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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-second session**  
23 January–3 February 2023

## **Argentina**

### **Compilation of information prepared by the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the outcome of the previous review.<sup>1</sup> It is a compilation of information contained in relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

#### **II. Scope of international obligations and cooperation with human rights mechanisms**

2. In 2019, Argentina was one of the five countries that topped the Human Rights Committee's ranking for the implementation of selected recommendations.<sup>2</sup> Argentina received an "A" rating for the decision of the Tucumán Supreme Court to release and acquit Belén, a young woman accused of terminating her pregnancy.<sup>3</sup>

3. Argentina contributed in 2018 to the funds administered by OHCHR.<sup>4</sup>

#### **III. National human rights framework**

##### **1. Constitutional and legislative framework**

4. Following her visit to Argentina, the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, acknowledged that the Argentinian legal and institutional framework was anchored in a Constitution that recognized human rights and elevated the ratified instruments to the Constitutional rank. She also stressed that progress could still be made to maximize the use of resources for the realization of human rights and avoid any retrogression.<sup>5</sup>

5. The United Nations country team welcomed the approval of the National Act for a Comprehensive Response to HIV, Viral Hepatitis, Other Sexually Transmitted Diseases and Tuberculosis.<sup>6</sup>

6. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families requested Argentina to revise any local legislative frameworks that did not comply with international instruments.<sup>7</sup>



## **2. Institutional infrastructure and policy measures**

7. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, and the United Nations country team in Argentina noted with concern the failure to appoint a national ombudsman since 2009.<sup>8</sup> The Special Rapporteur on the right to food recommended that Argentina initiate the selection process and appoint a national ombudsman in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).<sup>9</sup>

8. The Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment noted progress achieved through the creation of the National Committee for the Prevention of Torture.<sup>10</sup> The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment recommended ensuring the full independence, impartiality and professionalism of the national preventive mechanism in full compliance with the Paris Principles, and establishing local preventive mechanisms in all provinces without further delay.<sup>11</sup>

9. The Committee on Economic, Social and Cultural Rights was concerned that the levels of effective protection of the rights enshrined in the Covenant, in particular for disadvantaged individuals and groups, had been reduced as a result of inflation and austerity measures.<sup>12</sup> It recommended preserving budget lines related to social investment in the most disadvantaged groups and facilitating the effective and sustainable implementation of public policies to safeguard their economic, social and cultural rights.<sup>13</sup>

10. The same Committee was concerned about the high degree of social inequality in Argentina and recommended taking the measures necessary to preserve and strengthen the redistributive capacity of the tax system.<sup>14</sup>

11. The same Committee recommended creating a new institutional architecture for the national statistical system to enhance the technical independence of the statistical agency.<sup>15</sup>

## **IV. Promotion and protection of human rights**

### **A. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Equality and non-discrimination**

12. According to the United Nations country team, the use of discriminatory and stigmatizing language had recently become more widespread in Argentina, affecting mainly women, lesbian, gay, bisexual, transgender, queer and intersex persons, Indigenous Peoples, migrants and persons of African descent.<sup>16</sup> It was recommended that Argentina pay special attention to the needs and interests of groups that suffer multiple forms of discrimination and implement specific policies, including for the production and dissemination of data and statistics on the situation of those groups, the promotion of their participation in decision-making spaces and the advancement of all their rights.<sup>17</sup>

13. While taking note of the work done by the National Institute to Combat Discrimination, Xenophobia and Racism, including its awareness-raising campaigns, the Committee on Migrant Workers was concerned about the persistent messages linking migrants with crime and insecurity, both from the authorities and from the media.<sup>18</sup> It recommended strengthening public policies and programmes aimed at preventing and eradicating xenophobia at all State levels; taking account of the recommendations made by the Office of the Ombudsperson for Audiovisual Communication Services regarding the rights of migrants.<sup>19</sup>

14. The Committee on Economic, Social and Cultural Rights recommended implementing the National Plan against Discrimination and revising it to include new goals and strategies, with the participation of the groups concerned; paying special attention to the needs and interests of groups that experienced multiple discrimination and implementing coordinated policies to address it; and strengthening the training of public officials of the

different State authorities and different jurisdictions with regard to gender and Indigenous Peoples' rights.<sup>20</sup>

15. The Committee on the Rights of the Child recommended strengthening public education campaigns to address negative social attitudes towards Indigenous children, children with disabilities, minority children, children from migrant backgrounds, and lesbian, gay, bisexual, transgender and intersex children.<sup>21</sup>

## **2. Right to life, liberty and security of person, and freedom from torture**

16. The Special Rapporteur on torture received several consistent allegations of excessive use of force by law enforcement officials in the context of forced evictions and demonstrations, and about arbitrary arrests for the mere purpose of identity checks or other reasons not linked to criminal conduct.<sup>22</sup> He also received allegations concerning the use of suffocation techniques, particularly during transfers in police vehicles to police stations after arrest.<sup>23</sup> He called upon all law enforcement agencies to implement a strict policy of zero tolerance for any form of police brutality and other excessive use of force.<sup>24</sup> He recommended ensuring that all acts of torture were criminalized and punishable by appropriate penalties that took into account their grave nature.<sup>25</sup>

17. The Subcommittee on Prevention of Torture noted serious concerns, such as the systematic use of pretrial detention, the large number of people being held in detention, including for very long periods, and overcrowding in places of deprivation of liberty.<sup>26</sup>

18. The Special Rapporteur on torture was alarmed by the widespread use of police stations to hold detainees for prolonged periods or even permanently due to the chronic overcrowding in pretrial detention facilities.<sup>27</sup> He recommended immediately ceasing the practice of holding detainees in police stations and other facilities not designed for long-term detention,<sup>28</sup> and comprehensively reforming the administration of the justice system with a view to moving away from the current focus on punitive retribution and towards the rehabilitation and reintegration of offenders.<sup>29</sup> The Special Rapporteur recommended ensuring that all law enforcement officials and prison staff in every province received initial and regularly recurring training on human rights, including on the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).<sup>30</sup>

19. The same Special Rapporteur noted that in some detention institutions, the infrastructure and the conditions of detention were incompatible with human dignity.<sup>31</sup> The Subcommittee on Prevention of Torture observed deplorable living conditions in many places of deprivation of liberty.<sup>32</sup> The Special Rapporteur recommended allocating the funds necessary for the renovation and/or replacement of outdated detention facilities, and ensuring that conditions of detention fully complied with international standards, most notably the Nelson Mandela Rules.<sup>33</sup>

20. According to the United Nations country team, most persons deprived of their liberty did not have access to rehabilitation programmes owing to the insufficient availability of activities and equipment. Structural and staffing limitations and overcrowding also hindered access to rehabilitation activities.<sup>34</sup> It was reported that women and lesbian, gay, bisexual, transgender and intersex persons within the prison population were discriminated against, mainly owing to a lack of medical assistance.<sup>35</sup>

## **3. Administration of justice, including impunity, and the rule of law**

21. The United Nations country team indicated that the juvenile criminal justice systems and legislation of Argentina were incompatible with the Convention on the Rights of the Child and that there were major differences from one province to the next, since each province developed its own criminal procedures. It added that the absence of a national framework law allowed scope for such differences.<sup>36</sup> The Committee on the Rights of the Child recommended adopting a comprehensive law on juvenile justice consistent with the Convention on the Rights of the Child and international standards on juvenile justice.<sup>37</sup>

22. The Committee on the Rights of the Child was concerned about the unacceptable living conditions, maltreatment and abuse of, and violence against, children in alternative care centres, especially affecting girls and children with disabilities; and at the overcrowded

and deficient living conditions in juvenile detention facilities and prisons.<sup>38</sup> The Committee recommended adopting a comprehensive strategy to reduce overcrowding in juvenile detention centres; improving the living conditions of children in detention;<sup>39</sup> and addressing the impact of the detention environment on the mental health of children and preventing child suicide in detention.<sup>40</sup>

23. The same Committee also recommended adopting a comprehensive strategy to end all abuse of children in institutional care settings; and systematically monitoring the situation of children in institutions.<sup>41</sup> It further recommended ensuring that the prohibition of corporal punishment was adequately monitored and enforced in all settings.<sup>42</sup>

24. The Special Rapporteur on torture recommended that the relevant authorities, in addressing the challenges posed by juvenile offenders, urgently introduce and/or strengthen alternatives to the deprivation of liberty that focused on education and reintegration, in line with the best interests of the child.<sup>43</sup>

25. The United Nations country team indicated that Argentina had made steady progress in judicial proceedings for the prosecution of those responsible for crimes against humanity during the last military dictatorship. However, despite that progress, there were delays in the higher appeal courts and at the investigation and trial stages.<sup>44</sup> The Special Rapporteur on torture urged the Government of Argentina to allocate sufficient resources to ensure the timely processing and adjudication of the remaining cases and trials for crimes against humanity.<sup>45</sup>

#### **4. Fundamental freedoms and the right to participate in public and political life**

26. The Committee on Economic, Social and Cultural Rights was concerned at reports of threats and violence, in recent years, against defenders of the human rights of Indigenous Peoples, and at the trend towards violent confrontation and criminalization of persons who sought the restitution of Indigenous territories.<sup>46</sup> It recommended adopting a comprehensive policy for the protection of human and environmental rights defenders, including actions to prevent attacks against them, and moving forward with investigations of State agents identified as bearing responsibility for acts of violence against Indigenous communities.<sup>47</sup>

#### **5. Right to privacy**

27. Following his visit to Argentina, the Special Rapporteur on the right to privacy stated that privacy impact assessments should be made mandatory by law as a prerequisite for the deployment of all surveillance technologies.<sup>48</sup> He recommended revising the Personal Data Protection Act (Act No. 25.326, of 2000); and urged the Government of Argentina to create an administrative task force, in full collaboration with and possibly under the direction of the Agency for Access to Public Information, in order to translate the recommendation into law, practise and policy.<sup>49</sup>

#### **6. Prohibition of all forms of slavery, including trafficking in persons**

28. The Committee on Economic, Social and Cultural Rights expressed concern that most of the country's mechanisms for combating trafficking in women were geared towards emergency care and that there were no programmes of sustained medium- or long-term assistance for victims of trafficking.<sup>50</sup> The Committee on Migrant Workers recommended ensuring that all offences of trafficking in persons were promptly, effectively and impartially investigated, tried and punished.<sup>51</sup>

#### **7. Right to work and to just and favourable conditions of work**

29. The Committee on Economic, Social and Cultural Rights was concerned about the increase in unemployment, which had had a disproportionate impact on disadvantaged groups.<sup>52</sup> It recommended adopting specific measures to reduce unemployment while protecting existing jobs, and placing special emphasis on women, young people and residents of rural areas; and continuing to evaluate the impact of structural adjustment measures on employment, especially among disadvantaged groups.<sup>53</sup>

30. The same Committee also recommended bringing workers in the informal sector into the formal sector and ensuring that they were covered by labour laws and had access to social protection.<sup>54</sup>

31. The Committee on Migrant Workers was concerned that textile workers were employed with no written contract, worked long hours and in many cases lived with their children in the workplace.<sup>55</sup> It recommended ensuring that regular inspections were made by trained labour inspectors in order to encourage reporting to the labour authorities of cases of abuse and exploitation by employers; effectively investigating cases of abuse and exploitation, and prosecuting and punishing perpetrators appropriately; and stepping up information campaigns targeting migrant workers so as to prevent and combat abuse and exploitation in the workplace.<sup>56</sup>

32. The United Nations country team indicated that the lack of employment opportunities for young persons had been reflected in the youth unemployment rate, which had been more than twice as high as the average rate for the workforce during the coronavirus disease (COVID-19) pandemic.<sup>57</sup> The crisis was primarily affecting migrants and women.<sup>58</sup> It added that, while affirmative action had been taken to support access to employment for persons with disabilities, there were specific constraints for underrepresented groups and barriers to participation for those who needed special support.<sup>59</sup>

33. The Committee on Economic, Social and Cultural Rights urged Argentina to protect persons involved in trade union activities, prevent and punish all forms of reprisal, and ensure the effective implementation of the rights to collective bargaining and trade union representation.<sup>60</sup>

## **8. Right to social security**

34. The Committee on Economic, Social and Cultural Rights was concerned at the negative impact of the Social Benefits Reform Act, and about the mass suspension of non-contributory pensions for persons with disabilities, without proper guarantees of due process.<sup>61</sup> It recommended reinstating the pensions that had been cancelled without due process; ensuring that all future measures concerning pensions complied with the principle of non-retrogression in the beneficiaries' enjoyment of economic, social and cultural rights, in particular with regard to non-contributory pensions and disability pensions; and strengthening other social measures, such as the Universal Child Allowance.<sup>62</sup>

35. The Committee on the Rights of the Child recommended strengthening 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.<sup>63</sup>

## **9. Right to an adequate standard of living**

36. The United Nations country team was concerned about the alarming levels of poverty and inequality, the food emergency and the persistently high inflation rate.<sup>64</sup> The Committee on Economic, Social and Cultural Rights recommended adopting and implementing a comprehensive, long-term poverty reduction strategy with specific, measurable targets and a human rights approach; ensuring the universal coverage of social programmes, protecting benefits from the effects of inflation; and adopting further measures to control increases in the prices of those basic services.<sup>65</sup>

37. The Committee on Economic, Social and Cultural Rights regretted the lack of express recognition and protection of the right to food in the Constitution.<sup>66</sup> The Special Rapporteur on the right to food recommended that Argentina develop and adopt a rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region. She also recommended that Argentina fulfil its legal obligations to uphold the right to food during national economic crises, protect and promote family farming as a production model, improve monitoring and control systems to prevent the excessive use of pesticides and implement the voluntary guidelines of the Food and Agriculture Organization of the United Nations for activities related to national agricultural policies.<sup>67</sup>

38. The Special Rapporteur on the right to food considered it crucial that nutrition policies should be comprehensive, address all forms of malnutrition, including obesity and

micronutrient deficiencies, and have adequate financial support.<sup>68</sup> The Committee on the Rights of the Child recommended urgently addressing cases of malnutrition in affected provinces, and systematically collecting data on food security and nutrition for children, to identify the root causes of child food insecurity and malnutrition.<sup>69</sup> The United Nations country team indicated that the Act to Promote Healthy Eating (also known as the Front-of-Package Labelling Act) has been approved.<sup>70</sup> The Committee on Economic, Social and Cultural Rights recommended discouraging the consumption of unhealthy foods and beverages.<sup>71</sup>

39. The Committee on Economic, Social and Cultural Rights recommended ensuring the implementation of Act No. 27.118 on family farming by promptly adopting relevant regulations; and taking steps to strengthen security of land tenure for smallholder farming communities and Indigenous Peoples.<sup>72</sup>

40. The same Committee was concerned about the increase in informal settlements without access to basic services, and at documented allegations of evictions enforced with violence.<sup>73</sup> It recommended adopting a regulatory and institutional framework concerning evictions, including protocols for public intervention; implementing solutions that were commensurate with the magnitude of the country's housing problem, and strengthening measures to make available urban lots that were well situated for social housing developments.<sup>74</sup>

## 10. Right to health

41. The Committee on Economic, Social and Cultural Rights was concerned about the deterioration of the health infrastructure in certain regions of Argentina, and recommended improving health services and ensuring equal access to quality health services.<sup>75</sup>

42. The Committee on the Rights of the Child recommended undertaking a comprehensive review of the national health-care system to address the disparities in health services, and developing national standards on the quality of care to eliminate differences in clinical practices between the provinces.<sup>76</sup>

43. The Committee on Economic, Social and Cultural Rights recommended adopting a ban on tobacco advertising, an increase in the tobacco tax and measures to disseminate information on the negative effects of tobacco on the health, with an emphasis on the protection of children and young people.<sup>77</sup>

44. The same Committee was concerned that confinement in psychiatric institutions continued to be the country's primary response in the field of mental health.<sup>78</sup> The United Nations country team was concerned that the National Mental Health Act was not being fully implemented.<sup>79</sup> The Committee on Economic, Social and Cultural Rights recommended replacing the system of public and private psychiatric institutions with a comprehensive, integrated, interdisciplinary system of community-based mental health services, pursuant to the National Mental Health Plan.<sup>80</sup> The Special Rapporteur on torture recommended that the relevant authorities systematically monitor the living conditions and treatment of patients in psychiatric hospitals and similar institutions, and take all measures necessary to ensure full compliance with the Convention on the Rights of Persons with Disabilities.<sup>81</sup>

45. The Committee on Economic, Social and Cultural Rights was concerned at the high number of unsafe abortions, which was directly linked to maternal mortality.<sup>82</sup> The United Nations country team considered the adoption of Act No. 27.610 on Access to Voluntary Termination of Pregnancy a very important step forward. However, it noted that there were obstacles to the implementation of the Act in a number of jurisdictions.<sup>83</sup> The Committee on Economic, Social and Cultural Rights recommended establishing the necessary services to ensure access to abortion, and ensuring the supply of short- and long-term contraceptives throughout the national territory.<sup>84</sup>

46. The Committee on the Rights of the Child recommended ensuring that sexual and reproductive health education was part of the mandatory school curriculum, with special attention paid to preventing early pregnancy and sexually transmitted infections; and ensuring that information about family planning methods and modern contraceptives were available for adolescents in accessible and confidential formats.<sup>85</sup>

## 11. Right to education

47. During the COVID-19 pandemic, the United Nations country team identified significant gaps and inequality in technological coverage across different provinces and households of different socioeconomic standings and between rural and urban areas. It considered the improvement of educational opportunities, learning paths and quality of teaching to be a priority.<sup>86</sup>

48. The Committee on the Rights of the Child recommended guaranteeing access to high-quality mandatory education for all children, including coverage of related indirect costs; tackling the high school dropout rate, especially in secondary education, bearing in mind the barriers to access to education owing to socioeconomic inequalities; and establishing a strategy to combat bullying and harassment.<sup>87</sup>

49. The Committee on Economic, Social and Cultural Rights recommended increasing social expenditure on education; and developing a comprehensive public education policy that guaranteed the right to inclusive education.<sup>88</sup>

50. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Argentina should be encouraged to continue efforts to provide an inclusive educational environment for Indigenous communities; and to consider amending the Civil Code to establish judicial dispensation as the only exception to the minimum age of marriage, due to the potentially adverse effects of the current framework on girls' right to education.<sup>89</sup>

## 12. Cultural rights

51. The Committee on Economic, Social and Cultural Rights recommended ensuring the preservation and use of all Indigenous languages in Argentina.<sup>90</sup>

52. The same Committee expressed concern at the high concentration of media outlets in the hands of a few, as that limited pluralism and hampered the access of disadvantaged groups and Indigenous Peoples to licences and financing for the development of audiovisual media. It recommended strengthening the policy and institutional framework for the management of world cultural heritage sites, including by providing for full participation by the population; and strengthening the access of disadvantaged groups to communication media.<sup>91</sup>

## 13. Development, the environment, and business and human rights

53. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, was concerned about the negative effects of economic and financial crises and the recurring debts of Argentina. She recommended that the guiding principles on human rights impact assessments of economic reforms should be endorsed and applied.<sup>92</sup>

54. The Committee on Economic, Social and Cultural Rights expressed concern about plans for large-scale exploitation of unconventional fossil fuels in Argentina, and recommended ensuring compliance with the Paris Agreement commitments. It also encouraged Argentina to promote alternative and renewable energy sources, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.<sup>93</sup>

55. The Special Rapporteur on the right to food was concerned about soil depletion and land degradation associated with soybean production and about the rate of loss of forest cover in Argentina, which, according to the Food and Agriculture Organization of the United Nations, was one of the countries that had lost the most forest cover.<sup>94</sup>

56. The Committee on Economic, Social and Cultural Rights was concerned about the negative impact that the use of specific methods of unconventional oil and gas exploitation could have on the environment.<sup>95</sup> It recommended adopting a regulatory framework for hydraulic fracturing, including impact assessments in all provinces, preceded by consultations with the communities concerned.<sup>96</sup>

57. The same Committee was deeply concerned about the increased use in Argentina of pesticides and herbicides that contained glyphosate, and recommended adopting a regulatory framework that included the application of the precautionary principle with regard to the use of harmful pesticides and herbicides.<sup>97</sup>

58. The Committee on the Rights of the Child was concerned about the harmful effects of open-pit mining activities and the use of agrochemicals, in particular by third parties, for the environment and the health of children living in areas where mining and soya bean production were carried out. It recommended strengthening the 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. It also recommended ensuring that the impact of mining and agrochemicals on underlying determinants of health, such as food, safe drinking water and sanitation, was minimized and that the entities responsible were held accountable and victims afforded effective remedies.<sup>98</sup>

59. The Independent Expert on foreign debt and human rights, particularly economic, social and cultural rights, recommended strengthening measures for ensuring coherence in all areas of public policy and for monitoring corporate conduct, while devoting particular attention to the role of businesses in the diversion of State resources.<sup>99</sup>

## **B. Rights of specific persons or groups**

### **1. Women**

60. The Committee on Economic, Social and Cultural Rights was concerned about the seriousness of violence against women and girls.<sup>100</sup> The United Nations country team indicated that cases of violence and femicide had increased during the COVID-19 pandemic.<sup>101</sup> The Committee on Economic, Social and Cultural Rights urged Argentina to adapt the judicial system to the needs of victims of gender-based violence; establish specific budget lines for free specialized legal aid for women throughout the country; and establish shelters and safe houses that provided suitable accommodation for women victims and their children.<sup>102</sup> The Committee on the Rights of the Child recommended introducing early detection and reporting mechanisms for sexual violence and abuse by parents, relatives or caregivers, proactively investigating cases of sexual exploitation and abuse of children, and prosecuting perpetrators, ensuring that they were appropriately sanctioned if convicted.<sup>103</sup>

61. The United Nations country team indicated that considerable progress had been made in the areas of gender equality and women's rights since 2017.<sup>104</sup> However, there continued to be discriminatory practices related to socially and institutionally entrenched cultural models that placed women at a disadvantage in relation to men in a number of areas, particularly in the case of women exposed to multiple forms of discrimination. It also identified challenges with regard to women's political participation.<sup>105</sup>

62. The Committee on Economic, Social and Cultural Rights recommended implementing the Equal Opportunities Plan, and more actively promoting policies for reconciling work and family life for both men and women.<sup>106</sup>

63. The Working Group of Experts on People of African Descent recommended ensuring that women of African descent were adequately protected from all forms of discrimination and violence and could enjoy equal opportunities in access to employment, health and justice.<sup>107</sup>

### **2. Children**

64. The Committee on the Rights of the Child was concerned that the rate of infant mortality remained high in some provinces owing to a lack of adequate health care; and about the increased number of cases of suicide and self-inflicted injuries, particularly among children in detention.<sup>108</sup> It recommended strengthening efforts to eradicate the root causes of infant mortality, particularly within the most vulnerable families, including those living in Indigenous communities and remote areas; and undertaking a comprehensive assessment of the extent and causes of suicide with the aim of adopting a preventative policy.<sup>109</sup>

65. The same Committee recommended ensuring humane and dignified conditions in remaining centres for children with behavioural or social difficulties, and thoroughly investigating any allegations of abuse or ill-treatment committed in those centres.<sup>110</sup>



66. The same Committee recommended expediting the adoption of the new law relating to audiovisual communication, adopting measures to protect children from harmful information and products and online risks, and against negative portrayal and discrimination in the media. It also recommended taking measures to increase access by children to appropriate information, including online, especially for those who lived in remote and rural areas and Indigenous and migrant children, in conformity with their age, maturity and cultural background; and providing training to social communicators and journalists about children's rights.<sup>111</sup>

67. Concerned about the limited information provided on children in street situations, the Committee on the Rights of the Child recommended monitoring the situation of those children.<sup>112</sup>

68. The Committee on Migrant Workers recommended promoting capacity-building in child and adolescent protection services at the national, provincial and municipal levels.<sup>113</sup>

### **3. Persons with disabilities**

69. The Committee on the Rights of the Child was concerned that among female victims with disabilities, 35 per cent had suffered some type of sexual abuse, while around 50 per cent of the total number of victims with disabilities had been forcibly sexually abused.<sup>114</sup> It recommended introducing 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.<sup>115</sup>

70. The same Committee recommended ensuring equal access to good-quality inclusive education in mainstream schools for children with disabilities, prioritizing inclusive education over the placement of children in specialized institutions and classes; and taking comprehensive measures to address existing differences between provinces in the context of the transformation to an inclusive education system.<sup>116</sup>

### **4. Indigenous Peoples and minorities**

71. The Special Rapporteur on the right to food indicated that, over the years, as a result of the expansion of agricultural activities, including soybean production, Indigenous Peoples had lost large swathes of their traditional lands.<sup>117</sup>

72. The Committee on Economic, Social and Cultural Rights was concerned that no mechanisms had been established for the titling of land traditionally occupied by Indigenous Peoples.<sup>118</sup> It recommended completing the demarcation processes in all provinces and granting community land titles to Indigenous communities.<sup>119</sup> In 2021, the Committee noted that insufficient progress had been made in the implementation of the recommendation.<sup>120</sup>

73. The same Committee recommended ensuring that Indigenous Peoples were systematically consulted for the purpose of obtaining their free, prior and informed consent at the national and provincial levels before concessions were granted for the economic exploitation of the lands and territories traditionally occupied by them, in accordance with the protocols drawn up and agreed upon with Indigenous Peoples.<sup>121</sup>

74. The United Nations country team pointed to the need for progress in surveying the communal lands of Indigenous Peoples and for progress towards the establishment and implementation of a communal property law and a law on mechanisms for free, prior and informed consultations with Indigenous Peoples at the national and provincial levels that would be aligned with international standards and that would focus cooperation on the Gran Chaco region.<sup>122</sup>

75. The Working Group of Experts on People of African Descent acknowledged the steps taken by Argentina to recognize the historical and contemporary human rights situation of Afro-Argentines.<sup>123</sup> However, it had learned that people of African descent in Argentina often faced inequalities and multiple forms of discrimination, and concluded that public policies aimed at ensuring non-discrimination and protection of the human rights of the population of Afro-Argentines lacked effective enforcement.<sup>124</sup>

76. The same Working Group observed that Afro-Argentines were among the poorest of the poor, and that structural racial discrimination prevented them from enjoying the minimum international standards for development.<sup>125</sup> It recommended giving effect to the national programme for people of African descent and the action plan to implement the International Decade for People of African Descent.<sup>126</sup> It also recommended addressing the invisibility of Afro-Argentines by promoting their culture, customs, traditions and history, and their contribution to the Argentine nation, and ensuring their effective representation in the public sector.<sup>127</sup>

## 5. Lesbian, gay, bisexual, transgender and intersex persons

77. The Committee on Economic, Social and Cultural Rights found it regrettable that the quota for the hiring of transgender persons in the public sector of the Province of Buenos Aires had not been met.<sup>128</sup>

78. The United Nations country team considered that the National Anti-Discrimination Act should be amended so that it criminalized discriminatory acts based on sexual orientation and gender identity and reversed the burden of proof in favour of victims.<sup>129</sup>

## 6. Migrants, refugees and asylum-seekers

79. The Committee on Migrant Workers was concerned at reports that groups of migrant workers, such as street vendors (“manteros”), were subjected to violence and harassment by the police.<sup>130</sup> It recommended stepping up efforts to prevent violence against vulnerable groups of migrants; protecting them from crime; and investigating, prosecuting and punishing perpetrators, including anyone acting as an accomplice of State officials.<sup>131</sup>

80. The same Committee recommended conducting awareness-raising campaigns and capacity-building for border personnel to ensure that all migrant workers seeking to enter Argentina through accredited border posts were informed of the requirement to obtain proof or a record of admission, in order to subsequently be able to apply for a residence/settlement permit.<sup>132</sup>

81. The United Nations country team noted that the integration of migrants, asylum-seekers and refugees was being hampered by, among other factors, administrative barriers that made it difficult for them to gain access to social protection benefits that were available to nationals.<sup>133</sup>

82. The Committee on Migrant Workers recommended drawing up programmes aimed at regularizing the situation of migrants or leading to long-term solutions with specific measures for migrant women in an irregular situation.<sup>134</sup>

83. The same Committee recommended taking the steps necessary to ensure that in all administrative and judicial proceedings migrants were guaranteed due process on an equal footing with nationals of Argentina.<sup>135</sup>

84. The same Committee recommended taking specific measures to ensure that all migrant workers and members of their families had access to the country’s health-care system, and to ensure that the children of migrant workers had access to education, regardless of their parents’ immigration status.<sup>136</sup>

85. The Office of the United Nations High Commissioner for Refugees (UNHCR) commended Argentina for repealing, in 2021, Emergency Decree No. 70/2017, which had limited the procedural guarantees in deportation proceedings.<sup>137</sup> However, it noted that the protection space for people in need of international protection in Argentina had been reduced and that the asylum system was deteriorating.<sup>138</sup>

86. UNHCR recommended adopting all measures necessary to ensure the full and effective implementation of the provisions and safeguards provided in the refugee law at all border entry points, without discrimination; and ensuring the implementation of training for migration and border-control officers on refugee law, human rights law and non-refoulement.<sup>139</sup>

87. The Committee on the Rights of the Child recommended developing and implementing a national policy or strategy that ensured adequate assistance for asylum-

seekers, including access to social services, effective local integration and measures that facilitated access to work and income-generating opportunities of parents and/or caregivers of refugee children.<sup>140</sup>

## 7. Stateless persons

88. UNHCR commended the enactment of the statelessness law and the development of a regulatory and institutional framework in line with international standards.<sup>141</sup>

89. The Committee on the Rights of the Child expressed concern that birth registration was not homogenous across all provinces, and that a number of births remained unregistered within certain groups, particularly among adolescent single mothers. It recommended strengthening 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 also recommended 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.<sup>142</sup>

## Notes

- 1 See [A/HRC/37/5](#), [A/HRC/37/5/Add.1](#) and [A/HRC/37/2](#).
- 2 See <https://www.ohchr.org/en/stories/2019/12/human-rights-committee-gives-top-grades-follow-five-countries>.
- 3 See [CCPR/C/126/2/Add.1](#).
- 4 OHCHR, *United Nations Human Rights Report 2018*, pp. 109, 111, 136, 149 and 163.
- 5 See the statement of the Independent Expert, available at [https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM\\_Statement\\_IE\\_Debt\\_Argentina\\_S.docx](https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM_Statement_IE_Debt_Argentina_S.docx).
- 6 United Nations country team submission for the universal periodic review of Argentina, para. 4.
- 7 [CMW/C/ARG/CO/2](#), para. 13.
- 8 United Nations country team submission, para. 2. See also [E/C.12/ARG/CO/4](#), para. 9, and the statement of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, available at [https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM\\_Statement\\_IE\\_Debt\\_Argentina\\_S.docx](https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM_Statement_IE_Debt_Argentina_S.docx).
- 9 [A/HRC/40/56/Add.3](#), para. 109 (l).
- 10 See <https://www.ohchr.org/en/press-releases/2022/05/un-torture-prevention-body-concludes-visit-argentina>.
- 11 [A/HRC/40/59/Add.2](#), para. 84 (j); see also para. 10.
- 12 [E/C.12/ARG/CO/4](#), para. 5.
- 13 *Ibid.*, para. 6 (c).
- 14 *Ibid.*, paras. 22–23.
- 15 *Ibid.*, para. 12 (a).
- 16 United Nations country team submission, para. 7.
- 17 *Ibid.*, para. 6.
- 18 [CMW/C/ARG/CO/2](#), para. 28.
- 19 *Ibid.*, para. 29 (b) and (d).
- 20 [E/C.12/ARG/CO/4](#), para. 25 (a)–(c).
- 21 [CRC/C/ARG/CO/5-6](#), para. 14 (a).
- 22 [A/HRC/40/59/Add.2](#), paras. 15–16.
- 23 *Ibid.*, para. 19.
- 24 *Ibid.*, para. 18.
- 25 *Ibid.*, para. 84 (b).
- 26 See <https://www.ohchr.org/en/press-releases/2022/05/un-torture-prevention-body-concludes-visit-argentina>.
- 27 [A/HRC/40/59/Add.2](#), para. 38.
- 28 *Ibid.*, para. 84 (q).
- 29 *Ibid.*, para. 84 (a).
- 30 *Ibid.*, para. 85 (i).
- 31 *Ibid.*, para. 42.
- 32 See <https://www.ohchr.org/en/press-releases/2022/05/un-torture-prevention-body-concludes-visit-argentina>.

- <sup>33</sup> [A/HRC/40/59/Add.2](#), para. 85 (a).
- <sup>34</sup> United Nations country team submission, para. 19.
- <sup>35</sup> *Ibid.*, para. 21.
- <sup>36</sup> *Ibid.*, para. 32.
- <sup>37</sup> [CRC/C/ARG/CO/5-6](#), para. 44 (a).
- <sup>38</sup> *Ibid.*, para. 21 (a) and (b).
- <sup>39</sup> *Ibid.*, para. 22 (b).
- <sup>40</sup> *Ibid.*, para. 16 (c).
- <sup>41</sup> *Ibid.*, para. 22 (a).
- <sup>42</sup> *Ibid.*, para. 20.
- <sup>43</sup> [A/HRC/40/59/Add.2](#), para. 87 (b).
- <sup>44</sup> United Nations country team submission, para. 3.
- <sup>45</sup> [A/HRC/40/59/Add.2](#), para. 13.
- <sup>46</sup> [E/C.12/ARG/CO/4](#), para. 16.
- <sup>47</sup> *Ibid.*, para. 17.
- <sup>48</sup> [A/HRC/46/37/Add.5](#), para. 81.
- <sup>49</sup> *Ibid.*, paras. 83 and 88.
- <sup>50</sup> [E/C.12/ARG/CO/4](#), para. 41.
- <sup>51</sup> [CMW/C/ARG/CO/2](#), para. 51 (a).
- <sup>52</sup> [E/C.12/ARG/CO/4](#), para. 31.
- <sup>53</sup> *Ibid.*, para. 32.
- <sup>54</sup> *Ibid.*, para. 36.
- <sup>55</sup> [CMW/C/ARG/CO/2](#), para. 36.
- <sup>56</sup> *Ibid.*, para. 37 (a), (b) and (d).
- <sup>57</sup> United Nations country team submission, para. 34.
- <sup>58</sup> *Ibid.*, para. 35.
- <sup>59</sup> *Ibid.*, para. 36.
- <sup>60</sup> [E/C.12/ARG/CO/4](#), para. 34.
- <sup>61</sup> *Ibid.*, para. 37.
- <sup>62</sup> *Ibid.*, para. 38.
- <sup>63</sup> [CRC/C/ARG/CO/5-6](#), para. 36.
- <sup>64</sup> United Nations country team submission, para. 45.
- <sup>65</sup> [E/C.12/ARG/CO/4](#), para. 44.
- <sup>66</sup> *Ibid.*, para. 45.
- <sup>67</sup> [A/HRC/40/56/Add.3](#), para. 109 (a)–(d) and (h).
- <sup>68</sup> *Ibid.*, para. 70.
- <sup>69</sup> [CRC/C/ARG/CO/5-6](#), para. 33 (a).
- <sup>70</sup> United Nations country team submission, para. 47.
- <sup>71</sup> [E/C.12/ARG/CO/4](#), para. 46 (f).
- <sup>72</sup> *Ibid.*, para. 46 (b) and (c).
- <sup>73</sup> *Ibid.*, para. 47.
- <sup>74</sup> *Ibid.*, para. 48.
- <sup>75</sup> *Ibid.*, paras. 49–50.
- <sup>76</sup> [CRC/C/ARG/CO/5-6](#), para. 30 (a).
- <sup>77</sup> [E/C.12/ARG/CO/4](#), para. 52.
- <sup>78</sup> *Ibid.*, para. 53.
- <sup>79</sup> United Nations country team submission, para. 38.
- <sup>80</sup> [E/C.12/ARG/CO/4](#), para. 54 (e).
- <sup>81</sup> [A/HRC/40/59/Add.2](#), para. 88 (a).
- <sup>82</sup> [E/C.12/ARG/CO/4](#), para. 55.
- <sup>83</sup> United Nations country team submission, paras. 8 and 42.
- <sup>84</sup> [E/C.12/ARG/CO/4](#), para. 56 (c) and (d).
- <sup>85</sup> [CRC/C/ARG/CO/5-6](#), para. 32 (a) and (c).
- <sup>86</sup> United Nations country team submission, para. 44.
- <sup>87</sup> [CRC/C/ARG/CO/5-6](#), para. 37 (b), (d) and (e).
- <sup>88</sup> [E/C.12/ARG/CO/4](#), para. 62 (a) and (b).
- <sup>89</sup> UNESCO submission for the universal periodic review of Argentina, p. 7.
- <sup>90</sup> [E/C.12/ARG/CO/4](#), para. 64.
- <sup>91</sup> *Ibid.*, paras. 63–64.
- <sup>92</sup> See the statement of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, available at

- [https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM\\_Statement\\_IE\\_Debt\\_Argentina\\_S.docx](https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM_Statement_IE_Debt_Argentina_S.docx).
- 93 E/C.12/ARG/CO/4, paras. 13–14.
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- 96 Ibid., para. 58.
- 97 Ibid., paras. 59–60.
- 98 CRC/C/ARG/CO/5-6, para. 34.
- 99 See the statement of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, available at [https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM\\_Statement\\_IE\\_Debt\\_Argentina\\_S.docx](https://www.ohchr.org/sites/default/files/documents/issues/iedebt/2022-10-05/EOM_Statement_IE_Debt_Argentina_S.docx).
- 100 E/C.12/ARG/CO/4, para. 39.
- 101 United Nations country team submission, para. 14.
- 102 E/C.12/ARG/CO/4, para. 40 (a), (b) and (d).
- 103 CRC/C/ARG/CO/5-6, para. 25 (a) and (e).
- 104 United Nations country team submission, para. 8.
- 105 Ibid., paras. 10–11.
- 106 E/C.12/ARG/CO/4, para. 29 (a).
- 107 A/HRC/42/59/Add.2, para. 83.
- 108 CRC/C/ARG/CO/5-6, para. 15.
- 109 Ibid., para. 16 (a) and (b).
- 110 Ibid., para. 28 (d).
- 111 Ibid., para. 19 (a)–(d).
- 112 Ibid., para. 41.
- 113 CMW/C/ARG/CO/2, para. 45 (c).
- 114 CRC/C/ARG/CO/5-6, para. 24.
- 115 Ibid., para. 25 (a).
- 116 Ibid., para. 29 (c) and (f).
- 117 A/HRC/40/56/Add.3, para. 93.
- 118 E/C.12/ARG/CO/4, para. 18.
- 119 Ibid., para. 19 (a).
- 120 See [https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/ARG/INT\\_CESCR\\_FUL\\_ARG\\_45240\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CESCR/Shared%20Documents/ARG/INT_CESCR_FUL_ARG_45240_E.pdf).
- 121 E/C.12/ARG/CO/4, para. 21.
- 122 United Nations country team submission, para. 53.
- 123 A/HRC/42/59/Add.2, para. 49.
- 124 Ibid., paras. 46 and 49.
- 125 Ibid., para. 51.
- 126 Ibid., para. 54.
- 127 Ibid., para. 60–61.
- 128 E/C.12/ARG/CO/4, para. 24.
- 129 United Nations country team submission, para. 6.
- 130 CMW/C/ARG/CO/2, para. 32.
- 131 Ibid., para. 33.
- 132 Ibid., para. 35 (a).
- 133 United Nations country team submission, para. 55.
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- 135 Ibid., para. 11 (a).
- 136 Ibid., paras. 43 and 45 (a).
- 137 UNHCR submission for the universal periodic review of Argentina, pp. 2–3.
- 138 Ibid., p. 3.
- 139 Ibid., pp. 4–5.
- 140 CRC/C/ARG/CO/5-6, para. 38 (c).
- 141 UNHCR submission, p. 2.
- 142 CRC/C/ARG/CO/5-6, para. 18.