



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Fifty-fourth session

### Summary record of the 1522nd (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 2 June 2010, at 10 a.m.

*Chairperson:* Mr. Zermatten (Vice-Chairperson)

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*The meeting was called to order at 10 a.m.*

**Consideration of reports by States parties** (continued)

*Third and fourth periodic reports of Argentina on the implementation of the Convention on the Rights of the Child (CRC/C/ARG/3-4; CRC/C/ARG/Q/3-4 and Add.1); initial report of Argentina under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ARG/1; CRC/C/OPSC/ARG/Q/1 and Add.1); initial report of Argentina under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ARG/1; CRC/C/OPAC/ARG/Q/1 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Argentina took places at the Committee table.*

*Third and fourth periodic reports of Argentina on the implementation of the Convention on the Rights of the Child*

2. **Ms. Vessevessian** (Argentina) said that her country had formulated reactive policies aimed at reducing inequalities and promoting social integration, and had established the conditions necessary for universal and equal access to education, health care and housing. Several councils responsible for implementing and coordinating policies to guarantee all of the rights enshrined in the Convention had been created at the federal level so that children could benefit from social progress and that their rights would be guaranteed throughout the country. Social integration policy focused mainly on jobs and reducing unemployment, which had decreased from 23 per cent in 2002 to a current rate of 8.8 per cent. Progress had been made in combating poverty: in 2003, 64 per cent of children had been affected by poverty and 30 per cent by extreme poverty; the corresponding figures for the last quarter of 2009 were 21 per cent and 6 per cent, respectively.

4. To give effect to articles 2, 3, 4 and 26 of the Convention, the universal family allowance per child for social protection had been introduced in 2009 and more than 3.7 million children from the most vulnerable families had already benefited from it. Over 90 per cent of Argentine children were covered by social security. The system had led to a virtuous circle because, in order to receive the Universal Family Allowance, proof was required that the child had received a number of check-ups, had been vaccinated and was attending school. Six months after its launch, the results of the system were convincing: school enrolment rates had increased significantly at all levels of education, in particular at the secondary level, where they had risen by 20 per cent. Participation in health-care programmes had increased by 56 per cent compared to the first quarter of 2009, as a result of the Universal Family Allowance.

5. In order to implement the Committee's recommendations following the consideration of the second periodic report of Argentina in 2002, the Argentine Government had striven to allocate further resources to its child policies, and public expenditure on children had increased from 5.8 per cent of gross domestic product (GDP) in 2002 to 7 per cent in 2008. In 2010, the Universal Family Allowance should, according to projections, result in a 14 per cent increase in investments in children.

6. The adoption of numerous laws on the rights of the child between 2003 and 2010 demonstrated the policy direction of the State, which was determined to implement the provisions of the Convention.

7. Act No. 26.061 on the Comprehensive Protection of the Rights of Children and Adolescents was adopted in 2005 on the basis of a Committee recommendation in 2002. It had led to changes in the country's various provinces by requiring them to align their legislation with the new instrument, redesign their institutions, train their staff, better define

their budgetary allocations and increase the participation of civil society organizations. The Act, which recognized the central role of the family in children's development and well-being, provided for the creation of mechanisms to protect and promote the rights of children and adolescents, including the National Secretariat for Children, Adolescents and the Family and the Federal Council for Children, Adolescents and the Family. The Ombudsperson for Children and Adolescents had been created, but Congress had not yet adopted the required implementing regulations.

8. The National Plan of Action for the Rights of Children and Adolescents had been adopted and indicators to monitor its application had been defined. The National Secretariat for Children, Adolescents and the Family relied on public bodies, authorities responsible for the protection of rights in the provinces and in the Autonomous City of Buenos Aires, various social, trade union and community bodies and the country's various non-governmental organizations to design, draw up and carry out child rights policies.

9. Act No. 26.206 on National Education, which had sparked extensive debates nationwide, had made primary and secondary education compulsory, based on the principle that education was a personal and social right that should be guaranteed by the State. In 2010, the State budget allocation for education had significantly increased and now accounted for 6 per cent of GDP. Approximately 756 new schools had been built in Argentina, enabling 450,000 children to attend classes in modern buildings. To apply the national plan of digital inclusion in education, 3 million computers with Internet access would be bought and distributed to students and teachers at public secondary schools over the next three years.

10. Access to public health-care services was universal and free of charge for both Argentine and foreign children. The infant mortality reduction policy had brought the rate down by 25 per cent – from 16.8 to 12.5 per 1,000 live births between 2002 and 2008; disparities among provinces had been reduced and the Government had implemented, in collaboration with the United Nations Children's Fund (UNICEF), the Pan American Health Organization and the United Nations Population Fund, a plan to reduce maternal and infant mortality rates, including that of adolescent mothers, which aimed to bring those figures to below 10 by the end of 2011. The under-five mortality rate had fallen from 19.5 to 15.6 per 1,000 live births between 2002 and 2008. At the same time, the number of deaths caused by malnutrition had declined by 61 per cent and those caused by infectious diseases by 45 per cent. The number of deaths from respiratory illnesses had decreased by 15 per cent over the period in question, but they remained the cause of most avoidable deaths. Although the number of deaths caused by unsafe abortions had decreased, the figures for early pregnancies had remained unchanged. The Programme for the Integral Care of Adolescents was addressing that issue, in addition to youth suicide and alcohol abuse.

11. Adopted by the National Congress in October 2009, the Act on Audio-visual Communication Services regulated children's access to different sources of information and provided for audio-visual broadcasting of cultural material that promoted the development of the child. The provisions of the Convention and the principles that it contained, in particular the best interests of the child, participation and non-discrimination, were taken into account in the drafting of the Act. It had established the Advisory Council on Audio-visual Communication and Children and the Observatory on Audio-visual Media Relations with Children.

12. To date, and following a recommendation made by the Committee in 2002, the State, in collaboration with the Grandmothers of the Plaza de Mayo, had restored the identity of 101 persons who had been illegally adopted as children during the dictatorship.

13. **Ms. Maurás Pérez** (Country Rapporteur) welcomed the large and high-level delegation and the copious and comprehensive information submitted by the State party to the Committee, including the written replies to the list of issues.

14. The Committee noted with satisfaction that, following a long period of virtual paralysis, the State party had been engaged for several years in harmonizing national and provincial legislation with the Convention, including through the adoption of Act No. 26.061 and the establishment of the Federal Council for Children, Adolescents and the Family, which comprised senior officials from all the provinces and from the Autonomous City of Buenos Aires, a step that demonstrated the State party's determination to coordinate its child policy and to take Argentina's federal structure into account. The federal structure could be an obstacle to the political, institutional, social or cultural changes required by the Convention because, for the provisions of a national law to take effect, they needed to be incorporated in provincial legislation. That raised the question of whether the provinces that had yet neither incorporated the provisions of Act No. 26.061 nor amended existing provincial legislation on the comprehensive protection of the child and adolescent following the adoption of the Act intended to do so and when.

15. Observing that several laws dealt with the same subject, she would like to know how the various programmes were actually coordinated, especially with regard to efficient use of staff and resources, staff training and the pooling of resources. She would be grateful for further information on the State party's implementation of the Comprehensive Protection System at all levels. The delegation might also provide information on the implementation of the 36 measures described in the National Plan of Action for the Rights of Children and Adolescents.

16. Reliable and comparable data were essential for defining and evaluating State actions. Could the delegation explain what the State expected, in terms of results and time frames, from the integrated system of information on policies for children and adolescents that it was planning to build?

17. Welcoming the growth in social expenditure and the introduction of the universal family allowance per child for social protection, she would like further information on national resource allocation and provincial budgets. There were enormous disparities among the provinces; the Committee would therefore like information on the impact of the measures described in the written replies and, for example, the follow-up given to the request from the Ombudsman in the province of Chaco for measures to combat extreme poverty among indigenous groups. The Committee would also like to know whether the provinces that had adapted their legislation to Act No. 26.061 had allocated sufficient resources for it to be enforced and whether, as a result, they had established strategic budget lines and indicators.

18. Since corporate activity had an impact on the rights of the child she wondered whether the issue of child labour involving children from Bolivia, the environmental consequences of tobacco and *mate* cultivation and the effects of pesticides on the population, especially children, were being addressed and whether adoption of standards on the social and environmental responsibility of businesses was envisaged. The study on the contamination of children, carried out by the Ombudsman in cooperation with the United Nations system, was very interesting and deserved to be followed up.

19. According to information available in the public domain, the problem of child abuse was serious in the province of Buenos Aires, where the pretrial detention rate was the highest in the country. She would like to know whether staff at the centre in Lomas de Zamora who were guilty of systematic beatings of naked and handcuffed children had been sanctioned, whether the victims had received compensation and protection, whether

investigations had ensued in order to prevent their recurrence and whether prison staff and police officers received human rights training.

20. **Ms. El-Ashmawy** asked whether the National Plan of Action for the Rights of Children and Adolescents addressed violence against girls, especially sexual violence, which led to early pregnancy and unsafe abortions. It was vital for rehabilitation services to be provided for such victims.

21. She would like to know how the State party guaranteed respect for the best interests of children with mental disabilities who, in general, apparently spent their lives in institutions, and how it implemented the right to contest prison conditions. In that regard, could the delegation explain the habeas corpus proceedings in detail?

22. **Mr. Koompraphant** asked which principles of the Convention had been incorporated in Act No. 26.061, which bodies coordinated provincial and national implementation of the Act, which roles and responsibilities were assigned to parents, health-care professionals, teaching staff, local authorities and family courts and how children with particular needs and vulnerable children were identified. He would also be interested in resource allocation criteria, the part that civil society played in services offered to families under the Act, and how Argentina intended to harmonize service provision in the provinces.

23. **Mr. Krappmann** noted with satisfaction that the State party's in-depth analysis of its budgetary allocations had shown that the resources allocated to children were increasing in real terms, but with huge regional disparities. Ensuring a degree of equality in living conditions among the provinces was a challenge; the central Government should therefore adopt strategies that targeted vulnerable regions and groups and assign them ring-fenced budget allocations.

24. He encouraged Argentina to continue its data collection work: since it already had a good network of data collection bodies, all it needed was to consolidate and disaggregate them and establish a group of indicators, based on the Convention, for reliable breakdown by age, sex, ethnic group, region, etc., and evaluate the results of the various actions taken.

25. **Mr. Filali** asked how Act No. 26.061 benefited children at risk (in particular because of poverty) and promoted children's participation and the best interests of the child. He would also like to know whether the Act had been evaluated since 2005 in order to ascertain to what extent it was known and applied, why it had not been adopted in all provinces and what the consequences were when federal and provincial law conflicted.

26. Since acts of violence were committed in police stations and detention facilities, it would be useful to know whether, in order to address the issue, the State party intended to establish community policing units and specialized police units to work with minors, and to allow inspections of detention facilities. Corporal punishment still existed within families, where "proper correction", an ill-defined concept, was allowed, and in schools. He was surprised that the best interests of the child was used to justify detention.

27. **Ms. Varmah** asked what proportion of births were home deliveries, particularly in indigenous communities, and wished to have details on the ex officio birth registration procedure, especially how the authorities were made aware of births and what document was issued in that connection.

28. **The Chairperson** drew attention to the discrimination suffered by some children (especially poor and indigenous children) in terms, for example, of access to health care, education and State benefits, and to the conditions of their detention. Although the problems were of long standing, no progress seemed to have been made. In the province of Buenos Aires, where more than 40 per cent of the country's prison population was held, the

detention conditions could be categorized as inhuman and degrading treatment, or even torture.

29. There had been no progress on the definition of the child, given that children aged under 16 were put in detention, which conformed to neither international standards nor national legislation, which set the age of criminal responsibility at 16. He regretted that the principle of the best interests of the child was not respected when children were placed in detention and was ignored during the asylum process.

*The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.*

30. **Ms. Vessevessian** (Argentina) said that her country had learnt lessons from its past; it applied a zero-tolerance policy to torture and had a torture-prevention mechanism.

31. **Mr. Lerner** (Argentina) said that enforcement of Act No. 26.061 was in no way hindered by Argentina's federal structure; the State did not need to ensure that laws were adopted in each of the country's 24 provinces in order for a federal law to be applied, and the provinces were obliged to recognize and respect the provisions of international instruments ratified by the State. The provinces were responsible for adopting laws establishing services and mechanisms to defend and protect the rights of the child. Since the adoption of Act No. 26.061 in 2005, some 10 laws relating to children had been passed, including 1 that established 18 as the age of majority, 1 that increased the minimum working age to 16, and 1 that established full age as 18 for girls and boys. Under the old system, only about 10 provinces had adopted laws to protect the rights of the child. Act No. 26.061 had also established the System for the Comprehensive Protection of the Rights of Children and Adolescents, which brought together all the bodies, entities and services that designed, planned, coordinated, implemented and supervised public policies at the national, provincial and municipal levels.

32. Article 32 of Act No. 26.061 provided for implementation of the policy on the comprehensive protection of the rights of children and adolescents through cooperation among the State, the provinces, the Autonomous City of Buenos Aires and the municipalities. Coordination of initiatives for children was overseen by the National Council for the Coordination of Social Policies. Under the National Secretariat for Children, Adolescents and the Family, the State had done a great deal of coordination that had led to the establishment of the National Inter-ministerial Technical Bureau, which had drawn up the National Plan of Action for the Rights of Children and Adolescents with the active participation of civil society, including in the provinces.

33. **Mr. Bustelo** (Argentina) said that each ministry had a federal committee that, following negotiation with the provinces, redistributed the budget resources it had been allocated by the Federal Government. There were certainly regional disparities in the allocation of resources, but the Argentine Government was paying increasing attention to the problem. Initiatives had been launched in the province of San Juan, including the building of schools and centres for children with disabilities, and the strengthening of social assistance for poor families.

34. **Mr. Koompraphant**, noting that Act No. 26.061 seemed simply to set out the main principles of child protection, asked for information on measures adopted since 2005 to give effect to the rights of the child enshrined in the Convention, especially regarding implementation of its article 19.

35. **Ms. Maurás Pérez** (Country Rapporteur) requested specific information on measures to protect and promote the rights of the child in the provinces that had not yet endorsed Act No. 26.061. She welcomed the initiatives launched in the province of San Juan and would appreciate general information on similar initiatives in the other provinces.

She wondered how the notion of comprehensive protection of the child and adolescent was applied in practice.

36. **Mr. Lerner** (Argentina) said that article 4 of Act No. 26.061 enshrined the principle of decentralization of implementing bodies, and plans and programmes in order to guarantee greater autonomy and efficiency for public action for children. The greatest challenge for the State was not ensuring the effective application of Act No. 26.061 in all provinces, because that had already largely been done, but ensuring that all local administrative bodies had suitably qualified staff and sufficient financial resources to ensure better care for children. In that regard, 50 per cent of the resources allocated to the Federal Council for Children, Adolescents and the Family went on capacity-building in local child protection institutions.

37. **Ms. Graham** (Argentina) said that one of the key objectives of the National Plan of Action was reducing disparities among the provinces and between the sexes in terms of health, including infant mortality. The Plan had been drafted on the basis of an inter-ministerial assessment of the needs and gaps in each region, province and municipality. Based on health and education development indicators, among others, the assessment had enabled various geographical, cultural, political and administrative obstacles to be overcome and objectives to be defined. The indicators had made it possible to quantify the progress required to ensure better protection for children and, breaking with the past, to promote the social aspect of child protection. The Plan had no specific budget but allowed resources to be allocated on a province-by-province basis, guidance on their use, and priority-setting.

38. **Ms. Maurás Pérez** (Country Rapporteur) asked for specific information on the measures taken to tackle the causes of neonatal and maternal mortality and to combat chronic malnutrition, which affected 8 per cent of children on average, with regional variations.

39. She was surprised that many young persons, aged 16–18, in conflict with the law and children whose mothers were in prison were placed in institutions or homes and that detention was common practice in the Argentine penal system. The juvenile justice system still seemed to be based on Act No. 22.278, dating back to the military dictatorship, which advocated repressive measures for children, that were incompatible with the Convention. The Supreme Court decision of 2 December 2008, authorizing detention as a protection measure for children aged under 16, appeared to take a similar approach. She wondered whether there were enough family court judges to rule on the legality of the exceptional alternative-care measures for children, as the measures in question tended towards excessive detention. Noting with concern that, since 1997, the courts had sentenced at least 12 minors to life imprisonment, she wished to know what was being done to prevent such rulings in the future. She also wished to know when the State party intended putting into practice the measures contained in the guidelines on children deprived of their family environment and whether those measures would resolve urgent cases of children who had been illegally institutionalized.

40. **Ms. Herczog** asked why children from single-parent families, among others, did not receive the universal family allowance per child for social protection, whether there were parent-support programmes, whether the effectiveness of existing social services had been evaluated, and how much the quality of services differed from province to province.

41. She wished to know whether there were any disaggregated statistics on children in alternative care, which authority decided to place a child in care, whether the opinion of the child was taken into consideration, whether there was a network of foster families or a programme of placement in the extended family, whether such families received financial assistance from the State, and how the State party intended, as part of the

deinstitutionalization process, to ensure that children were safely reunited with their families and to monitor them. She would also appreciate learning whether there was a complaints mechanism for children in institutions, whether they could complain to the inspectors who visited child protection institutions and whether any of those inspectors were civil society representatives.

42. She would like the delegation to explain why Argentina was not a party to the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to provide annual figures on national and intercountry adoptions, and details on the age groups and ethnic origin of the children adopted.

43. It would be useful to know how the mobile brigades in support of victims of domestic violence, whose staffing levels had been reduced, carried out their work and how the authorities distinguished between corporal punishment, which was permitted within the family, and abuse.

44. Additional information on the assistance programmes for the most vulnerable groups would be useful. She sought clarification on the measures that had led to the sharp decrease in unemployment in Argentina and to the reduction in the number of poor households. Noting that only one third of families living below the poverty line had received social assistance in 2007, she wondered what criteria were applied to social benefits.

45. Lastly, she would be grateful if the delegation could indicate how the HIV/AIDS prevalence rate was measured in the country and what was being done in the area of prevention.

46. **Mr. Koompraphant** asked whether the mobile brigades in support of victims of domestic violence had a network of informers on the ground and whether any parenting classes, information and counselling centres, programmes to encourage breastfeeding, and crèches for children were available in the provinces.

47. He would like clarification of how child labour was detected, whether any measures to prevent it were in place, whether any education or leisure programmes were offered to child victims of exploitation and whether parents and teachers were alerted to the issue. He would also like the delegation to indicate whether there were any programmes to tackle the phenomenon of street children, whether any prevention mechanisms had been implemented and what services were offered to such children.

48. **Mr. Krappmann** asked whether enrolment in kindergartens was compulsory and whether such schools simply prepared children for primary school or offered early-learning activities. He would also like information on the content of the National Early Childhood Development Programme and the role that families and the community would be expected to play in implementing it.

49. He requested further information on the measures taken to reduce school dropout rates and on vocational and social integration initiatives for adolescent dropouts.

50. Details on measures to promote intercultural education for indigenous children would be useful, as would be details on human rights education in schools.

51. Noting that the report did not mention measures to implement the right to leisure and recreational activities, he wished to know what was being done in that area.

52. **Ms. El-Ashmawy** asked what the State party was doing to encourage exclusive breastfeeding and whether the law on maternity leave had been amended.

53. She would like to know which legislative provisions guaranteed the rights of child asylum-seekers and unaccompanied children, whether a gender perspective was included in



peacekeeping training and whether training in the protection of child asylum-seekers was provided.

54. Lastly, she would like the delegation to say whether measures had been taken to encourage adolescents to adopt a healthy lifestyle, whether peer education programmes existed and whether awareness-raising programmes were offered in schools.

*The meeting rose at 1 p.m.*