ARGENTINA
SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD
98TH PRE-SESSION WORK GROUP, 27-31 MAY 2024
Amnesty International submits the following submission in view of the examination of the seventh periodic report of Argentina by the Committee on the Rights of the Child. This report has been drafted amidst an extensive political, social and economic crisis in Argentina, which poses great challenges to the human rights of children and adolescents, particularly with regard to non-discrimination, education, freedom of expression and right to protest, barriers in access to sexual and reproductive rights, and gender-based violence, among others.

In that respect, we reinforce the need for the Committee to issue a solid message on how the human rights of children and adolescents must be put at the centre of public policy in Argentina.
1. INTRODUCTION

Amnesty International would like to submit the following report to the United Nations Committee on the Rights of the Child (hereinafter, “the Committee”) in view of the examination of the seventh periodic report of Argentina. This document takes into account the presentation held by the organization on November 2022 with respect to the inclusion of prior issues in the seventh periodic report of Argentina.

This report has been drafted amid an extensive political, social and economic crisis in Argentina, which poses great challenges to the human rights of children and adolescents, particularly with regard to non-discrimination, education, freedom of expression and right to protest, barriers in access to sexual and reproductive rights, and gender-based violence, among others.

In that respect, we reinforce the need for the Committee to issue a solid message on how the human rights of children and adolescents must be put at the centre of public policy in Argentina.

1.1 UPDATED CONTEXT INFORMATION

On 10 December 2023, Javier Milei took office as the president of Argentina. His administration aims to carry out a structural overhaul in several areas of the Argentine State – e.g., economic, social, fiscal, environmental, gender affairs, healthcare and education – which have a direct impact on the lives of the Argentine people, particularly children. In terms of economy and budgeting, the execution of the approved budget for 2023 was extended to 2024 without the announcement of any inflation indexing so far, which leads to budget cuts and de-funding in all areas of the State amid a 276.2% year-on-year inflation.

Moreover, the administration is gradually restructuring ministries, reducing staff and implementing budget cuts to government programmes and public policies – many of them linked to children and adolescents – which we will cover in more detail later on in this document. The situation in Argentina is critical: according to data from UNICEF, 57% of children (i.e., 7,135,230 individuals) live in homes that are unable to cover their non-food-related needs, such as transport and clothing. Meanwhile, 19% (i.e., 2,400,000 children) live in homes with insufficient income to afford the basic food basket, according to data for the first quarter of 2023.

Amnesty International acknowledges that the government is facing several diverse challenges. The country’s social and economic crisis, which has forced millions of children and adolescents to live in poverty, requires comprehensive responses that put the people and their rights at the centre of any government plans and programmes.

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5 Two variables are employed to measure poverty rates: the basic food basket (BFB) and the total basic basket (TBB). Unlike the BFB, the TBB includes goods and services such as housing and transport, in addition to food. Therefore, when a household has insufficient income to afford a BFB, it is considered that its members are living in extreme poverty. Meanwhile, if the income is not enough to afford a TBB, it is considered that all members of the household are living in poverty.
2. NON-DISCRIMINATION (ART. 2)

Nearly 10 years after the approval of the Inter-American Convention Against All Forms of Discrimination and Intolerance, its ratification is still pending, despite the Committee having urged Argentina to strengthen its efforts to "address negative social attitudes towards indigenous children, children with disabilities, minority children, children from migrant backgrounds, and lesbian, gay, bisexual, transgender and intersex children".7 The Government of Argentina has not taken any significant steps towards ratifying the Convention. Furthermore, the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance was signed by Argentina in 2013, but is still pending ratification.8

In addition, on 22 February 2024, the Government of Argentina announced through the presidential spokesperson9 that it would shut down the National Institute against Discrimination, Xenophobia and Racism (INADI). Subsequently, the Ministry of Justice announced the termination of employment contracts and leases on facilities accommodating the institute’s offices in the country. The Ministry of Justice also announced that it would be taking on the duties previously held by INADI.10 Nevertheless, the institute cannot be unilaterally dismantled by the Executive Power, as it was established by law as a self-governing entity for promoting equality and non-discrimination.11 There is still much uncertainty to date on the continuity of INADI’s work. Its potential dismantling could signify non-compliance with commitments undertaken with this and other UN Committees as regards to establishing national institutions to facilitate the application of the International Convention on the Elimination of All Forms of Racial Discrimination,12 and with the legal obligations of receiving and examining communications from people or groups of people who claim to be victims of racial discrimination,13 among others.

With respect to freedom of expression and non-discrimination, on 27 February the presidential spokesperson issued a statement prohibiting the use of inclusive language and anything related to a gender perspective across the national public administration, forbidding the use of “e”, “@” and “x” as gender-inclusive word variants and the “unnecessary inclusion” of the feminine gender in all documents issued by the public administration.14 This decision15 was preceded by another measure adopted by the local government of the Autonomous City of Buenos Aires in 2022, wherein the Ministry of Education approved a regulation intended at limiting the use of inclusive (i.e., non-binary and non-sexist) language across schools in the City and set forth that educators who did not comply with the regulation would be subject to disciplinary sanctions.16 Restricting the use of inclusive language in educational settings in the Autonomous City of Buenos Aires or the national public

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7 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, 2018, CRC/C/ARG/CO/5-6, para. 14(a).
10 Ministry of Justice of Argentina, “Comunicado sobre el INADI”, 22 February 2024, available at: bit.ly/anuncio-ministerio-justicia-en-x. This announcement included the termination of employment contracts and leases on facilities accommodating the institute’s offices in the country and the unavailability of its website.
11 Argentina, National Act No. 24,153.
12 Committee on the Elimination of Racial Discrimination, General recommendation No. 17 on the establishment of national institutions to facilitate the implementation of the Convention, 1993, INT_CERD_GEC_7489_S.
13 Argentina, National Act No. 26,162 on racial discrimination. This regulation designates INADI as the competent body within the national legal system for receiving and examining communications from people or groups of people who claim to be victims of violations by the federal government of any of the rights acknowledged in the International Convention on the Elimination of All Forms of Racial Discrimination.
15 Within the national public administration, the Ministry of Defence has issued a resolution eliminating the use of “inclusive language” by the Ministry and the Armed Forces. See, for example, Ministry of Defence of Argentina, Resolution 160/2024, 2024, available at: boletinoficial.gob.ar/detalleAviso/primera/304017/20240226.
16 TN, “Años al ‘todes’ en las escuelas de CABA regularán el lenguaje inclusivo en las aulas”, 9 June 2022, available at: tn.com.ar/sociedad/2022/06/09/anos-al-todes-en-las-escuelas-de-caba-regularan-el-lenguaje-inclusivo-en-las-aulas/gad_source=1&gclid=CjwKCAiw4-wBhB3EiwAeJspp03CND4dV01hKZR7Z_0MCCcYL__bMUUDJ0W0SkmBmGC1t4E6j_5bBcCRRgQAVD_BwE.
administration can be considered an act of discrimination which disregards the gender identities of travesti, transgender, intersex, non-binary or gender-fluid children and adolescents. It also severely violates the right to freedom of expression and dignified treatment of the entire educational community.¹⁷

**RECOMMENDATIONS**

Amnesty International recommends that the government of Argentina:

- Ensures the strengthening of institutions responsible for protecting and promoting the right to equality and non-discrimination.
- Ensures the adoption of progressive rather than regressive public policy with respect to equality and non-discrimination.
- Ensures non-discrimination based on the right to gender identity and freedom of expression.
- Takes concrete action towards ratifying international legal instruments on discrimination in compliance with international human rights commitments.

**3. EDUCATION (ARTS. 2, 3, 13, 24 & 28)**

**3.1 COMPREHENSIVE SEX EDUCATION**

The right to comprehensive sex education (CSE) is established in a vast legal framework at a local level – Act No. 26,150, Act No. 27,234 and numerous resolutions from the Federal Council of Education¹⁸ – and in commitments undertaken internationally, including the American Convention on Human Rights and the International Covenant on Economic, Social and Cultural Rights.

As part of the new administration’s government restructuring, the Ministry of Education – in charge of implementing the National CSE Programme – was incorporated into the Ministry of Human Capital as a Secretariat.¹⁹ Despite Amnesty International having inquired about the national government’s plans for implementing CSE, after over three months no response has been provided regarding its priorities with respect to CSE. On the contrary, throughout 2022 and the campaigning period for the 2023 presidential elections, the current president and other public figures who now hold government positions expressed being against mandatory CSE, which they classified as a tool for "indoctrination" whose role is to “exterminate the population” ²⁰

In 2021, the Federal Observatory for CSE (OFESI) was created – a multidisciplinary, participatory space aimed at generating knowledge on the approaches to and levels of implementation of CSE across the country.²¹ This marked an institutional step forward in terms of policy for CSE coordination,

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¹⁸ The Federal Council of Education (CFE) developed curricular guidelines on CSE for different school levels and subjects (Resolution 45/08, CFE). It also set forth that CSE be included in institutional planning, that a team of CSE faculty experts be formed in all schools across the country, and that CSE content be incorporated into teacher selection processes (Resolution 340/18, CFE). Additionally, Resolution 419/22 sets forth a commitment to strengthening, extending and furthering the implementation of comprehensive sex education in accordance with Act No. 26,150 and all of its supporting regulations.


²¹ OFESI was created in 2021 through Resolution 1789/2021 issued by the Ministry of Education of Argentina. It is made up of jurisdictional Ministries of Education; government agencies working with CSE in areas such as healthcare, gender affairs, women’s affairs, diversity, human rights, and childhood and adolescence; Education Committees for Deputies and Senators of the Argentine National Congress; national teachers’ union organizations; national student organizations; civil society organizations and nationwide social movements; public universities; United Nations agencies working in line with the Observatory’s agenda; and renowned figures in CSE.

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monitoring and accountability. Nonetheless, little progress was made by the Observatory throughout 2022 and 2023, and a stop was put to informational and participatory spaces for the civil society, youth, teachers’ unions and other relevant stakeholders. To date, there has been no periodic accountability on the implementation of CSE. The government must ensure information production and tracking, as well as due accountability on the implementation of education policy as mandated by legal and constitutional obligations.

Some jurisdictions have taken concerning steps backwards. In May 2022, the Ministry of Education of the Province of Chaco sponsored a teacher training conference organized by a religious association, featuring content that opposed the right to abortion, denied the progressive autonomy of children and adolescents and pathologized sexual diversity, as was later acknowledged by the same Ministry that supported the initiative. This conference was organized under a legal framework – Resolution 967/2021, ratified by Decree No. 2633/21 issued by the provincial Ministry of Education – which promotes the use of “alternative” sex education approaches for teacher training that jeopardize the implementation of CSE. Although Amnesty International promptly filed an administrative action demanding the immediate and preventative suspension of the effects of Resolution 967/2021 and Decree No. 2633/21 until the required oversight and control mechanisms were in place to prevent actions contrary to CSE from being carried out with Ministry support and sponsorship, no decision has been issued to date. The organization also demanded that sponsorship towards such teacher training environments be withdrawn and that no points be awarded for qualification purposes. However, the provincial legal framework enabling teacher training with “alternative” sex education approaches – which may lead to human rights violations – remains in effect, and access to CSE based on evidence and human rights standards is still denied.

RECOMMENDATIONS

Amnesty International recommends that the government of Argentina:

- Adopt measures to guarantee comprehensive sex education in all schools throughout the country, both public and private and across all mandatory educational levels, in line with the development stage of children and adolescents and in accordance with international technical guidance on sexuality education issued by UNESCO.

- Ensure monitoring of education policy, production of information on CSE implementation across the country, accountability mechanisms involving civil society, and simple, accessible complaints channels with a gender and human rights perspective.

- Ensure teacher training on CSE in accordance with international human rights standards, as well as technical and human resources for implementing CSE across all of the country’s jurisdictions.

- Refrain from promoting and/or adopting regressive measures that violate the rights of children and adolescents to access comprehensive sex education with a gender and diversity perspective and a human rights-based approach.

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Amnesty International Argentina is part of the Federal Observatory for CSE, representing civil society.

The publication of the jurisdictional worksheets by the CSE Information System (SIESI) for 2021 and later is still pending; CSE surveyed by the “Aprender 2022” Assessments.

After the “ESI con valores” (CSE with values) conference was held by the Metropolitan Evangelical Board, the Ministry of Education of Chaco issued an official press release acknowledging that the conference severely violated fundamental rights and constituted “a huge blow to institutional trust”. The provincial ministry’s webpage is currently still under construction.


Ibid.


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4. SEXUAL AND REPRODUCTIVE RIGHTS (ARTS. 2, 3, 19 & 24)

4.1 UNINTENDED PREGNANCY IN ADOLESCENCE

Argentina has a sexual and reproductive health programme, established in 2002 by Act No. 25,673, whose goal is to achieve the highest level of sexual health and responsible procreation for the population so as to enable decision-making free from discrimination, coercion or violence, reduce maternal and child morbidity and mortality, prevent unwanted pregnancies, promote teenage sexual health and ensure population-wide access to information, guidance, methods and services connected to sexual and reproductive health.

Considering the elevated teenage pregnancy rates, the National Plan for the Prevention of Unintended Pregnancy in Adolescence (Plan ENIA) has been carried out since 2017. Early maturity has negative health impacts and represents a significant obstacle to the personal development and social integration of adolescents, affecting their education and employment opportunities. In light of these issues, Plan ENIA’s inter-ministerial and inter-jurisdictional approach has helped provide comprehensive and coordinated responses from different areas of government. This has had a significant impact on reducing child and teenage pregnancy rates between the ages of 10 and 19, which have dropped more than 49% in five years among the target population. In 2022, approximately 40,000 fewer teenage pregnancies were recorded since the beginning of Plan ENIA. However, in adolescents between 15 and 19 years of age, five out of 10 pregnancies are still unintended. This number is even more concerning for girls under 15, where seven out of 10 pregnancies are unintended.

Additionally, Plan ENIA provides healthcare advice, access to voluntary termination of pregnancy and access to birth control (particularly long-acting contraceptives), and carries out informational campaigns on sexual and reproductive health, actions for early detection and mitigation of sexual abuse and violence, and training activities on comprehensive sex education (CSE) for teachers and students. In 2021 alone, 265,664 students and more than 2,300 teachers were reached in the priority provinces. CSE is essential to help reduce and prevent unintended pregnancy in adolescence.

In spite of these results, which place Argentina as an example in the region and globally, there is a concerning lack of political definition around the implementation of Plan ENIA and the impact that the national government’s de-funding and austerity policies may have on its efficient operation. In fact,

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28 Ministry of Health, Ministry of Social Development and Ministry of Education of Argentina, Plan Nacional de Prevención del Embarazo no Intencional en la Adolescencia, 2017-2019. Plan ENIA was carried out in 12 priority provinces up to and including 2023. From 2023 on, it began being implemented on a federal level across the country. It constitutes an inter-jurisdictional and inter-ministerial policy – between the areas of social development, health and education – which seeks to provide comprehensive and coordinated responses to unintended pregnancy in adolescence.

29 UNFPA, Consecuencias socioeconómicas del embarazo en la adolescencia en Argentina (cited above).


32 Ministry of Health of Argentina. DEIS, 2018-2021 (last year with available information).

33 Centre for the Study of State and Society (CEDES), Proyecto Mirar, Los rumbos de la experiencia argentina con el aborto legal, 2023, available at: proyectomimar.org.ar/investigaciones/.

during the first 100 days of the current administration, the government suspended funding allocated to the offices where Plan ENIA operated in five provinces. In order to efficiently implement this public policy across the country’s territory, the government must ensure access to supplies and provide the necessary facilities as well as technical and human resources.

This is a matter of priority, as in 2022 there were 43,210 pregnancies among teenagers between 15 and 19 years old – i.e., more than 118 births per day – and 1,087 pregnancies among girls under 15 years of age, which equals three births per day.

Following up on the concluding observations made by the Committee to Argentina as regards adolescent health, it is imperative to establish the necessary instruments to ensure access to comprehensive sex education, as well as comprehensive and accessible healthcare services for the youth across the country, particularly in rural areas and towns located far from urban centres. This includes informational campaigns on sexual and reproductive health, legal abortion and prevention of sexually transmitted infections/HIV which are respectful of individuals’ intimacy, confidentiality and informed decision-making regarding their body based on their progressive legal capacity.

RECOMMENDATIONS

Amnesty International recommends that the government of Argentina:

- Ensure the continuity and strengthening of Plan ENIA. To do so, it must ensure sufficient budget for providing the supplies, facilities, and technical and human resources required for an effective and appropriate nation-wide implementation.

- Ensure unrestricted respect for the sexual and reproductive rights of children and adolescents, their developmental autonomy and their right to information, privacy and confidentiality when accessing healthcare services.

- Ensure access to comprehensive sex education that is extensive, inclusive, age-appropriate, based on scientific information and human rights, and designed together with adolescents.

4.2 ACCESS TO LEGAL ABORTION

In December 2020, the Argentine National Congress passed Act No. 27,610, legalizing the voluntary termination of pregnancy. The current law on abortion rights is the result of one of the most plural and robust debates Argentina has seen. More than 700 experts in different fields participated and shared their views, both for and against. It was a historic milestone for the human rights of women and people who can get pregnant.

Three years after the law was passed, there is overwhelming evidence of its huge positive impact on the health of women, girls and adolescents. Between 2021 and October 2023, 245,015 people had

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35 As informed by the Undersecretary of Sectoral Relations and Coordination of the Ministry of Health of Argentina during a meeting with Amnesty International Argentina and other ally organizations on 1 March 2024.
36 Ministry of Health of Argentina. Information from the DEIS for 2022, Series 5 No. 66, Buenos Aires, January 2024.
37 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, 2018, CRC/C/ARG/CO/5-6.

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access to a safe abortion through the public healthcare system.\textsuperscript{40} Additionally, abortion-related maternal deaths decreased by 53\% between 2020 and 2022.\textsuperscript{41}

Furthermore, evidence shows that early access to quality sexual and reproductive health information, resources and services led to 90\% of terminations taking place in the first trimester of pregnancy.\textsuperscript{42}

In spite of this, Amnesty International is concerned about regressive initiatives for the sexual and reproductive rights of women, girls and people who can get pregnant. For instance, in February 2024, a deputy of the current administration submitted a bill to repeal standing Act No. 27,610 and restrict the grounds for access to abortion to when gestation poses imminent danger to the life of the pregnant individual, which would mean a legislative regression to before 1921. Meanwhile, the president of Argentina publicly expressed that abortion constitutes “aggravated murder” based on familial relationship\textsuperscript{43} and voiced his intention to repeal standing Act No. 27,610. In addition to spreading misinformation, such public statements against the right to abortion from the highest level of government can potentially have a negative impact on the provision of sexual and reproductive health services and promote stigma around abortion.\textsuperscript{44}

In the legal sphere, it is concerning that in two out of all actions\textsuperscript{45} filed against the constitutionality of Act No. 27,610 on voluntary termination of pregnancy, the Office of the Attorney General of Argentina acknowledged the active collective legitimacy of a group of citizens and one civil association representing “unborn children” through a misinterpretation of Act No. 26,061 on the comprehensive protection of the rights of children and adolescents. Within Argentina’s legal system, an embryo or foetus is not comparable to a living human person and, accordingly, does not hold any rights.\textsuperscript{46}

Likewise, no regional or international human rights agency has ever stated that abortion is incompatible with human rights, including the right to life. In fact, in its concluding observations on the combined fifth and sixth periodic reports of Argentina, the Committee stressed the need to ensure access to safe abortion and post-abortion care services for adolescent girls.\textsuperscript{47} It is alarming that the Office of the Attorney General of Argentina, an entity whose constitutional mission is to “promote the


\textsuperscript{43} During his address at the 2024 World Economic Forum in Davos, President Javier Milei commented on the “bloody abortion agenda”. A few weeks later, at the start of the school year at a secondary school, he stated that abortion is a crime, specifically an “aggravated murder” based on familial relationship.


\textsuperscript{47} Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, 2018, CRC/C/ARG/CO/5-6, para. 32(b).
enforcement of justice in defence of the legality of the general interests of society”, uses access to justice as grounds to make its own twisted interpretation of national legislation protecting the rights of children, ultimately contradicting this same group’s right to abortion.

With respect to the necessary supplies for providing safe and quality abortion services, the government of Argentina has made some progress by authorizing the commercialization and distribution of mifepristone, which together with misoprostol constitute the safest and most effective procedures for abortion according to more than a decade’s worth of evidence. However, there are concerns that the current administration’s de-funding and austerity policies may affect the acquisition and distribution of essential supplies for ensuring access to quality abortion services. Amnesty International is concerned that this could increase the barriers faced by girls and adolescents in exercising their right to safe and quality reproductive health services.

The existence of such barriers in access to abortion for girls and adolescents goes against their best interest and infringes their right to intimacy, health, equality, non-discrimination and freedom from all forms of violence, torture or abuse. Therefore, following up on the concluding observations made by the Committee to Argentina, it is the national government’s duty to guarantee equitable access to safe and quality abortion services, thereby ensuring that all girls, adolescents and people who can get pregnant have the ability to make informed decisions about their health and their body.

RECOMMENDATIONS

Amnesty International recommends that the government of Argentina:

- Ensure the availability and accessibility of supplies and ample trained healthcare staff to provide abortion and post-abortion care services by allocating sufficient budget for these purposes, among other measures.

- Guarantee equal access to abortion for all women, girls and pregnant persons through, among other measures, specific programmes and public policies that eliminate barriers faced by these groups in exercising their sexual and reproductive rights, thus ensuring their access to updated, understandable and truthful information provided in accessible language and formats so as to enable free decision-making about their own health and body.

- Ensure, throughout the healthcare process, the rights to dignified treatment, confidentiality, privacy, informed consent and autonomy for girls and adolescents who decide to access voluntary, legal and safe termination of pregnancy.

- Ensure public information campaigns on the right to voluntary and legal termination of pregnancy, including how and where to access these services and what to do if there are barriers in exercising the right to abortion.

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49 See, for example, National Administration of Drugs, Food and Medical Devices (ANMAT), Resolution 1470/2023, 8 March 2023, available at: argentina.gob.ar/noticias/la-anmat-autorizo-la-comercializacion-de-mifepristona.
50 World Health Organization (WHO), Abortion Care Guidelines, 2022, available at: https://www.who.int/publications/i/item/9789240045163.
51 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, 2018, CRC/C/ARG/CO/5-6, para. 32(b).

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5. VIOLENCE AGAINST CHILDREN AND ADOLESCENTS (ARTS. 2, 3, 6, 12 & 19)

5.1 GENDER-BASED VIOLENCE

In 2023, records show there was one femicide every 27 hours in Argentina. This means that a total of 322 women were lethal victims of gender-based violence in the country. Out of them, 74% knew the aggressor, with more than half the crimes being committed by the victim’s current or former partner. In addition, 58% of the victims were killed inside the same home they shared with the perpetrator. Out of the victims, 33 were girls or adolescents. A total of 191 children and adolescents were being cared for by the victims. Also, 63 victims had previously filed claims against their aggressor.

Since 2013, Argentina has implemented the 144 phone line, which provides comprehensive care to women who are victims of gender-based violence. This is a toll-free, confidential and federally available phone line for obtaining guidance and support, in accordance with the legal obligations set forth by Act No. 26,485 on the comprehensive protection of women. Over the last 10 years, it has received 920,050 calls reporting gender-based violence. On the same note, the “Acompañar” programme has helped thousands of female victims of violence in accessing financial resources and achieving economic autonomy. Ever since its launch in 2021, the programme has benefited 352,000 women and LGBTQIA+ individuals, 86% of which had at least one child. As a result, it has impacted the lives of more than 625,097 children and adolescents. Similarly, entities such as the “Acercar Derechos” programme and the State Lawyers Corps provide victims of gender-based violence with free access to legal aid.

In a context of severe social and economic crisis, gender-based violence increases. Therefore, Amnesty International is concerned about the budget cuts and de-funding of public policies aimed at preventing, offering guidance and providing support in cases of gender-based violence. In fact, in concrete terms, said budget is currently 33% lower than in 2023, which represents an even more severe adjustment than the total national budget, which was reduced by 24%. Public policy such as the 144 phone line and the “Acompañar” programme experienced pronounced budget cuts – 12% and 69% respectively. Despite the alarming rates of violence against women and girls, we are concerned about these budget cuts that endanger the continuity of public policy on the prevention,
assistance and protection of women and LGBTQIA+ individuals, which are necessary to ensure a life free of violence for this population.

RECOMMENDATIONS

Amnesty International recommends that the government of Argentina:

- Ensure the right of women, LGBTQIA+ individuals, girls and adolescents to a life free of violence, in accordance with commitments undertaken on a national and international level.
- Ensure access to justice for women, girls and LGBTQIA+ individuals who are victims of gender-based violence by maintaining programmes that promote free access to effective legal counselling, aid and protection, among other measures.
- Ensure the necessary facilities and the availability of technical and human resources to implement effective public policy in order to guarantee gender equality by assigning sufficient budget for these areas, among other measures.

5.2 CHILD SEXUAL ABUSE

Between 2017 and 2023, the Argentine State indicated in its seventh periodic report to the Committee that it registered 15,699 cases of sexual violence against girls and adolescents. In 83.9% of them, the aggressors were part of the victims’ circle of trust, whether family members or acquaintances, and 77.6% of the victims were girls. In parallel, the Specialized Prosecutor’s Unit on Violence against Women (UFEM) has reported that instances of sexual violence have tripled in five years nation-wide, going from 13,003 in 2016 to 41,697 in 2021. Out of these, 90% of the victims were female, and 40% were children or adolescents.

With respect to access to justice, there are countless cases in which children and adolescents who were undergoing a legal process for reporting abuse or sexual violence were revictimized or forcibly reunited with the parent responsible for the aggression. This, coupled with the absence of a gender and child perspective among legal officers and the lack of active listening of children and adolescents, constitute significant barriers in access to justice and exercise of the right to an effective legal guardianship.

Given this situation, since 2022 Argentina has implemented the Legal Aid and Interdisciplinary Support Programme for Children and Adolescent Victims of Sexual Abuse (PatrocinAR), whose objective is to provide specialized legal representation with a gender and child perspective to ensure children have access to justice and restoration of their rights. The toll-free and federally available 137 phone line also provides support and guidance in cases of sexual violence against children and adolescents. Between 2017 and 2023, a total of 7,029 calls were received.

Another key tool for detecting cases of sexual violence against children and adolescents is comprehensive sex education. In fact, a report drafted in 2020 by the Office of Public Guardianship of

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63 Argentina, Seventh periodic report submitted by Argentina under article 44 of the Convention, 7 December 2023, CRC/C/ARG/7.
64 Ibid.
65 Ibid.
66 Specialized Prosecutor’s Unit on Violence against Women (UFEM), Relevamiento de fuentes secundarias de datos sobre violencia sexual Información a nivel nacional y de la Ciudad Autónoma de Buenos Aires, 2023, available at: mpf.gob.ar/ufem/files/2023/05/Informe_Relevamiento-de-fuentes-secundarias-de-datos-sobre-violencia-sexual.pdf.
67 Argentina, Seventh periodic report submitted by Argentina under article 44 of the Convention, 7 December 2023, CRC/C/ARG/7.
69 See, for example, the official website of the government of Argentina, which contains information on the PatrocinAR programme: Ministry of Justice of Argentina, PatrocinAR, available at: argentina.gob.ar/justicia/assistencia-victimas-deltos/patrocinar.
70 Argentina, Seventh periodic report submitted by Argentina under article 44 of the Convention, 7 December 2023, CRC/C/ARG/7.
the Autonomous City of Buenos Aires revealed that comprehensive sex education classes enabled 70-80% of the participating children and adolescents, aged 12 to 14, to understand that they had suffered sexual abuse. This reflects the importance of sustaining comprehensive sex education in schools and its positive impact for children and adolescents, as it allows them to identify abusive and violent behaviour and provides them with the tools to report such conduct.

According to the concluding observations made by the Committee to Argentina, the country has a duty to introduce early detection mechanisms for sexual violence and set forth guidelines so that cases of sexual abuse against children and adolescents are addressed with a gender and child perspective.

RECOMMENDATIONS
Amnesty International recommends that the government of Argentina:

- Ensure the continuity of specific programmes aimed at the prevention, support and restoration of rights of children and adolescents in cases of sexual violence or abuse.
- Provide mechanisms to guarantee access to justice for children and adolescents through their participation in legal processes, ensuring their right to being heard and avoiding any revictimization in respect of their best interest.
- Ensure access to comprehensive sex education as a prevention and early detection mechanism for sexual violence against children and adolescents.

5.3 TECH-FACILITATED GENDER-BASED VIOLENCE
In recent years, there has been a concerning increase in violence against women, girls and LGBTQIA+ individuals in digital environments. According to data from Amnesty International, one out of three women has experienced abuse or harassment on social media, which brings serious implications for their health and physical integrity: 39% said they felt their physical safety was threatened and 59% claimed to have been targets of sexual and misogynistic messages.

As regards children and adolescents, data from UNICEF indicates that 29.4% of the cases of child violence takes place through social media, pointing out grooming as one of the most alarming methods. In fact, this crime accounts for 44% of all forms of violence recorded in digital environments. Online gender-based violence has a negative impact on the mental health and exercise of human rights of girls and adolescents: the violence most frequently targeted at them reproduces negative and harmful gender stereotypes, thereby perpetuating a cycle of discrimination.

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70 Office of Public Guardianship, Judicial Branch of the City of Buenos Aires, La ESI permitió que el 80 por ciento de los niños y niñas abusados pudieran contarla, 2020, available at: https://mptutelar.gob.ar/la-esi-permit%C3%B3-que-el-80-por-ciento-de-los-ni%C3%B1os-y-ni%C3%B1as-abusados-pudieran-contarlo
71 Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Argentina, 2018, CRC/C/ARG/CO/5-6.
74 UNICEF, Promoción de entornos libres de violencia. La violencia contra niñas, niños y adolescentes constituye una vulneración de derechos y obliga a poner en marcha estrategias superadoras para fortalecer el sistema de protección integral, 2023, available at: unicef.org/argentina/historias/promoci%C3%B3n-de-entornos-libres-de-violencia.

ARGENTINA
SUBMISSION TO THE UN COMMITTEE ON THE RIGHTS OF THE CHILD
Amnesty International
and inequality. Additionally, girls and adolescents are highly vulnerable to experiencing sexual harassment on social media, which affects their ability to freely exercise their sexuality and autonomy.

A study conducted by UNICEF in Argentina revealed that nine out of 10 children and adolescents have witnessed attacks towards a person or group, and at least four out of 10 have suffered direct aggressions by “haters”. Similarly, 70% say hate-based aggression has increased on digital platforms and nearly 50% believe the LGBTQIA+ community is the most targeted group.

It is concerning how little information is produced by the national government on online gender-based violence as a phenomenon and its impact on the lives of women, girls and adolescents. Such information is critical for drafting effective public policy for eliminating obstacles in access to justice and safeguarding rights. Among these obstacles are the absence of efficient channels for reporting such cases – whether maintained by companies themselves or the government – and the lack of technical skills and abilities on the part of legal officers to provide timely and effective responses to these problems. Another concerning aspect of online violence is the capture, storage and distribution of private images without consent, which mainly affects girls, adolescents and women. In fact, according to a study conducted with male and female participants aged 16 to 25, 92% point out non-consensual distribution of images as the main risk posed by online environments. Out of this percentage, teenage and young women are the most affected by and concerned over this situation.

In light of this, and in compliance with the concluding observations made by the Committee to Argentina on 20 October 2023 the country passed Act No. 27,736 – also known as “Ley Olimpia” – which incorporates violence against women and girls in digital environments into Act No. 26,485 on the comprehensive protection of women, as a form of gender-based violence. As such, Ley Olimpia sets out measures for prevention, protection, access to justice, digital literacy, best practices for using information technology, and identifying and reporting digital violence.

Nevertheless, the government of Argentina must still strengthen measures to protect children and adolescents from the risks associated with digital environments. It is crucial to allocate public resources for implementing legislation and strengthening programmes that provide information on online dangers, as well as providing the tools to report them. Similarly, it is imperative to strengthen and provide training to the public prosecutor’s office on investigation processes for gender-based violence in digital environments in order to enhance access to justice.

Finally, in spite of the concluding observations made by the Committee in 2018 urging Argentina to adopt clear measures for companies operating in digital environments in order to protect and respect the rights of children and adolescents, it is concerning that no such measures have been implemented to date.

**RECOMMENDATIONS**

Amnesty International recommends that the government of Argentina:

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77 Ibid., p. 34.


81 Committee on the Rights of the Child, *Concluding observations on the combined fifth and sixth periodic reports of Argentina*, 2018, CRC/C/ARG/CO/5-6.

82 Ibid.
• Promote digital literacy and training on the autonomous, independent and responsible use of the internet and other digital technologies for the development of digital citizenship, so that children and adolescents possess the tools to protect their safety, have access to self-care measures and know what to do in case of online violence and where to report it.

• Produce disaggregated information on the phenomenon of online gender-based violence and its impact in order to design effective public policy in response to this problem.

• Conduct awareness-raising campaigns for preventing online gender-based violence and provide information on how and where to report it.

• Set forth clear measures for companies providing services in digital environments, so that they protect and respect the rights of children and adolescents and remedy any breach of their rights in connection to the digital environment, in accordance with the United Nations Guiding Principles on Business and Human Rights.

• Ensure the existence and effective operation of reporting channels for online gender-based violence so that women and girls have effective access to protection and rights-restoration measures.

• Develop guidelines on handling grooming and online gender-based violence for public prosecutors.

6. FREEDOM OF EXPRESSION AND SOCIAL PROTEST (ARTS. 13 & 15)

On 15 December 2023, the “Protocol for Maintaining Public Order in the Event of Road Closures”, issued by the Ministry of Security of Argentina and published in the government’s official gazette under Resolution 943/2023, came into effect.83 This administrative protocol establishes guidelines for police and state intervention that violate the right to freedom of expression, association and peaceful assembly, all of which are recognized by the National Constitution and by human rights treaties to which the Argentine State is accountable.84 The provisions in the Protocol allow police and federal law enforcement to intervene in the event of any total or partial road closures due to social protests or demonstrations.85 The Protocol also dictates that a record be kept of all organizations participating in demonstrations that lead to road closures,86 seeking to instil fear in those responsible for these organizations (such as labour unions) so as to deter them from organizing or participating in such protests. It is worth noting that any threat or act of intimidation – such as damage claims, revocation of legal status or threats of deportation – that could directly or indirectly silence and inhibit the work of human rights advocates goes against international human rights treaties.


85 See, for example, Ministry of Security, Resolution 943/2023 (previously cited), Article 1: “As established by this PROTOCOL FOR MAINTAINING PUBLIC ORDER IN THE EVENT OF ROAD CLOSURES, Police and Federal Law Enforcement will intervene in the event of obstructions to the circulation of people or means of transport and partial or total blocking of national routes and other roads within federal jurisdiction. They can also intervene in provincial territories or that of the AUTONOMOUS CITY OF BUENOS AIRES in the cases and under the conditions established by articles 23 and 24 of Act No. 24,059 on Homeland Security”; and Article 2: “The intervention referred to in the preceding article shall take place without necessarily requiring a court order, given that it concerns a flagrant offence punishable under Article 194 of the Criminal Code of the Argentine Nation, without prejudice to the immediate notification of the competent judge or prosecutor” (translation from Spanish by Amnesty International).

86 See, for example, Ministry of Security, Resolution 943/2023, Article 12: “By way of the SECRETARIAT OF SECURITY AND CRIMINAL POLICY of this Ministry, or the department that may replace it in the future, a registry will be created to keep a record of the organizations participating in the actions referred to in Article 1, as well as the number of identified offenders from each of these entities, without including the names of the individuals until there is a legal resolution regarding them” (translation from Spanish by Amnesty International).
Specifically with respect to children and adolescents, the Protocol prohibits their participation in demonstrations, stating that the authorities responsible for protecting the rights of children and adolescents will be notified whenever adults are accompanied by their children in social protests.87

This law restricts children and adolescents from fully exercising their right to freedom of expression and protest, thereby violating their autonomy and their right to being heard. It also violates the right of people who are caring for children to participate in demonstrations in case they cannot leave their children in the care of someone else, as it lays out that child protection authorities shall intervene in case these individuals attend such protests.

Furthermore, Amnesty International is concerned by the police brutality that took place in June 2023 in the Province of Jujuy during protests calling for a provincial constitutional reform. Amnesty International confirmed the unnecessary and excessive use of force,88 including the employment of tear gas and rubber bullets, which left several participants injured. Among the testimonies collected by the organization, there were accounts of two people who suffered permanent eye injuries as a result of being hit by rubber bullets. Among them was a 17-year-old boy.

Peaceful protests or social demonstrations are ways in which people exercise their freedom of expression, association and peaceful assembly. The use of repressive tools cannot be the government’s response mechanism to address social issues or silence the population. Children and adolescents have the right to protest and to participate in whichever matters concern them, ensuring their voices are heard in the democratic process. As a result, the government of Argentina must ensure their ability to fully exercise their right to freedom of expression and protest, without any undue restrictions.

RECOMMENDATIONS

Amnesty International recommends that the government of Argentina:

• Refrain from stigmatizing and using unnecessary and excessive force as a response to individuals exercising their right to freedom of expression, association, assembly and peaceful protest.

• Promote all the necessary actions to safeguard the right to protest and the rights to life, safety and personal integrity of any protesters, including children and adolescents.

• Guarantee a legal framework for peaceful assembly that complies with international human rights law, with special attention to children in order to ensure they can exercise their right to freedom of expression on an equal basis with adults and without discrimination.

• Ensure that the relevant authorities and law enforcement officers receive information on children’s rights in cases of peaceful assembly.

• Adopt positive measures to protect children who wish to exercise their right to peaceful assembly from any harm, whether inflicted by law enforcement or other parties.

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87 See, for example, Ministry of Security, Resolution 943/2023 (previously cited), Article 10: “The data referred to in the preceding article will also be communicated to the authority responsible for the protection of minors whenever it is found that children or adolescents have been taken to the demonstration, risking their physical integrity and jeopardizing their attendance at educational establishments” (translation from Spanish by Amnesty International).

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.