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Argentina

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I. Process of drafting the report

1. The present report was prepared by the Secretariat for Human Rights of the Ministry of Justice and Human Rights¹ and the Ministry of Foreign Affairs, International Trade and Worship (hereinafter the Ministry of Foreign Affairs),² in accordance with their powers under the Ministries Act.³
2. The report was drafted on the basis of input from 30 federal State authorities with specific expertise in this field, representing the three branches of State.
3. To ensure that the report had a federal focus, information was gathered from 16 provinces and the Autonomous City of Buenos Aires.⁴ In addition to the information provided in the report, input provided by local authorities is included in annex I.
4. In accordance with the suggestions and recommendations of international human rights bodies, a mechanism was set up to facilitate consultation with and the participation of civil society organizations in the preparation of the report. Round tables were held with more than 20 organizations from throughout Argentina,⁵ at which the organizations presented any problems or challenges they had encountered and the State provided information on the measures it had taken and current challenges. A report on these round tables is attached as annex II.
5. Owing to the word limit established for this cycle, most of the information on the follow-up to and implementation of recommendations from the previous cycle is presented in the annexes.

II. Follow-up to recommendations from the previous cycle

A. International obligations related to institution-building

6. The national mechanism for follow-up to recommendations is managed by the Secretariat for Human Rights and the Ministry of Foreign Affairs. Both institutions are part of a permanent mechanism for follow-up to the decisions of international human rights bodies. They coordinate with other State agencies and the provincial authorities in the gathering of information, the preparation of reports, matters relating to the visits of special procedures and follow-up to recommendations, in accordance with their powers under the Ministries Act.
7. Argentina has submitted all required periodic reports. It is a party to 21 individual communications pending before the treaty bodies, all of which have received a response from the State, and is following up on 10 sets of concluding observations. Over the last 12 months, the follow-up mechanism responded to 23 requests for information from special procedures. The aforementioned institutions coordinate in the organization of official visits by special procedures; three such visits were carried out in 2022.⁶
8. The Ministry of Foreign Affairs, in coordination with the Secretariat for Human Rights, developed and launched a mechanism for the selection of candidates to international human rights bodies. The mechanism employs an open, transparent and gender-sensitive selection process.
9. With respect to institution-building, the members of the Office of the Ombudsperson for Children and Adolescents, the top monitoring authority in the system for the comprehensive protection of children's rights, have been appointed and are now in office, after a 15-year period during which these positions were vacant. In February 2020, the Senate approved the appointment of the incumbent and her deputies.⁷
10. In June 2020, Congress appointed the head of the Office of the Ombudsperson for Audiovisual Communication Services, bringing to an end the period of institutional weakness in which the Office had been mired since 2016, first while the post of Ombudsperson was vacant and then when it was under temporary leadership. The Office's mandate is to defend the rights of audiovisual media audiences.

11. In December 2017, the National Committee for the Prevention of Torture was established as a public body tasked with the monitoring, oversight and inspection of places of deprivation of liberty. The work of the National Committee for the Prevention of Torture is essential to protecting the rights of persons deprived of their liberty, in accordance with the Optional Protocol to the Convention against Torture.

12. In March 2022, the new head of the Agency for Access to Public Information was appointed. The position had lain vacant since December 2020. This appointment was made following a transparent and open public hearing to discuss the now incumbent's candidature.⁸

13. Unfortunately, a new head of the Office of the Ombudsperson of the Nation has yet to be appointed, although bills in that regard are currently being discussed in Congress.⁹

B. Truth, justice and reparation process

14. Promotion of the memory, truth, justice and reparation process has been reinstated as a State policy. Notwithstanding various challenges, considerable progress has been made in the prosecution of crimes against humanity.

15. The Public Prosecution Service has a special Unit for the Prosecution of Crimes against Humanity.¹⁰

16. From 2006, the year in which the prosecution of crimes against humanity committed during the last civilian-military dictatorship was reopened, to 15 September 2022, the Unit for the Prosecution of Crimes against Humanity registered a total of 637 cases. In 286 of these cases (45 per cent), a verdict has been handed down, while 14 cases (2 per cent) are at the trial stage, 63 cases (10 per cent) are awaiting a trial date and 274 cases (43 per cent) are in the pretrial stage.

17. Of the total number of persons investigated for these crimes, 1,088 were convicted and 166 were acquitted. In addition, 495 persons are on trial, 135 persons have been released owing to lack of evidence, 95 have had their cases dismissed, 31 have already been investigated and 577 remain under indictment pending the resolution of their procedural situation. Most of the persons under investigation for crimes against humanity are at liberty while on trial. The Unit for the Prosecution of Crimes against Humanity notes that this has been a trend since 2006.¹¹ An infographic displaying the data provided above is included in annex III.

18. The national executive branch is actively supporting this process.

19. In 2020, the Secretariat for Human Rights launched the Strategic Plan for the Advancement of Trials for Crimes against Humanity, which contains various measures to expedite and strengthen investigations and provide greater support to victims. The plan was agreed with the different actors involved in the legal proceedings.¹²

20. The Secretariat for Human Rights is currently an institutional plaintiff in 270 criminal cases throughout Argentina. It also provides investigative reports, assists and informs thousands of witnesses and victims every year and has a body of experts that participate in every medical evaluation of persons accused and convicted of crimes against humanity.

21. In December 2019, the Secretariat for Human Rights re-established the Special Unit for the Investigation of Crimes against Humanity Committed for Economic Gain, which gathers information on crimes against humanity committed for economic gain and on corporate responsibility in such crimes. The Unit works in cooperation with the team of lawyers responsible for the legal proceedings brought by the Secretariat in carrying out its investigations.¹³

22. As of the date of submission of this report, there are 30 cases in which the criminal liability of persons with possible corporate responsibility for crimes against humanity is being investigated. One of the emblematic cases in this regard is the "Ford" case,¹⁴ in which a sentence was handed down in 2018.

23. The Secretariat for Human Rights also has departments dedicated to upholding the right to truth, such as the Unified Registry of Victims of State Terrorism¹⁵ and the Latin

American Initiative for the Identification of Disappeared Persons,¹⁶ which are active in the search for and identification of detained, disappeared and murdered persons. Likewise, the National Commission on the Right to an Identity¹⁷ is active in the search for the children of disappeared persons and persons born during their mothers' captivity, in order to determine their whereabouts and identity. The Dr. Fernando Ulloa Centre for Victims of Human Rights Violations provides assistance to victims and their families.¹⁸

24. To disseminate information on the memory, truth and justice process, the Secretariat for Human Rights developed the website "Juicios de Lesa Humanidad" (Crimes against Humanity Trials), a unique platform that provides public access to information on all the related oral proceedings taking place in Argentina.¹⁹

25. The Secretariat for Human Rights also marks "sites of remembrance", i.e., places where significant events occurred during the period of State terrorism. Plaques have already been installed at more than 800 former secret detention centres. Under the Sites of Remembrance Act,²⁰ all cemeteries where a grave containing unidentified remains has been discovered, as well as places where massacres were perpetrated or where illegal repression was carried out, are considered sites of remembrance that must be marked as such and preserved. So far, plaques have been installed at around 250 such sites.²¹

26. In December 2021, a dossier in support of the designation of the Navy School of Engineering Place of Remembrance Museum²² as a World Heritage site was formally submitted to the United Nations Educational, Scientific and Cultural Organization (UNESCO).²³

27. After many years of campaigning by human rights organizations, plans have been made to open four new sites, to be managed by the Secretariat for Human Rights: Corrientes Infantry Regiment No. 9, Vesubio, Bahía Blanca Prefecture and Campo de Mayo.

28. On 10 December 2021, the President signed a decree to establish the Campo de Mayo Place of Remembrance.²⁴ The Secretariat for Human Rights has called for the organization of consultations with a view to the development of an architectural proposal that meets the need to increase the visibility of the events that occurred during the period of State terrorism.²⁵

29. Regarding the enforcement of laws on compensation and pensions for victims of State terrorism, while some provinces have adopted regulations on the compensation of victims of human rights violations that occurred during the last civilian-military dictatorship, the Secretariat for Human Rights is responsible for applying national laws.²⁶ More than 20,000 administrative files are currently being processed. In 2021 and 2022, many of these files were digitalized, which will speed up the administrative process. In addition, as of December 2019, the eligibility criteria for receipt of this benefit were expanded to cover persons forced into exile and persons who were detained at the behest of political or judicial authorities.

30. Lastly, considerable progress has been made in the process of memory, truth and justice in relation to unpunished crimes against humanity committed in other periods of the history of Argentina. The Napalpi massacre truth trial²⁷ took place between April and May 2022. It was the first ever trial in which crimes committed against Indigenous communities were investigated as crimes against humanity.²⁸ In the final ruling of May 2022, it was found that these crimes constituted crimes against humanity perpetrated in the context of a process of genocide against Indigenous Peoples, and reparation measures were ordered in respect of the communities affected.²⁹

C. Women, gender and diversity

31. The Ministry for Women, Gender and Diversity³⁰ was established in December 2019. The establishment of this Ministry reflects the commitments made by the State with respect to women's rights and diversity and shows that gender issues are being treated as a priority item on the public agenda. Its mandate is to formulate, carry out and evaluate national public policies on gender, equality and diversity.

32. The budget allocated to the Ministry for Women, Gender and Diversity in 2021 was 13 times greater than that allocated to the National Institute for Women in 2019.³¹

33. Investment in gender and diversity policies is made effective throughout the national Government by means of a system for the identification of budget items that incorporate a gender perspective. In the 2021 budget, 67 gender and diversity items were identified. An analysis of the same process carried out by the previous Government reveals that investment by the current Administration in gender and diversity policies is 13.6 times higher in nominal terms and 5 times higher in real terms than that of its predecessor.

34. The National Cabinet for the Mainstreaming of Gender Policies³² was established in 2020 to promote gender mainstreaming in the design and implementation of national public policies.

35. The Interministerial Programme on Budgeting with a Gender and Diversity Perspective, which is being implemented by the Ministry for Women, Gender and Diversity together with the Ministry of Economic Affairs and the Executive Office of the Cabinet of Ministers,³³ promotes methodologies for formulating and evaluating national and subnational budgets from a gender and diversity perspective.

36. In addition, the National Directorate for the Economy, Equality and Gender was established as part of the Ministry of Economic Affairs to formulate and assess public policies aimed at reducing inequality in general and economic inequality in particular.³⁴

37. Regarding federal and intersectoral coordination policies, the Federal Council on Women, Gender and Diversity was established in 2020; it is made up of representatives of the highest authorities on gender, equality and diversity in each province and the Autonomous City of Buenos Aires.

38. The Diana Sacayán-Lohana Berkins Act on the Promotion of Access to Formal Employment for Transvestite, Transsexual and Transgender Persons³⁵ was enacted in 2021. The Act provides that at least 1 per cent of the national State workforce, on all regular types of contract, must be composed of transvestite, transsexual or transgender persons. It was preceded by a decree that established an employment quota for transvestite and transgender persons in the federal public administration.³⁶ The Lohana Berkins-Diana Sacayán Central Register of Transvestite, Transsexual and Transgender Job Seekers was established at the same time.

39. Regarding care policies, the Government presented the “Cuidar en Igualdad” (Equal Care) bill on the establishment of a comprehensive system of care policies,³⁷ which provides for an increase in care services and infrastructure, the adaptation of working hours to suit care needs, the promotion of paid care work and a reform of the current system of leave to make it egalitarian.

40. In 2021, the National Institute of Statistics and Censuses, together with provincial directorates of statistics throughout the country, carried out the first national time-use survey in 28,520 homes in urban areas throughout Argentina³⁸ to gather information on time use and participation in different forms of work.

41. With respect to training policies, the Micaela Act³⁹ was enacted in 2019. It provides for mandatory training in the area of gender and gender-based violence for all persons working in the public service, in the three branches of the national Government.⁴⁰

42. A document with more information on the policies implemented in the area of gender and diversity is attached as annex IV.

D. Sexual and reproductive rights

43. The current national Government re-established the Ministry of Health, which had been downgraded to a Secretariat for Health during the previous Administration.⁴¹

44. In addition, the work of the National Directorate for Sexual and Reproductive Health of the Ministry of Health was prioritized. It works to facilitate universal access to sexual and reproductive health-care services.⁴²

45. Regarding measures taken to ensure access to legal abortion, on 30 December 2020, Congress adopted the Act on Access to Voluntary Interruption of Pregnancy,⁴³ which came into force in January 2021.

46. The law regulates access to voluntary termination of pregnancy and post-abortion care in fulfilment of the commitments assumed by the Argentine State in the areas of public health, women's rights and the rights of persons with other gender identities who are able to gestate, and contributes to reducing preventable morbidity and mortality.⁴⁴

47. The law guarantees the right to voluntary termination of pregnancy up to and during the fourteenth week of pregnancy for all women and persons with other gender identities who are able to gestate. After this period, the law allows access to legal abortion when the pregnancy is the result of rape or when it endangers the health or life of the woman or person with another gender identity who is able to gestate. Argentina now has a mixed system of time limits and grounds for the legalization and decriminalization of abortion. The application of the Act on Access to Voluntary Interruption of Pregnancy, as a piece of national legislation, is mandatory throughout Argentina.⁴⁵

48. In 2021, a protocol for the comprehensive care of persons entitled to the legal termination of pregnancy⁴⁶ was issued with a view to improving maternal morbidity and mortality indicators and reducing inequality of access to sexual and reproductive health services. All local authorities in the country must bring their health policies and the organization of their services in line with the law.

49. Guidelines on the provision of immediate post-obstetric contraception were also published in 2022, as one of various strategies intended to widen and improve access to contraceptive methods following childbirth, a caesarean section or an abortion, with an emphasis on offering and administering long-acting methods prior to discharge from the medical facility.

50. The Ministry of Health developed a road map for the care of pregnant girls under 15 years of age,⁴⁷ which promotes a comprehensive approach to unintended pregnancies in health-care facilities and other institutions such as schools, judicial bodies and child protection agencies.

51. The enactment of the Act on Access to Voluntary Interruption of Pregnancy was met with some resistance from conservative quarters. At least 37 applications for *amparo* and claims of unconstitutionality challenging the law were filed in courts in various jurisdictions.⁴⁸ The courts ruled on and definitively rejected 26 of these claims. No substantive rulings have been issued in favour of challenges to the Act.

52. Around the same time, the Act on Comprehensive Health Care and Assistance during Pregnancy and Early Childhood, known as the "1,000 days" law,⁴⁹ was adopted. It is intended to strengthen comprehensive care services aimed at protecting the health and life of pregnant women, other pregnant persons and young children, to reduce mortality, malnutrition and undernourishment, to promote a holistic approach to health and to prevent violence. Training sessions were held to provide information to pregnant women and other pregnant persons, and the "1,000 Days" Interministerial Plan was developed.

53. In addition, steps were taken to strengthen the National Plan to Prevent Unintended Teenage Pregnancies, which raises awareness of methods for prevent unintended teenage pregnancies and promotes the exercise of sexual and reproductive rights in this population group.⁵⁰

54. The Ministry of Health continues to operate the free and confidential telephone hotline 0800-222-3444, through which the general public has access to information on sexual and reproductive health.

55. In July 2022, the Act on a Comprehensive Approach to HIV, Viral Hepatitis, Sexually Transmitted Infections and Tuberculosis⁵¹ was enacted, guaranteeing universal, free biopsychosocial care for the entire population.

56. The Ministry of Health funds and oversees the procurement of short- and long-acting contraceptives, emergency contraceptives and barrier contraceptives, which are distributed

throughout the country to ensure that they may be freely obtained in the public health system.⁵²

57. With specific regard to access to abortion, the National Directorate for Sexual and Reproductive Health procured misoprostol and distributed it to provincial health programmes and facilities in all 24 administrative areas. In 2021, 74,057 doses of misoprostol were distributed. In June 2022, specific batches were approved for distribution in public health facilities by the National Authority for Drugs, Food and Technology and sent to all administrative areas.⁵³

58. Information on maternal mortality rates, disaggregated by cause of death, for the period 2014–2020, is presented in annex V.

59. The main causes of neonatal mortality in Argentina are perinatal conditions and congenital malformations. Measures in this area are focused on strengthening strategies for early pregnancy monitoring, with adequate checks, risk identification and timely referral to appropriate maternity units in accordance with the level of risk to mother and child.

60. Instructors received training on the initial care of newborns at risk and workshops on the subject were organized. Training in neonatal cardiopulmonary resuscitation and neonatal hypoxic ischemic encephalopathy was provided through partnerships with scientific associations.⁵⁴

61. The Programme for the Prevention of Respiratory Infections in Infants at High Neonatal Risk (extremely premature babies and infants with complex congenital heart problems) continued, with palivizumab provided free of charge throughout the country. The Sleep Safe Task Force was established with a mandate to contribute to the prevention of sudden infant death at home.

62. Free vaccination against the coronavirus disease (COVID-19) was offered to all pregnant persons and children over the age of 3 years.

63. The Comprehensive National Sex Education Programme⁵⁵ was strengthened through the organization of various training programmes.

64. Between 2017 and 2022, approximately 61,500 teachers received in-person training in various formats. Virtual courses were also organized for teachers, technical teams in each administrative area, librarians, management teams, supervisors, inspectors and trainee teachers. In 2022, a remote-learning further education course on comprehensive sexuality education was organized with 38,000 participants.

65. During the period under review, graphic and digital teaching materials for all educational levels continued to be produced and distributed.⁵⁶ In addition, a collection of materials on human rights, gender and comprehensive sexuality education was published, with 3 million copies distributed.

E. Prevention and punishment of gender-based violence

66. In 2020, the Government issued the National Action Plan for Combating Gender-Based Violence 2020–2022.⁵⁷ It was prepared through a participatory process that involved more than 3,400 people⁵⁸ and comprises more than 100 measures for combating the most extreme forms of violence, including femicides, transvesticides and transfemicides.⁵⁹

67. In September 2022, the National Action Plan for Combating Gender-Based Violence for the period 2022–2024⁶⁰ was issued. The new plan is a continuation of the previous plan and, likewise, was designed through a participatory process carried out throughout Argentina. It incorporates short-, medium- and long-term measures assigned to 20 ministries and five national decentralized agencies.⁶¹

68. One of the main measures under the National Plan is the establishment of the Integrated System for Cases of Gender-based Violence.⁶² This is a national tool for the systematization and management of information on cases, consultations and complaints related to gender-based violence that has been operational since November 2020.⁶³ It is open

to all agencies competent to address cases of gender-based violence in Argentina.⁶⁴ There are currently 2,582 users, and 222,998 cases and consultations have been registered.

69. A programme was implemented to modernize, optimize and raise awareness of the “144” hotline, a free national hotline offering assistance and support to victims of gender-based violence.⁶⁵

70. Official femicide statistics are compiled by the Supreme Court of Justice on the basis of a register of court cases involving the gender-motivated killing of women.⁶⁶ According to the operating protocol of the Supreme Court’s National Register of Femicides of the Argentine Justice System⁶⁷, information is gathered on all judicial cases involving the killing of women, transgender women and transvestites for gender-related reasons in the country’s 24 administrative areas, in accordance with the definitions established in the Convention of Belém Do Pará.

71. In 2021, the Council of the Judiciary established a public register of complaints against judges in relation to cases of gender-based violence.⁶⁸

72. Under the “Acompañar” (Support) programme,⁶⁹ established in 2021, direct financial support in the form of cash transfers equivalent to the adjustable minimum living wage may be provided to victims of gender-based violence for a period of six months.⁷⁰

73. The Brisa Act⁷¹ provided for the establishment of a compensation scheme for children and adolescents, under which the children of victims of femicide are provided with a monthly allowance equivalent to the minimum pension and with comprehensive health insurance up to the age of 21 years, or for their entire lifetime if they have a disability.⁷²

74. In 2021, the unit of lawyers for victims of gender-based violence established under the Ministry of Justice and Human Rights was transferred to the Ministry for Women, Gender and Diversity, allocated additional resources and staff and given a wider territorial scope. It is composed of specialized lawyers who provide free legal assistance that incorporates a gender and diversity perspective.

75. Within the Public Prosecution Service, the Unit for the Prosecution of Violence against Women works in cooperation with other bodies in the design and implementation of strategies for the criminal prosecution of perpetrators of violence against women and other persons based on their gender and/or sexual orientation.⁷³ It also maintains a register of femicides, transfemicides, transvesticides and murders of women in non-femicidal contexts in the City of Buenos Aires, which is used in the preparation of statistical reports.⁷⁴ The Public Prosecution Service adopted various tools for use by prosecutors in cases of gender-based violence.⁷⁵

F. Prevention of institutional violence and the prison system

76. The Public Prosecution Service has a specialized unit, the Unit for the Prosecution of Institutional Violence, tasked with investigating cases of institutional violence and prosecuting its perpetrators.⁷⁶

77. The current leadership of the Secretariat for Human Rights has strengthened and prioritized the National Directorate to Combat Institutional Violence.⁷⁷

78. The Secretariat for Human Rights was a plaintiff in several significant legal cases at the request of victims of institutional violence.

79. The Complaints Centre of the Secretariat for Human Rights provides legal advice and psychosocial support to victims of the use of violence by law enforcement officers or public officials through a free 24-hour telephone hotline.⁷⁸

80. The Secretariat for Human Rights also provides psychosocial assistance to victims of institutional violence at its Ulloa Centre. As of August 2022, 67 victims or relatives of victims were receiving support at the Centre, including 23 persons who were undergoing in-house psychotherapy. Victims may be referred to health-care providers for specialized assistance.

81. To raise awareness and prevent the repetition of these practices, in 2020 the Secretariat for Human Rights launched a plan to install plaques marking serious acts of institutional violence, in memory of the victims.⁷⁹ This is a clear sign of the State's repudiation of acts of institutional violence and constitutes a form of reparation for the victims, through their families and loved ones. So far, plaques have been installed at 25 sites.

82. Members of the governing party in the Chamber of Deputies, with the active participation of the Secretariat for Human Rights, drafted a comprehensive bill against institutional violence intended to establish a comprehensive set of tools for preventing and eradicating institutional violence throughout the country and provide support and reparation to victims. The bill is attached as annex VI.

83. Various training courses have been organized for security forces and prison officers to eradicate practices that violate human rights.

84. The National Directorate for Human Rights Training of the Secretariat for Human Rights primarily organizes training courses on the prevention of institutional violence for provincial security forces. For more information, see annex VII.

85. Personnel of the Federal Prison Service have access to the National Prison Service School,⁸⁰ which offers courses that cover respect for human rights and the implementation of new correctional and security standards.

86. In 2021, the Higher Academy of Prison Studies began mandatory gender sensitivity training. Pursuant to the Micaela Act, a work plan was devised on the organization of awareness-raising activities for prison officers on gender issues and violence against women.⁸¹

87. The Ministry of Security organizes training programmes for officers of the federal security forces aimed at reducing cases of institutional violence, discrimination on grounds of sexual orientation and gender identity and expression, and the excessive use of force, as well as at strengthening professional training in human rights for police officers. More detailed information on these courses is provided in annex VIII.

88. With regard to the situation in the federal prison system, the Ministry of Justice and Human Rights declared a state of emergency in prisons⁸² in order to solve the shortage of space in federal prisons, improve prison conditions and promote the use of non-custodial measures, especially for vulnerable groups.

89. Although there is currently no overcrowding in the prisons of the Federal Prison Service, a large number of persons are still housed in non-penitentiary facilities pending space becoming available in prison.

90. A statistics section was added to the website of the Federal Prison Service. It is updated on a daily basis with information on the prison population, disaggregated by legal status, gender, age and nationality, and graphs showing prison capacity and changes in the occupancy rate.⁸³

91. To meet the demand for prison places, the national Government is building the following penitentiary facilities: Agote Federal Prison Complex, Stage I – Mercedes, Province of Buenos Aires, which will have a capacity of 1,152; Argentine Littoral Federal Prison, Coronda, Province of Santa Fe, which will have a capacity of 464; and Luján De Cuyo Federal Prison Complex No. VI, Province of Mendoza, which will have a capacity of 736.

92. A working group formed by the Ministry of Justice and Human Rights⁸⁴ updated the criteria governing living conditions and minimum standards in prisons and determined the quota for each federal prison. In 2021, regulations on basic living conditions in and the capacity of establishments run by the Federal Prison Service were adopted. The double beds that had been installed in individual cells in federal prison complexes were removed.⁸⁵

93. With regard to the prevention of the excessive use of force, the Federal Prison Service has a protocol on the use of non-lethal weapons and a protocol and procedural guide on intervention in the event of a disturbance.⁸⁶

94. New disciplinary rules for detainees in the federal prison system are under discussion in parliament. They are contained in a bill to amend Act No. 24.660⁸⁷ submitted by the executive branch to ensure that persons deprived of their liberty benefit from due process guarantees. The bill is attached as annex IX.

95. The Comprehensive Treatment Programme for Short-Term Prisoners was adopted in October 2021; it contains a set of specific measures aimed at limiting the harmful effects of imprisonment and improving their chances of successful integration into the community.

96. With regard to conflict resolution tools, the Ministry of Justice and Human Rights is carrying out the Programme for Mediation, Participatory Conflict Management Methods and Violence Reduction in Prison Environments in federal prisons. A complementary initiative, the “Mario Juliano” programme, targets the young adult population and is carried out in collaboration with civil society.⁸⁸

97. Regarding medical care for persons deprived of liberty, from the outset of the COVID-19 pandemic, the Federal Prison Service cooperated with the Ministry of Health in the implementation of multiple preventive measures to tackle the health emergency. Persons deprived of liberty and prison officers were a priority vaccination group under the Strategic Plan for Vaccination against COVID-19.⁸⁹ In addition, 10 modular hospitals were built in different prisons.⁹⁰

98. The Ministry of Health and the Ministry of Justice and Human Rights jointly adopted the Strategic Plan for Comprehensive Health Care in the Federal Prison Service 2021–2023, the purpose of which is to establish a progressive, comprehensive care model based on primary health care that provides efficient, high-quality services to guarantee the right to health of persons deprived of liberty.

99. The Office of the Undersecretary for Prison Affairs has a unit to coordinate work on particularly vulnerable groups that aims to uphold the rights of pregnant women deprived of their liberty, women who live with their children in prisons, children living in prison with their mothers and non-cohabiting children and adolescents.⁹¹ As of 9 September 2022, there were six pregnant women in federal prisons and six mothers living with their children in prison.

100. The Directorate for Support for Persons Under Electronic Surveillance of the Ministry of Justice and Human Rights developed an operational protocol for cases of domestic violence, which provides for emergency and non-emergency mechanisms to ensure access to justice for women under house arrest who are the victims of violence.⁹²

101. The Programme on Special Treatment for Transgender Persons in Federal Prison⁹³ was adopted and training was provided for prison officers on gender and sexual diversity.

102. Of particular note is the amicable settlement reached in relation to the communication submitted to the Committee on the Rights of Persons with Disabilities in relation to the case of Cardozo Subía and Raúl Roberto.⁹⁴ Under this settlement, the State committed to taking steps to facilitate the early detection of intellectual disabilities in prisoners and the provision of reasonable accommodations.⁹⁵

G. Prevention and punishment of torture

103. Since December 2017, the National Committee for the Prevention of Torture (established pursuant to Act No. 26.827),⁹⁶ a public body tasked with the monitoring, oversight and inspection of places of deprivation of liberty, has been fully operational.

104. The National Committee for the Prevention of Torture and the Secretariat for Human Rights are promoting the establishment of local mechanisms for the prevention of torture in the provinces where none has been established. In July 2020, the Federal Human Rights Council signed a commitment to establish and operationalize these local mechanisms.⁹⁷

105. At present, the following 16 administrative areas have established local mechanisms: Buenos Aires, the Autonomous City of Buenos Aires, Chaco, Chubut, Corrientes, Entre Ríos, Jujuy, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, Santiago del Estero, Tierra

del Fuego and Tucumán. However, some of these mechanisms have yet to be staffed. The following eight administrative areas have yet to establish a local mechanism: Formosa, Catamarca, San Juan, San Luis, Córdoba, Santa Fe, La Pampa and Santa Cruz.

106. Regarding the investigation of allegations of torture and ill-treatment, the Department of Internal Affairs of the Federal Prison Service is responsible for the detection, monitoring and assessment of unlawful conduct by its personnel.⁹⁸

107. In addition to the National Committee for the Prevention of Torture, there are multiple external monitoring bodies that receive and file complaints with the courts and inspect and record situations that occur in detention contexts, such as the Prisons Commission of the Office of the Chief Public Defender, the Office of the Ombudsperson for the Prison System and the Unit for the Prosecution of Institutional Violence of the Public Prosecution Service.

H. Equality and non-discrimination

108. Racial discrimination has been a criminal offence under domestic law since 1988.⁹⁹ The Criminal Code also establishes the offence of aggravated homicide on grounds of racial hatred.¹⁰⁰

109. Congress is currently considering several parliamentary bills to update the Act on Discriminatory Conduct¹⁰¹ and to recognize sexual orientation and gender identity as prohibited grounds for discrimination.¹⁰²

110. With regard to the ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance, the executive branch has submitted two bills, which received preliminary approval in October 2021.¹⁰³

111. The National Institute to Combat Discrimination, Xenophobia and Racism developed the National Plan against Discrimination 2021–2024,¹⁰⁴ which contains an updated assessment of discrimination in Argentina and commits the State to more than 250 measures aimed at upholding rights, in particular the rights of specific groups; these measures are systematized under a special framework and linked to the targets of the Sustainable Development Goals.

112. More information on the measures taken by the National Institute to prevent discrimination in Argentina is provided in annex X.

I. Right to development and eradication of poverty

113. The global crisis caused by the COVID-19 pandemic has exacerbated the already precarious situation of economic and social crisis characterized by rising levels of poverty, destitution and an extraordinary level of external debt in which the country was mired when the new authorities took office.

114. This precarious situation has forced the current national Government to invest heavily, since 2020, in a number of programmes designed to protect, support and assist all affected sectors of society.

115. One of the main measures taken was the introduction of the emergency family allowance,¹⁰⁵ an exceptional non-contributory monetary benefit aimed at households comprising informal workers, unemployed persons and taxpayers eligible for inclusion in the lowest bands of the simplified tax system, i.e., the most vulnerable groups in socioeconomic terms. The allowance was worth almost 60 per cent of the adjustable minimum living wage. It was received by 8.9 million people and disbursed three times in 2020.

116. Through the Employment and Production Support Programme,¹⁰⁶ the State guaranteed the payment of up to half of the salaries of private sector workers. Approximately 1.8 million workers in 328,000 companies received employment and production support.¹⁰⁷

117. The payment of unemployment benefits ensured continuity of income and health insurance for more than 143,000 workers laid off in the period prior to the pandemic, who received the benefit until December 2021.

118. The “Alimentar” food programme, which benefits around 4 million children and adolescents, was introduced to ensure that families are able to enjoy the right to food. In 2021, the value of the food card was increased and the target population, which until then had been limited to children up to 6 years of age, was extended to children up to the age of 14 years.

119. December 2020 saw the enactment of the new Pension Upgrading Act,¹⁰⁸ which provides for a quarterly review of pension benefits and contributory and non-contributory family allowances. An increase was recently approved and will be applied in September, October and November 2022.

120. An extraordinary health emergency subsidy was also granted to recipients of the universal child allowance and universal pregnancy allowance, beneficiaries of the Argentine Integrated Social Security System, recipients of the universal pension for older persons and beneficiaries of non-contributory pensions for old age, disability and mothers of seven or more children.¹⁰⁹

121. At the height of the socioeconomic health crisis caused by the pandemic, the State intervened heavily to stabilize family incomes through social security programmes. In 2020, a total of 262,118 million Argentine pesos (1 per cent of gross domestic product (GDP)) were spent on the emergency family allowance, and 226,865 million Argentine pesos were spent on employment and production support (0.83 per cent of GDP), compared to 9,665 million Argentine pesos (0.02 per cent of GDP) in 2021. Spending on universal child allowance, which is aimed at families in the most vulnerable situations, increased from 190,385 million pesos in 2020 to 249,087 million pesos in 2021 (up by 31 per cent).

122. With respect to social protection policies, the National Social Security Administration continues to provide the universal child allowance¹¹⁰ to ensure equality of opportunity for all children and adolescents in Argentina, upholding their rights to education, health and immunization. A monthly sum is paid in respect of every child under 18 years of age in family groups comprising unemployed persons or persons who work in the informal sector. As of August 2022, universal child allowance was being paid in respect of 4.3 million children from 2.4 million families.¹¹¹

123. Food security and sovereignty policies include the distribution of food cards, as part of a comprehensive food supplement policy aimed at parents with children up to the age of 6 years who are in receipt of universal child allowance, pregnant women from the third month of pregnancy who receive universal pregnancy allowance and persons with disabilities who receive universal child allowance. The card permits the purchase of all types of food. There are currently more than 2.4 million cardholders, benefiting 4.1 million people.

124. A notable example of a labour inclusion policy is the “Potenciar Trabajo” (Boosting Employment) National Programme for Social and Productive Inclusion and Local Development.¹¹² It consists of the allocation of a complementary social allowance to help recipients meet basic needs and support their productive initiatives. It also involves a training module and a job placement module.¹¹³ There are almost 1.3 million beneficiaries.

125. The Youth Inclusion Programme¹¹⁴ is aimed at young people between 18 and 29 years of age in vulnerable situations and provides funding for productive, labour and community projects that have a social angle.

126. Regarding childcare policies, from 2020 to 2021, the number of certified childcare spaces increased by 48 per cent, which translates to 799 new early childhood spaces. This increase resulted in the enrolment of a further 52,000 children in childcare, bringing the total number of children up to 4 years of age enrolled in the country’s 2,452 early childhood spaces to 161,000.

127. With respect to urban social integration policies, according to the updated National Register of Working-class Neighbourhoods, there are 4,561 such neighbourhoods, in which an estimated 932,000 families, or 5 million people, reside. Urban social integration policies

are used to fund and implement projects for the provision of basic services and infrastructure in poor neighbourhoods. In addition, land is acquired and serviced lots are developed for families in poor neighbourhoods. In 2021, work was carried out in 364 neighbourhoods, to the benefit of 317,000 people.

128. In 2020, Argentina took a significant step towards stronger environmental policies by adopting the Regional Agreement on Access to Information, Public Participation and Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement).¹¹⁵ The national Government deposited the instrument of ratification in January 2021 and the Agreement entered into force in April 2021. Public consultations related to the Agreement were held in 2022.¹¹⁶

129. Argentina also reaffirmed its political commitment to combating climate change by adopting the Act on Minimum Climate Change Adaptation and Mitigation Budgets¹¹⁷ and its regulatory decree. The Act provides for the preparation of the National Climate Change Adaptation and Mitigation Plan and reaffirms the role of the National Climate Change Cabinet, which has been preparing the Plan since 2020, as the relevant national governance body.

130. In relation to the implementation of the 2030 Agenda,¹¹⁸ the National Council for the Coordination of Social Policies continues to be responsible for coordinating measures aimed at the effective implementation of the Sustainable Development Goals.¹¹⁹ A new process of adapting targets to national policy priorities and conditions was carried out in 2020/21.¹²⁰

J. Access to health care

131. The current legal framework guarantees universal access to free and inclusive public health care, regardless of the type of coverage, without distinction based on sex, race, religion or nationality.

132. During the pandemic, various measures were taken to mitigate the impact of COVID-19. An additional 3,971 beds (up by 47 per cent) were installed in intensive care units, raising the total number of beds from 8,521 to 12,492. The share of beds in intensive care units in public hospitals as compared to private hospitals increased from 28 per cent to 40 per cent, thereby reducing the gap between the public and private sectors in that regard.

133. The national Government centralized the purchase of respirators and distributed them according to equitable criteria. To strengthen the capacity of the health system, it acquired 4,136 respirators, the addition of which represents an increase of 66 per cent on prior capacity.

134. The COVID-19 vaccination strategy was designed to guarantee the availability of free vaccines throughout Argentina, to be distributed on the basis of equity and equality. State-funded vaccination is available to all persons, regardless of their health insurance status and nationality.¹²¹ As of 7 September 2022, a total of 109,072,887 doses had been administered.¹²²

135. The current national Administration implemented an integrated health strategy to strengthen health-care services at all levels for the entire population.

136. The primary policies rolled out by the Ministry of Health include: implementation of the National Plan for the Strengthening of Primary Health Care; strengthening of the Primary Health-Care Strategy for Vulnerable Communities; introduction of a self-assessment tool for first-level care services; implementation of the National Community Health Programme and the Healthy Municipalities and Communities Programme; provision of technical assistance and continuous training for health workers; and development of the “Visitar” application for health workers.

137. In addition, from 2019 to 2021 the Ministry of Health invested US\$ 495,093,158 in building the capacity of local health systems.

138. Under the SUMAR programme,¹²³ health-care services are provided throughout Argentina to persons who lack social security or prepaid health insurance, with a particular emphasis on specific, strategic areas of health care.¹²⁴

139. Regarding policies related to health information systems, the Ministry of Health is implementing a satellite connectivity plan in primary health-care centres, in collaboration with Arsat,¹²⁵ to provide Internet connectivity to centres in 19 provinces. The Federal Telehealth Network platform allows for remote consultation with specialists and reputed health institutions throughout Argentina. There are currently 1,080 establishments in the network.

140. A bill prepared by the Ministry of Health on the ratification of the Framework Convention on Tobacco Control and three other related parliamentary bills have been submitted to Congress.

141. In addition, the Ministry of Health is providing support for the updating of legislative standards in seven provinces. In 2022, the Ministry approved¹²⁶ guidelines on the disclosure of information on tobacco product ingredients. It is currently working on a bill to amend the national tobacco control law.

142. Another important legislative development was the adoption of the Act to Promote Healthy Eating in 2021,¹²⁷ which promotes healthy and balanced eating by providing for the fixture of warning labels on packaged foods and non-alcoholic beverages that contain excessive amounts of sugar, fat, saturated fat, calories and sodium.

143. Regarding mental health initiatives, the National Directorate for Mental Health and Substance Abuse is implementing various measures to ensure full compliance with Act No. 26.657¹²⁸ throughout the country.

144. The Ministry of Health approved guidelines on the organization and operations of mental health services, incorporating them into the National Programme to Guarantee Quality Medical Care.¹²⁹ It also provided technical assistance to the authorities of the 24 administrative areas with a view to transforming the mental health system, for example, through the adaptation of specialized mental health facilities pending their definitive replacement.

145. In September 2022, a free national telephone hotline, 0800-999-0091, was launched to provide guidance and support in mental health emergencies; the hotline operators provide remote assistance, support and care and make referrals, every day, 24 hours a day.

146. The National Directorate for the Protection of Vulnerable Groups of the Secretariat for Human Rights is part of the National Mental Health Review Body, which monitors cases of hospitalization related to mental health disorders in public and private health facilities. It is also a member of the Commission for Authorization and Oversight, alongside the Ministry of Health.¹³⁰

K. Access to education

147. The National Education Act¹³¹ ensures access to equal, free and secular education, from preschool to university level, in public educational institutions.

148. As part of efforts to improve universal access to education, “Progresar” (Progress) scholarships are granted to help students to complete compulsory schooling. The number of scholarships increased exponentially from 2021 to 2022, when the scope of the programme was extended to include young people between the ages of 16 and 17 years, reaching 755,334 students in 2022. Statistical information on “Progresar” scholarships is provided in annex XI.

149. Socioeducational scholarships are granted to children in conflict with the law, children from Indigenous communities, the children of former Malvinas combatants, children sponsored by the President and child relatives of victims of the República Cromañón nightclub fire, with a total of 27,256 students receiving scholarships in 2021. Statistical information on the number of scholarships granted is provided in annex XI.

150. Under the “Egresar” (Graduation) programme, launched in 2021, educational assistance is provided to persons under 25 years of age who failed to obtain a high school diploma because they did not successfully pass examinations in certain subjects, with a view to helping them to achieve their diploma. In 2021, 55,637 students from all over Argentina

were granted a scholarship under the programme; in 2022, 44,742 students applied to the programme.

151. Under the “Acompañar: Puentes de Igualdad” (Support: A Bridge to Equality) programme,¹³² which was implemented between August 2020 and December 2021, assistance is provided to children and adolescents who were forced to interrupt their schooling because of the pandemic, to help them to reintegrate into school and complete their studies. More than 1 million students from around Argentina participated in the programme.

152. The 24 administrative areas are individually responsible for planning construction work and building maintenance related to educational infrastructure. The Ministry of Education nonetheless funds construction work and the procurement of equipment, prioritizing the most vulnerable sectors.

153. From 2017 to the present, funding has been provided for work at all levels of the education system, including expansions, refurbishments and the construction of new buildings, to the benefit of a total of 443,066 students. A table with statistical information on the work carried out in each region is contained in annex XI.

154. As part of efforts to make early childhood education universally available, over the same period, funding was provided for 915 projects to expand, refurbish or build new kindergartens, which have so far resulted in the completion of 68 new facilities.

155. Another funding priority was the improvement of secondary schools. Since 2017, funding has been provided for 310 projects to expand, refurbish or build new secondary schools.

156. Since 2022, a school refurbishment funding programme has been in place to provide financial support to public schools and meet urgent infrastructure and equipment needs, under which assistance has been provided to 17,000 schools.

157. The national Government promotes a policy of inclusive education for persons with disabilities at all levels and in all parts of the system. Since 2017, the number of students with disabilities in mainstream education has increased by 22 per cent, from 90,345 students in 2017 to 110,297 in 2020. Statistical data on students with disabilities integrated into mainstream educational facilities are included in the aforementioned annex.

158. The National Institute for Teacher Training launched a postgraduate training course on educational approaches to students with disabilities¹³³ for teachers, managers, supervisors and technical-educational teams at all levels and in all parts of the education system, in which 8,400 persons have enrolled.

L. Rights of children and adolescents

159. In addition to the aforementioned measures aimed at guaranteeing the rights of children and adolescents,¹³⁴ the National Secretariat for Children, Adolescents and the Family is engaged in various activities under the Act on the Comprehensive Protection of Children and Adolescents.¹³⁵

160. The National Early Childhood Plan¹³⁶ promotes the comprehensive development of socially vulnerable children between the ages of 45 days and 4 years. Under agreements with provincial and municipal authorities and civil society organizations, new early childhood spaces are being set up and existing ones are being improved. To date, 2,452 early childhood centres or spaces have been established, which has resulted in a further 32,179 children being covered by the Plan in 2021. In addition, 359 requests for funding for the construction of new centres have been approved; these new centres are currently at various stages of completion.

161. Annex XII contains further information on measures taken to uphold the rights of children and adolescents.

M. Rights of Indigenous Peoples

162. From the moment the current Administration took office, the National Institute of Indigenous Affairs has been pursuing a policy of agreements with the provinces to implement Act No. 26.160.¹³⁷ Since 2020, agreements have been concluded with the authorities of Neuquén, San Juan, Misiones, Santa Fe, Chaco, Salta and Jujuy on funding for the continuation of territorial survey work in those provinces.

163. The National Programme for the Territorial Survey of Indigenous Communities is the central authority in charge of territorial demarcation in the different administrative areas of the country. Since 2020, more than 70 administrative decisions have been issued recognizing the current, traditional and public occupation by Indigenous communities of the land surveyed.¹³⁸

164. By means of Decree No. 805/2021,¹³⁹ the national Government again extended the application of Act No. 26.160, this time until 23 November 2025, thereby suspending the execution of sentences and procedural or administrative acts seeking the eviction of Indigenous communities or the vacating of lands traditionally occupied by Indigenous communities.

165. With regard to Indigenous community ownership, the judgment handed down in 2020 by the Inter-American Court of Human Rights in the *Lhaka Honhat* case represents an enormous challenge, being the first case on the rights of Indigenous Peoples in Argentina to reach the regional court.

166. Pursuant to Decision No. 979/2021 of the Ministry of Justice and Human Rights, the Secretariat for Human Rights set up a special unit to implement the judgment of the Inter-American Court of Human Rights in the case of the *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*¹⁴⁰. The unit acts as a forum for coordination between the competent agencies and administrative authorities, with the aim of designing and implementing public policies from an intercultural perspective.¹⁴¹

167. More information on measures taken to guarantee the rights of Indigenous Peoples is provided in annex XIII.

N. Rights of migrants and refugees

168. In March 2021, the executive branch issued a decree¹⁴² repealing Decree No. 70/2017, thereby restoring the full force and effect of the National Migration Act.¹⁴³ In the reasoning set forth in the repealing decree, it was argued that the substantive aspects of Decree No. 70/2017 were irreconcilable with the international system for the protection of human rights, which prompted three treaty bodies to issue a joint statement welcoming the State's decision to invalidate the Decree.¹⁴⁴

169. The national Government's current immigration policy is based on respect for human rights and emphasizes access to regular immigration status. The National Migration Directorate granted 1,430,851 residence permits from 2015 to June 2022, of which 743,440 (52 per cent) were temporary residence permits and 687,411 (48 per cent) were permanent residence permits.

170. Annex XIV contains a table with statistical data on residence permits granted and information on various initiatives taken by the National Migration Directorate to ensure access to regular migration status.

171. The National Commission for Refugees established pursuant to the Act on the Recognition and Protection of Refugees¹⁴⁵ is responsible for protecting, assisting and searching for solutions for refugees.

172. In relation to the protection of stateless persons, a substantial step was taken in 2019 with the enactment of the General Act on the Recognition and Protection of Stateless Persons.¹⁴⁶ The Act defines the concept of stateless persons and provides that they are protected in accordance with international law.¹⁴⁷

O. Rights of persons with disabilities

173. The National Disability Agency is working on a draft general framework law on disability,¹⁴⁸ with a view to the continuing harmonization of domestic legislation with international human rights treaties. The draft law will amend the Act on Comprehensive Protection System for Persons with Disabilities.¹⁴⁹ In preparing this draft, the National Disability Agency organized extensive public consultations.¹⁵⁰

174. Another noteworthy regulatory development was the amendment of the law on surgical contraception,¹⁵¹ which definitively prohibited forced sterilization.¹⁵²

P. Access to justice and improvement of the judicial system

175. The current Administration implemented reforms to optimize the justice system and the organization and operation of the judicial branch.

176. Annex XV contains information on initiatives to reform the justice system, as well as on the work carried out by the centres for access to justice managed by the Ministry of Justice and Human Rights.¹⁵³

177. In relation to the judicial investigation into the attack on the Asociación Mutual Israelita Argentina that took place in July 1994 in Buenos Aires, several recent developments are described in annex XVI.

Q. Prevention and eradication of trafficking in persons

178. Act No. 26.364¹⁵⁴ provided for the establishment of the Executive Committee for Combatting Human Trafficking and Exploitation and Protecting and Assisting the Victims Thereof.¹⁵⁵ The Executive Committee prepared the National Plan to Combat Trafficking and Exploitation of Persons 2020–2022,¹⁵⁶ details of which are provided in annex XVII.

R. Freedom of expression¹⁵⁷

179. The Office of the Ombudsperson for Audiovisual Communication Services established pursuant to the Audiovisual Communications Services Act¹⁵⁸ protects and promotes the equal right of audiences, especially groups in vulnerable situations, to communication. A report on its main activities is attached as annex XVIII.

S. Access to public information

180. The Agency for Access to Public Information, an independent body established in 2017 under the Executive Office of the Cabinet of Ministers, is responsible for monitoring the application of the Act on the Right of Access to Public Information,¹⁵⁹ the Personal Data Protection Act¹⁶⁰ and the Act on the No Llame (Do Not Call) National Register.¹⁶¹ Detailed information on the Agency's work is included in annex XIX.

III. Emerging issues: Main challenges

181. On 10 December 2019, a new national Administration took office in Argentina and pledged to strengthen the country's institutions and guarantee the full enjoyment of human rights. The current President, Alberto Fernández, affirmed in his earliest public statements that the defence of human rights would be the cornerstone of the policies to be adopted.

182. This report is an opportunity to highlight the contributions of the current Government to the human rights agenda, as well as some of the challenges it still faces.

183. The attention of the Human Rights Council is drawn to the issue of hate speech and its implications for democratic coexistence, which have become more visible in recent times

as a result of serious events that culminated in the attempted assassination of current Vice-President, and twice former President, Cristina Fernández de Kirchner.

184. This phenomenon is increasingly evident in various political spaces, in mass media and across social networks. It is a complex issue of international concern.

185. Hate speech not only affects the direct victims of serious human rights violations, but also harms society as a whole by eroding the fundamental tenets of the democratic system. The support of the Human Rights Council is therefore essential to address this phenomenon in all its complexity, to identify it and to design strategies to counter it in all its forms.

186. Various departments of the national Government have implemented different strategies to this end. The Secretariat for Human Rights, in particular, has organized conferences,¹⁶² issued publications on the subject¹⁶³ and held dialogues with companies that manage social networks.¹⁶⁴ In addition, it has filed individual criminal complaints in cases where an act of hate speech amounted to the offence of incitement to violence, propagation of discriminatory ideas or justification of an offence.¹⁶⁵

187. The National Institute to Combat Discrimination, Xenophobia and Racism has conducted research on the spread of hate speech and published a document¹⁶⁶ in 2021 with practical guidance for analysing this social phenomenon.¹⁶⁷

188. Another challenge in Argentina is “lawfare” or “legal warfare”. The current national Government and the human rights movement¹⁶⁸ warn that the use of lawfare by factions of the judiciary, the political opposition and concerted economic and media powers, violates human rights and heavily influences electoral processes, the political agenda and public opinion.¹⁶⁹

189. In cases of legal warfare, such as those in which the former President has been embroiled under the pretext of the investigation and punishment of acts of corruption, the fundamental guarantees of the rule of law are violated, and basic due process guarantees such as the presumption of innocence, the right to a defence and the principle of objectivity that should guide the actions of the Public Prosecution Service are disregarded. These criminal cases are brought only against political leaders who represent the working class, while powerful actors who allowed or endorsed the country’s descent into criminal levels of debt, leading to poverty and destitution among the general population, go unpunished.

190. This situation has been recognized by the Special Rapporteur on the independence of judges and lawyers who, in a statement issued in 2019, warned that during the period of government between 2015 and 2019, constitutional guarantees, especially those of politicians considered to be opponents of the former Government, were endangered, seriously undermining the Argentine institutional system and, in turn, its republican democracy.^{170, 171}

191. Unfortunately, although a new national Government came into office in December 2019 and ended the subversion of judicial independence by the national executive branch, political persecution through the courts is still in full swing, as members of the judiciary and the Public Prosecution Service continue to pursue fraudulent criminal proceedings against the main political figures of the current ruling party, once the opposition to the previous Administration. This persecution, whose ultimate purpose is the removal of central figures from the political stage, is being carried out by judges and prosecutors who regularly rubbed shoulders with the former President, both at his official and private residences, which demonstrates the illegitimate collusion of these two powers and their continued pursuit of a policy of harassment that is undermining the democratic principles of Argentina, in particular those that govern the independence and impartiality required of the judicial branch and the Public Prosecution Service.

192. The Argentine State therefore requests the support of the Human Rights Council in its efforts to strengthen judicial independence, the legitimacy of its justice system and, ultimately, the rule of law in Argentina.

IV. Follow-up to voluntary commitments

193. The measures taken by Argentina in follow-up to its voluntary commitments were duly described in part II above.

Notes

- ¹ A través de la Dirección Nacional de Asuntos Jurídicos Internacionales en materia de Derechos Humanos de la Secretaría de Derechos Humanos.
- ² Desde la Dirección General de Derechos Humanos del Ministerio de Relaciones Exteriores, Comercio Internacional y Culto.
- ³ La ley y sus modificaciones se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/45000-49999/48853/texact.htm>
- ⁴ A tal fin, el Consejo Federal de Derechos Humanos – dependiente de la SDH – sostuvo un proceso de intercambio con las jurisdicciones provinciales de nuestro país.
- ⁵ Las organizaciones que participaron de las mesas de diálogo fueron: Abogados y abogadas del Noroeste argentino en derechos humanos y estudios sociales (ANDHES); Abosex; Akahatá; Amnistía Internacional; Asociación Ciudadana por los Derechos Humanos (ACDH); Asociación Civil por la Igualdad y la Justicia (ACIJ); Asociación Familias Diversas de Argentina (AFDA); Católicas por el Derecho a Decidir; Centro de Estudios Legales y Sociales (CELS); Comisión Argentina para Refugiados y Migrantes (CAREF); Consejo Consultivo Honorario de Salud Mental; Equipo Latinoamericano de Justicia y Género (ELA); Fundación Igualdad; Fundación para Estudio e Investigación de la Mujer (FEIM); Fundación Transformando Familias; Mocha Celis; Mujeres por Mujeres; Nni Faré Compañía; Orgullo y Lucha; Red por los Derechos de las Personas con Discapacidad (REDI); y Somos Diverses.
- ⁶ La última visita oficial del año, del Relator Especial de Ejecuciones Extrajudiciales, sumarias o arbitrarias, está prevista para el mes de noviembre de 2022.
- ⁷ El 30 de agosto de 2022 la Defensora Nacional presentó ante la Comisión Bicameral de la Defensoría de los Derechos de las Niñas, Niños y Adolescentes del Congreso el informe de actuación anual.
- ⁸ La agencia tiene entre sus objetivos garantizar el derecho de acceso a la información pública, promover medidas de transparencia activa y velar por la protección de datos personales. El informe de la audiencia pública puede verse en:
https://www.argentina.gob.ar/sites/default/files/2022/01/informe_audiencia_publica_beatriz_de_anchorena.pdf
- ⁹ En tal sentido, existe un proyecto de ley con estado parlamentario ante el Senado de la Nación, que propone un mecanismo para cubrir la situación del órgano; y dos proyectos de ley ante la Cámara de Diputados sobre la misión, función y elección del/la Defensor/a (cf. S-23/21, Snopek: proyecto de ley que propone un mecanismo para cubrir la situación del órgano Defensor del Pueblo de la Nación; y 0036-D-2022, Caamaño: Proyecto de ley de modificación de la ley n° 24.284, sobre misión, función y elección de la Defensoría del Pueblo de la Nación. Ver también, 1659-D-2021, Lospennato: Proyecto de ley de modificación de la ley n° 24.284, sobre forma de elección, Defensor adjunto y competencia (reproducción del expediente 2921-D-18).
- ¹⁰ La Procuraduría de Crímenes contra la Humanidad se creó por la Resolución PGN N° 1442/13 (fortaleciendo así la entonces Unidad Fiscal de coordinación y seguimiento de las causas por violaciones a los derechos humanos cometidas durante el terrorismo de Estado, creada por la Resolución PGN N° 14/07), Sus principales funciones son: elaborar un registro completo y actualizado de las causas por violaciones a los derechos humanos cometidas durante el terrorismo de Estado; sistematizar y procesar la información sobre el avance del proceso de juzgamiento; disponer investigaciones preliminares en casos de violaciones masivas y sistemáticas a los derechos humanos que hayan tenido lugar durante la última dictadura; diseñar estrategias para detectar y profundizar la investigación sobre casos en los que medie responsabilidad de actores civiles involucrados con el terrorismo de Estado; impulsar la investigación penal de hechos de violencia sexual en el marco de crímenes de lesa humanidad; y conformar un archivo que reúna toda la documentación judicial producida en el marco de la tramitación de las causas por violaciones a los derechos humanos. Para más información sobre la PCCH, ver: <https://www.mpf.gob.ar/lesa/>
- ¹¹ El informe completo puede verse en: <https://www.fiscales.gob.ar/lesa-humanidad/son-1088-las-personas-condenadas-por-crímenes-de-lesa-humanidad-en-286-sentencias-dictadas-desde-2006/>
- ¹² Para mayor información: <https://www.argentina.gob.ar/noticias/se-presento-el-plan-estrategico-para-el-avance-del-proceso-de-justicia-por-los-crímenes-de>
- ¹³ Para mayor información: <https://www.argentina.gob.ar/derechoshumanos/unidadespecial>
- ¹⁴ En la causa “Ford” —caratulada “Riveros, Santiago Omar y otros por privación ilegal de la libertad, tormentos, homicidio, etc.” comprensiva de los expedientes n° 2855 y 2358—, el 11 de diciembre de

- 2018 el Tribunal Oral en lo Criminal Federal N° 1 de San Martín condenó al ex jefe de manufactura de la empresa Ford a 10 años de prisión; al ex jefe de seguridad de la planta a 12 años de prisión; y al ex titular de Institutos Militares del Ejército a 15 años prisión, como responsables de los delitos de privaciones ilegales y tormentos agravados. Las víctimas eran trabajadores/as de la fábrica. En septiembre 2019 la Cámara Federal de Casación Penal rechazó los recursos de las defensas, y actualmente la causa se encuentra recurrida ante la Corte Suprema de Justicia de la Nación.
- Por otra parte, fueron elevadas a juicio las causas conocidas como “Ledesma” —caratulada “Burgos” y “Aredez”, expediente n° 296/09—; “La Veloz del Norte” —caratulada “C/Almirón, Víctor Hugo, Bocos, Víctor Hugo, Cardozo, Enrique Víctor y Levín, Marcos Jacobo S/ 1 privación ilegal de la libertad con abuso de funciones y falta de formalidades prescriptas por ley y agravada por haberse cometido con violencia y amenazas y su permanencia mayor a un mes y tormentos agravados por tratarse la víctima de perseguido político—; “Ingenio La Fronterita” —caratulada “Ingenio La Fronterita s/ averiguación de delito (Lesía Humanidad)”, expediente FTU n° 7282/2016—; y “Acindar” —caratulada “N.N. S/ homicidio agravado p/ concurso de dos o más personas en concurso real con imposición de tortura, en concurso real con privación ilegal de la libertad. Presentantes: Stara, Gonzalo Daniel Víctimas: Luna, Agustín Reynaldo y otros”, expediente FRO n° 13174/2013—. En todos estos casos se investigan delitos perpetrados contra trabajadores/as de dichas empresas.
- 15 El Registro Unificado de Víctimas del Terrorismo de Estado fue creado mediante Resolución del Ministerio de Justicia y Derechos Humanos N° 1261/2014. Para más información: <https://www.argentina.gob.ar/derechoshumanos/ANM/registro-unificado-de-victimas-del-terrorismo-de-estado-0>
- 16 Para mayor información: <https://www.argentina.gob.ar/derechoshumanos/ANM/iniciativa-latinoamericana-para-la-identificacion-de-personas-desaparecidas-ilid>
- 17 La CoNaDI fue creada en 1992 y sus alcances, objetivos y facultades fueron ratificados en 2001 por la ley n° 25.457. Para más información, ver <https://www.argentina.gob.ar/derechoshumanos/conadi>
- 18 Para más información sobre el Centro Ulloa ver <https://www.argentina.gob.ar/derechoshumanos/proteccion/centroulloa>
- 19 El sitio puede verse en: http://www.juiciosdelesahumanidad.ar/index.php#!/_En los próximos meses el micrositio incluirá información sobre todos los juicios por crímenes de lesa humanidad, desde 1983 hasta el presente.
- 20 El texto de la ley n° 26.691 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/180000-184999/184962/norma.htm>
- 21 Algunos de estos sitios funcionan como “espacios de memoria”, destinados a generar conciencia en la sociedad sobre las atrocidades allí cometidas. Los espacios son gestionados de distintas maneras: algunos por la Secretaría de Derechos Humanos, otros son de gestión provincial, municipal o no gubernamental.
- 22 Para más información sobre el Museo Sitio de Memoria ESMA: <http://www.museositioesma.gob.ar>
- 23 Como exponente de todos los sitios de memoria de Argentina y del Espacio Memoria y Derechos Humanos (ex ESMA), la candidatura busca contribuir a la visibilidad internacional del terrorismo de Estado basado en la desaparición forzada de personas y del valor del consenso social como medio para lograr justicia. Desde el año 2019 el equipo de trabajo del Museo Sitio de Memoria ESMA ejecutó un plan de trabajo con el propósito de completar los requisitos técnicos, sociales, diplomáticos y políticos que solicita la UNESCO.
- 24 El texto del decreto n° 846/2021 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/355000-359999/357938/norma.htm>
- 25 El proyecto se encuentra actualmente en proceso licitatorio para su construcción.
- 26 Leyes reparatorias n° 24.411, 24.043, 25.914, 26.564 y 26.913.
- 27 Acaecida el 19 de julio de 1924 en la provincia de Chaco, cuando un centenar de policías, gendarmes y colonos fusilaron a unas 400/500 personas que protestaban por condiciones laborales y de vida.
- 28 Se trató de un juicio por la verdad ya que, en tanto los hechos ocurrieron hace casi un siglo, no había imputados con vida a quienes juzgar.
- 29 Con el objetivo de repetir esta experiencia, la SDH está trabajando en el mismo sentido respecto a los hechos conocidos como Patagonia Trágica (1919-1921) y el bombardeo a la Plaza de Mayo (1955).
- 30 El Ministerio de las Mujeres, Géneros y Diversidad de la Nación se creó en diciembre de 2019 mediante el decreto n° 7/2019, disponible en: [https://www.boletinoficial.gob.ar/detalleAviso/primera/223623/20191211_A través del decreto n° 7/2019, además, se eliminó el Instituto Nacional de las Mujeres \(INAM\), que había reemplazado al Consejo Nacional de las Mujeres.](https://www.boletinoficial.gob.ar/detalleAviso/primera/223623/20191211_A través del decreto n° 7/2019, además, se eliminó el Instituto Nacional de las Mujeres (INAM), que había reemplazado al Consejo Nacional de las Mujeres.)
- 31 Para obtener más información sobre el presupuesto, ir a: https://www.argentina.gob.ar/sites/default/files/presupuesto_2021._primer_presupuesto_con_perspectiva_de_genero_y_diversidad.pdf
- 32 Mediante el decreto n° 680/2020. Para obtener más información, ir a: https://www.argentina.gob.ar/sites/default/files/gabinete_nacional_para_la_transversalizacion_de_las

- _politicas_de_genero.pdf El GNTPG, que funciona bajo la órbita de la Jefatura de Gabinete de Ministros, está integrado por todos los organismos del Poder Ejecutivo y cuenta con una Mesa de Coordinación Técnica para coordinar el trabajo operativo del gabinete y articular con cada ministerio el plan de trabajo correspondiente.
- 33 Para obtener más información sobre este programa, ir a:
<https://www.argentina.gob.ar/generos/programa-interministerial-de-presupuesto-con-perspectiva-de-genero-y-diversidad>
- 34 La Dirección Nacional de Economía, Igualdad y Género elaboró una publicación que presenta una serie de indicadores desagregados a nivel provincial, transversalizados desde la perspectiva de género para monitorear la inequidad que existe en todo el país. La publicación puede verse en:
https://www.argentina.gob.ar/sites/default/files/2022/08/mesa_federal_-_las_brechas_de_genero_en_las_provincias_argentinas.pdf
- 35 El texto de la ley n° 27.636 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/350000-354999/351815/norma.htm>
- 36 El texto del decreto n° 721/20 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/341808/norma.htm>
- 37 Para obtener más información sobre el proyecto de ley y el Sistema Integral de Cuidados, ir a:
https://www.argentina.gob.ar/sites/default/files/2022/05/sistema_integral_de_politicas_de_cuidados_de_argentina.pdf
- 38 Los resultados preliminares analizados y desglosados se encuentran en:
https://www.argentina.gob.ar/sites/default/files/2022/04/enut_2021.pdf
- 39 El texto de la ley n° 27.499 se encuentra disponible en:
<https://www.argentina.gob.ar/normativa/nacional/ley-27499-318666/texto>
- 40 Asimismo, para el sector privado se implementa el Programa de Capacitación en Perspectiva de Género y Diversidad “Formar Igualdad”, que promueve la capacitación en perspectiva de género y diversidad en el sector privado, para impulsar la igualdad de mujeres y LGBTI+ y prevenir las violencias de género en el mundo del trabajo.
- 41 El texto del decreto n° 801/2018, por el que se había degradado la jerarquía ministerial, se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/314078/norma.htm>
- 42 Cf. decisión administrativa n° 457/2020.
- 43 El texto de la ley n° 27.610 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/346231/norma.htm>
- 44 La norma avanza sobre un modelo regulatorio centrado en la salud, que permite alcanzar mayores niveles de justicia social en el ejercicio de los derechos sexuales y reproductivos, enmarcándose en los tratados de internacionales de derechos humanos.
- 45 Esto quiere decir que las provincias y la Ciudad Autónoma de Buenos Aires (CABA) están obligadas a garantizar el acceso a la interrupción del embarazo y la atención post aborto en sus respectivas jurisdicciones. También es obligatoria para los tres subsistemas de salud, efectores públicos, obras sociales, empresas y entidades de medicina prepaga.
- 46 La resolución del Ministerio de Salud n° 1535/2021 se encuentra disponible en:
<https://www.boletinoficial.gob.ar/detalleAviso/primera/244950/20210528>
- 47 La resolución del Ministerio de Salud n° 1841/2020 se encuentra disponible en:
<https://www.boletinoficial.gob.ar/detalleAviso/primera/237228/20201112>
- 48 En los tribunales federales se presentaron 23; y en los provinciales, 14 acciones judiciales. La DNSSR del Ministerio de Salud intervino en 11 de las causas federales, presentando informes técnicos y asistencia especializada para defender la normativa.
- 49 El texto de la ley n° 27.611 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/346233/norma.htm>
- 50 El programa actualmente se lleva adelante en 12 provincias y se está ampliando hacia otras jurisdicciones.
- 51 El texto de la ley n° 27.675, que fue aprobada por amplia mayoría en el Congreso, se encuentra disponible en: <https://www.boletinoficial.gob.ar/detalleAviso/primera/266657/20220718>
- 52 Los insumos son distribuidos mediante el Programa “Remediar”, llegando en forma directa a 5770 establecimientos de salud y 37 depósitos de programas y direcciones provinciales de todas las jurisdicciones del país.
- 53 En noviembre de 2021 se inició el proceso de adquisición de 50.000 tratamientos Combipack (mifepristona 200 mg + misoprostol 200 mcg) para su ingreso al país en el segundo semestre de 2022.
- 54 Asimismo, se efectuó la adaptación de estándares internacionales para la evaluación del tamaño al nacer y crecimiento postnatal en la prematuridad con curvas *Intergrowth*.
- 55 Implementado por el Ministerio de Educación de la Nación a partir de la sanción de la ley n° 26.150, de 2006. El texto de la ley se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/121222/norma.htm> El programa

- ESI tiene el objetivo de garantizar el derecho de niños/as y jóvenes a la información, a una vida sin violencias, y a vivir libremente la orientación sexual e identidad de género en todos los establecimientos educativos del país.
- ⁵⁶ El material pedagógico puede verse en: <https://www.argentina.gob.ar/educacion/esi/recursos>
- ⁵⁷ Para obtener más información acerca de este Plan Nacional 2020-2022, ir a: https://www.argentina.gob.ar/generos/plan_nacional_de_accion_contra_las_violencias_por_motivos_de_genero. El plan fue elaborado en el marco de lo dispuesto en la ley n° 26.485 de Protección Integral para Prevenir, Sancionar y Erradicar la Violencia contra las mujeres en los ámbitos en que desarrollen sus relaciones interpersonales. El texto de la ley se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/150000-154999/152155/norma.htm>
- ⁵⁸ Para acceder a más información sobre el proceso participativo ver el Informe Final de Sistematización de Instancias Participativas, disponible en: https://www.argentina.gob.ar/sites/default/files/sistematizacion_de_instancias_participativas_plannacional2020.pdf
- ⁵⁹ Cada medida proyectada responde a las obligaciones estatales establecidas en la legislación doméstica y en los principales instrumentos internacionales en materia de derechos humanos, género y diversidad⁵⁹; en particular en temas de prevención, asistencia, protección y reparación de casos de violencia por motivos de género contra las mujeres y LGBTI+. El 15 de julio de 2020, la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias por el Consejo de Derechos Humanos de la ONU, Dubravka Šimonović, remitió una nota a la titular del MMGyD mediante la cual felicitó al Gobierno nacional por la aprobación de este Plan y destacó que las medidas proyectadas pueden contribuir de manera sustantiva al cumplimiento de las recomendaciones internacionales en materia de prevención y protección de la violencia de género. En junio de 2022 se presentó el informe de resultados del plan nacional con información detallada sobre la implementación de las principales acciones (Disponible en: https://www.argentina.gob.ar/sites/default/files/2020/04/informe_pna_2020_-_2022.pdf)
- ⁶⁰ El Plan Nacional de Acción contra las Violencias por Motivos de Género 2022-2024 puede verse en: https://www.argentina.gob.ar/sites/default/files/2022/08/pna_2022_2024.pdf
- ⁶¹ Para obtener más información acerca de este Plan Nacional 2022-2024, ir a: <https://www.argentina.gob.ar/generos/plan-nacional-de-accion-contra-las-violencias-por-motivos-de-genero-2022-2024>
- ⁶² Este sistema se creó mediante la Resolución ministerial n° 48/2021, disponible en: <https://www.boletinoficial.gob.ar/detalleAviso/primera/240811/20210213>
- ⁶³ Para obtener más información acerca del funcionamiento del SICVG ir a: https://www.argentina.gob.ar/sites/default/files/2022/07/documento_de_presentacion_del_sicvg.pdf
- ⁶⁴ A junio de 2022 se firmaron convenios con 23 provincias que adhirieron, se desarrollaron 36 capacitaciones y 157 mesas técnicas para su incorporación al sistema. Otros 5 convenios fueron firmados por organismos de los poderes judiciales provinciales y se suscribieron 13 más con áreas locales de diferentes provincias.
- ⁶⁵ Para obtener más información acerca de la línea 144, ir a: <https://www.argentina.gob.ar/generos/linea-144>. Entre 2017 y 2019 se registraron 332.066 comunicaciones vinculadas a situaciones de violencias por motivos de género en todo el país. Desde 2020 hasta abril 2022 se registraron 486.297 consultas. A su vez, en ese período se realizaron 64.215 intervenciones de asistencia integral a personas en situación de violencia por motivos de género.
- ⁶⁶ Creado por la Acordada n° 42/2017.
- ⁶⁷ Mayor información disponible en: <https://www.csjn.gov.ar/omrecopilacion/omfemicidio/homefemicidio.html>
- ⁶⁸ Cf. Resolución n° 8/2021, disponible en: <https://www.boletinoficial.gob.ar/detalleAviso/primera/241646/20210310>. El registro fue creado en cumplimiento de un compromiso asumido por el Estado argentino en el marco de un acuerdo de solución amistosa firmado en la comunicación individual “Olga del Rosario Díaz”, en trámite ante el Comité CEDAW.
- ⁶⁹ El texto del decreto n° 734/2020 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/341971/norma.htm>
- ⁷⁰ Para obtener más información acerca de este programa, ir a: https://www.argentina.gob.ar/generos/plan_nacional_de_accion_contra_las_violencias_por_motivos_de_genero/programa-acompanar. El programa “Acompañar” también prevé acompañamiento y asistencia psicosocial a través de unidades de acompañamiento conformadas en provincias y municipios. A julio de 2022, 190.710 personas en situación de violencia de género recibieron apoyo económico y psicosocial, y se constituyeron 727 unidades de acompañamiento en todo el país.
- ⁷¹ El texto de la ley n° 27.452 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/310000-314999/312717/norma.htm>

- ⁷² Entre marzo de 2019 y marzo de 2022, un total de 1 126 hijos/as (de un total de 590 víctimas asesinadas) recibieron la reparación económica.
- ⁷³ Conforme las Resoluciones PGN N° 1960/15 y 427/16.
- ⁷⁴ Disponibles en: <https://www.mpf.gob.ar/ufem/informes-femicidio/>
- ⁷⁵ En efecto, se aprobó la utilización de las “Guías de Santiago sobre Protección de Víctimas y Testigos” como herramienta de actuación en resguardo de los derechos de las víctimas, especialmente de violencia de género, una guía de actuación para fiscales en casos de violencia doméstica contra mujeres, y un protocolo para la investigación y litigio de los casos de muertes violentas de mujeres (femicidios), disponibles en: https://www.mpf.gob.ar/ufem/files/2021/12/UFEM-DOVIC_Pautas-de-actuaci%C3%B3n-para-fiscales-ante-situaciones-urgentes-y-de-riesgo-en-casos-de-violencia-de-g%C3%A9nero.pdf
- ⁷⁶ La PROCUVIN se creó por la Resolución PGN N° 455/13, disponible en <http://www.mpf.gov.ar/resoluciones/pgn/2013/PGN-0455-2013-001.pdf>. La dependencia cuenta con un área de análisis e investigación interdisciplinaria para apoyar a las fiscalías y construir herramientas de política criminal. Los principales ejes de trabajo de la PROCUVIN son la intervención en casos de desaparición forzada de personas, casos de uso letal de la fuerza policial, y casos de violencia policial. En estas situaciones se instrumentan medidas de prueba, recepción de declaraciones testimoniales y asesoramiento a las distintas fiscalías intervinientes. Para más información, ver: <https://www.mpf.gob.ar/procuvin/>
- ⁷⁷ Mediante la decisión administrativa n° 1838/2020 disponible en: <https://www.boletinoficial.gob.ar/detalleAviso/primera/235940/20201013>
- ⁷⁸ La SDH también colabora en la realización de denuncias penales, realiza el seguimiento de denuncias presentadas y articula con otras áreas del Estado la asistencia de las víctimas o sus familiares.
- ⁷⁹ Más información sobre el Plan de Señalizaciones y sobre algunos de los actos realizados, disponible en: <https://www.argentina.gob.ar/derechoshumanos/direccion-nacional-de-politicas-contra-la-violencia-institucional/senalizaciones>
- ⁸⁰ Instituto educativo destinado a la formación de futuros oficiales de los escalafones cuerpo general y administrativo del Servicio Penitenciario Federal (SPF). A lo largo de toda la formación del/a futuro/a oficial, se consideran distintos instrumentos nacionales e internacionales que expresan recomendaciones en cuanto a la formación y capacitación del personal penitenciario, pretendiendo incorporar los más altos estándares éticos para la prevención de posibles hechos de conflicto de intereses entre sus funciones y los intereses propios de los/as internos/as bajo su custodia. Se incluyen asignaturas de derecho internacional de los derechos humanos y de ética y responsabilidad profesional, que contienen, entre otras cuestiones, las Reglas Mínimas de las Naciones Unidas para el tratamiento de los reclusos.
- ⁸¹ A agosto de 2022, 13.715 de los 15.982 agentes penitenciarios aprobaron el curso, representando casi el 85 % del personal. De ahora en adelante la capacitación de sensibilización será de carácter obligatorio para todo el personal penitenciario federal.
- ⁸² Cf. Resolución n° 184/2019 del Ministerio de Justicia y Derechos Humanos de la Nación que estableció la emergencia por tres años, y la Resolución n° 436/2022 del Ministerio de Justicia y Derechos Humanos de la Nación, que la prorrogó por tres años más.
- ⁸³ La web se encuentra disponible en: <https://www.argentina.gob.ar/spf/estadisticas>
- ⁸⁴ La mesa de trabajo se encuentra integrada por el Servicio Penitenciario Federal, la Subsecretaría de Asuntos Penitenciarios, la Secretaría de Derechos Humanos y el Programa Federal de Arquitectura Penitenciaria, creado en agosto de 2020.
- ⁸⁵ En el ámbito del SPF, la Dirección de Trabajo y Producción atiende los aspectos relacionados con la construcción, remodelación, readecuación y mantenimiento de todos los edificios que constituyen la infraestructura edilicia del servicio, a fin de mejorar el funcionamiento, calidad y habitabilidad dentro de los establecimientos penitenciarios.
- ⁸⁶ Cf. disposición DI-2017-205-APN-SPF#MJ y Resolución n° 238.
- ⁸⁷ El texto de la ley n° 24.660 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/35000-39999/37872/texact.htm>
- ⁸⁸ El “Dispositivo piloto de gestión comunitaria de conflictos convivenciales en el ámbito penitenciario” denominado “Programa Mario Juliano”, permite articular con un gabinete de resolución de conflictos en caso de faltas disciplinarias, abordando la posible infracción a través de trabajos restaurativos, solucionando el conflicto de manera pacífica y sin que conste sanción alguna en el respectivo legajo. Cuenta con un comité integrado por las/os propios residentes, el personal penitenciario, las áreas de tratamiento, la Subsecretaría de Asuntos Penitenciarios del Ministerio de Justicia y Derechos Humanos, y la sociedad civil.
- ⁸⁹ Los reportes diarios de vacunación pueden verse en: <https://www.argentina.gob.ar/spf/medidas-covid>
- ⁹⁰ Concretamente en: CPF 1 de Ezeiza; CPF 2 de Marcos Paz; CPF 3 en Salta; CPF 4 en Ezeiza; CPF Jóvenes Adultos en Marcos Paz; Unidad 4 en Santa Rosa; Unidad 6 en Rawson; Unidad 7 en Resistencia; Unidad 14 en Esquel; y Unidad 35 en Santiago del Estero. Los equipos de salud de los

establecimientos penitenciarios se abocaron a fortalecer las medidas de vigilancia activa, pesquisa sintomática y detección precoz de casos. También se efectuó el relevamiento y seguimiento de todas aquellas personas que contrajeron la enfermedad y la asistencia de todo evento de urgencia y/o emergencia. Además, el SPF elaboró protocolos y lineamientos para actividades laborales, educativas, deportivas, sociales y traslados, con el aval del Ministerio de Salud de la Nación.

- ⁹¹ Durante 2022 se efectuó el acompañamiento y asesoramiento a los equipos interdisciplinarios de la Unidad 31 del SPF de Ezeiza, sobre las situaciones de mujeres y niñas/as alojadas/as en la planta de madres. Asimismo, se realizaron gestiones para implementar el “Plan 1000 días” en cárceles. También se coordinaron los equipos interdisciplinarios de servicios locales de protección integral de derechos de niños/as y adolescentes con el equipo interdisciplinario y de niñez de la Unidad 31. A la fecha se realizaron 24 encuentros de sensibilización sobre violencias por motivos de género, de los que participaron 368 mujeres y LGBTI+ alojadas en establecimientos penitenciarios federales.
- ⁹² Durante 2018/2019 se tomó conocimiento de 130 mujeres que manifestaron ser víctimas de violencia por parte de su pareja o familiares, y se exigió la intervención de fuerzas policiales por estas situaciones padecidas por mujeres que se encuentran transitando arresto domiciliario.
- ⁹³ Mediante disposición DI-2019-530-APN-SPF#MJ disponible en:
https://www.argentina.gob.ar/sites/default/files/2_-_programa_especifico_para_mujeres_trans_en_contexto_de_encierro_alojadas_bajo_la_orbita_del_servicio_penitenciario_federal.pdf
- ⁹⁴ Para más información, ver <https://www.argentina.gob.ar/noticias/se-firmo-el-primer-acuerdo-de-solucion-amistosa-del-estado-argentino-ante-el-comite-sobre>
- ⁹⁵ El acuerdo firmado en abril de 2022 también prevé la realización de capacitaciones en el sistema penitenciario y judicial sobre la temática y la elaboración un protocolo de actuación para personas privadas de la libertad con discapacidad.
- ⁹⁶ El texto de la ley se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/205000-209999/207202/norma.htm>
- ⁹⁷ El Consejo está conformado por la SDH y las áreas de derechos humanos de todas las jurisdicciones del país. Mayor información sobre el compromiso asumido en:
https://www.argentina.gob.ar/noticias/por-una-argentina-sin-violencia-institucional_En_seguimiento_a_ese_compromiso, en diciembre de 2020, el Secretario de Derechos Humanos remitió una nota formal a cada uno/a de los/as gobernadores/as de las provincias que aún no contaban con mecanismos creados, instándolos a que pongan en marcha el proceso para su puesta en funcionamiento.
- ⁹⁸ La *División Denuncias*, del 2020 a la actualidad, tramitó un total de 403 actuaciones: 282 denuncias, 93 remisión de informes y 28 solicitudes de protección administrativas. En cuanto a la *División Actuaciones Sumariales*, desde 2020 a la fecha, cuenta con 161 actuaciones tramitadas, 36 se encuentran con aprobación definitiva y 125 se encuentran en pleno trámite, de los cuales 55 son informaciones sumarias y 70 son sumarios administrativos. A su vez, en el ámbito de la Subsecretaría de Asuntos Penitenciarios del Ministerio de Justicia y Derechos Humanos funciona el *Programa de Recepción de Reclamos* respecto de la actividad penitenciaria que tiene como objetivo recibir, registrar y derivar reclamos sobre conductas de agentes en actividad o retirados del SPF relacionadas con su actividad en la institución, que presumiblemente puedan ser contrarias a la ética, orden público, constituyan infracciones administrativas, posibles hechos de corrupción, acoso laboral y hostigamiento, abuso de autoridad, acoso sexual en el ámbito laboral, violencia de género y violencia institucional. Pueden efectuar los reclamos tanto agentes del servicio como personas privadas de la libertad alojadas en complejos federales o sus familiares.
- ⁹⁹ Cf. la ley n° 23.592 (Ley Nacional de Actos Discriminatorios). Su art. 2 prevé que se eleva “en un tercio el mínimo y en un medio el máximo de la escala penal de todo delito reprimido por el Código Penal o Leyes complementarias cuando sea cometido por persecución u odio a una raza, religión o nacionalidad, o con el objeto de destruir en todo o en parte a un grupo nacional, étnico, racial o religioso. En ningún caso se podrá exceder del máximo legal de la especie de pena de que se trate”. Asimismo, el art. 3 establece que: “Serán reprimidos con prisión de un mes a tres años los que participaren en una organización o realizaren propaganda basados en ideas o teorías de superioridad de una raza o de un grupo de personas de determinada religión, origen étnico o color, que tengan por objeto la justificación o promoción de la discriminación racial o religiosa en cualquier forma. En igual pena incurrirán quienes por cualquier medio alentaren o iniciaren a la persecución o el odio contra una persona o grupos de personas a causa de su raza, religión, nacionalidad o ideas políticas”.
- ¹⁰⁰ El artículo 80 del Código Penal establece “Se impondrá reclusión perpetua o prisión perpetua, pudiendo aplicarse lo dispuesto en el artículo 52, al que matare (...) 4° Por placer, codicia, odio racial, religioso, de género o a la orientación sexual, identidad de género o su expresión (...)”.
- ¹⁰¹ Senado de la Nación expedientes S-773/22 y S-642/22 y Cámara de Diputados expedientes 3904-D-2022 y 3822-D-2022.
- ¹⁰² Senado de la Nación expediente S-372/22 y Cámara de Diputados expedientes 3904-D-2022; 0081-D-2022; y 2101-D-2021.

- ¹⁰³ CD-27/21, Proyecto de ley en revisión que aprueba la Convención Interamericana contra toda forma de discriminación e intolerancia, celebrada en la ciudad de La Antigua, República de Guatemala el 5 de junio de 2013; y CD-28/21, Proyecto de ley en revisión que aprueba la Convención Interamericana contra el Racismo, la Discriminación Racial y formas conexas de Intolerancia, suscripta en la ciudad de La Antigua, República de Guatemala el 5 de junio de 2013.
- ¹⁰⁴ La planificación fue participativa con organizaciones de la sociedad civil vinculadas a la defensa de derechos de grupos y colectivos históricamente vulnerados. Se realizaron 21 foros regionales en forma virtual, 1700 organizaciones de todo el país brindaron sus aportes, 300 organizaciones respondieron una encuesta en profundidad, 12 gobiernos provinciales aportaron líneas de trabajo, y 20 organismos nacionales comprometieron políticas públicas de acción inmediata para el 2021-2024.
- ¹⁰⁵ Creado por decreto n° 310/2020 disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335820/texact.htm>
- ¹⁰⁶ Creado por decreto n° 332/2020 y modificado por decreto n° 376/2020 disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/336003/norma.htm>
- ¹⁰⁷ El ATP tuvo continuidad en el año 2021 con el Repro II, una asignación mensual mediante la cual el Estado se hizo cargo de una parte del salario de los/as trabajadores/as, que dio protección a más de 965 mil puestos de trabajo durante 2021.
- ¹⁰⁸ La ley n° 27.609 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=345950>
- ¹⁰⁹ Asimismo, durante la pandemia se prohibieron los despidos sin justa causa y por las causales de falta o disminución de trabajo y fuerza mayor; se prorrogaron los vencimientos para las prestaciones por desempleo; y se amplió la emergencia pública en materia ocupacional, lo que implicó la doble indemnización frente a despidos de los/as trabajadores/as. También se suspendieron los pagos de créditos de ANSES, y se creó un régimen de beneficios especiales para agentes de los servicios esenciales, por el cual se otorgó una exención transitoria al régimen de ganancias y una pensión graciable y vitalicia para los familiares de fallecidos por Covid-19. El Poder Ejecutivo Nacional asimismo estableció el acceso a internet, televisión por cable y telefonía celular y fija como servicios públicos y esenciales, y fueron congeladas sus tarifas hasta el 31 de diciembre del 2020.
- ¹¹⁰ Para más información sobre esta política, ver <https://www.anses.gob.ar/asignacion-universal-por-hijo>
- ¹¹¹ Para mejorar los niveles de cobertura de la Asignación Universal por Hijo, en octubre de 2020 se dictó el decreto n° 840/2020, que tuvo como objetivo avanzar hacia la universalización del acceso a la seguridad social. Las medidas comprendidas en el decreto apuntaron a asegurar la permanencia dentro del sistema de protección, y a incluir a familias que no tenían acceso a la seguridad social. A junio de 2022, alrededor de 1 millón de niñas/os y adolescentes se han incorporado al derecho a las asignaciones familiares por la implementación del decreto n° 840/20 por parte de ANSES.
- ¹¹² Creado por resolución n° 121/2020 del Ministerio de Desarrollo Social disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/335790/texact.htm>
- ¹¹³ Para obtener más información acerca del Programa Potenciar Trabajo, ir a:
<https://www.argentina.gob.ar/desarrollosocial/potenciartrabajo>
- ¹¹⁴ Creado por Resolución n° 1017/2020 del Ministerio de Desarrollo Social, disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/344561/norma.htm>
- ¹¹⁵ The text of Act No. 27.566 is available at
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/343259/norma.htm>.
- ¹¹⁶ Se realizaron dos consultas públicas para los proyectos “Registro Sísmico Costa Afuera 3D Área CAN 102” y “Perforación de un pozo exploratorio, denominado Argerich-1 - Cuenca Argentina Norte (Bloque CAN_100)”, y se lanzó una consulta pública con el objetivo de informar y recibir comentarios sobre la Estrategia Nacional de Acción para el Empoderamiento Climático. Argentina participó de la Primera Conferencia de las Partes (COP) del Acuerdo de Escazú en abril de 2022, donde se aprobaron las reglas de procedimiento, se eligió una mesa directiva integrada por Uruguay, Antigua y Barbuda, Argentina, México y Santa Lucía, y se acordó realizar una reunión extraordinaria en la Argentina en 2023 para elegir los primeros integrantes del Comité de Apoyo.
- ¹¹⁷ La ley n° 27.520 reafirma y reglamenta los compromisos internacionales asumidos y fortalece la política climática nacional, estableciendo los presupuestos mínimos de protección ambiental para garantizar acciones, instrumentos y estrategias adecuadas de adaptación y mitigación al cambio climático en todo el territorio nacional. El texto de la ley se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/333515/norma.htm>
- ¹¹⁸ El texto del decreto n° 598/2020 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/335000-339999/339975/norma.htm>
- ¹¹⁹ Para ello se ejecutan las siguientes líneas de acción: (i) implementación nacional a partir de la coordinación con ministerios del Poder Ejecutivo Nacional – Comisión Nacional Interinstitucional de Implementación y Seguimiento de ODS; (ii) federalización de la agenda a partir de la coordinación con gobiernos provinciales y municipales; (iii) promoción de participación de la sociedad civil y empresas privadas y públicas; y (iv) articulación con programas de cooperación internacional.

- ¹²⁰ El seguimiento de los progresos alcanzados hacia las metas de los 17 ODS puede verse en el último Informe País presentado en noviembre 2021:
https://www.argentina.gob.ar/sites/default/files/argentina_informe_de_pais_2021_final.pdf
- ¹²¹ Debido a la estructura federal de nuestro país, si bien cada una de las 24 jurisdicciones implementan las acciones de vacunación, desde el nivel nacional se establecieron los lineamientos generales para las estrategias de vacunación.
- ¹²² Existe un monitor público de vacunación que publica datos oficiales en tiempo real de las vacunas aplicadas por provincia y en todo el país, a través del siguiente enlace:
<https://www.argentina.gob.ar/coronavirus/vacuna/aplicadas>
- ¹²³ Mayor información sobre el Programa Sumar disponible en:
<https://www.argentina.gob.ar/salud/sumar>
- ¹²⁴ Cuidado del embarazo; seguimiento de salud de niños/as menores de 10 años; adolescentes de 10 a 19 años; niños/as con sobrepeso u obesidad; tamizaje de cáncer colorrectal; diagnóstico y tratamiento de cáncer cérvico-uterino; diagnóstico y tratamiento de cáncer de mama; seguimiento de personas adultas con diagnóstico por diabetes mellitus; seguimiento de personas adultas con hipertensión arterial; e identificación de población de responsabilidad sanitaria de establecimientos públicos de salud.
- ¹²⁵ ARSAT es una empresa de telecomunicaciones del Estado Argentino que brinda servicios de transmisión de datos, telefonía y televisión por medio de infraestructura terrestre, aérea y espacial.
- ¹²⁶ La resolución n° 143/2022 del Ministerio de Salud se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/355000-359999/359823/norma.htm>
- ¹²⁷ El texto de la ley n° 27.642, se encuentra disponible en:
<https://www.boletinoficial.gob.ar/detalleAviso/primera/252728/20211112>
- ¹²⁸ El texto de la ley se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/175000-179999/175977/norma.htm>
- ¹²⁹ A través de la Resolución n° 1178/2022, disponible en:
<https://www.boletinoficial.gob.ar/detalleAviso/primera/264593/20220615>
- ¹³⁰ Según lo previsto en la ley n° 26.657. Además, esta Dirección Nacional promueve distintas instancias de capacitación, asesoramiento y articulación, como el desarrollo de un programa junto al MMGyD para garantizar el acceso a los derechos sexuales y reproductivos de mujeres y diversidades en contextos de institucionalización y un servicio de orientación en derechos para personas usuarias de los servicios de salud mental.
- ¹³¹ El texto de la ley n° 26.206 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/123542/norma.htm>
- ¹³² Creado a través de la resolución del Consejo Federal de Educación n° 369/2020. Para mayor información sobre este programa, ver: https://www.argentina.gob.ar/sites/default/files/res_369_if-2020-57964636-apn-sgcfeme.pdf
- ¹³³ Mayor información sobre la actualización académica disponible en:
<https://red.infed.edu.ar/actualizacion-academica-en-abordajes-educativos-de-estudiantes-con-discapacidad/>
- ¹³⁴ Tales como la Tarjeta Alimentar; la Asignación Universal por Hijo; la Ley de Atención y Cuidado Integral de la Salud durante el Embarazo y la Primera Infancia; el Plan Nacional de Prevención del Embarazo No Intencional en la Adolescencia; y el Régimen de Reparación Económica para niñas, niños y adolescentes, antes mencionado.
- ¹³⁵ El texto de la ley n° 26.061 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/110000-114999/110778/norma.htm>
- ¹³⁶ Mayor información sobre el Plan Nacional de Primera Infancia disponible en:
<https://www.argentina.gob.ar/desarrollosocial/primerainfancia>
- ¹³⁷ El texto de la ley puede verse en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/122499/textact.htm>
- ¹³⁸ Las resoluciones administrativas son publicadas en el Boletín Oficial de la República Argentina y están disponibles en: <https://www.argentina.gob.ar/derechoshumanos/inai/asuntosjuridicosINAI>
- ¹³⁹ El texto del decreto n° 805/2021 se encuentra disponible en:
<http://servicios.infoleg.gob.ar/infolegInternet/anexos/355000-359999/356886/norma.htm>
- ¹⁴⁰ El sitio oficial de la Unidad Ejecutora puede verse en:
<https://www.argentina.gob.ar/derechoshumanos/unidad-ejecutora-de-la-sentencia-lhaka-honhat>
- ¹⁴¹ Entre las actividades más importantes se diseñó el Plan de Acción y de Trabajo (PALH) sobre la base de cuatro ejes: restitución territorial, mejoramiento de calidad de vida, gestión ambiental y fortalecimiento de actores locales. Las comunidades y el Estado han trabajado conjuntamente en el diseño de 6 objetivos operacionales del PALH correspondientes a los primeros dos ejes. En junio de 2022 la propuesta del Estado respecto al territorio y el agua, se sometió a consulta previa, libre e informada, llevando a cabo seis talleres participativos a lo largo de todo el territorio.

Respecto a la restitución territorial, en junio de 2022 se firmó un convenio de colaboración entre el INAI y la Provincia de Salta, para concluir las acciones necesarias de delimitación y demarcación del territorio comunitario indígena. El seguimiento de las acciones está a cargo de un Comité Interjurisdiccional Ad Hoc, puesto en funciones en septiembre de 2022, que ya inició el esquema de trabajo acordado en la consulta previa antes mencionada.

En relación al acceso al agua, el Estado propuso la perforación y puesta en funcionamiento de 31 pozos de agua, la construcción de 31 redes de distribución, 8 interconexiones de pozos, 3 torres con tanque elevado y 875 módulos de captación de agua de lluvia; la ampliación y/o acondicionamiento de 5 redes de distribución existentes, entrega de 3 sistemas de bombeo solar y 5 camiones cisterna a la provincia y el municipio.

Actualmente se continúa trabajando en el proceso de formulación de acciones del PALH, con el propósito de avanzar junto con las comunidades en el cumplimiento de la sentencia, y principalmente, garantizar los derechos de todas las personas que habitan el territorio.

Pueden verse imágenes de algunas de las actividades desarrolladas por la Unidad Ejecutora en:

https://twitter.com/SDHArgentina/status/1453096651506266114?t=ubzwUOmZTcNKK-i8HAMB_A&s=08

https://twitter.com/SDHArgentina/status/1467991259650433026?t=z8G_ljApw_Hbfj_GGHfndw&s=08

<https://youtu.be/Q-Xv3XRJmTo>

https://www.youtube.com/watch?v=NRnSJyWyf2A&feature=emb_imp_woyt

En octubre de 2022 se inauguró un nuevo Centro de Atención a la Justicia (CAJ) en Santa Victoria Este, Salta, como parte del cumplimiento del fallo dictado en el caso “Lhaka Honhat”, que contará con profesionales preparados para asesorar y acompañar a los integrantes de las comunidades indígenas de la zona. Mas información disponible en: <https://www.argentina.gob.ar/noticias/en-el-extremo-norte-de-salta-se-puso-en-funcionamiento-el-99deg-centro-de-acceso-la>

¹⁴² El texto del decreto n° 138/2021 puede verse en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/345000-349999/347595/norma.htm>

¹⁴³ El texto de la ley n° 25.871 se encuentra disponible en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/90000-94999/92016/texact.htm>

¹⁴⁴ El decreto se fundó explícitamente en las observaciones formuladas por el Comité contra la Tortura, el Comité de los Derechos del Niño y el Comité de Protección de los Derechos de Todos los Trabajadores Migratorios y de sus Familiares. El comunicado de prensa de los órganos de tratados se encuentra disponible en: <https://www.ohchr.org/es/2021/03/argentina-un-committees-welcome-decision-repeal-deportation-decree>

¹⁴⁵ El texto de la ley n° 26.165 se encuentra disponible en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/122609/norma.htm>

¹⁴⁶ El texto de la ley n° 27.512 se encuentra disponible en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/325000-329999/327259/norma.htm> La Secretaría Ejecutiva de la CONARE brinda información estadística acerca del comportamiento de las diferentes nacionalidades que se presentan a peticionar con el fin de obtener el reconocimiento del status de refugiado, que puede verse en: https://www.argentina.gob.ar/sites/default/files/estadisticas_conare-2017-2022-2.pdf

¹⁴⁷ La CONARE es el órgano competente para determinar el reconocimiento de la condición de apátrida, así como el procedimiento a seguir. Si bien la ley no ha sido reglamentada aún, se encuentra completamente operativa y la CONARE ha adoptado medidas conducentes a su implementación, aprobando diversos documentos para el procedimiento de determinación de la condición de persona apátrida.

¹⁴⁸ Mayor información sobre el proyecto de ley marco disponible en:

<https://www.argentina.gob.ar/andis/nueva-ley>

¹⁴⁹ El texto de la ley n° 22.431 puede verse en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20620/norma.htm>

¹⁵⁰ El proceso generó instancias de diálogo e intercambio plurales y federales y recopiló aportes y opiniones de la sociedad civil, personas con discapacidad y sus familias, organizaciones de y para personas con discapacidad, organismos públicos, sindicatos, universidades y actores sociales claves. Las audiencias contaron con una participación de 1.140 personas oradoras, 2.500 en carácter de oyentes, y 12.847 personas que participaron vía *streaming*. Desde ANDIS se está trabajando en la recopilación y sistematización de los aportes allí realizados. Para más información, ver https://www.argentina.gob.ar/sites/default/files/2022/03/andis_-_documento_marco_-_hacia_una_nueva_ley_de_discapacidad_texto_plano.pdf

¹⁵¹ El texto de la ley n° 27.655, modificatoria de la ley n° 26.130 de Régimen para las intervenciones de contracepción quirúrgica, se encuentra disponible en:

<http://servicios.infoleg.gob.ar/infolegInternet/anexos/355000-359999/358636/norma.htm>

- ¹⁵² La ley citada permitía la realización de vasectomías y ligaduras tubarias a personas con discapacidad por pedido de sus representantes legales, sin considerar la voluntad de la propia persona, desconociendo el marco de protección de los derechos de las personas con discapacidad que tiene rango constitucional en el país.
- ¹⁵³ Mayor información disponible en: <https://www.argentina.gob.ar/justicia/afianzar/caj>
- ¹⁵⁴ El texto de la ley puede verse en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/140000-144999/140100/texact.htm>
- ¹⁵⁵ Mayor información disponible en: <https://www.argentina.gob.ar/jefatura/contra-la-trata>
- ¹⁵⁶ El documento se encuentra disponible en: https://www.argentina.gob.ar/sites/default/files/plan_2020-2022_digital_1.pdf Mayor información disponible en: https://www.argentina.gob.ar/sites/default/files/2021/11/1er_informe_de_ejecucion_plan_bienal_2020-2022.pdf
- ¹⁵⁷ Es preciso recordar que en 2009 se despenalizaron los delitos de calumnias e injurias en asuntos de interés público mediante ley n° 26.551. La reforma produjo un importante avance para la libertad de expresión, adecuando la legislación interna a los tratados internacionales suscriptos por nuestro país. Asimismo, la censura directa no está contemplada y tampoco tienen lugar exigencias administrativas abusivas para el ejercicio profesional.
- ¹⁵⁸ El texto de la ley n° 26.522 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/155000-159999/158649/texact.htm>
- ¹⁵⁹ El texto de la ley n° 27.275 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/265000-269999/265949/texact.htm>
- ¹⁶⁰ El texto de la ley n° 25.326 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/60000-64999/64790/texact.htm>
- ¹⁶¹ El texto de la ley n° 26.951 se encuentra disponible en: <http://servicios.infoleg.gob.ar/infolegInternet/anexos/230000-234999/233066/texact.htm>
- ¹⁶² En diciembre de 2021 la Secretaría de Derechos Humanos realizó las *I Jornadas Internacionales “Desafíos en el campo de los Derechos Humanos”*. El objeto del primer encuentro fue “El *lawfare* en América Latina y su impacto en la vigencia de los derechos humanos”. Se analizaron prácticas y discursos relacionados con la utilización de instrumentos jurídicos para la persecución de dirigentes y militantes políticos/as y sociales, presentándose más de 200 ponencias. En noviembre de 2022 se realizará la segunda edición de las Jornadas Internacionales con el objeto de abordar “El negacionismo como amenaza al sistema democrático”. Para más información, ver <https://www.argentina.gob.ar/derechoshumanos/primeras-jornadas-internacionales-desafios-en-el-campo-de-los-derechos-humanos>
- ¹⁶³ En 2022 la Secretaría de Derechos Humanos presentó la colección “Repertorios. Perspectivas y debates en clave de Derechos Humanos”. El primer número de la colección fue “Negacionismo”. Disponible en: <https://www.argentina.gob.ar/derechoshumanos/negacionismo>
- ¹⁶⁴ En 2021 y 2022 la Secretaría de Derechos Humanos tuvo un intercambio con responsables regionales de la red social *Twitter*, *Google* y *Tik Tok*. Mayor información disponible en: <https://www.argentina.gob.ar/noticias/la-secretaria-de-derechos-humanos-realizo-una-presentacion-ante-twitter-por-cuentas-falsas>
<https://www.argentina.gob.ar/noticias/la-secretaria-de-derechos-humanos-se-reunio-con-autoridades-regionales-de-twitter>
<https://www.argentina.gob.ar/noticias/la-secretaria-de-derechos-humanos-mantuvo-un-encuentro-con-autoridades-regionales-de>
- ¹⁶⁵ El Secretario de Derechos Humanos denunció penalmente a un diputado nacional de la oposición y a un referente provincial de la oposición por el delito de instigación a la violencia; a un supuesto ex agente de la CIA por el delito de apología, en virtud de expresiones públicas vertidas en relación al atentado sufrido por la Vicepresidenta de la Nación. Mayor información disponible en: <https://www.argentina.gob.ar/noticias/intento-de-magnicidio-el-secretario-de-derechos-humanos-denuncio-penalmente-un-referente-de>; <https://www.argentina.gob.ar/noticias/la-secretaria-de-derechos-humanos-de-la-nacion-denuncio-penalmente-espert-por-incitacion-la>
- ¹⁶⁶ El “Informe: discurso de odio” está disponible en: <https://www.argentina.gob.ar/noticias/discursos-de-odio>
- ¹⁶⁷ Asimismo, el INADI ha mantenido una serie de reuniones con representantes de universidades nacionales, organizaciones de la sociedad civil y dependencias estatales, para contribuir al estudio colectivo del fenómeno de los discursos de odio, su conceptualización y alcances.
- ¹⁶⁸ El *lawfare* es una práctica violatoria de derechos humanos, en primer lugar, en tanto avasalla derechos fundamentales de las víctimas directas que son objeto de su accionar (dirigentes políticos/as, ex funcionarios/as públicos/as y referentes de organizaciones sociales y sindicales). En segundo lugar, porque habilita el diseño e implementación de políticas públicas con un claro sesgo regresivo en materia de derechos humanos (especialmente del conjunto de derechos económicos, sociales y culturales), que tienen profundo impacto en la sociedad como conjunto.

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- ¹⁶⁹ <https://www.pagina12.com.ar/446671-los-organismos-de-derechos-humanos-se-solidarizaron-con-cris>
- ¹⁷⁰ La Comunicación AL ARG 11/2019 de la Relatoría Especial sobre la independencia de los magistrados y abogados, que se acompaña como **Anexo XX**, detalla el plan que se ejecutó por parte del entonces Poder Ejecutivo Nacional “*por medio de una serie de actos concatenados, vinculados los unos a otros estrechamente. Los alegados actos de intimidación y presión a los diversos órganos que componen el sistema judicial argentino, tales como el Ministerio Público y el Consejo de la Magistratura habrían socavado su independencia obstaculizando la posibilidad de una actuación imparcial en decisiones que afectan a los intereses del Poder Ejecutivo; así como disciplinando a los magistrados que hubieran dictado resoluciones contrarias a la voluntad del Ejecutivo*”.
- ¹⁷¹ Recientemente, se tomó conocimiento de una denuncia presentada contra el Estado argentino ante el Comité de Derechos Humanos de Naciones Unidas por un grupo de importantes juristas internacionales, alegando que se han cometido graves irregularidades en los procesos penales seguidos en contra de la Dra. Kirchner.
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