



Universal Periodic Review
14th Session (2012)

Joint Statement

Situation on the Rights of the Child in Argentina

Submitted by:

Association Points-Coeur

And

The Congregation of Our Lady of Charity of the Good Shepherd

(NGOs in consultative status with ECOSOC)

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A. INTRODUCTION

1. The following report is a joint submission of the above-mentioned organizations. Taking into consideration the significant progress achieved by Argentina to improve the citizen's quality of life and ensure the full enjoyment of their rights, this report seeks to raise major issues affecting children and women living in urban areas of Buenos Aires and Cordoba as well as those living in rural areas. Each theme of this report conveys recommendations to the Government of Argentina.

2. This report is the result of a consultation process that took place over three months. Data and information contained in this report reflect the field experience of thirty participants including: members of our organizations who interviewed children and their families, teachers, doctors and other actors involved in formal and informal education of children and young people in the aged between 4 and 18 years old. An open-ended questionnaire was sent to collect all relevant information with regards to the report that resulted from the 1st Cycle of the Universal Periodic Review¹ and the Concluding Observations of the Committee on the Rights of the Child in 2010²

3. **The Association Points-Cœur** is an international NGO in special consultative status with the Economic and Social Council. Founded in 1990, The Organization promotes human dignity, assists and forms deep personal bonds with troubled, disadvantaged and socially isolated individuals in some of the world's most desperate areas. The Association Points-Cœur is active on five continents, with 41 centers, in 20 countries.

4. **The Congregation of Our Lady of Charity of the Good Shepherd** was founded in 1835 in France, and later moved to Argentina in 1885. Its mission was to support and comfort imprisoned women and adolescents. After thirty years, they began to focus on empowering women and girls living in impoverished situations. And since 2010, it includes women trafficking.

B. GENERAL REMARKS ON THE 1st UPR OF ARGENTINA

5. The NGO coalition welcomes the support of Argentina to the establishment of the Universal Periodic Reviews mechanism and its active participation in these mechanisms by the submission of a mid-term report in September 2010³, in which the State made a first progress review, following the recommendations made during its first review on the 16th April, 2008.

6. Among the recommendations accepted by Argentina⁴, one of them has particularly caught our attention for the preparation of this report. Argentina accepted to provide adequate protection to indigenous people and ensure that their right to land ownership is respected.

¹ Argentina passed its first Universal Periodic Review on April 16, 2008 in Geneva. The outcome of the review was adopted during the 8th Session of the Human Rights Council. U.N Doc. A/HRC/8/34, 13 May 2008.

² See the Report U.N Doc. CRC/C/ARG/CO/3-4, 21 June 2010

³ See the mid-term National Report from Argentina:

<http://libohchr.org/HRBodies/UPR/Documents/Session1/AR/Argentina-Interim-report-sp.pdf>

⁴ See the Recommendations : http://www.upr-info.org/IMG/pdf/Recommendations_Argentina_2008.pdf

C. BIRTH REGISTRATION

7. The NGO coalition welcomes the progress made by Argentina's government regarding birth registration. Today, around 90.7% of newborns are registered in the Civil Identity National Register, which is a first step to obtain a National Identity Card - Documento Nacional de Identidad (*hereinafter DNI*).

We highlight the publication of the decree dated February 2009⁵, which grants children under the age of 12 years a free DNI, including for children not registered in the Registry of Civil Status.

Moreover, the state has facilitated the procedure for registering children in hospitals and multiplied centers where each one can obtain the necessary documents much faster than before.

8. However, if birth registration has significantly increased, it is not yet equally implemented throughout Argentina, especially in certain provinces in the North of the country. For example, in the Chaco region, with authorities having little control over birth registration, many children remain without identity.

This coalition recommends the following to Argentina:

a) continue its efforts to ensure birth registration of all children, including those from indigenous communities and other individuals living in remote areas;

D. DISCRIMINATION

9. Article 75 paragraph 17 of the Argentinean Constitution recognizes the right of indigenous people to the community ownership of the land they traditionally occupy. Into the submission of its mid-term report in September 2010, Argentina stressed that the National Institute of Indigenous Affairs (INAI) facilitate indigenous community's participation, through the "Fortalecimiento Comunitario" ("Community Empowerment") Program, by subsidizing the cost of their legal actions aimed at regularizing ownership of land that they occupy ancestrally.

10. However, the coalition of NGO observes that Indigenous peoples continue to suffer from an important discrimination in their right to land ownership. Indeed, indigenous people face numerous administrative and judicial barriers to land ownership, including delays in land title registration, and court ordered evictions. They also often find themselves in conflict with the state and private companies, which develop extractive industries on or near the land where indigenous communities are located.

Accordingly, this coalition recommends Argentina to:

a) ensure respect for the rights of indigenous people to possess land they traditionally occupy.

⁵ This decree was issued in response to the large number of Argentinean children not registered. Valid for one year, this decree was extended until 2010.

E. RIGHT TO EDUCATION

Access to education

11. In Argentina, public primary education is free and all children have access to it. We welcome with satisfaction the implementation, between 2008 and 2012, of 14 bilingual and intercultural educative structures in the Province of San Juan in Argentina, allowing children and youth from indigenous communities to learn the language of their ancestors, their customs and history.

12. Nevertheless, children living in rural areas are far from school. Because of distance and poor road conditions, there is no school transport provided to drive children between home and school. Many of them are forced to walk long distance to go to school.

School dropout

13. The NGO coalition recognizes and welcomes the establishment of a decree by Argentine's Government in November 2009, entitled "Universal Asignacion por Hijo e Hijo con discapacidad." Under this decree, the children, whose parents earn very low salaries or are unemployed, receive financial assistance partially conditioned by the effective schooling of the child⁶. This decree has greatly promoted the regular schooling of children from disadvantaged families.

14. If school's attendance has significantly increased in recent years in Argentina, school dropouts remain important among young people, starting around the age of 11, 12 years. Most affected are young people from poor and rural families who leave school to seek work in order to provide financial support to their families. These children and youth work on the streets, in mines, farms or as domestic workers. Moreover, we note that in many cases, especially in poor neighborhoods and rural areas, school dropout is due to a lack of concern of parents who are not aware of the importance of schooling for their children. Most often the parents themselves did not receive any education.

Most of these school dropouts have no stable situation. They give up their job when it becomes too difficult and thus easily move from one job to another, or remain unemployed.

The quality of education

15. We wish to express concern about the quality of teaching in public schools. Indeed, in primary and secondary cycles, there are high rates of absenteeism and change among teachers during the year. This creates great instability for students, especially for those who are struggling. In most cases, there is no serious commitment on the part of teachers to assist students in their schooling. Finally, we observe that they pay little attention to the completion of the curriculum.

This deficiency in education is partly explained by a lack of interest and professionalism among teachers to work in the best interest of their students.

⁶ According to this decree, 80% of the amount provided is paid monthly to parents or legal guardians. The remaining 20% is paid annually, given on the condition that children regularly attend school.

16. Nevertheless, we must also evoke the difficult working conditions of teachers. Indeed, their salaries being low, they are often forced to hold two teaching posts in order to live decently. Moreover, the material conditions for learning are not good. The school premises and equipment are often in poor condition or nonexistent because of a very limited budget but also due to many robberies in schools.

Accordingly, the NGO coalition recommends to the Argentina's Government to:

a) adopt concrete measures to ensure full access to education for children living in remote areas;

b) invest in a complete and quality education system in order to encourage regular school attendance;

c) promote public awareness campaigns so that parents become aware of the importance for their children of completing compulsory education;

d) improve teachers training and establish a system to monitor teacher's performance;

e) take appropriate measures so that teachers are not financially constrained to hold several positions;

f) invest in the quality of schools infrastructures and improve the effectiveness of their surveillance.

F. ECONOMIC AND SEXUAL EXPLOITATION

Economic exploitation

17. Article 26.390 of the labor legislation in Argentina prohibits child labor for all children under 16 years and protects the work of teenagers between 16 and 18.

The NGO coalition stresses the positive initiatives of Argentine's government to prevent and to eradicate child labor. We may note, as an example, the campaign launched on the 20th November 2011 through the Enterprise Network against child labor, composed of 88 companies, the National Commission for the Eradication of Child Labor and the Ministry of work (CONAETI). This is a sensitization campaign on child labor, broadcasted on Internet, especially aimed at companies, at their suppliers and their customers.

18. According to the Ministry of Labour, more than 450,000 children between 5 and 17 work in Argentina. They represent about 6.5% between 5 and 13 years and 20% between 13 and 17 years.

In the poorest households, all family members are working to provide a financial support to their families. A majority of these children remain in school. They go to work before or after attending school. They are employed in agriculture; domestic service; mining or in the street. In big cities like Buenos Aires, street vending is very widespread. Children sell all kinds of goods in the streets, buses and subways. Often mothers steal clothes and accessories to get their young children to sell such items on

the streets. Among the poorest, many are looking for cardboard or aluminum in trashes to then sell it by the kilo.

Finally, many young girls between 10 and 20 years beg on the streets, subways, with babies in their arms.

Sexual exploitation

19. Sexual exploitation is widespread in Argentina. It mainly affects adolescent girls from disadvantaged families in the range age of 14-18 years. The rate is particularly high in the north of the country and is growing more and more today with the use of Internet.

20. Prostitution is the third largest "business" of the country next to drug and arms trafficking. There has been a significant increase in prostitution during 2011. The prostitution market in Argentina is very open and active in public, at any hour of the day, regardless of the place. Women even use flyers and advertisements to attract their clients.

21. Women trafficking is a very present reality in Argentina. Women are abducted from the poorest northern regions. They must first pass through different provinces, where they are lured by traffickers, then assaulted and raped to break their will and submit them. The traffickers then move their victims to locations to supply clients demand, including Buenos Aires, Mar del Plata, Rio Gallegos in Patagonia, as far as Spain.

22. Finally, the provinces of Catamarca, Chaco, Salta, Jujuy and Misiones are part of an internal network of trafficking of children for prostitution.

This mainly affects poor children living on the streets. Organized networks operate by capturing children violently, or by promising them a better job or else purchase the child from his parents for a modest sum of money. Then, children are sold to various criminal prostitution networks and moved all over Argentina.

The outbreak of child prostitution mainly takes place in the province of Misiones, which provides a constant flow of children to supply the sex tourism industry in Argentina and neighboring countries.

23. There are many missing person notices in Argentina to search for disappeared young women and children.

Regarding the economic and sexual exploitation of women and children, NGOs recommend to the Argentinean government to:

a) provide families whose children are attending school, with the minimum standards of living so that children are not forced to work;

b) promote national prevention campaigns to warn vulnerable women and children about the existence of these trafficking networks for prostitution;

c) take appropriate measures under Article 35 of the Convention on the Rights of the Child, that was ratified by Argentina in 1990, to prevent the abduction, sale and trafficking of children for any purpose or under any

form whatsoever;

d) provide appropriate penalties for the perpetrators and those responsible for sexual exploitation networks.

G. ABUSE AND VIOLENCE AGAINST CHILDREN

24. Abuse and violence against children affect all segments of society in Argentina. Nevertheless, they are particularly prevalent in the poor neighborhoods of the big cities. There is a physical and verbal violence. These usually result from the parents' young age, the consumption of drugs and / or alcohol, promiscuity or inactivity of parents due to lack of work. Many children, left to their own devices, flee their family home, preferring to walk the streets and nightclubs, until late.

Accordingly, the NGO coalition recommends Argentina to:

a) promote the implementation of shelters for children at risk of abuse and violence and to work closely with NGO's to better address the causes of abuse and violence on children, including those that occur within families;

H. RIGHT TO HEALTH

Alcohol and drug addictions

25. We are deeply concerned about the considerable rate of alcohol and drug addiction, specifically cheap drugs such as "Paco". Paco⁷ is considered the drug of choice for the poor (less than 50 cents a dose). The effects of this drug are immediate: it causes great cravings as well as a very fast destruction of neurons.

In addition, there is an increased use among the youth of medications and antidepressants.

The main victims of alcohol and drugs in Argentina are adolescents and young adults between 10 and 25 years. This is a major problem that affects all social classes, but mainly poor people.

Early pregnancies

26. It is a fact that many young women become pregnant early in Argentina. It is especially so in the poorer areas of Argentina, where there is a new generation every 15-16 years. One mother out of six is aged of 15-19 years old when giving birth.

These early pregnancies are due to a lack of education of many young people, the influence of television and Internet or to a significant number of rapes in the streets and within families.

Access to health services

27. Access to public healthcare is free for all. As a result, many foreigners from

⁷ "Paco" is a paste made of cocaine residues from the manufacture of cocaine hydrochloride. This paste contains solvents such as kerosene, pesticides or crushed glass neon.

neighboring countries including Uruguay, Chile, and Bolivia travel to Argentina to seek healthcare treatment, because healthcare is free.

28. Accessing health care in rural area remains difficult, as the demand is much greater than supply. Public hospitals suffer from a lack of medical personnel. People have to wait several weeks to obtain get an appointment with a doctor

The quality of health services

29. This coalition welcomes the establishment in 2010, of the first unit of outpatient healthcare in Lomas de Zamora. The principle of these centers is to treat emergency patients and other cases of low or medium priority to decongest hospitals overwhelmed by demand.

30. The quality of care in public hospitals is generally good but affected by the lack of medical personnel.

Accordingly, the NGO coalition recommends Argentinian Government to:

a) increase collaboration with civil society to develop public awareness education and activities that focus on the personal development of children, including sports and arts activities, and prevention measures associated with the dangers of inactivity, drug and alcohol use;

b) provide teenagers, within schools, with an education about the responsibilities resulting from pregnancy;

c) create more small healthcare facilities in rural areas of Argentina in order to allow greater access to healthcare for the rural population;

d) continue its efforts to improve the capacity of public hospitals.

Traduction en anglais par Charles V. Lamento.