In the context of the General Assembly resolution 71/181 of December 19th 2016, « Global call for the adoption of concrete means for the complete elimination of racism, racial discrimination, xenophobia, and related forms of intolerance and for the implementation of and follow-up to the Durban Declaration and Program of Action », a summary of the adopted actions by the Argentine Republic is described:

1. Regulatory measures:

* The National Constitution stipulates in its article 75 paragraph 22 the constitutional hierarchy of the International Convention on the Elimination on All Forms of Discrimination against Women.
* February 6th, 2007, Argentina recognized the competence of the Committee for the Elimination of Racial Discrimination to receive and consider communications from individuals claiming that their rights have been violated by the State (Article 14 of the Convention)
* The Committee for the Elimination of Racial discrimination reviewed the 21st to 23rd periodic reports by Argentina in November 2016.
* Act N° 23.592 on Discriminatory Acts[[1]](#footnote-1)
* Act N° 26.485 Law of full protection for the prevention, sanction and eradication of violence against women in their personal relationships. With the objective of eradicating discrimination between women and men in all areas..[[2]](#footnote-2)
* Act N° 26.618 on Civil Marriage[[3]](#footnote-3)
* Act N° 26.743 on Gender Identity[[4]](#footnote-4)
* Act N° 26.206 on National Education that covers Intercultural and Bilingual Education.[[5]](#footnote-5)
* Criminalization of discrimination offenses:

The 2nd article of Act 23.592 states *“the increase of the minimum punishment by one-third and the maximum punishment by half of any offense punishable by the Criminal Code or complementary laws when committed on the basis of persecution or hatred of any race, religion, or nationality or with the intent to destroy all or part of a national, ethnic, racial or religious group. Under no circumstances can it exceed the maximum legal of the type of sanctions in question”*

Likewise, the 3rd article establishes that *“shall be sentenced to imprisonment of one to three years anyone who participate in an organization or carry out propaganda based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, whose objective is to justify or to promote racial or religious discrimination in any forms.*

*Similarly, anyone who by any means encourage or initiate persecution or hatred against a person or groups of persons because of their race, religion, nationality or political ideas shall be equally punished”*

However, criminalization of discrimination cases based on sexual orientation and gender identity should be included.

1. Governmental Institutions:

* The National Institute against Discrimination, Xenophobia, and Racism (Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (INADI)) is a decentralized entity under the Jurisdiction of the National Ministry of Justice and Human Rights, created to formulate national policies and practical measures for fighting against discrimination, xenophobia and racism.[[6]](#footnote-6)

It is an advisory body that gives access to free legal services but it has no police or authority regarding sanction measures, role of the judiciary.

* National Department for Pluralism and Inter-culturality of the Secretariat for Human Rights and Cultural Pluralism.[[7]](#footnote-7)
* Public Defenders of Audiovisual Communication Services that receives queries, complaints, and denunciations from the radio, television and other means regulated by the Audiovisual Communication Services Act. Protecting the audience from discriminatory treatment against boys and girls, women and persons with disabilities.[[8]](#footnote-8)

1. National Human Rights Institution (status “A”)

The National Ombudsman started an investigation for the Monitoring and Evaluation of the implementation of the Durban Declaration and Plan of Action. In the area of Vulnerable Groups with the participation of professionals that work in different areas such as Rights of Persons with Disabilities, Indigenous People, Persons deprived of their liberty, Gender, LGBTQ, Migrants, Human trafficking, Children and Teenagers, Mental health. There has been a monitoring of the means adopted by the State, with the objective of collaborating in order to eradicate the structural discrimination of certain public sectors, particularly indigenous people, migrants, and Afro-descendant people.

1. Measures and actions

* Decree N° 1086/2005 approved a document entitled « National Plan against Discrimination - Discrimination in Argentina. Analysis and Proposals. » which constituted a major precedent for the elaboration of the NATIONAL PLAN OF ACTION ON HUMAN RIGHTS[[9]](#footnote-9)
* The National Plan for the Eradication of Discrimination, Xenophobia and Racism in football, INADI by means of an agreement with the Argentinian Football Association carried out different activities to eradicate discrimination in football.
* Likewise, INADI with the Bureau for Anti-discrimination Policy set within the Radio and Television Observatory a Discrimination in Radio and Television Observatory in Sport and an Online Discrimination Observatory

This measure should be complementary to the elaboration of indicators of human and socio-economic rights in order to carry out a progress evaluation regarding the eradication of racial discrimination.

It is also necessary to use desegregated statistical information on the discrimination situation on indigenous people, LGBTQ, afro-descendants, migrants with a gender perspective.

* Act 26.852 boosted by the Permanent Assembly of Afro-descendant Organizations in Argentina, established on November 8th the "National Day of Afro-Argentina and African culture”
* INADI created the forum for Africans and African-descendants
* Project “Highlighting and Promoting the Rights of the African-descendant Community” boosted by the Secretariat for Human Rights and Cultural Pluralism
* Enactment of Act N° 26.199 that declares April 24th as the "Day of Action for Tolerance and Respect between Individuals", in commemoration of the genocide of the Armenian people.
* Decree 1584/2010 established that October 12th shall stop being celebrated as the ‘Day of the Race’, and instead be called Day of Respect for Cultural Diversity.
* A good measure was the elaboration of the National Map of Discrimination by INADI with the collaboration of twenty-seven National Universities, documenting, analyzing, and disseminating data on the matter. Emphasizing the public opinion’s perception and experiences regarding discriminatory practices (edition 2013)

1. Regional measures:

* Meeting with Authorities on Afro-Descendants’ Rights (Reunión de Autoridades sobre los Derechos de los Afrodescendientes (RAFRO)) in the Mercosur area
* Declaration of the Seminar on “Afro-descendant boys, girls, teenagers. A glimpse into an Avant-garde Reality”
* Ibero-American Network of Organizations and Agencies against Discrimination (Red Iberoamericana de Organismos y Organizaciones contra la Discriminación (RIOOD))

1. http://servicios.infoleg.gob.ar/infolegInternet/anexos/20000-24999/20465/texact.htm [↑](#footnote-ref-1)
2. http://servicios.infoleg.gob.ar/infolegInternet/anexos/150000-154999/152155/norma.htm [↑](#footnote-ref-2)
3. http://servicios.infoleg.gob.ar/infolegInternet/anexos/165000-169999/169608/norma.htm [↑](#footnote-ref-3)
4. http://servicios.infoleg.gob.ar/infolegInternet/anexos/195000-199999/197860/norma.htm [↑](#footnote-ref-4)
5. http://servicios.infoleg.gob.ar/infolegInternet/anexos/120000-124999/123542/norma.htm [↑](#footnote-ref-5)
6. Ley Nº 24.515. Creación, objeto y Domicilio. Atribuciones y Funciones. Autoridades. Recursos. Disposiciones Finales. http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25031/texact.htm [↑](#footnote-ref-6)
7. Decisión Administrativa 483/2016. En http://servicios.infoleg.gob.ar/infolegInternet/anexos/260000-264999/261475/norma.htm [↑](#footnote-ref-7)
8. Ley 26.522 Servicios de Comunicación Audiovisual. En http://servicios.infoleg.gob.ar/infolegInternet/anexos/155000-159999/158649/texact.htm [↑](#footnote-ref-8)
9. <http://servicios.infoleg.gob.ar/infolegInternet/anexos/165000-169999/167392/norma.htm> [↑](#footnote-ref-9)