



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

**Combined second and third periodic reports  
submitted by Argentina under article 35 of the  
Convention, due in 2018<sup>\*, \*\*</sup>**

[Date received: 2 October 2018]

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\* The present document is being issued without formal editing.  
\*\* The annexes are on file with the Secretariat and are available for consultation.



## **Introduction and methodology used to prepare the report**

1. This report is the result of a concerted effort on the part of the various ministries to address the commitments relating to disability issues that have been defined as priorities in each area.
2. It also covers the steps taken in response to a number of the Committee's recommendations, which have been taken into account in establishing public policy.
3. As the cut-off date for the submission of information was 31 March 2018, the report does not reflect the administrative changes that have been made in the structure of the executive branch.
4. In accordance with article 33 of the Convention, this report has been circulated to the Advisory Committee, the Federal Disability Council and the National Disability Observatory for their information.

## **Replies to the list of issues prior to submission of the combined second and third periodic reports (CRPD/C/ARG/QPR/2-3)**

### **A. Purpose and general obligations (arts. 1–4)**

Reply to the question raised in paragraph 1

5. In the light of the recommendation made to Argentina in 2012, the Convention has been accorded constitutional status under Act No. 27.044.
6. With a view to ensuring that public policy on disability is appropriately positioned in the institutional and administrative hierarchy, the National Disability Agency (ANDIS) has been established. This body will assume the responsibilities of the National Advisory Commission on the Integration of Persons with Disabilities (CONADIS), the National Welfare Benefits Commission (with regard to disability pensions), the National Rehabilitation Service and the Federal Health Inclusion Programme. In addition, it will undertake other missions and functions as a legally and financially independent body that reports directly to the General Secretariat of the Presidency.
7. The goals of the Agency are defined in the National Disability Plan, which focuses on the formulation of public policies aimed at promoting the full social inclusion of persons with disabilities in keeping with the principles and obligations to which the State has committed under the Convention.
8. The Agency's working strategy has two aims: to promote citizen participation and to enhance coordination between and within all government ministries with a view to ensuring that they deal with disability issues in their specific areas of responsibility as a cross-cutting concern and to developing the State policies needed to ensure that persons with disabilities can enjoy a full and independent life. To this end, an interministerial commission, presided over by the Vice-President of Argentina, has been established to coordinate the actions of each ministry.
9. At the national level, the Federal Disability Council provides a forum in which national, provincial and municipal authorities can conduct a dialogue and plan policy actions. To achieve this goal, steps are being taken to develop a federal compact on disability as a means of organizing public policy at all levels of government within the framework of the Convention.
10. The new National Civil and Commercial Code (Act No. 26.994 of 2015) affords effective guarantees for the presumption that all persons enjoy full legal capacity and provides that express action must be taken by the State in the event that any restriction of that capacity is deemed necessary. Any such limitation of legal capacity is in all cases to be implemented on an interdisciplinary basis, both in terms of the corresponding measures to

be taken and in the relevant judicial proceedings. These restrictions are of an exceptional nature and are to be applied for the benefit of the person concerned and in strict accordance with the legal procedure established for that purpose. This procedure is outlined in the response to the question raised in paragraph 23.

11. In the area of employment, the Directorate for the Employment of Workers with Disabilities of the Ministry of Labour, Employment and Social Security draws up and implements plans, employment programmes and vocational training courses aimed at promoting employment for persons with disabilities. A total of over 724 million Argentine pesos (Arg\$) has been earmarked for this purpose (see annex I).

12. There are also a number of national programmes for promoting equal employment opportunities (see the replies to the questions raised in paragraphs 32 to 34).

13. The Ministry for Modernization, as the lead agency in the area of public employment, has sought to professionalize and raise the status of civil servants. To this end, it has promoted training opportunities that are in keeping with article 8 of the Convention. The National Institute of Public Administration has provided training to 200 senior civil servants, including national directors, general directors, directors and coordinators, with a view to creating employment opportunities and promoting equality of treatment.

14. In 2017, a supported employment programme was implemented in 10 agencies in order to promote the full and effective inclusion of public sector workers with disabilities. This programme provides the reasonable accommodation required to ensure that such workers can exercise their rights, thereby significantly improving the quality of their working lives and their work environments.

15. The Ministry of Education has organized a number of participatory events or workshops for the purpose of drafting guidelines, offering teacher training activities and preparing outreach materials. Since 2016, 35 meetings have been held in which 250 people have participated.

16. The Ministry of Social Development works to strengthen social policies for the comprehensive protection of all persons and utilizes various strategies for promoting equal opportunity and providing the necessary tools so that each individual can pursue their own interests and goals in life. These tools include the “Early Years: Let’s Support Parenting” programme, which forms part of the National Early Childhood Plan; the “Creating Futures” programme; the “Let’s Get to Work” programme; the strategy for strengthening civil society organizations; and the federal-level “National Food and Nutritional Security Plan”, which aims to ensure that vulnerable persons have access to a sufficient supplementary supply of foodstuffs that are suited to the specific eating habits and customs of people in each region of the country.

17. In 2017, the National Women’s Institute (INAM) was established as a decentralized body under the Ministry of Social Development that is tasked with strengthening comprehensive public policies for the empowerment of women. INAM and the National Disability Agency work together to promote and defend women’s rights. As part of this effort, they have developed the Plan for Equal Opportunities and Rights, for which INAM is the lead agency, as a means of securing commitments for the protection of girls and women with disabilities.

18. The Secretariat for Human Rights and Cultural Pluralism offers both face-to-face and virtual training courses on the Convention via the website [www.campusdh.gov.ar](http://www.campusdh.gov.ar).

19. To date, over four training programmes have been posted on the site and over 1,000 participants have registered. Specific commitments are made in the National Human Rights Action Plan for 2017–2020 to safeguard the rights of persons with disabilities, and steps are being taken to draft a bill on the comprehensive protection of the human rights of persons with disabilities.

20. Act No. 23.592 prohibits discriminatory acts, and the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) is responsible for developing national policies to combat all forms of discrimination, xenophobia and racism and for promoting and implementing federal and cross-cutting public policies in coordination with civil

society aimed at achieving a diverse and egalitarian society. INADI is developing an anti-discrimination plan that will update and reflect the goals set out in the policy document on the formulation of a national plan to combat discrimination which was approved by Decree No. 1086/2005.

21. The National Transportation Commission has issued various regulations on institutional transport services for persons with disabilities that establish the requirements to be met by transport operators and technical vehicle specifications (Decision No. 91/2017). An online service for booking transportation free of charge has also been made available (Decisions Nos. 430/2016 and 428/2017). Decision No. 91/2018 improves the services that are offered by establishing accessibility requirements for coaches.

22. The Ministry of Tourism has established a programme on workplace inclusion and welfare for persons with disabilities.

23. The Mental Health Act (No. 26.657) was adopted in December 2010 while its implementing regulations were adopted in 2013 by Decree No. 603/2013. The National Mental Health Plan was adopted by Decision No. 2177/2013. The Mental Health Act provides for the establishment of the National Review Body and the National Interministerial Commission on Policies on Mental Health and Addiction.

24. In 2014, an honorary advisory board to deal with issues relating to mental health and addiction was established.

25. The National Comprehensive Risk Management and Civil Protection System was established pursuant to Act No. 27.287. This system is intended to strengthen and optimize risk reduction, crisis management and recovery efforts. The system is made up of the Federal Council for Comprehensive Risk Management and Civil Protection and the National Council for Comprehensive Risk Management and Civil Protection. The National Disability Agency plays a key role in this area through its involvement in the development of a national plan on risk and disaster reduction.

26. The National Directorate for Cultural Innovation of the Ministry of Culture facilitates access to national cultural heritage sites and events for persons with disabilities and promotes their participation and sense of ownership in this respect.

27. The Ministry of Justice and Human Rights has contributed to the work of the National Justice System Assistance Programme for Persons with Disabilities (ADAJUS), whose establishment was recognized by the Committee in document CRPD/C/ARG/CO/1, by incorporating it into the administrative organizational structure.

28. The Federal Network on Disability, Justice and the State was created in 2014 in order to facilitate and ensure access to justice for persons with disabilities by removing barriers to their equal access to administrative and judicial processes.

Reply to the question raised in paragraph 2

29. Most of the country's provinces, apart from the Province of Buenos Aires and the Autonomous City of Buenos Aires, have ratified and are implementing Act No. 24.901.

30. Disability certificates are issued by an interdisciplinary evaluation board that certifies a person's disability status. This certificate, which is obtained on a voluntary basis and is free of charge, is a tool for promoting inclusion and equal opportunities. The certification process involves assessing the functional profile of the person concerned on the basis of the following tools: the tenth revision of the International Statistical Classification of Diseases and Related Health Problems, the International Classification of Functioning, Disability and Health and the regulations of the former National Rehabilitation Service (2015) which are still in force. These classification systems and regulations establish the criteria for the certification of the various types of impairments and for the issuance of the certificate throughout Argentina.

31. The disability certificate is not issued on the basis of a diagnosis. The state of a person's health is the starting point for the evaluation of his or her functional profile by the evaluation board, which determines whether or not a person has a disability in accordance with the regulations governing the certification of disability. Certificates are not issued on a

permanent basis; instead, the evaluation board determines the period for which they will be valid. Within this framework, certificates are issued for a maximum period of 5 years for children under 5 years of age and of 10 years for persons aged 6 years or older.

Reply to the question raised in paragraph 3

32. The participation of organizations representing persons with disabilities is supported by an advisory committee made up of non-governmental organizations (NGOs) operating in Argentina that work on disability issues.

33. The National Disability Agency organizes citizen participation days during which separate workshops are held for government representatives, representatives of civil society and members of the public. At these workshops, proposals are developed for inclusion in the National Disability Plan. Activities of this sort that have addressed the areas of accessibility, health, education, employment and social inclusion have been conducted in the regions of Nuevo Cuyo, northwest Argentina, northeast Argentina and Patagonia.

34. The National Institute to Combat Discrimination, Xenophobia and Racism (INADI) has a register of civil society organizations that deal with areas related to the work of the Institute, including the area of disability. A special coordination office issues sponsorships and statements of interest for activities carried out by civil society organizations in order to support those activities, promote the rights of persons with disabilities and raise the awareness of the community in general.

35. INADI also convenes working groups that bring together civil society organizations and national and provincial agencies in order to put the issues raised by civil society on the agenda and develop public policies that will help to put an end to discrimination against persons with disabilities.

36. The National Directorate for Institution-Building of the Ministry of Social Development is implementing a programme designed to strengthen civil society organizations. The programme seeks to bolster, support and form strategic alliances with civil society organizations by providing subsidies and technical assistance for institution-building projects.

37. The National Women's Institute (INAM) develops and promotes a variety of opportunities for participation by civil society. For example, within the framework of the Third National Action Plan on Open Government, it is supporting the participatory formulation of a national plan for equal opportunities and rights, which is to be completed by the end of 2018. As part of this process, a number of different civil society organizations are being brought together to help define the plan's priority objectives.

38. The Secretariat for the Coordination of Social Policy of the Ministry of Labour, Employment and Social Security helps to improve the quality of life of socially vulnerable persons by helping to strengthen and consolidate the work of relevant governmental and non-governmental organizations through the provision of supported enterprises or services and educational, health and family-care services; the organization of other community activities; and the introduction of new types of occupational and social organization practices that promote the development of management and networking skills.

39. The Ministry for Modernization works to provide training and to sensitize civil society with the aim of raising awareness, promoting respect for human rights and breaking down barriers and stereotypes. A series of inclusive employment seminars have been held at which inclusion-enhancing technologies have been displayed and good practices for promoting inclusion in the labour market have been shared. Online courses on the subject can be found on the *Pais Digital* (Digital Nation) platform, which promotes virtual training.

40. The Civil Society Advisory Committee, which works with the Ministry of Foreign Affairs and Worship, is a consultative body that promotes social participation and regional integration. Its pluralistic, representative and diverse membership includes representatives of associations and non-governmental organizations that engage in a dialogue with the State on the country's foreign policy.

41. Mention should also be made of the Justice 2020 Programme, which is run by the Ministry of Justice. This participatory digital platform serves as a forum where members of the community can make proposals, share ideas and learn about the efforts being made to improve the services provided by the judicial system. A total of 49,381 people have registered with this forum. The Justice 2020 team that focuses on the issues of gender, trafficking and disability invites members of the public to express their views on the subject of disability.

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

Reply to the question raised in paragraph 4

42. The National Justice System Assistance Programme for Persons with Disabilities (ADAJUS) of the Ministry of Justice keeps track of the administrative or legal cases in which reasonable accommodation has been requested and/or proposed. In 2017, reasonable accommodations were made in 69 per cent of the cases in which such an accommodation was proposed.

43. In the training given to judicial or administrative personnel, special emphasis is placed on the obligation that is assumed under the Convention to provide reasonable accommodation, on the scope of that obligation and on the institutional responsibilities which it entails, particularly in relation to international human rights law.

44. ADAJUS has developed proposals regarding reasonable accommodation in respect of substantive and procedural matters in the criminal and civil justice systems and in social security and labour law proceedings. These proposals are intended to safeguard the right to equal participation in legal or administrative proceedings and the right to a defence, both in court (article 13 of the Convention) and in cases where persons with disabilities have been deprived of their liberty by a court of law (articles 14 and 15 of the Convention). Other rights whose promotion, enjoyment and protection have been addressed in proposals for the provision of reasonable accommodation are those provided for in articles 16, 19, 23, 24, 25, 26, 27 and 28 of the Convention.

45. An accessible website whose purpose is to disseminate content on disability has been launched on the Ministry of Justice's news portal, "Voices for Justice". This content is presented in accessible, understandable formats and in alternative versions tailored for each type of disability. This website, entitled "Discapacidad y comunicación inclusiva" (disability and inclusive communication) is designed to serve as a vehicle for the promotion of public policies developed and implemented by the Ministry of Justice that reject prejudice and embrace acceptance. (See: <http://www.vocesporlajusticia.gob.ar/discapacidad/>).

46. For the Ministry of Labour, Employment and Social Security, reasonable accommodation is a means of ensuring equal access to employment opportunities. In 2016, a team of psychologists and occupational therapists was set up to study the subject of disability in the workplace with a view to ascertaining the needs of Ministry employees with a disability. (As at 31 December 2017, persons with disabilities made up 4.61 per cent of the Ministry's total staff.) As a result, steps were taken to assess degrees of accessibility, architectural barriers and work spaces and to establish a multidisciplinary team to address these issues. Workstations have also been evaluated to determine what accommodations are needed and ensure that the appropriate furniture and accessories will be obtained.

47. The Directorate for the Employment of Workers with Disabilities of the Ministry of Labour, Employment and Social Security provides job placement services and advisory services on the recruitment of persons with disabilities in the public sector. All competitive civil service recruitment exercises are closely supervised and accommodation measures are taken in keeping with the principles of non-discrimination and equal opportunity, which are observed throughout the selection process.

48. With regard to the recruitment and promotion of civil servants holding permanent contracts as provided for in Act No. 25.164 and staff in the National Public Employment System, the issuance of Administrative Decision No. 609/2014 has strengthened compliance with article 8 of Act No. 22.431 and its amendments, which establish that authorization be granted for the setting aside of 4 per cent of the posts that are unfrozen. To this end, selection committees dealing with posts reserved for persons with disabilities include an employment inclusion expert or a thematic adviser in accordance with Decision No. 166/2015 of the Executive Office of the Cabinet of Ministers.

49. The Ministry for Modernization plays an active role in the supported employment programme, providing information and advice to workers with disabilities and other staff in their working environments. Reasonable accommodation is made in keeping with the principles of equal rights and opportunities and non-discrimination.

50. Act No. 26.206 contains a chapter devoted to special education, which is understood to be that part of the education system designed to ensure the right to education of persons with disabilities. The law stipulates that special education is governed by the principle of inclusive education. In that regard, the Ministry of Education, subject to the agreement of the Federal Education Council, is responsible for ensuring the integration of students with disabilities at all levels and in all areas of the education system in accordance with each person's potential. With the aim of consolidating an inclusive education system, the Ministry of Education has approved various policy frameworks for the provision of the necessary accommodation and support for students with disabilities and the country's schools.

51. Decision No. 311/16 of the Federal Education Council establishes guidelines for the inclusion of students with disabilities in all compulsory levels of education.

52. Guarantees for reasonable accommodation are set out in article 2 of this decision in the following terms:

In accordance with national and international guidelines on inclusion, provinces shall create the conditions and provide the services needed to support the learning paths of students with disabilities who require such support; in that regard, they shall provide tools, specific knowledge, support systems and reasonable accommodation, in accordance with the Convention, in order to promote the inclusion of students with disabilities on an equal footing with others and without discrimination.

The decision goes on to specify the accommodations, adaptations and supports to be provided in order to ensure the full access and participation of students with disabilities throughout their schooling.

53. Act No. 26.522 stipulates that all audiovisual content broadcast on free-to-view television, programmes produced in-house and broadcast on local cable channels, and informational, educational, cultural and general interest programmes produced in the country must include closed captioning and sign language and audio descriptions.

54. Act No. 26.653 on web page accessibility, which the Ministry for Modernization is responsible for implementing, provides that all State agencies, State companies and private companies holding public service concessions must meet the accessibility standards and requirements in the design of their web pages that facilitate access to the content of those pages for all persons with disabilities and ensure equality of opportunity. The implementing regulations for this law are currently being developed.

55. In 2016, the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) inaugurated a service aimed at making the civil service accessible to the deaf community; as part of this service, sign language interpreters are available to accompany deaf persons to any public institution where they need to conduct business. The Institute has recently launched a collection of seven handbooks on inclusive communication containing recommendations on good practices. These handbooks are available at: <http://www.inadi.gob.ar/comunicacion-inclusiva/>.

56. Legislation is being drafted to amend the Anti-Discrimination Act (Act No. 23.592) so that it will cover more forms of discrimination and other socially vulnerable groups that

are subject to discrimination, given the close relationship between the principle of non-discrimination and vulnerable persons or groups. The Secretariat for Human Rights and Cultural Pluralism has produced reports on the alignment of this draft legislation with the Convention in order to ensure that the amended law will be in compliance with the international treaties to which the State is a party.

Reply to the question raised in paragraph 5

57. In Argentina, discriminatory acts are prohibited under article 75 (23) of the Constitution, which provides that positive measures are to be enacted and promoted in order to guarantee true equality of opportunity and treatment and the full enjoyment and exercise of the rights recognized by the Constitution and the international human rights treaties in force, particularly for children, women, older persons and persons with disabilities. In 2000, by Act No. 25.280, Argentina acceded to the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities. Within this framework, it has adopted the legislative, social and employment-related measures necessary to attain the full inclusion of persons with disabilities in society and to progressively eliminate discrimination.

58. The Secretariat for Human Rights and Cultural Pluralism works to raise the awareness of the general public through social networks and provides in-class training to civil service staff at the request of national or provincial agencies.

59. The Secretariat also works with the National Institute of Indigenous Affairs to implement cross-cutting measures to uphold the rights of persons with disabilities who belong to indigenous communities.

60. In order to expand the public health system's coverage of indigenous communities throughout the country on the basis of a multicultural approach and make the system more accessible for them, the Ministry of Health has introduced a national health programme for indigenous peoples. This programme is intended to establish a free-flowing, participatory and intercultural dialogue between the Ministry of Health and the authorities of indigenous communities. The programme supplies funding for indigenous providers of primary health care and for their training and technical support in intercultural instruction for professional and non-professional staff working as service providers for indigenous communities.

61. The National Women's Institute (INAM) has been conducting a campaign to combat violence against women (INAM/CONADIS 2017) which includes the use of sign language. [<https://twitter.com/INAMujeres/status/934157482716553217>.]

62. The National Institute to Combat Discrimination, Xenophobia and Racism (INADI) is taking measures to put a stop to social practices that result in discrimination against persons with disabilities. The Office of the Coordinator of Educational and Training Policies, in coordination with the Disability Unit of INADI, has launched an advanced virtual course on accessibility and non-discrimination.

63. INADI also provides advisory services and technical assistance to the general public and to school groups in conjunction with the Office of the Coordinator of Civil Society Networks and the Office of the Coordinator of Delegations of the Institute. Material on non-discrimination and relevant policies and regulations is distributed at the information stands maintained by INADI as part of the federal government's outreach efforts at the regional level.

64. Materials have been designed to provide information, raise awareness and educate the population. Some of this content is available at:

- [Http://inadi.gob.ar/contenidos-digitales/producto/guia-accesibilidad-e-inclusion-personas-con-discapacidad/](http://inadi.gob.ar/contenidos-digitales/producto/guia-accesibilidad-e-inclusion-personas-con-discapacidad/).
- [Http://inadi.gob.ar/contenidos-digitales/producto/discapacidad-y-no-discriminacion-2/](http://inadi.gob.ar/contenidos-digitales/producto/discapacidad-y-no-discriminacion-2/).

65. The National Disability Agency, together with INADI, the Ministry for Modernization and the Ministry of Labour, Employment and Social Security, held the



second of a series of inclusive employment conferences which promote equal opportunity, non-discrimination and inclusion.

66. In order to facilitate access to public services for indigenous persons with disabilities, an agreement has been reached with INADI to hold a series of workshops to raise awareness among indigenous communities of relevant policies and the services available to them.

67. Two of the proposals presented by INADI in a document entitled *Hacia un Plan Nacional contra la Discriminación. La discriminación en la Argentina. Diagnóstico y Propuestas* (Towards a national plan against discrimination: discrimination in Argentina. Baseline analysis and proposals) (2005) have been put into action. These are proposal number 86, on the provision of training to national and provincial public sector employees who work with indigenous peoples in order to make them aware of the need to respect these peoples and uphold their rights as a means of eradicating ingrained discriminatory practices in public institutions, and proposal number 215, on the effective dissemination of information on indigenous rights throughout the country in the various indigenous languages spoken in Argentina.

68. The development of academic and regionally relevant materials has included the preparation of a booklet entitled *Trabajo sin Discriminación: Pueblos Indígenas* (Work without discrimination: indigenous peoples) under the Safeguards for Indigenous Peoples Programme of the Ministry of Labour, Employment and Social Security.

69. INADI is preparing a new edition of its report on discrimination entitled *Mapa Nacional de la Discriminación*, which examines representations, perceptions and experiences relating to discriminatory practices in Argentine society and provides information about the social models of discrimination. The previous edition can be viewed at <http://www.inadi.gob.ar/mapa-discriminacion/documentos/mapa-de-la-discriminacion-segunda-edicion.pdf>.

70. In addition, the INADI Office of the Coordinator for Research has prepared a document providing graphs and tables prepared on the basis of an analysis of the complaints filed with INADI in the years 2008–2013. A document covering the period 2014–2017 will soon be made available [<http://inadi.gob.ar/contenidos-digitales/producto/denuncias-radicadas-en-el-inadi-2008-2013/>.]

71. Although the Institute has no disciplinary powers, its findings in respect of the complaints that it receives carry the weight of an expert opinion in judicial proceedings concerning those complaints. The Institute receives complaints through its offices around the country and inquiries by telephone 24 hours a day. Complaints can also be sent to it by post free of charge.

72. With the aim of promoting non-discrimination in order to achieve a form of educational inclusion that ensures that all students can learn and participate, the Ministry of Education's Office of the Coordinator for Inclusive Education works in various ways to promote inclusive culture, policies and practices.

73. The Ministry of Education provides the support and supervision needed to ensure that the provinces are able to comply with the recommendation made by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in its thematic study on the right of persons with disabilities to education (A/HRC/25/29). This recommendation was incorporated into Decision No. 311/16 of the Federal Education Council, which states that schools are prohibited from refusing to enrol or re-enrol a student on the grounds of disability and that such a refusal, whether directly or indirectly based on a student's disability, shall be considered to be an act of discrimination.

74. The Inclusive Education Unit receives inquiries and takes action in response to problems or obstacles related to educational inclusion. Via the toll-free national hotline 0800Convivencia (established under National Act No. 26.892 and regulated by Decision No. 311/16 of the Federal Education Council), complaints are received about situations that disrupt school life and/or situations of a discriminatory nature in the education system.

- The National Directorate on Mental Health and Addictions and the Public Information and Communication Unit of the Ministry of Health have developed a guide entitled *Comunicación Responsable: Recomendaciones para el Tratamiento de Temas de Salud Mental en los Medios* (Responsible communication: recommendations for the treatment of mental health issues in the media) (2013). This guide, which serves as a working tool for media professionals, provides comprehensive guidance on the dissemination of information on mental health in a non-discriminatory manner that is respectful of human rights. Its three chapters contain recommendations on suitable approaches to mental health topics, in general, and mental impairments, in particular, in radio, audiovisual and graphic media outlets, including guidance on discussing suicide and on how to help to change people's attitudes about how "natural" it is to drink alcohol. The guide has been distributed to the Provincial Mental Health Departments.
- The National Directorate on Mental Health and Addictions participated in the working group organized by the Office of the Ombudsman for Audiovisual Communication Services that has developed a guide to responsible media coverage of mental health topics.

75. In 2015, the Directorate, together with INADI and the Secretariat for Human Rights and Cultural Pluralism, published a book entitled *Prácticas inclusivas en salud mental y adicciones con enfoque de derechos humanos* (Inclusive practices in mental health and addictions based on a human rights approach). This publication gives an account of 13 initiatives in different parts of the country that illustrate the precepts of the new model for mental health care in the country. As part of this undertaking, users and former users of the network of mental health services, representatives of socially responsible production enterprises, community integration centres, women's groups, artistic and popular media groups, the Chief Public Defender's Office and health teams attached to specialized mental health hospitals held discussions among themselves and with the community on the measures they are taking to ensure that persons with mental health and/or addiction problems can exercise their rights and be included in society.

76. The National Rehabilitation Service has issued Instruction No. 197/2014, which amends annex IV of the evaluation form for the initial issuance or renewal of mental disability certificates. The objective of these changes, which are based on National Act No. 26.657 and the Convention, is to place particular importance on the role played by interdisciplinary teams in the evaluation process. Following the adoption of Act No. 26.529, on the rights of patients in their dealings with health professionals and institutions, other modifications had been made in annex IV: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/225000-229999/227488/norma.htm>.

77. Decision No. 270/2015 of the Ministry of Labour, Employment and Social Security stipulates that job offers may not contain eligibility restrictions based on race, religion, sex or disability, among other characteristics.

78. The actions taken to prevent discrimination against persons with disabilities include the following:

79. The Tripartite Commission for Equal Opportunity serves as a forum for dialogue between the State, workers' organizations and the business sector with the aim of:

- (a) Establishing a network of companies and trade unions that promote the right to decent work;
- (b) Building a consensus on the promotion of regulatory instruments (legislation, collective bargaining agreements, standards, regulations);
- (c) Generating and disseminating good practices and promoting the social and employment rights of vulnerable groups;
- (d) Defining standards of due diligence. In 2017, the Ministry of Labour, Employment and Social Security worked on the disability module of the employment quality standards accreditation scheme, a voluntary regulatory initiative that provides

certification to companies that demonstrate that their labour practices are in line with the principles of decent work and international standards in this area;

- (e) Analysing and producing statistics and other data;
- (f) Supporting skill development;
- (g) Facilitating opportunities for finding work or starting up socially responsible production enterprises.

Reply to the question raised in paragraph 6

80. With regard to past and current cases heard before the courts and other instances relating to complaints of discrimination based on disability, the Secretariat for Human Rights and Cultural Pluralism has identified the following case.

81. Case No. 105.361, *García, Rodolfo Fabián v. the Government of the Province of Mendoza s/ A.P.A.* [<http://www.saij.gob.ar/suprema-corte-justicia-local-mendoza-garcia-rodolfo-fabian-gobierno-prov-mendoza-apa-fa14190005-2014-03-12/123456789-500-0914-1ots-eupmocsollaf>].

82. Analyses of the material published in the periodic bulletins of the Argentine Legal Information System by the National Justice System Assistance Programme for Persons with Disabilities show that those bulletins frequently contain references to decisions relating to the promotion, protection or defence of the rights of persons with disabilities. Those decisions do not refer to the element of discrimination, but the law that is invoked, or one of the paragraphs setting out the legal grounds on which a decision is based, may contain a reference to discrimination on the ground of disability: <http://www.saij.gob.ar/resultados.jsp?r=tema%3Apersonas%3Fcon%3Fdisca%20pacidad&o=0&p=25&=Total%7CFecha%7CEstado%20de%20Vigencia%5B5%2C1%5D%7CTema%5B5%2C1%5D%7COrganismo%5B5%2C1%5D%7CAutor%5B5%2C1%5D%7CJurisdicci%F3n/Nacional%7CTribunal%5B5%2C1%5D%7CPublicaci%F3n%5B5%2C1%5D%7CColecci%F3n%20tem%20E1tica%5B5%2C1%5D%7CTipo%20de%20Documento/Jurisprudencia&s=fecha-rango|DESC&v=colapsada>.

83. Of the complaints received by INADI in 2017 and to date in 2018, the basis of discrimination cited most frequently is disability, which accounts for 20.1 per cent of cases for 2017 and 24.14 per cent of those for 2018 (see annex 2).

#### **Women with disabilities (art. 6)**

Reply to the question raised in paragraph 7

84. Several changes relating to persons with disabilities, especially in the area of women's rights, have been incorporated into the new National Civil and Commercial Code. The Convention on the Elimination of All Forms of Discrimination against Women, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women and the Constitution are operative instruments apply directly to the Code that are reflected throughout the Code in both its letter and spirit. The new Code, which is in keeping with the following significant legislative developments: Act No. 26.061, on the comprehensive protection of the rights of children and adolescents; Act No. 26.485, on comprehensive protection and on the prevention, punishment and eradication of violence against women; Equal Marriage Act No. 26.618, which recognizes marriages between two persons irrespective of their gender and/or sex; Gender Identity Act No. 26.743, which recognizes people's right to maintain their own self-perceived gender identity, sets out guarantees for their dignified treatment and provides for the amendment of birth certificates and national identity documents and for comprehensive access to health care for transgender persons; and Act No. 26.862, on comprehensive access to medical-assisted reproduction procedures and techniques for medically assisted reproduction, which further advances the protection of certain rights in the areas of family, child and adolescent relations and bioethics.

85. The National Civil and Commercial Code embodies legislative advances in the area of gender equality. It emphasizes the economic value of work in the home and provides for

equal rights in respect of children's surnames, financial compensation settlements for partners, prenuptial agreements and the right of pregnant women to claim maintenance from the presumed father upon submission of summary evidence of the alleged filiation, among other measures. Although many of these situations had been recognized in jurisprudence and legal doctrine, they are now expressly and formally set forth in the new Code.

86. Where access to the labour market is concerned, the Ministry of Labour, Employment and Social Security recognizes that gender and disability are two characteristics that, when combined, result in increased marginalization, discrimination and inequality, giving rise to exclusion and further marginalization. The development of employment policies that provide for equal opportunities for women with disabilities in the labour market constitutes a mandate for recognizing rights and guaranteeing their enjoyment and effective exercise through the promotion of affirmative action and other measures that support equality. In particular, awareness-raising activities are carried out at the national, provincial and municipal levels in order to promote the participation and inclusion of women with disabilities within a conducive of employment policy framework.

87. Measures aimed at mainstreaming gender and disability include awareness-raising campaigns designed to improve the employability of women with disabilities in small and medium-sized enterprises.

88. Awareness-raising conferences and workshops are conducted in a number of different provinces. The Office of the Coordinator on Violence in the Workplace of the Ministry of Labour, Employment and Social Security, in collaboration with the Directorate for the Employment of Workers with Disabilities, assists women workers to file complaints under the terms of Act No. 26.485/09 on comprehensive protection and the prevention, punishment and eradication of violence against women.

89. With a view to mainstreaming gender and disability in labour market access programmes, in line with article 6 of the Convention, women who have children with disabilities enjoy preferential access to the "Creating Futures" programme, which is run by the Secretariat for the Social Economy in line with Ministry of Social Development Decision No. 96/2018.

90. The office in charge of programmes dealing with the social and grassroots economy runs a number of in-house training sessions for civil servants aimed at promoting individual, group and institutional learning.

91. The Sexual Health and Responsible Parenthood Programme of the Ministry of Health seeks to ensure that the entire population has access to information, guidance, methods and services relating to sexual and reproductive health so that all persons, including persons with disabilities, may exercise their sexual and reproductive rights without discrimination on the basis of gender identity or its expression, sexual orientation, class, ethnicity, or bodily or sexual diversity. The measures taken under this programme are guided by the principles of personal autonomy, diversity and whole-person health. For this reason, efforts are made to promote conscious, autonomous and informed decision-making by all persons, irrespective of their age, origin, sexual orientation, body type or disability status.

92. Some 300,000 postcards bearing the words "sexual rights – 0800 – disability" have been printed in order to promote sexual and reproductive rights and raise awareness of the sexual health hotline managed by the intersectoral Working Group on Disability and Sexuality.

93. Plans are in place to increase access to the 0800 sexual health hotline to ensure that deaf or hard-of-hearing persons can have access to it.

94. Thanks to the efforts of various working groups, including the group entitled "The New Civil and Commercial Code: Reading from the Perspective of Sexual and Reproductive Rights", a supporting document containing a specific section on persons with disabilities has been drafted and included as an annex to Decision No. 65/16 of the Ministry of Health.

95. Within the institutional framework of the Federal Council for Modernization, the Ministry for Modernization, together with the 23 provinces and the Autonomous City of Buenos Aires, has approved the establishment of the Commission for Equal Opportunities and Responsible Practices, which is to deal with the issues of disability, gender and social responsibility.

96. Together with 10 other organizations, it has also made a formal commitment to institutional social responsibility in which inclusion is one of the key aspects.

97. The National Directorate for Quality of Education (DINIEE) of the Ministry of Education conducts an annual survey that provides detailed, gender-disaggregated information on school enrolment at all levels and for all kinds of school. This information on the participation and inclusion of women with and without disabilities in the education system is useful for policy development and follow up and is also used by the Comprehensive Sex Education Programme in the development of measures aimed at all students, including those with disabilities.

98. Within the framework of the National Disability Plan, the National Disability Agency, together with the National Women's Institute (INAM) and other organizations, is preparing an information guide to serve as a tool or as support material for all persons with disabilities, their family members and professionals in relevant fields. The guide focuses on the areas of sexual and reproductive health and of violence and is intended to enable persons with disabilities to overcome access barriers and to help to avert discriminatory practices. The guide provides information on sexual and reproductive health and focuses on raising the awareness of health teams, contributing to an appropriate conceptualization of these issues, promoting differentiated responses in situations of violence and breaking down attitudinal barriers.

Reply to the question raised in paragraph 8

99. The new National Civil and Commercial Code includes the concepts of the progressive capacity of children and adolescents, the assumption by an adolescent of the role of a subject of rights and the gradual acquisition of capacities dependent on age and the actions that a person is capable of carrying out (arts. 25 and 26).

100. The Code defines an adolescent as an underage person who is 13 years of age or older (art. 25, last paragraph). From the age of 16 years on, adolescents are considered to be adults in respect of decisions concerning the care of their own bodies (article 26, last paragraph).

101. Minors have the right to be heard in any legal proceedings concerning them and to participate in decisions concerning their person (art. 26). Adolescents between 13 and 16 years of age are presumed to be able to decide for themselves regarding treatments that are not invasive and do not compromise their health or cause a serious risk to their lives or physical integrity. The main objective is to empower children and adolescents and to give them a role in the formulation of public policy.

102. The third Federal Youth Parliament was organized jointly by the National Secretariat for Children, Adolescents and the Family (SENAF) and INADI.

103. Under the "Rosell Goes to School" project, which began in April 2017, scheduled activities are carried out with different schools to raise the school community's awareness of the rights and freedoms of children, adolescents and persons with disabilities and to promote the principles of equality, non-discrimination, participation and full inclusion.

104. In December 2017, approval was granted for the National Plan for the Comprehensive Protection of Children and Adolescents 2016–2019, which incorporates disability in its analysis and goals:

- Thematic focus 1: Living conditions of children and adolescents: 1.7.4.4 Reducing the educational disparities between persons with disabilities and others.
- Thematic focus 3: Promoting and protecting rights: 3.12 Promoting public campaigns for the inclusion in adoptive families of children over 6 years of age,

children and adolescents with disabilities or in a vulnerable state of health, and sibling groups awaiting adoption.

105. INADI has a programme intended to enable children and adolescents to develop a life plan in an environment free from discrimination and violence through the promotion of inclusive practices and the forging peer-to-peer bonds on a basis of equality.

106. The Ministry of Education has organized several events in which students with and without disabilities have participated:

- 2014 – A national congress focusing on the theme “Debate to transform, transform to include” was attended by around 100 young persons and teachers with and without disabilities from all over the country. The primary purpose of this gathering was to facilitate debate and reflection on educational inclusion, political participation and the relationship between young people’s education and their work.
- 2016 – An international cooperation initiative entitled “Paths of the Southern Common Market 2016”, in which high school students presented essays on inclusive education and disability.

107. The Youth Parliament of the Southern Common Market, which is held every year, is a forum where young persons with and without disabilities from Argentina and from around the entire region can discuss education and express their views regarding the type of school that they would like to have for their countries and for the region as a whole.

108. A seminar entitled “Linking Childhood and Disability: the Human Rights Perspective” was held within the framework of the presidency of Argentina of the Southern Common Market in 2017. The purpose of the seminar was to promote the mainstreaming of relevant approaches among the delegations participating in the Meeting of the High Authorities on Human Rights of the Southern Common Market, in which the commissions on disability and childhood participate.

#### **Children with disabilities (art. 7)**

Reply to the question raised in paragraph 9

109. The Federal Observatory on the Rights of Children and Adolescents with Visual Impairment has been established under the terms of Decision No. 373/2016 of the Secretariat for Children, Young Persons and the Family (SENAF). The Observatory undertakes research and produces documentation on the situation of children and adolescents with visual impairments in the country in order to provide the Secretariat with a full and up-to-date picture of the status of this community. One of the strategic pillars of the Observatory is the promotion of community-based rehabilitation, whereby the actors are the subjects themselves, in their own environment, interacting with the community structures that are in the greatest proximity to where they live.

110. The Ministry of Education has organized the Schools for Solidarity (*Escuelas Solidarias*) Presidential Award and the Education Improvement Project (PROMER I and PROMER II), which is funded by the World Bank. Under these initiatives, inclusive education projects are planned and developed in the country’s rural schools.

111. A number of teacher training initiatives have been and are being conducted, including international and district-level symposiums, videoconferences and virtual courses. Some 45,250 persons, including members of teaching teams and the general public, have participated in these forums. Other activities that have been conducted include institutional conferences, inclusive educational colloquiums in the country’s schools and the preparation of awareness-raising materials that set out guidelines and approaches for the provision of accommodation and support in inclusion processes.

112. The second National Forum for Children and Young Persons, organized by the National Directorate on Mental Health and Addictions, was attended by provincial officials working in the areas of mental health, addiction, childhood, human rights and education from all over the country, along with specialists in the field and representatives of civil society and national government agencies. The main aim of the Forum, whose theme was

“Current challenges and intersectoral approaches”, was to systematize intersectoral and local responses within the framework of the mental health service networks provided for by Act No. 26.657 and the National Mental Health Plan.

Reply to the question raised in paragraph 10

113. Argentina has developed a regulatory and policy framework that has enabled it to take the necessary steps to ensure that all children with disabilities fully enjoy all human rights and fundamental freedoms on an equal footing with other children.

114. Article 14 of Federal Education Council Decision No. 311/16 of the Ministry of Education establishes the duties of personnel in the education system who work in the area of educational inclusion in the following terms: “These persons shall work with the families concerned, taking into account the views of students with disabilities, and shall keep them informed of decisions taken regarding courses of study, shall arrive at agreements with them and shall keep them abreast of the students’ progress and the evaluation of that progress so as to promote the active participation of the families in the educational process.”

115. Article 16 of this decision provides that: “On the basis of this initial analysis, in meetings whose institutional structure will be decided upon by the teaching teams concerned, and taking into account the views of the student with disabilities and his or her family, the need to provide specific forms of support will be assessed as part of the effort to engender an inclusive culture within the school community.”

116. The decision also sets out the various channels through which personnel in the education system will provide the necessary guidance and information to the families of students with disabilities so that they may exercise their right to choose their preferred educational institution so as to ensure that the principle of the best interests of the child is upheld throughout their education and development.

#### **Accessibility (art. 9)**

Reply to the question raised in paragraph 11

117. Article 4 of Decree No. 914/97 provides for the creation of the Advisory and Monitoring Committee to oversee the implementation of articles 20, 21 and 22 of Act No. 22.431 as amended by Act No. 24.314.

118. Article 5 of this decree specifies the functions of the Committee, as follows:

(a) Monitor compliance with articles 20, 21 and 22 of Act 22.431, as amended by Act 24.314, and these regulations;

(b) Verify and submit any complaints of non-observance to the President of the National Advisory Commission for the Integration of Persons with Disabilities (CONADIS) so that the corresponding action may be taken pursuant to article 4 (b), (c), (d), (e) and (f) of Decree No. 984/92;

(c) Provide technical advisory services to support the proper implementation of articles 20, 21 and 22 of Act No. 22.431, as amended by Act No. 24.314, and these regulations;

(d) Propose accommodation criteria and publicize and promote the observance of the provisions of these regulations. It should be noted that articles 20, 21 and 22 of Act No. 22.431, as amended by Act No. 24.314, make reference to the need to remove physical urban, architectural and transport barriers in order to facilitate the autonomy of persons with reduced mobility. The functions of the Committee are therefore specific and limited to the accessibility of the physical environment.

119. At the level of the Ministry of Social Development and the Secretariat for Children, Young Persons and the Family (SENAF), the Román Rosell Institute provides services to blind and visually impaired persons, their relatives and any other persons directly involved in their rehabilitation or care. The functional structure of the Institute was aligned with the principles set out in Act No. 26.061 and Act No. 26.378 (by SENAF Decision No. 373/2016) with a view to developing public policies on disability. The aim of such policies

is to ensure that persons with visual disabilities are able to fully enjoy their rights, while respecting their identity, promoting their integration, participation and full and effective inclusion in society, contributing to the accessibility of the physical, social, economic and cultural environments and of health, education and communications. They are intended to protect the rights of persons with disabilities to live independently and be included in the community.

120. The National Directorate of the Argentine Legal Information System (SAIJ) has developed and run a project for adapting, drafting and publishing legal information in Easy Read format in order to ensure that persons with disabilities can access information and learn about their rights and that anyone for whom the Easy Read format may serve as an effective tool can access material on a broad range of subjects that may be of interest to them.

121. Abridged versions of legislative texts (for example, provincial constitutions and international treaties with constitutional status) are produced in Easy Read, as are information booklets covering topics of interest and providing all the information citizens need in order to learn about and exercise their rights and duties. These publications are produced in the following accessible digital formats: well-structured PDF files that have been optimized for digital use and that are easier to navigate and are useful to many users because they include a reading order, Alt text labels, etc.; EPUB, which is the universal electronic book format and is the one most suited to meeting accessibility needs; and TXT, which is the format that is most accessible to persons with visual disabilities who use screen readers. Publications in these digital formats (PDF, EPUB and TXT) are to be found in the “LecturaFácil” (Easy Read) section of the *Derecho Fácil* website [[www.derechofacil.gov.ar/lectura-facil/](http://www.derechofacil.gov.ar/lectura-facil/)].

122. The accessibility of social housing is ensured by Decision No. 122.E.2017 on the development of the National Housing Plan and its regulations under the aegis of the new Secretariat of Housing. Section 1.1.4 “Components and products”, 1.1.4.1 “Housing”, of these regulations state that: “Projects that provide for the construction of any of the following types of housing solutions will be eligible for financing, as specified in section c) of the Implementation Manual for Action Plan I. “Housing for the disabled (sic).” The Implementation Manual for Action Plan I, “Promoting Social Housing”, point 4 “Components”, point 4.1 “Housing”, point 4.1.3. “Housing for the disabled (sic)”, stipulates that: “Single-family homes, or functional units to be subdivided under the condominiums regime, with features specifically designed for persons with disabilities must be designed and constructed in accordance with the Guidelines on Physical Accessibility for Social Housing and shall be assigned pursuant to Act No. 26.182, which amended Act No. 24.464.” Act No. 26.182 establishes a 5 per cent quota for persons with disabilities or families in which at least one member is a person with a disability for all construction plans funded out of the National Housing Fund (FONAVI). That law also specifies the basic requirements to be fulfilled. This procedure is conducted free of charge in order to provide access to adequate and decent housing.

123. The National Office for Information Technologies (ONTI) of the Ministry of Modernization is working to improve the accessibility of information by facilitating access to all persons with disabilities. Act No. 26.653 provides for the regular evaluation of the accessibility of the websites subject to accessibility standards and issues a report on its findings. Where required, training and assistance are provided to assist webmasters to adapt these websites. In all, 1,602 domains were checked; an evaluation report was produced on the accessibility of the 631 active domains and the corresponding organizations were notified of the existence of inactive domains.

124. Work is moving ahead on the migration of all government bodies’ websites to the official portal of the Government of Argentina: [www.argentina.gob.ar](http://www.argentina.gob.ar). This portal offers all of the administrative procedures and services useful to citizens and uses accessible standards in UX/UI design and content.

125. Given that Easy Read is an assistive technology that, by increasing the degree of accessibility, also promotes participation on the part of various groups, efforts are under way to make materials and information available in Easy Read.



Reply to the question raised in paragraph 12

126. In order to ensure accessibility for all persons with disabilities, initiatives developed by various governmental bodies for the implementation of the principles set forth in general comment No. 2 include the following:

127. The Ministry of Culture is developing a plan to increase the accessibility of cultural assets. This plan covers four main areas: infrastructure, communication, content and human resources. The aim is to make resources and tools available that will help persons with and without disabilities to enjoy their cultural heritage.

128. In the same vein, under the National Disability Plan 2017–2019, an accessibility project has been put forward for five national museums with the aim of making them universally accessible in physical, cognitive and communications terms.

129. The Ministry of Education provides technological materials under its equality in connectivity (“Conectar Igualdad”) programme. Pedagogical resources and software are available on the platform and can be downloaded free of charge. The Inclusive Digital Education Collection contains a series of educational initiatives and pedagogical planning resources that use of information and communications technologies. Documents and interviews on using technology to support inclusion in the classroom can also be found in this collection.

130. In addition to the work being done under the National Disability Plan in conjunction with non-governmental organizations (NGOs) specialized in developing inclusive and accessible educational practices and materials, initiatives are being undertaken on the basis of an agreement between the Ministry of Education and the United Nations Children’s Fund (UNICEF) to devise teaching strategies for instructors in all of the country’s schools that provide for reasonable accommodation for students with disabilities and specific learning difficulties and to develop materials for this purpose.

131. With the objective of eliminating barriers that limit the learning and participation of students with disabilities, the Inclusive Education Coordinating Office, together with the General Directorate of Infrastructure, took steps in 2017 to encourage the provincial governments to submit proposals for accessibility projects under the Accessible Education Programme that is being executed and financed by the National Disability Agency through the Fund for the Integration of Persons with Disabilities established by Act No. 25.730, which provides funding for the development of projects that promote the inclusion of persons with disabilities.

132. With the collaboration of various stakeholders with expertise in the subject area, the Ministry of Tourism has developed a virtual education initiative on accessible tourism which aims to familiarize participants with the concepts of disability and accessibility with a view to improving communication and interactions persons with disabilities.

133. A face-to-face course on accessible tourism is also offered to providers of tourist services in general, municipal tourist offices, civil servants, tourist information officers, university communities, representatives of NGOs working in the area of disability and accessibility, and persons with disabilities.

134. The national tourism innovation contest entitled “Innovate for Travel” was a team effort of the Ministry of Tourism, the Ministry of Modernization and the Ministry of Production and Labour. This initiative was based on the following set of fundamental premises: open innovation; facilitation; social, economic and cultural development; sustainable development; quality; competitiveness; and accessibility.

135. Under a technical cooperation agreement between the Ministry of Tourism and what was formerly known as the National Rehabilitation Service (now the National Disability Agency), work has been directed towards ensuring the full accessibility of tourism projects for persons with reduced mobility and/or communication difficulties. Within the framework of this agreement, training was provided that was geared to the tourism sector and guidelines were developed in conjunction with relevant NGOs and tourism agencies on accessibility in tourist lodgings and services.

136. The Ministry of Tourism is also working on improving the physical accessibility of the tourism destinations of Chapadmalal (Province of Buenos Aires) and Embalse (Province of Córdoba).

137. To ensure the accessibility of urban and interurban public railway transport on the Urquiza and North Belgrano lines, the platforms have been made more accessible and facilities for persons who have difficulty standing, tactile signage and automated ramps or lifts have been installed. The staircases will also be extended and adapted.

138. Braille signage will be embossed at the beginning and end points of the handrails on the station's main staircase, and toilets will be adapted for use by persons with disabilities in accordance with Argentine Normalization and Certification Institute (IRAM) standard 111102.02 on accessibility of the physical environment, signage for persons with visual impairments in urban spaces and buildings accessible to the public, and tactile signage.

139. The National Directorate of Automotive Passenger Transport and the National Traffic and Road Safety Commission of the Office of the Undersecretary for Automotive Transport are developing regulations on the configuration of double-decker buses that will ensure that they are accessible for persons with reduced communication capacity and reduced mobility, particularly wheelchair users. The regulations will also require Braille seat numbering, a call button and other adjustments or devices that will facilitate long-distance bus travel for persons in wheelchairs.

140. To date, all government-operated urban and suburban transport units circulating in the Metropolitan Area of Buenos Aires are low-carriage vehicles with space reserved for wheelchairs.

141. By its Decision No. 428/17, the National Transport Commission has introduced a system that persons with disabilities can use to book free tickets online, pursuant to CNRT Decision No. 430/16.

142. The Advisory Council for the Inclusion and Protection of Persons with Disabilities in Transport includes representatives of various governmental and non-governmental organizations active in the public and private spheres. This cooperative body has been entrusted with the task of hearing the views of people on all sides on disability-related transport issues.

143. The Ministry of Labour, Employment and Social Security is developing initiatives to ensure the full inclusion of persons with certified disabilities in society and the workforce. To this end, it is working to eliminate physical and social barriers within the Ministry itself by adapting job profiles, raising staff awareness about interpersonal skills and teamwork, and providing access to the technological tools needed to achieve true equality of opportunity. To meet these objectives, the following activities are being carried out:

- Analysing the accessibility of the Ministry building and of its offices at the provincial level within the context of current legislation.
- Offering a basic course in Argentine Sign Language for personnel who serve in-house staff and the general public and for staff who have co-workers with hearing impairments who use Argentine Sign Language.
- Adapting job profiles using the Job Access With Speech (JAWS) system.
- Purchasing Braille typewriters, telephone handsets, ergonomic chairs and chairs that can be adapted to specific users' needs, and making accessibility tools available on the Intranet, among various other individual-specific adjustments.

144. The Ministry of Production and Labour has also made adjustments in public service departments, including the modernization of the main lifts with the installation of a sound system for persons with visual impairments, installing a cluster of washrooms adapted to the needs of persons with disabilities on each floor of the building, installing turnstiles at the Ministry that are suitable for persons with reduced mobility, installing Braille signage on the button panels in the lifts, making the Intranet accessible to persons with visual impairments, installing a voice-over system in the lifts and making Argentine Sign Language classes available free of charge to staff who serve the public.

**Situations of risk and humanitarian emergencies (art. 11)**

Reply to the question raised in paragraph 13

145. The National Comprehensive Risk Management and Civil Protection System was established pursuant to Act No. 27.287 and will be used to coordinate the efforts of national government agencies, provincial governments, the Autonomous City of Buenos Aires, municipal governments, non-governmental organizations and civil society to optimize risk reduction, crisis management and recovery activities.

146. This system comprises the National Council for Comprehensive Risk Management and Civil Protection and the Federal Council for Comprehensive Risk Management and Civil Protection. The National Executive presides over the National Council, which comprises the bodies and departments referred to in the Act, including the former National Advisory Commission on the Integration of Persons with Disabilities (CONADIS), whose responsibilities were transferred to the National Disability Agency.

147. This is the first time that Argentina will have a far-reaching risk reduction plan that conforms to the guidelines for the Sendai Framework for Disaster Risk Reduction 2015–2030 established under the International Strategy for Disaster Reduction. Vulnerable groups participated in the liaison committee, in addition to the former National Council for Women, the National Secretariat for Human Rights of the Ministry of Justice, the White Helmets Commission of the Ministry of Foreign Affairs, the Social Security Secretariat of the Ministry of Labour, INADI, the National Social Security Administration, the National Programme for Research on Natural Resources and the Environment, the International Organization for Migration, the Argentine Red Cross and the National Meteorological Service.

148. Within the framework of the Commission on the Application of International Humanitarian Law, the Ministry of Foreign Affairs and Worship set up a working group to analyse and propose draft versions of a special protocol on assistance for persons with disabilities in the context of armed conflict and humanitarian action. That protocol is now being developed; the Ministry of Foreign Affairs and other government agencies are involved in this effort, which is being coordinated by the Ministry of Defence.

**Equal recognition before the law (art. 12)**

Reply to the question raised in paragraph 14

149. The incorporation of the Convention on the Rights of Persons with Disabilities into the national legal system and the introduction of legal recognition of supported decision-making systems marked a paradigm shift in the legal standards applying to persons with disabilities, which are underpinned by the dual pillars of autonomy and dignity. Book I, title I, chapter 2 of the Civil and Commercial Code sets out provisions concerning legal capacity.

150. Section 3 of the Civil and Commercial Code covers the exercise of legal capacity and provides that restrictions on legal capacity shall be exceptional and may only be imposed by a judicial ruling following interdisciplinary proceedings governed by procedural safeguards (participation of the person with disabilities during the trial, accessibility, adjustments). Any such restriction must also fulfil the requirement that it be for the benefit of the person concerned in order to ensure that its purpose to uphold the person's autonomy and protect his or her rights (art. 43).

151. The exceptional nature of such restrictions is assured by the provision that a judge may find that a person lacks legal capacity and appoint a legal guardian only if "the person is absolutely unable to interact with his or her environment and express his or her will in any way or means and the support system has proven to be ineffective".

152. This legal framework is now in force. It is being applied by the local judiciary<sup>1</sup> and has been reaffirmed by the Supreme Court of Argentina.<sup>2</sup>

153. One example of its application which may be cited is a judgment in which the Court recognized the legal capacity of a person with a psychological ailment to exercise his or her rights independently, while providing, if necessary, for the availability of a supported decision-making system.

154. The website of the Ministry of Justice uses simple, accessible language to provide information on the exceptional nature of restrictions on legal capacity and to explain what these limitations consist of, who can apply for them, what a legal guardian is and so forth. For further information, see: <http://www.derechofacil.gob.ar/leysimple/capacidad-juridica-de-las-personas-con-discapacidad>.

155. The role of a legal guardian is detailed in Decision No. 1045/2012 of the Chief Public Defender's Office, which, in accordance with article 120 of the Constitution, is an independent body with functional and financial autonomy that works to promote the administration of justice and uphold the rule of law and the common interests of society in coordination with the other authorities of the Republic.

156. Act 27149 of 2015 amended the previous organic law which set out the organizational provisions governing the Chief Public Defender's Office. Article 46 of Act 27149 defines the role of public defenders who are called upon to act as legal guardians.

Reply to the question raised in paragraph 15

157. No data are available on the age-appropriate systems or on the technical or advisory resources in place in federal entities.

### **Access to justice (art. 13)**

Reply to the question raised in paragraph 16

158. Since 2011, the National Justice System Assistance Programme for Persons with Disabilities (ADAJUS) has been working to strengthen the rights of persons with disabilities in the justice system and to facilitate the participation of persons with disabilities in judicial and administrative proceedings regardless whether they are acting as plaintiffs or complainants, defendants or victims. It also assists persons with disabilities who are witnesses or involved in any other capacity at all stages of administrative or judicial proceedings, including preliminary, pre-trial and investigative stages.

159. The services provided by ADAJUS are aimed at ensuring that the necessary procedural adjustments or reasonable accommodations are made that are appropriate for the age, gender and type of disability of the person concerned and that accessible modes of communication and information are made available. To this end, ADAJUS acts as an auxiliary body of the judiciary in proposing adjustments or supportive measures in line with the Convention in connection with both procedural and substantive aspects, including the provision of expert opinions in cases where one or more parties is a person with a disability. The ultimate aim of its work is to ensure that such persons are able to take part in federal, national and provincial court cases on an equal basis with others. This includes not only litigants, but also lawyers, law enforcement officers and other stakeholders directly or indirectly involved in the proceedings. See annex V.

160. In order to provide an effective tool for disseminating information about the rights protected by the Convention, ADAJUS has produced a series of publications on topics related to the rights of persons with disabilities, including their right to have access to justice. These publications are distributed free of charge in an accessible digital format. <http://www.saij.gob.ar/ediciones/libros/coleccion-discapacidad-justicia-estado>.

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<sup>1</sup> Chamber "A" of the Appeal Court of the judicial district of Comodoro Rivadavia, regarding the adequacy of the ruling with the tenets of Civil and Commercial Code, file no. 59/2016.

<sup>2</sup> Supreme Court, DLV, AM without determination of capacity, ruling of 22 March 2018.

161. A document entitled “Protocolo para el Acceso a la Justicia de las Personas con Discapacidad. Propuestas para un trato adecuado” (Protocol on access to justice for persons with disabilities. Proposals for appropriate approaches) has also been prepared. This publication is designed to provide judges, prosecutors and public defenders with a clear and effective guide to assisting persons with disabilities in connection with judicial matters. It was produced jointly by the Public Defence Service, the Public Prosecution Service of the Autonomous City of Buenos Aires, the Office of the Undersecretary for the Promotion of Human Rights and the ADAJUS National Programme with the support of the EURSOCIAL Programme for Social Cohesion in Latin America.

162. As gender-based violence is an issue of a great deal of concern, in addition to the special attention devoted to such cases, ADAJUS also works with the Victims against Violence Programme run by the Office of the Undersecretary for Access to Justice of Ministry of Justice and the Domestic Violence Office of the Supreme Court. The primary, but not exclusive, focus is on removing communication, attitudinal and sociocultural barriers to persons with hearing, intellectual and psychosocial disabilities. The work in this area has been strengthened by the provision of training for the interdisciplinary technical teams involved in this initiative.

163. Given the need to improve the programme’s statistical data, steps have been taken to identify intersectional cases involving women with disabilities who have become victims of all types of violence and to make them more visible. The technical processes involved in making this possible are moving forward.

164. ADAJUS works with both the Public Legal Service of Argentina (which includes the ordinary justice system of the Autonomous City of Buenos Aires and the federal courts) and the public legal services of the provincial governments to provide legal defence services for persons with disabilities, especially if their disability could hinder their access to justice. To this end, the defence counsel is provided with guidance and support that allows him or her to mount a legal defence that takes into account, where appropriate, the impact of the disability and that removes barriers that would otherwise hinder participation in the proceedings. The technical assistance that is provided may involve advisory services and/or the physical presence of an interdisciplinary ADAJUS team comprising a lawyer, a psychologist and, where appropriate, a sign language or other type of interpreter. With a view to the provision of cooperation and technical assistance in promoting and safeguarding the right to a legal defence of persons with disabilities in accordance with the Convention, a special cooperation agreement, which remains in force, was signed between the Ministry of Justice and Human Rights – the parent organization of the ADAJUS Programme – and the Public Defence Service on 23 April 2014.

165. The Domestic Violence Office of the Supreme Court guarantees access to justice for all persons who are in a particularly vulnerable position because they are involved in situations of domestic violence. The Office’s services are available 24 hours a day, every day of the year.

166. The Office works with ADAJUS when dealing with persons with disabilities who have a communication impairment; an interdisciplinary team provides them with technical assistance in order to ensure their effective and equal access to justice. The Women’s Office, for its part, has produced a sign language video for persons with hearing impairments who come to the offices of the civil courts that deal with family matters.

167. In accordance with article 3 (c) of decision No. 40/2006 of the Supreme Court, the Domestic Violence Office provides guidance to people concerning possible courses of action in conflict situations and makes the corresponding referrals where appropriate. As the provision of legal advice exceeds the Office’s terms of reference, the Supreme Court signed an agreement with the Chief Public Defender’s Office under which the Public Defence Service has assigned specialized personnel to work in the Domestic Violence Office, where they are responsible for furnishing legal advice to female adult victims of domestic violence and, in some cases, providing them with legal representation. In addition, ADAJUS provides legal advice and assistance to persons with disabilities in legal proceedings.

Reply to the question raised in paragraph 17

168. One of the functions of ADAJUS is to provide targeted training concerning subjects related to the rights of access to justice of persons with disabilities (art. 13 of the Convention) to magistrates, prosecutors, defence attorneys, other justice officials and judicial personnel, civil service staff at the national, provincial and municipal levels, members of the security forces and members of professional associations. In 2017, training sessions of this kind were held throughout Argentina and were attended by more than 3,700 persons. The training content is in keeping with the social and human rights model, takes a cross-cutting approach to the Convention and reflects the interdependence and intersectionality of protected rights holders and rights. Surveys prepared in order to gauge trainees' level of satisfaction with these courses and seminars show that 96 per cent of the persons who received this training felt that its content had met their expectations, 89 per cent said that the extent of the course content was sufficient and 97 per cent found the training to be useful.

169. In 2017, sign language training was provided to all staff at the Domestic Violence Office in order to facilitate access to justice for persons with hearing impairments. The training sessions were also attended by staff of the civil courts that preside over cases involving family matters.

170. In May 2018, a panel discussion on "Persons with disabilities and good practices in inclusive justice" was included in the monthly cycle of video conferences aimed at deepening and enriching the discussion on gender issues which are sent to all of the country's judicial offices.

#### **Liberty and security of the person (article 14)**

Reply to the question raised in paragraph 18

171. In 2015, the National Directorate on Mental Health and Addictions held the Fourth National Conference on Mental Health. The aims of this event are to promote deinstitutionalization and effective social, professional, educational and emotional inclusion; strengthen and/or establish community-based mechanisms, particularly residential arrangements; bolster local initiatives, including efforts to provide ongoing care for deinstitutionalized persons who require it; promote the opening of centres that provide around-the-clock mental health services and beds in public general hospitals that do not yet offer these services; and continue to outfit and improve the specialized establishments have already embarked on this process.

172. Concurrently with this meeting of provincial authorities, the National Directorate held the Second National Meeting on Epidemiology in Mental Health and Addictions and the Third National Meeting of Authorities and Technical Teams of Specialized Public Mental Health Hospitals.

173. Members of civil society, particularly those belonging to user and family organizations, figured prominently in these meetings thanks to the experiences shared by members of the Honorary Advisory Board for Mental Health and Addiction Issues, which began operating in 2014. This presentation highlighted the model of inclusion and diversity established by Act No. 26.657 and the proposal for "Putting oneself in another's place, understanding him or her, not as an abstraction, but as a real person".

174. The meeting of provincial authorities also focused on the need for cross-sectoral spheres of action at the provincial level along the lines of the approach taken by the National Interministerial Commission on Policies on Mental Health and Addiction (CONISMA). The provincial authorities also reviewed the progress made in the first year under the National Mental Health Plan and set priorities for the second year of its implementation.

175. The provinces that were represented at these three meetings were: Buenos Aires, Catamarca, Chaco, Chubut, Córdoba, Corrientes, Entre Ríos, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, Santa Cruz, San Juan, Santa Fe, Santiago del Estero, Tierra del Fuego and Tucumán.

Reply to the question raised in paragraph 19

176. In accordance with article 43 of Act No. 26.657 (which amends article 482 of the Civil Code), any person who has been found to lack legal capacity is not permitted to participate in criminal proceedings. The provisions formerly included in the latter article no longer figure in the Civil and Commercial Code.

177. The review body set up to examine Act No. 26.657 is currently discussing a set of recommendations regarding the issue of legal incapacity.

**Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**

Reply to the question raised in paragraph 20

178. In 2015, the review body issued a recommendation concerning Act No. 26.657 in which it advises against the use of electroconvulsive therapies and insulin treatments. Nonetheless, the World Health Organization (WHO) recognizes the use of electroconvulsive therapy (ECT) with special precautions on an exceptional basis (see the *WHO Resource Book on Mental Health, Human Rights and Legislation* and the quality rights guidance of the Pan American Health Organization).

179. There are also publications on emergency mental health-care guidelines which recommend therapeutic, psychopharmacological and mechanical measures which are of proven efficacy and safety for dealing with emergencies and which are in line with the human rights standards set forth in specific legislation. [[http://www.msal.gob.ar/images/stories/bes/graficos/0000000294cnt-2018\\_lineamientos-atencion-urgencia-salud-mental.pdf](http://www.msal.gob.ar/images/stories/bes/graficos/0000000294cnt-2018_lineamientos-atencion-urgencia-salud-mental.pdf).]

180. The National Directorate on Mental Health and Addictions has recommended the closure of seclusion rooms in the course of its visits to specialized mental health hospitals in various provinces.

181. With regard to protection against torture and other cruel, inhuman or degrading treatment or punishment, and in line with the recommendation made in the Committee's previous concluding observations (CRPD/C/ARG/CO/1), the National Committee for the Prevention of Torture was established on 28 December 2017. It is the governing body of the National System for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment established under Act No. 26827.

182. The National Committee for the Prevention of Torture is a mechanism for the monitoring, oversight and inspection of places of deprivation of liberty, including prisons, jails, security force facilities and police stations.

183. Its members enjoy the same immunity as the Constitution provides for members of the National Congress.

**Freedom from exploitation, violence and abuse (art. 16)**

Reply to the question raised in paragraph 21

184. The National Secretariat for Children, Adolescents and the Family (SENAF), as the lead agency in the area of children's and adolescents' rights, deals with cases of domestic violence, child abuse and sexual abuse and provides training in this area. It provides technical assistance and training to the provincial, municipal and community agencies that are responsible for directly tackling these issues and designs general standards for prevention and the restoration of rights. The Secretariat also works with the Ministry of Health in the drafting of forms and protocols. It also carries out various types of awareness-raising activities throughout the country and participates in the mapping of intervention processes and protocols, interaction dynamics and flowcharts. The Government is currently working on the development of a national survey of the resources, teams and administrative personnel assigned to dealing with cases of child abuse and sexual abuse in the country with a view to coordinating the delivery of legal, health and education services for the immediate restoration of rights that have been violated.

185. Steps have been taken to facilitate access to justice, prevent the revictimization of children and adolescents and establish specialized interdisciplinary teams to work in the country's courts and with security forces. Steps have also been taken to safeguard evidence in hospitals and medical centres and to train hospital and security staff how to do so.

186. In June 2016, the Federal Council for Children, Adolescents and the Family pledged its support for the international campaign "High time to put an end to violence against children and adolescents", which is being promoted by the Special Representative of the Secretary-General on Violence against Children, thus committing to explicitly prohibit violence against children and adolescents. Detailed measures have been devised and resources have been allocated for their effective implementation.

187. Also in 2016, the Council organized a technical dialogue on violence and the ill-treatment of children, in conjunction with the Centre for the Implementation of Public Policies for Equity and Growth. International speakers and experts, including the Vice-President of the Supreme Court, took part in the conference. Workshops were organized to allow representatives of every province to exchange views.

188. For disaggregated data on investigations and court decisions in cases of gender-based violence against women and girls with disabilities, please refer to the following document, which contains advisory opinions submitted by the Public Prosecution Service to the Supreme Court of Justice. These advisory opinions provide information on cases concerning persons with disabilities: <https://www.mpf.gob.ar/dgdh/files/2016/07/Cuadernillo-3-Derechos-de-las-personas-con-discapacidad.pdf>. For information on violence against children and adolescents, see also the analysis of data compiled by the Victims against Violence Programme prepared by the Ministry of Justice in November 2017: [https://www.unicef.org/argentina/spanish/proteccion-UNICEF\\_N5\\_ABUSO\\_SEXUAL\\_INFANTIL.pdf](https://www.unicef.org/argentina/spanish/proteccion-UNICEF_N5_ABUSO_SEXUAL_INFANTIL.pdf).

189. In accordance with article 39 of decision No. 40/2006 of the Supreme Court, civil and criminal court judges must notify the Domestic Violence Office of the decisions taken in domestic violence cases. Under article 41 of decision No. 40/2006, the Office is required to maintain up-to-date statistics on court judgments handed down in such cases.

### **Protecting the integrity of the person (art. 17)**

Reply to the question raised in paragraph 22

190. As mentioned earlier, Argentina has its National Programme on Sexual Health and Responsible Parenthood. It also has a protocol for the comprehensive care of persons entitled to the legal termination of pregnancy which provides information on specific cases: [http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo\\_ile\\_octubre%202016.pdf](http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo_ile_octubre%202016.pdf).

191. Since the protocol predates the entry into force of the new Civil and Commercial Code, it should be noted, together with the information on legal capacity provided above, that the body of regulations and policies accompanying the protocol "recognize that girls and adolescent girls are subjects of law and are therefore entitled to exercise their personal rights, including decisions relating to their sexual and reproductive health". Furthermore, Process No. 25 of Ministry of Health Decision No. 246-E/2017, on the evaluation of maternity hospitals, stipulates the guidelines and protocols that are to be used for abortion and post-abortion care. See <http://servicios.infoleg.gob.ar/infolegInternet/anexos/270000-274999/272486/norma.htm>.

192. Persons with mental or psychosocial disabilities have the right to retain their fertility and to grant or withhold their informed consent for treatments relating to their sexual and reproductive health on an equal basis with others. Article 2 of the National Mental Health Act (No. 26.657) states that, for the protection of persons and the improvement of mental health care, sterilization shall never be carried out as a treatment for mental illness. Persons with disabilities must be provided with advice in a manner that incorporates reasonable accommodations so that they can understand it and are thus able to make a decision on their own.



193. Act No. 26.130 stipulates that any person who has reached the age of majority is entitled to obtain access to the tubal ligation and vasectomy procedures offered by the health system.

194. Article 26 of the Civil and Commercial Code recognizes the progressive capacity of persons under the age of 18 years to exercise their rights and duties for themselves. This progressive form of autonomy is based on their level of maturity and capacity to understand information and the consequences of certain actions and decisions. They can do certain things, but in other cases they need the assistance of their parents or guardians.

195. The purpose of the National Programme on Sexual Health and Responsible Parenthood of the Ministry of Health is to promote equal rights, equity and social justice and to help to provide greater opportunities for obtaining comprehensive sexual and reproductive health care.

196. The protocol for the comprehensive care of persons entitled to the legal termination of pregnancy is implemented by the National Programme in order to ensure that the entire population has access to information, guidance, methods and services relating to sexual health and responsible parenthood. The latest version of the protocol, revised and updated in April 2015, contains a specific section on persons with disabilities.

197. Under the protocol and existing laws, the health service must not undertake any action against or without taking into account the wishes of women with disabilities and must provide them with the necessary tools to ensure their active participation. See <http://www.msal.gob.ar/saludsexual/>.

198. In situations in which a woman entitled to the legal termination of pregnancy (owing to a risk to her health or life or because the pregnancy is the result of rape) has a psychosocial or mental disability, it is crucial that the health team support her throughout the process and seek to bolster her autonomy. For that purpose, she should be provided with all necessary information in a manner that is accessible and tailored to her personal characteristics so that she may make a decision based on a full understanding of the circumstances. This entails the use of appropriate and flexible technologies and means.

199. Furthermore, under no circumstances should the health service demand proof of the person's intellectual or mental disability. In this regard, the Supreme Court has stated that a request for any kind of report or certification other than the individual's sworn statement in cases of rape shall be considered a bureaucratic tactic for delaying the legal termination of pregnancy that is intended to conceal the illegal denial of an abortion (Supreme Court, 2012, recital 24).

200. Ministry of Health Decision No. 246-E/2017, issued in March 2017 with a view to optimizing the care and management model of the health system, makes express references to post-abortion care and the legal termination of pregnancy in cases of persons with disabilities.

201. Article 86 of the Criminal Code states that doctors, surgeons, midwives and pharmacists who abuse their science or art to cause, or help to cause, an abortion shall incur the established penalties and shall also be liable to specific disqualification for a time period lasting twice the length of the sentence.

202. Article 86 also provides that an abortion carried out by a qualified doctor with the consent of the pregnant woman shall not be punishable: (1) if performed to avert a risk to the mother's life or health that cannot be averted by other means; and (2) if the pregnancy results from the rape or indecent assault of an idiotic or insane woman. In this case, the consent of her legal representative must be obtained for the abortion.

### **Living independently and being included in the community (art. 19)**

Reply to the question raised in paragraph 23

203. The current regulatory framework in this area is set forth in Act No. 26.657. Article 27 of this law states that the implementing authority shall work with the provincial authorities – particularly in the case of those provinces that have specialized mental health

hospitals – to implement projects that have set deadlines and targets for the adaptation of all such facilities and their replacement with community-based alternatives. These hospitals must all have been replaced by 2020, in line with the Panama Consensus adopted at the Regional Conference on Mental Health convened by the Pan American Health Organization (PAHO)/World Health Organization (WHO) in Panama City on 8 October 2010, 20 years after the adoption of the Caracas Declaration. The presentation of such projects and the effective and timely fulfilment of their targets will be a prerequisite for accessing any technical or financial assistance that may be provided by the implementing authority. Staff must be trained and assigned to duties within the replacement services in accordance with their capabilities and suitability.

204. In respect of strategies to deinstitutionalize persons with disabilities, Act No. 24.901, under article 39 (d) on home assistance, stipulates that if an interdisciplinary team belonging to or hired by the stipulated entities so determines, persons with disabilities shall receive the support of a home care assistant in order to enable them to live independently, avoid institutionalization or shorten periods of admission to a care facility. The aforementioned interdisciplinary team shall determine what type of support is needed, including its intensiveness and duration, and will provide supervision, conduct periodic evaluations and decide on any changes to be made in the assistance provided and on its duration or termination. The home care assistant shall have specialized training and be certified by the competent authority. (Subparagraph added pursuant to article 1 of Act No. 26.480.)

205. On 10 September 2015, the Ministry of Health, by Decision No. 1484/2015, adopted minimum standards for the certification of mental health and addiction facilities and services. These standards are designed to protect the mental health of all persons and to ensure the full enjoyment of human rights by those suffering from mental health problems, as required by the National Mental Health Act (No. 26657). The fact that the application of the standards is compulsory in the Autonomous City of Buenos Aires sets an important precedent for the rest of the country.

206. The application of these standards will result in the adaptation and reinforcement of the network of mental health and other health services based on the human rights, interdisciplinary and community-based approach foreseen in the National Mental Health Act. This initiative of the Ministry of Health is in line with other actions such as the recent establishment of a standing committee to ensure the implementation of article 34 of the Act.

207. This body, comprising representatives of the National Directorate on Mental Health and Addictions and the National Secretariat for Human Rights, decided, in agreement with the provincial authorities, to launch a project on standards for the certification and periodic monitoring of mental health services as a means of ensuring the protection of the human rights of persons admitted to mental health facilities as required by articles 1, 7 and 34 of the National Mental Health Act. Decision No. 1184/2015 is available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/250000-254999/252046/norma.htm>.

208. In 2016, Decision No. 1184/2015 was repealed and Decision No. 1876 – E/2016 adopted. Although the latter sets out conditions for the certification of psychiatric colony-type institutions, new certifications of such facilities are expressly prohibited under article 27 of the Act No. 26.657.

209. The Ministry of Health grants subsidies for the improvement of existing assisted living facilities. Provincial institutions must submit applications and plans to the Ministry in order to receive those subsidies.

210. Currently, the Ministry of Health and the Ministry of Production and Labour are working on the construction of halfway houses in the provinces and in the Autonomous City of Buenos Aires. They are to be built according to the principles laid down in the National Mental Health Act with a view to establishing a community-based mental health network.

211. Activities carried out under the National Programme on Sexual Health and Responsible Parenthood include:

- The development of guidelines and their publication in protocols, manuals and other documents.
  - Training and awareness-raising activities conducted in conjunction with health teams.
  - The development of informational materials on the sexual and reproductive rights of persons with disabilities.
  - Advisory services and technical assistance for the implementation of provincial programmes.
212. The following programme materials refer explicitly to the care of persons with disabilities:
- A document setting forth the agreements reached by the working group concerning the interpretation of provisions relating to sexual and reproductive rights in the new Civil and Commercial Code. Available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/255000-259999/257649/norma.htm>.
213. A booklet on counselling services and their proposed design, organization and implementation. Available at: [http://www.msal.gob.ar/images/stories/bes/graficos/0000000588cnt-Consejeria\\_en\\_SaludSexual\\_web.pdf](http://www.msal.gob.ar/images/stories/bes/graficos/0000000588cnt-Consejeria_en_SaludSexual_web.pdf).
214. A protocol for the comprehensive care of persons entitled to the legal termination of pregnancy. Available at: [http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo\\_ile\\_octubre%202016.pdf](http://www.msal.gob.ar/images/stories/bes/graficos/0000000875cnt-protocolo_ile_octubre%202016.pdf).
215. All guides and protocols issued under this programme are currently being updated, and consideration is being given to the inclusion of specific points relating to services for persons with disabilities.
216. By Decision No. 65/15, the Ministry of Health approved the document prepared by the aforementioned working group as an interpretative framework for the new Civil and Commercial Code in the area of comprehensive health care and sexual and reproductive rights.
217. According to article 6 of the Patient Rights Act (No. 26529), informed consent is mandatory for any health-care intervention, not only for certain practices or services.
218. A sexual health helpline (0800-222-3444) forms part of the National Programme and can be used to report situations in which people's sexual or reproductive rights have been violated. Calls are free of charge from anywhere in the country and consultations are confidential.
219. Regarding persons with disabilities and abortion, the procedures and requirements for having a lawful abortion are detailed in the protocol for the comprehensive care of persons entitled to the legal termination of pregnancy.

Reply to the question raised in paragraph 24

220. The governing body of the Consolidated Fundamental Benefit Regime for Persons with Disabilities has reviewed the implementation of the Support Service for Independent Living (SAVA). Following the identification of inconsistencies with the Convention, a working group was set up that has begun to design a personal assistance model. Meanwhile, the advisory committee that represents civil society in the National Disability Agency has put forward a proposal to add the provision of a personal assistant to the support services already envisaged in the aforementioned law. Strategies that are already being implemented include the Support Programme for Independent Living for Persons with Disabilities, which is run by the Commission for the Full Participation and Inclusion of Persons with Disabilities of the government of the Autonomous City of Buenos Aires.

221. In compliance with Decision No. 122-E/2017 and the specific regulations of the National Housing Plan regarding access to goods and services in the community, the Ministry of the Interior, Public Works and Housing has established a number of objectives for action line 1 of the National Housing Plan, "Promotion of social housing", including the

following: encouraging land use in suitable locations within the urban area, promoting the creation of urban sites appropriate for residential use and taking into account new construction systems and the sustainable development of the urban habitat in responding to changing demographics and housing needs.

222. Section 5, “Beneficiaries”, of the handbook for the implementation of action line 1 of the National Housing Plan states that all new residential building projects are to provide for the allocation of housing for “the disabled”, as prescribed by Act No. 26.182, which amended Act No. 24.464. Similarly, projects in which the beneficiaries are to be identified after the start of construction must include prototypes for the accommodation of persons with motor disabilities in accordance with the physical accessibility guidelines for social housing. In all cases, consideration is to be given to projects whose funding applications include a selective set of internally consistent operations, actions and regulations which, through their overall impact, are likely to effectively promote comprehensive housing solutions that will rectify, as fully as possible, the quantitative or qualitative shortcomings that justify the funding. To promote and ensure the comprehensive nature of these housing solutions, projects may include different outputs from the components listed in section 4, “Components and outputs”, of the implementation handbook. The particular combination of outputs will determine the project profile.

223. Decree No. 432/1997 does not relate to financial support for persons with disabilities, but to a non-contributory pension granted to those who are incapable of working.

Reply to the question raised in paragraph 25

224. The National Secretariat for Children, Adolescents and the Family has gathered the following data on children and adolescents who are subject to exceptional protective measures. Such measures are adopted when children or adolescents are temporarily or permanently deprived of their family environment or when their own best interests require that they do not remain in that environment:

- A total of 10,568 children and adolescents (0.07 per cent of all children and adolescents in the country), including abandoned children and adolescents, were subject to exceptional protective measures.
- By age: 1,251 were aged 0–2 years; 4,450 aged 3–11 years; 2,626 aged 12–15 years; 1,730 aged 16–18 years; 219 aged 19–21 years; and 73 aged over 21 years. There were 219 for whom no information was available.
- By gender: female: 5,648; male: 4,815; other: 5; no information available: 100.
- Permanent disability or illness: 219 children and adolescents.
- Living in institutions: 8,456.
- Living with foster families: 1,303.

225. At the national level there are 809 children and adolescents who are subject to exceptional measures but who live with their family of origin (extended family) (Decree No. 415/2006 and Act No. 26.061).

### **Freedom of expression and opinion, and access to information (art. 21)**

Reply to the question raised in paragraph 26

226. The National Disability Plan provides for the creation of a single register of Argentine Sign Language interpreters.

227. This register will be used to create a national roster of qualified Argentine Sign Language interpreters that is accessible to the general public.

228. Although some provinces have local registers, the justice system does not yet have a consolidated one. The Government is working with educational institutions and civil society organizations to define standards for the accreditation of training courses and qualifications.

Reply to the question raised in paragraph 27

229. The central government is implementing various public policies to ensure that persons with disabilities have access to information in all areas of participation in private and public life.

230. The official currency of Argentina is accessible.

### **Respect for home and the family (art. 23)**

Reply to the question raised in paragraph 28

231. Article 403 of the new Civil and Commercial Code defines the factors that constitute impediments to marriage, which include, under subparagraph (g), permanent or temporary mental ill-health that impairs the individual's discernment regarding the act of marriage. This impediment is valid for all persons, irrespective of whether a court has issued a decision restricting the capacity of the contracting party.

232. In the case of persons whose legal capacity has been restricted by decision of a court of law, it is understood, according to a consistent interpretation of the Civil and Commercial Code as a whole, that if such a decision does not expressly restrict the right to marry, then the person may exercise that right (cf. art 38 of the Civil and Commercial Code: "the decision shall determine the extent and scope of the restriction and specify the functions and acts that are limited, seeking to minimize the loss of personal autonomy ..."). If the decision expressly provides for a restriction, then the impediment stands, although intending spouses can always seek a review of the decision under article 40 of the Code, or a dispensation under article 405.

233. The National Social Security Administration provides financial support for families in the form of different kinds of benefits. The Universal Child Allowance is paid to persons who are unemployed or who work informally or in domestic service, and there is no age limit for dependants with disabilities. The same is true of the allowance for families who have a child with disabilities, which is paid to only one of the parents. This benefit is available for workers registered with the Consolidated System of Family Allowances and workers receiving unemployment benefits, among others. The corresponding budget allocation can be viewed at <https://www.presupuestoabierto.gob.ar/sici/>.

### **Education (art. 24)**

Reply to the question raised in paragraph 29

234. In accordance with the Convention and based on the recommendation contained in the report of the Office of the United Nations High Commissioner for Human Rights (A/HRC/25/29) and on the Committee's general comment No. 4 (2016) on the right to inclusive education, the Ministry of Education pursues an inclusive education policy in which diversity is understood as a way of enriching educational processes.

235. Articles 2, 3, 4 and 11 of the National Education Act (No. 26206) state that education is a national priority and a State policy, and for that reason the Government has placed the issue of inclusion on the public agenda.

236. In its Decision No. 311/2016, which has entered into force at the national level, the Federal Education Council resolved to foster school inclusion within the Argentine education system in order to support the academic performance of students with disabilities.

237. Decision No. 311/2016 establishes that all children have the right to be enrolled in ordinary schools for the purpose of commencing their education. It explicitly states that schools cannot refuse to enrol or re-enrol a student on the grounds of disability and that such a refusal, whether direct or indirect, shall be considered an act of discrimination.

238. It also stipulates that all students with disabilities shall have the opportunity to receive different types of support and to be provided with assistive technology devices and/or reasonable accommodations to ensure their optimum educational development.

239. Primary and secondary school students with disabilities may pursue an individual inclusive education plan, which, as appropriate, may cover organizational aspects and/or the adaptation of the curriculum. This is intended to ensure that all persons with disabilities are able to study at the educational institution of their choice.

240. Students with individual education plans must be assessed and graded in accordance with their plan. Those assessments and marks will determine whether they pass each year or level of education. Upon completion of their education, they receive a certificate and a qualification, on an equal basis with others, from the school where they completed their final year.

241. Schools make every effort to support and work with the students' families, and the right of children and young people with disabilities to freely express their views on all issues affecting them is upheld. The failure to provide certification of their studies in the past is being remedied by providing national accreditation for those studies.

242. The Government guarantees the certification of skills acquired in comprehensive centres for young people and adolescents with disabilities so that they may continue their education or enter the labour market, thereby attaining increasing levels of autonomy and development.

243. The Ministry of Education and the Regional Bureau for Education in Latin America and the Caribbean (UNESCO Office in Santiago, Chile) held the Regional Meeting of Ministers of Education of Latin America and the Caribbean on 24 and 25 January 2017 in Buenos Aires. That meeting, whose theme was "E2030: Education and Skills for the Twenty-first Century", resulted in the adoption of the Buenos Aires Declaration, which sets out the new regional vision of education up to 2030. Among the agreements reached by Argentina and its partners, article 12 of the Declaration states: "We reaffirm that, in the face of social, cultural and technological transformation in the region, it is necessary to design policies that give new meaning to educational and learning models, based on the revision of educational conditions and environments and the institutional organization, responding to the needs of all girls, and boys, adolescents, youth, adults, ensuring the inclusion of persons with disabilities. At the same time, we emphasize the links between schools and their communities, with the aim of promoting diversified, solid and continuous educational and labour market pathways."

244. In response to the Committee's request for statistical data, please note that the National Directorate of Educational Information and Statistics has published historical data on changes in annual enrolment in special education for the period 2003–2016. See annex 3.

245. The number of students with disabilities enrolled in mainstream schools increased from 21,704 to 86,942 during that period.

246. The Directorate also conducts an annual survey that provides data on the enrolment of three categories of students with disabilities: those who only attend special education schools; those who only attend ordinary schools or adult education centres but who receive support from special schools; and those who attend both types of establishments (special schools and either ordinary schools or adult education centres).

247. Disaggregated statistics on the number of students enrolled in special education, the number of students enrolled in regular education at different levels and the number of establishments are provided for all the provinces in annex 4.

248. The Ministry of Education carries out the following teacher training activities:

- Courses:
  - Specialized higher-education teacher training in information and communications technologies.
  - Education for adolescents and young people with disabilities.

- Online courses:
  - Developmental warning signs, guidelines for observation and intervention at the preschool level – Detecting and preventing developmental difficulties at the preschool level. Participants: 6,000 teachers.
  - Tools for an inclusive education – Dyslexia: from the classroom to the world of work. Participants: 30,000 teachers and members of the public.

249. Situated teacher training:

- Incorporation of accessibility and universal design features into various kinds of educational materials in order to make them more inclusive.
- International and local symposiums on inclusive education in teacher training facilities. Participants: 2,850 teaching teams, NGOs and members of the public.

250. Regarding the resources allocated for the implementation of Decision No. 311/16 of the Federal Education Council concerning the advancement, accreditation, certification and qualification of students with disabilities during the reporting period, see annex 5.

251. In the framework of the agreement concluded with the UNICEF country office in Argentina, a tool is being designed to track the implementation of Decision No. 311/16 which will be applied to a national reference sample.

### **Health (art. 25)**

Reply to the question raised in paragraph 30

252. Following an administrative reorganization, the Federal Health Inclusion Programme is now overseen by the National Disability Agency. This public health programme covers persons (with or without disabilities) who are beneficiaries of a non-contributory pension owing to their incapacity to work and who do not have access to any other health services (for example, through social insurance or prepaid health plans). It also covers the children with disabilities of non-contributory pension beneficiaries. Registration in the programme is not automatic; applications are processed by the Federal Health Inclusion Programme offices located in each of the 23 provinces and in the Autonomous City of Buenos Aires local jurisdictions.

Reply to the question raised in paragraph 31

253. Activities under the National Programme on Sexual Health and Responsible Parenthood are geared towards ensuring that the entire population has access to information, guidance, methods and services relating to sexual and reproductive health so that all persons, including persons with disabilities, may exercise their sexual and reproductive rights without discrimination based on gender, class, origin or physical or sexual diversity.

254. On the understanding that women are a group that is discriminated against and disadvantaged in relation to men, all activities under the National Programme are framed with and from a gender perspective. This entails carrying out a differentiated analysis of the situation of women in order to empower women and girls to take autonomous decisions about their own bodies and their sexual and reproductive health.

255. Under Act No. 26.743, gender identity is defined as the internal and individual experience of gender as each person feels it, which may or may not correspond to the sex assigned at birth, including the personal experience of the body. The female gender therefore encompasses various experiences and ways of being a woman; this includes, of course, transwomen.

256. Moreover, based on the recognition that persons with disabilities face specific barriers to access to sexual and reproductive health care, since 2011 several activities have been carried out under the National Programme to highlight the sexual and reproductive rights of persons with disabilities and to raise awareness of those rights among health teams and provincial managers.



257. In that context, an effort is being made to develop lines of work that take account of the intersectionality of gender issues and the perspective of persons with disabilities. Some specific actions that are being carried out are:

- The inclusion of the topic of the sexual and reproductive rights of women and girls with disabilities in information and promotional materials of the National Programme and in technical guides.
- The adaptation of existing communication materials to formats accessible to persons with disabilities.

All of the National Programme's visual materials are available in digital formats from:

- The resource bank for health professionals of the Ministry of Health. Available at: [http://www.msal.gob.ar/index.php?option=com\\_bes\\_contenidos](http://www.msal.gob.ar/index.php?option=com_bes_contenidos).
- The resource and campaign bank (for users) of the Ministry of Health. Available at: [http://www.msal.gob.ar/index.php?option=com\\_ryc\\_contenidos](http://www.msal.gob.ar/index.php?option=com_ryc_contenidos).

258. Also in the context of the Programme, the Ministry of Health has resumed its efforts to arrange for the printing in Braille of at least three information leaflets with the national Braille publishing house (Editora Nacional Braille).

259. It is also envisaged that QR codes will be included in materials and leaflets in order to facilitate access to the information that they contain.

260. Act No. 26.150 stipulates that all students in both State-run and private schools have the right to comprehensive sex education. In addition, by its Decision No. 45/2008, the Federal Educational Council adopted curricular guidelines that establish the minimum content that must be taught at all levels and in all types of schools, including special schools, to uphold the right of all students to comprehensive sex education. In that context, the Ministry of Education has prepared informational materials on sexuality for adolescents that incorporate a gender perspective and a focus on the rights of persons with disabilities. See annex 6 for links to these materials.

### **Work and employment (art. 27)**

Reply to the question raised in paragraph 32

261. The legislative measures that have been adopted to protect people against discrimination in the workplace are set forth in Act No. 23.592 and the Employment Contracts Act (No. 20.744). The Employment Contracts Act explicitly prohibits any form of discrimination among workers and particularly discriminatory acts motivated, inter alia, by considerations of race, religion, nationality, ideology, political or trade union affiliation, sex, financial situation, social status or physical characteristics.

262. The trade union rights of persons with disabilities are covered by all the articles of the Collective Labour Agreements Act (No. 14.250). Between 2012 and 2017, clauses were added to this law with a view to eliminating tacit discrimination against workers with some degree of disability.

263. The Directorate for the Promotion and Development of Anti-Discrimination Practices of INADI carries out awareness-raising and training activities for different stakeholders with the aim of ensuring that disability is included as one of the pretexts for discrimination that is prohibited in various social settings.

264. In the same vein, the disability unit of INADI developed a guide to inclusion and accessibility which describes best practices, approaches and models for maintaining harmony in the workplace and preventing discrimination on the basis of disability.

265. Moreover, the Work without Discrimination Unit and the Office of the Coordinator of Educational Policies of INADI provide training throughout the country for the staff of central and provincial government bodies and other key stakeholders in companies, trade unions, social associations and other organizations.



Reply to the question raised in paragraph 33

266. As at 31 December 2017, the register of persons holding a Disability Certificate and serving in the national public sector contained the following information:

267. Of 188 ministries, decentralized entities and national universities, 76.6 per cent had employees registered as holding a Disability Certificate, for a total of 2,743 persons. This figure represents 0.91 per cent of all workers who have some form of employment contract. Among entities that are funded from the national budget, the corresponding figure stood at 1.31 per cent (1.35 per cent for permanent staff and 1.32 per cent for staff on fixed-term contracts). The institutions that meet the quota established in article 8 of Act No. 22.431 are: the National Rehabilitation Service (8 per cent), Nación Administradora de Fondos de Jubilaciones y Pensiones S.A. (the pension and retirement fund management company of Banco de la Nación) (8.33 per cent), Administrative Financial Service No. 342 of the Matanza Riachuelo River Basin Authority (7.14 per cent), the Argentine Naval Prefecture (6.04 per cent), the Retirement and Pension Fund of the Federal Police Force of Argentina (5.61 per cent), INADI (5.97 per cent), Nación Bursátil S.A. (5.56 per cent) and the National Geographical Institute (5.31 per cent). <https://www.argentina.gob.ar/modernizacion/registropersonascondiscapacidad>.

268. Further to Decision No. 371/2015 of the Ministry of Tourism, a labour inclusion and welfare programme for persons with disabilities has been created to provide guidance for efforts to foster an inclusive organizational culture that will make it easier for persons with disabilities to enter and remain in employment, to develop personally and professionally and to integrate into the organization.

269. The Directorate for the Employment of Workers with Disabilities of the Ministry of Labour, Employment and Social Security is carrying out a series of actions to support the labour market participation of persons with disabilities.

270. As part of that effort, it is implementing the Promoting Equal Employment Opportunities (Promover la Igualdad de Oportunidades de Empleo) Programme, which was established under the terms of Ministerial Decision No. 124/11 and is governed by Decision No. 877/11 of the Secretariat of Employment and Decision No. 12/11 of the Office of the Undersecretary for Employment and Vocational Training Policies. The objective of this initiative is to help participants to build and update their skills acquisition plans, to develop relevant career paths and to obtain on-the-job training.

271. This programme has two lines of action: associative and community interest activities and activities in support of inclusion in the workforce.

272. The Government also offers tax incentives as an effective affirmative action measure for promoting the employment of persons with disabilities. Any employer that recruits persons with disabilities is eligible for the following tax benefits:

- An income tax deduction equivalent to 70 per cent of the salary paid to staff with disabilities in each tax year (Act No. 22.431 and Act No. 23.021).
- A 50 per cent reduction in social security contributions in the first year (Act No. 24.013, article 87).
- Deductions on turnover tax (the amounts vary from province to province).
- A reduction in social security contributions for up to 24 months (Act No. 26.940, title II on special regimes for promoting registered employment).

Reply to the question raised in paragraph 34

273. Complaints of discrimination can be filed with INADI. Such complaints are initially sent to its Rapid Dispute Resolution Unit. Then, if the discriminatory situation is not resolved, an investigation is conducted, after which a positive or negative opinion concerning the alleged facts is issued.

274. The Victim Assistance Directorate has published statistics on complaints of discrimination on the grounds of disability received in the first four months of 2016. These statistics show that the Directorate received 119 such complaints, representing 18.42 per

cent of all the complaints recorded. Of these, 38 were concerned discrimination on the basis of psychosocial disability, 31 on the basis of a motor disability, 24 on the basis of a sensory disability, 21 on unspecified grounds and 5 on the basis of visceral disability.

275. The Advisory Office on Workplace Violence of the Ministry of Labour, Employment and Social Security addresses the problems that workers, especially persons with disabilities, face as a result of discrimination in the workplace. Its protocol for dealing with these cases is as follows:

276. Upon receiving a complaint, a response team composed of health and legal professionals will hold a personal and confidential interview with the worker who has been the target of discrimination in order to provide psychological support, guidance and legal advice. In some cases, complainants may be referred to INADI and invited to participate in workshops to share their experiences.

277. If the advisers' analysis of the situation indicates that it is warranted, they lodge a formal complaint, whereupon a case file is opened and the employer is served with a summons that cites the complaint. The Advisory Office endeavours to safeguard the worker's health, integrity and continued employment at all times.

### **Adequate standard of living and social protection (art. 28)**

Reply to the question raised in paragraph 35

278. Non-contributory pensions in cases of incapacity to work are granted in conformity with Decree No. 432/97.

279. Of the 1,043,322 persons who, as of July 2018, were receiving a non-contributory pension owing to incapacity to work, 296,416 held a Disability Certificate (138,045 women and 158,71 men).

280. The National Directorate of Economic Support and Allowances of the National Disability Agency does not grant any social benefits other than the financial support that has already been mentioned.

Reply to the question raised in paragraph 36

281. The eligibility requirements for non-contributory pensions have not changed since the pensions were introduced.

Reply to the question raised in paragraph 37

282. With a view to meeting the 2030 Agenda for Sustainable Development targets to "ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums" and to "enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries", and recognizing that "sustainable urban development and management are crucial to quality of life", federal programmes are framed by the lines of action set out in the Agenda and take into account the economic, social and environmental linkages between urban, peri-urban and rural areas, thus strengthening national and regional development planning.

283. In accordance with domestic laws and supralegal standards, a comprehensive approach is taken to the design of housing programmes and projects with the aim of improving the quality of life of the population and its members' needs. This is a State policy that is ultimately effective because it focuses on the members of the public who benefit from these housing solutions.

284. Within this framework, the National Disability Plan (developed pursuant to Decree No. 868/2017) outlines a working strategy that links two fundamental pillars – public participation and inter- and intra-ministerial coordination – as mechanisms for formalizing the commitments and obligations undertaken in relation to the rights of persons with disabilities.

**Participation in political and public life (art. 29)**

Reply to the question raised in paragraph 38

285. Although bills to amend the Electoral Code are before Congress, none has yet been passed.

286. Nevertheless, for the primary and general 2017 legislative elections the then National Advisory Commission on the Integration of Persons with Disabilities (CONADIS) and the National Electoral Directorate conducted training campaigns for polling station presiding officers and the general public on voting accessibility.

287. To the same end, flyers containing a Braille QR code were printed and sent to the provinces and to the Autonomous City of Buenos Aires for free distribution to the public.

**Statistics and data collection (art. 31)**

Reply to the question raised in paragraph 39

288. Argentina has a long history of measuring the size of its population of persons with disabilities, as is attested to by the national censuses of 1869, 1895, 1914, 1947, 1960 and 2001. Based on conceptual advances made in this area in the past decade, the 2010 National Population, Household and Housing Census included a question that permitted the collection of information on the number of people with permanent difficulties or impairments and on the types of difficulties they face.

289. During the period 2012–2017, data were collected using the International Classification of Functioning, Disability and Health model developed by the World Health Organization; emphasis was placed on ensuring the international comparability of the data (United Nations, 2011).

290. The Ministry of Education is in the process of improving its annual survey of the country's schools and is finalizing the design of a tool for the compilation of information on inclusive education. This tool will be piloted using a representative sample of education levels and special education before being applied to the whole of the compulsory education system in 2019. Its purpose is to optimize the collection of data on the enrolment of students with disabilities or learning difficulties, on the institutional conditions of inclusive education and on the implementation of Decision No. 311/16 of the Federal Education Council. In addition, during 2019 a questionnaire for teachers and school administrators on the inclusion of students with disabilities, the resources for promoting their participation and education and the barriers that exist in that regard will be administered along with the national *Aprender* ("Learn") learning assessment tests.

291. For its part, the National Statistics and Census Institute conducts different types of survey:

- The 2017/18 National Survey of Household Expenditure is the only survey that provides a full picture of Argentine households' incomes and expenditures. Its results provide information on the social and economic structure of the country that is a useful input for public policy planning.
- The survey was conducted over a 12-month period, from October 2017 to September 2018, allowing for the observation of changes in consumption patterns at different times of the year.

292. It included a question on long-term difficulties in carrying out certain activities (such as walking, moving and picking up objects). Survey takers were instructed to mark all options indicated by the respondent. Another question asked whether respondents held a Disability Certificate. Both questions were designed to be applied to the entire population.

293. While these questions provided a description of the country's population and households, the survey did not provide information on the number of persons with disabilities, since that was not its purpose. See annex 7.

294. The first pilot test for the 2020 National Population, Household and Housing Census was conducted in the localities of Pilar, Buenos Aires Province, and San Javier, Misiones Province. See annex 8.

295. Although the conceptual and operational assessment of the questions contained in the questionnaire was not a specific goal of the pilot test, the census form that was used included, for evaluation purposes, the Washington Group<sup>3</sup> short set of questions on disability (adapted to the national context), pursuant to the United Nations Principles and Recommendations for Population and Housing Censuses (Revision 2 of 2010). See annex 9.

#### **Pilot test for the National Study on Persons with Disabilities, 2017**

296. More than seven years having elapsed since the 2010 National Population, Household and Housing Census was taken, the National Statistics and Census Institute and the National Disability Agency are now working on the National Study on Persons with Disabilities in order to provide updated statistical information relating to the issue of disability.

297. In November and December 2017, a pilot test for the Study was carried out in three urban areas: Buenos Aires and San Miguel de Tucumán from 18 November to 3 December, and Las Heras, Mendoza, from 2 to 17 December.

298. The aim of the pilot test was to evaluate the conceptual design of the questionnaire and, more specifically, to test out a set of questions aimed at identifying persons with visual, auditory, motor, cognitive and communication difficulties and difficulties in caring for themselves.

299. A paper questionnaire was administered by trained survey takers of the National Statistics and Census Institute. The intention was for respondents to answer the questionnaire for themselves, with survey takers making at least three visits to the dwelling.

300. In terms of its design, the questionnaire consisted of the following thematic modules:

- Module A: regarding geographic location, type of housing, number of households and a list of persons in the household (including questions on the family relationships, sex, age and nationality of all persons in the household).
- Module B: for the identification of persons with disabilities.
- Module C: on the characteristics of the population with difficulties, including basic variables, cause and duration of the difficulty, social security, education, marital status and economic activity.
- Module D: on the characteristics of the dwelling.

#### **International cooperation (art. 32)**

Reply to the question raised in paragraph 40

301. A specialist team of the National Disability Agency carried out an analysis of the Sustainable Development Goals in order to ensure that the inclusion of persons with disabilities was taken into account in the design of indicators, thereby mainstreaming the Committee's recommendations in that connection.

302. Accordingly, the Sustainable Development Goals were taken into consideration in the design of the National Disability Plan and in deciding which projects would be included in it. See annex 9.

303. Argentina actively participates in all international and regional forums that promote and highlight the rights of persons with disabilities. It participates in the Conference of States Parties to the Convention of the Rights of Persons with Disabilities and it co-sponsors resolutions on disability that are put forward in various forums.

<sup>3</sup> [http://www.cdc.gov/nchs/washington\\_group.htm](http://www.cdc.gov/nchs/washington_group.htm).

304. The Advisory Committee of the National Disability Agency is developing a document on the evaluation of the technical specifications for the Goals that Argentina has prioritized with a view to ensuring that the disability perspective is mainstreamed in those specifications.

305. At the eleventh Conference of the States Parties to the Convention, Argentina sponsored a side event of the Red de Asistencia Legal y Social (Legal and Social Assistance Network) (RALS) with the slogan “10 Years of the CRPD in Argentina – RALS: Towards a Model of Best Practice and Sustainable Development in Civil Society Organizations”.

306. Argentina is actively involved in the work of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (CEDDIS) of the Organization of American States and supports resolutions on that topic that are put forward in the General Assembly. A representative of civil society is among the three experts who will formalize a new list of indicators with a view to drafting the third report of Argentina on the implementation of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities, due in 2019.

307. Argentina also actively participates in the standing committee on the promotion and protection of the rights of persons with disabilities in the context of the Meeting of High-level Human Rights Authorities of MERCOSUR.

308. At the request of Argentina, the topic of the labour market inclusion of persons with disabilities has been taken up by the Employment Working Group of the Group of 20.

309. Further to the agreements reached at the Regional Meeting of Ministers of Education of Latin America and the Caribbean “E2030: Education and Skills for the Twenty-first Century”, the Ministry of Education is in the process of drafting documents and planning actions in relation to the 2030 Agenda for Sustainable Development and the Sustainable Development Goals that are specifically aimed at ensuring the inclusive nature of education in Argentina.

### **National implementation and monitoring (art. 33)**

Reply to the question raised in paragraph 41

310. Following the establishment of the National Disability Agency, a thorough analysis and operational restructuring process was launched that is now well under way.

311. By Decree No. 698/2017, the budget appropriations, assets, personnel and facilities existing on the date of the decree, with their respective levels, ranks and executive functions as provided for in Decree No. 2098/08, as amended, were transferred to the Agency.

312. The following information is provided in relation to the budget of the National Disability Agency:

<i>Entity</i>	<i>Approved budget</i>	<i>Committed</i>	<i>Percentage</i>	<i>Executed</i>	<i>Percentage</i>
National Disability Agency	Arg\$95 669 932 671	Arg\$46 234590 381	48.3	Arg\$46 137 368 106	48.2

Implementation from 1 January 2018 to 12 July 2018.

314. With regard to the independent monitoring mechanism provided for under article 33 of the Convention, the National Disability Observatory is in the process of appointing its director. Its mode of functioning has not changed.