

Reproductive Rights, Human Rights & Abortion

Diplomatura Litigio Estratégico Feminista
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<https://www.law.utoronto.ca/programs-centres/programs/irshl-reproductive-and-sexual-health-law>

Dedicated to Juan Mendez,

An unwavering human rights defender who demonstrated that the denial of reproductive rights can constitute a violation of freedom from torture

How did reproductive health law evolve in Argentina?

Morality to Democracy

Crime & Punishment to Health & Welfare

Health & Welfare to Reproductive Rights/Justice

Reproductive Health Contexts:

What are the challenges in Argentina in the delivery of reproductive health services?

- Clinical care
- Health Systems
- Determinants of Reproductive Health

1. Clinical Care

- Confidentiality
- Provider's regulation
- Access to information

2. Health Systems

- Their Evolving Nature
 - Indicators
 - AAAQ

3. Determinants of Reproductive Health

- Social
- Economic
- Legal

How have reproductive rights evolved in Argentina?

- National, Regional & International Treaties and Policies
 - Duties to Implement Rights
 - Permissible Limitations on Rights

How did abortion law evolve in Argentina and in the world?

- Criminalizing Abortion (women, sex and the fetus)
- Constitutionalizing Abortion (public health, autonomy and equality)
 - Regulating Abortion

Which human rights ground the right to abortion in argentina?

- Life
- Autonomy & Self-Determination
 - Health & Scientific Progress
 - Freedom from Torture & CIDT
 - Freedom of conscience
- Non-Discrimination & Equality

How has the right to non-discrimination and equality been applied in Argentina in reproductive justice cases?

- Discrimination – grounds/wrongs
 - Intersectional Discrimination
 - Systemic Discrimination

What prejudices and stereotypes have shaped reproductive justice in Argentina?

- Women as lacking decision-making capacity
 - Motherhood as women's natural destiny
 - Women as reproductive instruments
 - Distrust of women's word
 - Disability-based paternalism
- Abortion as immorality, not healthcare

What about adolescents SRHR?

- Why it Matters
- Regional cases
- Argentinian law

1. Why Adolescent Access Matters

- High rates of unsafe abortion
 - Adolescent pregnancy
- Requirements of parental consent

2. Regional cases

- . HRC: 2005, 2011, 2025
 - . CEDAW: 2011
 - . CRC: 2023

3. Argentinian Abortion Law on Adolescents

- Progressive autonomy
- Relational autonomy
 - Right to be Heard

Bibliography - Scholarship

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- Comité de Derechos Económicos, Sociales y Culturales de la ONU. [Observación general núm. 22 \(2016\), relativa al derecho a la salud sexual y reproductiva \(artículo 12 del Pacto Internacional de Derechos Económicos, Sociales y Culturales\)](#). Doc. ONU E/C.12/GC/22. Well, that brings us to the end of the class we prepared with Rebecca. We've put together a bibliography with all the
- Cook, Rebecca J. [“Advancing reproductive equality through anti-discrimination law.”](#) *Denv. J. Int’l L. & Pol’y* 54 (2025): 93. papers, reports, and documents referenced throughout our
- Cook, Rebecca J., Bernard M. Dickens, and Mammooud F. Pathalla. [Salud reproductiva y derechos humanos e integración de la medicina, la ética y el derecho](#). Pro familia, 2003. Pp. 91-138. presentation, along with some additional materials we
- Cook, Rebecca J., y Simone Cusack. [Estereotipos de género: perspectivas jurídicas transnacionales](#). Filadelfia: University of Pennsylvania Press, 2010. e integrated for the exploration of the typical trend in Pro of this in the final slides for easy reference.
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- “[K.L. c. Perú.](#)” Comité de Derechos Humanos, Doc. ONU CCPR/C/85/D/1153/2003 (2005).
- “[L.C. c. Perú.](#)” Comité para la Eliminación de la Discriminación contra la Mujer, Doc. ONU CEDAW/C/50/D/22/2009 (2011).
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- “[Lucía c. Nicaragua.](#)” Comité de Derechos Humanos, Doc. ONU CCPR/C/142/D/3627/2019 (2025).
- “[Susana c. Nicaragua.](#)” Comité de Derechos Humanos, Doc. ONU CCPR/C/142/D/3626/2019 (2025).