

# **The health of children in Argentina. High-Priority Right? Analysis of the progress of commitments contracted by the Convention on the Rights of the Child (CRC)**

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## 1- INTRODUCTION

The 1959 Declaration on the Rights of the Child states that the attention and protection that we owe to childhood comes from their intrinsic conditions of vulnerability, children just for being children are vulnerable.

The Convention on the Rights of the Children (CRC) approved in 1989 and ratified almost universally is a conclusive proof of the concern that entails the situation of the children. The responsibilities that family, State and society have are reaffirmed by it.

These responsibilities refer not only to the intention and will of fulfillment; they also require different actions so children and adolescents have an effective exercise to their Human Rights. In the same way the ratification of the CRC compels countries to the periodic presentation of reports in which they state the efforts and advances they have made. Now, how far have we advanced in favor of childhood? Has it been enough? Which are the efforts we have made? Are they relevant?

The difficulties that countries have faced to prepare these reports show the limitations in the arrangement and systematization of the information and the difficulties in establishing priorities, executing policies and pertinent programs.

The UN and other Human Rights organizations have advanced in the elaboration of proposals for a system of human rights indicators that allows us to account for the efforts made and the exercise of these rights. This tool would have functions beyond the preparation of periodical reports, allowing the States to have an internal control relating to the advances, regressions, and pending matters in Human Rights, and it would also allow to transparent actions to the general population.

At the same time, these organizations have advanced in the construction of a Human Rights Approach (HRA) that states the basic principles to study these matters. Even though these recommendations and proposals have helped in the theoretic approach to these systems, it has not yet been able to achieve its implementation.

The following work presents a System of Children Human Rights indicators that has been developed in the University<sup>3</sup>, based on the proposals by the United Nations,

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the Inter American Commission on Human Rights, and taking as a guide the Human Rights Approach. In the first stage it will measure the efforts that the country makes to respect, protect and warrant the rights of children relating to health, estimating the state of the situation, measuring the advances and detecting the problems in their exercise.

This article is organized in three parts, starting with the relations between vulnerability, childhood and the international human rights treaties, incorporating the possibilities that the Human Rights Approach offers to study these matters. On a second part we will present the necessities, implications and scopes of the proposals made up to this moment for the construction of a System of Human Rights Indicators that allows the follow up of the commitments assumed by the countries. In the last part, and taking into account these proposals, we will present an advance of the continuous system of indicators proposed for the follow-up of the commitments assumed by Argentina relating to health.

## 2- VULNERABILITY AND HUMAN RIGHTS.

### 2.1. The vulnerability and childhood's special situation.

For the present work we will follow Gustavo Busso's proposal that vulnerability refers to "risk or probability that the individual, home or community, of being hurt, injured or damaged by the changes or permanence of external and/or internal situations" (Busso, 2001: 8). As it is stated in his analysis, the *internal* factors refer to weaknesses inherent to the individuals or groups to face their changes, necessary to take advantage of the opportunities that are presented, and also to insecurities that inhibit every strategic possibility of reverting their situation. On the other side, the *external* factors refer to the defenselessness or fragility before changes originating from their environment or the abandonment or lack of institutional response from the state by not taking care of or not strengthening their citizens (Busso, 2001).

The internal vulnerability factors of the children as children escape any possibility of reversion as they conform their essential condition as a collective to be protected by humanity as a whole. By combining these factors with exclusion or inequality contexts we find ourselves before *vulnerable minorities of vulnerable groups*. In other terms, given the age conditions, the particular situation of exclusion in which some specific groups of children (socioeconomic, territorial, ethnic, gender, others...) live and grow makes them *the most vulnerable of the vulnerable*.

In the particular case of children and adolescents of Latin America, the social exclusion environments, in front of the internal impossibilities of children to face them, conjugate themselves in a proliferation of this vulnerability to extremes, given that, as ECLA points out, "the inequities – socio-economical, territorial, ethnic and gender inequalities- that manifest from the earliest ages, reproduce themselves in the adult life and transmit to the following generations,

which contributes to explain the persistence of the most elevated socio-economical inequality of a region that, considered as a whole, continues to be the most unequal region of the world” (ECLA, 2001).

Summarizing, the dialectic between vulnerability and inequality-exclusion, is aggravated in the Latin-American context where conditions of growing development coupled with inequality are adverted. In this sense and as we will expose, even though achievements and advances in development are noted, the human rights structure is endangered by being reduced – in many occasions- to an inapplicable system of enunciations.

## 2.2. Children Human Rights as a commitment of human kind.

Given the particular situation of childhood, not only as the future of humanity but as a present that has to be attended to, in 1989 the General Assembly of the United Nations approved the Convention on the Rights of the Children (CRC). It has been one of the most widely accepted and ratified conventions by the countries.

In it the universal legal norms about protection, respect and attention of their most basic human rights, and the responsibilities exercised by the State, the communities and the families are established, between them the survival, development and participation in social, cultural, educational and every activity necessary for their growth and individual welfare.

Considering the vagueness of the applicability and measurement that the rights of the CRC present, as all human rights treaties do, the international conferences, that we present in this part, contribute a real operative frame with times and goals quantifiable for the fulfillment of development along with human rights.

So, to reaffirm the principles and propositions established in the CRC and to promote its quick ratification and application in 1990 there is a reunion with 159 States in the World Summit for Children. In this opportunity the Declaration on the Survival, Protection and Development of the Children is made, along with an action plan for the 90's decade.

In the 2000, the Millennium Summit occurs in which the Millennium Development Goals are set with specific goals to achieve in the year 2015. Even though this document refers to the development of the general population, it gives fundamental importance to the development and welfare of children. For this reason it defines goals related –among others- to health in childhood.

In this direction, in may 2002 the Special Session of the General Assembly of the United Nations in favor of children, the advances made since the World Summit for Children are analyzed. Recognizing that the 90's decade “was of great promises and modest achievements” (A World Fit for Children,

eleventh paragraph), countries reaffirmed their commitments to fulfill the pending matters and to approach other emerging and decisive issues established in the objectives and goals of the summit of 1990 and in the Millennium Declaration.

In this way, the Action Plan and A World Fit for Children is defined with specific goals, strategies and policies in four priority spheres with concrete deadlines and that comprise: promotion of a healthy life; access to a quality education; the necessity of protecting children against maltreatment, exploitation and violence; and the fight against AIDS.

### 2.3. Between development and rights: The Human Rights approach

The situation of children in the region and the country highlights the interdependence established between development problems and the human rights enshrined in the Convention on the Rights of the Children. As ECLA points out “the advance towards the achievement of the goals established in the World Summit in favor of Children has not translated itself towards the full achievement of the rights of Children and adolescents”. (ECLA 2001, Section II: 33). This shows how the advances and regressions in one of them – development or human rights- do not necessarily imply a correlation in the advance or regression in the other. For this reason we can affirm that the persistence of inequalities between countries in the region and in the interior of them –between their different social sectors-, requires an integrated action for the preparation of policies and programs, their execution, follow-up and evaluation.

The interdependence between development problems and human rights was put forward in the frame of the United Nations Reform Program launched in 1997, in which the Secretary General made a call to all the organizations in the United Nations System in order to include human rights in their activities. From that moment a great number of United Nations organizations have adopted the Human Rights Approach to advance human development. This offers a new foundation for legitimating international cooperation, the promotion of social progress and the elevation of the standard of living.

Beyond these interpretative disquisitions about the approach, we can accord that it constitutes: an element for policies and development processes to be channeled directly into the exercise of Human Rights, a group of principles capable of translating the general human rights norms into programmatic directives for development; an instrument to evaluate policies and programs; a frame of empowerment to strengthen the capabilities of the State in the fulfillment of its obligations, as with the subjects for the effective exercise of their rights (Nyamu-Musembi, Celestine y A. Cornwall, 2004).

In consideration of the different proposals made, we have established a group of principles that can be considered as guides for the analysis and follow-up of the development policies and the actions taken by the State to fulfill its human rights obligations.

*-The priority of Human Rights:* is based in the principles of: Universality, Inalienability, Indivisibility, Interrelation and Interdependence.

*-Progressiveness and non-retrocession:* part of considering the possibilities of incrementing the exercise of these rights and never going back to previous states.

*-Equality and non-discrimination:* attends to the most underprivileged or vulnerable groups, given that, even though it starts from the universality of human rights, scarce resources compels us to establish priorities.

*-Accountability and transparency:* produces and promotes the presentation of reliable reports for monitoring and evaluation: the elaboration of transparent budgets; the generation of a greater analytical capability by the interested parties and the warranty of coherence between international human rights norms and national ones.

*-Empowerment and participation:* establishes the necessity of strengthening, in a conjoint work, the individuals as *Rights Holders* and States as *Obligation Holders*. It transcends the mere consultation to promote a *critic consciousness* and an *active citizenship*.

In this way, the approach presents itself as an analysis and interpretation model for the actions taken by the State. It allows advancing in the design, follow-up and evaluation of policies, programs and all the actions taken by the State, interrelating the quantifiable and clearly objectivable reaches of the mentioned international development conferences, with the qualitative aspects of the Human Rights postulates, whose enunciative vagueness demands an articulation for its applicability.

### 3- BETWEEN THE COMMITMENTS ASSUMED AND THE EXCERSISE OF THE RIGHTS OF THE CHILD: A FOLLOW-UP SYSTEM OF INDICATORS.

#### 3.1 The necessity of a system of childhood human rights indicators.

As we have pointed out, the international law relating to the rights of the child is based and systematized in the 1989 CRC. This treaty establishes a joint responsibilities frame between State, society and family for the integral and universal protection of children just for being children. To this end, and in the frame of each country possibilities, actions have to be implemented in order to

assure the effective exercise of the rights and that take into account the obligations taken by the State to respect, protect and warrant this rights<sup>4</sup>.

As the CRC stipulates, the ratifying states have to present periodical reports “on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights” (CRC, art. 44).

The United Nations sustain that a crucial point to evaluate the degree of fulfillment of countries in human right is the lack of specific information from States, in respect to the efforts made –which are reflected in the normative, policies and programs-, as with the advance in the results achieved in the exercise of these rights (PNUD y OHCHR, 2004; Ferrer, 2006).

This lack of information not only hinders the elaboration of said reports but it also impedes an internal control about the advances, regressions and pending matters by the states, adding to the lack of transparency in the actions taken.

The United Nations recognize the difficulties in collecting and systematizing this information. The quantity of themes, their interrelation, the dependence of different organizations inside the state, make the matter all the more difficult. Countries themselves have asked for technical assistance for the elaboration of procedures that make this task more easy receiving different responses from the international community (United Nations, 2006a; UNDP, 2006).

As an approach the IIHR proposes a system of indicators in Human Rights that beyond allowing the detection of human rights violation or the obligations by the states, has to emphasize the progresses in its fulfillment. In this way, the attempt to consider this problems from a human rights approach, allows us to identify not only the lacking but also the possibilities and intentions to solve them. It would also help in establishing priorities and defining strategies between different actors in the general community. (IIDH, 2007).

The United Nations has prepared a proposal for the possible implementation of these systems. Given their instrumental utility we have considered them as a fundament to our work as it will be detailed in the following part.

It’s important to highlight that, even though these proposals have advances in the design and elaboration of models for their execution, it has not been implemented yet, being this a pending matter.

### 3.2. Implications of a system of indicators for following-up commitments assumed in the CRC.

The United Nations (2006a) have elaborated a proposal for a System of Human Rights Indicator in which they suggest to follow three levels: *structural, process and results*. This allows us to visualize the measures adopted by the States to fulfill their obligations, as it goes beyond their intentions to the results achieved. As a summary, we can distinguish:

Structure indicators: they have to measure the reception of international law. They seek to show how the institutional apparatus and the legal system of the

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<sup>4</sup> Respect refers to not interference in its enjoyment, protect implies “taking measures to ensure that third persons don’t interfere in its enjoyment” to warrant means “taking progressive measures to allow the right being considered” (PNUD, 2006).

State is organized in order to fulfill its obligations. They require to focus in national laws and the policies that promote this laws.

Process indicators: they seek to measure the quality and magnitude of the efforts taken by the State to implement these rights (reach, coverage and content of the strategies). It requires focusing on programs.

Results indicators: They seek to measure the impact of the strategies and interventions taken by the State. They allow evaluating the realization and the effective exercise of a right.

Following this typology the Inter American Commission on Human Rights suggests to classify this information in three conceptual categories transversal to the mentioned indicator levels (ICHR, 2008):

*Reception of law* in the legal system, in the institutional apparatus and in public policy. It tries to observe the way in which a right is incorporated by the State.

*State capacity*: under which parameters does the State resolve the problematized issues? It implies reviewing inter institutional relationships, and the financial and human capacity. It has to visualize the existence of control, monitoring and evaluation organizations. It refers also to the fragmentation between different government levels, national, provincial and local.

*Basic financial context and budget commitment*: refers to the State's effective resources availability and how they are distributed. In this manner we can see the importance that the state gives to the right studied.

As it was showed, an System of Human Rights Indicators has to be a reliable instrument that allows to show in a resumed way: the intention and progressive efforts taken by the country to fulfill the commitments assumed in this matters; the degree of effectiveness of the implemented programs and policies; the situation state and the advances made in the exercise of these rights by children and adolescents in different social sectors.

For the proposed system of indicators, its dynamic and the themes that it has to cover, requires to be based on the human rights approach principles, without which its implementation would lack of foundations and operative viability.

### 3.3. Presentation of the system in broad terms.

The system of indicators that we propose is based mainly in the proposals by the United Nations and Inter American Commission of Human Rights. It also incorporates the principles of the human rights approach.

Following the proposals set by the United Nations, and as we specified in the previous paragraph, for each of the rights we differentiate between structure, process and results indicators. Inside every one of this we contemplate the conceptual categories of the ICHR, and transversally the principles of the human rights approach.

It is important to remember that in the CRC and in the responses by the committee to the presented reports are legally binding, creating commitments to the country. On the other side the objectives and goals set by the Millennium goals and a world fit for children, even though they are more appropriate for evaluation and monitoring, do not create obligations for the signing countries.

For this motive, the system of indicators is centered around the problems put forward by the CRC and uses as a complement the themes that arise from the aforementioned international conferences, allowing us to identify advances in a direct way.

From this, and for every right established in the different thematic areas by the CRC and considering the reach of the human rights approach principles, the indicators can be organized in a structure as presented in the following table.

As the indicators have to allow measuring progresses, it is necessary to consider time. For this reason, indicators are measured periodically so that, with the comparison of values in different moments, it is possible to see its evolution and to measure the advances made.



**Table 1: Classification of the Human Rights Indicators<sup>5</sup>**

<b>Right in the CRC (reservations by country)</b>		<b>Commitment/Objective: Established in the CRC, Children Human Rights Committee Recommendations, MDG, A world fit for children.</b>		
<b>Human Rights Approach Principles</b>		Structure	Process	Results
Law Reception	Indicators	How does the State incorporate specific rights into its juridical structure.	How does the State incorporate specific rights into the design and implementation of policy and programs.  (Coverage)	Proportion of children that have effective exercise of these rights  Proportion of children that have effective exercise of these rights according to geographic zones, sex, ethnics...
State capacity	Indicators	The structure and organization of the State in order to fulfill specific rights. (Capability)	State resources (human, infrastructural) for the design, implementation and evaluation of policies and programs attending specific rights.	Follow-up indicators of the MDG.
Financial context	Indicators	Budget directed to specific rights including every organization with responsibility in the fulfillment of these specific rights.	Budget directed to the policies and programs that attend the specific Right.	Percentage of children with healthcare coverage.  Proportion of household income directed to health.

<sup>5</sup> Source: Own elaboration based on proposals from UN and IAHR

#### 4- SYSTEM OF INDICATORS IN HUMAN RIGHTS FOR THE CRC FOLLOW-UP IN ARGENTINA IN HEALTH:

##### 4.1. Argentinas situation: Children Rights in poverty contexts.

Argentina has suffered in the last years a series of economical, political and social crisis, having as a direct consequence a high proportion of the population submerged in poverty, soaring to its highest levels in 2002: 45,8% of the households and 56,8% of Argentineans (INDEC, based on the Permanent Households Census). Even though a degree of recuperation is being achieved, there still are sectors of the population with great difficulties in facing poverty, and current levels are even higher than the ones we had at the beginning of the nineties where the proportion of poverty rose almost to 48% (IADE, 2008; INDEC).

It has to be considered that, children born in poor households face great difficulties for their survival and emotional, physical and mental development. This complex problematic has several dimensions for its analysis and for the implementation of actions directed to alleviate them. On the one side, its strongly related to the possibilities of having an adequate nutrition from gestation till their first years of life. So, high probabilities of malnutrition coupled with a high exposure to contaminated waters, inadequate housing, with a greater vulnerability to infectious decease, come as a determinant factors for their integral development. On the other side, this general context of poverty acts as an incentive for households to use child labor, hindering even more their future development.

Despite these least than encouraging contexts, it is true that in Argentina infant mortality is on a downward trend: from 27,1 deaths for every thousand births in 1988 to 13,4 in 2008 (Population prospects, 2006). This would show the effort of a country to better the health of children even on adverse contexts. Nevertheless, this encouraging picture passes over once we consider the breach between provinces is increasing: death risk in the first year of life is three times bigger in Chaco province than in Tierra del Fuego. This gets even worse if we consider that a 60% of children deaths under the age of one are avoidable (Estadisticas Vitales 2005. Direccion de Estadisticas e Informacion de Salud. Ministerio de Salud y Ambiente de la Nacion).

In relation to malnutrition, an 8% of children in the country suffer from chronic malnutrition, while in the Argentinean northwest this number climbs up until a 15.5% (Encuesta Nacional de Nutricion y Salud, Ministerio de Salud de la Nacion, 2007).

As we showed, the health related problematic not only preoccupy in their general evolution, but they also show the necessity of being attended from an

approach based on the law and capable of incorporating different criteria, not only of progress but also of equality and non-discrimination, being at the same time capable of taking into account the empowerment and the participation of States and other subjects of rights in their elaboration and execution.

It is known that health and child labor compromise endanger, among other aspects, the scholar development of children. On the long term it can lead to scholar abandonment or failure, specially when there are no educational policies that include the treatment of such situations. With a limited human capital, the possibilities of getting a dignified job in the future are scarce. As a consequence, the possibility of leaving poverty behind is strongly hindered.

Summarizing Argentinean kids born in poor households are likely to become poor adults, whose children will be born in the same conditions, establishing this way a reproductive mechanism of poverty jumping from one generation into the other.

Considering that one of the ways to break the vicious circle of poverty is to strengthen children's capacities and possibilities, themes like health and education are central to this. For this reason the beginning of our work is focused on the implementation of indicators in these areas, to continue later with the rest of the themes covered by the convention. In this work we will only present advances made in the health area.

#### 4.2. Commitments assumed by Argentina before the CRC

##### 4.2.1. Regarding reports presentation and data recollection.

The CRC is ratified by Argentina<sup>6</sup> in 1990 and in 1994 it is given constitutional hierarchy in the article 75 clause 22 of the National Constitution. Following this the country has had to adequate its laws, policies and practices to match those found in the principles of said convention.

As we said, according to article 44 of the CRC, each ratifying state has to present periodical reports "on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights".

The presentation of reports has also been proposed by "*A world fit for children*" in its paragraph complementary measures and evaluation in which it proposes a periodical follow up in the national area and, if it proceeds, in the regional area, of the objectives and goals that are states in the present Action Plan. To this end it is suggested to increase the statistic capability on the national level to gather, analyze and *break down* data, for example according to gender, age and other pertinent factors that may

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<sup>6</sup> At the moment of ratification Argentina makes reservations in relation with article 21 of the CRC and declarations on the meaning and reach of the AART: 1, 24 y 38.

cause disparities. For example, the execution of periodical exams in the national and sub national areas of the progresses reached will allow facing obstacles and accelerating advances in a more effective way. As a consequence it encourages States Parties to consider the possibility of including information about the measures adopted and the results obtained in the application of the Action Plan in the reports they present to the Committee on Children Human Rights

Until now, Argentina has presented three reports to the Committee of the CRC, the first of them in 1995, the second in 1999 and the third in 2008. In October of 2002 the Committee delivers to Argentina the results of the evaluation of the second report<sup>7</sup>. This report highlights the omissions, measures that have been positive and those that are a cause of worry. Also, in this document the Committee makes some suggestions on activities to do in the future.

On this occasion the committee responses that although it receives with satisfaction the presentation of the Second Periodical Report of Argentina, it regrets that the country has not followed the directives on the presentation, highlighting that some responses have been presented with delay and in an incomplete manner. On the other hand, the committee recommends giving a wide diffusion of the Second Periodical Report and the corresponding resumed records and the final observations that are approved by the committee in order to create debate and to promote the knowledge of the convention, and its application and the supervision of this application, among the public authorities, in the Congress and among the population, as with the interested NGOs (paragraph 66).

In the presentation of reports, the committee considers that having the opportunity to study the progress made in the application of the convention in a periodical way is an important aspect. Thereon, it considers that regular and timely reports by the State Parties are fundamental, even though it recognizes that some States have problems making them (Paragraph 67).

About data gathering the committee is still worried that statistical data on children does not include enough information and that it does not include break downs in the categories to include those mentioned in the Convention. It also notes that when this data exists it is not used adequately to evaluate trends and as a base to elaborate the policies in the sphere of Human Rights of the Children. That's why it suggests a) Improving the data gathering to include every category covered in the CRC. The system should include every person under eighteen years old and pay special attention to minors in situations of vulnerability, like children with disabilities. B) To use efficiently this indicators and data to prepare and evaluate policies and programs designed to implement the convention, and to make sure they are applied.

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<sup>7</sup> It is the last available evaluation from the Committee given that the Third Report has not been evaluated yet.

#### 4.2.2. About the right to health.

To evaluate the commitments assumed in the right to health, we have considered an integral review of the CRC, with specific attention to articles 4, 6, 17, 23, 24, 25 y 26. In the same way, we have incorporated observations and recommendations that the committee makes in relation to the second report presented by Argentina on this theme. We considered both instruments in equal foot as they have a binding nature by creating a commitment to respect, protect and warrant.

It has to be pointed out that although the themes considered in this level - and that come lineally from the CRC and the Second Report – have to take precedence, the magnitude of its enunciations offer little on an operative level in the gathering of information for the analysis of compliance. They do not specify times and deadlines in the levels of implementation or advance, which impedes studying the efforts made by the country.

This limitation is overcome by making a transversal and triangular reading with the development conferences (MDG and a world fit for children) that establish objectives, goals and strategies with deadlines and percentages. The intercrossing and complementation of the themes has allowed us to operationalize the construction of indicators. This way the commitments are grouped as follows.

*Table 2: Commitments assumed by Argentina under the CRC. Existence of these issues in the responses before: the Committee until the second report, the MDG, the Action plan and in a World fit for children.*

Commitment (respect, protect and warrant) assumed by Argentina in the CRC	Answer of the Committee of the CRC to the second report (October 2002)	Millennium Development Goals (2000)	A world fit for children and the Action Plan (2002)
1989. Reservations presented at the moment of ratification.			
Issue 1: Undertake to the máximo extent of the available resources. According to the article 4 Argentina commits to adopt every measure necessary to make effective the CRC, using every resource available.	Exists		Exists
Issue 2: Maximum Survival and development	Exists		Exists
Issue 3: Diffusion of the rights of the child	Exists		Exists
Issue 4: Disabled Children	Exists		

Issue 5: Infant and child Mortality	Exists	Exists	Exists
Issue 6: Primary Healthcare	Exists		Exists
Issue 7: Malnutrition	Exists	Exists	Exists
Issue 8: Pre and post natal health care for the mothers	Exists	Exists	Exists
Issue 9: Diffusion and support for the application of the basic health principles.	Exists	Exists	Exists
Issue 10: Education for a responsible parenthood	Exists	Exists	Exists
Issue 11: Abolishing traditional practices			
Issue 12: Periodical examination of treatments for interned children.			
Issue 13: Benefits of healthcare and social security.			
Issue 14: Presentation of periodical reports.	Exists	Exists	Exists

For the purpose of this work, and considering the need to make a summarized exposition, we only detail issue 5. The same procedure is applied to the rest of the issues taken into consideration.

#### Issue 5: Infant and child mortality

According to article 24 clause 1 Argentina commits itself to reduce infant and child mortality:

According to the study of the response of the Second Report presented by Argentina to the Committee relating to health and healthcare, we can highlight:

“The committee notes the downward trend in infant, children and motherhood, but is worried that children of humble origins, those living in rural areas especially in the northern provinces and in native children. It also notes that out of ten deaths in infants six could be averted with low cost measures (Paragraph 46).

For this reason the Committee recommends the State Party:

“To reduce even more the infant and motherhood mortality and morbidity rates, its necessary the adoption of measures to apply the Reproductive Health and Responsible Procreation Law, of July 2000” (Paragraph 47b).

In consideration of the Millennium Development Goals, goal 4 establishes:

Reducing mortality in children under the age of five; its corresponding goal states reducing in two thirds, between 1990 and 2015, the mortality rate of children under the age of five.

Considering a World fit for Children, in the first goal: establishes the Promotion of a healthy lifestyle (Paragraph 35), and among its goals it lists:

- Pursuit of the goal of reducing it by two thirds by 2015; Reducing at least in one third infant and under five children mortality, as a first step towards the goal of reducing it by two thirds by 2015 (Paragraph 36a):
- Intensify proven, cost-effective actions against diseases and malnutrition that are the major causes of child mortality and morbidity, including reducing by one third deaths due to acute respiratory infections; reducing by one half deaths due to diarrhea among children under the age of five; reducing by one half tuberculosis deaths and prevalence; and reducing the incidence of intestinal parasites, cholera, sexually transmitted infections, HIV/AIDS and all forms of hepatitis, and ensure that effective measures are affordable and accessible, particularly in highly marginalized areas or populations (Paragraph 37, eleventh point).

Following this the transversal study of child mortality issues allows us to advance in the construction of indicators in the analysis of the commitment assumed, as we show on table 3.

Table 3: Questions for the definition of indicators related to Child Mortality, according to the Humans Right Approach (\*).

<b>Conceptual Categories</b>		<b>Structure</b>	<b>Process</b>	<b>Results</b>
<b>Law Reception</b>	Indicators	Existence of laws that incorporate the prevention of mortality of children under five. Is the norm operative? (P1) How many provinces have incorporated into their laws issues that come from child mortality? (P2) Hierarchy of the norm (P1) Number of preventive campaigns (P5) Existence of norms that take into account the special situation of vulnerable children (P3) Availability of claiming venues (P5)	Quantity of preventive policies in children mortality (P1 and P4) Coverage and reach of public policies in reducing child mortality (P3) Percentage of policies for children of humble origins/rural areas/indigenous children(P3) Evaluation and monitoring mechanisms (P4) Level of participation of the affected population (P5)	Mortality Rate (P1) Malnutrition Rate (P1) Number of consultations Percentage of children with low weight at birth (P1) Proportion of death in children according to geographic zones, gender, ethnic... (P3) Percentage of persons that know of preventive measures of children mortality (P5)
<b>State Capacity</b>	Indicators	Existence of state agencies oriented to the attention of child mortality (P1 and P5) Existence of control, monitoring and evaluation organizations from the social services destined to the prevention of child mortality (P4 and P5) Fragmentation among the different levels of State administration (P1, P5 and P3)	Reach, coverage and content of the mortality prevention programs (P1, P3, P5) Quality of the programs (P2) Level of coordination amongst inter and intra-institutional activities (P3, P5) Accessibility of the social services and programs (P3, P5)	Percentage of children with primary healthcare access (P1, P3, P5) Rate of use of the service (P5)
<b>Financial Context</b>	Indicators	Budget oriented to health (P1, P2, P4) Budget for the prevention and attention of child mortality (P1, P2, P4) Source of financing (P4)	Policy budget (P1, P2, P4) Percentage of the GDP (P1, P4, P5) Distribution of social spending by geographical area (P3, P5) Resources oriented to Human Resources training (P5)	Percentage of children with health insurance (P1, P5) Proportion of household income destined to health (P1, P5)

(\* ) Between parentheses we mention the principles that we refer to. They Are P1: Priority consideration of Human Rights; P2: Progressivity and non retrocession; P3: Equality and non discrimination; P4: Accountability and transparency; P5: Empowerment and participation.



We have to point out here that in October of 2008 Argentina presented its Third report<sup>8</sup>. Without entering into details we can note the in data gathering and systematization little has been done.

Our work tries to address the explicit necessity of having a valid tool for the analysis and follow-up of actions taken by the country in development and child human rights issues.

## 5- AS A CONCLUSION

Considering that the creation and implementation of a System of indicators that allows the follow-up of the commitments assumed under the CRC is an essential tool to advance in the frame of the actions that the international community as a whole and State parties in particular, have taken in favor of children.

As we have showed, it is an attempt to give answer to the necessity stated by several countries for the elaboration and presentation of reports before the CRC Committee, taking operative suggestions made by the UN and several Human Rights organizations.

The vulnerability of children, by their special condition as children or aggravated by inequity conditions in which they are born and in which thousands of them live, demands the effort of States and the international community to advance in the achievement of this rights jointly with achieving development goals and objectives. Taking this into account, we consider that every attempt to evaluate these efforts has to be an integral synthesis of these problems.

The system that we offer, without being a finished proposal, offers a joint vision for the follow-up of the state of the situation in Rights of the Child. The incorporation of the Human Rights approach offers us new dimensions from which we can advance in matters as: what actions does the State undertake to fulfill these commitments? Has the state prioritized Child Human Rights in its policies and programs? Has the State improved in time on the commitments assumed? Has the state taken into account the most vulnerable children? What mechanisms has it implemented for the transparency and accountability of every action taken? Has the state taken measures to include the participation of right-holders? Has the state increased its capabilities to attend to Human Rights?-

To answer this we need to transcend theoretic speculation to advance in the construction of tools that allow us to objectivate and to fundament the implicit under which State actions are taken, and on the other side to validate the efforts made before the international community.

Even though the presentation of periodical reports is a commitment before the CRC that requires reliable information, the possibility of having it not only helps towards international evaluation.

The ordering and systematization of the information will help countries to establish priorities, execute pertinent policies and programs for the fulfillment of children human rights.

As we showed, the implementation of a system of indicators on Human Rights has not been undertaken yet. As members of a team of professionals from the academic sphere, we have initiated this task for the follow-up of commitments ratified by Argentina – initially- with special attention to children health.

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<sup>8</sup> Delayed and out of the terms suggested by the Committee.

In the development and exposition of this article we have shared the methodological base for the construction of this system. Its elaboration is a challenge to transcend the limitations presented not only in relation with information availability but also in the agreements necessary to face its ordering from a view that breaks down the linearity of its readings.

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