. The Child Development Centre's work is also intended to include families, the aim being to provide support for parenting and child development and to perform preventive, promotional and rehabilitative functions.

99. Act No. 26.165, adopted on 8 November 2006 and promulgated on 28 November 2006, on Refugee Recognition and Protection.

100. Act No. 26.150, adopted on 4 October 2006 and promulgated on 23 October 2006, establishes the National Comprehensive Sex Education Programme under the auspices of the Ministry of Education.

101. Act No. 26.064, adopted on 16 November 2005 and promulgated on 7 December 2005, designates 12 June each year as the National Day against Child Labour.

102. Act No. 25.974, adopted on 1 December 2004 and promulgated on 28 December 2004, establishes under the auspices of the national legislature, the Historical Reparation Fund for the Tracing and Restitution of Children Kidnapped or Born in Captivity in Argentina.

103. Act No. 25.854, adopted on 4 December 2003 and promulgated on 6 January 2004, establishes the Single Registry of Applicants for Guardianship with the Aim of Adoption.

104. Act No. 25.746, adopted on 11 June 2003 and promulgated on 1 July 2003, establishes the National Registry of Information concerning Missing Minors, the purpose of which is to centralize, organize and cross-reference information from all parts of the country in a database concerning minors whose whereabouts are unknown, minors living in care, protection, detention or internment establishments whose filiation or identification data are unknown, and minors who have been traced.

105. Act No. 25.724, adopted on 27 December 2002 and promulgated on 16 January 2003, establishes the National Nutrition and Food Programme to meet the nutritional requirements of children under 14 years of age, pregnant women, people with disabilities and persons over 70 years of age living in poverty.

106. Act No. 25.584, adopted on 11 April 2002 and promulgated on 2 May 2002, prohibits directors or managers of officially and privately run public education establishments throughout the country, at any level and in any branch of the system, from

taking institutional action that impedes or disrupts the initiation or normal pursuit of studies in the case of pregnant or breastfeeding students or students performing parental duties.

### **International human rights instruments**

107. The Argentine State has incorporated the following international human rights instruments in its domestic legislation:

(a) Convention on the Protection and Promotion of the Diversity of Cultural Expressions, adopted by Act No. 26.305, ratified on 14 November 2007 and promulgated on 17 December 2007;

(b) International Convention for the Protection of All Persons from Enforced Disappearance, adopted by Act No. 26.292, ratified on 14 November 2007 and promulgated on 28 November 2007;

(c) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by Act No. 26.202, ratified on 13 December 2006 and promulgated on 10 January 2007;

(d) Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by Act No. 26.171, ratified on 15 November 2006 and promulgated on 6 December 2006;

(e) Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by Act No. 25.932, ratified on 8 September 2004 and promulgated on 30 September 2004;

(f) Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, accorded constitutional status by Act No. 25.778, ratified on 20 August 2003 and promulgated on 2 September 2003 in accordance with the procedure set forth in article 72, paragraph 22, of the National Constitution.

### **Pending adjustments**

108. Other legislative adjustments designed to ensure full compliance with the Convention on the Rights of the Child, including the adoption of a Juvenile Criminal Responsibility Act, are still pending.

109. In September 2006 the National Secretariat for Children, Adolescents and the Family submitted a report at a plenary meeting of the Senate Committees on Justice and Penal Affairs, Population and Human Development, and Internal Security and Drug Trafficking, which contained a preliminary survey of existing arrangements in all provinces and at the national level to deal with adolescent criminal offenders or alleged offenders. It emphasized the need in this connection to reform the existing legislation.

110. In June 2007 the Federal Council for Children, Adolescents and the Family sent a letter to members of the Senate Chamber and the Chamber of Deputies, drawing attention to the urgent need to derogate from the provisions of Act No. 22.278, preparing the way

for a legal regime that is consistent with the doctrine of comprehensive protection of rights.

111. Lastly, in November 2007 a working group composed of the Ministry of Justice, Security and Human Rights, the National Secretariat for Children, Adolescents and the Family, delegates from the Federal Council for Children, Adolescents and the Family, and members of the national legislature was set up and entrusted with the task of establishing a new regime of juvenile criminal responsibility and analysing the possibility of taking steps to combine various parliamentary bills dealing with the subject.

112. In the context of this joint action and at the request of the Senate Committee on Justice and Penal Affairs, judges and representatives of the Public Defence Service were invited to attend and express their views. Progress was made towards the elaboration of a preliminary consensual opinion of the participating legislators.

113. With regard to the need for adjustment or harmonization of the norms relating to the minimum age for admission to employment, it should be noted that Act No. 20.744 on Employment Contracts<sup>4</sup> prohibits the employment of persons under 14 years of age.

114. In this connection, in response to international obligations assumed on ratification of International Labour Organization (ILO) Convention No. 138 (1973)<sup>5</sup> concerning the minimum age for admission to employment, and in keeping with the National Education Act and the Act on the Comprehensive Protection of the Rights of Children and Adolescents which recognize the desirability of prioritizing the social and educational inclusion of children and adolescents at this stage, attention should be drawn to the work of the National Commission for the Eradication of Child Labour (CONAETI) on a draft law which would provide for a gradual increase in the minimum age for admission to employment.

115. In this context the Senate of the Nation gave preliminary approval to a joint bill (Files Nos. 2185-D-2005, 0782-D-2006, 2968-D-2006 and 3582-D-2006) whereby employers are prohibited from hiring minors under 15 years of age for any kind of profit-making or non-profit-making activity; the minimum age will be set at 16 years with effect from 25 May 2010.

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<sup>4</sup> 1976 (Part VIII, "On Employment of Minors", arts. 187 to 195).

<sup>5</sup> Adopted by Act No. 24650 of 1996.

### **Coordination**

**Paragraph 18. The Committee reiterates its previous recommendation that the State party adopt a comprehensive approach in implementing the Convention, in particular by:**

- (a) Improving coordination between the various mechanisms and institutions already in place to deal with the promotion and protection of children's rights**
- (b) Strengthening its children's rights policy and developing a national plan of action for the implementation of the Convention, which should be prepared through an open, consultative and participatory process.**

116. The coordination of activities and policies on behalf of children and adolescents has recently given rise to rates of growth and expansion that are without precedent in the country's institutional history. Essential coordinating institutions have been established to promote the comprehensive protection of the rights of children and adolescents by means of concrete activities throughout the national territory.

117. It should be emphasized that this arduous process has been and continues to be fraught with organizational and administrative difficulties as a result of which certain time periods have not been in keeping with aspirations. However, the coordination and participation of numerous actors in areas relating to children and adolescents, as an essential mode of action when adopting a rights-based approach to current issues, is a practice that is being developed in a number of different bodies. Some of the most important are discussed below.

#### **National Secretariat for Children, Adolescents and the Family**

118. Act No. 26.061 established the National Secretariat for Children, Adolescents and the Family (SENNAF). As the body within the executive branch that specializes in the rights of children and adolescents, it oversees public policies in that area.

119. Pursuant to Decree No. 416/06, it has been placed under the auspices of the Ministry of Social Development.

120. The National Government attributed two very important characteristics to SENNAF that set it apart from other departments of the Ministry of Social Development. First, it has been endowed with a separate financial administration regime, whereby it receives an independent budgetary allocation which enables it to execute its budget more speedily. Pursuant to article 72 of the Act, these budgetary funds may not be less than the previous budget estimates and they are inalienable.

121. Secondly, SENNAF is recognized as a full member of the National Council for the Coordination of Social Policies, an institutional body that brings together agencies with ministerial status.

122. This is a strategic instrument, since it adopts the kind of cross-cutting approach that is necessary for public policies concerning children and adolescents. In this setting,



SENNAF develops mutually agreed policies with the Ministry of Social Development, the Ministry of Labour, Employment and Social Security, the Ministry of Education, the Ministry of Health, the Ministry of the Economy and Production and the Ministry of Federal Planning, Public Investment and Services, coordinating initiatives on behalf of all children and adolescents.

123. While ensuring respect for the primary responsibilities of each agency and incorporating different points of view, the resulting global analysis of children and adolescents leads to the planning of comprehensive policies that are designed to avoid overlapping of activities and to preclude an uncoordinated approach.

124. An example of this type of coordination is SENNAF's appeal to the authorities of the Republic of Paraguay and the Federative Republic of Brazil to take action against the pernicious phenomenon in the area known as the "triple frontier" of the sale, trafficking and sexual exploitation of children and adolescents.

125. In that context the Secretariat called for joint action by a number of national actors, including: the Ministry of Education, the Ministry of Labour, Employment and Social Security (Labour Secretariat and National Commission for the Eradication of Child Labour), the Ministry of Foreign Affairs, International Trade and Worship (Under-Secretariat for Inter-agency Relations), the Ministry of Internal Affairs (National Migration Directorate, Argentine National Gendarmerie, Argentine Federal Police), the Ministry of Justice, Security and Human Rights (Human Rights Secretariat), the National Tourism Secretariat, the legislative and judicial authorities, the United Nations Children's Fund (UNICEF), the International Organization for Migration (IOM), the International Labour Organization (ILO), Save the Children and other civil society organizations.

126. Furthermore, pursuant to the mandates conferred by Decree No. 416/06, a complex procedure was instituted for the transfer of direct care services to the Autonomous City of Buenos Aires as well as authority to determine guardianship measures. These agreements are being successfully implemented in terms of the guarantee of non-encroachment on the rights of children covered by the programmes or on those of the staff involved in the procedure.

127. Lastly, in December 2007 the national executive adopted Decree No. 28/07 concerning the organizational structure of the first operational level of SENNAF with a view to facilitating the proper and more efficient administration of State resources allocated to policies on behalf of children, adolescents and the family.

### **Federal Council for Children, Adolescents and the Family**

128. One of the most important developments in policy coordination was the establishment of the Federal Council for Children, Adolescents and the Family (COFENAF), which is chaired by the authority responsible for SENNAF.

129. For the first time in Argentine history, the provinces are now institutionally involved on a permanent basis in the discussion and analysis of the situation of children, adolescents and the family and hence also in the planning and implementation of policies in that area.

130. In 2006 the Ministry of Social Development contacted the governors of the provinces to ensure compliance with the deadlines laid down in Decree No. 415/06 for the jurisdictions to designate or establish bodies responsible for the protection of rights.

131. Taking similar action in line with the mandate set forth in Decree No. 416/06, SENNAF convened the provincial executive authorities for two rounds of consultations, arranging the meetings by geographical region. Steps were taken at the meetings to secure the necessary consensus, and territorial requests with respect to the composition of COFENAF were analysed.

132. As a result of this vibrant participatory process, COFENAF was founded on 15 December 2006. It is composed of the 23 Governments of the provinces and the Autonomous City of Buenos Aires, and the country's top authorities responsible for children and adolescents have assumed the following commitments:

(a) To intensify the process of institutional change and the promotion of legislative adjustments at the national level and in the provinces and municipalities in order to ensure that our institutions and legal frameworks are harmonious and in conformity with the rights, principles and guarantees enshrined in the Convention on the Rights of the Child;

(b) To introduce forms of organization at all levels of the administration that support a vigorous regime of comprehensive protection of the rights of children and adolescents, that promote universal access to rights and that are capable of effective and appropriate action against any threat to or infringement of those rights, while making allowances in such interventions for the distinctive characteristics of each community;

(c) To promote community participation, through civil society organizations, in the formulation and implementation of policies aimed at the promotion, defence and/or restoration of rights, and in the exercise of the right of children and adolescents to be heard as well as their right to participation;

(d) To strengthen procedures for the review and modification of institutional practices pertaining to children and adolescents, aligning them with the model of comprehensive protection, avoiding overlap of efforts, duplication of structures and contingent target-setting, so that administrative resources and channels are combined, coordinated and optimized; to develop minimum quality standards of assistance, records of action taken and general record systems for activities involving children, with special emphasis on matters pertaining to children and adolescents who are deprived of parental care;

(e) To develop general operating standards and guiding principles consistent with the doctrine of comprehensive protection for public and private institutions offering direct assistance to children and adolescents;

(f) To establish a federal assessment and monitoring system based on data generation and collection tools that are mutually compatible for all jurisdictions;

(g) To promote exchanges between jurisdictions for training and technical assistance in support of public or private mechanisms that enable all jurisdictions to have

access to the resources and arrangements that they require for the promotion, defence and/or restoration of rights;

(h) To assign priority as a matter of special urgency to joint efforts aimed at protecting child and adolescent victims of crime, and to take coordinated action against such pernicious phenomena as child trafficking, smuggling, sexual exploitation and pornography and issues related to migration, child labour and all other violations of fundamental rights.

133. The certified declaration summarizes the agenda and the objectives of the action to which the competent agencies have committed themselves in that regard throughout the country.

134. SENNAF guaranteed a federal fund from its budgetary allocation, to be distributed among the jurisdictions in order to finance initiatives consistent with the above-mentioned declaration. The sums were distributed consensually on the basis of a distribution index discussed by COFENAF. The Federal Council thus became the authority responsible for regulating the allocation of the financial sums involved to activities deemed to have priority status, and it has done so on the basis of allocation criteria that are not open to any form of discretionary interpretation.

135. Following a process of discussion and exchanges of views, the Federal Council unanimously adopted the document entitled “National Guidelines concerning Children and Adolescents Deprived of Parental Care”, which lays down minimum standards applicable to specific action in that regard.

136. It also launched research initiatives such as:

(a) The development of a data matrix which provides a national overview of provincial, regional and/or municipal bodies engaged in comprehensive protection and a national survey of activities on behalf of children, adolescents and the family;

(b) The undertaking of a “Federal survey of children and adolescents deprived of parental care and placed in alternative care facilities”, which reports on their circumstances: the origin of the action taken, the facilities in which they have been placed, the provision made for their schooling, etc.;

(c) Launching of the project “Towards greater consistency of the Argentine juvenile offender regime with the National Constitution and relevant international standards”, which involves a meticulous survey, conducted jointly with UNICEF and *Tres de Febrero* National University, of the regulations, mechanisms, resources, etc. constituting the juvenile criminal justice system;

(d) In view of the serious difficulties encountered in the case of children and adolescents in conflict with criminal law, the Federal Council for Children, Adolescents and the Family sent a letter to members of the Senate Chamber and the Chamber of Deputies, drawing attention to the urgent need to derogate from the provisions of Act No. 22.278, preparing the way for a legal regime that is consistent with the doctrine of comprehensive protection of rights;

(e) With regard to Act No. 26.233 concerning Child Development Centres, the Federal Council for Children, Adolescents and the Family constituted itself as a forum for reflection and exchanges of views, generating contributions for incorporation in the regulatory decrees pertaining to the Act.

137. As a result of all these activities, the Federal Council for Children, Adolescents and the Family has become an important institutional tool for the coordination of public policies concerning children, adolescents and the family.

#### **Training in the human rights of children and adolescents**

138. SENNAF has organized a series of talks, discussion days, training workshops and other meetings on the promotion and protection of the human rights of children and adolescents.

139. It has also held training sessions for professionals and technical experts attached to the Secretariat and to other institutions and jurisdictions with a view to aligning institutional practice with the provisions of Act No. 26.061 and the Convention on the Rights of the Child.

140. Training has also been provided under COFENAF auspices with a view to promoting the adjustment or updating of local regulations, strengthening existing local systems of comprehensive protection, and reviewing and modifying institutional practices to ensure that they guarantee the exercise of the universal rights of children and adolescents.

#### **National Plan of Action for the Rights of Children and Adolescents**

141. On 17 June 2005 the President of the Argentine Nation officially announced the elaboration of the National Plan of Action for the Rights of Children and Adolescents. Since then the State has engaged in a major process of coordination leading to the establishment of the National Inter-ministerial Technical Bureau in the framework of the National Council for the Coordination of Social Policies.

142. This initiative led to the effective participation of authorities and technical experts from departments of the Ministry of Social Development, the National Secretariat for Children, Adolescents and the Family, the Ministry of Economy and Production, the Ministry of Education, the Ministry of Justice, Security and Human Rights, the Ministry of Internal Affairs, the National Register of Persons, the Ministry of Foreign Affairs, International Trade and Worship, the Ministry of Health, the Ministry of Labour, Employment and Social Security, the Secretariat for Culture, the Secretariat of Planning for the Prevention of Drug Addiction and Action against Drug Trafficking, the National Tourism Secretariat, the Sports Secretariat and the National Institute of Statistics and Censuses (INDEC).

143. The process proved to be a demanding institutional exercise for the State, which is organized bureaucratically on a sectoral basis, so that it needed to assimilate the comprehensive approach in order to general an inter-agency and interdisciplinary

structure conducive to the optimization of resources, avoidance of duplication of isolated efforts, priority-setting and establishment of coordination requirements.

144. A work plan was devised for the conduct of a survey and an analytical study of plans and programmes on behalf of children and adolescents, and the development of indicators and situation analyses with a view to producing the necessary inputs for a proposed National Plan of Action.

145. It should be noted that the preliminary document reflected contributions from about 300 children and adolescents from different environments, including: public and private schools, children from different types of homes, children living or working in the street, and representatives of indigenous peoples.

146. The Inter-ministerial Technical Bureau submitted a preliminary document on 23 November 2007 to SENNAF which, pursuant to Act No. 26.061, is the body responsible, together with COFENAF, for elaborating the National Plan of Action. The document is currently being studied and will be transmitted to the provincial executives through COFENAF for consultation and endorsement.

147. The National Plan of Action is thus being prepared by means of a laborious and complex institutional process but one that is also open, consultative and participatory, as earlier recommended by the international Committee.

#### **Process of issuing implementing regulations for Act No. 26.061**

148. As part of the process of issuing implementing regulations for Act No. 26.061, the national executive launched a major participatory process to ensure the sustainability of the application of the Act in practice. The activities developed by a technical committee set up for the purpose involved:

- (a) All ministries and secretariats forming part of the executive branch;
- (b) Members of the judiciary;
- (c) All provincial executive authorities;
- (d) A number of key international bodies, including the executive authorities of the Committee on the Rights of the Child;
- (e) Unions of workers involved in relevant areas as well as plenary meetings permitting direct worker participation;
- (f) Civil society organizations, including children's networks and social movements that played a prominent role in the context of the lamentable crisis that afflicted the country;
- (g) Leading academics.

149. The process resulted in the adoption of Regulatory Decrees No. 415 and No. 416 of 2006; the former has been described above.

#### **National "Early Childhood" Development Programme**

150. The [National Early Childhood Development Programme] is a clear example of the coordinated implementation of practical activities, reflecting the fact that the concept of a comprehensive approach to policies concerning children and adolescents has taken root.

151. The Programme has been placed under the auspices of the National Council for the Coordination of Social Policies and the Ministries of Education, Social Development and Health are jointly involved in its implementation and development, with the assistance of the United Nations Development Programme (UNDP).

152. The objective of the Programme is to establish as public policy a comprehensive approach to child development that guarantees children's rights. The initiative helps to boost State action in support of the development of institutional capacity for the implementation of integrated early childhood activities in a family-based and community context at the national, provincial and local levels.

153. The initiative provided families, in their role as promoters of child development, and communities with information, assistance and resources to enable family groups to reassert their leading role in the upbringing of children.

154. On 1 November 2006 agreements were signed between the provincial Governments and the National Council for the Coordination of Social Policies, as a result of which 22 jurisdictions were incorporated in the National Programme. At the provincial level, coordinating bodies were institutionalized through the signing of instruments of agreement between the ministries of health, social development and education in each jurisdiction, thereby establishing provincial inter-ministerial bureaux.

155. The provincial inter-ministerial bureaux selected the districts and technical team for each jurisdiction, in accordance with pre-established profiles.

156. Each district set up a local intersectoral bureau with technical support from the provincial team. A procedure for ensuring training and technical assistance for the provincial technical teams as well as oversight of their work was developed centrally with a view to promoting and strengthening inter-agency practices based on a comprehensive approach to child development.

157. The Programme encourages coordinated and integrated action with a view to producing a significant and overarching impact on child-rearing practices and on the opportunities offered to children. Its beneficiaries are children in the 0 to 4 age group, their families and the community to which they belong.

#### **Preparation of the Committee's report**

158. Another indicator of the progress we have made in establishing coordinating mechanisms is the process whereby the present report to the Committee on the Rights of the Child was prepared.

159. When the time came to draw up the report, SENNAF, departing from past practice and rejecting a purely administrative approach, sent out requests to all National Government ministries and to all the provinces through COFENAF. It also organized

workshops with the local implementing authorities in which children and adolescents in all regions of the country participated, a process described in annex II.

160. The Human Rights Secretariat, for its part, invited SENNAF, other National Government agencies, civil society organizations and UNICEF to attend a symposium on “Compliance with international human rights treaties in public policies. Monitoring of the implementation of the Convention on the Rights of the Child.”

161. The Argentine State thus involved different actors in the process of preparation of the report, inviting them to reflect upon and analyse the implementation of the Convention.

### **Coordination with social organizations**

162. The Argentine State has taken action in defence of the rights of children and adolescents in close cooperation with social organizations throughout the country.

163. The 2002 social and economic crisis left vast swathes of the territory in a state of distress. As the most fundamental rights had been violated, civil society took steps to organize itself in various ways in order to alleviate the impact of the oppressive situation.

164. The present administration, adopting an approach based on participation and decentralization, espoused a strategy aimed at coordinating actions and policies with these social movements. As a result, the national plans for families and food security were based on coordinated action with more than 1,000 civil society organizations throughout the country.

165. It should be noted that these organizations, most of which are based in outlying areas faced with critically high levels of social risk, are often poorly developed in institutional terms. The Ministry of Social Development, through the National Directorate for Institution-Building, is therefore conducting a survey of administrative organizations in conjunction with 30 national universities. One of the aims of the survey is to monitor and strengthen various aspects of the organizations concerned.

166. Specific mention may be made of the following examples of cooperation and development programmes aimed at promoting and protecting of the rights of the child during the period under review: the Care Programme for Minors at Risk (ProAme) in cooperation with the Inter-American Development Bank, the Community Centres Programme for Promotion and Protection of the Rights of Children and Adolescents, and the National Adolescence and Social Integration Programme. The State interacted through these programmes with more than 250 organizations throughout the national territory.

167. Act No. 26.061 established organic links among civil society organizations in the context of SENNAF. In this connection, a request was submitted to UNICEF for advice on the establishment of relevant criteria for the creation of a standing consultative council that would faithfully represent the highly diverse and dynamic range of organizations working in connection with and on behalf of children and adolescents.

168. SENNAF convened a meeting on the subject in November and December 2007 that was attended by different categories of organizations, such as child networks, grassroots and religious organizations, and social responsibility foundations linked to the world of business. All these organizations, which are known for their broad-based commitment to the promotion and protection of the rights of children and adolescents, were invited to analyse:

(a) Stable mechanisms in support of participation by civil society and SENNAF;

(b) Mechanisms representing civil society with a view to setting up a consultative council reflecting the diverse range of organizations.

169. The process is currently at the preliminary stage of implementation, and there are plans to convene meetings in different parts of the country.

170. Lastly, most of the local rights protection bodies stated that they were currently developing activities with various civil society organizations aimed at promoting and protecting the rights of children and adolescents.

171. Without prejudice to the foregoing, the State considers that, in building a different model conducive to the coordination of institutional resources throughout the territory, a great deal remains to be achieved in terms of intensifying cooperation with the different civil society organizations that are working on behalf of and together with children and adolescents.

**Pending aspects of the process of coordination of policies  
concerning children and adolescents**

172. At the national level, progress has been made in the establishment of the National Secretariat for Children, Adolescents and the Family, while at the federal level the Federal Council for Children, Adolescents and the Family has been launched. The provincial jurisdictions were required, pursuant to the meeting notice contained in Decree No. 415/06, to designate or establish a rights protection body for the purposes of the functioning of the Federal Council.

173. In general terms, however, the goal of establishing local/municipal bodies has not yet been achieved. It should be noted that both the central and provincial executives are making a considerable effort to put in place local rights protection mechanisms. This is evidenced by the financing facility which is being implemented through COFENAF to promote the decentralization of policies to the municipalities. Mention may be made of the provinces of Buenos Aires, Catamarca, Chaco, Chubut, Entre Ríos, Jujuy, La Pampa, Mendoza, Misiones, Neuquén, Salta, San Juan, Santa Cruz, Santa Fe, Santiago del Estero and Tucumán.



#### 4. Resources for children

**Paragraph 20. In light of article 4 of the Convention, the Committee encourages the State party:**

- (a) To review economic and social policies and the allocation of resources in the budget with a view to ensuring that the maximum amount of available resources is allocated to promoting and protecting the rights of the child at the federal, regional and local levels, especially in the fields of health, education, social welfare and security, as previously recommended (ibid., para. 16);**
- (b) To identify the amount and proportion of resources spent on children at the national and local levels in order to evaluate the impact of expenditures on children.**

174. During the period under review, the Argentine State has made considerable progress in promoting the rights of children and adolescents. This effort has been closely bound up with the allocation of resources to the area in question. It should be noted that, pursuant to article 72 of Act No. 26.061, funds earmarked for bodies engaged in the protection of rights at the national and federal level are inalienable and the budget allocation cannot be less than the highest estimate or delivery of funds during previous financial years.

175. An important innovation in this area has been the National Government's focus on determining what proportion of the national budget has been spent exclusively on children and adolescents and the constituent elements of the total amount; this procedure is an essential prerequisite for undertaking a proper analysis and assessment of the policies involved.

176. In 2002 the Government of the Argentine Republic and UNICEF signed a Master Plan of Operations for the period 2002-2004, under which UNICEF assumed responsibility for monitoring full compliance with the Convention by different levels of the Government and civil society. In this context, the Economic Policy Secretariat of the Ministry of the Economy and Production, acting through the Directorate for Analysis of Public Expenditure and Social Programmes (DAGPyPS<sup>6</sup>), agreed with UNICEF to ensure joint implementation of the document "Public Expenditure on behalf of Children in Argentina", the purpose of which was to devise methodological procedures for quantifying public expenditure on behalf of children and, in the process, to draw up a preliminary quantitative estimate of such expenditure for the national and provincial branches of government.

177. It is important to note that, owing to the lack of previous experience in analysing public expenditure on behalf of children in Argentina and given that the State's budgetary classification system contains no specific category under which such expenditure is recorded, it was decided as a first step to consult internationally defined criteria for the

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<sup>6</sup> Formerly the Directorate for Consolidated Social Expenditure (DGSC).

purpose. Following the consultation procedure, the various budgetary programmes benefiting children and adolescents were defined, taking into account whether the expenditure concerned was specific, indirect or expanded.

#### **Principal methodological guidelines for assessing expenditure on children**

178. It should first be mentioned that the target population for the whole of this work consisted of the country's juvenile citizens.

179. Bearing in mind the degree of specificity of the target population of State action, public expenditure on behalf of children was classified as follows:

180. Specific expenditure (SE): programmes and initiatives designed exclusively on behalf of persons under 18 years of age (such as school canteens, basic education, study grants, etc.).

181. Indirect expenditure (IE): the proportion of expenditure that benefits persons under 18 years of age in the case of programmes and initiatives on behalf of families or other actors that have a clear-cut impact on children's welfare (for instance food programmes for families, income transfers to families, family allowances, etc.).

182. Expanded expenditure (EE): the proportion of expenditure that is channelled to children through programmes and initiatives benefiting a wider population comprising children (for instance, welfare programmes for vulnerable groups, actions aimed at improving living conditions for the population, etc.).

#### **National public expenditure on behalf of children**

183. National public expenditure on behalf of children during the period under review shows a marked increase in national investment. Nominal growth in terms of millions of Argentine pesos increased by 160 per cent between 2002 and 2006.

184. The following table shows a sustained increase in investment on behalf of children, which is reflected in the ratio of investment to gross domestic product. The increase amounts to 25 per cent during the period under review.

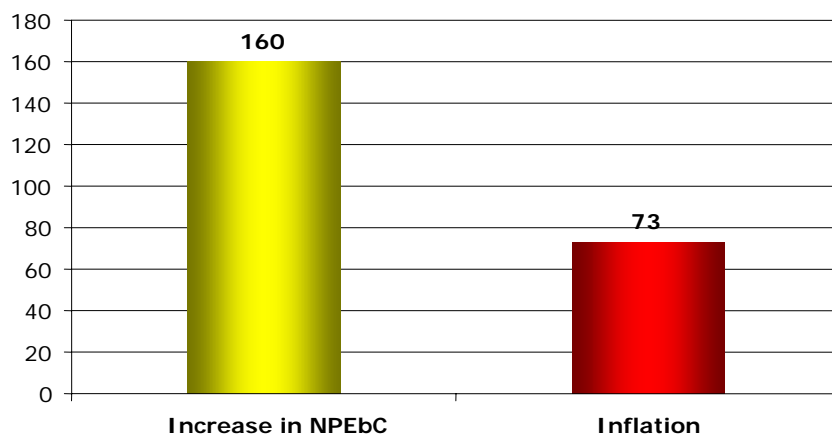
### National public expenditure on behalf of children, 2002-2006<sup>7</sup>

Year	Millions of pesos	Pesos per child	Percentage of total national public expenditure	Percentage of social national public expenditure	Percentage of GDP
2002	4,967.3	405.5	9.7	14.4	1.6
2003	6,771.5	553.0	10.4	16.0	1.8
2004	8,602.1	702.7	11.5	16.9	1.9
2005	10,660.5	871.0	10.7	17.2	2.0
2006	13,214.9	1,079.8	10.8	16.8	2.0

Source: Directorate for Analysis of Public Expenditure and Social Programmes, Ministry of the Economy and Production

185. It is important to note that the rise in investment is sustainable when compared with the increase in inflation over the same period.

### Comparison of the increase in national public expenditure on behalf of children (NPEbC) and inflation during the period 2002-2006



Source: Directorate for Analysis of Public Expenditure and Social Programmes/  
Economic Policy Secretariat – INDEC

<sup>7</sup> It should be noted that these figures have not been subjected to the process of consolidation; in other words, account is taken of all national outlays without specifying the level of government at which the expenditure is executed.

186. As may be seen from the diagram, the increase in national public expenditure on behalf of children was substantially higher than the rate of inflation during the period.

#### **Consolidated public expenditure on behalf of children, 2001-2005**

187. Consolidated public expenditure is that which includes provincial investment expenditure. It rose in 2006 to 211,602 million Argentine pesos. This represents an increase in nominal terms of 120 per cent compared with 2000.

188. In 2002 the share of public expenditure in *social services* recorded a particularly sharp rise to 67.3 per cent from 62.1 per cent in 2001 as a result of the State's efforts to alleviate the impact of the economic crisis on the most vulnerable sectors of society, particularly through targeted actions involving direct transfers of revenue and cash.

189. From 2004 onwards, in line with the economic recovery, significant increases were recorded in the structure of public expenditure in social services in the following areas: housing and town planning; drinking water and the sewage system; education, culture, science and technology. This reflects a growth in public investment aimed at expanding and improving the quality of basic infrastructure and human capital.

190. With regard to consolidated national public expenditure on behalf of children, the categories of greatest relevance during the post-crisis years, in line with the trend in consolidated public expenditure, were those related to direct social assistance for the most vulnerable sectors of the population (direct assistance, nutrition and food, etc.). Since the recovery, public expenditure has focused to a greater extent on the generation or restoration of physical and human capital (living conditions, education, etc.).

191. The following table shows a major cumulative upward trend in consolidated national public expenditure on behalf of children, amounting to 96.2 per cent during the period 2001 to 2005. An analysis of year-on-year changes indicates that increases were recorded throughout the period in question.

**Consolidated public expenditure on behalf of children, 2001-2005**

	2001	2002	Change 2001- 2002	2003	Change 2002- 2003	2004	Change 2003- 2004	2005	Change 2004- 2005
Millions of pesos	16,565.3	17,868.7	7.9	20,854.3	16.7	24,837.3	19.1	32,508.4	30.9
Pesos per child	1,352.3	1,458.8	7.9	1,703.0	16.7	2,028.9	19.1	2,656.1	30.9
Percentage of consolidated public expenditure	18.1	20.3	12.6	19.5	-4.1	19.8	1.6	19.7	-0.8
Percentage of social public expenditure	30.1	31.2	3.6	31.1	-0.3	31.4	1.2	33.0	5.0
Percentage of GDP	6.2	5.7	-7.3	5.5	-3.0	5.5	0.0	6.1	10.1

Source: Directorate for Analysis of Public Expenditure and Social Programmes, Ministry of the Economy and Production

192. The trend in consolidated public expenditure on behalf of children (CPEbC) measured in terms of Argentine pesos per child is similar to that in overall CPEbC, with a figure of 2,656.1 Argentine pesos recorded for 2005.

193. Moreover, an increase in the share of CPEbC was recorded between 2001 and 2002 in terms of both consolidated public expenditure (CPE) and consolidated social public expenditure (CSPE). The increase in the former case is 12.6 per cent and in the latter case 3.6 per cent. In 2003 the share of CPE declined, dropping from 20.3 per cent to 19.5 per cent, and in terms of CSPE the relationship remained relatively stable. Increases in these shares were recorded between 2003 and 2004, reaching 19.8 per cent of CPE and 31.4 per cent of CSPE. In 2005 the share of CPE stood at a similar level to the preceding year (19.7 per cent) and an increase was recorded in the share of CSPE, to 33.0 per cent.<sup>8</sup>

194. Lastly, it may be noted that the share of consolidated public expenditure on behalf of children in gross domestic product represented 6.2 per cent in 2001, 5.7 per cent in 2002 and 5.5 per cent in 2003 and 2004. In 2005 this trend was reversed and levels recorded prior to the 2001 crisis were restored, with the share climbing to 6.1 per cent.

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<sup>8</sup> The definitions of consolidated public expenditure and social public expenditure are to be found in the 2001 publication by the Directorate for Consolidated Social Expenditure (DGSC) entitled "Caracterización y Evolución de Gasto Público Social 2000", Buenos Aires, Argentina.

### **Characteristics of consolidated public expenditure on behalf of children**

195. It will be noted that expenditure specifically earmarked for children under 18 years of age (specific expenditure: SE) is the most important in relative terms, accounting on average for more than 60 per cent of consolidated public expenditure on behalf of children.

196. Programmes concerning education play a prominent role in this category, representing about 90 per cent of the total. Expanded expenditure (EE) accounts, on average, for 27.7 per cent of consolidated public expenditure on behalf of children. The share of indirect expenditure (IE) recorded an upward trend between 2001 and 2003, increasing from 5.9 per cent in 2001 to 15.2 per cent in 2003. A decline in the share was recorded in the following years to 12.7 per cent in 2004 and 10.2 per cent in 2005.

197. There was a pronounced change in the share of the different categories of expenditure in the total in 2002 and 2003 as a result of the social policies pursued by the National Government in response to the socio-economic crisis that affected children. The most significant change occurred in indirect expenditure, excluding family allowances, the share of which increased by 34.6 percentage points in the case of the National Government between 2001 and 2003.<sup>9</sup> The implementation of the Unemployed Heads of Household Plan and to a lesser extent the Human Development Index (HDI) account for most of this increase.

198. An increase of 1.6 percentage points in the share of indirect expenditure, excluding family allowances, was also recorded by the provincial governments during the same period. It was basically due to the implementation of various categories of direct assistance programmes as from 2002 (provision of subsidies, food, etc.).

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<sup>9</sup> Family allowances are recorded separately because of the special characteristics and scale of this type of expenditure.

**Consolidated public expenditure on behalf of children by category, 2001-2005**

In millions of Argentine pesos

Category	Details	2001	2002	2003	2004	2005
SE		10,934.4	11,085.8	12,046.3	14,679.3	19,688.3
IE	Family allowances	851.0	755.6	827.2	920.8	1,278.0
	Remainder IE	127.3	1,364.7	2,341.6	2,243.3	2,050.8
EE	Social welfare	2,271.3	2,316.2	2,730.9	3,310.4	4,165.0
	Remainder EE	2,381.3	2,346.3	2,908.4	3,683.5	5,326.3
<b>Grand total</b>		<b>16,565.3</b>	<b>17,868.7</b>	<b>20,854.3</b>	<b>24,837.3</b>	<b>32,408.4</b>

Source: Directorate for Analysis of Public Expenditure and Social Programmes, Ministry of the Economy and Production

**Consolidated public expenditure on behalf of children by category, 2001-2005**

In percentages, vertical structure

Category	Details	2001	2002	2003	2004	2005
SE		66.0	62.0	57.8	59.1	60.6
IE	Family allowances	5.1	4.2	4.0	3.7	3.9
	Remainder IE	0.8	7.6	11.2	9.0	6.3
EE	Social welfare	13.7	13.0	13.1	13.3	12.8
	Remainder EE	14.4	13.1	13.9	14.8	16.4
<b>Grand total</b>		<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: Directorate for Analysis of Public Expenditure and Social Programmes, Ministry of the Economy and Production

**Specific funding of COFENAF rights protection policies**

199. The establishment of SENNAF and COFENAF not only created mechanisms for planning and coordination of new policies in this area but also resulted in a new approach to policy funding.

200. Thus, SENNAF used its share of the budget to guarantee a federal fund for distribution to all jurisdictions. The funds are to be used in accordance with the guidelines for comprehensive protection of rights set out in the COFENAF inaugural declaration.

201. A novel aspect of the present mechanism is that agreement was reached on a resource distribution ratio that combines, in different proportions, respect for the jurisdictions concerned, the size of the reference population and each jurisdiction's budgetary effort in support of policies on behalf of children.

202. Each province submits a financing project for the whole of its budgetary quota based on an analysis of priorities within its territory. The main types of action funded during the 2007 financial year were:

(a) Strengthening of procedures for deinstitutionalization of children and adolescents;

(b) Family support through the formation of local technical teams to provide comprehensive assistance and direct resource assistance;

(c) Decentralization of resources and activities to the territory to promote the establishment of local protection systems;

(d) Formation of local technical/professional teams, who receive training and technical assistance;

(e) Work on specific provincial issues such as: trafficking and smuggling, commercial sexual exploitation, ill-treatment of children, children living or working in the street, addiction, alleged juvenile offenders;

(f) Campaigns to generate awareness of rights;

(g) Institution building for local bodies engaged in action to protect the rights of children and the family.

203. The existence of this fund and its distribution throughout the territory made it possible for the first time in 2007 for the agency responsible for public policies concerning children to spend most of its funds in the provinces, thereby ending the historical asymmetry which led to the provision of direct assistance for cases such as an officer of the federal courts in the context of the Autonomous City of Buenos Aires.



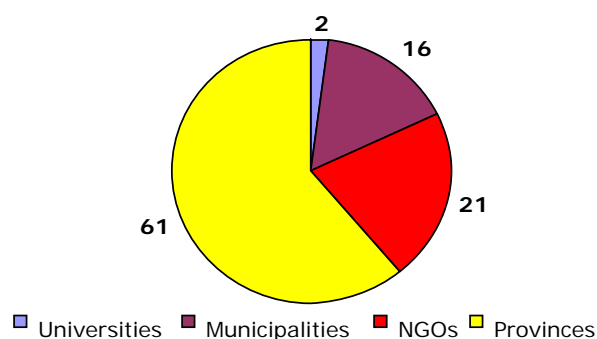
**Social investment by the National Secretariat for Children, Adolescents and the Family in support of children and adolescents by geographic region,<sup>10</sup> 2007**

Region	Investment 2007	Percentage of children	Percentage of investment
Argentine North-West	4,034,316	13.7	12.3
Argentine North-East	3,568,607	11.7	10.9
Northern Cuyo	1,514,773	8.4	4.6
Southern Patagonia	1,551,352	2.2	4.7
Northern Patagonia	1,272,080	4	3.9
Centre	6,764,593	19.3	20.6
Buenos Aires	9,999,965	36	30.5
Autonomous City of Buenos Aires	4,088,528	4.7	12.5
	<b>32,794,214</b>	<b>100</b>	<b>100</b>

Source: National Secretariat for Children, Adolescents and the Family

204. As may be seen from the table, social investment by SENNAF is becoming more closely correlated with the relative percentage of children living in the territory concerned.

**Social investment by the National Secretariat for Children, Adolescents and the Family in support of children and adolescents by level implemented, 2007**



Source: National Secretariat for Children, Adolescents and the Family

<sup>10</sup> Implementation during the period up to September 2007.

### Levels of poverty and indigence among children and adolescents

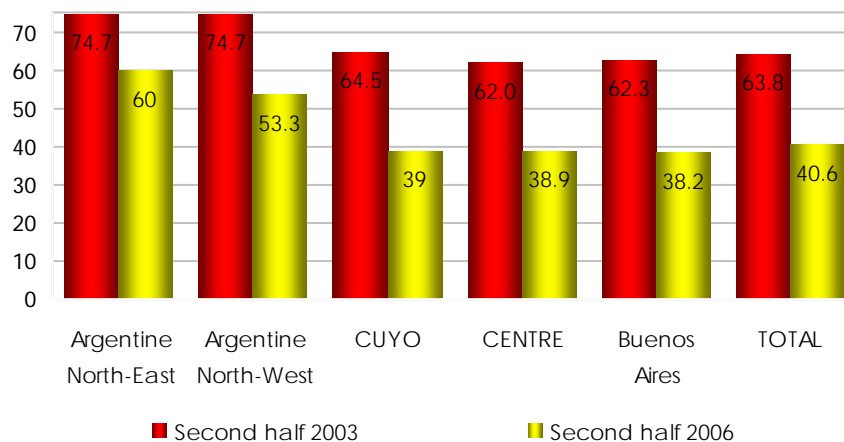
205. During the period under review, the Argentine Republic achieved a marked improvement in quality of life. This manifested itself in a systematic lowering of the levels of both poverty and indigence for all citizens in every region of the country.

206. Within the specific population of children and adolescents, the poverty level was reduced throughout the country by about 30 per cent and the indigence level by about 50 per cent.

207. However, in spite of the effort made and the improvements recorded in the indicators, the rates are still high and regional asymmetries persist. The Argentine State is seriously concerned about the present situation and is therefore determined to continue boosting policies and action aimed at guaranteeing the social rights of all the country's children and adolescents.

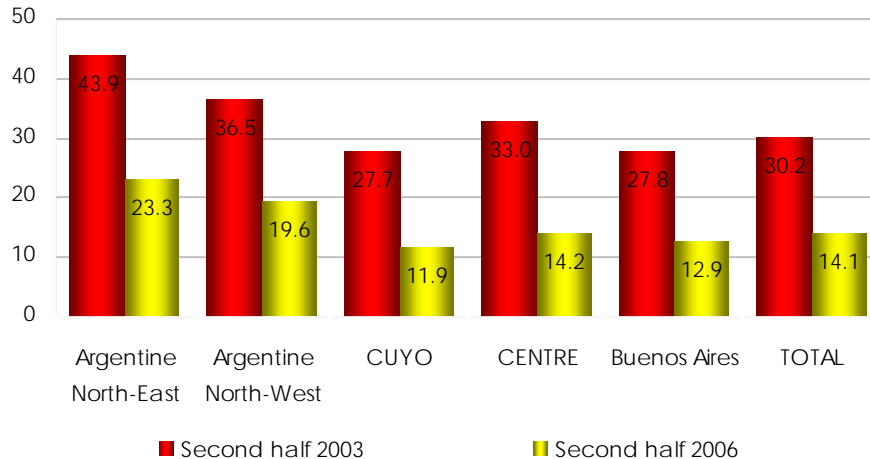
208. With this end in view, the National Government is currently in the process of developing a comprehensive social action plan designed to tackle hard-core poverty by promoting the social development of persons in vulnerable circumstances through coordinated action by the Ministries of Social Development, Health and Education and various community actors.

### Population in the 0 to 18 age group under the poverty line by MSD<sup>11</sup> regions Second half of 2003/second half of 2006



<sup>11</sup> Ministry of Social Development.

**Population in the 0 to 18 age group under the indigence threshold by MSD regions  
Second half of 2003-second half of 2006**



### **5. Independent monitoring**

**Paragraph 22.** The Committee encourages the State party, as previously recommended (*ibid.*, para. 15), to establish an independent and effective mechanism, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (The Paris Principles) (General Assembly resolution 48/134, annex), either as a part of a national human rights institution or as a separate body, such as a children ombudsman, which should be provided with adequate human and financial resources and easily accessible to children, that would:

- (a) Monitor the implementation of the Convention;
- (b) Deal with complaints from children in a child-sensitive and expeditious manner;
- (c) Provide remedies for violations of their rights under the Convention.

In this regard, the Committee further recommends that the State party consider seeking technical assistance from, among others, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR).

209. In accordance with the Committee's recommendations concerning this section, provision was made by Act No. 26.061 for the establishment of the office of Defender of the Rights of Children and Adolescents (Ombudsman for Children and Adolescents), who will be responsible for protecting and promoting the rights of children and adolescents enshrined in the Convention on the Rights of the Child.

210. The Ombudsman will also be required to submit an annual report concerning the complaints filed and the outcome of the investigations undertaken.

211. It should be emphasized that the institution will be independent of the executive, since the National Congress has been assigned responsibility, under article 49 of the aforementioned Act, for the appointment of the official in question.

212. The national legislature, acting through a Bicameral Commission, will proceed to select and propose the Ombudsman through an open competition based on records of service and a competitive examination.

213. The Ombudsman's term of office under the Act will be five years with the possibility of re-election for a single term. The incumbent will be barred from engaging in any other public, commercial or professional activity apart from teaching.

214. The national legislative has not yet appointed an official to fill the position.

215. SENNAF attended the meetings of the Senate Committee on General Legislation in October 2007, at which it impressed on the deliberative body the importance of ensuring that all the mechanisms provided for under Act No. 26.061 were established.

216. A working group composed of the Ministry of Justice, Security and Human Rights, SENNAF, representatives of the Federal Council for Children, Adolescents and the Family and members of the national legislature was subsequently established. Its members agreed on the need to take steps to establish the bicameral commission.

217. In November 2007 the Senate gave preliminary approval to a Draft Joint Resolution (Files Nos. 1453/06 and 2957/07) establishing the Bicameral Commission for the Comprehensive Protection of the Rights of Children and Adolescents provided for in Act No. 26.061 (File No. 1453/07), thereby taking an essential step at the national level towards the appointment of the Ombudsman for Children and Adolescents.

218. Lastly, it should be noted that the Provinces of Córdoba and Corrientes have endorsed the principles and provisions set forth in Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents through Provincial Acts Nos. 9396 and 5773 respectively. Both legislative enactments establish the office of Ombudsman for Children and Adolescents.

219. In the case of the Province of Córdoba, the provincial legislature has already appointed an official to fill the position.

## 6. Data collection

**Paragraph 24. The Committee recommends that the State party:**

- (a) Improve its system of data collection with a view to incorporating all the areas covered by the Convention in a disaggregated manner. Such a system should cover all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable, including children with disabilities;**
- (b) Effectively use these indicators and data for the formulation and evaluation of policies and programmes for the implementation and monitoring of the Convention.**

220. As noted on an earlier occasion by the Committee, Argentina lacks an orderly system for the collection of statistical data based on the principles, rights and guarantees enshrined in the Convention.

221. However, the country obtains data from a number of sources that are of special relevance in comparative terms. It conducts a National Population Census every ten years and continuously monitors key socio-demographic variables in the country's main urban centres through the Permanent Household Survey conducted by the National Institute of Statistics and Censuses (INDEC).

221. The National Council for the Coordination of Social Policies runs the National Taxation and Social Identification System (SINTyS), the Information, Assessment and Monitoring System for Social Programmes and the System for the Identification and Selection of Families Benefiting from Social Programmes (SIEMPRO-SISFAM), which provide substantive information for the development of social policies.

222. Both the Ministry of Education and the Ministry of Health have sources in specific areas that supply sensitive information on key variables pertaining to each subject area of importance for the child and adolescent age groups.

223. Considerable progress has also been made in national studies concerning areas of specific interest such as:

- (a) National Survey of Persons with Disabilities (ENDI);
- (b) Survey of Activities of Children and Adolescents (EANNA);
- (c) National Food and Health Survey (ENNyS);
- (d) Supplementary Survey on Indigenous Peoples (ECPI).

224. The characteristics of each study will be analysed in the sections dealing with the subject concerned.

225. Moreover, there are two registries at the Ministry of Justice, Security and Human Rights, which contain information relating to its fields of competence that is continuously updated and covers issues that have a direct impact on the lives of children and adolescents, as described below.

226. The Single Registry of Applicants for Guardianship with a View to Adoption, established by Act No. 25.854, provides courts and official bodies involved in adoption proceedings with a centralized list of applicants for guardianship with a view to adoption. The idea is to speed up and centralize adoption proceedings and to strengthen existing institutional arrangements in order to prevent possible offences such as the sale and trafficking of children.

(a) To date the provinces of Buenos Aires, Catamarca, Entre Ríos, Jujuy, La Rioja and Tierra del Fuego and the islands of the South Atlantic have endorsed Act No. 25.854 and its Regulatory Decree;

(b) The National Registry of Information concerning Missing Minors (Act No. 25.746), the purpose of which is to organize and cross-reference information from all parts of the country in a database concerning minors whose whereabouts is unknown, minors who have been traced and minors living in care, protection, detention or internment establishments whose filiation or identification data are unknown.

227. The Ministry of the Economy and Production has prepared, jointly with UNICEF, an innovative report entitled “Public expenditure on behalf of children”. The document sets out a methodology for assessing investment by the National Government and the provinces on behalf of children and adolescents.

228. The Ministry of Social Development undertook an initiative known as “Social Profile: Families Count”, in which it recorded the social circumstances of more than 920,000 vulnerable households throughout the country.

229. The Secretariat of Planning for the Prevention of Drug Addiction and Action against Drug Trafficking (SEDRONAR) produces, among other interesting studies, the “Survey of intermediate-level students”, which already provides data for the years 2001, 2005 and 2007.

230. The Human Rights Secretariat and UNICEF produced the report entitled “Deprived of their liberty: situation of children and adolescents in Argentina”, which examines the circumstances of children placed in institutions.

231. The Federal Council for Children, Adolescents and the Family and SENNAF launched the study “Children and adolescents without parental care” with the aim of improving and broadening the scope of this first attempt. The study is still being analysed.

232. In addition, SENNAF and the Federal Council for Children, Adolescents and the Family are undertaking research, in collaboration with UNICEF, on “Adolescent offenders or alleged offenders against criminal law”.

233. It should be noted in the same context that the provincial executives have access to statistical data providing useful information in this regard.

234. To sum up, while there are many sources of information on the main issues relating to children and adolescents in Argentina, the data has not been organized systematically and a rights-based approach has not been applied, which makes it difficult

in many cases to monitor policies and programmes designed to implement the Convention.

235. In an attempt to reverse the situation, the national executive adopted Decree No. 28/07 which established the National Directorate for Institutional Management and Development within the organizational structure of SENNAF. Its activities will include:

(a) Launching and running activities designed to monitor and assess programmes, projects and activities in support of the promotion, protection and restoration of the rights of children, adolescents, older persons and their families;

(b) Administering research programmes to promote knowledge building in areas of relevance to children, adolescents, older persons and their families;

(c) Promoting the establishment of documentation centres covering topics within its fields of competence, etc.

### **B. Definition of the child (art. 1 of the Convention)**

**Paragraph 26. In light of articles 1 and 2 and other related provisions of the Convention, the Committee recommends that the State party review its legislation with a view to increasing the minimum age of marriage of girls to that of boys.**

#### **1. Age of marriage**

236. As the National Government gives priority to the promotion of actions and initiatives which, in accordance with the rule of law and with the aim of strengthening democracy, guarantee full enjoyment of all human rights on an equal footing for all children and adolescents, it took into account the Committee's recommendation that the minimum age of marriage for females should be the same as that for males.

237. Accordingly SENNAF, bearing in mind the existence of various draft laws before Parliament adopting a similar approach to the subject, invited members of the Federal Council for Children, Adolescents and the Family, officials from the Ministry of Justice, Security and Human Rights, and authorities from the national legislature to a joint working session at which attention was drawn to the importance of promoting legislative adjustments at the national level to ensure that institutions and legal frameworks were harmonious and in conformity with the principles, rights and guarantees enshrined in the Convention on the Rights of the Child (art. 75, para. 22, of the National Constitution).

238. Lastly, in November 2007 the Senate gave preliminary approval to a draft law (File No. 3496/07), the purpose of which is to set the marriageable age in all cases at 18 years. This requirement would be applicable to both women and men, thereby ensuring equal treatment, and it represents a major step towards putting the initiative into practice.

#### **2. Age of compulsory education**

239. Article 16 of the new Act No. 26.206 on National Education stipulates that "Compulsory school attendance throughout the country shall extend from the age of five years until the completion of secondary education ...".

240. Compulsory secondary education has thus been unified in pedagogical and institutional terms with a view to providing adolescents and young people with the opportunity to exercise their rights of citizenship to the full, to obtain employment and to continue their studies.

### **3. Age of admission to employment**

241. The reader is referred to the subsection entitled “Legislation” of section IV.A, which reports on the referral to Parliament of a draft law providing for a gradual increase in the minimum age for admission to employment.

### **4. Definition of minors**

242. Argentine legislation on this point has not changed. In accordance with article 126 of the Civil Code, “minors are persons who have not attained the age of 21 years”. Their legal incapacity then ceases, and they are entitled to perform all kinds of civil acts without requiring the authorization of parents, guardians or the courts (art. 129). The same Code distinguishes between two rigorously defined situations: minors under the age of puberty, i.e. those who have not attained the age of 14 years; and adult minors, i.e. those between the ages of 14 and 21 years (art. 127). While legal incapacity is absolute in the case of the former, since there is no provision for exceptions (art. 54, para. 2), it is relative in the case of minor adults, since their status is basically that of legal incapacity and they enjoy capacity only in respect of acts which the law authorizes them to perform (art. 55).

## **C. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **1. General principles**

**Paragraph 28. The Committee recommends that the State party:**

- (a) Appropriately integrate the general principles of the Convention, namely articles 23, 3, 6 and 12, in all relevant legislation concerning children;**
- (b) Apply them in all political, judicial and administrative decisions, as well as in projects, programmes and services which have an impact on all children;**
- (c) Apply these principles in planning and policy-making at every level, as well as in actions taken by social and health welfare and educational institutions, courts of law and administrative authorities.**

243. The general principles set forth in the Convention on the Rights of the Child are fully reflected in Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents. Thus, article 1 reads as follows:



“The purpose of this Act is to ensure comprehensive protection of the rights of children and adolescents who are present in the territory of the Argentine Republic with a view to guaranteeing their full, effective and permanent exercise and enjoyment of the rights recognized in the national judicial system and in international treaties to which the nation is a party ...”.

244. Article 28 of the same Act stipulates:

“The provisions of this Act are applicable to all children and adolescents, without discrimination of any kind based on race, sex, colour, age, language, religion, beliefs, political opinion, culture, economic status, social or ethnic origin, special capacities, health, physical appearance or physical disability, birth or any other status of the child or of his or her parents or legal representatives.”

245. The Act also deals explicitly with cases of discrimination: article 18 prohibits “... public and private educational institutions from imposing corrective measures or disciplinary sanctions on children and adolescents on account of pregnancy, maternity or paternity...”.

246. It should be noted that this prohibition had already been legally enshrined in Act No. 25.584 of 2002, as amended by Act No. 25.808 of 2003.<sup>12</sup>

247. Another important legislative development has been the adoption of Act No. 26.206 on National Education, which includes among the objectives and goals of educational policy:

(a) Ensuring conditions conducive to equality, respecting differences among persons and outlawing discrimination based on gender or any other characteristic;

(b) Guaranteeing respect, in the context of education, for the rights of children and adolescents set out in Act No. 26.061;

(c) Promoting understanding of the concept of elimination of all forms of discrimination at every level and in every branch of education.

248. It should further be noted that article 1 of Act No. 23.592 of 1988 on “Discriminatory acts” stipulates that:

“(a) Any person who arbitrarily impedes, obstructs, restricts or in any way impairs the full exercise, on an equal footing, of fundamental rights and guarantees recognized in the National Constitution shall be required, at the request of the aggrieved party, to annul or cease to perform the discriminatory act and to repair the moral and material damage caused.

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<sup>12</sup> Act No. 25.808, article 1: Directors or managers of officially and privately run public education establishments throughout the country, at any level or in any branch of the system, are prohibited from taking institutional action that impedes or disrupts the initiation or normal pursuit of studies in the case of pregnant or breastfeeding students or students performing parental duties. The educational authorities of the institution concerned shall authorize, in the case of a pregnant student, such leave as is necessitated by her condition to safeguard both her physical and mental health and that of the child during gestation and the corresponding period of lactation.

(b) For the purposes of the present article, account shall be taken, in particular, of discriminatory acts or omissions motivated, inter alia, by considerations of race, religion, nationality, ideology, political or trade union affiliation, sex, financial situation, social status or physical characteristics.”

249. Without prejudice to the foregoing, we consider that the general principles laid down in the Convention have been incorporated in the legislation mentioned in the subsection entitled “Legislation” of section IV.A, to which we refer the reader.

### **Planning and policy-making at all levels**

#### **Reinterpretation of social policies**

250. The economic, social and political processes that were abruptly imposed in 2002 were the result of a conceptual model of the country that deprived Argentine citizens of a large proportion of their rights.

251. The manifold consequences of the implementation of neo-liberal policies generated, through their combined impact, a process of “deprivation of citizenship”, which led to violations of the social rights of broad sectors of the population, thereby precluding individual and collective development in a context of social inclusion.

252. Under these circumstances, the National Council for the Coordination of Social Policies launched a process of reinterpretation of social policies based on the following key principles:

(a) The concept of a promotional, high-profile and active State requires the State to assume a proactive role in the decision-making process in continuous coordination with the different national and regional social sectors;

(b) Individuals, the family and communities are acknowledged as rights bearers. Accordingly, public policy serves as a tool for the recovery and promotion of social, cultural and economic rights. This approach recognizes a strong link between the acquisition of rights and personal and community capacity-building;

(c) A comprehensive approach to social policies, which recognizes the complexity of social issues and seeks to incorporate their different dimensions. The efforts of the National Government and its various ministries and programmes are therefore coordinated with a view to optimizing intervention strategies.

253. In line with this approach, the Ministry of Social Development has designed the following strategic policy thrusts for its work throughout the country:

(a) The development of integrated working methods: an integrated approach to management, combining and coordinating resources within the Ministry and at different levels of government; in terms of perspective, “bottom-up” planning, promoting the involvement of diverse actors and strengthening participatory forums; in terms of approach, generating promotional proposals that move beyond fragmentary types of intervention on behalf of families and communities;

(b) Promotion of local social policies: social policies are formulated in the light of the underlying patterns discernible in each district, municipality, province or

region. This type of management needs to draw upon and apply various types of local knowledge, experience and other distinctive characteristics;

(c) The implementation of social policies based on regional equity: regional equity is based on the idea of “equality through difference” as opposed to situations involving regional inequity. The Ministry makes arrangements for the distribution of supportive and promotional activities, seeking to ensure equality of access while respecting local characteristics;

(d) Promotion of community organization and participation: a policy linked to the democratic redistribution of power conducive to the mobilization of community resources. This process of “empowerment” should be constituted as a flexible process in which local authorities provide feedback for central planning.

254. These strategic policy thrusts will take shape in the so-called Community Integration Centres, which constitute a model of public administration based on policy integration and coordination at the local level.

### **Community Integration Centres**

255. The Community Integration Centres (CICs), established as part of the National Federal Network, are centres for the coordination of social policy as a whole. The CICs are the result of joint action by the Ministry of Social Development, the Ministry of Health and the Ministry of Federal Planning, Public Investment and Services.

256. The principal objective of the CICs is to implement a model of integrated public administration throughout the country that promotes improvements in the quality of life of communities and local development focusing on the family through interdisciplinary, continuous and intersectoral activities.

257. Another aim is to boost promotional and preventive public health activities through the CICs and to encourage greater involvement and integration of the institutions concerned so as to ensure a comprehensive response to local demand and needs.

258. To achieve these objectives, the CICs are developing a model of public administration that incorporates and coordinates primary health care and social development policies within a single physical context at the municipal level, bringing social policy closer to the community and facilitating its access thereto. The community centres also take action in support of social inclusion and to that end promote local development by expanding community resources and building capacity.

259. The CICs in each area promote provincial and municipal participation and the involvement of community organizations, coordinating the three national plans of the Ministry of Social Development (“National ‘Down to Work’ Plan”, “Food Security Plan” and “Families Plan”) at the local level together with the various activities already being undertaken in each area.

260. So far 246 CICs have been established throughout the country and equipped with furniture, dentistry teams and utility vehicles. A further 250 are planned.

261. They engage in the following activities:

- (a) Coordination of social development and primary health-care policies (prevention, promotion and public health assistance);
- (b) Care and oversight for vulnerable sectors;
- (c) Activities aimed at promoting local development;
- (d) Promotion of cultural and recreational activities and adult education;
- (e) Encouragement of network activities involving community institutions and organizations.

262. The following activities that have a specific bearing on issues relating to children and adolescents have been undertaken in this context to date:

(a) Organization of events involving a variety of sociocultural activities such as: festivities to mark Children's Day; children's film series; and the presentation of theatre and puppet shows for children and adolescents in the areas served by the CICs;

(b) Organization of forums, talks and workshops, at which a variety of issues that affect the lives of children and adolescents were discussed and appraised. Priority was given to the following issues at the meetings: health (health education, early stimulation, child care and antenatal courses); sexual and reproductive health (adolescent pregnancy, responsible parenting, HIV and family planning); leisure (games and sports); violence (domestic and/or school violence); cultural activities (theatre, folklore, music); promotion of the rights of the child; nutrition (healthy food and promotion of breastfeeding); handicrafts for children and training in occupational skills for adolescents; and forms of addiction;

(c) Implementation of activities in support of the participation and psychosocial development of children and adolescents: (a) sports and leisure activities; (b) cultural and artistic activities (theatre, dance, music and street bands); (c) educational support;

(d) Establishment and running of kindergartens, day-care centres and play areas;

(e) Interdisciplinary response to spontaneous requests from the community (in the form of coordinated and triangular work arrangements involving social workers, paediatricians, psychologists, obstetricians, etc.);

(f) In-service training for Family and Nutrition Project facilitators. This project is designed for 5-year-old children and their families. It involves work on issues and problems related to child-rearing and support for children, focusing on reading, games and nutrition. (Additional information on the Project is provided in the subsection entitled "Malnutrition" of section F.)

### **The right to life, survival and development**

263. Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents recognizes the right of children and adolescents to life, to the enjoyment and protection of life, and to a decent quality of life (see art. 8).

264. The Argentine State is pleased to report in this connection that, during the period under review, a significant and systematic lowering of the child mortality rate has been achieved throughout the country. More details are provided in the subsection entitled “Health and medical services” of section F.

265. All the activities of the Ministry of Social Development are strategically organized on the basis of the following three national plans: the Social Development and Social Economy Plan, the Food Security Plan and the Family Plan.

266. The latter is regarded as a core plan in terms of State policy. It is designed to promote values that ensure consistency and coordination and lay the basis for harmonious family and social life through the development of initiatives and activities on behalf of families and communities that promote social integration and respect for human rights.

267. The Plan addresses cross-cutting issues covered by the other two plans and there is continuous feedback between all three plans.

268. The Family Plan comprises the following:

- (a) Family Programme for Social Inclusion;
- (b) Community Integration Centres (CICs);
- (c) National Commission on Welfare Benefits;
- (d) Non-contributory benefits;
- (e) Federal Programme on Women and the Family and Juana Azurduy;
- (f) Federal Council for Children and Adolescents;
- (g) Support for social organizations;
- (h) Integrating disability. Special skills;
- (i) Social and Health-care Development Train;
- (j) Special and emergency assistance for vulnerable family groups.

269. Many of these programmes and activities are described in greater detail in appropriate sections of the present report in accordance with the thematic organization proposed by the Committee.

270. As mentioned in the subsection entitled “Coordination” of section A, the National Early Childhood Development Programme is implemented in the context of the National Council for the Coordination of Social Policies.

271. The programme provides for multi-stage training. Provincial technical teams train facilitators, who are elected from among persons in each area who are involved in promoting child development in their communities and are already participating in relevant work in the context of public institutions and civil society organizations.

272. The purpose of the training is to enable the facilitators to take more effective action through their institutions in support of the provision of child-rearing assistance to families, the strengthening of support networks among families, and the encouragement

of social mobilization based on local initiatives to promote child development. Accordingly, local communities will have access to established skills with a change of perspective involving an integrated approach to child development.

273. As a result, 120,000 persons in 22 provincial jurisdictions have participated in activities pertaining to early child-rearing (play areas, reading, discussion workshops, neighbourhood meetings on health and the environment, nutrition workshops, food for infants, breastfeeding, pregnancy care, etc.) implemented by the facilitators, with assistance from the provincial technical teams.

274. The reader is referred to the subsection entitled “Standard of living” of section F for more details on the development of children and adolescents.

## **2. Non-discrimination**

**Paragraph 30. The Committee recommends that the State party:**

- (a) Monitor the situation of children, in particular those belonging to the above-mentioned vulnerable groups, who are exposed to discrimination;**
- (b) Develop, on the basis of the results of this monitoring, comprehensive strategies containing specific and well-targeted actions aimed at eliminating all forms of discrimination.**

**Paragraph 31. The Committee requests that specific information be included in the next periodic report on measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and taking account of the Committee’s General Comment No. 1 on article 29, paragraph 1, of the Convention (aims of education).**

### **Monitoring and development of comprehensive strategies aimed at non-discrimination**

#### **Social Profile: Families Count**

275. As noted in the subsection entitled “Data collection” of section A, the Ministry of Social Development launched the “Social Profile: Families Count” initiative in 2003 in conjunction with the National Council for the Coordination of Social Policies (SIEMPRO-SISFAM) to monitor the circumstances of vulnerable families throughout the country. As a result, the characteristics of more than 920,000 households were recorded.

276. In implementing the Social Profile initiative, activities were coordinated with the national universities, provincial and municipal governments, and civil society organizations pursuing strategies designed to forge contacts with neighbourhoods that are not easily accessible.

277. The launching of data triangulation working methods led to the development of so-called *integrated social analyses*, which were transmitted to the reference centres and

the CICs for the planning and subsequent implementation of the various social policy mechanisms, thereby ensuring easier access to social rights for substantial sectors of the population that were previously marginalized.

### **Anti-discriminatory policies**

278. Attention should be drawn in this connection to the establishment of the National Institute against Discrimination, Xenophobia and Racism (INADI) in 1995 pursuant to Act No. 24.515.

279. INADI has been assigned the task of developing national policies and specific measures to combat discrimination, xenophobia and racism, and of promoting and implementing activities to that end.

280. With a view to ensuring compliance with the obligations assumed at the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in the city of Durban, Republic of South Africa, the document entitled "Towards a national plan against discrimination. Discrimination in Argentina. Critical analysis and proposals" was adopted by Decree 1085/05 and INADI was designated as the implementing agency.

281. The document contains a series of recommendations, such as legislative, educational and health reforms, with a view to promoting equal treatment and non-discrimination.

282. It should be noted that the Institute is currently updating the above-mentioned document and that the Argentine State can now confirm that children are no longer classified as subjects of social and/or judicial protection but rather as persons recognized by law in their own right, so that the discriminatory concept applied for almost a century has finally been abandoned.

### **Anti-discriminatory policies on behalf of specific groups**

#### **Migrant children**

283. With regard to migrant children or the children of migrant workers, Act No. 25.871 on Migration sets out the broad lines of Argentine migration policy and meets the obligations incurred by the country in respect of the human rights, integration and mobility of migrants.

284. Decrees Nos. 836/04 and 578/05 provide for the establishment and implementation of the "Patria Grande" National Programme for the Standardization of Immigration Documents, the object of which is to promote measures aimed at the incorporation and integration of the migrant population by facilitating access to legal residence.

285. The National Migration Directorate runs the above-mentioned Programme on the basis of Regulation No. 53253/05, which may be invoked by nationals of the States parties and associate members of MERCOSUR (Brazil, Bolivia, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela). These countries account for most of the migrant population resident in the Argentine Republic.

### **Refugee children**

286. Act No. 26.165 of 2006 on the Recognition and Protection of Refugees created the National Commission on Refugees (CENARE) under the auspices of the Ministry of Internal Affairs. It is composed of representatives of the Ministry of Internal Affairs, the Ministry of Foreign Affairs, International Trade and Worship, the Ministry of Justice, Security and Human Rights, the Ministry of Social Development and the National Institute against Discrimination, Xenophobia and Racism (INADI) as well as representatives of the Office of the United Nations High Commissioner for Refugees (UNHCR) and civil society organizations that provide assistance to refugees and defend their rights.

287. CENARE main function consists in applying the UNHCR Statute and hence in protecting the rights of refugees and asylum-seekers within the jurisdiction of the Argentine Republic in all circumstances.

288. Since the restoration of democracy, 11,000 persons have applied for asylum in the Argentine Republic pursuant to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol (instruments to which the Argentine State acceded by Act No. 15.869 of 1961 and Act No. 17.468 of 1967 respectively) and 3,000 have been recognized as refugees.

289. A very small proportion of the total are unaccompanied children or children separated from their families, the first of whom arrived in our country in 1999. Since then their number has been gradually increasing. Thus, three cases were recorded in 2001, four in 2003, 14 in 2004, 17 in 2005, 15 in 2006 and 40 in 2007.

290. At present, 93 unaccompanied minors or minors separated from their families are resident in the Argentine Republic. They are all males, aged between 14 and 21, and the great majority are originally from the African continent.

291. When a child approaches the national authorities, he or she is transferred to the headquarters of the Foundation of the Argentine Catholic Commission for Migration (FCCAM), the implementing agency of the UNHCR Office for the Southern Cone of Latin America, which gives them legal advice, defrays their accommodation and subsistence expenses, provides them with free clothing and free Spanish courses, and enrolls them in national literacy programmes, the public education system (at all levels) and training courses in occupational skills offered by trade unions and public institutions.

292. After spending some time in the country, the adolescents are referred to the Foundation for Migrants and Refugees in Argentina (MYRAR), another UNHCR working partner, which offers them training courses for employment and financial assistance for the establishment of their own micro-enterprises

293. A child who is recognized as a refugee obtains a temporary residence permit free of charge (in accordance with Regulation No. 17956/05 of the National Migration Directorate) and subsequently the national identify document and travel document, which authorizes him or her to travel freely to other countries. Children may eventually, if they so wish, acquire Argentine nationality through naturalization.



### **Children of indigenous peoples**

294. It is important to note at the outset that the National Institute of Statistics and Censuses (INDEC) conducted a Supplementary Survey of Indigenous Peoples (ECPI) in 2004 and 2005 to quantify and record the characteristics of the population that identify themselves as members and/or descendants of indigenous peoples.

295. The ECPI survey found that an estimated 600,329 persons identify themselves as members and/or first-generation descendants of indigenous peoples, with children accounting for 43 per cent of the total (258,491).

296. The indigenous peoples are extremely diverse and resident in all provinces of the country. The Mapuche, Kolla, Toba and Wichí peoples together account for about 50 per cent of the population recorded in the survey.

297. The National Institute for Indigenous Affairs (INAI) is the State agency established under Act No. 23.302 to formulate and implement policies on behalf of the country's indigenous peoples. Its primary aim is to promote the comprehensive and sustainable development of the indigenous communities by strengthening and reaffirming their traditional and ancestral community bonds.

298. INAI Resolution No. 152, adopted during the financial year 2004, introduced practical measures for the launching of the Indigenous Participation Council (CPI), which had already been established by Act No. 23.302 and its Regulatory Decree No. 155/89, to serve as the voice of the indigenous peoples vis-à-vis the Argentine State. The Council is composed of representatives of all indigenous peoples by province, i.e. one representative per people and per province. All CPI members were elected at assemblies attended by all communities of each indigenous people and province in order to ensure that the election of representatives was as transparent and authentic as possible.

299. The various components of INAI seek to promote the integrated and continuous development of the indigenous communities by undertaking and financing projects. The projects are set in motion through specific requests from the communities and are planned jointly with the communities on the basis of a comprehensive, coordinated and participatory approach in order to ensure their sustainability and ongoing benefits on completion of the technical support and funding.

300. An important programme in this area is entitled "Support for Aboriginal Intercultural Education" (the activities are described in greater detail in sections D and G). The aim is to promote bilingual intercultural education at the national level, enhancing the status and potential of the communities' culture, mother tongue and world view so that they are incorporated in the curricula of the formal education system. Progress has been made in the implementation of the following components:

(a) The **National Intermediate Study Grant Programme**, implemented through an agreement between the Ministry of Social Development and the Ministry of Education. The aim of the Programme is to promote access to secondary education for indigenous students at the levels of general basic education 3 (corresponding to the seventh, eighth and ninth grades), classified as "polymodal" or equivalent, by awarding study grants to cover expenses relating to secondary education: school materials, clothing

and transport. During the period from the launching of the Programme until 2007, a total of 15,000 study grants were awarded throughout the country. The following table shows the increase in the number of grants awarded to indigenous pupils:

Year	Study grants awarded
2003	5,500
2004	6,000
2005	6,500
2006	7,000
2007	16,500

(b) Since 2005 INAI has supplemented the National Intermediate Study Grant Programme with the Tutorial Study Grant Programme, under which tutorial study grants have been awarded for more than 350 intercultural tutors per year throughout the country. The function of the intercultural tutors is to monitor the educational progress of indigenous grant-holders and to provide support for the specific values of the communities concerned, especially by promoting the teaching and learning of their original language;

(c) Implementation of the **Bilingual Intercultural Literacy Project**, the aim of which is to encourage the teaching of basic Spanish reading and writing skills to young people and adults who have had no previous opportunity to acquire them by arranging meetings between participants in the project and literacy teachers, who must be members of the community and be familiar with the practices, legends, popular wisdom and folklore of each community's culture. During the period 2003-2006 funding was provided for more than 100 literacy projects in indigenous communities;

(d) **Study grants** are awarded to **bilingual or suitably qualified teachers** who support pupils at the initial and primary level with a view to enhancing communication between teacher and pupil and assisting pupils in making progress in the different subjects and in learning the world view of indigenous culture;

(e) **Support for institutional educational projects (IEPs) by national educational establishments in support of intercultural learning** reflects the recognition that assistance for indigenous children at educational establishments requires training that is conducive to reinforcement of their cultural identity. The aims are to support indigenous communities in the process of participation in IEPs; to introduce bilingual intercultural education in schools, at their request, through support for IEPs; to train young people with an enhanced personal indigenous identity to take proactive measures in support of intercultural learning; and to promote exchanges of proposals and experience among pupils, community families and teachers so that education corresponds to real-life circumstances in each situation;

(f) Implementation of training, literacy, infrastructure, health and land tenancy regularization projects as well as projects in support of self-reliant food production with a view to enhancing the general quality of life of indigenous communities and aspects of their culture and identity. A total of 275 projects benefiting 257,366 people have been financed pursuant to this indigenous community development strategy since 2003 in the areas of production, health, training, literacy and infrastructure,

301. Moreover, the Community Doctors Programme run by the Ministry of Health has included a component since September 2005 entitled “Community Teams for Indigenous Peoples”, which seeks to improve the public health situation of indigenous peoples, adopting an intercultural approach based on respect for the traditions and customs of the different communities.

302. During the period from September 2005 to December 2006, in-service training focusing on social and community health was provided for an interdisciplinary group of 87 professionals with a view to improving the public health situation and access to health care of indigenous peoples. Sixteen community teams were set up for the purpose. They operated in a total of 54 rural areas and precincts and in two peripheral urban areas in the 11 provinces with the largest indigenous population: Catamarca, Chaco, Chubut, La Pampa, Mendoza, Misiones, Salta, San Juan, Santa Fe, Río Negro and Tucumán, represented by 10 ethnic groups: Wichí, Guaraní, Chané, Diaguita-Calchaquí, Toba, Huarpe, Mocoví, Ranquel, Mapuche and Tehuelche.

303. Each team addressed the health problems of the indigenous peoples, undertaking activities that included, in particular, surveys and situation analyses, direct assistance, participatory local intervention projects in the professionals’ different fields of competence and intersectoral measures in support of the planned activities.

#### **Public health operation in Chaco Province**

304. With a view to addressing the serious social situation of the indigenous peoples of the north-eastern Province of Chaco, a region of difficult access known as “the impenetrable”, the Ministry of Health, the Ministry of Social Development and the Ministry of Federal Planning, Public Investment and Services carried out a comprehensive support operation in 2007, with the assistance of the Argentine Army, on behalf of the affected communities.

305. It should be noted that the indigenous organizations represented on the joint management committee of the Community Integration Centre (CIC) of Villa Río Bermejito and the technical teams of the Chaco Province Reference Centre were involved in the activities.

306. As a result of the operations, surveys were conducted of more than 2,000 families in Tres Isletas, El Espinillo, Miraflores and Villa Río Bermejito, who were provided with tonnes of food and offered assistance in handling benefit formalities. Other activities included documentation campaigns, primary health care, training and local institution building.

307. As it was manifestly difficult for the families and their children to exercise their basic rights and obtain access to State resources, the following action was taken:

(a) A Local Welfare Centre attached to the Community Integration Centre was established in the region of Villa Río Bermejito, Department of General Güemes, to ensure continuous access to basic requirements;

(b) With effect from August 2007, more than 1,500 families, including transfers and new members, were incorporated in the Family Programme.

308. By virtue of its comprehensive and participatory character, the operation is recognized as an example of good practice and a model for future action.

### **Children and adolescents belonging to vulnerable social and geographic groups**

#### **National Food Security Programme (PNSA)**

309. The Ministry of Social Development runs the National Food Security Programme (PNSA). One of its tasks consists in coordinating action with the provincial and municipal governments and civil society organizations.

310. The aim of the National Food Security Programme is to facilitate the access of vulnerable population groups to adequate and sufficient food that takes into account the characteristics and customs of each region of the country, guaranteeing the right to food security.

311. In addition to addressing the temporary emergency situation as a matter of priority, the activities implemented are designed to achieve medium and long-term improvements in health and nutrition.

312. The main beneficiaries of the food distribution and production initiatives are families with children under 14 years of age, pregnant women, malnourished children, and other population groups in situations of food insecurity.

313. Various programme components were designed, inter alia, to promote family-table companionship, to provide information and training in support of quality nutrition for the population as a whole, to boost food allowances, and to encourage self-sufficiency and family food production.

314. As the pursuit of coordinated lines of action throughout the national territory is an important requirement, the National Food Security Programme is based on a federal approach, which facilitates technical oversight and the transfer of funds to provincial and municipal governments for the delivery of food modules and/or food supplies, tickets, vouchers and/or cards, food assistance at community kitchens, vegetable garden assistance or a combination of these benefits.

315. In accordance with consensus-based planning, the individual provinces establish their benefit modalities in the light of the characteristics, capacities and customs of each region.

316. Since the launching of the Programme, agreements have been signed with 24 provincial jurisdictions. Of the 1,330,000 families which have received benefits, 700,000

families have received magnetic cards or vouchers and the remaining 630,000 have received food modules.

317. A focused approach involving the development of special projects is also adopted with a view to reversing critical situations identified in specific population groups, for instance: comprehensive care for malnourished children; food enhancement in school canteens located in crisis areas; food modules for cases of disease and other special cases such as pregnant women or women who have just given birth, and eating disorders; equipment of providers; and development of specific integrated activities on behalf of indigenous groups. (The components of the Programme are discussed and described in greater detail in the subsection entitled “Malnutrition” of section F.)

### **Social and Health-care Development Train**

318. The Ministry of Social Development, the Ministry of Health and the Ministry of Federal Planning, Public Investment and Services jointly developed the initiative known as the “Social and Health-care Development Train”, which is a strategy designed to facilitate and promote access to various benefits for population groups and communities in vulnerable social and geographic circumstances.

319. The working method consists in reaching agreement and coordinating with the provincial governments, municipalities and civil society organizations (cooperatives, promotional societies, first aid centres, health centres, households and rural schools) on forms of cooperation involving social and health-care assistance and promotional activities, while ensuring respect for cultural and local development characteristics.

320. The core objective of the train is to assist in promoting social development and health care in the neighbourhoods through which it passes and in its area of influence, forging links with the communities: direct assistance activities, preventive health care and promotion of the rights of families, children, mothers, older persons, people with various kinds of disabilities and the population in general.

321. The train halts en route at small localities and hamlets that have remained isolated from development opportunities.

322. The following are some of the activities carried out during the trips: granting of welfare benefits to mothers of seven children and disability benefits; access to the “Library on Rails”, an activity that encourages reading among children of different ages; and access to paediatric and dental care, radiology, a clinical laboratory and an infirmary.

323. The train routes to date have included: 1. Tucumán – Santa Fe; 2. Viedma – Bariloche; 3. Santiago del Estero – Tucumán; 4. San Juan – Mandoza – San Luis; 5. Misiones – Corrientes – Entre Ríos; 6. Río Negro; 7. Miramar; and 8. southern Buenos Aires. The train has served 11 provinces, 161 localities and 131 rural districts, where support was extended to 366 organizations, 12,184 benefits were awarded and assistance was provided to 114,907 citizens.

### **“Mi Pueblo” [My People] Programme**

324. The aim of the Mi Pueblo Programme, a joint initiative of the Ministry of Social Development and the Ministry of Internal Affairs, is to identify and address factors that impede the growth and well-being of small provincial communities by means of public, multi-jurisdictional and thematic activities.

325. In other words, it seeks to improve the living conditions of small communities, while respecting their values, beliefs, traditions, language, approach to work, social and political organization, knowledge and skills.

326. With that end in view, the Programme forges solid and sustainable links with social and infrastructural projects through institutional dialogue; it offers management tools to citizens and provincial authorities in small localities and to peoples who lack opportunities; it provides comprehensive assistance to communities that have remained isolated from growth and development; and it coordinates government programmes, promoting decentralization of public policies to the municipalities.

327. Action has been taken under the Programme to date in the provinces of Jujuy, Chubut, Corrientes, San Juan, Río Negro, Tucumán, Neuquén, Mendoza, Misiones and Córdoba. Such action has included the provision, through the national ministries, of technical assistance, training, assistance in formulating investment projects, loans and support for cooperation agreements.

### **3. Respect for the views of the child**

**Paragraph 33. In light of article 12, the Committee recommends that the State party:**

- (a) Follow up on the Committee’s previous recommendation (...) that further steps be taken to encourage the active participation of children in schools, and in society in general, in the spirit of article 12 of the Convention;**
- (b) Make sure that all children mature enough to express their views are heard in all judicial and administrative procedures affecting them;**
- (c) Undertake campaigns to make children, parents, professionals working with and for children and the public at large aware that children have the right to be heard and to have their views taken seriously.**

328. As recommended by the Committee under this heading, the right of children to express their views and to be heard has been enshrined in the law. As noted in other sections, the provisions of Act No. 26.061 are clear in this regard:

“Children and adolescents have the right:

- (a) To participate in and express their views freely on matters affecting them and matters in which they have an interest;

(b) To have their views taken into account in accordance with their maturity and development.”

329. “This right shall extend to all areas involving children and adolescents, including State, family, community, social, school, scientific, cultural, sport and recreational areas.”

330. The legislation also provides minimum procedural guarantees, requiring State agencies to ensure that children enjoy the following rights and guarantees in any judicial or administrative proceedings affecting them, in addition to all rights set forth in the National Constitution, the Convention on the Rights of the Child, international treaties ratified by Argentina and the legislation enacted to give them effect:

(a) To be heard before the competent authority whenever the child or adolescent so requests;

(b) To have their views taken into account as a matter of priority when a decision affecting them is taken;

(c) To be assisted by counsel, preferably an expert in child and adolescent affairs, from the beginning of any judicial or administrative proceedings affecting them. If they lack economic resources, the State shall, of its own motion, assign counsel to defend them;

(d) To participate actively in the entire proceedings;

(e) To appeal to a higher court against any decision affecting them.

331. Judicial precedents in which this right was effectively exercised are cited below.

332. In the case *O., N. L. Protection against family violence (Act No. 12.569)* (case No. 99,204), the Supreme Court of Justice of the Province of Buenos Aires, on 20 September 2006, officially quashed the judgement of Family Court No. 2 of La Plata, which had dismissed an appeal for annulment of the decision to reject the application to the case of article 7 of Act No. 12.569 on Protection against Family Violence, concerning the prohibition of access by the father both to the minor’s provisional place of residence and to the family group in which her younger siblings lived. The Supreme Court held that “... the taking of a decision without having heard them violates the constitutional guarantee that children and adolescents have the right to be heard, article 12 of the Convention on the Rights of the Child (art. 75, para. 2, of the National Constitution) as well as articles 3 and 24 of Act No. 26.061”.

333. In the case *G. L. E. v. C. M. concerning child custody; communication regime and supplementary judicial authorization* (File No. 129944), Division II of the Civil and Commercial Appeal Chamber of Mar del Plata decided to quash the judgement providing for the transfer of E. C. to Spain to live with her mother, and sustained the appeal filed by Mr. M. C., holding that E.’s view was relevant inasmuch as the transfer from the environment in which she lived to meet needs – those of her mother – that were totally extraneous to her, could have a critical impact on her development.

334. Act No. 26.206 on National Education also includes as one of the objectives and goals of national educational policy that of: “Ensuring the democratic participation of teachers, families and students in educational institutions at all levels” (art. 11).

335. In accordance with the Convention, Act No. 26.061 on Comprehensive Protection of Children and Adolescents and Act No. 26.206 on National Education, the Ministry of Education has gradually developed programmes and projects aimed at promoting the participation of children and adolescents both within school and outside.

336. Mention may be made, inter alia, of the following initiatives in support of the right to express one’s views in educational contexts.

### **School Mediation Programme**

337. The Programme was launched in November 2003 with a view to promoting an environment conducive to the learning of conduct consistent with harmonious, pluralist and participatory social relations and guaranteeing children’s right to guidance and to respect for their integrity, dignity and freedom of conscience and expression.

338. To that end, 6,800 teachers, managers, supervisors, non-teachers and parents throughout the country were trained in school mediation principles and techniques. In addition, 500 secondary school students in different parts of the country were trained as mediators.

### **Juvenile Activity Centres**

339. The initiative provides for alternative learning programmes in secondary schools. These are free educational periods used for training, learning and recreation and promotion of young people’s personal, social and cultural development

340. The activities are designed to build a sense of belonging to the educational establishment and to stimulate the involvement of alienated students:

(a) Juvenile Activity Centres operate in 18 provinces and a total of 1,107 secondary schools are involved;

(b) Equipment has been provided for more than 500 Centres;

(c) Three projects with wide appeal have been developed for students, non-students and the rest of the educational community: “Subite al Colectivo” (Get on the Bus) (art-related learning proposals); Peoples with Memory (project for the conservation of collective memory); and Murals that Speak (self-expression project for young people).

### **Harmonious relations at school**

341. The National Programme for Harmonious Relations at School, launched in December 2004, has been implemented in primary and secondary schools. It seeks to enhance the socializing role of schools as institutions that teach a culture of democracy.

342. It treats harmonious relations at school as cultural and historical issues which are reflected in institutional standards and in the transmission of education from generation to generation, a process which calls for renewal of the educational role of adults and for the



active participation of young people. The Programme consists of the subprogramme “Norms of coexistence”, the subprogramme “Family-school educational agreement”, the subprogramme “Training of supervisors and managers” and a scheme to provide training for private tutors.

343. The Programme has been implemented in 4,870 schools in the following provinces: San Juan, Mendoza, La Rioja, Entre Ríos, Corrientes, Chaco, Formosa, Santiago del Estero, Santa Fe, La Pampa, Chubut, Santa Cruz and Tucumán.

344. Eleven publications have been produced and 55,000 copies have been distributed.

345. The Programme is also discussed in the subsection entitled “Abuse and lack of assistance” of section IV.E.

### **Campaign for participation and promotion of rights in rural schools**

346. In 2005 and 2006 the Care Programme for Minors at Risk (ProAme) run by SENNAF, which is jointly financed by the State and the Inter-American Development Bank, launched a project on children and education in different provinces involving one-day campaigns aimed at promoting the rights of children in rural schools, including the provision of direct material support for children and adolescents.

347. The campaigns consisted of workshops attended by children, educational staff and parents. The activities included drama, puppet shows, use of collage techniques and other artistic activities. The goal was to create a forum for reflection on the rights of children and adolescents.

348. Another type of action focusing on adolescents and referring to areas of relevance to children and the community in general consisted of awareness-raising and support for community and/or juvenile leaders. The main aim was to disseminate the Convention and place relevant issues on the social agenda by means of workshops, dissemination campaigns and lectures.

349. The activities were conducted in 17 provinces (Catamarca, Chaco, Corrientes, Entre Ríos, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, San Juan, Santa Cruz, Santiago del Estero and Tucumán), **in a total of 591 rural schools, and targeted a total of 32,195 children and adolescents.**

### **First National Meeting of Indigenous Young People and Adolescents**

350. In October 2006 the First National Meeting of Indigenous Young People and Adolescents was organized by SENNAF in conjunction with the National Programme of Local Community Workers for Social Change run by the Ministry of Social Development, the National Institute for Indigenous Affairs, the National Youth Directorate and civil society organizations.

351. The meeting was attended by more than 200 adolescents and young people representing all the country’s ethnic groups, including the Ocloya, Mapuche Tehuelche, Ona, Diaguita Calchaquí, Toba, Tapiete, Coya, Chulupí, Tonokote, Ranquel Mapuche, Mocoví and Chané, who addressed the topics of identity, health and participation through

discussions and exchanges of ideas and experience, adopting an integrated and pluralist approach.

### **Citizen Culture and Diversity**

352. The Secretariat for Culture runs the Citizen Culture and Diversity Programme jointly with the United Nations Development Programme (UNDP), focusing, inter alia, on ensuring that children know, understand and demand their rights.

353. Play-based, educational and dynamic workshops have been organized in schools, cultural centres, “home schools”, neighbourhood centres, social organizations, Community Integration Centres (CICs) and other locations throughout the country. Priority is given to areas without easy access to sociocultural activities and with high population vulnerability indices.

354. More than 3,000 children, adolescents and adults took part in the workshops “Children read and write their rights”, “Comic strips and young people’s rights workshop”, “Cinema – debate on the exercise of rights” and a community theatre workshop.

355. Under the same Secretariat’s “Miradas” programme, numerous publications focusing on rights have been issued. In 2006 more than 50,000 books were distributed to 400 schools, to governmental and non-governmental organizations throughout the country, and to each participant in the workshops.

356. It should further be mentioned that children and adolescents were involved in and contributed to the preparation of this report through small workshops which were organized for the purpose in all regions of the country in coordination with the provincial executives.

357. The conclusions reached reflect the problems afflicting them as a result of the political, social and economic circumstances in which they live. The far-reaching analysis of which children are capable when they are empowered by collective involvement and supported by discussion and confrontation with alternative ideas is surprising. It also confirms the need to continue promoting dialogue between adults and children.

358. Lastly, it should be noted that SENNAF has produced graphic materials designed to promote awareness of and publicize the rights of children and adolescents. They are distributed among governmental and non-governmental organizations throughout the country. Furthermore, rights protection agencies in the different jurisdictions have organized numerous activities aimed at promoting the provisions of the Convention and Act No. 26.061. Santa Fe Province may be cited as an example:

(a) Since its establishment, the Under-Secretariat for Children, Adolescents and the Family of Santa Fe has organized many one-day sessions throughout the province to disseminate the Convention and Act No. 26.061;

(b) The sessions were attended by public officials from provincial, municipal and communal bodies, teachers, health officials, professionals from various fields such as

social workers, psychologists, lawyers, doctors, occupational therapists, educational psychologists, etc.;

(c) One-day sessions have also been held for non-governmental organizations, judges, prosecutors, public defenders, minors' counsel and other judiciary officials and staff as well as law enforcement officials and authorities. The public at large were encouraged to participate. Representatives also attended one-day sessions organized by the bar associations and the Inter-American Open University. They took part in radio and television programmes broadcast by the cities of Rosario and Santa Fe, and conducted radio and television interviews with local authorities during visits to the various provincial towns with a view to developing one-day training sessions and/or visits to specific institutions;

(d) At all these events the rights of children and adolescents were publicized and promoted.

359. All these activities contribute to a major process of cultural change resulting in the recognition of children and adolescents as persons with full legal personality, empowered to participate and to air their views.

#### **D. Civil rights and freedoms (arts. 7, 8, 13 to 17 and 37 (a) of the Convention)**

##### **1. Preservation of identity**

360. The right to an identity is an integral part of human rights policy and is promoted and upheld by the State to an extent that is unprecedented in the history of the Argentine Republic.

361. Act No. 26.061 explicitly recognizes the right of children and adolescents to acquire public documents providing evidence of their identity. Thus, article 13 of Decree No. 415/06, which contains the implementing regulations for the Act, stipulates that the first national identity document shall be granted free of charge to all children and adolescents born within the national territory.

362. We consider that this measure, which is designed to eliminate financial obstacles to the procurement of the national identity document, will facilitate the effective enjoyment of children's and adolescents' rights to an identity and to official documents.

363. With regard to the modification of legislation to guarantee all persons the full right to an identity from birth and to registration of their identity, special mention should be made of the drafting of a law aimed at establishing a "regime for the individual recognition of the mother-child nucleus". The draft law creates a mandatory regime for the whole country, under which the integrity of the mother-child nucleus is recognized from birth, during their stay in the institutional environment and on discharge.

364. The initiative replaces Act No. 24.540 on the regime for the identification of newborn infants which is currently in force, and was decided upon when lengthy discussions aimed at regulating the latter regime broke down in the face of the difficulties and impediments encountered even by the implementing bodies when carrying it into effect. To that end, an inter-ministerial working group was established, composed of

representatives of the Human Rights Secretariat and the Secretariat for Justice and Legislative Affairs at the Ministry of Justice, Security and Human Rights, the National Secretariat for Children, Adolescents and the Family at the Ministry of Social Development, the National Register of Persons at the Ministry of Internal Affairs, and the Ministry of Health.

365. This joint endeavour led to the consensual drafting of the above-mentioned law which was submitted to the Congress through the National Council for the Coordination of Social Policies in October 2007 (File No. 0016-PE-2007) and was adopted by the Chamber of Deputies in February 2008.

366. Furthermore, SENNAF has opened up the Genetic Fingerprint Laboratory to the whole country so that DNA studies can be conducted free of charge to establish biological maternal and/or paternal links, enabling all children to trace their descent, which is one of the basic components of their right to an identity.

367. Reference should also be made to the National Genetic Data Bank, which was established pursuant to Act No. 23.511 and is currently located in the immunology department of the “Carlos A. Durand” Acute-Care General Hospital. Its functions are:

- (a) To organize, run and maintain an archive of genetic data with a view to facilitating the settlement and clarification of conflicts of filial descent;
- (b) To produce technical reports and opinions and to deliver expert opinions in response to judicial requests;
- (c) To conduct and promote studies and research in its field of competence.

#### **Preservation of the cultural identity of indigenous peoples**

368. The National Institute for Indigenous Affairs (INAI) carries out activities that play a positive role in preserving the identity of indigenous communities, focusing on recognition and strengthening of the communities as such.

369. The main strategies highlight the communities’ legal capacity and seek to regularize their title to the land.

370. Thus, the National Register of Indigenous Communities accords formal recognition to the pre-existing ethnic and cultural status of the indigenous peoples. These entries in the Register lay the basis for recognition of their status as persons with full legal personality for all purposes. From the launching of this initiative until the first quarter of 2007, 60 indigenous communities have been registered.

371. The right to preservation of one’s identity is also addressed under the Programme of Support for Indigenous Intercultural Education, which employs various tools to encourage and make it easier for children to remain in the education system (the Programme activities are described in detail in section F), and under the Mother Tongue Teaching Project, which seeks to restore and boost mother-tongue skills as a means of supporting identity and intercultural dialogue.

372. The participants in these projects are children who have lost their language or retained only a few words on account of migration to urban areas or because of other

sociocultural circumstances. Trainers who are members of the community run workshops at which the mother tongue is taught and consolidated by focusing on the world view, history and culture of the indigenous peoples. The project promotes the conservation of indigenous cultures.

### **Restoration of identity**

**Paragraph 35. In light of article 8 of the Convention, the Committee encourages the State party to continue and strengthen its efforts to recover the children who disappeared during the military regime.**

### **Restoration of identity**

373. One of the objectives of the National Commission for the Right to an Identity (CONADI), established by Act No. 25.457 of 2001, is “to assist in the search for the children of disappeared persons and persons born when their mothers were in captivity in order to determine their whereabouts and identity”.

374. The tireless search conducted by human rights organizations, especially the Plaza de Mayo Grandmothers, with the backing today of all kinds of State resources, succeeded in restoring the identity of 88 grandchildren, the children of disappeared persons. Since 2002 a total of 30 grandchildren have recovered their identity.

375. This result encourages those concerned, as the Committee earlier recommended, to continue and strengthen their efforts to establish the whereabouts of all children who were kidnapped during the military dictatorship. The following action has been taken with that end in view:

(a) Creation of the Auxiliary Interdisciplinary Team to serve as legal officials in all cases involving investigations of the deprivation and suppression of the identity of children and adolescents as a result of acts of State terrorism;

(b) Creation of the Tracing and Investigation Team to undertake a survey of possible cases of disappeared pregnant detainees and kidnapped children with a view to confirming or refuting reports submitted to date on pregnancies or kidnappings related to the various concentration camps that existed during the last military dictatorship;

(c) So far the Association of Plaza de Mayo Grandmothers has reported 180 cases of disappeared pregnant detainees and of children kidnapped together with their parents, to which may be added, as a result of CONADI investigations, 102 new cases, bringing the total to 282 cases. It is estimated, however, that some 500 children were born in captivity and kidnapped together with their parents;

(d) Genetic Area is responsible for tracing and analysing the relatives of disappeared pregnant women and the families of children who were kidnapped together with their parents with a view to obtaining DNA samples and storing them in the National Genetic Data Bank.

### **National Memory Archive**

376. In 2003 the National Memory Archive was established pursuant to Decree No. 1259/03 to obtain, analyse and preserve information, testimony and documents concerning violations of human rights and fundamental freedoms engaging the responsibility of the Argentine State and concerning the social and institutional response to such violations.

377. The National Memory Archive is responsible for preserving and studying the documents concerning human rights violations in Argentina, including the safekeeping and analysis of witness statements forming part of the archives of the National Commission on the Disappearance of Persons (CONADEP), as stipulated in Decree No. 3090 of 20 September 1984; witness statements which the Human Rights Secretariat received after the completion of CONADEP's historic work and which it continues to receive today; numerous legal cases in which acts of State terrorism are being investigated; and other documents. It is also responsible for obtaining, analysing, classifying, copying, digitizing and archiving information, testimony and documents concerning violations of human rights and fundamental freedoms engaging the responsibility of the Argentine State and concerning the social and institutional response to such violations.

378. The aims are to build archives and reference materials concerning State terrorism in Argentina; to classify and preserve documents transmitted to the National Memory Archive; and to coordinate action in support of the objectives of memory, truth and justice by means of joint activities involving the different Argentine jurisdictions and the countries of MERCOSUR and at the international level.

### **“Espacio para la Memoria” (Site for Memory) and for the Promotion and Defence of Human Rights – the former illegal detention and extermination centre Escuela de Mecánica de la Armada (Navy Mechanics School) (ESMA)**

379. The “Espacio para la Memoria” (Site for Memory), which was established on 24 March 2004 and was opened to the public on 1 October 2007, following clearance of the property and buildings that belonged to the Navy, constitutes a seminal public policy initiative based on the pillars of memory, truth and justice, historically supported by the human rights movement since the last dictatorship.

380. The “Espacio para la Memoria” is run jointly by two levels of the administration (the central authorities and the Autonomous City of Buenos Aires) and by representatives of the survivors of the Navy Mechanics School (ESMA) and human rights organizations. Broader participation by other organizations and individuals committed to the defence of human rights and united in condemnation of the genocide that occurred in Argentina between 1974 and 1983 is also encouraged.

381. The site is still in the process of construction and continues to welcome diverse contributions that will gradually define the characteristics of this centre for social, cultural and political debate, transmission of memories and promotion of human rights.

## 2. Right not to be subjected to torture

**Paragraph 37.** In light of article 37 (a) of the Convention, the Committee urges the State party:

- (a) **To undertake a study on the above-mentioned issues in order to assess their extent, scope and nature;**
- (b) **To enforce the recently signed National Plan of Action for the Prevention and Elimination of Institutional Violence;**
- (c) **To investigate, in an effective way and within a reasonable time, reported cases of killings, torture and ill-treatment of children;**
- (d) **Urgently to take measures to transfer from active duty or suspend, as appropriate, alleged perpetrators while they are under investigation, and release them from service if convicted;**
- (e) **To provide systematic training of law enforcement personnel in human and children's rights and ways to avoid the use of force;**
- (f) **To establish a complaint mechanism, which should be easily accessible and child-sensitive and inform children about their rights, including the right to complain;**
- (g) **To ensure that independent and qualified medical personnel are required to carry out regular examinations of child detainees;**
- (h) **In light of article 39, to take all appropriate measures to ensure possibilities for physical and psychological recovery and social reintegration for child victims of torture and/or ill-treatment, and that they receive compensation.**

382. Article 18<sup>13</sup> of the National Constitution contains an explicit provision abolishing all forms of torture and whipping, a norm that is consistent with international human rights law. The 1994 constitutional amendment incorporated article 75, paragraph 22, which accords constitutional status to 11 international human rights instruments, including the Convention on the Rights of the Child, the American Convention on Human Rights, which prohibits torture and cruel, inhuman or degrading treatment or punishment (art. 5.2), the International Covenant on Civil and Political Rights, which contains broadly similar norms (arts. 7 and 10.1), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by Act No. 23.328/1986.

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<sup>13</sup> National Constitution, article 18: "(...) The death penalty on political grounds, all kinds of torture and whipping are hereby abolished (...)."

383. It should also be noted that the Argentine State was one of the first countries to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was adopted by Act No. 25.932 of 2004.

384. Legal safeguards for the above-mentioned norms are provided in article 144 *ter* of the Criminal Code, pursuant to which any public official who subjects persons who are legally or illicitly deprived of their liberty to any form of torture is punishable with a term of rigorous or ordinary imprisonment of between 8 and 25 years and with general disqualification for life.

385. The last paragraph of the above-mentioned article stipulates that: “Torture shall mean not only physical torture but also the infliction of mental suffering, where this is deemed to be of sufficient gravity.”

386. Similarly, the Code sanctions persons who fail to prevent the commission of any of the acts prohibited under article 144 *ter*, where they possess such authority (in accordance with article 144 *quater*).

#### **The law enforcement agencies**

387. The Argentine Federal Police have issued directives aimed at standardizing police action in cases involving minors in order to ensure full compliance with police assignments and duties in a manner consistent with the rule of law and respect for human rights.

388. The directives – aimed at standardizing procedures – were published in Internal Order of the Day No. 53 of 15 March 2007, which reviews various situations that may arise in everyday police work and describes the action to be taken in each case as well as steps to ensure conformity with legal provisions and referral to the competent authorities, endeavouring in all cases to guarantee respect for the higher interests of minors.

389. The Argentine National Gendarmerie has also taken steps to enhance awareness among officers by means of educational action in training institutes and individual units throughout the country, focusing on the content of the Code of Conduct for law enforcement officers and, in particular, on the treatment of children and adolescents.

390. Furthermore, Act No. 26.290, adopted in November 2007, urges the law enforcement agencies forming part of the Internal Security system to include in their curricula, in accordance with the provisions of Act No. 24.059 as amended by Act No. 26.102, training courses for their staff in the human rights of children and adolescents in order to ensure that their rights are enforceable in the context of any institutional action involving them.

391. While no data are available at the national level to assess the prevalence, scope and nature of such degrading practices, mention may be made of experience in the implementation of the Provincial Programme for the Prevention of Torture of the Province of Buenos Aires in 2002 and the experience of the Under-Secretariat for the Welfare of Minors attached to the Supreme Court of Justice of the same jurisdiction, which maintains a “Register of complaints of coercion and physical or mental ill-treatment of minors in custody”, created by Supreme Court Agreement No. 2964 of 20



September 2000 in response to “repeated cases of coercion and physical and mental ill-treatment of minors in custody”.

392. In 2003, in the same jurisdiction, the provincial Ministry of Security prohibited the holding of children and adolescents in local police stations by means of an order with immediate effect. At the same time, the process of releasing more than 350 unduly detained children was implemented.

### 3. Corporal punishment

**Paragraph 39. The Committee recommends that the State party expressly prohibit corporal punishment in the home and all institutions and carry out public education campaigns to promote positive, non-violent forms of discipline as an alternative to corporal punishment.**

393. Article 9 of Act No. 26.061 stipulates:

“Children and adolescents have a right to dignity as persons recognized by law and as developing individuals; the right not to be subjected to violent, discriminatory, degrading, humiliating or intimidating treatment; and the right not to be subjected to any form of economic exploitation, torture, abuse or negligence, sexual exploitation, kidnapping or trafficking for any purpose or in any cruel or degrading form.

Children and adolescents have the right to physical, sexual, mental and psychological integrity ...”

394. It follows that any person who obtains knowledge of ill-treatment or of circumstances that violate the physical, sexual, mental or psychological integrity of a child or adolescent, or of any other violation of his or her rights, is under an obligation to report the matter to the responsible local authority.

395. The Civil Code also imposes the maximum penalty on parents, namely deprivation of parental authority, who subject a child to corporal punishment that endangers his or her safety and physical or mental health.

396. Thus, article 307 of the Civil Code includes among the grounds for deprivation of parental authority: any conviction as the perpetrator, co-perpetrator or instigator of or accomplice to a criminal offence against the person or property of any of their children, or as the co-perpetrator or instigator of or accomplice to an offence committed by the child; and endangerment of the safety, physical or mental health or morality of the child through ill-treatment, bad example, notoriously disreputable conduct or crime.

397. Chapter II of the Criminal Code defines the offence of assault and battery as follows:

“Anyone who subjects another person’s body or health to a form of injury that is not defined in any other provision of this Code shall be punishable with imprisonment for a term of between one month and one year.

A rigorous or ordinary prison term of between one and six months shall be imposed if the injury results in permanent impairment of the health or one of the

senses, organs or limbs of the injured party, or endangers his or her life, renders him or her incapable of work for more than one month or results in a permanent facial deformity.

A rigorous or ordinary prison term of between three and ten years shall be imposed if the injury results in a mental or physical illness that is certainly or probably incurable, permanent incapacity for work, loss of one of the senses, organs or limbs, of the use of an organ or limb, of speech or of the ability to father a child or to conceive” (arts. 89, 90 and 91).

**E. Family environment and alternative care (arts. 5, 18, paras. 1 and 2; arts. 9 to 11, 19 to 21, 25, 27 and 39 of the Convention)**

**1. Children deprived of their family environment**

**Paragraph 41.** The Committee recommends that the State party establish appropriate mechanisms and procedures to address the situation of children in need of care and protection that can be implemented immediately once the draft law on the comprehensive protection of the rights of the child currently under consideration (*media sanción*) comes into force, replacing Laws No. 10.903 and No. 22.278.

(...)

**Paragraph 43.** In light of article 20 of the Convention, the Committee recommends that the State party:

- (a) Take effective measures to increase and strengthen foster care, family-type foster homes and other family-based alternative care;
- (b) Place children in institutions only as a measure of last resort;
- (c) Take all necessary measures to improve conditions in institutions;
- (d) Provide support and training for personnel working in institutions;
- (e) Establish effective mechanisms to receive and address complaints from children in care, to monitor standards of care and, in light of article 25 of the Convention, to establish regular periodic review of placement.

**Mechanisms and procedures for providing assistance and protection to children**

398. Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents constitutes a milestone in institutional change from the point of view of the mechanisms and procedures that the State is required to use when providing assistance and protection to children.

399. The new legislation stipulates, as a general criterion for avoiding recourse to legal proceedings in cases that merely raise welfare issues, that the measures taken and their enforcement should be left to local administrative bodies responsible for rights protection and that the courts should not be involved since their authority consists in assessing the legality of decisions.

400. This change is currently being introduced at the institutional level and the extent of its implementation varies according to the provincial jurisdiction concerned and its local rules.

401. The Act distinguishes between two types of action: measures aimed at comprehensive protection of rights and exceptional measures.

402. The measures aimed at the comprehensive protection of rights are defined by the Act as “those taken by the competent local administrative body to address a threat to or a violation of the rights or guarantees of one or more children or adolescents considered individually, with a view to preserving or restoring them or remedying the consequences.”

403. In view of the concerns expressed by the Committee regarding this section, it should be clarified that article 33 of the Act states literally that “... the lack of material resources of the parents, family, legal representatives or guardians of children or adolescents, be it circumstantial, temporary or permanent, shall not be invoked to authorize separation from their nuclear or extended family or from those with whom they have formed emotional bonds, or their placement in institutions”.

404. It is also important to note that priority must be given, in any public action by rights protection bodies, to measures which “*are ultimately designed to preserve and strengthen family bonds*” and that such measures should never involve deprivation of liberty (arts. 35 and 36).

405. Exceptional measures are “*those adopted when children and adolescents are temporarily or permanently deprived of their family environment or when their best interests demand that they be removed from that environment*”. In accordance with the Act, these measures are taken by the administrative body possessing such authority, which is required within 24 hours, duly citing the legal grounds, to notify the judicial authority, which must in turn determine their legality within a maximum period of 72 hours.

406. As stipulated by the Act, measures of this kind are permissible only where measures aimed at the comprehensive protection of rights have already been implemented.

407. In accordance with article 41 of the Act, exceptional measures must be implemented on the basis of the following criteria:

(a) Temporary placement in family environments deemed to be alternative. The measures involve the tracing and identification of persons with whom they have a blood relationship or a relationship by marriage, or of other members of the extended

family or the community, in accordance with local custom, taking into account the views of the children and adolescents in all cases;

(b) Recourse may be had to cohabitation in an environment other than that of the family group only in exceptional and subsidiary circumstances and for the shortest possible period, and steps must be taken to ensure the rapid and speedy return of the children and adolescents to their family and community group or environment. In considering arrangements on behalf of children and adolescents, special attention must be given to their continuing education and to their ethnic, religious, cultural and linguistic origin. These measures must be monitored by the competent local administrative body and the judicial body exercising jurisdiction;

(c) The measures should not involve forms of intervention that supplant the original family group in order to ensure that the family identity of children and adolescents is preserved;

(d) Exceptional protective measures taken on behalf of a group of siblings should ensure that they continue to live together;

(e) The exceptional measures may not under any circumstances involve deprivation of liberty;

(f) The administrative body's lack of economic or material resources or of policies or programmes may not be invoked as a ground for application of an exceptional measure.

408. Decree No. 415/06, containing the regulations for implementation of Act No. 26.061, stipulated that an exceptional measure should not, under any circumstances, be imposed for more than 90 days and that the time period should be clearly stated on adoption of the measure. In cases where the grounds invoked for the measure persist so that it needs to be extended, a new time period must be laid down in a reasoned decision to be communicated to all the parties.

409. SENNAF and the Federal Council for Children, Adolescents and the Family have addressed the issue of "institutionalization" of children and adolescents and identified two courses of action: alternative care policies on behalf of children and adolescents who are deprived of or lack adequate parental care, and intervention policies to deal with adolescent criminal offenders or alleged offenders.

410. With regard to children who are deprived of or lack adequate parental care, on 10 August 2007, following an extensive discussion launched in November 2006 among technical teams, public officials and all the provinces, the most senior authorities responsible for children in all jurisdictions adopted the document entitled "National guidelines for action on behalf of children and adolescents who are deprived of parental care".

411. The document contains a strong commitment on the part of all jurisdictions to bring their regulations and practices into line with Act No. 26.061.

412. Action was to be guided by the following principles:

(a) Children and adolescents should be removed from their family environment only in extreme circumstances;

(b) In providing provisional alternative care in such circumstances, action to eliminate the grounds for removal should be given priority;

(c) Respect for the rights of children and adolescents should be guaranteed in alternative care arrangements, and foster care should be preferred to institutional care.

### **Commission for Oversight of the Institutional Treatment of Children and Adolescents**

413. With regard to the task of ensuring oversight of the general conditions of accommodation of children and adolescents in the country's institutions, mention may be made, in particular, of the establishment, by Resolution No. 841/2006 of 22 June 2006, of the Commission for Oversight of the Institutional Treatment of Children and Adolescents, which is attached to the Public Defence Service.

414. It was established in response to the need to ensure the healthy development and proper integration into society of institutionalized children and adolescents, bearing in mind that "... juveniles deprived of their liberty are highly vulnerable to abuse, victimization and the violation of their rights".<sup>14</sup>

415. Its principal goal is to ensure oversight of the treatment of children and adolescents in institutions, especially the general conditions of accommodation of children and adolescents in any kind of institutional care with a view to guaranteeing their full enjoyment of the guarantees and rights to which they are entitled under wide-ranging international and local legislation.

416. The scope of the Commission's mandate extends to all kinds of institutions (Community Concord and Integration Residences, hostels, juvenile residences, therapeutic communities, etc.), in which minors under 18 years of age are separated from their family environment, especially those in which children and adolescents are accommodated by order of the national and federal judicial system.

417. The members of the Commission undertake periodic visits to the institutions in order to assess the conditions. They inspect all the installations, take photographs and interview both the establishment's technical team and the young people in its care.

### **Strengthening of policies of deinstitutionalization of children without parental care**

418. At its inaugural meeting on 15 December 2006, the Federal Council for Children, Adolescents and the Family undertook, inter alia, to carry out the following activities: "To strengthen procedures for the review and modification of institutional practices pertaining to children and adolescents, aligning them with the model of comprehensive protection, avoiding overlap of efforts, duplication of structures and contingent target-

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<sup>14</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty, resolution 45/113 adopted by the General Assembly on 2 April 1991.

setting, so that administrative resources and channels are combined, coordinated and optimized; to develop minimum quality standards of assistance, records of action taken and general record systems for activities involving children, with special emphasis on matters pertaining to children and adolescents who are deprived of parental care.”

419. This institutional undertaking meant that, in practice, SENNAF and the Federal Council for Children, Adolescents and the Family will provide financial support only for measures that are in conformity with the Convention and Act No. 26.061.

420. As stated in the subsection entitled “Resources for children” of section IV.A, during the 2007 financial year SENNAF guaranteed a federal fund for distribution to all jurisdictions. One of the main policy actions financed was the strengthening of policies of deinstitutionalization of children without parental care.

421. The activities implemented included the following:

422. **Buenos Aires Province:** Action focused on restoring the family bonds of children or adolescents (in institutional care), removing the obstacles that led to that situation. In other cases action is taken to avoid institutionalization, with financial resources being allocated specifically for activities aimed at strengthening the role of the family. Young people are also offered appropriate assistance in acquiring autonomy of a kind that facilitates the full exercise of their rights. Other forms of action under the project are: decentralization of agencies involved in implementing specific policies and programmes on behalf of children; joint administration of government agencies at different levels; and promotion of local intersectoral networks.

423. **Córdoba Province:** Collaboration in the process of deinstitutionalization of children and adolescents residing in institutes run by the Under-Secretariat for Comprehensive Protection and in jointly run hostels through the strengthening of existing networks. Economic assistance is provided in the form of study grants, construction, furniture and medical treatment where required. Revamping of various Under-Secretariat activities and programmes, and promotion of procedures for the review and modification of institutional practices.

424. **Formosa Province:** Strengthening of the Supportive Families Programme as an alternative to institutional care and an option that guarantees child development while action is being taken to overcome difficulties in children’s own families with a view to their return. The supportive families are offered material assistance as well as professional assistance and oversight, but the services they provide are voluntary and they receive no remuneration. They are rigorously selected, assessed and prepared for the reception of the children so that the latter’s comprehensive welfare is assured.

425. **Jujuy Province:** Support for the oversight programme on behalf of (substitute) extended families and (Ayllu) supportive families, whose goal is to offer an appropriate family environment conducive to children’s comprehensive development as an alternative to institutionalization.

426. **Salta Province:** Review of the situation of children or adolescents who are institutionalized or placed in alternative care systems with a view to restoring their right to live in their own family environment or with alternative families. Undertaking of a

critical analysis of each child's circumstances in order to identify the most appropriate action. Analyses are undertaken on behalf of (non-governmental) residential hostels housing children and adolescents with a view to providing them with technical assistance.

427. **San Luis Province:** In 2003 the Province adopted Act No. 5.400 establishing a Supportive Families Register as a measure designed to enable children and adolescents to continue living with their family group. The goal pursued by this project is the provision of direct support in the form of material resources to families requiring such assistance.

428. **Santiago del Estero Province:** Its prime objective is to deinstitutionalize children who have been interned in macro-institutes and to return them to their community and family environment. Where children cannot be reintegrated into their nuclear or extended family, they will be transferred to new placement systems, where they will receive more personal care.

429. **Tucumán Province:** Action to deinstitutionalize children and adolescents exposed to violence or in situations of abandonment or neglect who have been interned or are subject to an internment request, by strengthening the Child-minding Families Programme so that they are offered a caring family environment.

430. In addition to these federally funded initiatives, rights protection bodies in the different provinces usually run their own family support programmes, projects and activities.

431. These measures are designed to restore and strengthen links with the family of origin. When children and/or adolescents must, owing to various circumstances, be separated temporarily from their family environment until such time as they may be reintegrated into their kinship group, almost all the provinces have developed arrangements such as supportive families to offer a family environment that provides care and appropriate support.

432. It should be noted that SENNAF has developed relevant training and technical assistance in virtually all of the country's provinces with a view to supporting the processes of deinstitutionalization of children and adolescents that are under way in each area.

#### **Data concerning children and adolescents without parental care**

433. As reported in the subsection entitled "Data collection" of section IV.A, the Argentine State, acting through the Human Rights Secretariat and in cooperation with UNICEF, produced a preliminary study in 2005 which sought to provide an overview of the circumstances of children and adolescents placed in institutions without parental care.

434. In an attempt to surmount the serious methodological and operational difficulties encountered during this first endeavour, the Federal Council for Children, Adolescents and the Family reached agreement with the National Secretariat for Children, Adolescents and the Family on a survey matrix to be applied to children and adolescents covered by alternative care measures and/or programmes of all kinds, be they family-based or institutional, and run by governmental or non-governmental bodies.

435. At the November 2007 session of the Federal Council for Children, Adolescents and the Family, various provinces presented additional information. The data are currently being processed and analysed and will then be validated with each jurisdiction.

#### **Direct care under the authority of SENNAF**

436. Acting in pursuance of article 70 of Act No. 26.061, the Ministry of Social Development and the Government of the Autonomous City of Buenos Aires signed an agreement defining a framework for transfers of direct national assistance services to the City.

437. An arrangement agreed between the two parties was launched on that occasion, pursuant to which any new request for measures to restore rights to children and adolescents received by the Federal Council for Children, Adolescents and the Family would be redirected with a view to ensuring that the measure (arts. 33 and ff. and arts, 39 and ff. of Act No. 26.061) was implemented by the local administrative authority. As soon as the relevant circuit was defined, all judges belonging to the judiciary and the Public Defence Service were formally notified of the fact that all applications were to be addressed to the Autonomous City of Buenos Aires. The new circuit operated successfully. Absolutely all applications for new measures were redirected to the Autonomous City of Buenos Aires and work on the cases proceeded with the City authorities.

438. With regard to children and adolescents deprived of a family environment and placed in various forms of alternative (institutional or family) care under the authority of SENNAF, the application of the provisions of the new Act, the agency's internal rules and the various staff training activities have had a discernible impact, reducing the number of children and adolescents in such care.

439. Special mention should be made of the following:

(a) With regard to institutional care, four individual projects (Shelters I and II, Nuestra Señora del Valle Institute, Carlos de Arenaza Institute) and agreements with more than 55 non-governmental organizations were transferred to the Government of the Autonomous City of Buenos Aires in 2007. From the date of adoption of Act No. 26.061 until mid-2007, the total number of "institutionalized" children and adolescents under the authority of SENNAF declined by between 35 and 40 per cent;

(b) A similar decline was recorded over the same period in the number of children registered in provisional family placement programmes for early and middle childhood.

440. The average number of children placed in host families was 850 in 2005, 727 in 2006 and 585 in 2007.

441. The number of children placed in residential care (hostels and residences, therapeutic communities, disability and mental health establishments), which stood at 1,121 in early 2006, dropped to 835 in early 2007.



442. It should further be mentioned that the Argentine State is actively involved in the drafting of the “United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children”, which is currently under discussion.

## **2. Abuse and neglect**

**Paragraph 45. In light of article 19 of the Convention, the Committee recommends that the State party:**

- (a) Undertake studies on domestic violence, violence against children, ill-treatment and abuse, including sexual abuse, and expand the system of data collection for the whole country so as to keep a record of incidents of physical and mental violence and neglect against children, in order to assess the extent, scope and nature of these practices;**
- (b) Adopt and implement effectively adequate measures and policies, including public campaigns, on alternative forms of discipline, that contribute to changing attitudes;**
- (c) Investigate effectively cases of domestic violence and ill-treatment and abuse of children, including sexual abuse within the family, within a child-sensitive inquiry and judicial procedure, in order to ensure better protection of child victims, including the protection of their right to privacy;**
- (d) Increase measures to provide support services to children in legal proceedings and for the physical and psychological recovery and social reintegration of victims of rape, abuse, neglect, ill-treatment and violence, in accordance with article 39 of the Convention;**
- (e) Take into account the Committee’s recommendations adopted at its days of general discussion on violence against children within the family and in schools (see CRC/C/111) and on “State violence against children (see CRC/C/100).**

### **Adoption and application of measures and policies**

443. In 2006 the Ministry of Internal Affairs launched the “Victims against Violence” Programme, the aim of which is to provide care for victims of abuse and ill-treatment caused by the exercise of any kind of violence.

444. As a means of ensuring support, promoting safety and guaranteeing rights in this regard, a Mobile Brigade in Support of Victims of Domestic Violence was created in October 2006 to respond to crisis situations involving domestic violence 24 hours a day, 365 days a year, at the actual scene of the emergency.

445. The Mobile Brigade is composed of 70 professionals (psychologists and social workers) and three lawyers, who offer advice both to victims and to team members. The

team is divided in turn into three groups: a telephone response group, a domestic intervention group, and a case monitoring and follow-up group.

446. With regard to the telephone response service, calls are received by the jurisdictional police station, the radio squad (911) or on the Brigade's direct line, which is 137. When a call is received through any of these channels, steps are taken to dispatch a police vehicle serving the jurisdiction in which the incident is occurring as well as an unmarked police vehicle carrying the Mobile Brigade team.

447. The presence of two Federal Police officers as back-up for the Mobile Brigade team is intended to facilitate any communication that is deemed to be necessary, both with a superior officer and with the responsible prosecutors' offices or courts, and to provide the professionals with support and security.

448. Once an emergency has occurred, the case is referred to the case monitoring and follow-up group, which embarks on the second stage of the team's work.

449. The Ministry of Education is responsible for the National Programme for the Rights of Children and Adolescents, the objectives of which include "Supporting and providing technical assistance to jurisdictions in developing strategies for the protection of the rights of children and adolescents."

450. The Programme has organized, jointly with SENNAF and UNICEF, the "First National Days for the Rights of Children and Adolescents in Education: Comprehensive Protection of Rights", a strategic activity designed to promote coordination between provincial education systems and local bodies involved in the protection of rights.

451. With the same end in view, a one-day training session was organized in the Nuevo Cuyo region in November 2008 on mechanisms for the detection and protection of child and adolescent victims of ill-treatment and domestic violence, and on corresponding mechanisms for referral to the educational authorities.

452. The Ministry of Education is also taking the following specific action to address various types of physical and symbolic violence and to promote the peaceful settlement of disputes that arise in schools:

(a) The National Programme for Peer Mediation at School: this Programme seeks to improve relations in the school environment, focusing on the problem of violence in educational establishments, on the assumption that progress on both fronts will enhance the quality of teaching and learning;

(b) The Programme provides for the development and implementation of peer mediation projects in the school environment, with pupils as the ultimate beneficiaries. Its principal aim is to assist pupils in learning and developing so-called life skills (World Health Organization/Pan American Health Organization) in addressing inter-personal conflicts that arise in their daily lives. It forms part of education for democratic coexistence, peace and human rights and seeks to provide tools in support of critical and responsible citizenship;

(c) The National Programme for Harmonious Relations at School seeks to improve the institutional atmosphere in schools through cooperation with jurisdictions in

developing programmes conducive to communication and the conclusion of effective educational agreements between the school and families;

(d) The aim of this project is to offer advice on the development of programmes that encourage the regeneration and adaptation of the prevailing institutional culture in schools, building democratic values and revitalizing the content, procedures and application of the rules governing harmonious relations at school. School supervisors and managers at the initial, primary, secondary and adult levels are offered training with a view to developing and strengthening their skills as consultants on problems that arise in social relations at school;

(e) The Argentine Observatory on School Violence is a joint initiative of the Ministry of Education, General San Martín National University (UNSAM) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) office in Brazil. The idea is to join forces in studying the subject of school violence and to assist in consolidating democratic practices in the school environment and in building citizenship skills;

(f) The Observatory is conducting a two-stage project aimed at measuring the scale of the phenomenon of school violence and identifying its causes;

(g) The first stage, undertaken jointly with the Ministry of Education's National Directorate for Information on and Assessment of the Quality of Education, is quantitative. The objective of this stage of the project is to measure the level and prevalence of school violence by means of a survey conducted among 60,000 general basic education 3 and "polymodal" students, taking into account social and regional factors;

(h) The second stage of the research will involve a number of national universities, constituting a network whose nucleus will be the Observatory headquarters based at General San Martín National University (UNSAM). The aim of this stage will be to carry out case studies in schools that have been particularly badly affected by the phenomenon of violence and also in schools that have effectively managed to avoid the problem;

(i) It will be conducted by UNSAM and UNESCO professionals and will involve, inter alia, research on victimization, the general atmosphere and the sense of insecurity at Argentine schools; the establishment of a specialized documentation centre to assess and develop preventive programmes and public policies; and the production of informational material on preventive action;

(j) The initiative carries forward and intensifies the activities initiated by the Ministry of Education through the Juvenile Activities Centres and the School Mediation programmes with the aim of promoting better social relations between young people, citizenship training and the peaceful settlement of school disputes;

(k) With regard to the creation of secure, confidential and accessible mechanisms enabling children, adolescents and adults to report situations of violence against children, telephone hotlines have been operating for a number of years in the Autonomous City of Buenos Aires and other provinces;

(l) There are specific procedures under provincial legislation as well as victim assistance services which offer guidance and advice to victims. The helpline LINEA 102, which operates in the provinces of Buenos Aires, Catamarca, Chaco, Córdoba, Corrientes, Entre Ríos, Formosa, Jujuy, La Rioja, Mendoza, Misiones, Neuquén, Salta, Santa Fe, San Juan, Tucumán and the Autonomous City of Buenos Aires, responds to reports of domestic violence with a view to offering guidance on the matter to consultants;

(m) It should be noted that the provincial administrations have their own arrangements for addressing the problem, for instance the Entre Ríos Province initiative.

453. The Domestic Violence Programme, established under Provincial Act No. 9.198, has been run by the Provincial Council on Minors (CPM) since December 2003.

454. The targets set by the Programme include reducing intra- and extra-family violence; promoting activities aimed at developing wholesome and appropriate patterns of family and community relations; adopting an interdisciplinary approach to the matter; ensuring that the municipalities assume complementary responsibility under the Programme for the provision of assistance and the prevention of situations involving domestic violence; requiring all social actors that hear about and/or address situations of domestic violence to take coordinated and complementary action; avoiding recourse to legal proceedings by implementing rapid and effective intervention strategies; and preventing situations of domestic violence by means of community strategies.

455. The Programme also runs the “Casa de la Mujer” (Women’s Refuge), which accommodates and protects women – and their children – who are victims of domestic violence and have nowhere to stay, until circumstances allow them to return to their homes.

(a) SENNAF has mounted a rights awareness campaign, designing and distributing graphic materials (posters, leaflets, etc.) to generate awareness of the problem;

(b) SENNAF also implements the Training and Action Programme on Domestic Violence, Ill-treatment of Children and Sexual Abuse, which organizes specialized training courses on the subject for professionals in all the country’s jurisdictions, presenting a model approach and course of action to be adopted in situations of violence. Support, oversight and assistance is provided in this context for the formation of such teams in all provinces of the Argentine Republic.

### **Study on domestic violence**

456. This is currently one of the most difficult recommendations to act upon since the statistical data system is widely dispersed in our country’s many provinces.

457. However, as mentioned in the subsection entitled “Data collection” of section A, SENNAF will include in its structure, pursuant to Decree 28/07, the National Directorate for Institutional Management and Development, which will be responsible, inter alia, for running research programmes to promote knowledge building on the subject of children, adolescents, older persons and their families. It will then seek to address the institutional

challenge of eliminating the above-mentioned obstacles and undertaking a national analysis of the problem.

458. Notwithstanding the foregoing, the SENNAF Training and Action Programme on Domestic Violence, Ill-treatment of Children and Sexual Abuse is engaged in research on the beneficiary population in various cases. In the case of children, for instance, it is investigating the circumstances in which ill-treatment has occurred with a view to changing them and guaranteeing the children's well-being.

459. The following studies have also been carried out:

(a) A study of young males involved in sexual offences, including a methodical survey of their characteristics and how they respond to treatment;

(b) A study of the characteristics of mothers of children or adolescents who have been subjected to any form of ill-treatment.

**F. Basic health and welfare (arts. 6, 18, para. 3;  
arts. 23, 24, 26 and 27, paras. 1 to 3, of the Convention)**

**1. Health and health services**

**Paragraph. 47. The Committee recommends that the State party:**

- (a) Allocate appropriate resources and develop comprehensive policies and programmes to improve the health situation of all children without discrimination, in particular by focusing more on health promotion and prevention;**
- (b) In order to further decrease child mortality and morbidity and maternal mortality rates, take measures to implement the Reproductive Health and Responsible Parenthood Act of July 2000;**
- (c) Provide adequate antenatal and post-natal health-care services and develop campaigns to inform parents about basic child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation, family planning and reproductive health, especially in the provinces.**

**Maternal and child health policies**

**Federal Health Plan**

460. In accordance with the Committee's recommendations, the Argentine State has implemented, through the Federal Health Plan, a comprehensive health policy which gives priority to primary care as a general strategy, developing instruments that ensure more equitable access to and funding of health care.

461. It should be noted that the Argentine Republic has faced enormous challenges in the area of health care in recent years, some requiring immediate action and others longer-term measures. In 2002 the country was faced with a health emergency, during

which its main objective was to guarantee access by the maternal and child population to adequate care. Once the crisis had passed, the Ministry of Health proposed a proactive policy aimed at reducing child mortality, as a result of which the rate declined by 23.2 per cent in four years, dropping from 16.8 per thousand in 2002 to 12.9 per thousand in 2006.

462. The long-term goal, however, will continue to be not only the lowering of maternal and child morbidity and mortality rates but also the reduction of discrepancies in the quality of care, including access to high-quality diagnosis and appropriate and timely treatment.

463. It may be affirmed in this context that the Argentine State looks set to achieve many of the goals of the Federal Health Plan (2007) and also, based on current projections, many of the Millennium Development Goals (2015).

464. However, improvements are still necessary in many areas of maternal and child health in Argentina. Hence the need to focus on the implementation of a model based on promotional and preventive health-care strategies that gives priority to measures aimed at improving the quality of antenatal, childbirth and postnatal care by ensuring appropriate and timely check-ups as well as vaccination coverage and appropriate treatment of prevalent illnesses affecting children and women of childbearing age.

465. The National Directorate for Maternal and Child Health is the body that formulates and implements maternal and child health-care policies under the Federal Health Plan. Its core aims are:

(a) To plan, harmonize and oversee comprehensive national health-care policies on behalf of women of childbearing age, children in the 0 to 6 age group and adolescents;

(b) To coordinate the implementation of its priority programmes in the 24 provinces: perinatal health, nutrition, comprehensive child and adolescent health; and to implement Plan Nacer (Childbirth Plan) throughout the country;

(c) To provide technical assistance to the health sector in the provinces in order to improve the coverage and quality of health services at all levels, thereby lowering maternal and child morbidity and mortality rates;

(d) To facilitate access by the target population to the country's social health network, enhancing its response capacity by providing essential inputs for maternal and child preventive and promotional health care.

466. Some of its main activities and achievements are described below.

### **Comprehensive child health**

467. During the period under review, winter campaign material has been delivered and publicity material has been disseminated, both at the primary health-care level and through maternal and child programmes in the 24 jurisdictions. This strategy has led over the past three years to a 50 per cent decline in the number of infant deaths due to respiratory infections and in the hospitalization of seriously ill children.

468. Regional training courses in acute respiratory illness (ARI) treatment have also been organized in the provinces of the north-eastern and north-western regions (NEA and NOA).

469. Publicity material concerning sudden infant death syndrome (SIDS) has been distributed both at the primary health-care level and through maternal and child programmes in the 24 jurisdictions (5,500 posters and 5,500 leaflets).

470. Three national surveys were conducted (2004, 2005 and 2007) and a change for the better was recorded in mothers' acquired and recommended habits with respect to their infants' sleeping position. When the survey and campaign were first launched, the side position was that most frequently observed. In 2005 a change towards the supine position was already discernible. This position is recommended together with other measures for the prevention of sudden infant death syndrome.

### **Perinatology**

471. Post-abortion workshops have been organized in all the country's jurisdictions and 300 health professionals have been trained. Twelve thousand four hundred cannulas for manual endo-uterine aspiration have been bought and are being distributed.

472. The programme of action to prevent retinopathy of prematurity (ROP) has been launched in 30 health services serving 20 of the country's jurisdictions (113,000 births). Reference nurses in 14 of the country's jurisdictions (70,000 births annually) have received training in infection control.

473. Committees for the analysis of maternal and child mortality rates have been set up in the 24 jurisdictions.

474. The first Yearbook on the Perinatal Information System for 2005 has been published and includes 118,417 clinical histories covering 24 provinces. The 2006 Yearbook is about to be published.

### **Nutrition**

475. The following educational material has been produced, printed and distributed (with UNICEF assistance): 10,000 posters and 600,000 leaflets concerning World Breastfeeding Week; 10,000 small posters on the 10 steps of the Mother and Child-friendly Hospital Initiative; 200 publications providing scientific proof in support of the 10 steps; 100 advisory handbooks for trainers; 1,500 handbooks on the World Health Organization (WHO)/UNICEF 18-hour course on breastfeeding; 10,000 posters showing the Healthy Food Chart. Ten thousand copies of the "Trainers' Handbook on Food Guidelines for the Argentine Population" were reprinted.

476. During the period 2003-2007 (first half), 40,208,093 kilograms of milk were distributed to the jurisdictions in accordance with the Federal Health Council (COFESA) index (powdered full milk fortified with iron, zinc and vitamin C).

477. The National Commission on Health Research Programmes (CONAPRIS) undertook a multi-centre collaborative study on weight gain and guidelines for food selection during pregnancy and their impact on newborn babies. Eight grant-holders

participated in the second stage from April 2006 to April 2007 in various jurisdictions of the country.

### **Neonatal research**

478. All provinces were successfully involved in implementing the law on neonatal research.

479. Thirteen new sets of full reactive equipment were distributed, with cards, envelopes and instructions for training of the health team in 18 provinces.

480. The network was successfully established in the provinces of the north-western and north-eastern regions of Argentina.

481. Training courses and awareness-raising campaigns were organized and action to implement the Neonatal Research Programme was undertaken in 17 provinces.

482. Special kinds of food have been acquired for patients suffering from phenylketonuria, galactosemia and biotinidase deficiency.

483. It should further be noted that, following the 2001 crisis, other programmes were launched which, in the context of Ministry of Health activities, support, strengthen and expand previous action on behalf of mothers and children. The most important of these activities are:

### **Plan Nacer (Childbirth Plan)**

484. The Ministry of Health created “Plan Nacer” under the Federal Health Plan with a view to offering more and better health-care facilities to pregnant women and children under 6 years of age without access to social welfare or prepaid medical care.

485. The Plan was conceived as a strategic tool aimed at diminishing the health-care-related component of maternal and child mortality rates in Argentina, thereby reducing the number of avoidable deaths, enhancing social inclusion and improving the quality of care offered to the population.

486. The following health-care targets under the Plan are discussed, measured and evaluated every three months on the basis of clinical records:

- (a) Timely care for pregnant women (before the twentieth week of gestation);
- (b) Effective childbirth and neonatal care;
- (c) Effective antenatal care and prevention of premature births;
- (d) Effective antenatal and childbirth assistance;
- (e) Analytical audit of child and maternal deaths;
- (f) Immunization coverage;
- (g) Sexual and reproductive care;
- (h) Healthy child monitoring (infants under 1 year);
- (i) Healthy child monitoring (1 to 6 age group);



- (j) Coverage of indigenous communities;
- (k) The programme has more than 400,000 direct beneficiaries and is implemented in jurisdictions experiencing the greatest difficulties:

Province	Women	Children	Total
Catamarca	811	11,365	12,176
Corrientes	5305	50,387	55,692
Jujuy	2,138	27,328	29,466
Salta	3,129	38,012	41,141
Santiago del Estero	4,748	54,666	59,414
Tucumán	6,680	58,932	65,612
Chaco	3,404	30,385	33,789
Formosa	5,066	46,203	51,269
Misiones	5,803	76,051	81,854
<b>Total</b>	<b>37.084</b>	<b>393.329</b>	<b>430.413</b>

### Community Doctors Programme

487. The object of the Community Doctors Programme is to support the primary health-care strategy as a State policy under the Federal Health Plan, seeking to improve the quality of life of the population by means of greater community participation and dedicated action by health teams, working in conjunction with the universities who train health professionals and the provincial and national ministries who use these human resources and implement health-care policies.

488. The aims of the Programme are:

- (a) To upgrade the training of teams providing primary health care;
- (b) To improve the accessibility and quality of care provided in health centres;
- (c) To expand the coverage and monitoring of vulnerable families;
- (d) To support preventive and promotional activities with community involvement;
- (e) To stimulate and promote initial and continuing training in social and community health care.

489. The country's 24 jurisdictions and 17 universities are involved. A total of 2,100 health centres, 455 municipalities and 226 departments participate in the Programme.

490. The following are some of the results that have been achieved during the three-year period of implementation of the Programme:

(a) An increase in the supply of human resources for primary health care through the following measures:

- (i) Incorporation of 3,075 professionals, freshly trained under the Community Doctors Programme, in primary health care to provide assistance and engage in promotional activities;
- (ii) Training of 7,654 community professionals in social and community health (four cohorts) and research methodology for social and community health (one cohort); the first cohort completed the postgraduate course in social and community health run in the 17 universities participating in the Programme throughout the country;
- (iii) Broadening of the coverage of services provided in the health centres involved in the Programme; the following increases were recorded during the period 2005-2007:
  - 30 per cent in the total number of consultations;
  - 47 per cent in the total number of consultations involving infants under 1 year of age;
  - 25 per cent in the total number of consultations by pregnant women under observation (with an increase of 38.4 per cent in the total number of pregnant women under observation monitored during the first three months);

(b) An improvement in the quality of the services provided by the health-care centres involved in the Programme; the following increases were recorded during the period 2005-2007:

- (i) 38.8 per cent in the number of infants under 1 year of age who were under observation and fully vaccinated, according to the medical records;
- (ii) 36.7 per cent in the number of breastfed infants under 1 year of age, according to the medical records;
- (iii) 15.9 per cent in the number of pregnant women who underwent venereal disease research laboratory (VDRL) and TA tests, according to the medical records;
- (iv) Strengthening of teamwork and the adoption of an interdisciplinary approach to community health problems; the following increases were recorded during the period 2005-2007:
  - a. 100 per cent in the number of activities undertaken with the community;
  - b. 170 per cent in the number of home visits;

(c) Convening of the First National Congress on Social and Community Health (Buenos Aires, 2006), at which 596 health centre initiatives were presented involving intramural and extramural innovative practices relating to the following subjects: community participation; promotional and preventive activities; teamwork; health and environment; networks and intersectoral action; comprehensive treatment of health problems;

(d) Development and distribution of self-learning modules based on the curricula of the postgraduate courses in social and community health and research methodology for social and community health;

(e) Action by interdisciplinary teams of professionals on behalf of 16 communities of indigenous peoples.

### **Remediar Programme**

491. The goal of the “Remediar” Programme is to provide essential drugs for outpatient use free of charge in the context of primary health care. It was launched in 2002 in response to the health emergency with the aim of guaranteeing access by socially and economically vulnerable population groups to appropriate drugs for the treatment of most complaints.

492. The objectives of the Programme are:

- (a) To expand drug coverage on behalf of the population;
- (b) To improve access to health services;
- (c) To reduce inequality in health care by means of its redistributive impact;
- (d) To bring about desired changes in demand on the health system;
- (e) To achieve adequate levels of focal response;
- (f) To ensure optimum use of fiscal resources;
- (g) To record high levels of satisfaction among users of the network.

493. Essential drug coverage under the Remediar Programme benefits some 15 million persons, which represents just over 41 per cent of the Argentine population.

494. More than 720,000 kits containing about 167 million essential drug treatments (a monthly average of 3.6 million full treatments) have been distributed.

495. In 2006 the Programme’s 6,262 health-care providers handled consultations for 59.2 million people (5 million consultations per month), an increase of 51 per cent compared with the first year of operation of the Programme (2003).

496. The overall coverage of the system was expanded and consultations were redistributed from the public sector to the primary health care sector. In 2001 only one in every three consultations took place in health units or primary health care centres (PHCCs), while in 2006 it is estimated that the proportion of consultations handled by the Remediar health-care providers was as high as 54 per cent.

497. The use of PHCCs as centres for the drug distribution strategy is conducive to a highly focused response. Most of both the target Programme population (persons consulting PHCCs) and the direct beneficiaries live beneath the poverty line or even beneath the indigence threshold. In addition, the vast majority have no social or private health insurance and are entirely dependant on the public sector for access to health-care goods and services.

498. The Programme has had a significant impact not only in broadening the coverage of health care but also in reducing inequality. The Remediar Programme has greatly improved the distribution of expenditure on drugs, lowering the Gini index from 0.16 to 0.10, which is equivalent to a 38 per cent reduction in inequality in terms of expenditure on drugs.

499. In 2007 the Programme convened the Second National Assembly of Participatory Local Projects, at which 600 teams from primary health-care centres in the 24 jurisdictions met with their communities to draw up health-care projects based on local planning. Among these, 200 “expanded PHCCs” received funding and training to carry out their project. Moreover, the National Mass Parasite Elimination Programme, which forms part of Remediar, mobilized more than 15,000 health-care providers to travel around areas of high social vulnerability and detect children at risk of contracting intestinal parasitosis.

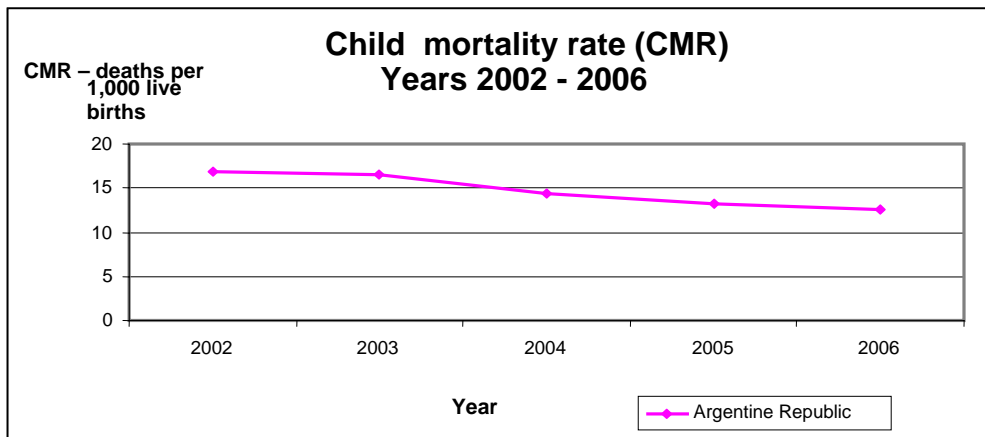
#### **Training in children’s rights for child health teams**

500. With a view to developing active policies aimed at promoting and defending the rights of children and adolescents in the area of health, SENNAF and the Secretariat for Promotion and Health-care Programmes at the Ministry of Health signed an agreement to cooperate in carrying out training activities in 2008 and 2009 on the rights of children and adolescents for health professionals and care providers throughout the country who work with children and adolescents.

#### **Child mortality**

501. As noted in other sections, a key development during the period under review was the systematic decline in the child mortality rate throughout the country. The child mortality rate was 16.8 per thousand in 2002 and 12.9 per thousand in 2006, which represents a decline of 23.2 per cent.

502. A review of the period since 1990 indicates that a decline of 49.6 per cent has been recorded in recent years. In terms of absolute figures, the number of child deaths declined by 8,359 over the period 1990-2006 and the number deaths of infants under the age of 1 year declined by 2,717 over the period 2002-2006.



503. The scale of the decline differs from one jurisdiction to another. The disparity within the country is reflected in the fact that in 2006 the child mortality rate in the jurisdiction recording the highest figure – Formosa (24.2) – was 2.9 times higher than that in the jurisdiction recording the lowest figure – the Autonomous City of Buenos Aires (8.3).

504. The Argentine State concurs with the Committee's concern in this regard and undertakes to continue developing a comprehensive health-care policy aimed at achieving a further decline in the indicators and reducing regional asymmetries.

505. The following table shows the trends recorded in the child mortality rate by jurisdiction and for the country as a whole. Marked improvements are discernible in many provinces where conditions had previously been far worse.

**Child mortality rates by jurisdiction, 2002 – 2006**

<b>Child mortality rate by jurisdiction</b>	<b>2002</b>	<b>2006</b>	<b>Percentage change</b>
<b>Argentine Republic</b>	<b>16.8</b>	<b>12.9</b>	<b>-23.2</b>
Autonomous City of Buenos Aires	10	8.3	-17.0
Buenos Aires	15.8	12.5	-20.9
Catamarca	20.6	15.4	-25.2
Córdoba	14.8	11.6	-21.6
Corrientes	23.8	17.5	-26.5
Chaco	26.7	18.9	-29.2
Chubut	17.8	11.5	-35.4
Entre Ríos	16.5	12.6	-23.6
Formosa	25.5	24.2	-5.1
Jujuy	20.6	17	-17.5
La Pampa	13.1	10	-23.7
La Rioja	20.8	14.1	-32.2
Mendoza	12.3	11.9	-3.3
Misiones	22.3	17.1	-23.3
Neuquén	11.7	9.8	-16.2
Río Negro	14.8	9.3	-37.2
Salta	18.9	14.9	-21.2
San Juan	20.2	14	-30.7
San Luis	16.5	12.8	-22.4
Santa Cruz	17.2	15.4	-10.5
Santa Fe	14	11	-21.4
Santiago del Estero	12.4	12.1	-2.4
Tucumán	24.3	13.5	-44.4
Tierra del Fuego	9.1	10.9	19.8

506. In line with this trend, the neonatal mortality rate declined between 2002 and 2005 by 21.24 per cent, dropping from 11.3 to 8.9 per thousand. Similarly, the post-neonatal mortality rate declined from 5.6 per thousand in 2002 to 4.5 per thousand in 2005, a drop of 19.64 per cent.

507. During 2005 a total of 1,788 deaths due to reducible causes were recorded during the post-neonatal period. This represents a decline of 21.78 per cent compared with the number of deaths due to reducible causes in 2002.

**Indicators of the impact of maternal and child health care, 2003-2005**

508. As a result of the policies implemented, the Argentine Republic has achieved a significant improvement in the main indicators of maternal and child health, expressed in

terms of national averages. The following table provides an overview of some of the most important indicators, showing the relative improvement in each rate.

<b>Impact indicators</b>	<b>2003</b>	<b>2005</b>	<b>Percentage change</b>
Child mortality rate (per 1,000 live births)	16.4	12.9*	-21.39%
Neonatal mortality rate (per 1,000 live births)	10.5	8.9	-15.2%
Post-neonatal mortality rate (per 1,000 live births)	5.9	4.5	-23.7%
Child mortality rate due to respiratory causes (per 10,000 live births)	9.43	4.09	-57%
Mortality rate of minors under 5 years of age due to respiratory causes (per 100,000 minors)	4.93	2.91	-41%
Mortality rate of minors under 5 years of age due to nutritional deficiencies or nutritional anaemia**	3.68	2.52	-32%
Mortality rate of minors under 5 years of age due to infectious causes**	15.4	9.9	-36%
Mortality rate of minors under 5 years of age due to congenital malformations, deformities or chromosomal anomalies**	72	66.2	-8%

\* *Preliminary data for 2006. Source: Health Statistics and Information Directorate (DEIS), August 2007, Ministry of Health*

\*\* *Rates per 100,000 minors under 5 years of age*

509. Children under 1 year of age are fully vaccinated against tuberculosis, diphtheria, whooping cough, tetanus, poliomyelitis and measles.

510. Another important point to mention is the access of children to vaccines. The following table shows coverage by region and age group.

511. It should be noted that the vaccination rates in the case of BCG are close to 100 per cent. The rates for the other biological vaccines are close to or over 80 per cent.

512. The rates for measles, especially in the case of children in the 2 to 5 age group, are close to or over 90 per cent, while the rates recorded for hepatitis B were the lowest and also the most variable in regional terms.

**Vaccination coverage (%) by region and by age group in terms of months, based on doses recorded in the vaccination booklet, 2005**

Region	Greater Buenos Aires		Cuyo		North-eastern Argentina		North-western Argentina		Pampeana		Patagonia		Country	
	6 to 23	24 to 72	6 to 23	24 to 72	6 to 23	24 to 72	6 to 23	24 to 72	6 to 23	24 to 72	6 to 23	24 to 72	6 to 23	24 to 72
BCG	99.7	100	100	99.8	99.6	99.4	97.5	96.9	99.1	99.4	98.5	99.1	99.2	99.3
DPT	79.2	87.3	83.2	87.9	68.2	80.9	79.7	84.5	85.2	86.4	81.9	81.2	81.2	85.6
Polio	78.3	87.7	68.5	83.4	72.4	80.3	80.5	84.0	86.0	85.8	85.1	85.5	80.2	85.4
Hib	74.6	77.4	63.5	79.5	69.5	66.5	72.4	79.0	68.9	67.1	80.5	67.9	71.5	72.8
Measles	80.8	94.9	79.6	95.1	74.8	92.0	79.5	94.3	84.1	95.0	84.8	95.1	81.6	94.6
Rubella	72.8	82.4	86.7	96.0	78.9	84.4	74.1	82.6	67.2	70.1	81.4	84.0	73.1	79.7
Mumps	72.8	82.4	86.7	96.0	78.9	84.4	74.1	82.6	67.2	70.1	81.4	84.0	73.1	79.7
Hepatitis B	79.2	76.7	75.7	62.0	73.7	57.5	78.4	55.4	89.2	65.3	80.6	51.4	81.7	65.8

*Source: National Nutrition and Health Survey (ENNyS), document showing results for 2007*

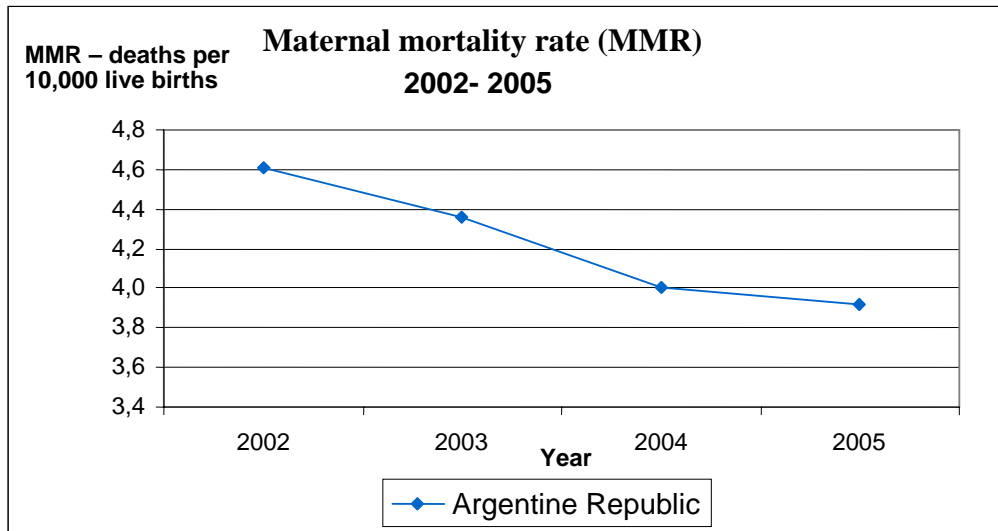
**Maternal mortality rate<sup>15</sup>**

513. The maternal mortality rate declined during the period under review in the country as a whole by 15.22 per cent, dropping from 4.6 per 10,000 in 2002 to 3.9 per 10,000 in 2005.

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<sup>15</sup> Includes only the main causes.





514. It should be noted that, in contrast to the child mortality rate, an increase in the maternal mortality rate was recorded in some jurisdictions notwithstanding the downward trend in the country as a whole.

515. The Argentine State is concerned about the current situation and undertakes to continue supporting and sustaining the worst affected jurisdictions in order to ensure that all indicators throughout the national territory continue to fall.

516. Of the total of 279 maternal deaths recorded in 2005, 28.31 per cent were due to abortion (79 deaths), 52.69 per cent were directly related to pregnancy (147 deaths) and 19 per cent were indirectly related to pregnancy (53 deaths). Sixteen late maternal deaths were recorded. In the light of the Committee's recommendations, the activities implemented under the National Sexual Health and Responsible Parenthood Programme will be reviewed in the subsection entitled "Adolescent health".

### **Exclusive breastfeeding**

517. The Argentine State and non-governmental organizations have conducted a number of campaigns to promote breastfeeding.

518. Mention should be made in this connection of the joint decision by the Secretariat for Health Policies, Regulation and Relations and the Secretariat for Agriculture, Livestock Farming, Fisheries and Food to amend the provisions of the Argentine Food Code concerning food for breastfeeding babies and infants.

519. The following points are made in the amended version:

"Any food intended exclusively for breastfeeding babies or infants shall state in the package leaflet 'Consult your physician' in enhanced and easily visible print (at least 2 mm high). The leaflet shall be designed to provide all essential information about the proper use of the product and shall not encourage renunciation of natural lactation. The manufacturers and distributors of products

to be fed to unweaned babies by means of feeding bottles shall ensure that the package leaflet contains a clear, visible and easily readable and understandable message meeting the following requirements: (a) the words ‘Important notice’ or its equivalent; (b) a statement regarding the superiority of breastfeeding; (c) an indication to the effect that the product should be used only if a health-care provider deems it necessary and subject to the latter’s advice regarding appropriate use; (d) instructions regarding appropriate methods of preparation and an indication of the possible health risks of inappropriate preparation. Neither the leaflet nor the label shall carry images of unweaned babies or other images or text that may idealize the use of products for breastfeeding babies.”

(...)

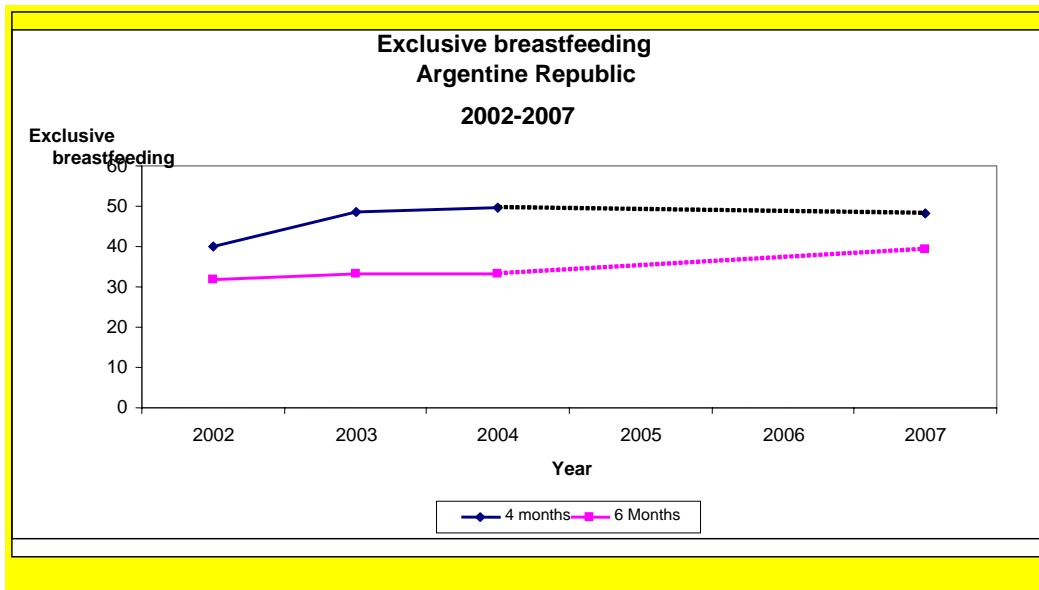
“Products to be fed to unweaned babies by means of feeding bottles, falling within the scope of this Code, shall not be the subject of publicity or any other promotional activity targeting the general public.

Manufacturers and distributors shall not provide pregnant women, mothers or members of their families with samples of products to be fed to unweaned babies by means of feeding bottles falling within the scope of this Code. Publicity in sales outlets, the distribution of samples or any other promotional initiatives such as special displays, discount coupons, bonuses, special sales, offers of publicity items, linked sales or other initiatives that may promote sales directly to consumers or to retail outlets of products to be fed to unweaned babies by means of feeding bottles, falling within the scope of this Code, shall be prohibited. Manufacturers and distributors shall not distribute to pregnant women or mothers of unweaned babies complimentary articles or utensils that may promote the use of substitutes for breast milk or bottle feeding.

Marketing personnel shall not seek direct or indirect contact, for professional purposes, with pregnant women or mothers of unweaned babies. Informational and educational material, in printed, audio or visual format, concerning the feeding of unweaned babies and targeting pregnant women and mothers of unweaned babies shall include clearly presented data on each and every one of the following points: (a) advantages and superiority of breastfeeding; (b) maternal nutrition, and preparation for and continuation of breastfeeding; (c) the negative impact on breastfeeding of the partial introduction of bottle feeding; (d) the difficulty of reversing a decision against breastfeeding; and (e) the correct use, where necessary, of industrially manufactured or homemade products for unweaned babies.”

520. This public-health policy initiative led to an increase in the indicator. The percentage of children who are exclusively breastfed up to the age of four months and sixth months has increased in recent years.

521. The percentage of children who are exclusively breastfed up to the age of fourth months increased from 40 per cent in 2002 to 48.1 per cent in 2007. Similar results were recorded for exclusive breastfeeding up to the age of six months, namely an increase from 31.8 per cent in 2002 to 39.4 per cent in 2007.



### Children born in hospitals

522. In 2005 a total of 712,220 children were born in the country, of whom 702,647, or 99 per cent, were born in health establishments: 448,982 (63 per cent) in public establishments and 253,665 (36 per cent) in private establishments.

## 2. Malnutrition

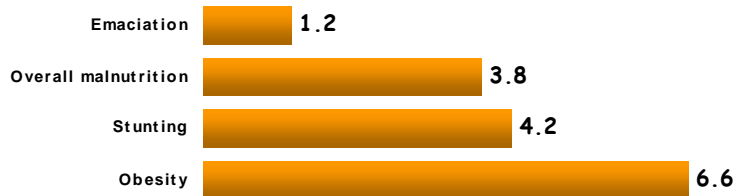
**Paragraph 49. The Committee recommends that the State party:**

- (a) **Undertake a study on child malnutrition and create a comprehensive system of statistics to keep a record of malnutrition cases in order to assess the extent, scope and nature of this phenomenon;**
- (b) **Develop a comprehensive nutritional programme in order to prevent and combat malnutrition;**
- (c) **Seek international cooperation from, among others, UNICEF and the World Health Organization (WHO).**

### Nutrition study

523. In accordance with the Committee's recommendation concerning this section, the Argentine State, acting through the Ministry of Health, undertook a major study in 2004 and 2005 in which it investigated the nutritional characteristics of the maternal and child population and associated problems.

524. The study was entitled the National Nutrition and Health Survey (ENNyS) and yielded, inter alia, the following results:

*Children aged 6 months to 5 years*

525. In addition, the study recorded subnormal weight for age among 2.3 per cent of children aged 6 to 60 months in the country as a whole and subnormal height for age among 8.2 per cent of children.

526. An analysis of the situation by jurisdiction indicated disparities, with the highest figures for subnormal weight for age being recorded in Misiones, where the rate for boys is 3.3 per cent and the rate for girls 4 per cent, and in Chubut, where the rate for girls is 6.1 per cent, and the lowest figures being recorded in Jujuy and La Pampa, where the rate for boys is 0.6 per cent, and in La Rioja and Río Negro, where the rate for girls is 0.8 per cent.

527. With regard to subnormal height for age, the highest figures were recorded in Misiones, where the rate is 11.8 per cent for boys, and in Jujuy, where the rate is 12.1 per cent for girls; the lowest figures were recorded in the Autonomous City of Buenos Aires, where the rate is 4.2 per cent for boys, and in Tierra del Fuego, where the rate is 4.6 per cent for girls.

528. The percentages recorded for emaciation (subnormal weight for under-average height for age) are highest in San Juan, with 2.6 per cent for boys, and in Entre Ríos, with 2.7 per cent for girls; the rates are lowest in Chaco, with 0.1 per cent for boys, and in Santa Cruz, with 0.2 per cent for girls.

529. Lastly, the highest rates in the analysis of obesity (above-normal weight) were recorded in Entre Ríos, with 13.9 per cent for boys, and in Santa Fe, with 12.8 per cent for girls. The lowest rates were recorded in Chubut, with 4.5 per cent for boys, and 4.9 per cent for girls.

**Distribution by jurisdiction of rates for children aged 6 to 60 months,  
by category of nutritional anthropometric analysis based on World Health  
Organization (WHO) curves**

Jurisdiction	Low weight		Stunting		Emaciation		Obesity	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Buenos Aires	2.6%	1.7%	8.5%	8.3%	0.9%	1.1%	11.5%	11.1%
Catamarca	1.2%	1.2%	4.9%	6.4%	1.5%	0.4%	10.6%	12.6%
Chaco	2%	3.1%	7.8%	7%	0.1%	1.2%	6.9%	8.5%
Chubut	2.7%	6.1%	9.8%	11.9%	1.4%	1.8%	4.5%	4.9%
Autonomous City of Buenos Aires	2%	2.9%	4.2%	8.3%	1.6%	1.5%	11.5%	7.6%
Córdoba	1.8%	2.1%	8%	7.3%	1.8%	0.8%	5%	5.3%
Corrientes	1.3%	2.1%	6.7%	8.2%	0.2%	0.8%	12.8%	11%
Entre Ríos	1.6%	3.4%	10.9%	10.5%	1.6%	2.7%	13.9%	10.6%
Formosa	2.6%	2.2%	11.2%	11.3%	0.7%	0.3%	8.4%	10%
Jujuy	0.6%	2.8%	6.6%	12.1%	0.9%	0.4%	5.8%	5.1%
La Pampa	0.6%	1.1%	4.8%	6.1%	0.4%	1%	9%	9.4%
La Rioja	1.7%	0.8%	8.6%	7.1%	1.7%	0.4%	10.6%	13.2%
Mendoza	1.7%	3%	5.1%	5.6%	1.5%	4%	8.7%	8.7%
Misiones	3.3%	4%	11.8%	10.4%	1.1%	1%	6.4%	3.3%
Neuquén	1.9%	0.9%	10.3%	5.9%	0.6%	0.9%	8.7%	9.1%
Río Negro	1.4%	0.8%	5.2%	3.9%	0.8%	1.2%	8.7%	7.6%
Salta	1.6%	2.2%	6.7%	8.9%	1.4%	1.8%	5.1%	5.1%
San Juan	2.1%	2.2%	9.1%	8.6%	2.6%	1.7%	11.7%	10.2%
San Luis	1.5%	3.2%	7.1%	7.2%	1.2%	1.7%	13.3%	8.5%
Santa Cruz	3.0%	0.9%	7.4%	8.4%	0.5%	0.2%	12.0%	11.3%
Santa Fe	2.7%	1.6%	9.9%	6.3%	1.3%	1.1%	13.8%	12.8%
Santiago del Estero	2.3%	1.7%	11.3%	9.3%	1.3%	1.1%	7.1%	6.7%
Tierra del Fuego	2.1%	1.2%	6.2%	4.6%	1.4%	1.1%	12.6%	9.4%
Tucumán	3.9%	3.3%	9.4%	8%	2.3%	2.2%	9.9%	8.1%

Source: Ministry of Health

530. Moreover, the study showed, with regard to the underweight infant birth rate, that 7.16 per cent (51,024) of the total number of infants born in 2005 in the Argentine Republic (712,220) weighed less than 2,500 grams.

531. In terms of distribution by jurisdiction, the highest underweight infant birth rate was recorded in Catamarca, with 7.79 per cent, and the lowest in Entre Ríos, with 5.81 per cent.

**Comprehensive food and nutrition policies**

532. The food emergency caused by the 2001 crisis necessitated the implementation of comprehensive policies and activities aimed at providing and ensuring adequate food for the population as a whole and, in particular, at preventing child malnutrition.

533. To address this state of affairs, the National Commission on Food and Nutrition was established under the auspices of the National Council for the Coordination of Social Policies by Act No. 25.724/03 and its Regulatory Decree No. 1018/03.

534. Its mandate was to draw up a strategic plan encompassing and implementing the components of the Food and Nutrition Act and to design mechanisms and create conditions for the coordination of all sectors involved in nutrition strategies.

535. Its work led to the establishment of the **National Food Security Plan (PNSA), “El Hambre Más Urgente”** (Most Urgent Hunger), which is one of the main programme initiatives in support of the Strategic Plan for Nutrition and Food.

536. Since the Launching of the National Food Security Plan, agreements have been signed with the 24 provincial jurisdictions, 700,000 families have received magnetic cards or vouchers, and a further 630,000 have received food modules.

537. Progress has been made under the Plan in implementing the following components:

538. The Participatory Investment Fund (FOPAR) changed its working methods and began to finance community kitchens run by social organizations, where food services are provided for needy members of the population, particularly children under 18 years of age, pregnant women and breastfeeding infants (among others). From 2003 funding was provided for 2,400 community kitchens, a figure that rose to 3,000 one year later. The kitchens have provided services for 400,000 persons.

539. From February 2005 a number of self-reliant food production projects began to be implemented (in six provinces) in the context of the community kitchens supported by FOPAR. The number of projects has increased from 25 involving 14,000 persons at the outset to 700 projects with 40,000 beneficiaries in 16 jurisdictions. The increase in self-reliant projects is designed to encourage people to start taking their meals again in the family circle.

540. The projects are currently funded through UNDP project ARG/06/001 entitled “Community Approach”. The funding is earmarked for food services and support for the organizations that run the projects (ex-FOPAR). A total of 1,700 community centres with canteen services have been registered. The 240,000 beneficiaries receive lunch, breakfast or snacks.

541. Under the **Pro-Huerta** Programme (Vegetable Garden Programme), which is implemented jointly with the National Institute for Agricultural Technology (INTA), self-reliant food production has been developed and consolidated through the promotion of school, family and community vegetable gardens. These activities have helped to improve access to food for needy sectors of the population. Funding for technical assistance and supplies of tools and inputs is currently being provided for 570,000 family, school and community vegetable gardens (6,781 of which are school gardens). The benefits of these vegetable gardens and of the development of poultry farms (a total of 18,145) have been enjoyed by roughly 3,400,000 beneficiaries.

542. The number of students at all levels of education benefiting from these activities during the current year is 433,898.

543. Since April 2004 support has been provided for **school canteens** as an additional food service on behalf of pupils attending schools located in socially disadvantaged areas. The school population currently attending the 11,600 establishments that benefit from this supplementary food service totals 1,947,000 children at the initial and primary levels.

544. With a view to responding to situations of extreme need and emergencies, food is delivered to socially vulnerable persons in high-risk circumstances or through social organizations. Assistance has been provided for this purpose to almost 1,000 civil society organizations and more than 10 million kilograms of food have been delivered.

545. A **food and nutrition educational strategy** comprising training and awareness-raising activities is being implemented to improve individual, family and community nutrition. To that end, the strategy promotes self-reliance, self-care and independence, enhancing people's capacity to identify problems relating to food and nutrition, their possible causes and solutions. The strategy encompasses:

(a) Food education workshops and seminars held in coordination with the Ministry of Health, the Consumer Defence Secretariat of the Ministry of the Economy and Production, UNICEF, the Nutrition School of Buenos Aires University and the Central Market;

(b) Training activities on behalf of teachers and other educational personnel and children attending school; these activities include the implementation of various projects (Qué te Pasa Calabaza (What's up, Pumpkin), Nutrición en Vivo (Nutrition Live), Calabaza va a la Escuela (Pumpkin Goes to School) and Leer es Contagioso (Reading is Contagious)) and the performance of dramatic works (La Laucha Gaucha y El Misterio del Tronco Tembloroso (The Gaucho Mouse and the Mystery of the Trembling Log), Narices Rojas (Red Noses), Juicio a la Papa Frita (Potato Chip Judgement) and Teatro Negro (Black Theatre)).

546. The purpose of these activities, most of which are carried out in schools, is to promote correct eating habits, to encourage teaching staff to take up the subject of nutrition during class time, and to introduce children to drama.

547. The aim of the theatrical activities is to involve children and adolescents in dramatic works dealing with subjects related to basic food and nutrition concepts and with ways of turning dining and mealtimes into a cordial and enjoyable experience.

548. Regular training activities have been organized to date on behalf of 11,000 persons, and more than 225 persons have taken part in workshops and seminars.

549. The following table shows the number of children who have attended one of the food and nutritional education events:

Year	Total number of children attending dramatic performances
2004	37,200
2005	51,838
2006	59,328
2007 <sup>16</sup>	55,897
Total	204,263

550. The **“Family and Nutrition” Project**, which is implemented in cooperation with UNICEF, assists families in bringing up their children by promoting nutritional education activities, reading and games that create an environment of support and protection, providing a stimulus that meets the needs of growing children.

551. Activities involving food and nutrition are interlinked to that end, promoting the effective exercise of children’s rights in everyday situations. The Project activities are implemented in 24 districts of six of the country’s provinces (Misiones, Santa Fe, Buenos Aires, Chaco, Tucumán and Jujuy).

552. In 2006 the Project was extended to serve new districts, in which initial activities involving nutrition, games and reading are organized in Community Integration Centres, attracting the participation of 3,150 children and 1,050 families. In 2007 activities were under way in 70 districts, with an expected impact on 32,000 children and some 16,000 families.

553. Further action has been undertaken by the Ministry of Health:

(a) The following educational materials were designed, printed and distributed (with assistance from UNICEF/Argentina): 10,000 posters and 600,000 leaflets concerning World Breastfeeding Week; 10,000 small posters on the 10 steps of the Mother and Child-friendly Hospital Initiative; 200 publications providing scientific evidence in support of the 10 steps; 100 advisory handbooks for trainers; 1,500 handbooks on the WHO/UNICEF 18-hour course on breastfeeding; 10,000 posters showing the Healthy Food Chart. Ten thousand copies of the “Trainers’ Handbook on Food Guidelines for the Argentine Population” were reprinted;

(b) During the period 2003-2007 (first half),<sup>17</sup> 40,208,093 kilograms of milk were distributed to the jurisdictions in accordance with the Federal Health Council (COFESA) index (powdered full milk fortified with iron, zinc and vitamin C);

<sup>16</sup> Data as at 30 September 2007.

<sup>17</sup> It is hoped to deliver 7 million kilograms of milk during the second half of 2007, subject to acceptance of tender.



(c) The National Commission on Health Research Programmes (CONAPRIS) undertook a multi-centre collaborative study on weight gain and guidelines for food selection during pregnancy and their impact on newborn babies. Eight grant-holders participated in the second stage from April 2006 to April 2007 in various jurisdictions of the country.

554. Lastly, it should be noted that the provincial executives have undertaken important initiatives in some cases. Mention may be made, for example, of the programme entitled “Plan Más Vida” (More Life Plan) implemented in Buenos Aires Province.

555. The aim of the programme is to improve nutrition, growth and development conditions for the mother and child population, building families’ capacities and consolidating community networks. It is implemented in 51 municipalities of the jurisdiction with more than 50,000 inhabitants, in areas that have the highest percentage of people with basic unsatisfied needs such as districts with high unemployment rates.

### 3. Adolescent health

**Paragraph 51. The Committee recommends that the State party:**

- (a) **Review and reactivate its programmes against HIV/AIDS and increase its efforts to promote adolescent health policies. Due attention should be given to reproductive health, and the programme of health and sex education in schools should be further strengthened;**
- (b) **Undertake a comprehensive and multidisciplinary study to assess the scope and nature of adolescent health problems, including the negative impact of sexually transmitted diseases and HIV/AIDS, and continue to develop adequate policies and programmes;**
- (c) **Take further measures, including the allocation of adequate human and financial resources, to evaluate the effectiveness of training programmes in health education, in particular as regards reproductive health, and to develop youth-sensitive and confidential counselling, care and rehabilitation facilities that are accessible without parental consent when this is in the best interests of the child;**
- (d) **Seek technical cooperation from, among others, UNFPA, UNICEF, WHO and UNAIDS.**

#### **Comprehensive adolescent health**

556. The National Programme for Comprehensive Adolescent Health (PNSIA) is run by the National Directorate for Maternal and Child Health at the Ministry of Health. Its aim is to assist in formulating a State policy aimed at the comprehensive development of the adolescent population, focusing on the specific role of the health sector, which

consists in promoting, protecting and maintaining the physical, mental and social health of the adolescent population and in reducing its morbidity and mortality rates.

557. Key substantive activities under the Programme include:

(a) Incorporation of the subject in the Government's agenda and establishment and/or strengthening of task forces to implement Programme activities at the national, provincial and municipal levels;

(b) Undertaking and updating of national, provincial and/or municipal analyses;

(c) Provision of technical assistance and training for the undertaking and updating of provincial analyses of the situation of the target population and of institutional and human resources;

(d) Intra-ministerial coordination with other programmes: Primary Health Care, Healthy Municipalities, Healthy Schools, HIV/AIDS, Sexual Health and Responsible Parenthood, Community Doctors, Mental Health and others;

(e) Promotion of research in coordination with local universities;

(f) Development of countrywide information and awareness-raising campaigns to draw attention to the subject of adolescent health and to promote healthy behaviour, with special emphasis on sexual health and responsible parenthood, drug abuse and prevention of violence;

(g) Advocacy for the promulgation of national and provincial laws that are consistent with the image of adolescents and young people as social actors/citizens, and as (political and social) rights holders and duty bearers.

### **Sexual health and responsible parenthood policies**

558. With a view to guaranteeing the right to sexual and reproductive health without discrimination for all females and males and all adults and young people in the country, the Congress adopted Act No. 25.673 establishing the National Sexual Health and Responsible Parenthood Programme (PNSSPR) in 2002.

559. In March 2003 the implementing regulations were adopted by Decree No. 1282/03 and the Programme was inaugurated under the auspices of the Ministry of Health.

560. The overall aim of the Programme is to improve the sexual and reproductive health of the entire population, adopting a rights and gender-based approach that takes into account the multidimensional nature and complexity of the subject of sexual health by applying an integrated management methodology.

561. The specific aims are:

(a) To achieve an optimum level of sexual health and responsible parenthood for the population so that decisions can be taken without discrimination, coercion or violence;

- (b) To reduce maternal and child morbidity and mortality;
- (c) To prevent unwanted pregnancies;
- (d) To promote the sexual health of adolescents;
- (e) To support the prevention and early detection of sexually transmitted diseases, HIV/AIDS and genital and mammary gland illnesses;
- (f) To guarantee access for the population as a whole to information, guidance, methods and services relating to sexual health and responsible parenthood;
- (g) To encourage women's participation in decision-making on matters relating to their sexual health and responsible parenthood (Act No. 25.673, art. 2).

562. As noted in the subsection entitled "Reservations" of section IV.A, the national Act has been backed up by provincial legislation on the subject, which in some cases, for instance in the provinces of Jujuy, Salta, Buenos Aires, Entre Ríos, Chubut, Neuquén, Tierra del Fuego and the Autonomous City of Buenos Aires, recognizes adolescents as a priority group for sexual and reproductive health care.

563. Act No. 26.061 on Comprehensive Protection of the Rights of Children and Adolescents recognizes children's and adolescents' right to comprehensive health care, to receive any medical assistance they need and to have access on an equal footing to services and activities related to prevention, promotion, information, protection, early diagnosis, timely treatment and recovery (see art. 14).

564. The Decree containing the implementing regulations states that the right of adolescents to comprehensive health care includes sexual and reproductive health care (see Decree No. 415/06, art. 15).

565. Moreover, Congress adopted Act No. 26.150 in 2006, which recognizes the right of all children and adolescents to receive comprehensive sex education in the public educational establishments run by State and private bodies in the national and provincial jurisdictions (art. 1) and which created a Ministry of Education programme to achieve that aim (see art. 3).

566. Act No. 26.206 on National Education also includes among the goals and objectives of educational policy that of disseminating information and promoting values conducive to the comprehensive development of responsible sexuality (see art. 11 (p)).

#### **National Sexual Health and Responsible Parenthood Programme (PNSSPR)**

567. The Programme was initially run by the National Directorate for Maternal and Child Health but from May 2006 it has been under the direct institutional and budgetary control of the Secretariat for Health Programmes of the Ministry of Health.

568. This move led to a stronger focus on the primary health care approach and on comprehensive social and health-care management of sexual and reproductive health. The population benefiting from the Programme – formerly confined to women of childbearing age – was expanded and greater emphasis was placed on the implementation of gender-based policies.

569. In 2007 Congress allocated a budget of 11,030,000 Argentine pesos to the Programme for the purchase of contraceptive supplies for the whole country.

570. In addition, the Programme became one of the ten priority programmes under the Essential Public Health Functions Programme, which is coordinated by the Office of the Minister at the Ministry of Health and financed by the national budget and funds from the International Bank for Reconstruction and Development (IBRD) (US \$220 million for the period 2007-2010).

### **Study on adolescent reproductive health**

571. In 2006 the National Sexual Health and Responsible Parenthood Programme processed the results of the First National Nutrition and Health Survey, which yielded results indicating, for example, the age of sexual initiation of Argentine women and young people, the relationship between education and number of children, and familiarity with and use of contraceptive methods.

572. According to the survey data, sexual initiation in Argentina usually occurs during adolescence, i.e. before a person reaches 20 years of age. Almost all women of childbearing age had been sexually initiated, and although fewer than half had had a sexual experience between 15 and 19 years of age, only 10 per cent of women in the next ten-year age group had not been initiated and only 1 per cent were in that category at the end of their fertility.

573. According to the study, the average number of children per woman declines as women's level of education increases. An inverse relationship is discernible between level of education and the highest level of childbearing, and there is a direct relationship between education and childlessness.

574. Virtually all women (99 per cent) are familiar with at least one method of contraception. No significant variations are discernible by region, age group, education or the two poverty indicators considered. The lowest levels of familiarity, around 94/95 per cent, were recorded among the inhabitants of the north-western and north-eastern provinces.

575. The average age at which the participants in the survey began to use family planning methods was 19 years. This average is somewhat lower in the Pampas region, the Metropolitan Area of Buenos Aires, Cuyo and Patagonia, higher in the north-eastern provinces and particularly high in the northwestern provinces and Cuyo.

576. Three out of every four women of childbearing age who were not pregnant at the time of the survey were using contraceptives, at least intermittently. With regard to the type of method used, 41 per cent of women use condoms, 25 per cent the pill and 11 per cent an intra-uterine device (IUD). Just over one in ten women use inefficient methods (the rhythm method, withdrawal or other methods).

### **Beneficiary population**

577. The National Sexual Health and Responsible Parenthood Programme is implemented in 5,274 public facilities – hospitals and health centres – in the country's jurisdictions, benefiting 1,838,444 users of the public system.

578. According to the data compiled by the Programme on the basis of information provided by the provinces, it is important to note, with special reference to children and adolescents, that in December 2006 the Programme had 450,387 beneficiaries under 20 years of age (376,816 females and 73,571 males).

### **Universal and free coverage of contraceptives**

579. The Programme distributes hormonal contraceptives (combined oral contraceptives, oral contraceptives for the lactation period and injectable contraceptives), intra-uterine devices (including placement), and male condoms, which are available entirely free of charge to females and males throughout the country.

580. Since 2006 all persons over 21 years of age and possessing legal capacity also have access free of charge throughout the country to surgical contraceptive practices – tubal ligation and vasectomy.

581. In 2007 the Programme incorporated the Emergency Hormonal Contraception (AHE) project into public policy on sexual and reproductive health. It then began to acquire inputs for the project for distribution in all provinces as an additional contraceptive method to which women and adolescents have access in cases of emergency.

582. In accordance with WHO recommendations, the National Sexual Health and Responsible Parenthood Programme actively promotes dual protection of male and female users and emergency hormonal contraception as a method that can be used to prevent unplanned pregnancies in the event of a torn or slipped condom, a displaced diaphragm, a completely or partially expelled IUD, incorrect use of contraceptive pills and/or injectable hormonal contraceptives, or in cases of rape.

583. It should be noted that beneficiaries of the social security and prepaid medical care system also enjoy full coverage of all services under the Programme in accordance with the provisions of Act No. 25.673 (art. 7) and Act No. 26.130 (art. 5).

### **Counselling: health promotion activities**

584. The National Sexual Health and Responsible Parenthood Programme offers counselling on sexual and reproductive health as a key health-care service, both in response to casual requests at various levels and on behalf of women in post-obstetric circumstances (post-abortion, post-childbirth) in order to provide optimum opportunities for contact between users and the health-care system.

585. It has also developed publicity and instructional materials in support of counselling activities with a view to disseminating information about sexual and reproductive health to the population as a whole.

586. The Programme also has a telephone line and an electronic mail address from which advice on sexual and reproductive health can be obtained anonymously.

### **Training activities**

587. To achieve the objectives set out in the relevant legislation, the Programme promotes continuous training of human resources in key technical areas (up-to-date information, skills) with a view to ensuring efficient provision of services, eliminating barriers to access and preconceived ideas, and promoting the concept of comprehensive sexual and reproductive health care.

588. The Programme has also developed publicity and instructional materials in support of health-care training for human resources, dealing with subjects such as national and international norms pertaining to sexual and reproductive rights and procedural guidelines for professionals.

589. Special mention should be made of publications concerning sexuality and adolescence:

(a) Research on problems relating to sexuality in the field of education; review of the theoretical background and sex education programmes (PNSSPR, 2007), published with a view to presenting new material in support of alternative options for implementation of the legislation on sexual and reproductive health and comprehensive sex education;

(b) Young people and sexuality (PNSSPR, forthcoming).

### **Relations with civil society and international organizations**

#### **Advisory Board**

590. The National Sexual Health and Responsible Parenthood Programme has an Advisory Board whose mandate consists in creating a forum for dialogue and cooperation between the Programme, civil society organizations, scientific and professional societies, representatives of United Nations agencies (WHO and the United Nations Population Fund (UNFPA)) and the education sector, with a view to analysing and discussing the main issues pertaining to sexual and reproductive health and developing strategies of action for the Programme.

#### **Social monitoring**

591. The Programme is monitored by the National Consortium for Reproductive and Sexual Rights (CoNDeRS). This Consortium brings together more than 300 organizations of women, young people, neighbourhood associations, academic groups, university students and social communicators such as the National Network of Adolescents for Sexual and Reproductive Health (REDNAC).

#### **Adolescent maternity**

592. Pregnancy during adolescence is due to a various of causes that must be analysed from biological, health, social, ethnic, cultural and gender-related perspectives.

593. In 2005 the rate of live births to women under 20 years of age was 15.04 per cent and it has fluctuated over the past ten years between 13 per cent and 16 per cent. The proportion of mothers under 15 years of age fluctuated between 0.42 per cent and 0.51 per cent.<sup>18</sup> The fertility rate of adolescents in the 10 to 19 age group was 31.92 per thousand.

594. The child mortality rate in 2005 was 13.3 per thousand and as high as 18.6 per thousand for mothers under 20 years of age.<sup>19</sup>

595. The repeat pregnancy rate among women under 20 years of age was 22.05 per cent in 2005, with figures ranging from 15 per cent in the Autonomous City of Buenos Aires to 29.3 per cent in the Province of Chaco.

596. As noted in the subsection on child mortality, the Argentine State is concerned about the current situation and is committed to the more vigorous pursuit of comprehensive policies to address the problem.

### HIV/AIDS

597. The Committee expressed concern in the past about the growing number of cases of HIV/AIDS among young people in Argentina. The Argentine State is pleased to report that a major change of trend has been achieved with respect to the problem.

598. A marked downward trend has been recorded in recent years in cases of both HIV and AIDS, which have declined by 73.5 per cent and 80.2 per cent respectively.

#### HIV infection

Year	0 to 4 years	5 to 9 years	10 to 14 years	15 to 19 years	Total
2000	115	16	12	53	196
2001	157	33	10	79	279
2002	150	45	20	76	291
2003	423	54	30	116	<b>623</b>
2004	122	47	33	134	336
2005	98	34	19	99	250
2006	49	23	15	78	<b>165</b>

Source: Ministry of Health

599. The number of reported cases of HIV infection peaked in 2003 with 623 patients under 19 years of age. In 2006 a decline of 73.5 per cent was recorded compared with 2003.

<sup>18</sup> Vital Statistics, Ministry of Health, 2005.

<sup>19</sup> Vital Statistics of the Ministry of Health and the Environment, 2005.

**Cases of AIDS**

<b>Year</b>	<b>0 to 4 Years</b>	<b>5 to 9 years</b>	<b>10 to 14 years</b>	<b>15 to 19 years</b>	<b>0 to 19 years</b>
2000	135	32	11	14	<b>192</b>
2001	108	22	19	12	161
2002	107	23	17	18	165
2003	85	25	11	15	136
2004	68	21	14	11	114
2005	40	11	7	14	72
2006	18	8	6	6	<b>38</b>

Source: Ministry of Health

600. The number of recorded cases peaked in 2000 with 192 AIDS patients under 19 years of age. The lowest number of cases in recent years was recorded in 2006, representing a decline of 80.2 per cent compared with 2000.

**Consumption of psychoactive substances**

601. The specialized agency of the Argentine State is the Secretariat of Planning for the Prevention of Drug Addiction and Action against Drug Trafficking (SEDRONAR).

602. During the period under review, this agency undertook important studies, through the Argentine Drug Observatory (OAD), describing the pernicious phenomenon of wrongful drug consumption and abuse. Among the studies undertaken during the period 2005-2007 which focused on the scale of the problem among adolescents and young people, mention may be made of the following:

(a) **Second national survey of intermediate-level students, 2005.** The study analyses the consumption of psychoactive substances. It forms part of the project "Continuity of the subregional information system on the illicit use of drugs and human resources training and research programme" implemented jointly by Argentina, Bolivia, Chile, Ecuador, Peru and Uruguay with financial assistance and technical support from the United Nations Office on Drugs and Crime (UNODC) and the Inter-American Drug Abuse Control Commission (CICAD). The study yielded information on the scale of consumption of alcohol, tobacco, psycho-pharmaceuticals used without a doctor's prescription (tranquillizers and stimulants), solvents or inhalants, marijuana, cocaine (chlorhydrate and base paste) and other illegal drugs; it was based on a self-applied questionnaire which shed increased light on the problem, affording the kind of information that is needed to formulate preventive policies and to provide the necessary assistance. The survey was conducted in all parts of the country among a representative sample of students aged 13, 15 and 17 years.

(b) **Social imagery and alcohol consumption patterns among adolescents attending intermediate-level schools, Argentina, 2005.** The first national survey of intermediate-level students, undertaken in 2001, drew attention to changes in alcohol



consumption among adolescents, which shifted with age from occasional to weekly consumption. The “Second national study of consumption of psychoactive substances, INDEC/SEDRONAR 2004” shows increased consumption of alcohol in big cities among minors in the 12 to 15 age group. The main targets of the survey are adolescents in the 13 to 17 age group attending intermediate schools in various regions of the country. With a view to testing “social tolerance”, the imagery, beliefs and values of adults, parents and teachers were also investigated.

(c) **First study of the “Consumption of psychoactive substances” by university students in the Metropolitan Area of Buenos Aires, 2005.** This is a quantitative study, the results of which are based on statistical data that can be used to identify core variables influencing the consumption of psychoactive substances among third-level students attending public and private universities in the Metropolitan Area of Greater Buenos Aires.

(d) **Study of the consumption of psychoactive substances by children and adolescents living and working in the street, 2006.** An exploratory qualitative study was undertaken through SEDRONAR and SENNAF, in which the problem of the consumption of psychoactive substances by children and adolescents living and working in the streets of the Metropolitan Area of Buenos Aires (AMBA) was analysed.

(e) **Illicit use of drugs and emergency consultations, Argentina, 2007.** SEDRONAR is undertaking this study in the light of the fact that economically advanced countries have been keeping records for many years of admissions to emergency wards associated with the use of psychoactive substances. The records initially concerned cases of alcohol and heroin consumption and were expanded from the 1970s to cover cocaine consumption. The data were used to draw up preliminary estimates of the number of cases that were attributable to the consumption of psychoactive substances and the specific substances involved. They were also used to launch studies of the possible causal relationship between abuse of psychoactive substances and other diseases. Argentina has already compiled records from the first and second national studies of emergency centre patients (2003 and 2005) and will be able to analyse, in the light of this third study, any changes or variations in the relationship between the consumption of psychoactive substances and cases of acute illness admitted to emergency wards.

603. As may be seen from the following table, almost 12 per cent of intermediate-level students reported that they had used an illicit substance at some time in their lives.

604. According to the most recent national survey, legal substances such as alcohol and tobacco show the highest rates of consumption, while the most prevalent illegal substance is marijuana (8.7 per cent), followed by cocaine (chlorhydrate and base paste). Among unprescribed psycho-pharmaceuticals, tranquilizers show the highest rate.

**Prevalence of type of psychoactive substance by age****Intermediate-level school population, country as a whole, 2005**

Psychoactive substances	Age group			Total
	14 or under	15-16	17 or over	
<b>Tobacco</b>	28.9	53.8	64.7	43.1
<b>Alcohol</b>	42.6	75.0	86.2	60.6
<b>Tranquillizers without prescription</b>	4.0	6.3	9.0	5.6
<b>Stimulants without prescription</b>	2.9	4.1	4.9	3.6
<b>Solvents and inhalants</b>	3.4	5.2	4.8	4.2
<b>Marijuana</b>	4.4	10.4	17.7	8.7
<b>Coca paste</b>	2.1	2.9	2.8	2.5
<b>Cocaine</b>	2.6	4.1	4.5	3.4
<b>Heroin</b>	.7	.9	.8	.8
<b>Opium</b>	.6	.8	.7	.7
<b>Morphine</b>	.8	1.0	.8	.9
<b>Hallucinogens</b>	.7	1.1	1.4	.9
<b>Hashish</b>	.6	.8	.8	.7
<b>Crack</b>	.7	.8	.8	.8
<b>Ecstasy</b>	.8	1.2	1.8	1.1
<b>Any illicit drug</b>	7.4	13.7	20.9	11.9

Source: SEDRONAR/Second national survey of intermediate-level students, 2005

**National Drug Plan**

605. In accordance with our country's international commitments, especially vis-à-vis the United Nations and the Organization of American States, and in response to national legislative measures aimed at addressing the drug problem, SEDRONAR drew up the National Drug Plan, 2005-2007, in the second half of 2004.

606. The Plan recognizes prevention as the basic strategy to be used in dealing with the problem. In the same context, the Hemispheric Anti-Drug Strategy (applied by the 35 member countries of the Organization of American States) addresses the drug problem from a global and multidisciplinary perspective.

607. As the aim of reducing demand is a core component of the global approach adopted in addressing the world drug problem, our country has undertaken to pursue various strategies, including the implementation of programmes and activities targeting all sectors of society, with a view to alleviating public health problems, promoting social and economic integration, supporting family regimes and making communities more secure.

### **Guiding principles of the national anti-drug strategy**

608. **An integrated approach.** This means undertaking activities in all areas in which the drug problem manifests itself, i.e. control of supply, reduction of demand and action at any other level in which the problem arises.
609. **Shared responsibility.** Given the complexity and universality of the problem, it is essential to boost international cooperation in this regard.
610. **Proportionality.** This means that activities relating both to the control of supply and the reduction of demand must be based on a balanced approach, with all aspects of the phenomenon being addressed in a comprehensive and balanced manner.
611. **Flexibility.** This means that strategies may be continually updated and revised.
612. **Adaptation to local circumstances.** This principle implies that the distinctive characteristics of the phenomenon in each country must be taken into account and that due respect should be shown for sovereignty, constitutional principles and other components of the domestic legal order.

### **The fight against drug trafficking**

613. The Technical Under-Secretariat for Planning and Control of Drug Trafficking is the SEDRONAR unit responsible for developing and coordinating policies and activities aimed at controlling illegal drug trafficking and related offences; it adopts a comprehensive approach to the problem.

### **Demand reduction policies and strategies**

614. Under the heading of prevention, the aim is to prevent and reduce the abuse of legal and illegal drugs, by coordinating and developing comprehensive prevention programmes in the area of demand reduction and in the light of the outcome of the research conducted by the Argentine Drug Observatory throughout the national territory on the population in general, the most vulnerable sectors, the educational community and public and private working environments.
615. It should be noted that, owing to the federal system in our country, the bulk of direct assistance activities are carried out at the provincial level, in line with the special characteristics of each community, by the agencies that constitute the assistance and support network responsible for dealing with the problem.
616. Nevertheless, SENNAF is currently developing a coordinating strategy with civil society through the organization Madres en Lucha Contra el Paco (Mothers against Paste Base Cocaine) with the aim of awareness-raising and prevention.
617. It also runs the Assistance and Research Programme on Addiction which includes a model treatment facility that will be used, in line with the provisions of Act No. 26.061, to train operators in the different jurisdictions.

618. In view of the complexity of the **Province of Buenos Aires** in terms of population and territory, the policies that it has implemented in this regard are mentioned below by way of example:

(a) During the period 2002-2007, the Province's Under-Secretariat for Addiction Care developed a network of public services that provide care in cases of drug dependence. Pursuant to an innovative approach introduced by the Provincial Plan (2002), drug consumption is viewed not as a problem in itself but as an issue associated with a high percentage of avoidable deaths, early adolescent pregnancy, street violence and family ill-treatment. To deal with these circumstances, the traditional health services were broadened to include public drug dependence centres and therapeutic communities;

(b) Furthermore, the need for up-to-date diagnostic analyses of the problem led to the establishment of the Observatory on the Use of Addictive Substances. The Observatory is the Under-Secretariat body that ensures epidemiological surveillance of the use of addictive substances and local and countrywide access to information.

619. The studies undertaken include:

(a) The "First ethnographic study of illicit drug consumption in a vulnerable district of the suburbs of Buenos Aires", which was carried out in a crisis-stricken suburban neighbourhood and which provides, in addition to statistical data, qualitative information obtained through interviews (residents living on public and privately owned land in makeshift housing and who lack basic services);

(b) The studies of young people enrolled in school carried out in the Province's schools in 2006; these epidemiological surveys of high-risk behaviour provide importance data on their relationship with drugs. The surveys covered a total of more than 3,200 students, with equal numbers of females and males, in the 11 to 20 age group.

620. Alcohol consumption has been found to constitute a preliminary stage of drug dependence in the Province and the studies show that a high percentage of minors consume alcohol on a regular basis.

621. To address this issue, a record system was developed which establishes clear-cut rules for the sale of alcohol in order to create a lawful and more responsible market that minimizes the sale of alcoholic drinks to children and adolescents. An impact assessment of these policies revealed a 27 per cent decline in rates of alcohol abuse among minors in the Province.

622. According to statistical data provided by the Secretariat of Planning for the Prevention of Drug Addiction and Action against Drug Trafficking (SEDRONAR), adolescent alcohol consumption in the Province of Buenos Aires declined by 27 per cent between 2001 and 2006.

**Broad policy principles, 2006-2007 biennium (Province of Buenos Aires)**

623. Mention should be made of the following broad policy principles:

- (a) An intersectoral approach, focusing on neighbourhoods and young people;
- (b) Participatory public policies, with communities as the driving force;

(c) Establishment of forums in which links are forged and interaction encouraged between different actors and social organizations;

(d) Integration of individuals, families and the environment, adopting a psycho-social and sociocultural approach;

(e) Implementation of comprehensive strategies by means of coordinated intersectoral policies that respect regional differences and diverse local circumstances and priorities;

(f) Strengthening of young people's critical faculties in order to develop their ability to make choices, to adopt values based on solidarity and to forge ahead with their plans.

624. **The health-care services** offer different kinds of therapeutic care: external consultations, day and midday hospitals, hospitalization and detoxification units.

625. The **provincial health-care centres** operate on the strategic principle of inter-institutional dialogue with the community and users of the service.

626. These services constitute a comprehensive and integrated response to the problem, implementing preventive care programmes on behalf of young people, teachers, parents, families and governmental and non-governmental organizations.

627. The fact that the services are divided into 12 health-care regions facilitates decentralization of action in pursuit of the addiction care policy.

628. The Province of Buenos Aires, acting through the Under-Secretariat for Addiction Care, established the Preventive Assistance Network to address the problem of use and abuse of psychoactive substances. The Network is composed of 186 free public health-care services, which take the characteristics of each of the 134 municipalities of Buenos Aires into account in pursuing public policies. They include:

- (a) Seventy-five provincial health-care centres;
- (b) Nine therapeutic communities;
- (c) Two detoxification units;
- (d) Six new services launched last year;
- (e) Services for more than 13,000 patients are provided every month.

629. The services operating in the Province regard the consumption of substances not only as an individual psychological problem or symptom or as a social symptom, but as a by-product of consumerism as a social value.

630. A participatory addiction care plan has been elaborated, under which alcoholism is treated as a core addiction problem.

631. Care initiatives have been implemented which help to rebuild the social infrastructure by adopting a strategic approach involving education, community organizations, voluntary workers, parents and young people.

#### **40. Children with disabilities**

**Paragraph 53.** In light of article 23 of the Convention, the Committee recommends that the State party:

- (a) Undertake studies on the situation of children with disabilities in order to assess its extent, scope and nature;**
- (b) Undertake measures to ensure that the situation of children with disabilities is monitored in order to assess their situation and address their needs effectively;**
- (c) Conduct public awareness campaigns to raise awareness of the situation and the rights of children with disabilities;**
- (d) Allocate the necessary resources for programmes and facilities for all children with disabilities, especially the ones living in the provinces, and strengthen the community-based programmes to enable them to stay at home with their families;**
- (e) Support the parents of children with disabilities with counselling and, when necessary, financial support;**
- (f) In light of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96, annex) and the Committee's recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339), further encourage their integration into the regular educational system and their inclusion into society, including by providing special training to teachers and by making schools more accessible.**

#### **Survey of persons with disabilities**

632. In accordance with the Committee's recommendations concerning this section, the Argentine State undertook an important study through the National Institute of Statistics and Censuses (INDEC) between November 2002 and April 2003, entitled National Survey of Persons with Disabilities (ENDI), with the aim of quantifying and characterizing persons with disabilities.

633. The survey compiled data concerning, inter alia: type and cause of the disability; age at which it occurred; type of assistance received by persons with disabilities from social welfare institutions, State agencies, non-governmental organizations, etc; self-help; use of legal and social benefits; socio-demographic characteristics of the members of the household; description of accommodation and adjustments made.

634. According to the data compiled, 20.6 per cent of households in areas of 5,000 or more inhabitants include at least one person with a disability. The number of such households, in absolute terms, is 1,802,051. This gives us an idea of the actual scale of

the situation, since the family or other members of the household are involved in or affected in some way by the presence of at least one member with a disability.

635. The total number of persons with some kind of disability is 2,176,123. This means that 7.1 per cent of the total population suffer from an impairment that affects some of the most important aspects of everyday life (walking, standing up, sitting down, seeing, hearing, learning or general behaviour).

636. The study showed that 3 per cent of children under 14 years of age suffer from some kind of disability, while the corresponding rate for the population in the 15 to 64 age group is 5.5 per cent.

### Prevalence of disability by age group and sex, 2002-2003

Age group	Total population			Population with disabilities			Prevalence <sup>20</sup>		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
Total	30,757,628	14,760,460	15,997,168	2,176,123	1,010,572	1,165,551	7.1	6.8	7.3
0 – 14	8,480,216	4,332,178	4,148,038	254,497	149,086	105,411	3.0	3.4	2.5
15 – 64	19,215,987	9,221,551	9,994,436	1,055,368	530,136	525,232	5.5	5.7	5.3
65 and over	3,061,425	1,206,731	1,854,694	866,258	331,350	534,908	28.3	27.5	28.8

Source: ENDI, INDEC.

637. The survey found that 60 per cent of all persons with disabilities have social welfare coverage or a private or mutual benefit health-care plan. The corresponding rate for children under 14 years of age is 42 per cent.

638. Moreover, roughly one half of persons with disabilities receive regular care at a public hospital or a first aid centre. The figure is as high as 60 per cent in the north-eastern region.

639. Sixty per cent of the total receive or have received treatment for their disabilities, while 14.3 per cent have never received treatment, a fact that they attribute to lack of economic resources, remoteness from the relevant services or non-coverage by a social welfare or mutual benefit fund.

640. With regard to the population group under 14 years of age, it was found that 70.3 per cent of children receive or have received early stimulation or rehabilitation treatment. Eleven per cent stated that such treatment is or was unnecessary, while 15 per cent neither receives nor has received treatment.

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<sup>20</sup> Prevalence: the total number of persons with disabilities as a percentage of the total population.

**Countrywide population with disabilities. Receives or has received early stimulation, treatment or rehabilitation care, by age group, 2002-2003**

Age groups	Total		Receives or has received early stimulation, treatment or rehabilitation care									
			Receives		Not receiving but has received		Neither receives nor has received		Neither needs nor has needed		Unknown	
		%		%		%		%		%		%
<b>Total</b>	<b>2,176,123</b>	<b>100.0</b>	<b>646,124</b>	<b>29.7</b>	<b>663,997</b>	<b>30.5</b>	<b>311,216</b>	<b>14.3</b>	<b>473,501</b>	<b>21.8</b>	<b>81,285</b>	<b>3.7</b>
0-4	50,854	100.00	31,259	61.5	5,920	11.6	7,025	13.8	3,286	6.5	3,364	6.6
5-14	203,643	100.00	83,379	40.9	58,406	28.7	30,352	14.9	24,008	11.8	7,478	3.7
15-29	250,677	100.00	70,112	28.0	98,068	39.1	32,154	12.8	37,778	15.1	12,565	5.0
30-49	336,868	100.00	89,924	26.7	115,956	34.4	52,781	15.7	62,818	18.6	15,389	4.6
50-64	467,823	100.00	139,530	29.8	144,769	30.9	70,111	15.0	97,410	20.8	16,003	3.4
65-74	372,217	100.00	105,728	28.4	104,305	28.0	51,855	13.9	99,182	26.6	11,147	3.0
75 and over	494,041	100.00	126,192	25.5	136,573	27.6	66,938	13.5	148,999	30.2	15,339	3.1

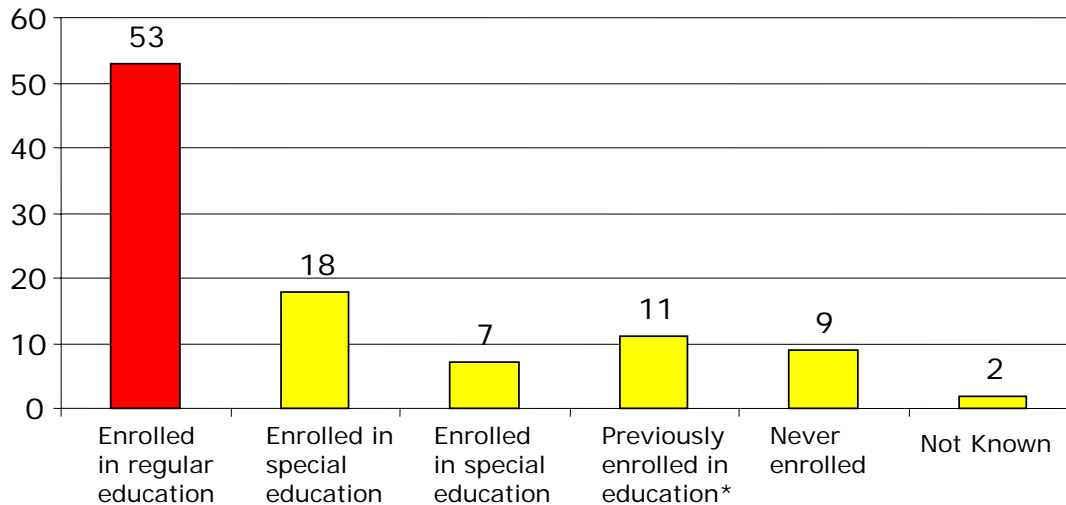
Source: ENDI, INDEC

641. As may be seen from the following table, 78 per cent of children with disabilities in the 3 to 17 age group regularly attend educational establishments. It is interesting to note that most of them attend the same establishments as children without disabilities and that two provinces have established an Inclusive Education Directorate (La Pampa and Chubut).

642. These data may be interpreted as indicating a trend towards inclusive education and non-discrimination.



**Countrywide population with disabilities in the 3 to 17 age group, by rate of school attendance, 2002 – 2003**



\* Of the total number of children and adolescents in the category “Previously enrolled in education”, 43 per cent were enrolled in regular education, 36 per cent in special education and 21 per cent in regular and special education.

Source: ENDI, INDEC

**Integration policies for persons with disabilities**

643. The National Advisory Commission on the Integration of Persons with Disabilities (CONADIS) was established by Decree No. 1101/87 pursuant to proposals contained in the World Programme of Action concerning Disabled Persons adopted by United Nations General Assembly resolution 37/52.

644. CONADIS has an Advisory Committee and a Technical Committee. The Advisory Committee brings together representatives of associations of persons with different types of disabilities, so that the concerned parties are involved themselves and can present and defend their interests in a free-flowing exchange of views.

645. The Technical Committee coordinates work with specific branches of government, thereby precluding segregated approaches to the task. The interrelationship between the Committees ensures effective utilization of resources and their optimum distribution with a view to achieving the targets set.

646. In recent years steps have been taken throughout the country to organize provincial councils or commissions on disability based on the model described above. Their action is supported by the Federal Council on Disability established by Act No.

24.657, which seeks to extend the coverage of relevant policies to all persons with disabilities throughout the country.

647. Within the framework of the programmes implemented by CONADIS, the Single Fundamental Benefit Regime for Persons with Disabilities is designed to build an appropriate benefit regime and to create a major countrywide network of quality service providers, comprising national, provincial and municipal governmental agencies and civil society organizations.

648. The Single Fundamental Benefit Regime for Persons with Disabilities guarantees universal care by coordinating policies and institutional and economic resources earmarked for the purpose. The benefits are financed, depending on the membership of the beneficiary, by the Redistribution Support Fund (Act No. 23.661), using resources provided for under Act No. 19.032 as amended, resources foreseen under Act No. 24.241 and – in the case of needy persons with disabilities – funds provided for under Act No. 19.032 on Cheques. The provinces join the system by concluding access agreements. To date the following provinces have joined: Santa Cruz, Córdoba, Tucumán, Catamarca, Formosa, La Rioja, Chubut, Chaco, Río Negro, Corrientes, Jujuy, Misiones, La Pampa, Salta, San Juan, San Luis and Santa Fe.

649. During the period 2003-2007 a planning process for comprehensive policies on behalf of persons with disabilities was developed (Comprehensive Policy for Action on Behalf of Persons with Disabilities, Resolution No. 39/04). It incorporated principles conducive to the creation of conditions ensuring genuine and effective freedom and equality for citizens with disabilities and the elimination of obstacles that hamper, restrict or impede their full exercise of those rights.

650. The plan develops a “Proposal for Equality of Opportunity” and numerous strategies aimed at “offsetting disadvantages to ensure equal rights”. It is based on four components, presented in the form of sectoral plans, which demarcate areas of intervention, assigning responsibilities in accordance with the functions and fields of competence of the different State agencies.

### **Sectoral Plan for Integration into the Community**

651. This Plan comprises activities in support of coordinated action by public and private institutions to ensure that persons with disabilities enjoy the same opportunities as other citizens to join and participate fully in the activities of the community in which they live. The planning of goals and activities is based on three fundamental concepts: accessibility, self-determination and independent living.

652. They are structured, in turn, around four operational programmes:

(a) The Physical Environment Accessibility Programme, under which the National Advisory Commission on the Integration of Persons with Disabilities (CONADIS) designed, promoted and implemented the National Accessibility Plan through agreements with provinces and municipalities on physical accessibility criteria that have not been explicitly set out in the existing regulations. The Accessibility Support

Programme for Provinces and Municipalities, adopted by the Coordinating Committee for Programmes on Behalf of Persons with Disabilities, has also been disseminated;

(b) The Programme for Integration in Sport, key achievements of which include the formation of juvenile basketball, swimming, table-tennis and wheelchair-tennis teams that compete internationally;

(c) In addition, the Strategic Plan for 2004-2012 concerning high-performance sport was drawn up jointly with the Sports Secretariat and will be applicable to national sports federations for persons with disabilities;

(d) The Cultural Integration Programme, including the “Cultural Café” programme, run in cooperation with the National Secretariat for Children, Adolescents and the Family, at the San José Home for Older Persons;

(e) The Inclusive Tourism and Recreation Programme for Persons with Disabilities, which focuses on developing an accessible environment for various activities in the tourist centres of Chapadmalal and Embalse Río Tercero (sports, walks, cultural and social events). As a result of agreements signed with the different provinces, more than 1,310 persons have visited the tourist centres.

### **Sectoral Plan for Health**

653. The objectives of this Plan are to provide rehabilitation services that are independent of the different diagnostic categories in order to ensure early detection, access to appropriate rehabilitation services as close as possible to the beneficiaries’ home community, and support for families, communities and existing organizations involved in rehabilitation work.

654. New rehabilitation units have been established under the Plan, such as those in the provinces of Misiones, Río Negro and Chubut, and training has been provided for professionals specializing in rehabilitation.

655. Furthermore, a programme for technology transfer to technical schools for the manufacture of orthoses and prostheses is being developed with the National Institute for Industrial Technology (INTI).

656. The Sectoral Plan for Health coordinates and develops its activities with the National Rehabilitation Service (SNR) at the Ministry of Health. The main professional and technical activities carried out by the National Rehabilitation Service include:

(a) Registration of cases of disability throughout the country, which promotes standardization of the procedures for certifying disability. In pursuit of the policy of decentralization of certification, technical assistance is provided and human resources are trained to ensure direct implementation in the country’s provinces.

(b) Categorization of services for persons with disabilities, which promotes the establishment in each province of a Categorization Board with the explicit aim of decentralizing activities. Action is based on compliance with biosafety standards, accessibility, qualified human resources and a benefit project in line with the type of disability for which assistance is being provided. As a result, service providers are

assessed not only on the basis of an analysis of professionals and technicians but also in the light of their institutional record. Authorization is subsequently granted for their listing in a National Register of Service Providers, which incorporates the resource network, with civil society being the main implementing agency.

(c) Granting of duty exemptions for the acquisition of vehicles for persons with disabilities together with the corresponding international disability symbol entitling the vehicle to free transit and parking, with a view to offering facilities in support of integration in employment and social and educational integration through equality of opportunity.

### **Sectoral Plan for Education**

657. The objectives of the Plan consist in designing a school for all and in promoting the methodical development of strategies and their application to new circumstances, bearing in mind the different variables that exist in the areas addressed.

658. Within this component, activities involving counselling, technical assistance and training in inclusive education have been undertaken with the various provincial ministries of education and special education directorates with a view to responding to existing problems.

### **Support for families with children with disabilities**

659. The National Commission on Welfare Benefits (CNPA) has implemented procedures aimed at guaranteeing access for socially vulnerable groups to a fair income.

660. The benefits are intended for persons without property, resources or any form of income to build a livelihood.

661. The National Commission on Welfare Benefits surmounted two major obstacles in seeking to broaden coverage and ensure speedier access to welfare benefits throughout the national territory: first, budgetary restrictions and, secondly, the enormous backlog of unprocessed benefits. In implementing this procedure, measures were taken to publicize the entitlement, and personal assistance was afforded through more than 700 field operations, agreements with municipalities and the opening of new personal assistance centres.

662. The benefits vary in terms of the type of beneficiary group: benefits for mothers of seven children, old-age benefits and invalidity benefits. The latter, which are intended for persons with a percentage of disability equal to or greater than 76 per cent, were introduced by Act No. 18.910, as amended, and its Regulatory Decree No. 432/97.

663. A percentage of these benefits go to children with disabilities. With the broadening of coverage and the speeding-up of procedures, the number of persons with disabilities receiving invalidity benefits has increased. The figures are as follows:

<b>Trend in the number of persons receiving benefits</b>			
Type of benefit	2003	2007 <sup>21</sup>	Increase compared with 2003
	Total number of beneficiaries	Total number of beneficiaries	
Invalidity	79,581	192,178	141%

Source: Ministry of Social Development

### 5. Standard of living

**Paragraph 55. The Committee recommends that the State party continue its efforts to prevent, including through a comprehensive poverty reduction strategy which incorporates human rights principles, a decline in living standards of families, in particular among vulnerable groups.**

664. As noted in chapter III “General aspects”, the Argentine Republic has recently launched a development policy that adopts a human rights-based approach and is designed to forge a new productive model for the country. Its achievements have led to a significant improvement in the living standards of the population in general and of children in particular.

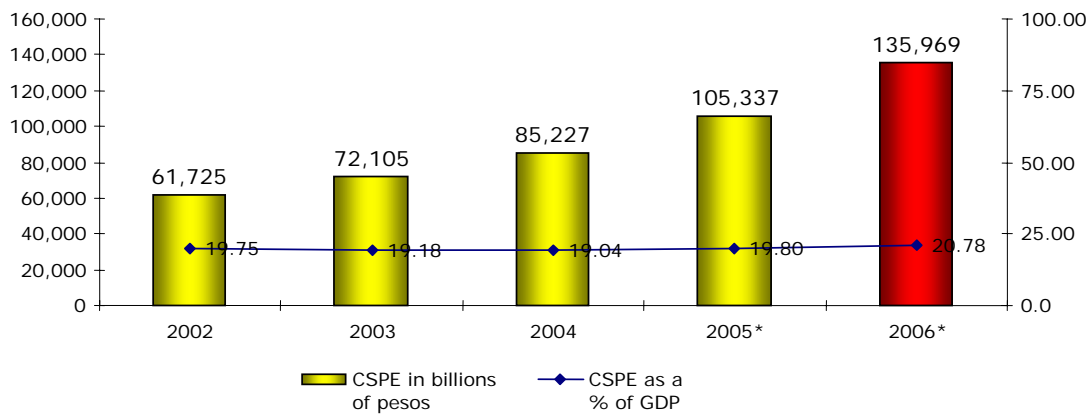
665. Acting on the Committee’s recommendation, the Argentine State has implemented a comprehensive poverty reduction strategy, three components of which may be highlighted.

666. First, it has generated conditions conducive to the revitalization of the country’s productive economy. Secondly, it has undertaken a major budgetary effort to bring about marked infrastructural improvements designed to create the conditions required for the economic, productive and social development of the Republic. And, lastly, it has launched specific activities and policies designed to support particularly vulnerable groups.

667. The following graph shows the increase in consolidated social public expenditure (CSPE), which grew by 120 per cent between 2002 and 2006.

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<sup>21</sup> As at 30 June 2007.

**Consolidated social public expenditure, 2002 - 2006**

Note: (\*) Provisional figures

Source: Directorate for Analysis of Public Expenditure and Social Programmes, Ministry of Economy and Production

668. In view of the federal structure of the Argentine Republic, social public expenditure is the product of a shared fiscal effort on the part of all levels of government. In 2006 the State contributed 47.7 per cent, the provinces 44.8 per cent and the municipalities 7.5 per cent.

669. A second level of expenditure analysis involves an examination of State investment by sector. As is customary, the largest budget appropriations were for social insurance, followed by investment in education, culture, science and technology and health.

670. The trends in consolidated public expenditure reflect the increase in the shares of employment and social development and welfare as a result of the efforts made by the Argentine State to cushion the impact of the economic crisis on the most vulnerable sectors of the population. For example, expenditure on social development and welfare increased from 3,556.5 billion Argentine pesos in 2000 to 12,473.6 billion pesos in 2006.

**Consolidated social public expenditure by function, 2002-2006**

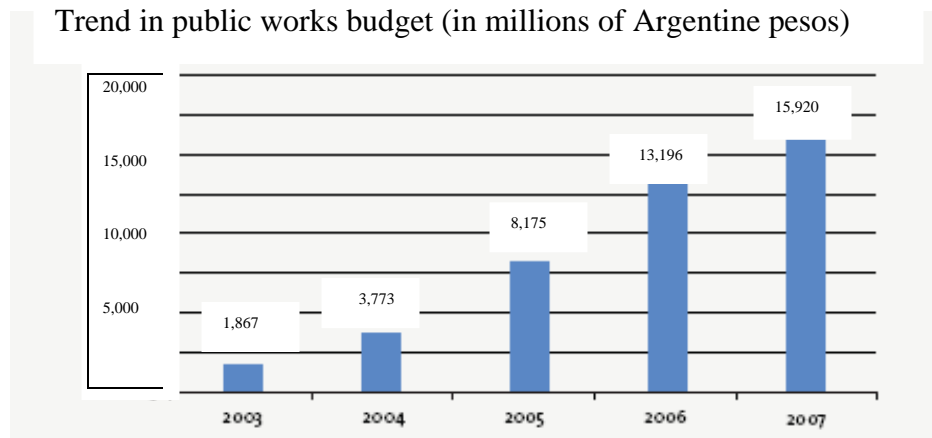
Consolidated social public expenditure	2002	2003	2004	2005*	2006*
	In billions of pesos	In billions of pesos	In billions of pesos	In billions of pesos	In billions of pesos
Education, culture, science and technology	13,745.90	15,180.60	18,588.70	25,299.30	33,162.80
Health	13,968.00	16,304.30	19,450.80	23,928.20	29,994.90
Drinking water and sewerage	344.4	437.1	607.3	681.5	1,372.90
Housing and town planning	729.9	1,146.30	1,805.00	3,311.50	4,818.80
Social development and welfare	3,841.10	5,296.20	6,625.40	8,846.80	12,473.60
Social insurance	22,066.50	24,690.40	28,325.60	32,525.10	42,131.30
Employment	4,725.00	6,379.10	6,492.60	6,969.20	7,368.20
Other urban utilities	2,304.70	2,670.60	3,331.60	3,775.10	4,646.40
<b>Total</b>	<b>61,725.50</b>	<b>72,104.60</b>	<b>85,227.00</b>	<b>105,336.70</b>	<b>135,968.90</b>

Note: (\*) Provisional figures

Source: Directorate for Analysis of Public Expenditure and Social Programmes. Ministry of Economic and Production

671. As may be seen from the table, the share in the structure of consolidated social public expenditure of spending on housing and town planning and on drinking water and sewerage increased sharply in line with the economic recovery, as did spending on education, culture, and science and technology. This reflects public investment in the expansion and improvement of the quality of basic infrastructure and human capital.

672. As an example of the action taken by the Argentine State, mention may be made of the upward trend in the budget of the Ministry of Federal Planning, Public Investment and Services, which increased 8.5 times over during the period 2003-2007 as a result of the implementation of infrastructural projects that had a direct impact on the quality of life of the population. Key projects included road construction, housing and energy infrastructure.



Source: Ministry of Federal Planning, Public Investment and Services; Four-year performance report, 2003 – 2007

673. As mentioned in chapter III, “General aspects”, this major increase in public investment was accompanied, on the one hand, by a pronounced increase in the activity and employment rate and, on the other, by **a steady decline in unemployment, which dropped from 23.3 per cent in May 2002 to 7.7 per cent in the third quarter of 2007** (see trends reported in chapter III, General aspects: section entitled “Economic and social conditions”).

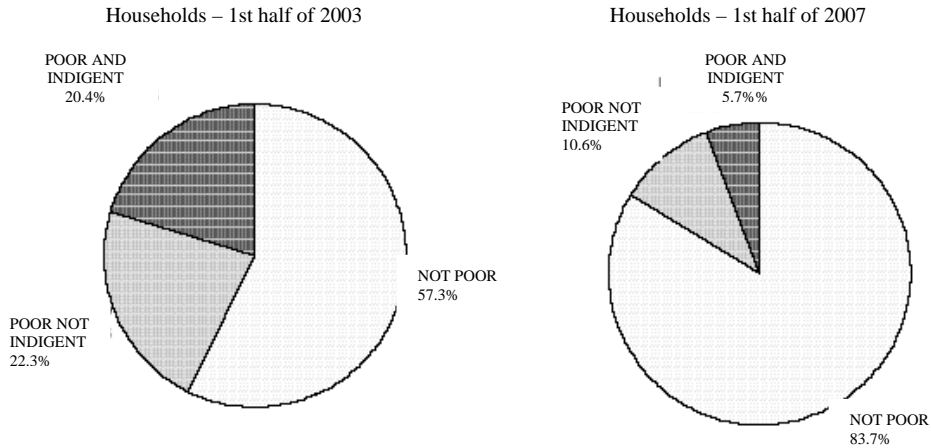
674. The State’s action during the period under review achieved favourable, albeit inadequate, results. According to the Permanent Household Survey (EPH/INDEC), 2,524,000 households, comprising 11,074,000 persons, were under the poverty line in the second half of 2003. Of this total, 1,044,000 households were also under the indigence threshold, which implies that there were 4,749,000 indigent persons.

675. According to the same study, 1,192,500 households, comprising 5,595,000 persons, were under the poverty line in the first half of 2007. Of this total, 417,000 households were also under the indigence threshold, which implies that there were 1,969,000 indigent persons.

676. This means in practice that 1,331,500 households, comprising 5,479,000 citizens, were lifted out of poverty and that 627,000 households, comprising 2,780,000 persons, were lifted out of indigence.

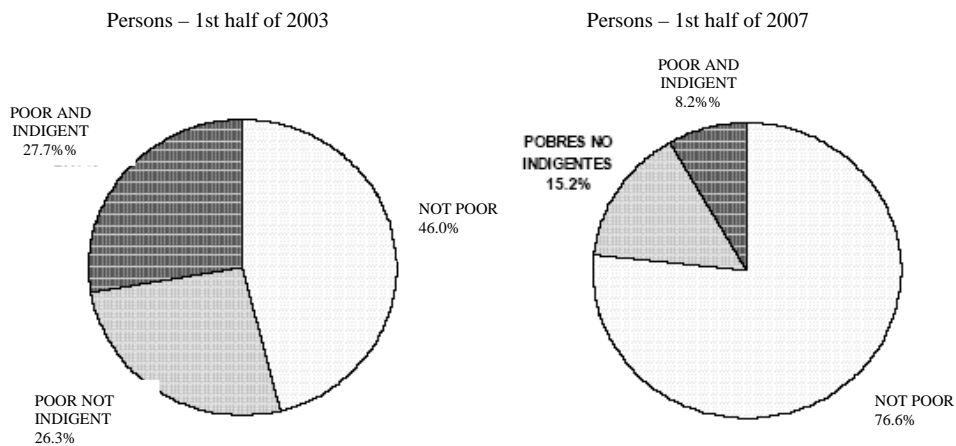


**RATES OF POVERTY AND INDIGENCE HOUSEHOLDS)**



Source: EPH/INDEC, 2007

**RATES OF POVERTY AND INDIGENCE (PERSONS)**



Source: EPH/INDEC, 2007

677. With regard to particularly vulnerable groups, mention should be made of the Family Programme for Social Inclusion, an initiative that forms part of the policy aimed at the comprehensive development of children and their families pursued by the Ministry of Social Development.

### **Family Programme for Social Inclusion**

678. The basic aim of this Programme is to promote the protection and social integration of families living in vulnerable circumstances and/or at social risk. To that end, activities in support of comprehensive health protection, education and capacity-building are implemented to enable them to exercise their rights as citizens.

679. This calls for family protection, prevention, assistance and development, which is achieved through coordination with the Ministry of Health, the Ministry of Education, Science and Technology, the Ministry of Labour, Employment and Social Security, and the Ministry of Federal Planning, Public Investment and Services and with agencies such as the National Institute of Social Services for Retirees and Pensioners (PAMI), the National Women's Council and the United Nations Children's Fund (UNICEF).

680. The following are the main components of the Programme structure:

#### **Component I: Unearned income benefit**

681. The aim of this component is to improve the quality of life of families with children or dependent minors under 19 years of age who are beneath the poverty line, by guaranteeing them a minimum income and promoting their access to health services and education.

682. To this end, they are granted an unearned income benefit to assist in reducing their social vulnerability. The continuity of the benefit depends on fulfilment of health conditions (compliance with the National Vaccination Plan and a two-monthly medical check-up for pregnant women) and of educational conditions (school enrolment and regular attendance for members in the 5 to 19 age group).

#### **Component II: Family and community development**

683. The aim of this component is to implement action in support of family and community development with a view to promoting social integration, including health care and community, educational and productive activities that foster respect for the human rights of family members and for gender equality of treatment and opportunity.

684. The component comprises three types of action on behalf of beneficiaries of the Family Programme for Social Inclusion and the community:

(a) Educational support: children of beneficiary families enjoy access to learning experiences outside school hours in order to develop their oral and written language skills and their command of logical and mathematical concepts corresponding to their age and educational level, and to enhance their civic training and social skills. In addition, families will be provided with tools to stimulate student development and to facilitate interaction with schools and teachers;

(b) Workshops to promote family and community development: the aim of this activity is to promote capacity-building and to assist in strengthening social capital. The idea is to enhance beneficiaries' ability to cope with circumstances that exacerbate social exclusion, impede access to social services and hamper the exercise of their rights as citizens;

(c) Development of skills: this activity is designed to promote and galvanize family training and education. It seeks to reduce the cost of local access to existing public facilities for completion of education or vocational training.

### Number of beneficiaries

685. The scope of the Family Programme for Social Inclusion expanded by 85 per cent during the period from May 2003 to May 2007, with an increase in the number of beneficiaries from 231,421 to currently more than 450,000.

<b>Trend in the number of beneficiaries – country as a whole</b>				
2003 <sup>(1)</sup>	2004	2005	2006 <sup>(3)</sup>	2007 <sup>(3)</sup>
<b>231,421</b>	<b>218,538</b> <sup>(2)</sup>	<b>243,449</b>	<b>371,290</b>	<b>454,372</b>
<sup>(1)</sup> From 25 May 2003				
<sup>(2)</sup> The decline in the number of beneficiaries compared with the previous year is due to suspensions for failure to meet the requirements of the Conditions Survey.				
<sup>(3)</sup> Reflecting the new criteria of the Family Programme for Social Inclusion				

### Socio-demographic composition

686. The presence of children and adolescents in beneficiary households is as follows:

Total number of beneficiaries	454,372
Children covered by the Programme (0 to 19 years)	1,335,854

687. Moreover, 91.6 per cent of beneficiaries of the Family Programme for Social Inclusion are women. The vaccination records of 98.6 percent of child beneficiaries of the Programme in the 0 to 6 age group are up to date; 88.2 per cent of beneficiaries in the 14 to 17 age group are enrolled in school.

### Amounts transferred

688. There has been a significant increase in the amount transferred: the present amount is three times greater than that transferred when the Programme was launched.

<b>Sums transferred as subsidies in Argentine pesos (\$) – country as a whole</b>				
2003 <sup>(1)</sup>	2004	2005	2006 <sup>(2)</sup>	2007 <sup>(2)</sup>
<b>\$224,967,625</b>	<b>\$370,592,675</b>	<b>\$331,216,330</b>	<b>\$612,830,407</b>	<b>\$765,526,707</b>
<sup>(1)</sup> From 25 May 2003				
<sup>(2)</sup> Reflecting the new criteria of the Family Programme for Social Inclusion				

### **Territorial scope**

689. The Programme activities are implemented in the 331 local care centres which serve as the Programme's offices in the area concerned and from which links with the beneficiaries are forged. Their territorial scope increased during the period from May 2003 to July 2007 from 17 provinces and 64 municipalities to 22 provinces and 357 municipalities.

690. Joint activities are also undertaken with the reference centres and community integration centres. At present the Programme's local care centres operate in 10 of them; 47 community integration centres hold awareness-raising workshops for the transfer of beneficiaries of the Unemployed Heads of Household Programme, and 27 community integration centres operate as headquarters for educational support activities and family and community development workshops.

### **Building skills**

691. This benefit consists of an allowance of 150 Argentine pesos per month to young people and adults from households that participate in activities in support of completion of education and vocational training. In April 2007 a total of 5,000 persons received this allowance.

### **Conclusion of agreements**

692. A number of agreements in support of family and community development activities have been signed with the Ministry of Health, the Ministry of Education, Science and Technology, the National Women's Council and UNICEF.

693. Under the agreement with the Ministry of Health, Plan Nacer (the Childbirth Plan) is applicable to families participating in the Programme. The agreement with the Ministry of Education will facilitate adult literacy initiatives and the coordination and implementation of educational support activities.

694. The Ministry of Social Development invests 2,305,133,744 Argentine pesos in the Programme.

695. To conclude this section, it should be noted that the goal of the Ministry of Social Development is to surmount the traditional approach to social welfare, transforming passive beneficiaries into active participants in change.

696. This is the idea underlying the National "Down to Work" Plan, which is designed to achieve economically sustainable social development that generates employment and improves the quality of life of families. The goal is to develop individuals and communities by creating jobs and promoting participation in community life.

697. The Plan is primarily targeted at individuals, families and groups in circumstances of poverty, unemployment and/or social vulnerability. It promotes socio-productive initiatives, provides economic and financial support for productive projects and chains, and support services for production and marketing.

**G. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

**Paragraph 57.** In light of articles 28 and 29 of the Convention, the Committee recommends that the State party:

- (a) **Increase the budget allocated to education;**
- (b) **Enforce the Social Plan of Education in order to ensure regular attendance at school and the reduction of drop-out rates, especially with regard to the most vulnerable children;**
- (c) **Strengthen programmes of subsidies and scholarships for the children who are most affected by the economic crisis;**
- (d) **Strengthen and expand education in human and children's rights;**
- (e) **Improve the quality of education in order to achieve the goals mentioned in article 29, paragraph 1, in line with the Committee's General Comment No. 1 on the aims of education.**

**1. Investment in education, science and technology**

698. For years the Argentine State found it difficult to exceed the educational investment threshold of 4 per cent of gross domestic product (GDP). This ceiling restricted its ability to pursue public policies in the education sector.

699. It is necessary, in the area of educational investment, to be able to rely on a mechanism that provides resources for a period exceeding the current fiscal period and that simultaneously specifies the contributions and responsibilities of the different levels of government. The economic situation and the outlook for the next few years provided an appropriate framework for the implementation of legislation that takes these needs into account.

700. Thus, Act No. 26.075 on Educational Finance established a target applicable to resources for the sector, a framework for the division of responsibilities between the national and provincial governments, institutional arrangements to guarantee their implementation and the goals to be pursued in using the resources.

701. As a result of its implementation, consolidated educational investment in the country as a whole exceeded the threshold of 5 per cent of GDP for the first time ever at the end of 2006. This figure was achieved by legitimate rather than merely arithmetic means (during the 2001-2002 crisis the decline in GDP had a favourable impact on the indicator, although investment was actually falling in real terms on account of inflation). Thus, an increase of some 53 billion Argentine pesos is expected for 2010, i.e. 30 billion pesos more than the rate of investment when the Act was promulgated.

702. Before the entry into the force of the Educational Finance Act, the country allocated, on average, between 3.5 and 4 per cent of GDP to the education sector (except in 2001 and 2002, when the marked decline in GDP generated an increase in the indicator in quantitative but not in real terms). Educational expenditure currently represents, in

terms of both GDP and in absolute (real) terms, the highest annual investment for 15 years.

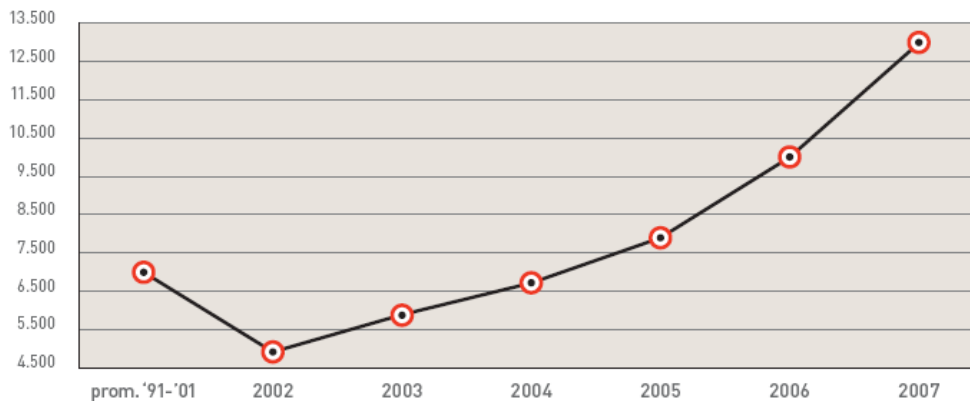
### CONSOLIDATED EXPENDITURE ON EDUCATION, SCIENCE AND TECHNOLOGY, 1991-2007

IN MILLIONS OF ARGENTINE PESOS (\$) IN CONSTANT TERMS (average for first half of 2007)

YEAR	TOTAL EDUCATIONAL EXPENDITURE	NATIONAL EXPENDITURE (2)	PROVINCIAL EDUCATIONAL EXPENDITURE (1)	GLOBAL CHANGE IN EDUCATIONAL EXPENDITURE (IN CURRENT TERMS) BASE 1991 = 100	EDUCATIONAL EXPENDITURE/	EDUCATIONAL EXPENDITURE/
	IN MILLIONES OF \$	IN MILLIONES OF \$	N MILLIONES OF \$		TOTAL PUBLIC EXPENDITURE	GDP
					IN %	IN %
Av. 1991-2001	25,888.22	6,950.40	18,937.83	505.23	12.43	3.85
2002	20,665.98	4,706.07	15,959.90	389.3	14.1	4.1
2003	20,026.58	5,599.52	14,427.06	377.3	13.1	3.9
2004	23,027.54	6,548.82	16,478.72	433.8	13.7	4.0
2005	29,222.26	7,842.88	21,268.38	548.4	14.5	4.6
2006	35,773.90	9,963.43	25,810.47	673.9	15.7	5.1
2007 (3)	41,176.21	12,993.91	28,182.30	775.7	n/a	5.3

Notes: (1) Provincial educational expenditure does not include transfers from the Ministry of Education, Science and Technology; (2) The expenditure of the Ministry of Education, Science and Technology includes science and technology activities. It does not include health spending (Programme 26, act. 61:3); (3) National expenditure on education, science and technology; provincial jurisdictions: projected expenditure under Act No. 26.075. Source: Ministry of Education, Science and Technology based on budgetary data.

### NATIONAL EXPENDITURE ON EDUCATION, SCIENCE AND TECHNOLOGY IN MILLIONS OF ARGENTINE PESOS (\$) IN CONSTANT TERMS



**Trend in the budget of the Ministry of Education, Science and Technology<sup>22</sup>**

703. In line with total State investment in education, science and technology, the trend in the budget of the Ministry of Education in recent years has reflected the public policy principles underlying the Educational Finance Act.

704. As may be seen from the tables and graphs, sectoral investment by the Ministry of Education as well as by other ministries and national agencies that allocate funds to education, science and technology has increased since 2004 at annual rates of between 30 and 40 per cent.

705. Over the past four years, the budget of the Ministry of Education has tripled (this does not include funds allocated by other agencies and the 700 Schools Programme). By the end of 2007, the Ministry's investment in basic education will have quadrupled compared with expenditure in 2003.

706. The policy of grading of the salaries of university teaching staff and the increase in funding to meet the operational requirements of higher education institutions led to an increase of more than 170 per cent in the funds allocated to national universities, which now account for roughly 53 per cent of the total budget of the Ministry of Education.

707. The budget allocated directly by the Ministry to the financing of the national scientific and technological system tripled.

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<sup>22</sup> As the period covered by this report is 2002-2007, the title corresponding to the education portfolio is Ministry of Education, Science and Technology. However, as mentioned in the subsection "Legislation" of section A, when the new Ministry of Science, Technology and Productive Innovation was created by Act No. 26.338 of 6 December 2007, the executive body responsible for education at the national level was renamed Ministry of Education.

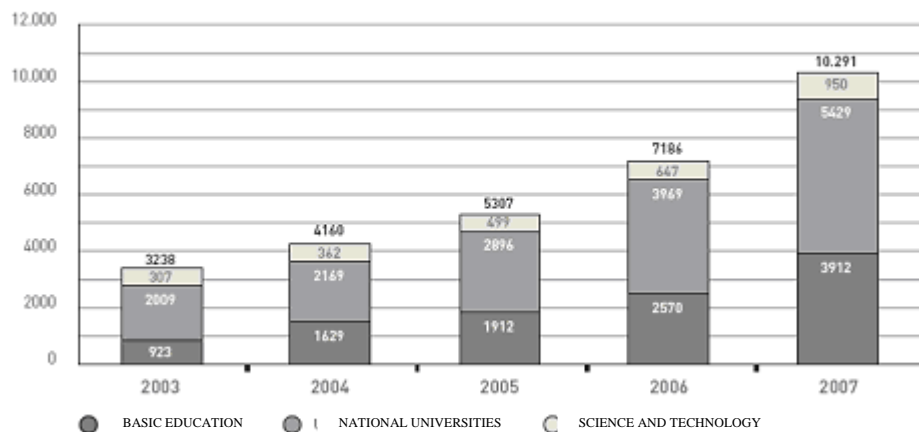
## EXPENDITURE ON EDUCATION, SCIENCE AND TECHNOLOGY BY FUNCTION, 2003-2007

IN MILLIONS OF ARGENTINE PESOS IN CURRENT TERMS

JURISDICTION	FUNCTION	2003	2004	2005	2006	2007
MINISTRY OF EDUCATION, SCIENCE AND TECHNOLOGY	Education	2,832	3,692	4,687	6,423	9,238
	Science and technology	406	468	620	763	1,053
	<b>TOTAL MINISTRY</b>	<b>3,238</b>	<b>4,160</b>	<b>5,307</b>	<b>7,186</b>	<b>10,291</b>
OTHER AGENCIES	Education	471	493	774	1,258	1,630
	Science and technology	351	426	576	850	1,073
	<b>TOTAL OTHER AGENCIES</b>	<b>822</b>	<b>919</b>	<b>1,350</b>	<b>2,108</b>	<b>2,703</b>
TOTAL BY FUNCTION	Education	3,303	4,185	5,461	7,681	10,867
	Science and technology	757	894	1,196	1,613	2,127
	<b>TOTAL BY FUNCTION</b>	<b>4,060</b>	<b>5,079</b>	<b>6,657</b>	<b>9,294</b>	<b>12,994</b>

Notes: (A) 2003 to 2006: Implemented budget; (B) 2007 “Other agencies”: Outstanding credit; (C) 2007 “Ministry of Education, Science and Technology”: projection based on outstanding credit.

## NATIONAL EXPENDITURE ON EDUCATION, SCIENCE AND TECHNOLOGY IN MILLIONS OF ARGENTINE PESOS IN CONSTANT TERMS



### Educational Finance Act

708. The adoption in 2005 of Act No. 26.075 on Educational Finance, which entered into force in 2006, introduced the following new rules for the coordination of sectoral



investment among the different levels of government with a view to reaching the target of 6 per cent of GDP by 2010:

(a) Enrolment of 100 per cent of the 5-year-old population in initial education and provision for increased enrolment of children aged 3 and 4, giving priority to the most disadvantaged sectors of society;

(b) Guaranteeing a minimum of 13 years of compulsory schooling for all children and adolescents; provision for the enrolment of children and young people with special educational needs; ensuring that a minimum of 30 per cent of basic education pupils have access to extended or full-day schools, giving priority to the most disadvantaged sectors of society and geographical areas;

(c) Progress towards the universalization of intermediate education, ensuring that young people who are not attending school – but are within the age group that should be enrolled at this level – are enrolled or re-enrolled and complete their studies;

(d) Eradication of illiteracy throughout the national territory and promotion of education for young people and adults at all levels of the system;

(e) Implementation of pedagogical and structural changes conducive to an improvement in the quality and equity of all levels and branches of the national education system, ensuring that all students at every level assimilate core elements of the curriculum;

(f) Promotion of the introduction of information and communication technology into educational establishments and of the teaching of a second language;

(g) Support for technical and vocational education, including its modernization and linkage with production and employment;

(h) Increased investment in infrastructure and equipment for schools and vocational training centres;

(i) Improvement of the employment and salary conditions of teachers at all levels of the education system, introduction of career ranking and enhancement of the quality of initial and in-service teacher training;

(j) Promotion of democratization, quality enhancement, innovation and increased relevance of the education provided in the national university system;

(k) Ranking of scientific and technological research and ensuring that the objectives set for the national science and technology system are achieved.

709. In addition to setting this financial target, the Educational Finance Act provides for the mechanisms to facilitate its achievement, making explicit provision for three interrelated components: (a) the division of financing responsibilities at each level of government; (b) the deadline for achievement of annual resource targets; and (c) the funding source for the targets. With that end in view:

(a) It establishes a modus operandi for each level of government, defining a resource sequence to be followed by each one. This equation presents a breakdown of the contribution to be made, depending on whether the absolute increase in the largest outlay

is required (a) to maintain the current percentage of GDP or (b) to increase the percentage;

(b) It inaugurates the use of a constitutional resource to meet the financing target: the resources required to increase the ratio of expenditure on education, science and technology to GDP are to be allocated specifically from the (anticipated) increase in revenue sharing (in accordance with the terms of article 75, paragraph 3, of the National Constitution);

(c) It undertakes and guarantees (by earmarking) that a share of the increase in the revenue that might potentially have been allocated to other sectors (for example, on an equal scale for health and security) is earmarked for education, on a scale leading to a doubling of the country's consolidated education budget – in terms of GDP – in just five years;

(d) It establishes technical criteria pursuant to which provinces with the lowest spending rates per student are required to improve their performance in respect of this indicator by means of direct action on the part of the provincial governments and incremental assistance from the national State.

710. The Act also introduces procedures for bilateral coordination between the national State and the provincial governments. Thus:

(a) Annual bilateral agreements were signed with the 23 provinces and the Autonomous City of Buenos Aires, in accordance with article 12 of the Act, in which agreement was reached on educational activities and the targets to be achieved;

(b) During the first two years of implementation of the Act, the increase in consolidated expenditure on education, science and technology was greater than 40 per cent, an increase that was earmarked for the targets agreed upon by the National Government and the provincial governments;

(c) In 2006 and 2007 consolidated expenditure on education, science and technology represented 5.1 per cent and 5.3 per cent respectively of GDP, exceeding the targets that had been set;

(d) The jurisdictions as a whole have increased their budget by 32 per cent since the entry into force of the Act;

(e) The budgetary increases had a pronounced impact on teachers' salaries. The take-home salaries of teachers without seniority, calculated as a weighted average for all jurisdictions, increased by 43 per cent during the period from the date of adoption of the Act until September 2007.

### **Guarantee of a countrywide minimum salary for teachers**

711. Article 9 of the Educational Finance Act established the National Salary Compensation Programme for Teachers, the aim of which is "... to compensate for inequalities in a teacher's initial salary in provinces where it has been duly established that, notwithstanding financial action on behalf of the sector and enhanced efficiency in the allocation of resources, it has not been possible to offset such inequalities". It thus

provides legal support for the policy of improving teachers' salaries, which was launched in 2003 with a doubling of the budgetary resources earmarked for the National Teacher Incentive Fund and the establishment of a national minimum salary in 2005.

712. The following table and graph bear eloquent testimony to the impact in terms of equity of the transfers aimed at guaranteeing minimum salaries for teachers in the provinces and the Autonomous City of Buenos Aires. They show the salary for the province with the lowest rate of pay for recently hired teachers (i.e. teachers without seniority), the equivalent salary in the province with the highest pay, the weighted average of the salaries of teachers in all provinces and the ratios (quotients) between the maximum and minimum, on the one hand, and between the maximum and the average, on the other.

713. The lowest salary in the country for a provincial teacher without seniority increased by 285 per cent between December 2002 and March 2007, while the highest salary increased by 132 per cent. In other words, as a result of the action undertaken, the increase in the lowest salaries was more than double the increase in the highest salaries.

MINIMUM, MAXIMUM AND AVERAGE WEIGHTED TAKE-HOME SALARY  
REGULAR PRIMARY EDUCATION TEACHER/GENERAL BASIC EDUCATION TEACHER,  
WITHOUT SENIORITY

2000-2007

	Dec. 2000	Dec. 2001	Dec. 2002	Dec. 2003	Dec. 2004	Dec. 2005	Dec. 2006	Dec. 2007
Minimum salary	\$305.55	\$280.55	\$270.54	\$300.65	\$371.06	\$700.00	\$840.00	\$1,040.00
Maximum salary	\$798.82	\$773.82	\$763.82	\$881.07	\$1,116.81	\$1,416.38	\$1,660.79	\$1,858.25
Average weighted salary	\$387.59	\$362.70	\$352.91	\$413.03	\$562.72	\$759.83	\$893.55	\$1,096.12
Maximum/ minimum ratio	2.61	2.76	2.82	2.93	3.01	2.02	1.98	1.79
Maximum/ average ratio	2.06	2.13	2.16	2.13	1.98	1.86	1.86	1.70

TREND IN MINIMUM, MAXIMUM AND WEIGHTED AVERAGE SALARIES AND RATIO  
BETWEEN THE MAXIMUM AND MINIMUM SALARY  
REGULAR PRIMARY EDUCATION TEACHER/GENERAL BASIC EDUCATION TEACHER,  
WITHOUT SENIORITY



714. Lastly, the federal government, in line with this policy, raised the minimum salary for teachers at the beginning of 2008 by 24 per cent, so that it now stands at 1,290 Argentine pesos.

### **Prospective trend in sectoral financing**

715. At the time of adoption of the Educational Finance Act, the federal government accounted for about 28 per cent of the country's consolidated educational expenditure, supporting the national universities, apart from the science and technology system, and financing specific basic education programmes (study grants, infrastructure, equipment, teacher training, etc.). The remaining 72 per cent was contributed by the provinces in support of non-university education.

716. The Act provides for an increased contribution on the part of the central Government: it must contribute 40 per cent of the increase in educational expenditure as a ratio of GDP.

717. If this procedure is followed, the National State should be accounting by the end of the decade for about 35 per cent of sectoral expenditure and the provinces for the remaining 65 per cent.

718. Moreover, if the projected growth in GDP is realized, the increase of almost two percentage points in educational financing over a period of five years would result in: (a) a more than doubling of sectoral funds; and (b) an increase in the National State's contribution thereto.

719. As a result, the historic failure of the budget to meet the requirements of the national education system has been remedied. The stability of the increased funding for the sector since mid-2003, the decision to consolidate this policy in the longer term by promoting and adopting the Educational Finance Act, and the fact that the legally established targets have been exceeded on a few occasions, for instance in the case of sectoral investment in 2006 and 2007, have created an unusually favourable environment for action in support of the role of education, science and technology as the cornerstone of our country's development model.

**INCREASE IN INVESTMENT AT THE NATIONAL AND PROVINCIAL LEVEL WITH A VIEW TO ATTAINING 6 PER CENT OF GDP IN 2010**

**FINAL FIGURES FOR 2006 AND 2007; PROJECTIONS FOR 2008-2010**

IN MILLIONS OF ARGENTINE PESOS IN CURRENT TERMS AND AS A PERCENTAGE OF GDP

YEAR	GDP	FINAL FIGURES 2006-2007 AND PROJECTION 2008-2010			
		NATION	PROVINCES	TOTAL	TARGET AND PERFORMANCE AS % OF GDP
2006	654,439	9,236	23,901	33,136	Target: 4.07 Performance: 5.06
2007	783,062	12,994	28,182	41,176	Target: 5.00 Performance: 5.26
2008	896,730	13,639	33,887	47,527	5.30
2009	976,422	16,023	38,656	54,680	5.60
2010	1,045,133	18,823	43,885	62,708	6.00

Notes: "Nation" 2007: projection based on performance during the first three quarters and ON processed increases in credit. "Provinces": projection based on data for the first quarter. GDP: 2007-2010: official estimates contained in the draft 2008 Budget Act. "Target and performance as % of GDP": for 2006 and 2007, actual performance recorded in addition to the Educational Finance Act target.

## **2. Educational infrastructure**

720. The quality of education depends both on the achievement of specific results and on the manner in which the educational process itself is conducted; the school environment is one of the factors that influences educational activity, and the results achieved depend in large measure on how its potential is exploited. This environment must therefore be regarded as an integral part of the process of achieving quality education.

721. On adoption of Act No. 24.049 in 1991, the country completed the transfer to the provinces and the Autonomous City of Buenos Aires of educational services provided by all establishments administered by the Ministry of Culture and Education and the then National Council for Technical Education. Since the implementation of the Act, school buildings have come under the jurisdiction of the provincial governments and the Government of the Autonomous City of Buenos Aires, which are responsible for their maintenance and for decisions concerning the need for repairs and/or extensions or for the construction of new buildings to meet increased demand or to replace dilapidated buildings.

722. In addition, action to improve the educational environment through the allocation of funds for infrastructural work and for the purchase of furniture and information technology (IT) equipment has constituted an educational policy goal, the aim being to optimize the quality, equity and efficiency of education and to improve the physical conditions in which the process of teaching and learning takes place.

723. The objectives pursued in the context of the wide range of activities relating to infrastructure and equipment are structured in such a way as to achieve quality education for all. It is therefore necessary, as a matter of course, to target the entire spectrum of the education system: types, levels and branches of education in urban, rural and peripheral urban contexts.

724. The school environment, defined as a combination of closed and open areas, may be viewed, in terms of learning situations, as both container and content: as a container because of the facilities it provides for instruction and training work, but also as content by virtue of its considerable influence on the knowledge, skills and attitudes imparted.

725. It follows that the school should not be perceived in isolation: today's complex scenarios call for a manner of educational thinking and acting that extends beyond the school building. Projects are conceived on the basis of an environment that is open to the community and that serves multiple purposes, including sports grounds, libraries, computer rooms and workshops, with provision for coordination among them. By taking the demands of the local environment into consideration, these areas serve the aims of affirmative action and equity of supply.

726. The concept of an inclusive educational environment has been incorporated in all activities involving two types of process. On the one hand, the process of integration ensures the broad and effective integration of children and adolescents, without any physical, hierarchical or gender-based discrimination. On the other hand, action has been taken to promote a process of participation, i.e. administrative procedures involving the whole educational community – teachers, students, parents – in consultations and shared decision-making, in joint assessment of needs with a view to drawing up syllabuses, and subsequently in the comprehensive and intensive use of the educational environment.

727. To sum up, the activities undertaken on the basis of this approach to the management of educational infrastructure have created a set of conditions that constitute a prerequisite for any comprehensive response to current and future challenges in the area of child and adolescent education.

### **700 Schools Programme**

728. The National 700 Schools Programme is a joint initiative involving the Ministry of Education, the Ministry of Federal Planning, Public Investment and Services and the ministries of education and/or the ministries of public works of each provincial jurisdiction. The Programme provides for the construction of new school buildings throughout the country in response to the demand of individual jurisdictions.

729. The objectives of the comprehensive Programme activities have been structured in such a way as to achieve equitable and high-quality education, and the Programme, in line with those aims, targets all types of education – regular, special, adult and artistic education – and all levels – initial, primary, intermediate and higher education – in urban, rural and peripheral urban contexts.

730. In implementing the Programme, joint action has been taken with the provincial ministries, following a process of selection of schools to be built or rebuilt on the basis of a series of conditions:

- (a) A proportion of the school population lives in poverty;
- (b) An actual or potential amount of unsatisfied demand exists at a particular level of education in the area concerned;
- (c) The buildings have deteriorated in structural or functional terms. Moreover, the Programme provides for the installation of furniture and IT equipment with a view to encouraging the use of new technology as a source of information, thereby facilitating tuition in schools attended by children and young people in highly vulnerable social circumstances.

731. The Programme's architectural projects are structured on the basis of concepts of inclusion, accessibility and plurality. The responses have been highly diverse and the idea of a uniform response has been deliberately rejected.

732. The quest for uniformity has been programme-based: the buildings serve the purpose of alternative out-of-school activities and are recognized as representative images of the educational institution. They are designed to serve as landmarks in the urban environment or the countryside.

733. The schools are located in all of the provinces, in rural, urban and suburban areas and in different geographical zones: on plains, in hilly countryside, mountainous regions and tropical areas, on riverbanks and along the seacoast, and in cold, desert, temperate and windy climates.

734. Institutional identity strategies have been developed and various symbols of identity, some compulsory and others optional, have been designed for each school.

735. The projects contain no architectural barriers affecting persons with restricted physical mobility. All relevant provisions of Act No. 24.314 on Accessibility for Persons with Reduced Mobility have been applied.

736. Security regulations are strictly complied with, for instance through the use of splinter-proof glass, fireproof installations, anti-panic doors, etc.

737. In assessing proposals and defining conceptual criteria, work was coordinated on an all-embracing and intensive basis with different sections of the Ministry – Special Education, Initial Level, Primary Education, Secondary Education and Teacher Training – and with the National Institute for Technological Education in the case of technical colleges.

**EDUCATIONAL INFRASTRUCTURE**

TOTAL INVESTMENT IN INFRASTRUCTURE FOR EDUCATION	1,795,174,910 Argentine pesos	
NEW SCHOOL BUILDINGS*	765	BUILT/UNDER CONSTRUCTION**
	41	TENDERING PROCESS UNDER WAY
NEW INFORMATION TECHNOLOGY ROOMS	1665	BUILT/UNDER CONSTRUCTION
	625	TENDERING PROCESS UNDER WAY
REPAIR WORK/ SCHOOL EXTENSIONS	1120	COMPLETED/UNDER WAY
	37	TENDERING PROCESS UNDER WAY
FACILITIES FOR SOLAR ENERGY SUPPLY IN RURAL SCHOOLS	1385	COMPLETED/UNDER WAY
	104	TENDERING PROCESS UNDER WAY
TOTAL NUMBER OF BENEFICIARY SCHOOLS	5742	

\* Includes 700 Schools Programme plus 55 schools built by the Ministry of Education, Science and Technology.

\*\* In October 2007 a total of 319 schools had been completed.

**Improvement of rural education**

738. On the basis of the educational policy priorities set by the Ministry of Education, work was begun in 2007 on the infrastructure envisaged in the Rural Education Improvement Project, financed by means of a loan from the World Bank.

739. Under this Project, the aim of which is to strengthen rural education in accordance with the objectives of the Educational Finance Act, action is taken to improve the infrastructure of isolated rural schools. Priority is given to the resolution of problems stemming from the lack of essential services and to the provision of furniture and technological equipment, etc.

740. The initial activities included a comprehensive survey of more than 5,000 isolated rural schools, in coordination with La Plata University.

**Other measures aimed at improving educational infrastructure**

741. Various types of action taken to supplement the other programmes contributed to the improvement of school accommodation through the construction of more and better educational premises, intended in most cases for the most disadvantaged communities in socio-economic terms.

(a) Action taken under the Work Plan included the construction of new buildings capable of accommodating a larger number of students, the replacement of dilapidated buildings or those with serious functional problems, repairs, extensions and



improvements in the quality of services. The work was undertaken in accordance with the priorities set by the different jurisdictions;

(b) Action taken under the Project for the Provision of Basic Services is aimed at improving school accommodation, mostly in rural areas, by providing essential services such as supplies of drinking water, electric power and gas;

(c) Action under the Productive Micro-enterprise Project involves the development of micro-enterprises that promote community participation (students, teachers and families) in the implementation of productive activities resulting in self-sufficiency or income generation through the sale of products;

(d) Provision was made for Emergency Works to repair damage to buildings from natural phenomena (floods, avalanches or earthquakes), which impede the normal conduct of school activities. In this context, resources were also earmarked for rapid action to repair damages to buildings that might adversely affect the beginning of the academic year;

(e) The equipment component was designed specifically to provide furniture for classrooms, computer rooms, libraries, workshops, canteens, kitchens and shelters as well as IT equipment for schools at various levels of education. This component was also used to purchase the furniture and IT equipment needed to meet the requirements of the new buildings constructed under the National 700 Schools Programme and to equip schools forming part of the Comprehensive Programme for Educational Equality.

### **3. Equality of opportunity: more education for all**

742. As recognized by article 2 of Act No. 26.206 on National Education, equality is a fundamental requirement for the construction of a just and democratic society. It is a principle that implies both the fulfilment of rights and the egalitarian distribution of material property.

743. Educational equality is achieved both through formal enrolment in the system and through guaranteed access to and full participation in our overall cultural environment. These are the conditions that need to be met if the school is to function as a public forum in which we can engage in a collective process of reflection about the current situation, thereby helping to bring about change.

744. Inclusion policies were formulated with a view to creating the basic physical conditions in which children and adolescents can effectively exercise their right of access to a decent education and right to smooth passage through the system. The allocation of resources (study grants for inclusion, books and teaching aids, IT equipment) and the construction and renovation of physical facilities were regarded as a prerequisite for broadening the scope of the available educational project, thereby paving the way for other approaches to teaching and learning.

745. These policies were designed at the same time to guarantee symbolic conditions conducive to a fully egalitarian and democratic educational project. Rejecting the concept of equality as uniformity and elimination of differences, we support the principle of

complex equality, which means equality that is capable of respecting differences and at the same time acting against injustice.

### **Policies of equality at different levels**

#### **National Programme for Educational Inclusion (PNIE)**

746. The National Programme for Educational Inclusion (PNIE) was established by the Ministry of Education (and is run by a number of different bodies) to address one of our country's most serious and urgent problems: the educational exclusion of children and adolescents who have remained outside the education system because of the deteriorating socio-economic situation in recent decades.

747. The Programme is based on an innovative working model involving joint and collaborative administration at different organizational levels (national, jurisdictional and regional-local levels) between the states and community organizations. To that end, national, provincial and local coordinating bureaux have been set up and begun to operate. Intersectoral work has also been undertaken with international organizations such as UNICEF, other State agencies (Human Rights Secretariat and National Youth Directorate) and civil society organizations.

748. The local bureaux develop inclusion projects based on an innovative educational approach called "espacio puente" (bridging initiative). These new projects are run by teachers who offer preliminary assistance to children and young people who are outside the system: art workshops, educational support classes, productive initiatives, tutorials, etc. Various institutional, group or individual strategies are developed in this environment to reintegrate students within one year (at most) into the corresponding regular school group.

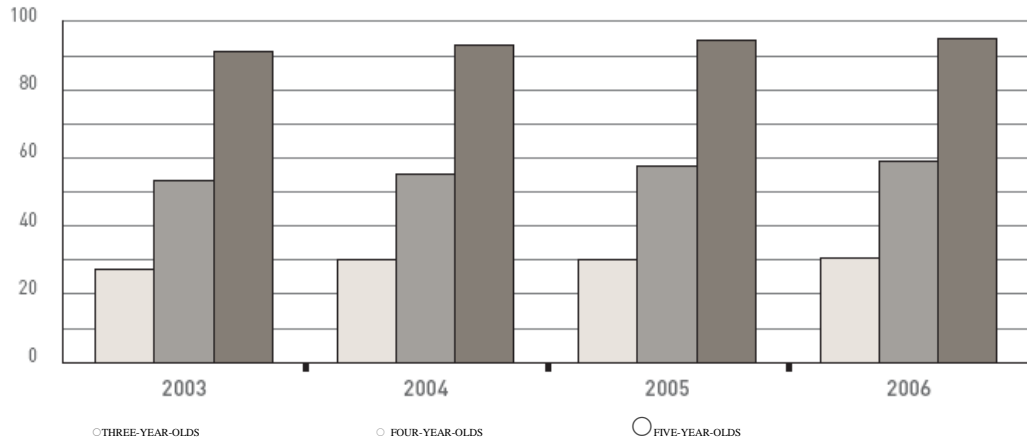
749. The aim is to integrate children and young people gradually into the educational facilities corresponding to their age that are offered by the education system.

#### **Early childhood**

750. The enrolment of three-year-olds, four-year-olds and five-year-olds increased significantly during the period 2003-2006.

751. The enrolment rate increased from 27.2 per cent to 30.3 per cent for three-year-olds, from 53 per cent to 59 per cent for four-year-olds, and from 91.4 per cent to 94.6 per cent for five-year-olds.

### TREND IN ENROLMENT RATES AT THE INITIAL LEVEL



752. As noted in the subsection entitled “Coordination” of section A, the Ministry of Education, the Ministry of Social Development and the Ministry of Health signed an agreement in 2005 on the implementation of the National “Early Childhood” Development Programme.

753. Since then the ministries have taken joint action to establish as public policy an integrated approach to the development of children in the 0 to 4 age group in their family and community environment and to provide backing for family child-rearing practices, promoting social and community support networks to assist families affected by poverty and social exclusion, and involving numerous actors at the provincial and local levels.

(a) Close coordination has been achieved between the national, provincial and local levels: between ministries, with the provinces and with various social actors and civil society organizations; inter-ministerial and intersectoral bureaux have been established;

(b) Thirty-two thousand booklets containing guidance on the promotion of early childhood development for family groups with children aged 0 to 4 years have been produced and distributed;

(c) Twenty instalments of the television programme “Early childhood: growing together” have been produced and broadcast on the Ministry of Education “Encuentro” (Meeting) channel;

(d) Training and technical assistance courses have been organized for 3,000 facilities, who work with 500,000 families in 2,000 literacy centres throughout the country.

## **Primary education**

### **Comprehensive Programme for Educational Equality**

754. The Comprehensive Programme for Educational Equality (PIIE), launched in 2004, forms part of a national policy aimed at promoting inclusion and guaranteeing the right of all to quality education.

755. The activities implemented under this Programme are intended for urban primary schools attended by children in circumstances of poverty and exclusion. The aims of the Programme are: to promote equality of opportunity in terms of educational policy and equal access to learning tools and resources; to promote, organize and implement teacher training and exchange activities that enhance the primordial role of teaching; to mobilize the material and symbolic resources needed to ensure improved learning conditions; to promote stronger and better links between schools and the community; to oversee and support the development of school-based educational initiatives such as forums for action and reflection on institutional and classroom teaching projects. The Programme:

- (a) Assists 2,300 schools located throughout the country on a proportional basis;
- (b) Supports almost 1,200,000 pupils (38 per cent of the state urban enrolment rate in regular primary education).

756. The Programme supports schools in designing and implementing “pedagogical initiatives”, i.e. practices, activities, proposals and projects that the schools elaborate and develop collectively on the basis of a problem, interest or need and that are directly related to the teaching and learning process. This is achieved through supervision of the teaching process and the provision of material resources:

(a) More than 33 million Argentine pesos of economic support for these pedagogical initiatives has been allocated under the Programme;

(b) Teams of teaching assistants have been organized and have begun work in all the provinces; their basic mandate consists in offering assistance and advice to schools participating in the Programme.

757. The Programme also organizes, implements and promotes teacher training and exchange initiatives with and on behalf of the jurisdictional teams and school managers.

758. In this context, the project Improvement of Teaching Skills in Schools Participating in the Comprehensive Programme for Educational Equality was launched (by means of a European Union grant) to improve teacher training facilities and to equip schools with information and communication technology.

759. Another Programme goal consists in mobilizing and making available the resources required to ensure higher-quality learning opportunities for children.

760. During the period from 2003 to 2007:

(a) Funds for the provision of basic educational materials were transferred to each school participating in the Programme, i.e. a total sum of 6 million Argentine pesos;

(b) 2,300 sets of IT equipment (eight computers, three printers, three stabilizers and the corresponding network concentrator) were distributed;

(c) A school library consisting of 500 books was delivered to each school together with the necessary furniture;

(d) More than 3 million student textbooks were distributed;

(e) Infrastructural repairs were carried out in schools (sanitary facilities, roofs, enclosures) and IT rooms and libraries were built.

761. During the period under review, the number of schools participating in the Programme increased from 14.6 per cent to 29.5 per cent of state, urban and primary establishments. In terms of enrolment, an increase of 19 per cent to 34.1 per cent was recorded.

762. The year-on-year drop-out rate declined by 2.13 per cent to 1.22 per cent in state, urban and primary establishments during the period 2002-2005. The decline in the drop-out rate in schools joining the Programme after 2004 was greater: it dropped by 2.57 per cent to 1.49 per cent.

#### **National Programme for Educational Inclusion (PNIE)**

763. The object of the National Programme for Educational Inclusion is to address the problem of educational and social exclusion of children and adolescents who are outside the education system. Its primary aim is to ensure the inclusion of those who, for various reasons, have never attended school or have dropped out, by developing strategies designed to integrate students with different social and educational backgrounds into the education system as speedily as possible, enrolling them in the grade that corresponds most closely to their age or in the branch of education that is deemed to be most appropriate.

764. With a view to ensuring that they return to school and remain there, provision has been made for study grants and educational monitoring, depending on the characteristics of each group of beneficiaries:

(a) “Todos a Estudiar” (Study Time for All). This initiative is designed to address the problem of educational and social exclusion of children and adolescents in the 11 to 18 age group who are outside the education system. The primary aim is to ensure the inclusion of those who, for various reasons, have never attended school or have dropped out.

765. The Programme seeks to develop strategies that succeed, through bridging action, in integrating students with different social and educational backgrounds into the education system as speedily as possible. The aim is to enrol them in the grade that corresponds most closely to their age or in the branch of education that is deemed to be most appropriate in the light of their individual circumstances.

766. To date, 32,000 child and adolescent drop-outs have been reintegrated into the education system.

(a) “Volver a la Escuela” (Returning to School). This initiative, launched in 2004, pursues the same objectives as “Todos a Estudiar” (Study Time for All), extending coverage to children in the 6 to 14 age group with a view to ensuring that all children and young people can complete their compulsory education;

(b) “Línea Rural” (Rural Line). The aim is to prevent children in rural areas from dropping out of school. The initiative includes exceptional awards of study grants to pupils who, on 30 June 2006, were attending level 2 of general basic education (corresponding to the fourth, fifth or sixth grade) in isolated rural schools and were several years overage (a gap of three or more years between their chronological age and the age corresponding to the grade in which they are enrolled); their parents or guardians were required to present evidence of their need for a grant to continue their studies; as well as to pupils who completed level 2 of general basic education in isolated rural schools in 2005 and had not begun level 3 by 15 April 2006.

767. With a view to supporting these activities, the Ministry of Education has created the first ever School Fund for Educational Inclusion (FEIE), which provides financial support for:

- (a) Grants for young people embarking on the process of inclusion;
- (b) A subsidy for implementation of the inclusion project by each local bureau;
- (c) A subsidy for the purchase of school equipment needed to implement the project;
- (d) An allowance for the educational facilitators involved in implementing the project.

#### **Grants for educational inclusion**

768. More than 1,200 million Argentine pesos have been appropriated for grants designed to ensure that children and adolescents enjoy equality of opportunity for access to and continued enrolment in the education system.

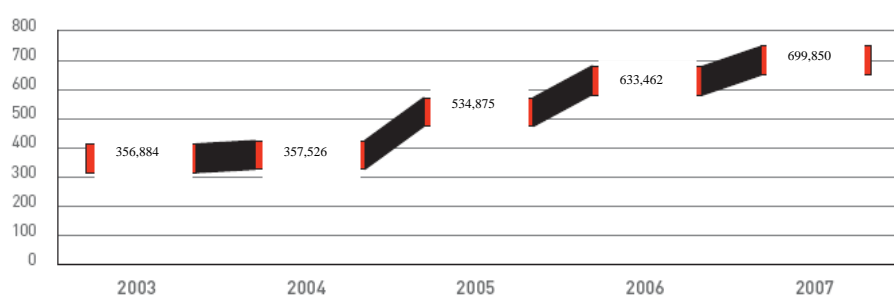
### NUMBER OF GRANTS AWARDED

	RETENTION GRANTS	INCLUSION GRANTS	GRANTS FOR INDIGENOUS STUDENTS	SPECIAL GRANTS	TECHNICAL COLLEGE STUDENTS	TOTAL
2003	350,000		5,500	1,384		356,884
2004	350,000		6,000	1,526		357,526
2005	500,000	26,000	6,500	2,377		534,875
2006	500,000	93,000	7,000	3,362	30,000	633,462
2007	500,000	109,000	16,500	15,650	60,000	699,850

### CANTIDAD DE BECAS OTORGADAS

	BECAS RETENCIÓN	BECAS INCLUSIÓN	BECAS ESTUDIANTES INDÍGENAS	BECAS ESPECIALES	ESTUDIANTES DE ESCUELAS TÉCNICAS	TOTAL
2003	350.000		5500	1384		356.884
2004	350.000		6000	1526		357.526
2005	500.000	26.000	6500	2377		534.875
2006	500.000	93.000	7000	3362	30.000	633.462
2007	500.000	109.000	16.500	15650	60.000	699.850

### ANNUAL TREND



## Secondary education

### National Student Grant Programme

769. The aim of the National Student Grant Programme is to encourage students in the 13 to 19 age group who are in circumstances that make it difficult for them to remain in the education system, who attend public schools and whose families live in poverty to remain enrolled and to continue and complete their studies. It is implemented throughout

the country on a decentralized basis and is administered by the education systems in each jurisdiction.

770. The Programme activities are structured around three components: study grants, institutional projects and textbooks.

771. Annual study grants of 500 Argentine pesos are awarded to assist students in completing their studies. During the period 2003-2007, the procedures were modified and certain requirements were eliminated in order to achieve greater equality. The requirement of possession of a national identity document remains, as does the student merit requirement in terms of educational progress and assistance.

#### **Institutional retention projects**

772. Institutional retention projects are designed to develop institutional and educational activities that improve students' completion and advancement rates. With this end in view, school management teams and teachers present projects aimed at addressing (with funding and advice) problems relating to repetition and drop-out rates.

773. Support and funds, totalling 63 million Argentine pesos, have been provided for 16,631 institutional projects.

#### **National Youth and Adult Literacy Programme**

774. The Programme encourages all persons aged 15 years of over who are unable to read and write to become involved in a learning process.

775. A five-month course develops initial literacy skills and the certificate awarded provides access to further studies at the adult primary level or its equivalent in the jurisdiction concerned.

22,868 literacy centres throughout the country

14,786 voluntary literacy teachers

478 voluntary coordinators

167,890 persons made literate

#### **4. Quality education for all**

776. The goal of improving the quality of education necessitated action to improve existing material and teaching conditions in schools so that they could become a forum for the transmission of knowledge from generation to generation, for the involvement of young people in the history of the community and for a process of reflection on the future.

777. The activities undertaken with these ends in view focused on revitalizing teacher-student relations and on devising new means of producing and disseminating knowledge



at school, encouraging new practices and perceptions stemming from educational experience.

778. In this context, a common knowledge base was developed with the provinces in order to guarantee the right of access of all the country's children to knowledge deemed to be essential for their participation in society.

779. This necessitated the encouragement of dialogue and reflection in schools on contemporary change and on the recent past. These changes did not request permission to enter schools: they made their presence felt through students and their families, through their troubles and hopes, through the new communication and information technology (with their profound impact on the way in which knowledge is built and disseminated in society) and, lastly, through child and juvenile identities and their link with adults responsible for transmitting the cultural heritage. Action was taken, in the light of these circumstances, to create the conditions in which teachers can address the challenge of analysing these changes and at the same time ensure that observation and analysis of present-day issues form part of their interaction with students.

780. The projects that have been implemented with a view to providing quality education for all are described below. The policies pursued and measures taken to improve the system at different levels and in different contexts are presented first, followed by an account of steps taken to build an integrated national education system, focusing on the definition of a common knowledge base, the teaching of subjects that concern us all and the promotion of art and culture.

### **Priority learning areas**

781. Agreement was reached in the Federal Council on Culture and Education on priority learning areas, which are to form a common basis for education throughout the country. The priority learning areas defined for the initial level, primary education and the first level of secondary education constitute a body of knowledge that should form part of the education of all children, both on account of their individual and social importance and on account of their potential for the construction in the medium term of a common foundation leading to the reversal of injustice.

### **School textbooks**

782. The Ministry of Education based its "Cuadernos para la aula" (School textbooks) series on the priority learning areas. This is a collection of 2 textbooks for initial education, 28 for primary education and 20 for secondary education.

783. These teaching aids are designed as a toolbox for teachers, guiding and supporting them in their daily classroom work and facilitating the practical application of the primary learning areas. They contain ideas for classroom instruction in different branches of knowledge (mathematics, languages, social science, natural sciences and technology). Guidance for ethical and civic training and artistic education is also provided.

### **Support material for families**

784. At the beginning of each year since 2005, every family with children attending the country's schools has been provided with a booklet from the "Juntos, familias con la escuela" (Together, families and school) collection. The aim of the collection is to assist in forging closer links between schools and families, involving the community in meeting the educational challenges that schools address in fulfilling their knowledge transmission mandate. The series includes booklets for each school grade, from the initial level up to the tenth grade.

785. Between 2005 and 2007 more than 200 million copies were published and circulated.

### **Food and nutritional education**

786. The Food and Nutritional Education Project, which is supported by the United Nations Food and Agriculture Organization (FAO), was elaborated with a view to developing material for teachers and students containing information about food education at school.

(a) A critical analysis was undertaken of student and family approaches to nutrition and food patterns, educational practices with a bearing on the subject and the nutritional status of the student population;

(b) A survey was conducted of existing material dealing with the subject (curricular materials and web-page publications) and progress was made in the design of educational materials for primary education teachers and pupils.

### **Bilingual Frontier Programme**

787. This is a bi-national Argentine-Brazilian project for the forging of a bilingual and intercultural regional identity in the context of cross-border cooperation.

788. The Bilingual Frontier Programme was launched in 2005 with exchanges of teachers for bilingual education at the initial level and first grade of primary education in Argentina and of the primary series in Brazil, with gradually expanding scope.

789. The intercultural component covers all actors at participant schools and teachers and students at all grades.

(a) Socio-linguistic surveys were conducted;

(b) Training was provided for teachers at participant schools in both countries;

(c) Books, videos and teaching aids were supplied for bilingual school libraries in both countries;

(d) Material was prepared on the joint instruction project for schools in the border area, based on the elaboration of a programme for intercultural education focusing on the teaching of Portuguese and Spanish, which reflects the agreements reached between teams from the two countries on intercultural education, socio-linguistics and the teaching of Spanish and Portuguese.

### **An open door to higher education**

790. The Ministry of Education has designed and implemented a Support Programme for the Final Year of Secondary Education to coordinate the secondary level with higher education. Support courses are provided free of charge under the Programme in the form of extracurricular tuition in content likely to assist young people in obtaining access to higher education and in completing that level of education with greater ease. The course is conducted by Ministry teams, national universities, teacher training institutes and secondary school teachers in the provinces of north-eastern and north-western Argentina and in the city and province of Buenos Aires.

(a) The course was successfully conducted during the period 2004-2007. More than 130,000 students enrolled.

### **Rural education**

791. One of the major concerns of this project has been to guarantee better education for children and young people attending our rural schools. To this end, between 2004 and 2007 the approach to rural education based on compensatory programmes was phased out, and the ministries of education in the provinces began to incorporate the area of rural education into their government structure, coordinating frameworks for the different levels of the education system on a cross-cutting basis. This gave rise to the Programme for the Improvement of Rural Education.

792. Measures were then planned and implemented with a view to organizing all rural schools in each jurisdiction into groups of neighbouring institutions as a way of addressing the relative isolation of teachers, students and communities in rural areas. The 12,000 rural schools were reorganized into roughly 1,400 groups of schools in the same area. The provinces selected the schools forming part of each group and the National Directorate for Information on and Assessment of the Quality of Education (DINIECE) assigned them a single identification key.

793. With a view to improving the quality of rural education and promoting the completion of compulsory education by students in schools close to their places of residence, educational initiatives were developed which provided, inter alia, for alternative forms of teacher training, and the procurement of curriculum development materials for students and teachers as well as institutional equipment, using resources allocated under the Programme for the Improvement of Rural Education.

794. A survey of rural schools was also conducted in three stages during the period 2004-2007. It began with a survey of rural schools at the first and second levels of general basic education in isolated areas in the north-eastern and north-western regions of the country. This was not a random decision: the educational inclusion mandate underlying the project led to a focus on establishments in the most remote areas and educational contexts, the aim being to adopt policy decisions conducive to an increase in the supply of educational services on the basis of solid, precise and up-to-date information. The survey thus sought to obtain a status overview of rural schools in the context of the Programme for the Improvement of Rural Education.

### **Special education**

795. The substantive goal of the educational policy pursued by the Ministry of Education in the area of special education is to guarantee the right to education of children and adolescents with disabilities:

(a) Action has been taken to expand the supply of educational services on behalf of young people with disabilities, promoting reflection on their role as active citizens who participate in and develop their culture;

(b) Thirty-two buildings for special education have been constructed under the 700 Schools Programme;

(c) Early childhood education programmes have been implemented, using pedagogical approaches that support the children's learning process and facilitate their inclusion in the education system;

(d) Virtual support materials have been designed to ensure optimum use for educational purposes of the computer tools already made available to establishments under the 2006 Organization of American States Programme "New technology and inclusive education in initial and in-service teacher training with a view to ensuring quality education ... An inclusive school";

(e) The IT equipment of schools for visually impaired children at the initial and primary levels of education has been updated;

(f) In the context of inclusive education policies, the syllabuses of special schools and the strategies implemented in support of integration into the initial and primary levels of regular education have been revised with a view to making the learning process more rewarding for children and young people with special educational needs.

### **Education in contexts of confinement**

796. The National Programme for Education in Contexts of Confinement was launched in 2003 to provide educational facilities for a highly vulnerable sector of the population that is invariably unaware of its civil rights. The Programme seeks to promote the educational inclusion of young people who are deprived of their liberty in order to enhance their prospects of reintegrating into society and employment on release.

797. The Programme targets adolescents, young people and adults as well as children born and/or raised in captivity who live with their mothers in prison. The aim is to increase the supply of educational services at all levels and in all branches of education with a view to guaranteeing the right to education and to all-round development of the persons concerned.

(a) Technological equipment was supplied to schools in federal and provincial prisons located in 13 jurisdictions: photocopiers, television sets, video recorders, computers and printers;

(b) More than 185,000 textbooks for the completion of adult general basic education were delivered pursuant to an agreement with the Ministry of Labour, Employment and Social Security;

(c) The libraries of prison schools were supplied with about 100,000 literary texts provided under the National Reading Plan and the National Reading Campaign;

(d) Training courses were held for technical, management and teaching teams from 15 provinces who work both in prison environments and in closed institutions where adolescents in conflict with the law are confined.

### **Bilingual intercultural education**

798. This Programme, which was launched in 2004, is responsible for boosting the supply of educational services to meet the rights of indigenous peoples recognized in Argentine legislation. Its primary aim is to promote educational and institutional projects on behalf of indigenous peoples that focus on enhancement of their identity and on fostering teaching and learning processes that adopt an intercultural and bilingual approach.

799. To date more than 300 institutional educational projects have been implemented in a corresponding number of schools throughout the country, and during the period 2003-2007 more than 40,000 study grants were awarded to indigenous students at the intermediate level.

### **Sex education**

800. On adoption of Act No. 26.150 on Comprehensive Sex Education, an interdisciplinary commission was set up and began work on a content proposal to be approved by the Federal Council on Education. The Act also established the Programme on Comprehensive Sex Education, in the framework of which a plan of action for its implementation was adopted and a specific area for its development was constituted.

801. This area includes the Project for HIV/AIDS Prevention in Schools, which is financed by the Global Fund to Fight AIDS, Tuberculosis and Malaria and covers 745 educational establishments in 16 jurisdictions. The Project provides for the investment of 563,000 Argentine pesos in training courses for provincial reference officers, school managers, teachers and tutors, and in the production of materials.

802. In addition, the Ministry of Education – together with the Ministry of Health as part of an intersectoral strategy – joined the regional project for the harmonization of public policies for the promotion of the rights to health, sex education and the prevention of HIV, 2007-2009, promoted by the Joint United Nations Programme on HIV/AIDS (UNAIDS), the International Centre for Technical Cooperation on HIV/AIDS (ICTC-HIV/AIDS) and the German Technical Cooperation Agency (GTZ).

### **Education for peace and human development**

803. The UNESCO Associated Schools Project Network is a unique network of about 7,000 schools in 170 countries which takes action to promote UNESCO's ideals. It operates as a means of contributing to the quality of education, in line with the Dakar Framework for Action (World Education Forum, Senegal, 2000). During the period 2003-2007, various measures were taken to expand the network within our country and to

promote projects in the participant schools aimed at enhancing the role of education in the promotion of a culture of peace and tolerance:

(a) Thirty-eight schools were incorporated in the Argentine network, increasing the involvement of the provinces of the north-western and north-eastern regions;

(a) Two schools travelled to Rome, Italy, to receive awards under the Mondialogo programme. One of them was ranked third.

### **Regional integration in MERCOSUR**

804. In recent years the Argentine State has been intensively involved in the planning and management of activities aimed at achieving the strategic objectives of the MERCOSUR Education Sector in basic education and at consolidating a regional identity by promoting shared citizenship, a culture of peace, and respect for democracy and human rights.

(a) Argentina assumed responsibility for coordinating the preparation of educational material on human rights in MERCOSUR, in accordance with the joint criteria of members countries. The priority goal is citizenship education for democracy;

(b) The “MERCOSUR School Library” was prepared and distributed. It is composed of popular traditional texts from member countries and works by established authors, which illustrate the rich historical and cultural heritage and the social and linguistic diversity of the region;

(c) Four editions of the annual “Caminos de MERCOSUR” (Paths of MERCOSUR) historical and literacy competition for intermediate-level students in all members countries were produced; the winners in all countries participate in a joint ten-day study trip along one of the region’s emblematic routes;

(d) In 2005, the “MERCOSUR lee” (MERCOSUR reads) initiative was organized to mark Ibero-American Reading Year. The aim was to provide all countries of the region with high-quality Latin American reading matter. The Ministry of Education published more than a million copies, which were distributed among schools in all partner countries.

### **National Reading Plan**

805. Reading as a cultural practice has been designated as a priority by the Ministry of Education. There is currently a social consensus and general concern about the practice of reading, prompted in many cases by analyses revealing poor performance by students at various levels of the education system, a decline in the use of textbooks and other books at school, and changes in cultural practices outside the school.

806. Technical assistance and resources are provided under the National Reading Plan so that each jurisdiction can take measures in line with local characteristics and needs, while forming part of a broader network with national objectives.

807. Reading plans have been drawn up and developed in all jurisdictions of the country since 2003 and joint action has been consolidated at the national level:

(a) Provincial teams of trainers and workshop organizers conduct training activities in the 24 jurisdictions;

(b) Activities aimed at promoting reading and directly targeting students and the community in general are carried out in all jurisdictions;

(c) Action has been taken to establish centres for the promotion of reading in every jurisdiction to serve as focal points under each plan.

### **National Programme for the Rights of Children and Adolescents**

808. The Programme activities come within the framework of the National Education Act, which sets the following objectives:

(a) Initial education: To promote pupils' development as persons recognized by law – as members of a family and of a community – and as active participants in the process of comprehensive education;

(b) Primary education: To promote the responsible exercise of their rights and duties, participation and the non-violent settlement of disputes as practices conducive to democratic citizenship;

(c) Secondary education: To prepare students for responsible citizenship, as persons who are aware of their rights and duties, who respect human rights and who are opposed to all forms of discrimination.

809. The objectives set out above are implemented by means of three types of action: (a) technical assistance and training; (b) support and technical assistance for jurisdictions in developing strategies for the protection of children and adolescents against various types of harm or damage (ill-treatment, discrimination, exclusion, etc.); and (c) joint organization of training initiatives with a view to promoting rights in schools.

## **H. Special protection measures**

**(arts. 22, 38, 39, 40, 37 (b) to (d), and 32 to 36 of the Convention)**

### **1. Economic exploitation**

**Paragraph 59. In light of article 32 of the Convention, the Committee recommends that the State party:**

**(a) Undertake a comprehensive study on child labour in order to assess the extent, scope and nature of this problem;**

**(b) Continue to enforce and strengthen its legislation to provide protection for working children in accordance with ILO Conventions Nos. 138 and 182, inter alia with a view to increasing the minimum age to 15;**

- (c) **Continue to develop and ensure the adoption of the National Plan to Prevent and Eradicate Child Labour;**
- (d) **Establish a reliable system of gathering information on child labour;**
- (e) **Combat and eradicate as effectively as possible all forms of child labour, including by strengthening its cooperation with ILO/IPEC and UNICEF.**

### **Study concerning child labour**

810. In accordance with the Committee's recommendation, the Ministry of Labour, Employment and Social Security published the first "Survey of Child and Adolescent Labour" (EANNA) in 2006 jointly with the National Institute of Statistics and Censuses (INDEC) and with technical and financial assistance from the International Programme on the Elimination of Child Labour of the International Labour Organization (ILO/IPEC).

811. The survey is important on two counts: on the one hand, it provides reliable data on the scale and characteristics of child labour for almost 50 per cent of children and adolescents in the 5 to 17 age group in Argentina, and, on the other hand, it provides a basis for comparing the child labour situation with that in other countries conducting similar surveys.

812. Two major data collection operations have been undertaken to date. The first, on which this section will focus, was conducted in 2004 and covered a large part of the country. The second was conducted in late 2006 in two provinces, Córdoba and Misiones, that had not been covered by the previous operation. The data collected in 2006 are currently in the final stages of processing.

813. The area covered by the 2004 survey includes the metropolitan area of Greater Buenos Aires, the province of Mendoza, the north-eastern subregion corresponding to the provinces of Salta, Jujuy and Tucumán, and the north-western subregion comprising the provinces of Formosa and Chanco.

814. The survey was conducted in urban and rural areas on the basis of a representative sample devised by INDEC for household surveys. Data were gathered from all members of the household and a wide-ranging survey of the 5 to 17 age group was undertaken, with a separate analysis of children in the 5 to 13 age group and adolescents in the 14 to 17 age group. Replies to the questionnaires used for information-gathering on child and juvenile labour were given by the children and adolescents themselves, with minimum adult participation. This ensures that the data are more reliable, since adults often tend to conceal cases of child labour.

815. It should be emphasized that, notwithstanding their wide coverage, the findings of the 2004 survey may not be extrapolated or extended to other regions of the country or to the country as a whole.

816. The survey covered economic and non-economic activities involving children and adolescents, with child labour being defined on a restrictive basis so that it is equivalent



to the concept of labour applicable to adults. Thus, child labour in the strict sense includes all remunerated and unremunerated activities involving the marketing, production, processing, distribution or sale of goods and services, undertaken independently or on behalf of another natural or legal person, by persons under 18 years of age (IPEC, 1998).

817. As certain categories of work are not treated as labour in some surveys and research, a further two types of productive activity undertaken by children may be included in a broader definition of labour. On the one hand, activities relating to the production of primary goods for household consumption and to home building or renovation, and, on the other, household domestic tasks may take up an inordinate amount of time, leaving insufficient time for the educational, recreational and leisure activities that children and adolescents need for the proper development of their personalities.

818. In this context, child labour is ranked higher than production for household consumption and the latter is ranked higher than exacting domestic tasks, i.e. a child or adolescent is classified as a worker if he or she engages in productive activities for the market, as a producer for personal consumption if he or she carries out such activities but is not employed, and as a domestic worker when the child or adolescent performs intensive domestic tasks for his or her own household but is not employed and does not produce goods for household consumption.

819. As may be seen from the following table, in the areas covered by the survey in accordance with the three categories defined (labour, production for personal consumption and intensive domestic work), 6.5 per cent of children in the 5 to 13 age group were employed during the reference week in activities equivalent to adult employment, 4.1 per cent produced primary goods or participated in building activities for their own household, and 11.4 per cent performed domestic tasks for 10 or more hours a week.

820. With regard to adolescents in the 14 to 17 age group, 20.1 per cent were employed, 6.6 per cent engaged in productive activities for personal consumption, and 11.4 per cent performed intensive domestic tasks for 15 or more hours a week.

**Children aged 5 to 17 by age group and sex and by labour status during the reference week**

	TOTAL %	Males %	Females %
5 to 13 years	100	100	100
Labour	6.5	7.6	5.2
Remainder	93.5	92.4	94.8
14 to 17 years	100	100	100
Labour	20.1	23.8	16.3
Remainder	79.9	76.2	83.7

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

821. With regard to gender, males work and produce for personal consumption more frequently than females, but the latter participate to a far greater extent in intensive domestic work.

**Children and adolescents aged 5 to 17 by age group and sex and by other economic activities during the reference week**

	Total %	Males %	Females %
<i>5 to 13 years</i>	100	100	100
Productive work for personal consumption	4.1	4.8	3.3
Domestic work	6.1	4.0	8.4
Remainder	89.8	91.2	88.3
<i>14 to 17 years</i>	100	100	100
Productive work for personal consumption	6.6	10.9	2.3
Domestic work	11.4	4.0	18.9
Remainder	82.0	85.1	78.8

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

822. If the area of residence is taken into account, one finds that child and adolescent labour and production for personal consumption are a great deal more widespread in rural areas, while adolescents living in urban areas are far more frequently involved in intensive domestic work than those living in rural areas.

**Children aged 5 to 17 by age group and area of residence and by labour status during the reference week**

	Urban %	Rural %
<i>5 to 13 years</i>	100	100
Labour	6.4	8.0
Remainder	93.6	92.0
<i>14 to 17 years</i>	100	100
Labour	19.1	35.5
Remainder	80.9	64.5

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

**Children aged 5 to 17 by age group and area of residence and by other economic activities during the reference week**

	Urban %	Rural %
<i>5 to 13 years</i>	100	100
Productive work for personal consumption	3.4	12.8
Domestic work	5.9	8.3
Remainder	90.6	78.9
<i>14 to 17 years</i>	100	100
Productive work for personal consumption	6.0	17.2
Domestic work	11.7	6.9
Remainder	82.3	75.9

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

823. The negative impact of early employment on school performance is discernible from an analysis of the educational record of working children and adolescents. According to the available data on education, while a relatively small proportion of child workers in the 5 to 13 age group are outside the education system (2.8 per cent do not attend school), the performance of those who are enrolled leaves a great deal to be desired, as may be seen from the data on repetition of grade or school year, absences, frequent late arrivals and drop-out rates.

824. The situation is more serious in the case of adolescent workers, in terms of both non-attendance at school and educational performance. The drop-out rate for working adolescents in the 14 to 17 age group is high (25 per cent do not attend school) and those who remain within the education system encounter even greater difficulties than working children: more frequent repetition of the school year and even higher rates of absence and late arrival at school.

**Children by age group, area of residence and labour status during the reference week: figures for school attendance**

School attendance	5 to 13 years		14 to 17 years	
	Worked	Did not work	Worked	Did not work
<i>TOTAL</i>	100	100	100	100
Attends	97.2	97.6	74.4	88.3
Does not attend	2.8	2.4	25.6	11.7

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

**Children who attend or attended school, by age group and labour status during the reference week: figures for frequent non-attendance and late arrival**

	5 to 13 years		14 to 17 years	
	Worked	Did not work	Worked	Did not work
Repeated one or more times (%)	29.7	12.6	43.3	26.5
Frequent non-attendance (%)	19.8	9.2	25.8	12.8
Frequent late arrival (%)	18.7	11.3	22.2	13.1

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

825. The survey data also show that about one quarter of working children and adolescents who frequently miss school attribute their absences to the need to support or assist a working family member or refer to their duty to take care of other members of the household.

**Children and adolescents who attend or attended school and are frequently absent, by age group and activity during the reference week: reasons for non-attendance**

Reasons for non-attendance	5 to 13 years		14 to 17 years	
	Worked	Did not work	Worked	Did not work
<i>TOTAL</i>	100	100	100	100
Supports or assists working household members	7.0	1.4	10.4	3.5
Looks after household members	17.5	8.3	9.4	8.5
Performs household tasks	0.4	1.0	5.1	4.9
Stays in bed	26.1	22.0	21.3	25.8
Doesn't feel like going to school	4.2	16.8	26.1	28.8
Other reason	44.8	50.5	27.7	28.4

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

826. The Argentine State is concerned about the present situation and has formulated specific policies to address school drop-out (see subsection G: "Education, leisure and cultural activities").

827. The predominant category of child and adolescent labour is assistance to working parents or other family members: six out of ten children and four out of ten adolescents fall into the family worker category. Those who state that they are "self-employed", i.e.

that they work alone, constitute a very small group that stands out as being particularly vulnerable. The category “Working for an employer”, which is comparable to that of wage earners and apprentices, is relatively insignificant in the case of children but is relevant in the case of adolescents, since one quarter of them fall into this category.

**Children in the 5 to 17 age group who worked during the reference week: by age group and occupational category**

	5 to 13 years	14 to 17 years
<i>TOTAL</i>	100	100
Assisting parents or other family members	60.6	42.1
Self-employed	31.6	28.9
Working for an employer	6.1	27.6
Other	1.7	1.5

Source: EANNA, Ministry of Labour, Employment and Social Security/INDEC

**Specific legislation concerning child labour**

828. In conformity with the country’s international obligations with respect to the listing of hazardous child labour in accordance with article 3 (a), (b), (c) and (d) of ILO Convention No. 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the governmental authorities responsible for labour, health, human rights and other areas, coordinated by the Office of the Superintendent of Labour Risks, prepared a document entitled “Preliminary draft decree on the list of prohibited work, activities, occupations and tasks for children and adolescents under 18 years of age”, based on the list of proposed activities contained in ILO Recommendation 190 on the worst forms of child labour, adopted in 1999.

829. At the same time, a consultation of trade unions and company representatives was undertaken to obtain suggestions for activities to be included in the above-mentioned list, and a “Public consultation for compilation of the list of the worst forms of child labour” was convened through the mass media to solicit contributions from the general public.

830. The document “Preliminary draft decree on the list of prohibited work, activities, occupations and tasks for children and adolescents under 18 years of age” was analysed by the National Commission for the Eradication of Child Labour (CONAETI), which prepared a report suggesting criteria aimed at broadening the concept of categories of child labour, in accordance with international norms and the National Plan for the Eradication of Child Labour, objective No. 10 of which contains an explicit reference to the eradication of all kinds of labour deemed to constitute the worst forms.

831. Other CONAETI comments concerned the inclusion of activities that are not mentioned in the list. It also proposed changing the structure of the list so as to apply the “by economic activity” criterion instead of the “by risk factor” criterion. According to the working group, that criterion would ensure wider coverage of all activities carried out by children and adolescents, since it takes the view that all activities undertaken by persons under the minimum age for admission to employment are hazardous. It therefore

proposes that only activities undertaken by adolescents, i.e. persons in the 14 to 18 age group, should be listed.

832. The International Relations Directorate of the Ministry of Labour, Employment and Social Security is currently considering both the proposed list compiled by the first group and the CONAETI proposal.

833. It should further be noted that CONAETI is drafting legislation that would gradually raise the minimum age for admission to employment to 18 years (see the subsection entitled “Legislation” of section IV.A).

### **National Plan for the Prevention and Eradication of Child Labour**

834. During the second half of 2005 and the first quarter of 2006, CONAETI drew up the National Plan for the Prevention and Eradication of Child Labour, ensuring broad participation by all provinces. A consensus was reached on the final document, which was adopted by CONAETI and all the provinces in June 2006 at the Third Meeting of Provincial Commissions for the Prevention and Eradication of Child Labour.

835. The National Plan is an essential tool for structuring measures taken by both public and private actors to address child labour at the national, provincial or municipal level and it fulfils the obligations previously assumed by the country. To facilitate its implementation, 10 thematic subcommissions, one for each of the 10 objectives under the National Plan, were set up within the framework of CONAETI.

### **Policies developed in response to the Plan objectives**

Objective 3: *“Promotion of the creation of provincial commissions for the prevention and eradication of child labour and strengthening of the institutional administration of the existing commissions”*.

836. CONAETI has promoted the establishment of Provincial Commissions for the Prevention and Eradication of Child Labour and is currently pursuing a policy aimed at strengthening the administration of the existing commissions. Commissions currently exist in the following 19 provinces of the country: Buenos Aires, Catamarca, Chaco, Corrientes, Entre Ríos, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Río Negro, Salta, San Juan, Santa Cruz, Santa Fe, Santiago del Estero, Tierra del Fuego and Tucumán.

### **Strengthening of the administration of provincial commissions**

837. Two national meetings of all provincial commissions have been held each year since 2005 as well as regional meetings in the country’s five regions (the north-western region, the north-eastern region, the centre, Cuyo and Patagonia).

838. The third National Meeting (29 and 30 June 2006) discussed, inter alia, the institutional strengths and weaknesses of each provincial commission, producing an analysis of the situation and interesting exchanges of experience that facilitated the steering, broadening and/or further elaboration of action to address the issue.

839. At the fourth National Meeting (11 and 12 December 2006), each province contributed information with a view to preparing a chart of rural child labour in all participating provinces, focusing on the following dimensions: type of farming; farming activity in which children participate; timetable for each crop; and contract conditions for workers (stable or seasonal work).

840. The map was presented at the fifth National Meeting in May 2007. In the light of this analysis, each region drew up joint proposals for its constituent provinces to deal with shared aspects of the problem.

Objective 5: *“Overhauling and upgrading of labour inspection systems for the prevention and eradication of child labour”*.

841. In accordance with the provisions of Decree No. 257/02, the Labour Secretariat of the Ministry of Labour, Employment and Social Security “is responsible for overseeing action to eliminate forced labour and child labour”.

842. With regard to the inspection of child labour, the police force or the labour supervisory authority monitors effective compliance with labour regulations on behalf of the State in order to guarantee workers’ rights.

843. Since 2003 the Ministry of Labour, Employment and Social Security has promoted the signing of agreements with provincial governments with a view to taking simultaneous and sustained action to curb the use of unregistered labour, to improve safety and hygiene in the workplace, and to eradicate child labour once and for all.

844. Moreover, while the primary goal of the National Plan for the Regularization of Employment is to normalize workers’ status, incorporating them in the social security system so that they can enjoy the associated benefits, special attention is also given in the context of supervisory action to the detection of working children and adolescents.

845. Where working children are detected, the inspectors from the Ministry of Labour, Employment and Social Security apply the terms of article 35 of Act No. 25.877, i.e. the act is recorded as the offence of recruitment by the employer of child labour and is referred to the corresponding provincial labour authority for further punitive action.

846. Furthermore, with a view to ensuring that labour inspection activities form part of a national policy for the prevention and eradication of child labour and that all action against child labour is systematized so that the impact and results of the activities and measures implemented can be assessed, Resolution No. 125/03 established the Child Labour Inspection Monitoring Unit (UMIMTI) at the Ministry of Labour, Employment and Social Security.

847. The Monitoring Unit is responsible for submitting reports from inspection services to the National Commission for the Eradication of Child Labour (CONAETI); assisting in the elaboration, planning, coordination and assessment of plans, programmes and/or projects pertaining to child labour inspection; promoting the establishment of special inspection units in the provincial labour administrations; and coordinating activities with the Federal Labour Council and the provincial labour administrations, including measures to facilitate the conduct of surveys of child workers.

848. With a view to promoting inspections, the Labour Secretariat and the Federal Labour Board agreed to carry out regular child labour publicity, awareness-raising and monitoring activities throughout the country under the slogan “Child labour violates children’s rights”.

849. For instance, joint and simultaneous operations for the prevention and eradication of child labour and the protection of adolescent labour were conducted throughout the country from 23 to 27 October 2006 and from 11 to 15 June 2007. The aims were: to detect working children; to check adolescent working conditions; to highlight the importance of child labour monitoring through mass publicity campaigns; to inform the general public about the existence and work of the Provincial Commissions for the Prevention and Eradication of Child Labour; and to collaborate with the community in raising awareness of the issue of child labour.

850. Lastly, the Ministry implemented the “Training and Systematic Information Programme for the Prevention and Eradication of Child Labour” in 2004 and 2005 with non-reimbursable support from the Inter-American Development Bank (IADB).

851. The aim of the above-mentioned Programme was to promote training and informational activities concerning child labour issues for labour inspectors and to encourage them to liaise with the different social actors dealing with child-related matters. Social networks were also created and/or strengthened with a view to coordinating measures aimed at preventing and eradicating child labour.

852. The Programme covered 14 jurisdictions in 2004 and 2005, organizing 17 one-day workshops in the provinces of Buenos Aires (cities of La Plata and Mar del Plata), Catamarca, Corrientes, Chaco, Entre Ríos (cities of Paraná and Concepción del Uruguay), Formosa, Jujuy, La Rioja, Misiones, Mendoza, Tucumán, Río Negro, Salta, San Juan and the Autonomous City of Buenos Aires.

853. In addition to training activities, the Programme included a theoretical and practical component consisting of three products dealing with the problem of child labour: the publication “For a childhood without child labour”, which was distributed in 2005 to all Provincial Commissions for the Prevention and Eradication of Child Labour and through them to the different social actors dealing with the problem; a leaflet on the role of the National Commission for the Eradication of Child Labour and the Provincial Commissions in the creation of social networks to take action against child labour; and a series of three postcards dealing with myths concerning child labour and presenting arguments to refute them.

854. The last two products were designed, printed and sent to the Commissions in 2005 for use as inputs for training activities.

855. It is important to note that the three above-mentioned products met with considerable interest among the addressee social actors. Moreover, requests continue to be received for repeat sessions of the workshops in the interior of the provinces where they were held and in jurisdictions in which the Programme has not been implemented.



Objective 6: *“Implementation of other mechanisms for the prevention and detection of child labour through social actors involved in dealing with the issue”*.

856. The National Commission for the Eradication of Child Labour provides technical assistance for direct action programmes and projects implemented by different social actors, including the Salta and Jujuy Future Programme and the Misiones Future Programme, funded by tobacco companies, and the Proniño (Pro-child) Programme, funded by the Telephone Foundation.

### **Salta and Jujuy Future Programme**

857. The Programme offers support and informal education facilities for children in the 9 to 14 age group during the tobacco harvesting season.

858. In the context of the requested technical assistance, an institution-building project was designed and adopted by the members of the National Commission for the Eradication of Child Labour with a view to aligning the Programme with the comprehensive protection of children approach and training key actors in child labour issues. Project activities in 2005 included redesigning the tool for selecting beneficiary children (survey) so that precedence is given to comprehensive family support over inclusion of individual children in the Programme.

859. In addition, a one-day workshop on the issue of child labour and social work was held for social workers responsible for selecting beneficiary families; and two one-day workshops were held, with ILO support, on the issue of child labour and education in the Provinces of Salta and Jujuy for 170 teachers, supervisors and managers of schools attended by children taking part in the project.

860. Training workshops for tobacco producers on the same issue were held in 2006 in the districts of Rosario de Lerma (Salta) and Perico (Jujuy), and in 2007 in Chicoana, Coronel Moldes and Güemes.

### **Misiones Future Programme**

861. In response to a request from the tobacco sector in the Province of Misiones, the National Commission for the Eradication of Child Labour, together with the ILO, has been providing technical assistance since 2006 to the Misiones Future Programme, the aim of which is to prevent child labour in the geographical area of the province known as “Picada 65”. The technical assistance has three components:

- (a) Training of teachers to deal with the issue of child labour;
- (b) Training of family groups affected by the issue;
- (c) Training and awareness-raising activities for opinion leaders.

862. Prior agreements were reached in 2006, and relations between the organization responsible for the project and the National Commission were facilitated with a view to coordinating the planned activities.

863. Meetings were held in 2007 between members of the National Commission (attached to the Ministry of Education and the Ministry of Labour, Employment and

Social Security) and members of the technical team, with experts from the Provincial Ministry of Education, and the organization responsible for the project. As a result of these meetings, an on-site and distance teacher training course, to be implemented from October 2007, was developed. The activities on behalf of family groups and opinion leaders are currently being elaborated.

### **Proniño (Pro-child) Programme**

864. In response to a request from the Telephone Foundation, the National Commission provided technical assistance in the form of recommendations on the convening of a meeting of organizations taking part in the “Second NGO Contest – Proniño Programme 2007” and criteria for the selection of direct intervention projects relating to child labour. It was further agreed that, during the second stage, the Commission’s technical team would provide training on relevant issues for the selected organizations.

### **Coordination with the business sector**

865. In 2007, after a series of meetings with the business sector to discuss its roles and responsibilities, the Network of Companies against Child Labour was established through the signing of an agreement with company directors and managers. The aim of the Network is to generate and/or provide support for programmes, plans and projects aimed at preventing and eradicating child labour.

866. At the same time, a Management Committee composed of eight companies was set up to coordinate and oversee the implementation of the programmes selected in this area. The member companies are: Adecco, Arcor, Andreani, Manpower, Accor, Nobleza Piccardo, Cámara del Tabaco de Salta, and Telefónica de Argentina.

867. The following activities are currently planned: a survey of relevant company programmes and projects; staff training for companies in their value chain; and a publicity campaign in the media on the involvement of the business sector in preventing and eradicating child labour.

868. It is important to note that this is the first time since the establishment of the National Commission for the Eradication of Child Labour that the business sector has made such a commitment and become actively involved, highlighting its responsibility with respect to child labour. The process is being spearheaded by the Ministry of Labour, Employment and Social Security and clearly demonstrates its determination and competence to address the issue.

### **Permanent information system on child labour**

869. Objective No. 2 of the National Plan: *“To promote, sustain and support a comprehensive permanent information system on child labour”*.

870. There are many government agencies, academic research institutes and civil society organizations in the country that produce reliable qualitative and quantitative information on issues concerning children and adolescents and, in particular, on the subject of child labour.

871. A subcommission was set up in 2007 to deal with the above-mentioned objective. The subcommission is composed of two officials from the Observatory Unit on Child Labour and a member of the technical team of the National Commission for the Eradication of Child Labour, and is coordinated by a representative of the Ministry of Internal Affairs on the National Commission. Its activities consist in identifying sources of high-quality information, and in centralizing and linking networks and databases, working together with the Provincial Commissions for the Prevention and Eradication of Child Labour.

872. The work of processing the data resulting from the National Operations to Assess the Quality of Education conducted under the auspices of the National Directorate for Information on and Assessment of the Quality of Education at the Ministry of Education has been successfully coordinated. These operations are run at various levels of general basic education (third, sixth and ninth grades) and polymodal education (third grade) for students, teachers and managers at selected educational establishments in all provinces of the country. The data reflect responses to questions that have remained virtually unchanged since 1993. They were compiled annually until 2000 and subsequently on a biennial basis.

873. As part of its coordinating work, the Observatory Unit team undertook a preliminary selection of variables for assessment of the quality of the information gathered by the Assessment Operation on activities of children and adolescents: type, periodicity, teachers' views on absences, dropping-out or difficulties encountered by children, and their connection with labour-related activities.

874. Moreover, the Observatory on Child and Adolescent Labour (OTIA), to which reference has already been made above, plans to set up a website to serve as a focal point for disseminating information and studies and publicizing activities relating to child and adolescent labour in Argentina.

### **Coordination of public policies aimed at the prevention and eradication of child labour**

875. In August 2005 the Ministry of Labour, Employment and Social Security signed Cooperation Agreement No. 132 with UNICEF on the promotion of activities aimed at the prevention and eradication of child labour and the protection of adolescent labour.

876. Agreement was reached in this context on the implementation of the project "Action for the coordination of public policies aimed at the prevention and eradication of child labour in Argentina" which has two components: (a) "The school and child labour: a forum for awareness-raising"; and (b) "Awareness-raising for the prevention and eradication of child labour".

877. The aim of the first component, "The school and child labour: a forum for awareness-raising", was to obtain a logo design from schools across the country that would reflect Argentine society's commitment to the prevention and eradication of child labour. To that end, a competition called "Children's place is in school: NO to child labour" was organized.

878. More than 3,000 entries were submitted by 370 schools across the country. One winner was selected at the national level – EPNM (national intermediate-level school) No. 183 in Concepción del Uruguay, Entre Ríos Province – and 11 winners at the provincial level; 15 entries received special recognition.

879. The second component, “Awareness-raising for the prevention and eradication of child labour”, involved the design of publicity material: a calendar in two versions – a poster and a desk calendar – illustrated with entries for the photo contest “Invisible-visible: NO to child labour in Argentina”, held in 2005, and distributed throughout the country; and the book “Awareness-raising together with civil society for the prevention and eradication of child labour”, an introduction to the subject that is currently being distributed throughout the country and is also illustrated with entries for the above-mentioned photo contest and with children’s drawings from the competition “Children’s place is in school: NO to child labour”.

880. On 17 April 2007 a Memorandum of Understanding and Cooperation was signed between the Ministry of Labour, Employment and Social Security, the ILO, UNICEF and UNDP, and a “Memorandum Monitoring Bureau” was set up to draft the “Joint support programme for the National Plan for the Prevention and Eradication of Child Labour”. The Bureau, which has met seven times since the signing of the Memorandum, is composed of representatives of the three organizations (ILO, UNICEF, UNDP) and of the United Nations Resident Coordinator’s Office, and representatives of the National Commission for the Eradication of Child Labour and the Ministry of Labour, Employment and Social Security (both the Under-Secretariat for Technical Planning and Labour Studies and the Labour Secretariat).

881. This initiative reflects a commitment on the part of the Ministry and the United Nations agencies to encourage and promote activities – related to dissemination of information, training and institution-building – that facilitate the launching and implementation of the “National Plan for the Prevention and Eradication of Child Labour”.

882. In the light of objectives 1, 2 and 3 of the National Plan, the following table shows the projected outcomes on completion of the programme, as well as some activities that have already been implemented:

Objective	Outcomes
1. Information and awareness-raising activities concerning the eradication of child labour	<ul style="list-style-type: none"> <li>- Joint agency and Ministry session to mark World Day against Child Labour</li> <li>- Meeting on “child labour” at the Eighth National Congress on Labour Studies (Argentine Association of Specialists in Labour Studies (ASET))</li> <li>- Dissemination of the National Plan (publication)</li> <li>- Presentation of the book “Child Labour in Argentina. Public Policy Challenges” Ministry of Labour, Employment and Social Security – ILO</li> <li>- Publicity and awareness-raising for the prevention and eradication of child labour in the primary health care sector</li> </ul>
2. Comprehensive information system on child labour	<ul style="list-style-type: none"> <li>- Presentation of the Observatory on Child and Adolescent Labour. Monograph on “Conditional economic transfer programmes and child labour”</li> <li>- Network of local and provincial child labour observatories</li> <li>- Document for the development of a child labour module to be incorporated in household surveys</li> <li>- Methodology and tools to be used in addressing child labour in agriculture in the north-western region</li> </ul>
3. Survey of the institutional situation for the eradication of child labour in each province, and internal functioning of the Provincial Commissions for the Elimination of Child Labour	<ul style="list-style-type: none"> <li>- Analysis of the institutional situation in all provinces and in the Autonomous City of Buenos Aires</li> <li>- Training day in the context of the “Second National Meeting of Provincial Commissions for the Elimination of Child Labour”</li> </ul>

883. In accordance with the policy of generating awareness among the general public of the goal of prevention and eradication of child labour, the “Photo contest: Invisible-visible: NO to child labour in Argentina” was held in 2005. It was organized by the Labour Secretariat and the Secretariat for Culture at the Office of the President with UNICEF sponsorship.

884. The entries were exhibited in February 2006 at the Borges Cultural Centre and in May at Quilmes National University. During 2007 the exhibition travelled around the country in response to a request from the labour administrations submitted through the Federal Labour Council, generating publicity for the issue. It visited the provinces of

Córdoba, Salta, Buenos Aires (La Plata and Balcarce), Chaco and Corrientes, Misiones and Formosa.

885. The photographs entered for the contest were used to illustrate presentations and other material: posters, books, publications, etc.

## **2. Sexual exploitation and trafficking**

**Paragraph 61. In light of articles 32 to 36 of the Convention, the Committee recommends that the State party:**

- (a) Undertake a study on the issue of commercial sexual exploitation and trafficking of children in order to assess its scope and causes and develop effective monitoring and other preventive measures;**
- (b) Combat and eliminate commercial sexual exploitation and trafficking of children, including through the enforcement of the National Plan of Action and the development of social integration programmes and policies and programmes for the rehabilitation and recovery of child victims, in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the 1996 and 2001 World Congresses against Commercial Sexual Exploitation of Children.**

886. Although the National Plan of Action to combat commercial sexual exploitation and trafficking of children to which the Committee refers has not been implemented, a large number of measures have been taken in different parts of the Argentine State.

### **Policies at the local and national level**

887. In its First Statement of 15 December 2006, the Federal Council for Children, Adolescents and the Family reaffirmed its commitment “to prioritize as a matter of special urgency joint measures to protect child and adolescent victims of crime and to take coordinated action against evils such as trafficking, smuggling or sexual exploitation of children and child pornography, as well as problems related to migration, child labour and any other violations of fundamental rights”.

888. In this context, the National Secretariat for Children, Adolescents and the Family (SENNAF), at the request of representatives of the Federal Council for Children, Adolescents and the Family, organized technical assistance activities concerning child sexual exploitation. In the Province of Misiones, for instance, technical assistance was used to provide training for a team of professionals; the training course was similar to that organized in the municipalities of Posadas, San Vicente, Oberá, El Dorado, Puerto Iguazú and El Soberbio.

889. Training courses were also held in the Provinces of Río Negro and Salta.

890. At the request of the Office for Assistance to Victims (OFAVI) attached to the Office of the Attorney-General, SENNAF provided assistance to both national and foreign victims in coordination with the International Organization for Migration (IOM).

891. It should also be noted that in 2004 the then National Council for Children, Adolescents and the Family (CONNAF) coordinated research on “Smuggling of children and adolescents with a view to sexual exploitation, child pornography on the Internet and regulatory frameworks” as part of the Inter-American Children’s Institute project on “Child trafficking, child pornography and regulatory frameworks for MERCOSUR, Bolivia and Chile”.

892. The findings and conclusions of the study brought to light problems shared by the different jurisdictions, legal lacunae, defects and/or shortcomings in procedural and administrative regulations, and “good practices” in the prevention and protection of child and adolescent victims of sexual exploitation.

893. The Programme for the Prevention of Trafficking in Persons and Assistance for its Victims under the auspices of the Ministry of Justice, Security and Human Rights was created by Resolution 746/07. Its objectives are:

- (a) To prevent and combat trafficking in persons;
- (b) To disseminate information, generate awareness and provide training about the full exercise of human rights, basic human trafficking concepts, and relevant national and international regulatory frameworks;
- (c) To collaborate with public and private bodies with a view to keeping up-to-date records of data on trafficking in persons;
- (d) To collaborate with other branches of government and/or private entities dealing with the issue with a view to taking joint preventive action and measures to assist victims of trafficking in persons;
- (e) To act speedily and effectively in assisting victims and, where appropriate, in transmitting the case through the relevant official channels;
- (f) To participate in prevention and awareness-raising campaigns designed to inform the general public about trafficking in persons.

894. The Programme has an Advisory Board with responsibility for making recommendations for executive coordination in designing and implementing projects and activities in line with established policy. The Board is composed of representatives of the Ministry of Education, the Ministry of Health, the Ministry of Labour, Employment and Social Security, the Ministry of Foreign Affairs, International Trade and Worship, the Office of the Attorney-General, the Ministry of Justice, Security and Human Rights, the National Secretariat for Children, Adolescents and the Family, and civil society organizations.

895. The Human Rights Secretariat chairs the Special Unit to Promote the Eradication of Sexual Exploitation of Children and Adolescents established in 2005, which organizes, among other activities, training, skills development and awareness-raising workshops on the subject. The activities are designed to promote reflection on child sexual exploitation and the development of proposals to address the issue. The main goal is to create a forum for the training of trainers, focusing on exchanges of information and compilation of data, and the development of skills and postures conducive to a varied and comprehensive

approach to child sexual exploitation, based on the perspective of promotion and protection of rights.

896. The Ministry of Internal Affairs has created a Mobile Brigade for Support and Assistance to Victims of Sexual Violence under the Programme for Victims against Violence. It works jointly with the Care Centre for Victims of Sexual Violence run by the Federal Police Force of Argentina (PFA).

897. The Children's Brigade began to operate in April 2007. It is responsible for identifying – in the streets – parties who intend to engage in child sexual exploitation (the Brigade has an unidentifiable Federal Police vehicle manned by two police officers and two psychologists or social workers). The Brigade also has a telephone number at the PFA Care Centre for Victims of Sexual Violence which can be reached 24 hours a day 365 days a year by persons submitting complaints or information or seeking advice.

898. The work is coordinated with that of the Mobile Brigade for Support and Assistance to Victims of Sexual Violence and involves the referral of cases in which sexual exploitation of children or adolescents has been detected.

899. The Programme has also hired personnel with expertise in tracking down Mafia-style networks and in dealing with situations involving human trafficking, as well as professionals forming part of the Coalition of Non-Governmental Organizations: Stop Child Trafficking and Sexual Exploitation. The Coalition's headquarters are located at Posadas city railway station, Misiones Province, and delegations are being set up in the towns of Jardín América and Puerto Iguazú in the same Province.

900. The entry into our country of possible victims of trafficking, accompanied by alleged "traffickers", has been successfully prevented by means of coordinated action with the National Migration Directorate and the National Gendarmerie. Subsequent action focusing on the monitoring of detected cases afforded data on the creation and development of transit routes, the presence of recruiters in different areas, border-crossing arrangements and transport companies involved in the organized crime networks. False transit documentation used on the bridge between Paraguay and Argentina has also been recognized by means of joint action with the same forces.

901. As the authority responsible for the Federal Police Force of Argentina and the Security Forces, the Ministry of Internal Affairs has promoted training programmes on the subject of trafficking – in which the Victims against Violence Programme participates – and the updating of technical and IT equipment.

902. During the period 2003-2005, the Ministry of Labour, Employment and Social Security, acting through the Labour Secretariat, coordinated the implementation of the "Luz de Infancia [Light of Childhood] Programme for the prevention and eradication of the commercial sexual exploitation of children" which was based in the town of Puerto Iguazú, Province of Misiones, and received ILO financial support.

903. The Programme was implemented in response to the need to accord priority in public policy to the eradication of the commercial sexual exploitation of children, by supporting efforts being undertaken on the frontiers of the Republic of Paraguay and the



Federative Republic of Brazil, focusing action by the bodies concerned on a common target and harmonizing legislation.

904. The participants in the Programme addressed fundamental issues such as the characterization of commercial sexual exploitation of children in local contexts; strengthening of institutions and organizations dealing with the problem; social reintegration of the target population; community information and awareness-raising activities concerning the commercial sexual exploitation of children; and harmonization, dissemination and application of the legislation in force.

905. An analytical approach was adopted during the first stage of Programme implementation and this was followed by practical action.

906. In view of the lack of adequate support for child and adolescent victims of commercial sexual exploitation and of community infrastructure, it was necessary to establish a Comprehensive Assistance Centre; to that end, the Labour Secretariat signed an Agreement with the Municipality of Puerto Iguazú on 24 February 2005 on the construction and maintenance of the Centre. The project was inaugurated in November 2005. In terms of practical action, 80 cases were investigated, of which 48 involved commercial sexual exploitation of children.

907. The Responsible Tourism and Children Programme run by the Tourism Secretariat seeks to protect the rights of children and adolescents in the context of travel and tourism by means of awareness-raising activities addressed to the public and private tourism sector as well as to host communities and tourists. The aim is to promote sustainable and responsible tourism, preventing the above-mentioned parties from becoming directly or indirectly involved in situations leading to the violation of the rights of children and adolescents.

908. In this context, an agreement was signed in 2007 on the establishment of the National Committee on the Code of Conduct for the Protection of Children and Adolescents from Sexual Exploitation in Travel and Tourism.

909. The Code of Conduct is an initiative aimed at combating and preventing the sexual exploitation of children and adolescents. It is sponsored by the World Tourism Organization (WTO) and End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT International) and has been endorsed by more than 70 countries. To date, more than 600 tourism companies have adopted the Code of Conduct and are developing their own conduct policies.

910. Accession to the instrument is free and requires a formal declaration. Its aim is to guide and regulate the ethical conduct of companies, organizations and professionals that are directly or indirectly involved in the tourism industry, to promote the protection of child and adolescent rights, and to prevent sexual or labour exploitation and trafficking for both purposes. It is the first time that the instrument has been sponsored by a national tourism authority.

911. International organizations such as UNICEF, Save the Children and ECPAT International participate in the agreement promoted by the Tourism Secretariat, and

support will also be provided by the Women's Association of Tourism Company Managers (AFEET).

912. The National Committee on the Code is composed of representatives of the aforementioned organizations, the Victims against Violence Programme of the Ministry of Internal Affairs, the National Secretariat for Children, Adolescents and the Family, and the Human Rights Secretariat. Its basic aim is to promote a Code of Conduct for tourism that encourages the implementation and development of ethical corporate policies for the protection of child and adolescent rights by all actors involved in the tourism sector, and the implementation of corresponding campaigns and programmes.

913. Moreover, given the need for closer coordination between the different actors dealing with this issue and the Public Prosecutor's Office, whose function is to promote judicial action in support of the legal interests of society in general,<sup>23</sup> the Public Prosecution Unit for the Investigation of Crimes against Sexual Integrity, Trafficking in Persons and Child Prostitution (UFI-INTEGRIDAD SEXUAL) was established by Resolution No. 63/05 of the Office of the Attorney-General with a view to ensuring the effective prosecution of such crimes.

914. The Unit's functions are:

(a) To promote all preliminary investigations aimed at identifying acts or omissions that constitute offences against sexual integrity, trafficking in persons and child prostitution in the Autonomous City of Buenos Aires;

(b) To compile quantitative data from the different prosecutors' offices in the Autonomous City of Buenos Aires and to draw up a crime chart that can be used for coordination and cooperation in investigating cases in which the Unit participates;

(c) To collaborate with judges attached to the Public Prosecutor's Office in investigating criminal complaints substantiated through the Unit's activity;

(d) To request the Attorney-General to recognize the members of UFI-INTEGRIDAD SEXUAL as an intervening party on behalf of the prosecution in all criminal cases where this is deemed to be appropriate and which are of relevance to the objectives of the Public Prosecution Unit, regardless of whether the latter was involved in initiating the proceedings;

(e) To collaborate in the development of national and international prevention programmes, advising State agencies on the implementation of joint public policies concerning acts that may be unlawful, and to coordinate with agency officials and employees as and when appropriate;

(f) To request public and private bodies to provide such information as may be necessary to fulfil the functions described above.

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<sup>23</sup> In accordance with article 120 of the National Constitution.

915. The collection and centralization of information on the characteristics and impact of such crimes not only contribute to the repression and investigation of various types of criminal offences but also provide credible material which, if properly managed, can serve as a basic platform for crime control and prevention policies.

916. The creation of a specialized public prosecution unit for the receipt of complaints in a context of support and activism helps to protect those affected against revictimization, and also provides the judges attached to the Public Prosecutor's Office with an appropriate framework for developing expertise in the area and ensuring more effective supervision and coordination of law enforcement agencies.

917. In the legislative field, after the adoption of Act No. 25.852 in 2004, articles 250 *bis* and 250 *ter* were incorporated in the Code of Criminal Procedure. They lay down special conditions for the taking of testimony from victims of offences against sexual integrity or of injuries sustained when they were under 16 years of age.

918. Article 250 *bis* stipulates that children's testimony must be taken by a professional psychologist in a consulting room that is appropriate to the minor's age and stage of development. It also offers the possibility – subject to a request by the parties or a court order – to use a Gesell dome to film the testimony and it prohibits contact between the accused and the child victim during the judicial proceedings. Article 250 *ter* requires an assessment of the need to use the method described in article 250 *bis* in the case of victims who are between 16 and 18 years of age.

919. A legislative initiative aimed at including a characterization of the offence of trafficking in persons in the Criminal Code has been presented.

920. The draft law (File 2083-S-2006), which has already been given preliminary approval, provides for the implementation of measures to prevent trafficking in persons and the creation of a comprehensive care system for victims.

921. As demonstrated by the foregoing, the Argentine State has taken vigorous action to tackle the problem. However, a further intensification of policies aimed at addressing the issue will be required.

922. The challenge of developing uniform intervention procedures for the different institutional areas must still be addressed. While the various government departments that deal with the issue have coordinated some aspects of their work, collaboration is still at a preliminary stage. The institutional challenge of devising a comprehensive approach to achieve more tangible progress thus persists.

### **Policies at the regional level**

923. The Niño Sur (Southern Child) Initiative seeks to promote the coordination of national action aimed at implementing the Convention and the alignment of national legislation with relevant international instruments, giving the best interests of the child precedence over nationality.

924. The programme targets and activities were set out in the 2006-2007 Work Plan adopted in June 2006 by the fourth Meeting of High-level Human Rights Authorities and Ministries of Foreign Affairs of MERCOSUR and Associated States (RAADDHH).

925. In this context, the Argentine Republic, which held the temporary presidency during the first half of 2006, submitted a draft recommendation on the rights of child and adolescent victims of trafficking, smuggling, exploitation, abuse and/or sale, and on the care to which they are entitled. It was adopted as Decision No. 1. The recommendations recognize and protect the rights of child and adolescent victims of all types of offences relating to trafficking, smuggling, sale, sexual exploitation and/or abuse, especially during the course of judicial proceedings against persons who have violated their rights. They also lay down minimum standards of care and treatment for child and adolescent victims of such offences.

926. Another measure taken under the Initiative was the establishment of a Legislative Database of MERCOSUR and Associated States concerning the trafficking, smuggling, sexual exploitation and sale of children and adolescents, in order to determine whether such legislation is consistent with the obligations assumed on ratification of international human rights instruments, to identify similarities and divergences in domestic legislation, and to promote corresponding legislative adjustments.

927. Lastly, mention should be made of the activities undertaken by the National Secretariat for Children, Adolescents and the Family (SENNAF) in the area known as the Triple Frontier, where the borders of Argentina, Brazil and Paraguay meet, with a view to developing joint strategies of action against the sexual exploitation of children.

928. For instance, in the context of meetings organized by SENNAF in the town of Puerto Iguazú, Misiones Province, a Cooperation Agreement on coordinated action to combat the sexual exploitation of children on the Triple Frontier was signed between the Argentine Republic, the Federative Republic of Brazil and the Republic of Paraguay.

929. In addition, a Protocol concerning joint intervention on behalf of victims of sexual exploitation and child labour was drafted for the area, and a joint awareness-raising campaign, involving the circulation of posters and leaflets in the three countries, was designed in three languages (Spanish, Portuguese and Guaraní).

930. The meetings were attended by representatives of, inter alia, the ILO, UNICEF, IOM, the Ministry of Foreign Affairs, International Trade and Worship, the Ministry of Education, the Human Rights Secretariat, the Ministry of Labour, Employment and Social Security, the National Commission for the Eradication of Child Labour (CONAETI), the National Register of Persons (RENAPER), the National Gendarmerie of Argentina, the Police Force of Misiones Province, legislative authorities, academic institutions and civil society organizations.

931. The main courses of action agreed upon by the participants were reflected in the above-mentioned Cooperation Agreement endorsed by the authorities of the three countries.

### **Argentine migration policy**

932. Act No. 25.871 of the Argentine Republic on migration, which was promulgated in early 2004, establishes the legal framework for the new migration policy.

933. The Act sets high standards for the protection of migrants' rights and lays the basis for public policies designed to integrate them into society. It stipulates, inter alia, that all foreigners in the Argentine Republic enjoy the right to health and education, even those with irregular immigration status. The State also guarantees immigrants' right to family reunification with their parents, spouses and children, since the family is recognized as a necessary and important source of support for every migrant.

934. The Act, which is based on regional historical, geographic and economic circumstances and acknowledges Argentina's tradition as a migrant-hosting country, establishes procedures that facilitate migrants' access to regular immigration status.

935. To that end, the "Patria Grande" National Programme for the Standardization of Immigration Documents, described in the subsection entitled "Non-discrimination" of section IV.C, was launched.

936. It should be noted that the implementation of "Patria Grande" in the Argentine Republic was welcomed by the other MERCOSUR member countries and associated States, which endorsed the Programme by signing a declaration to that effect at the bloc's Meeting of Ministries of Internal Affairs and by stating their intention to apply similar procedures.

937. Furthermore, with a view to establishing effective communication procedures and hence ensuring more efficient prevention, control and punishment of international trafficking in minors, the National Migration Directorate (DNM) adopted Regulation No. 31.100 in 2005, which broadened the scope of the requirements for explicit authorization in the case of minors travelling alone or in the company of third parties other than their parents.

938. The Regulation replaces chapter IV, title I, article 2, of annex I to Resolution DNM No. 2.895 of 15 November 1985 concerning "forms of authorization" by the following text:

“(a) EXPLICIT authorizations are those granted:

- (i) By the person or persons referred to in the previous chapter before:
  - Notaries, judges, other authorities acting in their place or by means of a public instrument: the authorization shall state explicitly that the authorizing party or parties are the father or mother of the minor, in accordance with authentic documentation that has been presented and checked.
  - When the authorization is for a minor travelling alone, the transport company shall fulfil the requirements imposed. If the minor is under 14 years of age, the authorization shall necessarily

specify the destination of the journey and the particulars of the person meeting him or her on arrival.

- When the authorization is for a person under 18 years of age accompanied by third-party adults other than his or her parents, the personal data, place of residence and document of the accompanying person and the destination of the journey shall necessarily be specified.
- Without prejudice to the provisions of the preceding paragraph, the entry into and departure from the country of persons under 6 years of age travelling alone or accompanied by third-party adults other than their parents shall be recorded in a special register maintained by the DNM Migration Control Directorate.
- The Argentine consul: the requirements set out in the preceding section shall be met.
- A competent court of law.

In all cases, if the inspector on duty when migration control procedures are conducted on entry or departure has well-founded suspicions regarding the authorization in terms of the best interests of the child, he or she shall immediately inform the Auxiliary Immigration Police, the competent judicial authority and the Public Prosecutor's Office for Minors."

939. In interpreting the amendment cited above, the following points should be noted:

- (a) When the minor is travelling alone, the authorization must contain:
  - (i) Children under 14 years of age: destination and personal particulars of the party meeting them on arrival;
  - (ii) Persons in the 14 to 18 age group: destination;
- (b) If a person under 18 years of age is accompanied by a third party, the authorization must contain: personal particulars of the accompanying party and destination;
- (c) In the case of travel authorizations for minors between 18 and 21 years of age, it is not necessary to specify an accompanying party or the destination. The authorization of the parents and/or legal representatives is sufficient;
- (d) The amendments introduced by Regulation DNM No. 31.100/05 are not applicable to cases in which the minor departs in the company of one of his or her parents, whose authorization is governed by the relevant regulations which are still in force (Resolution No. 2.895/85);
- (e) Special records of the entry and departure of children under 6 years of age, responsibility for which lies primarily with the Migration Control Directorate, are drawn up in the manner determined by the latter when the corresponding controls are carried out.

940. Furthermore, a unit of the Migration Department of the National Directorate of the Gendarmerie specializing in the repression of the smuggling of persons has been established to ensure more effective control of the entry and departure of persons.

941. Lastly, it is important to note that the smuggling of persons is a criminal offence in our country. Article 116 of the Act No. 25.871 stipulates:

“...any person who engages in, promotes or facilitates the smuggling of persons out of, through or into the Argentine Republic shall be punishable with a term of ordinary or rigorous improvement of between one and six years.

Smuggling of persons means the act of engaging in, promoting or facilitating the unlawful movement of persons across the national frontiers for direct or indirect gain.”

### **3. Administration of juvenile justice**

**Paragraph 63. The Committee recommends that the State party:**

- (a) Review its laws and practices regarding the juvenile justice system in order to bring them, as soon as possible, into full compliance with the Convention, in particular articles 37, 29 and 40, as well as with other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines);**
- (b) Expedite the above, including by allocating adequate human and financial resources;**
- (c) Ensure that there is a clear distinction in terms of procedures and treatment between children in conflict with the law and children in need of protection;**
- (d) Use detention, including pre-trial detention, only as a measure of last resort, for as short a time as possible and for no longer than the period prescribed by law and ensure that children are always separated from adults;**
- (e) Use alternative measures to pre-trial detention and other forms of deprivation of liberty whenever possible;**
- (f) Incorporate into its legislation and practices the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, in particular to guarantee them access to effective complaint procedures covering all aspects of their treatment;**
- (g) Take the necessary measures to improve detention conditions;**

- (h) **In light of article 39, take appropriate measures to promote the recovery and social reintegration of the children involved in the juvenile justice system;**
- (i) **Seek assistance from, among others, OHCHR, the United Nations Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the United Nations Coordination Panel on Technical Advice and Assistance on Juvenile Justice.**

**New institutional framework for policies concerning adolescent offenders  
or alleged offenders against criminal law**

942. The establishment by Decree No. 28/07 of the National Directorate for Adolescent Offenders against Criminal Law, attached to the National Secretariat for Children, Adolescents and the Family, constitutes an important institutional step aimed at protecting adolescents involved in such problems.

943. For the first time, the State has created an agency to guide public policies in this area, with special responsibility for assisting and monitoring provincial jurisdictions in addressing the issue.

944. The National Directorate's primary goal is "To guide national policies in support of the reform of government measures of intervention concerning adolescent offenders against criminal law in the form of activities, plans and programmes" and it is required to take action aimed at:

(a) Promoting a comprehensive and integrated regime for dealing with adolescents in conflict with criminal law, including provision for procedures that guarantee the rights of children and adolescents;

(b) Running programmes designed to improve technical and managerial aspects of government measures of intervention concerning adolescent offenders against criminal law;

(c) Helping the authorities in each jurisdiction to formulate public policies designed to ensure full access to citizenship for adolescents in conflict with criminal law and to assist them in rebuilding their lives;

(d) Offering advice and implementing plans and programmes for training and technology transfer with a view to establishing priorities for the socio-educational activities included among the measures taken;

(e) Promoting intervention policies to ensure that deprivation of liberty is the last resort and does not entail the violation of other rights;

(f) Supporting action to strengthen the emotional attachments of adolescents in conflict situations and their integration into the community;

(g) Elaborating procedural codes and regulations concerning rehabilitation and standardization of institutional practices.



### **Adjustment of domestic legislation**

945. As reported in the subsection entitled “Legislation” of section IV.A, the Federal Council for Children, Adolescents and the Family sent a unanimous message to Congress in June 2007 requesting the immediate repeal of Act No. 22.278 on the Criminal Regime concerning Minors and the adoption of a new regime of juvenile criminal responsibility that was in conformity with the standards laid down in the National Constitution, the Convention on the Rights of the Child, the Beijing Rules and the Riyadh Guidelines, bearing in mind the various draft laws before Parliament that were based on a similar approach to the issue.

946. In November 2007, a task force composed of representatives of the Ministry of Justice, Security and Human Rights and the National Secretariat for Children, Adolescents and the Family, delegates from the Federal Council for Children, Adolescents and the Family, and members of the legislature was set up to devise a new regime of juvenile criminal responsibility. The task force sought to ensure consistency between the various draft laws dealing with the subject.

947. With that end in view and given the need for progress towards a reform of the legislation governing young offenders or alleged offenders against the criminal law, priority was given to the alignment of intervention practices with international standards. The National Secretariat for Children, Adolescents and the Family assigned trained human resources to perform the task and to guarantee access to basic rights in the context of all juvenile criminal measures for which it is responsible.

948. It should be noted that funds have been earmarked by the Federal Council for Children, Adolescents and the Family for the launching and/or development of various projects aimed at aligning juvenile criminal regimes in the provinces with relevant constitutional and international standards. The allocation of funds is combined with training and exchange activities organized by SENNAF in various jurisdictions, including Córdoba, Jujuy, San Juan, Santa Cruz, Sante Fe and Tucumán.

949. With regard to the Committee’s concern at the fact that, under article 205 of the Code of Criminal Procedure, a minor may be held in incommunicado detention for a maximum period of 72 hours, it should be noted that the article prescribes this type of detention for a maximum period of 48 hours, with the possibility of an extension for a further 24 hours, on submission of a written request, if there are grounds to believe that the accused could conspire with third parties to obstruct the investigation in some way.

950. During the period of incommunicado detention, the accused may communicate freely with his or her lawyer and may have access to books and any other appropriate items on request. The accused is also authorized to engage in other essential civil activities provided that they do not prejudice the proceedings.

### **Policies concerning adolescent offenders or alleged offenders against criminal law**

951. Although Act No. 22.278, with its marked “tutelary” bias, is still in force, SENNAF bases all its interventions in this area on the following premises:

(a) Use of deprivation of liberty as a last resort and for the shortest time possible;

(b) Differentiation between criminal programmes and others aimed at protecting rights;

(c) Promotion of the implementation of measures involving deprivation of liberty in special detention centres for adolescents;

(d) Ensuring that deprivation of liberty does not entail violations of other rights;

(e) Creation and/or strengthening of programmes involving alternatives to deprivation of liberty.

952. Some of the activities undertaken by means of decentralization of resources through the Federal Council for Children, Adolescents and Family and direct action by the National Secretariat are described below.

953. **Province of Córdoba:** Building of a sports ground (with a gymnasium, football and rugby fields, sports equipment, etc.), construction of a multipurpose hall and classrooms, and major building improvements in the Esperanza Complex.

954. **Province of Entre Ríos:** As an alternative to the internment of children accused of breaching criminal law, a system of community support is planned so that children can be rehabilitated while at liberty in their own family and social environment. To that end, bodies with responsibility for overseeing the professional team and social workers will be established in order to create forums for reflection and for the review of practices.

955. **Province of Jujuy:** A comprehensive approach involving a critical analysis of activities will be adopted with a view to designing appropriate forms of intervention. These may include: (a) assisted liberty: for adolescents in circumstances that may prove favourable to their development (appropriate family environment, groups of friends who may exert a positive influence, aspects of the adolescent's own character, etc.); (b) residential centres: for adolescents without a family and social environment conducive to their development. The strategies to promote the comprehensive development and future discharge of adolescents are: psycho-social treatment, artistic expression and sports, training workshops, education, forging of family bonds and community work.

956. **Province of Misiones:** Action on behalf of institutionalized children and adolescents who are involved in criminal legal proceedings. The aim is to offer an alternative to institutionalization by reuniting children and adolescents with their family of origin or extended family. In cases where such action is required, direct assistance is provided in addition to professional assistance and support for families.

957. **Province of Río Negro:** Action is taken to facilitate the integration into society of young people in conflict with the law, who are deemed to be in circumstances of psycho-social vulnerability. The action includes educational and productive activities (teaching of skills) to facilitate access to employment, and cultural and artistic activities and sports to facilitate reintegration into society. The main aim is to bring about a change in the

subjective attitude of the vulnerable minor so that he or she may return to the community and become involved through the development of a new life plan.

958. **Province of San Juan:** Technical advice on amendment of the provisions of the Province's Code of Criminal Procedure concerning adolescents. Support for the reorganization of the Benavides Institute with a view to implementing special arrangements concerning deprivation and restriction of liberty.

959. **Province of Santa Cruz:** Technical assistance to facilitate the transfer of responsibility for the only adolescent deprivation of liberty centre in the Province from the provincial police force to the Ministry of Social Affairs. There are plans to train rehabilitation workers and a technical team.

960. **Province of Santa Fe:** Signing of an agreement with the Provincial Ministry of Internal Affairs. Training of more than 70 officers to work at the Rosario Institute for Adolescent Rehabilitation (IRAR) and ending of the involvement of the Provincial Prison Service in the Institute.

961. **Province of Tucumán:** Strengthening of the Assisted Liberty programme, which offers an alternative to young people in conflict with criminal law. Group and/or individual arrangements enable children or adolescents to change their situation, encouraging the responsible use of their liberty and social opportunities. In addition, rehabilitation workers were selected and trained to provide daily support for adolescents residing in the Julio A. Roca Centre.

962. Mention should also be made of the activities undertaken in Buenos Aires, Córdoba, La Pampa and other jurisdictions. For instance, the Province of Buenos Aires adopted Resolution No. 1623/02 of the Ministry of Security, which prohibits the holding of minors in police stations and requires police officers to comply strictly with the Resolution, arranging with competent judges for relocation to suitable premises.

### **Differentiated action**

963. Although Act No. 26.061 does not directly regulate the criminal regime applicable to minors, its entry into force entailed the strengthening and/or creation of local rights protection agencies in every jurisdiction of the country, so that a clear-cut distinction can be made between action explicitly aimed at restoring rights and other – procedural or punitive – action concerning offences allegedly committed by minors.

964. In response to the provisions of the Act concerning the competence of local rights protection agencies to take action against threats to or violations of the rights of children and adolescents, the National Secretariat for Children, Adolescents and the Family (SENNAF) has opened channels of communication with the local rights protection authorities when situations requiring their intervention arise, regardless of whether the minor is involved in juvenile criminal proceedings.

965. Training meetings are thus organized regularly with actors involved in implementing different juvenile criminal measures with a view to incorporating the type of differentiation mentioned above in existing practices.

### Alternatives to deprivation of liberty

966. A marked decline in the application by the judiciary of measures involving deprivation of liberty to young offenders or alleged offenders against criminal law has been discernible since 2002.

967. The following table, which is based on statistical data from the SENNAF juvenile criminal circuit, shows a decline of about 45 per cent in the number of young people held in institutions involving strict deprivation of liberty.

INSTITUTIONS	YEARS						Percentage decline
	2002	2003	2004	2005	2006	2007	
General San Martín	84	99	69	63	68	42	<b>50.0</b>
Manuel Rocca	191	152	130	113	136	99	<b>48.2</b>
Manuel Belgrano	89	89	90	64	45	38	<b>57.3</b>
Dr. Luís Agote	67	66	65	46	52	48	<b>28.4</b>
Ursula Llona de Inchausti	21	17	27	35	26	23	<b>0</b>
<b>TOTAL</b>	<b>452</b>	<b>423</b>	<b>381</b>	<b>321</b>	<b>327</b>	<b>250</b>	<b>44.7</b>

Source: SENNAF, 2007

968. Similarly, since the adoption of Act No. 26.061 a progressive trend has been noted in national juvenile courts and federal courts with criminal jurisdiction, which now tend to halt their involvement concurrently with the termination of the proceedings, i.e. they maintain tutelary measures only during the course of the main proceedings to investigate the minor's responsibility for the act charged.

969. SENNAF has also extended the range of alternative measures to confinement. In particular, it has increased the number of places available in Rehabilitation and Community Integration Residences, which are open institutions that focus on rehabilitation and responsible citizenship.

970. Action and support programmes on release have been strengthened. A team called "On Release" has been attached to the existing Assisted Liberty Programme. Its approach focuses on encouraging group membership and integration by means of training activities.

971. These consolidated measures were backed up by training courses and activities such as the "Sessions on good practices in juvenile criminal justice" held in September 2005 in the Senate and organized by the National Secretariat for Children, Adolescents and the Family, the Human Rights Secretariat of the Ministry of Justice, Security and Human Rights and UNICEF. They were attended by judges, prosecutors, defenders, officials from the national and provincial executives, civil society organizations, etc.

972. Similar sessions entitled "Juvenile justice: the present system and necessary changes" were held in September 2007. They were organized by SENNAF and UNICEF

and were attended by representatives of the executive authorities in charge of juvenile criminal affairs in all jurisdictions.

**Protection of minors deprived of their liberty and their reintegration into society**

973. It should be noted that the SENNAF institutions accommodating juvenile offenders or alleged offenders against criminal law are regularly visited by different external actors, representing the judiciary, the Public Defence Service and civil society organizations.

974. An important example is the regular visits by representatives of the National Court of Appeal for Criminal and Correctional Matters. The findings are recorded in a file that is examined by the Under-Secretariat for Juvenile Welfare Institutions at the Court.

975. Moreover, the Public Defence Service recently established the Commission for Oversight of the Institutional Treatment of Children and Adolescents, which also pays regular visits to the different institutions to interview the young people residing there (see the subsection entitled “Right not to be subjected to torture” of section D).

976. Furthermore, priority has been given to the allocation of resources to guarantee, in substantive terms, that young offenders or alleged offenders against criminal law can exercise their rights.

977. To that end, infrastructural work has been undertaken to improve conditions and ensure the best possible quality of life in the buildings where young people are housed.

978. In addition, it has been decided that socio-educational goals should serve as the guiding principle of public policy aimed at preventing and repressing juvenile crime. As a first step, the time devoted to the education of young people in closed institutions has been doubled and in some cases tripled.

979. A total of about 80 education and rehabilitation officers were appointed to the different facilities during the year and the amount of educational and recreational activities within closed institutions was greatly increased and idle time reduced.

980. With a view to guaranteeing a wide range of activities and workshops for young people and forging closer links between specialized facilities and the rest of the community, agreements have been signed with a number of public and civil society institutions, including the Sports Secretariat, the National Technological University, the Philosophy and Arts Faculty of the University of Buenos Aires, the Civil Association of Plaza de Mayo Mothers, the Argentine Chess Federation, etc.

981. Moreover, the Assisted Liberty Programme, which provides local support, has established the “On Release” team whose approach focuses on encouraging group membership and integration by means of training activities.

982. Furthermore, the Office of the Coordinator-General of the National Justice Programme for Adolescents and Young People in Circumstances of Socio-Penal Vulnerability (PRONAJU) has provided teams of professionals in juvenile criminal

facilities with a range of resources from civil society organizations and State agencies designed to support the reintegration of young people into employment.

**Survey of adolescents who have allegedly breached or have been charged with breaches of criminal law**

983. In addition to the above-mentioned training courses provided jointly with UNICEF during the second half of 2007, SENNAF, UNICEF and Tres de Febrero National University launched the project: “Towards closer alignment of Argentine juvenile criminal justice with the National Constitution and relevant international standards”.

984. The aim of the study is to undertake a national analysis of existing procedures, practices and facilities in the area of juvenile criminal justice in each of the country’s provinces, to enhance monitoring and exchange capacity and to promote procedures conducive to change.

985. The project methodology is based on local data-gathering and provides for the establishment of regional bodies to endorse the data compiled and for the organization of training events and exchanges of views to build a consensus on the principles that should guide public policy on juvenile criminal justice.

986. The relevance of the study lies in its originality. For the first time, the State has taken action jointly with the provincial executives to analyse the existing state of affairs, compiling information that is essential for the planning and implementation of policies regarding the issue.

987. The data compiled during the study is currently being processed, consolidated and checked with the various provincial jurisdictions.

## I. Optional Protocols

**Paragraph 65. The Committee recommends that the State party continue to pursue ongoing efforts towards the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography.**

988. The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography was adopted by Act No. 25.763, ratified on 23 June 2003 and promulgated on 22 August 2003, with the following declaration:

“With reference to article 2, the Argentine Republic would prefer a broader definition of sale of children, as set out in the Inter-American Convention on International Traffic in Minors which Argentina has ratified and which, in its article 2, expressly defines traffic as the abduction, removal or retention, or attempted abduction, removal or retention, of a minor for unlawful purposes or by unlawful means. Therefore, under article 41 of the Convention on the Rights of the Child, this meaning shall continue to apply. For the same reasons, the Argentine Republic believes that the sale of children should be criminalized in all cases and not only in those enumerated in article 3, paragraph 1 (a).”

989. With regard to article 3, the Argentine Republic further states that it has not signed international instruments on the international adoption of minors, has entered a reservation in respect of subparagraphs (b) to (e) of article 21 of the Convention dealing with international adoption, and does not permit international adoption of children domiciled or resident in its jurisdiction.

990. With regard to article 7, the Argentine Republic construes the term “confiscation” (*confiscar*) to mean the seizure of goods and proceeds as part of a sentence or penalty (*decomisar*).

991. The Argentine State is currently preparing the report required under article 12 of the Optional Protocol on the sale of children, child prostitution and child pornography.

## V. CONCLUDING COMMENTS

992. Dr. Alicia Kirchner, Minister of Social Development and President of the National Council for the Coordination of Social Policies has said:

“Clearly, inequality and injustice are deeply rooted in the life of the world, but we are not prepared to resign ourselves to what is deemed to be irreversible. We want a different state of affairs, and that is what our national Government intends to achieve through social policies for the family based on justice and rights in order to reduce inequality.”

993. We wish to conclude this document with an undertaking on the part of the National Government to proceed with the process of social and economic change begun in 2003.

994. We travel the length and breadth of the Argentine Republic every day, from north to south and from east to west. We are well aware of the situation in the towns and in rural areas. We listen to children, women, men and older persons. We pass through the districts of our major cities and visit the smallest villages.

995. We know that we have made considerable progress, but we are not satisfied. As our President says: *“If there is still one person living in poverty, nobody can be satisfied.”*

996. We could expand on what she has said: if there is still one child begging in the street, one little girl not attending school, one baby who is not receiving proper care, one adolescent offender who is detained in a police station, one child suffering from HIV without access to the health system ... nobody can be satisfied.

997. The major process of change that we have embarked upon is not without risk, contradictions and conflict. We know, however, that the path is also laden with hope, good cheer and the expectations associated with the building of a nation in which everyone – above all children and adolescents – enjoy to the full and exercise all the civil, economic, social and cultural rights to which they are entitled

998. We shall not rest and we shall not be satisfied until then. We shall continue to perform our work with humility, conviction and perseverance.

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