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Civil and Political Rights**

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Summary record of the 3281st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 29 June 2016, at 3 p.m.

Chair: Ms. Seibert-Fohr (Vice-Chair)

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In the absence of Mr. Salvioli (Chair), Ms. Seibert-Fohr (Vice-Chair) took the Chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 40 of the Covenant
(continued)

Fifth periodic report of Argentina (CCPR/C/ARG/5; CCPR/C/ARG/QPR/5)

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

2. **Mr. Despouy** (Argentina) said that Argentina was party to most of the existing international human rights protection instruments, including the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance, and had built up a very positive relationship with the corresponding international bodies over the years. The country's adherence to the human rights treaties had helped it to make the transition to a democratic system in the early 1980s and, since then, to make significant progress in the promotion of human rights and the fight against impunity. Ratification of the Covenant had constituted a milestone for the country, and it had incorporated the provisions of the Covenant into its domestic legal order. The periodic reports of Argentina on its implementation of the Covenant and the Committee's recommendations had had a direct influence on domestic legislation. Recently, for example, the Supreme Court had issued a ruling in which it had taken into account the views of the Committee on non-punishable abortion. As well as discussing its replies to the list of issues and responding to the questions posed by the Committee members during the current meeting, the delegation would also like to address a number of matters raised in the so-called "shadow reports".

3. Unfortunately, a number of challenges remained in terms of the conditions in prisons in Argentina, as in many other Latin American countries. Consequently, that issue had been made a priority, and a mechanism had been set up to search for solutions to the serious problems existing in that regard. Determined efforts were being made to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol. However, difficulties had been encountered in the implementation of recent domestic legislation on torture. Any recommendations that the Committee could make in that connection would be welcome. Consultations on the issue of conditions in places of detention had been undertaken with special rapporteurs and experts from the international and inter-American systems, and the Office of the Public Defender had played an important role in that regard. A series of proposals for judicial reforms dealing with pretrial detention were being put forward, and efforts were being focused on the alignment of the provincial codes of criminal procedure with national and international standards.

4. The Government had not yet fulfilled one of its fundamental obligations under the Constitution, which was to appoint an ombudsman. Other issues about which the delegation looked forward to an exchange of views with the Committee included freedom of expression, data protection, institutional violence, women and gender issues, and cultural diversity.

5. **Mr. Rodríguez Rescia** said that Argentine human rights legislation was of an extremely high standard, and the country's achievements in the application of the human rights treaties were highly noteworthy; however, public policies, plans and programmes were not sufficiently interconnected, and it appeared that more human and financial resources needed to be made available in order for them to be implemented properly.

6. He would like to know what measures were being taken to ensure that there was a clear separation of powers between law enforcement agencies and military units. The use of decrees in response to perceived threats to national security to authorize, for example, the armed forces to shoot down suspected drug planes blurred that dividing line. He would also like to know what efforts were being made to see to it that provincial authorities implemented international human rights instruments, along with related rulings and recommendations, and that they did not use article 28 of the American Convention on Human Rights or other mechanisms to avoid taking action. Information would also be appreciated on the steps taken to make the national mechanism for the prevention of torture operational and independent and to strengthen and increase funding for similar mechanisms at the provincial level.

7. It was indeed essential, as the head of delegation had already recognized, to promptly appoint an ombudsman. It was gratifying to see that the amnesty laws had been repealed and that human rights cases dating back to the dictatorship were being addressed by the courts. However, a substantial legal backlog, stretching back over the past four decades, remained. Were there plans to channel more resources to the courts so that they could clear up that backlog? He wished to know whether a plan for strengthening inter-agency cooperation as a means of addressing the backlog had been prepared and whether efforts were being made to expedite the effective implementation of oral proceedings across the country.

8. The State party was to be congratulated on its introduction of a raft of laws and regulations on issues such as equal rights, civil marriage, online access to information, reparations for political prisoners, the criminal offence of femicide, the National Genetic Data Bank, grooming by sex offenders and institutional violence. It was also to be noted that Argentina had become a party to the Optional Protocol to the Covenant on Economic, Social and Cultural Rights.

9. He would like to know to what extent civil society was involved in the preparation of national periodic reports and whether the possibility had been considered of producing a single national report in cooperation with civil society on issues such as child welfare.

10. It would be useful to learn whether dates had been set for the launch of a bicameral commission to investigate cases of economic collusion during the last military dictatorship, for the appointment of its members and for the publication of its report. Had steps been taken to ensure the participation of civil society in its work? A number of fairly recent developments appeared to have weakened some of the country's human rights protection institutions. He would be interested to hear the delegation's comments on the dissolution of the National Directorate of Human Rights of the Ministry of Justice, Security and Human Rights, which had previously dealt with requests from the judicial branch relating to the conduct of the military during the dictatorship. He was also concerned by the dismissal of a number of officials from the Dr. Fernando Ulloa Assistance Centre for Victims of Human Rights Violations and the dismissal of 55 staff members, including officials working within the National Directorate for Vulnerable Groups of Persons, from the Human Rights Secretariat. Would those staffing cuts undermine the ability of the Human Rights Secretariat to act as plaintiff in human rights cases of historical importance? The dismantling of the Human Rights Office of the Central Bank, which had previously provided information on economic actors linked to offences committed under the dictatorship, was also a cause of concern.

11. With regard to the questions raised in paragraph 9 of the list of issues, the State party was to be congratulated on the creation of an office to record, systematize and follow up on reports of acts of torture, forced disappearances and other serious human right violations. However, the number of cases of torture that had occurred in the prison system was alarming. There had been instances of prison staff subjecting detainees to humiliating strip

searches, electric shocks, deliberate asphyxiation, sexual abuse and beatings. Inmates also suffered from a lack of access to health care and food and from extremely poor material conditions of detention. The percentage of prison deaths resulting from acts of violence appeared to have increased significantly, in particular in Buenos Aires Province. What was being done to reduce prisoner-on-prisoner violence and to combat the institutional corruption that was in some cases linked to acts of torture? The Committee had received reports that detainees continued to be transferred in appalling conditions. Details of any measures to tackle the relationship between torture and corruption within the police and prison services would be welcome, as would additional information on measures taken to address the serious shortcomings of the prison system in general and to provide human rights training to police and prison officials.

12. There also appeared to be a substantial discrepancy between the large number of cases of torture reported to the National Registry against Torture and the number of corresponding investigations. What steps had or would be taken to address that situation? The national authorities might wish to consider setting up a single national registration system for complaints of torture. Information would also be welcome on the measures taken to implement the Istanbul Protocol. The Committee would like to receive disaggregated data on complaints of torture and ill-treatment and on the corresponding prosecutions, convictions and reparations.

13. As to the subjects dealt with in paragraph 10 of the list of issues, he would like to know what measures had been taken to ensure the effective implementation, at both the national and provincial levels, of Act No. 26061 on the comprehensive protection of the rights of children and adolescents. Since it was doubtful that article No. 647 of the Civil and Commercial Code would suffice to alter the attitudes of parents towards the use of corporal punishment, information on efforts to change people's mindset regarding violence against minors and to raise awareness of related structural forms of violence would be welcome. According to the United Nations Educational, Scientific and Cultural Organization (UNESCO), Argentina had one of the highest levels of school bullying in the world. Were measures being taken to tackle bullying at the national, provincial and municipal levels? Specific data and indicators relating to the impact of any action plans for addressing the problem would be useful.

14. **Mr. Bouzid**, referring to the reply of the State party to paragraph 4 of the list of issues, asked if the effectiveness of the National Periodic Reports System had been assessed. In addition, he would like to know if the new home promised to the victim and her mother in the *V.D.A. v. Argentina* case had in fact been provided and whether the compensation awarded to Ramona Rosa González de Castañeda had been paid.

15. The State party's reply to the questions raised in paragraph 12 indicated that, in accordance with the Code of Criminal Procedure, a person who had been arrested could be detained for up to 10 hours and that a physical and psychological examination was mandatory. He would like to know whether those requirements applied solely to persons arrested and detained for the purpose of an identity check and whether such a person could bring an action against the police for arbitrary arrest and abuse of power.

16. **Ms. Jelić** said that the replies to paragraphs 5, 6 and 11 gave statistics through 2014; updated information would be welcome. With regard to the issues raised in paragraph 5, she would like to know what measures were being taken to narrow the gender gap and to address the occupational segregation of women in low-paid jobs. She would like to know what the results of the National Action Plan against Discrimination had been over the preceding two years and what measures, in particular, had been taken to combat discrimination against other vulnerable groups, including, for example, the lesbian, gay, transgender, bisexual and intersex community and the migrant population. It would be

useful to know if the requirement that State enterprises should meet a 4 per cent minimum quota in hiring persons with disabilities was being upheld.

17. With reference to the reply to paragraph 6, she would appreciate it if the State party could supply any new information available since 2014. It would be helpful if the delegation could also describe any mechanisms that had been adopted to provide reliable information on cases of violence against women and girls and on cases of infanticide. What measures were being taken to ensure the provision of free legal advice and representation and to combat institutional violence against women?

18. In regard to the reply to paragraph 11, she would like to know if Act No. 26364 on the prevention and punishment of trafficking in persons and assistance to victims had produced results. If so, further information about those results, including an enumeration of any convictions handed down under that law, would be appreciated. She was also interested in learning how the composition of the Federal Council had been determined, whether statistics were available on reports of trafficking received through the nationwide toll-free number and whether a coordinated system had been set up to deal with police corruption. She would appreciate clarification of the answer that had been given to the question about the prosecution and punishment of child traffickers.

19. **Mr. Vardzelashvili**, turning to the questions raised in paragraph 7 of the list of issues, said it was a matter of concern that the handling of cases of so-called “non-punishable abortion” varied from court to court. The Committee was pleased to learn that bureaucratic procedures that delayed the legal termination of a pregnancy had been deemed to violate international law. It was the Committee’s understanding that the Supreme Court decision of March 2012 in the *F., A.L.* case should ensure that no rape victim should ever again be subject to investigation or prosecution for having had an abortion. It was also his understanding that the Supreme Court had held that a woman must be allowed to abort if that was the only way to forestall a serious risk to her life or health or if the pregnancy was a result of rape or indecent assault of a person with a mental disability. That provision appeared to be substantially narrower than the Committee’s position, which was that, as a minimum, abortion should be allowed if there was a serious risk to the life or health of the women, if the pregnancy was the result of rape or incest or if the fetus suffered from a fatal abnormality. In the light of that discrepancy, it would be useful to know whether the State party intended to amend legislation that might well be in violation of article 7. In view of the statement made in the State party’s report to the effect that judges were to refrain from making access to an abortion subject to court approval, he would like to know, pursuant to the Supreme Court ruling in the *F., A.L.* case, under what circumstances a court could be involved in decisions as to whether or not an abortion would be allowed.

20. He wondered if the updated technical guide on the handling of non-punishable abortions was available in all provinces and what measures were being taken to ensure the equal application of the law throughout the country. Did the technical guide describe the procedure that medical professionals should use in order to determine whether a pregnancy put the health or life of a pregnant woman at risk? He would like updated statistics on the nature and number of cases in which women were subject to criminal prosecution for having had abortions. Did the figures which indicated that there was a very high rate of abortion-related deaths include both illegal and legal procedures? What steps were being taken to address the problem? In the view of the State party, was there a relationship between the refusal of hospitals to provide information about contraception and that shockingly high rate?

21. With reference to paragraph 13 of the list of issues, he would like to know whether the fact that some persons were left in pretrial detention for years at a time was a function of law or practice. What were the legal limits on pretrial detention? He would also like to know if there were any recent statistics on the use of non-custodial measures.

22. **Mr. Shany** said that, with reference to article 6, he would appreciate clarification as to whether the decision of the Supreme Court of Argentina to allow the use of tasers by the Buenos Aires Metropolitan Police had already been applied in practice and whether protocols for their use had been adopted in order to prevent death, injury or torture.

23. He would like more information on the instructions contained in appendix 1 of Public Security Decree 228/2016, under which the Argentine Air Force was to be authorized to shoot down airplanes that failed to identify themselves and were suspected of carrying narcotics. What safeguards were in place to ensure that the principles of necessity and proportionality were applied?

24. Lastly, he would like an update on the ongoing investigation into the Amia bombing of 1994 and would also like to know what measures were being taken to solve the murder of Mr. Alberto Nisman, the prosecutor who had been investigating that bombing. It would be useful to know if his findings had been incorporated into the investigation case file.

25. **Sir Nigel Rodley** said that he was grateful to the State party for its reply to paragraph 9 of the list of issues, in particular as regarded the cases of Luciano Arruga and Damián Alejandro Sepúlveda; he looked forward to more information on the ongoing efforts to clarify the circumstances surrounding their deaths. He was troubled by the resurgence of cases of unlawful deprivation of life and enforced disappearance. He in no way was suggesting that what was occurring was on anything like the scale of the events that had occurred under the military dictatorship. However, the deaths of, for example, Alan Tapia and Lautaro Bugatto and the severe injuries suffered by Lucas Cabello at the hands of police officers nonetheless pointed to the existence of a discrepancy between the immense human rights protection apparatus established by the State party and what was happening on the ground. Other cases of which he was aware included the cases of Franco Casco, Gabriel Solano and Gerardo Escobar, along with the first individual communication to come before the Committee on Enforced Disappearances, *Yrusta v. Argentina*. He was not suggesting that there was a pattern, much less a policy, but something more than investigations into isolated incidents appeared to be necessary, as there seemed that there might be some sense of impunity that was allowing abuses of power to occur. He would like to be reassured that that perception was wrong.

26. **Mr. Muhumuza** said that he would like to invite the delegation to comment on the status of persons of African descent in Argentina. He wondered, for instance, whether the State party had any affirmative action programmes. He would appreciate reassurance that people who made such statements as “black people do not exist in Argentina” were simply uninformed and that Argentines of African descent did indeed have a place in their country.

The meeting was suspended at 4.25 p.m. and resumed at 4.50 p.m.

27. **Mr. Despouy** (Argentina) said that his delegation would not be in a position to respond to the questions about the cases involving specific individuals until the meeting scheduled for the following day. More generally, he wished to stress the Argentine Government’s unwavering commitment to human rights and to efforts to combat impunity, including the continued prosecution of crimes against humanity. No one could rightly say that Argentina had taken a step backward.

28. **Mr. Avruj** (Argentina) said that the Government of Argentina had a long-standing, uninterrupted relationship with civil society organizations that worked to strengthen democracy in the country. The policies on memory, truth and justice were, as President Mauricio Macri had said, policies of State and, in recent months, the authorities had sent strong signals of their continued commitment to the country’s human rights policies. One such signal had been the new Administration’s decision to move the offices of the Human Rights Secretariat to the Site for Memory, which operated on the grounds of a former secret detention centre. The Secretariat shared the Site with a number of other human rights

institutions. Civil society organizations were heavily involved in all the Government's human rights programmes.

29. Efforts had been made to optimize resources and work more efficiently, but none of the programmes of the Human Rights Secretariat had been cancelled. The Government, while respecting the independence of the judiciary, was very much in favour of the continuation of trials of persons accused of crimes against humanity, as bringing those trials to a conclusion would contribute greatly to the consolidation of the country's democracy. The Government was also of the view that the promotion of human rights should contribute to the human development of all members of Argentine society and, for that reason, its human rights agenda had drawn heavily on the 2030 Agenda for Sustainable Development. As a reflection of that orientation, the Human Rights Secretariat had been renamed the Secretariat for Human Rights and Cultural Diversity in late 2015. The name change reflected the Secretariat's new mandate, which had been broadened to include responsibility for the National Institute of Indigenous Affairs. The Institute had previously operated as little more than a welfare scheme, under the auspices of the Ministry of Social Development. For the first time in Argentine history, the leaders of the country's indigenous peoples had been received by the President in the executive mansion. That reception had set the stage for the first panel discussion, to be held in July 2016, on priorities for cooperation between the Government and the country's more than 350 indigenous communities.

30. The National Directorate of Sexual Diversity had been established largely to help narrow the wide gap between laws or policy statements and actual practice. The National Diversity and Multiculturalism Directorate, for its part, had been established to help ensure that all the country's population groups, in particular Roma and persons of African descent, were integrated into the broader community. The Government had endorsed the proclamation of the United Nations Decade for People of African Descent.

31. **Mr. de Martini** (Argentina) said that the Justice 2020 Programme, which entailed a comprehensive reform of the administration of justice, would enable the Government to fully implement many of the recommendations made by the Committee in its concluding observations on the fourth periodic report of Argentina (CCPR/C/ARG/CO/4). The programme was intended to bring judicial institutions closer to the people they served and to make the administration of justice more transparent, modern and independent. Proposals regarding the programme had been sought from all sectors of society, and relevant measures would be taken by all branches of government at both the federal and provincial levels. The Justice 2020 Programme was the most ambitious reform of the justice system in the country's history.

32. **Mr. Szuchet** (Argentina) said that, although the National Directorate of Human Rights of the Ministry of Security had been closed down, it had been re-established as another national directorate under another name and with a broader mandate. The Special Judicial Assistance Group, whose specially trained members reported to the Ministry of Security, had not been dissolved, and the regulations governing its operations remained in place. The Group had been working without interruption since the assumption of office by the new Administration in December 2015. Reports that units responsible for providing assistance in court cases involving crimes against humanity or human rights had been dismantled were inaccurate.

33. The Dr. Fernando Ulloa Assistance Centre for Victims of Human Rights Violations was currently setting up medical panels to evaluate the harm that had been sustained by more than 1,400 persons whose cases had been pending since well before President Macri had taken office. In addition to addressing the backlog, the Centre was dealing with the more than 200 new cases that had been referred to it in recent months alone. On several dozen occasions since mid-February 2016, it had also provided assistance to victims

involved in some of the country's most prominent ongoing trials for human rights violations. Pretrial detention in Argentina could last for up to two years and could be extended for an additional year by judicial order. The one-year extension was never automatic.

34. **Mr. Schapira** (Argentina) said that, as of 1 March 2016, 526 complaints of crimes against humanity had been filed: 244 cases were under investigation, 113 had been bound over for trial and 13 were at the oral hearings stage; sentences had been handed down in 156 cases. There were 2,354 defendants in total: 669 had been convicted, some 250 had died, 56 were fugitives from justice, 250 had been formally charged, 26 were under investigation, 28 had had their cases dismissed, 132 had been released for lack of evidence, 876 had gone to trial, 62 had been acquitted and 3 had been declared legally incompetent.

35. There was no conflict of interest between the Truth and Justice Programme, which came under the purview of the Ministry of Justice, and the position of the Human Rights Secretariat as a plaintiff in a number of cases to be considered under that programme because, since December 2015, the Truth and Justice Programme was no longer under the direct authority of the Ministry of Justice, but under that of the Human Rights Secretariat. That said, the Secretariat continued to submit complaints now as before and continued to report to the Ministry of Justice.

36. **Ms. Quinteros** (Argentina) said that the wage gap between women and men currently stood at 25 per cent; the Government would continue its efforts to reduce that gap through initiatives undertaken by the Ministry of Labour and the National Institute to Combat Discrimination, Xenophobia and Racism (INADI). Areas of action included the provision of training for women in non-traditional occupations, an awareness-raising programme targeting trade unions and a programme on managing diversity in the workplace and building inclusive labour relations. INADI was, moreover, the current Chair of the Ibero-American Network of Agencies and Organizations against Discrimination (RIOOD).

37. In addition to establishing femicide as a specific offence in its own right, the Criminal Code, as amended, provided that the occurrence of previous incidents of gender-based violence prior to the commission of that crime was an aggravating circumstance; "violent emotion" could no longer be invoked as an extenuating circumstance. According to data provided by the Supreme Court, there had been 235 femicides in 2015, including 11 victims in the 0-10 age group, 9 victims in the 11-15 age group, 26 victims in the 16-20 age group, 101 victims in the 21-40 age group, 59 victims in the 41-60 age group and 22 victims over the age of 60. In at least 46 cases, previous complaints of gender-based violence had been filed. In 12 per cent of the femicides committed in 2015, the crime had been committed by a family member; in 17 per cent, by a person known to the victim; in 5 per cent, by a person unknown to the victim; and in 58 per cent, by the victim's partner. No information on the assailant's relationship to the victim was available in 8 per cent of the cases. In terms of legal proceedings, 29 per cent of the cases were at the oral hearings stage; 3 per cent had resulted in convictions; 14 per cent were at another stage in the proceedings; 51 per cent were still being investigated; and 3 per cent had been dismissed. Efforts continued to secure convictions for all perpetrators of gender-based violence.

38. Act No. 26485 of 2009 and its regulatory decree provided for a number of measures to help prevent gender-based violence and prosecute offenders, from the use of electronic bracelets to detect the proximity of potential attackers to the establishment of a special court in which victims could institute joint proceedings on both civil and criminal charges. A number of agreements had been signed by the Federal Public Legal Service with provincial public legal services, lawyers' associations and non-governmental organizations for the provision of free legal assistance to victims. Act No. 27210, which had been adopted in November 2015, provided for the establishment of a pool of lawyers for victims of

gender-based violence. Other major initiatives included training for the staff of legal counselling centres nationwide, a national survey on gender-based violence and the establishment of support groups and helplines. Specifically, the 144 helpline, which had been launched in September 2013, had received 9,867 calls in the first three months of 2016 — a 180 per cent rise over the same period in 2015. The Government had decided to increase the number of shelters for victims of violence from 22 to 25 and would expand capacity at the provincial level. Lastly, special gender mainstreaming units had been established in the Attorney General's Office and the Supreme Court.

39. **Mr. Vitolo** (Argentina) said that there had been no new developments since the submission of the fifth periodic report in the provinces that had not yet developed guidelines for handling non-punishable abortions in line with the 2012 ruling of the Supreme Court in the *F., A.L. s/medida autosatisfactiva* case. As recognized by the Court itself in the *Pro-Familia* case, given the federal structure of the Argentine Republic, the Court's ruling in the *F., A.L.* case did not apply beyond the case in question. In April 2015, the National Sexual Health and Responsible Parenthood Programme had issued guidelines on comprehensive services for persons entitled to have non-punishable abortions; those guidelines replaced the technical guide on the subject which had been prepared by the Ministry of Health in 2010. In 2015, the Ombudsman had urged the provinces that had not yet done so to develop their own guidelines for handling non-punishable abortions or else to comply with the national guidelines in line with the 2012 ruling of the Supreme Court. Congress was currently considering various proposed amendments to article 86 of the Criminal Code in line with the same ruling. A bill would also soon be submitted to expand access to non-punishable abortions. It was important, nevertheless, to recall that the right to life, from the moment of conception, was enshrined in the Constitution. Argentina had reaffirmed that principle internationally through its interpretative declaration of article 1 of the Convention on the Rights of the Child. Other bills before Congress provided alternatives to the position adopted by the Supreme Court in the *F., A.L.* case that protected the right of a pregnant woman at risk and her fetus. If necessary, detailed information on those bills could be provided to the Committee. The Supreme Court had deemed it necessary to stipulate that judges must refrain from making access to non-punishable abortion services subject to court approval because, notwithstanding its ruling in the *F., A.L.* case, the right to "conscientious objection" was also recognized in the Constitution and in case law. There had indeed been cases in which physicians had refused to perform an abortion on the basis of a conscientious objection to the procedure.

40. **Mr. Szuchet** (Argentina) said that the recent approval by the Chamber of Deputies of the 2014 Protocol to the Forced Labour Convention, 1930 (No. 29) of the International Labour Organization (ILO) would lend support to the Government's efforts to combat trafficking in persons. The Prosecution Unit on Human Trafficking and Exploitation of the Public Prosecution Service had been working with the Office for the Rescue of and Assistance to Victims of Trafficking of the Ministry of Justice and Human Rights to ensure the provision of better care for victims and the investigation of their cases.

41. The majority of complaints filed since 2015 related to sexual exploitation. Since 2008, 165 cases of trafficking in persons had resulted in convictions, with 35 of those convictions relating to cases reported in 2015 or 2016; the considerable increase in convictions over the past year reflected the Government's determined efforts to combat trafficking. Of the 107 minors in whose cases convictions had been secured, 28 (17 girls, 11 boys) had been victims of labour exploitation and 79 (all girls) had been victims of trafficking for purposes of sexual exploitation. With regard to the figures from 2014, when the average duration of the sentences handed down by the courts had been 4.46 years' imprisonment — the lowest yearly average on record — it was important to note that those cases had involved incidents that had occurred prior to the adoption of the 2012 anti-trafficking law, Act No. 26842. In 2013, when Act No. 26842 had come into effect,

sentences had become markedly more severe. Thus, in 2015, the average sentence for trafficking had been 6.16 years' imprisonment; the average for 2016 thus far was 10 years' imprisonment.

42. As of July 2015, 1,079 complaints, most relating to sexual exploitation, had been received via the 145 helpline. A total of 72 per cent of those cases had gone to court, and a number of others had led to preliminary investigations by the Public Prosecution Service. Nationwide, a total of 2,733 complaints of trafficking had been received in 2015, while 779 had been received in the first three months of 2016. Further statistics could be provided in writing should the Committee desire them.

43. **Mr. Vitolo** (Argentina) said that, since Argentina had a federal system of government, its provinces were independent to a large extent and had their own regulations and governing bodies. However, all legislation and regulations must be aligned with national policies, as required by law. There was therefore no need to adopt a supplementary national law on the applicability of treaties in the provinces. There was no impediment to compliance with article 50 of the Covenant at all levels of government in Argentina.

44. **Mr. Schapira** (Argentina) said that the law which provided for the constitution of a national torture prevention mechanism consisting of a national committee, provincial mechanisms, a federal council and civil society organizations had been adopted several years earlier. Its implementation was a priority for Argentina but depended on the establishment of a bicameral commission, which would also be responsible for the appointment of the ombudsman. Furthermore, contrary to information received by the Committee, the Government continued to work actively with the Federal Human Rights Council to establish provincial torture prevention mechanisms. It was also seeking to ensure that all legislation in the provinces was brought into line with international human rights standards. The Government had received a visit from Mr. Emilio Ginés Santiadrián from the Subcommittee on Prevention of Torture and had formally agreed to a visit from the Special Rapporteur on torture. A total of eight provinces had adopted legislation for the establishment of a torture prevention mechanism, and bills had been submitted in an additional eight provinces for that purpose; in the remaining provinces, similar bills were being prepared.

45. **Ms. Cleveland** said that she was concerned about the case of Belén, a young woman who, according to information received from Amnesty International, had gone to the hospital complaining of cramps and had ultimately had a miscarriage there; she had subsequently been accused of inducing an abortion, had been taken directly from the hospital into police custody, detained for 2 years and, in April 2016, had been convicted and sentenced to an additional 8 years' imprisonment on charges of aggravated murder for the premeditated killing of a relative. Her request for release on bail pending her appeal had been rejected. The delegation's comments on those reports would be appreciated. It would also be interesting to know how often the charge "aggravated murder for premeditated killing of a relative" had been used in abortion cases instead of the criminal provisions on abortion. Did the State party have any plans to review her case or the legal framework that had been used to convict her?

46. **Mr. Rodríguez Rescia** said that the fact that part of the Human Rights Secretariat had been moved to the former headquarters of the Navy School of Engineering (ESMA), which had been converted into the Site for Memory, was symbolically very significant. Unfortunately, he remained concerned about the weakening of national institutions for human rights protection, especially since a number of important programmes and initiatives had been terminated. Examples included the work that had been done to review the files of the security forces in order to identify documents of interest in the investigations into suspected crimes against humanity committed between 1976 and 1983, a similar review of files in order to find 400 children who had been taken from their families and remained

missing, and the massive undertaking coordinated by the non-governmental Argentine Forensic Anthropology Team (EAAF) to identify the remains of people who had been disappeared. Moreover, the fact that the witness protection programme was headed by a former military man, even if only temporarily, was a highly regrettable choice. He would like to know if electroshock procedures were still in use in some places and whether it was true that their reinstatement was being considered in the Province of Jujuy. More detailed information about psychiatric institutionalization in relation to the prevention of torture would also be appreciated.

The meeting rose at 6 p.m.