

Argentina

Impunity for gender-based violence persisted with many femicides and attacks against LGBTI people going unpunished. Abortion remained difficult to access in many parts of the country, despite its recent decriminalization. Investigations into several key cases of disappearances and deaths in police custody did not progress. Officials did not take measures to improve the integration of refugees and asylum seekers.

Background

The country remained mired in an economic and social crisis. In the first half of 2022, 36.5% of the population was living in poverty.

In September, vice-president Cristina Fernández de Kirchner was the target of an assassination attempt.

In September, the UN Independent Expert on the Effects of Foreign Debt visited Argentina and expressed the need to ensure that its international debt obligations do not compromise human rights.

In November, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions found that Argentina did not effectively investigate and prevent unlawful deaths. He concluded that “victims often belong to the most disadvantaged and vulnerable sections of the population... while those responsible enjoy impunity”.

Women’s and LGBTI people’s rights

Violence against women, girls and LGBTI people

According to figures collected by NGOs, during 2022, 233 gender-based killings were recorded, 91% of them in domestic settings.

Despite the public attention given to the fight against gender-based violence, prosecution rates for sexual violence remained low and only 15.5% of reported cases resulted in convictions, according to the National Prosecutor’s Office.

In October, after more than four years of collaboration between the Argentine, Brazilian and Nicaraguan justice systems, actor Juan Darthés testified in the trial in Brazil in which he is charged with the rape of Thelma Fardin. A final ruling in the case was deferred to 2023.

Women and LGBTI journalists faced increased violence and attacks. At least two journalists who defend women’s human rights filed complaints with the courts for online harassment and violence. At the end of the year their cases remained pending.

The fate and whereabouts of Tehuel de la Torre, a 21-year-old transgender man missing since March 2021, remained unknown. No independent, effective, impartial, trans-feminist investigation into the case was carried out.

Sexual and reproductive rights

Significant obstacles persisted in accessing abortion services despite the approval of a law in 2020 decriminalizing and legalizing abortion within the first 14 weeks of pregnancy. Authorities did not carry out any campaigns to disseminate information about the law.

Miranda Ruiz, a doctor from Tartagal, Salta Province, was finally acquitted after having been criminalized for assisting in a legal abortion.

Ana, a 30-year-old woman who had had a miscarriage, was finally released after having been accused of aggravated homicide and spending eight months in prison in Corrientes Province.

According to the latest available official data released in 2022, at least three children aged under 15 gave birth daily in 2020. Despite a decrease in the number of pregnancies among children and adolescents aged between 10 and 19 between 2016 and 2020, more than 50,000 people in this age group gave birth during 2020.

Comprehensive sex education

By the end of the year litigation remained pending against a resolution passed by Chaco Province's Ministry of Education in May allowing a teacher training conference to contain content dismissing abortion rights and children's rights, and pathologizing sexual diversity.

Excessive use of force

At the end of the year, a ruling against the 13 police officers accused in the case of Valentino Blas Correas, a 17-year-old boy from Córdoba Province who was shot and killed by police in August 2021, remained pending.

On 5 June, Daiana Soledad Abregú was found dead in a police cell in the town of Laprida, Buenos Aires Province. Although initial examinations suggested that she took her own life, a second autopsy dismissed the hypothesis of suicide. The five police officials charged with aggravated homicide remained at liberty.

A bill on a Comprehensive Approach to Institutional Violence by Police Officials in the Security and Penitentiary Services remained pending before the Lower House at the end of the year.

Freedom of assembly

The Jujuy provincial government introduced a bill to amend the provincial constitution and limit social protest, prohibiting roadblocks and the "usurpation of public space". The discussion of the reform was deferred to 2023.

Impunity

Trials before ordinary civilian courts continued for crimes against humanity committed under the 1976-1983 military regime. Between 2006 and December 2022, 286 rulings were handed down, bringing the total number of convictions to 1,088 and acquittals to 166.

The investigation into the disappearance and death of Facundo Astudillo Castro in 2020 made no significant progress. He was last seen at a police checkpoint in Buenos Aires Province.

By the end of the year, the investigation into the disappearance and death of Santiago Maldonado had made no progress. His body was found in 2017 in a river on Mapuche territory in Chubut Province, 78 days after a violent raid by the Argentine National Gendarmerie.

Concerns remained over the lack of institutional public policies on effective searches for missing persons, and investigations into alleged enforced disappearances were not carried out.

Indigenous peoples' rights

Indigenous peoples continued to face serious difficulties in accessing collective land rights. The National Institute for Indigenous Affairs only completed 43% of the survey of Indigenous territories mandated by the Emergency Law 26.160. Evictions of Indigenous people from their territories continued despite a prohibition mandated by the same law.

Formosa Province authorities denied the pre-colonial existence of the Nivaclé people and thus refused to issue birth certificates and identity cards to its people, especially the elderly. According to civil society organizations, about 30% of them remained without identity documents, violating their right to identity and putting them at risk of statelessness.

Refugees' and migrants' rights

In May, national authorities established a community sponsorship programme for people fleeing social unrest and natural disasters in Central America, the Caribbean and Mexico. However, people in need of international protection for other reasons and from other countries were not included.

Authorities suspended the relocation of new people in need of international protection under the community sponsorship programme for Syrians (the "Syria Programme"). Government authorities failed to pass regulations pursuant to the refugee law to allow asylum seekers and refugees greater access to basic rights such as education, work and healthcare.

Failure to tackle climate crisis and environmental degradation

Congress failed to enact the Wetlands Law Bill, which had been pending approval for more than a decade, despite intense heatwaves, droughts and fires in large areas of the country, which threatened both land and livelihoods.