

**UNIVERSAL PERIODIC REVIEW – HUMAN RIGHTS COUNCIL**  
**UNICEF INPUTS – ARGENTINA**

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**I. Trends**

1. Despite the continuing economic recovery of this middle-income country, important social difficulties remain, especially affecting children and adolescents. The most vulnerable sectors can be found in rural areas, territories populated by indigenous peoples, and in marginalised urban areas. According to official data from 2006, 46.2% of all Argentine children and adolescents live in poor households, as opposed to 26.9% within the broader population, with 18.6% living in absolute poverty versus 8.7% overall. In some provinces, 70% of children under 18 are poor. Chronic malnutrition affects 8% of children under 5 nationwide,<sup>1</sup> but stands at 10.5% in the Northeast provinces. Caloric intake is deficient for 33% of children under 2 living in poverty and 40% of children of the same age living in absolute poverty. Anaemia continues to be a major problem, affecting one of every 3 children under 2 and 32% of pregnant women.
2. The educational sector is strongly segmented, which is reflective of persistent inequities that mostly impact the poor. Despite the fact that school enrolment rates (basic and secondary) are among the highest in the region, many children do not complete their education, and serious problems persist in terms of quality and internal efficiency. Educational exclusion affects 13.2% of children aged 6-18.<sup>2</sup> Youth education presents the most crucial gap in the education system. Drop out rates at secondary level are high: 19,8% nationwide and 25% in some provinces.<sup>3</sup> Within indigenous populations living in poor rural communities, the situation of the rights of children and youth is very fragile. Only 6.9% of children reach middle school levels in the communities of Wichi, Pilagá and Toba in Formosa Province.
3. Although the favourable trend in Infant Mortality (13.3 per thousand in 2005) will be sufficient to meet Millennium Development Goal (MDG) 4, there is a growing gap across provinces. Maternal mortality is also a concern, as the present rate (39 per 100,000 live births in 2005)<sup>4</sup> has failed to improve in the past 10 years. Regional disparities are evident in this regard, as the rate in Buenos Aires is at 7, but climbs to 164 in the Province of Formosa.<sup>5</sup> Moreover, 30% of pregnant women are still not tested for HIV. The incidence of mother-to-child transmission of HIV in 2003 was 1.4 per 10,000 live births<sup>6</sup>. In 2005, evidence shows that 95% of infections of children and adolescents under

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<sup>1</sup> National Survey of Health and Nutrition, National Ministry of Health, 2006.

<sup>2</sup> INDEC Censo de Población y Vivienda 2001 (Population and Housing Census of the National Statistics and Census Institute).

<sup>3</sup> Annual Report 2004-2005 MECyT DINIECE

<sup>4</sup> In 2005, 279 women died due to complications related to pregnancy.

<sup>5</sup> Estadísticas Vitales 2005, DEIS Ministerio de Salud y Ambiente de la Nación, (Vital Statistics, DEIS, National Ministry of Health and Environment), 2006.

<sup>6</sup> Boletín sobre VIH/SIDA en Argentina año X, No. 24, Diciembre 2005, Ministerio de Salud y Ambiente de la Nación. (Bulletin on HIV/AIDS in Argentina, year X, No. 24, December 2005, National Ministry of Health and Environment).

age 13 were due to vertical transmission. Of these cases, 80% had already developed AIDS and 52% were HIV/AIDS orphans.<sup>7</sup>

4. With regards to MDGs, Argentina has demonstrated more ambition than the global average. It indeed included the promotion of decent working conditions as an additional objective. Indicators include the eradication of child labour, the reduction of unemployment, and the formalisation of various unregistered forms of work, including domestic labour. Coordinated actions between the state, private sector and trade unions are organised by the Ministry of Labour. In rural areas, 8% of children between 5 and 13 years of age work, as compared to 6.4% in urban areas, and 30% of these children have had to repeat a grade, including 12.6% who have repeated more than once. 20% of adolescents from 14 to 17 years work (35.1% in rural areas) and 43% of them have a history of school repetition, compared to 26% who do not work.
5. Since the beginning of its term in 2003, the present government of the Republic of Argentina has shown consistent political will to address the systematic human rights violations that occurred during the 1976-83 military dictatorship, including the criminal appropriation of babies. The annulment of the laws of impunity in 2003, the responses presented by the Argentine state to cases and inquiries from the Inter-American Commission of Human Rights (2003-2007), and the broad recognition granted to human rights organisations such as the ‘Mothers and Grandmothers of the Plaza de Mayo’ have all formed part of a sustained policy that is expected to continue with the new government, which will assume office on December 10<sup>th</sup>, 2007. This trend is a reflection of the Argentine society’s greater sensitivity to violations of the human rights of women, children and adolescents. The mass media in its diverse modalities has indeed significantly expanded its coverage of these issues.

## **II. Recent developments in relation to children rights (2005 - 2007)**

1. The process of reforming Argentina’s legal framework in line with the CRC and other international human rights mandates has accelerated over recent years. New national laws have been enacted so as to provide a comprehensive and interdependent national legal framework to guarantee these rights. Among them, we can point to the following: National Law on the Integrated Protection of the Rights of Girls, Boys and Adolescents [N° 26.061]; National Education Law [N° 26.206]; Education Financing Law [N° 26.075]; Law on Professional and Technical Education [N° 26.058]; Law on the creation of the National Sex Education Programme [N° 26.150]; and the General Law on the Recognition and Protection of the Refugee [N° 26.165].
2. Argentina has also ratified the Optional Protocol to the Convention on the Elimination of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and has signed the Convention on the Rights of Persons with Disabilities, as well as the Optional Protocol to that Convention.
3. Argentina shares a Chapter within MERCOSUR known as the “Iniciativa Niño/a Sur”, containing specific agreements regarding the protection and guarantees of the rights of

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<sup>7</sup> Exploratory study conducted by UNICEF over 1807 HIV infected children and adolescents receiving treatment in the City of Buenos Aires and in the Province of Buenos Aires conurbation.

children and adolescents. The implementation of this initiative falls under the Ministry of Justice in coordination with the Ministry of Foreign Relations, and serves to facilitate the coordination between member countries carrying out joint actions to combat the systematic violations of rights in border areas.

4. After 15 years of incorporating the CRC's principles into the country's domestic legal framework and various provincial reforms in the area of protection,<sup>8</sup> the National Law of Integrated Protection [N° 26.061] was enacted. It provides: a) a new national institution dedicated to child protection via the creation of the National Secretariat for Children, Adolescents and Family; b) the establishment of a system of rights protection with a public and universal territorial management approach; c) the revalorisation of the family as the best environment to nurture the growth and development of children; and d) the dismantlement of the "protective internment of minors" system (sistema de patronato de menores), the annulment of the Law on the Internment of Minors, and a general prohibition against the application of institutionalisation of minors for the purpose of protection. Intersectoral and interinstitutional planning within a pluriannual perspective on matters related to children is a crucial challenge for the years ahead.
5. There was progress in the area of educational norms, with the adoption of new normative frameworks that orient the design and implementation of policies. Additional new laws provide significant opportunities for reaching the goals of quality education for all, including: Law of Professional and Technical Education [N° 26.058], the National Education Financing Law [N° 26.075], the National Education Law [N° 26.206], and the Law for the creation of the National Sex Education Programme [N° 26.150]. Enacted in December 2005, Law No 26.075 assures an increase in resources allocated to education, aiming to reach a consolidated budget of 6% of the national budget by 2010. There was an actual positive increase from 4,1% to 5% from 2004 to 2005, and significant commitments were taken to national programmes oriented to increase school inclusion and reduce drop out rates. For the first time, the new National Education Law [N° 26.206] incorporates a multicultural approach to teaching, ensuring respect for languages and cultural identities of indigenous peoples, and including a chapter dedicated to bilingual intercultural education.
6. This year, the Supreme Court of Justice of the Nation accepted a precautionary measure interposed by the National People's Ombudsperson [Defensor del Pueblo de la Nación] on behalf of the right of health and nutrition of indigenous peoples, and ordered the national state and the Province of Chaco to guarantee the rights being demanded.<sup>9</sup>
7. Regulatory Decree 415/2006 of the Law of Integrated Protection [N° 26.061] has recognised the issuance without fees of the initial national identity document for all children and adolescents born on national territory. This norm has been essential for

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<sup>8</sup> See detailed information on the provincial legislation in "Privados de la Libertad" [Deprived of their Liberty], Human Rights Secretariat, UNICEF, 2006, pp. 85-125. To date, 16 provinces have special legal protections in force, including those prior to the National Law on Integral Protection, those subsequent to the Law, and those that specifically adhere to the Law. See "IV Curso de Especialización para Abogados sobre Derechos de la Niñez/ Legislación Provincial" [CD, "IV Specialised Course for Lawyers] SENNAF, Secretaria de Derechos Humanos, CSJN, School of Law, University of Buenos Aires and UNICEF, 2007.

<sup>9</sup> CSJN, in re "Defensor del Pueblo de la Nación C/Estado Nacional y otra (provincia de Chaco S/ proceso de conocimiento", rta. 18/09/2007.

making progress on the goal of guaranteeing universal, free and timely birth registration for all children, together with the articulation of all sectors involved.

8. Decree 578/2005 created the National Programme for the Normalisation of Documents of Immigrants known as “Patria Grande”, serving as the regulatory instrument of Law 25.871 on Immigrant Policy. This program has established the framework for a migration policy favouring the integration of immigrants from MERCOSUR countries and associated states, while also favouring migratory normalisation and full access to rights for immigrants and their families, without discrimination.
9. Provincial jurisdictions managed to establish their own norms and judicial processes for protective measures against domestic and family violence. This normative framework led to an increase of charges filed. However, a minimal portion of those victims have actually had access to justice.<sup>10</sup> The Supreme Court of Justice of the Nation therefore decided to organize under its charge the first Office of Domestic Violence [N° 40/2006] which is expected to begin operating in 2008.
6. The process leading to the eventual adoption of a Juvenile Justice Law moved forward in line with the essential mandates of the CRC, despite continued political resistance favouring a more repressive law and order approach to juvenile delinquency. The application of human rights standards in local courts for children and adolescents as specified in the CRC is a process that has recently been consolidated. The new jurisprudence articulates sentencing procedures in accordance with international standards and establishes the content for pending legislative reforms.

### **III. Summary of UNICEF capacity building and technical assistance programmes**

1. UNICEF’s Programme (2005-2009) is designed around two components: (i) “Public Policies for Equity and Inclusion,” aimed at supporting formulation and management of public policies, including legal and institutional reforms, adapted to the CRC and oriented to reducing disparities through improved access of children to quality basic services; and (ii) “Social Monitoring and Mobilization,” aimed at developing a social responsibility culture for monitoring and for the promotion and protection of child rights among decision-makers, service providers, civil society, universities, opinion leaders, mass media and families. The strengthening of national capacities constitutes the essence of this cooperation. The priority targets are institutions and social actors who have responsibilities to ensure child rights under the CRC and the existing national legal framework.
2. UNICEF supports the government in the development of *legislation and public policies*, including the recent Law for the Protection of the Rights of Children, adopted as an organic law inspired by the CRC and in force since 2005, as well as three key laws on education that ensure 13 years of compulsory education, and an increased budget allocation to the education sector, aimed at reaching planned yearly expenditures of 6% of the GDP by 2010.
3. UNICEF assists in the generation and strengthening of *policy dialogue, networking, partnering, and inter-sectoral programming*. Partnerships with state institutions and

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<sup>10</sup> Data from the Dirección General de la Mujer del a CABA, 2005 and 2006.

inter-institutional work at the national level are being expanded. UNICEF indeed strengthened alliances with provincial and local governments of the poorest areas of the country (North-West and North-East Region), national agencies and sister UN Agencies, focusing on: HIV-AIDS, maternal mortality, child labour, domestic violence and information systems. Also prominent is the support to alliances involving journalists, NGOs focusing on children, and professional organizations such as the paediatrician society.

4. UNICEF assists in the *generation of new relevant knowledge* to contribute to policy planning and monitoring, both sectoral and intersectoral, and to enhance opportunities for civil society participation. There has been substantive production and dissemination of descriptive and evaluation studies on issues like: (i) management of early childhood integrated care services, (ii) inclusion and retention of children and adolescents in school, (iii) care practices in the health system to continue reducing infant mortality, (iv) access to care by children orphaned by HIV/AIDS (v) institutional dynamics to prevent and eradicate child labour, (vi) critical issues of adolescents' education; (vii) institutionalized children, (viii) good practices of juvenile justice. UNICEF also focuses on the *dissemination of knowledge* aimed at broadening public debate and social mobilization to contribute to policy changes. Citizens' awareness is promoted and support is provided to include strategic topics in the media's agenda, including: gender equity, educational priorities, the need to improve social investment in children and raising the visibility of the situation of the boys and girls in institutional care.
5. UNICEF also supports *training activities* aimed at reducing gaps in the technical capacities of key social stakeholders to carry out their roles as services providers or community agents. Some of the most noteworthy initiatives include those with: judges and lawyers, education of families covered by public programs providing subsidies, adolescents for participation and improvement of education, and media professionals in the treatment of the news using a rights-based approach.
6. For the upcoming two years (2008-2009), UNICEF will prioritize the following: (i) the generation and dissemination of relevant knowledge at the national and provincial level, focusing on the reduction of disparities and overcoming discrimination against specific groups; (ii) its catalyst role to promote more coordinated inter-sectoral and strategic work in national and provincial policies related to children; (iii) cooperation for social inclusion – in this framework, UNICEF will provide priority attention to the adolescent population, taking into consideration the widespread tendencies to stigmatize them negatively, their unequal opportunities, their cultural and ethnic diversity, the relevance of their participation, as well as the need for a new legal framework for juvenile justice; (iv) consolidation of partnerships with the media, civil society organizations and the private sector to promote a culture of respect for the rights of children and support child-rights-oriented public policies.