

the sterilizations of many persons with disabilities without their consent. The law was written to provide all citizens with access to certain surgical contraceptive measures but allows legal representatives to provide consent for any individual declared legally incompetent. The organizations argued that this loophole, along with broad societal acceptance of forced sterilizations of individuals with disabilities, had led to extensive use of the practice.

Access to sexual and reproductive health services, information, and contraception was generally available, although access could be limited for indigenous or rural populations. Local media reported that indigenous pregnant women in Formosa Province were being forcibly taken to hospitals to induce their labor and have cesarean sections performed because of COVID-19 protocols. In April the Inter-American Commission on Human Rights issued a resolution suspending these protocols while an investigation could be conducted. The Inter-American Court of Human Rights lifted the commission's measures on July 11, noting that at least five of the seven women had given birth and that their representatives had yet to provide sufficient proof of their allegations. Legal representatives supporting the women said they were partly unable to gather testimony and evidence because witnesses were afraid of reprisals from state and national authorities.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraception as part of clinical management of rape.

In August the National Directorate of Sexual and Reproductive Health reported that authorities in Salta Province were unable to meet demand for health-care services, noting that 25 percent of the calls they received from Salta on their national hotline represented women and girls who were unable to access abortions in due time and form. In addition, social and cultural barriers adversely affected access. There were reports that provincial health-care providers and facilities, especially in remote and conservative regions, intentionally delayed and obstructed access to abortion. In December 2020 congress legalized abortion up to the 14th week of gestation. After this period the law permits medical professionals to perform abortions only in the case of rape or danger to the life of the mother.

Discrimination: The constitution provides the same legal status and rights for

women and men and prohibits discrimination in employment based on gender. The government generally enforced the law, although discrimination remained a persistent and pervasive problem in society.

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

Women are not able to work in all the same industries as men; there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Systemic Racial and Ethnic Violence and Discrimination

The law prohibits any type of discrimination based on race, social conditions, gender, religion, socioeconomic status, or ethnicity group and subscribes to the International Convention on the Elimination of All Forms of Racial Discrimination.

Groups representing indigenous and afrodescendant peoples reported that their communities received discriminatory treatment from police and security forces. A 2019 report by the UN Working Group of Experts on People of African Descent noted that “the experiences of people of African descent with law enforcement indicate the prevalence of structural discrimination. As reported by civil society, racial profiling of Afro-Argentines, persons of African descent, and Africans was prevalent among law enforcement agents.”

The government undertook actions to raise the profile of citizens of African descent and to address concerns. On June 24, it inaugurated the Federal Advisory Council of the Afro-Argentine Community. On November 1, the National Institute against Discrimination, Xenophobia, and Racism (INADI) convened a national

meeting of Afro-Argentine community organizations.

Through INADI the government enforces the law by processing public complaints, formally denouncing violations in court, and creating public programs to address discrimination. Domestic NGOs generally agreed that INADI was ineffective in providing meaningful solutions to their concerns.

Indigenous Peoples

The constitution recognizes the ethnic and cultural identities of indigenous peoples and states that congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources.

A 2020 study conducted by researchers from eight universities examined the situation of 27 indigenous groups and found that indigenous persons were more likely to be employed informally than the general public (70 percent, compared with 44 percent). The study noted that indigenous persons in rural areas often could not access social service programs and that their communities lacked basic infrastructure, including clean water.

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

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

In August members of several Mapuche communities protested contamination and fracking in the Vaca Muerta region of Neuquen Province, demonstrating in front of the regional offices of the state oil company and blocking roads that provided access to key oil-producing zones. Protesters noted their communities lacked access to clean water while the oil companies used large quantities in their fracking operations.

Projects carried out by the agricultural and extractive industries displaced

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

Children

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

Child Abuse: By law sexual abuse of a child is a punishable offense, with sentences of up to 20 years in prison. Physical harm to a child is punishable with up to 15 years in prison. Child abuse was common; the Supreme Court's Office of Domestic Violence reported that approximately 30 percent of the complaints it received between January and March involved children. The government maintained a 24-hour hotline staffed by professional child psychologists for free consultations and advice.

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

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

In May, after numerous delays since June 2020, a trial began for two nuns and seven former employees of a group of schools for hearing-impaired children, the

Antonio Provolo Institutes. A reported 67 students claimed abuses between 1983 and 2002. As of November, the trial continued.

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

Prosecutors from the nationwide Point of Contact Network against Child Pornography on the Internet pursued cases of internet child pornography. The city of Buenos Aires Public Ministry's Judicial Investigative Bureau served as the primary point of contact for receiving and distributing child pornography leads from the National Center for Missing and Exploited Children to prosecutors and police forces across the country.

In June authorities conducted a series of 71 raids nationwide, arresting 31 individuals for suspected involvement in the distribution of child pornography. The raids formed part of a multinational effort and coincided with arrests in Panama, Ecuador, Colombia, Brazil, Paraguay, and the United States.

In August federal police with investigative support arrested a man in Junin, Buenos Aires Province, for distributing child pornography.

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

Anti-Semitism

Estimates of the size of the Jewish community varied, but the most recent data available, published by the Berman Jewish Databank, estimated the population at 180,000 in 2019. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations (DAIA) recorded 507 complaints of anti-Semitism in 2020, compared with 918 in 2019, a 45 percent decrease. DAIA attributed the drop, especially in acts of physical violence, to COVID-19 lockdowns and the reduced frequency of encounters between Jewish

persons and individuals holding anti-Semitic sentiments. The most commonly reported anti-Semitic incidents were slurs posted on various websites, often in relation to news articles. Other incidents included graffiti and verbal slurs.

In June the Israeli ambassador remarked during a panel at the College of Law at La Plata that Argentina was not fulfilling its trade obligations by restricting shipments of meat to Israel. In response, owner of a chain of butcher shops and former politician Alberto Samid tweeted that “the best that could happen is that the Jews no longer buy meat from us... the world does not want to sell them anything. They are a disaster as clients.”

Trafficking in Persons

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

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law, but there were scattered reports of discrimination. Various government agencies offered a variety of services and programs to individuals with disabilities, including community-based rehabilitation programs, sports and recreation facilities, braille translation services, legal services, and a variety of pensions and subsidies. The law also mandates access to buildings by persons with disabilities. The city continued to install new elevators and escalators and to repair existing ones.

While the federal government has protective laws, many provinces had not adopted such laws and had no mechanisms to ensure enforcement. An employment quota law reserves 4 percent of federal government jobs for persons with disabilities.

In August President Fernandez and the National Disability Agency launched the ACCESS Plan to construct more accessible cities and ensure that persons with disabilities could access government services. The initiative also aims to restore government payments for persons with disabilities who were deemed ineligible in prior years, and to expand the eligibility criteria. Under these new criteria, 110,000

newly identified persons with disabilities would qualify for government assistance, according to administration estimates.

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

The National Observatory of Hate Crimes registered 69 official complaints of hate crimes against lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) individuals and six killings in the first half of 2020. The numbers were comparable with the same period in 2019.

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

In September 2020 President Fernandez decreed that at least 1 percent of the positions in public administration must be held by transvestites, transsexuals, and transgender persons. The Senate implemented a similar decree to regulate its own hiring practices.

In June the Senate passed a law providing access to formal employment for transvestites as well as transgender and transsexual individuals. The law provides the same legal protections and privileges for transgender persons in the workplace as for cisgender persons, such as paid vacation and retirement provisions.

On July 21, the government formally recognized nonbinary identities through a presidential decree. The decree allows individuals to list an “X” for gender on

national identity documents.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes; the government generally respected these rights. The law prohibits discrimination against unions and protects workers from dismissal, suspension, and changes in labor conditions. It also prohibits military and law enforcement personnel from forming and joining unions. The government effectively enforced the law, and penalties were commensurate with those for other laws involving denials of civil rights, such as discrimination. Complaints of unfair labor practices can be brought before the judiciary. Violations of the law may result in a fine imposed on the employer or the relevant employers' association, as appropriate.

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

The Argentine Workers' Central Union and other labor groups not affiliated with the General Confederation of Labor continued to contend that the legal recognition of only one union per sector conflicted with international standards, namely International Labor Organization (ILO) Convention No. 87 on Freedom of Association and Protection of the Right to Organize, and it prevented these unions

from obtaining full legal standing.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced the law. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping.

Despite being prohibited by law, forced labor, including forced child labor, occurred. The Ministry of Labor carried out regular inspections across the country. Efforts to hold perpetrators accountable continued. The Special Prosecutor’s Office for Human Trafficking and Exploitation continued to investigate forced labor complaints; in 2020 it reported four convictions for labor trafficking and indictments of 19 individuals.

Employers subjected a significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentines from poorer northern provinces, to forced labor in the garment sector, agriculture, street vending, charcoal and brick production, construction, domestic work, and small businesses (including restaurants and supermarkets). Traffickers exploited victims from China and South Korea. Chinese citizens working in supermarkets were vulnerable to debt bondage. Traffickers compelled trafficking victims to transport drugs across the country’s borders. Men, women, and children were victims of forced labor, although

victims' typical gender and age varied by employment sector (see section 7.c.).

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

While the government generally enforced applicable laws, observers noted some inspectors were acquainted or associated with the persons they inspected, and corruption remained an obstacle to compliance, especially in the provinces. Penalties were commensurate with those for other analogous serious crimes, such as kidnapping. In August the Ministry of Labor's *National Program to Build Capacity of Provincial Committees for the Eradication of Child Labor* continued during the year, with the goal of improving national-provincial coordination. By year's end the ministry reported that it had provided advanced tools to combat child labor to 20 of the country's 24 provinces.

Children were engaged in the worst forms of child labor, including in commercial sexual exploitation, sometimes because of human trafficking, including forced labor in domestic servitude, agriculture, and production of garments, and illicit activities such as the transport and sale of drugs. In 2018 the government published the final report from its 2016-17 national child labor survey. The survey found 20 percent of children in rural areas performed at least one form of labor,

while 8 percent of children in urban areas did so.

Similar patterns emerged with adolescents, which the report defined as children ages 16 and 17. The report found 44 percent of adolescents in rural areas and 30 percent in urban areas engaged in at least one form of labor. Principal activities were helping in a business or office; repair or construction of homes; cutting lawns or pruning trees; caring for children, the elderly, or the infirm; helping in a workshop; making bread, sweets, or other food for sale; gathering paper, boxes, cans, and other recyclable material in the street; handing out flyers or promotional materials for a business; cleaning homes and businesses or washing and ironing clothes for others; and cultivating or harvesting agricultural products.

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

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination in employment based on race, religion, nationality, gender, physical characteristics, social or economic status, or political opinion, and the government generally enforced the law. Penalties were commensurate with laws related to civil rights. The most prevalent cases of workplace discrimination were based on disability, gender, and age. Discrimination also occurred based on HIV-positive status and against individuals of indigenous origin. Women are prohibited from working in certain industries; for example, there are restrictions on their employment in the mining, manufacturing, and transportation sectors. There are also restrictions on women working in jobs deemed hazardous or arduous.

Although women enjoyed the same legal status and rights as men, they continued to face economic discrimination, especially during the COVID-19 pandemic. Women held a disproportionately high proportion of low-paying, informal jobs and significantly fewer executive positions in the private sector than men, according to several studies. Although equal pay for equal work is constitutionally mandated, women earned approximately 30 percent less than men earned for equal or similar

work.

e. Acceptable Conditions of Work

Wage and Hour Laws: The minimum wage remained below the official poverty income level for a family of four, despite a 35 percent increase announced in August. Most workers in the formal sector earned significantly more than the minimum wage. The minimum wage generally served to mark the minimum pay an informal worker should receive.

Federal law sets standards in workhours and occupational safety and health (OSH). The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law prohibits excessive overtime and defines permissible levels of overtime as three hours a day. Labor law mandates between 14 and 35 days of paid vacation, depending on the length of the worker's service.

The Ministry of Labor, through the National Work Regularization Plan, coordinates law enforcement efforts with the labor authorities at the provincial level in each of the 23 provinces and the city of Buenos Aires. The National Ministry's labor inspection payroll had 324 staffers in 2020, a number ILO estimated insufficient for the workforce size. Inspectors have the authority to make unannounced inspections and to impose fines. Inspectors have a referral process to direct labor crimes, including child labor and forced labor, to the courts.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by force majeure, or other exceptional reasons affecting the national economy or "unusual and unpredictable situations" affecting businesses occur. The government enforced these regulations through routine labor inspections and by investigating complaints. Violations were more common among workers in the informal sector, as registered workers often negotiated bargaining agreements through their respective unions. Penalties for violations were commensurate with similar crimes

such as fraud.

Occupational Safety and Health: The Ministry of Labor has responsibility for enforcing legislation related to working conditions. The government sets OSH standards, which were current and appropriate for the main industries in the country. The government effectively enforced OSH laws. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. The law requires employers either to provide insurance through a labor-risk insurance entity or to provide their own insurance to employees to meet requirements specified by the national insurance regulator. The law limits the worker's right to file a complaint if the worker does not exhaust compulsory administrative proceedings before specified medical committees.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector (approximately 35 percent of the labor force). The Ministry of Labor continued inspections to ensure companies' workers were registered and formally employed. Inspectors had the authority to make unannounced inspections and to initiate sanctions. The ministry conducted inspections in various provinces, but the Labor Inspectorate employed well below the number of inspectors recommended by the ILO, given the size of the workforce. The Superintendence of Labor Risk served as the enforcement agency to monitor compliance with OSH laws and the activities of the labor risk insurance companies.

Workers could not always recuse themselves from situations that endangered their health or safety without jeopardy to their employment, and authorities did not effectively protect employees in these circumstances. During the first quarter of the year, the Ministry of Labor reported receipt of 110,307 occupational safety complaints related to COVID-19, especially in the manufacturing sector. As a result, the sector surpassed the traditionally more dangerous manufacturing and mining sectors in the number of complaints received.

Informal Sector: The government estimated the share of informal employment at approximately 45 percent of total employment. Domestic workers remained the

most affected by the lack of social protections and enforcement of labor laws. According to some estimates from the ILO, as many as 85 percent of domestic workers were not enrolled in social security. The garment sector had high rates of informal employment, as did small businesses, farms, and construction projects. Analysts reported that the official minimum wage, which is regularly updated to keep pace with inflation, was typically used as the basis for informal-sector wages.

During a government-facilitated drive for registration in the second half of 2020, more than two million workers registered in the government's National Registry for Workers of the Popular Economy. Registration enables workers to benefit from social programs, family subsidies, retirement contributions, coverage for work accidents, and unemployment insurance. In addition, the government began offering a variety of social protection programs for informal workers aimed at securing food nutrition for their children, subsidies for school termination, medical assistance, and monetary incentives to take occupational training. According to a recent National Registry survey, however, only 25 percent of informal sector worker were receiving these benefits.

The government also dissuaded informal employment through penalties for employers, including by limiting their access to government loans and tax exemptions.