

European Master's Degree in Human Rights and Democratisation

European Inter-University Centre for Human Rights and Democratisation



“Public Space as a Social Conflict”

Regional and International approach of the Argentine Case

Cristiana María Domínguez

Supervisor: Jean-Paul Jacqué

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Dedicated to the ones I love the most,

My mother, who I always keep in my heart...

My father, for his eternal support and example of struggle...

My brother, whom I deeply admire...

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To my father and my brother, for their long distance support...

Abstract

Argentina leads the ranking of its region, occupying the first position in terms of citizen participation in social protests.

Accordingly, public space proves to be a daily point of conflict. On the one side, stand those who exercise the rights to freedom of expression, to freedom of assembly and to petition the authorities; in short, the right to protest. On the other side, stand those whose freedom is affected as their circulation is obstructed by the blocking of roads, bridges, avenues and accesses.

Beginning with a historical-quantitative analysis, this investigation will continue with a reflection of the related regulations, the academic reception and the case law activity at a national scale. On a different level of analysis, it will portray a regional, European and universal approach on the subject.

The issue of the protests is approached from both its peaceful and violent aspects, from the point of view of tolerance and illegality, without ever losing sight of the role of the State. This investigation is an attempt to reconcile international concepts and standards in order to reach a fair balance of interests.

Abbreviations

ADRDM / American Declaration of the rights and duties of man

ACHR / American Convention on Human Rights

ECHR / European Convention on Human Rights

ECtHR / European Court of Human Rights

ECJ / European Court of Justice

IACHR / Inter-American Commission on Human Rights

IACtHR / Inter-American Court of Human Rights

ICCPR / International Covenant on Civil and Political Rights

ICESCR / International Covenant on Economic, Social and Cultural Rights

ICERD / International Convention on the Elimination of All Forms of Racial Discrimination

CEDAW / Convention on the Elimination of All Forms of Discrimination against Women

CAT / Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

CRC / Convention on the Rights of the Child

WG / Working Group on Arbitrary Detention

p. / Page

pp. / Pages

para. / Paragraph

paras. / Paragraphs

Infra / see indicated note below

Supra / see indicated note above

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