



**Optional Protocol to the  
Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Subcommittee on Prevention of Torture and Other Cruel,  
Inhuman or Degrading Treatment or Punishment**

**Visit to Argentina undertaken from 19 to 30 April 2022:  
recommendations and observations addressed to the  
State party**

**Report of the Subcommittee\*, \*\***

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\* In accordance with article 16 (1) of the Optional Protocol, the present report was transmitted confidentially to the State party on 16 December 2022. On 23 November 2023, the State party requested the Subcommittee to publish the report, in accordance with article 16 (2) of the Optional Protocol.

\*\* The annexes to the present report are being circulated in the language of submission only.



## Contents

	<i>Page</i>
I. Introduction .....	3
II. National preventive mechanism .....	4
III. Legal and institutional framework .....	5
A. Definition of torture as a criminal offence .....	5
B. Procedural legislation .....	5
C. Pretrial detention.....	6
D. Introduction of a catalogue of alternative or substitute measures to imprisonment.....	7
E. Sentence enforcement and prison privileges.....	7
F. Other considerations .....	8
IV. Persons deprived of their liberty .....	8
A. Police facilities.....	8
National Police and Gendarmerie .....	8
B. Prisons .....	12
1. Overcrowding.....	12
2. Material conditions.....	13
3. Food.....	13
4. Prison police personnel and internal security .....	14
5. Internal regulations.....	14
6. Treatment and social reintegration .....	15
7. Protection of particularly vulnerable persons.....	15
8. Health care .....	16
C. Juvenile centres.....	17
1. Minors .....	17
2. Adolescents in conflict with the law .....	18
D. Psychiatric institutions.....	19
 <b>Annexes</b>	
I. Lista de lugares de privación de libertad visitados conjuntamente por el mecanismo nacional de prevención y el Subcomité .....	20
II. Lista de lugares de privación de libertad visitados por el Subcomité.....	21
III. Lista de funcionarios gubernamentales y otros interlocutores con los que se reunió el Subcomité .....	22

## I. Introduction

1. In accordance with its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Subcommittee on Prevention of Torture carried out its second visit to Argentina from 20 to 30 April 2022.
2. The Subcommittee members conducting the visit were: Carmen Comas-Mata Mira (head of the delegation), Patricia Arias, Massimiliano Bagaglini, Marie Brasholt and Marco Feoli. The Subcommittee was assisted by three human rights officers from the Office of the United Nations High Commissioner for Human Rights (OHCHR) and two United Nations security officers.
3. The Subcommittee conducted visits to places of deprivation of liberty in the provinces of Buenos Aires, Chaco, Córdoba, Corrientes, Formosa and Mendoza and in the Autonomous City of Buenos Aires, including a joint visit with the National Committee for the Prevention of Torture, the body that coordinates the national preventive mechanism.
4. In addition to visiting places of deprivation of liberty, the Subcommittee held meetings with government authorities, the National Committee for the Prevention of Torture and its members, representatives of the United Nations system in the country and members of civil society. The Subcommittee wishes to thank them all for the valuable information they provided.
5. At the end of its visit, the Subcommittee orally presented its confidential preliminary observations during a meeting with the Argentine authorities, at which representatives of the National Committee for the Prevention of Torture were present. The Subcommittee is grateful to the Argentine authorities for their cooperation and assistance during the visit. The preliminary observations complement this report.
6. The Subcommittee conducted its first visit to Argentina from 18 to 27 April 2012 and issued a report with various recommendations to the State party concerning police custody, prisons, juvenile detention centres, psychiatric institutions and investigations dealing with torture and ill-treatment.<sup>1</sup> In the last 10 years, important advances have been made in Argentina, such as the creation and strengthening of the National Committee for the Prevention of Torture, the establishment of several provincial preventive mechanisms, the construction of a number of centres of deprivation of liberty and the closure of others. However, many challenges persist as certain situations have worsened, such as the increase in the number of people in pretrial detention and the long periods they spend in detention, which was already of concern to the Subcommittee in 2012, and the limited access to effective medical care. The Subcommittee's concerns are described in detail in this report.
7. **The Subcommittee requests the authorities of the State party to reply within six months of the date of transmission of this report, giving a full account of the actions taken by Argentina to implement the recommendations contained in the report.**
8. The present report will remain confidential until such time as the Argentine authorities decide to make it public, as stipulated in article 16 (2) of the Optional Protocol. The Subcommittee strongly believes that the publication of this report will contribute to the prevention of torture and ill-treatment in Argentina, as well as to the promotion of a transparent and fruitful national dialogue on the issues addressed in the report.
9. The Subcommittee wishes to draw the State party's attention to the Special Fund established in accordance with article 26 of the Optional Protocol. Only recommendations contained in those Subcommittee visit reports that have been made public can form the basis of applications to the Fund, in accordance with its published criteria.
10. **It is recommended that the State party request the publication of the present report in accordance with article 16 (2) of the Optional Protocol.**
11. The Subcommittee's visit took place at a time when few daily cases of coronavirus disease (COVID-19) were being reported in Argentina. Vaccination coverage was high, and

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<sup>1</sup> See [CAT/OP/ARG/1](#).

a large proportion of the population had received two doses. No lockdown measures were in place at the time.

12. The Subcommittee was pleased that, in 2020, the Argentine authorities and the National Committee for the Prevention of Torture had responded to its request for information on the measures taken in the context of the COVID-19 pandemic pursuant to the Subcommittee's advice of April 2020.<sup>2</sup>

13. The Subcommittee welcomes the various measures taken to reduce the impact of the pandemic, as well as the statistics on the number of COVID-19 infections and deaths in correctional institutions. The country reported having maintained infections and deaths in these institutions at a relatively low level (28 deaths as of the end of May 2022).

**14. The Subcommittee recommends that the State party continuously monitor the pandemic situation and assess the need for preventive measures in the context of COVID-19, as well as measures to mitigate restrictions of rights in places of deprivation of liberty. Attention is drawn to the recommendations of the World Health Organization related to COVID-19 in places of deprivation of liberty and the Subcommittee's advice to States parties and national preventive mechanisms regarding the COVID-19 pandemic.<sup>3</sup>**

## II. National preventive mechanism

15. The Subcommittee is aware of the many challenges faced by the national preventive mechanism as a complex, decentralized body. It is foreseen that, when the system is completed, there will be 26 mechanisms, all coordinated by the National Committee for the Prevention of Torture. Since its visit to Argentina in 2012, the Subcommittee has been recommending to the State party that the national and provincial legislation on the establishment of the mechanisms should be brought into line with both the Optional Protocol and the jurisprudence and observations and recommendations of the Subcommittee.<sup>4</sup> One of the fundamental criteria to be respected is the guarantee of independence. To this end, it is necessary for the national and provincial laws by which the mechanisms are created to be aligned with these parameters both in terms of how their members are appointed and the financial resources they have at their disposal to operate independently. Members of the national preventive mechanisms are to be appointed on the basis of their previous experience and knowledge of human rights in general and the prevention of torture in particular. The multidisciplinary nature of the mechanisms must also be respected.

16. During the visits and interviews it conducted with the various national protection mechanisms, the Subcommittee was informed that agreements are in place with civil society entities to monitor cases of torture and ill-treatment. The daily presence of NGOs and associations of relatives in places of deprivation of liberty makes them a valuable source of information that the national protection mechanism could use to strategically plan its programme of visits and to determine the extent to which its previous recommendations have been implemented. While the Subcommittee welcomes the pluralist participation of NGOs in the Argentine torture prevention system, it also considers that the direct designation of civil society entities as provincial protection mechanisms, or as partners of such mechanisms, should not detract from the purely preventive approach provided for in the Optional Protocol or from the constructive dialogue with the State party. Indeed, it may be difficult to achieve the kind of constructive dialogue provided for in the Optional Protocol if the authorities fail to clearly distinguish the preventive role of these bodies from the reactive role. Often, due to the critical and whistle-blowing nature of civil society's role, the authorities may be reluctant to cooperate, especially when these entities are involved in legal proceedings or have the capacity to refer cases to a judge or prosecutor where there is evidence of criminal liability.

17. With regard to financial independence and budgetary allocations, the Subcommittee is concerned that in many of the places of deprivation of liberty it visited, the persons it

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<sup>2</sup> See [CAT/OP/10](#).

<sup>3</sup> See [CAT/OP/10](#) and [CAT/OP/12](#).

<sup>4</sup> See [CAT/OP/12/5](#).

interviewed had never been visited by members of preventive mechanisms, or at least were not aware that they had been, which is due to the failure to designate provincial mechanisms in much of the country's vast territory and to a lack of resources. An example of this situation is the extension of the 2021 budget to 2022 for all public agencies, which, together with the country's high inflation, may make it difficult for the national preventive mechanism to carry out its planned activities and maintain its staff. The Subcommittee wishes to emphasize that the allocation of the necessary resources is a legal obligation of the State party under article 18 (3) of the Optional Protocol.

**18. The Subcommittee recommends that the State party promote, as a matter of priority, the drafting of legislation establishing provincial mechanisms where they do not exist, and ensure that such legislation complies with the requirements of the Optional Protocol and the Subcommittee's guidelines for national preventive mechanisms.<sup>5</sup> The Subcommittee also invites the provincial authorities of those territories that already have laws establishing local mechanisms to proceed urgently with the appointment of their members in accordance with the criteria of independence, impartiality and experience established by the Optional Protocol and the above-mentioned guidelines. It recommends that the State party consult with the mechanisms directly and constructively with a view to determining the nature and amount of the resources they need to fully discharge their mandate in keeping with the Optional Protocol.**

### **III. Legal and institutional framework**

#### **A. Definition of torture as a criminal offence**

19. The observations made in paragraph 107 of the report on the Subcommittee's previous visit in 2012 remain valid, since the current definition of the offence of torture means that, when bringing charges for certain conduct, judges are more likely to opt for lesser offences such as assault.

**20. The State party is encouraged to consider the draft law submitted by the National Committee for the Prevention of Torture, which seeks to bring the current criminal definition of torture into line with international standards on the prevention, investigation, punishment and reparation of acts of torture and cruel, inhuman and degrading treatment or punishment.**

#### **B. Procedural legislation**

21. The way in which Argentina exercises punitive power must follow a series of clear rules that essentially limit the risk of excess and arbitrariness. In this regard, in accordance with the right to due process and the right of defence, defendants benefit from procedural safeguards that enable them to understand the scope of the case and the phases of the proceedings.

22. However, the Subcommittee noted the existence of different procedural models in Argentina, mainly due to the country's federal structure. In many provinces codes strongly influenced by the inquisitorial system remain in force and have not been reformed due to the high political cost that this would supposedly entail. One example of this is Act No. 27.272 on flagrancy. At the time of writing this report, there were no known bills to amend it being promoted by any legislative group. In the meetings, the authorities justified the fact that these kinds of regulations are still in force on the basis of public pressure, shifting responsibility to previous administrations.

23. The Subcommittee is aware of the challenges posed by new forms of communication and social networks, but considers that, as a necessary condition for democratic coexistence, the rule of law must not succumb to any type of political or media coercion and, therefore,

<sup>5</sup> Ibid., paras. 16–19.

reforms must be promoted to strengthen the rule of law and align it as closely as possible with international law on the functioning of the criminal justice system.

24. **The challenges faced by the legislative, administrative and judicial branches at the national and provincial levels do not cease to exist because of internal or external tensions. Therefore, when necessary, the State party must be able to creatively design, within the framework of the powers conferred by its legal system, the appropriate educational and communication strategies to legitimize to the general public certain procedural reforms that cannot be delayed.**

### C. Pretrial detention

25. Because of its exceptional nature, the use of pretrial detention should be limited as much as possible. However, as noted by the Subcommittee, almost half of persons deprived of their liberty are in pretrial detention. According to official figures from the Argentine National Prison Statistics System, in 2020 there were approximately 55,000 convicted prisoners, making up 55 per cent of all persons deprived of their liberty, and 44,000 persons in pretrial detention, making up 45 per cent of the total.<sup>6</sup> The duration of pretrial detention and the fact that it can be renewed repeatedly are of particular concern. It was observed that, in Argentina, precautionary measures are ordered for the entire proceedings, that judges are not required to periodically review the usefulness, necessity and suitability of the measures, and that this is exacerbated when it comes to pretrial detention.

26. The Subcommittee considers that the most extreme precautionary measures entail, in and of themselves, a risk of torture and ill-treatment, all the more so if the material conditions of the prison facility are inadequate, as was noted during visits to several centres and, especially, all police stations. Persons awaiting trial are generally excluded from treatment activities precisely because they have not been convicted, and from progressive sentencing measures; the duration of detention therefore has a strong individual impact on these persons. Based on the interviews conducted, it appears that many of those deprived of liberty awaiting trial do not know the exact reasons for, or the exact duration of, their incarceration. In addition, in many prisons there is still no separation between convicted and remand prisoners.

27. During the visit, the Subcommittee met with many individuals who claimed that the duration of their pretrial detention was indeterminate or that they had been held in pretrial detention for long periods of time. The Subcommittee noted that they could be held in pretrial detention for years. In addition, many of those in prisons reported that, despite being close to having completed their sentence, they had not received any type of prison privileges.

28. The general rule is that a person should not be deprived of liberty without a conviction ordering their detention; on an exceptional basis, and taking into account the circumstances of the specific case, a person may be deprived of liberty when a restriction on freedom of movement is the only way to ensure the normal course of proceedings.

29. It should be recalled that there are tools, such as electronic tagging, that guarantee a sufficient degree of security and control to avoid resorting to the deprivation of liberty of a person awaiting trial. However, these are not used or their use is absolutely minimal. The Subcommittee also recalls that persons in pretrial detention must be separated from the rest of the prison population. However, during the visit, it observed situations in which detention lasted for long periods, even years, putting these individuals in a state of total uncertainty and excluding them from benefits, leisure activities and training.

30. **Accordingly, the Subcommittee encourages the State party to make the necessary legislative amendments to ensure that the use of pretrial detention is in line with international standards, including the duty of judges to order pretrial detention for a specified period of time, after which they must examine whether the measure is still necessary and indispensable. It also recommends ensuring that, when judges order precautionary measures, these are limited to the time necessary to collect or protect evidence and to make the case file in question available to the competent court. In**

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<sup>6</sup> <https://cnpt.gob.ar/2022/wp-content/uploads/2022/07/Informe-Anual-2021.pdf>, p. 21.

addition, the conditions that justified the ordering of pretrial detention must be regularly analysed, either *ex officio* or at the request of a party. It is recommended that judges and prosecutors receive training on the exceptional nature of pretrial detention. In order to make the structural changes necessary to fully respect the rights of persons deprived of their liberty, the Subcommittee recommends initiating a dialogue conducive to appropriate policy amendments.

31. Federal and provincial authorities are urged to adopt all necessary and effective legislative measures, including the allocation of sufficient human and material resources, to ensure fair time limits in criminal proceedings in order to keep the number of unsentenced persons in the prison system to a minimum. The Subcommittee further recommends ensuring that detainees are fully informed of the duration of, and reasons for, their detention. As already recommended by the Subcommittee in 2012, Argentina should ensure that prisoners on remand are separated from convicted prisoners, in conformity with the requirements of the relevant international instruments.

#### **D. Introduction of a catalogue of alternative or substitute measures to imprisonment**

32. The Subcommittee is concerned that the Argentine legal system does not yet provide for alternatives to imprisonment. The Subcommittee and other international human rights mechanisms have consistently recommended that countries introduce these kinds of penalties, which should not be confused with prison benefits, early conflict resolution mechanisms, or deferred sentences, and should comply with rules 1.5, 2.3, 8.1 and 8.2 of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules).

33. In order to prevent torture and ill-treatment, the Subcommittee recommends that imprisonment should be limited to the most dangerous cases. According to statistics from the Argentine National Prison Statistics System, in 2020 only 2.5 per cent of convicted prisoners were eligible for parole, less than 9 per cent for probation, 3.6 per cent for temporary release and only 1.49 per cent for a semi-custodial regime. This is paradoxical given that approximately 80 per cent of the cases in which the courts fail to grant such benefits, especially during the last part of a prison term, involve individuals whose conduct has been certified as “good” to “exemplary” and who are therefore expected to successfully reintegrate into society.

34. The Subcommittee reiterates its previous recommendation that Argentina take measures, without delay, to reduce the number of persons held in pretrial detention and the length of pretrial detention.<sup>7</sup> The State party is encouraged to develop agreements at the legislative, executive and judicial levels to ensure the diversification of penalties and provide operators with a range of penalties that, in accordance with the principles of proportionality and reasonableness, broadens the options available for dealing with criminal acts. Greater use of precautionary measures such as bail or electronic tagging is recommended.

#### **E. Sentence enforcement and prison privileges**

35. The Subcommittee is concerned that Act No. 24.660, as amended by Act No. 27.375, establishes a system that limits the granting of prison benefits and restricts any possibility of early release. Unlike what has happened with procedural rules, this legislation has been adopted by almost all provinces.

36. One of the ultimate aims of sentencing is the social reintegration of persons who have broken the law and committed offences against legally protected interests. To this end, it is necessary to have in place a robust system that defines the stages of criminal enforcement and includes the provision of prison benefits – subject to administrative or judicial control – to prepare convicted individuals for their definitive return to the outside world after they have

<sup>7</sup> CAT/OP/ARG/1, para. 46.

served their sentence. The Subcommittee is therefore concerned that the current law provides for very few benefits and is therefore disproportionate and undermines the aims of the penalty in terms of rehabilitation and reintegration. In meetings with various authorities, they all agreed that the law is excessively restrictive and has not proven to be effective in reducing violence and crime.

**37. It is recommended that Act No. 24.660 be amended to expand the range of existing prison benefits based on expert criteria and to ensure that the greatest incentive for those who enter prison is eventual release.**

## **F. Other considerations**

38. In meetings with the authorities, the Subcommittee noted with concern that the main solution for alleviating the problem of overcrowding is the creation of more detention centres and prisons, which undermines strategies aimed at enhancing compliance with international standards and promoting urgent penal reforms within the framework of these standards.<sup>8</sup>

**39. The State party is urged to design a comprehensive criminal policy. It is also recommended that the working and organizational methods of the public defender's offices be harmonized in all provinces and that they be supervised according to general standards.**

## **IV. Persons deprived of their liberty**

### **A. Police facilities**

#### **National Police and Gendarmerie**

##### **(a) Detainees' rights and procedural status<sup>9</sup>**

40. As was the case during the 2012 visit, the persons deprived of their liberty who were interviewed generally claimed not to have been informed of their rights at the time of their arrest and, to a lesser extent, of the reasons for their arrest. In the units visited, no information was displayed in visible locations on the rights of detainees or on minimum due process guarantees. Unlike in 2012, none of the interviewees claimed to have been forced to sign documents without having read them.

41. Detainees report that they do not know how long their pretrial detention will last and sometimes are not informed in a timely manner that they have been convicted. This is especially serious considering the long periods they must serve deprived of their liberty.

42. Like men, women may serve long periods of detention in police and gendarmerie facilities, where convicted individuals are also held. Many also allege that they have not been informed in a timely manner of the reason for their arrest or their rights, are unaware of the progress of their cases and have little contact with their defence lawyers. In the gendarmeries, the Subcommittee heard allegations from women who claimed to have been held incommunicado for 72 hours, even though they had small children. Living conditions are similar to those of men, with no physical or reintegration activities, and irregular access to the yard. As a punishment, they are forbidden to smoke or make telephone calls and, if they complain, they have to go without television or light and are not allowed to leave the cell.

**43. The Subcommittee reiterates the recommendation that the State party should ensure that arresting officers are properly trained to respect the right of all detained persons to be informed, verbally and in writing, of their rights while in custody and to record the fact that this has been done, in compliance with rule 119 (1), of the**

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<sup>8</sup> See, for example, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the Tokyo Rules.

<sup>9</sup> Committee against Torture, general comment No. 2 (2007), para. 13.



**United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).**

44. The Subcommittee received widespread complaints from detainees about the lack of communication with defence lawyers, especially public defenders, which means they are unaware of the progress of their cases. Initial contact with the defence lawyer is usually by telephone and many detainees have never met with their lawyer in person. Detainees and police officers informed the Subcommittee that due process judges do not visit police stations or gendarmerie units for years at a time. This leaves detainees defenceless and vulnerable to the discretionary actions of officials in charge of detention centres. In addition, in most of the police units visited, though not in gendarmerie units, the top commanders were not present at the time of the Subcommittee's visit. Although there were several places of detention in which no complaints of ill-treatment by officers were received, in some police units in the north of the country some detainees alleged that they were beaten, threatened and otherwise mistreated. For example, at the exit of Police Station No. 5 in Resistencia, El Chaco, the Subcommittee saw the heavily armed special operations team, which takes part in special transfers and admissions, and complaints were received regarding ill-treatment carried out by this team.

**45. It is recommended that the judiciary adopt all necessary and effective measures as soon as possible so that due process judges adhere to a schedule of visits to police and gendarmerie units where persons are deprived of their liberty for periods exceeding 72 hours and detainees are provided with a defence lawyer.**

46. In interviews, some detainees made allegations of police violence in the context of house searches. Regarding the reasons for arrest, the delegation noted that in the north of the country, arrests are frequently made for offences such as disorderly conduct or public drunkenness and marijuana consumption, although the latter is not a criminal offence. Personnel from the San Marcos neighbourhood police unit in Corrientes, in their capacity as preventive operations officers, carry out patrols in deprived areas and allegedly detain young people without a warrant or any evidence of a crime having been committed or in the process of being committed. Detainees at Police Station No. 7 alleged that they had been arrested by personnel from the San Marcos unit, where they were beaten and then dispatched to different police stations.

**47. It is recommended that police forces receive clear instructions regarding the obligations outlined in the Code of Conduct for Law Enforcement Officials and bring their conduct strictly into line with applicable national standards and with their essential function of protecting all persons against unlawful acts, i.e. torture and other cruel, inhuman or degrading treatment or punishment.**

48. The Subcommittee also noted inconsistencies in official figures and the absence of proper records in police stations. For example, in the San Marcos unit, the register of detainees' details did not indicate the time of entry or the date of release from the unit.

49. Keeping up-to-date records in accordance with international standards, i.e. with information on detainees, including their procedural status, location in the unit, punishments imposed, and dates and times of relevant procedures, is essential for the protection of the rights and integrity of detainees.

**50. It is recommended that the State party establish a unified and consolidated system of valid and reliable official federal and regional statistics, including data on detainees, disaggregated by age, sex, location, time spent in police stations and procedural status, among other variables.**

51. The Subcommittee received a constant stream of allegations from detainees who were not allowed to call a third party of their choice to inform them of their detention until they had appeared before the public prosecutor or had contact with their lawyer.

**52. The Subcommittee reiterates its recommendation that the State party must ensure that persons deprived of their liberty are able to promptly notify a person of their choice that they are under arrest and to tell that person where they are being held.**

**The date and time of this telephone call is to be recorded in the register along with the name of the person notified.<sup>10</sup>**

**(b) Conditions of detention**

53. The Subcommittee found that the situation has not improved since its 2012 visit. Cell conditions in many of the places visited are still deplorable and this, combined with severe overcrowding, constitutes a violation of international standards on conditions of detention. There are cells with insufficient bunk beds for the number of detainees, mattresses in poor condition or in insufficient number; in most police stations mattresses, blankets and personal hygiene items must be provided by the detainee's family. The cells lack ventilation and natural light. The bathrooms are unsanitary and in extremely poor condition. In most of the centres visited, the toilets were out of order and were never repaired. If there are no toilets in the cell the detainees must ask someone to take them, but at night no one responds to these requests. In addition, detainees in many police stations do not receive food and do not go outdoors for weeks at a time.

54. In Police Station No. 7 in Resistencia, there were 40 detainees occupying 4 cells and, according to the information received, there are sometimes as many as 70 detainees. The overcrowding is such that nine people were sleeping outdoors in the small courtyard, and on rainy days they sleep in the bathroom. Water seeps into the cells when it rains. Police Station No. 5 in Resistencia housed 50 detainees, although it had a capacity for only 15. In a cell measuring 2 metres by 3 metres, with a bucket in place of a toilet, there were 5 young men on a dirty mattress on the floor who had been there for between 3 and 14 months. The Subcommittee observed that these young men only rarely left the cell to be taken to a filthy, non-functioning toilet. They alleged that they had received no response to the complaints they had filed. In a few units, the Subcommittee noted that there were some less overcrowded and insalubrious cells.

55. As for food, in northern provinces and some units in Buenos Aires, detainees are either given no food or food of poor quality. Thus, detainees rely on what their relatives bring them, and those who do not have visitors rely on the solidarity of other detainees. In some units in the Autonomous City of Buenos Aires and La Plata, food is provided by the police through a catering service and is of reasonable quality and quantity.

**56. It is recommended that the State party urgently implement rule 22 of the Nelson Mandela Rules so that all detainees receive food of nutritional value adequate for the maintenance of their health from the administration of the police facility, as well as access to drinking water when needed.**

57. The Subcommittee noted that in most of the police and gendarmerie units it visited, detainees spend the entire day in their cells. There were some rare units in Buenos Aires and La Plata with access to a courtyard, and others in which the detainees could go out to small spaces between the cells. In Police Station No. 6 in Formosa, some people alleged that they had not left their cells for three or four months.

58. In some facilities, detainees are not allowed to have their mobile telephones with them, although they are allowed to make calls. Visits usually take place in the space or corridors between cells, where even children are allowed to enter. In Police Station No. 5 in Resistencia, some of those interviewed alleged that visitors had to strip naked and were required to do squats.

59. Even if the physical infrastructure of police stations is substantially improved, police officers cannot under any circumstances continue to keep persons deprived of their liberty in custody beyond the pretrial detention period. Many of the Nelson Mandela Rules are violated in these units, including the rule requiring the separation of untried and convicted detainees. Police officers are not trained on how to guard people for long periods of time.

60. A pressing concern among women detainees is that they are not allowed to have their young children with them in police and gendarmerie units, although their children are allowed

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<sup>10</sup> Ibid.

to visit them. In such situations, these women are often awaiting house arrest, the processing of which is extremely slow and often does not conclude successfully.

61. **In the best interests of the child, it is recommended that the State party establish protocols to expedite the granting of house arrest to these mothers, even if this requires electronic tagging, depending on the offence committed. The State party is also urged to develop and implement a system of alternative penalties to deprivation of liberty, giving priority to non-custodial sentences for pregnant women, mothers of young children and other especially vulnerable groups.**

62. **Given that the conditions in which detainees are held in many police units constitute, at the very least, cruel, inhuman or degrading treatment, the Subcommittee urges the State party to put an end to this practice as soon as possible and, as a matter of urgency, to close the cells in Police Stations No. 7 and No. 5 in Resistencia and Police Station No. 7 in Corrientes and to transfer pretrial and convicted detainees to prisons that meet international standards. It is also recommended that priority be given to non-custodial measures.**

63. **It is recommended that the federal Government urgently draw up a joint plan with the provincial governments and government of the Autonomous City of Buenos Aires to put an end to the deprivation of liberty of untried and convicted individuals in police and gendarmerie units, so that they may be placed in prisons where they can exercise the minimum rights to which they are entitled according to their procedural status.**

**(c) Torture and ill-treatment**

64. The delegation did not receive systematic allegations of acts of torture of the severity and frequency observed during the 2012 visit. However, it did hear some complaints of beatings to obtain confessions, for example. In Corrientes, a person alleged that he had been run over by police officers in order to arrest him, resulting in a sprain and burns. Several people who had been initially arrested by officers of the San Marcos unit alleged that they had been beaten in that unit, where they were taken only for that purpose and then transferred to other police stations. One of them claimed to have been tortured. At Police Station No. 5 in Resistencia, detainees mentioned that one officer took them out of their cell to beat them out of view of the cameras, and that another threatened them with a firearm. Two women alleged that they had been beaten by the police during their arrest. No allegations of violence were received in the gendarmerie facilities visited.

65. **Although allegations of torture have reportedly decreased considerably, different forms of ill-treatment were observed. The recommendation made in 2012 therefore remains valid, in that the authorities should continue to strengthen measures to prevent torture and other ill-treatment, including through training courses for law enforcement officials, and ensure that these practices are duly investigated and punished.<sup>11</sup>**

**(d) Health care**

66. The Subcommittee received consistent complaints from detainees in several police facilities that they had not been seen by a doctor at the time of their arrest, or that their medical examinations had been cursory and had not included taking their medical history. Detainees were not always asked about the history of any signs of violence, and were not informed about the procedure for filing a complaint. Existing health problems were not followed up. According to a document shown to the delegation, doctors were asked to report signs of violence and consumption of alcohol or other substances, but not a history of trauma or other pre-existing health conditions. Furthermore, the doctors performing the examinations at the time of arrest were in some cases employees of the same police facility, which raises concerns about their independence.

<sup>11</sup> CAT/OP/ARG/1, para. 34.

67. **Given that detainees spend a considerable period of time in police facilities, the State party is urged to take steps to ensure that all detainees are offered an initial medical examination upon admission, in compliance with rule 30 of the Nelson Mandela Rules. The results of the examination should be duly recorded in the detainee's individual medical file; existing health problems should be followed up, and signs of violence should be investigated and reported with the detainee's informed consent. If a forensic examination is conducted, the detainee should be informed of its purpose and the next steps.**

68. In some facilities, detainees had access to a doctor and other health-care personnel; in one of the facilities, the Ministry of Health had recently brought in a specialized health team. However, in other facilities, the only option was for staff to call for an ambulance if someone needed urgent assistance. In these facilities, detainees complained about the lack of health care, noting that they had to wait for many hours or days, and were not able to obtain any medical care at night. In some cases the intervention of their lawyer was necessary to obtain care. Detainees were also not provided with medication and had to have their family members bring it to them. Those who did not receive visits relied on the solidarity of the other detainees and their families. The Subcommittee considers that this reliance on others fosters inappropriate and abusive power dynamics in places of detention.

69. In some facilities, detainees complained of infections and skin problems because they had to spend time outdoors due to overcrowding. They also mentioned that they suffered from diarrhoea because they had to drink tap water. The Subcommittee noted signs of serious self-harm among the detainees in some facilities. Detainees alleged that self-harm and hunger strikes were often used to obtain transfers to other facilities or other perceived privileges.

70. **It is recommended that the State party continuously monitor the health and well-being of detainees and analyse the problems and take initiatives to resolve them.**

71. **The Subcommittee also reiterates its 2012 recommendation that the State party should put a system in place to ensure that persons in police custody who are in need of medical treatment have rapid access to such treatment free of charge.**<sup>12</sup>

## **B. Prisons**

72. Given the complexity of the territorial organization of the Argentine prison system, it is difficult for the Subcommittee to make general observations. Nonetheless, there are underlying problems at all levels.

### **1. Overcrowding**

73. The degree of prison overcrowding is serious in some cases. Of the 11 prisons visited by the delegation, 6 had overcrowding rates of 160 per cent, including unit 32 of the Florencio Varela prison in the Province of Buenos Aires and Almagro prison No. III in the Province of Mendoza. It should be clarified that the overcrowding in the prison system is artificially "alleviated" by the fact that most persons deprived of liberty while awaiting trial are held in police stations and police detention centres, so in reality the situation is much worse.

74. According to official statistics, the prison population in Argentina, at both the federal and provincial levels, has almost tripled since 2000 (from 37,000 inmates in 2000 to 100,000 in 2021), but the largest increase has been since 2017, with almost 10,000 new inmates per year. This increase coincided with the adoption of two laws – Act No. 27.272, the Flagrancy Act, and Act No. 27.375, the Custodial Sentences Enforcement Act – whose combined application facilitated deprivation of liberty and made release more difficult.<sup>13</sup>

75. Reducing overcrowding, remains a priority for the Argentine prison system as a whole, especially given the current conditions of material degradation.

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<sup>12</sup> Ibid., para. 25.

<sup>13</sup> See, in this regard: <https://www.argentina.gob.ar/justicia/politicacriminal/estadisticas/sneep> and <https://cnpt.gob.ar/2022/wp-content/uploads/2022/07/Informe-Anual-2021.pdf>.

76. The Subcommittee reiterates the recommendations already made in 2012 concerning the urgent need to reduce overcrowding in prisons and provide reintegration opportunities for persons deprived of their liberty. This objective can be achieved through various mechanisms or a combination of measures: legislative changes that reduce the automatic imposition of prison sentences,<sup>14</sup> especially for certain offences, access to prison benefits and alternatives to punishment.

77. At the same time, regulations establishing the capacity of detention centres on the basis of criteria and standards of habitability in accordance with national and international norms should be adopted without delay.

**78. In view of the overcrowding and appalling living conditions it creates in prisons, the Subcommittee reiterates the recommendation it made in 2012 that the State party take the necessary steps to incorporate into the Argentine legal system penalties such as community service, house arrest and electronic tagging, which offer better results in terms of recidivism and economic sustainability, and take the necessary measures to implement them.<sup>15</sup>**

## 2. Material conditions

79. During its visits, the Subcommittee observed very small and damp cells, with insects, no windows, old and dangerous electrical systems, inadequate or non-existent ventilation or heating systems, and common areas without any equipment. Examples of this are the female isolation block at detention centre III in La Plata and the isolation block in unit 32 of the Florencio Varela prison, in the Province of Buenos Aires.

80. The situation in block No. 5 of the “Boulogne sur Mer” prison in Mendoza was particularly serious: 60 people had to share 22 beds, forcing the most disadvantaged to sleep on mattresses on the floor in the cells or in the corridor, including one person with a visual impairment, who is totally reliant on the help of other inmates for all acts of daily life.

81. For women, the general conditions are similar to those of men, although some facilities are in better condition. The provincial prison complex in Cordoba is properly divided into sectors and there is no overcrowding in the women’s sector; there is a dedicated wing for mothers with children up to 4 years of age and pregnant women, which is spacious and bright. Babies have access to everything they need and access to health care is guaranteed. The public defender has an office inside the facility and is present twice a week.

82. In the prison system, children can stay with their mothers until they are 4 years old, at which point they go to stay with family or there is a legal order to decide where they should stay. In one prison, the Subcommittee saw children in dirty spaces full of flies.

**83. It is recommended that the federal and provincial government authorities order, through their respective prison services, an in-depth mapping of material and structural conditions in order to develop an effective extraordinary plan of interventions with a view to restoring functionality, habitability and dignity in the most damaged places of detention that are most in need of intervention. The complete renovation or closure of wing No. 5 of the “Boulogne sur Mer” prison in Mendoza is also recommended.**

## 3. Food

84. According to the interviews conducted, the food in the various facilities is usually of low nutritional value and quality and is poorly prepared. The situation is better when inmates cook fresh produce themselves.

<sup>14</sup> For example, drug legislation (Act No. 23.737 of 1989 and subsequent reforms) criminalizes even minor acts and penalizes them with deprivation of liberty. In 2020, 26.35 per cent of convicted prisoners were in prison for violating drug legislation. Available at [https://www.argentina.gob.ar/sites/default/files/2021/10/informe\\_sneep\\_argentina\\_2020\\_0.pdf](https://www.argentina.gob.ar/sites/default/files/2021/10/informe_sneep_argentina_2020_0.pdf), p. 9.

<sup>15</sup> CAT/OP/ARG/1, para. 46.

85. **The authorities are invited to review the quantity and quality of the food served in prisons in terms of both the products used and their preparation.**

#### 4. Prison police personnel and internal security

86. In the report on its visit to Argentina in 2012, the Subcommittee highlighted the military character of the Argentine prison system.<sup>16</sup> It notes that, 10 years later, this problem persists, thus hindering full civilian governance of the system, and has obvious negative consequences on detainees' potential for social reintegration. In addition, in the current overcrowded conditions, the number of prison police officers is insufficient.

87. **In order to ensure the primary function of supporting the social reintegration of offenders, all relevant authorities are urged to take decisive steps towards full prison administration through management of the disciplinary, treatment and health functions by separate and independent bodies. It is recommended that practices aimed at allowing, whether formally or informally, self-governance areas within the wings and units should be eliminated. It is also recommended that the number of prison personnel at both the federal and provincial levels be increased, in accordance with the actual needs of the prisons.**

#### 5. Internal regulations

88. Families play a central role in maintaining the precarious internal balance of Argentine prisons, not only because they support their family members who are deprived of their liberty by virtue of the emotional bond between them, but also because they compensate for failures in the system. Families are the ones that provide inmates with food and hygiene and cleaning items. In addition, detainees endure serious hardships in order not to lose direct contact with their families and thus the guarantee of a minimum level of survival. The threat of a transfer to a prison far from their families is often used to stop detainees from filing complaints or grievances.

89. **The Subcommittee urges the State party to provide sufficient and adequate food, hygiene products and medication when necessary to persons deprived of their liberty, and to ensure that families are not burdened with taking on these functions.**

90. The Subcommittee heard frequent allegations of violent searches by prison police, including entering cells, breaking personal items, and taking other things from inmates without justification and/or as a form of indirect punishment.

91. **In view of some allegations of inappropriate methods used by prison police, it is recommended that directives be issued on the legitimate and proportionate use of force and means of coercion during searches (see rules 50 and 51 of the Nelson Mandela Rules), and that the training of prison police officers in human rights, dialogue and de-escalation techniques be increased. A system for reporting rights violations should be made available to persons deprived of their liberty in accordance with international standards. In particular, complaints should be collected in such a way as to ensure anonymity and protection against retaliation and should be addressed to independent authorities.**

92. As was the case in 2012, most of the inmates interviewed reported that they spend a lot of time locked in their cells and often do not have access to the yard.

93. **It is also recommended that a system of opening and closing cells be adopted so that inmates spend as much time as possible in common outdoor or indoor spaces, depending on weather conditions, equipped with leisure facilities, including the possibility of exercising. It is also recommended that training and capacity-building activities be implemented and that workshops be adequately equipped.**

94. In 2020, in view of the pandemic, some facilities decided to allow the use of personal mobile telephones inside detention areas in order to facilitate contact with the outside world. However, this measure, which was considered an emergency measure, was later withdrawn,

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<sup>16</sup> Ibid., paras. 35 and 36.

or was not adopted throughout the country. According to prison staff, the use of mobile telephones has improved the quality of life of inmates, with no significant impact on security profiles.

95. **It is recommended that all institutions guarantee access to standard telephone calls or other types of call, so that detainees can communicate with the outside world.**

## 6. Treatment and social reintegration

96. The system for the treatment of detainees, which is aimed at positive social reintegration and the prevention of recidivism, requires adequate infrastructure and the availability of tools and equipment, but also the strengthening of labour and educational capacities. According to official data from 2020,<sup>17</sup> 55 per cent of the inmate population in various Argentine prisons has only completed primary school, 7 per cent have had no education at all, more than a third entered prison unemployed and almost half had no previous professional experience.

97. During its visits, the Subcommittee observed that there was a general lack of educational or professional training activities and insufficient room for this purpose. Inmates spend most of their time in their cells or in common areas without any activity. A notable exception was Almafuerite prison No. III, in Mendoza, where the availability of ample outdoor space allows for the participation of a significant number of detainees in gardening or sports activities. In Corrientes prison unit No. 1, officials reported that about 60 per cent of the inmates work.

98. **The Subcommittee recommends that the State party strengthen the quantity and quality of educational, vocational training and job opportunities in prisons in order to make treatment pathways effective, providing detainees with tools for their positive social reintegration. Education, training and work programmes should be based on an individual assessment of skills and training needs and tailored to individual needs.**

## 7. Protection of particularly vulnerable persons

99. The main risk associated with particularly vulnerable people that the delegation observed in the context of deprivation of liberty in Argentina, bearing in mind that they make up only a small proportion of the general population, is that less attention is paid to their specific needs.

100. Mothers with children in prison find it more difficult to participate in work, education or reintegration activities. A shortage of gynaecological services was noted, for example in unit No. 54 of the Florencio Varela prison. During the visit to the women's detention centre in the Province of Córdoba, located in the town of Bouwer, some inmates reported having suffered obstetric violence at the hospital where they were taken to give birth to their children. In a unit at the Florencio Varela prison complex, an inmate reported that her broken arm had been twisted and she had been put in a cell called the "lion's cage" filled with water.

101. Lesbian, gay, bisexual, transgender, queer and intersex persons, particularly the transgender prison population, have special health-care needs. In wing No. 11 of unit No. 32 of the Florencio Varela prison, where about 56 transgender people are held, about half of the population has HIV. Infectious disease specialists from the Ministry of Health evaluate their cases every six months, but according to information provided during interviews with the Subcommittee, do not inform them of the results. Hormone therapy is administered irregularly.

102. As for foreigners, it was clear from the visits and interviews conducted that they are in a situation of marked vulnerability because their families are unable to visit them and to support them materially, so they are reliant on the solidarity of other inmates. It was noted during the visits that most of them had not been informed that it would be advisable to contact their consulate to obtain material and legal support.

<sup>17</sup> See [https://www.argentina.gob.ar/sites/default/files/2021/10/informe\\_sneep\\_argentina\\_2020\\_0.pdf](https://www.argentina.gob.ar/sites/default/files/2021/10/informe_sneep_argentina_2020_0.pdf), pp. 43 et seq.

103. **The Subcommittee recommends that the State party strengthen the federal and provincial systems of protection and assistance linked to the specific needs of women deprived of their liberty, such as access to gynaecological care and the eradication of any practice of obstetric violence.**

104. **It is recommended that the State party comply with rule 61 (3) of the Nelson Mandela Rules in order to ensure that detainees have access to effective legal aid and rule 62, by providing foreign detainees with the necessary information and reasonable facilities to communicate with their diplomatic and consular representatives.**

## 8. Health care

105. The COVID-19 pandemic affected the global system of deprivation of liberty, imposing a double confinement that exacerbated the separation of prisons from the outside world. Based on the information reported to the delegation by the political and prison authorities during the various visits, from a purely health perspective, Argentine prisons as a whole reacted positively to the crisis, both in terms of the vaccination rates among the prison population – two or three doses for all – and the actual incidence rate within the prisons and the number of deaths linked to the virus. Preventive measures included quarantine upon arrival, identification and isolation of vulnerable persons and vaccination of detainees and staff. Some COVID-19 units were built, one of which was visited by the Subcommittee, although it was empty and the staff complained that its use was compromised by technical problems.

106. A strategic plan for health services in federal prisons was launched in 2021, which is a positive development. It remains to be seen how the plan will be implemented and whether the lessons learned will have any indirect effect on provincial prisons. However, the situation remains unsatisfactory when it comes to general health protection services for the prison population, as highlighted in the 2012 report.

107. The Subcommittee was informed on several occasions that many prison health-care workers do not stick to their schedules and have second jobs.

108. Some detainees stated that they had not seen a health professional upon arrival at the prison unit; there were no standardized formats for initial health evaluations, and the documentation reviewed was, in some cases, very lacking.

109. Regarding gynaecological/obstetric health, there were allegations of obstetric violence and poor conditions during childbirth. One inmate alleged that she was tied up while she was having contractions on the day of delivery, naked and wearing only a paper gown, and was not given any anaesthesia. After giving birth, she was handcuffed in a common room – which is what happens to those who are taken to a health-care centre – and was unable to breastfeed or look after her baby. There is no gynaecologist available at that correctional facility.

110. **The State party is urged to pay special attention to and implement a system that allows women to be assisted during childbirth and the period immediately following childbirth, without the use of coercive means, in compliance with rule 24 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).**

111. **The State party is urged to take steps to ensure that all detainees are given an initial medical examination upon admission, in compliance with rule 30 of the Nelson Mandela Rules. The results of the examination should be duly recorded in the detainee's individual medical file, existing health problems should be followed up, and signs of violence should be investigated and reported in order to establish the circumstances in which they were caused, with the informed consent of the detainee and as stipulated in the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).**

112. The Subcommittee's attention was drawn to the high proportion of detainees taking psychotropic medication, which in some institutions, such as unit No. 1 in Corrientes, reached 40 per cent or even more. Some health officials indicated that this was necessary for detainees to be able to withstand their situation.



113. **The State party should assess whether psychotropic drugs are used in prisons as an alternative to meaningful activities and human contact, and if so, take appropriate measures to remedy this situation.**

114. Some institutions had well-equipped pharmacies but, in others, health personnel claimed that only very basic supplies, such as painkillers and antibiotics, were available. This means that family members or even health personnel are obliged to provide other medications when they are prescribed. The availability of dental services, which are in high demand, is rare or non-existent. Specialized care is rarely provided within the centres, but only in external hospitals, with all the logistical problems and waiting time that this entails. Some persons deprived of their liberty alleged that they were not always allowed to see a doctor upon request, and even referred to the cases of people with acute health problems who had died due to lack of medical attention. In some institutions, transportation for outpatient treatment was hampered by a lack of vehicles and delays in receiving court authorization.

115. **The Subcommittee reiterates the recommendation it made in 2012 that the State party ensure effective 24-hour medical assistance in all prisons, including medication and transfers when deemed medically necessary. The availability of specialized services, including dental services, directly within the institutions should be increased. It is recommended that the State party implement a health-care service that effectively considers the needs of women and includes mental health care, and is equipped to treat trauma in a gender-sensitive manner (see rules 10, 12, 13 and 35 of the Bangkok Rules). In this regard, prison officials should be trained to be able to react in accordance with the needs of women detainees.**

116. It is also necessary to address the issue of the independence of prison medical personnel and compliance with the provisions of the Istanbul Protocol regarding the availability of qualified forensic doctors and psychologists when there are indications that a detained person may have been subjected to torture or ill-treatment.

117. **It is recommended that medical services be attached to the Ministry of Health at the federal and provincial levels and not to the Ministry of Justice to safeguard their independence and impartiality.**

## C. Juvenile centres

### 1. Minors

118. The Subcommittee visited three socio-educational residences, two for boys (ages 6 to 12 and 13 to 18) and one for girls. Children and adolescents are placed in these institutions by court order and, for the most part, as a result of difficult conditions at home, such as violence and/or sexual abuse.

119. The institutions were in good physical condition and appeared relatively clean and orderly. However, the dormitories were generally small and held up to nine beds. Children went to school and received medical care outside the institutions.

120. In one of these institutions, the Subcommittee was informed that the staff comprised different specialists, including a social educator, a nutritionist, a psychologist and a teacher, but no specialists were present during the visit. Most dealings with the children are through staff who do not have any formal training or sufficient experience to meet the special needs of some of the children. For example, two children were under medication prescribed by a psychiatrist, but the staff had not been informed about their diagnoses or the relevant pedagogical or restraint measures. In the case of one 6-year-old boy who had been placed for adoption twice and subsequently returned to the facility by the adoptive family, the staff had not felt supported in handling this emotionally complex situation for the child. At times, restraint was necessary to prevent a child from being violent towards other children, as they posed a risk to others and to themselves.

121. **The Subcommittee recommends that the State party ensure that juvenile centres are staffed with qualified personnel and that they receive the training, supervision and support necessary to deal with children with special needs.**

122. **It also points out the urgent need to review adoption standards and protocols to protect the emotional integrity of the child and ensure transparency for adoptive parents and the necessary post-adoption support.**

**2. Adolescents in conflict with the law**

123. The Subcommittee visited the closed centres of Virrey del Pino, in the Province of Buenos Aires, and La Esperanza, in Córdoba. In the first facility, the building conditions were not ideal. It was noted with concern that there were armed security personnel with large-calibre rifles within sight of the minors. According to international standards, particularly on the protection of minors, there should be no police, prison or security forces personnel in sight in the centres; instead, minors should be supervised by interdisciplinary teams made up of specialized professionals. In interviews, some inmates reported that they could only go to school three times a week, and most of their time was spent playing video games. Recreation in the yard is not appealing because they do not have any sports equipment. The young detainees spend a lot of time in the common area, where no educators or rehabilitation staff were seen.

124. At the La Esperanza centre, building conditions were very poor, with broken showers and latrines in very bad condition. Education is limited to one hour of school per day, although the inmates interviewed mentioned that there was gymnastics and a bicycle workshop. The disciplinary regime consists of confinement for one day in a restraint room, although none of them reported having been tied up. The Subcommittee received information regarding the smuggling of psychotropic substances, and some of the youths appeared to be under the influence. Contact with the outside world is by means of telephone calls of a maximum of 10 minutes twice a week from a free landline. Mobile telephones, which were allowed at one time, were later banned. In the view of the Subcommittee, they should be permitted again since many families live far away, which means that inmates do not receive frequent visits and can result in family ties being severed.

125. Many of the young people interviewed, including minors, reported having met with their lawyer via videoconference, which, while understandable at the height of the pandemic, is no longer justified.

126. **In accordance with international standards, and most notably the Convention on the Rights of the Child, the Subcommittee recommends that the State party:**

(a) **Take measures to ensure that the regime in centres for minors fosters resocialization and not isolation. In this regard, sports activities and daily outdoor physical exercise must be guaranteed;**

(b) **Ensure that schooling is based on an appropriate and individualized curriculum to facilitate the reintegration of young people into society. The right to receive vocational training in occupations that prepares minors for future employment must be guaranteed, in accordance with rule 42 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;**

(c) **Ensure that young people can remain in constant contact with their families, as contact with the outside world is essential in the developmental stages of minors. When face-to-face contact in suitable spaces is not possible, telephone contact should at least be allowed. In this regard, the Subcommittee recommends that all institutions guarantee access to standard telephone calls or other types of call so that detainees can communicate with the outside world;**

(d) **Ensure that legal assistance is provided in an effective manner, with priority being given to in-person assistance of detainees, in line with the principle of the best interests of the child;**

(e) **Draw up a plan to improve infrastructure and the number and training of personnel working with juvenile detainees at both the federal and provincial levels.**

## D. Psychiatric institutions

127. The National Mental Health Act (No. 26.657) establishes the legal basis for the treatment of psychiatric patients. The enabling legislation for this Act, which had not yet been adopted at the time of the Subcommittee's 2012 visit, is now in place.

128. In 2012, the Subcommittee expressed concern about the lack of intermediate centres to provide gradual social support pending final discharge from an establishment. This concern remains. At the psychiatric hospital it visited, the Subcommittee witnessed how several patients who were ready for discharge, but in need of additional support, remained in a hospital environment for years; they slept in dormitories with very little privacy, caregivers and doctors wore hospital uniforms, and patients were only allowed to receive visitors outside their rooms.

129. **The Subcommittee reiterates the recommendation it made in 2012 regarding measures such as the establishment of “halfway houses” to ensure that patients do not remain in psychiatric hospitals for socioeconomic reasons and that, in the meantime, immediate steps be taken to make wards for long-term patients as non-institutional as possible.**<sup>18</sup>

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<sup>18</sup> CAT/OP/ARG/1, para. 98.

## **Annex I**

### **Lista de lugares de privación de libertad visitados conjuntamente por el mecanismo nacional de prevención y el Subcomité**

Complejo Penitenciario Florencio Varela, Buenos Aires

## Annex II

### **Lista de lugares de privación de libertad visitados por el Subcomité**

Alcaldía y Unidad Federal (facilidad híbrida) – La Plata 3, La Plata  
Comisaría núm. 1, La Plata  
Comisaría núm. 2, La Plata  
Comisaría Cañuelas Sección 1, Buenos Aires  
Destacamento Policial Alejandro Petión, Buenos Aires  
Centro Instituto Virrey del Pino para menores, Buenos Aires  
Comisaría 13<sup>a</sup>, Buenos Aires  
Comisaría Vecinal 3<sup>a</sup>, Buenos Aires  
Complejo Penitenciario Devoto, Buenos Aires  
Hospital Psiquiátrico J.T. Borda, Buenos Aires  
Escuadrón 48 de Gendarmería, Corrientes  
Comisaría núm. 7, Corrientes  
Destacamento Policial Barrio San Marcos, Corrientes  
Nueva Unidad Penitenciaria núm. 1, Corrientes  
Unidad Penal núm. 6 – Centro de Menores, Corrientes (intento de entrada sin éxito)  
Escuadrón XV de Gendarmería, Formosa  
Comisaría Seccional Sexta, Formosa  
Residencia Socioeducativa para Niños “Remedios de Escalada”: parte ingreso, Formosa  
Residencia Socioeducativa para Niños “Remedios de Escalada”: parte residencial, Formosa  
Residencia Socioeducativa para Niñas, Formosa  
Complejo Penitenciario núm. 3 Almafuerte, Mendoza  
Complejo Penitenciario núm. 1 “Boulogne Sur Mer”, Mendoza  
Unidad Penal de Mujeres núm. 3 El Borbollón, Mendoza  
Comisaría núm. 5, Resistencia  
Comisaría núm. 7, Resistencia  
Centro de Detención Femenina, Resistencia  
Complejo Penitenciario núm. 3, Bouwer, Córdoba  
Centro para menores Esperanza, Córdoba

## Annex III

### **Lista de funcionarios gubernamentales y otros interlocutores con los que se reunió el Subcomité<sup>1</sup>**

#### **I. Gobierno de la Argentina**

##### *Nivel federal*

Ministerio de Justicia y Derechos Humanos

Vicecanciller – Secretario de Relaciones Exteriores del Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

Subsecretaría de Asuntos Penitenciarios

Subsecretaría de Protección y Enlace Internacional en Derechos Humanos

Asuntos Jurídicos Internacionales en materia de Derechos Humanos

Procuraduría de Violencia Institucional

Ministerio de Relaciones Exteriores, Comercio Internacional y Culto

Ministerio de Salud, Dirección Nacional de Salud Mental y Adicciones

Subsecretaría de Gestión de Servicios e Institutos

Secretaría Nacional de Niñez, Adolescencia y Familia

Dirección Nacional para Adolescentes Infractores a la Ley Penal

Ministerio de las Mujeres, Géneros y Diversidad

Secretaría de Políticas Contra la Violencia por Razones de Género

Ministerio de Seguridad

Corte Suprema de la Nación – Director Nacional de la Dirección Nacional de Relaciones Internacionales

Legislatura – Director del Observatorio de Derechos Humanos del Senado, Diputado de la Nación y Presidente de la Comisión de Derechos Humanos, Diputado de la Nación y Asesora del Observatorio de Derechos Humanos

Defensoría General de la Nación (Defensora, Coordinador de Programas y Comisiones y Secretario de Política Institucional

Defensor de la Nación de la Argentina

Defensoría de Niñez

##### *Nivel Provincial*

Ministerio de Justicia y Derechos Humanos – Ministro de Justicia y Derechos Humanos, Subsecretario Política Criminal, Subsecretario de Política Penitenciaria, Subsecretario de Derechos Humanos

Procuración General de la Provincia – Subsecretario de Derechos Humanos, Política Penitenciaria y Violencia Institucional, Subsecretario de Área de Registros, abogado adscripto de la Subsecretaría de Derechos Humanos, Política Penitenciaria y Violencia Institucional

Suprema Corte de Justicia de la Provincia de Buenos Aires

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<sup>1</sup> Los interlocutores se enumeran únicamente por sus respectivas instituciones y/u organizaciones.

## II. Organizaciones internacionales

Equipo de las Naciones Unidas en el país (incluidos, en otro, el Departamento de Seguridad, el Programa de las Naciones Unidas para el Desarrollo, la Oficina del Alto Comisionado de las Naciones Unidas para los Refugiados y el Fondo de las Naciones Unidas para la Infancia)

Amnesty International

## III. National preventive mechanism

Comité Nacional para la Prevención de la Tortura (CNPT)

Consejo Federal de Mecanismos Locales. Miembros:

Presidente del CNPT

CNPT Buenos Aires

Comisión Provincial por la Memoria

CNPT Chaco

CNPT Corrientes

Procurador Penitenciario de la Nación

CNPT Jujuy

CNPT Mendoza

CNPT Misiones CNPT Salta

## IV. Organizaciones de la sociedad civil

Centro para Estudios Legales y Sociales

Asociación Civil de Familiares de Detenidos

Abogadas y Abogados del Noroeste Argentino en Derechos Humanos y Estudios Sociales

Movimiento por la Desmanicomialización

Xumek Asociación Civil

Colectivo Provincial en Defensa de los Derechos Humanos de los Privados de la Libertad de San Juan

Comité de Lucha contra la Injusticia y la Impunidad

FADELI Familiares, Detenidos y Liberados

Liga Argentina Por los Derechos Humanos

“Ni Una Menos”, en La Cárcel

Red Detenido y Red Familiares la Unión

Casa Joven Diana Sacayan

Solidaridad Anticarcelaria Córdoba

Asociación Civil Claudio Pocho Lepratti

H.I.J.O.S, en La Matanza

Observatorio de Violencia Institucional del Consejo Local, en La Matanza

Colectivo La Cantora

Cátedra de Criminología de la Universidad Nacional de Rosario

Área Institucional – Fundación MxMc

Colectivo Nacional de Detenidos de la Comisión Provincial por la Memoria

Red de Organismos de Derechos Humano de Entre Ríos

Asamblea Permanente por los Derechos Humanos

Cooperativa la Nueva Esperanza

Grupo de Mujeres de la Argentina – Foro de VIH Mujeres y Familia

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