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Committee on Economic, Social and Cultural Rights

Forty-seventh session

Summary record of the 45th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 23 November 2011, at 3 p.m.

Chairperson: Mr. Pillay

Contents

Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Third periodic report of Argentina (continued)

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Consideration of reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (continued)

Third periodic report of Argentina (continued) (E/C.12/ARG/3); core document (HRI/CORE/1/Add.74); Committee's concluding observations on the second periodic report (E/C.12/1/Add.38); list of issues (E/C.12/ARG/Q/3); written replies from the Government of Argentina (E/C.12/ARG/Q/3/Add.1)

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

Articles 6 to 9 (continued)

2. **Mr. Texier** asked who monitored work inspection in businesses and what powers the inspectors had.

3. **Mr. Abdel-Moneim** said that the right to work enshrined in the Covenant was a wider concept than the right to employment, since the former encompassed the opportunity to earn a living through work which was freely chosen. He wished to know what gap existed between incomes derived from declared and undeclared work. Reading out paragraphs 23 and 24 of the report under discussion, he asked for clarification from the delegation about new buildings used as rental properties, and asked how the shift from fixed to flexible exchange rates in 2002 sufficed to ensure better respect of the right to work.

4. **Ms. Cong** asked how many jobs had been created in the agricultural sector since 2003 and whether the social assistance provided under the Heads of Household Programme also applied to unemployed agricultural workers and indigenous people. She requested further information on households living in disadvantageous structural positions, mentioned in paragraph 39 of the third periodic report, on measures taken to reduce the number of undeclared workers, and the number of workers declared since 2007, particularly in the agricultural sector.

5. **Mr. Kedzia** (Country Rapporteur) asked the delegation to explain how protection of economic, social and cultural rights, particularly everything that had a bearing on non-discrimination, wages, safe working conditions, and trade union rights, was integrated in contracts and operating licences, especially for the mining industries.

6. **Ms. Perceval** (Argentina) explained that the Office of the Ombudsman (Defensoría del Pueblo de la Nación Argentina) was a parliamentary institution established under the Constitution. The Ombudsman was appointed by Congress by a two-thirds majority in each of the houses of Parliament, on the proposal of a bicameral commission comprising an equal number of parliamentarians from both houses, in accordance with Acts No. 24284 and No. 24379. She proposed that the Committee involve parliamentarians in the consideration of Argentina's next periodic report. The Ombudsman had backed many activities of several human rights organizations, including environmental protection in the Matanza-Riachuelo river basin, and action taken before the adoption in 2008 of the Pension Upgrading Act, which provided for biannual adjustments.

7. **Mr. Dell'elce** (Argentina) explained that the right to consultation and participation was enshrined in the Constitution (art. 75, para. 17) and in many provincial constitutions, which included the provisions of the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). There were

three consultation and participation bodies; the first, the Indigenous Participation Council, created in 2004, comprised hundreds of indigenous representatives from over 30 indigenous peoples and 1,280 indigenous communities, elected every three years by the indigenous people and with financial support from the federal Government. The Council on Indigenous Participation helped draft the regulatory decree of the Indigenous Property Act, which imposed demarcation of land to take each people's world view into account.

8. The Argentine State recognized collective ownership of its territory, and no indigenous land could be demarcated without the prior voluntary and informed consent of the indigenous peoples concerned. Five million hectares — 40 per cent of the surface — had already been demarcated. At the request of the national executive branch, Congress had decided that the law would remain in force until 23 November 2013. Several safeguards had been put in place to allow the indigenous communities to begin to manage the natural resources found on their lands. Each community's traditional authorities, which were required to declare whether they accepted the land demarcation, and the approximately 30 territorial organizations representing the communities, were the two other participating authorities.

9. The Government was keen to develop consultation processes that ensured respect of the right to information and to extended, prior and mandatory consultation; the right to prevent any action that violated the right to information and consultation; the right to economic benefits derived from the exploitation of natural resources; and the right to monitor the implementation, operation and evaluation of activities. Some 40 permanent legal aid services for indigenous associations had been created to ensure that those rights were exercised. Court rulings were usually in favour of indigenous communities, an example being the case in Neuquén of the Piedra del Águila oil company against the Curuinca community, in which the court revoked the operating licences granted without the consent of the communities concerned.

10. The indigenous organizations and the traditional authorities played a leading role in territorial demarcation, as they were consulted and had to verify the communities' prior voluntary and informed consent. Demarcation was to culminate in the adoption of the Indigenous Property Act, developed with the participation of the indigenous peoples and including a flexible collective property procedure and a special compensation fund, in the event of eviction, for the approximately 18 million hectares involved.

11. **Mr. Labarta Liprandi** (Argentina), stressing the publicity of the statistics, said that judicial proceedings were initiated only when the anonymity of the person being questioned had not been preserved. Any person violating the confidentiality of statistics, laid down in Act No. 17662 creating the National Institute of Statistics and Censuses, was liable to prosecution. The National Institute of Statistics and Censuses was represented at the United Nations Statistical Commission meetings and took into account the recommendations of the Economic and Social Council. Lastly, affirming the transparency of the statistics, he said that no methodological or scientific objection had been raised during their preparation, and they had become increasingly transparent since 2007.

12. **Mr. Dell'elce** (Argentina), underscoring Argentina's federal make-up, explained that the federal Government had signed an agreement with 22 provinces on the demarcation of indigenous land. There was indeed some resistance in the two other provinces, but his country had a strong and total commitment to human rights. He admitted that one might question the need for a reform of the 1994 Constitution regarding the decentralization of power over land use and management of natural resources, which was now the responsibility of the provincial authorities. Nevertheless, Argentina wished to continue along the path of concerted federalism, which had already enabled the country to award indigenous communities the right to recognition before the law and grant collective land

titles for approximately 5 million hectares. That might enable it to reach a consensus on land demarcation.

13. **Ms. Carbone** (Argentina) explained that many decisions of the Supreme Court and the lower courts were based on national laws and international human rights instruments.

14. **Mr. Ciaravino** (Argentina) said that the female unemployment rate was 8.7 per cent compared with a 6.2 per cent male unemployment rate, which gave an average unemployment rate of 7.2 per cent, and that on average women comprised 32 per cent of the workforce. Undeclared work was the most serious consequence of the implementation of the Washington Consensus; in seven years unemployment had decreased twice as fast as undeclared work. The return to variable exchange rates was obviously not the only reason for job creation following the destructive employment policy that Argentina had implemented under the Washington Consensus. It was only a change of mentality that had enabled Argentina to leave such neoliberal logic behind. Henceforth, all financial decisions and economic policies were aimed at job creation, given that work was considered the foundation of social peace, citizenship and democracy. The Argentine Government's current human rights policy would not have been implemented under the genocidal military regime in which repression had been the order of the day. The change, which went beyond the exchange rate regime, had afforded huge job creation. However, there persisted a tenacious culture of irregularity, a legacy of times when regulations on the protection of human rights or of workers did not exist. Maintaining salaries and social security benefits at a high level had made it possible to stimulate demand, production and job creation.

15. The fact that employment lay at the heart of public policy was also illustrated by the increase in labour inspection. The number of labour inspectors in Argentina had risen from 40 to 400. Whereas in the past, declared work had accounted for 20 per cent of jobs created, it now stood at 90 per cent. The rights of undeclared workers were not recognized in the performance of their activities, but they were nonetheless protected by the law. In addition, benefits for each child were provided for workers in an irregular situation. Special vocational training and integration programmes also existed to remedy the problem of undeclared work. The employment policies initiated by the Ministry of Labour, Employment and Social Security had been important. In seven years, over 4,800,000 workers had benefited from the various employment promotion and training programmes.

16. To increase purchasing power, it had been necessary to re-energize the National Council for Employment, Productivity and the Adjustable Minimum Living Wage, which had set that wage every year since 2003. The minimum wage currently stood at some 554 dollars and served as the basis for salaries established in collective agreements, all of them higher than the minimum wage, since the average pay in Argentina was 2,000 dollars. Domestic workers were paid on the basis of the adjustable minimum living wage, which was in turn adjusted in accordance with staff categories and to which was added the minimum social security contribution. The social assistance programme for heads of household no longer existed, as the 2 million people who had benefited had found another solution, namely, for the vast majority, work.

17. While businesses might commit violations of trade union rights, an accelerated procedure in the labour courts enabled workers to assert those rights. The State did not infringe workers' trade union rights. In Argentina there were approximately 3,600 trade unions, of which over 40 per cent of employees were members, which was four times higher than the European average.

18. **Ms. Shin** said that the post of Ombudsman had been vacant for several years. Given the importance that the Committee attributed to the role of the Ombudsman, she wished to know whether the post had since been filled. Concerned about the reports received on

unlawful appropriations of indigenous peoples' land, she urged the Government to take measures to prevent such a breach of law.

19. The Committee had asked if there was a law criminalizing sexual harassment, but the corresponding written replies from the Argentine Government were unclear. Furthermore, given that 60 per cent of domestic workers were undeclared, it was important to specify the remedies available in the event of sexual harassment, as victims were generally reluctant to go to court.

20. **Mr. Sadi**, calling attention to the vagueness of Argentina's replies, asked whether, in court decisions relating to the Covenant, the provisions of the Covenant had been duly cited or had only been declared applicable, which would not suffice. Without relevant case law, it would be more difficult to protect Covenant rights, which came within the remit of the Ombudsman.

21. **Mr. Abdel-Moneim** said that he understood the adjective "mobile" in the expression "minimum, vital and mobile salary" to indicate that those salaries were upwardly revised. He considered that the move away from fixed exchange rates had also been part of deregulation policies. Although, on the whole, the discussion on fixed and flexible exchange rates was endless, in Argentina's case it was wiser to abandon fixed exchange rates.

22. **Mr. Kedzia** enquired about the Government's control measures to ensure that companies respected economic, social and cultural rights. Although a mass of information had been provided on consultations with indigenous peoples, clarification was needed as to the remedies available to them in the event the consultations did not produce satisfactory results. He welcomed the information that demonstrated the State party's recognition of indigenous peoples' land rights, and would appreciate details on the land titling procedure, as the Committee had heard allegations that it was slow and ineffective.

23. **Mr. Tirado Mejía** asked whether the demarcation of land was equivalent to granting land title or whether the procedure was split into two phases. He would also like the delegation to elaborate on the draft regarding indigenous communities' lands. Would it go forward? Had it been presented to Congress?

24. **Ms. Barahona Riera** expressed regret that her question on the legal status of women had not been answered. She had asked whether there was any specific legislation concerning gender equality, including criminalization of sexual harassment in the workplace, domestic violence and violence against women in general. She would be grateful if the delegation would clarify which services had been established to enable women to participate in the labour market. It was necessary to distinguish between the support to which workers were entitled through programmes put in place by the Government — which constantly varied and could be discarded from one day to the next — and workers' rights to social security in the eyes of the law. Was unemployment insurance a recognized right? To which social benefits were workers entitled?

25. **Ms. Perceval** (Argentina) said that the Ombudsman, once elected by an absolute majority by both houses of Parliament, could propose two deputies. However, as the absolute majority required for the appointment had not been secured, the post would be filled at a later date. The Ombudsman, like the judicial system, needed to be independent, act with professionalism and inspire the people's confidence. The Office of the Ombudsman must not be dependent on political power, which would restrict it in the performance of its duties. Ultimately, the population would participate in the Ombudsman's appointment.

26. **Mr. Dell'elce** (Argentina) said that the Government was concerned about the rights of indigenous peoples. Some companies, which had acquired land over decades, with the

complicity of the provincial authorities, refused to recognize those rights. They were registered in the land registry as owners of land claimed by indigenous communities. They banded together to prevent enforcement of the emergency law on possession and ownership of land, which prevented evictions. The Argentine State supported the traditional spiritual authorities that undertook demarcation of their land. The demarcation of land had led to confrontation with companies and their henchmen, which had led to the death of several members of indigenous communities. In the light of those circumstances, the State provided legal aid to indigenous communities and extended the ban on evictions to land belonging to non-indigenous rural communities. Indigenous communities occupied land belonging to the State, provinces, universities and churches. Substantial progress had been made on direct cession, to indigenous communities, of land titles for property belonging to the State, the provinces or communes. That was not the case with land belonging to private owners entered in the land registry. In such cases, the communities could turn to the courts to obtain a communal land title, through a court ruling, thereby enabling them to be entered in the land registry. Many communities had successfully followed that course. The other possibility was to await the entry into force of the Act on communal property, developed by elected representatives of indigenous territorial organizations, and by the Council on Indigenous Participation, which the President of the Republic intended Congress to adopt, as well as the Act on protection of national domain.

27. **Mr. Dell'elce** (Argentina) said that, although demarcation of land was difficult to perform under the permanent threat and harassment from opponents, it constituted recognition of the indigenous peoples' ownership of the land in question, in accordance with article 75, paragraph 17, of the Argentine Constitution. Other measures, such as expropriation and direct purchase of land, allowed the land titles of despoiled communities to be restored to them. The neoliberal governments had led a decommissioning strategy, attributing individual land titles to communal land, while the current Government encouraged a process of restoration of community identity and awareness, despite resistance from certain companies and local authorities. The process of consultation with the affected indigenous communities, prior to start-up of mining operations, had produced positive results in certain cases, but had been impossible to organize in others. Complaints had been lodged and legal proceedings instituted. Many projects had been interrupted following interventions from indigenous people and the Grandes Salines project might well be suspended also. Argentina was preparing to receive the visit from the Special Rapporteur on the rights of indigenous peoples and would show him eight sites where the right to consultation had been infringed.

28. **Ms. Perceval** (Argentina) said that the institutions responsible for gender equality policies had undergone major changes. It was currently the National Council of Women, under the aegis of the National Council for the Coordination of Social Policies, which was responsible for such policies. There were initiatives aimed at creating a women's institute, which would oversee integration of equality issues in the development and implementation of all policies.

29. Proposals to incorporate the crime of sexual harassment into the Argentine Criminal Code had been submitted, but there was no real legal vacuum regarding violence against women. Domestic violence had been made an offence under ordinary law and was punishable as such. The Act on the prevention, elimination and sanctioning of all forms of violence against women was applied by all branches of Government, and for that reason there was a domestic violence office at the Supreme Court. The provisions of the Act were drawn from international instruments, but also from the Quito Consensus and covered all forms of violence against women, including acts of violence in the workplace.

30. Women's associations were bringing violence against women to the attention of members of the security forces who received virtual training on appropriate behaviour

towards victims designed for them by the Under-Secretariat for Human Rights, which she headed. A service had been set up at the Ministry of Security to address gender equality issues in security policies. Women had created a parliamentary group in the Senate to ensure that all policies took gender equality into account. Gender equality had therefore been incorporated into the Audiovisual Media Act and the National Education Act; and the Acts on sex education and on the promotion of sexual health and responsible procreation had therefore also been drawn up. The Acts comprised specific provisions, which were being applied despite resistance from some sectors. With regard to femicide, a protocol of action would be examined within the framework of the Southern Common Market (MERCOSUR), and a bill on the categorization of that offence had been submitted to both houses of Parliament.

31. With regard to domestic workers, numbering approximately 1 million in Argentina, the President of the Republic had called for the regulation of domestic work in private homes, since domestic workers, mostly women, often enjoyed neither rights nor social benefits. A bill was currently under examination in the Chamber of Deputies, and the Under-Secretariat for Human Rights had, with other ministries, launched a campaign to promote its adoption by the Senate. Social support for the bills was vital, as they sometimes ran counter to customs and socially accepted practices.

32. **Mr. Texier** stated that the ILO strongly objected to Act No. 23551 because it went against the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87). The Act might also be thought to contravene article 8.3 of the Covenant, as it established two types of trade union: registered and non-registered. As they did not have the same powers, he considered the Act to constitute State discrimination. In addition, in view of certain rulings of the Supreme Court, which judged the time required for allocating retirement pensions or social benefits to be excessive, either the law or practices needed to be changed.

Articles 10 to 12

33. **Mr. Ribeiro Leão**, referring to the crisis of confidence that the Argentine economy was facing and which in recent years had resulted in large-scale capital flight, said that many experts considered that the economy would continue to stagnate as long as the crisis persisted. In addition, one out of three Argentines was poor, i.e. 32 to 35 per cent of the population, while the Government put the figure at 15 per cent. He asked what the official poverty rate in Argentina was. He would like to know what the State was doing to combat the widespread crisis of confidence and how the international community could help the State party to combat poverty.

34. **Mr. Riedel** asked whether Argentina had not yet ratified the World Health Organization (WHO) Framework Convention on Tobacco Control because of resistance from the federated States. Should that be the case, Argentina could not invoke its status as a federal State to renege on its international obligations. What federal measures were in place to change the situation, given that the rate of prevalence of tobacco consumption was among the highest in Latin America?

35. He asked what measures were being taken to decriminalize abortion, since back-street abortions caused many deaths in the country. He also wished to know how sex education, which would reduce the number of teenage pregnancies, was imparted in schools. Local authorities were apparently reluctant to put it into practice because of pressure from the Catholic Church.

36. According to the Economic Commission for Latin America and the Caribbean, Argentina had a high rate of morbidity and mortality from cardiovascular and communicable diseases. He would like to know what measures were being taken to reduce

the high proportion of persons affected and to afford access to essential medicines for all, including the most disadvantaged population groups, such as indigenous people. The delegation could also perhaps elaborate on the initial evaluations made following the entry into force of the Mental Health Act.

37. He asked for clarification on the health care provided in prisons and police stations, where there were reports of a lack of hygiene and medical care, and of repeated violence. What measures had the Government taken to ensure that suspects were not held longer than necessary?

38. **Mr. Schrijver** observing that, according to statistics, progress had been made on the prohibition of child labour over the previous 10 years, asked what the Government's evaluation of the situation was. Of children between the ages of 14 and 17 years, one in three in rural areas still worked, and one in five in urban areas. Many children aged 13 or under also worked, mainly in rural areas. He wished to know whether the International Covenant, which Argentina had signed and which prohibited child labour, was widely disseminated. He recalled the Declaration the Committee had made in 2011 on the obligations of States parties regarding the corporate sector and economic, social and cultural rights (E/C.12/2011/1), and Argentina's signing of the ILO Minimum Wage-Fixing Convention, 1970 (No. 131) and Domestic Workers Convention, 2011 (No. 1829), but felt that their application left something to be desired.

39. Regarding child victims of trafficking, the programme for the prevention and eradication of the commercial sexual exploitation of children had been formulated, but the Committee had noted that its implementation structures were inadequate, that there were no effective coordination mechanisms and that provincial measures were insufficient. What measures had been taken to improve the situation?

40. **Ms. Shin** said that, although the country was now in a position to extend social security to the disadvantaged, to women and to indigenous people, owing to the economic prosperity of recent years, shanty towns had proliferated in the cities, and sanitation was inadequate in some areas. She wished to know what provisions the Government was making to enable vulnerable people to attain a decent standard of living. With regard to tobacco, she asked how Argentina, which had not ratified the Framework Convention on Tobacco Control, planned to reduce tobacco consumption, which was particularly high among young women and adolescents. Noting that the law on sexual and reproductive health education was not always applied in the provinces, she requested further information on measures taken to safeguard its application.

41. **Mr. Abdel-Moneim** said, regarding the right to adequate food, that Argentina, one of the main cereal exporters, must take the measures needed to ensure an equitable distribution of global food supplies, in accordance with article 11 of the Covenant. He would like to know if Argentina had drawn up a consumer price index, which would allow the minimum wage to be adjusted to fluctuations in the price of consumer products. Lastly, he sought clarification on income tax and indirect taxes, notably in the consumer setting.

42. **Ms. Barahona Riera** asked if domestic violence, sexual harassment and femicide had been criminalized, and to what extent the Promotion of Sexual Health and Responsible Procreation Act and the Sex Education Act, both progressive, were applied throughout the country, including the most conservative regions. She pointed out that the State party was required to enforce the Sex Education Act in all the country's schools, including private schools. The delegation could perhaps indicate the number of abortions performed each year, and the link between maternal mortality and back-street abortion, and explain the circumstances in which abortion was proscribed and liable to prosecution.

43. Regarding access to social benefits, she wished to know if people who had not made social security contributions could claim a retirement pension or unemployment benefits,

and if child support allowances were universal. The delegation might indicate whether or not health insurance was universal, and if everyone had access to essential medicines free of charge.

44. **Mr. Tirado Mejía** asked what specific measures the State party had taken to combat drug trafficking at all levels, in the producing as well as receiving countries, at the drug financing and money-laundering stage, from production to consumption. He also wished to know if drug use was punishable in the State party and, more precisely, if people who used and possessed drugs were liable to imprisonment, and whether or not the possession of a small quantity of drugs for personal consumption was tolerated. Was drug addiction regarded as a medical problem?

45. **Mr. Abashidze**, noting that one quarter of young Argentines smoked, asked if the State party planned to ratify the Framework Convention on Tobacco Control, which it had signed in 2003, and adopt a national law based on its guidelines.

46. **Ms. Shin** said that she welcomed the excellent level of maternity and neonatal care put in place by the State party, which offered medical insurance to all pregnant women, whether or not they had made social security contributions, and to children up to the age of 6 years. She asked if the system of health-care benefits had been made accessible to all by the setting up of community services in all hospitals and clinics in the country, including rural areas, and if the remote areas of the country were served by medical staff who paid home visits to patients.

47. **Mr. Texier** asked whether the provinces with the highest rates of early pregnancy, such as Chaco, were those that most vehemently opposed the implementation of sex education programmes in schools. Having heard that the recent murder of two young French women in the State party might not be an isolated case and might, on the contrary, betray a certain contempt for women within Argentine society, he wished to know if the Argentine delegation thought that the State party could become a theatre of femicide like other countries in the region.

48. **Mr. Kedzia** requested further information on the measures taken by the State party to address the housing shortage that affected urban areas as much as rural areas, especially among indigenous communities. He also wished to know if the State party had been able to contain the problem of street children since the presentation of its second periodic report. Lastly, given that migration had assumed global dimensions, he wished to know what rights and protection the State considered should be granted to migrants.

49. **The Chairperson**, speaking as a member of the Committee, asked whether the State party had adopted legislation in compliance with the provisions of the Committee's 1997 general comment No. 7 on the right to adequate housing: forced evictions; and whether, as a general rule, the persons concerned were rehoused or compensated. The majority of those living in insanitary shanty towns were at increased risk of forced eviction; the delegation might therefore elaborate on the extent of homelessness in the State party, particularly in the cities.

Articles 13 to 15

50. **Mr. Kerdoun**, noting that the State party came up against the persistent problem of repetition and over-age students in the education system, asked why and how the State party had reached such a critical situation. Furthermore, he deplored the fact that many poor, indigenous adolescents abandoned their studies even though they received grants aimed at keeping them in school. He therefore asked about the State party's intentions for ensuring the future of all young people who were not in school, particularly directing them towards vocational training or helping them to enter the labour market. He would also

appreciate further information on the measures taken to integrate children with disabilities into the traditional education system, from which 25 per cent of them were excluded.

51. Given that article 4 of the National Education Act No. 26206 affirmed that “the State, the provinces and the Autonomous City of Buenos Aires had the primordial and unalienable responsibility to provide full, continuing and high-quality education for all the nation’s inhabitants, guaranteeing the right to equal, free and fair education”, asked the delegation to explain why so many students were excluded from the education system, and to specify the duration of compulsory education and the age at which it ended. Referring to the climate of conflict that increasingly characterized school life, and the National School Mediation Programme mentioned in paragraph 833 et seq. of the report, he asked whether acts of violence in schools were motivated by the ethnicity of students or by other factors, and what plans the State party had for alleviating the problem. Lastly, he would like the delegation to indicate the country’s illiteracy rate, among both the general and indigenous population, and provide statistics, disaggregated by population group and sex.

52. **Mr. Ribeiro Leão** asked for further information on the plan to guarantee secondary education for all (Secundaria para todos), and wished to be informed of the content of the curriculum, which seemed to focus on sports and creative activities and to provide for tutor’s close supervision of students; and of the plan’s specific results.

53. **Mr. Dasgupta** remarked that although education was compulsory at both primary and secondary level and that the State party had adopted a programme entitled Study Time for All (Todos a Estudiar) which aimed to integrate those who, for various reasons, had abandoned their studies or had never even been to school, it seemed that the right to education was not safeguarded in practice, 14.2 per cent of over 15-year-olds having left school without completing primary education. Although the statistics in the report dated back to 2001, and many measures had been taken since then in the area of education, he requested up-to-date figures in that area, so that he could evaluate the progress made and the effectiveness of the measures taken to address the shortfalls in the education system.

54. **Mr. Marchán Romero** asked whether profit derived from the economic exploitation of natural resources on indigenous land had in practice ever been reassigned in part to the indigenous communities who owned the land in question; whether the State party was aware of the importance of the spiritual and cultural dimension that the indigenous peoples’ ancestral lands held for them, and considered it when recognizing land rights of indigenous peoples and in the demarcation of their land. He also requested, for purposes of comparison, recent data on the number of people in the State party who identify themselves as indigenous, and the number of people identified as such by the State party. He was glad that the percentage of people claiming to be indigenous was increasing in Argentina, which was not the case in other countries in the region. He would be grateful if the delegation could say whether the Intellectual Property Act devoted an entire chapter to the protection of the cultural knowledge of the indigenous peoples, and cite specific cases where scientific and technical progress had helped improve the situation and well-being of the population.

The meeting rose at 6 p.m.