



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Concluding observations on the combined fifth and sixth periodic reports of Argentina*

1. The Committee against Torture considered the combined fifth and sixth periodic reports of Argentina (CAT/C/ARG/5-6) at its 1517th and 1520th meetings (see CAT/C/SR.1517 and 1520), held on 26 and 27 April 2017, and adopted the following concluding observations at its 1537th meeting, held on 10 May 2017.

A. Introduction

2. The Committee would like to express its appreciation to the State party for agreeing to follow the optional reporting procedure, as this allows for a more focused dialogue between the State party and the Committee. However, the Committee regrets that the review of the combined fifth and sixth periodic reports occurred 13 years after the publication of its previous concluding observations.

3. The Committee appreciates the dialogue held with the State party's delegation and the additional information provided during the consideration of the report.

B. Positive aspects

4. The Committee notes with satisfaction that the State party has ratified or acceded to all of the core human rights treaties that have entered into force.

5. The Committee welcomes the following legislative measures taken by the State party in areas related to the Convention:

(a) The promulgation in 2012 of Act No. 26842, amending Act No. 26364 of 2008 on prevention and punishment of human trafficking and victim assistance;

(b) The adoption in 2012 of Act No. 26827 establishing the National System for the Prevention of Torture and the adoption in 2014 of Decree No. 465/2014 setting forth the implementing regulations for the Act;

(c) The promulgation in 2011 of Act No. 26679, which established enforced disappearance as a criminal offence under the Criminal Code, and the promulgation in 2012 of Act No. 26791, which established femicide as a criminal offence;

(d) The adoption in 2010 of the National Mental Health Act (Act No. 26657);

(e) The adoption in 2009 of Act No. 26485, on comprehensive protection to prevent, punish and eradicate violence against women in the settings where they conduct their interpersonal relationships, and the adoption in 2014 of Act No. 27039, establishing a

* Adopted by the Committee at its sixtieth session (18 April-12 May 2017).



special fund for the campaign against gender-based violence and setting up the national 144 toll-free hotline;

(f) The adoption in 2006 of the Refugee Recognition and Protection Act (Act No. 26165).

6. The Committee takes note of the State party's efforts to adjust its policies and procedures in order to ensure greater protection for human rights and to apply the Convention, in particular:

(a) The establishment in 2006 of the Domestic Violence Office of the Supreme Court of Justice and the adoption in 2016 of the National Plan of Action for Prevention and Eradication of Violence against Women and the Provision of Victim Assistance (2017-2019);

(b) The adoption of resolution No. 1379 of 2015, which established the Support Programme for Persons under Electronic Surveillance, and resolution No. 86/2016, which broadened the programme's geographic scope of application to encompass the entire country, and the implementation in 2016 of the Justice 2020 Programme, which promotes, inter alia, the use of alternatives to custodial sentences;

(c) The establishment in 2013 of the Office of the Prosecutor for Institutional Violence;

(d) The adoption in 2011 of Decree No. 141/11, establishing the Dr. Fernando Ulloa Centre for Victims of Human Rights Violations;

(e) The adoption in 2010 of Decree No. 4/2010, which declassified all information related to the actions of the armed forces during the years between 1976 and 1983.

7. The Committee notes with satisfaction that the State party has extended an open invitation to all special procedures mandate holders of the Human Rights Council to visit Argentina.

C. Principal matters of concern and recommendations

Pending follow-up issues from the previous reporting cycle

8. While recognizing that Argentina has complied with the follow-up procedure and provided written information (CAT/C/ARG/CO/4/Add.1 and Add.2), the Committee regrets that the State party has not implemented the recommendations for follow-up contained in the previous concluding observations (CAT/C/CR/33/1), namely the establishment of a national register of information from domestic courts on cases of torture and ill-treatment (paras. 31 and 32), greater protection for members of vulnerable groups (paras. 35 and 36), compliance with international standards when conducting body searches (paras. 11 and 12 (c)) and the establishment of a national preventive mechanism (paras. 25 and 26).

Definition and classification of the offence of torture

9. The Committee is concerned that the definition of the offence of torture set out in article 144 ter of the Criminal Code is not in conformity with the provisions of article 1 of the Convention, since it does not attribute criminal responsibility for torture to a sufficiently wide range of perpetrators or include the purpose of the conduct in question in the basic definition of the offence. The Committee takes note of the recent efforts to amend the Criminal Code and of the State party's commitment to rectify the omissions observed in the current definition of the offence of torture (arts. 1 and 4).

10. The State party should bring article 144 ter of the Criminal Code into line with the definition of torture contained in article 1 of the Convention. The definition of the offence of torture should specify the purpose of the conduct in question and include among the perpetrators of the offence other persons acting in an official capacity or at the instigation or with the consent or acquiescence of a public official. In that

connection, the Committee wishes to draw the attention of the State party to paragraph 9 of its general comment No. 2 (2008) on the implementation of article 2 by States parties, in which it states that serious discrepancies between the Convention's definition and that incorporated into domestic law create actual or potential loopholes for impunity. The State party should also ensure that the legislative amendments retain appropriate penalties that take into account the grave nature of the offence of torture, as set out in article 4 (2) of the Convention.

Torture and ill-treatment in detention facilities

11. The Committee reiterates the profound concern that it expressed in its previous concluding observations (see CAT/C/CR/33/1, para. 6 (a)) relating to allegations of the frequent use of torture and ill-treatment in the various facilities run by the security forces and in the practices of prison staff, who still operate within the militarized corporate structure of the past. Such acts of institutional violence reportedly include the ill-treatment meted out to prisoners forced to occupy the so-called prison "welcome" cells and practices such as being smothered with bags and subjected to acts of torture inflicted on prisoners' ears, ankles or the soles of their feet, as well as extremely harsh collective punishments. The Committee also reiterates its concern (see CAT/C/CR/33/1, para. 6 (l)) regarding the invasive and humiliating body searches to which prisoners are routinely subjected without justification, despite the fact that there are regulations governing such practices. The Committee is also concerned about allegations of the arbitrary transfer of prisoners far from their families as a covert form of punishment, as indicated by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during its visit to Argentina (CAT/OP/ARG/1, paras. 37 and 38). The Committee also notes that violent incidents occur among the prisoners, which, according to reports received, are sometimes linked to self-government and extortion schemes set up inside prisons with the connivance of prison staff (arts. 2, 12, 13 and 16).

12. **The Committee endorses the recommendations made by the Subcommittee (see CAT/OP/ARG/1, paras. 85 and 86) and calls on the State party to take urgent steps to assess the practice of torture and ill-treatment in federal and provincial detention facilities with a view to developing the necessary prevention policies and control mechanisms, both within and outside such facilities. The Committee also recommends that the State party:**

(a) **Unequivocally reaffirm the absolute prohibition of torture and issue a public warning that anyone who commits acts of torture, or is complicit in or tolerates torture, will be considered personally liable before the law, stand trial and receive the appropriate punishment;**

(b) **Investigate without delay, thoroughly and impartially all cases of violence committed in detention facilities and assess whether State officials or their superiors are responsible. Where appropriate, the State should impose an appropriate punishment on those found guilty and pay suitable compensation to the families of victims;**

(c) **Exercise strict supervision of body search procedures and ensure that they are not degrading for prisoners or, where applicable, for visitors to detention facilities. The State party should ensure that intrusive searches are conducted only in exceptional cases, as unintrusively as possible, by trained staff of the same sex, and with full respect for the dignity of the individual (rules 50 to 53 and 60, Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules));**

(d) **Ensure that prisoners are held in establishments as close to their homes as possible, space requirements permitting, and that the need for transfers is monitored by the competent authority;**

(e) **Adopt the necessary measures to transform the prison service into an institutional model of a civilian nature, by enhancing professionalism and transparency in prison operations and establishing a clear distinction between security functions and the treatment of prisoners.**

Police violence

13. The Committee is concerned about reported patterns of violence and arbitrary behaviour by the federal and provincial security forces in connection with police custody that takes place without a court order, particularly in cases involving socially marginalized young people and children, who are reportedly sometimes detained for identity checks or other reasons not linked to criminal conduct. According to information received, such abuses can include attempted murder, as in the case of Lucas Cabello, and enforced disappearances and acts of torture, such as those allegedly inflicted on Ezequiel Villanueva, aged 15 years, and Iván Navarro, aged 18 years (arts. 2 and 16).

14. **The Committee urges the State party to adopt effective measures to:**

(a) **Investigate promptly, thoroughly and impartially all claims of murder, arbitrary detention, torture, harassment and police abuse and ensure that the alleged perpetrators and their superiors who knew, or should have known, that these acts were being committed are prosecuted and, if convicted, punished commensurately with the seriousness of their acts. The State should, in particular, ensure that genuine and impartial judicial proceedings are conducted in connection with the acts of torture inflicted on Ezequiel Villanueva and Iván Navarro;**

(b) **Restrict the use of detention to situations of flagrante delicto or situations in which a warrant has been issued, as established in the judgment of the Inter-American Court of Human Rights in the case of *Bulacio v. Argentina*;**

(c) **Ensure that all detained persons benefit, de jure and de facto, from all the basic legal safeguards from the moment of deprivation of liberty, that compliance with the system for registering detainees is scrupulously monitored and that all violations are punished.**

Detention conditions

15. While the Committee notes that new prisons are being built, it is concerned about the steady increase in the prison population since 2009, which is exacerbating the current levels of prison overcrowding in a number of provinces and has led to the state of emergency in the prison system of Buenos Aires province. The Committee also notes with concern the impact that the implementation of legislation relating to narcotic drugs has had in terms of increasing the female prison population. The Committee is also concerned that the occupancy rate mentioned by the delegation of the State party is calculated on the basis of a surface area of between 2 and 3.40 m² per inmate in some cells, in accordance with Resolution No. 2892/2008, which is far smaller than the applicable standards of habitability. The Committee is further concerned about the practice of holding detained persons for prolonged periods in police premises, even though these are not intended for that purpose and the conditions in such buildings are substandard. In that connection, the Committee notes that seven inmates died in a fire at Police Station No. 1 in Pergamino, Buenos Aires, in March 2017. The Committee is also concerned about the effect of overcrowding on the deterioration of sanitary conditions, substandard food and access to medical treatment and on the inability to keep convicted and unconvicted prisoners separate, as documented in a number of collective lawsuits filed throughout the country (arts. 2, 11 and 16).

16. **The Committee endorses the recommendations of the Subcommittee (CAT/OP/ARG/1, paras. 58-59, 62 and 64) and urges the State party to conduct an audit at both federal and provincial level with a view to bringing detention conditions in prisons and police stations into line with the Mandela Rules and to draw up a fire prevention plan for all places of detention. The State should also:**

(a) **Redouble its efforts to reduce overcrowding in places of detention, notably by adopting alternatives to imprisonment;**

(b) **Prohibit the use of police stations as places for the long-term detention of prisoners and ensure compliance with the prohibition;**

(c) **Develop a suitable methodology for determining prison capacity in federal and provincial prisons, in line with the relevant international standards on habitability;**

(d) **Continue its efforts to develop a single national register of persons subjected to deprivation of liberty as a preventive or punitive measure, which should include information disaggregated by jurisdiction, sex and age of the person concerned, and current status of the proceedings, and ensure that detainees' attorneys and family members have access to information that is regularly updated.**

Deprivation of liberty

17. The Committee reiterates the concern that it expressed in its previous concluding observations (see CAT/C/CR/33/1, para. 6 (i)) concerning the high number of persons in pretrial detention, who constitute about 60 per cent of the prison population, and the excessive length of time that they are held. Although it appreciates the initiatives to promote the use of alternatives to deprivation of liberty (see para. 6 (b) above), the Committee regrets the delayed entry into force of the new Code of Criminal Procedure (Act No. 27063), which contains provisions limiting the use of pretrial detention. The Committee is also concerned about the proposed legislation to amend the Criminal Enforcement Act No. 24660, which bars access to early release for a large number of convicted persons, including persons convicted of non-violent offences, thus hindering their social reintegration and exacerbating the existing prison overcrowding (arts. 2 and 16).

18. **The Committee recommends that the State party:**

(a) **Carry out an assessment of the use of pretrial detention at both federal and provincial level, with a view to amending its regulations and adopting the necessary measures, including the training of judges, to ensure that pretrial detention is used only in exceptional circumstances and for limited periods, and promote alternatives to pretrial detention, in accordance with the United Nations Standard Minimum Rules for Non-custodial Measures (Tokyo rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules);**

(b) **Avoid adopting legislative amendments that would undermine the principle of gradual return to life in society that forms the basis for the social reintegration of convicted persons, in accordance with international standards (rule 87 of the Mandela Rules, Tokyo Rules and rule 45 of the Bangkok Rules).**

Solitary confinement

19. The Committee is concerned about the frequent use, as acknowledged by the State party delegation, of unregulated solitary confinement without a court order, such as the provisional placement of detainees in solitary confinement pending their relocation to a "physical integrity protection unit" or another area. The Committee is also concerned about reports alleging extreme conditions in solitary confinement cells (arts. 11 and 16).

20. **The State party should bring its solitary confinement practices into line with the provisions of the Mandela Rules. In particular, the State party should:**

(a) **Guarantee that no one is held in solitary confinement, except in situations expressly provided for by law;**

(b) **Ensure that solitary confinement is used only as a measure of last resort, for the shortest possible period of time and under strict conditions of judicial oversight and control;**

(c) **Ensure that a cell in which a punishment of solitary confinement is served complies with the necessary requirements for carrying out the measure without affecting the physical integrity and the dignity of the detainee.**

Death in custody

21. The Committee notes with concern the high number of deaths in custody, which, according to the data provided by the State party delegation, averaged 43 per year in the federal prison system between 2008 and 2016. The Committee regrets the limited scope of those data, which relate only to the federal prison system, and notes with concern the discrepancy that exists between the State party's data and those provided in other information received, which reported a total of 1,930 deaths nationwide since 2010. The Committee also regrets the lack of information on the results of investigations into such deaths throughout the national territory during the whole of the period under consideration. Furthermore, it is concerned that a large proportion of fatalities are related to health problems, as a result of inadequate health care in prisons (arts. 2, 11 and 16).

22. The State party should take the necessary steps to:

(a) **Investigate promptly, thoroughly and impartially all deaths in custody and, where necessary, carry out autopsies, with a view to determining whether State officials are responsible and, where appropriate, impose an appropriate punishment on the perpetrators and pay suitable compensation to the victim's family;**

(b) **Improve the medical treatment in places of detention, ensure access to medicine and provide for transfer to outside hospitals, where necessary;**

(c) **Collect comprehensive statistical information at the national level on the number of deaths in custody, disaggregated by place of detention, sex, age and ethnicity or nationality of the deceased and cause of death, as well as detailed information on the findings of the investigations into such deaths.**

Medical examinations

23. The Committee regrets that health services remain the responsibility of the Ministry of Justice and are closely linked with the prison system, which could give rise to conflicts of interest in cases where signs of violence or deaths in custody need to be certified. In that connection, the Committee is alarmed by consistent reports from reliable sources alleging that medical personnel of the prison service issue false reports denying injuries suffered by detainees (arts. 2, 12 and 16).

24. The State party should ensure that:

(a) **Medical services are linked to the Ministry of Health at both the federal and the provincial level, in accordance with the recommendation of the Subcommittee on Prevention of Torture (CAT/OP/ARG/1, para. 54);**

(b) **All medical examinations of detainees, including prison intake examinations, are conducted, with due respect for the detainee's right to confidentiality and privacy, by an independent doctor, who may be chosen by the detainee and who has received training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol);**

(c) **Doctors are able to inform an independent investigation body, confidentially and without risk of reprisals, of any evidence of torture or ill-treatment.**

National System for the Prevention of Torture

25. While appreciating the adoption of the act establishing the National System for the Prevention of Torture and its implementing regulations (see para. 5 (b) above), the Committee notes with concern that the National Committee for the Prevention of Torture, which is responsible for running the System, has still not been appointed. Although it welcomes the start of the process of selecting members of the National Committee, the Committee is concerned that the procedure whereby six representatives are appointed by parliamentary groups and one by the Government, as provided for by the law, may give rise to conflicts of interest that could compromise its independence, as pointed out by the Subcommittee (CAT/OP/ARG/1, para. 16). The Committee also shares the Subcommittee's concern regarding the institutional composition of some local preventive mechanisms,

which do not appear to meet the independence criteria required under the Optional Protocol to the Convention. The Committee is further concerned that local mechanisms are operational in only six provinces and that some of them face serious budgetary challenges in carrying out their mandate (art. 2).

26. The Committee urges the State party to proceed with the formation of the National Committee for the Prevention of Torture and to ensure that its members are elected by means of a transparent and inclusive process, in accordance with the criteria for independence, gender balance, representativeness of the population, suitability and recognized capacity in various multidisciplinary areas, including the law and health care (see article 18 of the Optional Protocol and CAT/OP/12/5, paras. 17-20). To that end, the State party should refrain from appointing members who occupy positions that might give rise to conflicts of interest (CAT/OP/ARG/1, para. 16). The Committee also urges the State party to proceed with the process of setting up local mechanisms in conformity with the criteria set out above and to provide them with the necessary resources to carry out their functions.

Bodies monitoring detention conditions and prevention of torture

27. While welcoming the existence of various bodies at federal and provincial level that engage in the prevention of torture and monitor detention conditions, the Committee is concerned that the staff of the Prison System Ombudsman, who are responsible for the functioning of the mechanism for the prevention of torture in prisons under national and federal authority (Act No. 26827, art. 32), are denied entry to places of detention in Córdoba province to monitor the conditions of federal prisoners being held there. The Committee also regrets that the National Public Defender Service and other public defender services, such as that in Santa Fe, face similar obstacles in their work of defending detainees (art. 11).

28. The State party should ensure that all detention facilities, including police facilities, undergo periodic, independent inspections and should facilitate access to such facilities by bodies mandated to protect the human rights of persons deprived of their liberty. The State party should also guarantee that such bodies can freely gain access to any available information on detainees, including information contained in court files, and can undertake without hindrance the defence of victims of institutional violence.

Investigation of claims of torture and ill-treatment

29. While the Committee appreciates that some progress has been made with regard to measures taken to investigate cases of torture, such as the establishment of the Office of the Special Prosecutor for Institutional Violence (see para. 6 (c) above), and with regard to some judicial proceedings as a result of complaints submitted by civil society and monitoring bodies, it reiterates the concern that it expressed in its previous concluding observations (see CAT/C/CR/33/1, paras. 6 (b) and (c)) with regard to the situation of impunity that persists, despite a large number of documented cases. According to reports received, this situation is due to inadequate judicial investigations, which failed to support the versions given by the victims, and the tendency of judicial officials to adhere to the official version given by police and prison officers and to wrongly classify the acts in question as lesser offences. The Committee is also concerned about the reluctance of victims and witnesses to speak out for fear of reprisals, owing to the lack of a mechanism that would provide them with protection, particularly if they are in detention (arts. 2, 12, 13 and 16).

30. The Committee urges the State party to:

(a) Ensure that all claims of torture or ill-treatment are investigated promptly and impartially by an independent body, with no institutional or hierarchical connection between the investigators and the alleged perpetrators. The State party should, in that connection, consider establishing an independent judicial police force under the authority of the Attorney General's Office, as recommended by the Subcommittee on Prevention of Torture (CAT/OP/ARG/1, para. 110);

(b) **Ensure compliance with the protocol on criminal investigation in cases of torture and the Minimum Rules on Action for the Investigation of Injuries and Killings Committed by Members of the Security Forces;**

(c) **Ensure that the authorities automatically open an investigation wherever there are reasonable grounds for believing that an act of torture or ill-treatment has been committed;**

(d) **Ensure that the alleged perpetrators are duly prosecuted and, if found guilty, receive penalties commensurate with the seriousness of their actions. The Committee draws the State party's attention to paragraph 10 of its general comment No. 2 (2007), in which it emphasizes that it would be a violation of the Convention to prosecute conduct solely as ill-treatment where the elements of torture are also present;**

(e) **Provide more training for prosecutors and judges in order to improve the quality of investigation and the correct classification of offences;**

(f) **Guarantee that alleged perpetrators of torture and ill-treatment are immediately suspended from their duties and remain suspended for the whole period of the investigation, particularly where there is a risk that they would otherwise be in a position to reoffend, carry out reprisals against the alleged victim or hinder the investigation;**

(g) **Establish a system for the protection and assistance of victims and witnesses of acts of torture who are deprived of liberty, with a view to protecting them against any form of reprisals;**

(h) **Promptly adopt disciplinary measures and sanctions against State officials responsible for threatening or retaliating against victims or witnesses of acts of torture.**

National register of cases of torture and ill-treatment

31. While noting the administrative emergency declared in the National Statistical System, the Committee reiterates the concern that it expressed in its previous concluding observations (see CAT/C/CR/33/1, para. 7 (e)), which it first expressed in 1997, with regard to the lack of a register containing information from all the country's courts on cases of torture and ill-treatment perpetrated by State officials, including information on any investigations and judicial proceedings that have been conducted and on the outcomes thereof (arts. 12 and 13).

32. **The Committee reiterates its previous recommendation (see CAT/C/CR/33/1, para. 7 (e)) and urges the State party to establish an effective system for collecting statistical data at the national level, which should include information about complaints, investigations, prosecutions, trials and convictions in cases of torture or ill-treatment and also about the measures of redress, particularly compensation and rehabilitation, provided for victims. In setting up such a system, the State party should take advantage of the data collection and case registration work done by other bodies, such as the Prison System Ombudsman, the Buenos Aires Provincial Memory Commission and the Gino Germani Institute of Buenos Aires University.**

Non-refoulement and detention for migration-related reasons

33. Although it appreciates the recognition of the principle of non-refoulement in the legislation on asylum (Act No. 26165, arts. 2 and 7) and extradition (Act No. 24767, art. 8), the Committee is concerned that the Supreme Court decided in 2015 to authorize the extradition of a person who could have been subjected to the death penalty in the requesting country, justifying its decision on the basis of diplomatic assurances that the death penalty would not be imposed (the Sonnenfeld case). Although the Federal Government did not carry out that extradition, the Committee recalls that diplomatic assurances should not be used to undermine the principle of non-refoulement. The Committee is worried by reports that migrants, including family groups, are being refused entry at the border, without being able to challenge the decision or being allowed access to legal aid. It is also concerned

about the recent adoption of the Decree of Necessity and Emergency No. 70/2017, which repealed some of the guarantees contained in Migration Act No. 25871 and introduced a procedure for the summary expulsion of migrants, which drastically reduced the time frame for appealing against expulsion. Despite the assurances by the State party delegation that the Decree respects due process guarantees, the Committee notes that the Decree requires persons subject to expulsion to prove beyond doubt that they lack economic resources and are consequently eligible for free legal aid, thus making it difficult for them to receive such aid. The Decree also provides for the detention of migrants from the start of the summary procedure right through to their expulsion, which could be as long as 60 days, with no consideration of whether less coercive measures might be applied or whether the person concerned constitutes a flight risk (art. 3).

34. The State party should:

(a) Ensure that no one may be expelled, returned or extradited to another State where there are substantial grounds for believing that he or she could face a personal and foreseeable risk of being subjected to torture, and refrain from accepting diplomatic assurance with regard to such persons;

(b) Repeal or amend the provisions of the Decree of Necessity and Emergency No. 70/2017 in order to ensure that persons subject to expulsion may be granted enough time to challenge the decision at the administrative or judicial level and be given access to immediate free legal aid to appear before any court during the expulsion process;

(c) Ensure that migration legislation and regulations allow for detention for migration-related reasons only as a measure of last resort, after less invasive alternative measures have been duly considered and exhausted, where it has been deemed necessary and proportionate and for as short a period as possible. The State party should also establish effective judicial oversight of orders for the detention of persons for migration-related reasons.

Detention and ill-treatment motivated by discrimination

35. The Committee reiterates the concern that it expressed in its previous concluding observations (see CAT/C/CR/33/1, para. 6 (g)) with regard to discrimination on the basis of racial profiling and the ill-treatment and violent intrusion into the homes of persons of African descent and migrants from other Latin American countries by the security forces. The Committee is also concerned about reports of degrading searches of transgender and transvestite persons on the public street or in police stations and their detention in humiliating conditions, particularly in Buenos Aires province. Although it welcomes the measures mentioned by the State party delegation to improve the integration of transgender women in detention, the Committee continues to be concerned about the lack of implementation of such programmes in provincial prisons and police stations. The Committee notes with concern that 3,470 complaints of discrimination were lodged in 2016, almost twice the number lodged the previous year, and regrets the lack of information on the follow-up to those complaints (arts. 2 and 16).

36. The State party should:

(a) Issue clear instructions to the security forces at both federal and provincial level to observe the prohibition of discrimination against persons in detention and respect the dignity of such persons when they are subjected to a body search, in cases where such a search is strictly necessary and where there is no alternative;

(b) Ensure that all cases of arbitrary detention, violence towards and ill-treatment of persons because of their foreign origin, sexual orientation or gender identity are investigated, with a view to prosecuting and punishing the perpetrators of such acts and suspending the officials involved; and

(c) Ensure the adoption of policies and programmes specifically aimed at the integration and protection of persons detained on the basis of their sexual

orientation or gender identity, at both federal and provincial level, and ensure full compliance with the Gender Identity Act No 26743.

Process of memory, truth and justice for crimes against humanity

37. While recognizing the considerable progress made with regard to memory, reparation and justice relating to past crimes (see para. 6 (d) and (e) above) and also recognizing the State party's commitment to maintain existing programmes, the Committee is concerned about the delay in the processing of remaining court cases, as acknowledged by the delegation of the State party, and the weakening of the public offices that provide support for the investigation of such cases (arts. 12 and 16).

38. The Committee recommends that the State party undertake assessments with a view to devising strategies to expedite case-processing and trials for crimes against humanity committed during the last civilian-military dictatorship, and that it provide the necessary resources for that purpose. The Committee also recommends that memory policies should be maintained through the preservation of memorial archives and sites.

Gender-based violence and women in detention

39. While welcoming the measures taken to combat gender-based violence (see paras. 5, (c) and (e), and 6 (a) above), the Committee is concerned about the alarming number of reported cases of femicide and gender-based violence and about the increase in cases of physical violence against women incarcerated in federal detention facilities. While appreciating the information provided regarding follow-up on cases of femicide in 2015, the Committee regrets that this information did not cover the period under review or other cases of gender-based violence, including within the prison system. The Committee also appreciates the information on programmes designed to improve access to health care for incarcerated women, particularly pregnant women; nevertheless, in view of the deficiencies noted by various oversight bodies, it remains concerned about the inadequacy of those programmes at the federal and provincial levels (arts. 2, 12 and 16).

40. The Committee urges the State party to intensify its efforts to combat all forms of gender-based violence, including in places of deprivation of liberty, ensuring that all complaints are thoroughly investigated, that alleged perpetrators are prosecuted and that appropriate penalties are imposed if they are convicted, and also ensuring that victims obtain full reparation for the harm they have suffered. The Committee reiterates the recommendation made by the Committee on the Elimination of Discrimination against Women with respect to women in detention (see CEDAW/C/ARG/CO/7, para 45) and recommends that the State party develop and improve access to health programmes for women in federal and provincial detention facilities (rules 48 and 51 of the Bangkok Rules).

Reparation measures

41. While welcoming the establishment of the Dr. Fernando Ulloa Centre for Victims of Human Rights Violations and the State party's commitment to increase the assistance offered to victims of institutional violence, the Committee notes that the Centre focuses mainly on assisting victims of State terrorism. Furthermore, the Committee regrets the paucity of information available on redress measures ordered by the courts or other State bodies during the reporting period in other cases of torture or ill-treatment (art. 14).

42. The Committee draws the State party's attention to its general comment No. 3 (2012) on the implementation of article 14 by States parties, which describes in detail the nature and scope of States parties' obligation to provide full redress, and the means for full rehabilitation, to victims of torture. In particular, the Committee urges the State party to:

(a) **Expand, as soon as possible, existing rehabilitation programmes for victims of torture and ill-treatment;**

(b) **Provide all victims of torture or ill-treatment with full reparation for the harm they have suffered, which should include fair and adequate compensation and as full rehabilitation as possible.**

Follow-up procedure

43. The Committee requests the State party to provide, by 12 May 2018, information on follow-up to the Committee's recommendations contained in paragraphs 14 (a), 26 and 32 above. Along these same lines, the State party is invited to inform the Committee about its plans for implementing, during the next reporting period, some or all of the remaining recommendations set out in the present concluding observations.

Other issues

44. The State party is requested to disseminate widely the report it has submitted to the Committee and the present concluding observations, in appropriate languages, through official websites, the media and non-governmental organizations.

45. The Committee invites the State party to submit its seventh periodic report by 12 May 2021. To that end, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its seventh periodic report under article 19 of the Convention.
