



ngo group for the crc

**STATE PARTY EXAMINATION OF ARGENTINA'S
THIRD AND FOURTH COMBINED PERIODIC REPORTS**

54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

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Argentina ratified the Convention on the Rights of the Child (CRC) on 4 December 1990. On 2 June 2010, the Committee on the Rights of the Child (the Committee) examined the third and fourth periodic reports of Argentina. It was last examined on 4 October 2002. The State party has reservations on article 21 and declarations on articles 1, 24, and 38 of the Convention.

Opening Comments

The delegation of Argentina was led by Lic. Marcela Paola Vessevessian, of the National Secretariat for Children, Adolescents and Families. She was supported by a large delegation, including from the National Secretariat for Children, Adolescents, and Families; the Permanent Mission in Geneva; the Ministry for Integral Promotion and Protection; the Ministry of Public Spending, Social programmes and Economics; the Ministry of Education and the Ministry of National Health.

Mrs. Vessevessian thanked the Committee, and said that she was convinced that the dialogue would significantly improve the lives of children in Argentina and around the world. Since the recommendations issued in 2002, Argentina had made significant progress in implementing the CRC due to major social, economic and institutional transformations. The government was developing policies to remedy social inequalities by increasing access to health care, education and especially employment, which would enhance children's rights. She explained that as a federal state, Argentina had to coordinate implementation both at the national and provincial level. In 2002, 64% of children lived in poverty and 30% lived in extreme poverty, whereas in 2009, only 21% of children lived in poverty and only 6% lived in extreme poverty. The government was committed to continuing to fight child poverty, using

around 14% of GDP on children's measures, and had widespread social support.

Mrs. Vessevessian highlighted the passing of the Law for the Integral Protection of Children and Adolescents (26061) as a significant step forward for children, as it addressed issues relating to children's rights such as regulatory harmonisation, training, participation of civil society, compulsory education and the budget. Argentina had also created the National Secretariat for Children, a Council for Boys, Girls, and Adolescents, and intended to create an Ombudsman. In addition to the new federal legislation, 21 provinces out of 24 had specific laws to harmonise with the federal standards, and the remaining three had laws before parliament. However, Mrs. Vessevessian acknowledged that the legal reform process was not complete. In order to fully implement children's rights, the media was disseminating cultural goods for the cultural enrichment and development of children. In addition, laws were being discussed with civil society.

Mrs. Mauras welcomed the delegation and thanked them for the informative documents. She noted that Argentina had a significant history of human rights achievements, including two Nobel Prize winners and prosecutions of the perpetrators of human rights violations during the dictatorship. She commended Argentina for the recent progress after many years of inactivity. However, she emphasized the fact that national legislation was not enough to change cultural attitudes about children's rights amongst Argentineans who were responsible for the welfare of children, and thereby substantively improve the lives of children, and that local measures were needed.

General Measures of Implementation

Legislation

While the delegation acknowledged that general cultural acceptance of children's rights was necessary for holistic implementation, children's rights were guaranteed by a package of laws that concerned subjects like educational financing, child development, sex education, the development of a website for missing children, promotion of sports, audiovisual communication regulations, the eradication of violence against women, a training programme for civil registry officials, the "Evita" programme for the participation of boys and girls, and raising the ages of work and marriage. The Council also had some participation of civil society, including child rights defenders but also unions, social movements, faith organisations and other bodies. The Council was replicated in almost all the provinces.

The Committee asked if a survey had been carried out of children and child's rights workers to know if the law was well known and applied. It also requested more information on how other provinces were implementing the Law for the Integral Protection of Children and Adolescents, and what factors were keeping other provinces from full implementation, especially in cases where there was extreme poverty. In addition, the Committee asked why there was a delay in adopting harmonised legislation in 3 provinces, and what was being done to pass it, and what obstacles stood in the way of appointing the children's Ombudsman.

The Committee asked if there were targeted strategies to help the most impoverished and vulnerable groups, in light of data that said that of the 2 million families living under the poverty line, only one third got financial or other support. In addition, the Committee welcomed the sharp decline in unemployment in poor households and asked how the State party planned to maintain it in the event of a crisis. The delegation informed the Committee that the decline in abject poverty had been stronger in children, and that resources were targeted by the national government to needy provinces.

In response to high levels of exposure to violence and promotion of sexual services, one province had taken legislative response. However, Argentina was limited by the federal nature of the system, and the private sectors had been very unresponsive. Argentina had passed a law on communications services to break up a media monopoly and create a council that would oversee, monitor and regulate media, especially programmes that targeted children. Media regulations had been met with significant opposition. The delegation said that the international community needed to develop a new protocol on the conduct of the media. In addition, the private sector had not been cooperative in fields such as children's rights, environmental concerns, peace and coexistence and healthy sexuality. The Committee also asked if the State party had a strategy to fight corruption.

Coordination and monitoring

The Committee asked for clarification on the details of the new legislation, including how coordination was carried out at provincial level, what administrative measures had been taken as a result, the legal framework, the responsibilities of adults, how poor children benefited, and the contribution to the best interest and participation of the child. The delegation explained that the Law for the Integral Protection of Children and Adolescents gave rise to an intense legal reform process, as evidenced by the fact that prior to that law, only 10 bodies rather than 21 had rules regulating local child care centres. The Federal Council for Children, Adolescents and the Family defined and implemented childhood policies.

The delegation considered that the system of rights protection for children included all bodies and services that work to ensure access to children's rights, and so the National Secretariat for Children worked with other national administrative bodies to implement the new legislation. There was no specific budget for the implementation of children's rights because it depended on the budgets of the various other administrative bodies. The Committee remarked that the CRC was characterized by the promotion of a total package of rights, and there needed to be specific measures taken to ensure all these rights. The delegation stated that rights could be claimed, and that the coordination between various bodies such as the judiciary and civil society provided better conditions for children to claim those rights. The executive branch contained the National Council for the Coordination of Social Policies, which was made up of representatives from all government ministries and met approximately once a month to assess social programmes.

The delegation said that management was complicated. There was no consensus on how best to coordinate complex government activities. Therefore, the government was pursuing small adjustments to foster a long term democratic culture with respect for human rights, rather than engaging in a drastic overhaul of the current system.

The delegation informed the Committee that civil society and provincial governments had actively participated in the development of the National Action Plan. The first step in developing the Plan had been a diagnosis of the needs of each province. The plan was not a programme and did not involve spending money on big institutions, but rather focused on facilitating rights. One objective of the National Action Plan was to eradicate inequalities in areas such as gender and region, and bring provincial rates of child mortality into harmony with the rate in Buenos Aires, which was the lowest in the country. The diagnosis process analysed all provinces to define challenges and obstacles, such as cultural, political, and management problems. The government was working to establish new indicators to measure success, because children's rights were a judicial matter, not a social or political one.

The Committee asked how Article 19 was being implemented, as it called for a piece of

legislation to cover the mandates of the Convention. The delegation explained that the new system was an improvement of the old patronage system, in which judicial intervention was required in any case of a child rights violation, which stigmatised poor families. The new legal framework called for the decentralisation of the child protection system, and the law ensured that the principal mechanisms of protection were undertaken. The change was difficult to bring about, because it ended a long tradition of judicial competencies, and slowed the legislative process in some provinces. Under the new law, the administrative authorities responsible for child protection needed teams on the ground close to children and communities who were qualified and had the necessary resources to ensure an effective protection mechanism for children whose rights had been violated. According to the Federal Council report, over 50% of funds given were for strengthening or creating new institutions. There were also a number of local Ombudsman's offices. In areas where resources were lacking, the government was attempting to build capacity. Thus, under this new system, Article 19 was enforced in that the law ensured that children whose rights had been violated could seek recourse through protection mechanisms, and in cases where children were separated from their parents there were legal controls and a specialised family magistrate.

Implementation at provincial level

The Committee asked about the obstacles to implement the new law in all provinces, and how conflicts between federal and local laws were resolved. The delegation clarified that provinces did not have full legislative autonomy, and that laws on civil rights, trade and the right to work, that had been incorporated into the Constitution, were applied throughout the country. For example, there was a universal age of majority set at 18, and the age of marriage was set at 16. However, it was the provinces that were responsible for managing administrative or procedural affairs. Some services might be tailored to local cultural needs, but rights in the CRC could not be denied. Poorly organised services could be preventing the full enjoyment of rights. The Law for the Integral Protection of Children and Adolescents regulated administrative bodies at the national level.

A representative from the province of San Juan reported that the province had undertaken substantive policies to promote the rights of children and coordinated its decisions with national policy. There were no severe cases of malnutrition, an effective child development programme, a child homes programme, therapeutic communities for children in conflict with the law (instead of prisons), no torture, an effective addiction programme, a 90% effective gender balance programme, and education that included a class on democratic culture, peace and coexistence, and specialised schools for children with disabilities. In addition, a children's parliament was set up.

Resource allocation

The Committee asked about the resources available, especially since the National Plan of Action did not provide any funds. The delegation replied that it did not have enough information to answer the question on the budget, since it was difficult to analyse public expenditure on three levels of government. In addition, it was difficult to measure because money was spent on projects that had a secondary impact on children, but were not designed with children specifically in mind, such as the housing project. Argentina had worked with Haiti, Uruguay and Paraguay to share experiences on data collection. Improved data collection would help to create a better targeted fiscal policy and deal with inequality. However, the delegation confirmed that Argentina invested 7% of GDP in childhood, and would spend 8% on the child allowance.

The Committee commended Argentina for conducting a thorough analysis of budget allocation for children, but asked for clarification on the significance of the resulting figures, and if the analysis could result in targeted strategies to support vulnerable groups of children through earmarked budgets. The delegation explained that the budget was allocated to the primary needs established in the Constitution, and that the budget was the first step in the redistribution of resources. For example, one province with 1% of the population, producing 0.9% of GDP and exports, received 3.5% of the country's resources. The secondary redistribution of taxes took place through spending on programmes such as health and development. Spending on childhood was regulated by the Council on Childhood and Adolescents, and health and education expenditures were negotiated throughout the provinces.

Data collection

The Committee noted that Argentina had collected considerable amounts of data with the help of international organisations, but that it seemed scattered. It therefore asked if the State party planned to consolidate the data, develop a set of indicators to diagnose the situation of children, and segregate data based on age, gender, region, social background, ethnicity, migration status, disability, and so on. The delegation replied that there was a census carried out every ten years, as well as an ongoing survey of households, but acknowledged that there was room to improve and ensure a rights-based approach to data collection. There had been a survey on children, indigenous peoples, persons with disabilities, children deprived of their liberty and nutrition. The National Secretariat for Childhood was responsible for coordinating statistics. The government had signed on to work with UNICEF on a survey on the social and living conditions of children and hoped to develop its own information gathering system, especially to study expenditures on childhood.

General Principles

Survival and development

The Committee noted significant inequalities between provinces, as some with high indigenous populations had a 60% higher infant mortality rate and 11% illiteracy rate. The delegation informed the Committee that the National Council for Social Policies brought together representatives from various ministries to develop policies in accordance with territorial realities, focusing on the poorest areas. The Committee asked for specific details on how the national government was making sure that all citizens, including those in poor or rural areas, had access to services. The delegation gave the example of the health programme, which developed local provincial targets for implementation based on local needs. However, there were still cases in which people did not seek treatment despite the medical capacity in the region, due to the lack of means or resources to travel, or because they were not aware that the services existed. The government had taken measures to identify the most vulnerable municipalities, and worked both to provide basic social services and exercise their rights.

Civil Rights and Freedoms

Nationality and birth registration

The Committee noted that recent legislation guaranteed universal and free birth registration, as well as late registration until the age of 12. It asked about the procedure for registration, especially in marginalized or indigenous communities, or for children who were not born in

hospitals, and how unregistered children were identified. The delegation replied that the birth plan needed to be expanded in order to identify the population that was eligible for the universal allowance but not receiving it. The delegation clarified that this programme for registration covered all children up to the age of 18.

Protection from abuse and neglect

The Committee noted that corporal punishment was still in existence, as parents, schools, and police were authorised to discipline children “moderately”, and asked how “moderate” and “excessive” punishment were distinguished. It also noted the mobile teams against child abuse and neglect were impressive, but asked how much of the population was covered, especially in remote areas, and if there was any assessment of its effectiveness. The Committee expressed concern that mobile teams would not be able to detect violence and asked if they had networks of informants. The Committee also asked about the protective measures to prevent abuse and neglect, like training and education, day care and family recreation programmes. The delegation replied that it was important to recognise the link between violence against women and violence against children, and that the feminist movement had fought to make domestic violence against women more visible. There were several places where women could make a complaint. NGOs were working to develop networks in both public and private institutions. Each province had laws guaranteeing holistic protection and local Ombudsmen for children, and there were reference centres which could receive complaints.

Family Environment and Alternative Care

Family environment

The Committee asked what support was given to parents to prevent children from being placed outside the home, if it was done on a federal or provincial level, and if there were any studies to measure its success. The Committee also asked about the measures to prevent children from living on the streets.

Foster care

The Committee asked whether foster families were trained, and if they tended to be new foster parents. The delegation reiterated that the systems were managed by the provinces, not the national government, so all preparation and selection standards for foster families were made at provincial level. Some foster families received payments, while others did not. In some cases involving foster care for children with severe motor or psychiatric disabilities, foster families received subsidies from the national government because the government realised that these children would remain in care for a long time. The Committee asked if foster families received the universal child allowance. The delegation said that all children were entitled to the allowance, and that some provinces might give a greater sum to foster families.

Adoption

As Argentina had not ratified the Hague Convention on Adoption, the Committee asked for more information on adoption, such as whether it was open or closed, the proportion of adopted children from various age, gender and ethnic groups, and the rates of inter-country adoption. The delegation reported that between 2000 and 2010, there had been 2,429 national adoptions, and that most processes began in Buenos Aires. There were 24 courts dealing with

adoption in Buenos Aires. The delegation reminded the Committee of Argentina's reservation to Article 21 of the Convention regarding international adoption.

Alternative care

The Committee asked if there was any data on children in alternative care, how many children were in the system, how the decision was made to place a child in a family, whether children could voice their opinions, and whether there was a complaints mechanism. The delegation reported that children without parental care represented only 0.012% of the population, but because they were so vulnerable, they required special attention. They took every measure possible to ensure that children could live with their families or kin. To address these issues, there was a system of specialised family magistrates, which was organised differently in each province. However, they were interested in working to standardise protocols on the separation of children from their families to protect the rights of children. The Committee asked whether children who were between home and institutional care could receive the allowance. The delegation said no, because they were not sure who to give the allowance to. One potential alternative was to set up a savings account that could be accessed at the age of 18, but there were banking problems to address first. While all children were entitled to the universal allowance, it was up to the provinces to distribute it.

The State party had made efforts to determine exactly how many children were in alternative care situations, including private and public institutions as well as foster care. There was a report published by the Ministry of Human Rights and UNICEF, but there had been some obstacles to obtaining homogeneous information. Despite those difficulties, the report had allowed the government to reevaluate guidelines on alternative care. The delegation hoped that UNICEF would help the government to work on the quality of services, because there were situations where it was not possible for children to return to their families. The State's aim was to strengthen families so that separation did not occur, and to do this, the State had adopted a much more flexible view of families that encompassed non-traditional compositions. The Committee asked for clarification on how many children were in alternative care. The delegation said it had not been able to standardise the criteria for assessment in the last report, so the figures were contested by one province.

The Committee asked whether these institutions were large traditional institutions or group homes. The delegation replied that large institutions no longer existed, and that children were placed in group homes with a maximum of 15 residents.

Reintegration

The Committee asked about the average age of children in the care system, how long they stayed and how old they were when they left. It also wanted to know if there was any support, financial or professional, for children reintegrating into society. The delegation reported that some provinces had calculate the average length of stay and that it varied from very short stays to much longer ones. Children who could not return to their families were released at the age of 18. To prepare children for reintegration, the institutions would work with children from age 14-15 on a life project plan.

The Committee noted that Argentina placed a strong emphasis on removing children from institutions, and asked how it was planned to avoid the problems which had been faced in Eastern Europe. The delegation confirmed that removing children from institutions was a priority, and believed that the best place for children was with their families, so the government tried not to overemphasize foster care. There had been best practices established

to make sure that families and communities were given greater precedence. There had also been various training initiatives on technical matters. The decision had been made to work with UNICEF to examine why children were in institutions and how they were treated, and what the quality standards were for public and private institutions and foster families. In completing these studies, the delegation hoped to build capacity amongst stakeholders in the various provinces and ensure that institutions complied with the CRC.

Basic Health and Welfare

Children with disabilities

The Committee asked about discrimination against persons with disabilities, both de facto and in terms of access to education due to a lack of subsidies and grants. The delegation did not believe that there was discrimination in the educational system, and said that any problems would be due to the expansion of the system. There was a subsystem of education for these children. There were 19,000 more children in specialised education, depending on their educational needs, than in 2002. The Committee asked how the State party was ensuring the well-being and development of children with mental health problems and avoiding indefinite detention and ill-treatment in institutions.

Health services

The Committee observed problems of discrimination towards indigenous populations, particularly in terms of access to health care, as well as discrimination against impoverished children, and asked how this was being addressed. The delegation said that there were health programmes in place at national level, but there needed to be carefully targeted work with the provinces themselves on issues like cancer prevention and maternal health. The Ministry of Health held meetings once a month, and any amendments or instruments were agreed upon by consensus. As the Ministry of Health was part of the executive branch, it was able to insist on implementation. The Ministry of Health had fairly reliable statistics, although there was some under-registration.

The Committee asked for more information on HIV/AIDS prevention and support. The delegation replied that comprehensive sex education was being included in schools, and that the government was working with UNAIDS to instil values in children.

Child mortality, pre and post natal care

The Committee observed that while there was a decline in infant mortality, neonatal and maternal mortality rates were still high, and asked what was being done to improve conditions during pregnancy and delivery. The Committee asked how breastfeeding during the first six months was encouraged, and if there were mother-friendly hospitals, and if there were plans to revise laws on maternity leave. The delegation responded that maternal mortality had come to a halt. In the past, institutional pregnancies and deliveries had been low, and children were born at home. However, some centres did not have adequate resources to deal with high-risk pregnancies, which influenced maternal mortality rates. The major cause of maternal death was abortion. To combat neonatal and maternal mortality, the nation had proposed to work with the provinces. Meanwhile, 67% of child deaths were neonatal, as babies were born underweight. However, the mortality of children who were underweight had been reduced from 83% to 9% using a new model.

Malnutrition

The Committee noted that 8% of children suffered from chronic diseases and 15% suffered from malnutrition. The delegation noted that malnutrition was particularly common in the North, where 56% of children suffered from it. However, due to government efforts, including cooperation with UN agencies to promote breastfeeding had reduced malnutrition. The alimentary codes needed to be adjusted to prevent people from selling certain kinds of milk that did not meet ethical or nutritional standards.

Abortion

The Committee asked whether the National Plan of Action would address teenage deaths due to abortion, and whether the government would take on the task of rehabilitating and reintegrated teenage victims, which was now done by civil society. The delegation informed the Committee that the suggestion to review the laws on abortion was not necessary, as courts had decided that abortion was legal for any girl who had been raped, due to a broad interpretation of Article 86. The government was also working to improve services for women who had abortions. The Committee asked for clarification on the scope of services under Article 86. The delegation explained that while it found the legal interpretation of the law to be satisfactory, it was not satisfied with the quality of medical care that was provided. The Committee clarified that abortion was not punishable for a teenager who had been raped not because of the text of the legislation, but because of case law. The delegation replied that while it would be ideal to change the text of the law, as it was written, only women who had been raped and suffered from health or medical problems could have an abortion. The Committee brought up reports of requests for abortion being rejected on the basis of this law. The delegation denied this, saying that public repercussions would prevent such actions, and that an amendment was not necessary as it was likely that the debate would focus on two cases before the legislature on the decriminalisation of abortion. Although the outcome could not be predicted, the delegation believed that the social consensus had shifted so much that an amendment was not necessary.

Adolescent health

The Committee asked for more information on the Holistic Program for Adolescents. The Committee also asked about the programmes in place in schools to ensure that adolescents had healthy lifestyles and avoided alcohol, drugs and pregnancy, and if there were any youth friendly services or clinics for struggling youth. The delegation reported that there was a strong policy on the issue of drugs. Education on drugs and pregnancy occurred through an education channel, as well as television and cultural programmes. The delegation admitted that it had been difficult to set up laws on sexual health and responsible parenting, but noted significant progress with the help of civil society. Resources, such as contraception, had been distributed to schools to reduce teenage pregnancy. There was a free hotline for sexual and reproductive health, and publicity and information given in all languages. However, despite sex education programmes, teenage pregnancies occurred, and so the challenge was to have a birth plan in which pregnancy was identified by week 20 so that provinces could provide health care and help keep girls in school.

The Committee noted that schools gave significant support to children, but wondered what happened to children who were not school for reasons like drug use, illness or pregnancy. The delegation admitted that the Holistic Adolescent Program was not enough to assist these children. The government's priority was to address teenage pregnancy, adolescent suicide, and alcohol abuse. To address these issues, 18 provinces had specific programmes to target children out of school, although there was still significant room for improvement.

Social security

The Committee asked how the State ensured that all children, including those in single parent homes or without parental care, had access to the universal allowance. The delegation explained that the child allowance system had been developed during the severe economic crisis from 2001 to 2004, which had led the government to focus on social investment.

Education, Leisure and Cultural Activities

Education

The Committee noted recent progress and increased expenditures on education, and asked if kindergarten and preschool would be compulsory, and if they took into account the holistic needs of the child. The delegation explained that there were two institutions for early childhood education. There were centres for childhood development from ages 0 – 4, in place since 2006, where social understanding, values, play, arts and culture were prioritized to help reduce inequalities. Argentina was working to expand enrolment, which had increased from 1.2 million in 2002 to 1.6 million in 2010. There were also 154 new kindergartens. The Committee asked what these figures represented in terms of percentages of children in these age groups. The delegation said that around 95 – 96% of 5-year-olds and 34% of 3 or 4-year-olds were enrolled.

The Committee observed a high dropout rate, with half a million adolescents out of school, due to poverty, financial incentives to work, or a negative school environment, and asked how this was being addressed. The delegation acknowledged that quality of education and the high dropout rate were challenges linked to poverty and social exclusion. The President had announced that educational reform in secondary schools would be implemented to improve their quality. While schools had been split into primary and secondary school in the past, they would be consolidated into one six year programme where children could earn vocational certificates. In addition, the delegation informed the Committee that Argentina had joined a programme with the aim of making computers available to all students, and was also building libraries and new schools. The delegation acknowledged that minorities or children in vulnerable situations had reduced amounts of resources available, and planned to train teachers in 3,800 schools to ensure that students did not drop out.

The Committee suggested that vocational training could make school more attractive by including preparation for working life for those uninterested in an academic career, and could be a second chance for many who had left school. The delegation explained that there was a law concerning technical vocational education that allowed schools to improve the quality of vocation training in secondary education and provide links to industry and companies to promote integration. In addition, the curriculum would include comprehensive sex education to prevent teenage pregnancy, sexual abuse and sexually transmitted diseases. The Committee asked how children were able to participate in schools. The delegation replied that participation channels had been developed in secondary educational reform, including student centres and forums for adults and children to have dialogues. The behaviour code applied to both adults and young people in schools.

The delegation explained that the universal child allowance was developed in order to allow children to go to school and strengthen the social network around them. The delegation informed the Committee that Argentina had built 800 schools, and that 100 were specialised. If parents' jobs were vulnerable, those families were entitled to subsidies to attend specialised schools. The Committee asked for clarification on the eligibility criteria for the universal

allowance. The delegation responded that it was necessary to ensure that families were entitled to special assistance in education and health care, so the government went into homes to make sure that they met the criteria.

Leisure and cultural activities

The Committee asked for more information on the right to play. The delegation explained that there were youth activity centres and some schools were open on Saturday so that children could do sports, art and recreational activities to promote cultural understanding and broaden horizons. There was also joint funding across all provinces to fund music programmes.

Special Protection Measures

Refugee children

The Committee asked about the legal procedures to deal with refugees and asylum seekers, and if there was any training or guidelines on the protection of the rights and needs of children, including gender issues.

Children of minorities or indigenous populations

The Committee asked for more information on education of indigenous children, considering reports that schools were often very far away, there were high dropout rates, and the curriculum was not adapted to their cultures. The delegation replied that, culturally sensitive education would be guaranteed by the Law for the Integral Protection of Children and Adolescents. In addition, the political project which had been agreed upon had two main aims: to protect compulsory education, and to defend the culture and traditions of indigenous peoples. This would be achieved by studying the original languages, designing pedagogical material and making grants available to go to universities. The Committee asked if the Convention had been translated into indigenous languages. The delegation said that it was not translated into indigenous languages, but that it could commit to doing so in the future.

Child labour

The Committee asked if there were programmes to prevent child labour, and if employers had to register the employment of a child. The delegation said that the Law for the Integral Protection of Children and Adolescents banned child labour and protected working children aged 16 or older. Inspections by the Ministry of Labour that had been carried out under the new law had resulted in the rescue of 44,000 children. In the case of a violation, employers could be fined and companies could be shut down. To enforce this new law, the government was making significant efforts to coordinate with companies, and had a network of 60 companies. The government was also providing “harvest gardens”, where parents could leave children while doing agricultural work, since 90% of child labour was in the agricultural sector. The harvest garden programme went hand in hand with sanctions.

Torture and deprivation of liberty

The Committee noted that torture and cruel and degrading treatment were expressly prohibited in the civil code, but had received reports of high rates of detention and young people who were ill-treated, including being naked, handcuffed, and systematically beaten, or kept in solitary cells and with no contact with their families. In addition, detention centres had high rates of suicide. The delegation informed the Committee that the government had a zero

tolerance policy regarding torture, and that it was banned in all provinces. In addition, the culture in Argentina did not favour impunity. In the past, there had been trigger-happy security forces, but there were currently human rights courses and improved oversight mechanisms, and that it was wrong to believe that there were systematic practices of repression and impunity for those who had violated children's rights.

The Committee had also received reports of violence in police stations, and asked what was being done with makes sure that the police forces were familiar with the Convention. The delegation reported that there were special police stations for minors.

Administration of juvenile justice

The Committee stated that the penal code was a carryover from the dictatorship, and that a recent Supreme Court ruling that permitted the deprivation of liberty had worsened the situation. It asked why a juvenile justice law had been delayed, given that 12 life sentences had been handed down to minors. The delegation stated that the death penalty was already prohibited for minors, and expressed its disagreement with the 12 life sentences handed down, and said that it was committed to finding other solutions. The Supreme Court was well respected, and while in the past it had supported institutionalisation, it now took the best interest of the child into account, even though some national laws did not. The Committee asked about reports that there was a trend of increasing sentences for juveniles, but the delegation denied that such a trend was taking place.

While the legal system was 30 years old and needed updating, the courts reinterpreted the law and applied the CRC. There had been some initiatives to provide for alternative conflict resolution, such as non-criminal proceedings, but there were obstacles, both legally and in overcoming prevailing tradition and culture. A law had recently been approved which would ensure that juvenile justice was a priority.

The Committee asked for more details on the special magistrates for adolescents. In the event that children were accused of crime, in accordance with Article 40, the delegation reported that there was access to legal assistance. However, there were no particular child-focused procedures, and the delegation acknowledged that this needed to be amended.

The Committee asked if children could be sentenced to death, or be subject to the 24 – 48 hour secret detentions. The delegation replied that children could not be sentenced to death, but that they could receive life sentences. The law that allowed discretionary secret detentions was still in force, but case law did not allow for such detention. The Committee observed that youth detention was often rationalised as protection in the best interest of the child, which was not the intent of the CRC, and asked how the government could give guidelines to officials working with children to avoid this. It also asked how education was organised in detention centres. A survey had been carried out of the population in strict and semi-deprivation of liberty, and the number of children (1800) deprived of liberty had not changed significantly since 2007. The rate of detention was not above the regional average, and that compared to South America, Argentina had a lower percentage of young people in prison. Of those in prison, only 3.7% stayed for over two years. 17 provinces had alternative forms of punishment. Of the children deprived of liberty, 31% were in these alternative programmes. In Buenos Aires, where 40% of the population lived, was experiencing significant social conflict but progress was being made. In 2004, there had been 350 adolescents in prisons, or at least police custody. In October 2004, a tragedy inspired the decision that long term police detention should come to an end. There was a court procedure in place to bring together all stakeholders committed to the defence of child rights. While the legislature was debating the

issue of juvenile justice, all the experts agreed that it was not the right time to implement reforms. It was also important to make sure that any reforms made had specific procedures in place, so that the reforms would be implemented at provincial level.

Concluding Remarks

Ms. Mauras was grateful for the exchange. She recognised the Law for the Integral Protection of Children and Adolescents as a great leap forward, along with the adoption of other rules and regulations. However, the major challenge was the construction of the holistic protection of the rights of the child in a federal system, as it made implementation complicated. While there were significant inequalities, there had been increased social investment. In the areas of education and health, Mrs. Mauras emphasized the importance of effective coordination and reaching out to children. She expressed concern that children with disabilities were not included in mainstream education. To better implement the CRC, Argentina needed to further develop diagnostic tools to assess the situation of vulnerable children, such as those without parents or deprived of liberty, appoint a children's ombudsman, and create alternatives to detention in the juvenile justice system.

Mrs. Vessevessian noted that Argentina was carrying out major transformations and was trying to build social networks, reconstruct child rights with families and ensure that children's rights were implemented. By reducing poverty, children were able to stay at home and be supported by working parents. The main priority was to strengthen the family unit. She said that the State party was working to ensure that all children enjoyed access to welfare and education, and to coordinate policies both nationally and locally. Overall, Argentina was migrating towards specific, detailed plans to maximize efficiency, and Mrs. Vessevessian gave the example of the universal child allowance as a measure that was holistic. She thanked the Committee and reaffirmed Argentina's commitment to improving the rights of children.