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**Committee on the Rights of the Child****Concluding observations on the combined fifth and sixth periodic reports of Argentina\*****I. Introduction**

1. The Committee considered the combined fifth and sixth periodic reports of Argentina (CRC/C/ARG/5-6) at its 2283rd and 2284th meetings (see CRC/C/SR.2283 and 2284), held on 14 and 15 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the combined fifth and sixth periodic reports of the State party and the written replies to the list of issues (CRC/C/ARG/Q/5-6/Add.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the multi-sectoral delegation of the State party.

**II. Follow-up measures taken and progress achieved by the State party**

3. The Committee welcomes the progress achieved by the State party in various areas, and commends the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2015, the adherence at the provincial level to the Act on the Comprehensive Protection of Children and Adolescents (No. 26.061), and the Education for Equality Act (No. 27.234). It also welcomes the efforts made to address trafficking, including through the establishment of investigative units in a number of provinces.

**III. Main areas of concern and recommendations**

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: right to survival and development (para. 16); torture and institutional violence (para.22); sexual exploitation and abuse (para.25); children deprived of a family environment (para. 28); standard of living (para. 36); and juvenile justice (para 44).

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\* Adopted by the Committee at its seventy-eighth session (14 May-1 June 2018).

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

### **Reservations and declarations**

5. The Committee reiterates its previous recommendations (CRC/C/ARG/3-4, para. 10-12) and encourages the State party to withdraw the reservation to article 21, subparagraphs (b) to (e) on intercountry adoptions. It further recommends that the interpretative declaration to article 24, subparagraph (f) be rendered obsolete in all remaining provinces, with a view to its withdrawal.

### **Legislation**

6. The Committee reiterates its previous recommendations and encourages the State party to finalize pending legal reforms in all provinces (CRC/C/ARG/CO/3-4, para. 14). It also recommends alignment of provincial and municipal legislation with national legal frameworks related to children's rights, particularly the National Act on the Comprehensive Protection of Children and Adolescents (Act No. 26.061), ensuring their standardized implementation.

### **Comprehensive policy and strategy**

7. While welcoming the development of a National Plan of Action for the Rights of Children and Adolescents (2016–2019), the Committee reiterates its previous recommendations (CRC/C/ARG/CO/3-4, para. 18) and encourages the State party to:

(a) Ensure that the plan becomes an integral component of a comprehensive policy and a harmonized strategy for the full implementation of the Convention;

(b) Include specific time-bound and measurable goals and targets in the harmonized strategy, in order to monitor progress in the enjoyment of all rights by all children.

### **Coordination**

8. While recognising the role played by the Federal Council for Children, Adolescents and Family (COFENAF) in linking the National Secretariat for Children, Youth and Family (SENNAF) with its provincial counterparts, the Committee recommends that the State party strengthen the capacities of both, ensuring their mandates and responsibilities are clearly defined as the national leadership and coordinating mechanism for the management and coordination of the Comprehensive Protection System. It further recommends that steps be taken to ensure that the decentralisation criteria, as outlined in Act No. 26.061, do not hinder coordination among provincial entities dealing with child protection, particularly in rural and remote areas.

### **Allocation of resources**

9. While recognising the efforts made by the State party to ensure a sustained increase in social investment, the Committee remains seriously concerned that the level of investment in children by the State party has not been sufficiently high to offset the negative impact of the severe economic and social crisis that began in 2002 and that this has led to increased poverty and social inequality.

10. With reference to its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:

(a) Allocate adequate human, financial and technical resources, at all levels of government, for the implementation of all policies, plans, programmes and legislative measures directed to children, and establish appropriate mechanisms and inclusive processes through which civil society, the public and children can participate in all stages of the budget process, including formulation, implementation and evaluation;

(b) Define budgetary lines for children in disadvantaged or marginalized situations, particularly children with disabilities and indigenous children, that may

require affirmative social measures and ensure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;

(c) Carry out impact assessments of all legal and policy measures that affect children's rights;

(d) Ensure, including through the eradication of corruption in public procurement processes and overpricing of contracts for the provision of public goods and services, that funds allocated to all programmes supporting the realisation of children's rights at the national, provincial and local levels are fully and efficiently spent.

#### Data collection

11. With reference to its general comment No. 5 (2003), on general measures of implementation of the Convention, the Committee recommends that the State party:

(a) Strengthen the capacity of the National Institute of Statistics and Censuses;

(b) Expand the capacity for collecting disaggregated data on children in all areas of the Convention at different territorial levels, especially on children in need of special protection;

(c) Ensure that the data and indicators are shared among relevant ministries and are used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(d) Take steps to fully implement the Integrated Information System on Public Policies related to Children, Adolescents and Family (SIIPPNAF);

(e) Seek technical cooperation from UNICEF.

#### Independent monitoring

12. While welcoming the appointment of an Ombudsperson in five provinces, the Committee recommends that the State party take the necessary measures to ensure that the Bicameral Commission expedite the appointment of a National Ombudsperson for Children and Adolescents, with adequate allocation of human, technical and financial resources. It further recommends that, once appointed, the Ombudsperson :

(a) Be enabled to receive, investigate and address complaints by children in a child-sensitive manner;

(b) Ensure the privacy and protection of child victims, and undertake monitoring, follow-up and verification activities for victims.

(c) Seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

#### Children's rights and the business sector

13. Reiterating its concern at the continued lack of clear guidelines and regulations for business corporations, both national and transnational, on the protection of and respect for children's rights, and with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights, the Committee recommends that the State party:

(a) Establish a legally binding framework for domestic and foreign businesses, ensuring that they are accountable and that their activities do not negatively affect human rights or contravene environmental and other standards, especially those relating to children's rights, including foreign operations;

(b) Require all companies to undertake child-rights due diligence, in particular to carry out periodic child-rights impact assessments, consultations and full public disclosure of the environmental, health-related and human rights impact of their business activities and their plans to address such impact.

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

### **Non-discrimination**

14. The Committee recognises the adoption of anti-discrimination legislation, along with the development of a National Plan against Discrimination. It, however, remains deeply concerned about reports of persisting de facto discrimination, social exclusion and physical, sexual and psychological abuse of children on the grounds of disability, indigenous origin and socioeconomic status. In this regard, the Committee reiterates its previous recommendations (CRC/C/ARG/CO/5-6, para. 33), and urges the State party to:

(a) Ensure full implementation of relevant existing laws prohibiting discrimination, including by strengthening public education campaigns to address negative social attitudes towards indigenous children, children with disabilities, minority children, children from migrant backgrounds, and LGBTI children;

(b) Ensure that children living in rural areas and in indigenous communities are not discriminated against in accessing quality education, adequate health care and housing;

(c) Introduce a unit within the National Institute against Discrimination to address cases of discrimination against children;

(d) Ensure that all cases of discrimination against children are addressed effectively, including by disseminating accessible information about what constitutes discrimination, establishing disciplinary, administrative or, if necessary, penal sanctions, and guaranteeing children's access to psychosocial and legal counselling in cases of discrimination.

### **Right to life, survival and development**

15. While noting the overall decrease in child mortality, the Committee is seriously concerned that the rate of infant mortality remains high in some provinces due to a lack of adequate health care, including pre-natal care for uninsured pregnant women, poverty and inadequate nutrition. The Committee is further concerned about the increased number of cases of suicide and self-inflicted injuries, particularly among children in detention.

16. The Committee urges the State party to:

(a) Strengthen efforts to eradicate the root causes of infant mortality, particularly within the most vulnerable families, including those living in indigenous communities and remote areas;

(b) Undertake a comprehensive assessment of the extent, and causes of suicide with the aim of adopting a preventative policy;

(c) Take effective measures to address the impact of the detention environment on the mental health of children and to prevent child suicides in detention.

### **Right to be heard**

17. The Committee reiterates its previous concluding observations (CRC/C/ARG/CO/3-4, para. 37) and, in light of its general comment No. 12 (2009) on the right of the child to be heard, encourages the State party to ensure that children's views are given due consideration, in the family, at school, in the courts and in all relevant administrative and other processes concerning them through, inter alia, the adoption of appropriate legislation, the training of professionals, including by strengthening the role of lawyers representing children to fully guarantee their right to be heard in legal proceedings, and the establishment of specific activities at schools and general awareness-raising.

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

### Birth Registration

18. While appreciating the efforts made to ensure birth registration in the State party, the Committee remains concerned that inscription is not homogenous across all provinces, and a number of births remain unregistered within certain groups, particularly among adolescent single mothers. Taking note of target 16.9 of the Sustainable Development Goals on providing legal identity for all, including birth registration, and recalling its previous concluding observations (CRC/C/ARG/CO/3-4, para. 41), the Committee recommends that the State party strengthen measures to promote universal and timely birth registration, free of charge, and to increase resources to civil registries and improve coordination with health services. It further recommends that measures be intensified to ensure access to registry offices or mobile units, particularly for those living in remote and rural areas, and indigenous communities.

### Access to appropriate information

19. With reference to its general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:

(a) Expedite the adoption of the new law relating to audio-visual communication, with principles on children's rights as mentioned during the dialogue, and ensure its full implementation;

(b) Take measures to increase access by children to appropriate information, including online, especially for those who live in remote and rural areas and indigenous and migrant children, in conformity with their age, maturity and cultural background;

(c) Adopt measures to protect children from harmful information and products and online risks, and against negative portrayal and discrimination in the media;

(d) Provide training to social communicators and journalists about children's rights;

(e) Expand coverage of and access to the Internet for children living in rural areas.

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

### Corporal punishment

20. The Committee welcomes the prohibition of corporal punishment in all settings. With reference to its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, the Committee recommends that the State party ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings. It further recommends that positive, non-violent and participatory forms of child rearing and discipline are promoted through awareness campaigns, and that steps be taken to ensure that offenders are brought before the competent administrative and judicial authorities.

### Torture and institutional violence

21. While noting as positive the establishment of a National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, in 2017, the Committee remains deeply concerned about:

(a) The unacceptable living conditions and maltreatment and abuse of, and violence against, children in alternative care centres, especially affecting girls and children with disabilities;

(b) The overcrowded and deficient living conditions in juvenile detention facilities and prisons, which can amount to torture or cruel, inhuman or degrading treatment of children;

(c) Reports of violence perpetrated by federal and provincial security forces in police custody, often in cases involving children and adolescents in socially marginalized situations; and the disproportionate use of force against children and adolescents by the security forces, including in schools, along with the justification of such measures;

(d) The high rates of impunity and low numbers of prosecutions and convictions of perpetrators of violence against children, in public care institutions and detention centres;

(e) The insufficient information on remedies and redress for child victims of violence, abuse and neglect in State care.

**22. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against children, the Committee urges the State party to:**

**(a) Adopt a comprehensive strategy to end all abuse of children in institutional care settings, systematically monitor the situation of children in institutions and prioritize investigations of all instances of violence, ensuring the identification and immediate removal of staff responsible for violence and abuse;**

**(b) Expediently adopt a comprehensive strategy to reduce overcrowding in juvenile detention centres and improve the living conditions of children in detention;**

**(c) Take measures to eradicate the disproportionate use of force against children and adolescents by the security forces and take urgent steps to cease police interventions in the school environment;**

**(d) Thoroughly and impartially investigate all allegations of torture, violence, harassment and abuse, including by the police, and ensure that the perpetrators are prosecuted and, if convicted, punished commensurately with the seriousness of their acts;**

**(e) Establish an information management system to track the number of cases of torture and other cruel, inhuman or degrading treatment or punishment of children in all settings, as well as the number of prosecutions of perpetrators and the punishments imposed;**

**(f) Establish a complaints procedure for all children in care and detention centres and provide appropriate remedies.**

#### **Abuse and neglect**

**23. With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party:**

**(a) Expedite the adoption of legislation guaranteeing comprehensive protection of children against violence and ensure its application at all levels;**

**(b) Undertake a broad assessment of the extent, root causes, risk factors and nature of violence against, and abuse or neglect of children, with a view to developing a comprehensive national strategy to prevent and address those phenomena;**

**(c) Adopt a national framework for coordination between administrations and institutions at both national and provincial levels to adequately respond to situations of violence against, and abuse or neglect of, children, paying particular attention to their gender dimensions;**

**(d) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect.**

#### **Sexual exploitation and abuse**

24. The Committee notes as positive the adoption of various legal and policy measures to address sexual abuse and sexual exploitation of children, including the establishment of a Special Unit for the Investigation of Crimes against Sexual Integrity of Girls and Children. However, it remains concerned at the high prevalence of sexual abuse against children, particularly in family settings, and expresses particular concern at references from the State party indicating that, among female victims with disabilities, 35 per cent had suffered some type of violation, while around 50 per cent of the total number of victims with disabilities had been forcibly sexually abused (para. 129).

**25. The Committee draws attention to target 16.2 of the Sustainable Development Goals on ending abuse, exploitation, trafficking and all forms of violence against and torture of children, and recommends that the State party:**

**(a) Introduce early detection and reporting mechanisms for sexual violence and abuse by parents, relatives or caregivers, in close collaboration with child-led organizations and other organizations working on children's rights;**

**(b) Strengthen awareness-raising activities to combat the stigmatization of child victims of sexual exploitation and abuse, including incest, and ensure accessible, confidential, child-friendly and effective reporting channels and judicial procedures for such violations;**

**(c) Increase skills among professionals and strengthen inter-sectoral coordination to address cases of child abuse and expedite the development of care protocols at both the national and provincial level;**

**(d) Establish guidelines and prosecution strategies regarding sexual exploitation and abuse that are gender- and child-sensitive and strengthen the capacity of the Special Unit for the Investigation of Crimes against Sexual Integrity of Girls and Children to conduct criminal proceedings in such cases;**

**(e) Proactively investigate cases of sexual exploitation and abuse of children, prosecute perpetrators and ensure that they are appropriately sanctioned, if convicted.**

#### **Harmful practices**

26. The Committee recommends that the State party develop and implement a rights-based health-care protocol for intersex children, ensuring that no child is subjected to unnecessary surgery or treatment and that children are involved, to the greatest extent possible, in decision-making about their treatment and care. Families with intersex children should be provided with adequate counselling and support.

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

#### **Children deprived of a family environment**

27. While noting as positive the enactment of the Law No. 27.364 on Supported Independent Living for Adolescents and Young People without Parental Care (2017), the Committee remains deeply concerned about:

**(a) The high number of children in residential care and the fact that residential care is, in practice, used as the primary alternative care placement;**

**(b) Insufficient resources and inadequate facilities and overcrowding in some residential care centres;**

**(c) Instances of ill-treatment and degrading treatment of children in residential care centres, including allegations of solitary confinement, medical misdiagnosis and**

incorrect medical treatment, as well as a lack of child-centred monitoring and reporting systems and complaints mechanisms for children;

- (d) Inadequate support for children in their transition from childhood to adulthood.

28. **Recalling the UN Guidelines for the Alternative Care of Children and the Committee's previous recommendations (CRC/C/ARG/CO/3-4, para. 53) the Committee recommends that the State party increase the resources allocated to efforts to prevent the separation of children from their families and ensure the sufficient provision of support and assistance, including subsidies and professional support, particularly to families in disadvantaged or marginalized situations. It also recommends that the State party:**

- (a) Expedite the process of deinstitutionalization, ensuring that residential care is used as a measure of last resort, and ensure that all remaining residential care centres meet at least the minimum quality standards;

- (b) Establish strict criteria for taking children into alternative care and ensure that decisions on child removal are always made or reviewed by a judge and only after thorough assessment of the best interests of the child in each particular case;

- (c) Enhance efforts aimed at the promotion of family foster care and improving and developing the skills of foster parents and families and professional specialized carers;

- (d) Ensure humane and dignified conditions in remaining centres for children with behavioural or social difficulties and thoroughly investigate any allegations of abuse or ill-treatment committed in these centres;

- (e) Constantly supervise the quality of alternative care provided to children, including by providing accessible channels for reporting, monitoring and remedying ill-treatment of children and ensure accessible complaints mechanisms for children in State residential and foster care;

- (f) Ensure full implementation of Law 27.364 of 2017 and its programmes to help children in care to transition to adulthood.

## **F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)**

### **Children with disabilities**

29. Welcoming the establishment of the National Disability Agency under Decree No. 698/2017, the Committee refers to its general comment No. 9 (2006) on the rights of children with disabilities, and urges the State party to fully implement a human rights-based approach to disability and recommends that the State party:

- (a) Incorporate a disability perspective into Act No. 26.061 and the system for the comprehensive protection of children's and adolescents' rights;

- (b) Expedite the Second National Accessibility Plan and ensure its implementation with regard to the inclusion of children with disabilities;

- (c) Ensure equal access to good-quality inclusive education in mainstream schools for children with disabilities, and prioritize inclusive education over the placement of children in specialized institutions and classes;

- (d) Establish appropriate channels through which appeals against education placement decisions may be lodged;

- (e) Organize the collection of data on children with disabilities, increase resources in mainstream schools to match the diversity of students, and develop an efficient system for identifying the individual support needs of children;

- (f) Take comprehensive measures to address existing differences between provinces regarding the transformation to an inclusive education system;



(g) Provide high-quality ongoing training for all education personnel in mainstream classes and ensure the provision of sufficient individual support for and due attention to children with learning difficulties;

(h) Ensure that children with disabilities have access to health care, including early detection and intervention programmes;

(i) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization of and prejudice against children with disabilities and promote a positive image of such children as rights holders;

(j) Intensify efforts towards ending discrimination against children with disabilities and ensure that they are covered by health insurance schemes and receive the services and benefits, such as pensions and housing, to which they are entitled.

#### Health and health services

30. With reference to its General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, and its previous recommendations (CRC/C/ARG/CO/3-4, para. 59) the Committee recommends that the State party:

(a) Undertake a comprehensive review of the national healthcare system to address the disparities in health services, particularly mother and child health services, and develop national standards on the quality of care to eliminate differences in terms of clinical practices between the provinces.

(b) Take urgent steps to address the persistently high rates of maternal and neonatal mortality;

(c) Ensure availability of and equitable access to quality primary and specialised health care for children in all provinces, particularly those from socially and economically disadvantaged groups, including indigenous children;

(d) Increase the number of paediatricians and ensure that all medical specialists providing health services to children acquire additional specialized skills and expertise and receive further training on child and adolescent care.

#### Mental health

31. The Committee recalls its previous recommendation (CRC/C/ARG/CO/3-4, para. 49) and recommends that the State party:

(a) Take steps to implement the Mental Health Act (No. 26.657) across all provinces;

(b) Promote the development of a mental health policy for children and ensure that qualified staff, including child psychiatrists, are available in all provinces;

(c) Establish mental health services and programmes for children, ensuring outpatient services for psychosocial care and rehabilitation in rural and urban areas, with a particular focus on suicide prevention;

(d) Establish a protocol for the diagnosis and treatment of attention deficit hyperactivity disorder and other behavioural disorders in children, encourage the development of medication-free alternatives and ensure that psychotropic and psychostimulant drugs are prescribed as a measure of last resort.

#### Adolescent health

32. With reference to its general comments No. 20 (2016) on the implementation of the rights of the child during adolescence and No. 4 (2003) on adolescent health, and noting with concern the barriers that adolescents continue to face in accessing sexual and reproductive health-care services and education, the high incidence of teenage pregnancy and elevated risks of maternal mortality among adolescent mothers, and the

insufficient access to modern methods of contraception and family planning, the Committee recommends that the State party:

(a) Ensure that sexual and reproductive health education is part of the mandatory school curriculum, and that it is developed with the involvement of adolescent girls and boys, with special attention paid to preventing early pregnancy and sexually transmitted infections;

(b) Ensure access to safe abortion and post-abortion care services for adolescent girls, ensuring that their views are always heard and given due consideration as part of the decision-making process;

(c) Ensure that information about family planning methods and modern contraceptives is available for adolescents in accessible and confidential formats and in indigenous languages.

#### **Nutrition**

33. The Committee remains concerned at continuing reports of malnutrition affecting children in the north-western provinces, and recommends that the State party:

(a) Take steps to urgently address cases of malnutrition in affected provinces, and systematically collect data on food security and nutrition for children, including those relevant to breastfeeding, overweight and obesity, in order to identify the root causes of child food insecurity and malnutrition;

(b) Regularly monitor and assess the effectiveness of policies and programmes on child food security and nutrition, including school meal programmes and programmes addressing infants and young children;

(c) Ensure that all the provisions of the International Code of Marketing of Breast-milk Substitutes are integrated into national laws to appropriately regulate the promotion of breast-milk substitutes and strengthen the promotion of exclusive breastfeeding for at least six months.

#### **Environmental health**

34. The Committee is concerned about the well-documented harmful impacts of open-pit mining activities and use of agrochemicals, in particular by third parties such as private and transnational corporations, on the environment and health of children living in areas where mining and soya bean production are carried out. It recommends that the State party enhance implementation of legislative and other measures to protect the physical and mental health of children, particularly indigenous children, from environmental harm caused by third parties and ensure that the impacts of mining and agrochemicals on underlying determinants of health, such as food, safe drinking water and sanitation, are minimised and that the responsible entities are held accountable and victims afforded effective remedies.

#### **Standard of living**

35. The Committee is seriously concerned that levels of multidimensional poverty and child poverty remain high, while social protection systems available to children are limited, in particular during early childhood and for indigenous children, children with disabilities and children living in remote areas. It is further concerned that the financial crisis had a negative impact on the social protection systems in the State party, resulting in insufficient coverage and delays in the processing of benefit allowances for children and their families, particularly at the provincial level. It is also concerned about cases of children living in housing of substandard quality and with limited access to basic services including clean and safe drinking water and sanitation, particularly indigenous children and children with a migrant background.

36. The Committee draws attention to target 1.3 of the Sustainable Development Goals on implementing nationally appropriate social protection systems and measures

for all, and recommends that the State party strengthen comprehensive social protection policies for children and their families, with a specific focus on children and families at risk and in most need of support. It further recommends that the State party:

(a) Strengthen the support available to children living below the poverty line, in particular those in single-parent families, families with three or more children, families with children with disabilities and families of indigenous children and ensure that social protection measures cover the real costs of a decent standard of living for children, including expenses relevant to their right to health, nutritious diet, education, adequate housing, water and sanitation;

(b) Simplify procedures for families with children in vulnerable situations to have quick and adequate access to social protection in diverse forms, such as financial aid, services and counselling, in addition to existing tax advantages;

(c) Consider holding targeted consultations with families, children and organizations working in the field of children's rights on the issue of child poverty to identify its causes and solutions;

(d) Improve the provision of housing and basic services and adopt a legal and policy framework for ensuring the enjoyment of the rights to drinking water and to sanitation;

(e) In accordance with paragraph 31 of General Comment 19, take into consideration that in times of economic crisis, regressive measures may only be considered after assessing all other options and ensuring that children are the last to be affected, especially children in vulnerable situations, and that the immediate and minimum core obligations imposed by children's rights shall not be compromised by any retrogressive measures, even in times of economic crisis.

## **G. Education, leisure and cultural activities (arts. 28–31)**

**Education, including vocational training and guidance**

37. With reference to its general comment No. 1 (2001) on the aims of education and taking note of target 4.1 of the Sustainable Development Goals on ensuring that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, the Committee urges the State party to foster a national dialogue on the basic and structural characteristics of the education system and to protect resources dedicated to education and training for children in all provinces. The Committee also recommends that the State party:

(a) Allocate sufficient financial resources for the development and expansion of early childhood education, based on a comprehensive and holistic policy of early childhood care and development, and strengthen measures to increase access to school places and support across all provinces, particularly for children between 3 and 4 years;

(b) Guarantee access to high-quality mandatory education for all children, including coverage of related indirect costs;

(c) Actively develop measures to ensure that indigenous children and children with migrant backgrounds have adequate support to remain in school and ensure equal access to high-quality education;

(d) Take measures to tackle the high percentage of school dropout, especially in secondary education, bearing in mind the barriers to accessing education due to socioeconomic inequalities;

(e) Establish a strategy to combat bullying and harassment, including cyberbullying, that encompasses prevention, early detection mechanisms, the empowerment of children and professionals, intervention protocols and harmonized guidelines for the collection of case-related data;

(f) Seek technical cooperation from UNICEF.

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

### Asylum seeking and refugee children

38. With reference to its general comments No. 22 (2017) on the general principles regarding the human rights of children in the context of international migration and No. 23 (2017) on State obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination and return, issued jointly with the Committee on Migrant Workers, along with its general comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin, and recalling its previous recommendations (CRC/C/ARG/CO/3-4, para. 72), the Committee recommends that the State party:

(a) Adopt all the necessary decrees and administrative procedures to facilitate the effective implementation of Refugee Law No. 26.165, in line with the right of the child to have his or her best interests taken as a primary consideration in all decisions related to the transfer of any asylum-seeking or refugee children from Argentina;

(b) Ensure effective legal protection for unaccompanied children across all its territory and ensure that the principle of *non-refoulement* is applied and that the best interests of the child are taken into account as a primary consideration, and provide additional training and guidance to relevant professionals on assessing the best interests of the child;

(c) Develop and implement a national policy or strategy which ensures adequate assistance for asylum-seekers, including access to social services, effective local integration and measures that facilitate access to work and income generating opportunities of parents and/or caregivers of refugee children;

(d) Establish child-friendly reception centres for children, with accessible and effective complaints mechanisms, and thoroughly investigate any cases of violations of children's rights.

### Children in situations of migration

39. The Committee is concerned about the continued application of the Decree of Necessity and Emergency No. 70/2017, despite it being deemed unconstitutional, and its potential negative impact on family unity and the best interests of migrant children. The Committee urges the State party to repeal Decree No. 70/2017 in order to ensure that in migration cases, the right of the child to have his or her best interests taken as a primary consideration is upheld, while family unity is preserved.

### Economic exploitation, including child labour

40. While welcoming the adoption of Law No. 26.390 on the Prohibition of Child Labour and Protection of Adolescent Labour, and the ratification of ILO Convention No.182 on the Worst Forms of Child Labour (1999), the Committee recommends that the State party intensify its efforts to eliminate child labour in practice, by establishing multi-sectoral programmes at the local and regional levels to combat child labour.

### Children in street situations

41. The Committee is concerned about the limited information provided on children in street situations. It recommends that the State party take measures to monitor the situation of these children, particularly given the current economic context, and that it develop policies to protect and support children living in street situations, and their families, if appropriate.

### Sale, trafficking and abduction

42. The Committee welcomes the considerable efforts made by the State party to address trafficking, including through the adoption of the Law on the Prevention and

**Sanction of Trafficking in Persons and Assistance to its Victims (No. 26.482), and recommends that it:**

(a) **Strengthen implementation of the National Programme for Rescue and Accompaniment of Victims of Human Trafficking and Exploitation, ensuring the provision of adequate shelter for victims in all provinces;**

(b) **Strengthen the capacity of, inter alia, police officers, border guards, consular service officials, labour inspectors and social workers to identify child victims of trafficking;**

(c) **Promote measures for increased collaboration among provinces and resources to provide child victims with free legal aid and the support of child psychologists and social workers in shelters that cater for the needs of child victims.**

#### **Administration of juvenile justice**

43. The Committee remains deeply concerned that the majority of its previous recommendations regarding administration of juvenile justice have yet to be implemented (CRC/C/ARG/CO/5-6, para. 80). It is particularly concerned that:

(a) The juvenile justice system continues to be administered by Act No. 22.278, despite its inconsistency with the Convention;

(b) The discretionary practice of detaining children and adolescents for their 'protection', and not necessarily because they have committed a crime persists;

(c) Overcrowding, poor nutrition, inadequate bedding and sanitation facilities, combined with lack of education and training opportunities, have resulted in appalling living conditions in many juvenile detention centres;

(d) A large number of children continue to be placed in juvenile correctional and educational facilities which are isolated from the wider community, and have limited contact with family;

(e) Despite the State party's compliance with the judgement issued by the Inter-American Court of Human Rights in 2013, to refrain from sentencing children to life imprisonment or equivalent terms, subsequent sentencing by Courts in some provinces has resulted in penalties amounting from 20 to 27 years.

44. **Reiterating its previous recommendations, and with reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) **Adopt a comprehensive law on juvenile justice consistent with the Convention and international standards on juvenile justice, particularly in relation to ensuring that detention is used as a last resort and for the shortest possible period of time, and that it does not include provisions that will increase sentencing or reduce the age of criminal responsibility;**

(b) **Urgently address detention facilities across all provinces, and ensure that they are compliant with international standards, and that independent monitoring is in place;**

(c) **Promote non-judicial measures, such as diversion, probation, mediation, counselling or community service, and wherever possible use alternative measures at sentencing**

(d) **In cases where detention is unavoidable, ensure that the children are not detained together with adults and ensure that they have access to family, and/or a guardian;**

(e) **Fully comply with the judgement issued by the Inter-American Court of Human Rights, and refrain from sentencing children to prison terms that may amount to life imprisonment;**

(f) Ensure the provision of free, qualified and independent legal aid to children in conflict with the law at an early stage of the procedure and throughout the legal proceedings;

(g) Seek technical cooperation from, among others, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and UNICEF.

**Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography**

45. While noting the State party's efforts to implement the Committee's 2010 recommendations concerning the State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/ARG/CO/1), the Committee recommends that the State party:

(a) Strengthen coordination at the provincial and local levels and establish monitoring mechanisms for the periodic evaluation of the implementation of the recommendations under the Optional Protocol;

(b) Increase the resources allocated to awareness-raising campaigns and develop training materials and courses for relevant professionals, including police officers and labour inspectors;

(c) Increase efforts to prevent and combat the sexual exploitation of children in the context of travel and tourism;

(d) Bring its penal code into full compliance with articles 2 and 3 of the Optional Protocol and establish a strong legal protection system against sale and trafficking of children and establish a secure system of adoption that respects the best interests of the child.

**Follow-up to the Committee's previous concluding observations and recommendations concerning the Optional Protocol on the involvement of children in armed conflict**

46. The Committee regrets the insufficient information provided in relation to the implementation of the Committee's 2010 recommendations concerning the State party's initial report under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/C/OPAC/ARG/CO/1). The Committee requests that such information be included in the State party's next report under the Convention, and reiterates its recommendations to the State party, in particular to ensure that violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities be explicitly criminalized in the legislation of the State party (see CRC/C/OPAC/ARG/CO/1, para. 14 (a)).

## **J. Cooperation with regional bodies**

47. The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.

## **IV. Implementation and reporting**

### **A. Follow-up and dissemination**

48. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined fifth and

sixth periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.

## **B. Next report**

49. The Committee invites the State party to submit its seventh periodic report by 2 January 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.

50. The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.

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