

ADVANCE UNEDITED VERSION

Distr.: General
16 September 2024

Original: English

Committee on the Rights of the Child**Concluding observations on the seventh periodic report of Argentina*****I. Introduction**

1. The Committee considered the seventh periodic report of Argentina at its 2828th and 2829th meetings, held on 2 and 3 September 2024, and adopted the present concluding observations at its 2846th meeting, held on 13 September 2024. In the present document, the Committee uses the term "child" to refer to a person who is under 18 years of age.

2. The Committee welcomes the submission of the seventh periodic report of the State party, under the simplified reporting procedure, which allowed for a better understanding of the situation of children's rights in the State party. The Committee regrets the absence of a delegation of the State party participating in the dialogue in person, and considers that an online meeting does not meet the expected standards.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the various legislative, institutional and policy measures taken by the State party to implement the Convention, including:

(a) The revoking of Emergency Decree No. 70/2017 which had allowed migrants to be expelled for a wide category of offences through a special abbreviated procedure;

(b) The enactment in 2019 of comprehensive statelessness legislation (*Act No. 27512 for the Recognition and Protection of Stateless Persons*) and the development of a regulatory and institutional framework in line with international standards;

(c) The enactment of Act No. 27610 of 2021, which expanded the rights to termination of pregnancy and regulated access to voluntary and legal termination of pregnancy and post-abortion care for all persons;

(d) The enactment of Act No. 27709 of 2023, which aims at training any person who works in the executive, legislative or judicial branch of the national State on the rights of children;

(e) The enactment of Decree No. 840/2020 and the Thousand Days Act on universal allowance for children who are not being cared for by their parents;

(f) The enactment of Act No. 27590 of 2020, known as "Mica Ortega's Law", which protects children from grooming;

* Adopted by the Committee at its ninety-seventh session (26 August – 13 September 2024).

(g) The enactment of Act No. 27611 of 2020 on Comprehensive Health Care and Assistance during Pregnancy and Early Childhood.

III Main areas of concern and recommendations

4. The Committee reminds the State party of the indivisibility and interdependence of all the rights enshrined in the Convention and emphasizes the importance of all the recommendations contained in the present concluding observations. The Committee would like to draw the State party's attention to the recommendations concerning the following areas, in respect of which urgent measures must be taken: coordination (para. 10), children deprived of a family environment (para. 30), children with disabilities (para. 34), standard of living (para. 41), children belonging to Indigenous groups (para. 47), and administration of child justice (para. 52).

5. **The Committee recommends that the State party ensure the realization of children's rights in accordance with the Convention and the Optional Protocol on the involvement of children in armed conflict and the Optional Protocol on the sale of children, child prostitution and child pornography throughout the process of implementing the 2030 Agenda for Sustainable Development. It urges the State party to ensure the meaningful participation of children in the design and implementation of policies and programmes aimed at achieving all 17 Sustainable Development Goals as far as they concern children.**

A. General measures of implementation (arts. 1, 4, 42 and 44 (6))

Reservations and declarations

6. **The Committee, in line with its previous recommendations, encourages the State party to consider withdrawing its interpretative declaration regarding subparagraph (f) of article 24 of the Convention and urges the State party to consider withdrawing its remaining reservations to the Convention, including article 21.**

Legislation

7. **Concerned about the Decree of Necessity and Urgency 70/2023 and legislative reforms that promote the closure or downgrading of institutions, reduce the scope of child rights public policies, or promote the repeal of regulations that guarantee child rights, and recalling its previous concluding observations, the Committee urges the State party to:**

- (a) **Uphold the highest standards of children's rights, through progressive normative reforms, and stop setbacks on children's rights;**
- (b) **Adopt a child protection framework legislation in all provinces.**

Comprehensive policy and strategy

8. **The Committee is concerned about the limited impact of the national plan of action for Comprehensive Protection of the Rights of Children and Adolescents (2016–2019) and the lack of comprehensive policies that address the various dimensions of child protection, Recalling its previous concluding observations, the Committee recommends that the State party develop and implement a new long-term national plan integrated into a comprehensive policy and a coordinated strategy for the full implementation of the Convention, which includes objectives, strategies, goals, indicators and deadlines, supported by sufficient human, technical and financial resources, and addresses the various dimensions of child rights, including health, education, housing, food, and access to justice and with the adherence of all provinces and municipalities.**

Coordination

9. The Committee is seriously concerned about the institutional and political changes being proposed since the end of 2023 and the impact they may have on the protection of the rights of children, including:

- (a) Reduction, merging and abolition of Ministries;
- (b) Replacement of SENAF (National Secretariat for Children, Youth and Family) by a new Under Secretary with lower hierarchy focusing on families and children;
- (c) Lack of coordination between the different institutions and agencies responsible for child protection at the provincial and municipal level which can result in duplication of efforts, gaps in coverage, and lack of continuity in care for children at risk.

10. **Recalling its previous concluding observations, the Committee urges the State party to:**

- (a) **Establish an appropriate body at a high interministerial level with a clear mandate and sufficient authority to coordinate all activities related to the implementation of the Convention at cross-sectoral, national, regional and local levels, and provided with the necessary human, technical and financial resources for its effective operation;**
- (b) **Strengthen the capacity of both the Federal Council for Childhood, Adolescence, and Family (COFENAF) and the National Secretariat for Children, Youth and Family (SENAF) and ensure that its mandates and responsibilities are clearly defined as the national leadership and coordinating mechanism for the management and coordination of the Comprehensive Protection System;**
- (c) **Ensure that the decentralization criteria, outlined in Act No. 26061, do not hinder coordination among provincial entities dealing with child protection, particularly in rural and remote areas.**

Allocation of resources

11. **Recalling its previous concluding observations, deeply concerned by the continuing drastic decrease in the budget allocations for children, including disinvestment in health and education in recent months, and recalling its general comment No. 19 (2016) on public budgeting for the realization of children's rights, the Committee recommends that the State party:**

- (a) **Urgently increase the budget allocations for children, including budget for trained personnel, adequate infrastructure, prevention programs, and comprehensive care, setting performance targets linking child-related programme goals to budget allocations and actual expenditures, to allow for the monitoring of the outcomes and of the impact on children;**
- (b) **Ensure that budgetary lines for children in disadvantaged or marginalized situations, particularly children with disabilities and Indigenous children, are protected in the current restrictive context;**
- (c) **Ensure that funds allocated to all programmes supporting the realization of children's rights at the national, provincial and local levels are fully and efficiently spent, that territorial inequalities are reduced, including measures to eradicate corruption in public procurement processes and the overpricing of contracts for the provision of public goods and services;**
- (d) **Establish appropriate mechanisms and inclusive procedures to facilitate the participation of children and civil society at every phase of the budget cycle.**

Data collection

12. **Welcoming the National Census of Residential Care Facilities for Children and Adolescents, recalling its general comment No. 5 (2003) on general measures of implementation, the Committee recommends that the State party:**

(a) Expediently improve its data collection system, including implementation of a nominal registration system at the provincial level, and ensure that data collected on children's rights covers all areas of the Convention and the Optional Protocols thereto, with data disaggregated by age, sex, disability, geographical location, ethnic and national origin and socioeconomic background, children in conflict with the law, with territorial disaggregation, in order to facilitate analysis of the situation of children, particularly those in situations of vulnerability;

(b) Develop a centralised State nation-wide information system with reliable, systematic and comparable data on the situation of children, including children in conflict with the law, children deprived of a family environment, children who have been subject to torture and ill-treatment and/or sexual abuse;

(c) Consolidate the Single National Register (RUN-NAC) systematising and unifying each of the jurisdictions' registers;

(d) Ensure that statistical data and indicators on children's rights are shared among the ministries concerned and with civil society and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention;

(e) Strengthen the capacities of the National Institute of Statistics and Census and incorporate the perspective of children into the national statistical system.

Access to justice and remedies

13. Concerned about the limited structures that support children's access to justice, the Committee recommends that the State party:

(a) Ensure that all children have access to: (i) confidential, child-friendly and independent complaint mechanisms in schools and alternative care settings for reporting all forms of violence, abuse and discrimination; and (ii) legal support and age-appropriate information on access to counselling and remedies, including compensation and rehabilitation;

(b) Raise awareness among children of their right to file a complaint under existing mechanisms and that they have access to the "Children's Lawyer" programme or other legal representation, regardless of where they live;

(c) Ensure systematic and mandatory training for all relevant professionals working with children on child-friendly procedures and remedies, children's rights and the Convention.

Independent monitoring

14. The Committee is concerned that only 5 jurisdictions in the whole country have a Children's Ombudsman and recommends that the State party:

(a) Strengthen the national ombudsperson with the necessary human, technical and financial resources and ensure that all provinces have Ombudspersons' offices;

(b) Guarantee the continuity, independence, financing, mandate and immunities of the National Ombudsman's Office for the Rights of Children and Adolescents to ensure the monitoring, defence and promotion of children's rights.

Children's rights and the business sector

15. Welcoming the first National Action Plan on Business and Human Rights (NAP 2023-2026), recalling its previous concluding observations and general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and to the United Nations Guiding Principles on Business and Human Rights, endorsed by the Human Rights Council in 2011, the Committee recommends that the State party establish and implement legally binding regulations to ensure that the business sector carries out due diligence procedures on the rights of children and

complies with international and national human rights, labour, environment and other standards, particularly with regard to children's rights. In particular, it recommends that the State party ensure that businesses establish monitoring mechanisms for the investigation and redress of children's rights violations, with a view to improving accountability and transparency.

B. General principles (arts. 2–3, 6 and 12)

Non-discrimination

16. Noting the National Discrimination Map and the programmes implemented to prevent and eradicate discrimination against children but concerned about the closure of the National Institute against Discrimination (INADI) through decree 696/2024, and of the Ministry of Women, Genders and Diversity and its potential impact on prevention of discrimination, the Committee urges that the State party:

(a) Ensure the full and effective implementation in all provinces of existing laws prohibiting discrimination and promoting tolerance including Act 26892 of 2015 to promote coexistence and address social conflict in educational institutions;

(b) Strengthen institutions responsible for protecting and promoting the right to equality and non-discrimination and ensure that discrimination against children are effectively addressed;

(c) Finalize the process for ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance;

(d) Raise awareness and conduct public education campaigns and actions to end discrimination against children and address and investigate negative social attitudes towards children, in particular, Indigenous children, children with disabilities, children belonging to minority groups, children from migrant backgrounds, and lesbian, gay, bisexual, transgender and intersex children, and promote tolerance and respect for diversity;

(e) Guarantee the filing of complaints against discriminatory acts against children;

(f) Lift the ban announced by the President on the use of inclusive language in public administration.

Right to life, survival and development

17. Welcoming the efforts made by the State party to decrease infant mortality rate and the resulting decreases between 2018 and 2020, but noting discrepancies with mortality rate of Indigenous children, the Committee recommends that the State party:

(a) Reduce, address and redouble its efforts on the underlying determinants of infant deaths, especially post-neonatal deaths, and child mortality, including social and economic deprivation and inequality, especially affecting Indigenous communities;

(b) Establish a Strategy for the Promotion of Early Childhood Development that expands coverage, improves quality, and includes regular monitoring and evaluation of children's development.

Respect for the views of the child

18. Concerned that the mechanisms to guarantee the right of children to be heard continue to be deficient and insufficient and recalling its previous concluding observations and its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

(a) Guarantee compliance with Act 26877 on the creation of student centres and the right of children to demonstrate and ensure the meaningful participation of children in decision-making processes at all levels of government;

(b) Guarantee the right of children to be heard in all judicial and administrative proceedings affecting them.

C. Civil and political rights (arts. 7–8 and 13–17)

Birth registration and nationality

19. Concerned at the insufficient timely registration in rural and Indigenous areas, the Committee urges the State party to:

(a) Establish coordinated and cross-sectoral mechanisms between national, provincial, and local level governments for the early detection and referral of children lacking birth registration or national ID documents;

(b) Consider ratifying the Convention on the Reduction of Statelessness of 1961.

Freedom of expression, association and peaceful assembly

20. Concerned about the restrictions imposed on children on their right to freedom of expression, association and peaceful assembly and with the excessive use of force, the Committee recommends that the State party:

(a) Apply the principle of progressive autonomy of children regarding the exercise of the political rights and guarantee their freedom of expression;

(b) Strengthen children’s right to freedom of association and peaceful assembly, including by repealing provisions in the “Protocol for the maintenance of public order in the event of the closure of traffic routes” (2023) that restrict children’s rights to participate in protests;

(c) Ensure that children are not threatened for exercising their right to freedom of association and peaceful assembly.

Right to privacy

21. Recalling its general comment No. 25 (2021) on children’s rights in relation to the digital environment, the Committee recommends that the State party strengthen regulations and safeguarding policies for the media and in the digital environment to protect the privacy of children and protect children from harmful content and materials and online risks, and establish mechanisms to prosecute violations.

Access to appropriate information

22. Recalling its general comment No. 25 (2021) on children’s rights in relation to the digital environment, the Committee recommends that the State party:

(a) Continue to improve digital inclusion for children in disadvantaged situations, including by means of accessible and affordable online services and connectivity, while ensuring that public services remain accessible to children who do not use or have access to digital technologies;

(b) Enhance the digital literacy and skills of children, teachers and families.

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 35, 37 (a), and 39 of the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography)

Abuse, neglect, sexual abuse and exploitation

23. Concerned about the high rates of sexual violence and abuse during childhood and the closure of the institution responsible for addressing violence and abuse against children, the Committee recommends that the State party:

- (a) Develop a national strategy for the prevention of different types of violence and further strengthen coordination, awareness-raising and education programmes;
- (b) Adopt national legislation and plans to prevent and address all forms of violence against children, especially gender-based violence, violence towards children with disabilities and online violence;
- (c) Establish a national database on all cases of domestic violence against children, and undertake a comprehensive assessment of the extent, causes and nature of such violence;
- (d) Encourage community-based and family-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect;
- (e) Create reporting channels accessible to all children, especially those placed in care and detention centres and improve access to accessible, confidential and child-friendly mechanisms to report violence, specifically the 102 phone line;
- (f) Facilitate and promote the monitoring and mandatory reporting of violence against children and promote adapted mechanisms for the early detection and reporting of cases of sexual violence against children by parents, family members, caregivers, members of the clergy, or any person who has a close relationship with children;
- (g) Ensure that all cases of the abuse of children, including sexual abuse, are promptly reported and investigated, applying a child-friendly and multisectoral approach with the aim of avoiding the revictimization of the child, that perpetrators are prosecuted and duly sanctioned and that reparations are provided to victims, as appropriate;
- (h) Lift the statute of limitations for child sexual abuse cases;
- (i) Ensure that all children who are victims or witnesses of violence have prompt access to child-friendly, multisectoral, and comprehensive interventions, services and support, including forensic interviews and psychological therapy, with the aim of preventing the secondary victimization of those children;
- (j) Strengthen support measures to pregnant adolescents who have become pregnant as a result of sexual abuse and violence.

Gender-based violence

24. Welcoming the adoption of the National Action Plan for Combating Gender-Based Violence 2022–2024, the progress in the implementation of various laws and the implementation of the 144 phone line, but concerned about the reductions in budget allocated to policies aimed at reducing gender inequality, the Committee urges the State party to:

- (a) Ensure that allegations of crimes related to gender-based violence are independently and thoroughly investigated and perpetrators are brought to justice;
- (b) Provide sustained economic support to children who are victims of acts of gender-based violence and femicide;
- (c) Conduct awareness-raising campaigns for preventing online gender-based violence and provide information on how and where to report it.

Harmful practices

25. The Committee is deeply concerned that child marriage is legally permitted from the age of 16 with the consent of legal representatives, or before the age of 16 with judicial dispensation, and recalling joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No.

18 of the Committee on the Rights of the Child (2019) on harmful practices, the Committee urges the State party to:

- (a) Legally set the minimum age of marriage at 18, without exceptions, and redouble efforts to eradicate child marriage or unions;
- (b) Develop awareness-raising campaigns and programmes on the harmful effects of child marriage on the physical and mental health and well-being of girls;
- (c) Establish protection schemes for victims of child marriage who file a complaint;
- (d) Address the situation of girls in unions or child marriages who experience gender-based violence and are not included in the care and economic support programmes of the former Ministry of Women, Gender and Diversity.

Torture and other cruel, inhuman or degrading treatment or punishment

26. Recalling its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee urges the State party to:

- (a) Implement a comprehensive strategy to eradicate all forms of abuse against children in care institutions, including systematic monitoring and investigation;
- (b) Take measures to eradicate the disproportionate use of force against children, particularly those in socioeconomic vulnerable situation, by security forces and implement intervention protocols at the national, provincial, and municipal levels;
- (c) Create a register of cases, enforce the prohibition of torture and ensure that allegations of torture or cruel, inhuman or degrading treatment or punishment of children are duly investigated, that perpetrators are punished in a manner commensurate with the gravity of their acts, and that children who are victims receive adequate remedies.

Optional Protocol on the sale of children, child prostitution and child pornography

27. The Committee regrets the lack of information on the implementation of its concluding observations on the report of the State party submitted under article 12 of the Optional Protocol. Welcoming the incorporation of the Optional Protocol into the domestic framework, concerned about the exponential increase of cases of the use of children in pornographic performances and materials and grooming, recalling its 2019 guidelines on the implementation of the Optional Protocol, and recalling its previous concluding observations on the report of the State party submitted under article 12 of the Optional Protocol, the Committee urges the State party to:

- (a) Strengthen coordination at the provincial and local levels, and establish monitoring mechanisms for the periodic evaluation of the implementation of the recommendations under the Optional Protocol and strengthen efforts to prevent and combat the sexual exploitation of children in the context of travel and tourism;
- (b) Allocate a budget to implement grooming awareness and prevention campaigns established in the regulations of Act 26904;
- (c) Expressly prohibit and punish the crime of buying and selling children in all its forms, including for adoption purposes, in the Civil and Commercial Code and the Criminal Code.

E. Family environment and alternative care (arts. 5, 9–11, 18 (1)–(2), 20–21, 25 and 27 (4))

Family environment

28. The Committee draws the State party's attention to its statements under article 5 of the Convention, and recommends that the State party strengthen its efforts to:

(a) **Promote that mothers and fathers equally share the responsibility for their children;**

(b) **Progressively expand paternity leave both in terms of number of days as well as to include autonomous workers and *monotributistas*;**

(c) **Consider ratifying the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance, the Hague Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations and the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

29. While welcoming the *Programa de Acompañamiento para el Egreso* (PAE) for young people without parental care, the Committee is concerned that:

(a) 88 percent of children separated from their families and placed in alternative care facilities are accommodated in residential settings;

(b) Specific measures to end the use of large institutions are not in place;

(c) There is a lack of monitoring of the living conditions of children in residential care facilities, as well as inadequate and unsafe mechanisms for lodging complaints;

(d) The majority of children stay in alternative care facilities for longer than 180 days.

30. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee recommends that the State party:**

(a) **Phase out institutionalization and adopt, without delay, a strategy and action plan for deinstitutionalization, ensuring that it has adequate human, technical and financial resources for its implementation and includes systemic transformation of the childcare, welfare and protection systems in line with the Convention;**

(b) **Ensure sufficient alternative family-based and community-based care options for children who cannot stay with their families, including by allocating sufficient financial resources for foster care and adoption, for regularly reviewing placement measures and for facilitating the reunification of children with their families when possible;**

(c) **Ensure adequate safeguards and clear criteria, based on the needs as well as best interests of the child, for determining whether a child should be placed in alternative care and ensure that decisions on child removal are always made or reviewed by a judge;**

(d) **Establish quality standards for all alternative care settings, ensure periodic review of the placement of children in foster care and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children;**

(e) **Strengthen the capacity of professionals working with and for children, in particular family judges, law enforcement personnel, social workers and service providers, to ensure family-based alternative care responses and to enhance their awareness of the rights and needs of children deprived of a family environment.**

Adoption

31. **The Committee recommends that the State party ratify the 1993 Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Inter-country Adoption, and ensure that all safeguards provided in the Hague Convention are met when children are adopted to countries that are not parties thereto.**

Children of incarcerated parents

32. Concerned about barriers for children visiting parents such as poor accessibility, long queues and invasive searches, the Committee recommends that the State party:

(a) Develop a specific public policy that addresses the particular situation of children with parents deprived of their liberty, guaranteeing the protection of their rights and their active participation in the process;

(b) Protect and ensure the visitation rights of the children of incarcerated parents, including by increasing the frequency and duration of visits, providing adequate and child-friendly meeting premises and removing restrictions on the number of simultaneous visitors.

F. Children with disabilities (art. 23)

33. The Committee is concerned about the situation of children with disabilities regarding:

(a) No centralized, precise, and reliable data;

(b) Long-term institutionalization in centres without adequate facilities and personnel to care for children with disabilities;

(c) Increase of psychiatric institutionalisation.

34. Recalling its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

(a) Harmonize national legislation with the human rights model of disability, review Act No. 26061 and develop the second national accessibility plan;

(b) Ensure the collection of data on children with disabilities and develop an efficient system for diagnosing disability, which is necessary for putting in place appropriate policies and programmes for children with disabilities;

(c) Undertake awareness-raising campaigns aimed at government officials, the public and families to combat the stigmatization, and prejudice against, children with disabilities and promote a positive image of children with disabilities as rights-holders;

(d) Facilitate the care of children with disabilities in the family environment and strengthen the provision of rehabilitation programmes, assistive devices and reasonable accommodation for their full inclusion in all areas of public life, including equal access to health care education and leisure, play and cultural activities;

(e) Accelerate deinstitutionalisation of children with disabilities, promoting the creation of social and family reconnection and social inclusion mechanisms, and adopt support programs for families who want to adopt or foster them;

(f) Ensure mental health care is provided in all public general hospitals and primary care centres and equitably cover the needs of children with disabilities in all areas.

G. Health (arts. 6, 24 and 33)

Health and health services

35. Recalling its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:

(a) **Ensure availability and equitable access to free, high-quality primary and specialized health care services for children in all provinces, particularly those from socially and economically disadvantaged groups, including Indigenous children;**

(b) **Continue strategies to recover vaccination schedule coverage and reduce the significant differences between provinces.**

Mental health

36. **Concerned about the high rate of suicides, the Committee recommends that the State party:**

(a) **Develop a mental health policy for children, implement the Mental Health Act (No. 26657), and adopt sufficient budget to ensure adequate provision of quality mental health care services for children;**

(b) **Strengthen suicide prevention efforts, advance the implementation of the Suicide Prevention Act (No. 27130) and ensure quality rehabilitation services;**

(c) **Ensure rehabilitation services for children with gambling, drug and alcohol addiction and allocate resources to address the situation of children in street situations who are admitted to hospitals for mental health or drug and substance abuse consumption and the mental health situations of children in institutional facilities.**

Adolescent health

37. **Welcoming the results of the National Plan for the Prevention of Unintended Pregnancy in Adolescence (ENIA Plan) and the decrease in maternal deaths due to the legalisation of abortion, concerned about the continuing high rates of adolescent pregnancy, recalling its general comment No. 4 (2003) on adolescent health and general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recommends that the State party:**

(a) **Ensure the continuity and strengthening of the ENIA Plan, including sufficient budget for providing the supplies, facilities, and technical and human resources required for an effective and appropriate nation-wide implementation;**

(b) **Guarantee the effective implementation of Act No. 26159 on comprehensive sexual education and adopt a comprehensive sexual and reproductive health policy for children and ensure that it is part of the mandatory school curriculum and targeted at children, in accessible and confidential formats, including in Indigenous languages, with special attention on preventing early pregnancy and sexually transmitted infections;**

(c) **Ensure the availability and accessibility of services and trained healthcare staff to provide voluntary and legal abortion and post-abortion care, especially for girls who became pregnant after sexual violence, as well as access to contraceptives;**

(d) **Develop and implement a policy to protect the rights of pregnant teenagers, adolescent mothers and their children and combat discrimination against them.**

Nutrition

38. **Concerned that moderate and severe food insecurity has increased alarmingly in the last years and that the interruption in the provision of food and economic benefits at community kitchens has a negative impact on children, the Committee recommends that the State party:**

(a) **Identify the root causes of child food insecurity and malnutrition throughout the State party, in particular among the Indigenous community, and the impact of policies and programmes in place to address these causes;**

(b) **Take urgent action to implement a national and intersectoral plan for the prevention and treatment of malnutrition in all its forms, whether deficiency or excess;**

- (c) **Create a national plan for school feeding with an adequate budget, based on National Food Guides and ensure that all children are provided with adequate food;**
- (d) **Conduct periodic assessments of the nutritional status, including weight, height, and food consumption, of children to inform evidence-based public policies;**
- (e) **Fully implement Act 27642 of 2021 on the Promotion of Healthy Foods;**
- (f) **Regulate the marketing of unhealthy foods to children in order to address the rise in child obesity and introduce strategies that enable poor households to access healthy food.**

Intersex children

39. **Welcoming the commitment of the State party to the human rights of intersex people, the Committee recommends that the State party:**

- (a) **Adopt the draft bill on the Integral Protection of Sex Characteristics prohibiting intersex genital mutilation;**
- (b) **Implement a health-care system for inter-sex children, and adopt measures to eliminate non-urgent and irreversible surgical and other procedures.**

H. Standard of living (arts. 18 (3), 26 and 27 (1)–(3))

40. **The Committee is highly concerned about the:**

- (a) **Persistently alarming high levels of children living in poverty and the increase in extreme monetary child poverty;**
- (b) **57 percent of children live in homes that are unable to cover their non-food-related needs, such as transport and clothing;**
- (c) **High rates of poverty and extreme poverty among migrant children, girls, Indigenous children, children deprived of liberty, lesbian, gay, bisexual, transgender and intersex children and children with disabilities;**
- (d) **Inequality of children's access to the various child income protection subsystems and high number of children excluded from access to any type of social benefit.**

41. **The Committee urges the State party to:**

- (a) **Ensure that children and their families living in poverty receive adequate financial support and free, accessible services without discrimination;**
- (b) **Reduce poverty among children in vulnerable situations, particularly targeting Indigenous children and those living in rural and isolated areas, including by simplifying access to social protection measures, such as the Universal Child Allowance, and ensuring that the support provided is appropriate to the needs of children and covers the real costs of a decent standard of living;**
- (c) **Implement necessary measures towards a universal non-conditional scheme that provides social protection coverage to all children, including those between 15 and 17 years of age; automatically adjust the value of cash transfers directed to children in the context of high inflation; and identify and address the root causes behind the decline in coverage for children between 0-2 years old.**

I. Children's rights and the environment (arts. 2-3, 6, 12-13, 15, 17, 19, 24, 26-31)

42. **Welcoming the promulgation of the Minimum Climate Change Adaptation and Mitigation Budgets Act (Act No. 27520) of 2019, Act No. 27621 of 2021 for the Implementation of Comprehensive Environmental Education, National Strategy for Comprehensive Environmental Education and the National Action for Climate Empowerment Strategy of 2022, recalling its general comment No. 26 (2023) on**

children's rights and the environment with a special focus on climate change and taking note of the environmental protection legislation of the State party, the Committee recommends that the State party:

(a) Conduct an assessment of the implementation and the impact of the Act No. 27520 of 2019 and the National Action of 2022 on children's rights including the right to a clean, healthy and sustainable environment, with active participation of children, additionally consider referring to children as agents of change in the next update of the Nationally Determined Contribution under the Climate Change Paris agreement;

(b) Protect children from environmental harm and violations of their right to a clean, healthy and sustainable environment, ensuring children are provided with access to justice and effective remedies for such violations;

(c) Develop and implement national legislation and policies and create adequate infrastructure for access to safe water and sanitation to all children, with special attention to Indigenous populations;

(d) Ensure that rights-based environmental education is incorporated into school curricula at all levels and into the training of teachers, when implementing the Act No. 27621 and the National Strategy, and promote children's awareness of and preparedness for climate change and natural disasters.

J. Education, leisure and cultural activities (arts. 28–31)

Education: aims and coverage

43. While welcoming the significant progress in guaranteeing access to compulsory education and the growth in the number of early childhood schools, the Committee recommends that the State party:

(a) Ensure that all children complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes, paying particular attention to children with disabilities;

(b) Reduce the incidence of school dropout and ensure that Indigenous children and children with migrant backgrounds have adequate support to remain in school and ensure equal access to high-quality education;

(c) Ensure the necessary means to guarantee universal access, retention, and graduation at the secondary level, particularly for groups in more vulnerable situations, including children with disabilities and those from rural areas;

(d) End restriction of the use of inclusive language in schools in Buenos Aires;

(e) Strengthen mechanisms and measures to combat bullying and harassment in schools;

(f) Advance in the progressive universalization of education for 3-year-olds and allocate sufficient financial resources for the development and expansion of early childhood education, while monitoring and improving its quality.

Inclusive education

44. Concerned about the considerable number of students with disabilities segregated in special schools and the multiple barriers that students with disabilities face in attending, learning, and participating in regular schools, without discrimination, the Committee recommends that the State party ensure that:

(a) All children with disabilities have access to inclusive education in mainstream schools, ensuring that schools are equipped with trained teachers, accessible infrastructure and teaching materials adapted to the needs of children with disabilities;

(b) **Train and assign specialized teachers and professionals in integrated classes providing individual support and all due attention to children with learning difficulties;**

(c) **Transfer human and budgetary resources from special schools to regular schools.**

K. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), and 38–40 of the Convention and the Optional Protocol on the involvement of children in armed conflict)

Asylum-seeking, refugee and migrant children

45. **Concerned about reports of rejection at the borders amounting to *refoulement* and denial of access to the territory for children who may be in need of international protection, with a lack of standard operating procedures or protocols since the reopening of borders after COVID-19 and with a reduction of the protection space for people in need of international protection, recalling the joint general comments No. 3 and No. 4 of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families/No. 22 and No. 23 of the Committee on the Rights of the Child (2017) on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Comply with the legislation in force and without exceptions for all children, regardless of their circumstances;**

(b) **Respect non-discrimination and ensure special protection of *non-refoulement*, in particular for unaccompanied children, at borders and by migration officials;**

(c) **Ensure that migration policies are consistent, prioritize family unity and the best interests of migrant children;**

(d) **Ensure that the competencies of the authorities and circuits involved are clear to avoid duplication or omission, and guarantee the technical and material resources to timely respond, in accordance with the law and in the best interests of the child, in cases of unaccompanied or separated children in need of international protection, and establish child-friendly reception centres for children with accessible and effective complaint mechanisms;**

(e) **Adopt protocols and procedural mechanisms to address the obstacles faced by asylum-seeking, refugee and migrant children, mainly Venezuelan children who do not possess identity documents, in obtaining residence permits and identity documents for foreigners;**

(f) **End provincial measures that restrict access to non-emergency medical care for children without ID cards.**

Children belonging to Indigenous groups

46. While the Committee welcomes Resolution No. RESOL-2021-1461-APN-SENNAF#MDS establishing an agreement with the Indigenous Children's Area of the Indigenous Rights Directorate of the National Institute of Indigenous Affairs, the Committee is seriously concerned about the;

(a) **Lack of specific policies for the protection of Indigenous children;**

(b) **Higher incidence of poverty, limited access to adequate food and health, higher childhood mortality rates, precarious housing without access to safe water or sanitation, lower rates of school attendance and systematic acts of discrimination;**

(c) **Death of Indigenous children from malnutrition or related illnesses in the Province of Salta;**

(d) **Numerous native communities of the Chaco Salteño at critical risk due to lack of access to water.**

47. Recalling its general comment No. 11 (2009) on indigenous children and their rights under the Convention, the Committee urges the State party to:

- (a) Adopt measures that guarantee the right to land of Indigenous children;
- (b) Develop a national action plan to respect, protect and promote the rights of Indigenous children and to eliminate their food insecurity, poverty and vulnerabilities to violence and exploitation, with their full and effective participation;
- (c) Take effective measures to promote Indigenous languages, including through the provision of bilingual education to Indigenous children in their own Indigenous languages as well as in the official language of the State party.

Children in street situations

48. Concerned that the current economic context will increase the vulnerability of children in street situations, drawing attention to its general comment No. 21 (2017) on children in street situations, the Committee recommends that the State party monitor children in street situations, particularly considering the current economic context, and develops policies to protect and support them and their families.

Economic exploitation, including child labour

49. The Committee recommends that the State party:

- (a) Ensure compliance with the law on protection against labour exploitation;
- (b) Ensure the execution of the "National Plan for the Prevention and Eradication of Child Labour and Protection of Adolescent Labour", adopt the necessary measures to eradicate labour exploitation in practice through the establishment of multisectoral programs at the local and regional levels, as well as strengthen labour inspection.

Trafficking

50. The Committee recommends that the State party:

- (a) Adopt a public policy to prevent and eradicate the sale, trafficking, and abduction of children;
- (b) Take all necessary measures to ensure a specialized investigation into all cases of disappearance, abduction, sale and trafficking of children, and prosecute and punish the perpetrators;
- (c) Carry out awareness-raising activities to make parents, children and the community at large aware of the dangers of trafficking;
- (d) Promote measures that foster collaboration among provinces and allocate resources to provide trafficked children with complimentary legal assistance and support from child psychologists and social workers within centres dedicated to addressing their needs.

Administration of child justice

51. The Committee is seriously concerned by the lack of progress in the implementation of its previous recommendations and about the:

- (a) Law No. 22.278 containing provisions contrary to the Convention;
- (b) The bills sent to Congress by the Government that would lower the age of criminal responsibility to 13;
- (c) Number of children deprived of their liberty and in detention facilities, sometimes in locations distant from their families;
- (d) Extremely long prison sentences which can amount to life imprisonment;
- (e) Living conditions at centres of deprivation of liberty;

(f) Continuing arrests in police stations and degrading practices, mistreatment and violence in the juvenile justice system.

52. **Recalling its general comment No. 24 (2019) on children’s rights in the child justice system, the Committee urges the State party to bring its child justice system fully into line with the Convention, including repeal the Act 22278 and:**

(a) **Keep the minimum age of criminal responsibility at 16 for all kinds of crimes and refrain from lowering the age;**

(b) **Promote restorative justice in the juvenile justice system;**

(c) **Actively promote non-judicial measures, such as referral and mediation for adolescents in conflict with the law, accused or convicted of having broken criminal laws and, wherever possible, the application of non-custodial sentences for children, such as probation or community service, and ensure that health and psychosocial services are provided to these adolescents;**

(d) **Ensure that detention is used as a measure of last resort and for the shortest appropriate period of time and is reviewed on a regular basis with a view to its withdrawal and prohibit the imposition of life imprisonment without parole on persons for acts committed when they were children;**

(e) **For the few situations where deprivation of liberty is justified as a measure of last resort, ensure that the children are not detained together with adults and that detention conditions are compliant with international standards, including with regard to access to education, food and health services;**

(f) **Implement strategies, programs and resources to avoid the loss of contact between children and their families;**

(g) **Effectively end the detention of children in police custody.**

Children in armed conflict including the Optional Protocol on the involvement of children in armed conflict

53. **The Committee regrets the lack of information on the implementation of its concluding observations on the report of the State party submitted under article 8 of the Optional Protocol. Recalling its previous concluding observations on the report of the State party submitted under article 8 of the Optional Protocol, the Committee urges the State party to:**

(a) **Consider extending extraterritorial jurisdiction for crimes concerning the recruitment and use of children in hostilities;**

(b) **Establish mechanisms for the early identification of children who enter into the State party from conflict areas, collect disaggregated data on such children and strengthen the physical and psychological support provided to them;**

(c) **Provide child victims with appropriate assistance for their full physical and psychological recovery and social reintegration;**

(d) **Inform the Committee about measures taken to implement its previous recommendations (CRC/C/ARG/CO/5-6, para. 46) that recall the more detailed recommendations made by the Committee in its relevant concluding observations (CRC/COPAC/ARG/CO/1), including the efforts and measures taken to ensure that violations of the provisions of the Optional Protocol regarding the recruitment and involvement of children in hostilities are explicitly criminalized in its laws.**

L. Cooperation with regional bodies

54. **The Committee recommends that the State party cooperate with the Organization of American States (OAS) on the implementation of the Convention and other human rights instruments, both in the State party and in other OAS member States.**

IV. Implementation and reporting

A. Follow-up and dissemination

57. The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented and that a child-friendly version is disseminated to, and made widely accessible for, children, including those in the most disadvantaged situations]. The Committee also recommends that the seventh periodic report and the present concluding observations be made widely available.

B. Next report

55. The Committee will establish and communicate the due date of the eighth periodic report of the State party in due course, in line with the envisaged predictable reporting calendar based on an eight-year review cycle, and following the adoption of a list of issues and questions prior to reporting, if applicable, for the State party. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines and should not exceed 21,200 words. In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the Committee cannot be guaranteed.
