



Convention on the Rights of the Child

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Committee on the Rights of the Child

List of issues prior to submission of the seventh periodic report of Argentina*

1. The State party is requested to submit in writing the information requested below (21,200 words maximum), if possible before 15 February 2024. The replies should take into consideration the Committee's previous recommendations contained in its concluding observations on the combined fifth and sixth periodic reports of the State party.¹ The Committee may take up all aspects of children's rights set out in the Convention and the Optional Protocols thereto during the dialogue with the State party.

I. New developments

2. The Committee requests the State party to provide:

(a) Information on the adoption or reform of laws, policies and programmes and any other type of measures taken, such as the creation or reform of institutions, that are significant for the implementation of the Convention, the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography;

(b) Information on the impact of the measures taken to mitigate the adverse impact of the coronavirus disease (COVID-19) pandemic;

(c) Any other information that the State party considers relevant in this regard and that is not covered in the replies to the questions below, including information on obstacles and challenges faced.

3. The Committee also requests the State party to provide information on how a child rights-based approach is integrated into the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals, including with regard to the participation of children and data collection, and how such measures promote the realization of children's rights under the Convention and the Optional Protocols thereto.

II. Rights under the Convention and the Optional Protocols thereto

A. General measures of implementation (arts. 4, 42 and 44 (6))

Legislation

4. Please provide information on the following:

* Adopted by the pre-sessional working group on 10 February 2023.

¹ CRC/C/ARG/CO/5-6.



(a) The steps taken by provinces and municipalities to adapt their legislation with regard to the national legal framework relating to children's rights, in particular the national act on the comprehensive protection of children and adolescents (Act No. 26,061) and the challenges and obstacles faced in so doing;

(b) The steps taken, as well as the challenges and obstacles faced, regarding the discussion about the bill on a comprehensive care policy system, which has been before the National Congress since May 2022.

Comprehensive policy and strategy

5. Please provide information on the implementation and evaluation of the national plan of action for the rights of children and adolescents, 2016–2019, as well as the main outcomes resulting from the plan. Please also inform the Committee about the measures taken or envisaged to develop a new plan, as an integral component of a comprehensive policy, and a harmonized strategy for the full implementation of the Convention, as recommended by the Committee in 2018.²

Coordination

6. Please indicate the measures taken to strengthen the capacities of the Federal Council for Children, Adolescents and Family and the National Secretariat for Children, Youth and Family, ensuring that their mandates and responsibilities are clearly defined as the national leadership and coordinating mechanism for the management and coordination of the comprehensive child protection system. Please also indicate the steps taken to ensure that the decentralization criteria, as outlined in Act No. 26,061, do not hinder coordination among provincial entities dealing with child protection, in particular in rural and remote areas.

Allocation of resources

7. Please inform the Committee on the measures taken to:

(a) Ensure that budgetary lines for children in disadvantaged or marginalized situations, in particular children with disabilities, Indigenous children and children in rural areas, are protected in the current restrictive context, in line with article 72 of Act No. 26,061;

(b) Ensure that funds allocated to all programmes supporting the realization of children's rights at the national, provincial and local levels are fully and efficiently spent, including the measures taken to eradicate corruption in public procurement processes and the overpricing of contracts for the provision of public goods and services;

(c) Ensure access to public participation, including for children, in the preparation of local and national budgets.

Data collection

8. Please inform the Committee about the measures taken to ensure a comprehensive information system on children, with disaggregated data on all aspects covered by the Convention, as well as the challenges and obstacles faced with regard to such a system, and the progress made in the implementation of a nominal registration system at the provincial level.

Independent monitoring

9. Please inform the Committee whether the Office of the Ombudsperson for the Rights of Children and Adolescents, established in 2020, has the necessary human, technical and financial resources to fulfil its mandate. Please indicate whether all provinces have Ombudsperson's offices with the necessary resources.

² Ibid., para. 7.

Children's rights and the business sector

10. Please inform the Committee about the steps taken to establish a legally binding framework for the business sector, including transnational corporations, to ensure that their activities do not negatively affect human rights or contravene environmental or other standards, especially those relating to children's rights, as recommended by the Committee in 2018.³ Please provide information on the steps taken to ensure that companies carry out periodic child rights impact assessments and consultations and make full public disclosure of the environmental, health-related and human rights impact of their business activities.

B. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

11. Please provide information on the following:

(a) The actions taken, including public education campaigns, to address and investigate discrimination, including in access to high-quality education and adequate health care and housing, and negative social attitudes towards Indigenous children, children with disabilities, minority children, children with a migrant background, girls and lesbian, gay, bisexual, transgender and intersex children;

(b) How cases of discrimination against children are addressed within the National Institute against Discrimination, Xenophobia and Racism;

(c) Plans to ratify the Inter-American Convention against all Forms of Discrimination and Intolerance;

(d) Actions aimed at guaranteeing the necessary resources for the effective implementation of the surveys envisaged in Act No. 26,160 and the progress made in sanctioning a community property law that would guarantee the demarcation of Indigenous communities' territories;

(e) The recently created Area for Children in Indigenous Affairs of the National Institute of Indigenous Affairs and its mandate, organizational structure and resources;

(f) The measures taken to ensure that plans, policies, budgets, data and decisions are gender-sensitive and include a children's rights perspective;

(g) Actions taken and resources allocated to trans-diverse children and adolescents.

Right to life, survival and development

12. Please provide information on the measures taken to reduce and address the root causes of child mortality, especially among Indigenous communities, maternal mortality and adolescent mortality and to address suicide and children in vulnerable situations, including poverty.

Right to be heard

13. Please provide information about the following:

(a) Actions taken and mechanisms established to ensure that the views of children and adolescents are given due consideration in all settings;

(b) Activities and general awareness-raising to promote the right of the child to be heard;

(c) Compatibility with the Convention of the Guidelines for School Coexistence approved by Ministry of Education resolution No. 643/MEGC/18.

³ Ibid., para. 13.

C. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

14. Please provide information on the actions and measures taken to:

- (a) Ensure universal and timely birth registration, increase resources allocated to civil registries and improve coordination with all relevant services, including the health services, taking into account the federal Government structure;
- (b) Ensure access to registry offices or mobile units, in particular for those living in remote and rural areas, and Indigenous communities.

Right to access to appropriate information

15. Please provide information on the measures taken to:

- (a) Ensure the protection of children's rights in audiovisual communications, monitor and sanction violations of children's rights in the media and provide training to professionals working in the communications field regarding children's rights;
- (b) Adopt policies and programmes that ensure access for all children to the Internet and appropriate digital devices, as well as to digital literacy and online protection, with special attention given to migrant children and children from the north-western provinces.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Corporal punishment, torture and institutional violence, abuse and neglect

16. Please provide information on the steps taken to:

- (a) Implement and monitor the prohibition of the corporal punishment of children in all settings, develop and implement awareness-raising campaigns, enhance parental skills, adopt other appropriate measures and hold perpetrators accountable;
- (b) Adopt national legislation and plans to prevent and address all forms of violence against children, in particular gender-based violence, violence towards children with disabilities and online violence;
- (c) Address the situation of girls and adolescents in unions who experience gender-based violence, given that they are not included in the care and economic support programmes of the Ministry of Women, Gender and Diversity;
- (d) Create reporting channels accessible to all children, especially those placed in care and detention centres;
- (e) Control and sanction institutional violence and the disproportionate use of force by the security forces against children;
- (f) Investigate and prosecute all allegations of torture, violence, harassment and abuse against children and apply commensurate sanctions to the perpetrators.

Sexual exploitation and abuse and harmful practices

17. Please provide information on the following:

- (a) Policies, investigation protocols and sanctions adopted to address the increasing number of cases of sexual violence and abuse against children, especially those implemented to address sexual violence perpetrated by a family member or a member of the circle of trust;
- (b) Mechanisms in place to detect, respond and monitor the incidence of sexual exploitation and abuse of children and the child protection and intervention services in such cases;

- (c) Measures to support pregnant adolescents, in particular those who have become pregnant as a result of sexual abuse and violence;
- (d) Measures taken to ensure access to truth, justice and reparations for children who were victims of sexual violence;
- (e) Steps taken to lift the statute of limitations for child sexual abuse cases and progress made in adopting and implementing the draft bill on the right to time;
- (f) Steps taken to collect data on and eradicate child marriage or unions;
- (g) Progress made in implementing a health-care system for intersex children, the measures adopted to eliminate non-urgent and irreversible surgical and other procedures performed on such children and progress made in adopting the bill on the integral protection of sex characteristics.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment and children deprived of a family environment

18. Please inform the Committee on the steps taken to:

- (a) Expedite deinstitutionalization, ensuring that residential care is used as a measure of last resort and that all remaining residential care centres meet at least the minimum quality standards;
- (b) Address the high rate of children with disabilities living in institutions and ensure access to support programmes for adoptive and foster families;
- (c) Establish strict criteria for placing children in alternative care and ensure that decisions on the removal of children from their families are always reviewed by a judge;
- (d) Promote family foster care and develop the skills of foster families and professional specialized carers;
- (e) Ensure dignified conditions in the remaining centres for children with behavioural or social difficulties and investigate any allegations of abuse or ill-treatment committed in those centres;
- (f) Supervise the quality of alternative care provided to children, provide accessible channels for reporting and monitor and remedy any ill-treatment of children, ensuring accessible, effective and child-friendly complaint mechanisms for children;
- (g) Encourage the competent authorities at all levels, especially at the local level, to include the national programme for accompanying graduation in the provincial budget;
- (h) Strengthen services to guarantee appropriate relationships between children and their caregivers deprived of liberty;
- (i) Ensure gender equality in the provision of care by mothers and fathers, including with regard to care time and care services;
- (j) Ensure the accessibility of care services for children under 3 years of age;
- (k) Support families with children, including by providing extended and paid parental leave, family counselling, promoting the equal sharing of parental responsibilities and supporting parents in taking care of young children, especially those who work in precarious conditions or who have informal jobs and who need time, resources, services and skills to care for their children;
- (l) Provide mediation services in divorce and parent's conflicts concerning custody of and access to their children and measures for enforcing child support orders.

F. Children with disabilities (art. 23)

Children with disabilities

19. Please provide information on the measures taken to:

- (a) Review Act No. 26,061 and develop the second national accessibility plan, to ensure a human rights-based approach to disability and the inclusivity of children's rights;
- (b) Facilitate the care of children with disabilities in the home environment and strengthen the provision of rehabilitation programmes, assistive devices and reasonable accommodation for their full inclusion in all areas of public life, including education and leisure, play and cultural activities;
- (c) Ensure that all children with disabilities throughout the State party benefit from inclusive education and are provided with individual support from trained education personnel;
- (d) Eliminate discrimination against children with disabilities, promote a positive image of them as rights holders, including by ensuring their equal access to health care and to the services and benefits to which they are entitled.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

Health, health services, mental health and adolescent health

20. Please provide information on the progress made in the following areas:

- (a) Increasing the availability and equitable access to free, high-quality primary health-care services and personnel trained in child and adolescent care and in addressing the disparities across the State party, for all children, in particular those from socially and economically disadvantaged groups, including Indigenous children;
- (b) Addressing the mental health needs of children, including through the implementation of the Mental Health Act (No. 26,657), the development of a mental health policy for children and the adoption of sufficient budgetary allocations to ensure the adequate provision of quality mental health-care services for children and adolescents, in both rural and urban areas, including by strengthening suicide prevention and addiction prevention and rehabilitation services;
- (c) Ensuring the delivery of comprehensive, age-appropriate education on sexual and reproductive health and rights in schools, including information on family planning, contraceptives and the risks related to early pregnancy, as well as on the prevention and treatment of sexually transmitted infections, in accessible and confidential formats and in Indigenous languages;
- (d) Ensuring access for children to age-appropriate reproductive health services, including free and safe abortion and post-abortion care services, especially for girls who become pregnant as a result of sexual violence.

Impact of climate change on children's rights

21. Please provide information on the following:

- (a) Legislative and other measures pertaining to climate change, including Law No. 27,520 on Minimum Budgets for Adaptation and Mitigation of Global Climate Change and the related regulatory Decree No. 1030/2020, taking into account children's rights in their implementation;
- (b) The implementation of national plans on adaptation to and the mitigation of climate change benefiting from the participation of children in their conceptualization, implementation and evaluation;

(c) The measures undertaken to facilitate children's right to an effective remedy, including in the context of the State party's extraterritorial obligations, in cases where their rights have allegedly been violated in the context of climate change.

Nutrition and standard of living

22. Please provide information on the measures taken to:

(a) Identify the root causes of food insecurity and malnutrition among children throughout the State party, in particular in Indigenous communities, and the impact of policies and programmes in place to address those causes;

(b) Reduce poverty among children in vulnerable situations, from a multidimensional perspective, in particular targeting Indigenous children and those living in rural and isolated areas, including by simplifying access to social protection measures such as the universal child allowance and ensuring that the support provided is appropriate to the needs of children and covers the real costs of a decent standard of living.

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

23. Please provide information on the following:

(a) The measures implemented to guarantee the universality of schooling, especially among children 3 to 4 years of age and children with disabilities;

(b) The resources allocated to achieve universal access to education;

(c) The policies and actions taken to reduce school dropout;

(d) The measures taken to ensure that Indigenous children and children with a migrant background have adequate support to remain in school and ensure equal access to high-quality education;

(e) The results of the Acompañar: Puentes de Igualdad programme;

(f) The progress made in the distribution of educational and technological material and in improving access to the basic utilities necessary for distance learning, including access to devices, electricity, connectivity, educational materials and professional support;

(g) Gender equality education in schools;

(h) The measures taken to ensure comprehensive sexual education for all children and adolescents in the country, including Indigenous children and children with disabilities;

(i) The reasons why measures restricting the use of inclusive language in education are being adopted, such as the approval of circular No. 4/2022 in the city of Buenos Aires;

(j) The mechanisms and measures taken to combat bullying and harassment in schools.

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children and children in situations of migration

24. Please provide information on the measures taken to:

(a) Ensure that the rights of asylum-seeking, refugee and migrant children, including unaccompanied children, to protection and non-refoulement are promoted and respected through legislative and administrative measures, in particular measures to implement the Refugee Law, and please clarify the measures taken to restore access to its territory to migrant, refugee and asylum-seeking children since the restrictions related to the COVID-19 pandemic have been lifted;

(b) Ensure that, in the protection of unaccompanied children, the best interests of the child are taken into account as a primary consideration and establish child-friendly reception centres for children with accessible and effective complaint mechanisms;

(c) Adopt procedural mechanisms in order to address the obstacles faced by the asylum-seeking, refugee and migrant children in the State party, comprising mainly Venezuelan children who do not possess identity documents, in obtaining residence permits and the relevant identity documents.

Economic exploitation and trafficking

25. Please provide information on the measures taken to eliminate child labour in practice, by establishing multisectoral programmes at the local and regional levels to combat child labour, and to protect and assist children who are already engaged in child labour. Please inform the Committee whether there have been studies undertaken to identify the extent and nature of child labour in the country.

26. Please inform the Committee of the measures taken to implement Law No. 26,364 on the Prevention and Sanction of Trafficking in Persons and Assistance to its Victims and the national programme to rescue trafficking victims and to strengthen the capacity of relevant professionals to identify children who are victims of trafficking.

Administration of child justice

27. Please provide information about the measures taken to:

(a) Repeal Decree Law No. 22,278 and adopt a comprehensive law on child justice in line with the Convention;

(b) Ensure that detention is used only as a measure of last resort and for the shortest possible period of time and that it is not used as a measure of protection for children over 16 years of age;

(c) Promote non-judicial measures, such as diversion, probation, mediation, counselling or community service, and use alternative measures to sentencing whenever possible.

J. Optional Protocol on the sale of children, child prostitution and child pornography

28. Please inform the Committee about the measures taken to implement the recommendations contained in its concluding observations on the previous reports of the State party,⁴ including the criminalization of all crimes under the Optional Protocol, in accordance with articles 2 and 3 of the Optional Protocol, and about the efforts made to strengthen coordination at the provincial and local levels, to establish monitoring mechanisms for the periodic evaluation of the implementation of the recommendations made under the Optional Protocol and to strengthen efforts to prevent and combat the sexual exploitation of children in the context of travel and tourism. Please specify the status of the bill criminalizing the sale and illegal adoption of children and adolescents.

K. Optional Protocol on the involvement of children in armed conflict

29. Please inform the Committee about the measures taken to implement the recommendations contained in its concluding observations on the previous reports of the State party and its concluding observations on the report of the State party submitted under article 8 (1) of the Optional Protocol,⁵ including to ensure that violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities were explicitly criminalized in the legislation of the State party, in accordance with the Rome

⁴ Ibid., para. 45. See also [CRC/C/OPSC/ARG/CO/1](#).

⁵ [CRC/C/ARG/CO/5-6](#), para. 46; and [CRC/C/OPAC/ARG/CO/1](#), para. 14 (a).

Statute, to establish a mechanism for the early identification of children who might have been involved in armed conflict abroad upon entering the State party, to provide them with physical and psychological assistance and social reintegration into society and to guarantee them access to interpreters and translators in all procedures.

III. Statistical information and data

30. The statistical information and data provided by the State party should cover the period since the consideration of its previous reports on the implementation of the Convention and the Optional Protocols thereto. The data should be disaggregated by age, sex, ethnic origin, national origin, type of disability, geographical location and socioeconomic status.

31. The provision of tables presenting trends over the reporting period is recommended, and explanations or comments on significant changes that have taken place over the reporting period should also be provided.

A. General measures of implementation (arts. 4, 42 and 44 (6))

32. Please provide information on the budget lines regarding children and the social sectors, indicating the amount allocated to each budget line and its proportion of the total national budget.

B. General principles (arts. 2–3, 6 and 12)

33. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Cases of discrimination affecting children, prosecutions brought before the courts under legislation governing non-discrimination and the sanctions imposed on the perpetrators;
- (b) The main causes of child mortality.

C. Civil rights and freedoms (arts. 7–8 and 13–17)

34. Please provide data, disaggregated as described in paragraph 30 above, on the current birth registration rate and on access for children to birth registration.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

35. Please provide data, disaggregated as described in paragraph 30 above, on the following:

(a) Children in public care institutions, detention centres and prisons who have been victims of maltreatment, abuse and violence, the cases that have been reported to the authorities, investigated and prosecuted and the sanctions imposed on the perpetrators;

(b) Children who have been victims of violence and neglect, including corporal punishment, physical abuse, domestic violence and sexual exploitation and abuse, in particular in the family setting, the cases that have been reported to the authorities, investigated and prosecuted and the sanctions imposed on the perpetrators, further disaggregated by the type of offence;

(c) Children who have received protective measures and multidisciplinary remedies as victims and/or witnesses of violence and neglect, in particular physical and sexual abuse and exploitation;

(d) Girls in child marriages or who are cohabiting with older men.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

36. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Children in residential care, the number of institutions and group homes and the length of stay;
- (b) Children in family-based and community-based care.

F. Children with disabilities (art. 23)

37. Please provide data, disaggregated as described in paragraph 30 above, on children with disabilities who:

- (a) Are receiving or who have received economic and other types of support services;
- (b) Are or who have been living with their families;
- (c) Are or who have been living in family-based and community-based care;
- (d) Are or who have been living in residential care and the length of stay;
- (e) Are attending or who have attended inclusive education;
- (f) Are attending or who have attended specialized classes or schools;
- (g) Have reported violence and abuse, including sexual violence, the number of investigations and prosecutions carried out and the sentences imposed on the perpetrators.

G. Basic health and welfare (arts. 6, 18 (3), 24, 26, 27 (1)–(3) and 33)

38. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Mortality rates among infants and children under 5 years of age;
- (b) Children affected by food insecurity and malnutrition;
- (c) Adolescent mothers and the maternal mortality rates among children and adolescents;
- (d) Sexual and reproductive health services available to adolescents;
- (e) Paediatric and mental health services and professionals specializing in young children and adolescents;
- (f) Children living in poverty and those who receive the universal child allowance.

H. Education, leisure and cultural activities (arts. 28–31)

39. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Children who have dropped out of school, including Indigenous children and teenage mothers;
- (b) Schools with access to the Internet;
- (c) Cases of bullying, violence and harassment in schools.

I. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d) and 38–40)

40. Please provide data, disaggregated as described in paragraph 30 above, and further disaggregated by accompanied or unaccompanied status, on the following:

- (a) Asylum-seeking, refugee and migrant children;
- (b) Asylum-seeking, refugee and migrant children who are or who have been attending school and who have or who have had access to health care.

41. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Children who are or who have been involved in child labour;
- (b) Children who are victims of trafficking who have been identified, cases of child trafficking investigated and cases that led to prosecutions.

42. Please provide data, disaggregated as described in paragraph 30 above, and further disaggregated by type of crime, on the following:

- (a) Children who are or who have been in detention, including in pretrial detention, and the average length of stay;
- (b) Children who have been referred to diversion and non-custodial sentencing options;
- (c) Children who have been provided with access to rehabilitation and reintegration services.

J. Optional Protocol on the sale of children, child prostitution and child pornography

43. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Cases of the sale of children, the sexual exploitation of children in prostitution and child sexual abuse material that have been reported, investigated and prosecuted and for which the perpetrators have been sanctioned;
- (b) Children who have been victims of such crimes who have been provided with recovery assistance or compensation.

K. Optional Protocol on the involvement of children in armed conflict

44. Please provide data, disaggregated as described in paragraph 30 above, on the following:

- (a) Asylum-seeking, refugee and migrant children who have entered the State party from areas where children may have been recruited or used in hostilities;
- (b) Children who may have been recruited or used in hostilities abroad who are benefiting or who have benefited from physical and psychological recovery and social reintegration measures.