

Request for Joint Intervention and Notification concerning the violation of the human right to public university education and setbacks in democratic governance in the Argentine Republic

June 9, 2026

To the United Nations Special Rapporteur on the independence of judges and lawyers, Ms. Margaret Satterthwaite; United Nations Special Rapporteur on extreme poverty and human rights, Ms. Elena Carolina Díaz Galán; United Nations Special Rapporteur on the right to development, Mr. Surya Deva; United Nations Special Rapporteur on freedom of peaceful assembly and of association, Ms. Gina Romero; United Nations Special Rapporteur on the right to food, Ms. Sofía Monsalve Suárez; and the United Nations Independent Expert on the effects of foreign debt, Ms. Attiya Waris,

On behalf of the International Network for Economic, Social and Cultural Rights (ESCR-Net)¹, together with the Asociación Civil por la Igualdad y la Justicia (ACIJ) and Centro de Estudios Legales y Sociales (CELS),² we are writing to bring to your attention the situation of serious regression in economic, social and cultural rights (ESCR) -particularly the right to higher education- within the context of severe institutional and democratic crisis that is currently undergoing in the Argentine Republic, where Congress' apportionments are ignored by the President and the authority of courts appears to be systematically undermined and challenged by Executive overreach -by using legal strategies to delay or suspend the enforcement of court orders-, while the judiciary seems either disinclined or powerless to restrain Executive overreach.

In the field of higher education, the Argentine government has been carrying out an unprecedented structural adjustment on the public university system, since taking office

¹ ESCR-Net is a network consisting of 360 members, including social and feminist movements, Indigenous Peoples, NGOs, and environmental and human rights defenders across 80 countries. For 20 years and counting, the Network continues to work towards social justice through human rights including the right to self-determination and ESCR.

² This submission has been prepared jointly with ACIJ and CELS, Argentina-based human rights organizations that are members of ESCR-Net's Strategic Litigation Working Group, and work on issues related to economic, social and cultural rights, fiscal justice, and the right to education. It also draws on the contributions made by the Universidad Nacional de Río Negro (UNRN) in its [submission](#) addressed to the Special Rapporteur on the right to education dated 11 May 2026. The submission was facilitated by ESCR-Net's Strategic Litigation Working Group Coordinator, Felipe Mesel. For further information on the submission, please contact him at fmesel@escr-net.org, and Misun Woo, ESCR-Net's Executive Director, at mwoo@escr-net.org

in 2023. The adjustment is affecting the salaries of university workers, the student scholarships that guarantee access and retention of low-income students, and the deterioration of the infrastructure necessary to sustain quality higher education.

In this context, the National Executive Branch has been systematically refusing to comply with the constitutional and legal framework governing higher education and its financing, weakening the rules of democratic governance and the principle of separation of powers, disregarding its international human rights obligations, and failing to comply with Law No. 27,795 on University Financing,³ which allocates additional resources for universities seeking to remedy some of the harmful effects caused by the current underfunding of the system.

I. Context

Historically, the Argentine Republic has established high standards for the recognition, respect, and protection of the right to higher education. Since the University Reform of 1918, which established university autonomy,⁴ and the enactment of Decree No. 29,337 in 1949, which recognized the gratuity of higher education, Argentina's public university system has served as a central vehicle for upward social mobility, equality of opportunity, the reduction of structural inequalities, national scientific development, and the strengthening of democratic life in the country.

The Argentine Constitution grants constitutional status to international human rights treaties recognizing the right to education under Article 75(22), including the ICESCR (Article 13), the Universal Declaration of Human Rights (Articles 26 and 27), and the American Declaration of the Rights and Duties of Man (Article XII).⁵ Domestic legislation has gone further in especially protecting public higher education as a human right. Higher Education Law No. 24,521 expressly incorporates the principles of gratuity and unrestricted access to national universities, thereby establishing one of the most advanced standards in the region regarding accessibility to higher education.

³ <https://servicios.infoleg.gob.ar/infolegInternet/anexos/415000-419999/419006/norma.htm>

⁴ Together with other principles that continue to govern the system to this day, such as financial autonomy, academic freedom, university co-governance, and secularism in public university education.

⁵ The Protocol of San Salvador, which holds supra-legal hierarchy in Argentina, also recognizes the right to education in its Article 13.

That historical framework is now undergoing an unprecedented crisis, since the inauguration of President Javier Milei in December 2023. The public university system has been severely affected by budgetary defunding, the inflationary erosion of allocated funds, the sustained loss of purchasing power of teaching and non-teaching workers' salaries, the insufficiency of student scholarship programs, and the absence of adequate State policies aimed at preserving the regular functioning of university institutions.

The university budget in force as of March 2026 reflects a 36.4% decrease in real terms compared to 2023, the last year prior to the inauguration of President Milei. This reduction takes place within the context of an even more severe overall adjustment affecting the budget of the Secretariat of Education -which encompasses universities- whose budget declined by 52.9% over the same period, reaching the equivalent of half its 2015 value.⁶ Between 2023 and 2025, the real execution of expenditures under the budget line "Development of Higher Education" fell by 29%, reaching its lowest level since 2006. Compared to 2023, and according to the budget approved for 2026, the reduction in university funding accounts for 4.4% of the total public spending cuts and 39% of the cuts to the Education and Culture function at the national level.⁷

For 2026, public funding for universities will amount to 0.431% of GDP, down from 0.718% in 2023. Given that the majority of this investment is allocated to salaries, this represents a 43.2% decrease in real terms compared to 2023.⁸ This decline places Argentina among the countries with the lowest levels of public financing for the university system relative to GDP in Latin America,⁹ despite the fact that Argentina possesses one of the most

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https://grupo-epc.com/informes/analisis-presupuestario-del-sncti-marzo-2026/#elementor-toc_heading-anchor-6

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https://acij.org.ar/wp-content/uploads/2026/05/Ley-de-Financiamiento-Universitario.pdf?utm_source=mailup&utm_medium=email&utm_campaign=general

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<https://centrocepa.com.ar/informes/757-financiamiento-de-la-educacion-universitaria-y-recomposicion-del-salario-docente>

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https://elpais.com/argentina/2026-05-17/las-universidades-exponen-el-doble-discurso-de-milei-no-hay-plata-para-educacion-pero-sobra-para-bajar-impuestos.html?utm_source=chatgpt.com

universalist legal frameworks in the region, imposing particularly demanding obligations on the State in terms of unrestricted access to higher education.¹⁰

I. a) The intervention of Congress

Following a wave of massive social mobilizations in defense of public university education,¹¹ in 2024, the Argentine National Congress enacted University Funding Law No. 27,757, aimed at restoring essential resources for the sustainability of the university system, strengthening student scholarship programs, and addressing the salary situation of university workers. Nevertheless, the National Executive Branch issued a full veto of Law No. 27,757 through Decree No. 879/2024, thereby preventing the law from entering into force.

Following significant public pressure through mass mobilizations, the Argentine National Congress insisted once again in 2025 and enacted Law No. 27,795 on University Education Funding and Salary Recovery, which ordered the Executive Branch to update university operating funds in accordance with inflation, restore teaching and non-teaching workers' salaries, strengthen student scholarship programs, and ensure the periodic convening of collective bargaining negotiations. The Executive Branch vetoed this new law as well through Decree No. 647/2025, but Congress rejected the veto by the constitutionally required supermajority. Thus, the result was that the law was ultimately approved and promulgated.

¹⁰ Nearly 80% of student enrollment in Argentina belongs to the public system, a figure that exceeds those of other countries in the region with strong public university systems, such as Mexico, where it is 65%, and Brazil, where it stands at 25%. See: <https://observatorioconurbano.unqs.edu.ar/?p=20016>

¹¹ At the time of submission of this brief, four federal university marches have taken place demanding that the Argentine government increase university funding and comply with the law. These demonstrations have received broad support from different sectors of Argentine society, becoming one of the largest public street mobilizations since the inauguration of the government of President Milei. See: <https://www.pagina12.com.ar/2026/05/12/masiva-marcha-universitaria-para-reclamar-al-gobierno-que-cump-la-con-la-ley-de-financiamiento/> ; <https://www.lanacion.com.ar/sociedad/multitudinaria-marcha-universitaria-a-plaza-de-mayo-en-reclamo-por-la-ley-de-financiamiento-nid12052026/> ; <https://www.perfil.com/noticias/politica/desprecio-institucional-la-comunidad-universitaria-leyo-su-documento-en-plaza-de-mayo-y-le-exigio-a-la-corte-que-intervenga.phtml>

However, the Executive Branch has refused to comply with the law, arguing that its implementation was conditional upon the existence of a specific budgetary allocation, although it is not a requirement that national laws should establish the source of funding from which the resources necessary to finance them must be obtained in cases involving inflation adjustments to an already approved budget line.¹²

I. b) The intervention of the Judiciary and the Executive Branch's use of legal strategies to delay or suspend compliance with judicial orders .

Following the government's decision not to comply with Law No. 27,795, the "Consejo Interuniversitario Nacional (CIN)" filed a collective *amparo* action seeking a declaration of unconstitutionality of the decree 759/2025¹³ and the effective implementation of the law. At the same time, it requested an interim precautionary measure ordering the immediate application of Articles 5 and 6, related to the salary recovery of teaching and non-teaching workers and the updating of student scholarships.

On 23 December 2025, Federal Administrative Litigation Court No. 11 granted the requested precautionary measure ordering the Executive Branch to comply with the salary recovery and scholarship adjustments established by the law. The judge held that Congress's insistence following a presidential veto -as provided for in Article 83 of the Constitution- prevails over lower-ranking norms and does not admit interpretations allowing for suspension. Accordingly, the conduct of the Executive Branch constituted, *prima facie*, a case of manifest arbitrariness and illegality. The first-instance judge also referred to the estimate produced by the Congressional Budget Office, which in 2024 calculated that the bill would entail a fiscal effort equivalent to ARS 1.96 trillion at 2024 prices, representing 0.23% of GDP for that year.¹⁴

¹²Congress is only required to specify the source of funding when creating new budget appropriations. Here, there exists no new appropriation, but merely the same funds adjusted for inflation. Per Articles 28 and 38 of Law No. 24,156 on Financial Administration, inflation adjustment of already existing appropriations do not necessarily entail "new unforeseen expenditures." Rather, they preserve the real value of budgetary credits that have already been approved, meaning that it wouldn't be necessary to identify a new specific source of funding. Thus, the government's argument becomes untenable. Even more so in light of the fact that the Argentine government governed without an approved national budget during both 2024 and 2025.

¹³ <https://www.argentina.gob.ar/normativa/nacional/decreto-759-2025-419007>

¹⁴Adjusted to 2026 prices, this would amount to approximately ARS 3.6 trillion, taking into account the inflation projections contained in the Central Bank's Survey of Market Expectations (REM). See: https://acij.org.ar/wp-content/uploads/2026/05/Ley-de-Financiamiento-Universitario.pdf?utm_source=mailup&utm_medium=email&utm_campaign=general

This decision was subsequently upheld on 31 March 2026 by Chamber III of the Federal Administrative Litigation Court of Appeals, which further developed the analysis by stating that it is not admissible for the Executive Branch to suspend the application of a law enacted by Congress by invoking another prior law adopted by the same legislative body, deeming also some of the State's objections to the interim measure "unserious." The judges emphasized that compliance with the law "did not affect the public interest; on the contrary, the failure to comply with the law affected the right to teach and learn under Article 14 of the National Constitution," as stated in the first-instance ruling. They also noted that, as argued by the lower court judge, "the fiscal impact of the measure had been estimated by the Congressional Budget Office at 0.23% of GDP," and that "this represents an insignificant saving in the overall public expenditure budget," thus contradicting the government's arguments.¹⁵

Yet, the federal government aimed to avoid compliance with the injunction by constantly filing untenable appeals and securing a stay from the Administrative Court of Appeals. The failure to implement judicial decisions concerning ESCR is a recurring problem that we see becoming more acute in contexts where structural adjustment programs are in place due to conditionalities imposed by international financial institutions -such as the International Monetary Fund (IMF)- as a consequence of external indebtedness, and the political will and policy orientation of governments.¹⁶

On the other hand, the government has sought to interfere with the judiciary in order to prevent the courts from hearing the case with the urgency it requires. In a bid to disqualify judges from the case, the Argentine government filed formal recusation motions, claiming that the judges' positions as public university professors created a conflict of interest that undermined their impartiality. On this basis, the government has systematically sought the recusal of all judges involved in the proceedings throughout the litigation, including three Justices of the Supreme Court of Justice,¹⁷ thereby delaying consideration of the merits

¹⁵

<https://www.palabrasdelderecho.com.ar/articulo/6651/Financiamiento-universitario-confirmaron-la-cautelar-para-actualizar-los-salarios-docentes-y-becas-estudiantiles>

¹⁶ ESCR-Net recently submitted a report on this issue to the UN Human Rights Council Advisory Committee, which includes the case of Argentina's university funding law. See:

<https://www.es-cr-net.org/resources/communities-win-in-court-but-governments-refuse-to-comply-how-states-are-undermining-economic-and-social-rights/>

¹⁷

<https://www.lanacion.com.ar/politica/financiamiento-universitario-la-corte-le-dio-ingreso-al-caso-pero-no-tiene-fecha-para-resolver-y-la-nid13052026/>

of the case. This argument has been rejected at every judicial level. We believe it would be important for the United Nations Special Procedures to clarify that no conflict of interest arises from judges simultaneously serving as university professors and adjudicating cases concerning public higher education funding, and to reaffirm the importance of judicial independence in this context.

Afterwards, the Executive Branch filed a certiorari petition before the Supreme Court of Justice. In the meantime, the first-instance judge ordered the stay of its prior injunction mandating the salary recovery and updating student scholarships. In parallel, the Appeals Court admitted the certiorari petition, referring the case to the Supreme Court for a final decision on the merits and the injunction. Thus, the Supreme Court will have the last say on this controversy.¹⁸ There are indications that the Court may rule on the matter swiftly.¹⁹

II. Austerity policies, external debt servicing and ESCR erosion: The specific budgetary situation

This happens in a context in which the Argentine government has publicly taken pride in carrying out the “largest budgetary adjustment in the history of humanity.”²⁰ Its underlying rationale is that the “zero deficit” rule and the unconditional implementation of structural adjustment and deficit-reduction measures recommended by the IMF may be pursued at the expense of the realization of human rights, especially ESCR, despite its constitutional and international obligations. This situation is compounded by an anti-science narrative

¹⁸ According to recent press reports from mainstream outlets like *Infobae* and *Todo Noticias* (TN), the Argentine government has allegedly weighed different proposals to condition university financing. While some reports indicate a bill intended to replace Law No. 27,795 with a lower level of funding, others report an alternative offer to implement a previous bill that would only recognize salary losses from 2025 onward (excluding those accumulated since 2023). According to these sources, the Executive Branch has stated that these initiatives would only move forward if the CIN “withdraws the injunction” currently awaiting a ruling by the Supreme Court. This situation is one additional element that expresses the urgency and necessity of the Special Rapporteur’s intervention as *amicus curiae* in the case. See:

<https://www.infobae.com/politica/2026/05/20/el-gobierno-presento-un-proyecto-parlamentario-para-modificar-la-ley-de-financiamiento-universitario/> and <https://tn.com.ar/politica/2026/05/19/el-gobierno-les-propondra-a-las-universidades-un-acuerdo-de-financiamiento-para-cerrar-la-pelea-judicial/>

¹⁹

https://www.eldiarioar.com/politica/uba-formalizo-pedido-corte-suprema-expida-mayor-brevidad-ley-financiamiento_113219591.html

²⁰

<https://www.argentina.gob.ar/noticias/javier-milei-en-el-foro-economico-mundial-vinimos-ponerle-un-cepo-al-estado>

promoted by the national government²¹ that disparages scientific knowledge, the social and community value of universities, and the work carried out by university workers. It is key to consider the advancement of these official narratives, together with the rise of hyper-individualistic and meritocratic narratives, in order to understand the moral substratum upon which the political will to defund the university system is grounded.

The decision to cut university funding occurs in a context in which the burden of public debt service is increasing, rising by 20.6% compared to 2025 -that is, more than doubling the total university budget (precisely 136.5% higher)-²², and in which the State has chosen to eliminate sources of revenue that previously had. In this way, we find a shortage of resources caused by the government's own decisions, which has opted to introduce regressive changes to Argentina's tax structure, such as:

- The amendment to the Personal Assets Tax (Impuesto sobre los Bienes Personales) introduced by Law 27.743²³ in 2024 at the initiative of the Executive Branch: this measure raised the taxable threshold and reduced the tax rate, resulting in an estimated revenue loss of around 0.2% of GDP annually in 2024 and 2025, equivalent in current terms to ARS 5 trillion over two years.²⁴
- The reduction of taxes on luxury cars and boats.

The current scenario of budgetary restriction, where the government chooses to reduce the tax burden on upper-middle and high-income sectors to the detriment of university funding, violates the principle of non-retrogression in the fulfilment of ESCR and the obligation to allocate the maximum available resources to progressively achieve the full realization of the right to education. In quantitative terms, this is reflected in the following:

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<https://chequeado.com/investigaciones/el-avance-del-discurso-anticiencia-en-la-era-de-milei-las-narrativas-y-quienes-las-difunden/>

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<https://www.unrn.edu.ar/noticias/La-UNRN-denuncia-ante-la-ONU-una-crisis-de-regresividad-institucional-y-presupuestaria-sin-precedentes-5110>

23 <https://servicios.infoleg.gob.ar/infolegInternet/anexos/400000-404999/401268/norma.htm>

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https://acij.org.ar/wp-content/uploads/2026/05/Ley-de-Financiamiento-Universitario.pdf?utm_source=mailup&utm_medium=email&utm_campaign=general

- Transfers to national universities show a cumulative decline of 45.6% between 2023²⁵ and 2026,²⁶ configuring an unprecedented reduction in the resources available to ensure the regular functioning of the public university system.
- The deterioration of the salaries of university workers:
 - Between November 2023 and February 2026, university salaries accumulated nominal increases of 158%, while cumulative inflation over the same period reached 280%, resulting in a loss of purchasing power of approximately 32%. This loss is equivalent, in cumulative terms, to approximately 7.3 full monthly salaries compared to the purchasing power as of November 2023.²⁷
 - According to consolidated budget data, university salaries are currently at their lowest real level in the last 23 years and among the most deteriorated since the return of democracy in the Argentine Republic.²⁸
 - In March 2026, the salary of an assistant professor with semi-exclusive dedication was 25% below the level recorded three years earlier. Likewise, since the change of government, the average salary in the sector is equivalent to less than two-thirds of the average observed between 2011 and November 2023.²⁹
- Throughout the current administration, the purchasing power of budget allocations for university operations did not exceed 64% of the real value existing in January 2023 and currently stands at around 40% of that level. This implies that national universities have lost the equivalent of approximately nine full months of operational funding compared to previous budget levels.³⁰

²⁵ It is important to note that we consider the period from 2023 to 2025, given that President Milei assumed office in December 2023.

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<https://www.unrn.edu.ar/noticias/La-UNRN-denuncia-ante-la-ONU-una-crisis-de-regresividad-institucional-y-presupuestaria-sin-precedentes-5110>

²⁷ Ibid.

²⁸ Ibid.

²⁹

https://acij.org.ar/wp-content/uploads/2026/05/Ley-de-Financiamiento-Universitario.pdf?utm_source=mailup&utm_medium=email&utm_campaign=general

³⁰

<https://www.unrn.edu.ar/noticias/La-UNRN-denuncia-ante-la-ONU-una-crisis-de-regresividad-institucional-y-presupuestaria-sin-precedentes-5110>

- This situation is even more critical when considering the sustained expansion of university enrollment over the past two decades. On a per capita basis, funding per student has fallen to ARS 2.4 million, the lowest level at least since 2004.³¹
- The “Progresar” Scholarship suffered a nominal reduction of 82% between 2025 and 2026, currently standing more than 95% below its real value in 2023.³² This means that thousands of students see their educational continuity compromised due to the insufficiency of scholarships relative to the real cost of transport, food, and housing.³³
- In 2025, funding allocated to the strengthening of science and technology in universities represented only 38.05% of the amount executed in 2023, and budget lines related to university infrastructure and student support pathways recorded an execution equivalent to 0% in real terms.³⁴

III. Human rights standards and violations of ESCR

As evidenced by the information provided, the scale of the budgetary crisis is structurally undermining the right of access to public quality higher education. Its effects extend beyond the current educational experience of students, compromising the right of university professors to a fair wage, the professional development prospects of future generations and, consequently, the collective right to development enjoyed by all inhabitants of Argentina, including the right to benefit from scientific progress and its applications.

³¹

https://acij.org.ar/wp-content/uploads/2026/05/Ley-de-Financiamiento-Universitario.pdf?utm_source=mailup&utm_medium=email&utm_campaign=general

³² It should be noted that Progresar covers a broad universe of students both at the University and high school levels. The Program was created as a means to help underserved children and young adults thrive in their educational trajectory. The Milei Administration not only defunded the program and kept the scholarships’ payments outdated, but also limited its reach by abstaining from facilitating the inscription of new beneficiaries and publicizing new calls nationwide. The Ombudsperson Office for Children Rights has filed suit in federal court seeking the court to order the Government to update the scholarships and engage in public awareness campaigns to expand the Program’s reach (Case No. 20,198/2024).

³³

<https://www.unrn.edu.ar/noticias/La-UNRN-denuncia-ante-la-ONU-una-crisis-de-regresividad-institucional-y-presupuestaria-sin-precedentes-5110>

³⁴ Ibid.

As noted above, Article 2 of the ICESCR prohibits retrogressive measures concerning ESCR and requires States to devote the “maximum of available resources” to the progressive realization of those rights. Moreover, the Committee on Economic, Social and Cultural Rights, through General Comments No. 3 and No. 13, has affirmed that States bear immediate obligations to guarantee access to education without discrimination, as well as continuing obligations to move as expeditiously and effectively as possible toward the full realization of the right to education. Deliberately retrogressive measures are therefore impermissible unless they are fully justified under the strictest standards of necessity, reasonableness, temporariness, and proportionality.

In the present case, none of the conditions capable of justifying budgetary restrictions are satisfied -as has already been confirmed by two judicial instances and on two occasions by the National Congress. On the contrary, the current situation stems from a deliberate policy decision by the Executive Branch aimed at harming the Argentine public university system, while simultaneously eliminating potential sources of public revenue that could finance higher education and prioritizing external debt servicing over obligations arising from the right to higher education.

In this regard, we identify an alignment between fiscal austerity policies promoted by the IMF and national government's priorities, resulting in the erosion of the right to education. Argentina's legal and constitutional framework governing the right to higher education provides robust protections and imposes positive obligations of public financing upon the State. These protections -more extensive than those existing in most countries in Latin America- are increasingly unsustainable in a context where public funding for the university system has fallen to one of the lowest levels relative to GDP in the Latin American region.

We further observe that the violation of the right to education has broader implications for the enjoyment of a wide range of ESCR. Underfunding is affecting subsistence-level wages, scholarships essential to students' survival -targeted at low-income students so that they can continue their studies and, in turn, achieve upward social mobility in the future-, genuine access to knowledge, and the life opportunities of young people throughout the country. Consideration must also be given to the intergenerational harm resulting from the dismantling of the public university system, insofar as it compromises future generations' right to decent and quality employment.

Furthermore, the obligation to guarantee access to education without discrimination is being manifestly breached, given that chronic underfunding has a disproportionate impact on low-income students, women with caregiving responsibilities, trans and non-binary persons, persons with disabilities, members of Indigenous Peoples, individuals residing in remote or peripheral areas,³⁵ and migrants,³⁶ thereby exacerbating structural inequalities incompatible with international human rights standards.

Discrimination is likewise evident in light of the severe deterioration of real wages, which has pushed more than 70% of teaching and non-teaching university workers' wages below the poverty line,³⁷ undermining fundamental labor rights that directly affect the quality of education. Indeed, comparative data concerning wage developments among public sector workers since 2023 demonstrate that university workers -together with researchers- have sustained the most severe losses, revealing a discriminatory pattern of treatment toward the sector.³⁸

Moreover, this conflict raises deeply troubling concerns regarding the rule of law and the functioning of democratic institutions in Argentina. The Executive Branch has systematically failed to comply with measures adopted by the National Congress through

³⁵ University underfunding undermines conditions for access and retention and, consequently, affects the educational and professional trajectories of all groups that have historically faced difficulties in accessing and remaining within the system. The underfunding of scholarships that cover transportation and other study-related costs has a disproportionate impact on low-income students and those living in peripheral or remote areas. The underfunding of infrastructure that provides essential services, such as university cafeterias, healthcare and childcare facilities, has a differential impact on women with caregiving responsibilities and on low-income students. Additionally, the deterioration of accessibility infrastructure has a disproportionate impact on persons with disabilities. All of these dimensions intersect within Indigenous populations, resulting in even more severe impacts for these groups. Similarly, it affects the conditions of access for trans persons, who have historically been excluded from the university system due to discrimination and structural poverty.

³⁶ As part of the "zero deficit" and fiscal austerity narrative, the Argentine government has modified the migration regime, producing discriminatory effects on migrants' conditions of access to the Argentine public university system. Through Decree 366/25, public universities are allowed to establish tuition fees for foreign nationals holding temporary residence in the country. This represents a restriction of the historical principle of universal gratuity and constitutes inadmissible discrimination under the applicable constitutional framework in Argentina -particularly Article 20, which establishes that foreigners enjoy the same civil rights as citizens, without distinguishing between permanent and temporary residents. See:

<https://www.argentina.gob.ar/noticias/cambios-en-la-educacion-para-extranjeros>](<https://www.argentina.gob.ar/noticias/cambios-en-la-educacion-para-extranjeros>)

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<https://www.laizquierdadiario.com/Universitarios-estatales-y-cientificos-los-salarios-que-mas-perdieron-con-Milei-Fernandez-y-Macri>

³⁸ Ibid.

legislation, as well as with interim judicial orders issued by the courts. It has sought to interfere with the judiciary in order to prevent it from issuing a ruling with the urgency it requires, thereby undermining judicial independence and attempting to erode public confidence in the courts. As the first-instance judge stated, the presidential decree refusing to implement the law appears to be “at odds with the principle of separation of powers” and would amount to “manifest arbitrariness and illegality.”

President Milei has repeatedly characterized social justice as an “aberration,” “theft,” and an immoral construct because “it entails taking from some in order to give to others by force.”³⁹ Yet the Argentine public university system is founded precisely upon principles of social justice, equality of opportunity, substantive democracy, and the peoples’ right to scientific, cultural, and human development. In this context, the government’s efforts to dismantle the system cannot be understood as incidental.

IV. Request

For all these reasons, and considering the broader implications of this case in terms of democratic and institutional weakening, it is of particular importance that Special Procedures jointly contribute with their expert voices to the ongoing public debate in Argentina. Your views can be instrumental to clarify the relevant human rights standards in this area and help prevent the consolidation of a severe regressive trend in the protection of the human right to higher education, other ESCR linked to the latter, and more generally, the protection of democratic and republican governance.

Accordingly, we respectfully request that you:

1. Formally take note of the situation described herein;
2. Request information from the Argentine State regarding the measures adopted to ensure adequate funding for the public university system;
3. Request information from the Argentine State regarding the measures adopted to ensure the proper functioning of the institutions of the Argentine Republic, particularly, the Judiciary and the Congress;

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<https://www.caserosada.gob.ar/informacion/discursos/50866-discurso-del-presidente-javier-milei-en-el-ban-co-interamericano-de-desarrollo-bid-en-washington-d-c>

4. Issue a joint communication to the Argentine State and a public statement expressing concern and recommending the State to adopt urgent measures aimed at ensuring compliance with its international human rights obligations, in order to guarantee the realization of the full range of human rights at stake; and
5. Consider incorporating this issue into your thematic reports (e.g. in the upcoming report to the General Assembly in 2026), country reports, and follow-up mechanisms, including the possibility of requesting a country visit.

We appreciate your attention on this matter, and remain available should you require any further information or clarification.

Yours sincerely,



Misun Woo

Executive Director of ESCR-Net, on behalf of the contributing member organizations