

ARGENTINA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. On October 27, Alberto Fernandez was elected president in elections that local and international observers considered generally free and fair. On the same day, the country also held municipal, provincial, and federal elections. Voters elected governors in 22 provinces and more than one-half of the members of the Chamber of Deputies, representing all of the provinces and the city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces.

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

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

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

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

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

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

On August 19, closed circuit cameras captured a police officer kicking Jorge Martin Gomez in the chest during an arrest. As a result of the kick, Gomez fell, fractured his skull, and ultimately died. Local authorities argued that the officer, who remained under investigation for homicide at the end of the year, used the

kick to maintain distance from Gomez, who had a knife and appeared “drugged.” Gomez’s family members argued that no knife was visible in the camera footage and police could have subdued Gomez without injuring him.

The Committee against Torture of the Buenos Aires Provincial Memory Commission reported 120 deaths in 2018 due to unwarranted or excessive force by police in the metropolitan area of Buenos Aires. A domestic nongovernmental organization (NGO) reported there were 333 deaths in 2018 at the hands of police forces. The commission asserted that investigations into police violence and the use of lethal force in the province were limited.

b. Disappearance

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

On September 5, a federal appeals court judge reopened the case of Santiago Maldonado, an activist found dead in 2017 in Chubut Province. Last seen alive during a protest broken up by members of the National Gendarmerie, the official autopsy stated Maldonado died of drowning and hypothermia with no clear signs of foul play. A lower court judge closed the case against several gendarmes, initially accused of “forced disappearance.” The appeals court subsequently ordered the judge to investigate the gendarmes for neglect by failing to rescue Maldonado from drowning.

In September federal prosecutors took 19 police officers to trial for the “forced disappearance” of Franco Casco in 2014. Casco was found dead in the Parana River after being held in police custody, although the police filed no report on his detention. As of October, nine of the officers remained in pretrial detention, and proceedings continued.

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. On June 25, a court in San Juan Province began a combined trial of 35 individuals for human rights violations during the military dictatorship. The defendants included police and military members. One defendant was a former prosecutor accused of covering up illegal actions of torture, homicide, and sexual crimes. Of the 35 accused persons, 11 had previous convictions and were sentenced to life in prison in a previous

combined trial. This trial was novel in that it accused an institution--San Juan's provincial police--of state-sponsored terrorism.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption of children born to detained dissidents by members of the former military dictatorship. On June 10, the NGO Abuelas de la Plaza de Mayo reported that the 130th missing grandchild of the estimated 500 persons born to detained and missing dissidents during the dictatorship and illegally adopted by former military officials was identified and provided information about his background.

In December 2018 a court convicted two former automotive executives as accessories to the military kidnapping and torture of 24 of their company's workers. The case represented the first time the state tried private-sector defendants for dictatorship-era crimes.

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

The law prohibits such practices and provides penalties for torture similar to those for homicide, but there were reports that prison officials tortured prisoners. The Prosecutor General's Office, the Prison Ombudsman's National Office (PPN), an independent government body that monitors prison conditions), and the Buenos Aires Provincial Memory Commission's Committee against Torture (an autonomous office established by the provincial government) reported complaints of torture perpetrated by provincial and federal prison officials, as did local and international NGOs.

The PPN reported 558 cases of torture or mistreatment in 2018. As of June the PPN recorded 232 cases. Although the office created a National Registry of Cases of Torture in 2010, its reporting remained largely limited to the city and province of Buenos Aires (home to approximately 46 percent of the population).

In June a federal judge in Tierra del Fuego Province indefinitely delayed the planned depositions of 26 former military officers accused of committing human rights abuses against their own soldiers during the 1982 Falklands/Malvinas War. Defendants to be tried included a brigadier general and a lieutenant in absentia, and two deceased colonels postmortem. Prosecutors implicated the officers in more than 20 cases of alleged torture and a subsequent cover-up. In justifying the delay, the judge claimed to lack the personnel and necessary space to undertake the depositions.

Prison and Detention Center Conditions

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

Physical Conditions: Prison overcrowding remained a problem. Citing a sharp increase in the prison population in recent years, the Ministry of Justice and Human Rights declared a three-year "prison emergency" in March. According to the PPN, as of March 29, the federal penitentiary system held an estimated 13,900 prisoners, approximately 14 percent above capacity. Buenos Aires provincial penitentiaries operated at approximately 113 percent of capacity in 2018, with 42,000 inmates in facilities designed for 20,000, according to the provincial Memory Commission. Many pretrial detainees were held with convicted prisoners.

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

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

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

In the first quarter of the year, the Federal Penitentiary Service reported 10 inmate deaths in federal prisons, five of which were violent. By contrast, the Committee of Torture of the Buenos Aires Provincial Memory Commission stated that 140 prisoners died in the province of Buenos Aires--101 from unattended health problems. The Ministry of Justice had not published official, nationwide statistics on prisoner deaths since 2016.

On September 2, a local appeals court began the trial of Alberto Donza, the former chief of Police Station No. 1 in Pergamino, Buenos Aires Province. Donza and five officers faced charges of abandonment and neglect after failing to intervene to save prisoners during a 2017 fire in the station. Seven detainees died as a result, and Donza spent more than one year as a fugitive before surrendering to authorities in May 2018.

Investigations continued into a November 2018 fire at a police station in Trasadradio, Buenos Aires, where four inmates died and 10 others were injured. The Buenos Aires Provincial Memory Commission denounced the prosecutor leading the investigation in May, accusing him of a lack of impartiality, objectivity, and balance.

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

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

d. Arbitrary Arrest or Detention

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

Arrest Procedures and Treatment of Detainees

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

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

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

Authorities allowed detainees prompt access to counsel and provided public defenders if they were unable to afford counsel. In some cases such access was delayed due to an overburdened judicial system.

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

On July 3, authorities placed the former police chief of Luque, Cordoba Province, in pretrial detention for allegedly detaining an individual without a warrant or probable cause. According to local media, Eduardo Armando Gonzalez lied to investigators about arresting the person and then attempted to destroy records of the arrest. As of December the investigation continued.

Pretrial Detention: The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended by one year in limited circumstances. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. The PPN reported that 60 percent of prisoners were awaiting trial during the first three months of the year.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but government officials at all levels did not always respect judicial independence and impartiality. According to local NGOs, judges in some federal criminal and ordinary courts were subject at times to political manipulation. NGOs criticized the government for the use of inappropriate procedures to fill judicial vacancies, despite a law establishing rigorous criteria be used in merit selection to prevent the naming of judges who did not go through the proper bidding and confirmation processes; and to assign judges to specific cases. The Council of Magistrates continued to investigate a number of these alleged irregularities.

Trial Procedures

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

In federal and provincial courts, defendants enjoy a presumption of innocence and have the right to legal counsel and free assistance of an interpreter, to remain silent, to call defense witnesses, and to appeal. If needed, a public defender is provided at public expense. During the investigative stage, defendants can submit responses to questions in writing. If an investigating judge determines sufficient evidence exists to proceed with a trial, the investigating judge refers the case to a panel of judges, who decide guilt or innocence in a separate oral trial proceeding. During the oral trial, defendants can present witnesses and provide expert witness reports, in addition to the defendant's own evidence. Defendants have the right to be present at their hearings, and there is no trial in absentia.

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

Provincial courts in Catamarca, Salta, Cordoba, Chubut, La Pampa, Buenos Aires, Neuquen, Rio Negro, Entre Rios, Buenos Aires City, Santa Fe, Santiago del Estero, Chaco, Mendoza, Jujuy, and Tucuman continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Neuquen, Mendoza, Salta, Chaco, and Buenos Aires Provinces provide defendants accused of certain serious crimes the right to a trial by jury. Full implementation of trial by jury procedures was pending in Rio Negro and San Juan.

In December 2018 Congress passed a new code of federal criminal procedure. In June, Salta and Jujuy became the first provinces to implement this new code, which is to progressively extend to the rest of the country. The code transforms the country's hybrid federal inquisitive system into a full accusatory system, with expanded prosecution responsibilities for the attorney general. The new code imposes time limitations on prosecutions (most cases under the new system must be disposed of in three years), expands victims' rights, implements the use of new investigative techniques, and provides for expedited deportations of foreigners in lieu of prosecution. The code creates direct interaction between security forces and

prosecutors, who assumed investigative responsibilities previously exercised by magistrates.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech, including for the press, and the government generally respected this right.

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

In July the Committee to Protect Journalists (CPJ) expressed concern after a federal judge summoned Daniel Santoro of *Clarín* newspaper and obtained his telephone records in relation to an investigation. The allegations related to Santoro's connections with Marcelo D'Alessio, charged with extortion by threatening individuals with negative media coverage. Santoro asserted that D'Alessio was a journalistic source. According to the CPJ, the actions "endanger the principle of the confidentiality of journalistic sources, one of the cornerstones of press freedom."

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

In February photojournalists Bernardino Avila and Juan Pablo Barrientos from *Pagina 12* newspaper and *Revista Critica* magazine, respectively, were detained during a protest. Lawmakers, journalists, and union leaders denounced this as a violation of press freedom.

The Argentine Journalism Forum reported 27 physical attacks against journalists as of September, a slight decline compared to 29 the previous year. In July, Javier Orellano of the newspaper *Semanario de Junin* received three separate death threats after publishing an article on the arrest of a prison worker, according to the Argentine Journalism Forum.

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.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The constitution provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Local NGOs, including the Center for Legal and Social Studies (CELS), expressed concerns that the Ministry of Security imposed restrictions on the right to peaceful protest and assembly.

On March 10, municipal police dispersed a protest by artisans and vendors in Buenos Aires' San Telmo neighborhood. Local media and human rights organizations denounced the use of force as excessive, highlighting the use of pepper spray, and described the arrest of 18 protesters as the “criminalization” of their right to protest.

Cases remained pending against 20 protesters for violence that occurred during 2017 demonstrations against pension reform, which injured 160 persons, including 88 police officers. Local and international NGOs, including CELS and Amnesty

International, stated that law enforcement agents had violently suppressed the protests and called for official investigation into actions by security forces.

c. Freedom of Religion

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

d. Freedom of Movement

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

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Access to Asylum: The law provides for granting 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.

The International Organization for Migration reported 98,319 Venezuelan migrants arrived in the country during the first six months of the year. Of those, more than 31,000 requested temporary residence; 165,688 Venezuelans were legal residents as of August 9.

The National Commission for Refugees received 2,661 requests for refugee status in 2018--38 percent more than in 2017--and adjudicated 1,077.

The International Organization for Migration reported that, under a humanitarian visa program for Syrians inaugurated in 2016, authorities had resettled 415 Syrians as of the first quarter of the year.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The constitution 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 Fernandez was elected president on October 27 in elections generally considered free and fair. The country also held municipal, provincial, and federal elections. Voters elected more than one-half of the members of the Chamber of Deputies, representing all of the provinces and the city of Buenos Aires, and one-third of the members of the Senate, representing eight provinces. Voters also elected governors in 22 provinces, as well as provincial legislators, mayors, and city councils. Local and international observers considered the elections generally free and fair.

Participation of Women and Minorities: No laws limit participation of women and minorities in the political process, and they did participate. Local NGOs pointed to a lack of female representation at higher ranks, particularly in the executive and legislative branches. The law requires an electoral list of candidates for national legislative office to contain equal percentages of male and female candidates. The law also states that in the case of the resignation, temporary absence, or death of an elected official, the replacement must be the same gender. The provinces of Buenos Aires, Salta, Chubut, Neuquen, and Santa Fe have gender parity laws pertaining to candidates for provincial and municipal bodies.

Section 4. Corruption and Lack of Transparency in Government

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

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

high-ranking political figures, including President Mauricio Macri, were underway as of October.

On September 20, a federal judge sent the corruption scandal known as “the notebooks case” to trial. Former president Cristina Fernandez de Kirchner and 52 other defendants were accused of receiving, paying kickbacks, or both on public works contracts between 2008 and 2015. Prosecutors estimated the total value of the bribery scheme at \$160 million. Fernandez de Kirchner and her children faced five other financial corruption cases as of October.

In September the court of cassation upheld the sentence of former vice president Amado Boudou to five years and 10 months in prison on charges of bribery and criminal conduct. Boudou, in prison since August 2018, declared his intent to appeal to the Supreme Court.

In February prosecutors and the Anti-Corruption Office appealed for a harsher sentence against congressman and former planning minister Julio de Vido. In October 2018 de Vido received a sentence of five years and eight months for fraud, misuse of funds, and lack of oversight related to a 2012 train accident that killed 52 persons.

Financial Disclosure: Public officials are subject to financial disclosure laws, and the Ministry of Justice and Human Rights’ Anti-Corruption Office is responsible for analyzing and investigating federal executive branch officials, based on their financial disclosure forms. The law provides for public disclosure, but not all agencies complied, and enforcement remained a problem. The office is also responsible for investigating corruption within the federal executive branch and in matters involving federal funds, except for funds transferred to the provinces. As part of the executive branch, the office does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case.

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

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

Government Human Rights Bodies: The government has a human rights secretariat within the Ministry of Justice and Human Rights. Its main objective is to coordinate within the ministry and collaborate with other ministries and the judiciary to promote policies, plans, and programs for the protection of human rights. It published leaflets and books on a range of human rights topics. NGOs argued that the government's failure to fill the post of national ombudsman, vacant since 2009, undermined the office's mandate to protect human rights.

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

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

Women

Rape and Domestic Violence: Rape of men and women, including spousal rape, is a crime. The penalties range from six months' to 20 years' imprisonment. There were anecdotal reports of police or judicial reluctance to act on rape cases; women's rights advocates claimed that the attitudes of police, hospitals, and courts toward survivors of sexual violence sometimes victimized them again.

The law prohibits domestic violence, including spousal abuse. Survivors may secure protective measures. The law imposes stricter penalties on those who kill their spouses, partners, or children as a consequence of their gender. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for victims.

The National Register of Femicides, maintained by the Supreme Court's Office of Women, recorded that 255 women died as a result of domestic or gender-based violence during 2018. As of July 31, the National Ombudsman's Office reported 155 women died as a result of violence. Approximately 24 percent of these victims had previously filed formal complaints.

The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office also carried out risk assessments necessary to obtain a restraining order. The National Institute of Women (INAM) operated a 24-hour hotline for victims of gender-based violence.

Public and private institutions offered prevention programs and provided support and treatment for abused women. Nine shelters were fully operational.

In December 2018 the legislature passed “Micaela’s Law,” which requires all federal employees to receive training on gender and gender-based violence. According to INAM--the entity responsible for implementing the law--more than 2,537 officials and service providers received training in preventing gender-based violence during the first quarter of the year.

The 2018 Brisa Law provides for the financial support of children who lost their mothers to gender-based violence. In February, ANSES began processing requests for assistance; however, many families complained about delays in receiving payment. Between October 2018, when the law entered into effect, and September, only 30 of the 74 children deemed eligible had received financial support.

Sexual Harassment: The law prohibits sexual harassment in the public sector and imposes disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment could lead to the abuser’s dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison.

According to the city of Buenos Aires’ public prosecutor’s office, formal complaints of sexual harassment on the city’s streets rose by more than 50 percent year-on-year in 2018. On April 16, the Senate passed a law that penalizes harassment in public spaces as a form of gender-based violence.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

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

Children

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

Child Abuse: Under the law, sexual abuse of a child is a punishable offense, with sentences of up to 20 years in prison. Physical harm to a child is punishable with up to 15 years in prison. Child abuse was common; the Supreme Court's Office of Domestic Violence reported that 28 percent of the complaints it received in the first quarter of the year involved children. The government maintained a 24-hour hotline staffed by professional child psychologists for free consultations and advice.

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

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

In August a trial began for two priests and two nuns arrested in September 2018 for sexual abuse of minors. The accused worked at a group of schools for hearing-impaired children, the Antonio Provolo Institutes; a reported 67 students claimed abuses between 1983 and 2002. One of the accused, Nicola Corradi, had previously been found guilty of abuse while working at a school in Verona, Italy, his country of origin. On November 25, a court in Mendoza found Corradi and Horacio Corbacho guilty of child sexual abuse and sentenced them to 42 and 45 years in prison, respectively. Armando Gomez, a former school gardener, received an 18-year sentence.

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

effort, Congress amended the criminal code in 2018 to make the possession of child pornography a criminal offense.

During the year prosecutors from the nationwide Point of Contact Network against Child Pornography on the Internet pursued cases of internet child pornography. The network reported improvements on the national level in the ability to punish offenders. The City of Buenos Aires Public Ministry's Judicial Investigative Bureau served as the primary point of contact for receiving and distributing child pornography leads from the National Center for Missing and Exploited Children to prosecutors and police forces across the country.

On September 12, local authorities arrested a 71-year-old former policeman for involvement in a network of child pornography that victimized an estimated 1,200 children between four months and 14 years old since 2003. The man posed as a producer of youth television to lure his victims.

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

Anti-Semitism

Estimates of the size of the Jewish community varied, but the most recent data available, published by the Berman Jewish Databank, estimated the population at 180,300 in 2018. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations recorded 834 complaints of anti-Semitism in 2018, compared with 404 in 2017, a 107 percent increase. The most commonly reported anti-Semitic incidents tracked by the report were slurs posted on various websites, often in relation to news articles. Other incidents included graffiti, verbal slurs, and the desecration of Jewish cemeteries.

In July, President Macri announced the creation of a national terrorism registry and designated Hizballah a terrorist organization. Hizballah operatives were alleged to have conducted the 1994 bombing of the Argentina Israelite Mutual Association (AMIA) community center in Buenos Aires that killed 85 persons, and the country continued to seek the extradition of seven suspects, including five Iranian citizens.

In 2018 a federal court indicted former president Fernandez de Kirchner and members of her administration for allegedly impeding investigations into the AMIA bombing. As of October no court date was announced.

Trafficking in Persons

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

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law, but there were scattered reports of discrimination. Various government agencies offered a variety of services and programs to individuals with disabilities, including community-based rehabilitation programs, sports and recreation facilities, braille translation services, legal services, and a variety of pensions and subsidies. The law also mandates access to buildings by persons with disabilities. According to media reports, the ombudsman of the city of Buenos Aires reported that only 33 percent of the metropolitan subway stations had elevators or escalators. In February a judge in Buenos Aires ordered that passengers be allowed to ride for free if the escalators or elevators at the entry or exit station were out of order, based on the principle of accessibility.

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

Congress proposed and passed a 56 percent budget increase for the National Disability Agency, which provides a range of services and subsidies for disabled persons.

Indigenous People

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

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

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

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

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

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons generally enjoyed the same legal rights and protections as heterosexual persons. No laws criminalize consensual same-sex conduct between adults. LGBTI persons could serve openly in the military.

The law gives transgender persons the right legally to update their name and gender marker on identity documents to reflect their gender identity without prior approval from a doctor or judge.

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

The National Observatory of Hate Crimes registered 68 official complaints of discriminatory or violent acts against LGBTI individuals in the first half of the

year, including six killings of transgender persons; this was approximately a 30 percent increase over the same period in 2018.

In Tucuman Province Lucas Gargiulo reported that three men raped him during a May 1 robbery, upon realizing he was transgender. Gargiulo told local media that the incident took place within the likely earshot of several police officers, who did not act. Gargiulo did not file a formal complaint. In response to the incident, the National Institute Against Discrimination, Xenophobia, and Racism trained police in the city of San Miguel de Tucuman on discrimination and gender identity.

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 also prohibits military and law enforcement personnel from forming and joining unions. The government effectively enforced the law. Complaints of unfair labor practices can be brought before the judiciary. Violations of the law may result in a fine being imposed on the employer or the relevant employers' association, as appropriate. Penalties for violations were sufficient to deter violations. There were cases of significant delays or appeals in the collective bargaining process.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers. The law grants official trade union status to only one union deemed the "most representative," defined by law as the union that has the highest average proportion of dues-paying members to number of workers represented, per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity from employer reprisals against their officials, are permitted to deduct union dues directly from wages, and may bargain collectively with recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers in a given sector, and collective agreements cover both union members and nonmembers in the sector. The law requires the Ministry of Production and Labor to ratify collective bargaining agreements. The Argentine Workers Central (CTA Autonoma) Observatory of Social Rights claimed a 400 percent increase in the ministry's ratifications of bargaining agreements in the first half of the year,

compared with the same period in 2018, although 60 percent of those corresponded to bargaining agreements from 2017 or before.

The CTA Autonoma and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards, namely International Labor Organization (ILO) Convention No. 87, and prevented these unions from obtaining full legal standing.

Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that unspecified “minimum services” be maintained. Once the conciliation term expires, civil servants and workers in essential services must give five days’ notice to the administrative authority and the public agency against which they intend to strike. If “minimum services” are not previously defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide clients two days’ notice of the impending strike.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law. Penalties were generally sufficient to deter violations.

Despite these mechanisms, forced labor, including forced child labor, occurred. The Secretariat of Labor and Employment carried out regular inspections across the country and found 15 cases of forced labor between January and October, affecting 91 victims. Efforts to hold perpetrators accountable continued. In May authorities in Santa Fe Province rescued a 91-year-old man who had reportedly been held in forced labor on a farm for 12 years.

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, construction, domestic work, and small businesses (including restaurants and supermarkets). Men, women, and children were victims of forced labor, although victims’ typical gender and age varied by employment sector (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. In rare cases labor authorities may authorize a younger child to work as part of a family unit. Children between ages 16 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children younger than 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor.

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

While the government generally enforced applicable laws, observers noted some inspectors were acquainted or associated with the persons they inspected, and corruption remained an obstacle to compliance, especially in the provinces.

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

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

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation, and the government generally enforced the law. The most prevalent cases of workplace discrimination were based on disability, gender, and age. Discrimination also occurred on the basis of HIV-positive status and against individuals of indigenous origin.

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

e. Acceptable Conditions of Work

In August the government announced a 35 percent increase in the national monthly minimum wage, to be implemented gradually by October. The minimum wage remained below the official poverty income level 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 standards in workhours and occupational safety and health. The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law prohibits excessive overtime and defines permissible levels of overtime as three hours a day. Labor law mandates between 14 and 35 days of paid vacation, depending on the length of the worker's service.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by an act of God, or

other exceptional reasons affecting the national economy or “unusual and unpredictable situations” affecting businesses occur.

The government sets occupational safety and health standards, 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 if he or she does not exhaust compulsory administrative proceedings before specified medical committees.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector (approximately 35 percent of the labor force). The Labor Ministry has responsibility for enforcing legislation related to working conditions. The ministry continued inspections to ensure companies’ workers were registered and formally employed. The ministry conducted inspections in various provinces, but the Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce. The Superintendence of Labor Risk served as the enforcement agency to monitor compliance with health and safety laws and the activities of the labor risk insurance companies.

Workers could not always recuse themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities did not effectively protect employees in these circumstances. In May the Labor Ministry reported a 6 percent decline in work-related accidents. The manufacturing and mining sectors reported the highest number of accidents, while the construction and agriculture sectors had the lowest.