

ARGENTINA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. In October 2019, Alberto Fernández was elected president in elections that local and international observers considered generally free and fair. In November 2021, the country held midterm municipal, provincial, and federal elections. Voters elected one-half of the members of the Chamber of Deputies and one-third of the members of the Senate.

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

Significant human rights issues included credible reports of: unlawful and arbitrary killings, including extrajudicial killings; torture or cruel, inhuman, or degrading treatment or punishment by federal and provincial officials; harsh and life-threatening prison conditions; serious problems with the independence of the judiciary; and serious government corruption.

The government took limited steps to identify, investigate, prosecute, and punish officials who committed human rights abuses or engaged in corruption.

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. The Institutional Violence Prosecutor's Office under the Attorney General's Office oversaw the investigation and prosecution of unlawful practices perpetrated by state agents that were harmful to the freedom, integrity, dignity, and life of persons.

On June 4, authorities found Daiana Soledad Abregú dead in a municipal police station in Laprida, province of Buenos Aires. Her family accused police of murdering Abregú and requested a second autopsy. The second autopsy confirmed she died of injuries from a beating, and provincial authorities arrested five municipal police officers.

On July 10, provincial authorities arrested six municipal police officers for the death of Jonatan Romo in La Falda, Córdoba. Family members documented Romo's mental impairment and accused police of violating protocol by arresting him instead of taking him to a hospital. The police officers were accused of asphyxiating Romo during his arrest.

In July 2021, authorities identified three Barracas provincial police officers responsible for the killing of Lucas González, age 17. In July 2022, authorities identified and arrested 15 more provincial police officers for the killing and concealment of González.

In March the case regarding the disappearance and death of Luis Espinoza in Tucumán Province was officially sent to federal jurisdiction to be investigated as a forced disappearance felony. In 2020, police officers beat and shot Luis Espinoza at an illegal checkpoint while his brother fled. The trial began on October 24 at the Oral Federal Tribunal in the province of Tucumán. Nine policemen and two civilians were accused of the forced disappearance and killing of Luis Espinoza. Police were also charged with deprivation of liberty of the brother Juan Antonio Espinoza.

In August two Buenos Aires provincial police officers were sentenced to prison for 21 and four years, respectively, for the 2020 killing of Lucas Verón, age 18, in González Catán, province of Buenos Aires. The officers were charged with abuse of authority after they chased two unarmed young men and shot and killed Verón.

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.

b. Disappearance

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

On August 14, a federal court started the trial of former federal police officer Mario Sandoval for the illegal arrest, torture, and disappearance of political activist Hernan Abriata in 1976. Sandoval was extradited from France in 2019, following a process that began in 2012.

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

The law prohibits such practices; however, there were reports that government officials employed them. The Prosecutor General's Office; the Prison Ombudsperson's National Office (PPN), an independent government body that monitors prison conditions; the Commission for Memory (CPM), an autonomous public organization for the province of Buenos Aires that works on human rights; and local and international nongovernmental organizations (NGOs) reported complaints of abuse perpetrated 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 reporting remained largely limited to the city and province of Buenos Aires (home to approximately 46 percent of the population).

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 police forces at all levels on human rights, including through online training during the COVID-19 pandemic.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening due to overcrowding, poor medical care, and unsanitary conditions. There were reports of repeated and arbitrary transfers, transfers to distant locations, and the recurrent use of solitary

confinement as a method of punishment, particularly in the province of Buenos Aires.

Abusive Physical Conditions: Prison overcrowding remained a problem. According to the Federal Penitentiary Service, as of September, there were an estimated 11,400 prisoners in space designed for 10,936 persons.

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

Women's prisons were generally less violent and dangerous than men's prisons. Women and transgender women represented approximately 7 percent, and transgender women represented 0.3 percent of the total prison population. As of October, there were 787 women and 37 transgender persons detained in the federal penitentiary system. In the province of Buenos Aires penitentiary system, approximately 60 percent of women and 73 percent of transgender women were pretrial detainees.

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; inadequate sanitation, heating, ventilation, and light; limited family visits; and frequent degrading treatment. The CPM reported 7,795 cases of health neglect during 2021 in provincial detention facilities, including deficient routine health care, inadequate diet, lack of medication, and lack of medical attention.

The CPM stated that 199 prisoners died in 2021 in the provincial prisons of Buenos Aires. Approximately 80 percent of the prisoner deaths in the province were due to health problems, with the remaining deaths due to homicides and suicides. From January to August, the CPM reported 137 deaths in the Buenos Aires provincial penitentiary system. From January to June, the Special Prosecutor's Office for Institutional Violence reported 17 deaths in the federal penitentiary system.

According to international conventions, prisoners should stay near their home, their attorneys, and the acting tribunal. Most arbitrarily transferred prisoners were

from the city of Buenos Aires and Buenos Aires Province; due to overcrowding, they were transferred to locations sometimes more than 300 miles away. A CPM report also noted transferees faced violence and mistreatment. A 2021 CPM report denounced 38 persons as victims of “constant transfers,” with an average of seven prison facilities per victim. In one case, a prisoner was transferred 13 times during a year. The CPM also reported 21 persons as victims of severe mistreatment, including torture, during transfers.

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 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 the suspects have committed or are about to commit a crime, or if police are unable to determine a suspect’s identity. In all cases, authorities must immediately notify the state attorney’s office of an 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, detained suspects longer than the law permitted, and 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 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 that police, on occasion, arrested and detained citizens arbitrarily.

On September 7, Miranda Ruiz, a doctor from Tartagal, Salta Province, was arrested after performing an abortion despite the right to abortion being legally protected. The doctor was released four hours later in response to several demonstrations by women's rights activist organizations in multiple cities.

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. According to official statistics, almost half of the 11,389 individuals detained in federal facilities in September were in pretrial detention.

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

Trial Procedures

The law provides 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 2018 replaced the country's hybrid federal inquisitive system with an accusatory system, but implementation of the new system was moving slowly. Two provinces had implemented the accusatory system for federal crimes, and the transition was beginning in two other provinces. 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.

Many provincial court systems operated under the accusatory system, and 11 of them used jury trials for certain serious crimes. As of September, there were no jury trials for federal cases.

Political Prisoners and Detainees

There were no credible 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, including the Inter-American Commission on Human Rights.

Property Seizure and 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 seized during the Holocaust in the country, and the country has no restitution laws.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, 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 law prohibits 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 provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

Freedom of Expression: In July press freedom watchdog organization FOPEA (Argentine Journalism Forum) presented a warning to the UN Human Rights Council regarding attacks from politicians against journalists that were undermining freedom of expression in the country.

FOPEA cited three cases of judicial harassment of journalists, including lawsuits against Irene Benito (*La Gaceta*), Daniel Santoro (*Clarín*), and Daniel Enz (*Revista Analisis*). In all these cases, FOPEA argued that political figures used the legal system to silence these journalists.

In September YouTuber Eduardo Miguel Prestofelippo was sentenced to 30 days of house arrest for discrimination and digital harassment of First Lady Fabiola Yáñez. Before his sentence, Prestofelippo called his prosecution an “attack on the freedom of press and speech,” and supporters staged demonstrations throughout his trial.

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

In June George Chaya, a journalist for *Infobae* online news service and a prominent critic of Hizballah, received a handwritten note warning him that Hizballah intended to kill him. The government provided protection to Chaya, and he and his family fled the country.

In July during a violent protest in San Martín de los Andes, Neuquén, Pedro Jofre shot at news photographers from the *Diario Río Negro* and *La Mañana de Neuquén* newspapers. While the photographers were not injured, a nearby woman was shot. The attacker was arrested and faced criminal charges.

In September a local court sentenced to prison three members of an anarchist group who threw Molotov cocktails at the Clarín press conglomerate's headquarters in Buenos Aires in 2021. President Fernández and other government officials condemned the attack.

In December three persons were charged with attacking the offices of the newspaper *Diario El Chubut* in Trelew in December 2021 as part of their protest against the mining industry.

FOPEA reported 14 alleged physical attacks against journalists in 2021, compared with eight in 2020.

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 online communications without appropriate legal authority.

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, with some exceptions.

On June 31, provincial police officers harassed, beat, and detained a group of young rap artists in the province of San Luis. After videos of the incident emerged on social media, the provincial government fired 25 police officers.

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 provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. 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, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the 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.

Section 3. Freedom to Participate in the Political Process

The law provides 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

Recent Elections: Alberto Fernández was elected president in 2019 in elections generally considered free and fair. In November 2021, the country held midterm municipal, provincial, and federal elections. Voters elected one-half of the members of the Chamber of Deputies and one-third of the members of the Senate. 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.

Section 4. Corruption and Lack of Transparency in Government

The law provides 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: Several corruption-related investigations against sitting and former high-ranking political figures, including Vice President Cristina Fernández de Kirchner, were underway as of September.

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. On August 22, federal prosecutors summarized the public works corruption case and requested that the trial court convict Fernández de Kirchner and sentence her to 12 years in prison and impose a lifetime ban on serving in public office. Fernández de Kirchner and her children faced four other financial corruption cases.

Based on an earlier investigation, in July, authorities charged federal judge Walter Bento with money laundering and receiving bribes in exchange for Bento providing benefits to persons who were accused and detained in criminal cases. Bento's two sons were also charged with laundering and receiving bribes. On October 3, prosecutors requested a trial for Bento and the codefendants.

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 prostitution. Allegations of corruption in provincial and federal courts were frequent.

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

Rights

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

Government Human Rights Bodies: The government had a human rights secretariat within the Ministry of Justice and Human Rights. The secretariat's main objective was to coordinate within the ministry and collaborate with other ministries and the judiciary to promote policies, plans, and programs to protect human rights. The secretariat published leaflets and books on a range of human rights topics.

The National Office, an independent and autonomous agency created by the 1994 constitutional reform, aimed to defend human rights and other constitutional guarantees, and to oversee public administrative functions. The ombudsperson's position is for five years and is nominated by the president and approved by the congress. No administration has nominated a candidate since 2009. NGOs argued that the government's failure to fill the post 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 and Societal Abuses

Women

Rape and Domestic Violence: Rape of men or women, including spousal rape, is a crime. The penalties range from six months' to 20 years' imprisonment, depending on the ages of the perpetrator and victim, their relationship, the use of violence, and 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 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 prohibits domestic violence, including spousal abuse. The law imposes a stricter penalty for deaths attributable to gender-based violence. The laws were 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 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. Training on gender and gender-based violence is a requirement for all persons applying for their first driver's license.

The Office of Domestic Violence operated a 24-hour hotline for victims 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 victims of domestic violence. Public and private institutions offered prevention programs and provided support and treatment for abused women. The Ministry of Women had 8,536 care centers nationwide for abused women and persons from the LGBTQI+ community. The law provides financial support to children who lost their mothers to gender-based violence; however, many families complained of delays in receiving payment.

Sexual Harassment: The law prohibits sexual harassment in public spaces and imposes disciplinary or corrective measures. 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. A 2020 law criminalizes harassment, especially sexual harassment, in work environments, both in the public and private sectors.

Reproductive Rights: There were generally no reports of coerced abortion or involuntary sterilization on the part of government authorities except for continued

controversy over sterilization of persons with disabilities.

With the slogan “End Forced Sterilizations,” several human rights organizations continued a campaign to change a 2006 law they argued had led to the sterilization 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.

Access to sexual and reproductive health services, information, and contraception was generally available, although access could be 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, as part of clinical management of rape.

There were reports that provincial health-care providers and facilities, especially in remote and conservative regions, intentionally delayed and obstructed access to abortion. In August, the National Directorate of Sexual and Reproductive Health reported that 25 percent of the calls the directorate received from Salta Province on their national hotline represented women and girls who were unable to adequately access abortions. In addition, social and cultural barriers adversely affected access.

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

The Supreme Court’s Office of Women trained judges, secretaries, and clerks to handle court cases related to gender problems and to provide 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 to 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 women's employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits any type of discrimination based on race, social conditions, gender, religion, socioeconomic status, or ethnicity.

Groups representing persons of African and Indigenous descent reported that their communities received discriminatory treatment from police and security forces. A 2019 report by the UN Working Group of Experts on People of African Descent noted that in Argentina, "The experiences of people of African descent with law enforcement indicate the prevalence of structural discrimination. As reported by civil society, racial profiling of Afro-Argentines, persons of African descent, and Africans was prevalent among law enforcement agents."

Two government entities created in 2021 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.

Through the National Institute against Discrimination, Xenophobia, and Racism (INADI), the government enforced the law by processing public complaints, formally denouncing violations in court, and creating public programs to address discrimination. Domestic NGOs generally agreed that INADI was ineffective in providing meaningful solutions to their concerns due to its slow response time and lack of follow up.

On May 18, the Argentine National Statistics Agency conducted the 11th national census, after a two-year delay due to the COVID-19 pandemic. The census included, for the first time, questions concerning gender identity and identification as Afro descendant and Indigenous.

Indigenous Peoples

The constitution recognizes the ethnic and cultural identities of Indigenous peoples and states that congress shall protect the right of Indigenous peoples to bilingual education, recognize Indigenous communities and the communal ownership of their ancestral lands, and allow for Indigenous participation in the management of their natural resources.

A 2020 study conducted by researchers from eight universities 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 in rural areas often could not access social service programs and that their communities lacked basic infrastructure, including clean water.

The lack of trained teachers hampered government efforts to offer bilingual education opportunities to Indigenous persons.

Indigenous persons were not fully consulted in the management of their lands or natural resources, particularly lithium, in part because responsibility for Indigenous rights is delegated to provinces. The constitutions of 11 of the 23 provinces recognize Indigenous rights.

The National Emergency Law on the territorial survey of Indigenous communities, enacted in 2006 for a term of four years and renewed three times, was created to respond to the conflicts over Indigenous lands. The law orders a technical and legal survey of the Indigenous communities and, if applicable, of the lands occupied by them. The law also suspends the execution of legal verdicts and procedural or administrative acts whose purpose is the eviction of Indigenous persons from lands they occupy. In November, the law was extended until 2025 by a presidential decree. Indigenous groups, INADI, and NGOs continued to ask Congress to extend the law to ensure application strength and support.

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.

On October 4, federal police forces evicted Mapuche extremist groups from the area known as Villa Mascardi near the city of Bariloche. Seven Mapuche women were detained by police amid clashes over their community's occupation of private and public lands. Security Minister Anibal Fernández praised the operation and stated that "there was no repression." NGOs condemned the eviction as a violation of Indigenous rights, and Minister for Women, Gender, and Diversity Elizabeth Gomez resigned in protest on October 7.

Children

Birth Registration: The government provides universal birth registration on a nondiscriminatory basis. Citizenship is derived both by birth within the country's territory and from one's parents.

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 eight of 10 children and adolescents suffered violence at the hand of their parents. The majority of victims were girls. The government maintained a 24-hour hotline staffed by professional child psychologists for free consultations and advice.

In May after numerous delays since 2020, a trial for child abuse began for two nuns and seven former employees of Antonio Provolo Institute, a group of schools for hearing-impaired children. A reported 67 students claimed abuses between 1983 and 2002. As of September, the trial continued.

Child, Early, and Forced Marriage: Children older than age 16 are legally allowed to marry if they have 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 children 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 May a priest and a janitor at a kindergarten in the city of San Pedro, province of Buenos Aires, were found guilty of sexually abusing five children between the ages of three and five. Authorities sentenced both the priest and janitor to 15 years in prison.

In August a local court sentenced former lawyer, professor, and politician from Entre Rios, Gustavo Rivas, to 23 years in prison for eight proven cases of child sexual abuse. The prosecutor accused Rivas of having corrupted and abused “more than two thousand adolescents between the ages of 15 and 16, between 1970 and beyond 2010.”

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.

In March federal police conducted a raid at the prison in Junin, province of Buenos Aires, where inmates used electronic devices to distribute child pornography from their prison cells.

In June authorities conducted 70 raids in the city of Buenos Aires and several provinces and arrested 30 individuals for suspected involvement in the distribution of child pornography. The raids formed part of an international operation and coincided with arrests in Brazil, Paraguay, the United States, Ecuador, and Costa Rica.

Antisemitism

Estimates of the size of the Jewish community varied, but the most recent data available, published by the Berman Jewish Databank, estimated the Jewish population at 180,000 in 2019.

Sporadic acts of antisemitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations recorded 488 complaints of antisemitism in 2021, compared with 507 in 2020, a 3 percent decrease. 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.

In December 2021, a group of antivaccine militants assaulted two journalists at a radio station in Buenos Aires, using antisemitic expressions to insult and threaten the journalists, who supported COVID-19 vaccines.

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 criminalize consensual same-sex sexual conduct or lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) identity.

Violence against LGBTQI+ Persons: On August 24, Alejandra Ironici, a prominent transgender advocate, was found killed in her home in Santa Fe. A man with whom Ironici had an intimate relationship was charged with aggravated femicide and transfemicide.

The National Observatory of Hate Crimes registered 120 hate crimes against LGBTQI+ individuals and 17 killings in 2021. The numbers of hate crimes and killings of LGBTQI+ persons doubled from 2020 to 2021.

Discrimination: National antidiscrimination laws do not specifically include the terms sexual orientation, gender identity or expression, or sex characteristics as protected grounds, only "sex." The law offers 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 stipulates that at least 1 percent of the positions in public administration must be held by

transgender persons.

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

In June the Senate passed a law providing access to formal employment for transgender and transexual individuals. The law provides the same legal protections and privileges for transgender persons in the workplace as for cisgender persons, such as paid vacation and retirement provisions.

Availability of Legal Gender Recognition: The law allows individuals to change gender markers and names on identity documents through a simple administrative process, without approval needed from a physician or judge. In July 2021, the government formally recognized nonbinary identities through a presidential decree and allows individuals to list an “X” for gender on national identity documents.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reported cases of so-called conversion therapy practices used on LGBTQI+ persons.

Intersex activists reported continued practice of infant genital surgeries and other harmful medical interventions. Reportedly there were cases of children being denied access to birth certificates unless their parents consented to irreversible medical interventions to “normalize” the children’s nonbinary bodies. The National Institute Against Discrimination, Xenophobia, and Racism and civil society organizations such as Justicia Intersex called for prohibitions of unnecessary medical interventions and access to redress.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There are no laws or restrictions on freedom of expression, association, or peaceful assembly related to LGBTQI+ issues.

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. The law mandates 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 there for persons with disabilities.

While the federal government has laws prohibiting discrimination against persons with disabilities, many provinces have not adopted such laws and have no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities.

The law requires municipal governments to construct more accessible public facilities and ensure that persons with disabilities could access government services. In April the government created the National Fund for the Inclusion of Persons with Disabilities (FONADIS) to finance accessibility projects throughout the country. In September the National Agency on Disabilities signed agreements to fund accessibility projects in eight municipalities throughout the country with funds from FONADIS.

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 from dismissal, suspension, and changes in labor conditions. It 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 imposed on the employer or the relevant

employers' association, as appropriate. Penalties were sometimes applied against violators.

The law allows unions to register without prior authorization. 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 each 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, 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 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 period 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. 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 and criminalizes all forms of forced or compulsory labor, and the government generally enforced the law. The Ministry of Labor carried out 59,564 regular inspections across the country during the first half of the year and identified six cases of child labor and 20 cases with indications of forced labor. Efforts to hold perpetrators accountable continued. The Special Prosecutor's Office for Human Trafficking and Exploitation continued to investigate forced labor complaints. In 2021, the office reported six convictions for the worst forms of child labor and four for labor trafficking. In 2021, the office also reported indictments of 11 individuals for forced child labor and seven persons for labor trafficking.

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 victims from China and South Korea. Chinese citizens working in supermarkets were vulnerable to debt bondage. Traffickers compelled trafficking victims to transport drugs across the country's borders. Men, women, and children were victims of forced labor, although victims' typical gender and age varied by employment sector.

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

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 with Respect to Employment and Occupation

The law prohibits discrimination in employment 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 law does not prohibit discrimination based on sexual orientation or

gender identity, although an employer could potentially find itself facing a discrimination suit from its LGBTQI+ employees based upon their marital status, as marriage is available to same-sex couples and marriage is a “protected class” under the antidiscrimination law. Penalties were commensurate with laws related to civil rights. Penalties were sometimes applied to violators.

The most prevalent forms of workplace discrimination were based on disability, gender, and age. Discrimination also occurred based on HIV-positive status and against individuals of Indigenous origin. Women are prohibited from working in certain industries; for example, there are restrictions on women’s employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous (see also section 6). Courts found employers guilty of gender discrimination when 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, especially during the COVID-19 pandemic. Women held a disproportionately high proportion 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 is constitutionally mandated, women earned approximately 30 percent less than men earned for equal or similar work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage in September 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. The minimum wage generally served to mark the minimum pay an informal worker should receive.

Federal law sets the maximum workday at eight hours; 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 to the regular

hourly rate on ordinary days and adding 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 force majeure, or there are other exceptional reasons affecting the national economy or “unusual and unpredictable situations.” The government enforced these regulations through routine labor inspections and by investigating complaints.

Occupational Safety and Health: The government sets standards for occupational safety and health (OSH) conditions, which were current and appropriate for the main industries in the country. 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 until the worker follows compulsory administrative proceedings with specific medical committees.

OSH experts actively identified unsafe conditions, including lack of personal protective equipment against COVID-19, 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 Ministry of Labor had responsibility for enforcing legislation related to working conditions. The Ministry of Labor, 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 Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce, with only 324 staff in 2020. Inspectors have the authority to make unannounced inspections and to impose fines. Inspectors have 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 among 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 Superintendence 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.

Informal Sector: The government estimated the share of informal employment at approximately 45 percent of total employment. Domestic workers in the informal sector remained the most affected by the lack of social protections and ineffective enforcement of labor laws. According to some estimates from the ILO for the last quarter of 2021, a large percentage of domestic workers were not enrolled in social security. The garment sector had high rates of informal employment, as did small businesses, farms, and construction projects. Analysts reported that the official minimum wage, which is regularly updated to keep pace with inflation, was typically used as the basis for informal-sector wages.

The Ministry of Labor continued inspections to ensure companies' workers were registered and formally employed. Laws governing payments of benefits and overtime wages were not enforced universally for workers in the informal sector.

During a government-facilitated drive for worker registration from July 2020 through February, more than three million workers registered in the government's National Registry for Workers of the Popular Economy. More than 57 percent of the workers were women, with an average age of 33. Registration enabled workers to benefit from social programs, family subsidies, retirement contributions, coverage for work accidents, and unemployment insurance. In addition, the government began offering a variety of social protection programs for informal workers aimed at securing food nutrition for their children, subsidies for school costs, medical assistance, and monetary incentives to take occupational training. According to a February National Registry survey, however, only 45 percent of informal-sector worker were receiving these benefits.

The government dissuaded informal employment through penalties on employers hiring informal workers, including by limiting their access to government loans and tax exemptions.