



UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
ARGENTINA



SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

ARGENTINA



COUNTRY BRIEF



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COUNTRY BRIEF

November 2022

Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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ACRONYMS AND ABBREVIATIONS

ANDIS	National Disability Agency
CFE	Federal Education Council
CONADIS	National Disability Commission
CRPD	Convention on the Rights of Persons with Disabilities
CSOs	Civil Society Organizations
CUD	Single Disability Certificate
ICF	International Classification of Functioning, Disability and Health
INDEC	National Institute of Statistics and Censuses
OPD	Organization of Persons with Disabilities
REDI	Network for the Rights of Persons with Disabilities
SAVA	Support Service for Independent Living
SDGs	Sustainable Development Goals
UNCT	United Nations Country Team
UNSDCF	United Nations Sustainable Development Cooperation Framework
UNPRPD MPTF	United Nations Partnership for the Rights of Persons with Disabilities Multi-Partnership Trust Fund
UNS	United Nations System
UNSDCF	United Nations Sustainable Development Cooperation Framework 2021-2025

1 BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs) and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025, UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes. The 26 selected country teams (see Annex 1) were then allocated an initial budget to deliver an induction training for the key stakeholders, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

The 26 countries conducted a comprehensive multistakeholder situational analyses with the purpose to identify gaps and opportunities around preconditions to CRPD implementation and agree on a set of recommendations to address them.

From March 2021 to February 2022, the Argentina UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

The full situational analysis report can be found [here](#).

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WHY A COUNTRY ANALYSIS?

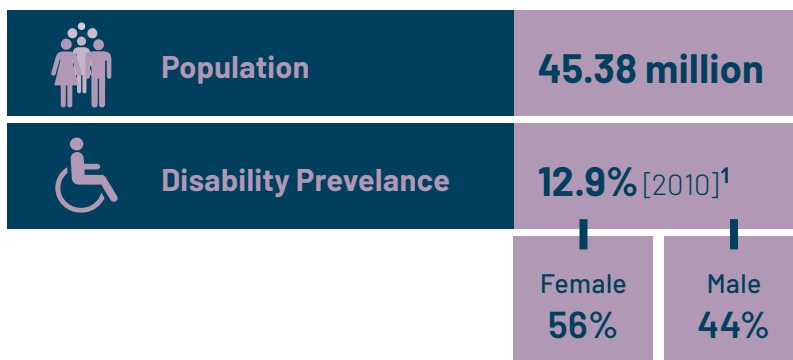
Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situational analyses were carried out to:

- Inform the design of future PRPD-funded programmes in the country and serve as a baseline for them;
- Inform UNCTs of gaps in achieving disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations (CSOs), as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

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INTRODUCTION TO DISABILITY CONTEXT IN ARGENTINA



Argentina has ratified most of the international and regional human rights instruments to ensure that all persons with disabilities enjoy their human rights. The international human rights instruments are part of Argentina’s Constitution. However, gaps remain in implementing these commitments in laws, policies and practices.

Persons with disabilities in Argentina have been historically affected by the medical approach to disability. More than 5,114,190 people in Argentina live with some type of disability (12.9 percent of the country’s total population). The number of persons with disabilities is increasing due to population aging (older people are more likely to experience disability) and the global increase in chronic health problems.

In recent decades, social movements and activists have identified and revealed the deep inequalities in society that also affects the conditions of persons with disabilities in various segments of the population. The 2018 National Study on the Profile of Persons with Disabilities confirms that a gender gap also exists. The trend shows that disability is highly prevalent among women and older persons. At the regional level, comparing age groups, no significant differences exist between those who are under and over 64, the age at which prevalence increases in all regions. However, increased prevalence is significant in Patagonia.

4 FINDINGS

4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A full list of stakeholders is included in the full report.

Government

- **The National Disability Commission (CONADIS)** was established as the governing body for national disability policies. Its participation is required in the development of disability-related initiatives. CONADIS remained operational until 2017 when, by Executive Order No. 698, it was replaced by the National Disability Agency (ANDIS), as a decentralized body within the General Secretariat of the President's Office.
- **The National Disability Agency (ANDIS)** chairs the **Federal Disability Council**. This council is responsible for dialogue and planning and ensuring that disability is considered a cross-cutting topic in all policy-related actions by national, provincial and municipal governments. It is composed of the highest-level authorities on disability from the national and provincial governments, the Autonomous City of Buenos Aires and representatives of OPDs and persons with disabilities.
- The **National Cabinet for Mainstreaming Disability Policies** provides a cross-cutting approach to disability in the design, oversight and execution of national public policies, pursuant to the CRPD. This cabinet, composed of several ministries and headed by the Chief of Cabinet Ministry, is not required to include persons with disabilities.
- **The Ministry of Labour** created the **Unit for Persons with Disabilities and Vulnerable Groups** with the aim of facilitating employment opportunities for persons with disabilities. In 2020, it became the **Coordination Office in Support of Workers with Disabilities**, under the purview of the Ministry of Labour's Under-Secretariat of Employment Promotion, Employment Secretariat.

Organisations of persons with disabilities

Thanks to the commitment, activism and participation of persons with disabilities and OPDs, Argentina has made important progress in the last 20 years. However, the disability movement is not homogeneous and significant fragmentation exists within it. Thus, no single OPD represents all OPDs or all persons with disabilities.

The OPDs identified include the **Down Syndrome Association of the Argentine Republic (ASDRA)**, **Argentine Federation of Institutions for the Blind and Amblyopic (FAICA)**, **Argentine Confederation of the Deaf (CAS)**, **the Article 24 Group** and **the Autistic Spectrum Network (RedEA)**. These OPDs support families and persons with disabilities and advocate for their rights. However, their legislative impact has been modest to date relative to the range and extent of their demands. Other CSOs with influence and advocacy capacity include the Association for Civil Rights (ADC) and the Civil Association for Equality and Justice (ACIJ). However, they tend to lack leadership and active participation of persons with disabilities as they address a range of civil rights-related issues, not those related exclusively to disability and accessibility.

The interviews highlighted the role of the **Network for the Rights of Persons with Disabilities (REDI)**, a non-governmental organization that works to defend persons with disabilities within the framework of the CRPD. It creates multiple spaces and opportunities for participation and brings together other organizations from various parts of the country. The REDI also works with CSOs and foundations, as well as with federations and networks, to bring together many organizations in the country. Thus, it promotes the representation of a significant range of OPDs in Argentina.

UN System

The 2021-2025 United Nations Sustainable Development Cooperation Framework (UNSDCF) establishes two cross-cutting pillars that clearly consider persons with disabilities. This involves incorporating a rights-based approach and the “leave no one behind” principle in the design and implementation of the country’s development initiatives in coming years.

To date, the United Nations system (UNS) in Argentina has prioritized the following cooperation modalities in relation to the inclusion of persons with disabilities:

- Developing access to information to ensure that persons with disabilities can exercise their rights related to sexual and reproductive health and inclusive services;
- Strengthening institutional capacities and effective coordination among various levels of government to obtain the Single Disability Certificate (CUD);
- Generating and managing knowledge, including the production and analysis of data and statistics; and,
- Empowering and developing the capacity of the most vulnerable populations.

The UNS in Argentina offers the following capacities that can help to ensure that the rights of people with disabilities are protected and can be enjoyed: convening and coordination activities that facilitate partnerships with multiple stakeholders; the ability to work at different jurisdictional levels (national, provincial and municipal) across the country in coordination with the national government; and, the ability to provide support and make adequate and high-level technical resources available to counterparts to tackle complex problems.

Donors

The key international agencies and entities that provide resources to help Argentina achieve the SDGs are based on partnerships created under the UNS and the European Union, through its EuroSocial+ Programme for technical cooperation, as well as bilateral agreements with Spanish, German, Nordic and Japanese government agencies.

The two ongoing projects financed by EuroSocial+ are:

- 1 Strengthening municipalities' technical capacities to monitor and evaluate local public policies. This includes developing a practical guide for bringing the 2030 Agenda to the territory.
- 2 Strengthening the Argentine National Plan Against Hunger.

Summary of stakeholder coordination analysis

- Government capacity is poor and prevents the mainstreaming of disability issues within its budget. Lack of capacity also prevents institutions from implementing disability policies. Government institutions at different levels have limited capacities to convene and coordinate the participation of OPDs and persons with disabilities.
- Organizations are calling for the creation of an independent body to monitor the implementation and fulfilment of the CRPD that would involve participation by organizations of and for persons with disabilities. They also support federalizing those spaces and ensuring that underrepresented groups participate. Despite the increasing participation of women and LGBTIQ+ with disabilities in developing public policies, this process continues to be sector-based and lacks a cross-cutting perspective on disability and gender.
- Current regulations and requirements for registering and creating OPDs and CSOs restricts access to the financial resources necessary to guarantee that OPDs can survive. This affects their active participation in ensuring that collective demands are incorporated in the design of public policies.
- OPDs and CSOs have limited management, financial and operational capacities/skills, which limits their access to existing financing opportunities and threatens their continuity.
- The UNS in Argentina does incorporate the human rights-based approach and the 'leave no one behind' principle in the main cross-cutting areas in its current actions. However, the effective exercise of the rights of persons with disabilities is ensured only sporadically and in specific situations based on the mandate of each agency. This right has not yet been mainstreamed. The challenges facing the UNS Argentina are to strengthen and expand partnerships among stakeholders at all levels, especially the most unprotected territories and populations, so that they can contribute jointly and sustainably to achieving these rights.
- International cooperation agencies focus their support on actions required for the effective implementation of the 2030 Agenda for Sustainable Development, including the inclusion of persons with disabilities. However, disability has not been included comprehensively in programming and existing interventions are minimal compared to the inclusion of other historically vulnerable groups.

4.2 Preconditions for disability inclusion

In its Strategic Framework, UNPRPD has identified five preconditions as foundational aspects that must be in place to address the rights of persons with disabilities across sectors. The following findings focus on these preconditions in the Argentinian context.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Equality and non- discrimination

The Constitution prohibits discriminatory acts. It states that legislation and the promotion of positive action measures are required to ensure true equality of opportunities and treatment and the full enjoyment and exercise of rights recognized by the Constitution and human rights established by international treaties, particularly with regard to children, women, older persons and persons with disabilities. In 2000, Argentina passed Law No. 25,280, which adopts the Inter-American Convention for the Elimination of All Forms of Discrimination against Persons with Disabilities.

Still, persons with disabilities are deprived of the ability to exercise their legal capacity because of environmental and social barriers resulting in discrimination and exclusion. This is exacerbated when those barriers are accompanied by other inequalities related to gender, racialization processes, language and religion.

In addition, some laws are still not in line with the CRPD, as Executive Order No. 22,431 and Law No. 24,901 reflect a rehabilitation-based, medical perspective on disabilities.

The legal framework on discriminatory acts - Laws No. 23,592, 24,782 and 25,608 - does not define the denial of reasonable accommodation as discrimination on the basis of disability nor does it consider multiple discrimination on the basis of disability. Parliamentary initiatives have been proposed in this regard, but the Argentine Congress has not approved any of them.

Key findings

- Public policies and laws do not meet the standards of the CRPD and violate the right to equality and non-discrimination of persons with disabilities in communication and education.

- The legal framework in force applicable to discriminatory practices does not define the denial of reasonable accommodation as discrimination against persons with disabilities. Further, it does not address discrimination against those persons or multiple/intersectional discrimination.
- Despite progress in legal and human rights, multiple and intersecting forms of discrimination and violence continue against women and LGBTTIQA+ persons with disabilities, particularly indigenous peoples, peasants and persons living in the country's outlying areas.

Inclusive service delivery

Disability assessment and referral services

In Argentina, the Single Disability Certificate (CUD) provides access to a range of services and exemptions. However, additional processes are involved in determining eligibility for social protection, insurance, health care and support services.

An assessment board determines whether an individual has a disability based on the parameters set forth in the regulations governing the award of a disability certificate. There is no cost to apply for certification and the process is voluntary. The certificate is issued for a maximum of five years for persons under the age of 5 and the maximum term for those over the age of 6 is 10 years. There are no uniform criteria for evaluating whether a particular person with disabilities is eligible for the CUD. Acknowledging this, CRPD committee recommendations urge the State to develop consistent award criteria. Moreover, indigenous peoples, refugees and migrants with disabilities face additional barriers in applying for the CUD due to lack of required documentation and because the residence certificate issued to migrants and refugees is valid for only 90 days.

Disability support services

Support Service for Independent Living (SAVA), a national service and support programme for independent living, is designed to provide support for persons with disabilities for self-development at home and for community integration. It also provides assistance for home care. However, the lack of access to home care assistants for persons with disabilities and lack of state regulation of care homes for those persons (within the framework of the comprehensive care benefits system) constitute obstacles to independent living. The CRPD committee has urged the government to ensure that the SAVA programme becomes operational as soon as possible and to develop and implement comprehensive programmes enabling persons with disabilities to obtain access to a wide range of in-home, residential, community-based and other rehabilitation services.

Mainstream services

The situational analysis report provides an overview of disability inclusion in mainstream services, including social protection, education, health, employment and access to justice. The brief highlights key gaps below and the full report includes further details.

Social protection

Social protection in Argentina involves a complex scheme of programmes and policies that cover a range of social risks facing the population. However, this coverage is not universal and does not include disability pensions, access to health care services, unemployment, maternity leave, work risks and workplace-related illness. Law No. 22,431 establishes a protection system for persons with disabilities designed to ensure that they receive medical care, education and social security. However, no funds have been allocated to carry it out and the law is not implemented consistently in provinces.

Health

The Argentine Republic has a free public health system. In addition to government-sponsored universal health coverage, the 59.4 percent of persons with disabilities who are over 6 years of age also receive health coverage through union-sponsored health schemes. Law No. 24,901 establishes a system of basic benefits for the comprehensive habilitation and rehabilitation of persons with disabilities. It includes prevention, assistance, promotion and protection to provide comprehensive coverage meeting their needs and requirements. However, effective mechanisms are lacking to guarantee the quality of these services and the labour rights of professionals who provide services to persons with disabilities. Persons collecting non-contributory pensions are entitled to receive these services from the State. To that end, ANDIS manages the Programa *Federal Incluir Salud*, a federal health programme that provides financial aid to provincial governments so that they can provide health-related services. All Argentine provinces have opted into the programme.

Education

The Argentine educational system is split into two systems: a general education system and a special education system. This is supported by National Education Law No. 26,206, which includes a chapter on special education. The provisions of the Federal Education Council (CFE) on inclusive education set out the criteria for including students with disabilities in mainstream schools. They outline the implementation of reasonable adjustments, adaptations and support to ensure full access and participation of students with disabilities in the educational environment. This CFE regulation establishes that the provinces must ensure the operation of the special education system. In practice, this principle is implemented only on a limited basis because syllabi and curricula are not adapted to cater for students with disabilities who require individual education plans. In addition, physical barriers and limited teacher competency prevent persons with disabilities from accessing the educational system under conditions equal to those of other students and on a non-discriminatory basis.

Employment

The Department for the Promotion of Employability of Workers with Disabilities supported the implementation of specific employment policies for persons with disabilities at the provincial level by coordinating actions with local governments/municipal employment offices throughout the country. Since 2007, these management units (under the Ministry of Labour) have worked with OPDs to involve them in writing proposals to donors, facilitated coordination and development of disability inclusion tools for government employment staff, and supported mainstreaming efforts in youth programmes. These programmes fall into five key categories: subsidized employment; protected employment; supported employment; employment promotion and assistance actions; and quota system.

Key findings

- There is a general lack of awareness of the CUD process and its purpose. Therefore, some people continue to have a negative opinion of the CUD as they believe it can increase the likelihood of stigmatization and discrimination against them. Also, they do not trust that substantial benefits will be attached.
- Referral systems are not considered efficient and accessible and do not reflect the social/human rights-based approach to disability.
- Certain services require following several procedures to obtain benefits covered under the CUD locally. OPDs complain that persons with disabilities are usually subject to inappropriate and unnecessary medical tests.
- Regulations have not been established regarding the provision covering in-home support services in Law No. 24,901. Therefore, its implementation is not yet anticipated or authorized.
- Argentine Sign Language (ASL) interpretation is not available in contexts critical to the deaf community's full enjoyment of its rights. Only a few TV stations and official web streaming services offer ASL interpretation.
- Access to healthcare is limited due to a lack of awareness among healthcare staff regarding the basic needs and rights of persons with disabilities.
- Adequate inclusive services are not budgeted or provided, which contributes to inequalities in access.
- Although policies stating that persons with disabilities must receive education at all levels and through all available methods have existed since 2006, certain institutions refuse to admit persons with disabilities.
- Programme weaknesses in the area of employment and social security benefits need to be addressed to provide persons with disabilities equal opportunities to training, education and employment. Funding increases are needed for programmes related to reasonable accommodation, support and job adaptation.

Accessibility

Argentina has several laws regarding accessibility of infrastructure, transit, and information (see the full report available at unprpd.org). However, gaps exist regarding their scope and implementation. For example, the laws regarding physical accessibility refer only to persons with a disability who use a wheelchair. In addition, they propose architectural adjustments only for persons with lower body impairments, disregarding other persons with disabilities. Although public transportation is free for persons with disabilities and their caregiver – provided they can show their CUD – only a few transport systems are accessible.

The National Office for Information Technologies was assigned to oversee compliance with web accessibility guidelines, but the national government does not yet meet web accessibility standards.

In 2018, Argentina submitted a report to the CRPD committee that highlights the creation of an advisory and monitoring committee to ensure compliance with accessibility laws and policies. However, this committee does not perform its role and has not imposed any penalties for non-compliance with accessibility regulations.

Furthermore, persons with disabilities face obstacles in accessing administrative and judicial process due to the lack of adaptation and inflexible procedures. The failure to implement support systems and lack of reasonable accommodation and safeguards exclude persons with psychosocial and intellectual disabilities from obtaining access to justice.

Key findings

- Although relevant laws have been enacted and amended, accessibility to public spaces is not guaranteed for persons with disabilities, thus preventing them from fully exercising their rights.
- The Oversight and Advisory Committee responsible for monitoring compliance with sections 20, 21 and 22 of Law No. 22,431, as amended by Law No. 24,314, has not enforced compliance with accessibility standards or issued penalties for noncompliance.
- Even spaces of particular significance to persons with disabilities (for example, government buildings that provide disability services and courts) do not meet basic conditions and no tools are used to ensure the right to accessibility (universal design, reasonable accommodation, procedural adjustments and support systems). These spaces also perpetuate behavioural barriers.
- The COVID-19 pandemic has made it clear that the country was not prepared to operate remotely due to web accessibility issues.
- The pandemic set back initial progress in terms of social inclusion and access to rights for persons with disabilities, thereby severely affecting their autonomy.

CRPD compliant budgeting & Financial management

Argentina's budget process follows four stages that involve multiple activities, negotiations and actors: formulation of the Executive's budget proposal; discussion of the proposal in the Congress and its approval of the budget law; implementation; and, evaluation and control. To ensure that diverse perspectives are considered and integrated in the national budget, the Argentine government has adopted an open budget platform, where it presents an analysis of different budget programmes. Thus, different programmes are analysed to understand how they contribute to addressing priority policies such as gender, children, or disability.

An analysis conducted on 31 March 2021 found that allocations to persons with disabilities remain low and are visible only in specific national service programmes targeting persons with disabilities. In terms of expenditures, social security receives the largest share of budget allocations linked to persons with disabilities (85 percent), followed by health (13.8 percent), social promotion and assistance (1.1 percent).

This shows that disability pensions (social security transfers) constitute the largest share of expenditure items for persons with disabilities. These transfers are managed by ANDIS. The budget analysis also shows that government agencies are not mainstreaming disability adequately in budgeting or public policymaking.

Law No. 24,156 establishes the budget bill preparation process, which does not provide a mechanism for participation by persons with disabilities. The legislative branch, which is responsible for passing public budget bills, has not established formal participation mechanisms for persons with disabilities either. Given that participation of persons with disabilities and their organizations in preparing public budgets is limited, the country is not able to ensure that resources are appropriately allocated to priority areas and implementing agencies are held accountable.

At the local level, interventions targeted to persons with disabilities who require financial support rely on budget funds allocated to offices not specifically concerned with disability, such as under-secretariats for children and senior citizens and social services agencies.

Key findings

- Although disaggregated information exists that helps to identify budget allocations to specific, targeted programmes benefiting persons with disabilities, it is not possible to identify how disability is mainstreamed in the funds allocated to government institutions.
- The lack of a specific budget allocation for disability at the subnational government level requires those governments to rely on other offices and sectors for actions specifically targeted to persons with disabilities.
- The lack of mechanism providing for the participation of persons with disabilities and their representative organisations in budgeting leads to an insufficient allocation of resources and an incorrect identification of priority areas for budget allocations.

Accountability and governance

Inclusive evidence and data gathering systems

Most national datasets lack disaggregated analyses from the disability perspective (e.g., advanced data disaggregated by disability, gender, age and location). National surveys generate little data on disability (e.g., surveys targeting health, share of the labour market, maternal and child health, housing and poverty). In addition, few reports and publications are available regarding statistics and research data relevant for CRPD implementation and monitoring to provide information for policymaking. Most existing data is not available to the public in accessible formats and relevant government agency websites are not accessible.

However, some efforts are underway to collect disability-specific data. National surveys on persons with disabilities were conducted and coordinated by the National Institute

of Statistics and Censuses (INDEC), in 2001 and 2003 in cooperation with government agencies and non-governmental organizations.

INDEC conducted the most recent population census in 2010. It included a question designed to obtain information on the prevalence of persons with permanent difficulties or impairments and identify the type of difficulty they faced. However, there are no public reports available that analyse the situation of persons with disabilities in relation to the variables in the 2010 Census. In 2012, INDEC incorporated the International Classification of Functioning, Disability and Health (ICF), the disability classification model developed by the World Health Organization for data collection purposes, and emphasized its comparability at an international level. The 2017-2018 Argentine National Household Expenditure Survey was developed based on this model.

A new national population census was scheduled for 2020 but was postponed to 2022 because of pandemic-related restrictions. Progress made to date includes steps toward integrating information systems into a unified electronic database system (CUD records were printed out until 2011).

Available disability data do not assess barriers to participation, multiple or non-conforming identities, or connections with age, gender, sexuality, economic situation and religion.

National accountability mechanisms

Argentina's policies do not comply with the CRPD provisions. The lack of a functional accountability mechanism is evident. The roles and responsibilities of ANDIS, the National Observatory on Disability (which is not independent from ANDIS), the Federal Disability Council, the General Defender's Office and the Human Rights Secretariat of the Ministry of Justice and Human Rights are not clear. Meetings and consultations with OPDs that are stipulated in the legislative frameworks are not convened. The failure to adopt the standards set by the CRPD has led to persistent negative perceptions and social practices by the public administration that do not comply with the CRPD principles, thus encouraging discrimination.

Argentina was notified about this non-compliance. The CRPD Committee's comments noted the lack of autonomy of the Disability Observatory. However, the government has not responded or modified the monitoring and control mechanism.

Key findings

- Governance systems are fragmented and uncoordinated. Government initiatives are not based on an agenda developed jointly with CSOs, OPDs, agencies and international cooperation partners.
- The available data on disability are scattered, not easily compared and incomplete, thus hampering the development of indicators in accordance with the CRPD.
- National accountability mechanisms are weak and barely implemented. National dialogue on inclusive governance must be conducted through clear and organized accountability mechanisms.
- The accountability obligation under Article 33 of the CRPD is not being met.

4.3 Cross-cutting approaches: Participation, inequalities, gender

The UNPRPD has adopted three cross-cutting approaches to be considered and applied across all aspects of UNPRPD MPTF's work, including its structures, programmes and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

Participation

Persons with disabilities and OPDs are not yet systematically convened to join decision-making spaces. Persons with disabilities who are not a part of an OPD do not have opportunities to participate in spaces where political decisions are made. Despite this, persons with disabilities have created or participate in other kinds of spaces, such as community radio stations and academic networks, or collaborate with organizations that work on other issues. Another barrier to their participation is that OPDs face challenges in meeting the requirements to obtain legal status. The State has not yet established broad, system-wide and representative mechanisms for the coordination and participation of OPDs. An institutional gap exists, preventing such participation from emerging and being fostered. On the other hand, coordination among OPDs themselves is limited, which limits their capacities and opportunities to strengthen their role as advocates and defenders of disability rights. In this regard, fostering cooperation and strengthening OPDs in Argentina is key if they are to participate effectively and meaningfully.

Gender

The Ministry of Women, Gender and Diversity leads an inter-ministerial group that includes ANDIS. This group seeks to foster inter-ministerial coordination to implement comprehensive, inclusive and effective policies to address the complex situation faced by women with disabilities who are often single parents, as well as women care for children or family members with disabilities. Public policies do not typically consider this situation and these women sometimes need support to perform their tasks. OPDs are also undertaking an initiative to ensure access to the 144 hotlines for reporting gender-based violence. The Ministry of Women, Gender and Diversity adopted the National Action Plan Against Gender-Based Violence for 2020-2022, which introduces an intersectional perspective and addresses the situation of women and LGBTQIA+ persons with disabilities. Nonetheless, considerable work remains to be done.

Inequalities

In Argentina, persons with psychosocial disabilities are still subjected to forced sterilization and institutionalization, even after enactment of the mental health law. It provided for the creation of a mental health review body within the Public Ministry of Defence to protect the rights of individuals who use mental health services, including persons with psychosocial and intellectual disabilities.

The situational analysis highlights the need to move forward in implementing a national mental health plan to ensure the progressive deinstitutionalization of persons with disabilities who have been deprived of their freedom in psychiatric hospitals, nursing homes or any other public or private institutions and to allocate sufficient budgets to support this process.

In addition, the State has failed to design and implement a specific strategy for persons with disabilities that respects the languages and cultures of indigenous communities. Communities face a wide range of challenges concerning access to essential services, access to justice, including physical inaccessibility, and aspects related to communication, technology, language and culture.

4.4 Disability inclusion in broader development, humanitarian and emergency contexts

National Development Plans

There is little current information in general and almost no information regarding the country's progress in achieving the 'leave no one behind' principle. The 2030 Agenda does not adopt a disability lens. Progress must be made in mainstreaming the disability rights perspective in actions related to meeting the 2030 SDGs and the participation of persons with disabilities in service provision.

The UNS supports the National Council for Social Policy Coordination on SDG implementation at the national, provincial and local levels and on dissemination of the 2030 Agenda and the SDG-related human rights commitments. It is also establishing key alliances throughout the country. This presents an opportunity to increase efforts to include persons with disabilities in consultations, goal and indicator formulation, implementation practices and monitoring. The National Voluntary Report, to be submitted to the High-level Political Forum in 2022, offers an important opportunity to accelerate actions towards SDG implementation from a disability perspective.

The Argentina government and the UNCT developed the UNSDCF 2021-2025 to achieve the country's inclusive national development priorities.² The Country Common Analysis was conducted in 2020 and outlines an in-depth analysis of the economic, social and environmental situation within the framework of the 2030 Agenda.³ The 2021 Annual Report highlights key results and outcomes of the UNSDCF.⁴ Overall, Argentina's national development efforts towards achieving the 2030 Agenda emphasize promoting the rights of persons with disabilities. It remains to be seen how these policy level ambitions are implemented in practice.

Climate change, Disaster risk reduction and humanitarian action

The country's disaster preparedness and emergency response system does not incorporate disability considerations. This is an important area of improvement.

COVID-19

The COVID-19 pandemic reversed early progress in terms of social inclusion and actual access to rights by persons with disabilities. This severely affected the autonomy of those persons and had a direct impact on every individual (increasing fears, anguish and uncertainties) because of both biosecurity-related issues and facing a pandemic without access to basic information. Due to the pandemic, the Argentine Congress promoted several legal reforms in areas such as education, health, and social protection. However, not all initiatives were inclusive of persons with disabilities. For example, a national education law was amended to enable remote educational options but does not provide accessible distance learning for students with disabilities.

5 CONCLUSIONS

Although many advances have been made toward achieving disability inclusion, Argentina continues to face the challenge of implementing disability rights and inclusive development to ensure that no one is left behind. First, the country has not adopted comprehensive legislation on disability and a medical approach to disability persists, reinforcing the exclusion of persons with disabilities. Second, the health, education, and transport sectors are those where the highest percentage of persons with disabilities experience discrimination. Third, OPDs are not adequately involved in the public policymaking process, in general, and in policymaking on disability issue in particular. Last, the COVID-19 pandemic reversed the progress made in terms of social inclusion and access to rights, which has severely affected the autonomy of persons with disabilities.

Overall, the situational analysis report identifies that the most noticeable gaps in systems, structures and capacities are the lack of a CRPD-compliant accountability mechanism, lack of mechanisms for meaningful participation of OPDs, lack of access to justice for persons with disabilities, including legal capacity, and the accessibility of public spaces and services. This situation creates difficulties particularly for persons with intellectual or psychosocial disabilities and indigenous persons with disabilities.

In this context, the following recommendations were developed to advance disability inclusion in Argentina:

- Support the development and strengthening of accountability mechanisms for the implementation and monitoring of the CRPD.
- Support the strengthening of the State's capacities to implement disability regulations and policies effectively to ensure that no one is denied legal capacity or access to justice but, instead, that everyone receives support in respect of integrity and self-determination.
- Support the creation of innovative training programs for the judiciary on disability with gender and human rights perspectives to help reduce attitudinal barriers that prevent persons with disabilities from obtaining access to justice.
- Support the implementation of reasonable accommodations in court proceedings affecting persons with disabilities to ensure access to justice.

- Support the strengthening of meaningful participation of OPDs in government/donor planning and budgeting processes and strengthen OPDs' capacities to undertake advocacy strategies and ensure their political and social participation.
- Support knowledge production/research and data to underpin the public policies and advocacy strategies of OPDs regarding reasonable accommodation, support systems and protection.
- Strengthen inter-institutional coordination and exchange of information among different levels of government and across the country.
- Promote the sexual and reproductive rights of persons with disabilities by improving accessibility and autonomy in accessing sexual and reproductive health services.
- Support the production of data and evidence in accessible formats.
- Adapt the 2030 Agenda of the SDG goals and indicators to incorporate a disability lens. This will help make it possible to measure progress and accelerate actions towards disability inclusion, focusing on SDG 16.3.3, SDG 5.1 and SDG 10.

ANNEX 1: 26 SELECTED COUNTRIES

Argentina
Colombia
Guatemala
Panama
Trinidad & Tobago

AMERICAS

Cameroon
DRC
Eswatini
Ghana
Rwanda
Sierra Leone
Tanzania
The Gambia
Tunisia
Zimbabwe

AFRICA

Montenegro
North Macedonia
Republic of Moldova

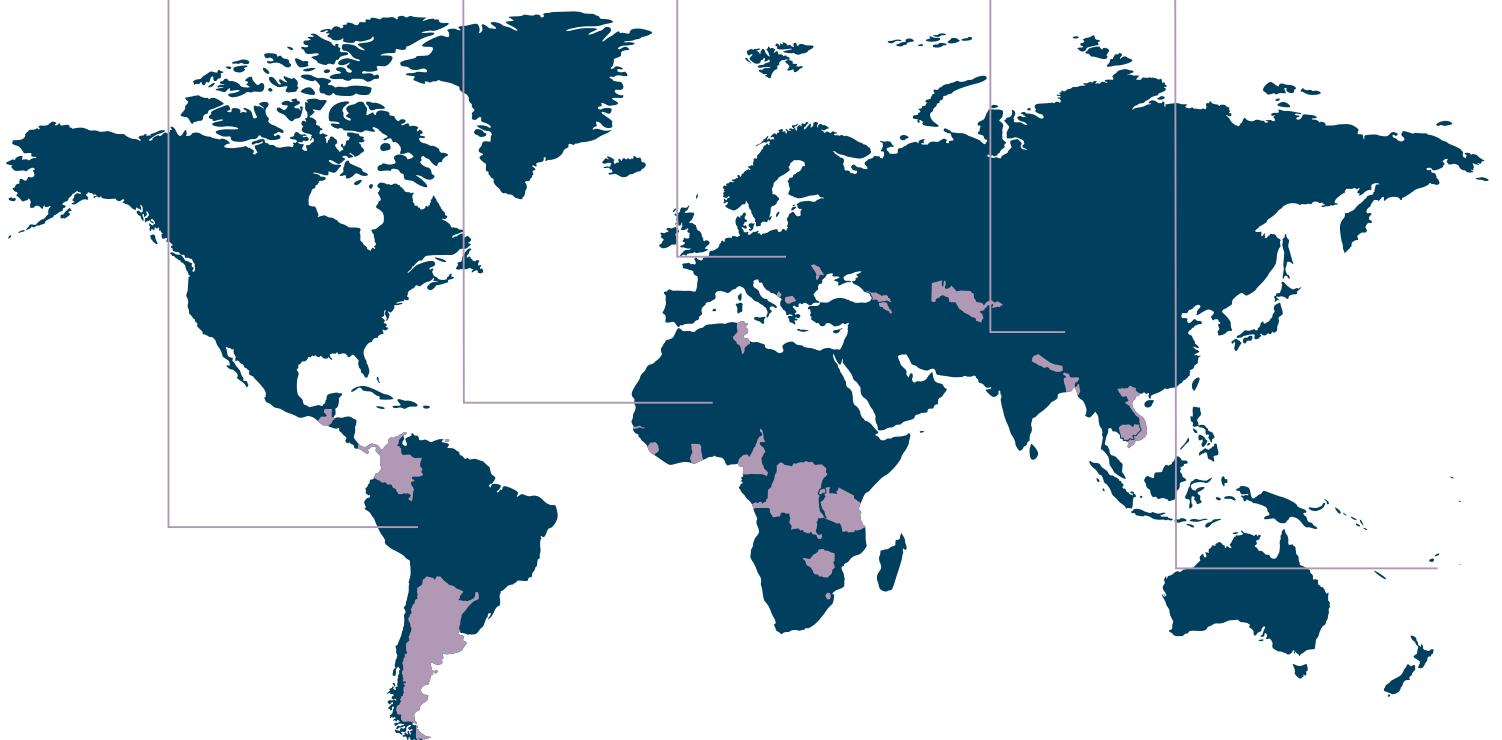
EUROPE

Armenia
Bangladesh
Cambodia
Georgia
Nepal
Uzbekistan
Vietnam

ASIA

Cook Islands

OCEANIA



ENDNOTES

- 1 INDEC. 2010 Population and housing Census
- 2 <https://argentina.un.org/es/100622-marco-estrategico-de-cooperacion-del-sistema-de-naciones-unidas-para-el-desarrollo-con-la>
- 3 <https://argentina.un.org/es/100626-analisis-conjunto-de-pais>
- 4 <https://argentina.un.org/es/178014-reporte-anual-de-resultados-2021-del-sistema-de-naciones-unidas-en-argentina>



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