



international submission

The state of economic, social and cultural rights in Argentina

SEPTEMBER 18, 2018

SUMMARIES OF THE SEVEN REPORTS SENT TO THE UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS (CESCR) FOR THE FOURTH PERIODIC REVIEW OF ARGENTINA.

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Presentation of Alternative Reports
FOURTH REVIEW OF ARGENTINA BY THE CESCR

SEPTEMBER 2018

This document compiles the information presented to the CESCR on the occasion of the IV periodic review of Argentina's compliance with its obligations as set forth in the International Covenant on Economic, Social and Cultural Rights.

Each section of this document refers to reports submitted by CELS and produced in conjunction with different actors (social organizations, labor unions, think tanks, human rights organizations, and others) expressly for this review session. At the end of each section there is a link that provides access to the full report. Each report also includes suggested questions and recommendations for the interactive dialogue and the concluding observations.

Introduction: General information¹

There continue to be major structural obstacles in Argentina that limit most of the population's access to and exercise of economic, social, and cultural rights. Those limitations have grown more severe in recent years due to a combination of political and economic measures that has led to a transfer of income to the sectors where capital was already concentrated, greater reprimarization of the productive system,² and a rapid increase in public debt.³

The income gap grew in the first quarter of 2018. According to INDEC data,⁴ the Gini coefficient stood at 0.440 during that quarter of 2018 versus 0.437 in the same period of 2017, marking an increase of 5.2%. While public expenditure has not varied significantly since 2015, its composition has: from 2015 to 2017, the weight of interest payments has grown by 0.9% of the GDP to the detriment of public expenditure on subsidies for electrical energy, gas, and public transportation (both automobile and railway), which have been cut by 0.8%.⁵ The weight of public expenditure on investment in the construction and maintenance of housing, on infrastructure, and on the upkeep and improvement of public spaces has also shrunk in relation to the total budget. The weight of the housing and urbanism category as proportion of the GDP dropped by 50% from 2015 to 2016, that is, from 2.2% to 1.1%; it increased slightly in 2017, reaching 1.3%. The participation of investment in waterworks and sewage systems dropped from 2% to 1.4% from 2015 to 2016, and then plummeted to 0.3% in 2017.⁶

Furthermore, there has been a regressive reform to the pension and social security system. In December 2017, a modification in the formula to calculate social security and pension benefits was passed, yielding a reduction of approximately 10% in the buying power of the monies received.⁷ Furthermore, a plan that enabled persons who had not met minimum contribution requirements to receive benefits was abolished. Women were particularly hard hit by this measure, since they represented 75% of the population that benefited from that plan. Pursuant

¹ Report produced by the Center for Legal and Social Studies (CELS), the Civil Association for Equality and Justice (ACIJ), the Germán Abdala Foundation, and Development Alternatives with Women for a New Era (DAWN).

² For more information, see "The Negative Impact of Economic Policies on Economic and Social Rights" [El impacto negativo de las políticas económicas en la vigencia de los derechos económicos y sociales] in *Human Rights in Argentina, 2017 Report*, available at: <https://www.cels.org.ar/web/publicaciones/derechos-humanos-en-la-argentina-informe-2017/>

³ Since December 2015, Argentina's foreign debt has increased by 142%.

⁴ Technical Reports vol. 2 n° 124: Evolution of Income Distribution (EPH) First quarter of 2018 https://www.indec.gob.ar/uploads/informesdeprensa/ingresos_1trim18.pdf

⁵ See: <http://itegaweb.org/wp-content/uploads/2018/05/Informe-de-Coyuntura-May18-.pdf>

⁶ Lanfranchi, Granero, Duarte, "Development of the Housing Agenda in Argentina" [Desarrollando la agenda del hábitat en Argentina], CIPPEC: 2016.

⁷ CIFRA, Report on the Current State of the Labor Market [Informe de situación del mercado de trabajo], June 2018, available at www.centrocifra.org.ar

to this reform, women who do not meet minimum contribution requirements can only receive 80% of the minimum social security benefit, and they do not have access to it until five years after the age of sixty set for them by the traditional social security system.

This adverse scenario for the exercise of economic, social, and cultural rights has been worsened by the political and economic consequences of Argentina's critical macroeconomic situation: the domestic economy has slowed down, labor and social indicators deteriorated, inflation continued to be high (estimates place it at over 40% for 2018), and the buying power of salaries and of stable income dropped dramatically.

In April 2018, Argentina was shaken by a currency crisis that led to a drop in the value of the national currency against the United States dollar of over 100%. The government looked to the International Monetary Fund for help. It granted Argentina a loan of fifty billion dollars in the framework of the "Technical Memorandum of Understanding."⁸ In it, the Argentine government committed to carrying out severe fiscal adjustment mostly by reducing public expenditure. According to the Memorandum, the government will further cut subsidies for energy and transportation, fire a large portion of public employees, and suspend public works in order to meet this goal. In the case of the provinces, fiscal goals can only be met by means of a severe reduction in public spending that will affect education and health care, two basic social services administered in a decentralized fashion. In a symbolic act, the national government restructured its cabinet, lowering to the rank of secretariat the ministries responsible for implementing government policies that have great impact on economic, social, and cultural rights. The ministries of the environment and sustainable development, of energy, of labor, of agriculture, of health, of culture, of science and technology have all undergone this change in status.⁹

The announcement of these austerity measures failed to restore market confidence in Argentina or to stabilize the peso, though. In late August, after three straight days of "financial runs" and dramatic devaluation, the government began negotiations with the IMF to change the terms of the agreement by committing to still greater fiscal adjustment: an advance was requested and, in exchange, a commitment to reach the goal of "zero deficit" for 2019 made. That promise will only deepen the planned austerity measures.

The State, on different levels and in different ways, has responded to growing social conflicts related to the worsening of employment and social conditions with repression, criminalization and intimidation. That response has a disciplinary effect and restricts the rights linked to social protest and public demonstrations.

We presented to the Committee information on other questions as well, among them access to public information and to rights tied to the workings of the judiciary.

The full report, with suggested recommendations and questions, is available [here](#).

Report on the right to work (Art. 6), equitable and adequate working conditions (Art. 7), and the right to form and join a trade union (Art. 8)¹⁰

This report evidences the deterioration of the state of labor and employment in the country, and the worsening of working and hiring conditions. It discusses as well the range of factors impeding access to the effective exercise of full worker and union rights.

⁸ Available at: <https://www.argentina.gob.ar/noticias/carta-de-intencion-memorandum-de-politicas-economicas-y-financieras-y-memorandum-de>

⁹ See Decree 801/2018, available at: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314078/norma.htm>

¹⁰ Report produced by the Center for Legal and Social Studies (CELS), Central de Trabajadores de la Argentina-de

Unemployment grew from 5.9% in the third quarter of 2015 to 9.1% in the first quarter of 2018. Even though the economy grew in the last year (3.6% in the first quarter of 2018 versus the same period of 2017) and the rate of labor market participation rose, the unemployment rate held steady (9.2% in the first quarter of 2017 and 9.1% one year later). This means that some 34,000 more people are unemployed in Argentina than a year ago.

An unemployment rate of 9.1% means that there are nearly two million unemployed individuals in the country; some 39.4% of them have been looking for a job for over a year. If we add the underemployed looking for more work, 15.9% of the economically active population is facing employment problems. Government statistics evidence that industrial jobs, which tend to be well paid, have been destroyed only to be replaced by jobs in the service and construction sectors, which pay less. Meanwhile, working conditions have worsened and informal employment risen.

This panorama of unemployment, underemployment, and precarization has been accompanied by a loss in workers' buying power. The real salary of registered workers in the private sector dropped by 5.7% from November 2015, before the new administration took over, to May 2018; the loss for public sector workers during the same period was 11.9%. An increase in inflation, with a year-on-year rate of close to 40%, along with a government-imposed "ceiling" on wage hikes in collective bargaining of 15-20%, foretells greater loss in the real salary of Argentine workers.

This report pays particular attention to the inequality facing women and young people.

The report examines a series of obstacles to and violations of the freedom of association and the right to form and join a union. Specifically, it addresses the political and judicial persecution of teachers in Tierra del Fuego, of sugar workers in Salta and Jujuy, of public employees in Rio Negro, and of transportation workers in the Buenos Aires subway system. It also discusses cases of ungrounded interference in the inner workings of unions, specifically cases where union leadership has been taken over by delegates of the executive branch; where union elections have been suspended or overridden; where the "certification" of legitimately elected union officials has been unduly delayed or outright denied; where union requests for formal recognition or for recognition of their legal right to engage in collective bargaining has not been provided; and where union access to funding has been impeded.

The report also addresses a series of obstacles to fully exercising the right to collective bargaining. One example is the failure of the government to hold the mandatory collective bargaining sessions with the teachers' union and the later elimination of such sessions by decree; another is the case of the bank workers' union, where the executive branch refused to certify the agreement reached by the parties.

Furthermore, the number of collective bargaining agreements certified is 79% less than in the first quarter of 2015.

los Trabajadores (CTA de los Trabajadores), Central de Trabajadores de la Argentina- Autónoma (CAT-A), Comisión De Derechos Humanos de la Corriente Federal de Trabajadores—General Confederation of Labor (CGT), Confederación de Trabajadores de la Educación de la República Argentina (CTERA), Sindicato Unificado de Trabajadores de la Educación de Buenos Aires (SUTEBA), Asociación de Trabajadores del Estado (ATE), Asociación de Trabajadores del Estado-Capital (ATE-Capital), Asociación Gremial de Trabajadores del Subte y el Premetro (AGTSyP), Sindicato de Obreros y Empleados del Azúcar del Ingenio Ledesma (SOEAIL), Sindicato de Obreros y Empleados del Azúcar del Ingenio La Esperanza, Sindicato Unificado de Trabajadores de la Educación Fieguina (SUTEF), Sindicato de Prensa de Buenos Aires (SIPREBA), Economía femini(s)ta, Observatorio del Derecho Social CTA-A, Asociación de Abogados Laboralistas (AAL).

Finally, the report discusses the arbitrary use of the tool of “obligatory conciliation” and the imposition of million-dollar fines in order to pressure unions. In cases not unlike the sugar workers in Jujuy, the air-transport unions, and the nuclear energy workers at Atucha, the report points specifically to the fines imposed on the teamster union and on the teachers’ union in Buenos Aires province due both to their exorbitant amounts (thirty and twenty-four million dollars respectively) and to a clear disciplinary intent aimed at all workers.

The full report, with possible recommendations and questions, is available at this [link](#).

Report on the right to health-Mental health¹¹ (Art.12)

The public healthcare system in Argentina has structural problems that hinder equal and full enjoyment of the highest possible level of physical and mental health throughout the country’s different regions.¹² In the framework of a national healthcare emergency established in 2002¹³ and renewed through 2019, some provinces have even decreed a public health emergency due to the state of hospitals and the limited capacity to respond to the demand for care.¹⁴

In this context, the Argentine state has undertaken a series of structural changes to the health system that are of concern. Our report covers three issues:

The reorientation by presidential decree toward a universal health coverage model (*cobertura universal en salud, CUS*) aimed at limiting access to care to only people who have no other type of coverage (mixed or private) and to only basic healthcare benefits.

The executive branch’s presentation of a bill before Congress providing for the creation of an agency under its jurisdiction that would be in charge of including and withdrawing benefits that public and private service-providers must cover. The bill proposes the creation of an entity that does not neutralize potential conflicts of interest (due to the presence of private, mixed providers) and stipulates that decisions by other public health authorities (e.g. judicial decisions) shall be subject to said agency’s judgment.

The recent degrading of the National Ministry of Health to the rank of Secretariat within the Ministry of Social Development, thereby reducing its functional autonomy to design, enforce and evaluate health policies that warrant its governing role at the national level.

¹¹ Report produced by the Civil Association for Equality and Justice (ACIJ), Center for Legal and Social Studies (CELS), Entrelíneas Mental Health Network, Red Nacional de Salud Mental Comunitaria y Derechos Humanos, "Mejor Ando en Comunidad" Civil Association, "La Casita" Comprehensive Community Health Center, Civil Association Network of Users, Families and Volunteers for Mental Health Rights - Red FUV, "La Roja Proyecto Colectivo" Social Work Group, INCLUIR Instituto para la Inclusión Social y el Desarrollo Humano Civil Association, Cabildo Abierto Disability Foundation, Hecho en Buenos Aires Social Organization, Colegio de Profesionales de Servicio Social de Chaco, University Extension Program "Derecho a la salud: VIH y padecimientos mentales," Facultad de Ciencias Jurídicas y Sociales, Universidad Nacional de La Plata, Mental Health and Human Rights Observatory, Movimiento Desmanicomializador de Romero, Permanent Assembly of Users of Mental Health Services, Red Comunitaria Bariloche, Argentine Federation of Psychologists, "Deliberadamente" Inter-sectorial Community Mental Health Committee.

¹² Recent reports by the PAHO/WHO, Argentina: *Indicadores básicos de salud de Argentina* (2017); *Estrategia de cooperación de la OPS/OMS con Argentina, 2017-2021* (2017); *Análisis de la distribución geográfica de los médicos especialistas en la República Argentina* (2015). These and other reports on the national health situation available at: <http://publicaciones.ops.org.ar/publicaciones/index.html>

¹³ Decree 486/2002; Law 27.431 (Art. 133) extended its enforcement until December 31, 2019.

¹⁴ Other than the declaration of a state of emergency in the healthcare system in force since 2014 in the province of Buenos Aires (the largest in the country), there are no official, updated reports characterizing this critical situation; however, the Health Professionals Association of the Province of Buenos Aires (Asociación Sindical de Profesionales de la Salud de la Provincia de Buenos Aires, CICOP) has compiled a list of the main issues. For a description of the situation published in July 2018, see: <https://cicop.org.ar/prensa/el-debate-del-estado-de-los-hospitales-bonaerenses>

With regard to public mental health policy, shutdowns and setbacks that go against the current normative framework continue to occur. The living conditions in neuropsychiatric hospitals are dire; this not only infringes the right to health in acceptable quality conditions, it also affects other rights such as nutrition, freedom of movement, personal integrity and life. This situation is consistent with the absence of an overall plan for sustainable outpatient treatment of institutionalized persons, in which access to a broad array of economic and social rights is guaranteed as the foundation of their return to freedom and community life.

This report approaches the situation of public mental health policy placing emphasis on the lack of community-based, residential alternatives to institutionalization; inadequacy of spaces and material and human resources for care in mental health crises in general hospitals; the lack of increased budget outlays for mental health and the failure to redistribute available resources to policies compatible with the normative framework; and the lack of updated, disaggregated and accessible public information for the design and evaluation of public policies.

The full report is available [here](#).

Situation of abortion in Argentina¹⁵ (Arts. 12, 3 and 15)

Unsafe abortion constitutes a major public health problem in Argentina that leads to serious risks to the health and life of thousands of women. Complications arising from abortions practiced in unsafe conditions have been the leading individual cause of maternal mortality since 1980, and at least 3030 women have died from this cause since the return to democracy.

Considering the official statistics, the number of women who have died due to unsafe abortions in the 2011-2015 period rose to 254, indicating an average of 51 female deaths annually due to this cause. This figures show that 18% of all maternal deaths between 2011-2015 were due to unsafe abortions.

The legalization of abortion was debated in Argentina's Congress in 2018. The debate began in March in the Chamber of Deputies, with the presentation of a bill drafted by the National Campaign for the Right to Legal, Safe and Free Abortion (*Campaña Nacional por el Derecho al Aborto Legal, Seguro y Gratuito*), which had 70 parliamentary signatures from all political parties. There were more than two months of informative meetings to feed the parliamentary debate, and on June 14 the Chamber of Deputies passed the bill to legalize the voluntary interruption of pregnancy. Regrettably, on August 9 the Senate rejected the bill previously approved in the Chamber.

As mentioned, the national executive branch modified the ministerial structure by Decree 801/2018 on September 5. The structural reform places the Ministry of Health under the purview of the Ministry of Social Development. The Ministry of Health not only loses hierarchy, but also its areas of action, because its responsibilities were reduced from a list of 45 to just one encompassing all health matters. Not knowing the scope of the restructuring, it is not yet possible to measure the impact of this modification in terms of access to healthcare throughout the country. However, the decision is truly alarming given the potential limits on the state's capacity to guarantee access to the right to health and, in particular, practices associated with

¹⁵ Report produced by Abogados y Abogadas del Noroeste Argentino en Derechos Humanos y Estudios Sociales (ANDHES), Asociación Católica por el Derecho a Decidir-Argentina (CDD), Asociación Lola Mora, Centro de Estudios de Estado y Sociedad (CEDES), Center for Legal and Social Studies (CELS), Centro de la Mujer (CEDEM), Centro Intercambio y Servicios Cono Sur Córdoba (CISCSA), Latin America and the Caribbean Committee for the Defense of Women's Rights (CLADEM-Argentina), Equipo Latinoamericano de Justicia y Género (ELA), Foundation for Studies and Research on Women (FEIM), Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS), Instituto de Género, Derecho y Desarrollo (INSGENAR), Lesbianas y Feministas por la descriminalización del aborto, Mujeres por Mujeres, Mujeres Autoconvocadas de Trelew, Development Alternatives for Women of a New Era (DAWN).

sexual and reproductive health. As noted by the Committee seven years ago, any evaluation of this capacity must bear in mind the disparities in access throughout the different regions of the country and the Ministry's role as governing entity and final guarantor.

Furthermore, following the bill's rejection there have been setbacks associated with guaranteed access to abortions that have been legal since 1921 (risk to the life or health of the woman and pregnancy resulting from rape): we have observed an increase in barriers, both formal and informal, hindering women's access to this right.

In this report we present information on the abortion situation in Argentina, its legal framework, the effect of the criminalization of abortion, the barriers in access to legal abortions, with particular emphasis on the abuse of conscientious objection, the lack of access to essential medicines and forced maternity.

The [report](#) includes suggestions, questions and recommendations with regard to each of the situations identified.

Cultural Assets – Access to cultural rights (Art. 15)¹⁶

This thematic report addresses a series of issues with a profound impact on cultural diversity that is directly related to the freedom of expression and the right to information in Argentina.

In December 2015, the executive branch issued a Decree of Necessity and Urgency (DNU 267/15) modifying the Audiovisual Media Law (*Ley de Comunicaciones Audiovisuales*). Lifting the restrictions of the law allowed further media concentration and also established a new oversight agency that lacks independence and autonomy (ENACOM).

This decision was later complemented by other executive orders that allow large private stakeholders to expand their business structures to other info-communications fields (Decree 1340/2016) and the subsequent approval of the largest merger ever in the history of Argentina's media sector (Cablevisión and Telecom).

All measures adopted in this sector were decided by executive branch authorities without passing through Congress. Although a "convergence" bill on the matter was promised for mid-2016, as of yet we have no knowledge of an official draft.

Meanwhile, the Public Ombudsman's Office, the body that guarantees audience rights, has been leaderless for the past two years due to indifference from authorities.

There has also been persistent failure to comply with the standards of protection and promotion that the Audiovisual Media Law provides for indigenous and community media.

While funds from the national budget are not being allocated as stipulated under Art. 152, in addition to unjustifiable delays in allocating state funds via a competitive process as provided in Art. 97, the state has still not opened the call to tender for the assignment of one-third of band frequency that the law reserves for indigenous and community media. These breaches affect the right to equal participation in cultural life and, consequently, the disenfranchisement of the diversity of informative expression.

Finally, the report warns about the weakening of the federal public media system with the national budget restrictions, the closing of programs and massive layoffs, as in the case of the Télam news agency.

¹⁶ Report produced by the Center for Legal and Social Studies (CELS), Sindicato de los Trabajadores de Prensa de Buenos Aires (SIPREBA) and Martin Becerra (Doctor of Information Science, Universidad Nacional De Quilmes-Independent Researcher, CONICET).

The Federal System of Media and Public Content (*Sistema Federal de Medios y Contenidos Públicos*) plays a central role in assuring the diversity and plurality of journalistic information and of the cultural assets circulated nationally. State presence focused on public interest and cultural diversity allows the conditions to be generated for different geographic areas and identities from around the country to have a suitable outlet to express their cultural diversity and reach a broad audience.

Nevertheless, while the concentration of large commercial media is encouraged through executive regulations (decrees and resolutions), public media is facing grave threats to its survival.

The full report is available [here](#).

Report on peasant and indigenous communities' access to ESCR in Argentina¹⁷

Peasant and indigenous communities face structural obstacles to secure access to land to live and work. The high price of primary export products—commodities—and technological development have fostered a process that has led to a shift in the agricultural frontier toward traditionally peripheral areas for agribusiness, which has generated greater pressure on the lands inhabited by these communities. This has resulted in greater and more complex territorial conflict. The implementation of public policies aimed at securing their right to land and housing has been insufficient and inadequate. At the same time, poor regulation and control of pesticide use have a serious direct or indirect impact on the environment and people's health.

The peasant and indigenous population is subjected to violent practices and harassment by armed gangs, sometimes composed of former police officers, hired by companies to pressure communities into leaving their lands. Often, security forces, the judiciary and/or the executive branch are complicit in these practices. In some cases, they have resulted in the death of members of the affected communities.

The government has taken some measures that assist and promote the shift of the agricultural frontier. On the one hand, there is less tax pressure on commodities exports. This implies an increase in agribusiness producers' profits and, therefore, represent an incentive to expand the area dedicated to this type of intensive production for export. On the other hand, modifications were made to the Regime of Protection to National Domain over the Ownership, Possession or Ownership of Rural Land (Law 26.737), including more flexible requirements for land acquisition and to expand the total amount of surface that can be modified in possession or mastery of foreign persons. This amendment promotes the sale of land in Argentina to foreign investors and their inclusion within the international financial circuit.

The implementation of public policies aimed at promoting land access for peasant and indigenous communities has been deficient. The recent adjustment raises serious doubts about the possibility of [its] continuity. A law was passed in 2006, declaring an emergency in regard to the possession and ownership of lands traditionally occupied by indigenous communities (Law 26.160). This regulation establishes a term of three years for the implementation of a technical, legal and cadastral survey of the ownership situation of the territories occupied by indigenous communities in order to recognize possession. Eleven years later, only 30% of the communities has completed the survey,¹⁸ and no progress has been made in 2018.

¹⁷ Report produced by the National Indigenous Peasant Movement (Movimiento Nacional Campesino Indígena, MNCI), Center for Legal and Social Studies (CELS), Cátedra Libre de Soberanía Alimentaria and Abogados y Abogadas del Noroeste Argentino en Derechos Humanos y Estudios Sociales (ANDHES).

¹⁸ "Extension of the Indigenous Territorial Emergency Law," available at: <https://www.cels.org.ar/web/wp-content/uploads/2017/09/Pr%C3%B3rroga-Emergencia-Territorial.pdf>

The Family Farming Law, passed in 2014, recognizes principles and creates instruments to guarantee the preservation and sustainability of this mode of production. It also promotes family farmers' access to land by creating a land bank and a title regularization program. However, the law has yet been regulated, and its implementation has been practically null.¹⁹ Within the framework of the government's general fiscal austerity measures, the Secretariat of Family Agriculture, the law's enforcement authority, suffered massive layoffs.²⁰

The report presents the situation of peasant and indigenous communities' access to land and the conflicts surrounding this issue, as well as deficits in the implementation of the main public policies created for this population within the framework of the implementation of economic austerity measures. The report also examines the issue of the use of pesticides, their impact on the quality of the environment and [human] health, and the right to food.

The full document, including suggested questions and recommendations, is available [online](#).

Migrants' access to ESCR²¹

The Argentine Constitution and the Migration Law 25.871 establish the equality of rights between nationals and migrants and, specifically, their access to economic, social and cultural rights. Nevertheless, migrants continue to run into difficulties exercising their rights and, recent changes in the Argentine migratory policy have resulted in even more obstacles for them.

On the one hand, the Decree of Necessity and Urgency (DNU 70/2017) issued on January 30, 2017, repealed a substantial part of the Migration Law and introduced a normative framework that violates the guarantees of due process, the right to a defense, and access to justice in migration procedures, expanding the possibilities of deportation and barriers to migratory regularization.

In addition, practical obstacles to the migratory regularization have a significant impact on migrants' enjoyment of rights because, in practice, having or lacking local documentation affects many of the aspects of daily life, such as renting a home, obtaining formal employment, enrolling children in school, receiving healthcare, opening a bank account or accessing legal justice. As such, the regressive measures in Argentina's migratory policy, on a regulatory level as much as a practical one, impact the migrant population's ability to exercise their ECHR.

Since 2015, territorial management programs have been shut down and no regularization programs have been continued for some nationalities. At the same time, rates charged for migratory procedures have increased by more than 400 percent in two years, which further limits the possibility of regularization for those migrants with fewer [financial] resources. Also, it can take over a year to get an appointment to start migratory procedures, which means that the migrant is stuck in an irregular situation throughout this period.

In relation to the pending debts of the implementation of the Migration Law, discrimination persists in the access of migrants to social security programs, as they continue to demand 40, 20 and 15 years for non-contributory old-age pensions, disability and for mothers with more than seven children. The Universal Allowance per Child requires three years of residency for foreign parents and three years of residency for children not born in Argentina.

¹⁹ See: <https://www.cels.org.ar/web/2018/05/vaciamiento-de-las-politicas-para-la-agricultura-familiar/>

²⁰ See: <http://www.perfil.com/noticias/politica/incidentes-en-el-ministerio-de-agroindustria-por-los-despidos.phtml> ; <http://www.ambito.com/932379-despidos-e-incidentes-en-el-ministerio-de-agroindustria>

²¹ Report produced by the Center for Legal and Social Studies (CELS), Comisión Argentina para Refugiados y Migrantes (CAREF), Clínica Socio-Jurídica CAREF/CELS/UBA, Instituto de Justicia y Derechos Humanos de la Universidad Nacional de Lanús, and Abogadas y Abogados del Noroeste Argentino en Derechos Humanos y Estudios Sociales (ANDHES).

In relation to the right to work, male and female migrants who sell wares on the street and work in textile workshops have filed complaints about police harassment and the dismantling of their workplaces. Of particular concern is the increase of persecution of the Senegalese community, many of who make a living selling wares on the street. In addition, the inability to access regularization through self-employment means that many migrants, who do not have an employment contract, are stuck in an irregular situation.

The equal access of migrants to public education and health is also at risk. On the one hand, the idea of charging migrants fees has been gaining acceptance in legislative debates at the national level and in some provinces. On the other hand, the national government has announced the launch of a cellphone-app that would allow any public official, including health and education officials, to verify a migrant's legal status, which would greatly limit their possibilities of access.

The full report is available [online](#).