



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

109th session

Summary record of the 2965th meeting

Held at the Palais Wilson, Geneva, on Monday, 17 April 2023, at 3 p.m.

Chair: Ms. Shepherd

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The meeting was called to order at 3 p.m.

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

*Combined twenty-fourth to twenty-sixth periodic reports of Argentina
(CERD/C/ARG/24-26; CERD/C/ARG/Q/24-26)*

1. *At the invitation of the Chair, the delegation of Argentina joined the meeting.*
2. **Ms. Pena** (Argentina), introducing her country's combined twenty-fourth to twenty-sixth periodic reports (CERD/C/ARG/24-26), said that the current Government, which had taken office in December 2019, was firmly committed to guaranteeing the full enjoyment of human rights. At the very beginning of his term, the President of Argentina had expressly stated that human rights would form the backbone of his Government's policy agenda. Since then, the Government had taken various measures to promote and protect the human rights of the population, especially the most vulnerable groups in society. Regrettably, the coronavirus disease (COVID-19) pandemic had struck at a time when Argentina had already been facing an economic and social emergency. The Government had been forced to adopt policies to address the difficult situation it had inherited, while striving to mitigate the impact of the pandemic on human rights. In that context, Argentina had resumed its tradition of full cooperation with international and regional human rights bodies. Some 40 years after its return to democracy, Argentina was renewing its commitment to memory, truth and justice, in respect of which it had set an example for the world.
3. The struggle against racism required the empowerment of Indigenous and Afrodescendent persons and communities and the recognition of structural and systemic racism and its manifestations. The Government was working with provincial and municipal authorities, civil society organizations, academia and the private sector to meet the needs of Argentine society as a whole, while promoting and protecting the human rights of groups that historically had experienced inequality and racism. In that regard, it sought to mainstream an ethnic and racial perspective in public policies for combating racism and racial discrimination, to promote affirmative action in support of the rights of people of African descent and to deepen the country's culture of human rights, interculturality and racial equity.
4. In 2022, the Government had conducted the eleventh national population, household and housing census, which had included new processes designed to reflect changes in Argentine society. New categories had been included to account for households with lesbian, gay, bisexual, transgender or intersex members, self-perceptions of gender identity, ethnic self-identification and persons with disabilities. Prior to the census, the National Institute to Combat Discrimination, Xenophobia and Racism had conducted the "I Recognize Myself" campaign to support the inclusion and self-identification of historically vulnerable groups.
5. In the legislative sphere, the National Congress was working on 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. Several bills had been submitted with a view to amending Act No. 23.592, the Anti-Discrimination Act, while other bills specifically sought to recognize sexual orientation and gender identity as grounds of discrimination, with a view to more effectively tackling hate speech.
6. The aim of the National Plan for People of African Descent 2021–2024 was to provide a road map for policies for the inclusion and improved living conditions of Afro-Argentine, Afrodescendent and African people throughout the country. In 2020, an interministerial committee had been established to implement public policies, programmes and projects for the recognition, promotion and protection of the rights of people of African descent. In 2022, the Ministry of Justice and Human Rights had adopted the National Programme on People of African Descent and Human Rights.
7. Since the change of government, the National Institute of Indigenous Affairs had adopted a new approach in which it actively pressed for the peaceful resolution of territorial disputes between Indigenous communities and other social actors. Act No. 26.160, on emergency measures relating to the possession and ownership of Indigenous community

lands, had been extended until 23 November 2025 in order to continue territorial survey tasks and conclude demarcation activities in all provinces. The Act suspended the enforcement of judgments and procedural or administrative acts whose purpose was the eviction of Indigenous communities from traditionally occupied lands. Since 2020, more than 70 administrative decisions, recognizing the occupation of land by Indigenous communities, had been issued pursuant to the territorial survey process. Furthermore, the National Institute of Indigenous Affairs was implementing the “Community Strengthening” programme, which guaranteed the legal defence of Indigenous communities, preventing the eviction and criminalization of members of those communities. In 2021, the National Secretariat for Human Rights had established a unit for the implementation of the judgment of the Inter-American Court of Human Rights in the case of *Indigenous Communities of the Lhaka Honhat (Our Land) Association v. Argentina*.

8. In December 2019, the new Government had established the Ministry for Women, Gender and Diversity, a measure that would see greater priority attached to gender issues. In 2021, the Ministry had signed an agreement with the National Institute of Indigenous Affairs to address gender-based violence against Indigenous and lesbian, gay, bisexual, transgender and intersex women. The agreement envisaged the organization of activities such as workshops for the identification of gender stereotypes and the detection of early signs of gender-based violence.

9. Argentina was the only Latin American country to participate in the International Holocaust Remembrance Alliance, which aimed to strengthen and promote Holocaust education, remembrance and research around the world. In January 2023, the National Secretariat for Human Rights and the Ministry of Education had launched the Map of Holocaust Remembrance in Argentina, which offered the public information on access to archives and sites dedicated to the memory of the Holocaust in the country. The Government was also working with Roma representatives to commemorate the victims of the genocide committed against their people and to advance in a common agenda for the protection of rights.

10. In March 2021, the President had repealed Decree No. 70/2017, thus bringing Act No. 25.871, the Migration Act, back into line with the Constitution and the international human rights system. The National Directorate of Migration had launched regularization programmes for Cuban, Dominican and Senegalese nationals and nationals of Caribbean Community member States and introduced a special regime for Venezuelan children and adolescents and a humanitarian visa programme. The right to asylum was guaranteed by the Refugee Recognition and Protection Act and applicable international instruments. The refugee status determination procedure respected the principles of confidentiality and due process, and persons whose applications were refused were entitled to appeal.

11. **Mr. Vega Luna** (Country Rapporteur) said that the fact that the final results of the 2022 census had not yet been published meant that it was not yet possible to analyse the demographic composition of the population, the impact of public policies or the socioeconomic status of groups such as Indigenous Peoples, people of African descent, Roma, refugees, asylum-seekers and stateless persons. He wished to know whether any steps had been taken to expedite the publication of the definitive census findings, and whether ethnic self-identification was used in any other instruments that measured the socioeconomic status of different groups.

12. He would be interested to know whether the provisions of the Convention were directly applicable in the domestic legal system, and would appreciate information on cases in which Convention provisions had been invoked before or been directly applied by the courts. It would be useful to know whether the laws of the State party – particularly the Anti-Discrimination Act – applied a definition of racial discrimination that was in conformity with article 1 of the Convention. Were law enforcement officers, public defenders, lawyers, judges and other civil servants provided with training on the Convention, and how did the State party measure the impact of such training? What steps had the State party taken to raise public awareness, including among non-citizens, of the Convention, of complaints mechanisms and of judicial and non-judicial remedies?

13. As the State party's previous periodic report ([CERD/C/ARG/21-23](#)) stated that the provision of assistance for racist activities, including their financing, had not been criminalized under domestic legislation, he wondered whether the State party had recently criminalized such acts and, if so, under what law. The Committee would welcome clarification regarding the criminalization of the conduct described under article 4 of the Convention. Had the State party recognized incitement to racial discrimination, and all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, as an offence punishable by law? Were there any laws that declared illegal and prohibited organizations that promoted and incited racial discrimination?

14. It would be interesting to know whether the proposed amendments to the Anti-Discrimination Act were intended to bring it into line with articles 1 and 4 of the Convention. As the Act dated from the 1980s and had been amended several times, he wondered whether the State party might introduce a comprehensive anti-discrimination law in conformity with the Convention and international standards. He would appreciate examples of judicial decisions handed down in connection with the acts described in article 4 of the Convention, including cases in which racial hatred had been admitted as an aggravating circumstance.

15. The Committee had been informed that hate speech was on the increase and that it was principally directed at women, lesbian, gay, bisexual, transgender and intersex persons, Indigenous Peoples, people of African descent, and migrants, refugees and asylum-seekers. He therefore wished to know what steps the State party had taken to prevent, investigate and punish racist hate speech and incitement to racial discrimination and violence, including in the news media, on the Internet and on social media platforms, and when committed or instigated by public authorities. He was curious to know what steps the State party had taken to facilitate complaints and investigations in relation to racist hate speech, and whether the State party could provide statistics on complaints, investigations and penalties imposed on perpetrators. What measures had been taken to prevent racial violence and effectively punish perpetrators? Had there been any convictions in which racial hatred had been applied as an aggravating circumstance? Why had the murder in 2020 of the 18 year-old Fernando Báez Sosa not been treated as a racially aggravated offence given that witnesses had testified that he had been subjected to racist insults? Did the State party have a system for recording data on complaints of hate speech and incitement to racial violence?

16. In the light of reports that no Ombudsman had been elected since 2010, he would be interested to know what measures were being taken to appoint a new Ombudsman and to adopt a clear, transparent and participatory process for his or her selection and appointment. What steps had been taken to strengthen the independence of the national human rights institution and provide it with sufficient funding and human resources to carry out its mandate? What steps had been taken to provide the Office of the Ombudsperson for Audiovisual Communication Services with sufficient funding and human resources to discharge its mandate?

17. The Committee had received reports that the National Institute to Combat Discrimination, Xenophobia and Racism (INADI) conducted only limited activities in the provinces, that its latest National Discrimination Map dated from 2019 and that it did not have enough resources. He would be interested to know what steps had been taken or were envisaged to strengthen the Institute so that it could fully discharge its mandate, including in the provinces and remote areas, and to update the National Discrimination Map. He wondered what was the ethnic composition of the Institute's staff. Recalling that, in its 2016 concluding observations ([CERD/C/ARG/CO/21-23](#)), the Committee had expressed concern that the administrative intervention measure taken in the respect of INADI might limit its independence and capacity to act, he asked whether steps had been taken with a view to the appointment of a new President.

18. The Committee remained concerned at the reported failure to obtain the full participation of members of the Indigenous community in the National Institute of Indigenous Affairs, the Council on Indigenous Participation and the Indigenous Peoples' Advisory and Participatory Council. In that regard, he wished to know how many of the Institute's staff belonged to Indigenous communities and why no person belonging to an Indigenous community had served as its President. What steps had been taken to ensure the full and effective participation of Indigenous Peoples in the organizations that represented

them? What had been done to increase the Institute's presence in the provinces and remote areas, strengthen its mandate and transparency, and increase its budget and human resources?

19. He wished to know of measures taken by the State party to provide publicly available information on the outcomes of the implementation of the National Human Rights Action Plan 2017–2020, in particular those concerning the fight against racial discrimination. Since that plan was no longer in force, he would like to hear about the steps taken to develop and adopt a new national plan on human rights. If a new plan was indeed in development, it would be helpful to know whether it would address the issue of racial discrimination and whether organizations of Indigenous Peoples, people of African descent, the Roma, Jewish and Muslim communities and other minority groups were participating in the development process.

20. It was a matter of concern that the State party had not yet adopted the National Plan to Combat Discrimination 2022–2024. He would therefore be interested to hear more about the measures taken to ensure its prompt adoption and of any follow-up measures and budgetary allocations envisaged to support its effective implementation at the national and provincial levels. It would also be useful to know whether organizations of Indigenous Peoples, people of African descent and other minority groups had participated in its development.

21. He welcomed the establishment of the first Interministerial Round Table on Public Policies for the Afro Community in Argentina, the Commission for the Historical Recognition of the Afro-Argentine Community, the National Programme on People of African Descent and Human Rights and the National Programme for the Implementation of the International Decade for People of African Descent. The delegation might wish to provide information on the objectives and coordination of those initiatives, the budgetary and human resources allocated and the participation and consultation of Africans and people of African descent in their development. He wondered whether the National Plan for People of African Descent 2021–2024 had been formally adopted and whether it had entered into force. Lastly, he wished to hear of any other measures taken to give effect to the National Programme for the Implementation of the International Decade for People of African Descent.

22. **Mr. Diaby** (Country Task Force) said that, according to alternative sources, Act No. 26.206, the National Education Act, did not provide for the inclusion in school curricula of content relating to the culture of persons of African descent or their contribution to the country's history. Furthermore, stereotypical representations of Africans and persons of African descent were prevalent in Argentine society. He would therefore be grateful to learn about the measures taken to ensure the participation of organizations representing those minorities in the development of school curricula. He would also welcome information on the initiative to establish a national institute for Afro-Argentine, Afrodescendent and African affairs and on the participation of people of African descent in that process.

23. The Committee had received reports of a rise in the dissemination of stereotypes, racial prejudice and xenophobia concerning minority ethnic groups and migrants in the media and advertising campaigns and on social networks, including by government officials, public figures and politicians. He wished to know what steps had been taken to prevent the use of racist, discriminatory and stereotypical language and images in the media, to foster a culture of mutual understanding and tolerance and to spread positive messages about the contributions of traditionally marginalized groups.

24. He took note of the establishment of the Observatory on Discrimination in Sport. However, the Committee was given to understand that Argentine football supporters had expressed racist and xenophobic speech aimed at rival fans and players of African descent, both within the country and while abroad. Furthermore, the Fédération Internationale de Football Association (FIFA) had opened disciplinary proceedings against the State party following reports that supporters of the Argentine national football team had aimed racist insults at players of African descent from other teams at the 2022 FIFA World Cup tournament in Qatar. The delegation might inform the Committee of the number of investigations opened into cases of racist and xenophobic speech at football matches, and the number of complaints lodged and sentences handed down. Information on the steps taken to

identify and sufficiently punish perpetrators to ensure that such actions would not be repeated would also be appreciated.

25. The Committee was concerned that INADI did not provide updated, disaggregated and publicly available statistics on complaints received regarding acts of racial discrimination. It would be useful to know whether the State party had a data-collection system for complaints and inquiries into racial discrimination and, if so, whether the data collected was disaggregated, in particular by the ethnic origin and nationality of the victims and aggressors.

26. The Committee had received information on the persistent use of racial profiling by the police and other law enforcement officials against people of African descent, Indigenous Peoples, migrants and other minority groups, which frequently led to violent and even lethal assaults. In that connection, he wished to know whether racial profiling was explicitly prohibited in domestic legislation and whether the State party collected data disaggregated by ethnic origin in relation to police interventions. He would also welcome information on the steps taken to comply with the August 2020 ruling of the Inter-American Court of Human Rights on the State party's liability for the death of José Delfín Acosta Martínez. In particular, the delegation might explain whether the State party had adopted the reparation measures set out in the ruling, specifically those concerning the investigation and punishment of perpetrators of police violence, the implementation of regular training on racial discrimination for police and the establishment of a mechanism to register complaints of arbitrary detention.

27. **Mr. Kut** (Follow-up Coordinator) said that he wished to thank the State party for the timely submission of its follow-up report on the implementation of the recommendations made in the Committee's concluding observations. He wondered why the State party had still not appointed an ombudsman and wished to hear of steps taken to ensure that the newly appointed Ombudsman for Audiovisual Communication Services could successfully deliver on its mandate. He would be interested in hearing more about the effectiveness of the State party's efforts to ensure that Indigenous Peoples were protected from forced evictions and to ensure the full and effective implementation of Act No. 26160. The delegation might also wish to provide an update on steps taken to ensure the safety of Indigenous Peoples subjected to violent acts.

28. **Mr. Amir** said that he would like to know more about how the situation regarding racial discrimination had changed in recent years given the country's strong history of solidarity and fraternity.

29. **Ms. Ali Al-Misnad** said that one of the main reasons for the country's continued struggles with the issue of racism was the persistence of the myth that the country's population was mostly white and of European descent, whereas she had information that 17 per cent of the population was of Indigenous descent and 10 per cent was of African descent. She wondered why the State party had, until recently, refused to accept that fact and wished to know whether the Constitution recognized that Argentina was a multicultural, multi-ethnic country.

The meeting was suspended at 4.10 p.m. and resumed at 4.30 p.m.

30. **Ms. Pena** (Argentina) said that the approach of Argentina to issues relating to people of African descent and Indigenous Peoples differed from that of other Latin American countries because of its specific historical context, in particular the deliberate attempts to erase people of African descent and Indigenous Peoples from history. Previous generations had perpetuated the falsehood that there had never been persons of African descent in the country and that, if there had been, they had died during the wars of independence and outbreaks of yellow fever. In addition, the Conquest of the Desert campaign in the late nineteenth century had led to the genocide of Indigenous Peoples, carried out in the name of civilization. Some two centuries earlier, a series of discriminatory laws and the shame associated with the process of mixed identity (*mestizaje*) meant that many Argentines currently did not know whether they were descended from Indigenous Peoples or people of African descent. The Government had therefore created several institutional spaces, such as the Interministerial Round Table on Public Policies for the Community of Persons of African Descent in Argentina, to tackle those deep-seated, structural issues. Efforts were also being

made to educate the population about the aspects of Argentine culture with African roots, including language and traditional foods, to raise awareness about the country's diverse history.

31. The 2022 national housing, household and population census had included questions, developed with the help of civil society and statisticians, that invited people of African descent and Indigenous Peoples to describe how they identified themselves in terms of race and ethnicity. The National Institute to Combat Discrimination, Xenophobia and Racism had mounted a campaign to help people to understand how to answer those questions, raise awareness of the importance of recognizing historically marginalized groups and enable people to explore their identities. Once available, data from that census – including data on racial and ethnic identities – would be shared in future publications.

32. International human rights instruments, including the Convention, had constitutional status in Argentine law and had often been invoked in judicial processes. When applicable, the courts took into consideration aggravating factors, as provided for by law, such as hatred based on a person's race or gender, and imposed sentences accordingly. In any case, it was more important for the Government to address structural racism than focus on specific sentences and penalties.

33. Although the aggravating circumstance of racial hatred had not been considered in the Fernando Báez Sosa murder case, the case had helped to expose issues of systemic racism and had led to a wave of public support for the victim's family and of demands for an ethnic and racial perspective to be taken into account in legal cases. A programme entitled Formación, Encuentro y Reparación (Education, Meeting and Reparation) would soon be launched in collaboration with the victim's parents to bring young persons together and raise awareness about racism, address drug abuse and mental health issues and explore new concepts of masculinity (new masculinities).

34. Another case involved Gloria Colihueque, an Indigenous woman who had stood trial before a judge and prosecutors who had clearly been racist throughout the proceedings. INADI had issued a report that not only addressed the issues of structural racism involved but also viewed the case from a gender perspective. The judiciary supported the findings of the report and acquitted Ms. Colihueque. There had been a number of cases of antisemitism, which were usually addressed by local courts. The Supreme Court of Justice had recently invoked the Convention in its ruling in a case brought before it by a group of parents, which found that the imposition of religious education in public schools was discriminatory.

35. Racial and ethnic hatred was already criminalized by the Discriminatory Actions Act but, 35 years after the Act had been passed, it had been found in the course of consultations that amendments to the anti-discrimination legislation were necessary. The proposed amendments included the prohibition of discrimination against persons with disabilities or discrimination based on sexual or gender identity, improvements to the definition of discrimination by considering both direct and indirect discrimination, the placing of the burden of proof on those accused of discrimination, the ability of civil society organizations to bring forward collective complaints of discrimination and the provision of guarantees for access to justice.

36. The Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance had been partially approved by Congress and were currently before the Senate. Other measures that had recently been adopted to address the intersectional dimensions of structural racism included the legalization of abortion, which would mitigate the disproportionate negative effect of unsafe abortion on women from vulnerable groups, an employment quota of 1 per cent for transgender persons in the public sector and a presidential decree to allow residents to identify as non-binary on official identity documents.

37. In addition to the campaign to promote self-identification prior the national census, a campaign had also been carried out, in collaboration with the United Nations Children's Fund, with the aim of preventing online violence, dissemination of hate speech, fake news and stigmatization. The National Day of Afro-Argentines and Afro Culture was celebrated every 8 November and was accompanied by compulsory education on the topic in schools and an awareness-raising campaign led by INADI. The International Day of Afro-Latina,

Afro-Caribbean and Diaspora Women was also of great importance to civil society organizations in Argentina, reflecting the importance of gender perspective in the work of INADI and of other national human rights organizations.

38. Through the federal campaign for sport without discrimination, INADI was able to take advantage of the popularity of sports to increase its outreach to the population. Agreements were in place with the national football and rugby federations and with local sports clubs and cooperatives to provide training on discrimination and to ensure that messaging from INADI was visible, including at high-profile football matches. Legislation now allowed referees to abandon a match if racist or antisemitic discrimination was taking place. The FIFA World Cup tournament in 2022 had shown the new forms that discrimination could take on and the need for a proactive approach to address the issue.

39. The campaign for schools without discrimination had been implemented to address the high level of complaints of discrimination that originated in the field of education. Due to its success at the federal level, requests had been received to extend the campaign to the provincial level.

40. The mandate of INADI to receive complaints of discrimination was widely known by the general public. Some 2,500 complaints were received each year, of which 18 per cent were complaints of racial discrimination, and data relating to the complaints, disaggregated by vulnerable group, gender, territory and province, were published online at end of each year and were publicly available by request. Complaints could be made through the INADI hotline or online, which ensured that the services offered by INADI were available in all provinces of the country and in conjunction with the services offered by other authorities.

41. Members of groups vulnerable to discrimination had been a part of the INADI workforce since its establishment; for example, its Indigenous programme was headed by an Indigenous person. To ensure the independence and technical capacity of INADI, permanent positions, each with a specific job description, had been made available through public and transparent recruitment processes during the previous year, which would allow INADI to continue to carry out its mandate even if in the case of a change of government. INADI had a sufficient budget to support its mechanisms, which it managed independently, despite being a part of the Ministry of Justice and Human Rights. In order to strengthen the direct support services offered by INADI, capacity-building had been provided for its conflict resolution team, to ensure that complaints of discrimination were settled swiftly and comprehensively. The team was effective in resolving cases of discrimination in educational institutions by providing training for teaching staff and establishing codes of good practice.

42. While reports of INADI concerning complaints made to it were not binding in nature, except in cases of unfair dismissals by employers, when INADI found that discrimination had occurred, citizens or associations fighting against discrimination in a given case found them to be a powerful support. INADI also provided financial legal assistance and initiated proceedings for leading cases or strategic litigation. For example, it currently had open cases involving a group of Jewish associations and the closure of a black cultural centre by the authorities in Buenos Aires; those authorities were involved in ongoing issues regarding street vendors of African descent, in particular of Senegalese descent, and had been involved in the cases regarding the fatal shooting of Lucas González by police officers and the unlawful detention and subsequent death of José Delfín Acosta Martínez.

43. **A representative of Argentina** said that an Ombudsman had not yet been appointed because Congress had thus far been unable to reach the required majority vote to approve such an appointment. Nevertheless, as illustrated by the submission of a shadow report to the Committee, national human rights organizations continued to be active and to promote the work of civil society. A director of the Office of the Ombudsman had also been appointed in the meantime and, in 2020, 15 years after the position had been announced, an Ombudsman for matters related to children and young people had been appointed.

44. The decision of the Inter-American Court of Human Rights on the detention and death of José Delfín Acosta Martínez had been taken seriously by the Government and the measures imposed by the decision had been fully implemented in conjunction with relevant government agencies. Compensation had been paid to the persons concerned and the case

had been included in training for law enforcement and security officers in Buenos Aires and through the Ministry of National Security.

45. **A representative of Argentina** said that the Vice-President of the National Institute of Indigenous Affairs was an Indigenous person. The Institute had also previously had other Indigenous persons in managerial positions; one of those persons had died during the COVID-19 pandemic, which had disproportionately affected Indigenous Peoples.

46. As part of the Institute's capacity-building, a programme of land surveys had been introduced through a federal act in 2006 and a total of eight agreements were in place to ensure its implementation in different provinces of the country. The programme had concluded in 2021 and, since it had not been possible to renew its mandate, an emergency decree had been passed to reduce the land evictions that ensued. The decree had also envisaged a specific budget, approved in 2021, to strengthen the office of the Institute responsible for carrying out land surveys. As a result, the office had increased its workforce, including by hiring Indigenous staff, in order to meet the increase in demands for surveys by Indigenous communities.

47. The National Institute of Indigenous Affairs had rolled out a programme to support Indigenous communities in remote locations, which often faced economic, cultural and logistical barriers in gaining access to legal services. In 2022, 336 communities had received legal support under the programme, mostly in relation to land disputes. The rising discrimination, xenophobia and racism targeting indigenous peoples were also largely related to issues surrounding land ownership.

48. He was unable to provide information on the progress made in the territorial survey of indigenous communities.

49. He was deeply grateful for the Committee's observations. The present dialogue provided a crucial opportunity to make visible and disseminate information on underlying, systemic discrimination and racism. Sadly, discrimination against indigenous peoples and, in particular, the Mapuche, had increased in recent years and the Government's efforts to counter those trends sometimes lagged behind.

50. **A representative of Argentina** said that the Government in office since 2019 pursued a policy of issue-based action plans implemented by the respective ministries. The National Action Plan on Business and Human Rights contained cross-cutting non-discrimination and equality provisions, with a particular focus on populations whose rights had been historically violated or who were at greater risk of suffering discrimination. Hence, there was a specific focus on indigenous peoples.

51. **Ms. Pena** (Argentina) said that the National Plan to Combat Discrimination, which had been adopted by presidential decree 2005, was regularly reviewed and updated. Its current version set forth around 200 commitments relating to different areas of government policy. In the context of celebrations marking four decades of democracy in Argentina, an event would be held under the motto "40 years of democracy – 40 commitments to combat discrimination".

52. **A representative of Argentina** said that hate speech on the Internet was a global problem that required global solutions. The tension between freedom of expression and protection from racial hatred and discrimination was not easily resolved and there was currently no specific domestic legislation to regulate, prevent and control online hate speech. The Committee and other relevant international bodies could play a critical role in developing relevant rules and guidance.

53. A large part of Argentine society had long denied its non-European roots and the contributions made by indigenous peoples and persons of African descent to the country's development, perpetuating an incomplete vision of history. In the second half of the twentieth century, predominantly European immigration flows had gradually been replaced by intra-continental migration. Present-day Argentina was home to a dynamic, evolving society that understood diversity as an asset, saw the integration of communities from other Latin American countries as a development factor and featured one of the most generous immigration policies in the world. While redressing historical wrongs was a work in progress, the activities of INADI were widely recognized by the population.

54. **Ms. Pena** (Argentina) said that, in 2020, a group comprising universities, government entities and civil society representatives had been established to conduct research into the culture of hatred. In 2022, a research and action network against hate speech had produced a plethora of materials and organized training sessions. Media watchdogs had engaged in large-scale monitoring of online and social media, produced 58 technical reports, and issued best practice recommendations, including with regard to the Mapuche.

55. Victims of acts not classified as crimes could lodge complaints with the Office of the Ombudsman, INADI or the National Communications Agency (ENACOM).

56. Education was seen as a key asset, and race and ethnicity variables had been incorporated into the “Progresar” scholarship programme. The National Programme for Persons of African Descent and Human Rights launched in 2022 aimed at promoting the human rights of persons of African descent through training, capacity-building and advisory activities, in cooperation with civil society.

57. At the international level, Argentina acted as coordinator of the meeting of ministers and senior officials of the countries of the Southern Common Market (MERCOSUR) on the rights of persons of African descent; it was also a member of the meeting’s standing committee on discrimination, xenophobia and racism.

58. **Mr. Vega Luna** said that the most important task at hand was the delivery of training and capacity-building to public officials and the population at large. Particular focus should be placed on the training of judges and law enforcement officers dealing with matters relating to indigenous peoples and persons of African descent.

59. Additional efforts were needed to improve cooperation with the provincial authorities in the implementation of decisions taken at the federal level that concerned the rights of Indigenous peoples and persons of African descent. The State party’s commendable efforts to enhance the visibility of Indigenous peoples and persons of African descent should be pursued further.

60. The State party might also wish to develop new anti-discrimination legislation to take account of contemporary visions and provide a comprehensive response to the concerns of Indigenous peoples and persons of African descent in present-day Argentina.

61. Addressing online discrimination and hate speech was a demanding but indispensable task and the State party might wish to draw on the Committee’s general recommendation No. 35 (2013) for guidance. The right to freedom of expression was not unlimited but carried special duties and responsibilities. States must establish mechanisms to prevent hate speech and punish those who made ill use of that freedom to incite racial hatred.

62. **Mr. Diaby**, commending the delegation on the frank manner in which it had dealt with the country’s past in its statements, including references to genocide and the falsification of history, said that it would be useful to have an account of how history was currently being rewritten by scholars and intellectuals. He was curious to know whether the State party envisaged some form of reparation for the populations that had been historically wronged.

63. He wondered whether the competent authorities had jurisdiction to investigate alleged acts of discrimination in the absence of a complaint.

64. **Ms. Ali Al-Misnad** said that she would be grateful for statistical data on school enrolment of Indigenous children.

65. **Ms. Tlakula** asked whether the delegation might be able to furnish statistical data on the employment of persons of African descent.

66. The United Nations Educational, Scientific and Cultural Organization was currently developing guidelines on combating hate speech online, which might provide useful insights for the State party’s work in that regard.

67. **Ms. Essene** said that further information on the relationship between INADI and domestic courts would be welcome. In particular, she wished to know whether a finding of discrimination by the Institute could subsequently be contradicted by a court. She also wondered whether INADI could bring legal action itself or provide legal assistance to the claimant in cases of racial discrimination.

68. **Mr. Payandeh** said that the challenges associated with combating online hate speech did not absolve States from their responsibilities. Instead, they must harness all available instruments to regulate social media platforms, monitor content and provide for a complaint procedure and redress. It would be helpful if the delegation could clarify the State party's position in that regard.

69. **Ms. Pena** (Argentina) said that the Government was keenly aware of the strategic importance of education and training. Act No. 27.499 (the so-called Micaela Act), Act No. 27.592 (the so-called Yolanda Act) and the recently adopted "Lucio Act" all provided for mandatory in-service training and capacity-building for public officials in all three branches of government. A robust legal framework was in place whereby training was mainstreamed across institutions. In addition, INADI promoted anti-discrimination training at the provincial level. In December 2022, at the urging of INADI, the legislative assembly of Salta Province had adopted a plan on mandatory anti-discrimination training for all three branches of the provincial government.

70. The courts acted independently of INADI. If judges or courts found that a case did not involve discrimination, they could disregard any findings of INADI that showed otherwise. However, the findings of INADI, based on relevant international instruments and domestic law, had a significant effect at both the provincial and national levels. INADI was competent to initiate *ex officio* investigations into alleged acts of racial discrimination in the absence of a complaint. It could act as *amicus curiae* or expert witness in court proceedings, as applicable, but proceedings could only be brought by the victim.

71. One key challenge to combating racist hate speech was a culture of denial. Although the Criminal Code provided for the prosecution of hate speech, contemporary hate speech was not limited to a specific target group. It was a broad phenomenon that required a coordinated inter-institutional and intersectoral response.

The meeting rose at 6 p.m.