

ARGENTINA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. In October 2019 Alberto Fernandez was elected president in elections that local and international observers considered generally free and fair. On the same day, the country also held municipal, provincial, and federal elections. Voters elected governors in 22 of the 24 provinces and one-half of the members of the Chamber of Deputies, representing all of the provinces and the autonomous city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces.

Federal, provincial, and municipal police forces share responsibility for law enforcement and maintenance of law and order. All federal police forces report to the Ministry of Security, while provincial and municipal forces report to a ministry or secretariat within their jurisdiction. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: unlawful and arbitrary killings and torture by federal and provincial police; harsh and life-threatening prison conditions; significant problems with the independence of the judiciary; serious acts of corruption; violence motivated by anti-Semitism; and forced labor despite government efforts to combat it.

Judicial authorities indicted and prosecuted a number of sitting and former government officials who committed human rights abuses during the year, as well as officials who committed dictatorship-era (1976-83) crimes.

Section 1. Respect for the Integrity of the Person Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

ARGENTINA

Motivated Killings

There were several reports that the government or its agents committed arbitrary or unlawful killings.

On August 6, provincial police shot and killed 17-year-old Valentino Blas Correas when the driver of the vehicle he was riding in attempted to evade a police checkpoint in the city of Cordoba. Authorities arrested one officer, Javier Catriel Almiron, on charges of qualified homicide and attempted murder, as ballistics tied the fatal bullet to his service weapon.

In March prosecutors confirmed they would pursue charges of “unintentional homicide” against city of Buenos Aires police officer Esteban Armando Ramirez in the death of Jorge Martin Gomez. Closed-circuit cameras captured Ramirez kicking Gomez in the chest during an August 2019 arrest. As a result of the kick, Gomez fell, fractured his skull, and subsequently died. Local media reported the officers involved attempted to cover up their actions. Ramirez claimed he had no intent to kill Gomez, but the victim’s attorneys asked for an increased charge of aggravated homicide, which would carry a potential life sentence as opposed to the one-to-three years’ imprisonment that Ramirez faced for the original charge. As of November proceedings were underway.

The Committee against Torture of the Buenos Aires Provincial Memory Commission reported 134 deaths in 2019 due to unwarranted or excessive force by police in the metropolitan area of Buenos Aires. A domestic nongovernmental organization (NGO) reported there were 401 deaths in 2019 at the hands of police forces. Both organizations asserted that investigations into police violence and the use of lethal force in the province were limited.

Media reported a rise in homicides in Santa Fe Province during the year, with 330 reported through October, compared with 279 during the same period in 2019. Along with the press, NGOs including Insight Crime attributed the high homicide rate to drug trafficking and organized crime. In September Security Minister Sabina Frederic announced she would send 50 federal agents to support local police. Provincial authorities, however, criticized the move as insufficient and

ARGENTINA

requested greater coordination and assistance with federal authorities.

b. Disappearance

There were reports of disappearances by or on behalf of security forces during the year.

Facundo Astudillo Castro disappeared on April 30 while hitchhiking approximately 75 miles from his home to Bahia Blanca, province of Buenos Aires, shortly after police arrested him for violating the COVID-19 quarantine. Authorities recovered Astudillo's body in a canal four months later, on August 30, and an autopsy by an internationally respected team of forensic anthropologists could not rule out homicide. Prosecutors told local media that provincial police officers were their primary suspects, but as of November 18, they had yet to charge any officers. On July 10, the UN Committee against Forced Disappearance demanded that authorities undertake an immediate and exhaustive investigation. On October 30, Astudillo's mother decried the slow pace of the investigation and called for the investigative judge leading the case, Maria Gabriel Marron, to recuse herself.

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship and the 1974-76 government of Isabel Peron. During the year courts heard testimony by videoconference in two "megacases"--one for dictatorship-era crimes in San Juan Province and another for those at the Campo de Mayo facility near Buenos Aires. Thirty-five individuals faced charges in San Juan and 22 in the Campo de Mayo case.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices and provides penalties for torture similar to those for homicide, but there were reports that police and prison officials tortured prisoners. The Prosecutor General's Office, the Prison Ombudsman's National Office (PPN), an independent government body that monitors prison conditions, and the Buenos Aires Provincial Memory Commission's Committee against

ARGENTINA

Torture (CPM), an autonomous office established by the provincial government, reported complaints of torture perpetrated by provincial and federal prison officials, as did local and international NGOs.

The PPN reported 427 cases of torture or mistreatment in 2019. As of June the PPN had recorded 87 cases. Although the PPN created a National Registry of Cases of Torture in 2010, its reporting remained largely limited to the city and province of Buenos Aires (home to approximately 46 percent of the population).

On July 25, police at the sixth commissary in La Plata, Buenos Aires Province, beat and applied electric shocks to a 17-year-old prisoner during an estimated 10-hour detention, according to the CPM. The CPM noted that the officers apparently filmed their actions and distributed them on social media.

On May 13, authorities arrested eight members of the Buenos Aires provincial police for torturing and sexually abusing 14 female detainees at the third commissary in the municipality of La Matanza. According to local media, in December 2019 and January, police officers forced detainees to disrobe and squat down for extended periods and subjected them to violent and unwarranted cavity searches.

Impunity remained a significant problem in security forces at all levels. Corruption and a slow, politicized judicial system impeded efforts to investigate abuses. The government generally denounced reported abuses and took efforts to train military and security forces at all levels on human rights, including through online training during the COVID-19 pandemic.

Prison and Detention Center Conditions

Prison conditions often were harsh due to overcrowding, poor medical care, and unsanitary conditions. There were reports of forced transfers and the recurrent use of solitary confinement as a method of punishment, particularly in the province of Buenos Aires, which held more than half of the country's total prison population.

Physical Conditions: Prison overcrowding remained a problem. According to the PPN, as of July 31, the federal penitentiary system was at 95 percent capacity, holding an estimated 11,500 prisoners. As of April, Buenos Aires provincial

ARGENTINA

penitentiaries held almost 42,100 inmates in facilities initially designed for 24,000, according to the Center for Legal and Social Studies. Many pretrial detainees were held with convicted prisoners.

In March and April, prisoners throughout the country staged deadly riots to protest overcrowding and to demand transfer to house arrest due to COVID-19. After the riots, which left seven inmates dead, various courts began to transfer thousands of detainees from prisons in the province and city of Buenos Aires to house arrest to reduce overcrowding and limit the spread of the virus. Judges generally prioritized prisoners in high health-risk categories and nonviolent offenders.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although some NGOs and the national prison ombudsman noted the law prohibits doing so.

Women's prisons were generally less violent, dangerous, and overcrowded than men's prisons. Pregnant prisoners were exempted from work and rigorous physical exercise and were transferred to the penitentiary clinic prior to their delivery date. Children born to women in prison were entitled to remain in a special area of the prison with the mother and receive day care until age four.

The Federal Penitentiary Service reported 52 inmate deaths in federal prisons through October 31, of which 19 were violent. By contrast the Committee of Torture of the Buenos Aires Provincial Memory Commission stated that 148 prisoners died in the province of Buenos Aires during 2019--118 due to unattended health problems. The Ministry of Justice had not published official, nationwide statistics on prisoner deaths since 2016.

According to human rights organizations and research centers, inmates in many facilities also suffered from poor nutrition; inadequate medical and psychological treatment; inadequate sanitation, heating, ventilation, and light; limited family visits; and frequent degrading treatment.

In December 2019 a criminal court found former chief Alberto Donza and five fellow officers guilty of neglect after detainees died in a 2017 fire in Police Station No. 1 in Pergamino, Buenos Aires Province. Donza received a 15-year sentence,

ARGENTINA

and the other officers received between six and 14 years' imprisonment.

Administration: Authorities sometimes conducted investigations of credible allegations of mistreatment. According to local NGOs, prisoners occasionally did not submit complaints to authorities due to fear of reprisal.

Independent Monitoring: The government usually permitted monitoring by independent local and international human rights observers.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Police generally apprehended individuals openly with warrants based on sufficient evidence and issued by a duly authorized official. By law police may detain suspects for up to six hours without an arrest warrant if authorities have a well-founded belief they have committed or are about to commit a crime, or if police are unable to determine the suspect's identity. In all cases authorities must immediately notify the state attorney's office of the arrest. The state attorney may approve detention for up to 72 hours. In exceptional cases a judge may extend detention for another 72 hours. Human rights groups reported that police occasionally arrested persons arbitrarily and detained suspects longer than the law permitted or did not follow proper notification procedures.

The law provides detainees with the right to a prompt determination of the legality of their detention by a lower criminal court judge, who determines whether to proceed with an investigation. In some cases there were delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail except in cases involving flight risk or risk of subornation of justice.

Authorities allowed detainees prompt access to counsel and provided public

ARGENTINA

defenders if they were unable to afford counsel. In some cases such access was delayed due to an overburdened judicial system.

Arbitrary Arrest: Local NGOs reported that police on occasion arrested and detained citizens arbitrarily.

On August 19, Buenos Aires city police detained three street vendors of African descent for selling counterfeit goods. Local groups representing informal workers denounced the arrests as an unnecessary and involved excessive use of force. In March 2019 the UN Working Group of Experts on People of African Descent noted that migrants of African descent, especially street vendors, were reportedly the targets of arbitrary arrest and police violence. Human rights organizations also accused police forces of undertaking arbitrary arrests, nominally as a result of a national quarantine against COVID-19, which began on March 20 and ended in phases on November 8. The organizations accused police of failing to register arrests, treating arrestees with excessive force, and placing detainees in settings that threatened their health.

On August 16, onlookers captured video of five police officers violently arresting a woman in Bariloche as she walked her dog in violation of quarantine. Police officials told local press the woman insulted the officers after refusing multiple requests to return home. Bariloche mayor Gustavo Gennuso later announced an investigation into possible excessive use of force.

Pretrial Detention: The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended by one year in limited circumstances. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. The PPN reported that 53 percent of prisoners were awaiting trial during the first six months of the year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but government officials at all levels did not always respect judicial independence and impartiality. According to local NGOs, judges in some federal criminal and ordinary courts were subject at

ARGENTINA

times to political manipulation.

Trial Procedures

The law provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy a presumption of innocence and have the right to legal counsel and free assistance of an interpreter, to remain silent, to call defense witnesses, and to appeal. If needed, a public defender is provided at public expense. At an oral trial, defendants may present witnesses and request expert testimony. Defendants have the right to be present at their hearings, and there is no trial in absentia.

Lengthy delays, procedural logjams, long gaps in the appointment of permanent judges, inadequate administrative support, and general inefficiency hampered the judicial system. Judges' broad discretion on whether and how to pursue investigations contributed to a public perception that many decisions were arbitrary.

A code of federal criminal procedure passed in 2018 replaced the country's hybrid federal inquisitive system with a full accusatory system. In June 2019 Salta and Jujuy became the first provinces to implement this accusatory system at the federal level, which is scheduled to extend progressively to the rest of the country. The new code generally requires cases to be brought to trial within one year and resolved within three years. It also implements the use of new investigative techniques and expands victims' rights. Prosecutors in provinces implementing the new code reported cases that previously took years could now be adjudicated in months. The code transfers investigative responsibilities from magistrates to prosecutors, with assistance from security forces. Full implementation of trial by jury procedures was pending in Corrientes and San Juan. The provinces of Neuquen, Mendoza, Salta, Chaco, Chubut, Entre Rios, Rio Negro, and Buenos Aires provide defendants accused of certain serious crimes the right to a trial by

ARGENTINA

jury. As of October there were no jury trials for federal cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution. They may also appeal adverse decisions domestically or to regional human rights bodies, to include the Inter-American Court of Human Rights.

Property Restitution

The country endorsed the 2009 Terezin Declaration, which called on countries to provide for the restitution of property wrongfully seized during the Holocaust, provide access to archives, and advance Holocaust education and commemoration. There were no known claims for movable or immovable property in the country, and it has no restitution laws. The Argentine Commission of Inquiry into the Activities of Nazism, created in 1997, concluded that no looted art was held by the Museo Nacional de Bellas Artes, although the commission admitted that it had not checked any other state-run museum and that it faced difficulties researching the activities of the country's art market during the Holocaust. The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

On August 28, a federal judge announced an official inquiry into illegal espionage during the administration of former president Mauricio Macri, citing the former heads of Argentine Federal Intelligence (AFI) Gustavo Arribas and Silvia

ARGENTINA

Majdalani among other officials. Members of AFI were accused of having illegally monitored the activities and private communications of politicians (from both ruling and opposition parties), journalists, labor leaders, and religious figures. The investigation continued as of November.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech, including for the press, and the government generally respected this right. An independent press and democratic political system combined to promote freedom of expression, including for the press.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

In October the government announced its intention to create the Observatory on Disinformation and Symbolic Violence in Media and Digital Platforms (Nodio, by its Spanish acronym). The Interamerican Press Society, media outlets, and the national association of journalists expressed concern that Nodio would serve as an extrajudicial tool that the government could use to restrict free speech or regulate media.

In July 2019 the Committee to Protect Journalists (CPJ) expressed concern after a federal judge summoned Daniel Santoro of *Clarín* newspaper and obtained his telephone records in relation to an investigation. The allegations related to Santoro's connections with Marcelo D'Alessio, charged with extortion after threatening individuals with negative media coverage. Santoro asserted that D'Alessio was a journalistic source. In April Edison Lanza, the head of the Organization of American States Office for the Special Rapporteur for Freedom of Expression, also criticized Santoro's prosecution, saying journalists "should not be the target of judicial abuse or other threatening behavior as a reprisal for their work." In October the same judge charged Santoro with belonging to an "illicit association dedicated to illegal espionage" and carrying out "prohibited intelligence actions." CPJ Central and South America Program coordinator Natalie

ARGENTINA

Southwick spoke out against the charges, emphasizing that “holding journalists liable for their sources’ actions sets a deeply troubling precedent that opens the door to criminal charges against investigative journalists working to uncover wrongdoing.” The Argentine Media Corporations Association (ADEPA) and the Argentine Journalism Forum (FOPEA) condemned the latest charges against Santoro as an “attempt to criminalize journalism.”

Violence and Harassment: There were reports of physical attacks, threats, and harassment against journalists.

In June FOPEA and ADEPA expressed concern about revelations that AFI may have illegally spied on journalists during the administration of former president Mauricio Macri. FOPEA stated that AFI had actively intimidated journalists and interfered with their reporting.

In June, FOPEA and ADEPA criticized Vice President Christina Fernandez de Kirchner for sharing a video on Twitter that attempted to discredit journalists investigating high-level corruption cases. The organizations warned that such a campaign could foment public and online harassment of journalists.

FOPEA reported only one alleged physical attack against journalists as of September, compared with 27 in the previous year. In July protesters attacked a C5N television crew covering an antigovernment demonstration in Buenos Aires. Two members of the crew received injuries, and protesters smashed windows in one of their vehicles.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private

ARGENTINA

online communications without appropriate legal authority.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

In response to the COVID-19 sanitary emergency, a March 19 presidential decree established restrictions on individuals' ability to gather, including for peaceful protest. Nevertheless, several large-scale antigovernment protests in Buenos Aires and across the country took place without incident after the establishment of these restrictions.

At times police used force to disperse demonstrators. On April 10, police broke up a protest of 300 slaughterhouse workers in the Buenos Aires municipality of Quilmes with rubber bullets and batons, according to local media. The protesters were demanding weeks of back pay after their workplace closed due to the sanitary restrictions.

On September 21, police used violence against nurses protesting for improved pay and working conditions in front of the Buenos Aires city legislature, according to local press. Police spokespersons noted the nurses had attempted to enter the building forcefully.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution provides for freedom of internal movement, foreign travel,

ARGENTINA

emigration, and repatriation, and the government generally respected these rights.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for granting of asylum or refugee status, and the government has established a system for providing protection to refugees. Decisions on asylum petitions can take up to two years to adjudicate.

As of September the International Organization for Migration reported 32,911 Venezuelan migrants had arrived in the country during the year. Of those, more than 31,000 requested temporary residence. The National Commission for Refugees received 3,184 requests for refugee status in 2019--approximately 20 percent more than in 2018--and adjudicated 1,680.

As a result of the COVID-19 pandemic and the resulting restrictions on freedom of movement and association, many refugees and migrants lost their jobs and livelihoods, according to UNHCR's regional representative. Many migrants did not have access to national social programs because they did not have the required documentation or did not meet the requisites. In May the minister of social development, the UNHCR regional representative, and the president of the National Refugee Commission signed a memorandum of agreement to improve the socioeconomic inclusion of migrants and refugees in the country. Through a newly created interagency working group, UNHCR and local authorities delivered food, hygiene, and sanitation kits to refugees in the Buenos Aires region.

Section 3. Freedom to Participate in the Political Process

The constitution provides citizens the ability to choose their government in free

ARGENTINA

and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: Alberto Fernandez was elected president in October 2019 in elections generally considered free and fair. The country also held municipal, provincial, and federal elections. Voters elected half of the members of the Chamber of Deputies, representing all of the provinces and the city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces. Voters also elected governors in 22 provinces, as well as provincial legislators, mayors, and city councils. Local and international observers considered the elections generally free and fair.

Participation of Women and Members of Minority Groups: No laws limit participation of women and members of minority groups in the political process, and they did participate. According to a December 2019 study by the National Scientific and Technical Research Council, women held a record 37.7 percent of senior government positions: 106 members, or 41 percent, of the 2019-21 Chamber of Deputies were women--a 3-percent increase from the 2017-19 chamber. The Senate's gender breakdown remained the same with 29 female senators, approximately 40 percent of the upper house. At provincial levels, women's participation was uneven, and national authorities recognized that gender parity in political positions had yet to be achieved nationwide. The law requires an electoral list of candidates for national legislative office to contain equal percentages of male and female candidates. The law also states that in the case of the resignation, temporary absence, or death of an elected official, the replacement must be the same gender. The provinces of Buenos Aires, Salta, Chubut, Neuquen, and Santa Fe have gender parity laws pertaining to candidates for provincial and municipal bodies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; nonetheless,

ARGENTINA

multiple reports alleged that executive, legislative, and judicial officials engaged in corrupt practices with impunity, suggesting a failure to implement the law effectively. Weak institutions and an often ineffective and politicized judicial system undermined systematic attempts to curb corruption.

Corruption: A number of corruption-related investigations against sitting and former high-ranking political figures, including Vice President Cristina Fernandez de Kirchner and former president Mauricio Macri, were underway as of October. In September 2019 a federal judge sent the corruption scandal known as “the notebooks case” to trial. Vice President Cristina Fernandez de Kirchner and 52 other defendants were accused of receiving kickbacks, paying kickbacks, or both on public works contracts between 2008 and 2015 when Fernandez de Kirchner was president. Prosecutors estimated the total value of the bribery scheme at \$160 million. Fernandez de Kirchner and her children faced five other financial corruption cases as of November. According to local media, court officials stated pandemic-related delays would delay trials in some of these cases until at least late 2021.

In March a federal court ordered the release of former planning minister Julio De Vido from prison. De Vido had served two years in pretrial detention while facing several corruption charges, and judges ruled that his release would not threaten the investigations. In 2018 de Vido received a sentence of five years and eight months for fraud, misuse of funds, and lack of oversight related to a 2012 train accident that killed 52 persons. That sentence remained under review by the National Cassation Court as of September. De Vido also faced charges in the “notebooks” case and others related to his management of public works projects.

Corruption occurred in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking, human trafficking, money laundering, and the promotion of prostitution. Allegations of corruption in provincial as well as in federal courts were also frequent.

Financial Disclosure: Public officials are subject to financial disclosure laws, and the Ministry of Justice and Human Rights’ Anti-Corruption Office is responsible for analyzing and investigating federal executive branch officials, based on their financial disclosure forms. The law provides for public disclosure, but not all

ARGENTINA

agencies complied, and enforcement remained a problem. The office is also responsible for investigating corruption within the federal executive branch and in matters involving federal funds, except for funds transferred to the provinces. As part of the executive branch, the office does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and generally responsive to their views.

Government Human Rights Bodies: The government has a human rights secretariat within the Ministry of Justice and Human Rights. Its main objective is to coordinate within the ministry and collaborate with other ministries and the judiciary to promote policies, plans, and programs for the protection of human rights. It published leaflets and books on a range of human rights topics.

NGOs argued that the government's failure to fill the post of national ombudsman, vacant since 2009, undermined the office's mandate to protect human rights.

The Prosecutor General's Office of Crimes against Humanity investigated and documented human rights violations that occurred under the 1976-83 military dictatorship.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, is a crime. The penalties range from six months' to 20 years' imprisonment,

ARGENTINA

depending on the ages of the perpetrator and victim, their relationship, and the use of violence, among other factors. Most perpetrators received penalties between six and 15 years' imprisonment. There were anecdotal reports of police or judicial reluctance to act on rape cases; women's rights advocates alleged the attitudes of police, hospitals, and courts toward survivors of sexual violence sometimes victimized them again, often by forcing them to recount details of their trauma, conflating silence with consent, or admitting as evidence their past sexual history.

The law prohibits domestic violence, including spousal abuse. Survivors may secure protective measures. The laws were generally enforced, and survivors generally had access to protective measures. The law imposes a stricter penalty than murder on those who kill their spouses, partners, or children as a consequence of their gender. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for victims. The law requires all federal employees to receive training on gender and gender-based violence. The law was enforced, including for cabinet-level officials and the president.

The National Register of Femicides, maintained by the Supreme Court's Office of Women, recorded that 268 women died as a result of domestic or gender-based violence during 2019. As of July 31, the National Ombudsman's Office reported 168 women died as a result of violence. Approximately 17 percent of these victims had previously filed formal complaints. In August the Ministry of Women, Gender, and Diversity (Ministry of Women) noted that reports of gender-based violence increased approximately 28 percent during the COVID-19 quarantine.

In June the Ministry of Women launched a two-year national plan against gender-based violence, which included a proposal for a dedicated budget. The ministry also operated a 24-hour hotline for victims of gender-based violence and created emergency WhatsApp and email contact channels for victims unable to speak on the telephone. The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office also carried out risk assessments necessary to obtain a restraining order. Public and private institutions offered prevention programs and provided support and treatment for abused women. A national network of shelters included 89 facilities, although the government had planned to construct approximately 30

ARGENTINA

more by 2019. In August the Ministry of Women launched a national program to build the capacity of these shelters. The 2018 Brisa Law provides for the financial support of children who lost their mothers to gender-based violence; however, many families complained of delays in receiving payment. As of December 2019, an estimated 345 children and young adults had received support through the program. By July 20, however, that number had nearly doubled to 623, as authorities said they had placed particular emphasis on the program.

Sexual Harassment: The law prohibits sexual harassment in the public sector and imposes disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment could lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison. It does not prohibit sexual harassment in employment more broadly.

On April 16, the Senate passed a law that penalizes harassment in public spaces as a form of gender-based violence.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. Individuals have the right to manage their reproductive health and had access to the information and means to do so, free from discrimination, coercion, and violence, although access could be limited for indigenous or rural populations. Access to sexual and reproductive health services, information, and contraception was generally available, but there was a reported lack of access to modern contraceptive methods due to the COVID-19 pandemic. Data from the National Ministry of Health showed a 70-percent decrease in the distribution of short-term contraceptive methods during the year compared to 2019. According to the United Nations Population Fund (UNFPA), 1.093 million women in the country stopped contraception during the year due either to a reduction in family income or to a lack of supply from public health services.

On December 30, the National Congress passed the Voluntary Interruption of Pregnancy (IVE) bill that legalized abortion up to the fourteenth week of gestation. After this period, the law permits medical professionals to perform abortions only in the case of rape or danger to the life of the mother. Before the legalization of the bill, health personnel's actions were guided by a December 2019 protocol

ARGENTINA

issued by the national Ministry of Health that generally only permitted abortions in the case of rape or danger to the life of the mother. Nonetheless, social and cultural barriers adversely affected access. There were reports that provincial health-care providers and facilities, especially in remote and conservative regions, intentionally delayed and obstructed access to abortion. In one example in December, a 12-year-old girl gave birth to twins as a result of rape after being denied an abortion by local authorities. The National Direction of Sexual Health contacted provincial authorities to provide immediate assistance for the girl, but the assistance was reportedly late and inadequate.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution provides the same legal status and rights for women and men and prohibits discrimination in employment based on gender. The government generally enforced the law, although discrimination remained a persistent and pervasive problem in society.

The Supreme Court's Office of Women trained judges, secretaries, and clerks to handle court cases related to gender issues and to ensure equal access for women to positions in the court system. The office also trained judges, prosecutors, judicial staff, and law enforcement agents to increase awareness of gender-related crimes and develop techniques to address gender-related cases and victims.

Women are not able to work in all the same industries as men; there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous. On November 11, Congress ratified the International Labor Organization's Convention 190 on Eliminating Violence and Harassment in the World of Work. The convention was scheduled to enter into effect in June 2021.

In August the Ministry of Justice and Human Rights issued a resolution requiring civil society organizations and businesses to respect gender parity in the composition of their administrative boards. According to the resolution, at least one-third of the members of an organization's administration and oversight bodies

ARGENTINA

must be women.

Children

Birth Registration: The government provides universal birth registration, and citizenship is derived both by birth within the country's territory and from one's parents. Parents have 40 days to register births, and the state has an additional 20 days to do so. The Ministry of Interior and Transportation may issue birth certificates to children younger than age 12 whose births were not previously registered.

Child Abuse: By law sexual abuse of a child is a punishable offense, with sentences of up to 20 years in prison. Physical harm to a child is punishable with up to 15 years in prison. Child abuse was common; the Supreme Court's Office of Domestic Violence reported that approximately 30 percent of the complaints it received between March 20 and July 17, the strictest period of the COVID-19 quarantine, involved children. The government maintained a 24-hour hotline staffed by professional child psychologists for free consultations and advice.

Child, Early, and Forced Marriage: Children older than age 16 are legally allowed to marry with parental permission. Children younger than 16 are required to obtain judicial authorization in addition to parental consent.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and the sale, offering, or procuring of children for prostitution. Authorities generally enforced the law; however, sexual exploitation of children, including in prostitution, was a problem. The minimum age of consensual sex is 13, but there are heightened protections for persons ages 13 to 16. A statutory rape law provides for penalties ranging from six months to 20 years in prison, depending on the age of the victim and other factors.

In June a trial began for two nuns and seven former employees of a group of schools for hearing-impaired children, the Antonio Provolo Institutes. A reported 67 students claimed abuses between 1983 and 2002. This followed the November 2019 convictions of two former priests at the school, Nicola Corradi and Horacio Corbacho, found guilty of child sexual abuse and sentenced to 42 and 45 years in

ARGENTINA

prison, respectively.

The law prohibits the production and distribution of child pornography, with penalties ranging from six months to four years in prison. Possession of child pornography is a criminal offense.

During the year prosecutors from the nationwide Point of Contact Network against Child Pornography on the Internet pursued cases of internet child pornography. The city of Buenos Aires Public Ministry's Judicial Investigative Bureau served as the primary point of contact for receiving and distributing child pornography leads from the National Center for Missing and Exploited Children to prosecutors and police forces across the country. The Buenos Aires' Public Defender's Office reported a 30-percent year-on-year increase in reports of the production and distribution of images of sexual exploitation of children during the two-month period between March 19 and May 18, coinciding with the first 60 days of a nationwide lockdown in response to COVID-19.

In September, Federal Police arrested eight individuals after a series of raids in Buenos Aires, Chaco, Salta, Cordoba, and Rio Negro Provinces targeting a child pornography network that had at least 406 subscribers in the country and more than 1,700 around the world. The raids followed a three-year investigation by Federal Police into the ring.

In September 2019 local authorities arrested former police officer Rodolfo Suarez for involvement in a network of child pornography that had victimized an estimated 1,200 children between the ages of four months and 14 years since 2003. The man posed as a producer of youth television to lure his victims. In August a judge in the city of Buenos Aires sent Suarez's case to trial.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child->

ARGENTINA

[Abduction/for-providers/legal-reports-and-data/reported-cases.html](#).

Anti-Semitism

Estimates of the size of the Jewish community varied, but the most recent data available, published by the Berman Jewish Databank, estimated the population at 180,300 in 2018. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations (DAIA) recorded 918 complaints of anti-Semitism in 2019, compared with 834 in 2018, a 10-percent increase. The most commonly reported anti-Semitic incidents tracked by the report were slurs posted on various websites, often in relation to news articles. Other incidents included graffiti and verbal slurs.

On June 4, the Ministry of Foreign Affairs, International Commerce, and Worship issued a resolution adopting the definition of anti-Semitism established by the International Alliance for Holocaust Remembrance (IHRA) within the executive branch. The resolution invited the country's other branches and levels of government to join in adopting the IHRA definition.

On April 1, television journalist Tomas Mendez associated the origin of the COVID-19 virus with “the world’s wealthiest people born in the United States and Israel” during his program *Federal Journalism*. DAIA and the ambassador for Israel, among others, criticized the remarks, and National Institute against Discrimination, Xenophobia, and Racism began an official inquiry for anti-Semitism. On April 2, Mendez publicly apologized for his remarks.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law, but there were scattered reports of discrimination. Various government agencies offered a variety of services and programs to individuals with disabilities,

ARGENTINA

including community-based rehabilitation programs, sports and recreation facilities, braille translation services, legal services, and a variety of pensions and subsidies. The law also mandates access to buildings by persons with disabilities. According to a 2016 report by the ombudsman of the city of Buenos Aires, only 33 percent of the metropolitan subway stations had elevators or escalators. While the city worked to install new elevators and escalators and to repair existing ones, the city's ombudsman visited several of the subway's newest stations in July 2019 and found that several of the elevators did not work.

With the slogan “End Forced Sterilizations,” several human rights organizations launched a campaign in October to change a 2006 law they argued had led to the sterilizations of many persons with disabilities without their consent. The law was written to provide all citizens with access to certain surgical contraceptive measures but allows legal representatives to provide consent for any individual declared legally incompetent. The organizations argued that this loophole, along with broad societal acceptance of forced sterilizations of individuals with disabilities, had led to extensive use of the practice.

While the federal government has protective laws, many provinces had not adopted such laws and had no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities. Data from the National Institute of Statistics showed that in 2018 only an estimated 32 percent of working-age individuals with a disability were employed.

In 2019 Congress proposed and passed a 56-percent budget increase for the National Disability Agency, which provides a range of services and subsidies for persons with disabilities. In March the government provided additional funds to the agency to help ensure the needs of individuals with disabilities could be met during the COVID-19 pandemic. While the government made exceptions to the quarantine restrictions to assist persons with disabilities, there were no exceptions to provide appropriate education to children with disabilities.

Indigenous People

The constitution recognizes the ethnic and cultural identities of indigenous peoples and states that Congress shall protect their right to bilingual education, recognize

ARGENTINA

their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources.

A study conducted during the year with researchers from eight universities examined the situation of 27 indigenous groups and found that indigenous persons were more likely to be employed informally than the general public (70 percent, compared with 44 percent). The study noted that indigenous persons often could not access social service programs in the isolated areas where many of them lived and that these communities lacked basic infrastructure, including clean water.

The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous peoples.

Indigenous peoples were not fully consulted in the management of their lands or natural resources, particularly lithium, in part because responsibility for implementing the law is delegated to the 23 provinces, the constitutions of only 11 of which recognize indigenous rights.

Projects carried out by the agricultural and extractive industries displaced individuals, limited their access to traditional means of livelihood, reduced the area of lands on which they depended, and caused pollution that in some cases endangered the health and welfare of indigenous communities. Conflict occurred when authorities evicted indigenous peoples from ancestral lands then in private ownership.

Local media reported that provincial police violently entered three homes belonging to members of the Qom community in Fontana, Chaco Province, on May 31. According to the Center for Legal and Social Studies, many of the officers were in plain clothes and did not possess a search warrant. Police took four individuals into custody after a physical struggle, including one 16-year-old, and later continued to insult, threaten, and torture them at the police station. A judge released the individuals on July 8, finding that the search of their homes was illegal and involved “humiliation.” Cases were pending against four officers as of November.

Acts of Violence, Criminalization, and Other Abuses Based on

ARGENTINA

Sexual Orientation and Gender Identity

The National Observatory of Hate Crimes registered 177 official complaints of hate crimes against lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals in 2019. This represented an approximate 20-percent increase over 2018 and included 16 killings of LGBTI individuals.

National antidiscrimination laws do not specifically include the terms “sexual orientation or gender identity” as protected grounds, only “sex.” There was no reported official discrimination, however, based on sexual orientation or gender identity in employment, housing, or access to education. There were some cases of discrimination based on sexual orientation or gender identity in access to health care. Officials from the Ministry of Women, as well as media and NGOs, reported cases of discrimination, violence, and police brutality toward LGBTI individuals, especially transgender persons.

In August the Ministry of Women and the minister of health expressed concern that the Argentine Association of Hemotherapy, Immunohematology, and Cell Therapy would not allow members of the LGBTI community to donate blood because of their sexual orientation. In August, Emiliano Ivaldi, a recovered COVID-19 patient, was not allowed to donate plasma at the Eva Peron Hospital in the province of Santa Fe. Hospital authorities justified the decision based on the fact that Ivaldi was homosexual.

On September 4, President Fernandez decreed that at least 1 percent of the positions in public administration must be held by transvestites, transsexuals, and transgender persons. On September 15, the Senate implemented a similar decree to regulate its own hiring practices.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes; the government generally respected these rights. The law prohibits discrimination against unions and protects workers

ARGENTINA

from dismissal, suspension, and changes in labor conditions. It also prohibits military and law enforcement personnel from forming and joining unions. The government effectively enforced the law, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Complaints of unfair labor practices can be brought before the judiciary. Violations of the law may result in a fine being imposed on the employer or the relevant employers' association, as appropriate. There were cases of significant delays or appeals in the collective bargaining process.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers. The law grants official trade union status to only one union deemed the "most representative," defined by law as the union that has the highest average proportion of dues-paying members to number of workers represented, per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity from employer reprisals against their officials, are permitted to deduct union dues directly from wages, and may bargain collectively with recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers in a given sector, and collective agreements cover both union members and nonmembers in the sector. The law requires the Ministry of Labor, Employment, and Social Security (Ministry of Labor) to ratify collective bargaining agreements.

The Argentine Workers' Central Union and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards, namely International Labor Organization (ILO) Convention No. 87, and prevented these unions from obtaining full legal standing. A September 3 Supreme Court ruling upheld the constitutionality of the law.

Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that unspecified "minimum services" be maintained. Once the conciliation term expires, civil servants and workers in essential services must give five days' notice to the administrative authority and the public agency against which they intend to strike.

ARGENTINA

If “minimum services” are not previously defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide clients two days’ notice of the impending strike.

Employers generally respected the right to bargain collectively and to strike.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

Despite these mechanisms, forced labor, including forced child labor, occurred. The Ministry of Labor carried out regular inspections across the country. Efforts to hold perpetrators accountable continued. The National Registry for Rural Workers and Employers reported 28 forced labor complaints during the first half of the year, 12 of which were under investigation by the Special Prosecutors’ Office for Human Trafficking and Exploitation.

Employers subjected a significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentines from poorer northern provinces, to forced labor in the garment sector, agriculture, street vending, charcoal and brick production, construction, domestic work, and small businesses (including restaurants and supermarkets). Traffickers exploited Chinese citizens working in supermarkets to debt bondage. Traffickers compelled trafficking victims to transport drugs through the country’s borders. Men, women, and children were victims of forced labor, although victims’ typical gender and age varied by employment sector (see section 7.c.).

Also see the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. In rare cases labor authorities may authorize a younger child to work as part of a family unit. Children ages 16 to 18

ARGENTINA

may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children younger than 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor.

Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement. Penalties for employing underage workers were generally sufficient to deter violations.

While the government generally enforced applicable laws, observers noted some inspectors were acquainted or associated with the persons they inspected, and corruption remained an obstacle to compliance, especially in the provinces. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. In August the Ministry of Labor presented a *National Program to Build Capacity of Provincial Committees for the Eradication of Child Labor*, with the goal of improving national-provincial coordination.

Children were engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, including forced labor in domestic servitude, agriculture, and production of garments, and illicit activities such as the transport and sale of drugs. The government published the final report from its 2016-17 national child labor survey in 2018. The National Survey on Children and Youth Activities found 19.8 percent of children in rural areas performed at least one form of labor, while 8.4 percent of children in urban areas did so.

Similar patterns emerged with adolescents, which the report defined as children 16 and 17 years old. The report found 43.5 percent of adolescents in rural areas and 29.9 percent in urban areas engaged in at least one form of labor. Principal activities were helping in a business or office; repair or construction of homes; cutting lawns or pruning trees; caring for children, the elderly, or the infirm; helping in a workshop; making bread, sweets, or other food for sale; gathering paper, boxes, cans, and other recyclables in the street; handing out flyers or promotional materials for a business; cleaning homes and businesses or washing

ARGENTINA

and ironing clothes for others; and cultivating or harvesting agricultural products.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, religion, nationality, sex, physical characteristics, social or economic status, or political opinion, and the government generally enforced the law. Penalties were commensurate with laws related to civil rights. The most prevalent cases of workplace discrimination were based on disability, gender, and age.

Discrimination also occurred on the basis of HIV-positive status and against individuals of indigenous origin. Women are prohibited from working in certain industries; for example, there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Although women enjoyed the same legal status and rights as men, they continued to face economic discrimination. Women held a disproportionately high proportion of low paying, informal jobs and significantly fewer executive positions in the private sector than men, according to several studies. Although equal pay for equal work is constitutionally mandated, women earned approximately 25 percent less than men earned for equal or similar work.

e. Acceptable Conditions of Work

The minimum wage remained below the official poverty income level for a family of four, despite a 35-percent increase announced in October 2019. Most workers in the formal sector earned significantly more than the minimum wage. The minimum wage generally served to mark the minimum pay an informal worker should receive.

Federal law sets standards in workhours and occupational safety and health. The

ARGENTINA

maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law prohibits excessive overtime and defines permissible levels of overtime as three hours a day. Labor law mandates between 14 and 35 days of paid vacation, depending on the length of the worker's service.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by an act of God, or other exceptional reasons affecting the national economy or "unusual and unpredictable situations" affecting businesses occur.

The Ministry of Labor has responsibility for enforcing legislation related to working conditions. The government sets occupational safety and health (OSH) standards, which were current and appropriate for the main industries in the country. The government effectively enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes like negligence. The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. The law requires employers either to provide insurance through a labor-risk insurance entity or to provide their own insurance to employees to meet requirements specified by the national insurance regulator. The law limits the worker's right to file a complaint if he or she does not exhaust compulsory administrative proceedings before specified medical committees.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector (approximately 35 percent of the labor force). The Ministry of Labor continued inspections to ensure companies' workers were registered and formally employed. Inspectors had the authority to make unannounced inspections and to initiate sanctions. The ministry conducted inspections in various provinces, but the Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce. The Superintendence of Labor Risk served as the enforcement agency to monitor compliance with OSH laws and the activities of the labor risk insurance

ARGENTINA

companies.

Workers could not always recuse themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities did not effectively protect employees in these circumstances. Through September the Ministry of Labor reported receipt of 81,000 occupational safety complaints related to COVID-19, especially in the health sector. As a result, the sector surpassed the traditionally more dangerous manufacturing and mining sectors in the number of complaints received.