

ARGENTINA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. Mauricio Macri won election to the presidency in 2015 in multiparty elections the media and various nongovernmental organizations (NGOs) described as generally free and fair. The country held midterm elections in October for one-third of the Senate and one-half of the Chamber of Deputies.

Civilian authorities maintained effective control over the security forces.

The most significant 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, including a number of investigations against high-level officials of the former government.

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 109 deaths in 2016 due to unwarranted or excessive force by police in the metropolitan area of Buenos Aires. A credible domestic NGO reported there were 241 deaths in 2016 as a result of unwarranted or excessive force by police in the country.

On September 4, authorities detained and questioned approximately 30 police officers and five civilians in the death of Franco Casco in 2014. Casco's body was found in the Parana River two weeks after he was allegedly last seen in police custody. According to federal prosecutors, there was evidence that authorities tampered with the official autopsy to hide signs of violence, presumably sustained

during interrogation, and did not register Casco's original detention in police reports.

b. Disappearance

On November 24, an official autopsy of activist Santiago Maldonado stated that he died of drowning and hypothermia, and that his body showed no signs of mistreatment. Maldonado was allegedly last seen on August 1 being taken into custody by the Gendarmerie, a federal security force. He had been protesting alongside members of the Mapuche indigenous community in Chubut Province who claimed the area as an ancestral birthright. Several NGOs alleged Maldonado was forcibly disappeared by state security forces, and international rights bodies had expressed concern over the missing activist and the slowness of the government investigation, while the government stated the investigation had been slowed by lack of cooperation by the Mapuche community. On August 22, the Inter-American Commission on Human Rights (IACHR) had granted precautionary measures to protect Maldonado's rights.

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 September 15, Tucuman's federal court sentenced four former police officers and two former army officials to life imprisonment for their participation in the 1975-76 Independence Operation, which resulted in 16 killings, 133 disappearances, and 144 kidnappings. The court acquitted seven police and army officer defendants, while four others received prison sentences ranging from four to 18 years. On February 17, authorities arrested former Kirchner army chief Cesar Milani for crimes allegedly committed during the military dictatorship. On September 17, a judge also ordered him to stand trial for illegal enrichment during his 2012-15 term as army chief. On May 3, the Supreme Court ruled in favor of a reduced sentence for Luis Muina, convicted in 2013 for murder, torture, and kidnapping during the military dictatorship, counting as double the time Muina served in prison before conviction. The decision to count double time for his pretrial confinement through the retroactive application of a controversial 1994-2001 "2x1" law that had not previously been applied to human rights crimes sparked public outcry, with activists claiming the law would effectively release human rights abusers early and set a dangerous precedent for appeals by others convicted of abuses. On May 12, President Macri signed into law a congressional initiative that prevents the application of the "2x1" sentencing benefit to crimes against humanity.

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 16 and October 26, the NGO Abuelas de la Plaza de Mayo reported that the 124th and 125th missing grandchildren 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 their backgrounds.

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.

No unified registration system to record acts and victims of torture existed at the federal level. An UN Committee against Torture review in April expressed concern about excessive and arbitrary use of force by police, prison overcrowding, and related institutional violence including torture, uneven implementation of torture prevention laws between provinces, the politicization and unclear mandates of various torture prevention institutions, and the lack of an ombudsman against torture since 2008. According to the Secretariat of Human Rights, from January 2016 to March 2017, the country's special prosecutor for institutional violence received 436 cases of institutional violence for different crimes allegedly committed by members of security forces in discharge of their duty or against persons deprived of their liberty. As of April, 87 cases were investigated and 25 were prosecuted.

The Buenos Aires Provincial Criminal Court of Cassation's Office of Public Defenders reported that in 2016, the most recent data available, there were 673

complaints of torture and mistreatment by law enforcement officers during arrest or institutional confinement.

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.

Physical Conditions: While prison capacity in federal penitentiaries was marginally adequate, prison overcrowding remained a problem. Prisoners in Buenos Aires provincial penitentiaries and police holding facilities exceeded facility capacity by an estimated 894 percent, according to CELS and the Committee against Torture of the Buenos Aires Provincial Memory Commission. NGOs reported a record number of approximately 40,000 detainees in Buenos Aires Province, an increase of 30 percent during the last five 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.

According to the Penitentiary Prosecutors Office, 343 cases of torture and mistreatment were registered in the Federal Penitentiary Service during the first semester of the year; however, only 120 complaints resulted in criminal investigations.

The Federal Penitentiary Service reported 21 inmate deaths in federal prisons, 10 of which were violent with most in the Ezeiza Federal Prison in Buenos Aires Province. The Committee of Torture of the Buenos Aires Provincial Memory Commission stated that 156 prisoners died in the province of Buenos Aires as of November, 111 from health problems and lack of medical attention.

On March 2, seven detainees died when a fire broke out in Police Station No. 1 in Pergamino, Buenos Aires Province. Authorities arrested five police officers following the fire, while the police chief evaded arrest. On March 9, the IACHR expressed concern about the detention conditions in Pergamino and other police stations, designed to serve only as temporary holding facilities, and NGOs highlighted the lack of basic services and infrastructure in such facilities.

Administration: Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Local NGOs noted, however, that access to a public defender was sometimes limited and that 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/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The federal police generally have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. Other federal police authorities include the airport security police, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. 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 and by law do not participate in internal security. Through executive decree the government sought to expand the scope of the armed forces to provide logistics

support and surveillance of national borders. The federal security forces have authority to conduct internal investigations into alleged abuses and to dismiss individuals who allegedly committed a human rights violation.

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.

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 six months of the year.

On September 30, an appeals court overturned the August 16 decision granting Tupac Amaru social activist Milagro Sala house arrest. She returned to prison on October 14. In December 2016 a judge convicted her for aggravated material damages and civil disturbance, but despite a three-year suspended sentence Sala remained in detention following her arrest in January 2016 during a protest against provincial government's reforms to social spending. Authorities initially charged Sala with sedition, then dropped that and brought new charges of assault, fraud, and embezzlement of public funds. On May 18, the UN Working Group on Arbitrary Detention reaffirmed its October 2016 opinion that Sala's continued detention was arbitrary. On July 28, the IACHR requested the government to find alternative measures for Sala's imprisonment. On November 3, the IACHR asked the Inter-American Court to intervene in Sala's case. She faced further charges for financial crimes.

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 June 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 November 2015 the Supreme Court ruled the law providing for the appointment of substitute judges 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 when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing. A panel of judges decides guilt or innocence. 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.

Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Cordoba, 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.

In 2014 congress enacted supplementary legislation implementing a new code of criminal procedure. The law transforms 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 imposes time limitations on prosecutions (most cases under the new system must be disposed of in three years), expands victims' rights, and provides for expedited deportations of foreigners in lieu of prosecution. The code also creates direct interaction between security forces and prosecutors, who will assume prosecutorial responsibilities exercised by investigating magistrates during the year. As of October the provinces of Salta and Tierra del Fuego implemented the new code.

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 July 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 would 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 a criminal complaint alleging the practice constituted a violation of the right to privacy. The case remained on appeal.

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. Independent newspapers, radio and television outlets, and internet sites were numerous and active, expressing a wide variety of views.

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.

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

On July 25, Jesus Baez de Nacimiento, owner of Carretero 101 FM Radio, was shot four times as he entered his home in Misiones Province. His assailants were not apprehended by year's end. The incident was related to the radio station's reporting on alleged complicity between local police and drug traffickers, according to local media organizations.

The Argentine Journalism Forum (FOPEA) reported 54 physical attacks against journalists as of October, most sustained during press coverage of protests. Buenos Aires city police detained three journalists on September 1 while they were covering a demonstration, releasing them three days later. Two other television journalists were injured by police use of tear gas during the protest. On October 1, four television journalists from various channels alleged unknown individuals assaulted them during another demonstration. FOPEA expressed concern over these attacks during protests, claiming that certain media outlets were targeted due to their editorial lines, and called for enhanced security measures to protect journalists reporting on protests.

Censorship or Content Restrictions: On March 23, a national appeals court levied on the satirical magazine *Barcelona* a significant fine for damages after it published a controversial cover with the image of Maria Cecilia Pando de Mercado, a conservative activist. FOPEA and the Association of Argentine Journalists claimed the ruling had a negative impact on freedom of expression.

Actions to Expand Freedom of Expression, Including for the Media: On September 26, the government issued a presidential decree amending the 2016 law on public access to information, requiring executive branch approval of organizational structure of the Agency for Access to Public Information. Press groups welcomed the action, but the Association for Civil Rights and other NGOs expressed concern the decree would harm the agency's autonomy.

As of October the Ministry of Security, acting under a 2016 protocol to protect journalists in cases where their activities entail risks, enacted protective measures, including police protection, in three cases where journalists received threats after conducting investigations related to drug trafficking and trafficking in persons.

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 World Bank reported that 70 percent of citizens used the internet in 2016.

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.

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.

On January 27, the government reformed its immigration law. Local NGOs expressed concern that new regulations introduced barriers to migrant admission, complicated obtaining legal residency, accelerated deportation procedures, and restricted access to citizenship.

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.

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: The country held legislative elections on October 22. 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 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 22 cabinet ministers were women. On December 15, 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; as of July, one was pending approval in Santa Fe Province. The law states that gender is determined by the national identity document, in which a person may register gender of preference regardless of their biological sex. It also states that in the case of resignation, temporary absence, or death of 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 remained frequent.

From December 2015 until July, the security ministry of the Buenos Aires Province removed thousands of law enforcement agents for criminal ties and corruption concerns. According to press releases, authorities fired 3,100 of the

5,655 officials due to evidence of corruption. The security ministry filed formal charges in 80 cases, seven of which were connected to money laundering.

Former president Cristina Fernandez de Kirchner or her children faced four separate financial corruption cases. On March 23, a federal judge ordered Fernandez de Kirchner and 14 former government officials to stand trial in May on charges of manipulating currency exchange future markets. On April 4, a federal court charged her, as well as her children Maximo and Florencia, with money laundering and criminal association related to real estate dealings; on September 12, a federal judge froze her children's assets, alleging that Fernandez de Kirchner had passed control of her real estate and other financial holdings to them to shelter them from the court investigations. On August 25, a federal judge cited Fernandez de Kirchner as an interested party in another alleged money laundering case. On September 14, a federal court ruled to accelerate the processing of a December 2016 indictment of Fernandez de Kirchner and two former government ministers on charges of illicit association and fraudulent administration of public construction contracts.

On September 28, a federal judge sent former Kirchner administration secretary for public works Jose Lopez to trial for corruption and unjust enrichment. In June 2016 police observed and videotaped Lopez hiding approximately nine million dollars in cash and luxury watches inside a remote convent in Buenos Aires Province. The Office of Anti-Corruption participated in the prosecution and continued to review infrastructure contracts Lopez supervised while in office from 2002 to 2015.

On October 3, hearings began in the trial against former vice president Amado Boudou, whom authorities indicted in 2014 on charges of illicit enrichment, forgery, and other lesser offenses.

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.

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.

In September hearings began in the April kidnapping, rape, and femicide of Micaela Garcia in Entre Rios Province. Sebastian 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 was under investigation and faced calls to resign as of year's end.

The National Register of Femicides, maintained by the Supreme Court's Women's Office, recorded that 230 women died as a result of domestic or gender-based violence during 2016. Media reported one femicide per day during the month of April. A local NGO reported 245 femicides from January to November 14, an increase from the previous year. The same source reported 18 percent of these victims had filed a police report and that 12 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 2,590 cases of domestic violence in the city of Buenos Aires during the first three months of the year, an estimated 60 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.

During the first six months of the year, more than 10 shelters were under construction, with a limited number already open and functioning. More than 2,800 officials and service providers received training in preventing gender-based violence.

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 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, involuntary sterilization, or other coercive population control methods. Estimates

on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

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 women's problems 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 29 percent of the complaints it received involved children as of September. The government launched a 24/7 hotline staffed by professional child psychologists for free consultations and advice. The hotline received 1,487 calls to report child abuse from November 2016 to February, with 80 percent of the complaints involving 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.

Several prominent cases of child sexual abuse were reported during the year. In May police arrested a nun and charged her with helping priests sexually abuse children at the Antonio Provolo Institute for the hearing impaired in Mendoza Province from 2004 to 2012.

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.

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 travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The Jewish community consists of approximately 250,000 persons. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations received 351 complaints of anti-Semitism in 2016, with more than 60 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.

In October, Interpol renewed 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.

On September 20, the Gendarmerie concluded forensically that the death of Alberto Nisman, the special prosecutor in charge of the AMIA bombing investigation, was a homicide. Previous analyses had maintained that there was insufficient evidence to prove foul play. The investigation continued without conclusion as to the motive for his death. In 2015 Nisman was found dead in his apartment from a gunshot wound to the head. Nisman was scheduled to testify the next day before a congressional committee concerning his allegations that then president Kirchner and associates conspired to convey impunity to the Iranians suspected of planning and executing the AMIA bombing.

Hearings in the AMIA bombing cover-up trial, which accused former government and law enforcement officials and a leader of the country's Jewish community of complicity and false testimony to cover up the 1994 AMIA bombing, continued during the year.

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 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 per cent.

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.

Indigenous people did not fully participate in the management of their lands or natural resources, 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. The disappearance of indigenous rights supporter Santiago Maldonado (see section 1.b.) renewed attention to the land demands of indigenous communities.

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

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 change their gender and name on identity documents without prior approval from a doctor or judge. It also requires public and private health-care plans to cover some parts of hormone therapy and gender reassignment surgery, although the Ministry of Health did not effectively enforce this requirement.

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.

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 military and law enforcement personnel from forming and joining unions. In 2015 officers from the Buenos Aires provincial police attempted to unionize. The national Labor, Employment, and Social Security Ministry rejected the police petition. The officers appealed the ministry's decision, but the Supreme Court affirmed the ministry's decision in April, ruling the Buenos Aires provincial police did not have the right to form a union under the country's constitution and applicable laws.

The government effectively enforced these laws. 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 prohibits discrimination against unions and protects workers from dismissal, suspension, and changes in labor conditions.

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 International Labor Organization (ILO) requested that the government improve procedures to register trade unions and grant trade union status.

The Argentine Workers Central 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 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, and employers respected the right to bargain collectively and to strike.

b. Prohibition of Forced or Compulsory Labor

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

Forced labor occurred. The Ministry of Labor, Employment, and Social Security carried out 300,000 inspections during the 2016-17 term and found various irregularities and potential cases of forced labor, four of which became formal judicial complaints. Efforts to hold perpetrators accountable continued during the year, including the sentencing in September of a rural employer to three and a half years of prison for labor trafficking involving a farmhand, his wife, and their four children. Most of the victims were discovered on agricultural farms and in commercial and service activities. 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 were reports that Chinese citizens were victims of forced labor in supermarkets. Men,

women, and children were victims of forced labor, although victims' typical gender and age varied by employment sector (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at 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.

Child labor occurred. In 2014 the Catholic University of Argentina issued a child labor report (covering the period 2010 to 2013), the most recent data available. The report found that 15 percent of children in urban areas between the ages of five and 17 performed some type of work. In rural areas children worked on family and third-party farms producing agricultural goods or raising sheep and pigs. Children working in the agricultural sector often handled pesticides without proper protection. In urban areas some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. The Ministry of Labor, Employment, and Social Security reported a 66 percent decline in child labor rates between 2004 and 2012, the most recent data available, and identified 21 cases of child labor during inspections carried out during the year. According to government sources, some children worked in the manufacturing sector producing such goods as bricks and garments, as well as processing fruits and vegetables. Children also worked in the mining, fishing, and construction sectors. Officials noted reports of children forced to work as street vendors and beggars in

the capital. Commercial sexual exploitation of children occurred as well (see section 6, Children).

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 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 April 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

The government increased the national monthly minimum wage in July and announced additional increases for 2018, 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 2012 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 Labor, Employment, and Social Security 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. According to senior officials in the labor ministry, approximately three to four million citizens were engaged in the informal sector. The Superintendency 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.