



Submission by Human Rights Watch to the Committee on Economic, Social, and Cultural Rights on Argentina

64th session, 2018

This submission focuses on the topics of women's and girls' right to access a safe abortion, accountability for past abuses against children, and the protection of students, teachers, and schools during time of armed conflict.

Access to Abortion (Article 12)

Abortion is currently illegal in Argentina, except in cases of rape or when the life or health of the woman or girl is at risk. But even in such cases, women and girls are sometimes subject to criminal prosecution for seeking abortions, and often have trouble accessing reproductive health services, such as contraception and voluntary sterilization.¹

In 2016, the Committee on the Elimination of Discrimination Against Women urged Argentina to legalize abortion not only in cases of rape and risk to the life or health of the pregnant woman but also other circumstances such as incest and when there is a risk of severe fetal impairment.

On June 13, 2018, Argentina's House of Representatives approved a bill to decriminalize abortion during the first 14 weeks of pregnancy. The bill would have allowed women and girls to end their pregnancy after that period if the pregnancy is the result of rape, the life and health of the woman or girl is at risk, or the fetus suffers severe conditions not compatible with life outside of the womb. In August, the Senate rejected the bill, meaning women and girls will continue to risk their health and lives to have clandestine abortions.

Under international human rights law, Argentina should decriminalize abortion and ensure safe, legal access to abortion, at a minimum, when the life or health of the pregnant woman is at risk, when the fetus has a serious condition incompatible with life outside the womb, or when the pregnancy resulted from sexual violence. Authoritative interpretations of treaties ratified by Argentina have long established that highly restrictive or criminal abortion laws violate the human

¹ "Argentina: Decriminalize Abortion," Human Rights Watch news release, June 12, 2018, <https://www.hrw.org/news/2018/06/12/argentina-decriminalize-abortion>.

rights of women and girls, including their rights to life, health, and not to be subjected to cruel, inhuman, and degrading treatment.²

Human Rights Watch recommends the Committee ask the government of Argentina:

- What steps will the government take to address the public health impacts of the criminalization of abortion, given Congress failed to change laws criminalizing abortion?
- What is the government doing to ensure that all adolescent girls and boys, both in and out of school, are provided with, and not denied, accurate and appropriate information on how to protect their health and development and practice healthy behaviors, including information on safe sexual behavior, and accurate information on contraception?
- During the reporting period, how many arrests and prosecutions have been carried out of either providers or recipients of abortion services?

Human Rights Watch recommends that the Committee:

- Recommend that Argentina decriminalize abortion and take all necessary steps, both immediate and incremental, to ensure that women and girls have informed and free access to safe and legal abortion services, and post-abortion care, as an element of their exercise of their reproductive and other human rights.

Accountability for child abductions and disappearances

Article 10 (1)

Argentina has made significant progress in identifying children of the disappeared who were illegally taken from their families during the dictatorship and bringing those responsible to justice. As of August 2018, 127 people who were illegally taken from their parents as children during the 1976-1983 dictatorship had been located.³ Many were reunited with their biological families.

Human Rights Watch recommends that the Committee:

- Ask the delegation from Argentina to provide updated information on the status of prosecutions and the government's policies to move forward with the identification of children who were abducted during the dictatorship.

² "Testimony at the Argentine Congress on decriminalization of abortion," Human Rights Watch, June 12, 2018, <https://www.hrw.org/news/2018/06/12/testimony-argentine-congress-decriminalization-abortion>.

³ Grandmothers of Plaza de Mayo, "Resolved Cases," n.d., <https://www.abuelas.org.ar/caso/buscar?tipo=3> (accessed August 2, 2018).

- Recommend that Argentina avoids unnecessary delays in these prosecutions that could undermine the pursuit of justice.

Protecting Students, Teachers, and Schools During Armed Conflict (Article 13)

Since 2014, Argentina has taken a leading role in promoting the protection of students, teachers, schools, and universities during times of armed conflict, through its championing of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* and the Safe Schools Declaration.

The *Guidelines* were drawn up with the aim of better protecting schools and universities from use by armed groups for military purposes, and to minimize the negative impact that armed conflict has on students' safety and education. They provide concrete guidance to states and non-state armed groups for the planning and execution of military operations. They may also serve as a tool for organizations engaged in monitoring, programming, and advocacy related to the conduct of armed conflicts.⁴ A draft version of the *Guidelines* were prepared based on consultations with representatives from governments—including Argentina—as well as militaries, UN agencies, and intergovernmental and nongovernmental organizations. They were finalized through a state-led process headed by Norway and Argentina in December 2014.

The Safe Schools Declaration is an inter-governmental political commitment that was opened for endorsement by countries at an international conference held in Oslo, Norway, on 28 May 2015. The Safe Schools Declaration was developed through consultations with states led by the ministries of foreign affairs of Norway and Argentina between January and May 2015.⁵

In March 2017, Argentina hosted the Second International Safe Schools Conference in Buenos Aires, with representatives from more than 80 countries in attendance.

Human Rights Watch recommends that the Committee:

- Commend Argentina for its leadership role on the Safe Schools Declaration and the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.

⁴ Global Coalition to Protect Education from Attack, *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_... (accessed July 26, 2018).

⁵ Safe Schools Declaration, May 28, 2015, http://www.protectingeducation.org/sites/default/files/documents/safe_sc... (accessed July 26, 2018).

- Encourage Argentina to continue to develop and share examples of its implementation of the Declaration's commitments with other countries that have endorsed the Safe Schools Declaration and with the Committee as examples of good practice in protecting students, teachers, and schools during armed conflict.