

Universal Periodic Review
(28th session, Oct-Nov 2017)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III - F, J, K, and P)

[Argentina](#)

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

Title	Date of ratification, accession or succession	Declarations /reservations	Recognition of specific competences of treaty bodies	Reference to the rights within UNESCO's fields of competence
Convention against Discrimination in Education 1960	State party to this Convention (ratification 30/10/1963)	Reservations to this Convention shall not be permitted		Right to education
Convention on Technical and Vocational Education 1989	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	23/08/1978			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	09/08/2006 Ratification	The Argentine Republic, in accordance with Article 26, paragraph 2 of the Convention, shall not be bound by the provisions of paragraph 1 of		Right to take part in cultural life

		<p>this Article. Reservation: The Argentine Republic considers that Article 33, paragraph 2 and the correlative Article 2, paragraph 5 of the Convention are not applicable in respect of the territories that are the subject of a sovereignty dispute between two States Parties to the Convention that is recognized by the General Assembly of the United Nations.</p>		
<p>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</p>	<p>07/05/2008 Ratification</p>	<p>The Argentine Republic considers that Article 27, paragraph 2, of the Convention is not applicable in respect of territories that are the subject of a sovereignty dispute recognized by the General Assembly of the United Nations between two States Parties to the Convention.</p>		<p>Right to take part in cultural life</p>

Right to education

II. Promotion and protection of human rights on the ground

1. The Constitution of Argentina of 1994 guarantees the rights to teach and to learn. It also guarantees the respect for the identity and the right to bilingual and intercultural education. The Act No. 26.206 on National Education¹ states that the purpose and aim of the national education policy is to ensure equal conditions and respect for differences among people and to prevent gender discrimination or any other type of discrimination. The Act provides that the State, the provinces and the autonomous city of Buenos Aires hold primary non-delegable responsibility for delivering comprehensive, lifelong, quality education to all of the nation's inhabitants, who are guaranteed the right to equal, fair access to education, free of charge. It also provides that education is compulsory throughout the country between the age of five (5) and completion of secondary education, thus rendering education compulsory until secondary education is completed.² The Act contains provisions instituting: (1) Special education as the education system's means of guaranteeing that people with disabilities, whether temporary or permanent, enjoy the right to education at all levels and under all curricula; (2) Education in Contexts of Confinement, through which the education system guarantees the right to education and promotes the comprehensive education and full development of all persons deprived of freedom; (3) the development of intercultural bilingual education³
2. The legislation also includes the Act No. 26.058 on Technical and Vocational Education, Act for Higher Education No. 24.521, the Federal Council Resolution 118/10, the Financing Act No. 26.075 and Act No. 26.150 on Comprehensive Sex Education.
3. In terms of reporting to UNESCO, within the framework of the latest Consultations of Member States organized by UNESCO on the the Convention against Discrimination in Education, Argentina submitted in 2016 a national report on measures taken for the period 2012-2016 (for the 9th Consultation of Member States). Argentina also reported to UNESCO on the measures taken for the implementation of the Convention for the Eighth (2006-2011) Consultation. However, it did not report on the measures taken for its implementation within the framework of the Sixth (1994-1999) and Seventh (2000-2005) Consultations and did not report on the measures taken for the implementation of the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms within the framework of the Fourth and Fifth Consultation of Member States.

Freedom of opinion and expression

¹<http://www.unesco.org/education/edurights/media/docs/6c2a4d53e1fd70a267ad6875beca7edd541a948f.pdf>

² Argentina Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012.

³ Argentina Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, pp. 3-4

➤ Constitutional and Legislative Framework:

4. Article 32 of the Constitution⁴ states that: “the Federal Congress shall not enact laws that restrict the **freedom** of the press or that establish federal jurisdiction over it”.
5. In 2009, Argentina adopted Law 265515, which decriminalizes libel and slander.
6. Argentina does not have a law on access to information, but the bill is going to be adopted soon⁶. The bill will provide for the fundamental conditions under which the information can be disclosed. It will replace the 2003 Decree 1172/2003, a legal instrument that allows open access to public information.

➤ Implementation of legislation:

7. The National Entity for Communications⁷ (ENACOM) recently received its first Congressional approval. The entity was created in December 2015, following the adoption of Decree 267, and the merger of the Federal Authority of Audiovisual Communication Services (AFSCA) and the Federal ICT Authority (AFTIC).

➤ Media Self-Regulation:

8. In Argentina, there is no self-regulation mechanisms implemented by media. The Argentina Federation of Press Workers (FATPREN)⁸ represents workers in the press and media sector as it is defined by Law 12,908, but does not have as their main purpose the upholding of collective ethical standards.

➤ Safety of journalists:

9. Since 2008, no killing of journalists has been recorded by UNESCO⁹ in Argentina

III. RECOMMENDATIONS

10. Below are the recommendations made within the framework of the 2nd cycle of the Working Group (14th session) on the Universal Periodic Review (December 2012)¹⁰:

99.17. Continue to implement programmes and measures intended to guarantee the right to health and the right to education

⁴ <https://www.constituteproject.org/search?lang=en&q=freedom>

⁵ <http://servicios.infoleg.gob.ar/infolegInternet/resaltaranexos/160000-164999/160774/norma.htm>

⁶ <http://www.freedominfo.org/wp-content/uploads/Ley-de-Acceso-a-la-informacio--n.pdf>

⁷ <https://www.enacom.gob.ar/>

⁸ <http://fatpren.org.ar/>

⁹ <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/>

¹⁰ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/ARSession14.aspx>

- 99.33. Strengthen human rights education and training programmes for the police and law enforcement forces, in particular those working in penitentiary establishments
- 99.59. Continue to take steps to address domestic violence and human trafficking through education and awareness campaigns and services to victims, as well as ensuring the effective application of the law against perpetrators
- 99.66. Prohibit by law all kinds of violence against children including corporal punishment in all settings
- 99.97. Continue attaching great importance to education and solve effectively the problem of children dropping out of school, so as to guarantee their right to education
- 99.101. Take the necessary measures to promote a greater inclusion of persons with disabilities in the areas of education and employment
- 99.103. Consider adopting specific legislation to ensure that children with disabilities are included in education as well as in health systems
- 99.104. Take further steps to ensure that children with disabilities be included in the development of the education system and in health insurance plans, as well as to take all necessary measures to ensure the implementation of legislation providing services for children with disabilities;
- 99.105. Develop and promote programmes to provide access to jobs, education, transportation and public spaces, as well as protection from violence for persons with disabilities;
- 99.111. Improve the situation of indigenous minorities, particularly regarding the right to property, access to housing, right to participation and intercultural education

Review and specific recommendations

11. During the reporting period, Argentina adopted measures to implement the right to education. In this respect, Argentina should be commended for its National Plan for Compulsory Education and Teacher Training (Plan Nacional de Educación Obligatoria y Formación – PNEOYFD), which was agreed - through Federal Education Council Resolution No. 188 of 2012 - in order to deepen the goals already achieved through the National Act and progress on the pending objectives.¹¹ The PNEOYFD, has three objectives for early-childhood education that comprise a set of lines of action¹²: (1) Extend educational coverage from 0 to 5 years old, (2) Strengthen school trajectories generating better conditions for teaching and learning, (3) Strengthen institutional management by expanding strategies for inclusion of children with specific educational needs.¹³ Regarding basic education, the PNEOYFD proposes three key objectives at the level of which, in turn, a set of lines of action emerge: (1) Expand and improve the conditions and forms of access permanence and egress, (2) Strengthen school trajectories generating better conditions for teaching and learning, (3) Strengthen institutional management

¹¹ EFA National Report 2015, p.3 unofficial translation, <http://unesdoc.unesco.org/images/0023/002303/230307S.pdf>

¹² EFA National Report 2015, p.6 unofficial translation, <http://unesdoc.unesco.org/images/0023/002303/230307S.pdf>

¹³ The National Child Development Program (Programa Nacional de Desarrollo Infantil) provides tools to advise, strengthen and accompany families, teachers, facilitators and other agents working in educational institutions of care and care of children from 0 to 5 years in issues related to the upbringing and the improvement of the quality of life. The National Early Years Program (Programa Nacional de Primeros Años) has the general objective of generating family, community and institutional conditions to promote early childhood development, from a comprehensive approach, based on the construction of containers and protective environments for the rights of children.

by expanding educational strategies for school-based and non-school-based children. Adult education and life-long learning is also covered by the PNEOYFD, it sets out three objectives: (1) Guarantee the opportunity for literacy and completion of primary and secondary education for young people and adults (2) Consolidate improvement processes in teaching and learning (Implementation of a modular curriculum that guarantees mobility and continuous trajectories of young people and adults in the federal territory, Expand the link between education, work, production and local context), (3) Strengthen institutional management to expand youth and adult care strategies.

12. Argentina should also be commended for its efforts to improve the quality of education. Regarding the quality and content of education, the "Conectar Igual" program, is a program by which a personal computer is awarded to all high school students in educational establishments in the state sector in order to increase digital literacy, access to new technologies and thus reduce the digital divide among the young. The "700 Schools" and "More Schools I and II" Programs, in partnership with the Ministry of Federal Planning, built more than 1,800 new educational establishments throughout the country since 2003 to 2015. With respect to violence at school, during the 2012-2015 period, the Argentina Observatory on School Violence, carried out the following activities: teacher training and capacity-building; production and distribution of material for teachers and pupils. Human rights education, citizenship and solidarity have been developed through Core Learning Priorities (Núcleos de Aprendizajes Prioritarios - NAPs), Mercosur Youth Parliament and the National Solidarity Education Programme.
13. Argentina should also be commended for its inclusive measures for disadvantaged groups and increase gender equality. Integral Sexual Education (Educación Sexual Integral) constitutes a systematic space of teaching and learning that includes contents of different curricular areas, adapted to the ages of children, and addressed in a transversal way and / or in specific spaces, such as the equal treatment of men and women.¹⁴ However it was noted that gender gaps in secondary enrolment have widened.¹⁵ Regarding disadvantaged groups, Universal Allowance per Child (Asignación Universal por Hijo- AUH) is a policy of income transfer conditioned to the most vulnerable sectors of the population (under the age of 18 or with disabilities) with which it is sought to ensure that children and adolescents attend school, periodic health checks and comply with the mandatory vaccination schedule.¹⁶ To the extent of our knowledge, inequality in the educational system persists particularly with regards to test results in different municipalities. The Special Needs Education Modality aims at ensuring the right to education for people with disabilities, whether temporary or permanent, at all levels and modalities of the education system. However, despite the efforts, it would appear that special needs children still face challenges in accessing education. With regards to the indigenous population, together with the Indigenous Peoples, pedagogical strategies were proposed that would meet their specific educational needs in order to reverse their historical exclusion from the educational system. The main lines of action, which also include the formulation and monitoring of indigenous peoples through the Autonomous Education Council of Indigenous Peoples

¹⁴ EFA National Report 2015, p.88 unofficial translation, <http://unesdoc.unesco.org/images/0023/002303/230307S.pdf>

¹⁵ GMR 2015, p.162, <http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>

¹⁶ EFA National Report 2015, p.3 unofficial translation, <http://unesdoc.unesco.org/images/0023/002303/230307S.pdf>

(Consejo Educativo Autónomo de Pueblos Indígenas- CEAPI), are: Teacher Training and Training; Production of Didactic Material; Institutional Pedagogical Projects; Systematization of information on the educational situation of indigenous peoples.

➤ Specific Recommendations:

1. As a State Party to the Convention against discrimination in education, the Argentina is encouraged to fully implement the relevant provisions that promote equal access to a quality education without discrimination or exclusion, and fully implement the right to education as defined by it and by the Covenant on Economic, social and cultural rights. In doing so, Argentina should make further efforts to increase access to education of children with special needs.
2. Argentina should also be encouraged to reduce inequality in educational institutions across municipalities.
3. Argentina should be encouraged to regularly submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
4. Argentina should be encouraged to share with UNESCO relevant information to update the country profile of the Global Database on the right to education.¹⁷

Freedom of opinion and expression

14. Argentina is encouraged to introduce a freedom of information law that is in accordance with international standards.¹⁸
15. Argentina is recommended to facilitate the introduction of self-regulatory mechanisms, including a Code of Ethics, among the media professionals.

Cultural Rights

16. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)¹⁹, the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁰, and the Convention on the Protection and Promotion of the Diversity of Cultural

¹⁷ <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

¹⁸ See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87th Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

¹⁹ Periodic Report available at: <http://whc.unesco.org/document/123037>

²⁰ Periodic Report available at: <http://www.unesco.org/culture/ich/en/state/argentina-AR?info=periodic-reporting>

Expressions (2005)²¹, Argentina is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Argentina is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

Freedom of scientific research and the right to benefit from scientific progress and its applications

17. In the framework of the Second Consultation on the implementation of the Recommendation on the Status of Scientific Researchers (1974) covering the period from 2013 to 2016, launched by UNESCO in December 2016 (<http://on.unesco.org/2hL0xGz>), Argentina is encouraged to report to UNESCO on any legislative or other steps undertaken by it to ensure the application of this international standard-setting instrument. Argentina is invited to complete the online questionnaire, which has been prepared by UNESCO to guide and assist Member States with their reporting (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire (http://www.unesco.org/shs/questionnaire_200_ex_16_part2_es.docx), Argentina is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation.

²¹ Periodic Report available at: <http://en.unesco.org/creativity/monitoring-reporting/periodic-reports/available-reports-0>