

# APDH ARGENTINA. DERECHOS HUMANOS EN EMERGENCIA.

*LAS REFORMAS REGRESIVAS  
EN LA ERA DE MILEI.*



50 años promoviendo  
y defendiendo los  
Derechos Humanos





## **UNIFOR COOPERATION PROJECT FOR THE SOCIAL JUSTICE OF CANADA AND APDH ARGENTINA**

**NARRATIVE REPORT: January - May 2026**

### **INTRODUCTION**

As we described in the presentation of our cooperation project **“HUMAN RIGHTS IN EMERGENCY”**, we are living in a political era of denial and marked regression in legislation and public policy. In various chapters of this report, we will detail the events and government decisions that violate the fundamental rights of our people, as well as the actions and documents presented in the struggle to defend them.

Despite the constant repression and the media campaign full of political violence from the presidential apparatus, the Human Rights Organizations have maintained a firm stance in defense of the legal framework of the international human rights system, the National Constitution and all derived laws.

We coordinate actions in each of the Provinces and the City of Buenos Aires with Human Rights Organizations, with Social Multisectoral and Inter-Union Groups, with Women's and Diversities movement collectives, with the networks for the Defense of the Environment and of Indigenous Peoples.

We create and participate in multiple support and intervention programs for human rights violations related to institutional violence and the repression of social protest. APDH is part of the legal support network during demonstrations within the framework of the Federal Network for Human Rights and Democracy.

The legal teams from different regions and the National Board continue with commendable persistence the trials for crimes against humanity and against institutional violence and trigger-happy policing.

A tenacious defense of the policies **Memory, Truth and Justice** is maintained, especially the Sites of Memory threatened in their very existence by budget cuts and current denialist policies.

Defending the rights of older adults and retirees, whose rights have been consistently restricted and violated, is an ongoing task for the entire organization. Evidence of this is the legal action filed in various regions to secure free medication, a right now curtailed by the national government's policies. The drafting, dissemination, and campaigning for support of the proposed law implementing the Inter-American Convention on the Rights of Older Persons demonstrates the political energy and activism deployed during this period.

One of the organization's core tasks—the transmission of historical memory and human rights education—is being carried out with extraordinary dedication. Evidence of this is the uninterrupted Gender and Human Rights Courses, which have been running continuously since 2016, and the numerous workshops, discussions, panels, and conferences organized by the Secretariats and Regional offices. The exhibition organized to commemorate our organization's 50th anniversary, consisting of panels, banners, videos, thematic booklets, and other outreach materials, has been and continues to be visited and consulted by numerous teachers and students.

In this sense, APDH promotes the actions of specialized organizations for the prevention and eradication of all forms of violence against women, diverse groups, children and adolescents, especially by providing collaboration with victims of sexual abuse, sexual exploitation and trafficking.

Defending the rights of indigenous communities and the environment takes on special importance in times of climate change denial and the repeal of protective regulations.

In particular, the thematic secretariats and the National Board have spoken out and raised strong objections to the attempts to destroy the legal framework of workers' rights with the following legislative instruments that have been approved in the legislative field.

- The so-called Labor Reform, which destroys historical rights of the working class and the people;
- the danger of worsening living conditions for the population due to lack of water by modifying the Glaciers Law;
- The reforms to the Penal Code that curtail due process guarantees and criminalize adolescents and young people, with the new Penal Regime for children and adolescents, the anti-mafia and recidivism laws, among others.

Currently under discussion in the Senate and Chamber of Deputies of the Nation are other nefarious initiatives against which we are taking action and denouncing:

- The law on the inviolability of private property seeks to expedite "express" evictions and prevent legal expropriations currently governed by law.
- lift the limit allowed for the sale of land to foreign individuals and legal entities
- Eliminate the 30-year time limit established in the fire management law to prevent sales of burned land and thereby prevent deliberate fires for the real estate business
- The penalty of 3 to 6 years in prison for those who report situations of gender violence and sexual abuse against children that do not result in a conviction (alleged false reports)

The human rights violations resulting from the Decrees of Necessity and Urgency of the National Executive Power, as well as from the laws passed despite the opposition of numerous political and social sectors, and contrary to what is established in the National Constitution, have been denounced before international human rights organizations.

We can say that in a context of a new and growing process of discontent and social mobilization and struggle in defense of human rights, the APDH together with the Human Rights Movement clearly and fervently plays the leading role that its statutes and the historical mandate of its founders have established and bequeathed.

## **1. POLICIES OF MEMORY, TRUTH AND JUSTICE**

APDH participates, along with Mothers of Plaza de Mayo Founding Line and other organizations, in a Human Rights Organizations Roundtable, through which it coordinates actions in defense of memory policies. In this regard, the main actions undertaken this year were related to the following issues:

- A document from Human Rights Organizations was presented in international forums regarding the deterioration of Memory Sites, particularly the Clandestine Centers of Torture, Death and Extermination, a deterioration caused by budget adjustment policies and staff layoffs.
- We participated in drafting a document from human rights organizations in response to the attempt to modify the contents of the Museum of Memory located in the former ESMA, declared a cultural heritage site of humanity by UNESCO.
- An agreement was signed to join the legal actions against libertarian deputies for incitement of crime and denialism.
- We actively participated in organizing the event commemorating the 50th anniversary of the 1976 Civic-Military Coup, which ushered in the bloodiest chapter of Argentine history. The document read in Plaza de Mayo, which we helped draft, is included in the attached documentation.

- The Living Memory Collection 50 years of the APDH was presented on the occasion of the 50th Anniversary of the organization, booklets prepared by the different secretariats of the APDH

In the last week of May, the **“International Week of the Disappeared”** In remembrance and tribute to the 30,000 victims of State Terrorism. Together with the Roundtable of Organizations and the The Meeting for Memory, Truth and Justice organized a series of events.

The Board, in a moving conversation, received the complainants of the crimes committed in the Clandestine extermination and killing center known as La Perla, in the province of Córdoba. During the months of March and April of this year The Forensic Anthropology team, working with the Federal Court of Córdoba and the plaintiffs, managed to identify the remains of 29 detainees missing. This fact constitutes a contribution of particular intensity due to its symbolism, for confirming that the disappeared were kidnapped and were victims of atrocious crimes, the shooting and burial, in this case, in the field near the former CCD of La Perla, called Loma del Torito.



**SEMANA del DETENIDO DESAPARECIDO  
del 25 al 31 de MAYO**

**ORGANISMOS DE DERECHOS HUMANOS EN UNIDAD**

Organizaciones políticas, sindicales, sociales, estudiantiles, religiosas



We have added the link to the discussion so you can listen directly to the accounts of family members, colleagues, lawyers, and organizations present.

<https://www.youtube.com/watch?v=swnlBUOIWPU&t=37s>

<https://apdh-argentina.org.ar/publicaciones/coleccion-memoria-viva-50-anos-de-la-apdh-jui-cios-de-lesa-humanidad-la-lucha>

**The aforementioned documents are attached.**

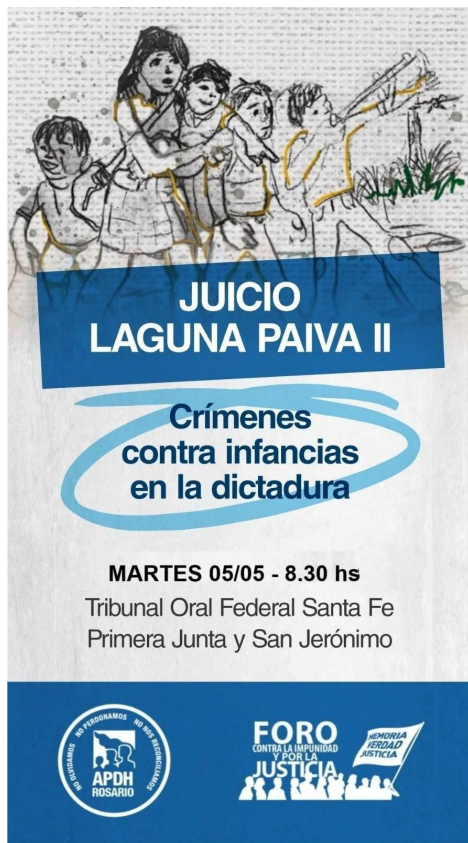
## **2. TRIALS FOR CRIMES AGAINST HUMANITY**

The Permanent Assembly for Human Rights (APDH) is a plaintiff in various jurisdictions throughout the country, where it promotes investigations during the preliminary stages and acts as the prosecuting party in oral trials. To date, APDH has participated in 28 cases, two of them in Italy, where it is pursuing legal action against the Repressive Government military criminal personnel who were not extradited to Argentina: Jorge Néstor Tróccoli, Carlos Luis Malatto, Franco Reverberi Boschi.

Among the most outstanding presentations between 2025-2026 by the Regional Affiliates, the following can be noted:

- **APDH Reg. Zárate:** Legal presentation against the board of directors of DALMINE SIDERCA (Tenaris) for their actions during the state terrorism in the last dictatorship and the request for investigation against directors of the company of the TECHINT group of Campana, for disappeared metallurgical workers.
- **APDH Olavarría, Tres Arroyos, Azul, Tandil:** In relation to the trial for crimes against humanity known as La Huerta III, in which the Court acquitted 27 of the 37 defendants who were tried; the appeal was filed to insist on the conviction of those responsible for the crimes committed against more than 100 victims, including workers of the Loma Negra company.
- **APDH Reg. Río Cuarto:** Signing of an agreement in front of the Opening of the Good Shepherd (former women's prison and current Memory site) with the local Municipality and the National APDH.
- **APDH Reg. Rosario** In the case known as “Villazo,” in which the 17 defendants were acquitted, an appeal was filed to insist on the conviction of those responsible for crimes against humanity committed against 67 steelworkers.  
Acindar.

Other pending cases in which APDH is a plaintiff include: Campo de Mayo (APDH Zárate), D'Alessandri Case (APDH National), Villazo, Feced IV, Machi and Laguna Paiva II (APDH Rosario), La Huerta III (APDH Olavarría, Tres Arroyos, Azul, Tandil), and the Gutiérrez Case, which has been sent to trial where APDH Río Cuarto is a plaintiff. In Italy, the Troccoli, Malatto and Reberveri cases.



In the last weeks of April and May, the oral stage of the trial known as “**Laguna Paiva**” in Santa Fe, where the APDH lawsuit promotes the trial for crimes committed against the minor sons and daughters of families detained during the 1976 military dictatorship.

### **3. POSITIONING AND ACTIONS AGAINST EMERGENCY DECREES. DECREE 941, on the modification of the National Intelligence Law No. 25,520**

From the Permanent Assembly for Human Rights (APDH) we denounce this unacceptable encroachment on the human rights of citizens and demand that the National Congress immediately reject Decree No. 941, which arbitrarily expands the power of the SIDE (State Intelligence Secretary), weakens democratic controls and violates basic constitutional guarantees such as privacy, freedom and due process.

This represents a serious institutional setback that erodes the rule of law, given that criminal matters are not within the purview of the Executive Branch and cannot be regulated by Emergency Decrees. It is deemed unconstitutional, violates the separation of powers, and excludes Congress from democratic debate, enabling opaque practices that undermine legality, republican oversight, and citizen participation.

<https://apdh-argentina.org.ar/declaraciones/apdh-exige-al-congreso-de-la-nacion-el-rechazo-inmediato-del-decreto-ndeg9412025>

#### **4. ACTIONS AGAINST THE LABOR REFORM GENERATED BY THE NATIONAL GOVERNMENT**

The Permanent Assembly for Human Rights (APDH) publicly expressed its total rejection of the labor reform bill submitted by the Executive Branch to the National Congress, as it manifestly violates human rights enshrined in the Federal Constitution and in International Human Rights Law ratified by Argentina. Its most salient features are the following:

- 1.- It reduces employer contributions to the social security system by 3%, which negatively impacts pensions and family allowances.
- 2.- It reduces by 1% the employer's contribution to the social welfare system, which contributes to its underfunding.
3. Create a labor assistance fund intended to pay severance packages. The fund is financed by a 3% contribution from employers, a percentage taken from the social security system. The administration of this fund opens the door to a massive private business model similar to that which prevailed during the era of the AFJPs (Pension Fund Administrators). The existence of the fund incentivizes layoffs, which contradicts the principle of job security, and also harms employers who do not lay off workers but are still required to contribute to the fund.
4. It weakens collective labor action in several aspects:
  - 4.- a) It disproportionately limits the right to strike by establishing many economic activities as “essential” requiring that 75% of the staff work during the execution of force measures.
  4. b) It restricts the rights of trade unions by placing obstacles and additional requirements on union activities, such as requiring employer authorization for participation in union assemblies and congresses. At the same time, it reduces the number of union representatives who enjoy union protection.
  - 4.- c) It enables the negotiation of collective labor agreements by company, which has been historically resisted by workers because the company is the place where the inequality of bargaining power between employers and employees is most evident.
  - 4.- d) It eliminates the ultra-activity of collective labor agreements, so that once the term of validity of these has expired, the workers lose the rights won therein.
5. Regressive reform of the Employment Contract Law, a law which—contrary to what is being advocated—is not outdated nor does it impose obstacles to the employer's power of business management. Among its most notably detrimental aspects are:

5.- a) Create a so-called "bank of hours" that serves to compensate for overtime hours and not pay them as such.

5.- b) It places limits on severance pay, significantly harming high-wage workers who are laid off, whose severance pay will be greatly reduced.

5.- c) It allows the fragmentation of vacations, affecting the individual and family projects of the workers.

5.- d) It limits the presumption of the existence of the employment contract when invoices are issued for the provision of services or payment is made through the banking system, thus facilitating labor fraud.

Although legislators in Congress managed to make some modifications to the original bill, the identified problems remained and the bill was approved. Law 27802, called "Labor Modernization Law" published in the official bulletin on 06/03/2026.



Press conference at the CTA against labor reform and lowering the age of criminal responsibility. February 2026

As of the date of this report, the legal challenges of unconstitutionality filed by the General Confederation of Labor (CGT) remain unresolved, and the case has been transferred from labor court to administrative litigation court.



<https://apdh-argentina.org.ar/declaraciones/apdh-rechaza-la-reforma-labora>

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During the process of discussion and approval of the labor reform, the APDH publicly repudiated and denounced the repressive actions of the State in the context of the protests against the labor reform that took place in the City of Buenos Aires and that generated physical injuries and detentions of demonstrators.

We also note with grave concern that during the demonstration that took place on Thursday, February 19, 2026, human rights defenders belonging to the monitoring team of the National System for the Prevention of Torture and other human rights organizations were attacked by security forces. In addition to these physical attacks involving rubber bullets, tear gas was used, and security forces verbally harassed groups monitoring the use of force in demonstrations, such as the Commission for Memory of the Province of Buenos Aires and the Local Mechanism against Torture of the Autonomous City of Buenos Aires (CABA).

# APDH repudia la represión a defensoras de derechos humanos por parte de fuerzas de seguridad.



<https://apdh-argentina.org.ar/index.php/declaraciones/apdh-repudia-todas-las-acciones-represivas-del-estado-en-el-marco-de-las-protestas>

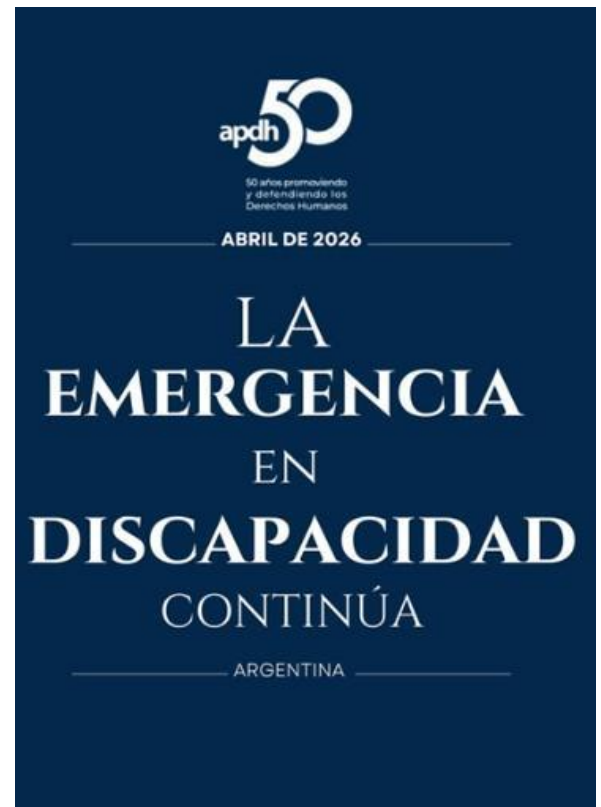
Regarding the defense of workers' rights, the Permanent Assembly for Human Rights accompanied the subway workers, members of the Subway and Pre-metro Workers' Union (AGTSyP), who in a press conference denounced the persecution suffered by the justice system of the City of Buenos Aires, after the concessionary company EMOVA, together with the government of the Autonomous City of Buenos Aires, filed a complaint against 170 workers for legitimate labour action taken between June 2024 and October 2025, in which they demanded, among other things, the removal of the units containing asbestos that endanger the health not only of the workers, but also of the passengers themselves.

Together with other Human Rights Organizations, associations and unions, a petition was signed in defense of the affected rights of workers; who are being disciplined by being accused of having committed crimes, in order to discourage protests and demands for better working conditions.

## 5. ACTIONS IN DEFENSE OF PEOPLE WITH DISABILITIES

APDH continues to denounce the existing emergency regarding disability. The closure of the National Disability Agency (ANDIS) and the creation of SENADIS (National Secretariat for Disability) implies a profound transformation in the design and implementation of Public policies. The new structure reduces institutional hierarchy and limits autonomy of the organism and concentrates decision-making within the Ministry of Health. This change also represents a setback in the rights-based approach, shifting the social model of disability towards a medical-hegemonic perspective and impact in access to education, employment, accessibility and the daily lives of people with disabilities.

The Javier Milei administration initiated an extremely cruel austerity process affecting programs and services for people with disabilities, cutting thousands of pensions and other benefits that fund day centers, rehabilitation centers, scholarships, transportation services, and more. This deterioration in care has generated widespread social mobilization and led to the passage of an Emergency Disability Law in the National Congress. This law, initially vetoed by Milei, was later ratified by the National Congress, yet the Executive Branch has failed to implement it. This marks the first time in Argentina's democratic history that a law ratified by both houses of Congress has been disregarded, effectively placing the National Government in a state of emergency. A similar situation is occurring with the University Budget Funds.



APDH provides guidance and support in various regions for inquiries from people living with disabilities in cases where their rights are violated. Some examples are documented by the Commission in charge.

- RÍO TERCERO AFFILIATE: We continue to support professionals, family members, and educators of people with disabilities. We answer inquiries, share updates and news of interest received from the Disability Commission, and offer technical and legal assistance.
- MISIONES AFFILIATE: reports that the El Dorado City Council passed a regressive ordinance that limits free bus passes for people with disabilities, thus hindering access to medical care in the main city for people from five municipalities.

The APDH was accepted as an *amicus curiae* in the case of Resolution 311 of the City of Buenos Aires, which prohibits special education schools from admitting students over 22 years of age. The case is titled "VILLAR, ELIANA PATRICIA AND OTHERS, v. GCBA (Government of the City of Buenos Aires) on Writ of Protection - Education - Other Matters." The lawsuit was filed by parents and teachers of people with disabilities who sought to ensure the continuity of their children's appropriate education to guarantee the autonomy they need, as established by the Convention on the Rights of Persons with Disabilities and the National Education Law.

We submitted a Note to the Director of ANDIS (National Disability Agency) in order to request public information protected by Law No. 27275. This request was made in light of the facts published in different media outlets- (Telenueve Investiga 17/8/2024, El Ancasti

18/8/24, Página 12 19/8/2024, Info Rioja 20/8/2024 among others) regarding the purchase of medicines from the company Gentech intended for athletes and distributed by the Droguería Suizo Argentina, with an overprice of 27 million pesos.

We sent our support to the Disability Parliament of the Honorable Chamber of Deputies of the Province of Buenos Aires. This is the first time that families, service providers, organizations, and people with disabilities will propose projects in the Provincial Legislature.

<https://www.apdh-argentina.org.ar/declaraciones/la-emergencia-en-discapacidad-en-argentina-continua>

## **6. ACTIONS IN DEFENSE OF THE ELDERLY, RETIRED MEN AND WOMEN**

The APDH, through its Secretariat for Elder Adults, has been supporting the dramatic situation faced by older people with minimum incomes below the poverty line with statements, collection of signatures, participation in mobilizations and dissemination campaigns.

Several of our regional affiliates have initiated, among other procedures, legal processes to demand compliance with rights that this National Government has been curtailing without hesitation, such as the suspension of the provision of medicines, even if it costs the lives of many people.

The crisis facing PAMI (the social security organization for retirees and pensioners) is due to budget cuts, the dismantling of work teams, the cessation of payments to pharmacies and healthcare providers, a 50% reduction in doctors' fees, a lack of supplies, the elimination of free medications, delays in the delivery of medications for serious illnesses, a lack of appointments for complex tests, the loss of healthcare providers, and the closure of service offices, among other measures. This, coupled with the appalling pensions, places numerous people at serious risk of death.

### **Actions promoted by APDH in relation to the defense of the affected rights:**

- Collection of endorsements for the Preliminary Draft of law of Implementation of the Inter-American Convention on the Defense of the Human Rights of Older Persons.
- Participation in the Wednesday mobilization for the Pensioners' Demands in Congress.
- Meetings for the approval of the Permanent Residence Law in the Municipality of Bariloche.
- Advising legislators on the drafting of two provincial law projects on rights and updating of long-stay residences and in the Bariloche local council for the reformulation of the draft ordinance for the creation of a long-stay residence.
- Meeting with the UN High Commissioner for Human Rights in Argentina.

- Participation in the Retirees' Assembly presenting the Long-Term Care Residence Bill. Bariloche.
- Participation in the Conference on the Human Rights of Older Persons organized by the Gino Germani Institute. CABA.
- Organization of collection and transport of donations of medical supplies for the areas affected by the fires in the province of Chubut.
- Preparation of a Report on the Consequences of the Labor Reform on the Pension System sent to the UN.



- Participation in the Conversation "Antagonistic Models in Latin America". Organized by the International Relations Secretariat.

- Participation in the Multisectoral Committee in Defense of Social Security.

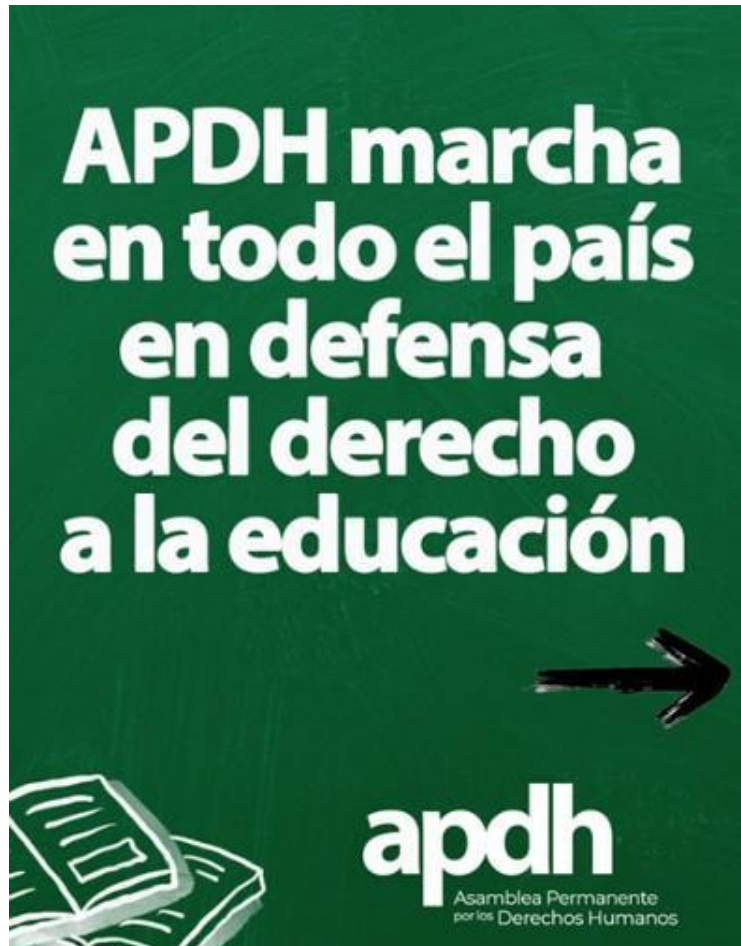
#### **Cases of particular importance handled by the APDH:**

- Request for trauma care and home care. CABA.
- Search for permanent residence.
- Request for trauma care and home care.
- Request for home care.
- Search for long-term residence. Province of Buenos Aires.
- Request for transfer for rehabilitation.
- Procurement and repair of a walker. Santiago del Estero.
- Search for permanent residence in CABA.

## **7. ACTIONS IN DEFENSE OF THE BUDGET INCREASE UNIVERSITY**

APDH spoke out in defense of Law 27.795 on Financing of the University Education and Restructuring of Teacher Salaries.

This is a law passed in 2025. for guarantee the budget, update salaries of the university system public and to restructure the amounts of student scholarships.



The right to education is recognized in our national constitution and in the international treaties incorporated into it in 1994, among normative recognitions. General Comment No. 13 of the Committee on Economic, Social and Cultural Rights of the United Nations Social and Cultural Organization maintains that "States have an obligation to respect human rights enshrined in the Covenant, requires that they avoid measures that hinder or prevent the

enjoyment of the right to education, while the obligation to fulfill or facilitate rights requires that States adopt positive measures that allow individuals and communities to enjoy the right to education and provide them with assistance" (General Observation 13).

As we pointed out in our discussion of the Emergency Law on Disability, the Argentine State's failure to comply with the University Funding Law places it outside the bounds of the National Constitution, in a true legal and political scandal. The massive mobilization of the university community on May 12, in which APDH participated, forcefully demonstrated the continued relevance and importance of a free, secular, and public university for our society.

<https://www.apdh-argentina.org.ar/declaraciones/apdh-marcha-en-todo-el-pais-en-defensa-del-derecho-humano-y-social-la-educacion>

## **8. NATIONAL AND INTERNATIONAL COMPLAINTS ABOUT THE DETERIORATION OF SOCIAL POLICIES FOR GENDER EQUALITY**

The government of Javier Milei began its term with a violent rhetoric against gender equality policies and dismantled the recently created Ministry of Women, Gender, and Diversity in 2020. It not only destroyed a nascent, high-level structure dedicated to the rights of women and diverse groups, but also canceled all the programs that had begun to be developed within it. This constitutes a setback that, in terms of human rights and the Convention on the Elimination of All Forms of Discrimination against Women, is entirely regressive.

The CEDAW Committee issued the corresponding rebuke in its latest presentation to the Argentine Government, which alarmingly and grotesquely disregards the competencies of the international human rights system.

In the documentary annex we include a document presented by the Pampa 2030 Platform, in which APDH participates, which reports on the regressive changes in women's rights, as well as others directly prepared and published by our organization.

All regional affiliates of the APDH (Permanent Assembly for Human Rights) offer counseling on gender-based violence and coordinate actions with specialized collectives such as Ni Una Menos (Not One Less), the Federal Feminist Collective, and the Campaign for Legal, Safe, and Free Abortion. Monitoring compliance with the legal abortion law, achieved in 2020 after decades of struggle, receives special attention from the APDH's gender and health secretariats.

## **9. National actions in defense of the rights of children and adolescents. Criminalization of adolescents through lowering the age of criminal responsibility.**

Every conservative government in the democratic period has attempted to criminalize youth by modifying the Penal Code and lowering the age of criminal responsibility, that is, the age at which adolescents can be tried by the criminal justice system. In Argentina, a democratic approach of special protection for children and adolescents has prevailed, emphasizing crime prevention rather than punishment when it involves children and adolescents. Therefore, statistics have shown a downward trend in crimes committed by adolescents, with the percentage of all crimes committed by minors under 18 being 1.5% in the City of Buenos Aires and 2.5% in the Province of Buenos Aires. Adolescents aged 16 and 17 are criminally liable, so if we were to count only adolescents aged 14 to 15, we would not reach 0.3 percent (approximately 16 or 17 homicides nationwide).

APDH, along with more than 400 organizations, participates in the CHILDREN AND ADOLESCENTS ARTICULATION TABLE and, through it, has made numerous presentations in the Legislative Chambers during the years 2024, 2025 and 2026 in duly founded rejection of the Juvenile Criminal Law project presented by the Milei government, understanding that

the path to addressing the circuits of recruitment of adolescents for crime must go through the adoption of prevention policies before they are committed.

**In the documentary annex we include the latest document submitted and the notes sent to the national senators and deputies.**

## **10. ACTIONS IN DEFENSE OF THE RIGHT TO HEALTH. THE CASE OF GARRAHAN PEDIATRIC HOSPITAL**

The adjustment plan called “Zero Deficit” of the Government of Javier Milei, is based on budget cuts to all social policies, mass layoffs in the public administration, cuts and stagnation in salaries, retirements and pensions of the social security system, suspension of public works at the national level.

One of the sectors affected has been the public health system, and in particular the hospitals, healthcare facilities, and programs that depend on the National Executive Branch, given that the entire system was transferred to the provinces and the City of Buenos Aires decades ago. Among the national hospitals—with a shared board of directors with the City—is the Garrahan Children's Hospital, a highly prestigious institution with a strong academic and professional reputation, which treats critical cases of children and adolescents from all over the country and even from neighboring countries. The salary cuts and reductions in supplies led to a protest by healthcare workers, which garnered strong public support, resulting in massive mobilizations with broad social and political backing.

APDH participated, and continues to participate, in the organizational meetings for marches and hospital assemblies. Although, following legal actions and legislative initiatives, the government was forced to increase healthcare workers' salaries, it subsequently initiated administrative proceedings to sanction and dismiss all the ATE union delegates and members of the Professional Association. APDH, along with other organizations, filed legal challenges to overturn the disciplinary process, achieving success in the first instance, but the appeal by the National Government is still pending.

## **11. DOCUMENT AND ACTIONS TAKEN AGAINST THE REFORM OF THE GLACIER LAW**

The Glaciers Law, passed in 2012, provided significant protection to water sources originating from glacier systems. The government of Javier Milei modifies the criteria for granting this protection with the new law, giving provincial governors the power to proceed with the new classifications. Everything for furthering investments on mega-mining and extractivism. A water defense movement was generated in which APDH had important stake. There were demonstrations and open radio broadcasts throughout the country, in special in the

provinces near the Cordillera, and presentations were made before the National Congress, which is attached. The National Congress summoned a public hearing to debate the content of the reform, in which more than one hundred thousand citizens and specialized organizations registered to participate. In a scandalous maneuver, their presence was suppressed, limiting the hearing to approximately two hundred citizens. Despite the widespread rejection expressed, Congress approved the reform.

**Attached is the document submitted by the APDH, as well as the presentations given by the members of the APDH.**



## **12. DOCUMENT AND ACTIONS TAKEN AGAINST THE REFORM OF THE MENTAL HEALTH LAW**

The National Mental Health Law 26.657, which underwent extensive debate years ago, incorporates the rights of patients, protecting them from the old legal measures that allowed for their confinement in psychiatric hospitals and their chronic illness for decades. To avoid unnecessary institutionalization, outpatient and inpatient services were very slowly established in general hospitals.

However, the resistance of conservative sectors in some provinces and in the City of Buenos Aires, encouraged by the *lobby* of pharmaceutical companies promoting strongest psychiatric medications has paralyzed their application and hindered the creation of the necessary services to provide comprehensive care. The lack of modern mental health services, coupled with the aforementioned budget cuts, has generated profound unease, particularly with the rise in problematic substance use.

The national government intends to modify the Mental Health Law, reverting to the old paradigm of forced hospitalizations and failing to provide the necessary budget to strengthen prevention and comprehensive care policies. APDH actively intervenes in defense of the human rights paradigm for patients and chairs the National Advisory Council established by Law 26657 itself.

**Attached is the document prepared by several organizations, among which the APDH plays a particularly prominent role.**

### **13. DOCUMENT AND ACTIONS TAKEN AGAINST THE REFORM OF THE LAW AGAINST FALSE ACCUSATIONS**

The crime of filing a false report is currently recognized in the Argentine Penal Code. It is statistically infrequent and generally refers to economic crimes. Javier Milei's Ministry of Justice, with its regressive and denialist view of gender and human rights issues, insists that women and relatives of children fabricate reports of gender-based violence and child sexual abuse to attack fathers.

A view that denies the existence of gender-based violence, the severity of femicides, and sexual abuse. They presented a reform to the Penal Code in the National Congress that doubles sentences and increases them only for those who report violence of gender and sexual abuse, both to the complainants - who are mostly women - and to the professionals that perform interdisciplinary diagnoses. The objective is clear: to intimidate, paralyze and prevent complaints from being filed.



[https://www.instagram.com/p/DXFVndRkX3r/?img\\_index=1](https://www.instagram.com/p/DXFVndRkX3r/?img_index=1)

**We are attaching several documents prepared by the APDH and presented to the Senate of the Nation where they are currently being addressed.**

### **14. ACTIONS TAKEN IN DEFENSE OF THE COMMUNITIES OF THE NATIVE PEOPLES**

APDH has a long tradition of supporting and defending the rights of Indigenous peoples. In recent years, it has supported a series of actions against the gradual and ongoing dispossession of the ancestral territories inhabited by these communities.

In particular, we have been present in the struggles for the continuation of Law 26160, which provided for the surveying of community territories, their registration, and the subsequent issuance of deeds. This entire process, very slow due to the resistance of landowners and

their political allies in the provinces, was achieved with the active participation of the communities, reaching only 50% of the territories.

The government of Javier Milei has repealed the Land Registry by decree, suspended new land surveys, and promoted new regulations to affirm the “inviolability of private property” and facilitate the swift eviction of those without definitive deeds. It has also introduced another bill to eliminate the 1,000-hectare limit established for land acquisitions by foreigners. The Permanent Assembly for Human Rights (APDH), through its regional offices and secretariats, is supporting communities in Chaco, Formosa, Jujuy, Tucumán, Santiago del Estero, Mendoza, Chubut, Río Negro, and other provinces. Legal appeals, formal complaints, and other documents have been filed with various national and provincial authorities.

<https://apdh-argentina.org.ar/declaraciones/comunicado-sobre-conflicto-lote-88-miraflores>

## **15. ACTIONS AND DOCUMENTS AGAINST CRIMINALIZATION ON SOCIAL PROTEST AND THE FREEDOM OF PRISONERS POLICIES**

During Mauricio Macri's presidency (2015-2019), a strategy of persecution against activists and political opponents was unleashed, using certain branches of the judiciary as a tool. This is known as lawfare, a new methodology of domination employed by hegemonic powers throughout Latin America. As a result, numerous officials from the populist governments of Néstor and Cristina Kirchner, as well as members of "piquetero" social organizations like Tupac Amaru, led by Milagro Sala, and others coordinated by Luis Delia and other social leaders, were charged and imprisoned. At that time, the Permanent Assembly for Human Rights (APDH), together with the Argentine League for Human Rights, made constant demands in court, filed amicus briefs, and visited the prisons where political prisoners were being held.

From the outset, Javier Milei's government attacked grassroots cooperatives, charging delegates and members of community kitchens. Cristina Fernández de Kirchner was also convicted and is currently serving her sentence under house arrest. Milagro Sala has already served ten years of unjust and arbitrary house arrest. The Permanent Assembly for Human Rights (APDH) participates in the Committee for the Freedom of both political figures.

Furthermore, Milei's rise to power ushered in the repression of social protest through a new protocol called "Anti-Picketing," against which numerous legal challenges were filed by the Federal Human Rights Network, of which APDH is a member. These challenges were unsuccessful.

In every demonstration, protesters are persecuted and repressed, arrested, and prosecuted. Some, held in police stations in the City, are quickly released thanks to the intervention of

human rights lawyers; others are taken to prisons in the towns of Ezeiza and Marcos Paz. We are demanding the possibility of visiting them because the two most recently detained individuals have been subjected to extremely strict isolation. As we write this report, we are hoping to arrange a visit in the coming days.

Actions demanding the release of those detained in social protests are being carried out throughout the country, particularly in Rosario, Córdoba, San Juan, Mendoza, Chubut, Rio Negro, and Jujuy. APDH activists, along with their lawyers, are visiting police stations and prisons, filing legal appeals aimed at securing their release.

**We attach amicus briefs submitted for the freedom of political prisoners.**

## **16. INTERNATIONAL SOLIDARITY ACTIONS – THE CASE OF THE VILLALBA FAMILY**

The APDH (Permanent Assembly for Human Rights) participates in the Solidarity Committee with the Villalba Family, originally from Paraguay. A large part of the family, including their Argentine children, obtained refuge in Argentina in 2020. The government of Javier Milei revoked their asylum status, leading to renewed persecution of the family, who are now residing in another neighboring country. Meanwhile, in Paraguay, two girls, Mari Carmen and Lilian Villalba, were murdered, and Lichita Villalba disappeared. The APDH, along with their lawyers, is filing legal complaints regarding these cases. Furthermore, several family members are imprisoned in maximum-security prisons, suffering torture and ill-treatment. On May 8th, a press conference was held at the APDH headquarters, where the atrocious situation faced by the imprisoned women was discussed, along with the attempt to dismiss the case concerning the girls' murders.

[https://www.instagram.com/p/DYuVBgfu\\_Fo/](https://www.instagram.com/p/DYuVBgfu_Fo/)

<https://www.instagram.com/reel/DYGd1nXx6qy/>

**We have attached the note submitted to the UN Human Rights Committee**

## **17. THE DENUNCIATION OF THE GENOCIDE IN GAZA**

APDH participates in the Committee of Solidarity with Palestine and from there constantly promotes actions denouncing the genocide suffered by the population in Gaza. It also participates in mobilizations demanding an end to the war and the release of political prisoners. APDH supported the creation of a Coordinating Committee to support the

solidarity flotilla to Gaza, demanding and endorsing statements of condemnation for its detention by the authorities of the State of [Palestinian].

Israel.

Zionist organizations have filed complaints against teachers and members of parliament for their statements defending the Palestinian people and condemning the aggression of the State of Israel. We have submitted amicus briefs and letters of support for members of parliament Alejandro Bodart and Vanina Biasi, as well as for the teacher who is under investigation by the Ministry of Education of the City of Buenos Aires.

Aires.

<https://www.instagram.com/reels/DSLBS9WkUHF/>

## **18. HANDLING OF INDIVIDUAL AND COLLECTIVE CASES: PRESENTATION OF AMICUS CURIAE AND NOTES IN DEFENSE OF PERSONS WITH VIOLATED RIGHTS.**

### **FRIEND OF THE COURT**

- APDH's presentation as Amicus Curiae in the trial for the femicide of a young woman, requesting the Court to address the case with a gender perspective, stating that the sentence to be issued must adequately respect the gender perspective and the conceptualization of gender violence that emerge from our National Constitution and the Human Rights Treaties constitutionally signed by Argentina. Case File "ACCUSED: PASCUCCIO, GUIDO AND OTHERS s/ABANDONMENT OF PERSONS RESULTING IN DEATH AND AGGRAVATED INJURIES VICTIM: RASCOVSKY, MICAELA PATRICIA AND ANOTHER", No. 24990 / 2021.
- APDH's presentation as Amicus Curiae before the Supreme Court of Justice, regarding jurisdiction, in accordance with specific laws concerning children, so that the proceedings related to children's rights are conducted in the children's place of residence, in this case, Abel and Eva; and this must be determined urgently, given the lawsuit filed against the State to guarantee healthcare treatment to improve the lives of both children. Case File "M.A. AND ANOTHER S/ OSPIP. AND ANOTHER S/ AMPARO LAW 16.986" No. 12398/2024.
- APDH's presentation of brief as amicus curiae before the Court of Guarantees No. 6 of the Mar del Plata Judicial Department on behalf of the victims of an alleged fraud being investigated by the Head of the Functional Unit of Instruction and Trial No. 10 of the Department. The victims' rights to jurisdiction and effective judicial protection were violated by the procedural inaction of the Prosecutor, affecting more than 200 families whose legitimate right to access decent housing was violated. Many of these families belong to socially vulnerable sectors of the Mar del Plata population, including senior citizens, retirees, people with disabilities, and unemployed individuals. These circumstances have forced them to live in undignified conditions as a result of the damages caused by the alleged acts, which are not being investigated properly or expeditiously. Case: IPP No. 08-00-021009-24-00.

- Presentation of APDH as a Supporter of the collective writ of protection filed before the Federal Court of Mendoza requesting that the unconstitutionality and nullity of Resolutions 2024-2431 and 2024-2537 of PAMI, in force since 02/12/2024, be declared, given that PAMI restricted access to free medication, and to the treatments of affiliated retirees, violating their fundamental rights to life and health, protected by the National Constitution and international human rights treaties. "JUBYPEN MENDOZA (ASSOCIATION OF RETIREES AND PENSIONERS OF MENDOZA) AND OTHERS V/ INSSJP - PAMI S/COLLECTIVE PROTECTION - File FMZ 027196/2024.

## **19. ACTIONS AND PRESENTATIONS BEFORE INTERNATIONAL ORGANISMS RELATED TO THE DEFENSE OF HUMAN RIGHTS.**

Presentation before specialized rapporteurs on Freedom of Expression

Publication on 01/03/2026 of an article on labor reform in Argentina for a newsletter in Italy: Argentina: Democrazia a rischio:

<https://nuovi-lavori.it/index.php/la-corsa-del-digitale-litalia-e-tra-le-prime-potenze-mondiali/>

On 29/01/2026, the Annual Report of Accreditation Activities of APDH before International Organizations was sent to the OAS.

On 26/02/2026 the International Conversation, "The social impact of labor reforms in Latin America, Argentina and Europe" was held (At 2:00 pm in Italy, 5:00 pm in Argentina and 7:30 pm in Colombia).

During the month of March 2026, three presentations were made to International Organizations:

- To Claudia Mahler, United Nations Independent Rapporteur on the Rights of Older Persons: Report on the situation of violations of the rights of older persons in Argentina.
- To Dr. Astrid Puentes Riaño, United Nations Special Rapporteur on the Right to a Healthy and Sustainable Environment: Report on the situation of fires in Patagonia.
- To Javier Palumbo, Special Rapporteur on Economic, Social and Cultural Rights before the Permanent Council of the OAS, on the violation of Economic and Social Rights in Argentina, especially since the labor reform.

## 20. STATEMENTS OF THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH) YEAR 2026

- [Human rights organizations condemn the brutal attack of the United States government against the sovereign Republic Bolivarian Republic of Venezuela](#)
- [APDH strongly condemns the events that occurred in the Bolivarian Republic of Venezuela](#)
- [APDH condemns the decision of the Oral Criminal Court No. 2 that granted conditional release to Juan Pablo Offidani, one of the convicted for the femicide of Lucía Pérez](#)
- [APDH demands the National Congress immediately reject the Decree No. 941/2025](#)
- [SOLIDARITY WITH THE KURDISH PEOPLE – CEASEFIRE IN ROJAVA](#)
- [The National Human Rights Assembly Demands Environmental Justice in the Territory FROM THE INDIGENOUS COMMUNITY OF CANTEROS \(TONOKOTÉS – SANTIAGO\) FROM THE ESTUARY](#)
- [We bid farewell with deep sorrow to Beto Pianelli](#)
- [Rejection of the Juvenile Criminal Reform proposed by the government of Javier Milei](#)
- [APDH condemns all repressive actions by the State within the framework of the protests against the labor reform that took place in the City of Buenos Aires](#)
- [March 8th. For a society without violence or exploitation.](#)
- [The APDH expresses its deep concern regarding the new worsening of the legal situation of retiree Daniel Vera](#)
- [Rejection of teacher training at the service of corporations](#)
- [Deep sorrow for the passing of Lila Pastoriza](#)
- [STATEMENT REGARDING THE LOT 88 CONFLICT – MIRAFLORES](#)
- [APDH condemns the ban on Thiago Avila's entry into the country. International coordinator of the Sumud Global Flotilla](#)
- [APDH strongly condemns the recent offense expressed by Enzo Ferreira, coordinator of Radio Nacional Tucumán and a leading figure in The political space "Freedom Advances," towards the emblematic singer popular Mercedes Sosa](#)
- [APDH condemns the blatant attack on Freedom of the Press and on Freedom of Expression, yet another example of authoritarianism on the part of of the Milei government and its officials](#)
- [Political document against the False Accusations Bill](#)
- [THE SILENT GENOCIDE DEEPENS](#)
- [No to the reform of the National Mental Health Law No. 26657](#)
- [Stop the cuts in the City of Buenos Aires](#)
- [APDH strongly condemns the decision of the Ministry of Health dismantle the Remediar Plan](#)
- [APDH Regional Mendoza condemns the repressive interference of the government Israeli in the city. The disability emergency in Argentina. continues.](#)
- [Fifty years after the beginning of state terrorism and on the fiftieth anniversary of the APDH. Against the dispossession and surrender of sovereignty.](#)

- [APDH marches across the country in defense of human rights and social to education.](#)
- [APDH condemns the serious acts of violence, discrimination and racism suffered by Diana Ferreyra, a member of the indigenous community Wichí and resident of Fortín Dragones, San Martín department, province of Salta](#)
- [We want to know where Axel González is!](#)

## **DOCUMENTARY ANNEX**

1. Statement for the DAY OF RESPECT FOR CULTURAL DIVERSITY (OCTOBER 12). October 13, 2025.
2. Complaint to the Special Rapporteur Bernard Duhaime regarding the serious impacts on public policies of Memory, Truth and Justice in Argentina, submitted in January 2025.
3. Note from Dr. Tania Reneaum Panszi, Executive Secretary, Inter-American Commission on Human Rights, Organization of American States. Presented in April 2025
4. Report of the Argentine Monitoring Platform for the 2030 Agenda -PAMPA 2030- Presented in 2025
5. Document No to lowering the age of criminal responsibility, November 9, 2025
6. Note submitted to the National Congress. Glaciers are not to be touched. December 4, 2025.
7. Labor Reform Report. Secretariat for Economic, Social and Cultural Rights. February 27, 2026
8. Report on the Consequences of Labor Reform on the Pension System. February 2026.
9. Document regarding March 24, 2026
10. Document of Rejection to the Reform of National Law No. 26657 on Mental Health, April 19, 2026
11. Political Document of the Federal Assembly of APDH. April 25, 2026.
12. Presentation on the project regarding alleged "False Accusations". Presented in the Senate of the Nation on April 21, 2026

13. Situation report on people with disabilities in Argentina. Human rights in emergency. The regressive reforms of the Milei era. April 2026.
14. Proposal prepared by the APDH, presented to the Board of Directors of the former ESMA.
15. Letter to the Human Rights Committee regarding the case of the Villalba Family of Paraguay.

## **Documentary Annex**



Buenos Aires, October 13, 2025.

**STATEMENT OF REPUDIATION OF THE  
ACCOUNT AND STATEMENTS OF NATIONAL GOVERNMENT FOR  
THE DAY OF RESPECT FOR CULTURAL DIVERSITY (OCTOBER 12)**

The Permanent Assembly for Human Rights (APDH) expresses its strong condemnation of the message disseminated by the National Government on the occasion of the Day of Respect for Cultural Diversity, in which colonial figures are exalted and native peoples are openly denigrated, vindicating a Eurocentric, racist vision contrary to the fundamental principles of human rights and the Argentine constitutional order.

The official video released from the Casa Rosada account claims that “civilization prevailed over savagery” and upholds “Western civilization” as superior. It also promotes intolerance, racism, and symbolic violence. Such statements constitute a denialist discourse regarding the Indigenous genocide and epistemicide that resulted from the processes of dispossession, subjugation, and extermination during the colonization of the Americas.

The content of the publication constitutes a violation of the international commitments undertaken by the Argentine Republic, enshrined in Convention 169 of the International Labour Organization (ILO), which recognizes the right of indigenous peoples to preserve their institutions, cultures, and ways of life, and obliges the State to respect their social and cultural identity. Furthermore, it is unacceptable that the highest representative of the State should disregard the provisions of Article 75, paragraph 17 of the National Constitution, which recognizes the ethnic and cultural pre-existence of Argentina's indigenous peoples, their right to communal ownership of the lands they traditionally occupy, and their participation in the management of their natural resources and other matters that affect them.

We demand and urge the National Government to publicly rectify its statements, guarantee the effective fulfillment of the rights of indigenous peoples, and reaffirm its commitment to the constitutional principles and international human rights treaties that our Republic has signed.

**PERMANENT ASSEMBLY FOR HUMAN RIGHTS**

**(APDH ARGENTINA)**



## Asamblea Permanente por los Derechos Humanos

Asociación Civil  
Estatus Consultivo Especial ante el ECOSOC de la ONU  
Organización acreditada en el registro de OSC de la OEA

Av. Callao 569 3º cuerpo 1º piso (C1022AAF), Buenos Aires, Argentina  
Tel. (54 11) 4372-8594 / 4373 0397 - Fax (54 11) 4814-3714  
e-mail: [apdh@apdh-argentina.org.ar](mailto:apdh@apdh-argentina.org.ar) / sitio web: [www.apdh-argentina.org.ar](http://www.apdh-argentina.org.ar)

### **The Permanent Assembly for Human Rights (APDH) denounces before Mr. Rapporteur D. Bernard Duhaime on the serious impacts that public policies of Memory, Truth and Justice in Argentina are currently experiencing.**

The Permanent Assembly for Human Rights (APDH) is a non-profit organization, founded in 1975. Its objective is the defense and promotion of human rights enshrined in the National Constitution and the treaties incorporated therein, as well as in national legislation. The APDH has legal status granted by the General Inspectorate of Justice (IGJ) through Resolution 784/86; it holds Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN), and is accredited in the Registry of Civil Society Organizations (CSOs) of the Organization of American States (OAS).

The APDH is a federal institution with branches throughout the country, giving the organization a comprehensive understanding of each local reality. All of these branches are active in defending human rights in their respective regions. Currently, we have more than 40 branches, including regional offices and local organizing committees, distributed across the nation.

This report aims to express to this authority our profound concern regarding the dismantling of highly sensitive areas of the State dedicated to public policies of Memory, Truth, and Justice, with the resulting consequences for democratic quality, the investigation, prosecution, and conviction of those responsible for the state terrorism that ravaged our country, reparations, and the prevention of recurrence of what happened in recent history, as well as the implications these policies have on the social fabric. Among these implications is a clear regression in terms of citizens' rights and guarantees. This is what we have been warning about and denouncing since December 2023, following Javier Milei's assumption of power, and which has been seriously aggravated in the final months of his administration.

The entire structure of the National Secretariat for Human Rights, dedicated for years to upholding the policies that have earned Argentina recognition in this area, is now facing severe defunding, compounded by massive layoffs of essential workers. It should be noted that at the beginning of 2024, its staff consisted of 1,050 highly qualified individuals, responsible for carrying out the many public policies inherent to the Argentine State, including the process of Memory, Truth, and Justice; the prosecution of crimes against humanity; support for witnesses and victims of state terrorism; the care and preservation of essential documentation in trials; and the maintenance of former clandestine detention, torture, and extermination centers, which have been transformed into memorial sites, among many other vital tasks.

All of that is being dismantled today. The National Secretariat for Human Rights is being dismantled by the national government. More than 500 workers have been laid off in recent days. And the slightly more than 500 who remain lack even the most basic job security, their situation being extremely precarious, since their contracts are subject to the absolute discretion of the current administration, which has imposed a gross salary reduction on those who manage to keep their jobs, and subject to the whims of the authorities involved.

We point out that the Milei government, assisted by his Minister of Justice, Mariano Cúneo

Libarona implemented drastic cuts, including in highly sensitive areas such as the Registry.

The Unified Registry of Victims of State Terrorism (RUVTE), the National Archive of Memory, the Haroldo Conti Cultural Center for Memory, the Sites and Spaces of Memory, the National Commission for the Right to Identity, Reparations Policies, and many others. The planned staff reduction is estimated to be between 30% and 61%, depending on the area affected. This situation makes it impossible to guarantee public policies for the protection of fundamental rights and makes it extremely difficult to continue trials for crimes against humanity, as well as the policies of Memory, Truth, and Justice. At the same time, these cuts in the aforementioned areas jeopardize the preservation and proper handling of the documentary and material collections held, especially in the National Archive of Memory (ANM), but also in other locations, such as the Sites and Spaces of Memory, which, as we have noted, operate in former Clandestine Centers of Detention, Torture, and Extermination, and which are under the jurisdiction of the Secretariat in question.

The Directorate of Sites and Spaces of Memory, whose status was downgraded from a National Directorate at the beginning of 2024, had 112 qualified and specialized workers in the areas of conservation, research, communication, archaeology, archiving, education, and maintenance. Currently, its staff consists of only 60 workers, and many of these areas lack any personnel to carry out the necessary tasks at these sites. Seven Spaces of Memory fall under this directorate: “Club Atlético,” “Olimpo,” “Automotores Orletti,” and “Virrey Cevallos” in the City of Buenos Aires; “ESIM” in the city of Mar del Plata; the “9th Infantry Regiment” in the Province of Corrientes; and “La Escuelita de Famaillá” in the Province of Tucumán. The ESMA Museum and Site of Memory, declared a UNESCO World Heritage Site in 2023, reports directly to the National Secretariat of Human Rights and has also been subject to staff reductions.

Spaces for Memory are specifically framed within National Law 26.691/2011 on the Preservation, Signage and Dissemination of Sites of Memory of State Terrorism. Article 2 of said law establishes that “*The National Executive Branch will guarantee the preservation of all Sites in order to facilitate judicial investigations, as well as to preserve the memory of what happened during state terrorism in our country*”<sup>1</sup>In turn, this regulation establishes the Secretariat of Rights as the implementing authority. Human Rights, under the Ministry of Justice. It should be added that in our country many of the Sites of Memory have been declared National Historic Sites, which leaves them completely unprotected.

It is worth noting that, at the same time, there are different international standards and recommendations that protect memorial sites. At the regional level, the document on Public Policies on Memory in the Americas, adopted in 2019 and prepared by the IACHR, establishes as an obligation of States regarding the preservation of sites, the maintenance of suitable permanent work teams for their upkeep, and also requires that “*States have an obligation to ensure the financing of public memory policies*”<sup>2</sup>In the same vein, the Mercosur Institute of Public Policies on Human Rights defined in 2012 the Fundamental Principles for Public Policies on Sites of Memory, highlighting the importance of these spaces to guarantee the right to truth, the right to reparation, and their fundamental role in the construction of collective memory, as well as the obligations of States as guarantors of said policies, their adequate signage and preservation.

It is necessary to point out that the Argentine State has ratified the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Convention on the Prevention and Punishment of the Crime of Genocide; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, among other international regulations, and therefore it is its

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<sup>1</sup>Law 26.691, available at <https://servicios.infoleg.gob.ar/infolegInternet/anexos/180000184999/184962/norma.htm>

<sup>2</sup>Principles on Public Policies of Memory in the Americas available at [Principles on Public Policies on Memory in the Americas](#)

obligation to comply with what they mandate: investigation, punishment, full reparation and adoption of measures to prevent the repetition of crimes against humanity.

Thanking the rapporteur for his interest and attention to this complaint, considering its seriousness and urgency, we remain at your disposal to provide any further information that may be relevant to the case and that may be required of us.

Without further ado, we greet you with special consideration.



**Eduardo Tavani, Paula Topasso, Mariela Pérez Cisneros**  
**President of APDH President of APDH President of APDH**





April 25, 2025

Dra. Tania Reneaum Pansy  
Executive Secretary  
Inter-American Commission on Human Rights  
Organization of American States  
889 F St NW  
Washington, D.C. 20006  
USA

*Ref: Request for a thematic hearing on the territorial emergency, evictions and criminalization of Mapuche communities in the context of advances in extractive projects in Argentina.*

Dear Dr. Reneaum Panszi,

The Malalweche Territorial Identity Organization, the Xawvn Ko Zonal Council of the Mapuche Confederation of Neuquén, the Coordinator of the Mapuche Parliament of Río Negro, the Observatory of Human Rights of Indigenous Peoples (ODHPI), the Civil Association Permanent Assembly for Human Rights (APDH), the Center for Legal and Social Studies (CELS), the Inter-American Association for Environmental Defense (AIDA) and Earthjustice address you, and through you the Honorable Inter-American Commission on Human Rights (IACHR), in order to request a thematic hearing on the emergency arising from the lack of territorial recognition, evictions and criminalization faced by the communities of the Mapuche People in the context of the advance of extractive projects in Argentina, during its 193rd session during the week of July 21-25, 2025, in accordance with articles 61, 62 and 66 of the IACHR Rules of Procedure.

### **I. Organizations that present themselves**

The Malalweche Territorial Identity Organization<sup>3</sup>It is the representative political organization of the Mapuche people in the Province of Mendoza; since 2009, it has brought together more than fifteen Mapuche communities located in the south of that province. The organization owes its name to the decision of all the Mapuche and Mapuche-Pehuenche communities of

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<sup>3</sup> <https://malalweche.blogspot.com/>

Mapuche people, based on our Mapuche essence which is our TUWVN (territorial origin) and the KVPAN (family origin), with the objective of recovering the ancestral form of community organization, improving the quality of life of the communities and strengthening the current forms of economy and production, respecting the ÑUKE MAPU (Mother Earth) and the Biodiversity that surrounds us.

The Mapuche Confederation of Neuquén<sup>4</sup>It represents the more than 70 Mapuche communities in the province and is organized into 6 Zonal Councils (Kiñel Mapu in the Mapuche language). The Xawvn Ko Zonal Council represents 15 Mapuche communities. The Mapuche Confederation was formed as the Neuquén Indigenous Confederation in 1970 to unite *pu LOF* (All the communities) of the Province of Neuquén and towards the end of the 1980s began a process of transformation and KIZUGVNEWVN (autonomy). Alongside the community territorial reserves and the reaffirmation in WAJMAPU (ancestral Mapuche territory) and PUELMAPU (Mapuche territory east of Fvta Mawiza or the Andes Mountains), they work on strengthening the political, cultural, spiritual, philosophical and educational institutions of the Mapuche People.

The Coordinator of the Mapuche Parliament of Río Negro<sup>5</sup>It is a Representative organization of 160 Mapuche communities in the province of Río Negro, recognized by Decree No. 310 of Provincial Law No. 2,287 "Comprehensive Indigenous Law".

The Observatory of Human Rights of Indigenous Peoples (ODHPI)<sup>6</sup>It is a non-governmental organization legally constituted as a civil association, whose objective is the promotion and defense of the human rights of Indigenous peoples, specializing in legal aspects. It began its work in August 2008 at the initiative of the Mapuche Confederation of Neuquén, in conjunction with individuals who had long been working in legal counsel and organizational practice with Mapuche communities. It is located in the city of Neuquén (Neuquén Province), the city of Cipolletti (Río Negro Province), and the city of Rawson (Chubut Province), Argentina, and carries out its work from Patagonia throughout the country, maintaining a special relationship and history of collaboration with the Indigenous Peoples of the south: the Mapuche and the Mapuche-Tehuelche peoples.

The Inter-American Association for Environmental Defense (AIDA) is an international non-governmental environmental law organization that has been working since 1998 to protect threatened ecosystems and the communities that depend on them in the Americas. We have extensive experience in environmental law and human rights, both from

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<sup>4</sup> <https://confederacionmapuche.org/>

<sup>5</sup>

<https://www.facebook.com/p/Coordinadora-del-Parlamento-Mapuche-en-R%C3%ADo-Negro-100064411707268/>

<sup>6</sup> <https://odhpi.com/>

the perspective of international and domestic law. We work in and have teams in eleven Latin American countries.

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Earthjustice is a non-profit, public interest environmental law organization registered in the United States of America. Its mission as a legal entity focuses on using the power of the law and the strength of association to protect human health, preserve ecosystems, protected natural areas and wildlife, promote clean energy, and combat climate change. Earthjustice has over 50 years of experience promoting the human right to a healthy environment before national and international courts, including the Inter-American Human Rights System, United Nations human rights bodies, the Standing Committee of the Convention on Wetlands, and the UNESCO World Heritage Committee.

## **II. Target audience**

The purpose of this hearing is to present information and testimonies regarding the territorial emergency faced by the Mapuche Indigenous communities, stemming from the lack of territorial recognition, imminent eviction proceedings against them, and the criminalization of these communities in the provinces of Mendoza, Neuquén, and Río Negro, Argentina. A large number of the hundreds of Mapuche communities whose traditional territory is located in these provinces are currently facing eviction proceedings that threaten to expel them from their lands, prohibit their access to them, and prevent them from carrying out their traditional practices. Several of these communities have attempted to challenge the eviction orders through the courts without success, and without judicial authorities applying the human rights of Indigenous Peoples recognized by national and international legislation binding on Argentina, in particular, Article 75, Section 17 of the National Constitution, Article 21 of the American Convention on Human Rights, and Articles 14 and 16 of ILO Convention 169, ratified into Argentine law by Law 24.071.

In cases where eviction orders are carried out, the disruption of the social fabric and the forced displacement of families threaten to dismantle the community's culture and territory, irreversibly interrupting the processes of reconstruction and reclaiming their identity as the Mapuche people. It also inhibits communities' access to their territory and their ability to carry out traditional production and food practices, in addition to severely affecting their right to housing. In many cases, the eviction process is carried out violently by private security groups or provincial and federal agents with an excessive use of state security forces.<sup>7</sup> where community members are injured and their rights to physical integrity are affected.

This situation stems primarily from the systematic violation of the territorial rights of the Mapuche People and the disregard shown by the National State and other States Provincials regarding the right to identity and indigenous communal property. Despite the fact that

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<sup>7</sup>See evictions of the Lof Buenuleo (Río Negro Province) and Lof Quemquemtrew (Neuquén Province) communities: <https://canalabierto.com.ar/2025/03/06/mas-de-70-efectivos-para-desalojar-a-una-comunidad-mapuche-ya-habia-liberado-el-predio/>

Argentina has formally recognized the territorial, social, and cultural rights of indigenous communities<sup>8</sup>This recognition has not been implemented or made effective, or if it has been, it has been implemented very poorly. Very few Mapuche communities in Argentina have been granted legal status as indigenous communities. Even fewer have a completed land survey process that identifies and demarcates their traditional territory.<sup>9</sup>Even for the few communities that do have legal status and a land survey, none enjoy a collective property title that fully guarantees their territorial rights. This is attributable to the Argentine State's failure to comply with its international obligations under the American Convention on Human Rights, as well as the stipulations of Chapter IV, "ON THE ADJUDICATION OF LANDS," of Law 23.302 (Articles 7 et seq.).

The emergency has worsened in recent months due to the systematic dismantling of official institutions dealing with Indigenous Peoples and the limited protections that existed until recently under national law. In December 2024, through Emergency Decree No. 1083/2024, the President of the Nation repealed key protections of Law 26.160, which was the only national legislation suspending evictions and thus protecting the right of Indigenous communities to remain on their lands and access their territories.

Law 26.160 was enacted in 2006 in a context of emergency, marked by extreme violence against Indigenous peoples who were suffering recurring evictions. In response to this situation and the constitutional mandate of Article 75, section 17, the legislation aimed to halt the forced expulsions of Indigenous communities throughout the national territory and to delimit and demarcate community lands as a preliminary step to implementing land titling policies that were never put into effect.

Law 26.160 was a fundamental tool to guarantee the protection of the link between Mapuche communities and their territories until the National Program was completed.

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The Territorial Survey of Indigenous Communities, which had been underway through agreements with the various provinces, was suspended by the Public Order Law. This law suspended all administrative or procedural acts and judgments aimed at evicting Indigenous communities. It also mandated a territorial survey of the communities (demarcation of current, traditional, and public land occupation). As a result of this process, the communities

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<sup>8</sup>Since the 1994 Constitutional Reform, Argentina has incorporated the rights of indigenous communities into the recognition of their ethnic and cultural pre-existence, their right to legal personality, their right to intercultural and bilingual education, their right to the possession and ownership of the lands they traditionally occupy, and their right to participate in the management of natural resources and matters that affect them. It has also ratified ILO Convention 169 (Law 24.071). At the federal level, various national laws have been enacted that aim to implement Indigenous policies (Law 23.302 on National Indigenous Policy, Law 26517 on the Restitution of Human Remains), give Indigenous communities a voice in the management of natural resources (Law 26.331 on Native Forests, Law 27.246 on the Nagoya Protocol), recognize communal property rights (Article 18 of the Civil and Commercial Code), and/or provide effective protection for the possession of communal lands against evictions (Law 26.160). At the provincial level, several provincial governments have incorporated this recognition into their constitutions and have enacted laws to this effect.

<sup>9</sup> “As evidenced by its 2005 decision in the case of *Yake Axa v. Paraguay*, the Court emphasized that the State must not only recognize the right to communal property, but also make it ‘effective in reality and in practice’” Inter-American Court of Human Rights. Case of Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina. Merits, Reparations and Costs. Judgment of February 6, 2020. Series C No. 400, para. 95. See also, ILO Convention 169, art. 14.2.

received a Technical File containing historical-anthropological components, territorial maps, cadastral information, and other relevant data.

The completion of the land survey suffered significant delays. The law passed in 2006 stipulated that the survey should be finished by 2009. Fifteen years later, barely more than half of the communities had received their files. In 2019, the National Team of Indigenous Pastoral Care (ENDEPA) produced a report on the lack of comprehensive implementation of the Land Survey, which concludes that *In global terms, it is concerning that 61.35% of the country's Indigenous Communities have not yet completed the survey of the lands they traditionally occupy.*<sup>10</sup> He also warned about the lack of legal certainty in the technical files, since the Territorial Survey procedure did not include “*forms of publicity such as registrations in provincial registries and cadastral offices, determining forms of enforceability against third parties or providing special mechanisms for their title*” Between 2006 and February 2024, according to official sources, of the 1,874 Indigenous communities identified by the National Institute of Indigenous Affairs (INAI), the national agency responsible for overseeing Indigenous Peoples' affairs and carrying out territorial recognition and surveying processes, the surveying process had only been completed for 989 communities—slightly more than half. The surveying process had begun for another 273, leaving 616 communities yet to be surveyed.<sup>11</sup> To date, the situation has not changed substantially.

It is important to note that this land survey process was carried out without implementing a land titling mechanism. Law 26.160 suspended evictions while this demarcation was underway. This was an important protection for the communities until a law was enacted that would give effect to their right to communal ownership of their lands, a right recognized in the National Constitution and the Civil and Commercial Code of the Nation. (ART. 18)<sup>12</sup> However, no progress was made in implementing this community property system.

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Therefore, the Inter-American Court of Human Rights declared Argentina responsible for violating Article 21 of the American Convention in relation to Articles 1.1 and 2 thereof, and as part of the reparations, obliged Argentina to adopt legislative and/or other measures to provide legal security to the human right of indigenous communal property<sup>11</sup>.

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<sup>10</sup> National Aboriginal Pastoral Team (ENDEPA). *Special Report. The historical debt remains unpaid*. In <https://www.endepa.org.ar/contenido/INFORME-ESPECIAL-LEY-26160-4-min.pdf>

<sup>11</sup> RENACI. List of Indigenous Communities. Data updated to February 23, 2024.

<sup>12</sup> Civil and Commercial Code of the Nation. (2015). *ARTICLE 18.- Rights of indigenous communities. Recognized indigenous communities have the right to the possession and communal ownership of the lands they traditionally occupy and of those other lands suitable and sufficient for human development as established by law, in accordance with the provisions of article 75, paragraph 17 of the National Constitution.* As background, the Presidency of the Nation, in 2010, through Decree No. 700/2010, created the COMMISSION FOR ANALYSIS AND IMPLEMENTATION OF INDIGENOUS COMMUNITY PROPERTY, within the scope of the INSTITUTE NATIONAL INDIGENOUS AFFAIRS and composed of representatives of the NATIONAL EXECUTIVE BRANCH,

**However, despite this failure to comply with the international obligations of the Argentine State and the growing conflict surrounding ancestral territories, through Decree of Necessity and Urgency No. 1083/2024, the Government of the Federal State declared the end of the emergency regarding the occupation of indigenous communities' lands** This act deepened the emergency situation, as the courts frequently begin to interpret that even the communities with Territorial Survey (With official state recognition of the current, traditional, and public occupation) they can be evicted. The following communities are currently under eviction orders: Lof El Sosneado<sup>12</sup>, Lof Yanten Florido<sup>13</sup>, Lof Yanten<sup>14</sup>, Praise the Lord<sup>13</sup> y Lof Suyai Levfv<sup>14</sup> (Mendoza Province); Lof Paichil Antriao and Correntoso campsite (Villa La Angostura)<sup>15</sup> and Lof Kinxikew and Lof Melo on the outskirts of that

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from the Provincial Governments, from the Indigenous Peoples proposed by the indigenous territorial organizations and from the Indigenous Participation Council.

<sup>11</sup> Inter-American Court of Human Rights. Case of Indigenous Communities Members of the Lhaka Honhat (Our Land) Association v. Argentina. Merits, Reparations and Costs. Judgment of February 6, 2020. Series C No. 400. Operative paragraphs, paras. 1 and 15.

<sup>12</sup> SOMINAR, S.A. v. VERON, NILDA EDITH, Case No. [J2]. Final judgment: <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=8705753336> (14/02/2022); <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=11144281322> (21/04/2025) <sup>13</sup> GRECO, FRANCISCO RUBEN C/MARTINEZ PANTALEON S/ EXECUTION OF SENTENCE (J2).

Final judgment: <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=8407208886> (27/08/2021); <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=10433508860> (30/05/2024) <sup>14</sup> LA SARITA, S.A. v. SUCESTORES DE ACOSTA, JUAN CARLOS, ORDINARY PROCEEDINGS. Final judgment: <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=10115862790> (11/12/2023); <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=10796743487> (24/10/2024)

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<sup>13</sup> VALLE MENDOCINOS S.A. AND ALTOS CERROS S.A. AGAINST MÁRQUEZ ALFREDO NESTOR FOR

EVICTON. Final judgment: <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=10121459857> (13/12/2023)

<sup>14</sup> LUCCHESI, JORGE LUIS AND OTHERS. V/ LOPEZ, ELIO S/ POSSESSORY ACTION -J4. Judgment of the Supreme Court of Justice of Mendoza, resolving the non-application of Law 26.160. <https://wwwnoti.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=8556325922> (02/11/2021)

<sup>15</sup> “Municipality of Villa La Angostura v. Montes, Hugo and Others re: Reivindicatory Action” (File JJUCI2 No. 35,140 – Year 2013). Province of Neuquén. Supreme Court of Justice ruling: [https://dw2.jusneuquen.gov.ar/consultatemp/JJUCI2EXP3514022704\\_f.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-AmzCredential=minioadmin%2F20250424%2Fus-east-1%2Fs3%2Faws4\\_request&X-Amz-Date=20250424T211638Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=2933880591e6f3a27e2722128a01b9d5b3cae64f0763339bf4f83500e6dd1d2f](https://dw2.jusneuquen.gov.ar/consultatemp/JJUCI2EXP3514022704_f.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-AmzCredential=minioadmin%2F20250424%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20250424T211638Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=2933880591e6f3a27e2722128a01b9d5b3cae64f0763339bf4f83500e6dd1d2f)

Neuquén town<sup>18</sup>, and the Coffee Loaf (from Loma La Lata - Añelo Department)<sup>16</sup>, (Neuquén Province); among many other communities.

Also, in October 2024, **The National Government annulled resolution 4811/96, under which the National Registry of Indigenous Communities (RENACI) operated** which was the only national registry for identifying and recognizing indigenous communities. Furthermore, it suspended all pending applications for registration of indigenous communities.

Finally, the INAI **has made significant setbacks in the recognition and protection of the rights of the Mapuche people. In particular, in the last eight months, the INAI has issued resolutions nullifying the territorial survey and recognition of the current, traditional and public possession of at least four Mapuche Communities in the provinces of Mendoza and Río Negro:** the communities of Lof Buenuleo<sup>17</sup> Lof El Sosneado<sup>18</sup>, Lof Limay Kuref<sup>19</sup> y Lof Suyai Levfv<sup>20</sup> These resolutions nullified the only administrative recognition of these communities' traditional territory and obstruct their access to judicial and administrative mechanisms to assert their rights to the territory and to prior consultation. Even more seriously for the communities, they deprived them of the most effective legal protection to suspend the eviction order and thus guarantee their continued presence and access to their territory.

The situation of evictions and lack of territorial protection is closely linked to economic pressures on the territory of the Mapuche People, and in particular to extractive industries and the reluctance of Provincial States to carry out consultation processes with Mapuche communities.<sup>21</sup> Much of the Mapuche territory is affected by mining and oil projects, particularly the unconventional exploitation of oil and gas in the formation known as "Vaca Muerta." According to the national government, this basin represents the second largest reserve.

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<sup>18</sup>“Broers, María Cristina v. Quintriqueo, Pascual Felidoro and Others re: Execution of Judgment” (File JVACII INC No. 12,835 – Year 2021) Province of Neuquén. TSJ Judgment: [https://dw2.jusneuquen.gov.ar/consulta-temp/666b0f94-1c2c-41db-93a4-4b111eb27124.pdf?X-AmzAlgorithm=AWS4-HMAC-SHA256&X-Amz-Credential=minioadmin%2F20250424%2Fus-east1%2Fs3%2Faws4\\_request&X-Amz-Date=20250424T213808Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=f25f7b9c8053418064c9aa41674f761fe07f385c7ce4c247e413e1672a8afcea](https://dw2.jusneuquen.gov.ar/consulta-temp/666b0f94-1c2c-41db-93a4-4b111eb27124.pdf?X-AmzAlgorithm=AWS4-HMAC-SHA256&X-Amz-Credential=minioadmin%2F20250424%2Fus-east1%2Fs3%2Faws4_request&X-Amz-Date=20250424T213808Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=f25f7b9c8053418064c9aa41674f761fe07f385c7ce4c247e413e1672a8afcea)

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<sup>16</sup>“Mario Cervi e Hijos S.A. v. Kaxipayiñ Mapuche Community, Interdict.” (File JNQCI4 EXP 454729/2011). Province of Neuquén. Civil Chamber Judgment: [https://dw2.jusneuquen.gov.ar/consultatemp/f982d738-3fc2-4547-8e28-b25ad87f216e.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=minioadmin%2F20250425%2Fus-east-1%2Fs3%2Faws4\\_request&X-Amz-Date=20250425T153636Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=29660091ae5c309e5a5da9f9234a547ce98b35f922a1050ef95a82711a63729e](https://dw2.jusneuquen.gov.ar/consultatemp/f982d738-3fc2-4547-8e28-b25ad87f216e.pdf?X-Amz-Algorithm=AWS4-HMAC-SHA256&X-Amz-Credential=minioadmin%2F20250425%2Fus-east-1%2Fs3%2Faws4_request&X-Amz-Date=20250425T153636Z&X-Amz-Expires=86400&X-Amz-SignedHeaders=host&X-Amz-Signature=29660091ae5c309e5a5da9f9234a547ce98b35f922a1050ef95a82711a63729e)

<sup>17</sup>INAI. Resolución 44/2024 del INAI, RESOL-2024-44-APN-INAI#JGM. 12 de septiembre de 2024.

<sup>18</sup>INAI. Resolution 11/2025, RESOL-2025-11-APN-INAI#JGM. January 31, 2025.

<sup>19</sup>INAI. Resolution 10/2025, RESOL-2025-10-APN-INAI#JGM. January 31, 2025.

<sup>20</sup>INAI. Resolution 9/2025, RESOL-2025-9-APN-INAI#JGM. January 31, 2025.

<sup>21</sup>In the Argentine federal system, the original ownership of natural resources belongs to the provincial states.

world's largest unconventional gas reserve and fourth largest conventional oil reserve<sup>25</sup> To exploit these resources, hydraulic fracturing is required, or *fracking*, by its English name, a technique that scientists and public health experts have denounced because “there is no evidence that the *fracking* can be practiced in a way that does not pose a threat to human health.”<sup>26</sup>

In the Province of Mendoza, the provincial government is moving forward through the state-owned company “Impulsa Mendoza”, with the approval of 63 metallic mining projects in what it called “Malargüe Western Mining District”, an area of approximately 18,000km<sup>2</sup> with more than two hundred mining properties, encompassing the community territory of more than ten Mapuche communities.

So far, neither for oil exploitation in Vaca Muerta nor for mining projects in Mendoza, no prior consultation process has been carried out with communities or authorities of the Mapuche People.

This situation is further aggravated by the criminalization, discriminatory rhetoric, and acts that deny the Mapuche people their status as an Indigenous people of Argentina, perpetrated by provincial and national governments, as well as by anti-Mapuche groups who have opposed the community's territorial claims. These acts include official resolutions denying the existence of Mapuche Indigenous communities.<sup>27</sup>, harassment on social media<sup>22</sup> and anti-Mapuche protests and caravans<sup>23</sup>.

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<sup>25</sup> <https://youtu.be/Rr2ERePJimg?si=VfNc1nbNZGLLMjH6>

<sup>26</sup> Physicians for Social Responsibility y Concerned Health Professionals of New York, Heinrich Boll Stiftung Mexico, *Compendium of scientific, medical and media findings demonstrating the risks and harms of fracking (unconventional extraction of gas and oil) Sixth Edition*, pp. 24–25 (Marisa Jacott trans., Dec. 2019), [https://mx.boell.org/sites/default/files/2020-01/Traduccion%20compendio%20Fracking\\_libro\\_2019\\_ok.pdf](https://mx.boell.org/sites/default/files/2020-01/Traduccion%20compendio%20Fracking_libro_2019_ok.pdf).

<sup>27</sup> In 2023, the legislature of the Province of Mendoza approved Resolution No. 1390, which declares the Mapuche people as not native to Argentina: “*THE HONORABLE CHAMBER OF DEPUTIES OF THE PROVINCE OF*

*MENDOZA RESOLVES: ART. 1 To affirm, based on the scientific, historical, and anthropological contributions provided during the committee's review by specialists on indigenous issues, that the Mapuche should not be considered Argentine indigenous peoples under the terms of Article 75, paragraph 17 of the National Constitution and International Treaties. ART. 2 To express repudiation of Decree No. 805/21 of the National*

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<sup>22</sup> For example:

<https://www.elsol.com.ar/mendoza/la-corte-suprema-fallo-contrapseudomapuches-en-san-rafaelque-dijo-alfredo-cornejo/> ;

<https://www.memo.com.ar/tribunales/por-un-fallo-de-la-corte-contramaputruhoscornejo-dio-por-cerrado-un-periodo-de-arbitrariedades/> ;

<https://piramideinformativa.com/2025/04/la-cortesuprema-confirmando-el-desalojo-de-pseudomapuches-en-san-rafael-cornejo-festejo-con-pichetto/> ;

<https://www.losandes.com.ar/politica/la-corte-suprema-fallo-contrautopercibidos-mapuches-que-ocuparonterrenos-el-sur-mendoza-n5945674>

<sup>23</sup> For example:

<https://radioencuentro.org.ar/sin-categoria/consenso-bariloche-reedicion-del-comando-unificado-para-la-coordinadora-del-pueblo-mapuche> (2021, Río

Negro); [https://www.clarin.com/politica/mendoza-caravanaantimapuche-cesion-tierras-decidida-gobierno\\_0\\_tEwpjJfel1.html?srsId=AfmBOoofe1lo6b0Oun2m3k3rS5Z7rehZURqUeviI3tptIdjVpGpvMg-q](https://www.clarin.com/politica/mendoza-caravanaantimapuche-cesion-tierras-decidida-gobierno_0_tEwpjJfel1.html?srsId=AfmBOoofe1lo6b0Oun2m3k3rS5Z7rehZURqUeviI3tptIdjVpGpvMg-q) (2023, Mendoza)

*Executive Branch, which extends and modifies Law 26,160, since it is null and void and was issued against the separation of powers...*

For example, when announcing the revocation of the land surveys of the Lof El Sosneado, Lof Limay Kuref, and Lof Suyai Levfv communities, presidential spokesperson Manuel Adorni labeled these Mapuche communities as “terrorists” and denied their Indigenous identity. Specifically, he said:

*“The territories that were **in the hands of terrorists** They are back in the hands of the Argentiniens. Furthermore, the community strengthening program that allowed **those who disguised themselves as indigenous people** They will contact lawyers to represent them in disputes. ... These measures are in defense of all Argentiniens **and against those who do not respect the Argentine flag** and they want to take over our territory”<sup>24</sup>.*

This urgent situation and imminent risk to human rights has culminated in a request for precautionary measures, MC 178-25, filed on February 16, 2025, on behalf of the Lof El Sosneado Community in Mendoza. Furthermore, the Commission has already issued a resolution granting precautionary measures to the Lof El Buenuleo Community on May 14, 2020, due to the urgent risk arising from eviction proceedings against them.<sup>25</sup> Despite the existence of the precautionary measures, this community suffered a forced and violent eviction in March of this year.<sup>26</sup> The situation of these communities is reflected in a much broader context of systematic violations that deserves the urgent attention of this Honorable Inter-American Commission.

Unfortunately, the courts have not guaranteed the right to an effective judicial remedy for Mapuche communities. Within the national judicial system, the Supreme Court of Justice of the Nation has issued rulings that constitute **regression** in relation to the non-recognition of pre-existing communities that have not been registered in national or provincial registries or that have not been surveyed within the framework of the National Program for Territorial Surveying of Indigenous Communities.<sup>27</sup> A precautionary measure was also issued by the Federal Judiciary to prevent the company YPF S.A. (a company in which the Argentine state is the majority shareholder) from entering the community territory of Lof Campo Maripe (Neuquén Province) without respecting the right to consultation of this community (despite the existence of Provincial Law No. 3401 on consultation in the Province of Neuquén).<sup>28</sup>

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<sup>24</sup>Clarín. The government will declare the RAM a terrorist organization and has taken away three properties ceded to the Mapuche people by the Kirchner administration. February 5, 2025. (emphasis added) [https://www.clarin.com/politica/gobierno-declarara-organizacion-terrorista-ram-quito-mapuches-predios-cedidos-kirchnerismo\\_0\\_FVEiscIQC.html](https://www.clarin.com/politica/gobierno-declarara-organizacion-terrorista-ram-quito-mapuches-predios-cedidos-kirchnerismo_0_FVEiscIQC.html)

<sup>25</sup>IACHR. Resolution 23/2020, Precautionary Measure No. 954/19. *Mapuche community Lof Buenuleo regarding Argentina* May 14, 2020.

<sup>26</sup>Open Channel. More than 70 officers to evict a Mapuche community that had already vacated the property. March 7, 2025. <https://canalabierto.com.ar/2025/03/06/mas-de-70-efectivos-para-desalojar-a-una-comunidad-mapuche-que-ya-habia-liberado-el-predio/>

<sup>27</sup>CSJ 1007/2020/RH1 “Gonzalez, Florencio Antonio C/ Colicheo, Florentino and others S/ Interdict (summary)”, Province of Río Negro.

<sup>28</sup>FGR 012884/2024. Case: “YPF S.A. v. Campo, Juan Albino and Others, Amparo Against Acts of Private Parties”. Federal Court of Neuquén No. 1. Precautionary Measure:

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Finally, criminal cases against environmental and community defenders are multiplying. Provincial Public Prosecutor's Offices are charging community and environmental defenders with land seizures, arson, and other damages, also accusing them of federal crimes such as participation in an organization for ideological coercion.<sup>29</sup>In this way, a system of criminalization of the Mapuche people is created, which is aggravated by hate speech and harassment in the media.<sup>30</sup>

### III. Justification for the Hearing

The attention of the Honorable Inter-American Commission to the territorial emergency, evictions and criminalization of Mapuche communities is justified by the gravity and urgency of the situation for the human rights of these communities and because it aligns with the priorities of the Commission, the Rapporteurship on Indigenous Peoples and the Special Rapporteurship on Economic, Social, Cultural and Environmental Rights (REDESCA).

Currently in the provinces of Mendoza, Neuquén, and Río Negro, hundreds of communities are in a situation of legal vulnerability regarding their territorial rights. Several communities have already been evicted, and many more have outstanding eviction orders against them.

The eviction and forced displacement of a community violates a series of human rights, such as the rights to life (Article 4 of the American Convention on Human Rights), collective ownership (Article 21 of the American Convention on Human Rights), freedom of movement and residence (Article 22 of the American Convention on Human Rights), participation in cultural life, and access to food and housing (Article 26 of the American Convention on Human Rights), among others. It should not be forgotten that Mapuche communities conceive of the land **assacred**and therefore non-transferable, from which it follows that an eviction represents the annihilation of their identity. Likewise, the

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<sup>29</sup>In Mendoza, in the context of a protest against the installation of the "San Jorge" Project, a copper and gold mining operation, and in defense of water, environmental defenders Mauricio Cornejo and Federico Soria were charged under Article 213 bis of the Penal Code (Article 213 bis). *Anyone who organizes or takes part in permanent or temporary groups that, without being included in article 210 of this code, have as their main or accessory purpose to impose their ideas or combat those of others by force or fear, for the sole fact of being a member of the association, shall be punished with imprisonment or detention for three to eight years.* See <https://www.frontlinedefenders.org/es/case/criminalisation-against-two-water-defenders-assembly-self-convened-neighbours-uspallata-0> In Chubut, six environmental defenders were declared criminally responsible for harm to the community; in this process, one defendant committed suicide. <https://www.anred.org/chubutaguazo-llegan-las-sentencias-de-un-juicio-contaminado/> In Neuquén, the members of the Paichil Antriao Community suffer multiple criminal charges, going through permanent situations of judicial harassment.

<sup>30</sup> For example:

<https://www.laizquierdadiario.com/Absuelven-del-cargo-de-usurpacion-a-comunidad-mapuche-de-Campo-Maripue> (News, 2020); <https://www.resumenlatinoamericano.org/2024/09/16/nacion-mapuche-lof-paichil-antriao-la-comunidad-mas-criminalizada-el-estado-no-titulariza-las-tierras-ancestrales-accion-que-da-vuelta-la-tabaque-permite-el-negociado-inmobiliario/> (Neuquen, 2024)

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<https://scw.pjn.gov.ar/scw/viewer.seam?id=g13CWxTxioVMldATFGbsrSfWy20Kch4OPpUdKeP4D3M%3D&ti po Doc=despacho>

The eviction will lead to the disruption of community life and an increase in food vulnerability, especially given the Argentine State's failure to safeguard the rights of the Mapuche people.

The eviction also inhibits access to the areas these communities have used for grazing and transhumance of their animals, traditional practices on which the communities depend for their food supply. In this sense, the eviction violates the families' rights to a dignified life and participation in their cultural life, since they may be deprived of basic conditions for exercising other rights.<sup>31</sup> such as integrity and its cultural practices<sup>32</sup>.

The Inter-American Court considers that situations that aggravate the intrinsic vulnerability of indigenous peoples, such as the restriction of ancestral territory, violate the right to a dignified life and cultural integrity.<sup>33</sup> Specifically, he stated that *States must respect and guarantee the enjoyment of the spiritual or cultural relationship between indigenous peoples and their territory, as part of protecting their right to participate in cultural life.*<sup>34</sup> The separation of the community from its territory also jeopardizes its right to psychological and moral integrity.<sup>35</sup> Once the eviction interrupts the possibility of maintaining and preserving the identity and integrity of their culture, the fluid and multidimensional relationship with their ancestral land, and, for all these reasons, causes suffering capable of violating those rights.

This emergency also aligns with the priorities of the Inter-American Commission. In establishing the guidelines for prioritizing petitions and cases, the Commission has stated that *"It is necessary to place special emphasis on safeguarding the rights of individuals and groups in particularly vulnerable situations, historically discriminated against, and those individuals subject to special protection."*<sup>36</sup> The Mapuche communities are currently in a vulnerable situation due to a lack of legal protection and the absence of recognition of their rights as an Indigenous People under Argentine law. Furthermore, the Mapuche people have historically and continue to suffer systematic discrimination and the denial of their own identity as an Indigenous People.

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<sup>31</sup>Inter-American Court of Human Rights. *Case Yakye Axa Indigenous Community Vs. Paraguay* Interpretation of the Judgment on the Merits, Reparations and Costs. Judgment of February 6, 2006. Series C No. 142, para. 167, 176.

<sup>32</sup>Inter-American Court of Human Rights. *Case of the U'wa Indigenous People and Its Members vs. Colombia*. Judgment on the Merits, Reparations and Costs. Judgment of July 4, 2024. Series C No. 530, paras. 259 to 271.

<sup>33</sup>Inter-American Court of Human Rights. *Case Indigenous Community Xákmok Kásek Vs. Paraguay*. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, para. 214.

<sup>34</sup>Inter-American Court of Human Rights. *Case of the U'wa Indigenous People and Its Members vs. Colombia*, *supra* note 114, para. 271.

<sup>35</sup>Inter-American Court of Human Rights. *Case Indigenous Community Xákmok Kásek Vs. Paraguay*, *supra* Note 116, paragraphs 243 to 244; Inter-American Court of Human Rights. *Case of the Moiwana Community vs. Suriname* Interpretation of the Judgment on the Merits, Reparations and Costs. Judgment of February 8, 2006. Series C No. 145, paras. 101 to 103.

<sup>36</sup>IACHR. Resolution 4/23. Policy on Prioritization of Petitions and Cases. Doc 329. December 20, 2023, Consideration 10.

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The Commission has also prioritized “[a]stakes related to structural situations or current problems that have an impact on the enjoyment of human rights, in which a pronouncement by the IACHR may have the effect of remedying them or promoting legislative or state practice changes”<sup>37</sup> The current territorial emergency of the Mapuche people in Argentina is clearly a structural and situational problem related to the national and provincial governments' disregard for the Mapuche people's territorial rights. The systematic practice of evicting Mapuche communities, coupled with the dismantling of the few existing indigenous institutions and legal protections granted by law, are *State practices, jurisdictional interpretations, or legislative frameworks allegedly contrary to human rights and that cause a serious impact on them, the rule of law, or the democratic order* Furthermore, the denial of Mapuche identity by state actors who have labeled the communities as “fake Mapuches” or “terrorists” reflects a context that *evidence of a serious crisis in the State* and *that causes a weakening of the rule of law or the democratic order*<sup>38</sup>.

This matter also aligns with the priorities of the Special Rapporteur on the Rights of Indigenous Peoples, as it involves a systematic pattern of disregard for the territorial rights of the Mapuche people. Furthermore, it corresponds to the priorities of the Special Rapporteurship on Economic, Social and Cultural Rights (REDESCA) to address issues of *Extractive industries and environmental protection* and *the safeguarding of cultural rights*<sup>39</sup> It should be noted that in addition to the violation of cultural rights and access to territory that forced eviction implies, this systematic pattern of evictions is closely related to the expansion of extractive industries such as mining and hydrocarbons in the territory of the Mapuche People.

The territorial issues in Argentina have already been addressed by the Inter-American System on several occasions. The Inter-American Court in the *Case of Indigenous Communities Members of the Lhaka Honhat Association vs. Argentina* ordered the Argentine State to “adopt the legislative and/or other measures that may be necessary to... provide legal certainty to the human right of indigenous communal property, providing for specific procedures appropriate for this purpose”<sup>40</sup> The Inter-American Commission also acknowledged this emerging crisis in its press release of December 4, 2024, calling on the Argentine State to respect the territorial rights of Indigenous Peoples. Specifically, the Commission noted the *context of setbacks in the recognition of indigenous territories and forced evictions of communities in provinces such as Jujuy, Río Negro and Chubut*, and “[These evictions

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<sup>37</sup>Ibid, p. 4.

<sup>38</sup>Ibid.

<sup>39</sup>Special Rapporteurship on Economic, Social, Cultural and Environmental Rights. REDESCA Work Plan 2024-2026, a hemispheric agenda for ESCR. March 7, 2024, paras. 41 and 55.

<sup>40</sup>Inter-American Court of Human Rights. Case of Indigenous Communities Members of the Lhaka Honhat Association v. Argentina. Judgment on the merits, reparations and costs. February 6, 2020. Series C. No. 400. Paragraph 354.

*These situations have been accompanied by institutional violence and stigmatization towards leaders and members of indigenous communities”<sup>41</sup>.*

However, the situation has worsened in recent months with several setbacks in national regulations and practice due to the increase in the number of new evictions against Mapuche communities. Furthermore, it is important to note that the increase in territorial conflicts and evictions affects several other provinces besides the three mentioned by the Commission in its December 2024 statement, particularly Mendoza and Neuquén. Given the urgency of the situation and the systemic and structural nature of the territorial problem, it is crucial that the Commission receive more information about this crisis and take action to provide recommendations to the Argentine State.

#### **IV. Requests**

Based on the grounds set forth above and in articles 61, 62 and 66.1 of the Commission's Regulations, we respectfully request:

- That a hearing be held on the “Territorial Emergency, evictions and criminalization of Mapuche communities in the context of advances of extractive projects in Argentina” during the 193rd session of the Inter-American Commission to share information and testimonies on the imminent eviction processes faced by these communities in the Provinces of Mendoza, Neuquén and Río Negro;
- That an invitation be extended to the National State of Argentina and the Provincial States of Mendoza, Neuquén and Río Negro to participate in said hearing; and
- Based on the information and testimonies presented, recommendations should be issued to the Argentine State in a press release and in its annual report in order to guarantee the human rights of the Mapuche People communities in Argentine territory and to suspend any eviction process against them from their traditional territory.

Finally, we respectfully request that this Honorable Commission take into account the information in this application and the testimonies presented in the evaluation of the application for precautionary measures MC 178-25 for the benefit of the Lof El Sosneado Community of the Mapuche People, and that the processing of the same be expedited.

#### **V. Notifications**

We request that notifications regarding this application be sent to the following email addresses:

- 
1. Malalweche Territorial Identity Organization. Representative Gabriel Andrés Jofré.  
Email: [malalwechejuridico@gmail.com](mailto:malalwechejuridico@gmail.com);
  2. Xawvn Ko Zonal Council of the Mapuche Confederation of Neuquén

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<sup>41</sup>IACHR. Press Release. *Argentina: IACHR calls on the State to respect the territorial rights of indigenous peoples* December 4, 2024.

Werken: Lautaro Lefxaru Nahuel

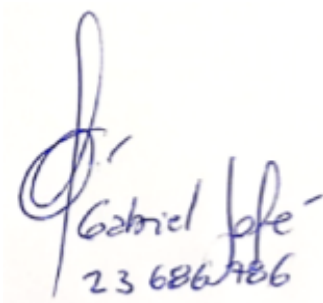
Email: [lefxarunawel@gmail.com](mailto:lefxarunawel@gmail.com)

3. Earthjustice.

Jacob Kopas.

Email: [jkopas@earthjustice.org](mailto:jkopas@earthjustice.org)

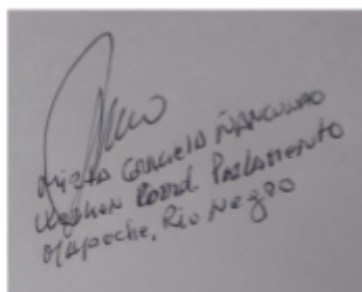
**WE. Companies**



Gabriel Andrés Jofré

Work

Organization Identity  
Territorial Malalweche



Mirta Graciela Nancunao

Work

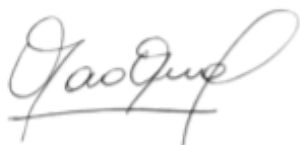
Parliament Coordinator  
Mapuche of Río Negro



Jorge Nahuel

Mapuche Confederation of

Neuquén- Zonal Xawvn Ko



Micaela Gomiz

Director

Human Rights Observatory  
Humans from Indigenous  
Peoples



Senior Attorney  
Earthjustice International  
Program

Jacob Kopas



Marcella Torres

Senior Attorney

Inter-American Association  
for Environmental Defense  
(AIDA)

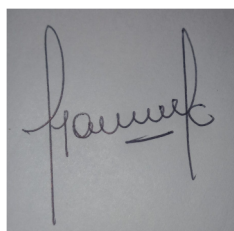


Diego Morales

Director of Litigation and Legal Defense  
Center for Legal and Social Studies

President

Permanent Assembly for the  
Human Rights



Mariela Pérez Cisneros

## Committee on the Elimination of Discrimination against Women

### Alternative Report

Presented by:

Argentine Monitoring Platform for the 2030 Agenda -PAMPA 2030- composed of

#### Trade Union Organizations:

CGT General Confederation of Labor CTA A  
Autonomous Workers' Central.  
CTA-T Central de Trabajadores T

#### Human Rights Organizations

ANDHES – Northwest Human Rights and Social Studies Lawyers  
APDH - PERMANENT ASSEMBLY FOR HUMAN RIGHTS  
CePaDeHu - Center for Participation for Peace and Human Rights  
Justice and Solidarity Foundation  
Open Memory - Alliance of Human Rights Organizations, Argentina.

#### NGOs and Foundations

Red Encuentro - Network of Non-Governmental Entities for Development in Argentina  
Scouts of Argentina  
DYA. Development and Self-Management  
ETIS – Social Research and Working Group  
Legal Circle of Argentina  
FEDEFA – Federation of Argentine Foundations  
FOCO-INPADE / Institute for Participation and Development  
Multipolar Foundation  
SES Foundation  
UOCRA Foundation  
SEHAS – Housing and Social Action Service.  
Voice for a New Education Foundation  
Prosperitá Foundation  
Communitas Foundation

#### Global Partnerships for Development with Argentine affiliates

CSA- TUCA - Trade Union Confederation of Workers of the Americas

AOED – Alliance of Organizations for Development Effectiveness  
LATINITY  
GCAP- Global Call to Action against Poverty.  
INAS National Institute for Social Assistance, CISL Patronage  
World March Against Child Labor  
Argentine Committee for Monitoring and Implementation of the International  
Convention on the Rights of the Child

#### Environmental Organizations

FARN Environment and Natural Resources Foundation  
Youth for Climate

#### Religious or Faith-Based Organizations

AMIA. Argentine Israeli Mutual Association  
ALBA Intercultural Dialogue Center (Islamic)  
CREAS. A regional, ecumenical, and multidisciplinary Christian organization  
Time to Act. Protestant Foundation  
Commission on Justice and Peace. Argentine Episcopal Conference  
SEDI. Evangelical Diaconal Service  
INCUPO. Institute of Popular Culture  
Evangelical Social Pastoral  
New Earth Center  
PROCLADE

#### Argentine Campaigns for Rights

Argentine Campaign for the Right to Education  
Collective for the Rights of Children and Adolescents  
Monitoring and Implementation Committee of the International Convention on  
the Rights of the Child

#### Academia

UNESCO Chair on the Manifestations of the Social Question  
CEIPSU - Center for Research on Urban Policies. UNTREF  
FLACSO  
UMET - Metropolitan University for Education and Work.  
UNTREF - National University of Tres de Febrero - Julio Godio Institute of the  
World of Work

#### Cooperatives and Social Economy COOPERATE

## Organizations that authored the report:

In Argentina, the General Confederation of Labor - CGT, the Central Workers' Union of the Argentina Autónoma -CTA A-, the Central de Trabajadores de la Argentina -CTA T-, civil society organizations (NGOs, faith-based organizations, foundations, youth organizations, social and indigenous movements, and the academic and cultural sectors) established in 2017 a space for convergence and multi-stakeholder collaboration: the Argentine Monitoring Platform for the 2030 Agenda (PAMPA 2030). PAMPA 2030 aims to disseminate the Sustainable Development Goals, train and develop political advocacy for the design of regulatory frameworks, and monitor national compliance with public policies aligned with the SDGs, under a human rights-based approach and with special emphasis on: reducing poverty (SDG 1), ending hunger (SDG 2), achieving gender equality and diversity (SDG 5), promoting decent work (SDG 8), reducing inequalities (SDG 10), transforming the model of production and consumption to be sustainable (SDG 12), and combating climate change (SDG 13). build more just and democratic societies (SDG 16) and strengthen inclusive partnerships (SDG 17)

The commitment of social, trade union, and civil society organizations to monitoring the SDGs in Argentina is of particular importance, as it implies demanding transparency in the information produced by the Argentine State and assuming democratic and open participation in spaces for consultation and social dialogue with the different government agencies responsible for monitoring and implementing the SDGs.[AGENDA 2030](#).

PAMPA 2030 appreciates the opportunity to present this report to the Committee on the Elimination of Discrimination against Women, on the progressive and regressive measures of the Argentine State regarding the obligations resulting from the ratification of the Convention through Law 23.179 and incorporated into its legal system establishing binding commitments in its public policies and regulatory framework.

## Executive Summary

This report is based on the experience of PAMPA 2030 member organizations regarding gender equality in relation to access to employment, working conditions, and fundamental labor rights (Articles 7 and 11 of CEDAW and ILO Fundamental Conventions). It also analyzes concerns about the violation of girls' rights in relation to child labor and exploitation, and its impact on school dropout rates and the lack of equal opportunities for girls and adolescents (Article 10(a) of CEDAW). Finally, the report highlights the elimination of agencies and public policies designed to ensure the development and advancement of women in the enjoyment of human rights and fundamental freedoms on an equal basis with men (Articles 2 and 3 of CEDAW).

## Introduction

The profound transformations to Argentina's development model implemented by the Argentine government since taking office in December 2023 have had a significant impact on access to employment and working conditions for the entire economically active population, but particularly have negatively affected women's right to work and, in the medium term, children's right to education. The report also highlights the elimination of gender equality policies aimed at reducing inequalities between women and men.

The policies implemented between 2023 and 2025 have resulted in a reduction of the productive sector, with layoffs and suspensions in both the private and public sectors, primarily due to dismissals of state employees. The number of registered workers in productive units decreased by 2.85%, representing a loss of 280,984 jobs, falling from 9,857,173 in November 2023 to 9,576,189 in September 2025. This equates to almost 420 fewer workers per day since the current administration took office. Between November 2023 and October 2025, the public sector workforce was reduced by 88,342 jobs, a decrease of 17.7% (Source: INDEC, December 2025).

If we analyze SDG Target 8.3, which establishes the commitment of States to promote productive activities and create decent work, and to foster the formalization and growth of micro, small, and medium-sized enterprises, we can see a worrying setback in Argentina. Unemployment closed the third quarter of 2025 at 6.6%, an increase from the 5.7% at the beginning of the current administration – National Institute of Statistics and Censuses (INDEC Permanent Household Survey (EPH)).

In the first quarter of 2025 (the latest EPH microdata available for this analysis), the overall informality rate was 42.1%, with 41.1% among men and 43.2% among women. On average, the female informality rate at the beginning of 2025 was approximately 2 percentage points higher than the male rate.

Young people experience a significantly higher rate of informality than other age groups. In the first quarter of 2025, this rate was 63%, almost 21 percentage points higher than the overall rate. This means that 6 out of every 10 workers between the ages of 16 and 24 are in the informal sector. This high proportion is one of the many manifestations of the difficulties this age group faces in the Argentine labor market.<sup>42</sup>

In the domestic worker employment category, an occupation that is 95% female, 448,749 jobs were registered in February 2025, where the destruction of 15,062 jobs.

Analysis of target 8.5 regarding equal pay for men and women, as outlined in Article 11 of CEDAW, reveals that the gender pay gap in Argentina has remained at 27.7%, according to

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<sup>42</sup> Fountain Employment, Distribution and Labor Institutions Area (EDIL) - Interdisciplinary Institute of Political Economy (IIEP). Based on INDEC data.

data from INDEC (National Institute of Statistics and Censuses). Women in Argentina earn an average of 25% less than men for the same work.

In Argentina, 10.2% of the population has some type of disability, but only 32.2% manage to find employment. This situation is even more dramatic for women with disabilities, who face obstacles in accessing employment and improving their living conditions.

In Argentina, 2 out of every 10 children work in agricultural production or domestic service in rural areas (INDEC, 2018). Child and adolescent labor, in both urban and rural areas, is a persistent reality and problem throughout the country. This reality intensifies during institutional, health, and economic crises (such as the COVID-19 pandemic).<sup>43</sup> Because these practices generate greater economic vulnerability and poverty, a situation that can force girls and adolescents to enter the labor market and take on more domestic chores to contribute to their families' survival strategies. Paradoxically, Argentina was part of the Global Partnership for target 8.7, the elimination of child labor; however, child labor has increased in the last two years.

In the following sections, the report is organized according to three central themes of deep concern to the organizations that make up PAMPA 2030:

- *The lack of full and quality employment opportunities*, the non-compliance with Article 11 of the Convention on equality between men and women in access to and conditions of decent work
- Secondly, we highlight *the increase in conditions of exploitation and child labor*. In particular, this affects girls and adolescents, compromising their psychophysical integrity, their educational attainment under equal conditions (Article 5, paragraph b and Article 10 of the Convention), their integral development, as well as the full enjoyment of a life free from discrimination.
- Finally, we argued our concern about *the elimination, defunding or direct suppression of public policies that guarantee equality between men and women and diverse groups*, guaranteed by Articles 2 and 3 of the Convention.

The three dimensions highlight the structural shortcomings in Argentina regarding gender equality, and the rights of youth and children, but more specifically, the political decision of the government that took office in 2023 to dismantle public policies aimed at the effective exercise of rights for women and girls. For each of these dimensions, we developed a series of questions directed to the Argentine State, with the objective of understanding the government's approach to these issues and urging it to effectively guarantee women's rights in matters of employment, decent work, the eradication of

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<sup>43</sup> uniqueF

<https://www.unicef.org/es/comunicados-prensa/trabajo-infantil-elevan-160-millones-alza-primera-vez-dos-decenios>.

child labor, and public programs for women and diverse groups to ensure their full inclusion under equal conditions and opportunities.

### 1. Equal Access and Conditions of Decent Work for Women and Men (Article 11 of CEDAW)

This section has been written based on the work carried out by the Argentine trade union centers (General Confederation of Labor -CGTRA-, Central of Workers of Argentina Workers -CTA T, and Central of Workers of the Autonomous Argentina -CTA A-), and their respective presentations to the United Nations Agencies linked to the world of work, such as the ILO.

In Argentina, significant structural gaps persist in access to and types of employment, contributing to the ongoing wage gap between men and women. The loss of income for women due to the wage gap, coupled with lower labor force participation, career breaks related to caregiving responsibilities, and greater informality, increases the likelihood of economic vulnerability in old age, as all of these factors contribute to perpetuating the gender pay gap in pensions. A portion of this wage gap is often associated with gender-based discrimination. One of the underlying factors of such discrimination is the disproportionate responsibility women bear for unpaid domestic work. The wage inequality between women and men perpetuates the sexual division of labor. When women earn less than men, even when working the same amount of time, it is economically disadvantageous for families to move toward a more equitable distribution of paid and unpaid work.

In December 2025, the Executive Branch sent a bill to the National Congress.[project](#) The labor reform bill, dubbed “labor modernization,” is scheduled for discussion in February 2026. The proposal includes radical changes to labor law but omits any chapter or article addressing occupational health and safety. Women in the informal sector, as well as in industry and services, face worse working conditions in terms of health and safety than men performing the same tasks. Furthermore, they lack protection against workplace harassment and gender-based violence, as stipulated in ILO Convention 190, ratified by Argentina. It is deeply concerning that such a critical issue has been excluded from a project that aims to modernize labor relations.

He [labor modernization project](#) It omits all reference to care work, fails to consider mechanisms for shared social, state, and corporate responsibility, and does not incorporate specific guarantees for those facing interruptions or discontinuous work histories associated with caregiving tasks, a situation that disproportionately affects women. Far from advancing towards a decent work model with a gender perspective, the initiative deepens job insecurity, expands atypical employment arrangements, weakens protection against dismissal, and restricts collective rights, which differentially impacts working women, especially those in sectors with a high percentage of female workers (domestic work, early childhood education, community care, etc.).

The *Circolo Giuridico d Argentina*, a member of PAMPA 2030, has analyzed the recent Advisory Opinion OC-31/25 of the Inter-American Court of Human Rights, issued in 2025, which constitutes an interpretative milestone in the Inter-American system by affirming that care should be understood as *autonomous human rights* and, correspondingly, that States have reinforced legal obligations regarding the social organization of care, gender equality, and work. The Court develops this doctrine based on a systematic interpretation of the American Convention on Human Rights and other relevant inter-American instruments, highlighting that the refusal to recognize and redistribute care work constitutes a form of structural discrimination, especially against women ([Inter-American Court of Human Rights, 2025](#)). From this perspective, the proposed law is regressive because it fails to integrate the labor system with a comprehensive care system, nor does it provide for leave, flexible work schedules, or sufficient public services that would allow working women to maintain their employment without incurring disproportionate costs. In this way, the State fails in its duty to remove structural obstacles that perpetuate inequality, consolidating a model that shifts the burden of economic adjustment onto women's bodies and time and deepens a gendered division of labor incompatible with human rights, affecting working women's rights to work, equality, social security, and a dignified life.

In that same vein, the National Congress has gone three years without debating and enacting the

Bill for a Comprehensive National Care System (HCDN File 0410-D2022). PAMPA 2030 believes that the lack of consideration of this bill, as well as its omission from the labor reform bill, represents a setback in terms of equal opportunities for women. These government initiatives exacerbate inequalities, especially considering the budget cuts the government has made to care infrastructure and agencies related to gender issues.

We consider it pertinent to point out that the increasing use of algorithmic management systems, automated or semi-automated decision-making systems, surveillance, evaluation and monitoring systems, in the workplace, particularly in the growing work in the platform economy in Argentina, pose relevant challenges for equality of opportunity and treatment.

In particular, algorithms applied to selection, decision-making, promotion, performance evaluation, or workplace monitoring processes can reproduce or amplify discriminatory biases based on gender, age, ethnicity, disability, or other protected characteristics. Therefore, the effective implementation of Article 11 of CEDAW today also requires integrating the technological dimension into the evaluation of its implementation in order to strengthen the principle of equality of opportunity and treatment enshrined in the Convention.

Also in [the Labor Reform Project](#), Article 98 limits the right to strike and expands the list of activities considered essential, such as the early childhood kindergarten system, early childhood education, secondary and higher education, and highly feminized jobs, because

we believe that restrictions on the right to strike harm women much more than men, restricting a constitutional right, established in Article 14 Bis of the CN and in the Socio-Labor Declaration of MERCOSUR (Article 18).

#### Suggested Questions to the Argentine Government

- Article 11, paragraph 1, subparagraph (f) of the Convention on the Elimination of All Forms of Discrimination against Women affirms “The right to protection of health and safety in working conditions, including the safeguarding of reproductive function.” Argentina lacks a national law on occupational health and safety. What measures does it plan to adopt to guarantee the protection of women's health and safety in working conditions, given that it has not included a point on this matter in the draft labor reform?
- Regarding the ongoing Labor Reform Project and in accordance with Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, women are overrepresented in the simplified tax system and in precarious sectors, care work, services, and the informal economy. What measures will the government adopt to minimize the effects of precarious employment on women in these sectors? How does the Argentine State plan to incorporate the standards established in Advisory Opinion OC-31/25 of the Inter-American Court of Human Rights into its labor legislation and public policies, particularly to guarantee the recognition of care as a human right and a shared social responsibility?
- Article 1 of the labor reform bill submitted by the Executive Branch to the National Congress limits the application of the Employment Contract Law to domestic workers, establishing that the Employment Contract Law will only apply in those cases expressly declared applicable by the Law on the Special Employment Contract Regime for Domestic Workers. Furthermore, by amending the Law on the Special Employment Contract Regime for Domestic Workers, it extends the probationary period for domestic workers to six months. How do these reforms contribute to improving working conditions and strengthening the protection of women's labor rights, considering the high feminization of this sector?
- Article 11, paragraphs (d), (e), and others of the Convention on the Elimination of All Forms of Sexual Exploitation of Women (CEDAW) address the social protection of women. The lack of regulation of work in the platform economy leaves many women excluded from important social protection benefits, such as unemployment insurance, among others. Furthermore, it forces these workers to pay their own social security contributions through the simplified tax regime for small businesses and self-employed individuals. Given that the lack of specific regulation of this sector excludes women workers in this activity from many social protection benefits, and

that the labor reform bill submitted by the Executive Branch to the National Congress assigns platform workers—classified as “independent service providers”—the obligation to comply with all tax and social security obligations, how does the State Party intend to ensure the full and effective access to social protection for women working in the platform economy?

- Article 98 of the draft labor reform bill submitted by the Executive Branch to the National Congress restricts the right to strike, expanding the number of activities included in the concept of essential and/or vital services, including, for example, "childcare" and "early childhood education." Given the predominant participation of women in these types of activities, and considering Articles 7 and 11 of the Convention on the Elimination of All Forms of Exploitation of Women, the CEDAW General Recommendations, and international labor standards: How does the State ensure that the law is consistent with international labor standards? What measures does the State adopt to guarantee the full exercise of women's labor and trade union rights?

## 2. Promotion of equal opportunities for girls and adolescents in access to early childhood and vocational education (Article 5, paragraph B and Article 10 of CEDAW)

From PAMPA 2030 we express our concern regarding government discourses that seek to normalize and justify child labor, as well as the policies and programs aimed at preventing and eradicating child labor in all its forms. According to INDEC data from the second half of 2024, 52.7% of children in Argentina live in monetary poverty, a decrease compared to the same period of the previous year (58.5%). However, significant inequalities persist depending, for example, on the educational level of the head of household, the employment status of adults, or residence in low-income neighborhoods (UNICEF, July 2025).

These positions directly conflict with the Convention on the Elimination of All Forms of Discrimination against Women, specifically Article 5, paragraph B, which states that the best interests of the child shall be the primary consideration in all cases, and guarantees girls and boys equal opportunities for access to lifelong learning (Article 10 of CEDAW). Furthermore, child labor in all its forms contravenes the Convention on the Rights of the Child and ILO Conventions 138 and 182, ratified by Argentina, which establish minimum and universal standards for the comprehensive protection of the rights of children and adolescents in relation to the world of work.

The National Government, within the framework of implementing fiscal adjustment policies and the resulting recession that is severely impacting workers' income, has created a critical social context. Similarly, the National Government has generated

controversy through the defunding and reallocation of public policies aimed at children and adolescents. In 2024, educational investment fell to 4% of GDP, the lowest level in 20 years, representing a 40% reduction in real terms since 2015. The elimination of the National Teacher Incentive Fund (FONID), created in 1998 to reduce salary gaps through contributions from the national government, was carried out by the current administration in 2024; the suspension of national transfers and the loss of teachers' real wages exacerbate federal inequalities and directly affect the right to education. Furthermore, the 2026 budget eliminates the mandatory 6% of GDP funding floor for education and science, impacting universities and technical education and jeopardizing educational quality and equity, as well as the future of the national education and science system. The Executive Branch has initiated a crucial legislative debate on juvenile criminal law. A bill has been introduced in Congress seeking to amend the Juvenile Criminal Code and proposing to lower the age of criminal responsibility from 16 to 14.

Lowering the age of criminal responsibility could be interpreted as a setback in human rights and in the status of children and adolescents as subjects of rights, as established by the Convention.

The State has the inescapable obligation to create public policies of care and protection that address the structural causes of violence and poverty, as established in each article of the International Convention on the Rights of the Child, which has been ratified and holds constitutional status in Argentina. However, the current government views the State as subsidiary rather than as the non-delegable guarantor of fundamental human rights.

#### Suggested Questions to the Argentine Government

- Taking into account Article 5, paragraph B and Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, and given the absence of care policies, promotion of gender equality, and the elimination of public policies aimed at creating employment and ensuring compliance with labor rights, what policies will the national government implement for the early detection of school dropout among girls and their early entry into the labor market for the most vulnerable girls and adolescents?
- Family survival strategies drive higher labor force participation rates among mothers, particularly single mothers. This aligns with Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women. What care and educational attainment policies will the National Government implement to prevent the perpetuation of poverty for families in the medium term?
- Official discourse promotes financial education and businesses based on algorithms and digital speculation. In accordance with Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, do these policies include measures to protect adolescent labor and the comprehensive

psychophysical, intellectual, and emotional development of young women? What vocational training and labor rights policies will be addressed in these curricula promoted by the national government?

3. Public policies to ensure the full development and advancement of women for the exercise and enjoyment of human rights and fundamental freedoms (Articles 2 and 3 of CEDAW)

Article 2 of the Convention, in its subsections (a), (c), (e) and (f), establishes the obligation of the signatory States to establish the legal protection of women's rights on a basis of equality with those of men (...), e) Take all appropriate measures to eliminate discrimination against women practiced by any persons, organizations or enterprises; f) Adopt all appropriate measures, including legislative measures, to modify or repeal laws, regulations, customs and practices that constitute discrimination against women.

Article 3 of the Convention clearly states that the States that subscribe to it *They shall take in all spheres, and in particular in the political, social, economic and cultural spheres, all appropriate measures, including legislative measures, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on an equal basis with men.* In this regard, Law 23.179, which puts the Convention into force, obliges the formulation and execution of a national policy that promotes equality of opportunity and treatment and eliminates any discrimination in this respect.

In light of the considerations and Articles 2 and 3 of the aforementioned Convention, PAMPA 2030 and its member organizations warn of the adoption of several government measures during the period 2023-2025 that contravene essential CEDAW obligations and demonstrate a setback in the achievement of Sustainable Development Goal (SDG) 5, related to gender equality and the empowerment of women and girls. These measures reflect a political orientation that has dismantled or significantly weakened public policies with a gender perspective.

Some examples are listed below:

- Amendment by Decree of Necessity and Urgency (941/2025) -dated December 31, 2025- of the National Intelligence Law No. 25,520. This decree allows the discretionary use of personal data, detention of people in public places and will have free rein to carry out espionage and persecute all those “who generate or may generate a ‘loss of confidence’ in the ‘economic policies’ of the Government among other aspects that impact the free exercise of fundamental freedoms.
- Elimination of the Ministry of Women, Gender and Diversity (December 2023 - June 2024)

President Javier Milei eliminated this ministry by decree on December 10, 2023, one of his first acts in office. Its functions were temporarily transferred to a sub-secretariat within the Ministry of Justice, which was ultimately closed on June 6, 2024. This left gender policies without a governing body at the national level. Decree of elimination: [Decree 8/2023 \(Official Gazette, 11/12/2023\)](#), especially affecting protection programs against gender violence and harassment, such as the victim support service (Acompañar program) and other related programs.

- Dissolution of INADI. Decree 696/2024, "The National Institute against Discrimination, Xenophobia and Racism (INADI) is hereby dissolved." Official Gazette of the Argentine Republic, August 6, 2024.

The National Institute Against Discrimination, Xenophobia and Racism (INADI), created in 1995 by Law 24.515 as a specialized body to receive complaints and promote anti-discrimination policies, was definitively closed by the government through an announcement on February 22, 2024, and a subsequent decree that transferred its functions to the Ministry of Justice.

- Closure of the Undersecretariat for Protection against Gender Violence (June 2024)

On June 7, 2024, the dissolution of the Undersecretariat for Protection against Gender Violence was announced. This agency was responsible for the 144 hotline and the "Acompañar" (Accompany) Program for victims of gender-based violence. The service providing support to victims of gender-based violence saw its budget reduced from \$3.2 billion to \$1.472 billion annually, limiting its operational capacity. The measure was formalized by Resolution 12/2024 of the Ministry of Women (prior to its closure). Budget cut resolution: [Resolution 12/2024 MJ](#).

The program that provided financial support to victims of gender-based violence went from serving 12,000 cases per month in 2023 to just 168 in April 2024. Assistance was reduced from 6 to 3 months. Official data on the reduction: [Ministry of Economy Report - April 2024](#)

- The dissolution of the National Microcredit Commission (Co.Na.Mi) by decree 1094/2024 eliminated the only national government program that, for almost twenty years, had provided financing to workers and work collectives in the social economy at affordable rates. This decree ended the possibility of improving, through credit, the productive capacity and quality of work in this sector, which employs hundreds of thousands of workers throughout the country, the majority of whom are women.

- Setback in inclusive language policies and equality programs. Decree 451/2024, “The use of inclusive language is prohibited in the official documentation of the National Public Administration.” Official Gazette of the Argentine Republic, May 24, 2024.

Since taking office, the government has banned the use of inclusive language in official communications and closed gender perspective training programs, eliminating guidelines that facilitated the detection and prevention of discriminatory practices.

- A 33% overall reduction in gender policies (February 2024), approved through Budget Law 27.701 (January 2024), particularly affected programs protecting against gender-based violence. The cut was implemented gradually during the first half of the year. Budget Law 2024: [Full text \(Art. 45, item g\)](#)
- Education Sexual Integral (-99.4%, Mayo 2024)  
The budget for implementing the Comprehensive Sexuality Education (CSE) Law (26.150) was reduced from \$850 million to \$5.1 million, halting teacher training and the distribution of materials in public schools. Adjustment resolution: [Resolution 89/2024 ME](#)
- Elimination of ANDIS (National Disability Agency) On January 2, 2026, the national government officially closed the [National Disability Agency \(ANDIS\)](#). This measure affects all disabled people, with women being one of the groups most vulnerable due to the elimination of social policies for income transfer, particularly to children who depend on it for their food, disability coverage and also to cover the care of this group.

Now, its functions will fall directly under the Ministry of Health. The decision was formalized through Decree 942/2025, published this Friday in the Official Gazette.

#### Regressive Legal Reforms

- Proposal of eliminate the figure of *femicide* (June 2024)  
On June 7, Bill 1245-D-2024 was introduced to amend the Penal Code, eliminating the specific aggravating circumstance based on gender. It is currently in legislative committees. Full Bill: [File 1245-D-2024 \(Honorable Chamber of the Chamber of Deputies\)](#)

#### Regressive policies for the LGBTQ+ community

- Layoffs of trans workers (August 2024): Between August 1st and 15th, 85 layoffs were recorded in the public sector, violating Decree 721/2020 on trans employment quotas. The cases are being taken to court.  
Full list of layoffs: [Lawsuit EX-2024-567890 \(Labor Court\) 12\)](#)

- Paralysis of the Program Transvestite-Trans (July 2024)

The program that provided comprehensive assistance to this population has been inactive due to lack of funding since July 1st, affecting more than 1,200 beneficiaries. Situation report: [ATTTA National Network - July 2024](#). Request for a hearing: [File 5678/24 \(Ombudsman's Office\)](#)

Discriminatory narratives from government voices.

- Statements of the President of the Republic in Davos (January 2024)

On January 18, at the World Economic Forum, he linked the LGBTIQ+ community with

"ideologies destructive", generating repudiation international.

Full video of the speech: [Official Presidency Channel - 1/18/2024](#)

- Campaign against the feminism (March 2024)

Throughout the month, official messages discrediting the feminist movement were disseminated, coinciding with International Women's Day. Official ad: ["True Equality" Campaign - Ministry of Security](#)

Based on these examples, PAMPA 2030 and its member organizations believe that these actions represent a serious setback in the legal and institutional framework that Argentina was required to maintain to comply with Article 3 of the Convention. The elimination of specialized agencies and the lack of effective resources for reporting or protection systematically violate the Convention, reflecting a "State policy" contrary to the elimination of all forms of discrimination against women.

#### Suggested Questions to the Argentine Government

- Article 11, paragraph 2 of the Convention on the Elimination of All Forms of Discrimination against Women refers to protection against discrimination. Considering the elimination of agencies such as INADI, how does the Government plan to protect women from employment discrimination in the context of the elimination and/or weakening of specialized agencies in the fight against discrimination, such as the National Institute Against Discrimination, Xenophobia and Racism (INADI)?
- Article 2, paragraphs (a) and (b) of the Convention on the Elimination of All Forms of Discrimination against Women establishes legislation and institutions to achieve the principle of equality between men and women. How are national policies for the protection of women being replaced in light of the elimination of the Ministry of Women and Diversities, the closure of the Undersecretariat for Protection

against Gender Violence, and the budget cuts leading to the complete defunding of policies aimed at eliminating gender violence?

- Given the growing narratives of hate towards diverse groups and feminist and gender equality movements, what sanctions, as provided for in Article 2(b) of the Convention, does the Argentine government plan to implement to stop hate campaigns that deepen inequalities to the detriment of women and LGBTQ+ communities?
- If the labor modernization project does not take into account the specific needs and existing inequalities for women and diverse groups, what measures will the government adopt to comply with paragraph f of Article 2 of the Convention, which establishes the obligation *toto adopt all appropriate measures, including legislative measures, to modify or repeal laws, regulations, customs and practices that constitute discrimination against women?*



## Mesa de Articulación de Niñez y Adolescencia

ESPACIO FEDERAL Y PLURINACIONAL DE ARGENTINA

### **NO TO LOWERING THE AGE OF CRIMINAL RESPONSIBILITY. NOT ONE STEP BACK!**

The undersigned, leaders, networks, institutions, children's and adolescents' organizations, social, student, human rights, academic, trade union, religious and political organizations, workers, activists and defenders of the rights of children and adolescents from different provinces of the country, who make up the Children's Articulation Committee, a pluralistic organization without party affiliation, **We are here to state that the juvenile criminal responsibility bill presented by the Executive Branch seriously violates the freedom and rights of young people, and similarly, the bills that propose lowering the age of criminal responsibility also affect their rights.** Indeed:

1. **The project claims to address the problem of juvenile delinquency from a comprehensive perspective, at a time when we are witnessing the dismantling and closure of comprehensive rights protection policies** of children and adolescents. The closure of programs aimed at supporting families and public health (vaccination programs, epidemiology, early childhood development, and mental health, among others), the withdrawal of subsidies for basic services, the erosion of labor rights and family income, as well as the mass dismissal of workers in child welfare programs and departments, are government policies that directly undermine the protective capacity of families. Furthermore, by criminalizing social movements, the fundamental role they play in community-based care for children and adolescents in low-income neighborhoods is weakened. The only resources allocated are directed toward repressive forces.

2. **The project falsely claims to comply with the National Constitution and the International Convention on the Rights of the Child, but lowering the age of criminal responsibility and expanding the scope of the penal system contradicts that claim.** Specialized bodies, on the other hand, assert that criminalizing children at an early age perpetuates criminal behavior (e.g., the Committee on the Rights of the Child, General Comment No. 24 of 2019, recommends that States not lower the minimum age). Thus, the constitutional issues already present in the current law are exacerbated if a lower age is established.

3. **The project proposes a retrograde model** This reform, based on approaches that failed over 100 years ago, exacerbates the current penal system and reverts to a paternalistic paradigm focused on the criminalization of poverty. Among the measures that worsen the situation is the scandalous reduction of the age of criminal responsibility, currently set at 16, to 13. And among those that take us back to the repealed paternalistic system is the technical blunder of conflating



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criminal jurisdiction with that of public policy and civil and family courts, to which it also subordinates criminal justice.

4. **The bill states that reform is necessary because criminal gangs use children in crime. However, it omits the fact that children are recruited by criminal gangs due to the political decision to allow drug trafficking in certain areas, with the complicity of the police, the judiciary, and political powers.** Therefore, they should be treated as victims of criminal gangs and not as those responsible for recruitment. (This is the recommendation of the ILO, 2009, Forced Labour and Trafficking in Persons).

5. **Above all, it omits** The greatest vulnerability to being recruited by criminal gangs stems from conditions created by the State itself, which leaves adolescents without resources to address problematic substance use or mental health issues, leaving them besieged by **Lack of opportunities, unmet needs, and no future prospects.** **All of this is directly related to** the policy of a State that boasts of dismantling the State and that, with public resources and official communication, stirs up **hate speech, which fuels the racialization and xenophobia suffered by kids from working-class neighborhoods.**

6. **The project is fundamentally flawed when it claims that current law prevents the prosecution of individuals under 16 years of age for committing a crime.** And it fails to explain how lowering the age of criminal responsibility helped combat crime in the countries that implemented it and which it cites as examples. The current law allows for judicial intervention, which is why there are children under 16 years old deprived of their liberty in Argentina.

7. **The bill also distorts the truth when it claims that, because crime rates are rising, it is necessary to lower the age of criminal responsibility. On the contrary, the very statistics it cites do not justify, but rather contradict, that claim.** This is how, based on official statistics, it is demonstrated that the majority of crimes committed by adolescents are perpetrated by those over 16 years of age, and that only a tiny fraction are attributed to adolescents under that age. Furthermore, the overwhelming majority of these are property crimes, not more violent offenses. It is a basic principle that evidence and statistics are necessary for developing public policies. The aim is not to legislate based on isolated cases, which resonate precisely because of their exceptional nature and encourage a punitive demagoguery that unscrupulously exploits the pain of victims, regarding whom—in the same bill—it makes an apparent “recognition of rights,” rights that are already better and more broadly recognized by fully existing laws (Law 27.372).



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8. **The project claims to respond to due process and provides for sanctions for judges who delay proceedings, but it does not indicate a reasonable timeframe nor create conditions to prevent the collapse of the justice system and public prosecutor's offices.** Juvenile criminal proceedings will have to be dealt with using the same insufficient resources that the juvenile criminal system currently has.

9. **No article mentions the budget allocated for its implementation,** This demonstrates that the provinces will have to finance its implementation. Therefore, a collapse of the system is already possible, especially within the public prosecutor's offices, and particularly within the public defender's office. This is especially true in provinces where the rate of crimes committed by minors, and even more so by those who are not criminally responsible, is extremely low. For this reason, it is not justifiable to establish an entirely new system under the argument of including those who are currently not criminally responsible, given that it would be very costly and a poor use of the scarce resources available to the provinces. If the national government itself is asking for spending cuts, it is inconsistent for it to promote a law that will cause the provinces to squander resources on matters that, statistically, are isolated and specific incidents without representing a substantial data point.

10. **The project does not develop criteria of specialty and proportionality, in relation to the fact and the person.** The proposed 20-year prison sentence contradicts the principle of minimum criminal law. It is regressive not only because it lowers the age of criminal responsibility, but also because it fails to maintain (as the current law does) offenses for which children and adolescents will not be held criminally liable. It expands the scope of the criminal justice system to include minor offenses, in violation of the principles of rationality, harm, irrelevance, and specificity, which should prevail and are applicable even in the adult justice system.

**In summary** This punitive advance expands the criminalization of childhood and adolescence, within the framework of a fierce adjustment of working-class economies, the attack on the community bond offered by organizations and the reduction of systems that guarantee rights, including the right to food and health.

The issue of lowering the age of criminal responsibility is being revived, despite the overwhelming consensus last year among experts on the subject against the bill. This clearly demonstrates that the issue is being used to divert attention from the scandals that complicate the criminal responsibility of the nation's president, who is the subject of international investigations, as well as from the various impeachment requests. These matters are of such institutional gravity that they should be debated in Congress, as they truly endanger the future, security, freedoms, and economies of the vast majority of the nation's inhabitants and threaten democratic institutions.



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From this table we appeal to the responsibility you have as democratically elected legislators and we ask you to take the issue seriously, not to use girls, boys and adolescents to divert attention from the important issues that affect the country today.

It is true that security is an urgent and important issue. No one denies the acts of violence. But the solution is not lowering the age of criminal responsibility or increasing punitive measures, because children and adolescents are not the ones generating the statistics of cases that require attention.

A national state that guarantees rights and a juvenile criminal responsibility law that complies with the National Constitution and the Convention on the Rights of the Child is what is needed.

### **NO TO LOWERING THE AGE OF CRIMINAL RESPONSIBILITY**

**March 9, 2025**

#### **Childhood Coordination Committee:**

Taty Almeida, Mother of Plaza de Mayo Founding Line; Adolfo Pérez Esquivel, Nobel Peace Prize 1980; Norberto Liwski, pediatrician; Grandmothers of Plaza de Mayo; ACANYA; Civil Association La Casona de los Barriletes; Adopten Niños Grandes Civil Association; Lucia Cullen Group; Permanent Assembly for Human Rights (APDH); APDH; Honorary Advisory Council on Mental Health and Addictions; APDH Argentina - Río Tercero Regional; APDH Esquel Trevelin; APDH - CABA Human Rights Office; APDH Mendoza Regional; APDH Río Tercero Regional; APDH Rosario Regional; Argentina No Baja; Apapachar; APIABA; Inter-Neighborhood Assembly of Saavedra Park; Assembly

Ni Unx Menos Cipolletti; Asociación Amanecer Grupo Casa Taller; Asociación Civil Madre Tierra; Asociación Civil Engranajes de San Isidro; Asociación Civil Engranajes de Rosario; Asociación Civil Amanecer Centro Joven; Civil Association El Arca; Civil Association El Culebrón Timbal; Civil Association Flores del Barrio – Mendoza; Civil Association Madre Tierra; Civil Association Patio Grande para todos CAFF - family and community strengthening center; Civil Association for the Rights of Children and Adolescents Estrellas Chiquitas; Civil Association and Development Center El Árbol de las Cosquillas; Ecumenical Association of Cuyo; ATE; ATE CDNNYA; ATE CTA A Mercedes(B); ATE Desde Abajo; ATE Municipales; ATE Pcia de BS Así; ATE Sur; ATE and CTA Autónoma La Pampa;

AulaVereda; Self-organized for Memory, Truth and Justice. Justice of Los Toldos, Buenos Aires; High School Popular December 19th; Popular Library, Barrio Sauce Mothers' Club; Popular Library, Campo Verde; Vicky Popular Library; Ruca Trabún Library; Binca Civil Association for All; Dream Seekers; C.C.

CreSer; CADE; Literacy, Reading and Writing Campaign of the Council of Organizations of Cuartel V; Emergency Law Campaign on Violence in La Pampa; National Campaign Against All Types of Violence in Childhood/Adolescence; CASACIDN; Chair of Preventive Psychology; Chair I of Educational Psychology. Faculty of Psychology. UBA; Americanist Free Chair; FFYL UBA; CATSPBA; Popular Commitment Cultural Center; German Abdala Lanús Cultural Center; Don Bosco Center; Center for Popular Education for Childhood and Adolescence-CEPIA; Student Center of E.E.S.T. No. 4 of San Isidro, -CET 4 of San Isidro-; CEPOC; CERP, Center for Listening and Popular Resilience; CICOPS; City of Children - San Martín de Porres Foundation;

Email: [mesafederalarticulacionninez@gmail.com](mailto:mesafederalarticulacionninez@gmail.com)

Facebook: Mesa De Articulacion - Instagram: [mesa.articulacion.arg](https://www.instagram.com/mesa.articulacion.arg) - X: MesaNinezArg



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San Martín de Porres Parish Club; Collective of Social Workers in the Neuquén Metropolitan Health Zone; Lomas de Zamora Local Council; Collective for the Rights of Children and Adolescents; De a Pie Collective – Interredes; Juana Azurduy Collective; La Escondida Collective; Militant Memory Collective; Yo sí te creo Collective; Professional Association of Social Workers, 2nd District; Buenos Aires Association of Psychologists; Buenos Aires Province Association of Sociologists; Memory Commission, El Palomar Therapeutic Community; Council of Children and Adolescents; Alte. Brown Local Council for Children and Adolescents; La Matanza Municipal Council for Children and Adolescents; Convivencia en Diversidad Tandil; Sersano Cooperative; CTA Autónoma; CTA Autonomous Capital; Autonomous CTA Province of Santa Fe; CTA Regional Chascomús; Childhood Issues; Defense for Children International -DNI - Argentina Section; Ombudsman for the Rights of Children and Adolescents; El Hormiguero; El Palomar Civil Association; El Transformador; El Vallecito de la Guadalupe; ENRAISUR; EP 83; Coordinating Team March for the Rights of Children and Adolescents; Isauro Arancibia Comprehensive School; San Roque Popular School; No to Lowering the Age of Criminal Responsibility Space, La Plata, Berisso and Ensenada; Former National Secretary for Children, Adolescents and Families; Forum for Children; Lanús Children and Adolescents Forum; San Juan Mental Health and Human Rights Forum; Forum in Defense of the Rights of Children and Adolescents 2302, Pampean Forum for the Rights of Children and Adolescents; Childhood Forum; La Matanza Childhood Forum; Formosa Children's Forum; Federal Network Children's Forum; Santiago del Estero Children's Forum; Resistance Front; New Bermúdez Front; FSOC UBA; CHE PIBF Foundation for Children and Youth Aid; Darío Rodrigo López Foundation Cabana; Ikigai Educational Foundation for the prevention of self-harm; Emmanuel Foundation; EOS Foundation; Farinello Foundation; GEPS Group for Psychological and Social Studies Foundation; Hora de Obrar Foundation; Social Integration Foundation; Luz del Cielo Foundation; Otras Voces Foundation; SES Foundation; Gato Sandía. Children and Youth Space FPDS CP Mendoza; Little Drops of Love; Latin American and Caribbean Children and Youth Study Group; Argentine Women's Group HIV Forum Women and Family; H.I.J.O.S. City of Buenos Aires; ILEPOS; Feminist Advocacy Civil Association; Lev Vygotsky Community Garden; La Boca Resists and Proposes; The Weather Vane and the Antenna, for children's protagonism. Mendoza; League of Free Peoples; Mother Earth; Marabunta; PJ Seniors La Plata; Coordinating Committee against Institutional Violence DD HH Jujuy; Zapala Human Rights Roundtable; Los Hornos Children's Roundtable; MOMUSI Patagonia; Not One More Kid or Girl Lost to Drugs Movement - Neuquén Province; Thou Shalt Not Kill Movement; MP La Dignidad; Women for Parity Santa Fe; MUP Chubut; Newen Mapu; Niño Dios; Nuestro Lugar; OMEP; NGO Challenges and Commitments La Pampa branch; Neuquén Prison Ministry of the Catholic Church; Patria Grande; Pediatricians against hunger; Qunitas Luján Program; Community Psychology and Social Pedagogy; RAE school support and complementary education network; Andando Network - Community Centers for Popular Education; Network of Local Councils of the province of Buenos Aires; Network of Teachers, Families and Organizations of Bajo Flores; Federal and Plurinational Network of Children, Adolescence and Youth Network NAYJ; Angelelli Network of Community Organizations; Network of National Territorial Organizations for Children and Adolescents; Ibero-American Network for Working with Families; María Elena Network Walsh; Red Sur; Community Leaders, District V, Zone 3; Northwest Regional Office of APDH in Chubut; Prisma Magazine; SADOP, Secretariat for Children, Adolescents and Youth of APDH; Sowing the Future; Peace and Justice Service – SERPAJ, Service for Attention to Maltreatment and Sexual Abuse in Children and Adolescents. Line 102. Neuquén Provincial Hospital; Local Service for the Promotion and Protection of the Rights of Children and Adolescents of La Matanza - Zone 1, Neuquén Press Union; SLPPDNYYA Avellaneda, Turdera Sud Development Society; SUTEBA; SUTEBA Celeste Group; Weaving Bridges - Marcos de Paz; Rebellious Tenderness; Cultural Trench; Union for Children; UBA; UBA – FRENAP; UBA / UNMDP; University of Comahue; National University of Luján; UTE/CTERA/CTA; Teacher Voices - Radio Gráfica; Buenos Aires Judicial Association; Local Children's Council General Pueyrredón District;

### **They endorse:**

Argentine Judicial Federation; Luján Local Council for Children and Adolescents; Ecumenical Movement for Human Rights; Association for Criminal Thought, Mendoza Chapter; Argentine League for Human Rights; CICCUS Foundation; Chair of Childhoods and Youth; National University of Tierra del Fuego A and I.A.S.;

Email: [mesafederalarticulacionninez@gmail.com](mailto:mesafederalarticulacionninez@gmail.com)

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Osvaldo Bayer Popular Library, Villa La Angostura, Neuquén; Regional Human Rights Observatory; Vida Association

Children's; Argentine Judicial Federation; Not one more child lost to drugs; CORREPI; Apapachar Association; Sedronar; Tupac Amaru Mendoza Neighborhood Organization; Communication and Education Program UNC; Claudio Pocho Lepratti Social and Cultural Center A.C.; Free Chair of Human Rights-UBA; ETIS; VEI Foundation; Piñero Hospital; Ramón Carrillo Community Educational Center; American Association of Jurists - Argentine Branch;

Secondary School No. 1 Villa Gesell; El Puente Popular High School; Teacher, Province of Buenos Aires; Company

Forest Puppets; Niripil María de Lujan; J.B. Alberdi Library; Algaraza, towards criminal and restorative justice; Front for Protected Children and Adolescents; Pueblos Unidos de la Rivera Workers' Cooperative; Center for City Studies (FCSs/UBA); Lorena Aguirre from the Dr. O. Alassia Children's Hospital of Santa Fe; Liberation Retirees Movement; Fulac Foundation - Latin American Foundation for Cultural Ties; Our Place Community Center; Relatives of the detained and disappeared for political reasons, Mendoza; GENERAR Civil Association; E.P.E.B.A. (Popular Educators for an Alternative Neighborhood School); La Bandada; Castelar School of Social Psychology; Plaza Almagro Assembly; Ate Verde y Blanca Gral. Belgrano Group; August 22nd Front; San Justo Children's Hospital; Flores del Campo Association; ISFD 82 Fuentealba; Exchange Space in Confinement Contexts; Apapachar Rights Promotion Association; The Revolution of the Old Women of La Matanza; Union of University Teachers UNER E.R.; Women and Gender in Citizen Unity San Juan;

Solidarity; Convictions Group; Wayma; No kid is born a thief; Civil Association of Murga Groups Los Amigos; Movement for Social Justice; Opnya; Niñxs Pájaros Popular Library; SUTEBA Ensenada; ATE DGCEYE Internal Board; Gespydh - IIGG, FSOC-UBA; Program of Social Studies on Childhoods, Youth and Inequalities (UNVM CONFINES CONCIET); Enviñ; Transfiguration of the Lord Parish (Córdoba); La Salle Youth Center – Jujuy; Ceramics Workshop. @pueblosunidosdelaribera; Tierra Futura; Chair of Developmental Psychology. Cs. Education. FFYL.UBA.; La Roja Collective Project Social Workers CABA; Pontifical Catholic University of Chile; La Cabral Group; Relatives of the Night of the Pencils ATE Sur - Lomas de Zamora; College of Psychologists of Mendoza; Passionist Missionaries; MULCS-Movement for Latin American Unity and Social Change; Valle del Sol School; UNQ; Historical Cooperative of Popular Educators and Researchers (CEIPH); Chair of Developmental Psychology. UNQ; Active Health Civil Association; Anahi Association, Rosario branch;

Art in Prisons Program, Faculty of Arts, Unicen; Cultural Trench; UNLU; Buenos Aires Judicial Association (Lomas); Relatives of the Disappeared and Detained for Political Reasons, Rosario; Active Health; Relatives of the Disappeared and Detained for Political Reasons, Villa Gobernador Gálvez; League of Free Peoples; Feminists of Abya Yala; Human Rights Association; TeleSISA (Indigenous Women's Media Outlet); ISDF 54; Patrick Rice Interreligious Space; CENS No. 476; Global Alliance for Ministries & Infrastructures for Peace – GAMIP; EES 30, La Matanza; AUPAS - Association Uniting Psychomotor Skills and Arts; Communist Party of Santa Fe; Katia Couto

Federal University of the Amazon; Hurlingham Gender Forum; CEDIM Center for Professionals of the National Juvenile Justice System; Actuemos performing artists' organization; PJ Lomas de Zamora; MOJUSO; Churches Reformed in Argentina; Mercedes Pagnutti Observatory; Old feminist revolutionaries of February 3rd;

Our Homeland Current; Center for the Promotion of Children's and Adolescents' Rights; Kariainken Mental Health Day Center; Lomas de Zamora College of Social Work; Carlos de Foucauld Lay Fraternity of Argentina; Pilot Special Justice for Peace San Juan de la China Reborn with Heart Ibagüe Tolima Colombia; CENS 494; Friends and Family of Agustín Ramírez; University in Prison Program. UNICEN; CEIA Peru; AECHELAR; Argentine League for Human Rights Santa Fe; La Urdimbre; Cámpora Luján; Inaun Juvenile Penitentiary Program; National Perinatal Mental Health Network; Civil Association of the El Colmenar Comprehensive Care Center; APDH La Matanza; Transfeminist Conurbanas; Humanist Party; Salt and Light; Al Fin Justicia Chaco Foundation; Mojuso; UNTDF; Campaign for a National Emergency on Violence Against Women and Dissidents; ACiFaD - Civil Association of Relatives of Detainees; Humanist Party; I Do Believe You Corrientes; Faculty of Psychology; Darío Santillán Popular Front; Unlu; Carlos Gardel School Support; XMásESI-Caba;

Morón Neighborhood Assembly; Return to Eva Perón; Martin Luther King Ecumenical Community; Mariana Ide; Front for National Sovereignty; No to Lowering the Age of Criminal Responsibility Table, City of Santa Fe; Once Upon a Time... Workshop, Rosario; AFUDI UNTDF; Solidarity Space; Table of all Human Rights Organizations of Rosario; Network for the Training of Creative People through Children's Literature; Sadop Rosario; ANA's Solar;

Email: [mesafederalarticulacionninez@gmail.com](mailto:mesafederalarticulacionninez@gmail.com)

Facebook: Mesa De Articulacion - Instagram: [mesa..articulacion.arg](https://www.instagram.com/mesa.articulacion.arg) - X: MesaNinezArg



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qataq Pluricultural Space; Raquel Boero Rosario Association of Occupational Therapy; Migrant Coordinator/Counseling for Migrants; Paulo Freire Rural Athenaeum; Sebastian's Little House; Teachers on the March, Ensenada; Sanra Catalina Multisectoral; United Evangelical Lutheran Church; Communications Team - Godot Productions; Martin Coiro; School Support, Carlos Gardel Neighborhood; Sere Association for Memory and Life; Kermés Cooperative Comprehensive Communication; Women's Parliament, City of Buenos Aires; PSA; MAT (Women of Arts Tomar); Agruparte Civil Association; Comprehensive Adolescent Health Program, Ministry of Health of La Pampa; Independent; Education in Confinement Contexts Program, FACSO-UNICEN; Cipolletti Human Rights Network; AFUDI; International Network of Ethnography with Children and Youth (RIENN); Electoral Instrument for Popular Unity

Lomas de Zamora; Other Voices Foundation; Assembly for Human Rights .Valle inf.; Digital Identity Productions Workers' Cooperative; Mora Conscious Rights; Water for Life; Educational Foundation

Ikigai; Program houses; House of Pax Culture; Social 21; MaReVa Foundation; Program The Faculty of Humanities at UNCA Prison; Our home; Family of Sebastian Villarreal; The Star Cultural Center; Forum of Mental Health and Human Rights; Tierra y Dignidad Cultural and Community Center; Hijos Punta Indio; Workers' Union

Passives, Red Moon Assembly; Los del Fondo Youth Center, Bancalari; Against the wall but not used to it, Interbasin Space; UNC; Stolen Childhood Forum Com.Riv. (National Stolen Childhood Network); Homeva Residential Center; Round of Tenderness; U. B was not magic; Civil Association Grupo Desde el pir; Rainbow Sikuri Community;

FeTERA; Colonia Urquiza Social, Cultural and Sports Club; CTA Lomas de Zamora Broad Space; UNSJ; Creating Future Foundation; Mental Health Forum - San Juan; Atype Migrant Collective; Postgraduate Chair in Negotiation and Conflict Resolution. Law. University of Buenos Aires; AIPO; Children of Gaia Mother Earth Pachamama; Stolen Childhood Forum Comodoro Rivadavia; Women for Women Foundation; APDNA (Association for the Promotion of the Rights of Children and Adolescents - Civil Association); Childhood and Adolescence Area of the Penal Thought Association; Libres del Sur Union of University Teaching Workers of Jujuy; Old Feminist Revolutionaries; 3 de Febrero Neighborhood Assembly; College of Sociologists of the Province of Buenos Aires; Ideal Village Foundation; The Third in Struggle; Irene Foundation; ATE Waterways, Secretary of Institutional Relations of the Autonomous CTA of CABA Eastern Region; Science, Communication and Art Foundation; Professional Association of Social Workers of Mendoza, General Alvear Branch; Empa; Child and Adolescent Reference Center; ITED-LICH-UNSAM-CONICET; Beccar Neighborhood Assembly; Opportunities Foundation; Disobedient Assembly; Civil Association Women with New Roots; Parque Saavedra Inter-Neighborhood Assembly; Professional Council of Graduates in Social Work of the City of Buenos Aires; Forum in Defense of the Rights of Children and Adolescents Law

2302; CTA Autónoma Río Cuarto; Study Group on Childhoods and Youth in Latin America and the Caribbean (IEALCUBA); Retirees from Posadas Hospital; Cicop Posadas; Municipality of Plaza Huincul; EES 24 San Martín; Secretariat for Trans Children and Adolescents and their Families FALGBT; ATEN; H.I.J.O.S PUNTA INDIO;

Victims for Peace; Independent Group of Picun Leufu; Argentine Society of Restorative Justice (SAJUR); Ecumenical Movement for Human Rights - Mendoza Regional; Domingo Menna Group; The Conquest of Bread; Argentine Psychoanalytic Association (APA); Cloud Puppets; Los Horneros Residential Home; International Movement of Women Writers Los Puños de la Paloma; Auxiliary Technical Corps of the Juvenile Criminal Court; Women's Agenda; Council for the Rights of Children and Adolescents; Casa de Hogar

Teresa; Isauro Arancibia Civil Association for the Right of Children and Young People to Choose Their Own Future; Isauro Arancibia Comprehensive School; Les Pibes del Ombú Soup Kitchen and Cultural Center; Buenos Aires Press Union (SiPreBo); Federal Collective for the Rights of Children and Adolescents; Nosotras; Professional Association of Social Workers of Neuquén; Professional Association of Social Workers, Mendoza; Aten (Neuquén Education Workers Association); San Juan Women's Movement; UNCo-CURZA; San Cayetano Moreno; Sueños al cumplir la Paloma (Rosario); Dominican Sisters of Our Lady of the Rosary and Saint Catherine of Siena; Ronda de Madres Rosario; Intersectoral Network in Defense of the National Law on Mental Health and Addictions, Neuquén; Desde abajo Cine; Fundación a partir de a hoy; Crece desde el Pie Merlo Moreno; Neuquén Provincial Hospital, Child and Adolescent Mental Health Sector; State Workers Association; Ecos Junín de los Andes; RockandVida; Comodoro Rivadavia Retirees in Struggle Group; Cutral Có Deliberative Council; UNCo Family Social Work Chair; CTA Autónoma Neuquén - Gender Secretariat; Federal Network of

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Neighborhood Clubs; Office of the Ombudsman for the Rights of Children and Adolescents of the II Judicial District of the Province of Neuquén; FEMGES. Area of feminisms, gender and sexualities. CIFYH UNC; Children and Adolescents Roundtable of Los Hornos, La Plata; Se.A.P; Evita Movement; New Frontiers; Atreuco Foundation; Directorate of Prevention and Assistance of Domestic Violence;

Feminist Collective La Revuelta; FeTERA Federation of Energy Workers of the Argentine Republic; UNPSJB Free Chair of Human Rights; La Yumba Consumer Cooperative; Spread the Word; Assembly in Solidarity with Argentina in Berlin; Grow from the Ground Up; Mothers of the People Human Rights House;

Juanito Foundation; Advisory Council of the Free Chair of Human Rights of the National University of Patagonia; Mapuche Confederation; New Frontiers; CUP; MQNFT; Faculty of Social Sciences UNC; New Frontiers;

Without Borders; Cipolletti Multisectoral Assembly; Extension Project Subjected by Art. Faculty of Health Sciences, UNMDP; Family Foundation; Community Mediation Center; F.O.T.I.V.B.A.; Helping Each Other Foundation; Institute in Focus on Policies about Crime, Security and Violence; Habitat Collective PBA; Habitar Argentina; UNM; Neuquén College of Psychologists; AEAPG; Therapeutic Companions of Neuquén; ATEN (Association of Education Workers); Suyai Foundation; CTA FRPJ; Sere Association; Federico Arra; May 25 Organization of San Juan; Argentine Association of Group Psychology and Psychotherapy; UTN; Public Defender's Office; Gender and Diversity Lago Puelo; Interdisciplinary Institute for Childhood and Family of C.A.S.I.; SUTEBA Escobar; ASAPPI; SAEA; Kindergarten No. 41 San Patricio del Chañar; House of Human Rights Mothers of the People; Research Project Dialogue of Lived Experiences and Transformative Resistance Practices. PROICO 04/0720 Faculty of Human Sciences. National University of San Luis; No to Lowering the Age of Criminal Responsibility; Rosa Guarú Cultural Center; Association of Psychology and Relational Psychoanalysis; Philosophizing with Children Project; Southern Regional of ATECH/Teachers' Union; Criminal Defense Office for Children and Adolescents of Neuquén; SUTEBA; MTE; Austral Foundation for Comprehensive Health; Institute in Focus on Policies on Crime, Security and Violence; Systemica Consulting; Amparo Foundation; Protective Mothers of Salta; Trans and Non-Binary Men of Santa Fe; Gabriel Pavelka. The Anthill, an inter-institutional space for children and adolescents (CURZA-UNCo); House of Mothers for Human Rights MONTE; Group for Studies on the Government of (In)Security (GEGINSEG, IIGG, UBA); Rio Negro Human Rights Observatory; Center for Popular Communication and Legal Advice; Federal Human Rights Network; The Anthill Rosario; Observatory of Adolescents and Youth; IERP Volunteer Program; Theater in the Void; Civil Association Los Abuelos del Francés;

San Miguel Arcángel Neighborhood Center Civil Association; Socialist Workers' Party; Human Rights Center Mothers of the People of San Miguel del Monte; Crecer Center (Crecer Civil Association in La Esperanza); Chair of Criminal Law by Case Method, Faculty of Law and Social Sciences of the National University of Comahue; Los Chicos de la Vía Soup Kitchen; Let's Surround Dialogue (ReD); Mar del Plata Territorial Reference Center (OPNyA); Free Chair of Human Rights; Barrilete Cultural - Space for the promotion of youth rights at FiloUBA; Device for Children and Adolescents in Street Situations (Government of the Province of Neuquén); Self-Convended Teaching Staff of

San Luis; Multisectoral Self-Convended Workers of San Luis; MSF; Yakacuaha Community Center; CTA National Autonomous Network; COIPRODEN Network, Córdoba Childhood Network, Active Health, ChiCreAr, Generate Project;

Coordination of Childhood and Adolescence, Directorate of Family, Community and Human Rights, Municipality of San Rafael, Mendoza; Vicente López Children's Forum; NGO Growing with Rights; Cable a Tierra; Flor de Cactus Foundation; Legal Clinic, Bar Association; Advisory Council on Mental Health and Addictions; Chair of Psychology in the Legal and Forensic Field, Faculty of Psychology, UNR; Multisectoral Women's Group of Catriel (R.N.); College of Psychologists and Psychologists 2nd Circuit Santa Fe; AAPPG; Brown Civil Association for Memory; SEHAS (Housing and Social Action Service); H.I.J.O.S Pte Peron; H.I.J.O.S. Santa Fe; H.I.J.O.S. White Bay; Abolitionist feminist collective we are all Andra Mo no; ; Ministry of government-CFF rural colony; UPVA; Tenderness Round Collective; Childhood and Adolescence Forum of vte Lopez; Community Health PBA; Children Avise PY; Efca Girls and youth; Forum children cordoba; Of such a stick, such a splinter!!!; IFD No. 12 Neuquen; 7 Lazos Foundation; Nicolás Casullo University Teachers' Association; H.I.J.O.S. Escobar Campana Zárate Regional; H.I.J.O.S. Necochea Regional; Teachers' Resistance Group; Let's Talk About Autism in Quilmes;

ACUFA; Working Group for Human Rights in Córdoba; Peasant Movement of Córdoba; Uepc. Cta.; Caminantes Popular Library; Venique Tecuento; The Bridge (creative space for children and teenagers);

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CTSBB; Caps Vucetich José C Paz; FGHC Procap Neighborhood Center; Faculty of Human Sciences/Unicen; Ethiopia Movement; Society for the Promotion of Alternative Video (Sofovial); Social Work Program FCH-UNICEN; ATE Avellaneda;

Human Rights Commission for Memory, Truth and Justice of Traslasierra; Somos Escudo y Lanza Argentina (SEYLA); rEDES Tandilenses Civil Association; Social Action and Research Group - FCH-Unicen; Murga Aguilas; Fch-Unicen; Secretariat for Respect and Dignity; Civil Association of Former Political Prisoners of Córdoba; No to Lowering the Age of Criminal Responsibility, Not One Step Back!; Los Cardales Popular Library; Orgullo Chasco; Women, Gender and Diversity Area. Hilario Ascasubi. Villarino; Popular Dignity Movement; Los Niños Aca Popular Library; Feminists of Abya Yala; Argentine Union of Social Workers; College of Social Work of the Province of Buenos Aires; SATS (in formation); College of Social Workers of the San Isidro District; College of Social Workers of the Province of Buenos Aires; Tinku Cultural Center; College of Social Workers of the Necochea District; Zonal Service for Children and Adolescents; New Encounter; Catspba- Mercedes District; FSOC UBA; Manitos de Barro; UNPAZ; FCH UNICEN; Fch-Unicen; Social Work Program - ISFDYT 53; Quilmes Collective, Memory, Truth and Justice; Observatory of Public Policies and Community Experiences in Child, Adolescent and Elderly Care of the National University of Quilmes; Free Chair of Food Sovereignty July 9th; College of Social Workers Lomas de Zamora District; Niñez Moreno; María de Guadalupe Neighborhood Center of the Hogar de Cristo; Topía Journal of Psychoanalysis, Society and Culture; SUTEBA; Local Child and Adolescent Protection Service; Red um grito pela vida; CEBs Caminantes de Emaús; FCH - Social Work Program; Educational Psychology Team, Department of Education, National University of Luján; University Extension Project Team University and School: The Collaborative Construction of Democratizing Practices. Extension Project: University and School: The collaborative construction of democratizing practices. Leading participation of children and adolescents in the school setting; Chair "Crime and the Media" UNRN; Social Integration Entrepreneurship Division; Rumbos Foundation; Parole Board; Feminist, ATE; Organization for the promotion and protection of the rights of children and adolescents.

General Rodriguez Local Service; Aten; Ecumenical Apostolic Communion - Ancient Latin American Church; Power

Popular; Ombudsman for the Rights of Children and Adolescents No. 3; Municipal Comprehensive Educational Center No. 4; El Hormiguero de Arana Popular Library; Community Organization Foundation; Chair of Educational Psychology FD-UNC; CAPS Almafuerte; Carlos Cajade Social Political Front; Specialization in Social Intervention in Childhood and Adolescence; "Gino Germani" Research Institute, Faculty of Social Sciences, UBA; Growing Up with Rights; Con Ternura Venceremos Children's Popular Library; ATE Blanca Negra y Verde CDNNyA; UBAUDES; FCH-UNICEN; APDH El Bolson Rio Negro; C O F; Community Hands; Envión; CEJUPELU; AM 830 Radio del

Town; Growing Together Foundation; Copronaf; Local Service for the Protection and Promotion of Rights of La Matanza; Women Defenders of Water in Famatina - La Rioja; Assembly for Life of Chilecito - La Rioja; Human Rights Subcommittee of the Morón College of Psychologists; Chair A-Professional Practice II: "Human Rights of Children and Adolescents"-Faculty of Law UNR; Center for Interdisciplinary Research on the Rights of Children and Adolescents-Faculty of Law UNR; San Martín Assembly; Coordinator Against Police Impunity; Kolina; Antonela López; María Carolina Buccoliero; Laura Marrone; Norma Leticia Fredes; María Teresa Pavone; Daniela Parra; Julieta Pojomovsky; Mariana O Becerra; María Irene Yacante; Gustavo Volpe; Natalia García; Antonella Álvarez; Silvana Esther Vera; María Marta Bugiolachi; Mónica Drewes; Romina Furchi; Cecilia Pintos; Adolfo Gabriel Bernachea; Alicia Ester Fernández; Sergio Alejandro Vergne; Oscar Rafael Magallanes;

Horacio Bisso; Ariana Chorny; Juan Carlos Fontclara; Fernando Rule Castro; Gloria Piazza; Ana Bianco; Amalia Garbulsky; Roció Fabbio; Marcela Olguin; Graciela Corsico; Maria Rosario Carrera; Silvia Patricia Bularte; Veronica Silvia Viviana Simonini; Evangelina Luchesi; Gerry Gavini; Graciela Barros; Jose Barreto; Marta Ines Chiari; Luis

Horacio Perna; Andrea Rosa; Marianina Tierno; Ricardo Manuel Vallejo; Fernando Pablo Petus; Remo Venica; Pablo Hodola; Eleonora Baffigi; Patricia Chialvo; Susana Rebagliatti; Federico Cabrera; Ana María del Cueto; Claudia Dora Chiappino; Eugenia Quintero; Celeste Tornero; Oscar Mollevi; Sandra Fabrisin; María Mercedes Brusafferri; Mirta Sotelo; Vilma Patricia Monteagudo; Ana Aba; María Isabel Cánepa; Martín Sebastián Coiro; Quintana Francisco; Cecilia Brandan; Maria Cristina Arrastia; Ivana Ferreyra; Liliana Ruager; Veró Mac Lennan; Bettina Monzani; Ana Zabala; Sandra Borakievich; Paula Acosta; Juan Carlos Vezzulla; Silvina Perez Álvarez; Monica Rebossio; Maria del Carmen Ross; Belén Chaparro; Karina Cheinkel; Mirta Fiorucci; Ricardo

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Devitt; Roxana Salas; Norma Domancich; Liliana Forchetti; Ricardo Peidro; Mirta Emilce Sgro; Alicia Gonzalez; Liliana Zurita; Violeta Ruzzante; Mario Molina; Mariana Cortez; Susana Alfieri; Enrique Raúl Fernández; Boccolini Hannah Laura; Eleonora Makaroff; Paola Martinez, Eugenia Rodriguez Cordone, Micaela Yniguez Ortiz, Edward Marchetti, Catalina Galeziowski Raschia, Liliana María Saligari, Stella Otazua, Martinez Edith Emilia; Águeda Franco; Monica Lozano; Sofia Iturralde; Daniel Hamra; Graciela Bergara; Ariel Zacchino; Gisela Clivaggio; Viviana

Szereszewski; Vera Valeria; Natalia Cavolo; Rubén Mario Dimarco; Elena Mendoza; Cintia Baungartner; Graciela Cousinet; Mónica Silvia Matos; Graciela Cousinet; Gloria Lenardón; Javier Sebastián Rojas; Omar Evans; Vanesa

Firpo; Laura Bilbao; M. Valeria Vitanxi; María Carballo; Romina Proietti; Daniel Blasina; Maria Josefina Baez; Fernanda Ruiz; Monica Vallejo; Federico Bongiorno; Amal Lahun Mattioli; Graciela Paganizzi; Ernesto Massimini; Laura Didowicz; Prospitti Merino; Rosalía Fornara; Miruam Woites; Carlos Alberto Izaguirre; Nilda Vidal; Tamara Cejas Castagno; Solange Villa; Alejandra Nieva; Lidia Giuffra; Pablo Guzzo; María Lorena Vianna; Polo Martínez Agüero; Virginia Gassibe; Griselda Santos; Maria Alexandra Rodriguez Forgues; Paula Smilges; Sabrina Villagra; Theodore Lecman; Alejandra Sokolowicz; Celia Izaguirre Perruchino; Esperanza Sosa; Elizabeth Gonzalez; Roses

Samira; Renata Estabillo; Gerardo Antonello; Samira Rosas; Renata Estabillo; Ana Hernández; Guido Vergara; Carolina Rodríguez Planes; Ana María Donato; Juan Manuel Navarro; Jorgelina Garese; Luciana Ramírez; María Burlastegui; Adriana Franco; Javier Becerra; Melina Garay; Carolina Carrozza; Nicolás Gadea; Isabel Díaz; Lidia Venardi; Andrea Propezi; Guillermo Unzain; Alejandra María Molina; Horacio Alejandro Sánchez; Roxana Propato; Ramona Alvez; Santiago Barbini; Mariano Gastón Chillemi; Ricardo E. Miretti. Signatures continue...

Email: [mesafederalarticulacionninez@gmail.com](mailto:mesafederalarticulacionninez@gmail.com)

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## LOS GLACIARES NO SE TOCAN

4/12/2025

Señores y Señoras Diputadas y Diputados  
Congreso de la Nación Argentina  
Presentes

Desde la Asamblea Permanente por los Derechos Humanos nos dirigimos a Uds. para expresar nuestra preocupación por toda iniciativa que busque disminuir o suprimir los presupuestos mínimos de protección ambiental alcanzados por la Ley 26.639 para la Preservación de los Glaciares y del Ambiente Periglacial.

Esta norma constituye un pilar fundamental para garantizar el derecho vital de acceso al agua, la protección de ecosistemas y en consecuencia de todo el ambiente y sus dinámicas naturales. Los presupuestos de preservación, convertidos en Ley, son comunes y obligatorios para todo el territorio y constituyen el mínimo de protección que nuestra sociedad se ha dado en forma inderogable, ello dada la fragilidad ambiental que determina como lógica conclusión la no regresión ambiental, fundamentada en el Principio de Progresividad, receptado por jurisprudencia decisiva sobre la materia.

Por ello como habitantes ciudadanos primero, y luego como integrantes de nuestro organismo y adherentes al mismo, en un ejercicio urgente de nuestro derecho de peticionar a las autoridades solicitamos:

Que ante cualquier tratamiento de proyectos de presupuestos mínimos ambientales consideren los siguientes puntos de análisis que ponemos a la vista de un examen parlamentario precautorio y anticipatorio de las implicancias que podrían tener modificaciones regresivas. Ello porque en asuntos ambientales es de carácter vital, que todas las autoridades instituidas, sostengan en la letra de toda norma de protección ambiental la vigencia del PRINCIPIO DE PROGRESIVIDAD para evitar que una ley pueda entrar *“en grave conflicto con un principio del Derecho Internacional de los Derechos Humanos en general, y del PIDESC en particular.”*

Este principio, asentado sobre el art. 75, inc. 23, de la Constitución Nacional y en el P I D ESC, obliga a Argentina a garantizar derecho de toda persona "a una mejora continua de sus condiciones de existencia" (art11) por lo tanto la forma de lograrlo es avanzando hacia una mayor protección y sosteniendo la NO REGRESION AMBIENTAL como un estándar que lógicamente veda al legislador la posibilidad de adoptar medidas injustificadas regresivas, máxime cuando se trata de un tema circunscrito por un mandato constitucional de preservación y leyes ambientales de observancia ineludible en todo el ordenamiento Argentino. Lo que hace necesario evitar cualquier intento de supresión normativa o la reducción de exigencias alcanzadas para asegurar DDHH como el acceso al agua y su protección como un bien decisivo para la vida y el funcionamiento de dinámicas dentro del ambiente. Es sobre esta fragilidad donde reposa el interés público ambiental dada su ligazón a las condiciones de existencia y supervivencia garantes de derechos vitales

La evidencia científica y los estándares receptados por las leyes demuestran que ningún desarrollo sostenible es posible sin la observancia de los umbrales de equilibrio ecológico tenidos en cuenta por las normas que ordenan en sus sociedades mínimos de protección ambiental imprescindibles para sostener las condiciones del ambiente que hacen posible DERECHOS VITALES.

En consecuencia, si por mandato constitucional cabe a todas las autoridades proveer a su protección, los asuntos de nuestros tiempos no pueden sino exigir lo único que las leyes y normas ambientales habilitan, qué es aumentar la protección.

Por lo cual resulta inadmisible se decline el contralor sobre proyectos que disminuyan o supriman niveles de protección ambiental logradas por nuestra sociedad poniendo en riesgo los resultados

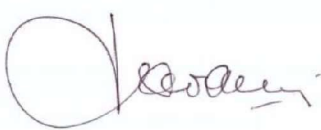
de instrumentos que como el Inventario Nacional son claves e indispensable para una gestión responsable del territorio y toma de decisiones informadas en materia de política pública.

Recordamos que la Cordillera de los Andes constituye una de las regiones montañosas con mayor diversidad de glaciares y ambientes periglaciales del planeta. Esa riqueza hídrica es patrimonio de toda la Nación, y las cuencas que dependen de su aporte exceden los límites provinciales, lo que requiere políticas de protección con criterios homogéneos y de alcance federal ya que el deterioro de estos ecosistemas afecta de manera directa la disponibilidad de agua, profundiza desigualdades sociales y económicas y vulnera derechos fundamentales de las comunidades más expuestas.

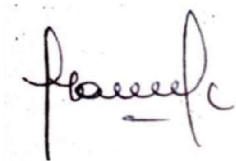
Y que esta Ley, ratificada en su constitucionalidad por la Corte Suprema de Justicia de la Nación en 2019, luego de un proceso judicial que reafirmó su carácter de norma ambiental de presupuestos mínimos y su rol en la protección de derechos esenciales.

Solicitamos respetuosamente que no se avance en la derogación ni modificación de las protecciones y niveles de exigencias alcanzados por la Ley de Glaciares, dado que ello implicaría un retroceso grave en materia de derechos humanos, comprometería la seguridad hídrica del país y expondría a las futuras generaciones a riesgos ambientales de enorme magnitud.

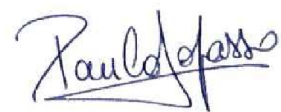
**La protección de nuestros glaciares y ambientes periglaciales no es sólo una cuestión ambiental: es un compromiso ético y jurídico con la vida, con el bienestar colectivo y con el mandato constitucional de asegurar un ambiente sano, equilibrado y apto para el desarrollo humano.**



**Eduardo Tavani**  
**Presidente APDH**



**Mariela Pérez Cisneros**  
**Presidenta APDH**



**Paula Topasso**  
**Presidenta APDH**

**FUENTE INFOGRAFICA: ATLAS DE GLACIARES PAG 15 Y 16**

<https://www.argentina.gob.ar/ambiente/agua/glaciares/atlas>

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## **Consequences of the Labor Reform on the Pension System**

The Labor Reform project, which has already received half approval from the National Congress, has totally regressive characteristics, violating the progressiveness of the principles established by the Universal Declaration of Human Rights to which Argentina subscribes.

This reform not only affects labor rights but also dramatically harms the pension system, already eroded by previous measures:

Loss of purchasing power of 30% due to the brutal devaluation caused by the Milei government in December 2023, a few days after starting his term, and which was never taken into account when calculating the increases in pension benefits.

Freezing of the supplementary fixed bonus for the lowest pensions.

The average loss per pension in 2025 will be around 5,000,000 pesos, due to the use of a misleading index used by INDEC to measure inflation.

It removes the free provision of numerous medications to members of PAMI (a social security organization that covers most retirees and pensioners in Argentina), which

leads to a deterioration in purchasing power and in many cases the impossibility of accessing the purchase of necessary medication.

The misnamed Labor Modernization Law, which is actually a law that takes legislation back to the early 20th century and does not include platform workers, now adds the three mechanisms that defund the pension system, putting it at risk:

- 1) The Creation of the Labor Assistance Fund (FAL).
- 2) The reduction of employer contributions to the health system.
- 3) The implementation of the Labor Formalization Incentive Regime (RIFL), accompanied by a fine forgiveness regime.

1) The creation of the Labor Assistance Fund (FAL). Employers will stop paying 3% of their contributions to the pension system (we're talking about around 2.6 billion dollars annually, equivalent to 1,000,000 minimum pensions), and that same amount is what employers will contribute to the FAL. If it is "estimated" that the Fund will cover severance payments for all employees, contributions will cease because there will already be sufficient funds to pay the severance, and in the event of company closures, the contributions will be returned to the employers! The proposed mechanism for its operation further aggravates the situation, as it is very similar to that of the AFJPs (private pension funds), which have a disastrous track record in the history of social security in our country. The fund managers proposed by the law have very narrow legal limits, thus giving a wide margin for their availability; it has no precise criteria on the destination of the funds, nor does it set a cap on commissions, leaving its regulation in the hands of the Ministry of Economy and its administration in private hands.

2) The reduction in employer contributions to the healthcare system, from 6% to 5%, represents a loss of approximately \$900 million annually for the system (0.16% of GDP). This measure will negatively impact social security funds and the contributions that members allocate to private health insurance, underfunding social security funds

on the one hand and forcing members who allocate their contributions to private health insurance on the other.

3) The RIFL proposes a 75% reduction in employer contributions for four years for new workers entering the system during the first year after the Labor Reform is enacted. This reduction in contributions will underfund the pension system for four years.

The brutal underfunding that the RIFL will cause for four years, plus that caused by the FAL, will plunge the pension system into crisis, which will be used as an argument to demand its privatization, attempting to repeat the disastrous experience of the AFJPs of the 1990s that led large masses of retired workers to destitution.

To all of the above we add the “symbolic violence” stemming from the insulting expressions of the president and several government officials about the Elderly Persons sector and the “repressive violence” implemented during the mobilizations against our group.

The above shows the dramatic situation that older adults are experiencing in Argentina and the concrete prospect of a worsening in the future.

From the Secretariat for Older Adults of the APDH, we warn about the indignity of the policies applied by the government of Javier Milei to our sector.

**ENOUGH OF SILENT GENOCIDE**

**THE PENSION REFORM OF 2024 BEGAN**

**OLDER ADULTS WE HAVE PATIENCE, BUT WE DON'T HAVE TIME**

WE DON'T WANT TO CONTINUE BEING **THE ADJUSTMENT VARIABLE** OF THE  
GOVERNMENT PLAN.

Secretariat for Older Adults of the Permanent Assembly for Human Rights.

February 2026.

## **DOCUMENT READ IN PLAZA DE MAYO ON MARCH 24, 2026**

### **HUMAN RIGHTS ORGANIZATIONS**

With the strength of the mobilized people, we once again overflowed the Plaza de Mayo and the plazas in dozens of cities across the country. With deep conviction, we are here to say that memory is defended through struggle, and because we know it is necessary to unite our struggles to strengthen them.

There are 30,000 disappeared detainees! It was and is genocide. We do not forget, we do not forgive, and we do not reconcile!

Today we continue to pay tribute to the generation of the 30,000, and we raise their banners of struggle against injustice, inequality and exploitation, supporting revolutionary projects to build a new world.

Because they didn't die: they disappeared for fighting.

State terrorism had a prelude with the government of Isabel and López Rega, the Triple A, the CNU and other fascist gangs and with Operation Independence as a preview of what was going to happen.

Then, with the coup of March 24, 1976, the dictatorship implemented a systematic plan throughout the country to disappear and murder thousands of activists and fighters. It stole hundreds of babies. It established death squads, death flights, mass graves, and clandestine centers for detention, torture, and extermination. It closed Congress, suspended and banned political parties, and intervened in labor unions. It dissolved student centers and other social organizations. It censored the press, science, and art. For this reason, we repudiate the genocidal policies of the dictatorship and honor our disappeared comrades and their struggles.

Forty-nine years ago, Rodolfo Walsh published his Open Letter to the Military Junta, denouncing the planned misery, the true heart of the dictatorship's project. We know all too well who profited from the blood of the people: the Blaquieres, the Noble Herreras, the Pérez Companes, the Roccas, the Macris, Ford, Mercedes Benz, Martínez de Hoz, Braun, Fortabat, the Madanes Quintanillas, among others.

Impunity was state policy for decades: it was the unwavering struggle of the Mothers and Grandmothers, the popular mobilization alongside the 2001 rebellion, and the social condemnation of impunity that allowed progress and the reopening of trials against more than 1,500 perpetrators of genocide, in which the testimonies of the disappeared were decisive. Crimes against humanity are not subject to any statute of limitations, which is why we demand that the judiciary stop delaying them. We say no to house arrest and attempts to

release repressors, and we demand the continuation of the trials of those responsible for genocide.

Common, life, and effective prison sentences for all genocidal perpetrators and civilian accomplices!

It remains to condemn the civilians responsible—businessmen who were part of the state terrorism—for persecuting and disappearing activists and workers to halt advances in labor rights and experiences of union democracy by restructuring the economy in their favor. It was the struggles of the people that time and again defeated successive attempts at impunity, such as the military self-amnesty law, the Due Obedience and Full Stop laws, the pardons of Menem and Duhalde, the Supreme Court ruling on the “2 x 1” law, and Macri's decree.

Today, the economic groups that support the Milei government and the IMF's tutelage once again want to impose a model of plunder, exclusion, and obscene concentration of wealth, destroying the rights won by our people in an attempt to change the country's economic structure.

The Milei government is deepening its dependence on Trump and US imperialism. It is attacking popular rights and obeying the IMF's dictates with a slave-like labor reform, passed by the ruling party and its allies. They relied on the essential support of deputies and senators beholden to governors implementing austerity measures, as well as the CGT leadership, which failed to organize the required protest plan. This is compounded by other counter-reforms, including those affecting pensions, taxes, politics, and the penal system, while handing over common resources as spoils for the most ruthless extractivism.

¡¡Enough Mercy!!

These reforms represent a setback of more than a century in rights won through struggle, bloodshed, and martyrdom: the eight-hour workday, the right to a dignified retirement, and public health and education. They trample on the National Constitution, international treaties, and protective laws.

Milei is promoting the same program that large corporations imposed during the civic-military dictatorship to maximize their profits and deepen dependency. Governments like those of Menem and Macri intensified this program through austerity measures, privatizations, and the dismantling of public policies and social rights.

Milei's government cannot impose its plan without repression: it deepens attacks on popular organization, persecutes those of us who fight, equips repressive forces, fabricates cases, outlaws, illegally expands the powers of intelligence services, forms federal and provincial force commands to intervene in union

conflicts, endorses trigger-happy policing, and militarizes civilian functions to advance towards a more authoritarian, anti-democratic, and repressive regime.

Today we face a government that not only denies the genocide but also endorses it. For this reason, it is dismantling and gutting policies of Memory, Truth, and Justice, attacking the National Secretariat for Human Rights, and dismantling memorial sites located at the former clandestine centers of detention, torture, and extermination. We demand their preservation and the protection of the material evidence of the repression.

We denounce the censorship and constant harassment of the workers who remained to maintain these spaces, who are prohibited from carrying out activities central to the preservation of Memory.

We denounce the dismantling of the National Commission for the Right to Identity and the defunding, attempted restructuring, and closure of the National Genetic Data Bank.

Fifty years after the coup, we demand the urgent opening and release of all state archives from 1974 to 1983 to advance the investigations into those responsible for these crimes. Fifty years later, we continue fighting to restore the identities of hundreds of babies stolen by the dictatorship. Appropriation is enforced disappearance, and until their true identities are known, the false genealogy imposed by state terrorism continues to be committed and perpetuated. In this long struggle alongside the Grandmothers of Plaza de Mayo, we have recovered 140 grandchildren. The State must guarantee the restitution of the identities of the remaining grandchildren.

We are in this square, with the 30,000 as our banner, with the Mothers and Grandmothers, with the survivors of the concentration camps, with the sons, daughters, grandsons, and granddaughters, brothers and sisters of the disappeared detainees, and with all the human rights organizations accompanied by the people to say to Milei: **MEMORY IS OUR TOOL.**

We demand the safe return of Jorge Julio López and punishment for those responsible for his disappearance in a democracy! Julio López, present!

Freedom for Milagro Sala, Facundo Jones Huala, Milton Tolomeo, and all political prisoners; dismiss all cases against them. No to political proscription; freedom for Cristina Fernández. Annulment of Alejandro Bodart's conviction and the prosecution of Vanina Biassi; denouncing genocide is not a crime.

More than 20 years after the Avellaneda Massacre, we demand justice and punishment for those politically responsible for the murders of Darío Santillán and Maxi Kosteki!

Comrades Mariano Ferreyra and Carlos Fuentealba, present!

Justice for Santiago Maldonado, Rafael Nahuel, Facundo Castro, Elías Garay, Luis Espinosa, Facundo Molares, Florencia Morales, Juan Gabriel González and all other victims of state repression!

This government has made repression of protests and attacks on the right to strike a state policy to prevent mobilization. Repeal Bullrich's unconstitutional anti-protest protocol! Stop state repression! Stop trigger-happy police, raids and arbitrary arrests, persecution, disappearances, and femicides!

¡¡¡¡Enough of Mercy!!!

We demand an end to harassment, torture, and deaths in detention and prison facilities!

Repeal the law lowering the age of criminal responsibility and the criminalization of adolescents. Our children and young people are not criminals. For the effective implementation of public policies that guarantee and expand rights and strengthen the comprehensive child and adolescent protection system, for childhoods and adolescences free from all violence.

We denounce the dismantling of social welfare policies. Universal social assistance, no to the elimination of social programs, increased funding, reopening of enrollment, and delivery of food to community kitchens. For decent work.

We condemn the brutal attack on pensioners and the repression of all popular mobilizations. We demand an immediate increase in pensions! Justice for Pablo Grillo and punishment for those responsible!

¡¡¡¡Enough of Mercy!!!

We reject the government's advance in dismantling various state agencies, such as INTA, INTI and INADI among others, privatizing companies and laying off tens of thousands of workers.

We say no to the destruction of public health! And to the policy of closures, dismantling, layoffs, and privatization of hospitals and health programs. In defense of the Garrahan Hospital as a national cause! We reject the disciplinary proceedings, sanctions, and attempted dismissals that the government wants to carry out despite the favorable court ruling! Effective implementation of the Pediatric Emergency Law and the National Disability Law.

Unconditional defense of free, secular public education at all levels! No to the degradation of the Ministry of Education; it must cease to be a Secretariat and be given the necessary budget. [pleffective](#) application of the law of

University Funding. The people's education is not for sale, it must be defended. No to the surrender of common resources! The Glaciers Law is untouchable! We defend the land and water against extractivism, the RIGI (Regional Government Investment Program), and the policies that set fire to and flood our territories and

persecute our communities. Water is worth more than anything! Stop the militarization of our territories! We demand respect for the rights of Indigenous peoples to their ancestral territories, self-determination, and culture!

Down with all repressive legislation: anti-terrorism law, repeal of the unconstitutional reform of the penal code, the laws on recidivism, recidivism, anti-mafia and the decree enabling the armed forces in intelligence and internal security.

We demand that the three branches of government annul and repeal the Bases Law, the DNU 70/23 and 941/25 that further empower the former SIDE; as well as the delegated powers.

We demand compliance with historical reparations and the payment of pensions for former political prisoners, exiles, their children and survivors who receive minimum pensions and do not have social security coverage.

We condemn the hateful and misogynistic rhetoric promoted by far-right governments like those of Trump and Milei. The feminist, trans-feminist, and LGBTQI+ movements won our rights in the streets, and we will defend them there.

We reject this government's pro-fascist, colonial, racist, and xenophobic policies. Stop attacking and persecuting migrants. Migration is not a crime!

¡¡¡¡Enough of Mercy!!!

Debt is a scam, and scams shouldn't be paid back. The only debt is to the people; that money should go to pensions, medicine, social protection, jobs, housing, healthcare, and education, not to the IMF! Out with the IMF!

Down with Milei's exploitative labor reform, the IMF, and the bosses! Stop the layoffs of public and private sector workers. No to the closure of companies and the loss of jobs. FATE will not close, everyone stays!

The hundreds of thousands filling the streets today demonstrate their willingness to fight. We echo the widespread demand that the CGT (General Confederation of Labor) call for a more comprehensive plan of action, rejecting any surrender or pact with the far-right government and its chainsaw. **GENERAL STRIKE AND PLAN OF ACTION NOW FROM ALL TRADE UNION CONFERENCES.**

From this square we stand in solidarity with and embrace the struggles of the world!

Justice for the Villalba girls, murdered by the Paraguayan Army. Bring Lichita back alive!

Get American imperialism out of Venezuela, stop the blockade and aggression against Cuba, Yankees out of Latin America.

Milei is aligned with genocidal Zionism. We stand for a free Palestine from the river to the sea. We condemn the genocide in Gaza and the US and Israeli aggression against the people of Iran.

For the self-determination of peoples.

Fifty years after the genocidal coup, we are in this Plaza to say together, with the unity that our people need:

30,000 disappeared detainees, present!

30,000 disappeared detainees, present!

30,000 disappeared detainees, present!

Now, and forever!

Now, and forever!

Now, and forever!

## **Human Rights Organizations**

Mothers of Plaza de Mayo Founding Line

AEDD - Association of Former Detainees and Disappeared Persons

Permanent Assembly for Human Rights

Permanent Assembly for Human Rights La Matanza

Good Memory Association

CADEP

CADHU - Center for Lawyers for Human Rights

Militant Memory Collective (CMM)

ESMA Survivors and Witnesses Collective

Northern Zone Commission for Memory, Truth and Justice

Vesuvius and Bridge 12 Commission

I RUSHED

Cachito Fukman Militant Meeting

FADHUS

Family members and colleagues of the 12 from the Holy Cross

Brothers and Sisters of the Disappeared for Truth and Justice

Brothers and Sisters of the Detained, Disappeared and Murdered by State  
Terrorism H.I.J.O.S. City of Buenos Aires

H.I.J.O.S. West Zone

Neighbors' Commission Justice for Campomar

Freetown

Argentine League for Human Rights

Ecumenical Movement for Human Rights (MEDH)

GRANDCHILDREN CABA-GBA

SERPAJ - Peace and Justice Service.

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**Political, trade union and social organizations**Marabunta

Social and Political Movement.

Socialist Left - FIT -U

Socialist Workers' Movement - MST in the FIT-U

M.U.L.C.S (Movement for Latin American Unity and Social Change)

Socialist Opinion

People's Power

PRML

PRT

PSTU

We will win PT

Trade union federations

CTA of the Workers

Autonomous CTA

Trade union organizations

National ATE

Federation of Workers of the Oilseed Industrial Complex, Cotton Ginners and  
Related Trades of the Argentine Republic

Subway and Premetro Workers' Union (Metrodelegados)

Association of Senior Staff of Energy Companies

ATE Capital

CTA CABA

Federation of Associations of Senior Staff of the Argentine Republic

Buenos Aires Graphic Federation

Argentine Judicial Federation (FJA)

FESTIVAL

LIMIT

Inter-union Human Rights Committee

Satsaid

Human Rights Secretariat of CTA-A Capital

Secretariat of Human Rights - Ademys

Religious organizations

ECUMENICAL TABLE, for Democracy, Life and the Common Good

Priests' Group for the Option for the Poor (OPP)

Evangelical Social Pastoral (PSE)

Argentine Commission for Migrants and Refugees (CAREF)

Argentine Evangelical Methodist Church (IEMA)

Anabaptist Mennonite Church of Buenos Aires (IAMBA)

Evangelical Community Faith and Life

Student organizations

Coordinator of Grassroots Students (CEB)

Union of Secondary School Students (UES) North Zone

Union of Secondary School Students (UES) Tigre

Federation of Secondary School Students (FES) San Fernando

Union of Secondary School Students (UES) San Isidro

Vicente López Secondary School Students' Union (UES)

General Secretariat of the Student Center of the Faculty of Social Sciences of the UBA (CeCSO)

Student Center of Philosophy and Letters of the UBA (CeFyL)

Student Center for Science and Technology of UNSAM (CeCyT)

UNSAM Student Center for Politics and Government (CePyG)

Broad Front for a New Agronomy (FANA)

FUA organization director

Secretariat of worker-student unity FUBA

Presidency of the student center of the "Cecilia Grierson" Higher School of Nursing

Vice Presidency CEJVG

Anti-repression Secretariat - CECISO UBA

Secretary of University Welfare at the Center for Biology - UNLU

Secretary of Sports at the Center for Social Work - UNLU

Social work and social communication representatives - UNM

Secretariats of Territorial Liaison, Health and Environment, and Human Rights - UNM

Social organizations

ANCLA - National Class-Based Anti-Bureaucratic Group

Neighborhoods for Memory and Justice South Zone

Plurinational Coordinator Enough of False Solutions

Popular Education Team Pañuelos en Rebeldía MTR April

12

Unemployed Movement "Teresa Lives"

Argentine Society of Bioethics and Human Rights

THE SIGNATURES CONTINUE....



Ley Nacional N° 26.657

Buenos Aires, April 19, 2026

To the Minister of Health of the Nation  
Dr. Mario Lugones

To the National Director of Comprehensive  
Approach to Mental Health and Problematic  
Consumption, Dr. Liliana Graciela González

S...../..... D

We are writing to you, in our capacity as members of the Honorary Advisory Council on Mental Health and Addictions, to express our strong rejection of Bill No. MEN-2026-108-APN-PTE, which proposes to amend National Mental Health Law No. 26657, the Civil and Commercial Code of the Nation, and Law No. 26,827 of the National Mechanism for the Prevention of Torture and other cruel, inhuman or degrading treatment or punishment, recently submitted to the National Congress.

First, it is necessary to express that the aforementioned project was not submitted to this advisory body for its prior opinion, which constitutes a breach of Decree 603/2013 and Act 6/14, a fact that the Executive Branch cannot ignore. This Honorary Advisory Council was created by Act 6/14 of the National Interministerial Commission on Mental Health Policies, thus fulfilling the provisions of Article 2 of Decree No. 603 of May 28, 2013, with the mission of formulating proposals on the application of National Mental Health Law No. 26657. Furthermore, the aforementioned act assigns the corresponding functions, establishing in its Article 3 that *"The functions of the Advisory Council are:*

- a) To make non-binding proposals on mental health and addictions that take into account the problems and particularities of the different sectors they represent, within the framework of current legislation.(...)*
- c) Make any observations you deem relevant regarding the policies being implemented."*

The initiative, then, suffers from a flaw

The drafting process makes it subject to formal objections, in addition to the technical, political, and legal objections that will be considered herein. The creation and functions of the Advisory Council are legally established and cannot be disregarded or set aside without violating current regulations. As we have stated in other presentations, the lack of consultation with this Advisory Council reduces the possibility of an exchange that could improve mental health and addiction policies, an objective we assume you share. In this regard, the attitude taken by the Executive Branch regarding this attempt to amend National Mental Health Law No. 26,657 and other related regulations is not only concerning but also of particular political and institutional gravity, given its disregard for the consultation and participation mechanisms established by current legislation..

In addition to the above, from Analysis carried out on the aforementioned project and without exhausting in this presentation the objections that it deserves, the modifications represent clear setbacks in the human rights standards enshrined by Law No. 26,657.

In general terms, the rejection of the The proposed modifications are based on the fact that they represent a step backward from the existing paradigm, which seeks to reinstate an asylum-based model of psychiatry based on practices that have historically objectified the person, displacing them from their position as a subject of rights and repositioning them as an object of guardianship and confinement. By reinstating the creation of single-purpose facilities and re-establishing specialized hospitalization as the axis of the system, the Argentine State unilaterally breaks its international commitments and reverses the progress made in deinstitutionalization. This shift toward a hospital-centric and hyper-medicalized model ignores that *mental illnesses* These are complex phenomena inextricably linked to social, economic, and environmental factors that cannot be resolved with walls or by isolating patients from their communities, but rather through an interdisciplinary approach that this project actively seeks to undermine. To justify itself, it starts from a fallacious premise, claiming that current difficulties stem from existing regulations, when in reality they are due to a persistent lack of budget, resources, and effective implementation of the law. We denounce the blatant contradiction of a government that justifies this reform with a supposed concern for access to treatment while simultaneously carrying out a systematic dismantling of public health. The emptying and closure of national referral hospitals like the "Lic. Laura Bonaparte," the abandonment of community-based services, and the financial strangulation of the healthcare network due to unpaid debts from SEDRONAR (the National Secretariat for Drug Prevention and Control) demonstrate that the true obstacle to care is the planned

defunding. What is being constructed is a false diagnosis of legal inaction to cover up the fact that what is failing is the concrete capacity of the system to intervene, trying to hide the abandonment of people behind a regressive reform that only seeks to facilitate exclusion and favor minority sectoral interests to the detriment of users.

The project places psychiatry in a central role and This approach, hegemonic in the field of Community Mental Health, not only lacks evidence of improved quality of care but would also be impractical given the shortage of professionals in the area. Far from strengthening the system, this decision introduces new barriers to access and limits the functioning of interdisciplinary teams that ensure a comprehensive approach. In technical and legal terms, the reform eliminates basic safeguards against deprivation of liberty by replacing the standard of “certain and imminent risk” with the ambiguous formulation of “serious risk,” also incorporating past incidents or future scenarios. This change weakens the exceptional nature of involuntary hospitalization and enables decisions based on presumptions, increasing discretion and the risk of violating fundamental rights.

This regression is exacerbated by the attack on oversight mechanisms, by requiring that inspections by the National Mechanism for the Prevention of Torture be carried out exclusively by teams with the mandatory presence of a psychiatrist, thus subordinating the human rights perspective to a corporate medical hierarchy. Likewise, the elimination, vagueness, and weakening of references to intersectoral collaboration and coordination with the education, social development, and labor sectors in Article 36 nullifies any possibility of genuine socio-labor inclusion. In the field of addiction, for example, mental health is guaranteed through greater community involvement, increased funding, and the urgent implementation of the IACOP plan (Law 26.934), not through the rehabilitation of asylums or the closure of leading institutions.

In turn, in a preliminary and particular analysis, we observed with great concern:

- **1. The exclusion of user representation in the National Review Body (art. 39).** This change eliminates the first-person perspective in the main monitoring mechanism of the mental health system.

User associations not only provide an irreplaceable perspective on the conditions of care; their participation is a commitment undertaken by the Argentine State within the framework of the Convention on the Rights of Persons with Disabilities. Their exclusion directly affects the composition of this

Advisory Council, which includes representatives from these same sectors, and contradicts the principle of "nothing about us without us" that governs this matter.

- **2. The reduction of the functions of the Review Body (art. 40).**The bill eliminates the Review Body's capacity to formulate legislative amendments, to present cases to the Council of the Judiciary regarding judicial irregularities, and to safeguard the rights of individuals in disqualification proceedings. These three functions constitute concrete tools for institutional influence and oversight of the system. Their elimination reduces the Review Body to a passive supervisory role, stripping it of its ability to intervene in the most serious situations affecting individuals' rights.
- **3. The restriction of the participation of civil society.**The organizations authorized to serve on the Review Board have shifted from those "dedicated to the defense of human rights" to those "focused on mental health issues." This seemingly minor change narrows the scope of civil society's voice in overseeing the system, excluding human rights organizations with a proven track record in the field, whose perspective extends beyond strictly health-related matters and contributes the human rights dimension that the law itself claims to protect.
- **4. The weakening of the system's financial resources.**The elimination of economic and financial cooperation as an explicit component of agreements with jurisdictions (Art. 41) jeopardizes the effective implementation of public policies throughout the territory. Without the transfer of resources, the mandate of the law is reduced to a mere declaration of principles, which is especially relevant considering past, more or less formal, indications by the Executive Branch of its intention to eliminate the 10% budget floor stipulated in Art. 32, keeping us in a state of constant alert.
- **5. The regression of the care model.**The bill represents a complete shift from the current paradigm: it eliminates the prohibition on the creation of new psychiatric hospitals (Art. 27), authorizes hospitalization in single-specialty institutions (Art. 28), removes the Caracas Declaration and the Brasilia Principles as integral instruments of the law (Art. 2), broadens the standard for involuntary hospitalization by allowing prior history and past actions as grounds (Art. 20), and prioritizes the role of the psychiatrist as a mandatory presence on treatment teams (Art. 8), thus subordinating the principle of interdisciplinarity. In

contrast to a law that consolidated a community-based, interdisciplinary, and rights-centered paradigm, the bill proposes a shift toward specialized hospitalization, medical predominance, and a logic focused on risk and control, creating a more paternalistic, medicalized, and potentially exclusionary model.

For all the reasons stated above, this Honorary Advisory Council It reaffirms its absolute rejection of a reform that, under a fallacious diagnosis of regulatory inefficiency, seeks to conceal the defunding of the system and the return to asylum models already superseded by history and international law. The objections detailed here represent only an initial core of the serious technical, legal, and political inconsistencies we have identified; the depth of the damage this project would inflict on the social and healthcare fabric of our country demands an analysis that this Council will continue to deepen and support at every necessary stage.

We demand that the Ministry of Health and the National Executive Branch Strict compliance with the legal obligation to consult this Honorary Advisory Council is essential. Ignoring our participation is not only a procedural flaw in the administration, but also a breach of the democratic and participatory construction of public health policies.

We reaffirm our institutional and ethical commitment to the We defend Law No. 26,657 because mental health is guaranteed with a real budget, with readily available local resources, and with unwavering respect for human dignity. The health of the citizenry cannot be a bargaining chip for sectoral interests, nor can it be the object of social regression that only creates barriers where the law mandates inclusion.

Without further ado, we greet you respectfully.

#### ORGANIZATIONS THAT MAKE UP THE HONORARY ADVISORY COUNCIL IN MENTAL HEALTH AND ADDICTIONS

- Civil Association of Users, Family Members and Friends "Open Path" (ACUFA)
- Civil Association "MOVIMIENTO ALZA"
- Association of Users and Professionals for the treatment of Cannabis and other Drugs (AUPAC)
- CONFLUIR, Users in Action for the Right to Mental Health
- Lxs Abuelxs del Francés Civil Association

- Federation of Professionals of the Government of CABA
- Union of Civil Personnel of the Nation (UPCN)
- Association of Occupational Therapists of the City Government (ATOGBA)
- Association of Social Service Professionals of the GCABA
- Federation of Psychologists of the Argentine Republic (FEPRA)
- Argentine Association of Occupational Therapists (AATO)
- Federal Network Forum for Childhoods
- Argentine Association of Public Health (AASAP)
- Argentine Association of Mental Health (AASM)
- SUMA Project
- Vientos de Libertad Ltda Workers' Cooperative
- Federation of NGOs of Argentina for the Prevention and Treatment of Drug Abuse (FONGA)
- Santa Fe Community Mental Health Care Network
- APDH - Civil Association Permanent Assembly for Human Rights
- Area of Public and Community Mental Health, Faculty of Psychology of the UNMDP
- Team of the Chair of Health Psychology of the Faculty of Psychology, UNC
- PUNA, National University of Tucumán
- Foundation Group for Psychological and Social Studies (GEPS)
- Interdepartmental Team -Faculty of Psychology, University of Buenos Aires UBA
- Argentine Society for the Study of Addictions (SAEA)



# APDH Political Document

Autonomous City of Buenos Aires

APRIL 2026

**apdh**  
Asamblea Permanente  
por los Derechos Humanos

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ASAMBLEA FEDERAL REALIZADA EL 25 DE ABRIL DE 2026 EN LA  
CIUDAD AUTÓNOMA DE BUENOS AIRES EN LA SEDE DE CALLAO 569

# POLITICAL DOCUMENT

## **50 years after the last genocide and on the fiftieth anniversary of the APDH**

### **"Against the dispossession and surrender of sovereignty and for a united, just and democratic Argentina"**

The Permanent Assembly for Human Rights is meeting this year 2026 at a profoundly significant time: the 50th anniversary of the last fierce and genocidal coup d'état in the Argentine Republic was commemorated on March 24th; and our organization celebrated its 50 years of uninterrupted trajectory in the defense and promotion of human rights last December.

These anniversaries are not mere commemorations, but political milestones that challenge us in the present. The history of the APDH is inextricably linked to the unwavering defense of human rights, the fight against state terrorism, the construction of the process of Memory, Truth and Justice, and the defense of democracy in our country.

It is important to mention that a brutal austerity program is deepening every day, placing a large part of the population in a situation where their basic and essential rights are being violated. This situation is not new, given that, as we have been denouncing for the past two years, we have witnessed a steady advance of regressive policies and state abandonment.

Today, more than ever, we can observe the formation of a dangerous combination: the rise of hate speech and its evident manifestation in the design, structuring, and implementation of regressive policies, coupled with the lack of public policies that guarantee rights. We can assert this because the work of the APDH (Permanent Assembly for Human Rights) covers a wide range of topics and a vast geographical area.

In this regard, our organization is currently working tirelessly throughout the country to develop strategies and responses that can provide solutions for the population facing government decisions characterized by a cruelty rarely seen before in times of democracy. Thus, it can be observed that the APDH continues its uninterrupted work in various areas:

- The Memory, Truth and Justice process, of which it is an inseparable part along with many other sister human rights organizations, and the cases of crimes against humanity in which it is a plaintiff.
- Environmental human rights.
- Human rights of older adults.
- Access to health.

- The rights of people with disabilities: The right to education.
- Workers' rights.
- Criminalization of social protest.
- The demands of the feminist, LGBTTTQI+ movement.
- The rights of indigenous peoples.
- The rights of children and adolescents.
- Economic, social and cultural rights.
- Prevention and reporting of institutional violence.
- A Human Rights Assembly that deepens the struggle for the realization of the set of rights emerging from international covenants and treaties.

The reform to the Glaciers Law; the Rigi (a government program for low-income individuals); the labor reform; the law lowering the age of criminal responsibility; the critical situation of PAMI beneficiaries, who were initially denied coverage for the medication necessary for a healthy life, a situation that continues to this day, and whose medical care was subsequently limited due to the social security organization's non-compliance and lack of updated fees; the meager pensions of retirees; the dismantling of programs like Remediari; and the shameful treatment by the executive branch of public health professionals and employees in its various manifestations, such as the situation at the Garrahan Hospital, the Laura Bonaparte Hospital, and others; the elimination of Comprehensive Sexuality Education (CSE) from school curricula; the criminalization of human rights, environmental, and indigenous rights defenders; the criminalization of social protest; the lack of compliance with the emergency disability law; the lack of application of the university funding law, which the Javier Milei government violates and disregards court rulings in order to obstruct its implementation; The recent advance on the mental health law, with a new attempt at reform, among so many other situations that occur daily, constitutes the context in which we intervene and address these issues. In each and every one of the aforementioned instances, the APDH (Permanent Assembly for Human Rights) has been working tirelessly, developing diagnoses, arguments, strategies, and actions that denounce the regression in human rights in our country. We are in a critical situation that compels us to continue working as an organization, collaborating with other sectors without losing our identity, with the certainty that it is necessary to rebuild, sustain, and promote the necessary consensus to uphold the democratic pact and restore quality of life to each and every inhabitant of our territories.

At the international level, the APDH was and continues to work on different causes.

- Throughout the year, the Committee of Solidarity with the Palestinian People has been carrying out, and will continue to carry out, actions related to making visible the systematic violations of human rights and the genocide of the Palestinian People.
- Participation in the solidarity committee with the Villalba family sustains the tireless struggle of these women.
- We have participated in hearings at the Inter-American Commission on Human Rights Human rights regarding the situation of Mapuche communities in different provinces (Mendoza, Neuquén and Rio Negro) “Impacts of extractive industries on the rights of indigenous peoples”
- We have interacted with Ambassadors and diplomatic representatives on the occasion of the documentary exhibition held at our headquarters, home and refuge of ideas and struggles. ● We have submitted multiple reports to various embassies regarding regressive policies in the Republic of Argentina.
- We have submitted reports to various rapporteurs of the United Nations, such as those concerning the serious impacts on the Policies of Memory, Truth and Justice in our country, as well as those submitted to the CAT (Committee Against Torture).
- Presentation to the Inter-American Commission on Human Rights (IACHR) of the Report on the Situation of Older Persons in Argentina.
- Presentation to the Inter-American Commission on Human Rights (IACHR) of the Report on Labor Reform.
- Presentation to the Inter-American Commission on Human Rights (IACHR) of the Report on the Situation of Persons with Disabilities in Argentina. Human Rights in Emergency. The Regressive Reforms of the “Milei Era”.
- Presentation of the Report on the Health Situation in Argentina, after one year of Milei's government, presented to UN and IACHR-OAS human rights bodies

Despite everything, this complex moment finds our organization working and meeting in Assembly, reaffirming the federal, territorial and collective character of our political construction.

## **APDH FACING THE DEEPENING OF THE DEMOCRATIC AND SOCIAL CRISIS**

Today we are witnessing a time in which there are attempts to dismantle rights historically won by our people, encroaching upon the material conditions of existence and upon the democratic consensus built since 1983.

This serious context of deepening regressive public policies on human rights in the Argentine Republic is configured within a process that consolidates an extractivist model of exclusion, inequality and weakening of the rule of law.

There is a profound devastation of democratic institutions, not only regarding their emptying but also regarding the interference of the Executive Branch over the other branches of government, a matter that destroys the principles of the republic and democracy.

Respect for and strengthening of our institutions, the legal framework, and human rights constitute the cross-cutting axis of democratic life, and in that sense we must organize ourselves.

The degradation of institutional quality, attempts to overthrow the legal framework through exceptional means, and the constant exacerbation of violence through the media and social networks are characteristic of the era and of a radical right-wing government in Argentina, in which ultra-mercantilist, authoritarian, and neo-conservative conceptions converge, tinged—despite its moralizing rhetoric—with resounding corruption cases in particularly sensitive areas of state responsibilities to guarantee rights.

The decline in workers' real wages, the meager amounts of retirement and pension benefits, the deepening of inflation in dollars, the destruction of national industry, and the consolidation of the platform economy without state regulation lead to situations of vulnerability and marginalization for a large sector of the population.

We prepared this document based on the conviction that this situation is unacceptable and violates constitutional mandates.

# MEMORIA VIVA: 50 AÑOS DEL GOLPE Y VIGENCIA DE LA LUCHA

A medio siglo del golpe genocida, reafirmamos que:

- El terrorismo de Estado constituyó un plan sistemático de exterminio y genocidio
- La cifra de 30.000 detenidos-desaparecidos es bandera irrenunciable
- Los juicios por delitos de lesa humanidad son una conquista del pueblo

Frente al avance del negacionismo, la apología y los discursos de odio, sostenemos que la memoria no es pasado, sino herramienta de transformación del presente.

La conmemoración de los 50 años del golpe fue un punto de inflexión para mostrarle al mundo que la Argentina no olvida y que los consensos básicos resisten frente a vanos intentos de instalar un relato oficial negacionista.

La contundencia de las manifestaciones a lo largo del país y la unidad en las calles y las plazas impulsa la lucha por Memoria, Verdad y Justicia.



## 50 años de la APDH: historia, presente y desafío

A cinco décadas de su creación, la Asamblea Permanente por los Derechos Humanos reafirma:

- Su carácter plural, democrático y federal
- Su rol histórico en la denuncia de violaciones a los derechos humanos
- Su compromiso con las luchas actuales desde un enfoque integral de los DDHH

Este aniversario nos convoca no sólo a celebrar una trayectoria y valorar el trabajo de quienes nos precedieron, sino a proyectar una organización capaz de trascender a sus integrantes y responder a los desafíos del presente, articulando memoria histórica con nuevas agendas de derechos.



DOCUMENTO POLÍTICO APDH 2026

## 50 YEARS OF THE APDH: HISTORY, PRESENT AND CHALLENGE

## THE NATIONAL MEETING OF MILITANTS: FEDERALISM IN ACTION

Once again, we were able to hold the National Meeting of Activists, which this year took place in Santiago del Estero. This event represents the most concrete and tangible expression of the APDH's federal structure.

This meeting has a double merit:

1. The work of the colleagues from the Santiago del Estero regional, who took on all the organizational, logistical and content development tasks, achieving an enriching meeting, based on respect, listening and debate of ideas.
2. The effort of the colleagues who traveled from different parts of the country to deliberate, share and plan the agenda of the Permanent Assembly for Human Rights, part of which is reflected in this document.

This space summarized:

- Territorial experiences
- Local struggles
- The diverse realities of the country

This meeting reaffirmed that the defense of human rights is built from the territories, with the leading role of the regional bodies, promoting boards and in coordination with the communities.



# DIAGNÓSTICO: CRISIS DEL ESTADO DE DERECHO Y DESMANTELAMIENTO INSTITUCIONAL

Se profundiza el deterioro de las instituciones democráticas mediante la concentración de poder, el uso de mecanismos de excepción y el desfinanciamiento de políticas públicas en todas las áreas de gobierno, excepto en seguridad y defensa.

Continúa el vaciamiento de organismos del Estado como el INAI, el INTI el INTA la SENNAF, el el SMN (Servicio Meteorológico Nacional), cuya desjerarquización y debilitamiento afecta no sólo capacidades científicas y técnicas estratégicas, sino también herramientas fundamentales para la prevención de riesgos y la protección de la población frente a emergencias climáticas, el PAMI, la Agencia nacional de Discapacidad, que se suman a otros ya desmantelados años anteriores como la Sec. de DDHH, el INADI, las áreas ministeriales de desarrollo social, educación, salud y géneros, entre otros.



## - HUMAN RIGHTS IN EMERGENCY

The human rights situation is framed by social emergencies such as food insecurity and unemployment, among many others suffered by our working people. The emergencies occurring under this neo-fascist government are intentional. They stem from the deliberate imposition of living conditions, such as the deliberate accumulation of external debt to subjugate the population and facilitate capital flight; or from attacks on state structures, such as the closure of local employment agencies to eliminate social assistance in a context of absolute social injustice.

The dizzying regression in the area of Rights proposed by the Milei government has two fundamental aspects: on the one hand it includes its main measure which is the defunding, and on the other hand it is involved in the so-called "cultural battle" which implies a dispute of meaning to divide opinions within the people.

This strategy of destruction uses supposed crises that create emergencies and demand sacrifices as its justification, and it is designed to lead us to a country with a smaller population enjoying rights. The population can be deemed surplus. The unemployed are no longer considered a "reserve army of labor," but rather surplus population; therefore, this population is a candidate for social segregation or, in the worst-case scenario, extermination. However, this "surplus population" also serves as a tool for political maneuvering. Let us recall the role played by the "lumpenproletariat" within fascist regimes.

Furthermore, within this framework of tremendous inequality and dispossession that governs the entire capitalist world, a new technological oligarchy emerges with planetary influence, deploying an extraordinary control infrastructure with predictive logistics that constitutes a kind of operating system for all states.

This new logistics reconfigure the State and affect the sovereignty of peoples by influencing and conditioning the collective right to self-determination. In other words, it is no longer only economic dependence that is the determining factor, but now the decision-making capacity of States is also conditioned; therefore, coups d'état and "authoritarian" governments, so to speak, are no longer as necessary.

This technological oligarchy, with its "digital panopticon," politically completes its ideology by declaring that "freedom and democracy are no longer compatible."

With this conception, which belongs to the political right to which Milei subscribes, various social practices at odds with democracy are being tested today. Social sciences have revealed these

practices as processes that are constantly being constructed; therefore, they can be deconstructed, dismantled, and prevented. For this very reason, we believe it is absolutely essential that we study them in order to identify and combat them.

We observe that there are fascist practices that divide and pit sectors of the people against each other, as well as others that construct a false enemy for its extermination, with the aim of imposing another cultural identity that has structural implications both economic and social and political, as happened with the imposition of the neoliberal model in 1976.

For all these reasons, it is no coincidence that words like genocide and dispossession, so prevalent throughout the world, are "disregarded" by different sectors of the political establishment, and that the word democracy is so discredited.

With human rights organizations immersed in deliberate emergencies and ideological disputes over meaning, we understand that the words mentioned and ignored take on a strategic dimension to dismiss denialism or even the apology for genocide, because in addition, and as if that were not enough, there are already 361 cases resolved in the courts that confirm that it was a systematic plan, that it was not a war, that there are 30,000 victims, and that it was genocide.



## **- DEEPENING OF SOCIAL INEQUALITY**

The rise in poverty, precarious employment, and the food crisis have created a scenario of structural exclusion that disproportionately affects children, certain regions of the country, women, and LGBTQ+ individuals. The increase in extreme poverty, which is often concealed in official statistics, is evident on the streets.

We also note with concern the advance of drug trafficking as a structure of economic, territorial, and social power that expands into deeply vulnerable sectors of our population. Where the State withdraws or weakens its public policies, these organizations occupy community spaces, influence social relationships, and challenge institutional and cultural norms, severely affecting fundamental rights, especially those of children, adolescents, and young people. The growth of these networks cannot be analyzed solely from a criminal or security perspective, but rather as a structural problem linked to inequality, social exclusion, state absence, and the degradation of living conditions in numerous areas of our country.

## **- INDIGENOUS PEOPLES**

We are concerned about the genocide that the Indigenous Peoples are experiencing, masked in violent evictions and/or the sale of territories with common goods and communities inside as if they were merchandise.

## **- CRIMINALIZATION OF SOCIAL PROTEST**

The design and application of the anti-picketing protocol constitutes one of the main tools of the national government to limit the constitutionally enshrined right to protest.

The repression carried out against demonstrations such as those by pensioners, the protests for the Basic Law, for labor law reform, and for glacier protection demonstrates the repressive actions of the judiciary and its service to criminalizing protest. One aspect that stands out due to its gravity and unprecedented nature is the repressive crackdown on human rights defenders dedicated to monitoring demonstrations.

The criminalization of defenders of the rights of indigenous peoples today in Argentine Patagonia, but originally occurring in Jujuy at the beginning of this government administration and recently in the province of Mendoza, is an example of a model that can only achieve certain results through repression.

Today in Argentina, the right to protest and democratic expression are at risk.

## **- ATTACK ON THE POLICIES OF**

Durante estos años se ha producido un grave deterioro en las políticas de Memoria, Verdad y Justicia expresado por:

- Grave desmantelamiento estatal que incluye desfinanciamiento extremo, despidos masivos y reducción de áreas claves. Estas medidas afectan organismos fundamentales, ponen en riesgo la continuidad de los juicios por delitos de lesa humanidad, debilitan la preservación de archivos y sitios de memoria y limitan actividades educativas y de promoción de derechos humanos.
- Acciones de hostigamiento laboral, precarización, censura de actividades y pérdida de autonomía de instituciones como el Banco Nacional de Datos Genéticos. Estas medidas incumplen leyes nacionales y compromisos internacionales asumidos por el estado argentino.

Existe una regresión grave que afecta la democracia, la búsqueda de verdad y justicia y las garantías de no repetición de los crímenes del terrorismo de estado. El desmantelamiento de políticas de memoria y el avance del negacionismo constituyen una amenaza directa a los consensos democráticos construidos a lo largo de 50 años.



**MEMORY, TRUTH AND JUSTICE**

## HATE SPEECH AND INCITEMENT OF SOCIAL VIOLENCE

The official narrative that promotes violence towards different sectors, amplified by social media and mainly by social networks, in many cases ends up legitimizing exclusion, violence and stigmatization.

The danger of this government's symbolic appointments must be on the agenda, since in repeated cases they become mechanisms for disciplining even officials of any branch of government, as is the case of the public harassment suffered by judges Karina Andrade and Sebastián Sarmiento.

Cruelty as narrative makes no distinction between targets; thus, elderly people, people with disabilities, legislators, social and political leaders, workers, women, LGBTQ+ individuals, and especially human rights activists have become the targets of hate-filled demonstrations. When this narrative becomes public policy, dismantling of institutions, or state abandonment, we are facing a major problem.

On numerous occasions, the APDH has affirmed and maintained that the State, at all levels, must guarantee respect for the right to dissent and to protest. In this sense, thinking differently does not justify the systematic cruelty perpetrated by media figures who, through hate speech, seek to delegitimize those who oppose government policies.

These discourses that promote violence as an action undermine community structures in schools and neighborhoods and create spaces conducive to threats, fear, and actual violence, in an unequal economic and social context, without public policies that promote the possibility of developing life and development projects for adolescents and young people and without professional intervention mechanisms to address demands related to mental health in the face of growing social unrest.

In this context, we also observe the implementation of security policies in educational settings that, far from promoting spaces of care and democratic development, introduce logics of control and surveillance that negatively impact school life. These measures are concerning because they can contribute to the stigmatization of students and weaken the school's pedagogical role as a space for education in rights, citizenship, and the peaceful resolution of conflicts.

## - VIOLATION OF RIGHTS

## ECONOMIC, SOCIAL AND CULTURAL

The decline in health, education, housing, social security, and food severely affects the most vulnerable sectors, deepening inequality and raising poverty and marginalization rates.

Children, adolescents, people with disabilities, older adults, indigenous peoples and dissidents are especially affected.

### - ENVIRONMENTAL RIGHTS

A model is being deepened that prioritizes the exploitation of community goods (natural resources) over life and territories.

The reform to the glacier law is one of the main environmental advances of this administration; however, it is not the only one, as it is complemented by other laws that improve it, such as the Incentive Regime for Large

Investments, the fire management law, and others.

Extractivism at its most extreme in a country model that does not prioritize health, life, or sovereignty.

### - INTERNATIONAL CONTEXT

The human rights crisis is part of a global scenario of growing inequality and conflict.

We are witnessing a world with an escalation of violence and armed conflicts that do not cease and that endanger the lives, health and rights of people.

In this context, respect for international humanitarian law and the protection of vulnerable groups (children, adolescents, women, refugees) are essential. Promoting a culture of peace, dialogue, and diplomatic solutions is urgently needed to prevent further death and destruction.

In the area of foreign policy and defense, the growing alignment with the United States is concerning, as evidenced by joint military exercises with foreign armed forces and the presence of military equipment on national territory. These actions, carried out without due public debate or institutional transparency, raise questions about sovereignty, strategic autonomy, and respect for democratic principles in defense decision-making.

### - SOVEREIGNTY, MEMORY AND THE MALVINAS ISSUE

We also note with concern the reappearance of discourses and practices that contribute to a process of de-Malvinization, weakening the collective memory surrounding the Malvinas cause and its centrality in the construction of national sovereignty. The assertion of Argentine rights over the Malvinas Islands

constitutes a historically sustained State policy that cannot be relativized or subordinated to short-term geopolitical interests.

## **- POLITICAL SCENARIO AND CHALLENGES DEMOCRATIC: CONTRIBUTIONS OF THE REGIONAL: A VIEW FROM THE TERRITORY (APDH VILLA MARÍA)**

In this path of the organization of 50 years of APDH and 43 years of Democracy, the country has not been able to consolidate a plural democracy, much less a Republic, which must guarantee the full validity of the Constitution, of individual and collective rights.

The National Executive Power of the Milei government, with the complicity of some governors, deputies, senators, members of the Judiciary, sectors of industry, the passivity of the CGT, through decrees and manifest obscenity, intends to replace the established norms, applying lustful methods to shift the country to the right.

We are not talking about a dictatorship, but about a right wing that, with very peculiar characteristics, has destroyed, or intends to destroy, the institutional format protected by the laws and transform a dissociated and disunited country.

Aligned with imperialist power, unlike in 1976, he has embarked on a political path attempting to undermine and fracture the individual and collective rights of the country. In this context, the Permanent Assembly for Human Rights, Villa María Regional Chapter, intends to contribute to addressing this dichotomy—Republic versus Anti-Republic—that the Milei government presents, which is causing a scattering of our collective efforts to contain what, at first glance, is destroying a history of struggle, of political and constitutional failures and achievements, and the formation of a pluralistic, just, and sovereign society.

Fifty years after the last civic-military-ecclesiastical coup and fifty years after the founding of the APDH (Permanent Assembly for Human Rights), we reaffirm that the struggle for human rights is a current and urgent task. For the defense of life and for peace, which have been guiding principles throughout our history.

Today it is imperative to reaffirm them and emphasize the need for spaces and discourses where the culture of harmony once again becomes the guiding principle for Argentiniens.

For the defense of existence and peace, which have been guiding principles throughout our history. Today it is imperative to reaffirm them and emphasize the need for spaces and discourses where the culture of love and human rights once again becomes the horizon for Argentiniens.

When we regained democracy, we assumed we were on the path of memory, truth, justice, and popular sovereignty. In practice, this meant strengthening institutions. There were attempts, but they weren't solid; they left cracks, as exemplified by Alberto Fernández, who facilitated the resurgence of Macri's right wing. In that political landscape, society largely made a complete about-face. Today we have a government elected by the people, as established by our National Constitution. However, in our view, the actions of the National State fail to address the complex situation of the people or the rights enshrined in the Constitution. Instead, it ignores them and, simultaneously, through spurious and illegitimate decrees and laws, replaces the Constitution, generating chaos, fragmentation, and collective degradation.

Along this path lie the crimes against humanity perpetrated during the last military dictatorship, and in this context, the current Undersecretariat for Human Rights does not intervene as a plaintiff. It has been virtually dismantled, and the special lawyers who were handling the cases have been dismissed. Mogaburu, who heads the agency, advocates for "forgiveness," "political harmony," and the release of the perpetrators of genocide.

Society as a whole is confused and disoriented by a political organization that refuses to take on its commitment to guide and point out a coherent path to peace; instead, the current situation and anguish are deepening.

We have lost the path and the tools that historically allowed us to build a revealing vision of a new country. Everyone feels they possess the truth, and no one—neither the old politicians nor the new—has the courage to dismantle the trap we're in, to have the courage to embrace what is authentic, what is truly valuable, and to plan the conquest, even if we are not the ones who ultimately reach the top, but rather that we contribute to something NEW.

The chaos, disarray, and anarchy of society, politics, and the state are a ticking time bomb. What should we do to extinguish the fuse? That's the question. Should we continue observing and speculating? We ask ourselves why there is no unifying discourse to bring us together. No one believes, we all doubt, and our personal struggles continue to challenge us.

## LINES OF ACTION

Faced with this scenario, the APDH proposes:

1. Consolidate the federal organization by strengthening the role and work of the regional offices and the promoting boards, making the territorial and organizational articulation effective and consolidated.
2. Defending the rule of law through judicial, institutional, and political actions.
3. Promoting social awareness through education and communication.
4. Strengthening unity without losing identity with human rights organizations, social organizations and the popular sector.
5. Defending Memory, Truth and Justice by supporting the work in the trials and demanding state memory policies.
6. Continue to promote new agendas: environment, gender, diversity, digital rights.
7. Strengthening communication by building a federal narrative, promoting peace discourses, and generating communication alliances.
8. To take international action before human rights organizations.

Among the actions for internal strengthening, we urge the following commitments to be made for the coming year:

- To deploy the maximum possible actions to safeguard the economic sustainability of the organization.
- Promote the greatest possible coordination between Regional Offices, Promoting Boards and Secretariats.
- To deepen political and institutional training, based on the content and materials developed by APDH that recover the founding moments recorded in our documentary archive.
- Continue to implement actions to care for activists and safeguard the right to defend rights.

## FINAL EXHORTATION

Fifty years after the last civic-military-ecclesiastical coup and fifty years after the founding of the Permanent Assembly for Human Rights (APDH), we reaffirm that the struggle for human rights is a current and urgent task. The defense of life and the pursuit of peace have been guiding principles throughout our history. Today, it is imperative to reaffirm these principles and emphasize the need for spaces and discourses where a culture of peace once again becomes the guiding light for Argentinians. In a world where violence is escalating to unimaginable levels, where words and discourses are becoming tools of destruction, promoting a culture and discourse of peace is an unavoidable imperative; a beacon and a harbor toward which we must strive. In this context, we face the challenge of continuing to strengthen a pluralistic, democratic, diverse, federal, intercultural, and intergenerational APDH, with sufficient capacity to coordinate current struggles and combat the serious human rights violations that we witness daily throughout our country and the region. Memory guides us, democratic organization strengthens us, and collective action propels us forward. We call upon human rights defenders, those who put their bodies on the line every single day in the territories, and society as a whole to rebuild and defend democracy and its institutions in order to move towards a society in which human, social, and civil rights are respected and made effective, to build a more just and egalitarian Argentina; an Argentina for all, a country in which dignity is the norm and not the exception.





## **REPORT: Labor Reform – February 27, 2026**

This bill violates the National Constitution itself and the International Covenants incorporated into the fundamental law.

**1. Unconstitutionality of the reform:** The Labor Reform, about to become law, violates the Constitutional Block<sup>44</sup> and the standards set by the Inter-American Human Rights System affecting basic principles such as progressivity and social justice.

**2. Dismantling of labor protection** The reform seeks to legalize labor fraud, make working hours more precarious, and undermine the right to rest. Furthermore, it proposes replacing severance pay with a job termination fund, thus distorting constitutional guarantees.

The bill creates a special fund for severance pay, which will be established by diverting a large percentage of employer contributions that previously went to Social Security. This fund, called FAL, will finance future layoffs with funds intended for retirement and pension beneficiaries, without any compensation for this diversion.

A roadmap is also established that will end the National Labor Courts, which have been in existence for more than 80 years and have thus far guaranteed equity and access to justice for workers.

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<sup>44</sup> Article 75, paragraph 22 of the National Constitution

**3. Restriction of collective and trade union rights:**A model of union atomization is proposed that weakens union strength, restricts the right to strike, defunds unions, and limits the right to assembly.

Among the countless infringements on workers' rights is the creation of the bank of hours along with the increase in the working day from 8 to 12 hours.<sup>45</sup>...which in practice will mean the disappearance of overtime, uncertainty about the salary which becomes "dynamic" at the employer's discretion, the distortion of annual vacations, the extension of probationary periods, the substantial reduction of severance pay, among many other regressive rules.

**4. Political context and resistance:**The reform is being pushed through extraordinary sessions, bypassing tripartite social dialogue and debate. It is denounced as a surrender of labor rights in exchange for budgetary benefits, affecting both the private and public sectors.

**5. Repression as a State policy:**From the very beginning of LLA's government in late 2023, we have witnessed a systematic and harsh repression of protests by those directly affected by Milei's economic model of perpetual austerity and financialization fueled by high debt. This model employs enormous resources and forces that divert them from their intended objectives. The excessive use of force is widely documented by institutions such as the Provincial Commission for Memory – Local Mechanism for the Prevention of Torture.<sup>3</sup>, aimed at discouraging mobilization and resistance against the injustices that accumulate daily.

**6. Historical regressivity:**The reform is seen as a step backward to 19th-century models and the 1976 dictatorship, eliminating rights

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<sup>45</sup> This flexibility in working hours goes against the global trend towards reducing working time.<sup>3</sup>

[https://www.comisionporlamemoria.org/wpcontent/uploads/sites/16/2025/07/revista\\_informe-2025\\_web.pdf](https://www.comisionporlamemoria.org/wpcontent/uploads/sites/16/2025/07/revista_informe-2025_web.pdf)

[https://www.comisionporlamemoria.org/wpcontent/uploads/sites/16/2024/12/revista\\_informe\\_web.pdf](https://www.comisionporlamemoria.org/wpcontent/uploads/sites/16/2024/12/revista_informe_web.pdf)

labor and promoting the subordination of labor to the financial market, to the detriment of social justice.

## **Permanent Assembly for Human Rights**

**Secretariat of Economic, Social and Cultural Rights**

## SITUATION REPORT ON PEOPLE WITH DISABILITIES IN ARGENTINA. HUMAN RIGHTS IN EMERGENCY. THE REGRESSIVE REFORMS OF THE MILEI ERA.

During 2025, the second year of President Milei's administration, attacks on the rights of people with disabilities increased considerably. It is worth noting that the Republic of Argentina passed Law 27.044/2014, which granted the Convention on the Rights of Persons with Disabilities constitutional status. According to Article 75, paragraph 22, this constitutional status protects the rights of people with disabilities. In 2008, Law 26.378 approved and ratified the Convention, incorporating it into Argentine law.

Within this legal framework, various laws and resolutions guaranteed the rights of people with disabilities. However, the Executive Branch began to question the rights of this group from the very beginning of its administration. First, the National Disability Agency, through the Official Gazette, published Decree 843/2024, which modified the requirements for accessing and maintaining the Non-Contributory Pension for Work-Related Disability, under the pretext that many pensions had been granted based on political patronage.

Furthermore, Resolution 187/2025 approved the "Scale for the Medical Evaluation of Disability for Non-Contributory Pensions for Work-Related Incapacity." This regulation represents a return to the medical model of disability, and therefore a serious setback for the rights of this group. On the other hand, organizations that defend the rights of people with disabilities drew attention to the derogatory language used in the decree, which tended to reinforce discrimination against these individuals. Regarding discrimination, it should be noted that President Milei's government suspended INADI, the National Institute Against Discrimination and Racism, on August 6, 2024, through Decree 696/2024. For this reason, those who are wronged because of their disability now have nowhere to file a complaint.

The aforementioned resolution by ANDIS (National Disability Agency) also deregulates services for people with disabilities. ANDIS proposed deregulating fees, meaning that each private health insurance company, social security organization, PAMI (the national healthcare program for retirees and pensioners), or Incluir Salud (a public health insurance program) would set its own fees. This created inequality in the services received by people with disabilities. Furthermore, many professionals migrated to places where they receive slightly more commensurate pay for their services, and people with disabilities stopped receiving treatment. Abandoning the fee schedule undermines the universality of quality care and would, of course, be a very regressive measure. According to the organization Derechos sobre Ruedas (Rights on Wheels), this proposal violates Article 7 of Law 24.901. These are just some examples of the reactions from many organizations, institutions, and members of parliament who also raised their voices, ultimately leading to the withdrawal of this proposal.

The Argentine government, through Decree 942/2025 published in early 2026, dissolved the The National Disability Agency (ANDIS) was restructured and its functions transferred to the Ministry of Health. This restructuring implies a deepening of the austerity measures in the sector, with a projected real decrease of 18.7% in benefit funds.

What are the implications of transferring ANDIS's functions to the Ministry of Health?

The National Disability Agency was created by Decree 698/2017. It was in charge of “the design, coordination and general execution of public policies on disability, the development and execution of actions aimed at promoting the full exercise of the rights of people with disabilities.”

Centralizing disability policies within the Ministry of Health represents a step backward toward a medical-rehabilitative model that views disability as an illness. It dismantles the social model that recognizes people with disabilities as subjects of rights. The Convention, which, as previously explained, has constitutional status in our country, states that the rights of people with disabilities must be progressive, not regressive. Once these rights are established, they cannot be reversed. The Convention also stipulates that there must be an independent body with the necessary authority, technical, political, and financial capacity to implement the policies that underpin these rights. By dissolving ANDIS, this autonomous body became dependent on a higher bureaucratic organization, leading to the loss of both its decisive and financial autonomy to implement policies aimed at safeguarding the rights of people with disabilities.

The year 2025 was key for disability pensions.

In Argentina, pensions are granted to individuals who demonstrate through medical examinations that they are unable to work to support themselves. The pension amount is 70% of the minimum retirement pension. This has been the case since 1970, based on Law 13,478 of 1948, initially focused on old age, but Law 18,910 consolidated a social protection system for people without resources or social security coverage who could prove their inability to work. Article 9 of Law 13,478 was regulated by Decree 432/97.

Until 2003, a "pension upon termination" system was in place, where a new pension could only be granted upon the loss of an existing one. In 2012 and 2023, the UN Committee on the Rights of Persons with Disabilities urged Argentina to relax the criteria for granting pensions, increase their amount, and eliminate incompatibilities with other income.

In 2023, Decrees 7/2023 and 566/2023 significantly relaxed the conditions, eliminating the minimum percentage of incapacity (76%) and allowing compatibility with work activities. Decree 843/24 reinstated more restrictive criteria, although with a lower percentage (66%) than the historical one.

The government launched a massive audit of one million disability pensions. This represents 82% of the total number of pensions, which had increased in the number of beneficiaries since 2001. Formal notices were sent to the provinces of Chaco, Buenos Aires, Tucumán, Mendoza, San Luis, and Santa Fe as part of these audits. Subsequently, notices began arriving in other provinces.

However, human rights and disability organizations -REDI, FAICA, ACIJ, CELS, APDH, Andar and the Córdoba Working Group on Disability and Human Rights- filed an administrative complaint requesting the repeal of the decree "because it considers that it violates the rights of people with disabilities."

The complaint against the decree was based on the fact that the medical criteria contradicted the social model, as explained previously. It also mentions the previously cited derogatory terms and, finally, a crucial point: the resolution was approved without the participation of people with disabilities, which violates the Convention. Furthermore, according to the organizations, the social and economic barriers faced by people with disabilities were not assessed. Following this complaint, ANDIS assured that “Resolution 187/2025 and its annex would be modified.”

Throughout the year, organizations received numerous complaints regarding irregularities in the delivery of official letters for audits. These complaints included the fact that the letters were sent to incorrect addresses, nonexistent locations, or places inaccessible due to flooding in various provinces. Beneficiary addresses were not verified, so many were unable to receive the summons, which provided very little time for them to update their status and information. A particularly egregious case in the province of Tucumán involved beneficiaries being summoned to a public square, where, while they waited, passersby hurled discriminatory insults at them.

Complaints were received and legal cases were initiated. The most important case was that of the Federal Court of Campana regarding the regulation of non-contributory pensions (PNC). This halted the massive cuts and required the National Disability Agency (ANDIS) to review the terminations. The ruling was appealed. Another important ruling was that of Catamarca. A lower court ordered the immediate reinstatement of pensions throughout the country. This was also appealed, and the Federal Court of Appeals of Tucumán ruled that the plaintiffs—a civil association and the Ombudsman of Catamarca—lacked standing to represent beneficiaries nationwide and that if these beneficiaries believed they should have their pensions reinstated, they should do so individually. Therefore, many people still do not receive the pensions they need to support themselves.

Judge Charvay of Campana had also ruled in favor of the regulation of the Emergency Disability Law

What is the Emergency Disability Law?

On June 10, 2025, the Disability Emergency Law (Law 27793) was passed. Both houses of the National Congress approved the law by majority vote. However, President Milei vetoed it, arguing that Congress should determine the source of funding for its implementation. The law returned to Congress and was ratified again by both houses, thus requiring the Executive Branch to issue its regulations.

Although it is a law approved as an emergency and will be in force until 2027, the government took it to court and Judge Charvay of Campana put limits on the Executive to regulate it.

The law establishes emergency financial compensation for healthcare providers and allocations for production workshops. This would have an estimated fiscal impact, according to the Congressional Budget Office, of between 0.22% and 0.42% of GDP. It also mandates the regularization of payments and the updating of fees, given the existing debts owed to healthcare providers. According to the text, the fees for the Comprehensive Basic Care Benefits System must be updated monthly. It also contemplates a reform of the non-contributory

pension system. It stipulates that the ANDIS database must be used to resolve problems arising from the management of benefits. Furthermore, the Executive Branch must publicly report on the

The budget is allocated to implement the law and establish new guidelines for issuing the Single Disability Certificate. It also determines the allocation of specific and compensatory resources to guarantee the strengthening and continuity of sheltered workshops. Furthermore, it obligates the State to comply with the 4% employment quota for people with disabilities in the public sector.

The national government finally regulated the National Emergency Law on Disability (No. 27,793) by Decree 84/2026, published in the Official Gazette on February 4, 2026.

Prepared by Claudia Naom and Rosita Pobor



**Asamblea Permanente  
por los Derechos Humanos**

Asociación Civil | Estatus Consultivo Especial ante el ECOSOC de la ONU | Organización acreditada en el registro de OSC de la DEA

Av. Callao 569 3º cuérp 1º piso (C1022AAB), Buenos Aires, Argentina | Tel. (54-11) 4372-8584 / 4373-0397 | apdh@apdh.org.ar | www.apdh.org.ar



50 años promoviendo  
y defendiendo los  
Derechos Humanos

**In response to the libertarian project we have accessed, which aims to reformulate the content and forms of the ESMA Site Museum, we offer this contribution for the consideration of the Board of Directors and the general public.**

**Concerned Organizations and Agencies. APDH – Buenos Aires,  
01/2026.-**

The document submitted by the newly appointed authority consists of two points: one concerning how to present information, specifically alluding to young people; and the other concerning what to present. The APDH will address both points separately.

1. Regarding the attention given to young and adolescent visitors to the Museum. The document points out that the vast majority of Museum visitors are students between the ages of 15 and 22. It proposes an aesthetic and communicative change for them, taking into account that the main characteristic of the information young people seek and obtain is its brevity. Therefore, it criticizes the layout of the information panels and proposes that they be shorter and more concise.

Regarding that, we think:

The rationale for reducing the texts and content based on the definition of a young audience is not appropriate because it does not stop to consider the specificities of the Museum to which they refer.

The former ESMA is a memorial site whose physical presence is intrinsically linked to the experience of being held in concentration camps. Visitors will not be viewing objects or learning about its contents, but rather temporarily inhabiting a place used for the subjugation, torture, and extermination of people.

The experience of visiting and touring the ESMA should precisely encourage us to abandon the contemporary experience of brevity, speed, and ease promoted by social media.

On the contrary, it should invite you to connect with the place, with the guide who accompanies the tour, with the testimony of the victims, with each mark that indicates and proves what happened there, because that is precisely one of the objectives of the visit: to corroborate time and again that the horror took place.

The current recommendation for museums today is to provoke the visitor's interaction with the Museum, which involves connecting directly with the materiality, with the testimony, with the past evoked from the present.

The idea of shortening content, using technological resources that mediate the relationship between the memorial site and the visitor, emulating social networks, is an attempt to trivialize both past and present experiences.

This idea of brevity in the appreciation of history is characteristic of neoliberalism and has been defined by several authors as "presentism," precisely because of its elements that tend to deprive subjects of dense and meaningful experiences, and to impede processes of development of historical consciousness.

2.- The second point of the document refers specifically to the contents of the Museum.

The project that was sent to us cites the document from ICOMOS – the International Council on Monuments and Sites, the institution that advises UNESCO on sites proposed for the World Heritage List – which stated in a report that there should be more information from the years prior to the 1976 coup. I want to clarify two things: that report is highly complimentary of the way the ESMA Museum was established, and that the brief observations it made were answered by the Argentine State, and those answers were satisfactory to the point that the ESMA Museum was subsequently declared a World Heritage Site.

However, the document under analysis takes from the only observation in that report to offer recommendations in order to readjust content in relation to the background of the events that occurred at the former ESMA, and alludes almost surreptitiously to the need to talk both about what it calls "extremist revolutionary organizations" and about the "background of the people kidnapped and tortured at the ESMA".

The first thing is to emphatically reject the nomination "extremists", which corresponds to the lexicon of the genocidal dictatorship and –obviously– does not adequately conceptualize the political-military organizations existing in the country prior to the coup d'état.

To propose introducing these topics to address the period leading up to the coup is maliciously biased and entirely one-sided. We should counter that the main characteristic of the period before the 1976 coup is the continental implementation of the National Security Doctrine, the cycle of coups in the region, Operation Condor, and the counterinsurgency theories and methods implemented by colonialist countries like France and the United States.

And we could continue proposing that the Museum address how the repressive framework that would culminate in the implementation of state terrorism during

the last civic-military dictatorship developed in Argentina, starting from the 1955 coup.

We believe it is essential to discuss revolutionary political-military organizations, which necessarily requires us to consider the processes of political radicalization experienced on the continent and in vast regions of the world within the context of the Cold War, the processes of decolonization in the Third World after the Second World War, and, of course, the strong and growing social tensions within the framework of the development of global capitalism, tensions also present – and significantly so – in the Argentine reality.

I believe the document should be answered by pointing out that further developing the context of the last civic-military dictatorship, the repressive plan deployed, and the establishment of the ESMA as a clandestine detention and torture center requires depth and historiographical rigor, not merely a recitation of topics and facts. It is necessary to account for longer historical processes and the supranational context.

Finally, regarding what they call the “background” of those kidnapped and tortured at the former ESMA: while we know the identities of many of those who passed through there thanks to survivor testimonies, we do not know the identity of everyone. That information is still in the hands of the perpetrators, and this is something we must never forget. It is materially impossible to speak of the “background” of those kidnapped there because we do not know all of them.

On the other hand, and going to the heart of the matter, we must avoid shifting the explanation and justification of the violence perpetrated by the perpetrators onto the victims. (For example, if we say, "Gabi Arrostito was a Montonera and participated in the kidnapping of Aramburu," we are explaining and trying to justify why Gabi Arrostito was kidnapped and tortured at the former ESMA). This approach of exposing the "background" of those kidnapped is the spearhead for introducing the theory of the two demons, now "recharged," as Feierstein says, recharged because it places the responsibility for what happened squarely on the victims.

At the same time, and in conjunction with the above, the heterogeneity of the victims must be considered, in contrast to the homogeneity of the perpetrators, who were the ones who set the concentration camp system in motion. It is there that the explanation of why, for what purpose, and how the horror at ESMA occurred lies, an explanation that cannot be summarized in a tweet.

***Text prepared by Guillermo Torremare. Lawyer and Master in Human Rights, representative of the national APDH as plaintiff in trials for crimes against humanity.***

***This proposal, prepared by the APDH, was made available to the Board of Directors of the former ESMA, which we are part of along with other sister organizations, in the first days of January of this year.***

Buenos Aires, May 2026

TO THE HUMAN RIGHTS COMMITTEE

Reference: CCPR 3968/2021

Dear Sir/Madam:

The undersigned human rights organizations and agencies of Argentina are writing to you in reference to the presentation made by the Argentine Lawyers' Association regarding the arbitrary detention, imprisonment, and subsequent prosecution of Laura Mariana Villalba Ayala – one of the witnesses to the violent events that occurred on September 2, 2020, in Paraguay, as a result of which her daughter María Carmen and her niece Lilian Mariana Villalba, both only 11 years old, were murdered.

This presentation was made on June 11, 2021; however, after almost five years, the Committee has not issued a resolution regarding his arrest and imprisonment.

The case is particularly serious because during that period, her trial was riddled with arbitrary actions and a complete disregard for the most basic principles of due process. Laura was convicted of failing to fulfill her family duties—for the murder of her daughter by soldiers—and of terrorism. This occurred despite the fact that, as was duly presented to the Committee, her arrest and subsequent trial were plagued with inconsistencies that clearly demonstrated that she had been framed without foundation, with the aim of covering up the murders that had been reported and proven in an investigation by the UN Committee on the Rights of the Child, which held Paraguay responsible for them.

The delay in resolving the case also has consequences regarding these murders, as we have learned that the prosecution is reportedly dismissing the charges related to their deaths. “investigating them” (<https://url-shortener.me/LXNE>; <https://urlshortener.me/LXNR>; <https://url-shortener.me/LXNU>) which could indicate that his situation has served to cover up this heinous crime for which the State of Paraguay has been, as we said, declared responsible by the Committee on the Rights of the Child.

We are also concerned about their current situation and conditions of imprisonment at the Women's Penitentiary Complex

Privadas de Libertad (COMPLE), located in the Paraguayan town of **Ambush**, with a regime of total isolation and torture that takes a very serious toll on their physical and mental health.

The permanent and systematic subjection of Laura Villalba to this type of regime since the moment of her arrest has been a clear obstacle, among many others, preventing her, as the mother of the murdered girl, from exercising her rights in the investigation that we now know the prosecution intends to close, leaving the crimes unpunished.

That is why we request this Committee to issue an urgent ruling regarding the presentation made by the Argentine Lawyers' Association (CCPR 3968/2021) so that the human rights violations of which Laura Villalba has been a victim can be pointed out and that this complaint can also contribute to ensuring that her situation is not used to cover up the murder of her daughter and niece, deaths that were never investigated and remain unpunished.

Mothers of Plaza de Mayo Founding Line --- Taty Almeida

Family members and colleagues of the 12 from Santa Cruz Mabel Careaga

Permanent Assembly for Human Rights Maria Elena Naddeo

Argentine League for Human Rights Malena Silveyra

Ecumenical Movement for Human Rights Elsa Oshiro

Adriana Taboada, Northern Zone Commission for Memory, Truth and Justice

Permanent Assembly for Human Rights of the

Leonor Nuñez Massacre

## Presentation on the project of the alleged “False accusations”

Presented in the Senate of the Nation on April 21, 2026

Maria Elena Naddeo – APDH

The project we are analyzing, which has received the opinion of the legislative committees of the Senate of the Nation, expands the scope of penalties for making false accusations and doubles those related to gender violence and abuse against children.

We express our strong opposition to this proposed legislation, as it would destroy the entire body of laws protecting the rights of children and adolescents, women, and vulnerable groups. Furthermore, it violates and disregards rigorous research and the principles and support mechanisms implemented by the Judiciary itself, the Court's Women's Office, the Domestic Violence Office (OVD), the National Secretariat for Children, Adolescents, and Families, the United Nations Committee on the Rights of the Child, and other specialized agencies.

It constitutes a serious setback in human rights, especially with regard to the protection of children and adolescents from situations of abuse and victims of gender violence.

The Senate Committee's report is poorly written, contains strong contradictions, and clashes with and violates rules that have been thoroughly debated over several decades. **It does not withstand analysis of conventionality because none of the fundamental norms of the protection system have been taken into account in its preparation:**

- the CEDAW 1979
- the Convention on the Rights of the Child 1989 and
- The Inter-American Convention on the Protection against All Forms of Violence against Women. 1994

Each of them has its own complementary and procedural laws and regulations. Such as Law 26061 on the Comprehensive Protection of the Rights of Children and Adolescents, approved in 2005.

And Law 26485 for protection against all forms of violence against women.

The one himself **CEDAW Monitoring Committee** He is the one who requested in February of this year that the Argentine Government withdraw the bill from consideration in the Senate, a request which has been ignored, constituting a serious offense for which he will have to answer in due course. This will be yet another example of a Government and a Legislative Branch that disregards the National Constitution and the Rule of Law.

**This project establishes a double standard of condemnation for those who dare to report situations of gender violence and sexual abuse against children,** which can only be interpreted as an ideological definition of a conservative, misogynistic nature, which aims **silence and discipline** to those who are demanding their physical and mental integrity and who are mostly, in more than 90 percent, women, children and adolescents.

In the current political context, this type of project reinforces a dangerous logic: that of questioning the word of those who denounce, delegitimizing gender policies and dismantling fundamental protection tools.

Furthermore, he is unaware of the complex nature of legal processes in matters of abuse. **The lack of conclusive evidence does not equate to falsehood.** Many cases fail due to evidentiary difficulties inherent in crimes that often occur in private, without witnesses, and where time, trauma, and revictimization play a determining role. **Because 80% of sexual abuse cases occur within the family and 88% of gender-based violence cases are perpetrated by current or former partners.** Criminalizing these situations is, in effect, punishing the victims for not being able to prove what they experienced.

The effort made by national States over these 40 years in the area of protecting the right to life and dignity sought to make visible those crimes that occurred in the private sphere and to establish the co-responsibility of the State and society as a whole in their prevention and punishment.

## **Gender Violence Femicides**

The murder of Alicia Muñoz in 1987 by world champion Carlos Monzón brought to the public agenda what had been denied by traditional culture. Years later, amidst international debates, the first law protecting against domestic violence, Law 24417 of 1994, was passed, and the first interdisciplinary programs for addressing and supporting victims were created.

Femicides, as a brutal phenomenon of the worst sexist and patriarchal practices, continued to intensify and become increasingly visible until 2015 when the NI UNA MENOS movement, together with the women's rights areas of political parties, unions, and human rights organizations, mobilized to demand justice for the murder of Chiara Páez, a pregnant teenager, whose body was found buried in the yard of her boyfriend's and in-laws' house.

The femicide observatories have shown, and continue to show, with their statistics the persistence of the crime despite the severe penalty established in the Penal Code in 2012.

These observatories have incorporated the figure of **linked femicides** Those committed by the aggressor against those who tried to defend the victim, or those committed in retaliation against the victim's own sons and daughters. This phenomenon has been called **vicarious violence**.

One child per month is killed by their male parent due to violence vicarious or in the context of femicide. Without causing scandal and mobilization of resources that the issue would warrant due to its seriousness.

## **Violence and sexual abuse against children**

On the issue of sexual abuse against children, the Geneva Committee on the Rights of the Child has made enormous efforts through recommendations and observations to highlight the importance of implementing Articles 19 and 34 of the Convention.

The accounts of adult victims of sexual abuse have been widely documented. Analysis of these accounts has confirmed the profound traumatic impact these abuses had on the lives of children and adolescents.

Eva Giberti, Silvia Bleichmar, Jorge and Juan Carlos Volnovich are some of the specialists who illuminated the learning of several generations of professionals in psychology, law, and pedagogy, whose careers lacked the most modern research content on this subject.

Eva Giberti, to whom we pay our warmest tribute on her recent passing, deeply concerned about the seriousness of the complaints and inquiries received by the Buenos Aires City children's agency, the Council for the Rights of Children and Adolescents, where she worked, was summoned by the National Government in 2005 and there she launched **The Victims Against Violence Program, with the 137 hotline**. The program is basically comprised of mobile teams that go to the victims' homes, supported by a police vehicle. Their work has been particularly valued; however, the current budget cuts at the National Ministry threaten its existence.

The Buenos Aires City Children's Agency, created by Law 114 in 2000, recorded a total of 43,646 interventions in 2024, according to data published by the city government. Of these, 60% involved various situations of violence, with physical abuse being the most prevalent (30%) and sexual abuse (13%)—alarming figures in themselves.

In our institutional and activist practice we have been able to confirm that the average data repeatedly published by the United Nations and UNICEF are bitterly true and that they arise from surveys directed at the adult population: one in five girls and one in 13 boys have been abused in their childhood, and one in three women has been a victim of some form of gender violence throughout their life.

## **Obstacles to accessing justice**

Very little of this reaches the administrative and judicial authorities in the form of formal complaints.

UNICEF has indicated that out of 1000 cases of sexual abuse, 100 are reported and only 1 results in a conviction. Therefore, it has been clearly established that public officials,

teachers, health professionals, and professionals from any discipline who detect human rights violations have the obligation to report them to the relevant authorities.

Are we demanding that professionals and teachers report violence against children and adolescents only to then threaten them with severe criminal penalties? This is clearly contradictory and detrimental to current legislation and the logic of established procedures and best practices.

The obstacles victims face within the institutional and judicial systems are enormous; no rational person chooses the path of reporting abuse because they know the ordeal it can entail. There are over 1,200 women who have reported sexual abuse against their children and are litigating in court without being heard or having their rights recognized.

Many of them are victims of institutional persecution and recurring expert examinations that may constitute new forms of torture.

In every province, there are local human rights protection teams and specialized prosecutor's offices that receive and analyze complaints. They are the first line of inquiry and evidence assessment.

Multiple interdisciplinary interventions occur, sometimes too many, but all of them constitute a filter, a sieve, or an evaluative analysis by various participating teams. There may be conflicting assessments, controversy, and questioning of expert opinions, it's true, but ultimately there is a system that aims to protect both complainants and defendants, always backed by the guarantees of due process. The path of legal action is not a bed of roses; on the contrary, it is a journey fraught with obstacles and profound distress for victims and their families or companions.

I can affirm, both from what has been stated and from empirical evidence gathered in a few investigations, that the existence of alleged false reports regarding gender violence and sexual abuse is unfounded.

Statistics and the experience of specialized organizations show that false reports in cases of gender violence and sexual abuse of women and children are exceptionally low.

According to the UN, false reports in Argentina represent 0.3%; it is estimated that, out of every 1000 abuses, 100 are reported and only 1 receives a conviction.

However, the project fabricates an exaggerated problem that diverts attention from the true urgency: the difficulty victims face in being heard, believed, and protected. Instead of strengthening support mechanisms, investigations, and access to justice, it promotes a tool that can be used to discipline those who dare to speak out.

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### **What political purpose or objective does this project then pursue?**

It undoubtedly seeks to intimidate and discipline those who dare to raise their voices in defense of their own physical and mental integrity or that of children.

It can also be interpreted as the retaliation of those who, feeling cornered by the advancement of human rights and the increased visibility of different forms of violence and the very real attempts to eradicate pedophilia, seek refuge in the most conservative political power to preserve their old patriarchal privileges and take us back to past centuries.

To that past of silence and cruelty to which we are neither willing nor prepared to return.

On behalf of the Permanent Assembly for Human Rights, I request the rejection of this opinion and that the Body commit to restoring free legal assistance programs for victims in all provinces, as well as providing them with psychological and economic support resources.

Also, the strengthening of the Micaela law for the specialized training of Justice teams at all levels and modalities.

The priority must always be the protection of victims. Any initiative that jeopardizes their right to be heard and to live a life free from violence constitutes an unacceptable setback and a political responsibility that cannot be ignored.

Observatory of the House of Encounter

Observatory of femicides of the Supreme Court of Justice of the Nation

Statistical Report Government of the City of Buenos Aires 2024 UN Women

website.

El Pais newspaper article by Mariana Iglesias on vicarious violence.

**REQUESTS TO BE CONSIDERED A FRIEND OF THE COURT (AMICUS CURIAE) –  
TRIAL OBSERVER.-**

Mr. President of the Court of Accusation of Córdoba

Eduardo Tavani, ID 10130032; Mariela Pérez Cisneros, ID 28468372 and Paula Topasso, ID 26688303, representing **the Permanent Assembly for Human Rights (APDH)**, all in our capacity as Presidents of the aforementioned entity, a position which we accredit with the attached copy of the Act of Appointment of Authorities, with real address at Av. Callao 569, 1st floor, 3rd section of the Autonomous City of Buenos Aires, and electronic address at [apdh@apdh.org.ar](mailto:apdh@apdh.org.ar), establishing legal address for its purposes, at Julián Aguirre Street No. 2379 of the city of Córdoba, with legal sponsorship of the lawyers Mabel Edith Sessa, Gerardo Battiston, Carlos Vicente, and Esteban Rafael Ortiz appear in the case entitled “**BERARDO, EMANUEL AND OTHERS P.SS.AA. IMPEDIMENT OR OBSTRUCTION OF TRANSPORT OR PUBLIC SERVICES, ETC.**” (EE SAC No. 11815556), that are processed before that Chamber and we say:

**I) OBJECT**

We hereby request that the **PERMANENT ASSEMBLY FOR HUMAN RIGHTS (APDH)** be considered as Amicus Curiae for the purpose of providing relevant constitutional and international human rights law grounds when issuing a judgment.

**II) LEGITIMATION** The Permanent Assembly for Human Rights (APDH) is a non-governmental human rights organization in Argentina, founded in 1975. It holds special consultative status with the UN Economic and Social Council (ECOSOC) and is accredited in the OAS Register of Civil Society Organizations (CSOs). It is also a member of, among others, the UNESCO Memory of the World Register: documentary heritage of the Permanent Assembly for Human Rights (APDH). Detailed information about its various activities is available on the organization's official website. <http://www.apdh-argentina.org.ar/>.

Our organization arose from the self-convening of individuals from diverse social, political, intellectual, labor, and religious sectors in Argentina, in response to the

escalating violence and erosion of fundamental human rights in the country. One of our many tasks is ongoing representation before the government at all levels (executive, legislative, judicial, police, etc.), both to prevent and denounce abuses, and to propose and support initiatives related to the full realization of human rights. This work is largely carried out by volunteers and activists, both in our central organization in the Federal Capital and in our regional offices throughout the country. Article 2 of our bylaws states, among other things, that our purpose is to promote the full realization of the human rights enshrined in the Federal Constitution of the Argentine Republic and in International Human Rights Law.

Regarding the legal context, the people who make up the APDH are human rights defenders in the terms of United Nations Resolution 53/144, in compliance with the mandate of article 1 of the APDH's Social Statute; in addition to being citizens whose constitutional rights must be respected, such as the right to petition (art. 14 C.N.)

We appear as APDH Argentina, and on behalf of APDH Regional Córdoba. It should be noted that the Regional Chapters and Promoting Boards of APDH are groups of individuals who adhere to the objectives of the Association, in accordance with its Statutes and the decisions of its Governing Bodies, and are organized to represent APDH in the localities, zones, or regions where they are established with the explicit recognition of the National Board of Directors, as is the case here with the Córdoba Regional Chapter of APDH, also represented by the lawyers sponsoring this presentation.

In this capacity of extensive voluntary work in defense of Human Rights and support for people whose fundamental rights protected by the National and Provincial Constitutions have been violated, such as freedom of movement, the right to freedom of expression, the right to petition and assembly, the right to peaceful demonstration, the protection of life, human dignity and social coexistence (among others), we appear in the capacity of *Friends of the Court* in the present case.

Furthermore, UN Resolutions No. 53/144, No. 56/163; A/HRC/31/L.28 (General Assembly) and other related resolutions on human rights defenders, in their declaration, stipulate the right and duty of individuals, groups and institutions to promote and protect universally recognized human rights and fundamental freedoms.

### **III) ADMISSIBILITY - ORIGIN OF THE AMICUS CURIAE:**

This presentation complies with the terms of the Resolution No. 7/2013 of the Supreme Court of Justice of the Nation and related jurisprudence have admitted the appearance of third parties who contribute arguments of public interest in matters of importance. Article 4 of Resolution 7/2013 of the Supreme Court of Justice of the Nation, in relation to Amicus Curiae, states that their purpose is "to enrich the deliberation on institutionally relevant issues, with well-founded arguments of a legal, technical or scientific nature, relating to the issues debated."

Thus, although it lacks regulation in many provincial jurisdictions, it is accepted by most local courts that identify the advantages of having solid arguments that allow them to more consistently justify their decisions.

We wish to state that we have not received any funding or financial assistance for this matter, and that there is no personal financial interest or benefit of any kind involved in this request. We are also not parties to the criminal proceedings. The purpose of this submission is to contribute our work as a human rights organization, which has been promoting social protest, freedom of expression, and related issues.

Given the admissibility requirement that: "persons with recognized competence on the matter under discussion may appear in court to express a reasoned opinion on the subject of the litigation, justify their interest in the final resolution and express a reasoned opinion or relevant suggestion that may enlighten the Court", this human rights body does so in that capacity, by virtue of the function assigned to it in its statutes in defense of constitutional guarantees.

In our understanding, these rights would be affected by Resolution No. 69 of 08-03-2024 issued in the aforementioned proceedings by the Judge of Control and Misdemeanors of the 4th Nomination, which ordered: "...II) *To deny the motions for annulment filed by the respective defenses (arts. 155 of the Provincial Constitution, 154, 261, 324 inc. 3, 326 and 185 inc. 3° -a contrario sensu- of the Criminal Procedure Code). III) To deny the objections raised by the legal counsel of the accused and, consequently, to bring to trial the present case, brought against Emanuel Berardo, Soledad Cristina Díaz García, Federico Martín Giuliani, Marisa Viviana Cariddi, Agustín Nazar and Roxana Alejandra Carezano, already identified, for the act charged and described in the indictment, classified as Impediment or Obstruction of Transportation or Public Services (art. 194 of the Criminal Code) which is attributed to them as co-conspirators (art. 45 –first instance- of the Criminal Procedure Code). C.P)...*".

The amicus curiae has been defined as “[...] a presentation before the court where a judicial dispute is being processed by third parties unrelated to that dispute who have a justified interest in the final resolution of the dispute, in order to offer opinions considered to be of importance for the substantiation of the process regarding the matter in dispute [...]”<sup>1</sup>.

Currently, it has expanded considerably. Its importance as an institution leads civil organizations to spontaneously come forward to ensure that no fundamental right is unduly restricted.

The doctrine has held that “...*The presentation of an amicus curiae brief thus aims to fulfill a dual function: a) to provide the court under examination of a judicial dispute of public interest with arguments or opinions that may serve as elements of judgment for it to make an informed decision on the matter; and b) to give public character to the arguments used in the face of a matter of general interest decided by the Judiciary, clearly identifying the position of the interested groups, and submitting to general consideration the reasons that the court will have in mind when adopting and substantiating its decision...*” Therefore, and despite the lack of express regulation in the Codes of Rite: “...*it may be decided in favor of admitting this figure insofar as it constitutes a non-prohibited procedural means of exercising freedom of expression, the right to petition the authorities, and of reinforcing the republican principle of government...*”

#### **IV) PUBLIC INTEREST:**

We emphasize that the issue discussed in this case involves a “broad public interest” since it is linked to the full validity of the right to freedom of expression, assembly, the right to petition, the right to information, the right to the truth, equality before the law, due process, effective judicial protection, and the guarantees that arise from the republican form of government.

#### **V) NATURE OF THE OBSERVER IN TRIAL:**

The Inter-American Commission of Jurists' "Manual for the Observation of Criminal Proceedings" states that: *The observation of criminal proceedings is a crucial activity in the defense of human rights and the rule of law. The right to observe a trial stems from the general right to promote and ensure the protection and realization of human rights. Furthermore, it states that: “The holding of fair trials is fundamental, not*

*only for the protection of the rights of the accused and the victim of the crime, but also for the proper administration of justice, an essential element of the rule of law. The observation of criminal proceedings is a crucial activity in the defense of human rights and the rule of law. The right to observe a trial stems from the general right to promote and ensure the protection and realization of human rights.”.*

In that sense, this **PERMANENT ASSEMBLY FOR RIGHTS HUMANS (APDH)** has a special interest in participating as an observer in all that remains of the present process, which as stated above is a case of collective interest.

#### **IV) FACTS - GRIEVANCES OF THE RESOLUTION:**

The aspects addressed by the ruling in question, Resolution No. 69 issued on March 8, 2024, which cause harm to the validity and due respect for the rights to petition, demonstrate, and freedom of expression, among others, result, on the one hand, from:

**IV.1)** The detailed political analysis by the Public Prosecutor's representative, endorsed by the Judge of Control and Misdemeanors, based on intelligence work and penetration into specific political positions and resolutions, transforms into a virtual Special Political Prosecutor's Office, interfering in the political decisions of civil society organizations—an aspect prohibited by both the internal security law and the constitutional framework and the conventional bloc. This arises, in part, from the description of the alleged act, which states: “Within the framework of the execution of a national day of protests under the slogan 'National Piquetezo' that had been decided by the National Piquetete Unity in a plenary session held in the Plaza de Mayo of the city of Buenos Aires on March 3, 2023.” Likewise, in assessing the request for referral to trial by the Investigating Prosecutor, which is confirmed by the Investigating Judge, particularly when referring to the report from the “open sources” of the Judicial Police, which conducts a survey of the social media activity of various political and social organizations, and to “*The detailed reports prepared by the Directorate of Operational Investigation of the Judicial Police –D.I.O.–(Reports 370/23 and 371/23, attached to pages 186/194 and 195/211 respectively and attached in the EE in the operations “documentary attachment” dated 10/26/2023) analyzing: the background of the mobilization of 4/5/2023 “national picket line”, the place of the event, the press publications of the groups and the media, the place that each of the accused occupies*

*in the structure of the organizations and unions.* Nevertheless, the magistrate correctly dismissed the charge of disobeying authority, which was also attributed to the criminals in real concurrence with the interruption of traffic (pp. 57/8).

This human rights organization promptly filed a criminal complaint against the Minister of Security of the Province of Córdoba, Mr. Juan Pablo Quinteros, the Chief of Police of Córdoba, Commissioner General Leonardo Gutiérrez, and First Sergeant Claudia Susana Melián Aranibar, filed with the Economic Criminal Prosecutor's Office No. 2 of the city of Córdoba, cars, entitled "COMPLAINT FILED BY TORREMARE GUILLERMO AND OTHERS v. QUINTEROS JUAN PABLO AND OTHERS – SAC

Case No. 12618081 and its related case SAC 12610864," concerning intelligence operations carried out by personnel of the Córdoba Police, occurring in several incidents in December 2023, in violation of Law 23,554 on National Defense (1988), Law 24,059 on Internal Security (1991), and Law 25,520 on National Intelligence (2001). This presentation links said illegal activity to the statements made by Police Chief Liliana Zarate Belletti before the Court of Control 10 of the city of Córdoba in case SAC: 11363867 - COLLECTIVE HABEAS CORPUS - COMPLAINT OF RESTRICTION OF FREEDOM OF MOVEMENT AND FREEDOM TO WORK WITHOUT AN ORDER FROM A COMPETENT AUTHORITY AND DISTURBANCE OF PUBLIC PEACE - HABEAS CORPUS.

Likewise, the violation of the legal framework was denounced there, which is reproduced again in this case, stating:

"The Constitution of the Province of Córdoba provides that all persons in the Province enjoy the right to "associate and meet for useful and peaceful purposes" and "to petition the authorities and obtain a response and access the jurisdiction and the defense of their rights" (art. 19 inc. 8 and 9); in turn, art. 20 establishes that "the rights enumerated and recognized by this Constitution do not imply a denial of the others that derive from the democratic form of government and the natural condition of man."

Among the duties and powers of the provincial security force, Law 9235 establishes the *ARTICLE 15.- The Police of the Province of Córdoba is an armed civilian institution, whose mission is to maintain public order and tranquility throughout the territory of the Province of Córdoba, exercising the functions established by legislation to safeguard the life, property and rights of the population.* For its part, Article

24 of the same legal code clearly establishes: *The Córdoba Provincial Police are prohibited from conducting investigations for political, racial, or religious reasons, as well as industrial or commercial espionage, surveillance, or investigations of members of the State's public authorities and members of the mass media, except with the express authorization of a competent Judicial Authority. Police personnel who violate this prohibition will be dismissed from the force.*

The powers of the State, therefore, are responsible for ensuring compliance with the constitutional mandate and providing the necessary guarantees for the exercise of these rights. As the Constitution itself establishes, rights are exercised in accordance with the laws that regulate them. In this sense, their exercise cannot be unlimited: when it infringes upon or threatens other rights recognized by our Constitution, when the exercise of a right becomes abusive, it is the Justice system that has the duty, once the commission of a crime has been conclusively proven, to order reparation for the damages caused. It is necessary to point out that the subject matter of the right in question, insofar as it involves freedom of expression and assembly, and therefore the exercise of other human rights, requires strict adherence to international standards in order to avoid any arbitrary action that curtails both individual guarantees and public debate. From this derives the responsibility of public officials, who must strive for the common good and manage the democratic process without restricting it.

Non-compliance with Law 24.059 on Internal Security: Article 22.-*The police forces and security forces that make up the internal security system may not be engaged in actions or operations not provided for in the laws of the Nation....*

In addition to Article 4 of National Intelligence Law No. 25,520, in conjunction with Article 22 of Law 24,059, which governs the activities of the Police of the Province of Córdoba:

*ARTICLE 4 — No intelligence agency may:*

- 2. Obtaining information, producing intelligence or storing data about people, solely because of their race, religious beliefs, private actions, or political opinion, or their affiliation or membership in partisan, social, trade union, community, cooperative, welfare, cultural or labor organizations, as well as for the lawful activity they carry out in any sphere of action.*
- 3. To influence in any way the institutional, political, military, police, social and economic situation of the country, its foreign policy, the internal life of legally constituted*

*political parties, public opinion, individuals, media outlets or legal associations or groups of any kind.*

4. *To reveal or disclose any type of information acquired in the exercise of their functions relating to any inhabitant or legal persons, whether public or private, unless there is a court order or dispensation.”*

And anticipating the present request to be considered Friends of the Court, the complaint also included a claim regarding the prohibited use of intelligence for political activities in this “BERARDO” case, noting that: “Likewise, with greater eloquence, Prosecutor Ernesto Rafael DE ARAGON refers to the activity carried out by the Córdoba Provincial Police and the Judicial Police in file “11815556 - BERARDO, EMANUEL - CAREZANO, ROXANA ALEJANDRA - CARIDDI, MARISA VIVIANA - DIAZ GARCIA, SOLEDAD CRISTINA - GIULIANI, FEDERICO MARTIN - NAZAR, AGUSTIN”, which is transcribed below. “Furthermore, an “Open Source” report prepared by the D.A.I.C. –General Directorate of Criminal Investigations, Division of Analysis and Investigation in Communications (appearing on pages 142/185 and attached) was incorporated into the investigation to the EE in the operation “attached document dated 10/26/2023) - reviewing the social media activity of the social movements involved: “Polo Obrero, Libres del Sur, FAR, MST, MTR and ATE” which includes images and social media posts from the groups, showing the march's alternative routes, featuring images of the defendants leading the columns, the events and demonstrations, as well as other images with slogans such as “the piquetero movement took over the streets”, alluding to what happened on the day of the demonstration. It also notes the publication of videos taken directly from where the total street blockades took place, publishing the speeches of the defendants as orators.”

“The detailed reports prepared by the Directorate of Operational Investigation of Judicial Police –D.I.O.-(Inf.370/23 and 371/23, attached to pp. 186/194 and 195/211 respectively and attached in the EE in the operations “documentary attachment” dated 10/26/2023) analyzing: the background of the mobilization of 4/5/2023 “national picket”, the place of the event, the press publications of the groups and the media, the place that each of the accused occupies in the structure of the organizations and unions. This extensive report contributes to circumstantially proving the existence of the event as it has been analyzed, as well as the manner in which the mobilization was organized, the actions carried out on the day

of the event by the defendants and the group of people they convened, supported by images from the city's security cameras, images from the media, and the defendants' and the groups' own social media accounts.” The fundamental section in this process of invading the political and social activity of citizens is reflected on pages 12, 14, and 19 of the challenged resolution, where an analysis of such positions and decisions is undertaken to attempt to justify the request for the prosecution of those criminalized. This delicate aspect of the decision is presented as follows:*Let us now turn to the examination of the criminally responsible participation of the accused in order to specify it. In that sense, and to understand the criminal reproach made against those subject to the proceedings, it is appropriate to go back chronologically in the analysis to an event fundamental. This was the “national piquetero assembly” held in the city of Buenos Aires on March 3, 2023.”* Thus, the Prosecutor carried out a political study of decisions at the national level, even, to continue later addressing its connection with the mobilization carried out in the city of Córdoba. To which the Judge of Control expressly adheres, stating: “Said objective was framed within the resolution of the so-called “*national picket assembly*” held in the city of Buenos Aires on the third of March of two thousand twenty-three” (p.50)

**IV.2)** Specifically, the challenged judicial decision, in order to justify itself, delves into political and social activity that is prohibited by current legislation, again revealing a connection in its content and purpose with the aforementioned resolution of Control Court No. 10, adopted in the case “COLLECTIVE HABEAS CORPUS...cit.”, Order No. 53 of March 31, 2023, even though it is not explicitly mentioned. This connection was pointed out in the opposition by the defense attorney for the criminalized Nazar, Attorney.

Lucas Cocha, who said: “*that the current proceedings against his client are in response to instructions that the magistrate allegedly gave within the framework of the aforementioned case*”(p.36) dealing with a jurisprudential precedent in which no participation or possibility of offering evidence or alleging was granted to the sectors indicated and denounced as supposedly responsible for the facts of the presentation.

Thus, without respecting due process, which was partial, biased, and lacking impartiality and judicial independence, and which also compromised logical judicial reasoning and, consequently, sound rational judgment, various measures were decided

that directly affect the constitutional rights to petition, demonstrate, and freedom of expression. The considerations and the conclusion of that process formed the basis and enabled the special intelligence and political operations that were also evident in the present case.

Indeed, that resolution states that the provincial security entities were summoned, with the Chief of Police of Córdoba at the time participating in the hearings, who expressly assured, with the approval of the Court, that in order to effectively control the use of public space, she could provide the identification of the organizers, their plans and communications.

Regarding this, in the complaint mentioned above, he stated: “In the resolution dated March 31, 2023, of said file, the acting Judge transcribes as statements of the aforementioned Chief of Police 'That the leaders of the organizations are identified, who even intend to condition the actions of the Police' and in another paragraph 'Finally, she informed this Magistrate that the police force is in a position, through conventional and absolutely legal investigative mechanisms, to identify the organizers of the encampments and street blockades

**IV.3)** Furthermore, we disagree with the ruling of the Judge of Control regarding the application of Claus Roxin's theory of control over the act, which was the method used to incriminate the leaders of the genocidal military dictatorship who, within their spheres of centralized and hierarchical authority, established the system of state terrorism duly prosecuted in our country. This same theory is now being applied to political and social leaders who are spearheading legitimate demands for social rights. In this regard, the magistrate states: *It is reasonable to assert that the defendants, given the coordination of their actions and the organized nature of the groups they lead, likely played the role the prosecution attributes to them. Indeed, based on the Theory of control of the act: the author, unlike the accomplices, is the one who has control of the event, and co-authorship consists of sharing functional control with another or others.*” (p.56).

This reasoning attempts to cover up the evidentiary shortcomings, which are insufficient to attribute the handling and execution of the alleged crime to the accused. Therefore, we disagree with the Judge of Control when she maintains that the accusation contains: *a precise indication of the attributed participation and the responsibility that arises from the conduct*” (p.43), which “*It is not observed that the*

*requirement constitutes a mere judgment of authority devoid of reasons that provide support for it; on the contrary*It is seen as a reasoned derivation from the collected evidence” (p.48).

In this regard, these shortcomings are observed when the challenged resolution cites the witnesses Crios. Fernández, who stated: *“However, the witness adds that: at approximately 10:50 a.m., **The group of people began to move forward**towards the city center, along General Paz Street; and to Chief Inspector MayKing, who:He explained that: “this circumstance was taken advantage of by the large group of protesters who were on the Centennial Bridge, **mostly led**by the social leader of the Polo Obrero, Emanuel Berardo, who began to advance along General Paz Street in a North-South direction”*(Emphasis in the presentation). Furthermore, both police officers report that between six and eight thousand people were mobilized.

In relation to this point, the section that seeks to consolidate the legal attack from that theory of imputation is also attacked; it goes so far as to incriminate the social support that the criminalized individuals had in this case, when they appeared to exercise their right to defense after being informed of the facts attributed to them and being able to testify or abstain from doing so; it turns out that it is used as another argument that supposedly justifies the control of the falsely attributed facts. (see p.17 of the Resolution).

**IV.4)**Finally, the APDH understands that contrary to what Ms. states. Judge of Guarantees, regarding that: “the resolution is far from intending to “criminalize the protest” which, as an expression of dissent, is deserving of broad constitutional protection” (p.59),**In reality, it is indeed an undue restriction on the right to demonstrate, which the Court itself previously agreed is fundamental to protect, although it stated that in this case it was not appropriate to do so, without giving the reasons that would justify such a departure.**(see p.55)

In short, in the opinion of this human rights body, the Court of Guarantees has conducted an improper analysis that departs from the legal framework, by entering the sphere of political and social activity of civil society organizations, transforming a sector of the Public Prosecutor's Office and the Judiciary into a special political jurisdiction that criminalizes sectors that protest against local and national authorities for their social policies, also incurring in an erroneous reasoning that is not applicable to those

criminalized, who do not form part of any pyramidal and hierarchical structure that imparts and dominates mass situations such as those that are criminalized.

**V)ROLE OF JUSTICE:**

The present case arises from protest actions that embodied popular demands with constitutional backing, framed within fundamental rights such as the right to petition, to demonstrate, and to free expression, among others. Therefore, judges must be even more careful in justifying their decisions in this matter, not only regarding the criminalization or prosecution of protesters, because in the face of social protest, many considerations are at stake related to the rights of the protesters and the obligations imposed by the constitution, which cannot be ignored or disregarded, since protest actions such as the one at hand embody demands from popular sectors. We are not dealing with a demonstration that could be considered an affront or offense to the legal system, or a seditious or anti-democratic act that would warrant judicial censure.

So, if the justice system remains trapped in misguided options of punishment and heavy-handed state intervention, prioritizing or opposing constitutional rights such as freedom of movement versus freedom of expression or assembly, it loses sight of the most relevant issue: reflecting on how to guarantee the political, social, and economic rights established by the Constitution. The challenged resolution says nothing about the causes of the demonstration, only showing it as affecting the road closure. It makes no attempt whatsoever to analyze the severity of the right violated in this case, nor does it engage in any reflective exercise to consider what is happening, what effective alternatives the protesters have to express their grievances, or to commit to mediating the social conflict, analyzing its causes, the reasons for the demands, opening avenues for resolving aspects of the conflict, etc.—in short, contributing to guaranteeing the basic rights of “everyone.”

Judges cannot and should not ignore the context that shapes public expression in society. The right to social protest is now part of the daily reality of Argentinians and of the legal reality of the courts.

Citizens do not protest for sport or because they have nothing else to do, but because they are driven by some need that justifies it; on the day of April 5, 2023, privileges were not being demanded, the groups in question were demanding basic issues, indispensable for their subsistence.

It is clear that the procedures used by judges to criminalize protest largely determine the possible limits of the actions and initiatives of members of a society. Judges are compelled to decide on key issues of collective interest, and we find no compelling reasons in the record to justify the removal of the right to demonstrate, based on the alleged crimes of those criminalized in this case.

In situations where diverse constitutional rights clash, such as freedom of expression, the right to petition the authorities, the right to move freely, etc., many rights are at stake. So, which is the most relevant of all? The last right to be curtailed, that is, the one that must be protected, is the one closest to the democratic core of the Constitution. One of these is freedom of expression, which holds a special place in the hierarchy of constitutional rights and is subject to special safeguards. See the recent recommendation to Argentina from the Inter-American Commission on Human Rights (IACHR) and the Special Rapporteur for Freedom of Expression (RELE): In the context of social protests in Argentina, they reiterate Inter-American standards on respect for human rights, especially respect for the right to peaceful protest and journalistic work. Washington, D.C. February 8, 2024. Previously Standards on the rights involved in social protest and the obligations that should guide the state response, drafted by the Special Rapporteurship for Freedom of Expression of the Inter-American Commission on Human Rights (OAS). 2019, para. 191.

Judges have a duty to protect those who protest, especially if it is a voice that seeks to demand, criticize, and/or challenge those in power who lead the population to a situation of economic and social vulnerability, where no one guarantees the satisfaction of their basic needs; this is the voice that needs the greatest protection. And it is the judiciary that has the special responsibility to defend critics, not to criminalize them. We must eradicate the inertia that punishes those who are worse off, for reasons beyond their control, and who also lack access to the media because it avoids them. Therefore, those who complain...The only ways to make ourselves heard and to guarantee being heard are through social protest in places that can be made visible and where also They have the right to move freely.

Prominent legal scholars argue that we must eradicate any idiosyncrasy within the judiciary that represents a machine operating indifferently, executing the dictates of the law without regard for the social, cultural, and political dimensions of rights. This is even more serious when judicial activity leads to the criminalization of the most

disadvantaged, granting members of vulnerable groups access to justice through the criminal justice system as defendants, and also addressing any form of public discussion or protest they undertake (criminalization of social protest). Ref. Book: Access to Justice and Vulnerable Groups, Regarding the Brasilia Rules, Juan Martín Nogueira - Henan Schapiro, Coordinators. Publisher: Librería Editora Platense (page 44).

Raúl Zaffaroni argues that the core issue facing criminal law in this matter is fundamentally political. He asserts that removing the problem from the political sphere and placing it within the realm of criminal law is the most radical and definitive way to leave it unresolved. The right to protest not only exists but is expressly recognized by the National Constitution and by universal and regional international human rights treaties, as it is necessarily implicit in freedom of thought, conscience, and religion (Article 18, Universal Declaration of Human Rights), freedom of opinion and expression (Article 19), and freedom of peaceful assembly and association (Article 20). These instruments impose on all states the duty to respect the right to dissent and to publicly demand one's rights, and, of course, not only to keep these rights private but also to publicly express dissent and demands. Consequently, the exercise of the right to petition the authorities, the public demonstration that exercises it, the public that gathers to do so, even if its number causes annoyance, interrupts the circulation of vehicles or pedestrians with its passage or presence, causes annoying noises, drops pamphlets that dirty the road, etc., will be exercising a legitimate right within the strict institutional framework.

Criminal typification is solely legal, strict, and subject to restrictive interpretation; it is not satisfied with the mere verification of the elements of the objective legal type. Whenever criminal codes are scrutinized in relation to protests, attempts are made to stretch them further, the principles by which criminal law seeks to contain punitive power through strict interpretation, as well as other dogmatic principles that must be applied in the interpretation of any criminal type, are necessarily overlooked. Leaving aside the fact that it is not possible to omit the application of the principles of strict legality and restrictive interpretation, which result from the discontinuous nature of criminal legislation or the definition of crimes, neither can the principles of offensiveness, insignificance, and proportionality be overlooked or denied. Forgetting this premise (not requiring danger) or presuming danger (that is, taking it for granted

when it has not materialized) violates the principle of offensiveness, enshrined along with the principle of legality in Article 19 of the National Constitution. Therefore, institutions of punishment must be resisted by those of us who take human rights as morally serious, in cases such as the one we are facing.

In contexts of stark and unjustified social inequalities, there is a serious risk that the state's coercive means will be used to preserve the very inequalities that define them. "Justice cannot and should not censor under the guise of regulating conduct." The legal philosopher Ronald Dworkin argued that the right judge must be an interpreter of the law, understanding its principles of application, its history, and the context of the legislation, in order to prioritize justice and the rights of individuals.

The best contribution that criminal law can make to solving conflicts of a social nature is to maximize its means of reducing and containing punitive power, reserving it only for very extreme situations of intolerable violence and for those who only take advantage of the occasion of protest to commit crimes; which is not the case that brings us together in these proceedings.

**VI)RIGHT:**We base this presentation on the National and Provincial Constitution, Resolution 7/2013 of the Supreme Court of Justice and its amendments. There is, **aobligation of the State to guarantee to the inhabitants respect for human rights in the territory.**Therefore, we also base the referenced right on The American Convention on Human Rights Human Rights (Pact of San José, Costa Rica); Universal Declaration of Human Rights (1948); American Convention on Human Rights (Pact of San José, Costa Rica) (1969); International Convention on the Elimination of All Forms of Racial Discrimination (1965); International Covenant on Civil and Political Rights (1966); International Covenant on Economic, Social and Cultural Rights (1966) Cultural (1966); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984); American Declaration of the Rights and Duties of Man (1948); Additional Protocol to the American Convention on Human Rights Human Rights in the area of Economic, Social and Cultural Rights ("Protocol of San Salvador", 1988); Inter-American Convention to Prevent and Punish Torture (1985), etc.

**VII) THE STATUTES ARE INCLUDED:**

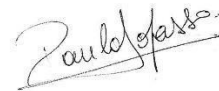
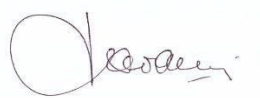
We attach the Statutes to demonstrate that the social purpose of our Association is directly and intimately linked to the defense of the rights that we cite and claim in this document, and also the Appointment of authorities of the APDH.

**VIII. REQUEST:**

Hoping that their contributions will help the Chamber in its decision, they request:

- I) Please consider us as having appeared, as a party in the requested capacity, and as having established the procedural address.
- II) The present document is admitted as a Friend of the Court and judicial observers.
- III) The arguments presented here should be taken into account when issuing a judgment.
- IV) Please consider the reservations made as confirmed.

That, **JUSTICE WILL BE SERVED.**



**Eduardo Tavani Mariela Pérez Cisneros Paula Topasso**

**President of APDH President of APDH President of APDH**

## THEY APPEAR - THEY JOIN - THEY REQUEST.

Mr. Prosecutor

Mr. Judge of Guarantees

Eduardo Tavani, DAYS 10,130,032; María Soledad Astudillo, ID 28.329.779; and. Guillermo F. Torremare, ID number 16.109.384, in our capacity as

**Presidentsof the Permanent Assembly for Human Rights**

**(APDH)**, position which we prove with a copy of the attached Act of Appointment of Authorities, with address at the institution's headquarters on street Callao 569, 1st floor, 3rd building of the Autonomous City of Buenos Aires, and electronic address at [apdh@apdh.org.ar](mailto:apdh@apdh.org.ar), in the case entitled "**Case P-273609-MPA entitled "PREPARATORY CRIMINAL INVESTIGATION MARCELO NAHUEL MORANDINI, HUMBERTO ROQUE VILLEGAS and PERSONS TO BE ESTABLISHED ART. 89. ART. 139.**

**ART.138.**"We introduce ourselves and say:

### I.- LEGAL REPRESENTATION

We present ourselves as legal representatives of the Permanent Assembly for Human Rights (APDH), as shown in the Social Statutes, which we also attach in copy to this document.

The Permanent Assembly for Human Rights (APDH) is an institution recognized as a legal entity by the General Inspectorate of Justice (IGJ), through Resolution 784/86, with Special Consultative status in the ECOSOC of the United Nations (UN), and accredited in the Register of CSOs of the Organization of American States (OAS).

### II.-OBJECT

In the capacity invoked, we come by this means to **JOIN** to the AMICUS CURIAE (AC) presented by the **National Federation of Teachers, Researchers and Creators University students (FEDERATION) TEACHER HISTORICAL UNIVERSITY**), in the referenced proceedings, and to request that we be considered and recognized as such.

### III.- LEGITIMATION

The Permanent Assembly for Human Rights is a

A non-profit organization with a long history of defending human rights throughout Argentina. It was founded in 1975 by individuals from diverse social, political, intellectual, labor, and religious sectors in Argentina, in response to the escalating state and paramilitary violence and the breakdown of basic human rights in the country. Along with other organizations of similar purpose, they undertook the difficult and dangerous task of defending life and rights during the tragic years of the military dictatorship (1976-1983).

Human rights activity went beyond the most immediate limits from the defense against the most aberrant violations, to open other fronts of protection of life, human dignity and social coexistence, without which individual rights and guarantees lack support and the possibility of effectiveness.

The APDH is dedicated to the defense of human rights in a comprehensive. Although in its beginnings the APDH focused its actions on the consequences of crimes against humanity (which is currently expressed in lawsuits against those who are a priori criminally responsible for them), it currently diversifies its work in multiple dimensions of human rights.

The Permanent Assembly for Human Rights (APDH) is an institution recognized as a legal entity by the General Inspectorate of Justice (IGJ), through Resolution 784/86 and with Special Consultative status in the ECOSOC of the United Nations (UN), and accredited in the Register of CSOs of the Organization of American States (OAS).

The APDH's authority derives from its statutes. In this regard, Article 2 states: "Its purposes are to promote the validity of the human rights set forth in the Universal Declaration of Human Rights of the United Nations and in the National Constitution. It is a non-profit, public benefit entity." By virtue of the 1994 Constitutional Reform, the human rights promoted by the APDH extend to all international treaties with constitutional status indicated in Article 75, paragraph 22 of our Constitution.

Likewise, the Permanent Assembly for Human Rights is duly registered in the registry provided for by art. 15 of agreement 7/2013 of the CSJN.

#### **IV.-ADMISSIBILITY**

The figure of the Amicus has been legitimized by the Supreme Court of

The National Court of Justice, before its tribunals, through Resolution No. 28/2004, dated July 14, 2004, based on the need to allow citizen participation in the Administration of Justice (Consideration 1. Majority vote) and in compliance with the

principle of "strengthening justice" contemplated in the Preamble of the Argentine Constitution, understood not only as an individual but also a collective value; in which the figure is protected by the provision of Article 33 of the

The Magna Carta, insofar as the aims that inspire such participation substantially align with the two coordinates established in the text: the sovereignty of the people and the republican form of government. And finally, the aforementioned figure is grounded in the Inter-American human rights system, to which constitutional status has been assigned (Art. 75, para. 22 of the National Constitution), as it has been regulated in the Rules of Procedure of the Inter-American Court of Human Rights (Art. 62.3 ACHR) and expressly authorized by the Inter-American Commission on Human Rights (Arts. 44 and 48 of the ACHR). (Second consideration of the majority opinion in the aforementioned resolution).

These fundamental principles of a general and deeply rooted nature The constitutional grounds make it appropriate for the Judge to consider and accept it for the purposes of this presentation and to resolve its admissibility in the case, in addition to the fact that they come from the Supreme Federal Court, which anticipates the constitutionality of the figure brought here.

## **V.- THE CASE IN QUESTION**

Our intervention in the case at hand is such, insofar as we warn that the supreme rights and guarantees of those who have been charged and deprived of their liberty in this case have been violated.

Since our reason for being, for the last 50 years, has been the defense of the Human rights, it becomes imperative for us to express ourselves, adjusting our presentation to the norms that govern the institute of the "AC", and in that sense it must be interpreted and accepted.

Having said that, we cannot fail to point out after Let us delve into the case in which the individuals facing criminal prosecution are accused of having made an alleged post on social media. In this context, they are said to have limited themselves to tweeting or retweeting posts that the prosecution itself interprets as being linked to the wife of Accountant Gerardo Morales, former governor of the Province of Jujuy.

That such actions, assuming they occurred, do not constitute no crime and, on the contrary, are included in the exercise of freedom of expression which is protected by constitutional guarantees, as has been peacefully recognized by Doctrine and Jurisprudence.

That the actions of the Jujuy Justice system violate rights and fundamental guarantees, violating the principle of legality.

Furthermore, we note that in this case, specifically, there would have been forced criminal offenses, intended for truly criminal conduct. No one could undoubtedly maintain that publications such as those attributed to Mr. Nahuel Morandini and Mr. Roque Villegas could warrant criminal prosecution, much less, and even more seriously, that they should have been deprived of their liberty, under penalty of undermining the very structures of the Administration of Justice and the current democratic legal order upon which the system is based and conceived.

Therefore, we maintain that both Morandini and Villegas are They are imprisoned, in violation of the most basic constitutional guarantees, and they are clearly imprisoned for what they think and/or may have posted on a social network, not for having committed any acts that could be classified under the criminal charges against them. We do not know the purpose of this, but we have no doubt that these practices are incompatible with the rule of law and should be stopped immediately. And that is what motivates us to seek legal recourse.

## VI.-REQUEST

For all the reasons stated above, we request:

a) We are considered to have appeared in the capacity invoked.

b) The Amicus Curiae brief submitted by **The National Federation of University Teachers, Researchers and Creators (UNIVERSITY TEACHING FEDERATION)**

**HISTORICAL**), in these proceedings and duly resolve based on the guarantees provided for in art. 14, 18, 19 and 75 inc 22 of the National Constitution and in the International Human Rights Treaties.

That, **It will be fair.**



Eduardo Tavani



Soledad Astudillo



Guillermo Torremare

## PRESENTATION

Good afternoon to all, representatives of the Argentine people and participants in this public hearing. On behalf of the Permanent Assembly for Human Rights (APDH) Argentina, an organization with 50 years of history and federal representation, and speaking on behalf of our Secretariat of the Environment, I am here today to state that **Our institution has already publicly expressed its rejection of any attempt at regressive reform of the minimum environmental budget laws, and I am here today to reiterate that position.**

At this time we also want to express our **categorical rejection of the change in the participation modality** of a call that, having initially been directed to the entire population, ended up excluding most of it through the imposition of mechanisms that cannot be modified without affecting the exercise of fundamental rights.

As I stated previously, I am here to REAFFIRM my position of rejection of the regressive reform from different points of view

## ARGUMENTS: TECHNICAL POINT OF VIEW

From the **technical point of view** Thanks to the National Glacier Inventory, we now know the extent of glacial and periglacial environments. This legally binding instrument defines protected areas where these environments—whose existence has been confirmed by science due to their hydrological functions and the ecosystem services they provide—are recognized and safeguarded.

Furthermore, the inventory identifies them as strategic reserves, which is especially concerning given that these assets have interjurisdictional implications and participate in natural cycles and dynamics involving various regions and provinces. Therefore, their protection would be severely weakened by a reform that enables mechanisms to exclude them from its scope.

Consequently, we affirm that its degradation must be avoided, as it would put at risk both the communities and the infrastructure located in the areas linked to these systems and their surroundings.

## **ARGUMENTS: LEGAL POINT OF VIEW**

From the **legal point of view** It is important to highlight that, in addition to what other participants have pointed out, in the area of Economic, Social and Cultural Rights the terms of the reform present a critical point: the risk of unconstitutionality and the possible violation of a structural principle of human rights, the principle of progressivity.

This legal safeguard, incorporated in Argentina through the International Covenant on Economic, Social and Cultural Rights (ICESCR), particularly in Article 11, implies the right of society to a progressive improvement of its living conditions. Consequently, it establishes the duty of States to align their domestic legislation with this standard.

In environmental matters, this represents a clear impediment to going back, reducing or altering the levels of protection already achieved.

In light of this reform, it is therefore essential to ask the following question: can a province make decisions about the environment that have effects on other provinces?

On this point, it is worth remembering that, as has already been resolved by the highest authorities of the Argentine judiciary in the framework of claims of unconstitutionality considered inadmissible (Barrick ruling, 342:917), the power to establish minimum environmental standards does not clash with the original domain of the provinces recognized in article 124 of the National Constitution.

In this regard, as a human rights organization, we understand that it is possible to maintain that, in environmental matters, and in accordance with the mandate of Article 41—which orders the authorities to “provide for the protection of the environment”—Congress's power to enact this type of legislation adheres to a standard already defined by the 1994 Constitution. At

that time, Argentine society—including the provinces, through their representatives—decided to subject environmental management and its development modalities to legal limits derived from uniform protection. These regulations aim to guarantee citizens access to a healthy environment, a condition without which no human right can be fully realized, nor can sustainable development be achieved.

Therefore, we consider it essential to promote informed parliamentary debate, as well as the enactment of laws aligned with the principles of conservation, precaution, and prevention established in the Argentine legal system. This is because vital rights are at stake. Together, these principles ensure a development model that does not compromise living conditions. Furthermore, at the international level, the planet's frozen bodies play a crucial role in preventing humanity from facing the consequences of an ecological and climatic imbalance whose forces could be highly destructive.

## **CONCLUSION**

This presentation is the result of the work of human rights and environmental defenders from all over the country, who, with knowledge, time and commitment, understood the need to defend this cause.

We do this because we understand the magnitude of the harm we have an ethical, moral, political, and legal responsibility to prevent. To those listening to me here today, and also to those who have been silenced because the rules of the game have been changed, I want to say that our lives depend on this cause. Because, beyond any attempt to impose individualism, the reality is that we share a common destiny, regardless of the party or political sector to which we belong.

If I am here, bringing this opinion, it is because we still believe that you, our representatives, will make decisions that do not put the lives of the Argentine people you represent at risk.

Let us not be foolish in believing that we can manipulate the environment and nature without consequences.

**Today we have a moral imperative to reject this project. This is an opportunity to pause, reflect, and understand that saying no to this proposed regressive reform is, ultimately, truly representing the Argentine people. Thank you very much.**

Presentation given by Mariela Pérez Cisneros – Co-president of the APDH – at the Hearing convened by the National Congress.

PUBLIC HEARING – Nora Rodriguez APDH Regional Esquel Trevelin – Assembly Self-organized residents opposed to the Esquel mine

First and foremost, I extend my sympathies to every neighbor who was unable to exercise their right to be heard. I strongly condemn this sham public hearing for failing to respect the agreements and regulations necessary for its legitimacy, and I reserve the right to take any legal action I deem appropriate.

Numerous legal and scientific arguments have already been put forward in defense of not modifying Glacier Law 26639. This modification is a direct surrender of national sovereignty over these territories. In Patagonia, the territory where I live, we already find vast tracts of land sold to foreigners—Qataris, Italians, British, Israelis, Americans, and many more—often without us even realizing it, and others that are surely in the works. Almost entirely these areas contain natural springs or the headwaters of rivers, dispossessing those who are the true guardians of these common resources: the Mapuche Tehuelche Nation, which predates the Argentine State. This people inhabits the territory communally, not privately—a stark contrast to the economic interests that surreptitiously underpin the proposed modification of this Glacier Law.

Following the successive fires ravaging Patagonia and destroying our forests, this latest blaze has consumed approximately 70,000 hectares of native forest, mostly within Los Alerces National Park, a UNESCO World Heritage Site. This is all happening amidst the negligence of Javier Milei's national government and Ignacio Torres' provincial government, which fail to invest in the National Fire Management Plan and exploit firefighters who risk their lives daily for meager wages or precarious contracts. This situation constitutes ecocide, and the proposed changes to the law only exacerbate it. They then seek to further weaken the Forest Law, given that burned lands are more easily sold.

Our province of Chubut is in a state of water emergency. The Chubut River, the only river that crosses the entire province from the Andes Mountains to the coast, is drying up, even though the government insists on mining operations on the plateau, which is populated by rural communities, despite the ignorant claims that it is only inhabited by guanacos, as if guanacos didn't have a right to life. Esquel, in particular, and the entire province of Chubut, has a history of struggle and resistance. We stopped a mining project through a non-binding plebiscite, but one that was legitimized by the presence of the people in the streets; then we overturned a provincial law with an incredible level of citizen participation, and we have continued like this for more than 20 years, holding assemblies, marching, every 4th of the month, rain or shine. Because we firmly believe that the defense of our territory and common resources is in our hands.

I don't have any hope that the majority of the deputies will understand what we have been shouting in their faces for a long time; my hope lies with the people, with all of us who registered for this public hearing and with those who accompany us, those who have been shoulder to shoulder with us in the streets all these years.

For legislators, this is an opportunity to show us that they defend the rule of law. Therefore, for the sake of the glaciers, the forests, the commons, human rights, and the entire territory, **THEY SHALL NOT PASS, THEY SHALL NOT PASS, THEY SHALL NOT PASS.**

**APDH Regional Mendoza.**

**Presentation by Dr. Carlos Almenara at a Public Hearing before Congress regarding the reform of the Glaciers Law.**

<https://www.youtube.com/watch?v=ZfVPYxgQeTc&t=3s>





50 años promoviendo  
y defendiendo los  
Derechos Humanos

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Project leaders: Maria Elena Naddeo and Micaela Bracco

Editing team: Paula Álvarez Carreras, Maria Elena Naddeo, Micaela Bracco, Ana Gonzalez

Design: Ayelen Colosimo and Paula Daguerre

Authorities: Presidents: Mariela Perez Cisneros, Paula Topasso, Guillermo Torremare

Vice Presidents: Juan Carlos Fraiz; Ana González; Eduardo Tavani

General Secretary Maria Elena Naddeo; Deputy Secretary Cecilia Gonzalez; Treasurer

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