



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

23–27 May 2011

### **Implementation of the International Covenant on Economic, Social and Cultural Rights**

**List of issues to be taken up in connection with the consideration of the third periodic report of Argentina concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/ARG/3)**

#### **I. General Information**

1. Please provide information on how the State party conducts an assessment of the problems and progress in the implementation of the provisions of the Covenant. Likewise, provide updated information on the methods used by the State party for statistical data collection, the recent changes introduced to the method of calculating indexes and the *Encuesta Permanente de Hogares*, and the measures to ensure availability and access to statistical information to a wide audience.
2. Please explain whether the rights enshrined in the Covenant can be directly applied and invoked before Argentinean courts and provide examples, if any, of court decisions directly invoking Covenant rights. Also provide information on the steps taken by the State party to ensure that victims of violations of economic, social and cultural rights have access to effective judicial remedies. Clarify whether adequate safeguards are in place for the protection of economic, social and cultural rights of the most disadvantaged and marginalized individuals and groups, including women heads of homes, migrant workers, persons with disabilities, the elderly and indigenous peoples.
3. Please inform the Committee whether the State party is considering ratifying the Optional Protocol to the Covenant.

## **II. Issues relating to the general provisions of the Covenant (arts. 1-5)**

### **Article 1 – Right to self-determination**

4. Please provide any additional information available on progress achieved by the State party in the implementation of the rights of indigenous peoples in the State party in accordance with article 75 of the Argentine Constitution (E/C.12/ARG/3, para. 5).

5. Please provide information on the institutional processes in place to ensure the effective participation of indigenous peoples in decision-making on issues that affect them. Please provide information on consultations already conducted with indigenous communities affected by the activities related to the extractive industry prior to their implementation. Also provide information on the measures adopted by the State party to adequately implement existing regulations on land management, particularly Law No. 26.331 entitled *Presupuestos Mínimos de Protección Ambiental de los Bosques Nativos*.

### **Article 2, paragraph 2 - Non-discrimination**

6. Please provide the most up-to-date statistical data on the socio-economic conditions of indigenous peoples covering, in particular, the incidence of poverty, life expectancy, literacy rates and access to employment.

7. Please provide disaggregated and updated information on the Afro-Argentine population in the State party, as available from the 2010 Census, as well as programmes and policies of the State party to address any discrimination faced by this community.

### **Article 3 - Equal rights of men and women**

8. Please indicate whether the State party has adopted public policies and/or action plans to modify and eliminate attitudes, practices and deep-rooted stereotypes that discriminate against women in the State party and provide information on their implementation, as appropriate. Please also provide information on whether the State party has carried out awareness-raising campaigns aimed at the elimination of discriminatory stereotypes associated with the traditional roles of men and women in the family and in society at large (E/C.12/ARG/3, para. 12).

## **III. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 - The right to work**

9. Please provide updated disaggregated data on employment in the informal sector of the economy with an indication of the policies, programmes and actions taken by the State party to ensure access to basic services and social protection of persons employed in this sector, in particular women (E/C.12/ARG/3, paras. 176-198).

10. Please provide up-to-date information on the results of programmes undertaken by the State party to increase employment and re-employment opportunities of workers, in particular of disadvantaged individuals and groups, such as youth, women and persons with disabilities, taking account of technical and vocational training programmes offered in

urban and rural areas (E/C.12/ARG/3, paras. 89-92 and 149-159; E/C.12/1/Add.38, para. 19)

11. Please provide further updated information on the concrete measures taken by the State party to ensure equal opportunities and enjoyment of women of the right to work (E/C.12/ARG/3, para. 100).

### **Article 7 - The right to just and favourable conditions of work**

12. Please provide additional data disaggregated by sex and age on domestic workers in the State party. Also provide updated information on the progress achieved in the implementation of the Programa de Profesionalización y Jerarquización de las(os) Trabajadoras(es) Domésticas(os), and include information on any additional legal or other measures taken to ensure the full protection of domestic workers (E/C.12/ARG/3, paras. 45 and 184 ff.).

13. Please clarify the measures carried out by the State party to guarantee the right to just and favorable conditions of work in the informal sector of the economy, including with regard to migrants in an irregular situation, and in particular women. Indicate whether they enjoy the same rights as registered workers, including maximum working hours, rest days and the minimum wages sufficient to provide an adequate standard of living for themselves and their families (E/C.12/ARG/3, para. 205 ff.).

14. Please comment on information regarding the high rate of accidents and work related illnesses. Also provide additional information on the measures, including legislative, taken to ensure safety and healthy conditions in the workplace and their enforcement, as well as on the organization of labour inspections carried out by provincial authorities, updating how many have been carried out in the past two years, and in which areas, including work related to work at home and unregulated sectors of the economy (E/C.12/ARG/3, paras. 168-173, 181 and 199 ff.). Please also inform the Committee of measures taken by the State party to address the persistence of acute forms of labour exploitation in the State party, including regulations and labour inspections.

15. Indicate whether the State party foresees adopting legislation that specifically criminalizes sexual harassment in the workplace.

### **Article 8 - Trade union rights**

16. Please provide information on the measures taken by the State to remove those provisions of Law No. 23551 on Trade Union Associations, which restrict the exercise of freedom of association and access to trade union status (*personería gremial*) and other trade union rights in light of relevant rulings of the Supreme Court of Justice of the Nation.

17. Please clarify whether the constitutional right to strike is fully guaranteed in practice and can be implemented by all registered unions irrespective of their status under the Law on Trade Union Associations. Please also provide information on the scope of the “minimum services” to which the right to strike is not applicable.

### **Article 9 - The right to social security**

18. Please provide information on the numbers of workers who are not yet covered by social security and the reasons for their exclusion. Include information on the measures taken to extend the benefits of social security to everyone as required by the Covenant,

including the most disadvantaged and marginalized individuals and groups, including members of indigenous and Afro-Argentine communities (E/C.12/ARG/3, para. 685).

### **Article 10 - Protection of the family, mothers and children**

19. Please describe the measures adopted or foreseen to prevent situations of forced labour, especially in the textile sector and in rural areas.. Also provide statistical data, disaggregated on the basis of occupation, sex and country of origin of the victims, trends and manifestation of human trafficking, as well as information on the support and assistance available to victims of trafficking of persons to ensure their social integration (E/C.12/1/Add.38, paras. 347 and 476).

20. Please provide disaggregated data on street children (age, sex and locality) as well as precise and detailed information on measures taken to prevent children from resorting to the street and to protect them against economic and social exploitation, work harmful to their morals or health or dangerous to life (E/C.12/1/Add.38, para. 26).

### **Article 11 - The right to an adequate standard of living**

21. Please provide updated disaggregated data concerning poverty and any additional information concerning the reduction of poverty with regard to specific categories of persons.

22. Please provide updated information on the steps taken by the State party to ensure that evictions are carried out in accordance with international principles and guidelines and the Committee's general comment No. 7 (1997) on the right to adequate housing: forced evictions. Also provide information on the steps taken by the State party to address the increasing use of excessive force, leading to casualties in some cases, when carrying out evictions, as well as executing evictions when the relevant proceedings to do so have not been completed. Please comment on how the State party is addressing the housing deficit affecting both rural and urban areas including indigenous communities (E/C.12/1/Add.38, paras. 20 and 35; E/C.12/ARG/3, paras. 487-490 and 564-566).

23. Please clarify whether a national housing policy is in place and whether it includes the principles of the right to adequate housing, including culturally appropriate housing alternatives for indigenous peoples. Please indicate how the State party ensures diversity and adequacy in its programmes in order to address the different requirements of the most disadvantaged and vulnerable groups, including women heads of household and old persons (E/C.12/ARG/3, paras. 495 and 564- 646).

24. Please provide information on the measures taken by the State party to address inadequate access to water and sanitation in sufficient quantity and quality in rural areas.

25. Please provide information on the impact of the purchase by private companies of land traditionally used by indigenous communities on the livelihoods of these communities and the measures taken by the State party to ensure the full protection of the right of indigenous communities to an adequate standard of living.

26. Please indicate the specific results of the programmes implemented by the State party to facilitate access for people with disabilities to adequate housing. Please clarify how access is facilitated to persons with disabilities in already existing housing units (E/C.12/ARG/3, para. 567).

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27. Please inform the Committee of the steps taken to ensure access to food to the most disadvantaged and marginalized individuals and groups (E/C.12/ARG/3, paras. 496-499, 507 and 511 ff.).

### **Article 12 - The right to physical and mental health**

28. Please provide details of the proportion of public expenditure spent on mental health care as well as concrete measures to include persons with mental disabilities in mental health programmes and promote their rehabilitation.

29. Please provide information on the measures being taken to combat the persistent high maternal mortality rates, particularly in the more remote regions. Please also provide updated statistics (E/C.12/1/Add.38, para. 24).

30. Please comment on the rate of teenage pregnancies, clandestine abortions, and sexually transmitted diseases in the State party and provide information on the measures carried out by the State party to guarantee that adolescents have access to sexual and reproductive health care and comprehensive sexual education. (E/C.12/ARG/3, paras. 739-747).

### **Articles 13 and 14 - The right to education**

31. Please provide detailed information on the concrete measures being taken to address persisting repetition rates and over-age students in the education system, especially in rural areas.

32. Please provide information on concrete measures taken to address the high disparities in access to primary and subsequent education between Buenos Aires capital city and the rest of the country. (E/C.12/ARG/3, table on pages 146-148).

### **Article 15 - Cultural rights**

33. Please provide additional information on the measures taken by the State party to guarantee intercultural, bilingual education as referred to in the State party's report. (E/C.12/ARG/3, para. 761 ff.).

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