



## Child Rights References in the Universal Periodic Review

### Summary:

A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

### Argentina - 1st Session – 2008

**Date of consideration: Wednesday 16 April 2008 - 2.30 p.m. - 5.30 p.m**

### National Report

6. Following the August 1994 constitutional reform, under article 75, paragraph 22, of the new Constitution:

Treaties and concordats take precedence over laws. In the conditions of their validity, the American Declaration of the Rights and Duties of Man, the Universal Declaration of Human Rights, the American Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol thereto, the Convention on the Prevention and Punishment of the Crime of Genocide, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child have constitutional rank, do not abrogate any article of the first part of this Constitution, and shall be interpreted as complementary to the rights and guarantees recognized thereby. They may be denounced, if necessary, only by the Executive, following approval by two thirds of the members of each Chamber. After being approved by Congress, other treaties and conventions on human rights shall require the vote of two thirds of the members of each Chamber in order to acquire constitutional rank.

28. The Grandmothers of the Plaza de Mayo have worked on the right to an identity since the organization was founded in 1977.<sup>24</sup> In July 1992 they requested the establishment of a special technical committee, and the National Commission on the Right to an Identity (CONADI) was set up in November 1992, establishing a joint working relationship between NGOs and the State. Its original objective, to look for and locate children who disappeared during the last military dictatorship, was soon superseded as it received complaints about stealing and trafficking in children, dispossession of marginalized mothers, and adults with damaged identities.<sup>25</sup> To date 586 young people have applied to CONADI to clarify doubts about their identity.

29. Since 1991 a raft of legislation has been enacted at the national level to provide for financial compensation for the victims of State terrorism; the implementing authority is the Office of the Secretary for Human Rights. The following are examples:

...

(d) Act No. 25,914 (Children Act): this establishes a benefit for people born to mothers in prison or who, as children, were placed in detention with their parents, provided that one parent had been arrested and/or disappeared for political reasons, by order either of the Executive or of a military court. The benefit increases where the child was given a new identity or serious or very serious injury occurred, and applies whether they were born inside or outside prison or a detention centre.<sup>29</sup>

68. In the same case, the Court instructed the Supreme Court of the Province of Buenos Aires and the courts at all levels in the province to ensure that, in their respective areas of competence and in accordance with the urgent nature of the case, an end was put to any situation of aggravated detention that involved cruel, inhuman or degrading treatment or any other circumstance likely to engage the international responsibility of the federal State. The Court stated that the holding of adolescents and sick people in police stations or police cells constituted a flagrant violation of the general principles of the Standard Minimum Rules and, in all likelihood, presented incontrovertible cases of cruel, inhuman or degrading treatment. The Court also ruled that the Supreme Court of the Province of Buenos Aires, through its competent courts, should put an end to the practice of detaining minors<sup>49</sup> or sick people for up to 60 days in the province's police stations. It also ordered that, every 60 days, the executive branch of the Buenos Aires provincial government should report to the Court on the steps that had been taken to improve the situation of detainees throughout the province. Finally, the Court urged the executive and legislative branches of the Buenos Aires provincial government to bring the province's criminal procedure law

relating to pretrial detention and release from custody and its criminal enforcement and prisons law into line with constitutional and international standards.

84. Other recent decisions of the federal and criminal courts have established that the rights established in international treaties take precedence over procedural norms, as in the case of the Convention on the Rights of the Child, where female prisoners with minor children may be released from prison so that their children may enjoy their right to live with their mothers.

86. Among the legislative measures being taken to moderate the use of pretrial detention is a draft bill recently adopted by the Chamber of Deputies and pending in the Senate; the bill contemplates the option of house arrest for mothers of small children, elderly persons and persons whose health might be adversely affected by incarceration.

109. In 2005, the Comprehensive Child and Adolescent Protection Act, Act No. 26,061,57 was adopted; this Act repealed Act No. 10,903, known as the Welfare Act, which had been in force since 1919 and was the product of a system that viewed children as being in need of protection, thus giving rise to what was known as the “system of custodianship” or the “doctrine of irregular situations”.

110. Article 2 of this Act makes the application of the Convention on the Rights of the Child compulsory in every administrative, judicial or other act, decision or measure adopted in respect of persons under 18 years of age.

111. Under Argentine law, the principle of the best interest of the child is a general rule, given that it is established in an international treaty having constitutional hierarchy. The firm commitment of the nation’s courts to providing special protection for children’s best interests is reflected in the variety of jurisprudence establishing such protection.<sup>58</sup>

112. Article 43 of the aforementioned Act establishes the National Secretariat for Children, Adolescents and the Family<sup>59</sup> placed under the executive branch as a specialized body dealing with the rights of children and adolescents; it is composed of representatives of the various ministries and of civil society organizations. Decree No. 416/200660 placed the Secretariat under the authority of the Ministry of Social Development. In addition to this body, a Federal Council on Children, Adolescents and the Family, comprising a representative from each province and from the Autonomous City of Buenos Aires, was established, and this has conferred an unprecedented federal character on public policy regarding children.

113. With regard to the Ombudsman for the Rights of Children and Adolescents, established in article 47, it should be noted that a bicameral congressional committee has been established to appoint the Ombudsman, even though the institution itself has not yet become operational.

114. The Ombudsman for the Rights of Children and Adolescents is required to submit annual reports on his or her work to Congress. The Ombudsman must also attend, on a rotating quarterly basis, meetings of the standing committees specializing in this area in each house of Congress to submit any reports that they may require, or at any time the committee so requires.

123. Lastly, mention should be made of the National Food Security Plan. This plan is intended for families who live in socially disadvantaged situations characterized by nutritional vulnerability. Since it became operational, it has become a cornerstone of State food policy that goes beyond emergencies, since it seeks to raise the standard of living of the entire population and bring about improvements in health and nutrition in the medium and long terms.

124. Persons covered by this plan are children under the age of 14, pregnant women, malnourished persons, persons with disabilities and elderly persons living in socially disadvantaged conditions who show evidence of nutritional vulnerability.

### **Compilation of UN information**

The CRC welcomed the ratification of the CRC OP-AC.<sup>28</sup>

2. CRC reiterated its concern about the reservations entered by the Government of Argentina upon ratification of the Convention with respect to article 21 (b), (c), (d) and (e). The reservations were based on the need for a strict mechanism for inter-country adoption in order to prevent trafficking in and the sale of children. CRC recommended that the State party consider reviewing the reservations with a view to withdrawing them.<sup>29</sup>

5. In 2002, the CRC noted that, although the Chamber of Deputies had passed a draft law on the comprehensive protection of the rights of the child in November 2001, it had not yet been enacted (media sanción), so that there was no legislation in force at the federal level which considered the child as a subject of rights. Furthermore, the Committee also noted that provincial legislation often does not comply with the provisions and principles of the Convention. The Committee recommended inter alia the State to take all necessary measures for the adoption by Parliament without delay of the draft law on the comprehensive protection of the rights of the child; to ensure the full implementation of the law once enacted; and to ensure that legislation at provincial level as a whole fully complies with the provisions and principles of the Convention. 32 UNICEF informed that a number of laws have been enacted as to provide a national legal framework to guarantee children’s rights.<sup>33</sup>

10. In 2002, CRC noted the establishment of the National Council for Children, Adolescents and the Family and the Office for Comprehensive Assistance for Victims of Crime, as recommended in its previous concluding observations<sup>39</sup>, and encouraged Argentina to establish an overall national mechanism to monitor the implementation of the Convention.<sup>40</sup>

13. CRC reiterated two previous recommendations for the State: 1) to adopt a comprehensive approach in implementing the Convention, in particular by improving coordination among the various mechanisms and institutions, and by developing a national plan of action<sup>45</sup>; 2) review economic and social policies to ensure that the maximum amount of available resources is allocated to the rights of the child, especially in the fields of health, education, social welfare and security.<sup>46</sup>

14. The HR Committee welcomed the consolidation of democratic processes and measures taken to promote national reconciliation following the years of military rule. In this regard, the Committee noted with satisfaction the operation of a number of institutions and programmes designed to serve as a channel of redress for victims of past abuses, including the Historical Reparation Programme, the National Commission on the Disappearance of Persons and the National Commission for the Right to an Identity. The HR Committee particularly welcomed the establishment of a mechanism to restore the identity of children who were forcibly removed from their families.<sup>47</sup>

15. CEDAW and CERD welcomed the timely submission of the report, while CAT noted that it was received two years late. CRC noted with regret that the report did not follow the guidelines for reporting. While CEDAW expressed its appreciation for responding to the concerns raised in the fifth periodic report, CERD and CRC regretted that some of the concerns and recommendations made in the previous concluding observations had not been addressed.<sup>55</sup>

20. CRC recommended the review of relevant legislation in order to cancel the disparity between the age of marriage for boys and girls.<sup>70</sup>

21. CRC recommended that Argentina monitor the situation of children who are exposed to discrimination, including children living in poverty, indigenous children, children of migrant workers, children who work or live on the street, children with disabilities and marginalized adolescents.<sup>71</sup>

25. Both CAT and CRC expressed their concern about reports of torture and ill-treatment of children held at police stations, which, in some cases, have resulted in death.<sup>77</sup> CAT recommended that the holding of minors in police units be immediately banned, that minors then in police units be transferred to special centres, and that a nationwide ban be imposed on the detention of minors by police personnel.<sup>78</sup> In 2002, CRC expressed its concern at the fact that, under article 205 of the Code of Criminal Procedure, a child may be held in incommunicado detention for a maximum of 72 hours.<sup>79</sup>

29. CRC also noted with concern the poor conditions of children in detention, including the lack of adequate basic services such as education and health, the absence of adequately trained staff, and the use of corporal punishment and isolation.<sup>89</sup> CRC urged Argentina, inter alia, to enforce the National Plan of Action for the Prevention and Elimination of Institutional Violence.<sup>90</sup>

32. CRC welcomed the adoption of Law 24.417 on protection against domestic violence and recommended, inter alia, that Argentina expressly prohibit corporal punishment in the home and all institutions, that it investigate effectively cases of domestic violence, ill-treatment and abuse of children, and that it increase measures to provide support services to children in legal proceedings, physical and psychological recovery, and social reintegration.<sup>93</sup> UNICEF also noted that the Supreme Court of Justice of the Nation decided to organise under its responsibility the first Office of Domestic Violence.<sup>94</sup>

33. CRC, while noting that the State ratified ILO Conventions No. 13895 in 1996, and No. 18296 in 2001, expressed with deep concern at the growing number of children under 14 who are exploited economically, in particular in rural areas. It recommended that Argentina strengthen its legislation to provide protection for working children, inter alia, with a view to increasing the minimum age to 15, and that the State continue to develop and ensure the adoption of the National Plan to Prevent and Eradicate Child Labour.<sup>97</sup>

34. CRC noted that, although a National Plan of Action to Combat Commercial Sexual Exploitation of Children was adopted in 2000, coordinated policies and programmes on this issue have yet to be formulated.<sup>98</sup>

36. CRC noted with satisfaction the enactment of the Bill on the Criminal Responsibility of Juveniles, which establishes limits on juvenile criminal responsibility and procedures to be followed. Nevertheless, it reiterated its deep concern that legislation currently in force and based on the doctrine of “irregular situation”, does not make a clear distinction between children in need of care and protection and those in conflict with the law. The Committee recommended, inter alia, that Argentina review its laws and practices regarding the juvenile justice system, that the State party ensure that there is a clear distinction in terms of procedures and treatment between children in conflict with the law and children in need of protection.<sup>102</sup> The Working Group on Arbitrary Detention recommended particular attention to compliance with the Convention on the Rights of the Child with regard to the practice of arresting and detaining juveniles.<sup>103</sup>

37. UNICEF informed that the National Law on Integrated Protection was enacted to proceed, inter alia, to the dismantlement of the “protective internment of minors” system (sistema de patronato de menores), the annulment of the Law on the Internment of Minors, and a general prohibition against the application of institutionalisation of minors for the purpose of protection.<sup>104</sup>

43. UNICEF informed that with regards to Millennium Development Goals, Argentina has included the promotion of decent working conditions as an additional objective. Indicators include the eradication of child labour, the reduction of unemployment, and the formalisation of various unregistered forms of work, including domestic labour.<sup>114</sup>

44. CRC noted with concern that the recent economic, political and social crises have caused increased poverty, particularly among children and vulnerable groups, and recommended that the State continue its efforts to prevent a decline in living standards of families.<sup>115</sup> CRC also noted that the rates of infant, child and maternal mortality remain high and that there are great disparities in these rates, in particular with regard to children from a lower socio-economic background, those living in rural areas, and indigenous children.<sup>116</sup> CERD reiterated its concern at the lack of a social security system that takes into account the specific needs of indigenous peoples.<sup>117</sup>

55. CAT, CRC and the HR Committee welcomed the work accomplished by the National Commission for the Right to an Identity, which was entrusted with the task of locating children who disappeared under the military dictatorship.<sup>131</sup>

56. CAT, CERD, CEDAW and CRC acknowledged the difficulties encountered by Argentina, especially those of an economic and social nature.<sup>132</sup> Nevertheless, CAT pointed out that no exceptional circumstances of any kind may be invoked to justify torture.<sup>133</sup>

#### **Summary of stakeholders' information**

2. Según la Fundación Sur Argentina (FSA), a pesar de la ratificación e incorporación constitucional de la Convención sobre los Derechos del Niño (CDN), y la sanción en el año 2005 de la “Ley de Protección Integral de los Derechos de las Niñas, Niños y Adolescentes”, el Estado aún no ha cumplido completamente con su obligación de armonizar toda la legislación. Si bien la nueva ley fue sancionada para desterrar formalmente todas aquellas prácticas propias del denominado ‘modelo de la situación irregular’, lo cierto es que la nueva definición jurídica de los niños como sujetos titulares de derechos todavía no ha sido puesta en práctica en todas las regiones y áreas de intervención. Ello así, en tanto aún sigue aplicándose el Código Civil que define a las personas menores de edad como incapaces. Además, se señalan dificultades en la implementación del cambio, tales como la persistencia de la cultura tutelar o de patronato, obstáculos de tipo presupuestario y la resistencia de la propia corporación judicial. En materia penal, FSA indica que sigue vigente el decreto ley sobre Régimen Penal de la Minoridad basado en la doctrina de la “situación irregular”, el cual no hace una distinción clara entre los niños que necesitan atención y protección y los niños que tienen conflictos con la justicia. Sin embargo, FS indica que actualmente hay en ambas Cámaras del Congreso varios proyectos de responsabilidad penal juvenil, los cuales ponen en la agenda pública nacional la necesidad de adecuar la normativa interna a la Convención sobre los Derechos del Niño.<sup>4</sup>

7. En 2005 el Presidente de la Nación hizo una convocatoria para el diseño del “Plan Nacional de Acción por los Derechos del Niño”, señalando que se convocaría a “comisiones de trabajo, las que estarían conformadas por representantes del Estado y de la Sociedad Civil. El Colectivo de Derechos de Infancia y Adolescencia (CDIA) informa que la elaboración del plan ha perdido impulso y que la participación de la sociedad civil tampoco ha tenido el papel anunciado. <sup>14</sup>

16. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) notes that in practice, conditions in child detention centres do not match the legal standards. The Code of Criminal Procedure and the Criminal Code provide for the establishment of specific facilities for children in pre-trial detention or sentenced to imprisonment, but indicates that many children are detained in local police stations where they are also subject to corporal punishment and other ill-treatment. <sup>28</sup>

18. GIEACPC indicates that corporal punishment of children is lawful in the home under federal legislation and that there is no explicit prohibition of corporal punishment of children in schools. In the penal system, corporal punishment of children is unlawful as a sentence for crime, but there is no explicit prohibition of its use as a “disciplinary” measure in penal institutions. There is no explicit prohibition of corporal punishment of children in alternative care settings. GIEACPC indicates that as at February 2007, a network of NGOs planned a situation analysis with a view to introduce debate on the legal status of corporal punishment in 2007/2008.<sup>30</sup> GIEACPC recommends introducing legislation as a matter of urgency to prohibit corporal punishment of children in all settings.<sup>31</sup>

24. FSA indica que un reciente informe realizado por la Secretaría de Derechos Humanos del Ministerio de Justicia y Derechos Humanos y UNICEF Argentina, revela que unos 20.000 niños/as y adolescentes están privados de su libertad, de los cuales el 87,1% internados por situaciones socio económicas y sólo un 12,1% por causas penales. <sup>50</sup> La ley sobre Régimen Penal de la Minoridad habilita a los jueces de menores a disponer de las personas menores de edad, independientemente de que sean punibles o del resultado de la investigación penal. FSA indica que en 2006, presentó una acción de habeas corpus a favor de todas las personas menores de 16 años privadas de libertad en virtud de resoluciones judiciales “tutelares”, la cual fue rechazada por el Juzgado Nacional de Menores No.5 y la Sala V de la Cámara Nacional de Apelaciones en lo Criminal y Correccional. Sin embargo, FSA indica que la Sala III de la Cámara Nacional de Casación Penal estableció una Mesa de Diálogo, convocando, junto con FSA, a autoridades nacionales y locales, a fin de identificar los nudos del problema y formular aportes para su resolución. La última audiencia de la Mesa de Diálogo tuvo lugar el pasado 21 de agosto de 2007. <sup>51</sup> FSA también indica que desde 1997, la justicia de menores ha aplicado al menos 12 sentencias de reclusión y prisión perpetua a jóvenes menores de dieciocho años de edad al momento de comisión del hecho que se les imputa. FSA hace notar que la Defensoría Oficial ante la Corte Suprema de Justicia de la Nación, presentó una denuncia ante la Comisión Interamericana de Derechos Humanos de la OEA sobre estas sentencias, y en abril de 2004, el Estado inició un proceso de solución amistosa sin ningún resultado a la fecha. <sup>52</sup> CDIA también se refiere al trámite de dicha denuncia, indicando que el Estado podría conmutar las penas de los jóvenes, o bien sancionar un nuevo régimen penal de infancia. <sup>53</sup>

29. CLADEM hace notar que el 90% del trabajo doméstico no remunerado sigue siendo realizado por las mujeres y no existen políticas públicas, ni leyes, que permitan compatibilizar el trabajo remunerado con el trabajo doméstico, ni que permitan o incentiven a los varones a corresponsabilizarse del cuidado de los niños/as, dependientes y otras tareas del ámbito privado. <sup>60</sup> ELA también hace referencia a los obstáculos que enfrentan las mujeres para integrarse al mercado laboral.<sup>61</sup> CLADEM recomienda crear acciones afirmativas y planes de igualdad de oportunidades en el ámbito del trabajo y en el combate a la pobreza; y garantizar sistemas públicos y gratuitos de cuidado de niños/as. <sup>62</sup> ELA recomienda la difusión de servicios de cuidado en el marco de políticas de conciliación de la vida laboral y familiar, como políticas para los hogares y no para las mujeres, de modo de superar el rol de las mujeres como principales cuidadoras; y la intensificación de medidas estatales para la regularización del trabajo, particularmente en el servicio doméstico que emplea mayoritariamente a mujeres de escasos recursos. <sup>63</sup>

30. CDIA indica que según datos del Instituto Nacional de Estadísticas y Censo (INDEC) correspondientes al primer trimestre de 2007, la pobreza afecta al 23,4% de la población y la indigencia al 8,2%. Además indica que en el primer semestre de 2005, la población bajo la línea de pobreza ascendía a 38,5%, en tanto que para los menores de 18 años, según el informe Salud Materno Infantil Juvenil 2006, elaborado por la Sociedad Argentina de Pediatría (SAP) y Unicef, el 56,9% de los niños, niñas y adolescentes eran pobres y el 23,3% indigentes. <sup>64</sup> En relación con la situación de los niños, niñas y adolescentes, FSA hace también notar que estas cifras advierten la falta de políticas sociales para que este sector de la población acceda a alimentación suficiente, educación de calidad, vivienda adecuada y salud integral. <sup>65</sup>

## Final Report

On 28 February 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Argentina: Ukraine, Cuba, and Cameroon. The delegation of Argentina was headed by H.E. Mr Eduardo Luis Duhalde, Human Rights Secretary, Ministry of Justice, Security and Human Rights.

### (i) Summary of the State under Review

- Judicial actions are complemented by an active policy to recover the historic memory, being conducted by the State and organisations of the civil society, in line with resolution 2005/66 of the Commission on Human Rights on the right to truth. The association of the Grandmothers of the Plaza de Mayo has been working on the right to identity since its creation in 1977 and it has the support of the State through the National Commission on the Right to an Identity (CONADI), created by a law adopted by Parliament. Already 88 children have been able to recover their true identity and establish a link with their biological families. In terms of reparations at the national level, since 1991, a number of norms have been adopted to economically compensate the victims of State terrorism. These norms benefit to former political prisoners, victims of forced disappearances and political executions, children born to mothers deprived of their liberty and or minors detained in relation to their parents' activities ("Ley de hijos") and others.

- Recent decisions by the federal and criminal courts have established that the rights established in international human rights treaties take precedence over procedural norms, as in the case of the Convention on the Rights of the Child, where female prisoners with minor children may be released from prison so that their children may enjoy their right to live with their mothers.

- In January 2005, in the Office of the Secretary for Human Rights, a special unit for the eradication of sexual exploitation of children had been set up. A National Prevention Programme for the Abduction and Trafficking of Children and Crimes against their Identity also exists within the Office of the Secretary for Human Rights. At the regional level, within the framework of Mercosur, a legislative database on trafficking, sexual exploitation, sale and abuse of children and adolescents was established with the aim to harmonise Mercosur legislation in this field.

- Argentina noted, in December 2006, the project to create the office of domestic violence within the framework of the judiciary. Concerning the rights of girls, boys and adolescents, Argentina indicated that the system of "patronato" was derogated and the Congress adopted a comprehensive law for the protection of children in 2005, introducing changes to consider children as subject of rights. Furthermore, a National Secretariat for Children, Adolescents and Family has been established as well as the Federal Council on Children, Adolescents and the Family and the Ombudsman for Girls, Boys and Adolescents. As regards juvenile justice, Argentina noted the creation of the Commission for the Reform, which updates a number of laws regarding the status of juvenile justice in order to bring the national legislative framework in line with the principles of the Convention on the Rights of the Child (CRC). Finally, Argentina noted also the establishment of a commission and a plan for the eradication of child labour that will shortly be put before the National Congress for its approval.

### (ii) Interactive dialogue and responses by the State under Review

- In reference to a number of recommendations made by the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Rights of the Child Cameroon asked about the status of implementation of these recommendations. Cameroon recommended to Argentina to continue its efforts to bring its national and provincial legislation in line with ratified international instruments.

- Austria mentioned the reference made in the national report to the "Ley de Protección Integral de las niñas, niños y adolescentes" adopted in 2005 and the firm commitment of national courts to providing special protection for the child's best interest in accordance with the CRC. In this regard, Austria asked for further information on the measures taken for the protection of children from all forms of physical or mental violence as provided for in the CRC and recommended that corporal punishment in the family and schools be explicitly prohibited by law.

- Slovenia recommended to address the issue of unduly protracted detentions urgently and also to promote the use of alternative measures to provisional detention, in particular for pregnant women or those with young children. Slovenia recommended adapting Argentina's penal system to be compliant with the recommendations of the Committee on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), and noted that it would appreciate learning about Argentina's plans in that respect. Slovenia also noted that five persons who were under 18 at the time they committed the offences are still serving life imprisonment and asked what action will Argentina take in relation to them. Slovenia recommended that Argentina prohibit all forms of life imprisonment for offences committed by persons under the age of 18, in line with article 37 (a) of CRC.

- Mexico wanted to know about the impact of the law on children and adolescents in the juvenile justice system and the situation of young people in conflict with the law. The law envisages the nomination of a defender of boys, girls and adolescents in this regard, and Mexico recommended that such a defender be nominated quickly.

- On the issue of girls, boys and young adolescents, in particular regarding public policies, Argentina noted that the Comprehensive Child and Adolescent Protection Act was adopted in September 2005, and it was important in terms of adjusting the legislation to the Convention on the Rights of the Child. It replaces the paradigm whereby the child was simply a subject of protection rather than a subject of rights. With regard to the issue of violence against children, the comprehensive law on the protection of children prohibits physical punishment of children and includes the obligation of all persons who have knowledge of violence against children to report it to relevant authorities.



- Noting efforts made by Argentina, Canada recommended that Argentina continue its efforts to improve prison conditions for inmates and address issues of overcrowding and mistreatment, including of children in police custody.

- The United Kingdom of Great Britain and Northern Ireland made reference to the concerns expressed by the Committee against Torture at the uneven application of the Convention against Torture in the various provinces and that the Committee on the Rights of the Child noted that there was no legislation in force at the federal level, which considered the child as a subject of rights. The United Kingdom recommended that Argentina takes further steps to address discrimination against women and vulnerable groups, including children, minorities and indigenous peoples.

- Italy noted that the progress achieved with the adoption of the 2005 law for the protection of children and adolescents, that according to the reports of some NGOs this legislation was not fully in line with the provisions of the Convention of the Rights of the Child, in particular concerning the legal definition of the child and its non-application to many sectors and intervention areas. Italy recommended that the Argentinean authorities adopt the necessary steps to bring their legislation into conformity with the norms and principles for the overall protection of children and adolescents.

### **Conclusion and Recommendations**

The recommendations formulated during the interactive dialogue have been examined by Argentina and the recommendations listed below enjoy the support of Argentina:

- To take further steps to address all kinds of discrimination against women, children, minorities and indigenous peoples. (United Kingdom, Mexico)

- To address the issue of unduly protracted detentions and to promote the use of alternative measures to pre-trial detention, in particular for pregnant women and young children. (Slovenia, Germany, Canada)

- To designate an Ombudsperson for children. (Mexico)

- To continue its efforts to improve the situation of children in detention as recommended by the Committee against Torture and the Committee on the Rights of the Child. (Canada, Italy, Slovenia)

- To adopt a penal system that is in conformity with the Committee on the Rights of the Child recommendations, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines); to prohibit the sentencing to life imprisonment for persons under 18 years of age in conformity with article 37 (a) of the Convention on the Rights of the Child. (Slovenia)

- To continue its efforts to bring its legislation into line with the norms and principles of the overall protection system of children and adolescents. (Italy)