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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-sessional working group
7-11 December 1998

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 second periodic report of Argentina concerning articles 1 to 15
of the International Covenant on Economic, Social and Cultural Rights
(E/1990/6/Add.16)

I. GENERAL INFORMATION

A. Land and people

1. The Committee would welcome updated information in relation to paragraph 15 of the core document (HRI/CORE/1/Add.74); this referred to the proportion of the population who, according to the 1991 national census, were living in households where their basic needs were unmet. Also, please indicate the number of people living in extreme poverty and the breakdown of this marginalized group (women, older persons, disabled persons, members of indigenous communities, ethnic minorities, etc.).

2. Please provide detailed information on the situation of the indigenous communities and ethnic minorities (percentage of the total population, geographical location, participation in public office, etc.) and developments over the past five years.

B. General legal framework within which human rights are protected

3. Please indicate whether, in accordance with article 75, paragraph 22, of the Constitution, the Covenant may be invoked before Argentine courts and whether there is any jurisprudence at the national or provincial level in this respect.

4. Please indicate if the Government of Argentina has acted on the Committee's concluding observations on the second periodic report of Argentina in connection with articles 6 to 12 of the Covenant (E/C.12/1994/14).

5. Please state what the Government's position is with respect to the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

C. Information and publicity relating to the rights recognized in the Covenant

6. Please indicate what measures have been taken to inform the public, government bodies and the judiciary about the Covenant and other international human rights instruments, and also about the concluding observations of the various human rights treaty bodies.

7. To what extent have non-governmental organizations participated in the preparation of the report?

II. ISSUES RELATING TO THE GENERAL PROVISIONS
OF THE COVENANT (arts. 1-5)

Article 2. Non-discrimination

8. Bearing in mind the amendment of the National Constitution which has established recognition of the ethnic and cultural existence of the indigenous peoples of Argentina (right to one's own identity, to bilingual education, to communal possession and ownership of land), please provide information on the practical application of this constitutional provision (in particular, the results of the efforts of the National Institute of Indigenous Affairs, set up in 1989, to return ancestral lands and property to the indigenous communities and to regularize land titles), expanding the information contained in paragraphs 189 and 190 of the report.

9. The Committee would like to have information on the situation of the Mapuche community, since according to a communication sent by the Neuquén Education Workers Association (ATEN) to the ILO Committee of Experts on the Application of Conventions and Recommendations in February 1996, its members were having problems obtaining title deeds for their property and had received eviction orders.

10. The Committee wishes to receive information in respect of the return of land to the Kolla, Wichi, Chobote, Toba, Chulupi and Tapiete communities, since it has received information that there are proposals to set up industrial plants on their ancestral lands.

11. To supplement the information on compliance with article 2.2 of the Covenant, the Committee would also like information on the results of the work carried out by the National Institute to Combat Discrimination, Xenophobia and Racism (INADI). Also, please provide information on the National Programme to Combat Discrimination and the activities of the provincial institutions, to supplement the information given in paragraph 190 of the report on the indigenous communities in the Province of Formosa.

Article 3. Equality of men and women

12. Please indicate whether, in conformity with article 18 of the Constitution, men and women have fully achieved equal rights under civil, family, commercial, labour and criminal law in Argentina.

13. Please indicate the measures taken by the State party to ensure that there is no disparity between the minimum age for marriage of men and women. Please inform if there are any differences in other provisions of the Law (administration of community property, exercise of parental authority, access to credit, etc. by married women without need for their husband's consent) between men and women.

14. Please provide information on the proportion of women in positions of responsibility and decision-making positions in the public sector (for example, politics, national and provincial administration, Congress and the Senate, the judiciary, international representation) and the private sector (executive posts in firms, in scientific research, etc.) in the past five years, including appropriate statistics and indicators.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT
(arts. 6-15)

Article 6. Right to work

15. Please provide statistics, broken down by province, on unemployment patterns over the past five years (by sex and age group) in the light of the information provided in paragraph 31 of the report, which only gives unemployment rates for heads of household.

16. In paragraph 3 of its concluding observations on the eleventh to fourteenth periodic reports of Argentina (CERD/C/304/Add.39), the Committee on the Elimination of Racial Discrimination noted that, owing to Argentina's economic crisis, "some of the main victims of unemployment and poverty are members of indigenous populations and ethnic minorities". The Committee would welcome information on the extent of the problem and the measures adopted at the provincial and national levels to combat it.

17. In paragraph 12 of the report, the number of registered posts is estimated at approximately 3.8 million. The Committee would welcome information on workers in the informal sector and measures taken to improve their situation.

18. With regard to the various forms of occupational training (paras. 32-103), the Committee would welcome information on the practical results in terms of the recruitment of persons attending courses, workshops and programmes, at both the provincial and national levels (placements, types of contract, etc.).

19. In its concluding observations on the second periodic report of Argentina, in connection with articles 6 to 12 the Committee expressed its concern about the working conditions of "temporary" workers (E/C.12/1994/14,

para. 12). The Committee would welcome updated information on the situation of such workers, the number of people employed on this basis and whether companies are given tax or other incentives to convert temporary or similar contracts into permanent contracts.

Article 7. Right to just and favourable conditions of work

20. Do the Government or the trade unions not have plans to promote a shorter working day and fewer overtime hours as a means of stimulating employment?

21. Please provide information on the number of involuntarily unemployed workers who do not receive unemployment benefits and indicate whether the Government grants them any assistance (para. 123).

22. Please indicate what corrective measures are being taken by the State party to address the persistent problem of accidents at work and occupational illness, as well as of hygiene and safety in the workplace which are often below standard.

Article 8. Trade union rights

23. Please indicate whether, in accordance with the various recommendations made by the ILO Committee of Experts on the Application of Conventions and Recommendations (the latest in 1998), the Government of Argentina intends to amend Acts Nos. 23,551 and 23,523 of 1988.

24. Please indicate if there has been any amendment of the regulations relating to the right to strike.

Article 9. Right to social security

25. The Committee would welcome fuller information on the Argentine social security system (single social security system, para. 143 of the report), the conditions for, amounts and coverage of the various benefits and how they are funded, as the information provided in the report is very limited, especially bearing in mind that the initial report did not contain any information relating to this article of the Covenant and the Committee had requested that information in its concluding observations.

26. In this regard, please provide information on the percentage of the general State budgets and, if necessary, the provincial budgets allocated to social security in the past five years (financial and social benefits, etc.), and on the effect of the increasing privatization of pension schemes on groups who are unable to create sufficient capital for satisfactory pensions (for example, low-income workers, the underemployed and the unemployed (paras. 145 and 146 of the report)).

27. Please clarify the content of paragraph 151 (e) of the report, which refers to the right of beneficiaries under the public welfare system to resume paid work in either an employed or self-employed capacity. Also, please indicate if retirement is compulsory at a specific age in the public and in the private sectors.

28. Please explain the reasons why the retirement age is different for men and women, and why "mothers with seven or more children" are considered to be a "vulnerable group", suggesting that family responsibilities lie solely with the mother (para. 147).

29. Please provide information on the system used to determine the minimum and maximum amounts of benefits granted under the public welfare system and how these are related to the minimum wage (para. 151 (e) of the report).

Article 10. Protection of the family, mothers and children

30. Please provide information on the number of divorces or marital separations that have taken place in the past five years.

31. Please give information on the extent of domestic violence against women and children, and the measures adopted to combat this (prevention, assistance to victims, penalties, etc.) and if the criminal code has been modified.

32. The Committee would like information on the number and situation of children belonging to vulnerable and disadvantaged groups (abandoned or disabled children, children living or working in the streets, or living in poverty).

33. Please provide information on the Street Children's Programme (paras. 170-174) and changes in the level of coverage since its inception.

34. Please provide information on the current system of parental authority (para. 175) and the proposed reforms.

35. Please report on the results achieved by the National Commission for the Right to a Personal Identity in cases of illegal adoption of children whose parents disappeared during the dictatorship.

36. Please provide statistics in respect of any family reunification of persons who disappeared during the dictatorship.

Article 11. Right to an adequate standard of living

37. Please provide information on the results of efforts to combat tax evasion and on tax policy trends in favour of the more disadvantaged social groups (para. 28 of the report).

38. Please expand on the information given in paragraph 192 of the report (number of dwellings or housing units provided by the National Housing Fund) and in paragraph 193 (housing provided by the Housing Unit and the Secretariat for Social Development to persons on low incomes). Please also indicate the criteria used for allocating housing.

39. Please provide information on the current rents scheme and on protection of the rights of tenants, protection against evictions, rent control, etc.

40. Please indicate the number of persons who are homeless or who live in inadequate housing conditions.

41. What measures have been adopted to enable older persons to remain in their own homes (adaptation of the homes, home help, etc.). In the cases where this is not possible, please provide information on nursing homes (number of places available) and other forms of accommodation.

Article 12. Right to health

42. Please provide information on the percentage of national public sector expenditure and of provincial and local budgets allocated to health since 1992 (para. 205), the consequences of the 1992 reform for the level of health-care coverage and for the state of the environment.

43. Please state specifically whether health-care coverage has improved in the poor areas of the Buenos Aires conurbation, rural areas and the interior of many provinces (para. 202).

44. Please explain what is meant by "to deregulate the welfare system" and indicate what the scope of such deregulation would be. Also, please update and expand on the information given in paragraph 203 of the report, and explain how it can be reconciled with the relevant provisions of the Covenant.

45. Please provide information on the outcome of the programmes mentioned in paragraph 194 and how they relate to provincial and local actions (programme of substantive and instrumental health policies, and National Action Plan for Mothers and Children).

46. Please state whether the national policy includes reproductive health services, family planning and gynaecological assistance, in accordance with the Beijing Declaration and Platform for Action.

47. Please provide information on the Government's efforts, at the central, provincial and local levels, to tackle the problems of teenage pregnancy and the large number of single mothers and abortions.

48. Please provide information, including statistics broken down by province, on maternal mortality and child malnutrition rates.

49. Please indicate whether preventive medicine, periodic check-ups, exercise, nutrition, rehabilitation and care of the terminally ill are included in the care of older persons (para. 238).

50. Please provide information, broken down by province, on the mental health problems of the population. What assistance is provided to mental health patients (psychiatric, psychological, hospitalization, etc.) as well as for disabled persons.

51. What is the incidence of AIDS among the population and what measures (preventive, medical treatment and social support) have been adopted to prevent the spread of AIDS.

Article 13. Right to education

52. Please provide information, broken down by province, on school drop-out rates and the turnover of teachers.

53. Please expand and update the information provided in paragraph 296 of the report on the comparative salaries of teachers at the various levels of the educational system (in national and provincial schools), and indicate how these compare with the salaries of other civil servants, from 1995 to 1998.

54. The Committee would like fuller information than that given in paragraphs 81 to 84 of the report on the role of human rights education in the country's education system, especially with reference to men and women having equal rights, in eliminating the stereotyped social roles of men and women (at all levels of education, and in the training of civil servants, law-enforcement officers and magistrates).

55. Please provide information on the progress made by the Street Children's Programme in getting these children enrolled in schools.

56. Please indicate what measures have been adopted to facilitate older persons' access to education.

Article 15. Right to take part in cultural life, to enjoy the benefits of scientific progress and to benefit from the protection of the interests of authors

57. Please indicate the benefits and assistance provided to ensure that the entire population has access to culture, especially students, older persons, disabled persons and vulnerable groups (cut-price tickets for transport, museums, shows, concerts, etc.).

58. Please provide information on measures adopted to promote education of the public in culture, art and music at the national, provincial and local levels.

59. Please provide information on associations, non-governmental organizations and other similar groups which contribute to raising cultural awareness in Argentina. Do they receive any governmental assistance at the national, provincial or local level?

60. Please provide information on older persons' associations and indicate, in particular, whether there are such associations emanating from universities or companies which contribute their knowledge and experience for the enrichment of the cultural life of the country.

61. Please state whether, during the period covered by the report, there have been any changes in policy, law or practice which may have affected observance of the rights provided for under article 15.
