

Argentina 2023 Human Rights Report

Executive Summary

There were no significant changes in the human rights situation during the year.

Significant human rights issues included credible reports of: unlawful and arbitrary killings; torture or cruel, inhuman, or degrading treatment or punishment by federal and provincial officials; arbitrary arrests and detentions; serious problems with the independence of the judiciary; serious government corruption; extensive gender-based violence, including domestic or intimate partner violence, sexual violence, femicide, and other forms of such violence; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

The government took limited credible steps to identify and punish officials who may have committed human rights abuses.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports that the government or its agents committed

arbitrary or unlawful killings.

On April 16, Mauricio Castillo died in a municipal police station in Lomas del Mirador in the province of Buenos Aires. His family accused police of killing Castillo after police officers mistakenly detained him for robbery. The autopsy indicated Castillo died of suffocation; as of October, his death was under investigation.

On August 10, Facundo Molares died of a heart attack while being detained by police during a demonstration in Buenos Aires. Activists and human rights organizations stated Morales was a victim of police repression and brutality during a peaceful protest. Molares reportedly lost consciousness while pinned to the ground by police officers, and attempts to resuscitate him were unsuccessful. Buenos Aires municipal officials defended the officers' actions.

On July 11, a municipal court sentenced three police officers from the city of Buenos Aires to life imprisonment for conviction of the murder in 2021 of Lucas González. The judge found the three officers guilty of aggravated murder, concealment, abuse of power, and racial hatred. Six other police officers were sentenced four to eight years in prison for their complicity.

Authorities continued to investigate and prosecute individuals implicated in killings, disappearances, and torture committed during the 1976-83 military dictatorship and the 1974-76 government of Isabel Peron.

b. Disappearance

There were no reports of disappearances by or on behalf of security forces during the year.

Federal courts continued to prosecute suspects for disappearances and crimes against humanity during the 1976-83 military dictatorship. As of September, there were 18 open trials with an estimated 172 suspects. As of October, a federal court in San Juan sentenced 16 former military officers and justice officials for crimes against humanity; a federal trial began against a former naval intelligence officer accused of committing approximately 400 crimes against humanity, including torture, kidnapping, and forced disappearances; the government of Italy agreed to extradite a priest charged with crimes against humanity to Argentina; and a court in Corrientes initiated a trial against 10 former military officers for crimes against humanity.

On July 28, the Abuelas (Grandmothers) de la Plaza de Mayo, a human rights organization leading the search for disappeared persons and abducted children during the 1976-83 dictatorship, announced the discovery of a 133rd child, of an estimated 500 abducted children.

c. Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment, and Other Related Abuses

The law prohibited such practices; however, there were reports that government officials employed abuse and mistreatment. The Prison Ombudsperson's National Office (PPN), an independent government body that monitored prison conditions; the Commission for Memory, an autonomous human rights public organization for the province of Buenos Aires; and local and international nongovernmental organizations (NGOs) reported complaints of abuse committed by provincial and federal prison officials.

Between January and June, the PPN recorded 117 cases of abuse or mistreatment and registered 103 victims. The PPN's report was largely limited to the city and province of Buenos Aires.

Impunity remained a significant problem in security forces at all levels. Corruption and a slow, politicized judicial system impeded efforts to investigate abuses.

Prison and Detention Center Conditions

Prison conditions were harsh due to overcrowding, poor nutrition and medical care, and unsanitary conditions.

Abusive Physical Conditions: Prison overcrowding remained a problem. As of June, the province of Buenos Aires estimated a prison population of

53,097 in space designed for 26,886 persons.

Overcrowding in detention facilities often resulted in persons being held in police station facilities for extended periods, although some NGOs and the national prison ombudsperson noted the law prohibited doing so. On July 18, human rights organizations protested overcrowding in the Buenos Aires police stations. Human rights organizations estimated 1,155 detainees were being held in spaces designed for 543.

According to the Center for Legal and Social Studies and other human rights organizations and research centers, inmates in many facilities suffered from poor nutrition, inadequate medical and psychological treatment, and inadequate sanitation, heating, ventilation, and light.

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 generally permitted monitoring of prisons by independent local and international human rights observers.

d. Arbitrary Arrest or Detention

The law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their 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 could detain suspects for up to six hours without an arrest warrant if authorities had a well-founded belief the suspects had committed or were about to commit a crime, or if police were unable to determine a suspect's identity. In all cases, authorities were required to immediately notify the state attorney's office of an arrest. The state attorney could approve detention for up to 72 hours. In exceptional cases, a judge could extend detention for another 72 hours. Human rights groups reported police occasionally arrested persons arbitrarily, detained suspects longer than the law permitted, and did not follow proper notification procedures.

The law provided for the right of detainees to a prompt determination of the legality of their detention. A lower criminal court judge determined 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 provided 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 defenders if detainees were unable to afford counsel. In some cases, access was delayed due to an overburdened judicial system.

Arbitrary Arrest: Local NGOs reported police sometimes arrested and detained citizens arbitrarily.

On April 19, province of Buenos Aires police officers arrested Mauricio Castillo's family and friends as they protested his death during detention.

In June press and human rights organizations condemned police arbitrary arrests and detentions in the province of Jujuy during and after demonstrations against provincial constitutional reform. More than 25 arbitrary arrests were reported.

Pretrial Detention: Pretrial detention was a problem. The law provided for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period could 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. According to official statistics, almost one-half of the 11,300 individuals detained in federal facilities and half of the 53,100 persons detained in the province of Buenos Aires facilities were in pretrial detention. NGOs estimated many prisoners were held in police stations for more than one year, despite a federal law that established a 48-hour limit for detention in police stations.

e. Denial of Fair Public Trial

The law provided for an independent judiciary, but government officials at all levels did not always respect judicial independence and impartiality.

According to domestic NGOs, judges in some federal criminal and provincial courts were subject to political influence at times.

Trial Procedures

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

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

A code of federal criminal procedure passed in 2014 replaced the country's hybrid federal inquisitive system with an accusatory system, but implementation of the system had yet to be completed by year's end.

Political Prisoners and Detainees

There were no credible reports of political prisoners or detainees.

f. Transnational Repression

Not applicable.

g. Property Seizure and Restitution

Not applicable.

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

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

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media and democratic institutions combined to promote freedom of expression, including for media members.

Freedom of Expression: Press freedom watchdog organizations reported aggressive comments against journalists from political leaders and candidates, as well as statements from the president and a provincial governor, among others, limited press freedom.

Violence and Harassment: There were reports of physical attacks, threats,

and harassment against journalists from government and criminal organizations.

According to the Argentina Journalism Forum (FOPEA), from January 1 to August 31, there were 72 incidents of violence and harassment against journalists, and four journalists were illegally detained.

There were several attacks against media offices, which included setting an allegedly intentional fire in Radio Horizontes in Misiones Province in January, firing shots at the Radio LT3 building in the city of Rosario in April, and intimidating messages sent within a large chat group that allegedly included employees of the province of Buenos Aires attacking national newspaper *Clarín* as a “mafia” in April. There were several cases of violence against media representatives during coverage of protests and demonstrations across the country.

On July 17, provincial police injured one journalist and arrested two others during their coverage of the demonstrations against provincial constitutional amendments in Jujuy. The national news agency Telam filed a criminal complaint, and Reporters Without Borders condemned the detention of the two journalists and the confiscation of their cell phones for examination.

In May the Supreme Court of Tucumán Province dismissed and closed a 2020 lawsuit against journalist Irene Benito for “attacks on public authority and aggravated threats.” FOPEA described the three-year lawsuit a way to

“retaliate, persecute, and harass” her for her investigation of high-level judicial corruption.

National Security: In January, the Federal Intelligence Agency (AFI) filed a criminal lawsuit against leading national newspapers *La Nacion* and *Clarín* as well as well-known journalists Joaquin Morales and Daniel Santoro. AFI accused the journalists of illegally revealing names of AFI agents. The National Academy of Journalism, Committee to Protect Journalists, FOPEA, and Association of Argentine Journalism Entities (ADEPA) criticized AFI’s actions and warned that a negative decision could promote self-censorship due to fear of reprisal. A federal court dismissed the charges in April.

Nongovernmental Impact: Domestic press freedom watchdog organizations FOPEA and ADEPA warned that criminal groups “encroached” on freedom of expression by intimidating and threatening journalists, particularly in the city of Rosario. Both organizations stated local criminal gangs’ intimidation of media emerged as a real threat to journalists’ safety.

In February FOPEA condemned organized crime groups in Rosario and stated their activities “put the physical and mental integrity of our colleagues at risk and threatens freedom of the press and expression.” In March, ADEPA called on local and national authorities “to take firm action to safeguard the reporting task of the media and journalists who investigate drug trafficking mafias.” The organization noted it had become a regular practice in Rosario for journalists to wear bulletproof vests while working.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content.

b. Freedoms of Peaceful Assembly and Association

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights, with some exceptions.

On June 20, the Inter-American Commission on Human Rights expressed concern regarding Jujuy's provincial security forces' response during nonviolent demonstrations.

On July 12, human rights organizations criticized provincial police actions during protests against provincial constitutional amendments in Jujuy. Jujuy provincial police forcefully entered a meeting of university leaders, labor unions, and students' organizations at the National University of Jujuy. Civil society groups criticized the provincial police for violating the university's lawful institutional autonomy.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

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

Access to Asylum: The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees.

Section 3. Freedom to Participate in the Political Process

The law provided citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Abuse or Irregularities in Recent Elections: National elections were widely reported to be fair and free of abuses and irregularities.

Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, but the government did not implement the law effectively. There were numerous reports of government corruption during the year. Weak institutions and an often ineffective and politicized judicial system undermined systematic attempts to curb corruption.

Corruption: As of October, several corruption-related investigations against sitting and former high-ranking political figures were being conducted, including of former Vice President Cristina Fernández de Kirchner.

Fernández de Kirchner and nine primary defendants (45 defendants in total) were accused of receiving kickbacks, paying kickbacks, or both, on public works contracts between 2008 and 2015 when Fernández de Kirchner was president. Prosecutors estimated the total value of the bribery scheme at \$160 million. Fernández de Kirchner was convicted and in December 2022, a trial court sentenced her to six years in prison, a fine, and life ineligibility for public office. The sentence would be not final until final appeals were decided. As of October, the case remained on appeal at the Criminal

Cassation Court. In June, a federal judge dismissed charges against Fernández de Kirchner in a separate case that investigated a corruption scheme in public works, citing insufficient evidence. Cristina Fernández de Kirchner and her children faced one other financial corruption case as of October.

On July 26, a federal trial started against former federal judge Walter Bento, his family, and 29 other defendants, including lawyers and police officers. The court accused Bento of leading a criminal organization with links to drug trafficking and was accused of money laundering and taking bribes in exchange for leniency and other judicial benefits. On November 8, Bento was placed in preventive detention after losing the privileges of immunity when a jury decided to remove him from office for poor performance of his duties.

Corruption and official complicity 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 commercial sex. Allegations of corruption in provincial and federal courts were frequent.

For additional information regarding corruption in the country, please see the Department of State's *Investment Climate Statement* for the country, and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials often were cooperative and generally responsive to the views of these groups.

Government Human Rights Bodies: The government had a human rights secretariat within the Ministry of Justice and Human Rights. The secretariat, although politicized, collaborated with other ministries and the judiciary to promote policies, plans, and programs to protect human rights.

The National Office, an independent and autonomous agency headed by an ombudsperson, was mandated to defend human rights and other constitutional protections. The ombudsperson was nominated by the president and approved by the congress. The position had been vacant since 2009. NGOs argued the government's failure to fill the office undermined its 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 and Societal Abuses

Women

Rape and Domestic Violence: Rape of men or women, including spousal rape or intimate partner rape and other forms of domestic and sexual violence, was a crime. The law did not include so-called corrective rape of lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons. The penalties ranged from six months' to 20 years' imprisonment, depending on the ages of the perpetrator and survivor, their relationship, the use of violence, and other factors. The government enforced the law effectively. 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 survivors again, often by forcing them to recount details of their trauma, interpreting the survivor's silence during a trauma as consent, or reviewing the survivor's past sexual history as evidence.

The law prohibited domestic violence, including spousal abuse. The law imposed a stricter penalty for conviction of homicide attributable to gender-based violence than for other killings. The law was generally enforced, and survivors generally had access to protective measures. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for

survivors.

The law required all federal employees to receive training on gender and gender-based violence. The law was enforced, including for cabinet-level officials and the president. Training on gender and gender-based violence was a requirement for all persons applying for their first driver's license.

The Office of Domestic Violence operated a 24-hour hotline for survivors of gender-based violence and had emergency WhatsApp and email contact channels for victims unable to use the telephone. The office provided around-the-clock protection and resources to survivors of domestic violence. Public and private institutions offered prevention programs and provided support and treatment for abused women. The Ministry of Women oversaw care centers nationwide to help survivors of gender-based violence, including persons from the LGBTQI+ community. The law provided for financial support to children who lost their mothers to gender-based violence; however, many families complained of delays in receiving payment.

Other Forms of Gender-based Violence or Harassment: The law prohibited sexual harassment in public spaces and imposed disciplinary or corrective measures. In addition, the law criminalized harassment, especially sexual harassment, in work environments, both in the public and private sectors. The government generally enforced the law effectively. In some jurisdictions, such as the city of Buenos Aires, sexual harassment could lead

only to the abuser's dismissal from work, whereas in others, such as Santa Fe Province, the abuser could face a maximum penalty of five days in prison.

Between January and July, the Ministry of Women tracked gender-based violence and femicides and reported 151 femicides between January and July.

Discrimination: The constitution provided the same legal status and rights for women and men and prohibited discrimination based on race, religion, nationality, gender, age, disability, physical characteristics, social or economic status, political opinion, or marital status. The government generally enforced the law.

The most prevalent forms of workplace discrimination were based on disability, gender, and age. A report from Grow, Gender, and Employment, a civil society organization focused on gender matters, stated 81 percent of women perceived being a target of violence, discrimination, or harassment at their workplaces. The report noted the majority of workplace violence, discrimination, or harassment cases were not reported to government authorities.

Women were prohibited from working in certain industries; for example, there were restrictions on women's employment in the mining, manufacturing, and transportation sectors. There were also restrictions on women working in jobs deemed hazardous or arduous. Courts found

employers guilty of gender discrimination if they did not employ a significant percentage of women in their workforce.

Although women enjoyed the same legal status and rights as men, they continued to face economic discrimination. Women held a disproportionately high percentage of low-paying, informal-sector jobs, and significantly fewer executive positions in the private sector than men, according to several studies. Although equal pay for equal work was constitutionally mandated, as of December 2022 women earned approximately 30 percent less than men earned for equal or similar work.

Reproductive Rights: There were no known reports of coerced abortion or involuntary sterilization on the part of government authorities.

Access to sexual and reproductive health services, information, and contraception was generally available, although access was limited for Indigenous or rural populations. Emergency contraception was available as a method of family planning.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception and postexposure prophylaxis, as part of clinical management of rape.

There were reports provincial health-care providers and facilities, especially in remote regions, intentionally delayed and obstructed access to abortion. Overall, adolescent birth rates declined by 60 percent during the prior 10

years. There were disparities between the rate in provinces and the city of Buenos Aires. Buenos Aires had a rate of 2.5 percent while rural provinces such as Formosa, Chaco, and Misiones reached 17 percent.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibited any type of discrimination based on race, social conditions, gender, religion, socioeconomic status, or ethnicity. The government did not consistently enforce the law. The National Institute against Discrimination, Xenophobia, and Racism (INADI) was responsible for enforcing the law. Domestic NGOs generally agreed INADI was supportive but ineffective in providing meaningful solutions to their concerns due to its slow response time and lack of follow up.

Groups representing persons of African and Indigenous descent criticized structural discrimination and unequal access to health services and stated their communities received discriminatory treatment from police and security forces.

Two government entities worked to raise the profile of citizens of African descent and address their concerns: the Federal Advisory Council of the Afro-Argentine Community and the Commission for the Historical Recognition of the Afro-Argentine Community. From August 3-5, INADI held the first national assembly for Afro-descendent women to promote their involvement in politics and combat discrimination.

Indigenous Peoples

Indigenous persons were not fully consulted in the management of their lands or natural resources in part because responsibility for Indigenous rights was delegated to provinces. The constitutions of 11 of the 23 provinces recognized Indigenous rights. Projects carried out by the agricultural and extractive industries displaced Indigenous individuals, limited their access to traditional means of livelihood, reduced the area of lands on which Indigenous individuals depended, and caused pollution that in some cases endangered their health and welfare. Conflicts occurred when authorities evicted Indigenous persons from ancestral lands.

Indigenous lands were not effectively demarcated. A law created to respond to conflicts regarding Indigenous lands ordered the National Institute for Indigenous Issues (INAI) to conduct a technical and legal survey of Indigenous communities and, if applicable, of the lands Indigenous persons occupied. The law also suspended the execution of legal verdicts and procedural or administrative acts whose purpose was the eviction of Indigenous persons from lands they occupied. In 2022, INAI completed a survey of 918 of 1,837 communities. The survey included the communities' ancestral claims to the territory and a demarcation of their land, but it did not provide legal titles, and the demarcation was not legally binding. The administrative resolution for the communities' territorial claims was used as evidence for a judge to grant legally binding land titles. INAI acknowledged

the lack of community property law, and Indigenous organizations denounced the fact that only a few communities received legal land ownership certificates.

On March 30, the Mendoza provincial chamber of deputies passed a declaration that rejected Mapuche communities as Indigenous Argentines in response to an INAI survey that identified Mapuche communities' land in the south of the province. Human rights organizations and Indigenous communities accused the provincial government of systemic racism and stated the declaration was an attempt to limit Indigenous communities' land and natural resource rights.

Indigenous communities in Jujuy participated in protests against provincial constitutional amendments that changed land-titling and eviction procedures for Indigenous groups. Civil society organizations criticized the amendments, which they alleged ignored the rights of consultation and participation for Indigenous communities. Press reported confrontations with police that resulted in violence and arbitrary detentions of protesters. In July, provincial authorities withdrew two of the contested articles that Indigenous communities argued would limit land rights and management of natural resources.

On March 7, Wichi community members condemned police repression in Nueva Pompeya, Chaco, during a protest at a local police station. Members of the community protested the disappearance of a Wichi community

member. Police detained 20 members of the community during a protest that blocked access to the town, and videos circulated on social media that displayed police violence against the protesters. Wichi leaders criticized the police actions and noted their communities were often a target of police discrimination and violence.

Indigenous groups noted access to health care as one of their main concerns. On March 9, a child, age 6, from an Indigenous Wichi community died in Embarcación, Salta Province. Her parents and the community blamed delays in access to health services and commercialization of public medical appointments for her death.

Children

Child Abuse: By law, conviction of sexual abuse of a child was a punishable offense, with sentences of up to 20 years in prison. The government enforced the law effectively. Physical harm to a child was punishable with up to 15 years in prison. Child abuse was common. Children and adolescents represented 38 percent of the survivors of domestic violence cases reported to the Supreme Court's Office of Domestic Violence. The majority of survivors were girls. 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 were legally

allowed to marry, with parental permission. Children younger than 16 were required to obtain judicial authorization in addition to parental consent.

The government enforced the law effectively.

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

On June 29, police conducted 99 raids in the province of Buenos Aires and arrested 18 men on charges related to child sexual exploitation. All detainees were suspected members of a network of grooming, production, and commercialization of child sexual abuse material.

On August 28, in a coordinated international operation based in the country, authorities conducted 61 raids, arrested 12 individuals across the country on charges related to child sexual exploitation, and rescued three child victims. The joint operation ended with 47 individuals arrested across eight countries.

In August, a federal court ordered the detention of the journalist and

politician Ezequiel Guazzora on charges related to child abuse and child sexual exploitation. As of October, Guazzora was a fugitive and had yet to be arrested.

Antisemitism

Estimates of the size of the Jewish community varied but, based on the most recent data available published by the Berman Jewish Databank, the Jewish population was estimated at 175,000 in 2021.

Sporadic acts of antisemitic discrimination and vandalism continued. The most commonly reported antisemitic incidents were slurs posted on various websites and social media, often in relation to news articles. Other incidents included graffiti and verbal slurs.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalized consensual same-sex sexual conduct between adults, cross-dressing, or other sexual or gender characteristic-related behavior. The laws were not disproportionately applied to LGBTQI+ persons.

Violence and Harassment: The National Observatory of Hate Crimes registered 128 hate crimes against LGBTQI+ individuals in 2022, including 18 killings. The numbers of hate crimes and killings of LGBTQI+ persons registered a 7 percent increase, compared with 2021.

On July 3, a transgender woman was killed in Burzaco, Buenos Aires Province. Police arrested a suspect two weeks later, and a trial was in progress as of October. LGBTQI+ organizations criticized police and justice authorities for their mischaracterization of the victim's gender identity during the investigation and trial.

Discrimination: The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. National antidiscrimination laws did not specifically include the terms sexual orientation, gender identity or expression, or sex

characteristics as protected grounds. An employer could potentially face a discrimination suit from LGBTQI+ employees based on their marital status, since marriage was available to same-sex couples and marriage was a “protected class” under the antidiscrimination law. The law offered no recognition to intersex persons of their rights to bodily autonomy and no specific protections from discrimination on the basis of sex characteristics.

There was no reported official discrimination based on sexual orientation or gender identity in employment, housing, or access to education. The law stipulated that at least 1 percent of the positions in public administration be held by transgender persons. Civil society and government authorities reported progress on hiring transgender persons but also problems in reaching the percentage established by law. As of June, 709 transgender persons worked in public administration, while the 1 percent quota represented an estimated 3,000 positions. Transgender organizations noted this was despite there being 7,000 transgender applicants for positions advertised in 2022. Of those positions, only 10 percent hired transgender applicants.

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 toward LGBTQI+ individuals, especially transgender persons. In general, cases of discrimination ranged from attacks on social media to physical

violence, including homicide. In the health sector, there were reports of a lack of training for health personnel, health personnel acting in an unprofessional manner, and mistreatment.

A 2022 law provided access to formal employment for transgender and transexual individuals. The law provided the same legal protections and privileges for transgender persons in the workplace as for cisgender persons, such as paid vacation and retirement provisions. Nonetheless, human rights organizations estimated 80 percent of transgender persons did not have access to formal employment.

Availability of Legal Gender Recognition: The law allowed individuals to change gender markers and names on identity documents through a simple administrative process, without approval needed from a physician or judge. The government allowed individuals to list an “X” for gender on national identity documents.

Involuntary or Coercive Medical or Psychological Practices: While no such practices were reported by the government during the year, human rights organizations stated social, cultural, and religious intolerance led to recurrent attempts to “convert” LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures.

Intersex activists reported harmful medical interventions and possible cases of children being denied access to birth certificates unless their parents

consented to irreversible medical interventions to “normalize” the children’s nonbinary bodies. There were no reports that medically unnecessary and irreversible “normalization” surgeries were performed on nonconsenting adult intersex persons. Intersex activists cited cases of being denied access to their medical records.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly:

There were no laws or restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ matters.

Persons with Disabilities

The law mandated access to buildings by persons with disabilities. While elevators and escalators were common in major cities, they were rare in smaller cities and towns, causing accessibility problems for persons with disabilities.

The constitution and laws prohibited discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law, but there were isolated reports of discrimination. While federal laws prohibited discrimination against persons with disabilities, many provinces had not adopted such laws and those that had did not have mechanisms to ensure enforcement. A law reserved 4 percent of federal government jobs for persons with disabilities.

The National Fund for the Inclusion of Persons with Disabilities financed

accessibility projects throughout the country. As of July, the fund had signed agreements with 23 provinces to finance technical support projects.

On March 6, the National Agency on Disability announced it would issue disability certificates with no expiration date to persons with disabilities for access to services, subsidies, and benefits.

There were reports of discrimination against persons with disabilities, including a candidate running for the MERCOSUR (Southern Common Market) Parliament, who stated “no one wants to vote for a disabled person.” Following widespread political and social condemnation, the person withdrew his candidacy.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provided for the right of workers to form and join independent unions. Registered unions had the right to bargain collectively and to conduct legal strikes. The government generally respected these rights.

The law prohibited discrimination against unions and protected workers from dismissal, suspension, and changes in labor conditions. It prohibited 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 could be brought before the judiciary. Violations of the law could result in a fine imposed on the employer or the relevant employers' association, as appropriate. Penalties were sometimes applied against violators.

The law allowed unions to register without prior authorization. Registered trade union organizations could engage in certain activities to represent their members, including petitioning the government and employers. The law recognized only one union per sector as deemed the "most representative," defined by law as the union with 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 received trade union immunity from employer reprisals against their officials, were permitted to deduct union dues directly from wages, and could bargain collectively with recourse to conciliation and arbitration. The most representative union bargained on behalf of all workers in each sector, and collective agreements covered both union members and nonmembers in the sector. The law required the Ministry of Labor, Employment, and Social Security to ratify collective bargaining agreements.

The Argentine Workers' Central Union and other labor groups not affiliated

with the General Confederation of Labor, the largest trade union confederation, continued to contend that the legal recognition of only one union per sector conflicted with international standards and prevented these unions from obtaining full legal standing.

Civil servants could strike only after a compulsory 15-day conciliation process, and they were subject to the condition that unspecified “minimum services” be maintained. Once the conciliation period expired, civil servants and workers in essential services were required to give two days’ notice to the administrative authority and the public agency against which they intended to strike. If “minimum services” were not previously defined in a collective bargaining agreement, all parties then negotiated which minimum services would continue to be provided, including a schedule for their provision. The public agency, in turn, had to provide clients two days’ notice of an impending strike.

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

b. Prohibition of Forced or Compulsory Labor

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

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/>.

d. Discrimination (see section 6)

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage in July was slightly higher than the official basic food basket for a family of four. Most workers in the formal sector earned significantly more than the minimum wage.

Federal law set the maximum workday at eight hours; the maximum workweek was 48 hours. Overtime pay was required for hours worked in excess of these limits. The law prohibited excessive overtime and defined permissible levels of overtime as three hours a day. Labor law mandated between 14 and 35 days of paid vacation, depending on the length of the worker's service.

The government enforced these regulations through routine labor inspections and by investigating complaints.

Occupational Safety and Health: The government set standards for occupational safety and health (OSH) conditions that were appropriate for the main industries in the country. The law required employers to insure

their employees against accidents at the workplace and when traveling to and from work. The law required 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 limited the worker's right to file a complaint until the worker followed compulsory administrative proceedings with specific medical committees.

OSH experts actively identified unsafe conditions in addition to responding to workers' OSH complaints. 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.

Wage, Hour, and OSH Enforcement: The Labor Ministry was responsible for enforcing legislation related to working conditions. The ministry, through the *National Work Regularization Plan*, coordinated law enforcement efforts with the labor authorities at the provincial level. The ministry conducted inspections in various provinces, but the federal Labor Inspectorate employed well below the number of inspectors recommended by the International Labor Organization, in light of the size of the workforce. Inspectors had the authority to make unannounced inspections and to impose fines. Inspectors had a referral process to direct labor crimes, including child labor and forced labor, to the courts.

The government enforced these regulations through routine labor inspections and by investigating complaints. Violations were more common for workers in the informal sector, as formal workers often negotiated bargaining agreements through their respective unions. Penalties for wage and hour violations were commensurate with similar crimes such as fraud. Penalties for wage and hour violations were sometimes applied to violators.

The Superintendency of Labor Risk served as the enforcement agency to monitor compliance with OSH laws and the activities of the labor risk insurance companies. The government effectively enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. Penalties for OSH violations were sometimes applied to violators.

Domestic workers in the informal sector remained the most affected by the lack of social protections and ineffective enforcement of labor laws. The garment sector had high rates of informal employment, as did small businesses, farms, and construction projects. Analysts reported the official minimum wage, which was regularly updated to keep pace with inflation, was typically used as the basis for informal-sector wages. The government dissuaded informal employment through penalties on employers hiring informal workers, including by limiting their access to government loans and tax exemptions.

The national institute of statistics reported 36 percent of workers were in

the informal sector at the end of 2022, while the International Labor Organization estimated the level stood at 45 percent in September. The government did not fully enforce labor laws in the informal sector.