

Argentina

	2015	2016		
Internet Freedom Status	Free	Free	Population:	43.4 million
Obstacles to Access (0-25)	7	6	Internet Penetration 2015 (ITU):	69 percent
Limits on Content (0-35)	8	9	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	12	12	Political/Social Content Blocked:	No
TOTAL* (0-100)	27	27	Bloggers/ICT Users Arrested:	No
			Press Freedom 2016 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: June 2015 – May 2016

- An emergency decree issued in December 2015 under newly-elected President Mauricio Macri has brought swift changes to Argentina's regulatory framework with the creation of the National Communications Authority (ENACOM). A special commission under the Ministry of Communications will be in charge of drafting a new law to unify digital and broadcast media legislation (See **Regulatory Bodies**).
- On the grounds that certain state-run media served partisan interests under the former government, thousands of news items disappeared from the website of news agency *Infokus Noticias* in February 2016. The articles, which covered issues such as institutional violence, gender-based violence, crimes against humanity and money laundering, were republished on a new website in May 2016 (See **Content Removal**).
- In the lead-up to President Macri's inauguration in early December 2015, *Página 12* denounced a cyberattack on its website which lasted nearly a week. News outlet *Diario Registrado* also reportedly suffered a similar attack on December 11, and a few days later *Clarín* reported a two-hour long attack (See **Technical Attacks**).

Introduction

Marked by the presidential handover and a series of regulatory changes affecting the digital and broadcast media sectors, Argentina's internet freedom environment remained strong as internet penetration continued to increase during this period.

After 12 years of governments led by Cristina Fernández de Kirchner and her late husband, Néstor Kirchner, the election of a center-right government headed by President Mauricio Macri in November 2015 has significantly shifted public policy priorities.

On December 29, 2015, President Macri issued a Necessity and Urgency Decree (DNU 267/2015), merging the Federal Authority of Audiovisual Communication Services (AFSCA) and the Federal Authority for Information Technology and Communications (AFTIC) into a new regulatory body: the National Communications Authority (ENACOM). The move sparked criticism among opponents, notably due to the possibility of unwarranted executive influence in the composition of the new regulatory body, comprised of four directors chosen by the executive branch and three proposed by the parliament. The use of emergency decrees to significantly amend the regulatory framework also came under fire. Aiming to promote convergence and more homogenous norms, a special commission will be in charge of drafting a new law to unify digital and broadcast media legislation introduced under the previous administration.

The government does not regularly block or filter the internet, and lower courts have further clarified takedown criteria following the landmark decision by the Argentine Supreme Court on intermediary liability in October 2014, which established a judicial notice and takedown system. During the coverage period, one case of blocking due to a court order was reported, as part of a criminal case against software developer Joaquín Soriano, who had detected a security deficiency in the e-voting system developed for mayoral elections in the city of Buenos Aires.

However, several bills introduced in Congress in 2015 and 2016 would regulate the removal or blocking of content. Some of them seek to implement the so-called "right to be forgotten," giving individuals the power to request search engines to delist certain information. Others bills aim to regulate intermediary liability in general, establishing either a judicial notice and takedown system for all cases, or a judicial notice and takedown system for some cases and an administrative, or private notice and takedown system for others. All of these bills remained at early stages in the legislative process.

Obstacles to Access

Access to the internet has increased consistently in Argentina over the past decade. However, there are still infrastructural weaknesses that contribute to a digital divide, especially between urban and rural areas. Barely a year after Congress approved the Argentina Digital Law, newly elected President Mauricio Macri issued a decree changing several provisions, including modifications to the regulatory entity. It also created a commission to reform and unify legislation to promote convergence between the telecommunications and audiovisual sectors.

Availability and Ease of Access

Internet access has consistently been on the rise in Argentina. Statistics published by the Interna-

tional Telecommunications Union (ITU) showed a 69 percent internet penetration rate in the country by the end of 2015, up from 65 percent in 2014, and 34 percent in 2009.¹ Some 33 million people representing 80 percent of the population actively use the internet, according to a report published by We Are Social in January 2016.²

An emergency decree issued by newly-elected President Macri in December 2015 introduced reforms to the Argentina Digital Law, which was approved by Congress in December 2014 with the aim of guaranteeing socially and geographically equitable telecommunications services to all citizens. Under the emergency decree, a special commission will be in charge of drafting a new law to promote convergence between the telecommunications and audiovisual sectors, by unifying the Broadcast Media Law and the Argentina Digital Law. According to the decree, such changes would: “allow better decision-making by the national government and would provide legal certainty and predictability.”³

The National Institute of Statistics and Census (INDEC) recorded some 15.4 million residential internet access points in September 2015—up from 13.3 million in September 2014.⁴ Mobile access points represented 60 percent, an increase of nearly 16 percent from 2014, while fixed internet access points represented 40 percent, up by 5 percent from 2014. According to INDEC’s national survey in October 2015, 67 percent of homes in the country had access to computers and 61.8 percent had access to the internet.⁵

The majority of ISP subscriptions are broadband, while dial-up connections account for less than one percent of the total.⁶ In another report from June 2015, INDEC stated that there were 2.9 million internet subscriptions belonging to organizations, which represents a 20 percent increase over the previous year.⁷ Some 390 of these institutions, which include schools, libraries, and nongovernmental organizations, benefited from free internet access, according to INDEC’s September 2014 report.⁸ The Buenos Aires open government website lists more than 400 public access Wi-Fi spots in the capital city.⁹

Measurements of internet speed in Argentina vary, but a range of sources show that the country lags behind global averages in broadband speed. Akamai reported an average broadband speed of 5.3 Mbps in Argentina in the first quarter of 2016, compared to a global average of 6.3 Mbps.¹⁰ According to the United Nations Economic Commission for Latin America and the Caribbean (CEPAL)

1 International Telecommunication Union (ITU), “Percentage of Individuals using the internet, 2000-2015,” accessed September 1, 2015, <http://bit.ly/2bw4qL4>.

2 We are Social, “Digital in 2016” [Sources: ITU, Internet World Stats, CIA, national governments ministries and industry bodies, UN, U.S. Census Bureau for population data], <http://bit.ly/1T462wk>.

3 Decree 267/2015, December 29, 2015, <http://bit.ly/1UyclzB>; See also: José Crettaz, “El resumen del DNU que reforma las leyes de medios y de telecomunicaciones” [Summary of the DNU that reforms the media and telecommunications laws], *La Nación*, December 30, 2015, <http://bit.ly/1YPd0JP>.

4 National Institute of Statistics and Censuses (INDEC), “Informe sobre los accesos a Internet” [Report on Internet Access], March 4, 2016, <http://bit.ly/1RBIRqU>.

5 INDEC, “Encuesta Nacional sobre Acceso y Uso de Tecnologías de la Información y la Comunicación” [National Survey on Access and Use of Information and Communication Technologies], Results for May-July 2015, October 5, 2015, <http://bit.ly/1UL3hQq>.

6 INDEC, “Accesos a Internet” [Internet Access], December 16, 2014, <http://bit.ly/1G6JS1H>.

7 INDEC, “Accesos a Internet” [Internet Access], September 15, 2015, <http://bit.ly/1VvFNzr>.

8 INDEC, “Accesos a Internet” [Internet Access], September 15, 2015, <http://bit.ly/1VvFNzr>.

9 Buenos Aires Data, “List of Public Wi-Fi spots,” accessed September 2016, <http://bit.ly/1Fp42mz>.

10 Akamai, “Internet Broadband adoption,” State of Internet Report 2016, <http://akamai.me/1OcG9aE>.

and the Organization for Economic Co-operation and Development (OECD), Argentina registered broadband download speeds of 6.34 Mbps in 2015, below the regional average of 7.26 Mbps.¹¹

Mobile phone penetration continues to grow in Argentina, as INDEC's national survey noted a penetration rate of 89.6 percent in 2016, considerably higher than fixed phone lines at 62.4 percent.¹² ITU estimated 144 mobile phone subscriptions per 100 inhabitants in 2015.¹³ Not only did mobile subscriptions increase, but telephone services registered a 15.2 percent decrease in urban calls, according to INDEC.¹⁴

Mobile phone penetration could increase even further with the announcement of fare increases for fixed phone lines in March 2016.¹⁵ Prices for mobile phone subscriptions are relatively high in Argentina, and it was labeled as one of the most expensive countries in Latin America for mobile services in 2014.¹⁶ In August 2014, the government launched a prepaid mobile phone plan with affordable prices,¹⁷ which was extended under President Macri's government.¹⁸ In February 2016 the National Modernization Ministry also announced an agreement with mobile phone companies operating in the country to swap 2G mobile technology for devices with 4G.¹⁹ Despite the launch of 4G networks, the Cisco Visual Networking Index 2014-2019 estimated that only 10 percent of users in Argentina will be using 4G networks by 2019.²⁰

An average fixed-broadband plan costs US\$40 per month according to the ITU,²¹ or US\$32 according to the Regional Dialogue on Information Society (DIRSI),²² whereas the minimum monthly salary in the country is around US\$404.²³ Given changes introduced in the Argentina Digital Law, there is a chance the prices are going to increase even further in 2016.²⁴ According to a policy brief by DIRSI,

11 CEPAL, "Estado de la banda ancha en América Latina y el Caribe 2015," [State of Broadband in Latin America and the Caribbean 2015], July 2015, <http://bit.ly/1SPjYe>; "Las conexiones de internet más rápidas y más lentas de América Latina" [The quickest and slowest internet connections in Latin America], *BBC Mundo*, August 16, 2015, <http://bbc.in/1UTIHNb>.

12 INDEC, "Encuesta Nacional sobre Acceso y Uso de Tecnologías de la Información y la Comunicación" [National Survey on Access and Use of Information and Communication Technologies], Results for May-July 2015, October 5, 2015, <http://bit.ly/1UL3hQq>.

13 ITU, "Mobile-cellular subscriptions," 2000-2015, <http://bit.ly/2bfvlcE>.

14 INDEC, "Informe de prensa de servicios públicos" [Press Release on Public Services], November 2015, <http://bit.ly/1REZ0vG>.

15 The recent decree allowed companies to establish prices for fixed telephone services, which had not been modified for 15 years due to previous government regulations. See: "Acuerdan un aumento de 185% en el abono para la telefonía fija" [Agreement to increase fixed telephone rates by 185 percent], *Clarín*, March 27, 2016, <http://clarin.com/25ujOx5>.

16 Laura Zommer, "Nuestros precios de celulares, al tope del mundo" [Our mobile phone prices, the highest in the world], *La Nación*, November 10, 2014, <http://bit.ly/1tThzAr>; Diario BAE, "Argentina y Brasil, los países más caros de la región para hablar por celular" [Argentina and Brazil, the most expensive countries in the region to talk on mobile phones], *Media Telecom*, March 4, 2015, <http://bit.ly/1Pp1Va6>.

17 "Todo lo que hay que saber del Plan Prepago Nacional" [All there is to know about the National Prepaid Plan], *Télam*, August 8, 2014, <http://bit.ly/1mlM3F6>.

18 "El Gobierno prorrogó el plan prepago nacional con descuentos de hasta el 50%" [Government extended national prepaid plan with discounts of up to 50 percent], *Télam*, August 30, 2016, <http://bit.ly/2db3bkz>.

19 "El Gobierno prevé lanzar un plan canje de celulares para mejorar las comunicaciones móviles" [Government plans to launch a swap plan for cellphones to improve mobile communications], *La Nación*, February 22, 2016 <http://bit.ly/20RkRIP>; "Cómo es el plan canje de celulares que el Gobierno lanzará en 30 días" [The cell phone swap plan that the government will launch in 30 days], *La Nación*, February 23, 2016, <http://bit.ly/1oFgoqI>.

20 José Crettaz, "Movilidad 4G: en 2019, sólo el 10% de los dispositivos usará la nueva red" [4G mobility: in 2019, only 10 percent of devices will use the new network], *La Nación*, February 6, 2015, <http://bit.ly/1C1Mplk>.

21 ITU, Measuring the Information Society Report, 2014, <http://bit.ly/1NUbnkf>.

22 Guillermo Tomoyose, "Un mapa interactivo muestra el nivel de acceso a Internet en la Argentina," [An interactive map shows the level of access to Internet in Argentina], accessed March 2016, <http://bit.ly/1TgNfxY>.

23 Resolution 4/2015, *Infoleg*, <http://bit.ly/1WURpJte>.

24 Decree 267/2015, *Infoleg*, <http://bit.ly/1UzLvkT>.

broadband plans have gotten more expensive, with an estimated price variation of 40 percent between 2014 and 2015.²⁵

In May 2016, President Macri announced heavy infrastructure investments through the “Federal Internet Plan,” promising to bring quality broadband to 29 million people within the space of two years.²⁶ The initiative would use and expand the fiber-optic network developed under the previous government’s “Argentina Connected” plan launched in 2010. Contracted to the state-owned company ARSAT, this project sought to extend approximately 58,000 kilometers of fiber-optic cable across the country,²⁷ with the ultimate goal of reaching more than five million people.²⁸ Also as part of the Argentina Connected initiative, Argentina’s first telecommunications satellites, Arsat-1 and Arsat-2, were launched in October 2014 and September 2015, respectively.²⁹ The planned construction of Arsat-3 was suspended in March 2016, as authorities worked on making Arsat-2 financially independent.³⁰ This announcement has been criticized by the previous administration, as well as news about layoffs at ARSAT.³¹

Under the Argentina Connected Plan, the National Ministry of Planning, Public Investments and Services also reported the establishment of more than 280 Access to Knowledge Centers, public spaces that provide free access to ICTs.³² The “Digital Country Plan” (Plan País Digital) launched in June 2016 will also seek to provide free public Wi-Fi in more than 1,000 municipalities across the country.³³

Under the previous government, the Connect Equality initiative launched in 2010 sought to foster basic digital education across the country.³⁴ As of March 2016, more than 5.3 million netbooks had been delivered to public high school students. In March 2016, members of the program reported

25 María Fernanda Viéens, “Precio, calidad y asequibilidad de la banda ancha: las disparidades entre los países de la región son muy importantes” [Price, quality and affordability of broadband: disparities between countries in the region are very important], DIRSI Policy Brief 2016, <http://bit.ly/1TAPpcm>.

26 “En qué consiste el Plan Federal de Internet que presentó hoy Mauricio Macri” [The Federal Internet Plan presented today by Mauricio Macri], *La Nación*, May 17, 2016, <http://bit.ly/1NxeQu8>.

27 Ministerio de Planificación, *Plan Nacional de Telecomunicaciones “Argentina Conectada”* [National Telecommunications Plan of Argentina Connected], 2010-2015, 51-55, <http://bit.ly/1rW9rMr>.

28 “ARSAT presta servicios al 30% de la población del país” [ARSAT services 30 percent of the population in the country], *Revista Fibra*, December 9, 2015, <http://bit.ly/1SdSBHL>.

29 “Lanzan el Arsat 1, el primer satélite geoestacionario” [Arsat 1, the first geostationary satellite, is launched], *Infobae*, October 16, 2014, <http://bit.ly/1zd1Otw>; “El Arsat-1 llegó a la órbita geoestacionaria” [Arsat-1 reached the geostationary orbit], *La Nación*, October 27, 2014, <http://bit.ly/1ww256C>; “Lanzaron con éxito el Arsat-2 y ya está en órbita” [Successful launch of Arsat-2, now in orbit], *Clarín*, October 30, 2015, <http://clarin.com/1KTy8h>; “Lanzaron el satélite argentino Arsat-2 desde la Guyana Francesa” [Argentine satellite Arsat-2 launched from French Guyana], *Perfil*, October 30, 2015, <http://bit.ly/21H3N2g>.

30 “Arsat suspendió la construcción del tercer satélite argentino” [Arsat suspended the construction of the third Argentinian satellite], March 29, 2016, *La Nación*, <http://bit.ly/1pYQBun>; “Por el congelamiento del proyecto Arsat-3, peligran 600 puestos de trabajo” [Freeze on Arsat-3 project puts 600 jobs at risk], *Clarín*, March 29, 2016, <http://clarin.com/1RFHyaj>.

31 “Denuncian despidos por “cuestiones políticas” en Arsat” [Dismissals for “political reasons” are denounced in Arsat], *La Nación*, January 12, 2016, <http://bit.ly/1VwO5qW>; “Arsat admite que despidió a 22 empleados,” [Arsat admits that 22 employees were fired], *La Nación*, January 13, 2016, <http://bit.ly/1pGctKR>.

32 Ministry of Planning, “Logros del Programa NAC, del Plan Nacional Argentina Conectada” [Accomplishments of National Argentina Connected Program], News release, September 18, 2014, <http://bit.ly/1ROnMww>; See also: “Access to Knowledge Centers,” NAC Official website, accessed August 23, 2016 <http://bit.ly/1B0CDrw>.

33 Casa Rosada, “El presidente Macri lanzó en Salta el Plan País Digital” [President Macri launched the Digital Country Plan in Salta], June 15, 2016, <http://bit.ly/2cg5rL6>; See also: País Digital Official website, <http://bit.ly/2bVljA0>.

34 Decree 459/10, <http://bit.ly/1biJ9C5>; See also: Government of Argentina, “Conectar Igualdad” [Connect Equality], <http://bit.ly/1EbZusv>.

layoffs,³⁵ although the incoming government defended their plan to continue developing the project.³⁶ According to information published on the official website, more than 120,000 networks were delivered so far in 2016.³⁷

Restrictions on Connectivity

The Argentine government does not place limits on bandwidth, nor does it impose control over telecommunications infrastructure. There have been no reported instances of the government cutting off internet connectivity during protests or social unrest. There are currently 18 functioning Network Access Points (NAPs), which help manage internet traffic efficiently.³⁸ NAPs are strategically distributed in the biggest cities all over the country.³⁹

ICT Market

There are approximately 816 licensed providers offering internet services in Argentina, which indicates a diverse digital technology spectrum.⁴⁰ For a company to offer Internet services, it must first obtain a license from the national communications entity, which became ENACOM in December 2015.⁴¹ In May 2016, Resolution 2483/2016 announced a simplified license registration process for ISPs.⁴² The application fee increased from ARS 5,000 (US\$333) to ARS 20,000 (US\$1,330).⁴³

Although generally speaking there are no onerous obstacles to entering the ISP market, around 90 percent of the broadband market is concentrated in three companies: Telefónica, Telecom Argentina, and Cablevisión (Grupo Clarín).⁴⁴ The mobile market is also concentrated in the hands of a few companies, namely Movistar (Telefónica), Claro (América Móvil) and Personal (Telecom Argentina).⁴⁵

While Decree 267/2015 ostensibly aims to promote convergence, competition and investment, it is still unclear what effect these reforms will have on the ISP market. Some critics, including telecommunications expert Martin Becerra, have argued that the reforms favor the needs of certain com-

35 “Desde Conectar Igualdad denuncian más de 1000 despidos” [More than 1,000 dismissals denounced from Connect Equality], *La Nación*, March 4, 2016, <http://bit.ly/1RvN8PQ>; “Denuncian 1000 despidos en el programa Conectar Igualdad” [1,000 dismissals denounced in the Connect Equality Program], *Perfil*, March 4, 2016, <http://bit.ly/1o6FzBf>; “Conectar igualdad: entre la inclusión pedagógica y la inclusión ciudadana” [Connect Equality: between pedagogical inclusion and citizen inclusion], *ADC Digital*, March 10, 2016, <http://bit.ly/22vSXBN>; “Denuncian despidos en el programa Conectar Igualdad” [Dismissals denounced in the program Connect Equality], *Infobae*, March 4, 2016, <http://bit.ly/1UkLUys>.

36 “El Gobierno confirmó la continuidad de “Conectar Igualdad” y negó despidos” [Government confirmed continuation of Connect Equality and denied dismissals], *Télam*, March 4, 2016, <http://bit.ly/1MIzd7U>.

37 “Conectar Igualdad superó la entrega de 120.000 netbooks en 2016” [Connect Equality exceeds delivery of 120,000 netbooks in 2016], Conectar Igualdad website, September 2, 2016, <http://bit.ly/2cYIewV>.

38 CABASE – Cámara Argentina de Internet, “NAPS en funcionamiento,” <http://bit.ly/1JtNxJI>.

39 Map of Network Access Points (NAPs) 2015, Argentine Chamber of Internet (CABASE), <http://bit.ly/1LH9yK9>.

40 ENACOM, “Información de los prestadores” [Information Regarding Providers], <http://bit.ly/22w0uAF>.

41 National Communications Commission, Decree 764/2000, September 5, 1998, <http://bit.ly/1Ry8Mws>; ENACOM “Licencia Única de Servicios de Telecomunicaciones,” [Licence for Telecommunications Services], <http://bit.ly/1LH4ln9>.

42 “Government adopts the “multistakeholder” model for the development of Internet” *Convergencia Latina*, May 18, 2016, <http://bit.ly/20XqAYj>; “ENACOM publicó el nuevo Reglamento de Registro de Servicios TIC” [ENACOM published the new Regulation for the Registration of ICT Services], *Revista Fibra*, May 18, 2016, <http://bit.ly/1V9mrxY>.

43 Resolution 2483/2016, Official Bulletin, May 16, 2016, <http://bit.ly/1X2OTFy>.

44 Martín Becerra, *De la concentración a la convergencia*, [From concentration to convergence], Buenos Aires: Paidós, 2015, 64; See also: Leticia Pautasio, “Estadísticas: mercado de telecomunicaciones de Argentina” [Statistics: telecommunications market in Argentina], *Telesemana*, August 4, 2015, <http://bit.ly/1T6Jjf8>.

45 Leticia Pautasio, “Estadísticas: mercado de telecomunicaciones de Argentina” [Statistics: telecommunications market in Argentina], *Telesemana*, August 4, 2015, <http://bit.ly/1T6Jjf8>.

panies, and suggest that the new government is encouraging greater concentration.⁴⁶ The decree notably categorizes cable TV providers as ICT services, thereby releasing them from obligations in the Broadcasting Law. Some experts have contended that this decision could have a negative impact on standards such as pluralism, diversity, and local content production.⁴⁷

In March 2016, ENACOM approved the sale of Telecom Argentina to Fintech, and Nextel to Grupo Clarín's internet and cable TV provider, Cablevisión.⁴⁸ Also in June 2016, Nextel announced the purchase of five wireless broadband companies with radio spectrum in the 900 MHz and 2.5 GHz bands, which will enable the deployment of 4G LTE cellular network in the metropolitan area and several towns. According to Nextel, this was a necessary step to preserve competitiveness in the mobile sector.⁴⁹

Regulatory Bodies

Through the Necessity and Urgency Decree (DNU 267/15) issued on December 29, 2015, President Mauricio Macri created the National Authority for Communications (ENACOM), thereby dissolving the Federal Authority of Audiovisual Communication Services (AFSCA), the Federal Authority for Information Technologies and Communications (AFTIC).⁵⁰ A previous decree on December 23 had already placed AFSCA and AFTIC under trusteeship for 180 days, replacing their heads with new appointees.⁵¹ While Decree 267/15 received final approval in Congress on April 6, 2016,⁵² these changes prompted heated debate within the country.

Seeking to promote convergence and more homogenous norms, the decree establishes a single entity to regulate the whole system. ENACOM operates within the Ministry of Communications and has a directorate comprised of four directors chosen by the president and three proposed by Congress. ENACOM decisions can be approved by a simple majority and its members may be removed by the president.⁵³ One concern raised was the possibility of undue executive influence in the composition of the new regulatory body. While the justice minister justified the decrees as "emergency measures,"⁵⁴ the use of emergency decrees to significantly amend the regulatory framework also came under fire.⁵⁵

46 "Restauración," *Martín Becerra's blog*, January 14, 2016, <http://bit.ly/1RG65fw>; "Los especialistas opinaron sobre el decreto 267" [Expert opinions on decree 267] *Revista Fibra*, January 4, 2016, <http://bit.ly/2cdjStz>; "Diversas perspectivas sobre la convergencia" [Diverse perspectives on convergence], *Revista Fibra*, <http://bit.ly/2cPOGq3>.

47 "El decreto 267 y el fin de los debates" [Decree 267 and the end of debates], *Revista Fibra*, [January 8, 2016, http://bit.ly/2cM3yV6](http://bit.ly/2cM3yV6)

48 "Aprobaron las ventas de Telecom a Fintech y Nextel a Cablevisión" [Sales of Telecom to Fintech, and Nextel to Cablevisión, are approved], *La Nación*, March 4, 2016, <http://bit.ly/1WC6Yqw>.

49 "Nextel compró espectro y da otro paso para ser el cuarto operador móvil" [Nextel acquired spectrum and takes another step towards being the fourth mobile operator], *La Nación*, June 24, 2016, <http://bit.ly/28VmUH0>; See also: "Pelea por el control de las redes" [Fight for the control of the networks], *Página12*, August 2, 2016, <http://bit.ly/2cCPSdN>.

50 DNU 267/ 15, <http://bit.ly/1UyclzB>.

51 "Oficial: el decreto de Mauricio Macri para intervenir la Afscsa y la Aftic por 180 días" [Official: Macri's decree to intervene in Afscsa and Aftic for 180 days], *La Nación*, December 23, 2015, <http://bit.ly/2eGCA2m>.

52 "El Congreso puso punto final a la ley de medios del kirchnerismo" [Congress puts final stop on Kirchner media law], *Infobae*, April 6, 2016, <http://bit.ly/2cLKxQA>.

53 ENACOM, "¿Qué es Enacom?" [What is Enacom?], <http://bit.ly/1LHw47b>.

54 "Garavano: "Vamos a sacar muchas medidas por decreto"" [Garavano: "we are going to issue many measures by decree"], *La Nación*, December 20, 2015, <http://bit.ly/22i1w0C>.

55 "Audiencia en la CIDH sobre los DNU's de Macri" [Hearing in IACHR on Macri's DNU], *Martín Becerra's blog*, April 8, 2016, <http://bit.ly/2cLcgCA>.

The executive body that regulates and registers domain names is NIC.ar. All websites with the “.ar” country code Top-Level Domain must be registered with that entity. As of December 2015, registration of any domain ending in “.com.ar” requires an annual fee between ARS 220 and ARS 650 (US\$15 and US\$43) per year.⁵⁶ While these prices are quite affordable, they could deter some users. NIC will also require users to provide a tax ID number to register domains, which must be requested from the Federal Administration of Public Revenue (AFIP) by providing biometric data.⁵⁷

Limits on Content

The groundbreaking ruling on intermediary liability issued by the Supreme Court of Justice in October 2014 has set a precedent for lower court judgments. One case of blocking due to a court order was reported, as part of a criminal case against a software developer who reported a security deficiency in the e-voting system for local elections in Buenos Aires. On the other hand, the current government reportedly removed thousands of online materials from a state-run legal news site, before republishing them on a different site. Finally, several bills that establish mechanisms for removal of content were submitted to the Congress in 2015 and 2016, and may still be debated before the end of the legislative year.

Blocking and Filtering

Internet users in Argentina have access to a wide array of online content, including international and local news outlets, as well as the websites of political parties and civil society initiatives. YouTube, Facebook, Twitter, and international blog-hosting services are freely available. There is no automatic filtering of internet sites, web pages, platforms, social media sites, or blogs. Law 25.690, however, requires ISPs to provide software that can allow users to choose to limit their own access to “specific websites.”⁵⁸

In the past few years, there have been cases of blocking or content removal on grounds of copyright infringement on content sharing platforms. In 2014, a civil court ordered ISPs to block access to IP addresses associated with The Pirate Bay, a website that facilitates peer-to-peer (P2P) file sharing using the BitTorrent protocol, on the grounds that The Pirate Bay included links to copyright protected content.⁵⁹ However, users in Argentina can currently access The Pirate Bay through its many mirror sites.⁶⁰

One reported case of blocking by judicial order took place in July 2015 as part of a criminal case against software developer Joaquín Soriano, who had detected a security deficiency in the e-voting system developed for mayoral elections in the city of Buenos Aires (see “Prosecutions and Detentions for Online Activities”). The judge ordered the telecommunications regulator to request ISPs

⁵⁶ NIC Argentina, Registration Fees, <https://nic.ar/nic-argentina/aranceles>.

⁵⁷ “Exigirán CUIT, CUIL y clave fiscal para registrar dominios .com.ar” [They will require CUIT, CUIL and tax ID to register .com.ar domains], *Télam*, May 31, 2016 <http://bit.ly/29iWE8w>; “¿Qué necesito para operar? [Guide provided by NIC.AR to register a domain], <http://bit.ly/29tV425>; AFIP, “Trámite para obtener la “Clave Fiscal” para Personas Físicas” [Process to obtain the “tax ID”], <http://bit.ly/2d6wM2T>.

⁵⁸ Law 25.690, <http://bit.ly/1UqLHCO>.

⁵⁹ National Judicial Branch, Civil Court 64, Argentine Chamber of Phonograms and Videograms Producers (CAPIF), and others with The Pirate Bay, on precautionary measures, March 2014, <http://bit.ly/1UqOdsG>.

⁶⁰ “Pese al bloqueo, varios sitios permiten ingresar a the Pirate Bay en la Argentina” [Despite blocking, various sites enable access to the Pirate Bay in Argentina], *Infotechnology*, July 3, 2014, <http://bit.ly/1qTe7E2>.

to immediately block access to part of the site Justpaste.it, where information obtained from the e-voting system's software source code was published. The judicial order was issued to prevent the spread of sensitive information, but it was still available in other parts of the same site and on other sites.

Several controversial bills introduced in Congress were still up for debate by the end of the coverage period (see "Content Removal" for more information on bills related to the removal of personal data or discriminatory content). Outside the period of coverage of this report, in August 2016, a municipal internet blocking bill in Buenos Aires was introduced in the legislative chamber.⁶¹ The proposal enabled municipal prosecutors to block applications or domain names with the purpose of preventing "unlawful conduct." The bill was widely criticized because the blocking order did not need to be issued by a judge and the wording concerning what might be deemed as "unlawful" was very broad and vague.⁶² Also, the bill did not fit national rules on jurisdiction, which confers powers to regulate internet to the federal government, not a municipal one. Finally, it was withdrawn before it was debated by the Buenos Aires City Legislature.⁶³

Content Removal

Under the argument that certain state-run media coverage favored partisan interests, a case of temporary removal of content attracted attention during this coverage period. In February 2016, employees of Infojus Noticias, a news agency created under Fernández de Kirchner and affiliated to the Justice and Human Rights Ministry, reported that thousands of news items had been removed from its website.⁶⁴ The employees denounced that all but 1,200 out of 15,000 articles had been removed from the site, covering judicial issues linked to human rights, crimes against humanity and financial crimes. In response, Justice Minister Germán Garavano argued that "no article had been erased," and subsequently explained that the site was facing a process of transformation to move away from what he called a "political propaganda site," and that the removed items would be made available in a different format.⁶⁵ The dispute escalated with the presentation of two judicial claims, one by the Prosecutor of Institutional Violence (PROCUVIN),⁶⁶ and the other by the Buenos Aires Press Union (SiPreBa).⁶⁷ Both claims requested the judiciary to order the national government to immediately republish the removed articles, to uphold freedom of expression and the right to access public information. Finally, the judicial claims were withdrawn when in May 2016 the articles were reposted on a new website.⁶⁸

61 "Polémica en Argentina por un proyecto de ley que habilita el bloqueo de Internet en Buenos Aires" [Controversy in Argentina on Internet blocking bill], *Telesemana.com*, August 31, 2016, <http://bit.ly/2ciMBOt>.

62 ADC Digital, "Un proyecto de ley que pone en riesgo la libertad de expresión en Internet" [A bill that could jeopardize freedom of expression on the Internet], August 29, 2016, <http://bit.ly/2cQZxfL>; Access Now, "Sociedad civil y organizaciones académicas preocupadas por proyecto de ley para bloquear sitios web y aplicaciones en Argentina," [Civil society and academic organizations concerned about internet blocking bill in Argentina], August 29, 2016, <http://bit.ly/2bPGYLX>.

63 "Frenan el proyecto de ley para bloquear sitios web" [Internet-blocking bill was stopped], *Minutouno.com* [September 1, 2016. http://bit.ly/2cDwqNL](http://bit.ly/2cDwqNL).

64 "Denuncian la eliminación del 90 por ciento de las notas del sitio Infojus Noticias" [Deletion of 90 percent of items on the Infojus Noticias site denounced], *Cronista.com*, February 4, 2016, <http://bit.ly/1RkHYRc>.

65 "Garavano justificó haber eliminado los artículos de Infojus" [Garavano justified elimination of Infojus articles], *Cronista.com*, February 24, 2016, <http://bit.ly/1o6HhT2>.

66 "Amparo por Infojus" [Protection for Infojus], *Página 12*, February 27, 2016, <http://bit.ly/1UMxChC>.

67 SiPreBa, "El SiPreBa reclama al gobierno que reponga las notas de Infojus Noticias" [Press Syndicate of Buenos Aires requests the government to repost the items of Infojus Noticias], March 2, 2016, <http://bit.ly/1VEok8a>.

68 See website: <http://archivoinfojus.gob.ar/>; See also: "Una buena para Infojus Noticias" [Good news for Infojus Noticias], *Diarios de Buenos Aires*, May 6, 2016, <http://bit.ly/1r5NKPT>.

During this coverage period, lower courts clarified certain takedown criteria following the landmark decision by the Argentine Supreme Court regarding intermediary liability. After celebrity Belén Rodríguez sued Yahoo and Google for search results that linked her name to sexual and erotic content, the Supreme Court confirmed in October 2014 that intermediaries should not be liable for third-party content if they did not have knowledge of alleged third-party violations.⁶⁹ The ruling established that intermediaries must remove unlawful content only if they are notified by a judicial order, thus favoring a judicial takedown regime over a “notice and takedown” system. The court also stated that if the content involves “manifest illegality,” there is no need for a judicial order and it only requires a private communication to the intermediary.

More recent decisions have established criteria to avoid generic injunctions on matters of freedom of expression online. In June 2015, the Tribunal II of the Federal Court of Appeals of the City of Buenos Aires ruled that precautionary measures are able to determine “prima facie” if content is unlawful.⁷⁰ However, this measure must not be dictated in general terms and infringing sites have to be individualized in order to be removed. This resolution was supported by another ruling from the same court,⁷¹ confirming that a generic order is not sufficient to generate liability.

Several bills submitted to Congress have sought to implement mechanisms for content removal. Some of them regarded the “right to be forgotten,” including a proposal to introduce an online form through which people will be able to request removal of information directly to the search engines, without judicial review.⁷² Digital rights activists have raised concerns that such a system could leave the door open to abuses by government and private parties, and encourage search engines to implement self-censorship mechanisms. Others sought to regulate all the activities of intermediaries and included “notice and takedown” systems for cases of “manifest illegality,” such as content that facilitates crimes; put an individual’s human life at risk; advocacy of national or racial hate; child pornography; or content that produces serious danger to the individual’s honor, image or intimacy.⁷³ Lastly, a new bill on intermediaries was introduced in 2016; unlike the others, it rejects private or administrative notice and takedown systems and establishes that in all cases a judicial order is necessary to remove online content.⁷⁴ These bills are still at the early stages of the legislative process and remain in different commissions. Many of the bills will expire if they are not discussed by the end of 2016.⁷⁵

Another controversial bill approved by the Commission of Human Rights of the Chamber of Representatives in July 2015 would have expanded the current meaning of “discriminatory act” to include comments in social networks, blogs, forums and other online media.⁷⁶ Criticized for restricting free-

69 Supreme Court of Justice, “Rodríguez, Maria Belén c/ Google Inc. s/ daños y perjuicios,” October 28, 2014, <http://bit.ly/1UGGjrD>.

70 Argentine Federal Court of Appeals on Civil and Commercial Matters, II, “Giovannetti, Laura c. Yahoo Argentina y otro,” June 2, 2015, <http://bit.ly/2bXF72p>.

71 Argentine Federal Court of Appeals on Civil and Commercial Matters, II, “Albertario, Claudia c. Yahoo Argentina y otro s/ daños y perjuicios,” June 2, 2015 (link not available).

72 Bill 0444-S-2015, <http://bit.ly/1JcOVA4>; Bill 1906-D-2015, <http://bit.ly/1q26VKn>; Bill 4388-D-2015, <http://bit.ly/22vQ1Ft>.

73 Bill 1865/15, <http://bit.ly/1EtTeKs>; Bill 3842-D-2015, <http://bit.ly/21H3rY>.

74 Bill 942/16, <http://bit.ly/2cfPULJ>.

75 See Law 13.640 for information governing the legislative process: <http://bit.ly/1KA2uJm>.

76 National Bill Against Discrimination (9064-D-15), <http://bit.ly/1MKrmAW>.

dom of expression and violating the constitution and international human rights treaties,⁷⁷ the bill ordered online media to take preventive measures to tackle discriminatory content, by monitoring comments published on their sites. It established a new criminal offence for those posting discriminatory comments, as well as shifting the burden of proof on the person who comments. While an amended version of the bill removed provisions addressing online media and social networks, it maintained broad and ambiguous language to define “discriminatory acts.”⁷⁸ The National Institute against Discrimination, Xenophobia and Racism (INADI) held public meetings with civil society organizations to reach consensus for new legislation on anti-discrimination, based on the bills already submitted.⁷⁹

Media, Diversity, and Content Manipulation

Argentina has a relatively open and diverse online media environment, as well as high rates of social media use. According to a map developed by the National Data Protection Authority, there are seven social networks with more than a million users in the country.⁸⁰ Self-censorship among bloggers and online users is not widespread in Argentina, although some isolated instances of harassment may elicit self-censorship in particular cases (see Intimidation and Violence).

The government of President Macri has announced a significant reduction in the budget for official advertising, a decision which may affect the current media landscape, including digital media.⁸¹ The discriminatory allocation of official advertising, both at the federal and local levels, has played a major role in shaping media content in Argentina. Despite multiple court rulings ordering the government to comply with equitable allocation of official advertising,⁸² the government has repeatedly come under fire for providing substantial funding through advertising to media outlets that are favorable to the government, while cutting off advertising for critical organizations.⁸³ According to recent research, half of total funds allocated to official advertising from 2009 to 2015 were distributed among 15 media organizations, 12 of them allegedly close to the Fernández de Kirchner government.⁸⁴ In June 2016, the Public Communication Secretary issued an administrative resolution regulating the allocation of official advertising to media outlets, including digital media.⁸⁵ The resolution states that funding must be allocated according to objective criteria, such as media reach, relevance of the message, geographic zone and promotion of the federalism and plurality of voices.

77 Association for Civil Rights (ADC), “Regular comentarios en Internet: el proyecto de ley antidiscriminación es inconstitucional” [Regulating comments in the internet: the anti-discrimination bill is unconstitutional], July 22, 2015, <http://bit.ly/1HS2aVJ>; Beatriz Busaniche, “Proyecto de ley antidiscriminación: una supuesta solución que amplía los problemas” [Anti-discrimination bill: a supposed solution that expands the problems], Vía Libre Foundation, July 17, 2015, <http://bit.ly/21G9Sfi>; Center of Legal and Social Studies (CELS), “Proyecto de ley antidiscriminación” [Anti-discrimination bill], August 20, 2015, <http://bit.ly/22uOmQv>.

78 Bill 9064-D-2014, <http://bit.ly/1RG5mYz>.

79 National Institute Against Discrimination, Xenophobia, and Racism (INADI), “Diálogo por la nueva ley antidiscriminatoria” [Dialogue for a new anti-discrimination law], June 2, 2016, <http://bit.ly/1VCbw2s>.

80 National Directorate for the Protection of Personal Data, “Primer mapa argentino de las redes sociales,” [First Argentine map of social networks], August, 2015, <http://bit.ly/1Y0fekE>.

81 José Crettaz, “El fin de la pauta oficial está cambiando drásticamente el mapa de medios” [The end of the official pattern is dramatically changing the media map], *La Nación*, March, 2016, <http://bit.ly/1R68Zqt>.

82 Judicial Information Center, “La Corte Suprema declaró la constitucionalidad de la Ley de Medios,” [The Supreme Court upheld the constitutionality of the Media Law], October, 2013, <http://bit.ly/1Kdidjj>.

83 Martín Becerra, “La pauta que los parió,” *Martín Becerra’s blog*, March, 2016, <http://bit.ly/1V3naCp>.

84 José Crettaz, “Pauta oficial 2009-2015: todos los nombres y los montos cobrados” [Official guidelines 2009-2015: all names and the amounts charged], *La Nación*, November, 2015, <http://bit.ly/1RllekQ>.

85 Resolution 247-E/2016, <http://bit.ly/2d6Ge4Z>.

Digital Activism

Argentines continue to use social media as a tool for political mobilization. In June 2015, after several women were murdered, a group of journalists and activists called for a demonstration to advocate for concrete action to reduce violence against women. Digital activism played a crucial role in more than 200,000 people gathering in front of Congress on June 3, 2015.⁸⁶ The march went viral on social media with the hashtag #NiUnaMenos (Not One Less) and generated more than 270,000 tweets during the mobilization.⁸⁷ A second #NiUnaMenos march took place the following year, on June 3, 2016, once again rallying thousands of people around the country and encouraging significant social media engagement.⁸⁸

Violations of User Rights

Argentina has relatively strong privacy protections and authorities must obtain a judicial warrant before conducting surveillance. Argentina does not suffer from high levels of violence against journalists, but during the period of coverage three cases of cyberattacks against news outlets were reported. A judicial order was issued to raid the house of Joaquín Soriano, a software developer who had discovered a security vulnerability in the electronic voting system used in local elections in Buenos Aires.

Legal Environment

Freedom of expression is guaranteed by the National Constitution.⁸⁹ Argentina explicitly established online freedom of expression protections through a presidential decree issued in 1997,⁹⁰ which were expanded by the Congress in 2005 to include “the search, reception and dissemination of ideas and information of all kinds via internet services.”⁹¹ Defamatory statements regarding matters of public interest were decriminalized in 2009,⁹² following the Inter-American Court of Human Rights’ ruling in “Kimel vs. Argentina.”⁹³

Some laws impose criminal and civil liability for online activities. Law 11.723 holds liable those who, by any means, reproduce content that violates intellectual property, and establishes sanctions ranging from fines to six years in prison. In November 2013, Congress approved a law amending the penal code and establishing penalties of up to four years imprisonment for online contact with a minor

86 “Argentine marches condemn domestic violence”, BBC, June, 2015, <http://bbc.in/1SXuUoa>; See also : “Argentina protesta contra la violencia machista: ‘Ni una menos’” [Argentina protests against gender violence: ‘Not One Less’], *Univisión*, June, 2015, <http://bit.ly/21SFfDv>; “Histórica marcha contra la violencia machista” [Historic march against gender violence], *Clarín*, June, 2015, <http://clar.in/1KB2azu>.

87 Guillermo Tomoyose, “Del mundo online a la marcha: el mapa con las repercusiones de #NiUnaMenos en Twitter” [From the online world to the march: the map with the impact of #NiUnaMenos on Twitter], *La Nación*, June, 2015, <http://bit.ly/1Jayd8P>.

88 “Una multitud en otro grito contra la violencia machista” [A crowd in another cry against male violence], *Clarín*, June 4, 2016, <http://clar.in/29qR9AZ>.

89 National Constitution, Article 14, <http://bit.ly/1K2Ldgl>. The constitution was amended in 1994, and Article 75 (22) now recognizes numerous international human rights treaties with constitutional status and precedence over national laws.

90 Decree 1279/97, December 1, 1997, <http://bit.ly/1JCs3dP>.

91 Law 26032, <http://bit.ly/1EzDJA5>.

92 Law 26551, <http://bit.ly/1ZH7UvP>.

93 “Kimel vs Argentina,” Inter-American Court of Human Rights, 2008, <http://bit.ly/1SrPsUN>.

carried out “with the purpose of committing a crime against [the minor’s] sexual integrity.”⁹⁴ The law generated concern among academics and civil society organizations because of its vague wording.⁹⁵

In 2008, the government passed a law on cybercrime,⁹⁶ which amended the Argentine Criminal Code to prohibit distribution and possession of child pornography, interception of communications and informatics systems, hacking, and electronic fraud. Some of the terms used in the legislation have been criticized as too ambiguous, which could lead to overly broad interpretation. In November 2015, the General Prosecutor’s Office created the Specialized Prosecutor’s Unit on Cybercrime for the investigation of computer-related crimes (see Technical attacks).⁹⁷

The government has further committed to promoting the values of democracy and human rights online. In June 2016, Argentina joined the inter-governmental Freedom Online Coalition, which supports internet freedom and the protection of fundamental human rights.⁹⁸ Argentina is the third Latin American country, and the first from South America, to join the coalition.

Prosecutions and Detentions for Online Activities

In June 2015, ten days before municipal elections in the Autonomous City of Buenos Aires, Joaquín Soriano, a software developer, discovered a security vulnerability in the electronic voting system that leaked SSL certificates used in the machines that transmitted data from voting locations to the vote counting center, and proceeded to report the vulnerability to the company in charge of the voting system, Magic Software Argentina (MSA).⁹⁹

On July 4, just two days before the elections, the Cybercrime Division of the Metropolitan Police of the City of Buenos Aires raided the house of Soriano, by orders of the Judge María Luisa Escribá, and proceeded to confiscate his electronic devices,¹⁰⁰ on the grounds of violation of Article 183 of the Penal Code,¹⁰¹ by which Soriano was accused of causing damage to IT systems. In an interview on March 15, 2016, Soriano stated that his case was not moving forward and that MSA never appeared at any hearing nor presented any document regarding the case.¹⁰² At the end of July 2016, Soriano was dismissed from the case on the grounds that, although it was established that Soriano entered the computer system of the company MSA Group, he did not do so in an unlawful manner nor did he cause any harm; on the contrary, it was to give notice to the company that the security system was vague and could be easily breached.¹⁰³

94 Law 26904, <http://bit.ly/1JCTo4j>.

95 “Nuevas críticas a la ley de grooming reavivan debates irresueltos” [New criticism on grooming law revives unresolved debates], *Infotechnology*, March 22, 2014, <http://bit.ly/PYofy8>.

96 Law 26388, <http://bit.ly/U6ZyAE>.

97 Resolution 3743/15, <http://bit.ly/1WVqvm2>.

98 “Freedom Online Coalition welcomes Argentina as its 30th member,” Freedom Online Coalition, June 2016, <http://bit.ly/29skEVL>.

99 “A diez días de los comicios porteños, descubren filtraciones de seguridad en el sistema de voto electrónico” [Ten days before elections, security leaks in the electronic voting system are discovered], *Télam*, June 26, 2015, <http://bit.ly/1GXzkCa>.

100 “La Policía Metropolitana allanó el domicilio del especialista que denunció fallas en el sistema de voto electrónico” [The Metropolitan Police raided the house of the expert who reported vulnerabilities in the electronic voting system], *Télam*, July 4, 2015, <http://bit.ly/1KEE98N>.

101 Law 11.179, art. 183, <http://bit.ly/1gbsj6k>.

102 Camila Selva Cabral, “Privatizar el voto no es una buena idea” [Privatizing the vote is not a good idea], News Agency – Communications Science, University of Buenos Aires, March, 2016, <http://bit.ly/1USSZ24>.

103 “Sobresayeron al programador que reveló fallas en el sistema de voto por Boleta Única Electrónica” [They dismissed the programmer who revealed flaws in the electronic voting system], *La Nación*, August 2, 2016, <http://bit.ly/2b5n37y>.

Surveillance, Privacy, and Anonymity

The Argentine government does not impose restrictions on anonymity or encryption for internet users. Bloggers and other online users are not required to register with the government and can post anonymous comments freely in online forums.

Law 25.891 determines that telecom operators must register users' identification information when purchasing a mobile phone or prepaid SIM card.¹⁰⁴ This law was introduced in 2004 as part of an effort to tackle the resale of stolen mobile phones and SIM cards, but it has not yet been regulated, even after multiple attempts to explicitly enforce the creation of a database for the registration of users' identification information when buying mobile phones and SIM cards.¹⁰⁵

In general, Argentina has strong privacy standards rooted in the constitution, as well as data protection laws with standards that compare to those in Europe. In addition to legal conditions for the collection of video surveillance images¹⁰⁶ and guidelines to protect privacy in the development of applications,¹⁰⁷ the National Directorate for Protection of Personal Data has issued legal requirements and privacy recommendations relating to the use of unmanned aerial vehicles (UAVs) or drones.¹⁰⁸

According to the National Intelligence Law, a court order is necessary to conduct surveillance of private communications.¹⁰⁹ Until December 2015, the only state body that was legally allowed to conduct surveillance was the Department for Interception and Captation of Communications (DICOM), dependent on the Public Ministry.¹¹⁰ However, Decree 256/15 transferred DICOM to the Supreme Court,¹¹¹ which later replaced DICOM with the Directorate of Captation of Communications (DCC).¹¹² The DCC is presided by a judge, appointed by lottery, for the duration of one year.

Argentina does not systematically collect metadata, although a 2013 resolution by the Secretariat of Communications raised some privacy concerns. Resolution 5/2013 regulating the quality of telecommunications services states that providers should "guarantee the free access of the CNC [the regulatory body in 2013, now ENACOM] to installations... and [should] give them all the information that is required in the set manner and timeframe." It also establishes a period of three years for service providers to keep all collected data.¹¹³ However, the article in question states clearly that the data will be used to calculate quality indicators, and the resolution mentions the obligation to respect personal data. Since its passage in 2013, there has been no evidence to suggest that this provision was implemented in an unlawful or abusive way.

104 Law N° 25.891, <http://bit.ly/1ojOIMi>.

105 See bills: 6538-D-2010 <http://bit.ly/1XZWodz>, 0212-D-2012 <http://bit.ly/1Sk1gWN>, 8141-D-2012 <http://bit.ly/1RNTo5w>, 2986-D-2014 <http://bit.ly/1ojO9K>, 2583-D-2014 <http://bit.ly/1WUveQd>, 9439-D-2014 <http://bit.ly/1UzQUbl>, 1076-D-2015 <http://bit.ly/1RxfYd8>

106 Ministry of Justice and Human Rights, Disposition 10/2015, <http://bit.ly/25EGjI>.

107 Ministry of Justice and Human Rights, Disposition 18/2015, <http://bit.ly/1RjhmQb>.

108 Ministry of Justice and Human Rights, Disposition 20/2015, <http://bit.ly/1fDgI4M>.

109 Law 25.520, Art. 5, <http://bit.ly/1bp2vWp>.

110 Law 27.126, Art. 17, <http://bit.ly/1CLiBGU>.

111 Decree 256/15, <http://bit.ly/1RI8wLr>.

112 Judicial Information Center, "La Corte Suprema creó la Dirección de Captación de Comunicaciones del Poder Judicial" [The Supreme Court created the Directorate of Captation of Communications of the Judiciary], February 15, 2016, <http://bit.ly/1Urvf5d>; See also: ADC, "Reflexiones sobre la creación de la Dirección de Captación de Comunicaciones" [Initial reflections on the creation of the DCC], February 19, 2016, <http://bit.ly/2dtGQkc>.

113 Ministry of Federal Planning, Public Investment and Services, Communications Secretariat, Resolution 5/2013, <http://bit.ly/1VaT2BX>.

Although there is little to no information available regarding covert or unlawful surveillance, and although these practices do not seem to be widespread, two main cases can be highlighted in 2015. First, emails leaked from Hacking Team in July 2015 revealed exchanges between the Italian spyware company and Argentine companies that claimed to have ties with state actors (such as the Federal Intelligence Agency, the Army and the Federal Police). The companies appeared to have been interested in acquiring Hacking Team's products, but it was not possible to confirm the completion of a transaction or direct contact between the government and Hacking Team from the emails.¹¹⁴

Second, in December 2015, Citizen Lab published research showcasing an extensive malware, phishing, and disinformation campaign active in several Latin American countries, including Ecuador, Argentina, Venezuela, and Brazil.¹¹⁵ Regarding Argentina, Citizen Lab noted the targeting of political figures in the malware campaign, such as the deceased prosecutor Alberto Nisman and the journalist Jorge Lanata. Moreover, on October 20, 2015, former deputies Laura Alonso and Patricia Bullrich filed a complaint for alleged illegal spying on journalists, politicians, public prosecutors and judges carried out by the Federal Intelligence Agency.¹¹⁶ However, the day after the complaint was filed, one of the judges stated that it was submitted without documents to support it.¹¹⁷

The government requested data on a number of users in 2015, mostly for criminal investigations. Between July and December 2015, Google received a total of 436 requests for data disclosures of 569 Google accounts, and disclosed information in 59 percent of cases.¹¹⁸ During that same period, Yahoo received a total of 184 data requests related to 220 Yahoo specified accounts:

- 33 percent of requests were rejected,
- 46 percent resulted in the disclosure of non-content data (basic subscriber information, such as name, login details, location and IP address at the time of registration),
- 14 percent resulted in content being disclosed,
- And in 7 percent of cases, no data was found.¹¹⁹

Microsoft received a total of 789 law enforcement requests related to 919 specified user accounts, of which 71 percent resulted in the disclosure of non-content data, 19 percent resulted in no customer data being found, 10 percent were rejected for not meeting the legal requirements.¹²⁰ Facebook received a total of 892 data requests regarding 1,047 specified user accounts, out of which 71 percent resulted in the disclosure of some data.¹²¹ Between January and December 2015, Twitter received a

114 Leandro Ucciferri, "Hacking Team y sus planes para hackear Argentina" [Hacking Team and their plans to hack in Argentina], *Tecnovortex*, July, 2015, <http://bit.ly/1PDwEgS>.

115 John Scott-Railton, Morgan Marquis-Boire, Claudio Guarnieri, and Marion Marschalek, "Packrat: Seven Years of a South American Threat Actor," Citizen Lab, December 2015, <http://bit.ly/1U3dFKl>.

116 "Denuncian espionaje de la Secretaría de Inteligencia a jueces, políticos y periodistas" [Denounced: spying by the Intelligence Agency against judges, politicians and journalists], *La Nación*, October 20, 2015, <http://bit.ly/1OGTcm2>; "Denuncian que el Gobierno hizo espionaje ilegal sobre políticos, jueces y periodistas," [They claim that the government carried out illegal spying on politicians, judges and journalists], *Clarín*, October 20, 2015, <http://clarin.com/2015/10/20/denuncian-que-el-gobierno-hizo-espionaje-ilegal-sobre-politicos-jueces-y-periodistas/>.

117 "Casanello afirmó que la denuncia de Alonso y Bullrich se presentó "sin documentación ni listados"" [Casanello declared that the complaint by Alonso and Bullrich was presented "without documentation nor listings"], *Télam*, October 21, 2015, <http://bit.ly/1OlvSEC>.

118 Google, *Transparency Report*, July – December 2015, <http://bit.ly/1qezDI9>.

119 Yahoo, *Transparency Report*, July – December 2015, <http://bit.ly/1RlaRGm>.

120 Microsoft, *Transparency Report*, July – December 2015, <http://bit.ly/1WUWhj1>.

121 Facebook, *Government Requests Report*, July – December 2015, <http://bit.ly/2ejRQhw>.

total of 7 account information requests regarding 17 specified accounts (including Twitter, Periscope, and Vine accounts); none of them resulted in the production of data.¹²²

Intimidation and Violence

Although there were no known cases of bloggers or ICT users being subject of extralegal intimidation or physical violence by state authorities or other actors, the Argentine Forum of Journalism (FOPEA) reported 94 cases of harassment against journalists throughout the country in its 2015 report of attacks on press freedom, of which 12 percent were against digital news media. The report shows a decrease in the overall number of reported attacks, compared to 178 cases recorded in 2014.

Technical Attacks

Cybercrime remains an increasingly important issue in Argentina. In November 2015, the Public Ministry created the Specialized Prosecutor's Unit on Cybercrime (UFECI), which can take part in any legal process where it would be necessary to conduct research into digital environments.¹²³

Although there are no known public statistics or reports from the official program that was in charge of cybersecurity activities in the public sector, the National Program of Critical Infrastructure of Information and Cybersecurity (ICIC), there were three reported cases of cyberattacks against news websites: *Página 12*, *Diario Registrado* and *Clarín*. News outlet *Página 12* claimed to have suffered a Distributed Denial of Service (DDoS) attack on its website lasting from December 3 to 8, during which time users were not able to access the website. On December 9, 2015, the Attorney General's Office launched an investigation through UFECI,¹²⁴ but there have been no official statements about the status of the case since. This case led the Special Rapporteur on Freedom of Expression of the Inter-American Commission on Human Rights, Edison Lanza, to state that the attack was a direct violation of freedom of expression.¹²⁵ Shortly after this incident, news outlet *Diario Registrado* denounced a similar attack on December 11 that impeded certain users from accessing the website.¹²⁶ Another news outlet, *Clarín*, also reported a DDoS attack for a period of two hours on December 13, but the attack did not result in a complete shutdown of the website.¹²⁷

Decree 13/16 created the post of Undersecretary of Technology and Cyber Security under the Ministry of Modernization, in charge of developing the strategy for technological infrastructure, as well as a national cybersecurity agenda, thus absorbing the functions of the National Program of Critical Infrastructure of Information and Cybersecurity (ICIC), which was created in 2011.¹²⁸

122 Twitter, *Transparency Report*, 2015, <http://bit.ly/21RvfU7>.

123 Public Prosecutor's Office, "Gils Carbó creó la Unidad Fiscal Especializada en Ciber-delincuencia" [Gils Carbó created the Specialized Prosecutor's Unit on Cybercrime], November 18, 2015, <http://bit.ly/1RFfaFe>.

124 "Bloqueo digital a la libertad de expresión" [Digital block against freedom of expression], *Página 12*, December, 2015, <http://bit.ly/1QeDhMC>.

125 "El ataque es una violación directa de la libertad de expresión" [The attack is a direct violation of freedom of expression], *Página 12*, December 9, 2015, <http://bit.ly/1YkoR0>.

126 "Hackearon el sitio Diario Registrado.com" [The website DiarioRegistrado.com was hacked], *La Nación*, December 15, 2015, <http://bit.ly/2bZRznr>.

127 "El sitio de Clarín recibió un ciberataque durante dos horas" [Clarín's website received a cyberattack for two hours], *Clarín*, December 14, 2015, <http://clar.in/1jYPORG>.

128 Decree 13/2016, <http://bit.ly/1pHX4J7>.