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**Committee on Economic, Social and Cultural Rights****Concluding observations on the fourth periodic report of Argentina\***

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Argentina (E/C.12/ARG/4) at its 36th and 37th meetings (E/C.12/2018/SR.36 and E/C.12/2018/SR.37), held on 27 and 28 September 2018, respectively, and adopted the present concluding observations at its 58th meeting, held on 12 October 2018.

**A. Introduction**

2. The Committee welcomes the submission of the fourth periodic report of the State party and the submission of the written replies to the list of issues (E/C.12/ARG/Q/4/Add.1). The Committee appreciates the constructive dialogue held with the State party's high-level intersectoral delegation.

**B. Positive aspects**

3. The Committee welcomes the fact that the provisions of the Covenant are recognized and invoked in the jurisprudence of the domestic courts of the State party, as well as the adoption of the first National Action Plan on Human Rights (2017–2020), which includes actions for the implementation of the Covenant.

4. The Committee notes with satisfaction that civil society played an active role in the consideration of the fourth periodic report of the State party.

**C. Principal subjects of concern and recommendations****Austerity measures**

5. The Committee is aware of the financial crisis in the State party and appreciates the efforts made to maintain social expenditure. The Committee is nonetheless concerned to note that the levels of effective protection of the rights enshrined in the Covenant, in particular for disadvantaged individuals and groups, have been reduced as a result of inflation and austerity measures. The Committee is also concerned to note that, under the agreement with the International Monetary Fund, the Government has set a zero-deficit target for 2019, entailing further cuts in social spending (art. 2 (1)).

6. **The Committee recommends that the State party review the measures taken in response to the financial crisis that are still in force, in order to ensure the enjoyment**

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\* Adopted by the Committee at its sixty-fourth session (24 September–12 October 2018).



of economic, social and cultural rights. In particular, the Committee recommends that the State party:

(a) Conduct a prior assessment of the impact that any measures to address the financial crisis may have on economic, social and cultural rights, in order to ensure that they do not have disproportionate effects on disadvantaged groups;

(b) Strengthen budget planning and execution in order to avoid the underutilization of resources;

(c) Preserve budget lines related to social investment in the most disadvantaged groups and facilitate the effective and sustainable implementation of public policies to safeguard their economic, social and cultural rights;

(d) Adopt and implement the national budget while making every effort to avoid retrogressive measures, and ensure that the budget reflects a human rights and gender-sensitive approach;

(e) Bear in mind that retrogressive measures are compatible with the Covenant only if they are necessary and proportionate, in the sense that the adoption of any other policy or failure to act would be more detrimental to economic, social and cultural rights; they must have been discussed with the affected populations and subjected to an independent review; they should remain in place only insofar as they are necessary; they should not result in discrimination; they should mitigate inequalities that can grow in times of crisis and ensure that the rights of disadvantaged and marginalized individuals and groups are not disproportionately affected; and they should not affect the minimum core content of the rights protected under the Covenant (open letter dated 16 May 2012 addressed to States parties in relation to economic, social and cultural rights in the context of the economic and financial crisis).

#### **Institutional framework for social policy**

7. The Committee notes with concern that key ministries for the implementation of Covenant rights have been downgraded to the rank of State secretariat within other ministries, with a loss of their autonomy and their role in the design and implementation of public policies (art. 2 (1)).

8. **The Committee recommends that the State party ensure that these secretariats have decision-making and functional autonomy, and that their budgets are maintained and, where necessary, increased, particularly in the areas of health, employment and the environment.**

#### **Vacancy in the post of Ombudsman**

9. The Committee regrets that the vacancy in the post of Ombudsman, an official with key responsibility for economic, social and cultural rights, has not been filled despite the Committee's recommendation to that effect in 2011 (E/C.12/ARG/CO/3, para. 7) (art. 2 (1)).

10. **The Committee recommends that the State party activate the selection mechanism and proceed with the appointment of the Ombudsman, giving due consideration to the recommendations issued in 2017 by the Sub-Committee of the Global Alliance of National Human Rights Institutions, including the formalization of a clear, transparent and participatory selection and appointment process and the continued practice of interpreting its mandate broadly, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).**

#### **Statistical data**

11. While noting that the normalization of the National Statistics and Census Institute has improved the reliability of data, the Committee is concerned that the State party does not have a national statistical system that produces reliable, disaggregated data, which are

necessary in order to monitor the progressive realization of Covenant rights (art. 2 (1) and (2)).

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

(a) **Create a new institutional architecture for the national statistical system to enhance the technical independence of the State party's statistical agency;**

(b) **Expand and coordinate the generation of statistics at the provincial level with a view to the disaggregated, gender-sensitive measurement of the implementation of Covenant rights;**

(c) **Ensure that the National Statistics and Census Institute works in cooperation with all stakeholders in designing the questionnaires for the next census, to be conducted in 2020, especially with regard to the identification of indigenous peoples, persons of African descent and members of the Roma population, among others;**

(d) **Make further progress in harmonizing, interlinking and integrating databases, define access protocols and improve regular household surveys and censuses, inter alia by enhancing the disaggregation of data and expanding territorial coverage.**

**Climate change and extraterritorial obligations**

13. The Committee expresses concern about plans for large-scale exploitation of unconventional fossil fuels (shale gas and shale oil) through hydraulic fracturing in the Vaca Muerta region of Neuquén Province, given that exploiting all of the country's shale gas reserves through hydraulic fracturing would consume a significant percentage of the entire global carbon budget for achieving the 1.5°C target laid down in the Paris Agreement on climate change. The Committee is concerned that this hydraulic fracturing plan runs counter to the State party's commitments under the Paris Agreement and would have a negative impact on global warming and on the enjoyment of economic and social rights by the world's population and future generations (arts. 1 (1) and 2 (1)).

**14. The Committee recommends that the State party reconsider the large-scale exploitation of unconventional fossil fuels through hydraulic fracturing in the Vaca Muerta region, in order to ensure compliance with its obligations under the Covenant, in the light of the Paris Agreement commitments. It also encourages the State party to promote alternative and renewable energy sources, reduce greenhouse gas emissions and set national targets with time-bound benchmarks.**

**15. In this connection, the Committee draws the State party's attention to its statement of 8 October 2018 on climate change and the International Covenant on Economic, Social and Cultural Rights.**

**Human rights defenders and social protest**

16. While acknowledging the State party's efforts to ensure that its policy and institutional framework allows for social protest, the Committee is concerned at reports of a number of cases of threats and violence in recent years against defenders of the human rights of indigenous peoples, communities of African descent and lesbian, gay, bisexual, transgender and intersex persons, and at the trend towards violent confrontation and criminalization of persons who seek the restitution of indigenous territories (art. 2 (1)).

**17. The Committee recommends that the State party adopt a comprehensive policy for the protection of human and environmental rights defenders, including actions to prevent attacks against them. In addition, the Committee recommends that the State party combat impunity in such cases by investigating threats, harassment, intimidation and violence and ensuring that perpetrators are punished. In particular, the Committee urges the State party to move forward with investigations of State agents identified as bearing responsibility for acts of violence against indigenous communities. The Committee reminds the State party of its statement of 29 March 2017 on human rights defenders and economic, social and cultural rights.**

**Indigenous peoples and territories**

18. The Committee is concerned at the lack of full compliance with the results of the land survey of indigenous communities, the demarcation of their territories and the prohibition of evictions from indigenous community lands under Act No. 26160. The Committee is also concerned that to date no mechanisms have been established for the titling of land traditionally occupied by indigenous peoples. Finally, the Committee is deeply concerned to note that more than 120,000 hectares, many of which are in protected forests, were cleared in 2017 despite complaints from indigenous communities (art. 1 (2)).

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

(a) **Ensure the full and coordinated implementation of Acts Nos. 26160, 26554, 26894 and 27400 at both the national and provincial levels, complete the demarcation processes in all provinces and grant community land titles to indigenous communities;**

(b) **Undertake a participatory assessment, together with indigenous peoples, of the risk of impact on their economic, social and cultural rights, particularly the right to health, before authorizing the exploitation of natural resources;**

(c) **Ensure that the National Institute of Indigenous Affairs has its own budget and adequate human resources to complete the land survey of indigenous communities;**

(d) **Expedite the demarcation of indigenous territories in the Great Reserve of El Impenetrable in Chaco Province, ensuring the recognition of indigenous organizations, and ensure the relocation of Creole families in the case of the Lhaka Honat community.**

**Right to be consulted and to free, prior and informed consent**

20. The Committee is concerned about the repeated violation of the right of indigenous peoples to be consulted and to free, prior and informed consent, particularly in relation to extractive activities taking place in the Provinces of Jujuy, Salta, Neuquén and Chubut, and about the lack of information on reparations awarded to communities whose rights have been infringed (art. 1 (1) and (2)).

21. **The Committee recommends that the State party ensure that indigenous peoples are systematically consulted for the purpose of obtaining their free, prior and informed consent at the national and provincial levels before concessions are granted to State-owned companies or third parties for the economic exploitation of the lands and territories traditionally occupied by those peoples. In particular, the Committee recommends that, for the implementation of the right to be consulted and to free, prior and informed consent, the State party use the protocols drawn up and agreed upon with indigenous peoples, in order to ensure that factors specific to each people and each case are taken into account.**

**Fiscal policy and inequality**

22. The Committee is concerned about the high degree of social inequality in the State party, which hampers the enjoyment of Covenant rights. It is also concerned to note that certain tax measures, including the reduction of the tax burden for high-income social groups and the maintenance of unwarranted tax exemptions, have reduced the redistributive capacity of the tax system and limited the capacity to collect sufficient resources to guarantee economic, social and cultural rights (art. 2 (1) and (2)).

23. **The Committee recommends that the State party take the necessary measures not only to preserve the redistributive capacity of the tax system but also to strengthen it, including the possibility of reviewing the reduction of the tax burden on high-income sectors. The Committee also recommends that the State party carry out a transparent assessment of the various tax exemptions in order to identify their benefits and impacts and to allow for public scrutiny to determine which ones are not justified and should be eliminated.**

### **Non-discrimination**

24. While acknowledging the adoption of the National Plan against Discrimination, the Committee is concerned about its effective implementation and impact and about public officials' lack of awareness of the right to non-discrimination. The Committee also finds it regrettable that the quota for the hiring of transsexual persons in the public sector of the Province of Buenos Aires has not been met (art. 2 (2)).

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

(a) **Effectively implement the 2005 National Plan against Discrimination and revise it to include new goals and strategies, with the participation of the groups concerned, in accordance with general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights;**

(b) **Pay special attention to the needs and interests of groups that experience multiple discrimination and implement coordinated policies to address it;**

(c) **Strengthen the training of public officials of the different State authorities and different jurisdictions with regard to gender and indigenous peoples' rights;**

(d) **Enact regulations for Act No. 14783, adopted in September 2015 in the Province of Buenos Aires, which provides that the public sector of the Province of Buenos Aires must employ, in a proportion not less than 1 per cent of its entire staff, suitably qualified transvestite, transsexual and transgender persons;**

(e) **Strengthen the capacity of the National Institute to Combat Discrimination, Xenophobia and Racism, especially in the provinces, to monitor and combat all forms of discrimination, including cyberbullying;**

(f) **Provide sufficient financial and human resources for the full implementation of the Gender Identity Act.**

### **Migrants**

26. The Committee is concerned about barriers to migrants' regularization and access to social services. The Committee is also concerned about the negative impact of requiring a long period of legal residence in the country as a condition for access to social protection, as this represents an obstacle to the local integration of refugees and asylum seekers (art. 2 (2)).

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

(a) **Remove legal and administrative barriers to migrants' access to coverage under social policies and facilitate the regularization of migrants' status, including by relaxing the legal residence requirement for access to the Universal Child Allowance;**

(b) **Ensure that humanitarian assistance is provided to migrants in situations of vulnerability.**

### **Gender equality**

28. The Committee is concerned about the low workforce participation rate among women, who take responsibility for unpaid care work within the family in the State party. The Committee is concerned that the uneven gains made in different social sectors and different parts of the country towards the universal provision of social services and infrastructure for the care of children and older persons is having a negative impact on gender equality and on the workforce participation of women, especially lower-income women. The Committee is likewise concerned about the low representation of women in high-level positions in a number of sectors, particularly the justice system and the private sector (art. 3).

29. **The Committee recommends that the State party strengthen legislative provisions and public policies by assigning dedicated budgets aimed at achieving equality of rights between men and women, including:**

(a) **Strengthening and expanding a comprehensive public care system that eliminates social and geographical divides through the effective implementation of the Equal Opportunities Plan, and more actively promoting policies for reconciling work and family life for both men and women;**

(b) **Adopting and implementing effective measures, including temporary measures, at the national, provincial and municipal levels to combat social stereotypes that are detrimental to women.**

30. **The Committee draws the State party's attention to its general comment No. 16 (2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.**

#### **Unemployment**

31. The Committee is concerned about the increase in unemployment over the past five years and the alarming increase in unemployment rates in the first quarter of 2018, which have had a disproportionate impact on disadvantaged groups, in particular young people, women and residents of rural areas. The Committee is also concerned at the serious constraints and barriers that impede rural women's access to formal employment and relegate them to unstable and temporary jobs (arts. 6 and 7).

32. **The Committee recommends that the State party adopt specific measures to reduce unemployment while protecting existing jobs, placing special emphasis on women, young people and residents of rural areas. The Committee also recommends that the State party continue to evaluate the impact of structural adjustment measures on employment, especially among disadvantaged groups. The Committee refers the State party to its general comment No. 18 (2005) on the right to work.**

#### **Freedom of association**

33. The Committee is concerned at the restrictions on freedom of association in the State party that have resulted from the reduction in the registration of unions and acts of interference by public authorities with respect to workers in the education sector, agricultural workers, public employees and transport workers in terms of the election of union leaders, collective bargaining rights, access to funding and acts of intimidation, in particular the disproportionate use of fines (art. 8).

34. **The Committee recommends that the State party guarantee the right to form and register unions and the principle of non-interference in the internal processes of trade unions. The Committee urges the State party to protect persons involved in trade union activities and to prevent and punish all forms of reprisal. The Committee also urges the State party to ensure the effective implementation of the rights to collective bargaining and trade union representation.**

#### **Informal sector of the economy**

35. The Committee is concerned to note that a significant number of persons work in the informal sector of the economy in the State party and are not properly protected by labour laws and, in particular, cannot exercise their right to social security (arts. 7 and 8).

36. **The Committee recommends that the State party take all necessary measures to progressively reduce the number of workers in the informal sector of the economy, to bring those workers into the formal sector and to ensure that they are covered by labour laws and have access to social protection.**

#### **Right to social security**

37. The Committee is particularly concerned at the negative impact that the Social Benefits Reform Act (No. 27426 of 2017) has had on the updating of retirement benefits

and family allowances in the State party. The Committee is also concerned about the mass suspension of non-contributory pensions for persons with disabilities, without proper guarantees of due process (art. 9).

38. **The Committee recommends that the pensions that were cancelled without due process be reinstated through the suspension of Decree No. 432/97. The Committee recommends that the impact of the ineligibility criteria be assessed and that a reasonable time frame be established within which the persons affected can lodge an appeal with guarantees of due process. The Committee also urges the State party to reinstate the adjustment formula specified in Act No. 27160 and to ensure that all future measures concerning pensions comply with the principle of non-retrogression in the beneficiaries' enjoyment of economic, social and cultural rights, in particular with regard to non-contributory pensions and disability pensions. Lastly, the Committee urges the State party to strengthen other social measures, such as the Universal Child Allowance, which benefit 59 per cent of the rural population.**

#### **Violence against women**

39. Despite the addition of a definition of femicide to the Criminal Code in 2012, the implementation of a law on the elimination of violence against women and the establishment, within the Public Prosecution Service, of a prosecution unit specializing in cases involving violence against women, the Committee is concerned about the seriousness of violence against women and girls, with 251 femicides in 2017 (art. 10).

40. **The Committee urges the State party to:**

(a) **Adapt the judicial system to the needs of victims of gender-based violence;**

(b) **Establish specific budget lines with sufficient resources for the implementation of free specialized legal aid for women throughout the country;**

(c) **Step up measures to ensure that acts of violence and breaches of protection orders are fully investigated and punished and that full reparation is awarded to victims;**

(d) **Ensure that women are fully protected, including through the establishment of shelters and safe houses that provide suitable accommodation for women victims and their children;**

(e) **Increase the transfer of resources and economic and social benefits for women victims and their children;**

(f) **Intensify efforts to develop an information system that provides evidence concerning children and adolescents in need of special protection, with disaggregated and up-to-date information on their situation.**

#### **Trafficking in women**

41. The Committee is concerned to note that most of the State party's mechanisms for combating trafficking in women are geared towards emergency care and there are no programmes of sustained medium- or long-term assistance for victims. The Committee is also concerned about obstacles to access to justice and to an effective remedy, as well as the limited number of cases in which those who bear the greatest responsibility for these offences have been convicted, while sentences have been imposed on persons who bear less responsibility or, in many cases, are even victims (art. 10).

42. **The Committee recommends that the State party strengthen public policies for the prevention and punishment of trafficking in persons, including the identification of victims, comprehensive assistance, protection, reintegration and full restoration of rights. The Committee also recommends that the principle of exemption from criminal liability be respected and that, accordingly, victims of trafficking in persons not be detained or prosecuted.**

### Poverty

43. The Committee is concerned about structural poverty, which remains at a floor of 25–30 per cent of the population, a proportion that is unacceptable for a country with the State party's level of development, with pockets of hard-core poverty unevenly distributed in the territory and concentrated in greater Buenos Aires and in the north of the country. The Committee is deeply concerned to note that more than 5 million children and adolescents are living in poverty and that currency devaluation and inflation have had an adverse impact on poverty and inequality. The Committee is also concerned at the negative impact of the massive increases in the rates charged for basic services (water, gas, electricity, transport and medicine) on disadvantaged groups and the middle class, and at the fact that increases in the minimum wage and the Universal Child Allowance have not kept pace with inflation (art. 11).

**44. The Committee recommends that the State party adopt and implement a comprehensive, long-term poverty reduction strategy with specific, measurable targets and a human rights approach. The Committee also urges the State party to ensure the universal coverage of social programmes, protect benefits from the effects of inflation and remove administrative obstacles hindering access to such benefits. Lastly, the Committee urges the State party to adopt, in addition to the Federal Social Rate and other existing social programmes, further measures to control increases in the prices of these basic services and to subsidize their costs in order to make them affordable for all members of society, in particular the most disadvantaged groups.**

### Food

45. The Committee regrets the lack of express recognition and protection of the right to food in the Constitution, the failure to implement Act No. 27118, the budgetary and personnel reductions made in the family farming sector and the increase in the number of people who depend on school and community feeding programmes. The Committee is also concerned about the increasing incidence of overweight and obesity, the absence of State measures to reduce the consumption of sugary beverages and the lack of suitable regulations to restrict the advertising of unhealthy foods (art. 11).

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

**(a) Adopt a regulatory framework that expressly recognizes the right to food and steers public policies that ensure access to healthy, nutritious and sufficient food, especially for disadvantaged groups;**

**(b) Ensure the effective implementation of Act No. 27118 on family farming by promptly adopting relevant regulations and allocating an appropriate level of funding in all provinces;**

**(c) Take steps to strengthen security of land tenure for smallholder farming communities and indigenous peoples;**

**(d) Enhance the accessibility of school and community feeding programmes, and the quality of the food they provide, throughout the country;**

**(e) Strengthen the Universal Child Allowance and other social allowances, which are essential for ensuring the right to food for disadvantaged groups, especially in rural areas;**

**(f) Take effective measures to discourage the consumption of unhealthy foods and beverages, including an increase in the tax on sugary beverages, strengthening of regulations under the Argentine Food Code with regard to front-of-pack food labelling that includes information on sugar content, and restrictions on the advertising of unhealthy foods and beverages, especially those directed towards children.**

### Housing

47. The Committee is concerned about the increase in informal settlements without access to basic services, at a time of deep cuts in the budget for housing policies. The



Committee is concerned to note that there are more than 4,000 informal settlements in the State party and that over 10 per cent of households have no running water and over 30 per cent have no sewerage services. The Committee is also concerned to note that there is still an inappropriate regulatory framework in place for evictions and that there are documented allegations of evictions enforced with violence, in the absence of relevant protocols for law enforcement. Lastly, the Committee is concerned about the adverse impact that speculation in land, real estate and construction has had on housing accessibility and affordability (art. 11).

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

(a) **Adopt a regulatory and institutional framework concerning evictions, including protocols for public intervention, and amend the existing regressive policy frameworks on eviction, in particular bill No. S899/16 and Acts Nos. 24441 and 17091, as well as Executive Decree No. 103/2017;**

(b) **Implement solutions that are commensurate with the magnitude of the country's housing problem, while scaling up and improving the evaluation of public policies, including the production of complete and up-to-date public information on access to housing and data on evictions;**

(c) **Carry out an impact study on land speculation for use as a basis for measures to control it in order to ensure that housing is affordable for disadvantaged sectors;**

(d) **Strengthen measures to make available urban lots that are well situated for social housing developments.**

#### **Health**

49. The Committee is concerned about the deterioration of the health infrastructure in certain regions of the State party, which could worsen if further cuts are made in health budgets, and the possible weakening of the national Government's supervisory role as a result of the downgrading of the Ministry of Health to a State secretariat (art. 12).

50. **The Committee recommends that the State party improve health services and ensure equal access to quality health services. The Committee also urges the State party to provide the new Secretariat of Health with the necessary degree of autonomy and sufficient human, technical and financial resources, in order to ensure proper promotion and supervision of the implementation of health policies.**

#### **Health and tobacco use**

51. The Committee is also concerned about the negative health impact of the high rate of tobacco use, the insufficient level of tobacco taxes and the weak regulations on advertising campaigns (art. 12).

52. **The Committee recommends that the State party adopt measures for the prevention of tobacco use, in particular a ban on advertising, an increase in the tobacco tax to a level sufficient to have a deterrent effect on tobacco use and measures to spread information on the negative effects of tobacco on health, with an emphasis on the protection of children and young people. The Committee also urges the State party to ratify the World Health Organization (WHO) Framework Convention on Tobacco Control and to bring domestic regulations on the advertising of tobacco products into compliance with the standards laid down in that Convention.**

#### **Mental health**

53. The Committee notes that, on the basis of the National Mental Health Act (2010), the State party undertook to transform the mental health system and to close asylums by 2020. The Committee is nonetheless concerned to note that confinement in psychiatric institutions continues to be the State party's primary response in the field of mental health. The Committee is also concerned about the living conditions of persons placed in these institutions and the very sharp cuts in the budget allocated to the National Mental Health

and Addictions Directorate, in breach of the guideline set by the National Mental Health Act (10 per cent of health expenditure) (art. 12).

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

(a) **Take measures to prevent and address acts of ill-treatment in all mental health facilities;**

(b) **Ensure compliance throughout the country with Mental Health Review Board decision No. 15/14 on deaths in dedicated mental health institutions and Board decision No. 17/14 on the non-use of electroshock;**

(c) **Ensure that treatment is administered on the basis of free and informed consent;**

(d) **Promote specialized technical defence services nationwide for persons who are institutionalized involuntarily;**

(e) **Complete, by 2020, the replacement of the system of public and private psychiatric institutions with a comprehensive, integrated, interdisciplinary system of community-based mental health services, pursuant to the National Mental Health Plan;**

(f) **Promote the treatment of children and adolescents by community mental health services, giving priority to outpatient care at home in the area where they have family ties and restricting institutionalization;**

(g) **Strengthen the network of community services and the opening of mental health services in general hospitals, in order to implement the provisions of article 28 of Act No. 26657 and the National Mental Health Plan.**

#### **Sexual and reproductive rights**

55. The Committee is concerned about the high number of unsafe abortions in the State party, which is directly linked to maternal mortality; the obstacles that women encounter when they seek abortion on the grounds provided for by law; the lack of necessary medications; and the adverse impact of conscientious objection by doctors. The Committee also regrets that the bill to decriminalize abortion was not adopted. Finally, the Committee is concerned about the lack of a policy and institutional framework for ensuring that appropriate health services are available to intersex persons (art. 12).

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

(a) **Adopt effective measures for the implementation, in all provinces, of the 2012 Supreme Court decision<sup>1</sup> on legal abortion, and ensure that all provinces adopt protocols for providing effective access and comprehensive care to girls and women who obtain abortions in the cases provided for under existing law, in accordance with that decision;**

(b) **Ensure access to medications for safe abortion, including misoprostol and mifepristone;**

(c) **Establish the necessary legal framework and services to ensure access to abortion in the cases provided for under existing law, with a view to decreasing the number of avoidable maternal deaths, and guarantee access to health-care facilities, supplies and services to meet pre- and post-abortion health-care needs;**

(d) **Ensure the ongoing supply of short- and long-term contraceptives throughout the national territory, ensuring their accessibility and effective use; improve preventive care; and provide early prenatal care and prenatal monitoring with an intercultural approach, strengthening the joint hospital discharge strategy for high-risk newborns;**

<sup>1</sup> *F.A.L. s/medida autosatisfactiva* (Supreme Court, *Fallos*, 335:197).

(e) **Take proactive measures to ensure that laws, regulations and practices concerning conscientious objection, on the part of medical personnel, to performing or assisting in the performance of legal abortions do not obstruct prompt and effective access to abortion and that all persons who seek access to abortion services are treated in a professional manner and with respect for their human dignity;**

(f) **Take all necessary measures to liberalize the conditions for legal abortion and, in any case, ensure that women who obtain abortions are never criminalized;**

(g) **Adopt a policy and institutional framework for ensuring that appropriate health services are available to intersex persons.**

#### **Mining and the environment**

57. The Committee is concerned about the negative impact that the use of specific methods of unconventional oil and gas exploitation, such as hydraulic fracturing, may have on the environment, water, health and the risk of earthquakes, and about the fact that the local impact of these forms of exploitation has not been adequately assessed and the local populations have not been duly consulted (arts. 11 and 12).

58. **The Committee recommends that the State party adopt a regulatory framework for hydraulic fracturing, including impact assessments in all provinces, preceded by consultations with the communities concerned, and appropriate documentation of its effects on air and water pollution, radioactive emissions, occupational health and safety risks, effects on public health, noise and light pollution and stress, potential to trigger seismic activity, and threats to agriculture, soil quality and the climate system.**

#### **Agriculture, healthy environment and health**

59. The Committee is deeply concerned about the increased use of pesticides and herbicides that contain glyphosate, despite the serious adverse effects that many of them have on human health and the environment, especially glyphosate, which the World Health Organization's International Agency for Research on Cancer has identified as a probable carcinogen (art. 12).

60. **The Committee recommends that the State party adopt a regulatory framework that includes the application of the precautionary principle with regard to the use of harmful pesticides and herbicides, in particular those that contain glyphosate, in order to avoid the negative health impacts and environmental degradation that can result from their use. The Committee refers the State party to its general comment No. 14 (2000) on the right to the highest attainable standard of health.**

#### **Education**

61. The Committee takes note of the State party's plans and policies in the field of education and of its commitment to earmark 6 per cent of gross domestic product (GDP) for social expenditure on education. The Committee is nonetheless concerned about possible cuts in social expenditure on education in the context of structural adjustment measures. It is also concerned at the high level of the school dropout rate; the limited coverage of early childhood education and the sharp disparities in coverage between different regions and different income groups; the lack of information on access to education for persons with disabilities; and the inadequate implementation of the comprehensive sex education programme. Another source of concern is the lack of data on intercultural bilingual education (arts. 14 and 15).

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

(a) **Increase social expenditure on education in accordance with the commitments agreed upon in the Purmamarca Declaration (6 per cent of GDP) in order to ensure universal and equal access to early, primary and secondary education;**

(b) **Develop a comprehensive public education policy that guarantees the right to inclusive education and provides for the production and publication of data on the participation of persons with disabilities in education;**

(c) **Strengthen policies to prevent students from dropping out of school, including measures such as an education grant programme and a system of online monitoring and services for students, among others;**

(d) **Adopt and implement a policy of intercultural bilingual education for all indigenous communities;**

(e) **Ensure that human rights education is imparted in schools at all levels and in universities, and that it covers economic, social and cultural rights.**

#### **Cultural rights**

63. The Committee is concerned about the preservation of indigenous languages in the State party, as this has direct and irreversible implications for the exercise of cultural rights by indigenous peoples. The Committee is also concerned about the population's lack of involvement in the management of world cultural heritage sites in the State party. Lastly, the Committee is concerned about the high concentration of media outlets in the hands of a few, as this limits pluralism and hampers the access of disadvantaged groups and indigenous peoples to licences and financing for the development of audiovisual media (art. 15).

64. **The Committee recommends that the State party adopt the necessary measures to ensure the preservation and use of all indigenous languages. The Committee also recommends that the State party strengthen the policy and institutional framework for the management of world cultural heritage sites, including by providing for full participation by the population. Lastly, the Committee recommends that the State party strengthen the access of disadvantaged groups to communication media, and in particular that it ensure that indigenous peoples have access to audiovisual services, especially community radio, through the effective implementation of the relevant provisions of Act No. 26522 on audiovisual communication services, and that it ensure that any future legal provisions on the media make provision for such access.**

#### **D. Other recommendations**

65. **The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, with international assistance and cooperation when needed. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party's establishing independent mechanisms to monitor progress and treating beneficiaries of public programmes as rights holders who can claim entitlements. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind.**

66. **The Committee recommends that the State party take steps to progressively develop and apply appropriate indicators on the implementation of economic, social and cultural rights in order to facilitate the assessment of progress achieved by the State party in complying with its obligations under the Covenant for various segments of the population. In that context, the Committee refers the State party to, inter alia, the conceptual and methodological framework on human rights indicators developed by the Office of the United Nations High Commissioner for Human Rights (HRI/MC/2008/3).**

67. **The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including at the federal, regional and territorial levels, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee encourages the State party**

**to engage with non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.**

**68. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 6 (a) and (e) (austerity measures), 19 (a) (indigenous territories) and 56 (a) (protocols for legal abortion) above.**

**69. The Committee requests the State party to submit its fifth periodic report, to be prepared in accordance with the reporting guidelines adopted by the Committee in 2008 (E/C.12/2008/2), by 31 October 2023.**

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