

ARGENTINA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. Mauricio Macri was elected president in 2015 in elections generally considered free and fair.

Civilian authorities maintained effective control over the security forces.

Human rights issues included torture by federal and provincial police; harsh and life-threatening prison conditions; interference in judicial independence; corruption at all levels of government; 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 abuses during the year, as well as officials who committed dictatorship-era 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 no reports that the government or its agents committed arbitrary or unlawful killings.

The Committee against Torture of the Buenos Aires Provincial Memory Commission reported 121 deaths in 2017 due to unwarranted or excessive force by police in the metropolitan area of Buenos Aires. A credible domestic nongovernmental organization (NGO) reported there were 258 deaths in 2017 as a result of unwarranted or excessive force by police in the country.

On June 20, 18 police officers were indicted for tampering with the official autopsy to hide signs of violence in the case of Franco Casco, who allegedly died in police custody in 2014, and for failing to register Casco's original detention in police reports. At year's end 10 of those officers remained in pretrial detention. Federal prosecutors removed charges against the remaining police officers. The case remained ongoing at year's end.

On March 8, police fatally shot 12-year-old Facundo Ferreira in Tucuman Province. Ferreira's family alleged two provincial police officers fired without cause. Criminal proceedings against the officers began on July 3. One officer remained employed on the police force in an administrative capacity, and the other was dismissed for unrelated reasons. The case against the two officers was ongoing at year's end.

b. Disappearance

On November 29, a federal judge ruled the death of activist Santiago Maldonado was not a forced disappearance and that there are no criminal penalties applicable in the case. Maldonado was allegedly last seen during a protest on August 1, 2017, and an official autopsy stated that Maldonado died of drowning and hypothermia. His family announced their intent to appeal the ruling.

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 August 13, oral hearings began in a trial encompassing more than 800 cases of kidnapping, torture, and murder. The trial against two former Ford Motor executives charged with allegedly helping the military kidnap and torture workers, which began in December 2017 continued at year's end. The case represented the first time private-sector defendants had faced trial for dictatorship-era crimes.

On December 12, the Supreme Court ruled against a reduced sentence for Rufino Batalla, convicted in 2014 for murder, torture, and kidnapping during the military dictatorship, that counted the time Batalla served in prison before conviction as double the time served toward his sentence. The retroactive application of a controversial 1994-2001 "2x1" law in a separate Supreme Court case in 2017 prompted the congressional passage in May 2017 of a new law preventing the "2x1" sentencing benefit to crimes against humanity.

On March 16, the Federal Cassation Court--the nation's highest federal appellate court--rescinded house arrest for 88-year-old Miguel Osvaldo Etchecolatz, based on medical testimony concluding Etchecolatz was fit to remain in jail. Etchecolatz, one of the country's most egregious human rights violators, was convicted five times, most recently in 2016, for kidnapping, torture, and murder as chief of police investigations in Buenos Aires Province from 1976 to 1977, when he oversaw 29 clandestine detention centers.

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 August 3, the NGO Abuelas de la Plaza de Mayo reported that the 128th missing grandchild of the estimated 500 persons born to detained and missing dissidents during the dictatorship and illegally adopted by former military officials had been identified and made aware of his background.

The Argentine Forensic Anthropology Team continued to provide technical support and assistance in the identification of remains of victims of the military junta.

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

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide. NGOs, the Center for Legal and Social Studies (CELS), the Prosecutor General's Office, the National Penitentiary Prosecutor's Office (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.

The Buenos Aires Provincial Criminal Court of Cassation's Office of Public Defenders reported that in 2017, the most recent year for which data was available, there were 733 complaints of torture and mistreatment by law enforcement officers during arrest or institutional confinement.

No unified registration system to record acts and victims of torture existed at the federal level. On April 23, the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment ratified observations by the UN Committee Against Torture in 2017 that there was excessive and arbitrary use of force by police; prison overcrowding and related institutional violence including torture; uneven implementation of torture prevention laws between provinces; politicization and unclear mandates of various torture prevention institutions; and the lack of an ombudsman against torture since 2008.

According to the Penitentiary Prosecutors Office, 274 cases of torture and mistreatment were registered in the Federal Penitentiary Service during the first half of the year; however, only 84 complaints resulted in criminal investigations.

On May 17, a federal prosecutor in Tierra del Fuego Province filed a motion deposing 26 former military officers for human rights abuses by the armed forces against their own soldiers during the 1982 Falklands/Malvinas War. Prosecutors argued the officers were implicated in more than 20 cases of alleged torture of army conscripts and a subsequent cover-up, both classified as crimes against humanity. Defendants included a brigadier general, a lieutenant, and two deceased colonels to be tried in absentia. The case, which marked the first legal action against regime officials for allegedly torturing their own troops during the Falklands/Malvinas military campaign, continued at year's end.

On September 20, a Buenos Aires City criminal court sentenced six Naval Prefecture officers to between eight to 10 years imprisonment for the 2016 torture of minors Ivan Navarro and Ezequiel Villanueva. The officers were found guilty of torture, illegal detention, and armed robbery.

Prison and Detention Center Conditions

Prison conditions often were harsh due to overcrowding, poor medical care, and unsanitary conditions. Particularly in the province of Buenos Aires, which held more than half the country's total prison population, there were reports of forced transfers and the recurrent use of solitary confinement as a method of punishment. On April 23, the UN special rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment highlighted deteriorating and excessively harsh prison conditions and expressed concern about detention practices for juveniles and marginalized communities.

Physical Conditions: While prison capacity in federal penitentiaries was marginally adequate, prison overcrowding remained a problem. Prisoners in Buenos Aires provincial penitentiaries exceeded facility capacity by an estimated 91 percent, while prisoners in provincial police holding facilities exceeded capacity by more than 200 percent, according to CELS and the Committee against Torture of the Buenos Aires Provincial Memory Commission. In June, NGOs reported a record number of approximately 45,000 detainees in Buenos Aires Province, a 12.5 percent increase over 2017 and an increase of more than 30 percent during the last six years. Many pretrial detainees were held with convicted prisoners.

Inmates in many facilities suffered from overcrowding; poor nutrition; inadequate medical and psychological treatment; inadequate sanitation, heating, ventilation,

and light; limited family visits; and frequent degrading treatment, according to reports by human rights organizations and research centers.

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 prohibited doing so.

Women's prisons were generally less violent, dangerous, and crowded 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 may remain in a special area of the prison with the mother until the age of four and receive daycare.

In the first six months of the year, the Federal Penitentiary Service reported 22 inmate deaths in federal prisons, six of which were violent. The Committee of Torture of the Buenos Aires Provincial Memory Commission stated that 134 prisoners died in the province of Buenos Aires in 2017, 60 from health problems and lack of medical attention. The Ministry of Justice had not published official statistics on prisoner deaths since 2016.

On May 12, the chief of Police Station No. 1 in Pergamino, Buenos Aires Province, turned himself over to federal authorities for charges related to a March 2017 fire that killed seven detainees. The police chief and five other police officers remained under arrest at year's end.

On November 15, four inmates died in a fire at a Buenos Aires Province police station. Ten other detainees were injured.

Administration: Authorities sometimes conducted proper 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, and the government generally observed these requirements.

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the federal and provincial police forces, the armed forces, and other federal police authorities including the airport security police, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. The federal police generally have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. All federal police forces fall under the authority of the Ministry of Security. Each province, including the city of Buenos Aires, also has its own police force that responds to a provincial (or municipal) security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights. The armed forces fall under the Ministry of Defense. The federal security forces have authority to conduct internal investigations into alleged abuses and to dismiss individuals who allegedly committed a human rights violation.

On July 24, President Macri issued a presidential decree to expand the role of the armed forces to combat transnational criminal networks, such as drug trafficking organizations, and international terrorism. Local NGOs expressed concern over the possible future domestic implications of this decree and demonstrated against it on July 26.

The federal government can file complaints about alleged abuses with the federal courts, and provincial governments can do the same for provincial security forces. Members of security forces convicted of a crime were subject to stiff penalties. Authorities generally administratively suspended officers accused of wrongdoing until their investigations were completed. While authorities investigated and in some cases detained, prosecuted, and convicted the officers involved, impunity at the federal and provincial level remained a problem. International organizations and NGOs reported that authorities carried out investigations unevenly while slow judicial processes hampered timely resolution of complaints.

Arrest Procedures and Treatment of Detainees

Police generally apprehended individuals openly with warrants based on sufficient evidence and issued by a duly authorized official. Police may detain suspects for up to 10 hours without an arrest warrant if authorities have a well founded belief they have committed or are about to commit a crime or police are unable to determine the suspect's identity. Human rights groups reported that police

occasionally arrested persons arbitrarily and detained suspects longer than 10 hours.

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 system.

Arbitrary Arrest: Police on occasion arrested and detained citizens arbitrarily.

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 National Penitentiary Prosecutors Office reported that 60 percent of prisoners were awaiting trial during the first three months of the year.

On August 18, the Supreme Court ruled in favor of house arrest for Tupac Amaru social activist Milagro Sala, revoking an August 7 decision by a federal judge to return Sala to prison. Sala was arrested in January 2016 during a protest against a provincial government's reforms to social spending. In December 2016 a judge convicted her for aggravated material damages and civil disturbance. Despite a three-year suspended sentence on that conviction, Sala remained in detention due to pending charges for financial crimes, assault, and fraud. In December 2017 the Supreme Court directed Jujuy Province to allow house arrest in Sala's case while affirming the legal rationale for her continued detention.

e. Denial of Fair Public Trial

While the constitution and law provide for an independent judiciary, the government 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 also criticized all three

branches of the government for use of inappropriate procedures for selecting judges and for manipulating the assignment of judges to specific cases. The judiciary continued to investigate a number of these alleged irregularities.

A law enacted in 2015 allowed the Magistrates' Council to designate "substitute judges" from congressionally approved lists of judges, attorneys, and court secretaries, circumventing the normal qualifying and order of merit criteria reserved for permanent appointments. Media reported that the government selected substitute judges sympathetic to its interests. In 2015 the Supreme Court ruled the law was unconstitutional. Nonetheless, the civil society organization Fores reported that almost 25 percent of judges remained "substitute" or temporary judges.

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, all 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, 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 Chaco, Rio Negro, Mendoza, and San Juan.

In 2014 congress enacted supplementary legislation implementing a new code of criminal procedure for the federal courts, but the government suspended its implementation. The 2014 code would transform the country's hybrid federal inquisitive system into a full accusatory system, with expanded prosecution under the authority of the attorney general and trial by jury. The new criminal code would impose time limitations on prosecutions (most cases under the new system must be disposed of in three years), expand victims' rights, and provide for expedited deportations of foreigners in lieu of prosecution. The code would create direct interaction between security forces and prosecutors, who would assume prosecutorial responsibilities exercised by investigating magistrates. During the year the government and congress worked on a new bill to update the 2014 code, including by incorporating legislation passed in the interim, such as a law authorizing the use of cooperating witnesses in cases of corruption. As of November the federal courts had not implemented the 2014 code of criminal procedure, and congress had not finished debating the bill to update it.

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.

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. In 2016 the National Administration for Social Security (ANSES) and the Secretariat of Public Communications under the Chief of Staff's Office officially announced an interagency information-sharing agreement. The agreement sought to make the ANSES database of citizen personal information available to facilitate government public-service communications to the population. A group of citizens, including some opposition legislators, filed the criminal complaint; on September 6, a federal

court ruled such an information-sharing procedure would be a violation of the right to privacy.

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 Freedom: Independent media were active and expressed a wide variety of views without restriction. There were reports of media outlet shutdowns and staff dismissals during the year, primarily due to economic concerns. Media observers noted the closures mainly affected outlets that were maintained artificially through public funding mechanisms from the previous administration. On June 26, 350 employees of state news agency Telam were terminated, representing approximately 40 percent of the organization's workforce. Some viewed the dismissals as a political attempt to shape the outlet's editorial line, as the agency cited the alleged political polarization of employees hired under prior administrations as one of the reasons for the downsizing.

Violence and Harassment: There were reports of physical attacks, threats, and harassment against journalists in relation to their reporting, most of which covered protests.

On October 11, unknown assailants set fire to the car of in radio journalist Enrique Nicolini in La Rioja Province. Nicolini believed the attack was related to his coverage of financial corruption. No arrests had been made in the case, and an investigation was ongoing at year's end.

The Argentine Journalism Forum reported 29 physical attacks against journalists as of October, a decline compared with the previous year.

On March 8, a criminal court in the city of Cordoba sentenced a former police chief to two and one-half years' imprisonment for repeated threats against journalist Dante Leguizamon in 2014. Press organizations characterized the sentence as an important judicial validation of press freedoms.

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. The International Telecommunication Union reported that 76 percent of citizens used the internet in 2017.

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 CELS, expressed concerns that security-related protocols the Ministry of Security implemented informally beginning in 2016 imposed restrictions on the right to peaceful protest and assembly.

Amnesty International reported that authorities violently suppressed a public protest in La Plata, Buenos Aires Province on August 21. Violent confrontations with police occurred after some protesters attempted to break into a provincial government building. Police used tear gas and rubber bullets to halt the demonstration. Five protesters were arrested and dozens were injured, including one protester who was hit by a police patrol car.

The government filed charges against approximately 20 civilians for the violence that occurred during December 2017 demonstrations against pension reform, which injured 160, including 88 police officers. On May 23, the Ministry of Security offered a monetary award for information leading to the arrest of one of the fugitive protesters. On August 31, a federal court ordered one protester to pretrial detention. Additional defendants were at liberty while awaiting trial. The cases were ongoing at year's end. Local and international NGOs, including CELS and Amnesty International, stated that law enforcement 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 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.

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

Local NGOs continued to express concern that government reforms to immigration law, passed in January 2017, introduced barriers to migrant admission, complicated obtaining legal residency, accelerated deportation procedures, and restricted access to citizenship.

On June 30, the National Migration Office reported 70,000 Venezuelan migrants arrived in the country over the first semester of the year, constituting 25 percent of total residence permits granted by immigration authorities, an increase of 320 percent over 2016.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status, and the government has established a system for providing protection to refugees. Decisions on asylum petitions may take up to two years to adjudicate.

The National Migration Office reported that under a humanitarian visa program for Syrians inaugurated in 2016, as of the end of 2017, authorities had resettled 318 Syrians in the country.

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: Mauricio Macri was elected president in 2015 in elections generally considered free and fair. The country held legislative elections in October 2017. 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. Local and international observers considered the legislative 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. Two of 10 cabinet ministers were women. In December 2017 a gender parity law came into force, requiring any electoral list of candidates for national legislative office to contain equal percentages of male and female candidates. In 2016 the provinces of Buenos Aires, Salta, Chubut, and Neuquen enacted gender parity laws pertaining to candidates for provincial and municipal bodies; Santa Fe Province approved a similar bill on May 22. The law states that gender is determined by the national identity document, in which persons may register gender of preference regardless of their biological sex. It also states that in the case of resignation, temporary absence, or death of an elected official, the replacement must be the same gender.

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: Cases of 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.

On August 1, federal authorities arrested 12 former government officials and business executives on corruption-related charges based on handwritten notebooks in which a former government chauffeur allegedly chronicled cash payments he delivered to the official and private residences of former presidents Nestor Kirchner and Cristina Fernandez de Kirchner as kickbacks for public works contracts from 2008 to 2015. Prosecutors alleged the bribery scheme totaled approximately \$160 million. On September 17, a federal court indicted Fernandez

de Kirchner for her role in the notebooks corruption scheme. A sitting senator, Fernandez de Kirchner had immunity from arrest but not from prosecution.

Former president Cristina Fernandez de Kirchner and her children faced five other separate financial corruption cases. On September 3, a federal judge confirmed Fernandez de Kirchner and two former government ministers would face oral trial beginning on February 26, 2019, on charges of illicit association and fraudulent administration of public construction contracts. On September 18, a federal judge officially questioned Fernandez de Kirchner on charges of international money laundering. On October 3, a federal judge ordered Fernandez de Kirchner and her children, Maximo and Florencia, to stand oral trial for money laundering and criminal association related to real estate dealings. On October 8, a federal court confirmed on appeal the indictment of Fernandez de Kirchner and her children for money laundering related to hotel properties in a separate case. A federal judge ordered Fernandez de Kirchner and 14 former government officials to stand oral trial on charges of manipulating currency exchange future markets in March 2017; a trial date had not been set at year's end.

On August 7, former vice president Amado Boudou was sentenced to five years and 10 months in prison on charges of bribery and criminal conduct incompatible with public office. Boudou served as economy minister and then vice president under Cristina Fernandez de Kirchner, and was the highest-level official in her administration to be convicted for corruption. Boudou also faced charges of illicit association and enrichment in a separate judicial case, which was ongoing at year's end.

On September 25, national deputy and former national planning minister Julio de Vido was arrested and placed in pretrial detention due to corruption charges after the Chamber of Deputies voted to revoke his legislative immunity. On October 10, de Vido was sentenced to five years and eight months' imprisonment for fraudulent administration, misuse of funds, and lack of oversight, which contributed to a 2012 train accident that killed 52 individuals. The sentence was under appeal by prosecutors seeking a harsher conviction.

Financial Disclosure: Public officials are subject to financial disclosure laws, and the Ministry of Justice and Human Rights' anticorruption 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 anticorruption 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.

On July 7, the Anti-Corruption Office reported that approximately 10 percent of all national public officials failed to comply with financial disclosure and transparency laws in 2016.

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. During the year it published leaflets and books on a range of human rights topics. The post of national ombudsman has been vacant since 2009, which NGOs claimed 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.

On October 17, a criminal court in Entre Rios Province sentenced Sebastian Wagner to life imprisonment for the April 2017 kidnapping, rape, and killing of Micaela Garcia. Nestor Pavon, Wagner's former employer, was sentenced to five years' imprisonment for serving as a material accessory to the crime. Wagner, who confessed to Garcia's killing, was previously convicted and sentenced to nine years' imprisonment on two counts of sexual abuse and rape but was released on parole in 2016. The judge who approved Wagner's parole release, who had been under investigation and faced calls to resign, was cleared of charges of judicial impropriety on July 30 and reinstated.

The National Register of Femicides, maintained by the Supreme Court's Women's Office, recorded that 251 women died as a result of domestic or gender-based violence during 2017. A local NGO reported 101 femicides from January to May 31. The same source reported 18 percent of these victims had filed a police report and that 10 percent had active protection orders from authorities.

The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office received approximately 3,400 cases of domestic violence in the city of Buenos Aires during the first three months of the year, an estimated 76 percent of which involved violence against women. The office also carried out risk assessments necessary to obtain a restraining order.

Public and private institutions offered prevention programs and provided support and treatment for abused women. Nine shelters were fully operational during the year, with one other shelter under construction. More than 2,800 officials and service providers received training in preventing gender-based violence.

On July 4, the National Congress passed legislation to provide financial reparations to children nationwide whose mothers were victims of femicide. The law came into effect on October 1, and children up to 21 years of age are eligible to apply for the financial benefit, which totaled approximately 11,400 pesos (\$300) monthly. The city of Buenos Aires passed an equivalent law in August 2017 and launched the reparations program in January.

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 might lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison. In September 2017 a poll by the city of Buenos Aires ombudsman's office reported that 80 percent of women suffered from harassment or violence in the street at least once during the year and that 97 percent of these abuses were not reported to authorities. Under a 2016 law against street harassment in the city of Buenos Aires, violators may be fined or given court-ordered public service for making catcalls and other forms of street harassment.

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

Discrimination: Although women enjoyed the same legal status and rights as men, they continued to face economic discrimination and held a disproportionately high number of lower-paying jobs. Women also held significantly fewer executive positions in the private sector than men, according to several studies. Although equal payment for equal work is constitutionally mandated, women earned approximately 27 percent less than men earned for similar or equal work.

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: Child abuse was common; the Supreme Court's Office of Domestic Violence reported that 30 percent of the complaints it received involved children as of the first trimester of the year. The government launched a 24/7 hotline staffed

by professional child psychologists for free consultations and advice; 81 percent of the complaints involved abuse by a father or stepfather.

Early and Forced Marriage: The legal minimum age of marriage for men and women is 18.

Sexual Exploitation of Children: 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.

On March 21, a young player with the soccer club Independiente FC revealed to his psychologist that he and 20 other trainees in the soccer minor league were victims of a prostitution ring. On April 2, a civil society organization filed a judicial complaint against River Plate FC for child sex abuse in the club from 2008 to 2011. Seven individuals were detained in relation to the two investigations. Both cases were ongoing at year's end.

On September 6, police raided the headquarters of the Antonio Provolo Institute for the hearing impaired in the city of La Plata after seven victims accused three clergymen of sexually abusing up to 28 deaf children from 1982 to 2002. The case remained ongoing at year's end.

The law prohibits the production and distribution of child pornography, with penalties ranging from six months to four years in prison. While the law does not prohibit the possession of child pornography by individuals for personal use, it provides penalties ranging from four months to two years in prison for possession of child pornography with the intent to distribute it. The law also provides penalties ranging from one month to three years in prison for facilitating access to pornographic shows or materials for minors under the age of 14.

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.

On June 20, local authorities and Interpol dismantled an international network of child pornography that produced and distributed illicit material from the country to

other countries in Latin America. Four arrests were made during the operation, and investigations were ongoing at year's end.

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.html>.

Anti-Semitism

The Jewish community consisted of approximately 250,000 persons. Sporadic acts of anti-Semitic discrimination and vandalism continued. According to the most recent statistics available, the Delegation of Argentine Jewish Associations received 404 complaints of anti-Semitism in 2017, compared with 351 in 2016, with more than 88 percent occurring online. The most commonly reported anti-Semitic incidents were slurs posted on various websites, graffiti, verbal slurs, and the desecration of Jewish cemeteries.

On September 27, President Macri in his address to the UN General Assembly called on all countries to respect the Interpol Red Notices on five Iranians, one Lebanese, and one Colombian suspected in the 1994 bombing of the Argentina Israelite Mutual Association (AMIA) community center in Buenos Aires that killed 85 persons. He also requested improved judicial and investigatory cooperation from Iran.

On March 6, a federal court ruled that former president Cristina Fernandez de Kirchner and 11 other officials in her administration, including former foreign minister Hector Timmerman, should face trial for complicity and false testimony to cover up the 1994 AMIA bombing.

On June 1, a federal court ruled that the 2015 death of Alberto Nisman, the special prosecutor in charge of the AMIA bombing investigation, was a homicide and a direct consequence of his work. The federal judge named former Nisman employee Diego Lagomarsino as a suspect in the murder.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. 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 and that only 29 percent of the stations were equipped with bathrooms for persons with disabilities.

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, but NGOs and advocacy groups claimed the level of disability employment achieved during the year was less than 1 percent.

Congress proposed and passed a budget cut to 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 mining, 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.

On July 16 and 17, indigenous Mapuche activists occupied an inactive hotel, staged a sit-in at a government office, and blocked a major roadway in the city of Bariloche. Protesters advocated for the release of Facundo Jones Huala, founder of the militant Mapuche Ancestral Resistance. On August 24, the Supreme Court approved the extradition of Jones Huala to Chile, where he faced terrorism charges.

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 official discrimination, however, based on sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care. Media and NGOs reported cases of discrimination, violence, and police brutality toward LGBTI individuals, especially transgender persons.

On May 18, the National Observatory of Hate Crimes registered 103 official complaints of discriminatory or violent acts against LGBTI individuals in 2017, the most recent year for which data was available, compared with only 31 complaints in 2016. These complaints included 13 hate-crime-related homicides. The transgender population made up 58 percent of reported cases and 90 percent of reported homicides of LGBTI persons.

On June 18, a criminal court sentenced Gabriel David Marino to life imprisonment for the killing of influential LGBTI activist Diana Sacayan in 2015. The ruling was the first to apply aggravated penalties for a hate crime based on gender identity. Sacayan’s case remained open, as a second unknown assailant, believed by law enforcement to have acted as an accomplice, was still at large.

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, where 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 Labor, Employment, and Social Security to ratify collective bargaining agreements. The Argentine Workers Central (CTA Autonoma) Observatory of Social Rights claimed a decrease in the Labor Ministry's ratifications of bargaining agreements in 2017. The International Labor Organization (ILO) requested that the government improve procedures to register trade unions and grant trade union status.

In 2015 officers from the Buenos Aires provincial police attempted to unionize. The national Labor, Employment, and Social Security Ministry, whose status the government changed in September from an independent ministry to a secretariat within the Ministry of Production and Labor, rejected the police petition. The officers appealed the ministry's decision, but the Supreme Court affirmed the ministry's decision in April 2017, ruling the Buenos Aires provincial police did not have the right to form a union under the country's constitution and applicable laws.

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 ILO Convention No. 87, and prevented these unions from obtaining full legal standing. In 2013 the Supreme Court reaffirmed the need for more than one official union per sector and for amendments to the legislation. The ILO urged the government to bring the legislation into conformity with international labor standards.

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 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.

Workers exercised freedom of association. Employers generally respected the right to bargain collectively and to strike. The CTA Autonoma claimed a decrease in the Labor Ministry’s ratifications of bargaining agreements in 2017.

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 for violations were sufficient to deter violations.

Despite these mechanisms, forced labor, including forced child labor, occurred. The Ministry of Labor, Employment, and Social Security carried out 184,440 inspections in 2017 and found 32 cases of forced labor, all of which became formal judicial complaints. Efforts to hold perpetrators accountable continued during the year. In February a federal court overruled a prior ruling to acquit three individuals who recruited, transported, and lodged nine Bolivian individuals for forced labor in rural activities in Sierra de los Padres, Buenos Aires Province. 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). There was a report that Chinese citizens

were victims of forced labor in supermarkets in the city of Cinco Saltos. 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 www.state.gov/j/tip/rls/tiprpt/.

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 the ages of 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 under 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 engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking, and illicit activities such as the transport and sale of drugs. In 2017 authorities completed the Survey of Activities of Boys, Girls, and Adolescents to understand better child labor in the country. Preliminary findings indicated 9.4 percent of children between the ages of five and 15 and 30.6 percent of adolescents ages 16 and 17 engaged in some form of labor during the 2016-17 survey period. 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 www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The most prevalent cases of workplace discrimination were based on disability, gender (see section 6, Women), and age. Discrimination also occurred on the basis of HIV-positive status (see section 6, HIV/AIDS and Social Stigma) and against individuals of indigenous origin. In 2016 the Ministry of Labor, Employment, and Social Security issued a resolution promoting progressive actions in the workplace and prohibited companies from screening blood for HIV when conducting employment-related medical screening.

e. Acceptable Conditions of Work

In August the government announced increases to the national monthly minimum wage for the June 2018 to June 2019 term, but the minimum wage remained below the official poverty income level for a family for four.

Federal law sets standards in the areas of hours 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. In 2016 Congress amended the Labor Risks Law to limit 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. The Ministry of Production and Labor 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 during the year, but the Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce. The National Statistics and Census Institute reported approximately 34 percent of the workforce worked informally as of the fourth quarter of 2017. 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.

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, although formal workers' pay was usually higher.

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.