



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Argentina*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Argentina¹ at its 636th and 637th meetings,² held on 15 and 16 March 2023. It adopted the present concluding observations at its 646th meeting, held on 22 March 2023.
2. The Committee welcomes the combined second and third periodic reports of Argentina, which were prepared in accordance with the Committee's reporting guidelines in response to the list of issues prior to reporting.³ It also acknowledges the updated information provided to the Committee.
3. The Committee appreciates the fruitful and frank dialogue held with the State party's delegation, which included representatives of the relevant government ministries.

II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since ratifying it in 2008, such as the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which has been in force since 2016.
5. The Committee notes with appreciation the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of:
 - (a) Act No. 26.858, which establishes the right to be accompanied by a guide dog in public places, private places open to the public and transport services;
 - (b) Act No. 27.655 amending Act No. 26.130 of 2021, which prohibits the forced sterilization of persons with disabilities;
 - (c) Act No. 27.044 of 2014, which grants the Convention a status equivalent to that of the Constitution.
6. The Committee welcomes the measures taken to establish a public policy framework for promoting the rights of persons with disabilities, including:
 - (a) The National Disability Plan 2017–2022;

* Adopted by the Committee at its twenty-eighth session (6–24 March 2023).

¹ [CRPD/C/ARG/2-3](#).

² See [CRPD/C/SR.636](#) and [CRPD/C/SR.637](#).

³ [CRPD/C/ARG/QPR/2-3](#).



- (b) The establishment in 2022 of the National Fund for the Social Inclusion of Persons with Disabilities;
- (c) The creation in 2021 of the Cabinet Committee for Disability Mainstreaming in Public Policies;
- (d) The inclusion since 2021 of disability as an identifier in the budgets for cross-cutting policies of the Ministry of Economic Affairs;
- (e) The Comprehensive Plan for the Promotion and Protection of the Rights of Persons with Disabilities at the local level (“ACCESAR”), created in 2021;
- (f) The strategic action plan to increase and improve the labour-market inclusion of persons with disabilities in the public administration, introduced in 2021, and the Supported Employment Programme;
- (g) The hierarchical positioning of the National Justice System Assistance Programme for Persons with Disabilities as part of the Ministry of Justice and Human Rights;
- (h) The “Equiparar” (Equal Footing) inter-agency programme for the promotion of equality in diversity and the prevention of violence against women and LGBTIQI+ persons with disabilities, introduced in 2021;
- (i) The Safe Bus Stops Programme of the City of Buenos Aires, introduced in 2021;
- (j) The Disability Observatory of the judiciary in the City of Buenos Aires, established in 2021;
- (k) The National Disability Agency, established in 2017 within the Office of the Secretary General of the Presidency;
- (l) The protocol on access to justice for persons with disabilities, of 2013;
- (m) The “Buenos Aires Free of Asylums” programme, with advances in the community inclusion of people institutionalized in the four specialized hospitals in the province of Buenos Aires, including supported housing, community mental health centres and housing subsidies;
- (n) The inclusive education initiative in La Pampa.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee notes with concern:

- (a) The persistence of the medical model in disability legislation and policies, including Act No. 22.431 of 1981, as the framework law on disability; Act No. 24.901 of 1997, on basic services for the comprehensive habilitation and rehabilitation of persons with disabilities; and the disability certification system;
- (b) The fact that the National Disability Plan has not been updated and the lack of information on the progress made by the Cabinet Committee for Disability Mainstreaming in Public Policies and the Disability Observatory, and on the content of the preliminary draft of the new disability law;
- (c) The limited scope of the disability certificate and the barriers to obtaining it, including administrative barriers, the insufficient number of interdisciplinary evaluation boards, especially in the provinces, and disparities in the criteria applied in granting it;
- (d) The use of pejorative terms in legislation;
- (e) The gaps between large cities and rural areas in the provision of services for persons with disabilities.

8. **The Committee recommends that the State party:**

- (a) **Ensure that its legislation and public policies on disability at the federal, provincial and local levels are consistent with the Convention, including by adopting a new law on the rights of persons with disabilities that is aligned with the human rights model and amending the regulations on basic services for the comprehensive habilitation and rehabilitation of persons with disabilities and on the disability certification system;**
- (b) **Update the National Disability Plan and provide access to information on the actions of the Cabinet Committee for Disability Mainstreaming in Public Policies and the Disability Observatory, and on the preliminary draft of the new disability law;**
- (c) **Redouble efforts to promote access to the disability certificate throughout the country and remove obstacles to obtaining it, including by simplifying the procedure, increasing the number of interdisciplinary evaluation boards in all provinces and training their staff on the human rights model of disability;**
- (d) **Remove derogatory or paternalistic expressions such as “insane” or “incompetent” from its laws and regulations;**
- (e) **Adopt legislative and budgetary measures to bridge gaps in the provision of services to persons with disabilities in all jurisdictions.**

9. The Committee acknowledges that there has been an improvement in the capacity of persons with disabilities and their organizations to participate in consultations that concern them, including the federal consultations on the new disability law. However, it is concerned about:

- (a) The insufficient participation of the full range of organizations of persons with disabilities in consultations on legislation and public policies that affect them, and the fact that their input is not necessarily reflected in policies;
- (b) The lack of clear criteria for the selection and evaluation of the members of various formal mechanisms for participation and consultation, including the Advisory Committee of the National Disability Agency, the governing body of the Fundamental Benefit Regime of Comprehensive Services for Persons with Disabilities, the Federal Disability Council and the Disability Observatory, and the fact that organizations of persons with disabilities are insufficiently represented in these forums;
- (c) Insufficient training on the Convention among policymakers and legislators, the judiciary and justice officials, prison staff, medical and health-care personnel, teachers, social workers and other professionals working with persons with disabilities.

10. **Recalling its general comment No. 7 (2018) on articles 4 (3) and 33 (3) of the Convention, the Committee recommends that the State party:**

- (a) **Ensure that organizations of persons with disabilities are actively and effectively involved in the planning, implementation, monitoring and evaluation of legislation and public policies on disability;**
- (b) **Ensure that clear criteria are established for the selection and evaluation of the members of formal mechanisms for participation and consultation, and the effective participation of persons with disabilities in these forums;**
- (c) **Strengthen the Training Unit of the National Disability Agency and offer systematic training programmes on the rights of persons with disabilities and the State party’s obligations under the Convention for persons carrying out public functions at all levels of the three branches of government.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned about:

(a) Act No. 23.592 of 1988 prohibiting discrimination, which does not recognize multiple and intersecting forms of discrimination or the denial of reasonable accommodation as a form of discrimination on the basis of disability;

(b) The increase in discrimination, with disability standing out as one of the most common grounds for discrimination, according to the mapping study on discrimination;

(c) The lack of a national anti-discrimination plan with a disability perspective that addresses the situation of persons with disabilities who experience multiple and intersecting forms of discrimination, including Indigenous persons with disabilities;

(d) The lack of accessible complaint and redress mechanisms for victims of discrimination on the basis of disability.

12. The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:

(a) **Enact a new anti-discrimination law that covers multiple and intersecting forms of discrimination, including discrimination against Indigenous persons and the concept of reasonable accommodation in different settings, and that recognizes the denial of reasonable accommodation as discrimination on the basis of disability;**

(b) **Step up actions to prevent and eliminate barriers that result in discrimination against persons with disabilities, including the individual provision of reasonable accommodation in all areas of life, in both the private and the public spheres;**

(c) **Adopt the national anti-discrimination plan and ensure that the plan covers the situation of persons with disabilities who face multiple and intersecting forms of discrimination, such as children with disabilities, women with disabilities, LGBTQI+ persons with disabilities, Indigenous persons with disabilities, persons with intellectual and/or psychosocial disabilities, deafblind persons and migrants with disabilities, including those who live in rural areas;**

(d) **Establish accessible and effective mechanisms, including judicial and administrative procedures, for victims of discrimination on the basis of disability, and ensure that redress is provided and perpetrators are sanctioned.**

Women with disabilities (art. 6)

13. The Committee notes with concern:

(a) The lack of measures for mainstreaming gender equality in disability-related legislation and policies and for promoting the rights of women and girls with disabilities in gender equality legislation and policies;

(b) The lack of measures to empower women and girls with disabilities and of information on the monitoring of the “Equiparar” Programme aimed at promoting the access of women and LGBTQI+ persons with disabilities to their rights and to a life free of gender-based violence;

(c) The insufficient support for organizations of women and girls with disabilities;

(d) The fact that the “Equality in Care” bill, introduced in 2022, has not yet been adopted.

14. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:

(a) **Increase efforts to mainstream the disability perspective in its gender equality laws and policies and to mainstream a gender perspective in disability laws and policies, with the active and effective participation of women and girls with disabilities;**

(b) **Strengthen the “Equiparar” Programme, including measures to empower women and girls with disabilities and include them in the fields of education, employment and health and to prevent and address gender-based violence, while**

ensuring their effective participation in decision-making processes and providing an effective mechanism for monitoring the Programme;

- (c) **Increase support for organizations of women and girls with disabilities;**
- (d) **Adopt the “Equality in Care” bill and introduce a comprehensive national support and care system in accordance with the Convention.**

Children with disabilities (art. 7)

15. The Committee notes with concern:

(a) The lack of a disability perspective in Act No. 26.061 of 2005 on the comprehensive protection of the rights of children and adolescents, and the limited scope of the measures taken to ensure the rights of children with disabilities, particularly in rural and remote areas;

(b) The persistent institutionalization of children with disabilities and the lack of support for their families.

16. With reference to its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, the Committee recommends that the State party:

(a) **Mainstream the disability perspective in Act No. 26.061 and in the system for the comprehensive protection of the rights of children and adolescents, with particular attention to those living in rural and remote areas;**

(b) **Implement a plan for the inclusion of children with disabilities in the community, including support for their families, and strengthen campaigns to promote the adoption of this plan to avoid institutionalization.**

Awareness-raising (art. 8)

17. The Committee takes note of the conduct of awareness-raising campaigns and the proclamation of Disability Rights Awareness Week. The Committee is nonetheless concerned that a charity-based and medical model still predominates in the public perception of disability.

18. The Committee recommends that the State party adopt a national strategy to promote a human rights-based model of disability among the media, public officials, health-care and justice sector professionals, the general public and the families of persons with disabilities, with the active and effective participation of persons with disabilities in its formulation and implementation, and with regular evaluation.

Accessibility (art. 9)

19. The Committee takes note of the measures adopted to improve the accessibility of information and communications in all environments and web pages. However, it is concerned about:

(a) The lack of progress in ensuring accessibility in fundamental areas such as education, health, access to justice and public transport, and the gaps between the City of Buenos Aires and other jurisdictions, including rural areas, in terms of accessibility regulations and the implementation of accessibility measures;

(b) The inaccessibility of the electronic documentation management system and the remote procedures platform to persons with visual impairments, and the inaccessibility of the mobile application Mi Argentina to persons with visual impairments and persons with intellectual disabilities;

(c) The fact that the 2021 Building Code of the City of Buenos Aires permits the construction of smaller housing units without taking account of the needs of persons with disabilities;

(d) The limited scope of training for architects, designers and engineers on accessibility standards and universal design.

20. **Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:**

(a) **Implement a national accessibility plan covering all jurisdictions, with indicators, resources and mechanisms for evaluation, monitoring and sanctions, in close consultation with organizations of persons with disabilities, to harmonize universal design standards and ensure the accessibility in particular of buildings, transport, information and communication and of other facilities and services open or provided to the public;**

(b) **Ensure that the electronic documentation management system, the remote procedures platform and the mobile application Mi Argentina are fully accessible, and sanction non-compliance with Act No. 26.653 on the accessibility of information on web pages;**

(c) **Ensure that the Building Code of the City of Buenos Aires sets adequate standards for the size of housing units, taking account of the needs of persons with disabilities;**

(d) **Provide training programmes on universal design and accessibility standards for architecture, design and engineering professionals.**

Right to life (art. 10)

21. The Committee is concerned about reports of deaths of persons with disabilities in mental health facilities and about the lack of information and the absence of investigations and sanctions in these cases.

22. **The Committee recommends that the State party take effective measures to prevent deaths in mental health facilities and conduct thorough and independent investigations into the causes and circumstances of deaths in such facilities, punish those responsible and provide full reparations in these cases.**

Situations of risk and humanitarian emergencies (art. 11)

23. The Committee is concerned about:

(a) The fact that little information has been provided on the mainstreaming of the disability perspective in the National Plan on Risk and Disaster Reduction 2024–2030, which is currently under development, and the failure to consult with organizations of persons with disabilities in this process;

(b) The scarcity of accessible information on situations of risk, disasters and humanitarian emergencies, particularly with respect to emergency early warning systems;

(c) The limited access to information for persons with disabilities in the dissemination of prevention measures and official messages on the coronavirus disease (COVID-19) pandemic, including captions, interpretation into Argentine Sign Language and plain language, and the lack of information on the impact of the pandemic on persons with disabilities, particularly those living in institutions.

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

(a) **Ensure, in close consultation with persons with disabilities and their representative organizations, that the disability perspective is mainstreamed in the National Plan on Risk and Disaster Reduction 2024–2030, including accessible information, meeting points, emergency shelters and safe and accessible evacuation routes, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030;**

(b) **Ensure that in situations of risk and humanitarian emergencies, all persons with disabilities and their families can receive the necessary information in accessible formats and on the appropriate devices, including information from emergency early warning systems;**

(c) **Mainstream a disability perspective in its plans for recovery from COVID-19, including health, economic and social programmes, ensure that messages to the general population on the issue are provided in accessible formats, and disseminate statistics on the impact of the pandemic on persons with disabilities, including those living in institutions.**

Equal recognition before the law (art. 12)

25. The Committee is concerned to note that:

(a) Despite the progress made, the National Civil and Commercial Code, adopted by Act No. 26.994 of 2014, continues to provide for the restriction of legal capacity, particularly of persons who “suffer from an addiction or a permanent or prolonged mental disturbance”, and the concepts of interdiction and curatorship (arts. 31–42);

(b) No information has been provided on the number of persons placed under restricted capacity regimes, including interdiction and curatorship, and judicial rulings are seldom reviewed to restore such persons’ legal capacity;

(c) Contrary to the human rights-based model, the judicial appointment of support persons entails the restriction of legal capacity and, in this context, only official guardians may be designated as support persons;

(d) The benefit of the person concerned is used as a criterion in the judicial process of determining legal capacity and there are no safeguards or accessible complaint mechanisms.

26. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee urges the State party to:**

(a) **Bring the National Civil and Commercial Code into line with the Convention to ensure that all persons with disabilities enjoy equal recognition before the law, including by eliminating provisions that allow the restriction of their legal capacity, as well as the concepts of interdiction and curatorship;**

(b) **Collect disaggregated data on the number of persons placed under restricted capacity regimes and review judicial rulings with a view to restoring such persons’ legal capacity;**

(c) **Implement mechanisms for various types of supported decision-making and safeguards that respect the autonomy, will and preferences of all persons with disabilities, regardless of the level or mode of support they may seek, facilitate peer support and provide accessible complaint mechanisms.**

Access to justice (art. 13)

27. The Committee notes with concern:

(a) The limited implementation of age- and gender-appropriate procedural accommodations in civil, criminal and administrative proceedings, and the lack of reforms at the provincial level to ensure these procedural accommodations;

(b) The limited progress made in ensuring the physical accessibility of courts and judicial and administrative bodies, information and communication, particularly for deaf persons and persons with intellectual and/or psychosocial disabilities;

(c) The limited scope of assistance services, reasonable accommodation and free legal representation for persons with disabilities throughout the proceedings and the insufficient allocation of resources to the National Justice System Assistance Programme for Persons with Disabilities;

(d) The limited scope of training for justice officials, as reflected in judgments that rely primarily on medical diagnosis as a basis for restricting the legal capacity of persons with disabilities.

28. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, of 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Provide age- and gender-appropriate procedural accommodations in all judicial proceedings to ensure the effective participation of persons with disabilities, and undertake procedural reforms at the provincial level to ensure that such accommodations are provided;**

(b) **Ensure the physical accessibility of courthouses and judicial and administrative bodies, in particular through universal design, and access to official means of information and communication about proceedings in accessible formats, including through sign language interpreters, communication facilitators and the use of plain language;**

(c) **Expand the scope of the National Justice System Assistance Programme for Persons with Disabilities, increasing its human and budgetary resources, to ensure that free or affordable legal assistance and representation are available to persons with disabilities at all stages of the proceedings;**

(d) **Intensify systematic training for justice officials on the Convention, including the right of all persons with disabilities to legal capacity, accessibility, reasonable accommodation and procedural accommodations.**

Liberty and security of person (art. 14)

29. The Committee is concerned about:

(a) Provisions of the Criminal Code (art. 34 (1)) and the Code of Criminal Procedure of the Province of Buenos Aires (arts. 62 and 63) that allow persons with disabilities to be deprived of liberty on the basis of dangerousness;

(b) Barriers faced by persons with disabilities in the criminal justice and prison system;

(c) Prolonged involuntary hospitalization, the absence of informed consent in hospitalizations categorized as voluntary and the possibility of involuntary institutionalization under the National Mental Health Act (No. 26.657) of 2010 (art. 43);

(d) The regressive nature of the proposed amendments to the National Mental Health Act;

(e) The lack of updated information on persons with disabilities who are deprived of liberty.

30. **The Committee recalls its 2015 guidelines on article 14 of the Convention and urges the State party to:**

(a) **Amend the Criminal Code and the relevant codes of criminal procedure, including that of the province of Buenos Aires, to ensure that persons with disabilities are not deprived of liberty on the basis of their dangerousness, review the cases of persons held in prisons as a result of security measures and guarantee due process;**

(b) **Strengthen the measures taken to eliminate the barriers faced by persons with disabilities in the criminal justice and prison system, including through compliance with the friendly settlement agreement signed in 2022 between the State party and the Committee in the case of Raúl Roberto Cardozo Subía;⁴**

(c) **Amend the National Mental Health Act and other relevant provisions to prohibit involuntary institutionalization and implement mental health plans based on the human rights model of disability;**

(d) **Ensure that proposals for the new mental health law are in line with the Convention;**

⁴ See https://www.argentina.gob.ar/sites/default/files/acuerdo_de_solucion_amistosa_subia.pdf.

- (e) **Collect disaggregated and updated information on the number of persons with disabilities who are deprived of liberty in all jurisdictions, including specialized private hospitals and rehabilitation farms for substance abuse.**

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

31. The Committee notes with concern:

(a) The involuntary treatments to which persons with disabilities are subjected in psychiatric hospitals, including isolation, mechanical restraint, psychosurgery, forced medication and electroconvulsive therapy, and the legislation that permits these practices;

(b) The limited scope of the national and local review bodies created under the National Mental Health Act to investigate violations of the rights of persons with disabilities subjected to forced treatment or prolonged hospitalization;

(c) The lack of legal assistance and accessible mechanisms for reporting involuntary treatment and mistreatment in psychiatric hospitals, impunity in these cases and the failure to provide reparations to victims.

32. **Recalling its 2022 guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party:**

(a) **Prohibit any coercive measures imposed on persons with disabilities and eliminate the legal provisions that permit them, including isolation, mechanical and pharmacological restraint, psychosurgery, forced medication, long-acting psychopharmacological injection and electroconvulsive therapy, as well as forced treatments in crisis situations;**

(b) **Strengthen the continuous monitoring of the conditions in which persons with disabilities are deprived of liberty, in coordination with the national and local review bodies created under the National Mental Health Act and in coordination with the National Committee for the Prevention of Torture;**

(c) **Set up accessible mechanisms for reporting cruel, inhuman or degrading treatment in psychiatric hospitals and for legal assistance, provide effective remedies and reparations to victims and ensure that perpetrators are punished.**

Freedom from exploitation, violence and abuse (art. 16)

33. The Committee is concerned about:

(a) The fact that Act No. 26.485 on comprehensive protection and the prevention, punishment and eradication of violence against women, the National Action Plan for Combating Gender-based Violence for the period 2020–2022 and the Programme to Strengthen Local Facilities for the Comprehensive Protection of Persons in the Context of Gender-based Violence do not incorporate the disability perspective;

(b) The insufficient protection of children and women with disabilities, particularly those in institutions, from sexual violence and abuse;

(c) Barriers hindering access to justice for women and girls with disabilities who experience gender-based violence, including a lack of access to facilities, information, shelters and reporting mechanisms; ineffective protection orders; and a lack of legal assistance, support and procedural accommodations;

(d) The limited scope of the 144 hotline and the national programme “Acompañar”, and the fact that this programme, which is for women and LGBTQI+ persons in situations of gender-based violence, is not available to recipients of a non-contributory pension;

(e) The lack of consolidated information on cases of violence against persons with disabilities, including persons with disabilities living in institutions.

34. **The Committee, in line with targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and its statement of 24 November 2021, in which it called for action**

to be taken to eliminate gender-based violence against women and girls with disabilities, recommends that the State party:

(a) **Mainstream the disability perspective in legislation and policies for preventing and combating gender-based violence;**

(b) **Strengthen measures to prevent and combat all forms of violence against children and women with disabilities, particularly in institutions;**

(c) **Intensify efforts to eliminate the barriers that women and girls with disabilities who are victims of gender-based violence have faced in accessing justice, including by ensuring the accessibility of facilities, information and complaint mechanisms and shelters, the effectiveness of protection orders, free legal and psychological assistance, economic assistance, rehabilitation, procedural accommodations and other support services;**

(d) **Extend the effective reach of the 144 hotline and the “Acompañar” programme in all jurisdictions, particularly rural areas, and ensure that this programme is available to recipients of non-contributory pensions;**

(e) **Set up a comprehensive and disaggregated register of data on the number of complaints, investigations, prosecutions and convictions in cases of violence against persons with disabilities, including those living in institutions, and the redress provided to victims.**

Protecting the integrity of the person (art. 17)

35. The Committee notes with concern:

(a) The persistence of forced sterilizations and abortions, especially among women and girls with intellectual and/or psychosocial disabilities;

(b) The provision, in Act No. 27.610, that if a court judgment restricting a person’s legal capacity prevents the person from consenting to termination of pregnancy, or the person has been declared legally incompetent, consent must be given with the assistance of the person’s legal representative or, in the absence of such a representative, the assistance of a relative.

36. **The Committee recommends that the State party:**

(a) **Open administrative and criminal investigations into judicial and health authorities and institutions that recommend, authorize or perform forced sterilizations or abortions on girls and women with disabilities, and ensure that victims have access to justice and reparations;**

(b) **Amend legislation, including Act No. 27.610 (art. 9) and the relevant regulations and protocol, to ensure that all women with disabilities can autonomously give prior and informed consent to the voluntary termination of pregnancy, on an equal basis with other women.**

Living independently and being included in the community (art. 19)

37. The Committee notes with concern:

(a) The institutionalization of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, and their prolonged placement in psychiatric hospitals or other types of institutions;

(b) Despite the progress made by the province of Buenos Aires, the failure to meet the requirement to definitively close public and private specialized mental health hospitals and create a community-based care system by 2020, in accordance with the National Mental Health Act;

(c) The insufficient progress made in implementing the Federal Strategy for a Comprehensive Approach to Mental Health and in deinstitutionalizing persons with disabilities living in psychiatric hospitals and institutions;

(d) The lack of regulations pursuant to Act No. 26.480, which incorporated provisions on home care into Act No. 24.901, and the fact that supports for independent living are regulated on the basis of the medical model, which does not provide for the right of persons with disabilities to designate and manage such supports;

(e) The fact that some assisted living facilities for deinstitutionalized persons with psychosocial disabilities follow the medical model, are run by health-care personnel and do not respect the autonomy of persons with disabilities;

(f) The absence of significant budgetary allocations to finance independent living for persons with disabilities, despite the existence of the Support Service for Independent Living, and the large percentage of the budget allocated to psychiatric hospitals;

(g) The limited compliance with the 5 per cent quota for persons with disabilities in the housing allocation or improvement plans of the National Housing Fund;

(h) The limited involvement of persons with psychosocial disabilities in the development and implementation of national mental health and deinstitutionalization plans.

38. With reference to its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, the Committee urges the State party to:

(a) End the institutionalization of persons with disabilities, particularly children with disabilities, and indefinite hospitalization;

(b) Move forward with the processes of discharging persons who are institutionalized, closing psychiatric hospitals and implementing mental health-care networks that are integrated into primary health care, ensuring a coordinated inter-institutional approach, budgetary allocations and changes in attitude at all levels, including local authorities, to ensure the right to live independently and be included in the community;

(c) Implement a comprehensive deinstitutionalization plan and the Federal Strategy for a Comprehensive Approach to Mental Health, and ensure that they have specific deadlines, evaluation measures and the necessary human, technical and financial resources for the effective transition of persons with disabilities from institutions to independent living in the community, with the recognition of their right to autonomy and full social inclusion;

(d) Enact regulations in respect of Act No. 26.480 on home care and ensure that supports for independent living are available to persons with disabilities in the framework of the Convention, including accessible and affordable housing, personal assistance, in-home services and access to services in the community;

(e) Review the operation of assisted living facilities so that they can be managed independently by persons with disabilities;

(f) Increase the budget for mental health in accordance with the guideline of 10 per cent of the health-care budget, as established by Act No. 26.657, and redirect the budgets allocated for the maintenance and construction of psychiatric hospitals to the financing of independent living programmes in the community;

(g) Ensure compliance with Act No. 26.182, which establishes a preferential quota of 5 per cent for persons with disabilities in the housing allocation or improvement plans of the National Housing Fund;

(h) Ensure the active and effective involvement of persons with psychosocial disabilities in the design, monitoring, evaluation and follow-up of mental health plans, including persons who use these services.

Personal mobility (art. 20)

39. The Committee is concerned about:

(a) The fact that service providers do not comply with Decree No. 38/2004 regulating Act No. 22.431, which provides for free long-distance transportation for persons

with disabilities, but rely instead on Decree No. 118/2006, which establishes a seating quota for persons with disabilities in this type of transportation;

(b) The failure to include persons with disabilities in the unified electronic ticketing system of the Buenos Aires metropolitan area;

(c) The insufficient access to quality mobility aids and assistive devices and technologies and to forms of live assistance and intermediaries, especially outside major cities;

(d) The non-participation of persons with disabilities in the Advisory and Monitoring Committee established in relation to Act No. 24.314 on accessibility for persons with reduced mobility.

40. **The Committee recommends that the State party:**

(a) **Repeal Decree No. 118/2006, which, by establishing a seating quota for persons with disabilities in long-distance transportation, limits their ability to obtain free tickets, and ensure that service providers comply with Decree No. 38/2004;**

(b) **Include persons with disabilities in the unified electronic ticketing system of the Buenos Aires metropolitan area and promote the introduction of similar measures in other provinces;**

(c) **Ensure that mobility aids and assistive devices and technologies are affordable to persons with disabilities in all jurisdictions, including by promoting local repairs, providing government and tax subsidies, and waiving taxes and customs charges;**

(d) **Ensure the participation of persons with disabilities in the Advisory and Monitoring Committee established in relation to Act No. 24.314.**

Freedom of expression and opinion, and access to information (art. 21)

41. The Committee is concerned about:

(a) Gaps in providing information to and supporting communication by persons with disabilities, including those who require more intensive support;

(b) The barriers faced by persons with disabilities in gaining access to public information and communication, including television programmes, websites and the mobile application Mi Argentina;

(c) The failure to legally recognize Argentine Sign Language as an official language and to create a national register of interpreters as planned by the State party, and the limited availability of training for interpreters and of sign language interpretation services in all areas of life;

(d) The inaccessibility of home banking services and automated teller machines.

42. **The Committee recommends that the State party:**

(a) **Ensure compliance with the Audiovisual Communication Services Act and allocate sufficient funding for the development, promotion and use of accessible communication formats such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, video transcription, captioning and tactile, augmentative and alternative means of communication;**

(b) **Ensure the accessibility of information from public information and communication media, including television, websites and the mobile application Mi Argentina;**

(c) **Recognize Argentine Sign Language by law as an official language at the national level, promote access to and the use of sign language in all areas of life, ensure the training and availability of qualified sign language interpreters and establish the national register of interpreters;**

(d) **Ensure that banking entities comply with regulations on the financial inclusion of persons with disabilities, including by providing accessible home banking services and automated teller machines.**

Respect for home and the family (art. 23)

43. The Committee notes with concern:

(a) The inclusion, in article 403 (g) of the Civil and Commercial Code, of permanent or temporary mental ill-health as an impediment to marriage;

(b) The separation of parents with disabilities, particularly those living in poverty, from their children owing to prejudices about their alleged inability to care for them, and the insufficient support provided to families that include parents and/or children with disabilities.

44. **The Committee recommends that the State party:**

(a) **Repeal article 403 (g) of the Civil and Commercial Code, which includes a discriminatory provision affecting the right of persons with psychosocial disabilities to marry;**

(b) **Render appropriate assistance, including early intervention and inclusive support, to the families of children with disabilities and to parents with disabilities in the performance of their child-rearing responsibilities, to prevent families from being separated on the basis of disability, and, when the immediate family is unable to care for such children, make every effort to provide them with alternative care in the community in a family setting.**

Education (art. 24)

45. The Committee is concerned about:

(a) The fact that 45.2 per cent of students with disabilities attend special education schools, as reported by the State party in its updated report;

(b) Refusals to enrol students with disabilities in regular public and private schools, despite Federal Education Council decision No. 311/16, which, among other things, prohibits refusal to enrol or re-enrol a student on the grounds of disability;

(c) The limited supports and reasonable accommodations provided for students with disabilities in mainstream educational settings;

(d) The poor accessibility of facilities in regular educational settings and of information and communication, especially for students with intellectual and/or psychosocial disabilities and students who require more intensive support;

(e) The limited scope of training for teaching and non-teaching educational staff on inclusive education;

(f) Barriers hindering access to inclusive education at the tertiary level and the discontinuation of the physical accessibility programme in buildings and premises of national universities.

46. **Recalling its general comment No. 4 (2016) on the right to inclusive education, and targets 4.5 and 4.a of the Sustainable Development Goals, the Committee urges the State party to:**

(a) **Redouble efforts to end segregated special education, including through a national action plan on quality inclusive education with specific goals, timelines, human resources and an adequate budget, to ensure that supports and reasonable accommodations are provided to students with disabilities who require them at all levels of education;**

(b) **Ensure that all students with disabilities have access to regular schools, including by establishing effective sanctions for regular public and private schools that refuse to enrol or re-enrol students on the grounds of disability, among other measures;**

(c) **Ensure that supports and reasonable accommodations are provided to all students with disabilities, including those in mainstream educational settings;**

(d) **Ensure the full accessibility of regular educational establishments, including their infrastructure, and the use of augmentative and alternative modes and systems of communication such as Braille, Easy Read, sign language and pictograms, and the use of hearing protectors and accessible signage;**

(e) **Increase efforts to provide training to all teaching and non-teaching educational staff on inclusive education in accordance with the Convention;**

(f) **Ensure inclusive education at the tertiary level, including access to distance education, and resume the physical accessibility programme in buildings and premises of national universities.**

Health (art. 25)

47. The Committee notes with concern:

(a) The barriers faced by persons with disabilities in accessing health services, including inaccessibility of health facilities, forms of communication and information, lack of reasonable accommodation and prejudice on the part of health professionals;

(b) The fact that Act No. 25.929 on humanized childbirth and Act No. 26.862 on assisted reproduction do not incorporate the disability perspective;

(c) Gaps between different provinces in terms of the provision of sexual and reproductive health services and the accessibility of gynaecological and obstetrical services, including facilities, furniture and equipment, and limited access to information in accessible formats on methods of contraception and prevention of sexually transmitted diseases;

(d) The fact that the 0800 sexual health hotline is not accessible to all persons with disabilities;

(e) The provision, in Act No. 26.529 on patients' rights, that in the event of the patient's incapacity or inability to give informed consent owing to his or her physical or psychological condition, consent may be given instead by family members or legal representatives;

(f) The insufficient progress made under the National Mental Health Act owing, inter alia, to the fragmentation of the health system, the persistence of the medical model in mental health reforms, the fact that almost half of the provinces do not have local mental health review bodies, the lack of community-based support and health services and the insufficient budget allocated to the Federal Strategy for a Comprehensive Approach to Mental Health;

(g) The inadequacy of subsidies to cover the medical costs of persons with disabilities;

(h) The limited information on the benefits and risks of the drug Voxzogo, used to increase the growth of persons of short stature, and the failure to regulate and monitor its use.

48. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all persons with disabilities have access to quality, gender-sensitive and intercultural health services, including by ensuring that public and private health-care providers comply with accessibility standards and provide reasonable accommodation and that information about health services is provided in formats accessible to persons with disabilities, such as Braille, sign language and Easy Read;**

(b) **Integrate a human rights-based model of disability into regular training programmes for health professionals;**

(c) **Incorporate the disability perspective into Act No. 25.929 and Act No. 26.862 and provide the necessary support to pregnant women with disabilities;**

(d) **Under the National Programme on Sexual Health and Responsible Parenthood, increase efforts to ensure that women and girls with disabilities in all provinces have access to quality and age-appropriate sexual and reproductive health services, including accessible facilities, furniture and equipment in gynaecological and obstetrical services and access to information in accessible formats on methods of contraception and prevention of sexually transmitted diseases;**

(e) **Ensure that mechanisms for information and communication on sexual and reproductive health, including the 0800 hotline, are accessible to girls and women with various types of disability;**

(f) **Amend article 6 of Act No. 26.529 to recognize the right of all persons with disabilities to have their informed consent required for any medical treatment;**

(g) **Expedite the closure of public and private psychiatric hospitals in all jurisdictions and the implementation of community-based mental health services and supports in accordance with the Convention and in close consultation with organizations of persons with psychosocial disabilities; make progress in implementing a unified mental health-care model; and ensure that all provinces have local mental health review bodies and that sufficient resources are allocated for the implementation of the Federal Strategy for a Comprehensive Approach to Mental Health;**

(h) **Increase subsidies to cover the medical costs of disability, particularly for those who require more intensive support;**

(i) **Adequately research the benefits and risks associated with Voxzogo and effectively regulate and monitor the use of this drug.**

Habilitation and rehabilitation (art. 26)

49. The Committee is concerned about the barriers faced by persons with disabilities, particularly children, in accessing quality rehabilitation services in a timely manner, especially in rural areas, and about the emphasis on the medical model in habilitation and rehabilitation programmes.

50. **The Committee recommends that the State party strengthen the Federal Rehabilitation Network, expand community-based habilitation and rehabilitation systems, taking the human rights-based model of disability into account, and ensure that persons with disabilities, including children with disabilities in rural areas, have access to these services.**

Work and employment (art. 27)

51. The Committee is concerned about:

(a) The fact that Act No. 23.592 and Act No. 20.744 (the Employment Contracts Act) do not clearly include disability as a prohibited ground of discrimination;

(b) The segregation of persons with disabilities, particularly persons with intellectual and/or psychosocial disabilities, in sheltered employment workshops and sheltered production workshops (Act No. 26.816);

(c) The fact that Act No. 27.555 on telework mentions persons with disabilities only as persons in the care of others;

(d) The low level of labour-market inclusion of persons with disabilities, especially women with disabilities, as shown by the fact that persons with disabilities account for 0.87 per cent of employment in the public sector and in private entities providing public services, as against the 4 per cent quota established in Act No. 22.431;

(e) The lack of information on the impact of the focal points established in each public entity for the inclusion and professional development of persons with disabilities, and the fact that the income provided under the “Potenciar Trabajo” (Boosting Employment)

National Programme for Social and Productive Inclusion and Local Development is below the poverty line;

(f) The lack of physical and communicational accessibility, reasonable accommodation and supports for persons with disabilities in public and private sector work environments.

52. Recalling its general comment No. 8 (2022), and in accordance with target 8.5 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Include disability as a prohibited ground of discrimination in the Employment Contracts Act;**

(b) **Repeal Act No. 26.816 and speed up the transition of persons with disabilities from sheltered workshops to the open labour market in the private and public sectors, with equal remuneration for work of equal value, in an inclusive work environment;**

(c) **Incorporate the disability perspective into Act No. 27.555, establishing supports and reasonable accommodation for persons with disabilities;**

(d) **Strengthen affirmative measures and incentives to encourage the employment of persons with disabilities in the public and private sectors, and meet or exceed the 4 per cent employment quota for persons with disabilities in the public sector and in private entities providing public services;**

(e) **Provide information on the impact of the focal points for the inclusion and professional development of persons with disabilities, and increase the income provided under the “Potenciar Trabajo” National Programme for Social and Productive Inclusion and Local Development;**

(f) **Ensure that public and private sector workplaces are accessible and adapted for persons with disabilities, and provide training to employers on the provision of supports and reasonable accommodation.**

Adequate standard of living and social protection (art. 28)

53. The Committee is concerned about:

(a) The limited access of persons with disabilities to the non-contributory “invalidity” pension, and the delays in its processing;

(b) The fact that the non-contributory “invalidity” pension is based on inability to work, pursuant to Act No. 13.478 of 1948, that its amount is insufficient and that it is not available to persons receiving other income in the form of remuneration;

(c) The inadequacy of the social protection system to cover the additional costs of living with a disability;

(d) The restriction of access to social benefits for persons with disabilities due to the measures taken by the State party to reduce the budget deficit and consolidate public debt under its agreement with the International Monetary Fund.

54. Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) **Step up actions to eliminate the barriers hindering the access of persons with disabilities to the non-contributory “invalidity” pension, including further measures to make the criteria for granting such pensions more flexible, simplify the process and allocate a larger budget;**

(b) **Amend legislation on the non-contributory “invalidity” pension to replace the medical model with the human rights model, change the name of the pension, increase the amount to at least the adjustable minimum living wage and allow recipients to receive other income;**

(c) **Strengthen the social protection system based on the Convention to ensure an adequate standard of living for persons with disabilities throughout the country and cover the additional costs related to disability;**

(d) **Ensure that economic reform policies and related loan agreements do not negatively impact the rights of persons with disabilities and their access to social services.**

Participation in political and public life (art. 29)

55. The Committee notes with concern:

(a) The restriction, under article 3 (a) of the National Electoral Code, of the right to vote of persons with psychosocial disabilities who have been declared legally incompetent;

(b) The provision, in article 94 of Act No. 26.774, that persons with disabilities may vote with the assistance of the presiding officer of the polling station or a person of their choice;

(c) The fact that, pursuant to decision No. 27/2015 of the National Electoral Chamber, persons with disabilities cannot serve as polling station authorities;

(d) The limited participation of persons with disabilities, particularly women with disabilities, in political life;

(e) The limited accessibility of voting procedures, facilities and materials and the insufficiency of election-related information for all persons with disabilities.

56. **The Committee recommends that the State party:**

(a) **Amend the National Electoral Code to recognize the right of all persons with disabilities to vote;**

(b) **Amend Act No. 26.774 to ensure respect for the right of persons with disabilities to vote independently and in secret;**

(c) **Repeal National Electoral Chamber decision No. 27/2015;**

(d) **Promote the participation of persons with disabilities, particularly women with disabilities, in political and public life;**

(e) **Strengthen the National Action for Accessible Voting strategy to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use for all persons with disabilities and that accommodation is provided as regards election-related information, including election broadcasts and campaigns.**

Participation in cultural life, recreation, leisure and sport (art. 30)

57. The Committee is concerned about:

(a) The limited accessibility of tourist sites and cultural, sports and recreational spaces, and the limited application of reasonable accommodation in these environments, particularly for persons with visual impairments;

(b) The barriers hindering the access of persons with disabilities to television programmes, cultural activities and electronic publications;

(c) Programmes such as home-based summer camps that segregate persons with disabilities;

(d) The limited support for artists with disabilities.

58. **The Committee recommends that the State party:**

(a) **Redouble its efforts to ensure the accessibility of the physical environment and of information and communications in tourist sites and cultural, sports and recreational spaces, including increased budgets, awareness campaigns on the barriers faced by persons with disabilities and training for entities that provide these services on accessibility and reasonable accommodation;**

(b) **Provide access to television programmes and cultural activities in accessible formats, and strengthen measures to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, in order to increase the availability of accessible published works;**

(c) **Eliminate programmes that segregate persons with disabilities in order to promote their participation in recreational, cultural and sports activities;**

(d) **Implement financial support programmes, including grants for artists with disabilities.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

59. The Committee notes with concern:

(a) The lack of comprehensive and disaggregated data on persons with disabilities in all areas of life, particularly persons with disabilities living in residential institutions and psychiatric hospitals;

(b) The difficulties encountered by persons with disabilities in using the digital platform for the 2022 population, household and housing census, its limited scope and the absence of information on the access of persons with disabilities to education, employment and housing and on persons with disabilities who experience intersecting forms of discrimination.

60. **Recalling the Washington Group on Disability Statistics short set of questions on disability and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State party:**

(a) **Develop a system for collecting data on persons with disabilities in all areas of life, disaggregated by a range of factors such as age, sex, type of impairment, type of support needed, sexual orientation and gender identity, socioeconomic status, ethnicity and place of residence, including residential institutions and psychiatric hospitals;**

(b) **Ensure that statistical studies are accessible and that persons with disabilities can participate independently in such studies, in both face-to-face and digital formats;**

(c) **Ensure that organizations of persons with disabilities are actively and effectively involved in the design, development and evaluation of the national survey on persons with disabilities to be conducted in 2024, as reported by the State party.**

International cooperation (art. 32)

61. The Committee notes with concern:

(a) The limited scope of the technical assistance provided by the National Disability Agency to other State agencies in mainstreaming the disability perspective in the design of international cooperation projects, particularly those related to the 2030 Agenda for Sustainable Development;

(b) The limited extent to which organizations of persons with disabilities are consulted in connection with international cooperation strategies and programmes.

62. **The Committee recommends that the State party:**

(a) **Increase the technical assistance provided to State agencies in mainstreaming the disability perspective in the design of international cooperation projects, especially those that have priority under the 2030 Agenda for Sustainable**

Development, and adopt guidelines to ensure that cooperation programmes are consistent with the Convention;

(b) Ensure close and effective consultation with organizations of persons with disabilities in the design, formulation, monitoring and evaluation of international cooperation strategies and programmes;

(c) Adopt measures to implement the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities 2016–2026.

National implementation and monitoring (art. 33)

63. The Committee is concerned about the lack of an independent monitoring mechanism that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and about the failure to officially appoint the head of the Office of the Ombudsperson of Argentina.

64. **Bearing in mind its guidelines on independent monitoring frameworks and their participation in the work of the Committee,⁵ the Committee recommends that the State party:**

(a) Establish an independent monitoring mechanism in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with the necessary human and financial resources to enable it to effectively discharge its mandate and ensure the full participation of persons with disabilities and their representative organizations in the monitoring process;

(b) Expedite the appointment of the head of the Office of the Ombudsperson of Argentina through a clear, transparent and inclusive selection and appointment process, taking account of the recommendations issued in 2017 by the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions.

IV. Follow-up

Dissemination of information

65. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 26, on equal recognition before the law, 38, on living independently and being included in the community, and 46, on inclusive education.

66. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and the parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

67. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

68. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

⁵ CRPD/C/1/Rev.1, annex.

Next periodic report

69. The State party has opted to report under the simplified reporting procedure regarding its periodic reports. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 2 October 2030, will constitute its combined fourth, fifth and sixth periodic reports.
