

JOINT REPORT OF ORGANIZATIONS "CHILDHOOD IN DEBT"
UNIVERSAL PERIODIC REVIEW - ARGENTINE STATE
FOURTH CYCLE

CHILDREN AND ADOLESCENCE RIGHTS IN ARGENTINA

I. Introduction

The member organizations of Childhood in Debt (in Spanish Infancia en Deuda): Asociación Civil por la Igualdad y la Justicia (ACIJ), Aldeas Infantiles S.O.S. Argentina, Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento (CIPPEC), Equipo Latinoamericano de Justicia y Género (ELA), Fundación para Estudio e Investigación de la Mujer (FEIM), Fundación Kaleidos, Fundación SUR Argentina, Haciendo Camino, Pata Pila, dedicated to the defense of the rights of children and adolescents, refer to the Human Rights Council to inform and make recommendations on the main issues faced by this group with objective that they are considered in the evaluation of Argentina.

II. Situation of the rights of children and adolescents

A. Poverty and social security protection

The economic crisis that Argentina has been facing since 2018 combined with the outbreak of the pandemic has had a severe impact on the economic income of a large part of the population, deepening the inequalities of the most socioeconomically vulnerable sectors. In particular, the situation of children and adolescents was affected by the reduction or loss of their families' employment, putting their social well-being and food security at risk. According to UNICEF (2022), in 2021, 62% of households with children had reduced their income from work, 26% went into debt to buy food and 39% stopped acquiring it due to lack of resources¹.

Official State data, as of the second half of 2021, indicate that 51.8% of children and adolescents live in poverty and 12.6% in extreme poverty², given that they do not cover the Basic Food Basket (BFB). In other words, it is estimated that more than 6.7M of them do not manage to cover their basic needs and more than 1.6M do not have enough to eat a minimum amount of food.

To ensure the right to social security (art. 9 of the ICESCR, art. 26 Convention on the Rights of the Child, art. 22 Universal Declaration), the Argentine State has a system of transfers to children and adolescents divided according to the employment situation of their families: (i) Universal Child Allowance (AUH for Asignación Universal por Hijo in Spanish) for those who work informally and earn low incomes, (ii) Family Allowances (AAFF for Asignaciones Familiares in Spanish) for those who have registered jobs - which includes low to medium incomes, (iii) income tax deductions for those with high incomes.

There are at least **two aspects** of this system that need to be addressed urgently. First, the **inclusion of children and adolescents who are entitled to AUH and have not yet done so, which was the subject of recommendation 107.158 of the last UPR in 2017**. Although significant progress has been made over the last five years - for example, the National Social Security Administration (ANSES in Spanish) incorporated

¹ UNICEF (2022), *Evaluación de la Tarjeta Alimentar. Síntesis ejecutiva*. UNICEF y Ministerio de Desarrollo Social de la Nación, p. 6. Disponible en <https://www.unicef.org/argentina/media/14231/file/Tarjeta%20Alimentar.pdf> (last accessed 29 June 2022).

² INDEC (2021) *Incidencia de la pobreza y la indigencia en 31 aglomerados urbanos*. Segundo semestre de 2021, Condiciones de vida, Vol. 6, n° 4, 2021, p. 7, table 3.4. Available at: https://www.indec.gob.ar/uploads/informedespremsa/eph_pobreza_03_22F5E124A94B.pdf (last accessed 29 June 2022).

³ ANSES (2021) *La Asignación Universal por Hijo/a para Protección Social desde un enfoque de derechos. Edición especial a 12 años de su creación*, Serie Estudios de la Seguridad Social, Observatorio de la Seguridad Social, November 2021, pp. 47-48. Available at: <http://observatorio.anses.gob.ar/> (last accessed 29 June 2022).

171,000 children and adolescents³ through a regulatory modification⁴ in 2020 - urgent challenges remain. Based on official data, **it can be estimated that there are at least 695,593 children and adolescents who are excluded from access to any type of social benefit, of which 191,702 are excluded due to information problems in the official registers. In addition, improving available public data is an essential requirement for the Argentine State to be able to guarantee the rights of this group throughout the country.**

Total number of children and adolescents in Argentina	13.187.295⁵
Universal Child Allowance for Social Protection	4.381.991 ⁶
Family Allowances per Child	4.690.342 ⁷
Family Allowances Provincial Programmes	1.843.992 ⁸
Income tax deduction	1.575.377 ⁹
Number of children and adolescents receiving social transfers	12.491.702
Excluded from all social transfers	695.593

Secondly, there is the **issue of sufficiency**, which observes the capacity of the resources given in the transfer to aid children and adolescents leave the situation of indigence, depending on whether it is enough to cover the BFB. This is intimately connected to the possibility of children and adolescents achieving a standard of living adequate for their physical, mental and social development (article 27, CRC). It is valuable that the State has expanded the Alimentar Programme, which is a transfer added to the AUH for children up to 14 years of age that allows children who receive it to live above the poverty line (at least in the monetary dimension of poverty). **However, due to the age limitation of the programme, 568,370 adolescents between 15 and 17 years of age living in a situation of vulnerability¹⁰, who receive the AUH are excluded and can only cover 50% of the minimum food requirement. This turns them into the group that receives the least money from the State, even below children and adolescents from high-income families.** Specifically, these excluded adolescents were twice as likely to experience severe food insecurity

³ ANSES (2021) *La Asignación Universal por Hijo/a para Protección Social desde un enfoque de derechos. Edición especial a 12 años de su creación*, Serie Estudios de la Seguridad Social, Observatorio de la Seguridad Social, November 2021, pp. 47-48. Available at: <http://observatorio.anses.gob.ar/> (last accessed 29 June 2022).

⁴ Decree of the National Executive Power 840/2020, Family Allowances Regime. Published in the Boletín Oficial de la República Argentina on 4 November 2020.

⁵ ANSES (2022) Boletín mensual de la Asignación Universal por Hijo/a para protección social, February 2022, p. 9. Available at <http://observatorio.anses.gob.ar/publicacion> (last accessed 14 June 2022).

⁶ Ibid

⁷ Ibid

⁸ UNICEF (2020) participation in the discussion "Pobreza y niñez: El desafío de pensar la AUH", in the framework of the Budget and Rights Week organized by ACIJ, October 2020. Available at https://www.youtube.com/watch?v=tjoCb04JojY&list=PLWwYLYeh4JIAs_eyNrXlme8nEH3nXiIP (last accessed 14 June 2022).

⁹ AFIP (2021) Data obtained in response to a request for access to public information made by ACIJ on 25 October 2021. Fiscal year 2020.

¹⁰ ANSES (2022) Monthly Bulletin of the Universal Child Allowance for Social Protection, February 2022, p. 5. Available at <http://observatorio.anses.gob.ar/publicacion> (last accessed 14 June 2022).

than peers targeted by Alimentar¹¹. This scenario is extremely serious, not only in relation to monetary poverty among adolescents, but also because of the impact it has on access to other social rights. Such is the case of those who, due to the scarcity of income in their homes, are forced to take on work and/or domestic responsibilities, limiting their capacity to continue their education¹². Thus, **it is necessary that 568,370 adolescents who currently have access to the AUH¹³ are incorporated into the Alimentar Programme that will help them to cover their basic food needs.**

Similarly, it is essential to ensure that the AAFF transfer received by children and adolescents in low income families with registered jobs - currently not exceeding the poverty line for a standard family - can also cover the BFB. Although the State implemented in 2021 a ‘monthly supplement to the family wage’¹⁴, it has not been updated and currently the AAFF for low-income families covers only 70% of the minimum food.

Group of children and adolescents	Transfer	% CBA (Minimum feed)
Children and adolescents (0-14 years old) in vulnerable families without registered employment	AUH and Alimentar Programme	100%
Adolescents (15-17 years old) in vulnerable situations ¹⁵ without registered employment	AUH	50%
Children and adolescents (0-17 years) in vulnerable situations with registered employment	AAFF	

B. The situation of the rights protection system

The System for the Comprehensive Protection of the Rights of Children and Adolescents is a coordinated set of public and private bodies, entities and services responsible for the definition, implementation and control of public policies to guarantee and restore violated or threatened rights, as established by Law No. 26.061. However, in practice the System lacks visibility, strength and autonomy, both to adequately address its purposes as well as to facilitate interconnection with the specific areas that provide services to children such as education, health, social protection, social development and law enforcement.

¹¹ Tuñón, Ianina et. al (2021) *Nuevos retrocesos en las oportunidades de desarrollo de la infancia y adolescencia. Tendencias antes y durante la pandemia COVID-19*. Documento estadístico. Serie Agenda para la Equidad (2017-2025) Observatorio de la Deuda Social Argentina, Barómetro de la Deuda Social de la Infancia, 1st ed. Ciudad Autónoma de Buenos Aires, Educa, 2021, p. 14. Available at <https://repositorio.uca.edu.ar/handle/123456789/12060> (last accessed 29 June 2022).

¹² "One third of the population between 16 and 17 years of age carries out at least one productive activity (32%), that is to say, they carry out tasks for the market, for self-consumption and/or high intensity domestic activities (...) The development of productive activities by adolescents has an important association with school dropout situations. The levels of non-attendance at school of adolescents aged 16 and 17 who carry out productive tasks in urban areas are three times higher than those who do not carry out this type of activity". Ministerio de Educación de la Nación (2020) *Evaluación de la educación secundaria en Argentina 2019*, Ciudad Autónoma de Buenos Aires, 2020, pp.40-45. Available at <https://www.argentina.gob.ar/educacion/aprender2019> (last accessed 29 June 2022).

¹³ ANSES (2022) Monthly Bulletin of the Universal Child Allowance for Social Protection, February 2022, p. 5. Available at <http://observatorio.anses.gob.ar/publicacion> (last accessed 14 June 2022).

¹⁴ ANSES (2021) <https://www.argentina.gob.ar/servicio/complemento-mensual-para-el-salario-familiar> (last accessed 29 June 2022)

¹⁵ It is true that 16 and 17 year olds can apply for the Progresar grant. However, it is not considered for the purposes of this table since its purpose is educational completion and not food.

In addition, the lack of existence and/or knowledge of protocols for dealing with the different types and modalities of violence. In line with recommendation **107.160 *Strengthen legislation aimed at the protection of children from all forms of ill-treatment and violence***, it is necessary that adequate protocols are implemented, publicized and workers in the system are trained so that they can act as tools to prevent and act in situations of violence against children and adolescents.

Moreover, the protocols that regulate the adoption of exceptional measures that decide the separation of a child from his or her family environment, do not comply with legal requirements of exceptionality and temporality¹⁶. According to National Secretariat for Children, Adolescents and the Family (SENAF for Secretaria Nacional de Niñez, Adolescencia y Familia) and UNICEF¹⁷, in 83.3% of the jurisdictions the length of stay of children and adolescents in residential or family care arrangements exceeds the legal period of 180 days¹⁸. At the same time, the State does not promote programmes to strengthen vulnerable families' capacities to reintegrate the child that has been legally separated.

In this already grave context, the Judiciary fails to control the legality of its own exceptional measures of rights restrictions against children. This prevents ensuring the following child's rights: (i) to be heard, (ii) to have his or her opinion taken into account, (iii) to having specialized legal representation; (iv) to monitor the time period of the exceptional measure in order to avoid illegal prolonged institutionalization without duly founded reasons.

In this regard, the last National Action Plan developed and implemented by SENAF and the Federal Council for Children, Adolescents and Family took place in the 2016-2019 period¹⁹ and is yet to be updated. That Plan contemplated relevant objectives with the purpose of strengthening the System, but they were difficult to implement in the absence of concrete, measurable and time-bound goals. For example, the Plan established the obligation to prevent and protect children and adolescents from all forms of violence, abuse, mistreatment and/or exploitation in the public and private places. However, it failed to establish concrete actions that could serve these purposes. The same happened with the right to child attorney, the right to be heard, and access to administrative complaint channels for children.

As a consequence, it is necessary to design and implement a National Plan of Action for the coming years with general and specific objectives, measurable and time-bound targets and indicators to change this situation, as stipulated in articles 44 (b) and 45 (b) of Law No. 26.061. It should be noted that the Committee on the Rights of the Child in its Concluding Observations on the combined fifth and sixth periodic report of Argentina (CRC/C/ARG/CO/5-6, of 1/10/2018)²⁰ recommended that the State ensure that the National Plan of Action becomes an integral component of a comprehensive policy and a harmonized strategy for the full implementation of the Convention, with specific time-bound and measurable goals and targets that allows for monitoring progress (paragraph 7.a and 7.b).

¹⁶ Article 39 of Law No. 26.061 establishes that exceptional measures are limited in time and have as their objective the preservation or recovery by the subject of the exercise and enjoyment of their violated rights and the reparation of their consequences. Law No. 26.061 *Comprehensive Protection of the Rights of Children and Adolescents*, sanctioned on 21 October 2005.

¹⁷ SENAF/UNICEF (2022). *Situación de niñas, niños y adolescentes sin cuidados parentales en la República Argentina. Actualización 2020*. Ministerio de Desarrollo Social de la Nación, Secretaría Nacional de Niñez, Adolescencia y Familia and UNICEF, 1st ed. Available at https://www.argentina.gob.ar/sites/default/files/2020/09/situacion_de_nnya_sin_cuidados_parentales_-_2020_03.05_1.pdf (last accessed 29 June 2022).

¹⁸ Pursuant to article 67 inc. c) *Código Civil y Comercial* de la Nación, Law 29.994, enacted on 1 October 2014.

¹⁹ Ministerio de Desarrollo Social de la Nación, Consejo Federal de Niñez, Adolescencia y Familia - COFENAF (2017) "Plan Nacional de Acción para la Protección Integral de Niñas, Niños y Adolescentes 2016-2019", 24 November 2017. Available at: https://tbinternet.ohchr.org/Treaties/CRC/Shared%20Documents/ARG/INT_CRC_ARL_ARG_30600_S.pdf (last accessed 29 June 2022).

²⁰ UN (2018) Committee on the Rights of the Child 'Concluding observations on the combined fifth and sixth periodic reports of Argentina', CRC/C/ARG/CO/5-6, 1 October 2018. Available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/ARG/CO/5-6&Lang=Sp (last accessed 29 June 2022).

Regarding point 107.14, which indicated the *creation and appointment of an ombudsman for the rights of children and adolescents*, it is worth stating that at last in 2020 the Office of the Ombudsperson for the Rights of Children and Adolescents was established and a public selection process was held that led to the appointment of its first incumbent. This came about thanks to the efforts made by civil society, which included the need to file an *amparo* action against the National Congress, both to force the institution to become operational and to gain access to fundamental information on the public process held²¹. After two years of functioning, the institution is still required to deepen its functions of control and defense (not only promotion) of the rights of children and adolescents through the filing of administrative and legal actions, in accordance with all of the functions assigned by Law No. 26.061.

Finally, despite the existence of a legal obligation, at the close of this report the following local ombudsperson's offices exist in Argentina²² in the provinces of: Córdoba, La Pampa, Misiones, Santa Fe and Santiago del Estero. Therefore, it is necessary to promote the designation of new ombudsperson's offices in other provinces that can be constituted as institutions with autonomy and independence from local governments.

C. Right to education

Access to early childhood education

In relation to access to education, Argentina made progress by recognising in 2014 the compulsory nature of education from the age of 4 and the State's duty to universalise educational services from the age of 3 and to prioritize educational attention to the least favored sectors (article 4, Law 27.045). Despite this recognition, access to early education is still very uneven, reflecting the persistent socio-economic inequalities between the country's different jurisdictions.

In accordance with recommendation 107.114, which required Argentina to '*continue the efforts to improve universal access to education*', and recommendation 107.115, which calls for '*enhance efforts to increase the educational infrastructure in the poorest provinces*', it should be noted that there was a 9.6% increase in the number of early childhood schools at the national level between 2008 and 2018²³. However, not all of this growth corresponds to public provision of education, nor is there an equal progress at sub-national level (in Corrientes, Jujuy, Misiones, San Juan and Santa Fe there was no creation of pre-schools in the period indicated). Only 55% of pre-schools have a 3-year old class, and the supply is unequal according to the type of management of the school: while 50.3% of the public schools have a 3-year old class offer, 72.1% of the private schools have it and, in the rural schools offer drops to 46%²⁴. The supply deficits are even greater in services for children between 45 days and 2 years of age, where coverage is significantly lower and there is a greater predominance of private management. In 2016, there were only 500 public kindergartens in the whole country and there were numerous municipalities with no supply at all.

Although this year the National Ministry of Education and the Federal Education Council announced a five-year plan to improve coverage, which plans to cover 75% of 3-year-olds and 95% of 4-year-olds by 2027²⁵, the execution of budgetary resources to date is worrying and, if not modified, will become an obstacle to achieving these goals. Specifically, since the last UPR, the Strengthening Kindergarten Infrastructure

²¹ The latter is still awaiting a ruling by the Supreme Court of Justice of the Nation.

²² Defensoría de los Derechos de Niñas, Niños y Adolescentes, information available at <https://defensoraderechosnnya.gob.ar/coordinacion-federal/> (last accessed 29 June 2022).

²³ Cardini, A., Guevara, J. and Steinberg, C. (2021) *Mapa de la educación inicial en Argentina: Puntos de partida de una agenda de equidad para la primera infancia*. Buenos Aires, UNICEF-CIPPEC, p. 40. Available at <https://www.cippec.org/publicacion/mapa-de-la-educacion-inicial-en-argentina-agenda-primera-infancia/> (last accessed 29 June 2022).

²⁴ Idem

²⁵ Federal Education Council, "Lineamientos Estratégicos para la República Argentina 2022-2027 por una Educación Justa, Democrática y de Calidad", Resolution CFE 423/2022, 19 April 2022. Available at <https://www.argentina.gob.ar/educacion/documentos-cfe/resoluciones> (last accessed 29 June 2022).

Programme has suffered **constant under-execution, including 65.6% in 2018, 48.8% in 2021 and, with more than half a year passed, 91.7% in 2022**. Thus, although the increases in allocations in the last two years are valuable, without the full execution of resources it will not be possible for the State to achieve its objectives for the coming years.

Strengthening Kindergarten Infrastructure Programme²⁶

Year	Higher available credit ²⁷	Accrued credit	Execution
2018	28.268.186.117	9.733.655.504	-65,6%
2019	11.054.676.615	9.387.122.411	-15,1%
2020	7.187.696.109	3.981.517.569	-44,6%
2021	48.279.932.659	24.712.008.593	-48,8%
2022	44.641.482.535	3.687.137.669	-91,7%

School drop out and access to connectivity

Children and adolescents from low socio-economic sectors faced obstacles related to their continuity in the education system, encountering serious difficulties in sustaining their schooling in the context of the pandemic. School dropout is a complex phenomenon, affected by different causes such as the need to go out to work to generate income or the difficulties associated with early motherhood and fatherhood. In addition to these (and other) factors, in the context of the pandemic, access to connectivity was added.

While those who had a computer at home or a mobile electronic device were able to continue their studies in the context of isolation, other children and adolescents found it impossible to sustain their schooling. Only 48% had a computer available for educational use as of July 2020²⁸, and in the Northwest and Northeast regions of Argentina this percentage dropped to 40%.

Although in person attendance has been reinstated in late 2021, access to connectivity resources is extremely important. The State self-imposed the obligation to guarantee by 2027 that every public secondary school student will have access to a computer and that 95% of public schools will have access to the internet. It should be noted that the Federal Programme Juana Manso - Conectar Igualdad, in charge of delivering computers for students, had been discontinued in 2018 and resumed in 2020 with significant budget allocation in these last years.

However, the implementation of this public policy so far raises doubts about the possibility of achieving the objectives planned. **With regard to the budget, the Programme has suffered worrying under-execution, reaching 43% in 2020, 41% in 2021 and, with half a year already gone, 69% in 2022**. In addition, the state promised to deliver 633,000 computers in 2021 and by December of that year had only delivered 45,000 devices. Moreover, no significant advances have been made in these last years regarding internet in schools and 51% of the country's public schools had yet to be connected (it was reported that 25,902 out of a

²⁶ Budgetary Programme No. 46 "Strengthening of Kindergartens", Jurisdiction 70 "Ministry of Education". The amounts are presented in real terms, i.e. adjusted in pesos for inflation.

²⁷ The highest appropriation available, whether budgeted or in force, is taken into account.

²⁸ National Ministry of Education (2020), *National Evaluation of the Pedagogical Continuity Process. Preliminary Reports of the Management Team and Household Survey* Available at https://www.argentina.gob.ar/sites/default/files/informepreliminar_hogares.pdf (last accessed 29 June 2022).

total of 50,382 schools still do not have connectivity)²⁹

Federal Programme Juana Manso - Conectar Igualdad³⁰

Year	Current credit ³¹	Accrued credit	Execution	Computers to be delivered ³²	Computers delivered
2020	7.520.974.194	4.286.640.387	-43%		
2021	46.350.727.976	27.321.705.521	-41%	633.000	45.824
2022	90.311.527.791	27.874.954.635	-69%	1.5M	No information

The aforementioned inequalities had serious consequences for the educational trajectories of thousands of children and adolescents. The National Ministry of Education acknowledged that during the period when the isolation measures were in force, at least 10% of the total enrolment (1.1 million students) only had contact with their schools two or three times a month and, in some cases, had no contact at all³³. In this context, the implementation of the programme ‘Acompañar: Puentes de Igualdad’³⁴ was announced, which aimed to help 1,870,000 children and adolescents with their schooling, but no evaluation results of this policy were published. The only data available was the announcement by the Minister of Education, who publicly stated that 650,000 students had returned to school, but gave no further details.

The problem of school dropout was already serious, even before the pandemic, especially at the secondary level. Nearly 500,000 adolescents between the ages of 12 and 17 were out of school, almost 15% of 14-year-olds are still in primary school³⁵, only 55% of adolescents complete primary school³⁶ and only 31.85% do so within the established timeframe³⁷.

Inclusive education

Despite the fact that Argentina supported recommendation **107.168 that urged the State to ‘Promote inclusive education for persons with disabilities and progressively reduce the special schools’**, there is still a great deficit of educational policies that promote and fully guarantee the right to inclusive education. Currently, students with disabilities suffer multiple barriers and discrimination in accessing, learning and participating in regular schools.

²⁹ ACIJ (2021) Comunicado available at <https://acij.org.ar/se-entregaron-solo-27-844-netbooks-de-las-633-mil-que-establecia-el-plan-juana-manso/> (last accessed 28 June 2022)

³⁰ Budgetary Programme N°47 "Juana Manso Federal Plan - Conectar Igualdad". The amounts are presented in real values, i.e. adjusted in pesos for inflation.

³¹ The highest appropriation available, whether budgeted or in force, is taken into account.

³² Physical target of the budget programme N°47 "Juana Manso Federal Plan - Conectar Igualdad", Jurisdiction 70 "Ministry of Education".

³³ National Ministry of Education (2020) *Evaluación Nacional del Proceso de Continuidad Pedagógica. Preliminary Reports of the Survey of Management Teams and Households*, available at https://www.argentina.gob.ar/sites/default/files/resumen_de_datos_informes_preliminares_directivos_y_hogares_0.pdf (last accessed 28 June 2022).

³⁴ National Ministry of Education (2020), press release available at <https://www.argentina.gob.ar/noticias/el-ministerio-de-educacion-lanza-el-programa-acompanar-puentes-de-igualdad>.

³⁵ UNICEF (2021) *Argentina 2020 Annual Report*, p. 29 Available at <https://www.unicef.org/argentina/media/11496/file/Informe%20anual%202020%20-%20Argentina.pdf> (last accessed 24 June 2022)

³⁶ National Ministry of Education, Secretariat of Educational Evaluation and Information (2021). Annual Surveys 2019 and 2020. Graduation rate 2019 by educational level (...) Preliminary data, obtained as a response from the agency to a request for access to information made by ACIJ on 22 October 2021.

³⁷ Idem

These include the systematic refusal of enrolment, non-requested referral to special schools, the lack of adequate policies to ensure the necessary support and reasonable accommodation, the absence of public policies to train teachers on the social model of disability, and the lack of independent complaint mechanisms and adequate and fast resolution of conflicts related to non-compliance with the right to inclusive education.

In short, after Resolution No. 311/2016 of the Federal Education Council, no other measures were taken at the national level, nor was the legislation modified in order to guarantee this right. **Special schools continue to operate as segregated environments, without any project for their reduction, and by 2020 101,898 children and adolescents were attending these institutions³⁸. Furthermore, in 2019, 43.7%³⁹ of students with disabilities in the country were segregated in special schools.** In some provinces the situation is even more alarming since **more than half of the students with disabilities attend a special school, for example in San Juan, this percentage is 55.78%, in Corrientes 55.26%, in Chaco 54.19%, in Misiones 52.95% and in Mendoza 52.68%**. All this makes it urgent to adopt a plan to comply with the recommendation, so far unfulfilled by the state.

Comprehensive Sex Education

Finally, mention should be made of the poor implementation of Comprehensive Sex Education (ESI for Educacion Sexual Integral) in schools throughout the country, especially in the Northwest and Northeast regions, as well as in the provinces of San Juan and San Luis. The situation is aggravated in areas with a high indigenous population density, where there are significant difficulties due to the lack of bilingual education, which limits access to materials that facilitate understanding it. Community leaders and families have been making claims in this regard that have not yet been addressed. The need to implement CSE policies is even more urgent among children with disabilities, as they often suffer abuse and violence by caregivers, relatives or friends who take advantage of their vulnerable situation to do so.

D. Right to care

Regulatory status

In relation to the right to care, several advances have been made in recent years. The political agenda of care with a gender perspective within the State has become a priority with the creation of the Ministry of Women, Gender and Diversity in 2019, especially with the National Directorate of Care within it and the establishment of an Interministerial Care Bureau in 2020, where 15 Ministries and National Agencies converge.

In terms of regulations, progress was made with the regular production of national statistics on the use of time (following Law 27.532); after consultation with specialists the Executive presented a bill to the National Congress on 3 May 2022 for the creation of a comprehensive national care system; after 46 years, Article 179 of Law 20.744 (Decree 144/2022) was regulated, forcing companies with more than 100 employees to have childcare facilities for children up to 3 years of age or to financially cover the costs of this service. In addition, care responsibilities were recognised for the first time in a labor law as part of the modification that introduced teleworking as one of the modalities of the Labor Contract Law (Law 27.555). Finally, the 1000 Days Plan (Law 27.611) on Integral Health Care and Attention during Pregnancy and Early Childhood was passed.

Despite these regulatory advances, there are still great disparities in care time, depending on the labor regime. The private sector (Law 20.744) maintains a leave scheme that reproduces traditional gender roles,

³⁸ Ministerio de Educación de la Nación, Secretaría de Evaluación e Información Educativa (2021) Relevamiento Anual. Anuarios Estadísticos. Available at: <https://www.argentina.gob.ar/educacion/evaluacion-informacion-educativa/anuarios> (last accessed 29 June 2022).

³⁹ Compilation based on data from the Annual Survey 2019 of the Directorate of Educational Information and Statistics, Secretariat of Educational Evaluation and Information of the National Ministry of Education.

limiting the participation of men in caregiving and the right of children to be cared for by both parents. This breaches the State's responsibility to ensure appropriate programmes and assistance for parents to assume, on equal terms, their obligations with their children (article 7 Law 26.061). Furthermore, it is a law that does not consider adoptions and is not adequate for the diversity of families that exist, reproducing multiple discriminations against children. In addition, half of the working population (self-employed or unregistered) does not have access to any leave of absence.

Access to care services

In terms of care services, **only 16% of schools have kindergartens for children between 45 days and 2 years of age, which, although are not part of mandatory schooling, have a great impact on family care strategies and especially on women's chances of finding employment, generating income and participating in public life**⁴⁰. Furthermore, it is evident that the offer is not equitable: **only 10% of public schools have a class for children under 3 years of age, but this percentage rises to 36% in the case of private schools. Furthermore, only 7% of schools in rural areas have classes for this age group**. Under the current conditions of scarce public provision, the socio-economic level of the household is a determining factor for access to early stimulation: **the attendance of children under 5 years of age to care and education services is 28% in the lowest quintile compared to 50% in the highest**⁴¹.

Finally, the close relationship between child poverty and female poverty must be addressed. **The low availability of childcare services affects the employment and income opportunities of women, who have higher rates of inactivity, informality and unemployment than men, as well as an income gap of 25%**⁴². **This implies lower household incomes, more poverty and thus higher child poverty**⁴³. Likewise, the type and quality of labor insertion is linked to the incidence of child poverty: children living in a household where the head of household has an informal job or is self-employed in low-skilled occupations are three times more likely to be in poverty than those living in a household where the head of household is a formal worker⁴⁴.

E. The situation of access to health care for children from indigenous communities in the province of Salta.

Children and adolescents from the indigenous communities in the North of the province of Salta live in a situation of structural human rights violations. According to the United Nations Resident Coordinator in Argentina, who constantly monitors the situation, there is a historic weak state presence. In addition, he explained that in the three departments more than 350 indigenous communities live in conditions of extreme poverty, without employment possibilities or sustainable livelihoods, dependent on social programmes that do not cover all their basic needs or all the people who require social assistance, with precarious housing,

⁴⁰ UNICEF and Equipo Latinoamericano de Justicia y Género (ELA) (2020). *Apuntes para repensar el esquema de licencias de cuidado en Argentina*, Buenos Aires, 2020. Available at <https://www.unicef.org/argentina/comunicados-prensa/apuntes-para-repensar-el-esquema-de-licencias-de-cuidado-en-argentina> (last accessed 29 June 2022).

⁴¹ UNICEF (2021). *National Survey of Children and Adolescents (MICS) 2019-2020*. Survey results report, Buenos Aires, October 2021. Available at <https://www.unicef.org/argentina/informes/mics-2019-2020> (last accessed 29 June 2022).

⁴² INDEC (2022). Evolution of income distribution (EPH) fourth quarter 2021: https://www.indec.gob.ar/uploads/informesdeprensa/ingresos_4trim2124EA305449.pdf and INDEC (2022). Labour market. Socio-economic rates and indicators (EPH) fourth quarter 2021: https://www.indec.gob.ar/uploads/informesdeprensa/mercado_trabajo_eph_4trim211A57838DEC.pdf (last accessed 29 June 2022).

⁴³ National Ministry of Economy and UNICEF (2021). *Challenges of public policies in the face of the care crisis. El impacto de la pandemia en hogares con niñas, niños y adolescentes a cargo de mujeres*. Buenos Aires, May 2021. Available at <https://www.unicef.org/argentina/publicaciones-y-datos/desafios-politicas-cuidados-hogares-a-cargo-de-mujeres> (last accessed 29 June 2022).

⁴⁴ Universidad Nacional de General Sarmiento and UNICEF (2018). *Pobreza monetaria y privaciones no monetarias en Argentina*, Buenos Aires, November 2018. Available at <https://www.unicef.org/argentina/media/12746/file/Pobreza%20monetaria%20y%20privaciones%20no%20monetarias%20en%20Argentina.pdf> (last accessed 29 June 2022).

without access to safe water or sanitation, and with limited access to health services⁴⁵.

Following the deaths of indigenous children from malnutrition or related illnesses and the worsening of the health of hundreds of children in similar conditions, the Province of Salta declared a socio-sanitary emergency in the departments of San Martín, Rivadavia and Orán⁴⁶, which is still in force today. Although the State is supposed to direct its greatest efforts to correct structural aspects linked to guaranteeing the basic human rights of children from the native communities of these territories, including all budgetary resources, the situation continues to be critical.

On the one hand, **the infant mortality rate** (deaths of children under one age per 1000 live births), which at the national level decreased to 8.4 per cent by 2020, **is much higher in regions where the majority of indigenous communities live. Such is the case of La Poma (41.7%), Morillo (26.6%), Nazareno (19.2%) and Rivadavia (18.9%)**⁴⁷. On the other hand, the same statistical source shows the lack of data for 14 operational areas of the province⁴⁸, which constitutes an alarming omission. Specifically, **the tragic deaths of children under 5 years of age, according to provincial information, show that in recent years 108 children died in 2020, 64 in 2021 and 44 in the first three months of 2022.**

Nutritional risk is also of great concern. For the second quarter of 2021, 7543 children aged 0-5 years were at nutritional risk, 470 underweight and 44 in extreme underweight⁴⁹. According to the Red Cross, **23% of children**, and therefore their families, **do not yet have access to a safe water network, so they are dependent on distributions, rainfall and other sources of water that are not safe and constant.** ⁵⁰

All of this led the National Ombudsman's Office for the Rights of Children and Adolescents and ACIJ to initiate various collective protection actions to guarantee the rights to life, health, food, safe water, among others, for children and adolescents belonging to indigenous communities. These actions included precautionary measures that were granted, but are not being complied with by the provincial State.

All of the above shows that the State is in full non-compliance with the recommendations of the UPR 2017. In particular, **107.170** which called for the need to *'fully implement relevant laws to promote the rights of indigenous people and to ensure their safety in realizing their economic and civil rights'* and **107.182** which requested to *'provide basic health-care services to indigenous communities and consider eliminating the structural discrimination against them and the migrant community'*.

III. Questions to the State

1. Through what measures does the state intend to identify and incorporate the hundreds of thousands of children and adolescents who are not covered by the AUH?
2. Do you plan to produce public information about children and adolescents who are not yet included in any of the social transfer sub-systems, as well as diagnoses of the reasons for their exclusion?

⁴⁵ UN RESIDENT COORDINATOR, *Avances del Plan de Respuesta Humanitario Internacional en respuesta a la emergencia socio-sanitaria*. Available at: <https://acij.org.ar/wp-content/uploads/2022/07/gacetilla-salta..pdf>

⁴⁶ Decree of Necessity and Urgency No. 140/2020 Converted into Law No. 8185 Declares a State of Social and Health Emergency in the Departments of San Martín, Orán and Rivadavia. Published in the Official Gazette No. 20733, on 4 May 2020. Sanctioned on 29 January 2020.

⁴⁷ Ministry of Economy of Salta (2019) *Anuario Estadístico de la Provincia de Salta 2018-2019*, 1st ed. adapted, Salta, 2019, p. 118. Available at <http://estadisticas.salta.gov.ar/web/anuarios-estadisticos> (last accessed 15 June 2022).

⁴⁸ Ibid

⁴⁹ Defensoría de Derechos de Niñas, Niños y Adolescentes (2021) *Acción de amparo colectivo en favor de la totalidad de niñas, niños y adolescentes de comunidades de pueblos indígenas que habitan y viven en los departamentos de Rivadavia, Orán y San Martín*, November 2021, p. 14. Available at: <https://defensoraderechosnnya.gob.ar/documento/accion-de-amparo-colectivo-en-favor-de-la-totalidad-de-ninas-ninos-y-adolescentes-de-comunidades-de-pueblos-indigenas-que-habitan-y-viven-en-los-departamentos-de-rivadavia-oran-y-san-martin/> (date of last consultation: 15 June 2022).

⁵⁰ Argentine Red Cross, "Field study - Salta", March 2021, page 12.

3. What policies does the State plan to implement to guarantee the BFB for adolescents who receive AUH and for children and adolescents in the poorest part of the AAFP?
4. What measures will the State take to give greater visibility and institutional strength to the Comprehensive System for Protection of the Rights of Children and Adolescents?
5. What measures will the State take to ensure that protocols for dealing with situations of violence in its different forms exist and are duly publicized?
6. What actions will the state take to ensure that exceptional restriction of rights measures do not extend beyond the legal 180-day period?
7. What actions will the State take to ensure that each jurisdiction has protocols for the adoption of any exceptional restriction rights measure, with due notification to families and persons in charge of the technical defense of children and adolescents?
8. What measures have been implemented and will be implemented to guarantee the universality of the 3 year old classes, taking into account the wide disparity in access depending on territory and socio-economic level?
9. What measures were taken and will be implemented to increase the coverage of public education services for children aged 45 days to 2 years, taking into account the wide disparity in access depending on territory socio-economic level?
10. Can the State provide the action plan with goals and objectives by province to achieve universal access to 3- and 4-year-olds at the early education level?
11. Can the State provide the action plan to ensure computers and internet per province to guarantee equitable and quality education with access to connectivity?
12. What measures were and will be implemented to ensure inclusive education for students with disabilities and to progressively reduce special schools?
13. What measures have been and will be implemented to expand the supply of extended or full-day education services, taking into account the different provincial jurisdictions?
14. What measures were and will be implemented to ensure CSE for all children and adolescents in the country, including those belonging to indigenous peoples as well as children and adolescents with disabilities?

IV. Recommendations to the State

1. Implement measures for the diagnosis and incorporation of all children and adolescents in the target population into the AUH. In addition, ensure a transfer equivalent to a Basic Food Basket for each vulnerable child and adolescent.
2. Adopt measures to ensure that the System for the Comprehensive Protection of the Rights of Children and Adolescents acquires visibility, institutional strength and autonomy. To this end, the State should develop a National Plan of Action as a national policy for the promotion and protection of children's rights with specific objectives, measurable time-bound goals and indicators to monitor progress for each of the established objectives.
3. Train and raise awareness among operators of the System for the Comprehensive Protection of the Rights of Children and Adolescents for the early detection, defense and prevention of violence, including the development and implementation of protocols for this purpose. Include due budgetary provision for each local jurisdiction.
4. Publish updated and disaggregated data on the number of children and adolescents who are away from their families of origin by virtue of an exceptional measure and live in formal, alternative-family care arrangements or with their extended families. Likewise, include information about the conditions of these spaces and the quality of life of children and adolescents housed there.
5. Develop and publish protocols on the taking of exceptional restriction of rights measures indicating: what protection measures were taken, for what purposes and what results were achieved.
6. Ensure that children and adolescents have access to the right to a technical defense, as part of the guarantees for due legal process. Finally, ensure that notifications to the judiciary and families

- regarding protection measures are made in the terms established by law.
7. Design and implement all necessary policies to ensure the right of persons with disabilities to study in regular schools, learning, participating and progressing on equal terms, and to progressively reduce special schools.
 8. Expand coverage in the initial level of 3- and 4-year-olds to guarantee its effective universality, paying special attention to the disparity in access at provincial level and by socio-economic level. In particular, secure and execute budgetary resources.
 9. Ensure universal access to internet in public schools and computers for every student in order to guarantee the right to education in an adequate manner. In particular, secure and execute budgetary resources.
 10. Implement policies to support the educational trajectory that ensure the incorporation and sustainability of all students who have dropped out of school or are at risk.
 11. Expand the supply of public education and care services for children between 45 days and 2 years of age, paying special attention to the disparity in access at the provincial level and by socio-economic level.
 12. Approve the creation of an integrated national care system and design and implement all necessary policies for its functioning, with special attention to the rights of children, women and LGTBIQ+, persons with disabilities, older persons and paid and unpaid carers.
 13. Adopt, from the Federal State in coordination with the Provincial State, all necessary measures to ensure the right to water, food, health and life of children from native communities in Salta.
 14. Incorporate CSE in schools with a predominantly indigenous population, with materials in the indigenous language and with bilingual teachers, in order to facilitate the understanding of the contents by children and adolescents and their families. Develop actions for the implementation of CSE among children and adolescents with disabilities, including specialized teacher training on the subject.