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*Q&A with Mariela Belski, executive director of Amnesty International Argentina*



Credit: Demián Marchi from Amnistía Internacional Argentina

**Q:** On August 8, the Argentine Senate [rejected](#) legislation that would have legalized abortion, after the bill narrowly passed in the Lower House a month earlier. What happened? Given societal changes, is the legalization of abortion in Argentina inevitable?

**A:** Without a doubt, this outcome demonstrates the strength of the church and the pro-life religious institutions in our country, and their organization and resources. Clearly, the church, and those legislators in the Lower House aligned with the church, did not expect the bill to pass. This explains the lack of activism that the church in its diverse shapes organized before the passage of the bill in the Lower House. For the debate in the Senate, *these groups mobilized overwhelmingly*. There are clear examples, the outcome being one of them. With the motto, “Let’s save the two lives,” their mass marketing succeeded, especially in the Cuyo region and in the north of the country.

Unfortunately, their actions and strategies were highly questionable. Incorrect information was disseminated by experts who testified during the Senate debate, and by journalists, actors and actresses on social media, and in church homilies across the country. Likewise, inside the ruling party, individuals such as the vice president, the Senate president and even the Buenos Aires governor strongly opposed legalizing abortion. The vice president said publicly that she opposed abortion even in cases of rape – a right for women in Argentina since 1921.

Nevertheless, abortion is now an item on the agenda that no candidate can ignore. One of the most interesting aspects in this process was how Argentine youth embraced abortion as their own cause. Young people voting in the future will consider a candidate's position on abortion. *The debate also revealed the need to push for a secular state*, in which the church has less influence in public debates and in private lives, such as decisions involving one's body and education.

**Q: From a regional perspective, only Uruguay and Cuba allow abortions, but these are small countries. What are the implications of Argentina's decision to reject legalization for other Latin American countries, such as Chile and Brazil? Did the Argentine vote provide a justification for other countries to put off debating this issue?**

**A:** Quite the opposite. The Argentine experience – with the abortion debate shifting from invisibility to being openly debated in the streets, parks and schools – has blown off the lid. This is difficult to reverse. Despite the bill's defeat in congress, it catalyzed action throughout the region. The colored handkerchief is increasingly seen as a potent symbol for abortion rights, and *separation between church and state has been identified as an urgent call*. Chile has come to the forefront; after the Argentine debate, lawmakers in Valparaíso promoted legislation to legalize abortion. Meanwhile, pro-choice demonstrators wearing handkerchiefs organized “*pañuelazos*” in Brazil and Peru, reflecting not only newfound awareness of the issue, but also better coordination between women's movements.

**Q: Before the Senate vote in Argentina, women's rights activists wore outfits from “The Handmaid's Tale,” symbolizing a dystopian future where women are stripped of their liberties. How much of a setback was the outcome of the Senate debate? What are the next steps for these activists? What is the state of women's rights in Argentina?**

**A:** The abortion debate came after the movements known as “Me Too” and “*Ni Una Menos*” (Not One Woman Less). The National Women's Strike, with the motto, “If our life is worthless, then produce without us,” also promoted women's issues – such as combatting gender-based violence – onto the national political agenda. Beginning in 2015, massive rallies demanded an end to violence against women. Gradually, reproductive rights began to be included in the *Ni Una Menos* agenda.

The rejection of the abortion legislation meant Argentina missed an historic chance to strengthen the rights of women and girls in a country where their only options to address an unwanted pregnancy are jail, clandestine abortions or death. *But the women's movement and its demands for a more egalitarian society have grown stronger through this experience.* It will continue to fight, using diverse strategies, so that abortion becomes legal in Argentina, preventing deaths from unsafe abortions.

One positive result of the abortion debate was a more informed society. An issue that was rarely addressed by the media has become a daily discussion topic. This has helped empower youth to fight for this cause. The debate also produced consensus on three important issues: criminal law should change so that women interrupting their pregnancies do not end up in jail; students need comprehensive sex education and access to contraception; and the country needs better public policies regarding contraception.

**Q: President Mauricio Macri recently announced the restructuring of the Argentine military, including a greater military presence at the northern border to fight human and drug trafficking. This was a controversial decision, due to the legacy of military intervention in the country's politics and human rights abuses. Is Amnesty International concerned about these changes to the mission of Argentina's armed forces?**

**A:** Amnesty International is concerned about the changes introduced by Executive Decree (*Decreto Presidencial*) Number 683 to the Argentine armed forces, which would permit involvement in domestic public safety responsibilities. *The decree is often vague, and endangers human rights.*

The president repealed Executive Decree Number 1691, which established a clear difference between the core mission of the armed forces and secondary missions, such as internal security support tasks. The reform reinterprets “external aggression,” enabling the use of the armed forces in situations such as terrorism and drug trafficking, and potentially authorizing military intervention in other public security issues. For that reason, Amnesty called on the authorities to define clearly the responsibilities of the armed forces, and provide assurances that their actions do not jeopardize human rights.

Indeed, the regional experience shows the risks of these kinds of military interventions. At Amnesty, we have documented the use of the armed forces to carry out public security tasks in various countries, especially in combatting illegal drugs. The involvement of the armed forces in public security tasks, as well as the use of militarized equipment and strategies by the police, have resulted in the increased use of lethal force and a significant rise in reported human rights violations, including extrajudicial killings. In Mexico, for example, since the inception of the so-called “war against organized crime” in 2006, the armed forces have been extensively deployed to carry out public security tasks. *This resulted in major human*

*rights violations, including torture, forced disappearances and extrajudicial killings.* Moreover, this strategy has not helped reduce crime; on the contrary, in 2017, Mexico recorded its highest homicide rate in a decade. Amnesty has also criticized the role that the Brazilian armed forces are playing in public security, especially after the federal intervention in Rio de Janeiro.

According to international human rights standards, the use of the armed forces to carry out police tasks, including counter-narcotics operations, should be limited to circumstances in which it is impossible to depend upon civil authorities to maintain order. In those circumstances, governments must ensure that domestic military operations comply with international human rights standards on the use of the force, and adopt mechanisms to ensure that when soldiers are deployed, they operate under the command of civil authorities. These troops should also receive the necessary instruction, training and equipment.

**Q: The U.S. Department of State’s Human Rights Reports on Argentina have consistently noted complains of torture and mistreatment by law enforcement officers during arrests or confinement. What should be done to address concerns about heavy-handed policing in Argentina?**

**A:** Torture and mistreatment are widespread in the country’s jails. These illegal methods are deeply rooted in the routines of the security forces, and in the penitentiaries.

For many years, Amnesty has received reports of torture and mistreatment in prisons and detention centers, and during arrests, yet investigations rarely occur. The electric prod, waterboarding and dry submarine continue to be used as torture methods. Special mention must be made of the use of isolation as a generalized punishment in Argentina, and the transfer to cells lacking basic services, known as “*buzones*.” At Amnesty, we have supported local organizations in denouncing this misconduct at detention centers throughout the country, and documenting cases of impunity in the torture of detainees.

**Q: The State Department has also noted the high percentage of inmates in Buenos Aires prisons that are in pre-trial confinement, or awaiting a final sentence – a result of an overburdened justice system. How can Argentina guarantee better treatment of criminal suspects?**

**A:** In Argentina, *almost half of the people deprived of their liberty do not have a final sentence*, and the percentage is even higher in Buenos Aires Province. Official figures show that by late 2016, the prison population was 76,261, excluding individuals detained in police stations, institutions for juvenile prisoners, or other non-penitentiary detention centers, and individuals under house arrest.

International bodies, such as the United Nations and the Inter-American Commission on Human Rights have visited Argentina and voiced concern

about the excessively long periods of pre-trial detention. Argentine law establishes a maximum period of two years for pre-trial detention, with the possibility of a one-year extension. But there are many cases in which this limit is not observed. This practice not only violates the rights of detainees, it also results in prison overcrowding, which negatively affects prison conditions.

**Q: In 2016, President Macri approved a law that imposed new restrictions on protestors, and gave security forces more authority to disrupt demonstrations. How does Amnesty view these reforms?**

**A:** Lately, the increase in social protests has brought about increased repression. Social movements are presented as a threat to society through a culture of demonization.

It is the government's responsibility to guarantee that social movements, and the freedom of assembly, are respected. Instead, *this demonization justifies public repression without political costs*. In the last thirty years of democracy, we have seen various forms of protest. Social mobilization should never be condemnable; it is part of the democratic game.

However, in 2016, the Ministry of Security issued an "Action Protocol for State Security in Public Demonstrations," which imposed excessive and disproportionate restrictions to the rights of freedom of expression and peaceful assembly that are set out in international human rights laws. The protocol sought to criminalize individuals for peacefully exercising their right to demonstrate. Subsequently, Amnesty has received reports of violent repression of peaceful demonstrators, including indiscriminate detentions during an International Women's Day protest in 2017, and during a march by teachers the same year.

Argentina has international commitments that it cannot ignore. *Peaceful protest in Argentina is under threat*. The power of the street is a crucial check on the power of the state. Argentine authorities must stop criminalizing protest, lift disproportionate restrictions on free assembly and expression, and guarantee the independence of the judiciary to ensure the protection of all human rights.

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