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RIGHTS OF THE CHILD

**Written statement* submitted by the Permanent Assembly for Human Rights (ADPH),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2005]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

RIGHTS OF THE CHILD

The incorporation of the Convention on the Rights of the Child to the Argentinean Constitution, during its reform of 1994, did not achieve the desired results. Not only the Convention has not been adequately implemented through public policies, but also the Argentinean legislation has not yet been reformed so as to comply with the convention in all its magnitude and scope. Also, the convention is not reflected on judicial decisions which tend to be arbitrary and usually consider children as objects instead of subjects. Threatens and violations to the right of the child are perpetrated on a daily basis, yet they remain unpunished.

It is hegemonic the idea that the observance and implementation of the Convention on the Rights of the Child necessarily requires legislative adaptation. Nevertheless, the adaptation of domestic law to the requirements of the convention is still inexistent. What is more, such adaptation would demand a substantial modification of the norms contained in the Civil Code, which constitutes a basic norm that rules the country from La Quiaca to Tierra del Fuego.

In this context, building a new approach to child issues according to the principles established by the convention represents a complicated and enigmatic work. Such effort to protect and promote the rights of the child should be performed by governmental agencies as much as non governmental ones, yet we must bear in mind that the responsibility to ensure these rights essentially belongs to the governmental powers of the Argentinean State.

We are also aware that the effectiveness of the rights of the child is very much determined by the economic, social, cultural and political conditions of the country, which are often adverse. In a juncture where poverty, precariousness, social inequality, disease, violence, and social injustice constitute our daily concerns, compliance with the Convention on the Rights of the Child becomes an extremely difficult task. Until those conditions change, the observance of the rights of the child in Argentina will not become a reality. Thus, the Argentinean government must implement the necessary public policies and generate the appropriated conditions to comply with these rights.

To think and act accordingly to human rights principles, and consequently with no discrimination on the basis of age, means to observe and promote the Convention on the Rights of the Child, as well as other international standards on human rights which are also incorporated to the Argentinean Constitution. These standards must constitute the unavoidable basis to conduct social interactions and practices. However, the judicial and institutional context previously described shows a lack of will on behalf of governmental agencies and functionaries and a political determination to avoid responsibility for the current conditions to which children and adolescents are exposed to.
