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Summary record of the 46th meeting

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Chairperson: Mr. Pillay

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Third periodic report of Argentina (continued) (E/C.12/ARG/3; E/C.12/ARG/Q/3 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Argentina took places at the Committee table.*

Articles 10 to 15 of the Covenant (continued)

2. **Mr. Labarta Liprandi** (Argentina) reiterated that the statistics provided were reliable and said that the delegation could supply information on Argentina's data-collection methodology. The economy was strong and any flight of capital was due not to loss of confidence but rather to international corporations repatriating their foreign currency reserves to reduce their exposure to the economic crisis. By the end of 2011, wages would have risen by 24 per cent in the public sector and 28 per cent in the private sector, while salary adjustments were two to three times higher than inflation. The Argentine Association of Economists, cited by the Committee as the source of certain data, was not known to the delegation or the National Statistics and Census Institute. The minimum wage was calculated not on the basis of the consumer price index but, rather, on that of business revenue.

3. **Mr. Luongo** (Argentina) said that it was difficult to gauge the impact of the different socio-economic measures, but the National Statistics and Census Institute continually measured various indicators across the country. In the first half of 2003, 54 per cent of the population had been living beneath the poverty line, whereas in 2011 rates of poverty and extreme poverty had dropped to 8.3 per cent and 2.4 per cent, respectively, due in part to a focus on job creation. Government social expenditure had grown from 15 per cent to 24.4 per cent of gross domestic product (GDP). Since 2003, when more than 60 per cent of children had been living below the poverty line, the figure had fallen to 11.9 per cent, and to 3 per cent for extreme poverty. The universal child allowance was designed particularly for vulnerable children, and 3.5 million children currently benefited from the scheme. In 2009, a child registry had been set up, and it had been established that 95 per cent of children received some form of Government allowance. Strategies were in place to address the remaining 5 per cent, which often comprised the most extreme and difficult cases. The budget allocated to children's issues had risen from 5.6 per cent to 8.5 per cent of GDP between 2003 and 2010, and continued to grow. The issue of street children was not a nationwide problem but was mostly confined to three major cities where programmes were in place for that particular group. Under the "Out there with the people" (Ahí, con la gente) plan, officials from the Ministries of Social Development, Health and Education worked in tandem with local organizations to devise bespoke solutions, such as the community integration centres which carried out preventive activities. Anti-poverty measures not only targeted children, but also focused on promoting the notion that individuals were the subjects of rights. For example, the number of non-contributory pensions had increased almost tenfold since 2003, and there were now more than 1 million beneficiaries.

4. **Ms. Gamarra** (Argentina) said that the Prohuerta programme under the National Food Security Plan was operating in every province, carrying out projects according to local needs, resources and customs, though it did receive federal support and funding. The main focus was on expanding access to drinking water and water for use in farming and

animal husbandry through the building of wells, dams, waterwheels and storage tanks. Nearly 20,000 outreach staff assisted families with household food production, marketing strategies and supplies of seed, combined with nutritional counselling and a range of training services. A variety of projects conducted in 53 localities, mostly in the north-west of the country, had benefited 30,000 families, and additional projects were being developed. The National Programme for Early Childhood Development was a joint effort between five federal ministries and provincial entities to support families raising children.

5. **Mr. Luongo** (Argentina) said that more than 2,500 child development centres had been established to provide comprehensive care for children under the age of 4, contributing to a reduced risk of child labour. The development and social integration policy focused on employment and the family.

6. **Ms. Albertelli** (Argentina) said that, in 2011 alone, building and renovation projects had provided 886,673 housing solutions for some 4 million people. Between 2003 and 2010, the percentage of dwellings that were illegal had fallen.

7. **Ms. Perceval** (Argentina) said that since 2003 there had been no instances of State security forces being involved in suppressing social unrest. The functions and mandate of the armed forces were clearly defined in the Defence Act and the Internal Security Act and did not include breaking up legitimate demonstrations. In 2010, the Ministry of Security had been established and was working with the provinces to ensure an approach to eviction that respected human rights.

8. **Mr. Penna** (Argentina) said that responsibility for the provision of health-care services lay with the provincial authorities, some of which had delegated it to the municipal level. However, according to the Constitution, overall responsibility for health lay with the State, which played a guiding role to ensure that as many people as possible received health care of the highest available quality. The Ministry of Health supported federal health programmes and monitored the implementation of federal and international standards. It also developed national policies aimed at progressively realizing the right to health, as well as fostering solidarity and social inclusion. It strove to attain technical and technological assistance from abroad where necessary and to provide other countries with the assistance they required.

9. Turning to the organization of the health sector, he said that the public service guided and monitored public health provision in the country, in cooperation with international public health authorities. It was also in charge of general policy and provided support for development programmes at the provincial level. The structure comprised the Ministry of Health, the provincial health ministries and the municipal health secretariats. There were also national and provincial social insurance schemes. In addition, the private health sector provided many of the services required by the social insurance schemes as well as services for people who contributed to prepaid insurance schemes. That somewhat complex system required the Ministry of Health to negotiate with the provincial authorities, usually through the Federal Health Council, which brought the federal and provincial ministers together once a month.

10. There were 18,793 health facilities nationwide, of which 8,244 were public and 10,729 private. Overall, there were 184,477 beds. The Federal Health Programme (PROFE) provided support to the social insurance schemes in particularly onerous cases, in conjunction with the Special Programmes Administration (APE), which intervened in rare, high-cost cases, usually involving patients who were not covered by the social insurance schemes.

11. Health expenditure at the national level amounted to over 5 billion pesos and, for the provincial authorities, it totalled almost 20 billion pesos. Municipal health expenditure stood at about 4 billion pesos. The expenditure of the national social insurance schemes was

just over 20 billion pesos and, of the provincial social insurance schemes, almost 10 billion pesos. The expenditure of the body that covered pensioners and retirees amounted to some 10 billion pesos. In total, 6.12 per cent of GDP was allocated to health expenditure.

12. Precise information on access to health services in different parts of the country would be sent to the Committee in writing, if required. However, the fact that 99 per cent of all births nationwide took place in health-care facilities showed that there was good access throughout the territory. Public health services and prescription medicines were free of charge to all citizens and migrants, from the level of primary health care to the most specialist clinics. Under the “Remediar” programme, kits containing about 400 essential drugs and awareness-raising materials were distributed to almost 7,000 primary health-care centres nationwide. Special kits were also available for paediatric care, care of the elderly and university students. The kits also contained HIV/AIDS treatments, drugs for organ transplant patients and contraceptives. The “Remediar” programme facilitated access to over 250,000 prescription drugs a year and surveys had shown that patients were very satisfied with the service provided. The conditions most commonly treated under the programme were essential (primary) hypertension, type 2 diabetes mellitus, asthma, acute upper respiratory infections and skin and urinary infections. In order to ensure that the most vulnerable sectors of society had adequate access to health-care services, an additional programme was in place for the deployment of 37 mobile medical units to areas in north-east and north-west Argentina. The programme included paediatric care, vaccinations, ophthalmology (including free spectacles) and dentistry.

13. The Childbirth Plan (Plan Nacer) provided subsidies to service providers nationwide to enable them to improve the level of care they could offer. The specific services subsidized under the plan were listed in paragraphs 711 and 712 of the periodic report. Some 1,732,900 people had registered under the plan nationwide and, to date, a total of nearly 700 million pesos had been transferred to the provinces. As part of the plan, treatment for congenital heart problems had been provided, thus extending the right to health to a significant number of children. Since 2010, some 60 per cent of the children who had been on the waiting list had received treatment for those problems.

14. Since signing the Framework Convention on Tobacco Control (FCTC) in 2003, the President had been working towards its ratification by Congress. While that had not yet been achieved, the National Tobacco Control Programme of the Ministry of Health was based on the Framework Convention. Several provincial and municipal authorities had promulgated their own legislation concerning a smoke-free environment.

15. Illegal abortions currently accounted for over 21 per cent of maternal mortality. There were no data available on hospital admissions resulting from unsafe abortion. The number of patients hospitalized for reasons linked to abortion had dropped from about 68,000 in 2005 to about 54,000 in 2008. Individual health-care workers had the right to refuse to perform abortions, but public and private institutions could not opt out of providing them. Anyone who refused to perform an abortion was obliged to refer the patient to another member of staff. A register of staff who refused to perform abortions was currently being set up. The Ministry of Health had been addressing the problem of high-risk pregnancies nationwide, particularly through the provision of relevant training to health-care staff. Efforts to promote safe childbirth and safe blood provision were helping to reduce the maternal mortality rate, which stood at about 4.5 per 100,000 live births. Particular emphasis had been placed on eliminating mother-to-child transmission of HIV/AIDS and syphilis. The number of AIDS notifications had remained steady at about 5,000 per year.

16. Some 55 per cent of babies were exclusively breastfed up to the age of 6 months. In some provinces, that rate reached 75 per cent. Breast-milk substitutes were controlled by the national medicine, food and medical technology authorities.

17. The aims of the health-care programme for detainees included reducing the mortality and morbidity rates, improving the quality of health care available in prisons, increasing access to health care and coordinating the work of the relevant ministries.

18. **Mr. Caputo** (Argentina) said that the new framework law on mental health provided for the inclusion, rather than exclusion, of mental health patients. The law had nationwide applicability and did not require ratification on the part of the provincial authorities. It guaranteed an interdisciplinary approach to patient care and provided for multisectoral actions, involving employment, development, housing, human rights and education, in order to promote social inclusion. The criteria for involuntary internment of patients included the existence of a definite, imminent risk, an interdisciplinary evaluation of the person's mental state, the person's right to a lawyer, and ongoing judicial review of the situation. The Mental Health Act prohibited the establishment of new psychiatric asylums and required that those in existence should be adapted to the new policy of social inclusion before being phased out completely. Under the Act, community-based solutions replaced internment in psychiatric asylums by placement in general hospitals and residential units, as well as offering possibilities such as home help and foster families. Drug addicts were treated under the same framework, focusing on their inclusion rather than criminalization.

19. The Mental Health Act was a particularly successful piece of legislation because it had been drafted and implemented through an active partnership between users of mental health services, their families and the State. Another important factor in improving mental health-care services had been the establishment in April 2010 of the National Directorate for Mental Health and Addiction, within the Ministry of Health. In keeping with the authorities' more comprehensive and flexible approach to mental health, the Directorate had taken a number of initiatives. It had launched the National Primary Care for Mental Health Programme, one aspect of which involved providing basic mental health services in the integrated community health centres; the staff of those centres were being trained accordingly. It had launched a national programme to combat alcohol abuse as well as a programme for the treatment of severe mental disorders.

20. The Directorate also provided guidance and assistance to provincial health authorities. The focus of such efforts was to prevent persons suffering from mental disorders from becoming marginalized and to ensure that they received appropriate care. In keeping with its coordinating role, in August 2011 the Directorate had organized the first national and Latin American conference on mental health care, which had brought together specialists as well as patients, their families and volunteers.

21. As a result of the new approach to mental health care, more mental health services were being offered in general and local hospitals. Between 2010 and 2011 the number of mental health-care beds in specialized hospitals had dropped by nearly 15 per cent, from 10,465 to 8,914. During the same period the corresponding number in general hospitals had increased by one third, from 857 to 1,130, and the number of beds in community health facilities by 80 per cent, from 460 to 867. The number of beds in the private sector had likewise increased. Before the adoption of the Mental Health Act the budget of the mental health unit of the Ministry of Health had been only 1 million pesos. In 2010 the allocation had increased to 25 million pesos with the establishment of the Directorate and in 2011 had been doubled to 50 million pesos.

22. **Ms. Perceval** (Argentina) noted that a federal framework law was a federal statute that must be applied nationwide although provincial authorities could supplement the provisions of such a law through regulations or other measures with a view to more effective implementation, taking into account their specific circumstances.

23. **Mr. Urquiza** (Argentina) said that, pursuant to the National Education Act, 2006, education was considered to be a right based on the principles of inclusion and equality of

opportunity for all. According to the Act, at least 6 per cent of GDP must be allocated to education. Funding of education had in fact increased from less than 3 per cent of GDP in 2003 to 6.47 per cent of GDP in 2011. The Act was complemented by legislation on matters including the number of teaching days per year; technical and professional education; comprehensive protection of the rights of girls and boys and adolescents; and comprehensive sex education.

24. Between 2003 and 2011 more than 1,200 new schools for all levels had been constructed and another 500 were currently being built and equipped. School was compulsory from the age of 5 to the end of secondary education, a total of 13 years. The Ministry of Education was considering lowering the age for starting school to 4. Low-income families received a universal child allowance for education and health care. A network for the right to education made up of representatives of the State and civil society monitored the distribution of that allowance.

25. At the secondary level the National Fund for Technical and Professional Education had been established as part of a new emphasis on technical and professional education as a pillar of the modern economy, with a view to meeting the needs of the labour market. School improvement plans had been launched to provide funds to all State secondary schools with increasing the support services available to students in order to ensure their success.

26. The Conectar Igualdad (Connecting for Equality) plan would provide every secondary-school student and teacher as well as teachers in training and staff and students of specialized schools with a personal computer. To date 1.8 million computers had been distributed and 3 million would be distributed by the end of 2012. That would serve as a powerful tool for promoting social equality.

27. At the higher education level, nine national universities had been established; each province currently had at least one national university accessible to all. Over the past four years his Government had established three public educational channels accessible to all citizens, a cultural channel (Encuentro), a children's channel (Paka Paka) and a science channel (Tecnópolis). More than 6,000 rural schools had access via satellite to the free digital television channels.

28. A programme to expand and improve primary and secondary education in rural areas had been launched in 2007. It had provided support for 7,261 institutions or services at the initial school level, 11,038 at the primary level and 5,204 at the basic secondary level. He noted that in rural areas all levels of pre-university education were frequently offered in the same school. The number of rural children who did not have access to the school system had dropped from 8,054 to 6,265.

29. The graduation rate from primary to basic secondary, 6th to 7th grade in some areas, 7th to 8th in others, had increased, respectively, from 83 per cent in 2007 to 89 per cent and from 77 per cent to 83 per cent. More than 1,000 teachers had received special training on teaching in rural schools. A commission had been established to study the results for rural students in grades 3 to 6 with a view to monitoring progress towards achieving educational parity in rural areas.

30. The universal child education and health allowance for low-income families had replaced individual bursaries and had the advantage of being universal and paid monthly. It provided a larger amount than the previous scholarship programme. In principle no child could receive two benefits or bursaries although there were exceptions for indigenous children, victims of the South Atlantic War and children under legal protection and wards of the State. An additional benefit for schoolchildren was the Conectar Igualdad programme.

31. Drop-out rates at the primary, basic secondary and advanced secondary levels in 2009–2010 had been 1.44, 9.34 and 15.48 per cent respectively. Measures adopted to reduce the high advanced secondary drop-out rate in particular included: increased availability of counselling, especially during stressful periods, for example examination time, and for children experiencing difficulty in school; the universal allowance; and the plans to improve secondary schools. Promotion rates at the primary, basic and advanced secondary levels were 93.87, 78.2 and 77.11 per cent respectively. In that connection, he noted that the repetition rate at the primary level had dropped from 5.75 per cent in 2007 to 4.69 per cent in 2009.

32. Violence in schools was viewed as one aspect of the wider problem of violence in society. By 2012 all secondary schools would be required to have developed a code of conduct and coexistence for cooperative government prepared by staff and students working together in order to help teachers teach and students learn under better conditions.

33. Turning to the issue of comprehensive sex education, he said that by law all schools, whether public or private, must provide sex education to their students. The Ministry of Education coordinated with all jurisdictions to provide curriculum materials and manuals for teachers, train teachers and increase awareness at all levels. Families were kept informed and provided with brochures in order to continue discussion of sex education issues at home. Brochures were also available to the public. Information and courses were available online as well as in Braille.

34. Intercultural and bilingual education for the indigenous population was a priority. Between 2004 and 2009 enrolment in bilingual programmes had increased from 10,700 to over 11,000 at the primary level, from 13,700 to 16,200 at the secondary level and from nearly 1,400 to nearly 4,000 at the non-university higher education level. Bilingual education was mandated for all levels of the school system. Funds and materials were provided for bilingual education. In 2010 and 2011, 20,000 bursaries per year would be awarded to indigenous students.

35. He was pleased to inform the Committee that the illiteracy rate had dropped from 2.6 per cent to 1.9 per cent. While illiteracy rates in some provinces remained above that figure, they had nevertheless declined, for example from 4.3 to 2.2 per cent in Corrientes province, from 8 to 5.5 per cent in Chaco province and from 6 to 4 per cent in Santiago del Estero province. Much remained to be done but real progress had been made over the past eight years thanks to renewed investment by the State in literacy programmes. For example, in order to help adults who had simply not had the opportunity to attend school and learn to read and write, as well as individuals who did not have enough credits to graduate, the Ministry of Education had launched the FinEs plan aimed at helping young people and adults complete their primary and/or secondary studies. Some 1 million people had enrolled in that plan and more than 300,000 had received their diplomas.

36. **Mr. Roma** (Argentina) said that 1,158 complaints of discrimination had been lodged on the hotline established by the National Institute against Discrimination, Xenophobia and Racism in 2010, 124 by migrants, 42 relating to gender issues, 21 by indigenous persons and 267 by persons with disabilities, usually with regard to public transport and accessibility in cities. With regard to same-sex marriage, he said that the law was applied throughout the country; there had been 2,697 same-sex marriages, 40 per cent between two women, 60 per cent between two men. To date approximately 50 children had for example been registered as having two mothers. The approximately 300 children of same-sex parents whose union had occurred before the reform to the Civil Code recognizing same-sex marriages could have their civil status amended to recognize both parents.

37. **Mr. Ciaravino** (Argentina) said that the adjustable living minimum wage was negotiated and established each year by the tripartite National Council for Employment,

Productivity and the Adjustable Minimum Living Wage. It also served as a reference for the adjustment of the universal child allowance. As for the issue of violence against women domestic workers, it was difficult for Ministry of Labour inspectors to investigate, given the private nature of the place of work. Instead of a criminal proceeding the preferred response was to convene a domestic work tribunal to review the situation in order to reach a mutually agreeable settlement. He noted that Argentina fully supported the recent International Labour Organization (ILO) Convention concerning decent work for domestic workers, 2011 (No. 189).

38. The Ministry of Labour, Employment and Social Security promoted social dialogue between the State, employers and employees and established sectoral and regional tripartite councils for that purpose. In its daily activities the Ministry also maintained close links with private-sector enterprises. In its dealings with the private sector the Ministry saw its role as being not only to resolve labour disputes but also to encourage private enterprises to accept and assume their social responsibility.

39. Regarding child labour, the most important development since the State party's previous report was the adoption of legislation raising the minimum age for employment from 14 to 16. Child labour in rural areas, particularly in agriculture, was a sensitive and complex issue that was difficult to resolve, given the strong tradition of children working with their parents. Measures adopted to try to eliminate such traditional practices were public awareness-raising, subsidies for parents who withdrew their children from child labour, and scholarships for children to encourage more school attendance.

40. Concerning migrant workers, a scheme to offer them cash-crop allotments, known as "little gardens", especially in areas of intensive production of tobacco and food crops, had recently been launched. It was hoped to expand the project in the future. The Government had introduced a new legal provision under the Patria Grande programme, which had facilitated the regularization of over 420,000 workers from MERCOSUR and associated countries. It had brought about an interesting paradox, as the increase in registered work had been higher among migrant workers than among Argentine workers, at 91 per cent and 68 per cent respectively.

41. With regard to questions concerning alleged violations of trade union rights in Argentina, he knew of only four cases which had been quoted in a legal study by the Inter-American Commission on Human Rights relating solely to procedural matters and which certainly did not involve infringement of trade union freedoms and rights in Argentina. The ILO had found that Argentina's actions did not amount to a failure to meet its obligations.

42. **Ms. Perceval** (Argentina), referring to trafficking in persons, said that in 2011 alone over 1,400 victims of trafficking had been rescued from situations seriously violating their human rights. Most of the victims were Argentine nationals, and over 1,000 were adults, while more than 300 were under the age of 18. Most were exposed to work exploitation, but many were subjected to sexual exploitation. There had been a reduction in human trafficking in 2011 thanks to labour inspections and better monitoring of seasonal workers. Argentina could not deal with the problem alone, however, and it was therefore taking regional action through MERCOSUR. The problem was exacerbated by the media, which frequently publicized sexual services in personal advertisements, as a cover for trafficking networks. The Government had introduced legislation to put a stop to such practices. Gender equality would also help address the issue of trafficking because, while girls were performing better academically, gender discrimination was still an obstacle in the workplace, and women discriminated against at work were more likely to become victims of trafficking. The Government was trying to open up more opportunities outside traditional sectors for women's employment such as nursing and teaching. Paternity leave was being offered for fathers, to encourage an awareness that both parents were equally responsible for caring for and raising children. There were still instances of femicide in Argentina. The

President had decreed that the Human Rights Secretariat could now be a plaintiff in such cases, and in cases of trafficking of women, which was a great step forward.

43. Scientific advances which had benefited the people of Argentina included innovative developments in producing drinking water from seawater, agro-production and biotechnology; gene therapy; advances in cardiac health care, including a major innovation in health science development that could regenerate damaged cardiac muscle; discovery of micro-organisms from Antarctica, and of a whole new species; and production of vaccines, in particular a cheaper and internationally recognized second-generation human papilloma virus vaccine to prevent cervical cancer in women.

44. **Mr. Marchán Romero** thanked the State party for the considerable quantity of information provided, but encouraged it to restrict such detail in its next report. He informed the delegation that the Committee was considering drafting a general comment on article 15, paragraph 1 (b), covering the benefits of scientific progress. He requested the State party to provide information in its next report on cases concerning the exploitation of resources on indigenous lands. He referred in particular to a judgement handed down by an Argentine court in a case involving the company Petrolera Piedra del Aguila S.A., mentioned on page 24 of the replies to the list of issues.

45. **Mr. Abdel-Moneim** welcomed the measures adopted to adjust the minimum wage. That could serve as a model for the rest of the world, given the current trend for austerity measures to address the economic crisis at the expense of economic, social and cultural rights.

46. **Ms. Shin** asked whether the State party had considered increasing the price of cigarettes, since its anti-smoking campaign had not been successful, especially among young people and women.

47. **Mr. Texier** said that he had not received a satisfactory reply about the Salinas Grandes case. The Committee would keep a careful eye on developments in the case, which was currently before the Supreme Court, and he asked for more information to be provided on the matter in the State party's next report.

48. **Mr. Ribeiro Leão** said that one source of data on Argentina was the EcoLatina consultancy, which had been used as the basis for a major report broadcast by the TV Globo channel in Brazil looking at the impact of the crisis of confidence on the economic recovery of Argentina.

49. **The Chairperson**, noting the time constraints, requested the delegation to give its replies to members' follow-up questions in writing by Friday, 25 November.

50. **Ms. Perceval** (Argentina) thanked the Committee for the opportunity to engage in a constructive dialogue. It was not easy to achieve the progressive realization of economic, social and cultural rights in a world characterized by the wealth of the few, often acquired by unscrupulous means, and the poverty of the many, and where it sometimes seemed that the law of the jungle prevailed. In the past Argentina had been frustrated by a limited democracy that did not serve the interests of its people. It would welcome the Committee's recommendations as to how to make further headway in building a country that was more inclusive, more just, more equal and more respectful of human rights.

51. **The Chairperson** thanked the delegation for the detailed information provided and the fruitful dialogue on the State party's third periodic report. The Committee's concluding observations would be available on Friday, 2 December.

The meeting rose at 1.05 p.m.