



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
7 March 2023
English
Original: Spanish
English, French and Spanish only

Committee on the Elimination of Racial Discrimination

109th session

11–28 April 2023

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted
by States parties under article 9 of the Convention**

List of themes in relation to the combined twenty-fourth to twenty-sixth periodic reports of Argentina*

Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report.¹ The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

Demographic composition of the population

2. Updated and disaggregated information on the demographic composition of the population of the State party and indicators relating to the socioeconomic situation of its various ethnic groups, in particular Indigenous Peoples, people of African descent and the Roma community, and of migrants, refugees, asylum-seekers and stateless persons. Information on the preliminary results of the 2022 national census of population, households and dwellings and the use of self-identification in that census.

The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1, 2, 4 and 5)

3. Information on cases in which the provisions of the Convention have been invoked before the courts of the State party or directly applied by them, pursuant to article 75 (22) of the national Constitution. Information on training on the Convention provided to law enforcement officials, public defenders, lawyers, judges, justice system officials and other public officials. Measures to raise awareness among the population of the State party and non-citizens of the rights enshrined in the Convention and the complaint mechanisms and judicial and non-judicial remedies available to them.

4. Additional information on measures taken by the State party to criminalize acts of racial discrimination and the conduct described in article 4 of the Convention on all the prohibited grounds enumerated in article 1 of the Convention. Specific examples of cases in which Act No. 23.592 of 1988 (Act on Criminalization of Discriminatory Actions) or the

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.

¹ [A/65/18](#), para. 85.



Criminal Code were applied in respect of the racially discriminatory conduct described in article 4 of the Convention. Steps taken to prohibit and outlaw organizations that promote and incite racial discrimination.

5. Concrete measures taken to prevent, investigate and punish hate speech and incitement to racial discrimination and violence, especially in the media and on the Internet and social media platforms, including when uttered or instigated by public authorities, in particular against Indigenous Peoples, people of African descent, the Roma and Jewish communities, migrants, asylum-seekers and refugees. Statistical data on and examples of complaints lodged and investigations carried out in relation to individuals and groups that have incited discrimination or racist hate speech and violence, the penalties imposed on them and the reparation granted to the victims. Measures taken to facilitate the reporting and investigation of hate crimes, including the establishment of a data-collection and storage system.

6. Updated information on the steps taken to appoint the head of the Office of the Ombudsperson of the Nation. Information on the human and financial resources allocated to the Office of the Ombudsperson of the Nation and the Office of the Ombudsperson for Audiovisual Communication Services since the submission of the State party's previous periodic report. Expansion of the mandate of the Office of the Ombudsperson to include the digital realm.

7. Measures taken to bolster the efforts of the National Institute to Combat Discrimination, Xenophobia and Racism to protect the rights of the population groups most exposed to racial discrimination and multiple forms of discrimination, in particular people of African descent, Indigenous Peoples, the Roma and Jewish communities, migrants, asylum-seekers and refugees, and to expand its reach, including its power to receive and maintain a register of complaints of racist conduct, to remote areas of the State party's territory. Human and financial resources allocated to the National Institute to Combat Discrimination, Xenophobia and Racism since the submission of the State party's previous periodic report, the ethnic diversity of its staff and updated information on measures taken to reinforce its independence and capacity to act, in the light of its having been under the control of acting Presidents since 2011.

8. Updated information on the steps taken to strengthen the mandate of the National Institute of Indigenous Affairs, its presence in the provinces and remote areas of the State party's territory and the budgetary and human resources allocated to it since the submission of the previous periodic report. Proportion of positions at the National Institute of Indigenous Affairs occupied by Indigenous persons and measures to ensure the full, effective and systematic participation of Indigenous Peoples in the Council on Indigenous Participation, the Indigenous Peoples' Advisory and Participatory Council and other institutions that represent them or work on Indigenous issues.

9. Results of the implementation of the National Human Rights Action Plan 2017–2020 with regard to the fight against racial discrimination, and updated information on the second national action plan and the participation of organizations of Indigenous Peoples, people of African descent and other minorities in its development. Information on the National Plan to Combat Discrimination 2022–2024, in particular the goals set and activities envisaged in order to combat racial discrimination, notably against the groups and individuals most exposed to such discrimination, and the follow-up mechanisms established and budget allocated for its implementation. Information on the National Programme on People of African Descent and Human Rights adopted in June 2022, the National Plan for People of African Descent 2021–2024, the measures taken under the National Programme for the Implementation of the International Decade for People of African Descent and the participation of groups and individuals of African descent in the design and implementation of and follow-up to these initiatives.

Situation of Indigenous Peoples, people of African descent and other minorities (arts. 2 and 5)

10. Implementation of measures, including special measures and affirmative action, to combat the structural discrimination and multiple forms of discrimination that affect

Indigenous Peoples, people of African descent, migrants, asylum-seekers, refugees and other minorities and to ensure the effective enjoyment of their rights throughout the territory of the State party. Specific information about the impact of such measures and the participation of the aforementioned groups in their design, implementation and evaluation.

11. Measures taken to prevent, investigate and punish acts of violence committed by law enforcement officers against Indigenous persons, people of African descent, migrants, asylum-seekers, refugees and persons belonging to other minorities, and the reparation granted to the victims or their families. Statistical information, disaggregated by the ethnicity, gender and nationality of the victim, on persons who have been subjected to violence by law enforcement officials since the submission of the previous periodic report. Action taken to protect Indigenous communities and individuals, people of African descent, asylum-seekers, refugees and persons belonging to other minorities from violent acts by non-State actors.

12. Measures to uphold the right to freedom of peaceful assembly and to prevent and investigate instances of the excessive use of force by law enforcement officials and the agents of private security companies, in particular against Indigenous persons who organize or participate in peaceful protests calling for the protection of their rights. Additional information on the action taken to effectively protect human rights defenders, the leaders and members of Indigenous communities, people of African descent and migrants from acts of retaliation, intimidation, threats and the criminalization they endure because of their human rights activities.

13. Measures taken to increase the participation of Indigenous persons, people of African descent and persons belonging to other minorities, in particular women belonging to these groups, in political life and public affairs at all levels of government and their representation in decision-making positions in both the public and private sectors and in the media. Results of such measures, together with supporting statistical data, since the submission of the previous periodic report.

14. Updated information on measures taken to reduce the levels of poverty and extreme poverty among Indigenous Peoples, people of African descent, migrants, asylum-seekers, refugees and other minorities. Actions taken to ensure that persons belonging to these groups have effective access to basic services (food, housing, water and sanitation, health care, employment, social security and education), including in the context of the coronavirus disease (COVID-19) pandemic and the economic crisis in the State party. Specific information on the impact of such measures and actions and relevant statistical data.

15. Updated information on the steps taken to facilitate the adoption of specific regulations governing consultation procedures for obtaining the free, prior and informed consent of Indigenous Peoples and the establishment of adequate mechanisms to carry out such consultations, particularly in relation to legislative or administrative measures and infrastructure or natural-resource exploitation projects that may affect the rights of Indigenous Peoples. Situation of Indigenous Peoples affected by the implementation of infrastructure projects, the exploitation of natural resources, the operation of mining projects and the contamination and damage caused by the use of agrochemicals, and the reparation provided to them.

16. Adoption of legislative and other measures to ensure community ownership of the traditional lands of Indigenous Peoples. Measures to expedite and conclude the surveying and demarcation of lands traditionally occupied by Indigenous Peoples and the awarding or issuance of community titles. Action taken to comply with the 6 February 2020 and 24 November 2020 judgments of the Inter-American Court of Human Rights in the case of the *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*.

17. Measures taken to ensure the full and coordinated implementation of Act No. 26.160 and its various extensions, at both the national and provincial levels, in order to effectively suspend the execution of judgments and procedural or administrative acts relating to eviction from or clearing of lands traditionally occupied by the Indigenous communities of the State party. Measures taken to prevent, investigate and punish violence against Indigenous individuals and communities by law enforcement officials and non-State actors in the context of evictions and land disputes.

18. Updated information on the implementation and results of the measures taken to address food insecurity and obstacles to access to water and sanitation, which mainly affect Indigenous persons, people of African descent and migrants, particularly migrants in an irregular situation. Impact of the action taken to address child malnutrition, which particularly affects Indigenous Peoples.

19. Measures taken to ensure the availability, accessibility and quality of education for Indigenous children, children of African descent, child migrants, child asylum-seekers and refugees and children belonging to other minorities, including in the context of the COVID-19 pandemic, and statistical data on the levels of literacy and access to primary, secondary and university education among these communities. Updated information on the impact of measures taken to guarantee the right to intercultural bilingual education, including statistical data on Indigenous children who have access to such education and the number of teachers from Indigenous communities. Steps taken to address discrimination in education, particularly on the basis of skin colour, ethnicity and nationality, and the intersection of such discrimination with other forms of discrimination, such as discrimination on the basis of gender, socioeconomic status and physical appearance.

20. Measures taken to combat racial discrimination in the workplace, which mainly affects people of African descent, Indigenous persons, migrants, asylum-seekers and refugees. Updated information on the implementation and results of action taken to broaden the access of persons belonging to these groups to the formal sector of the economy, to ensure that they enjoy fair and satisfactory working conditions and to prevent and combat workplace abuse and labour exploitation.

21. Measures taken to ensure equal access to high-quality and culturally appropriate health services for Indigenous persons, people of African descent, migrants, asylum-seekers and refugees, including in the context of the COVID-19 pandemic. Implementation and impact of measures taken to reduce maternal and infant mortality in Indigenous communities, including the National Act on Comprehensive Health Care and Assistance during Pregnancy and Early Childhood (Act No. 27.611) and the 1,000 Days Interministerial Plan. Steps taken to facilitate universal access to sexual and reproductive health-care services for people of African descent, Indigenous persons, migrants, asylum-seekers and refugees, and their outcomes.

22. Specific measures to combat the multiple and intersecting forms of discrimination faced by Indigenous women, women of African descent and female migrants, asylum-seekers and refugees, particularly with respect to their access to education, employment and health-care services. Steps taken to combat gender-based violence against these groups of women, including the practice known as “*chineo*” against Indigenous women and girls in the north of the country. Information on the investigation of cases of gender-based violence, the prosecution and punishment of the perpetrators and the protection and reparation afforded to the victims, including the establishment of shelters in rural areas and the provision of comprehensive care services.

Situation of migrants, asylum-seekers and refugees (arts. 2 and 5)

23. Policies and programmes to facilitate the regularization of the situation of migrants, including Venezuelan migrants and migrants from countries outside the Southern Common Market (MERCOSUR), and specific measures focused on migrant women and children in an irregular situation. Information on measures taken to prevent and investigate acts of violence and harassment committed by law enforcement officials against migrants, including migrants of African descent, street vendors and other vulnerable groups of migrants, and to punish the perpetrators in such cases, and on the reparation granted to the victims. Action taken to promote the integration of non-citizens, including steps to review and remove administrative and other obstacles at all levels of government that hinder the access of migrants, asylum-seekers, refugees and stateless persons to social protection services, health care, education and the labour market.

24. Measures taken to guarantee the full and non-discriminatory application of the Refugee Recognition and Protection Act, in particular its provisions on the possibility of applying for international protection at all border entry points, and to ensure full respect for

the principles of non-refoulement and confidentiality, in accordance with international obligations and standards in this area. Action taken to ensure fair and efficient refugee status determination procedures and to reduce delays, including measures to increase the human and financial resources allocated to the National Committee for Refugees.

Access to justice (arts. 5 and 6)

25. Complaints regarding acts of racial discrimination and related offences brought before the courts or other national institutions, including the National Institute to Combat Discrimination, Xenophobia and Racism, the results of the investigations conducted in those cases, the penalties imposed on the persons found responsible and the reparation granted to the victims. Information on measures taken to facilitate the reporting of cases of racial discrimination, including the reversal of the burden of proof in favour of the victims.

26. Additional information on concrete actions taken to improve access to justice for Indigenous persons, people of African descent, migrants, asylum-seekers and refugees, including measures to eliminate racist attitudes and racial discrimination in the judicial system and to increase the number of interpreters, bilingual public defenders and specialists on the traditional justice systems of Indigenous Peoples and the rights of people of African descent and non-nationals. Presence of Centres for Access to Justice in areas where the aforementioned groups live. Recognition of and respect for the traditional justice systems of Indigenous Peoples in keeping with international human rights standards, including steps to organize training on Indigenous customary law for law enforcement officials, public defenders, lawyers, judges and justice system officials.

27. Measures taken and envisaged, including at the legislative level, to prevent, combat and explicitly prohibit racial profiling by law enforcement officials. Specific disciplinary and criminal measures to investigate cases of racial profiling, punish the perpetrators in practice and provide reparation to the victims. Steps taken at all levels of government to prevent human rights violations, including racial discrimination and violations of the right to privacy, in the use of facial recognition technologies for surveillance in public spaces and to punish the persons found responsible for any such violations.

Training, education and other measures to combat prejudice and intolerance (arts. 5 and 7)

28. Measures taken to include human rights education, in particular education on the Convention and the fight against racial discrimination and racism, in school curricula and the training of teachers and other education professionals. Information on the representation of Indigenous persons, people of African descent, migrants and persons belonging to other minorities in textbooks and curricula at all levels and on whether information on their contributions to the development and national history of the State party is included. Information on the initiative to establish a national institute for Afro-Argentine, Afrodescendent and African affairs and the participation of people of African descent in this process.

29. Concrete measures taken to prevent the propagation of messages that promote stereotypes, racial prejudice and xenophobia, particularly against Indigenous persons, people of African descent, migrants, asylum-seekers, refugees and persons belonging to other minorities, including in the media and on social networks and in the world of football and other sports. Steps taken to promote the representation of these groups in the media and to facilitate their access to the media.