

# Argentina

	2014	2015		
<b>Internet Freedom Status</b>	Free	Free	<b>Population:</b>	42.3 million
Obstacles to Access (0-25)	7	7	<b>Internet Penetration 2014:</b>	65 percent
Limits on Content (0-35)	9	8	<b>Social Media/ICT Apps Blocked:</b>	No
Violations of User Rights (0-40)	11	12	<b>Political/Social Content Blocked:</b>	No
<b>TOTAL* (0-100)</b>	<b>27</b>	<b>27</b>	<b>Bloggers/ICT Users Arrested:</b>	No
			<b>Press Freedom 2015 Status:</b>	Partly Free

\* 0=most free, 100=least free

## Key Developments: June 2014 – May 2015

- In December 2014, Congress passed the Argentina Digital Law, which aims to guarantee socially and geographically equitable telecommunications services to all citizens. Although the law contains several positive provisions, such as the establishment of net neutrality protections, it sparked criticism from academics and civil society organizations during the debate process for vague wording and wide powers conferred to the regulatory authority. The Communications Secretariat is currently developing regulation to implement the law (see **Availability and Ease of Access**).
- In October 2014, the Supreme Court issued an important ruling on intermediary liability, stating that search engines should not be held liable for linking to user-generated content that violates rights or infringes copyright, as long as the search engine complies when a judicial order demands that it take down said content (see **Content Removal**).
- After using Twitter to alert the public about the death of the prosecutor investigating a 1994 terrorist bombing in Buenos Aires, journalist Damian Pachter fled the country out of fear for his safety. In what was widely seen as a violation of the journalist's privacy, the national news agency published his flight itinerary, which included personal information, and the official Twitter account of the Argentine presidential palace reposted it (see **Intimidation and Violence**).

## Introduction

Although plagued by slow internet speeds and high prices, Argentina has one of the highest internet penetration rates in Latin America. During the coverage period the government did not block or filter the internet, and several positive court rulings on intermediary liability established a judicial notice and takedown system. Despite these positive developments, several bills under consideration in the legislature have the potential to restrict internet freedom by leading to the removal or blocking of content. Online journalists in Argentina reported instances of harassment over the past year, including a couple of notable cases, however levels of harassment and violence towards journalists are lower than in many other countries in the region.

In December 2014, Congress passed a law known as the “Argentina Digital Law,” the goal of which is to guarantee socially and geographically equitable telecommunications services to all citizens. Some of its articles include the declaration of ICT development and regulation as a public service, the establishment of net neutrality, and the creation three new regulatory authorities. The law was passed despite criticism for its vague wording, wide powers conferred to the regulatory authorities, and insufficient protection of personal data, among other issues.<sup>1</sup> The Communications Secretariat is currently developing the regulation for the law, which will define key aspects, such as how the regulatory authorities will be organized.

During 2013 and 2014, four different bills that could regulate blocking, filtering, or removal of content in some way were introduced in the Argentine Congress. As of May 2015, three of these bills were stalled in the early stages of the legislative process and had not yet been brought up for a vote. Among these bills was a bill known as “The Right to be Forgotten,” which would allow users to request that internet intermediaries eliminate or block publications that could violate their right to privacy, honor, and image, so long as the content was not deemed to be of public interest. Another bill that would require ISPs to block content that in any way encourages human trafficking was approved by the Representative’s Chamber and was under debate in the Senate as of May 2015.

Although there is not a specific legislative framework that regulates intermediary liability, the Supreme Court issued an important ruling,<sup>2</sup> followed by two other similar decisions,<sup>3</sup> emphasizing the importance of freedom of expression online. It stated that search engines should not be held liable for linking to third-party content that violates rights or infringes copyright, as long as they comply when a judicial order demands that they take said content down.

In 2015, the investigation into the 1994 terrorist attack on the Jewish Mutual Aid Society in Buenos Aires became a focal point on social media, especially after a prosecutor investigating the bombing was found dead the night before he was due to testify before Congress.<sup>4</sup> People took to social

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1 Enrique A. Chapparo, “Argentina Digital: una oportunidad perdida,” [Argentina Digital: a lost opportunity] Fundación Vía Libre, 2014, <http://bit.ly/1biH7SE>; Daniel Ríos, “Argentina Digital pone en riesgo la libertad de expresión,” [Argentina Digital is a risk to freedom of expression] *Clarín*, December 24, 2014, <http://clarin.com/1tVCh>; Gabriel Sued, “Pese al fuerte rechazo de la oposición, se aprobaba anoche la ley Argentina Digital,” [Despite strong resistance, Argentina Digital was passed last night] *La Nación*, December 17th, 2014, <http://bit.ly/1Jby0BF>.

2 Supreme Court of Justice, “Rodríguez, María Belén c/ Google Inc. s/ daños y perjuicios,” October 28, 2014, <http://bit.ly/1b4IxAI>.

3 Supreme Court of Justice, “Da Cunha, Virginia c/ Yahoo de Argentina S.R.L. Y otro s/ daños y perjuicios,” December 30, 2014 <http://bit.ly/1GfxXls>; Supreme Court of Justice, “Lorenzo, Bárbara cl Google Inc. si daños y perjuicios,” December 30, 2014, <http://bit.ly/1JCeZVQ>.

4 “Nisman se presentará en el Congreso para explicar su denuncia por la causa AMIA,” [Nisman will make a presentation in the Congress to explain his accusation on the AMIA cause] *Télam*, January 18, 2015, <http://bit.ly/1bADDeh>; “El fiscal Alberto

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media to organize a demonstration demanding justice, which gathered hundreds of thousands of people.<sup>5</sup>

Damian Pachter, the journalist whose tweet first broke the story of the prosecutor's death, claimed that he was under government surveillance and fled the country out of fear for his own safety.<sup>6</sup> The national news agency published his flight itinerary, which included personal information<sup>7</sup> and which was re-tweeted by the official Twitter account of the Argentine presidential palace.<sup>8</sup> The government argued that they published the flight information in order to show that Pachter had a return flight to Argentina and thus argue that he was not fleeing for his life. Many critics thought that the government's decision to disseminate Pachter's personal flight information constituted a significant violation of the journalist's privacy.<sup>9</sup>

## Obstacles to Access

*Access to the internet has increased consistently in Argentina during the last decade. However, there are still infrastructural weaknesses that contribute to a digital gap, especially between urban and rural areas, with the majority of internet connections concentrated in urban areas. Several governmental initiatives aim to improve this situation. Congress recently passed the Argentina Digital Law, which classified ICT development and regulation as a public service, established net neutrality protections, and created new regulatory bodies to oversee ICTs. Some civil society groups have criticized the law for vague wording and insufficient data protection, among other issues.*

## Availability and Ease of Access

Over the past decade, internet access has consistently been on the rise in Argentina. Statistics published by the International Telecommunications Union (ITU) showed a 65 percent internet penetration rate in the country by the end of 2014, up from 60 percent in 2012 and 34 percent in 2009.<sup>10</sup> In December 2014, Congress passed a law known as the Argentina Digital Law,<sup>11</sup> which aims to guarantee socially and geographically equitable telecommunications services to all citizens. The law

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Nisman irá al Congreso para informar sobre la imputación a Cristina Kirchner y Timerman," [Prosecutor Alberto Nisman will go to Congress to inform on his accusation about Cristina Kirchner and Timmerman], *La Nación*, January 14, 2015, <http://bit.ly/1EkesGN>; "Nisman va al Congreso con su insólita denuncia," [Nisman goes to the Congress with his unusual accusation] *Página 12*, January 18, 2015, <http://bit.ly/1QFP2dd>.

5 "Marcha 18F: bajo la lluvia, miles de personas se movilizaron con los fiscales y la familia de Nisman a Plaza de Mayo," [18F demonstration: under the rain, thousands of people mobilized with prosecutors and Nisman's family to Plaza de Mayo] *La Nación*, February 19, 2015, <http://bit.ly/1vXUCRq>; "Multitudinaria marcha del #18F, en fotos," [Multitudinous #18F demonstration, in pictures] *Perfil*, February 19, 2015, <http://bit.ly/1JIBMIK>.

6 Committee to Protect Journalists, "Journalist flees Argentina after reporting on prosecutor's death," January 26, 2015, <http://cpj.org/x/5ec1>; See also Damian Pachter, Twitter post, January 19, 2015, 7:08 PM, <http://bit.ly/1JX29p7>.

7 El periodista Damián Pachter viajó a Uruguay con pasaje de regreso para el 2 de febrero," [Journalist Damián Pachter travelled to Uruguay with a return ticket for February 2] *Télam*, January 24, 2015, <http://bit.ly/1z6xXmM>.

8 Casa Rosada Twitter, Twitter post, January 24, 2015, 4:32 PM, <http://bit.ly/1BoTcOI>.

9 Committee to Protect Journalists, "Journalist flees Argentina after reporting on prosecutor's death," January 26, 2015, <http://cpj.org/x/5ec1>; Interamerican Society of Press, "La SIP lamentó la salida del país del periodista argentino," [SIP laments Argentine journalist's departure from the country] January 26, 2015, <http://bit.ly/1DHSNVy>; "Tras el escrache del Gobierno, Pachter se refugió en Israel," [After the Government's public denunciation, Pachter sought refuge in Israel], *Perfil*, January 25, 2015, <http://bit.ly/1BD3sGZ>; "El gobierno escuchó al periodista Damián Pachter con la publicación de su boleto de Aerolíneas," [Government publicly denounced journalist Damián Pachter by publishing his flight ticket], *Clarín*, January 25, 2015, <http://clarin/1zJ8TCf>.

10 International Telecommunication Union (ITU), "Percentage of Individuals using the internet," 2009, <http://bit.ly/1cbxXy>.

11 Argentina Digital, "Tecnologías de la Información y las Comunicaciones (TIC)," <http://bit.ly/1yPb4V6>.

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classifies ICT development and regulation as a public service, establishes net neutrality protections, and aims to enable access to ICTs throughout the country through a variety of measures, such as promoting investment in a Universal Service Fund that goes toward improving infrastructure and fostering interconnection among providers.<sup>12</sup> The Communications Secretariat is currently working on the regulation of the law.

The National Institute of Statistics and Census in Argentina (INDEC) reported that, as of September 2014, there were 13.3 million residential internet subscriptions—an increase of 11 percent from 2013. The vast majority of these subscriptions were broadband, with dial-up connections accounting for only 30,405 subscriptions, less than one percent of the total.<sup>13</sup> The INDEC also reported that in September 2014 there were 2.3 million internet subscriptions belonging to organizations, which represents a 15 percent increase over the previous year. Almost 400 of these organizations, which include schools, libraries, and nongovernmental organizations, benefited from free internet access.<sup>14</sup> An interactive map created by the government of Buenos Aires shows the location of about 300 public access Wi-Fi spots in the city of Buenos Aires.<sup>15</sup>

Measurements of internet speed in Argentina vary, but a range of sources show that the country lags well behind global averages in broadband speed. The average broadband speed in Argentina was 4.4 Mbps during 2014, although the Cisco Visual Networking Index has said that this speed is expected to reach 15 Mbps by 2019.<sup>16</sup> In comparison, the average global speed was 20.3 Mbps by the end of 2014 and is projected to reach 42.5 Mbps by 2019.<sup>17</sup> In February 2014, Netflix ranked the country among the slowest at both the regional and global levels, with speeds of 1.2 to 1.9 Mbps depending on the internet service provider (ISP).<sup>18</sup> Speeds also vary significantly by region: Ookla's Net Index estimated a speed of 10 Mbps in Buenos Aires with significantly lower speeds in other provinces, such as 6.7 Mbps in Santa Fe, 4.6 Mbps in Tucumán, and 3.0 Mbps in Mendoza.<sup>19</sup>

Mobile phone penetration continues to be high in Argentina. The ITU reported around 66 million mobile phones actively in use, representing a penetration rate of 159 percent.<sup>20</sup> Overall, the trend over the five years has been increased penetration, with the ITU showing a 26 percent increase in the number of mobile subscriptions between 2009 and 2014.<sup>21</sup>

Despite the increase of internet connections in Argentina, infrastructural weaknesses and high prices

12 The law defines "Universal Service" in article 18 as the group of ICT services that must be provided to all users, ensuring their access with quality, affordability and fair and reasonable prices, independently of their geographical location.

13 INDEC, Internet Access.

14 INDEC, "Accesos a Internet," [Internet Access] December 16, 2014, <http://bit.ly/1G6JS1H>; see also Official website of INDEC, <http://www.indec.mecon.ar>.

15 Guillermo Tomoyose, "Un mapa permite conocer los accesos Wi-Fi públicos en Buenos Aires," [A map shows public Wi-Fi Access in Buenos Aires] *La Nación*, January 19, 2015, <http://bit.ly/1B8ZnWO>; City of Buenos Aires Government, "List of public Wi-Fi spots," <http://bit.ly/1Fp42mz>.

16 Canal AR, "La velocidad de banda ancha se triplicará en 2019 en Argentina," [Broadband speed will triple by 2019 in Argentina] May 28, 2015, <http://bit.ly/1LhKWXJ>; "La velocidad de la banda ancha en la Argentina crece al ritmo de la demanda de video por Internet," [Broadband speed in Argentina grows at the pace of video demand on the Internet] *La Nación*, May 28 2015, <http://bit.ly/1IRqv0k>.

17 Cisco, "VNI Forecast Highlights," accessed August 1, 2015, <http://bit.ly/KLulyw>.

18 "Cuál es la Banda Ancha más Rápida de la Argentina, Según Netflix," [The Fastest Broadband in Argentina, According to Netflix], *La Nación*, February 10th, 2014, <http://bit.ly/1gnjnJW>; See also: Akamai, *State of the Internet*, Q3, 2013, Akamai, <http://akamai.me/1gSQoz7>.

19 Ookla's Net Index, Argentina. Accessed June 18 2015. This information was accessed in early 2015; however, Ookla's Net Index has since been discontinued.

20 ITU, "Mobile-cellular subscriptions," 2013, <http://bit.ly/1cblxy>.

21 ITU, "Mobile-cellular subscriptions" 2000-2013.

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put internet access beyond the reach of certain segments of the population, particularly in rural areas. Connection subscriptions are concentrated in urban areas, with the majority found in Buenos Aires, Córdoba, Santa Fe, and Mendoza.<sup>22</sup> Whereas in December 2014 the City of Buenos Aires claimed a rate of 1.4 broadband connections per inhabitant according to INDEC data, Formosa province claimed a meager 0.1 connections per inhabitant.<sup>23</sup>

High prices constitute a major obstacle to internet access in Argentina. According to a 2014 ITU report,<sup>24</sup> the average broadband plan costs US\$40 per month,<sup>25</sup> whereas the average salary in the country is around US\$1,200.<sup>26</sup> In 2013, the Technology and Society Centre of San Andrés University published a report placing Argentina's cheapest internet access plan among the most expensive ones in the region.<sup>27</sup> When asked why they lacked access to internet, 56 percent of respondents cited affordability as one of the reasons.<sup>28</sup> Whether or not the Argentina Digital Law will decrease prices or increase access remains to be seen. Although the state does not set the price of internet subscription fees, the new law requires that ICT providers set their prices in a "fair and reasonable" way.<sup>29</sup>

Mobile subscription prices are also very high in Argentina compared to neighboring countries. The World Economic Forum labeled Argentina as one of the most expensive countries in Latin America for mobile services in 2014.<sup>30</sup> Since August 2014, the government has offered an alternative prepaid plan, less expensive than those offered by companies, which includes text messages, multimedia messages, mobile internet, and free calls to one number.<sup>31</sup> After an increase in data consumption because of 4G, mobile phone companies sparked complaints by increasing their plan fees.<sup>32</sup> Ultimately, the National Communications Commission imposed a fine on one of these operators for the illegitimate change in its fees without notifying users, and ordered the operator to go back to the original fees.<sup>33</sup>

During the coverage period, the Argentina Connected Plan, a five-year government initiative started in 2010 in order to improve connectivity and access, entered its final year. One of the initiative's most

22 For more detailed information on connections, please see: INDEC, "Accesos a Internet," [Internet Access] December 16, 2014, <http://bit.ly/1G6JS1H>. See La Nación's interactive map developed with INDEC's data: Guillermo Tomoyose, "Un mapa interactivo muestra el nivel de acceso a Internet en la Argentina," [An interactive map shows the levels of internet access in Argentina] *La Nación*, February 9, 2015, <http://bit.ly/1DdheOg>.

23 Guillermo Tomoyose, "Un mapa interactivo muestra el nivel de acceso a Internet en la Argentina."

24 ITU, *Measuring the Information Society Report*, 2014, <http://bit.ly/1NUbnkf>.

25 Guillermo Tomoyose, "Un mapa interactivo muestra el nivel de acceso a Internet en la Argentina." ITU, *Measuring the Information Society Report*, 2014, 124.

26 Converted at the official rate. This is INDEC's estimate, pondering an average \$12,365 for public sector employees, and \$6461 for informal work. See Daniel Sticco, "Para el INDEC, la suba de salarios duplicó a la tasa de inflación," [According to INDEC, the rise in salaries doubled the inflation rate] *Infobae*, March 4, 2015, <http://bit.ly/1K9HWtc>.

27 Hernán Galperín, "Broadband Prices in Latin America and the Caribbean" (working paper, Universidad de San Andres, Buenos Aires, Argentina, 2013) 6, Figure 1.

28 "Internet: los Argentinos, hiperconectados, pero con mala calidad y precios altos," [Internet: Argentines, Hyperconnected, but with Bad Quality and High Prices] *La Nación*, May 16, 2014, <http://bit.ly/1GiEvlv>.

29 Argentina Digital Law, art. 48.

30 Laura Zommer, "Nuestros precios de celulares, al tope del mundo," [Our mobile phone prices, at the highest of the world] *La Nación*, November 10 2014, <http://bit.ly/1tThzAr>; Diario BAE, "Argentina y Brasil, los países más caros de la región para hablar por celular," [Argentina and Brazil, the most expensive countries in the region to speak through mobile phones], *Media Telecom*, March 4th, 2015, <http://bit.ly/1Pp1Va6>.

31 "Todo lo que hay que saber del Plan Prepago Nacional," [All there is to know about the Prepaid National Plan] *Télam*, August 8, 2014, <http://bit.ly/1mIM3F6>.

32 "Reclaman por cambios en los abonos telefónicos," [Complaints over changes in mobile phone subscriptions] *La Nación*, April 9, 2015, <http://bit.ly/1HUoEXj>.

33 "Multan a Movistar por cambios en los planes," [Movistar is fined for changes in its fees] *La Nación*, April 26, 2015, <http://bit.ly/1JyIbv>.

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important components is the Federal Network of Optical Fiber (Red Federal de Fibra Óptica), a project contracted to the state-owned company AR-SAT to extend approximately 58,000 km of fiber-optic cable across the country as a means of facilitating internet access for 97 percent of the population.<sup>34</sup> Although there have been concerns over the pace of the project's development throughout the years,<sup>35</sup> in May 2014, the government announced that the Ministry of Planning had overseen the construction of 30,000 km of fiber-optic network.<sup>36</sup>

The Ministry of Federal Planning, Public Investments and Services reported in September 2014 that it oversaw the establishment of 173 Access to Knowledge Centers, public spaces that provide free access to ICTs, under the Argentina Connected Plan.<sup>37</sup> Also, as a part of this initiative, the first Argentine telecommunications satellite, Arsat-1, was successfully launched in October 2014, and another one, Arsat-2—currently in a testing phase—is expected to launch in 2015.<sup>38</sup>

Another positive policy implemented by the government is the Connect Equality initiative, which began in 2010 and aims to foster digital inclusion by providing a netbook to every student and teacher in public high schools.<sup>39</sup> As of April 2015, more than 4.7 million netbooks had been delivered to students. However, critics have raised questions about the effective use of these technologies for educational purposes, and reports about widespread technical problems remain unresolved.<sup>40</sup>

## Restrictions on Connectivity

The Argentine government does not place limits on bandwidth, nor does it impose control over telecommunications infrastructure. There have been no reported instances of the government cutting off internet connectivity during protests or social unrest. There are currently fifteen functioning Network Access Points (NAPs), which help with internet traffic.<sup>41</sup>

34 Ministerio de Planificación, *Plan Nacional de Telecomunicaciones "Argentina Conectada"* [Actions of the Argentina Connected Plan], 2010-2015, 51-55, <http://bit.ly/1rW9rMr>

35 In 2012 a group of representatives presented a request for information in Congress about the progress of Argentina Connected: H. Cámara de Diputados de la Nación, "Proyecto De Resolución," August 30, 2012, <http://bit.ly/1K4PAEV> and also La Nación newspaper published a critical article: Diego Cabot, "AR-SAT, un sueño satelital fuera de órbita: millones sin rumbo claro," [AR-SAT, a satellite dream out of orbit: millions without a clear direction] *La Nación*, July 21, 2013, <http://bit.ly/ZHEfsK>.

36 Ministerio de Planificación, "Logros del Plan Nacional Argentina Conectada" [Accomplishments of the National Plan Argentina Connected], <http://bit.ly/1yScCOz>; See also: Leticia Pautasio, "La Red Federal de Fibra Óptica argentina alcanzó 30.000 kilómetros," [The Federal Fiber Optic Network reached 30,000 kilometers] *Telesmana*, May 6, 2014, <http://bit.ly/1OGJjAu>

37 Ministerio de Planificación, "Logros del Programa NAC, del Plan Nacional Argentina Conectada," [Accomplishments of NAC Program] news release, September 18, 2014, <http://bit.ly/1G6RNvV>.

38 "Argentina Satelital: Fue lanzado con éxito el Arsat-1," [Satelital Argentina: Satellite Arsat-1 was successfully launched], *Notas Periodismo Popular*, October 17, 2014, <http://bit.ly/1DAwpxx>; "Lanzan el Arsat 1, el primer satélite geoestacionario," [Arsat 1, the first geostationary satellite, is launched] *Infobae*, October 16, 2014, <http://bit.ly/1zd1Otw>; Diego Cabot, "La curiosa historia detrás del satélite argentino," [The curious story behind the Argentine satellite] *La Nación*, October 17, 2014, <http://bit.ly/1qHXeKz>; "El Arsat-1 llegó a la órbita geoestacionaria," [Arsat-1 reached the geostationary orbit] *La Nación*, October 27, 2014, <http://bit.ly/1ww256C>; Argentina Conectada, "Lanzamiento exitoso de Arsat-1," [Successful launch of Arsat-1] <http://bit.ly/1aRYhGe>.

39 Decree 459/10, accessed April 22, 2015, <http://bit.ly/1bj9C5>; See also: Gob.Ar, "Conectar Igualdad" [Connect Equality], accessed April 22, 2015, <http://bit.ly/1Ebzusv>.

40 Denise Rabin, "(Des)Conectar Igualdad: un programa que inspiró elogios, pero hoy recibe críticas," [(Dis)Connect Equality: a programme that once sparked praise, today receives criticism] *La Nación*, January 5, 2015, <http://bit.ly/1BoFTyn>.

41 CABASE – Cámara Argentina de Internet, "NAPS en funcionamiento," <http://bit.ly/1JtNxJL>.



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### ICT Market

There are approximately 760 companies that are licensed to offer internet services in Argentina,<sup>42</sup> which indicates a diverse digital technology spectrum free of onerous obstacles to entry. For a company to offer internet services, it must first obtain a license from the National Communications Commission (CNC).<sup>43</sup> The application fee is fairly reasonable at ARS 5,000 (US\$543).

Although generally speaking there are no onerous obstacles to entering the ISP market, a study by telecommunications expert Martín Becerra shows that by 2013 more than 85 percent of the broadband market was concentrated in three companies, Telefónica, Telecom, and Grupo Clarín.<sup>44</sup> It is still unclear what effect the Argentina Digital law will have on the ISP market and whether it will enable further concentration.<sup>45</sup> Under the Argentina Digital Law, the licensing system for ICT providers may change, but regulation governing these potential changes has yet to be announced.<sup>46</sup>

The mobile market is also concentrated in the hands of a few companies, namely Movistar, Claro, and Personal.<sup>47</sup> In October 2014, the government started spectrum auctions for 4G mobile phone frequency, and revealed that it had received bids of over US\$2.2 billion based on the participation of four companies: Movistar (Telefónica Móviles Argentina), Personal, Arlink (property of group Vila-Manzano), and Claro (AMX Argentina).<sup>48</sup> This auction process placed Argentina among the four countries of the region with the most spectrum assigned, according to the association 4G Americas.<sup>49</sup> However, despite the initiation of 4G networks, the Cisco Visual Networking Index 2014-2019 estimates that only 10 percent of users in Argentina will be using 4G networks by 2019.<sup>50</sup>

### Regulatory Bodies

The Argentina Digital Law, passed in December 2014, significantly changed the country's ICT regulatory structure by subsuming the Communications Secretariat and Argentina's historic regulator, the National Communications Commission (CNC), into three new regulatory bodies.<sup>51</sup> Although regu-

42 Autoridad Federal Del Tecnologías de la Información y las Comunicaciones, "Información de los prestadores," [Information Regarding Providers], <http://bit.ly/1PpwE6S>.

43 National Communications Commission, Decree 764/2000, September 5, 1998, <http://bit.ly/1yTDFsD>.

44 Martín Becerra, *De la concentración a la convergencia*, [From concentration to convergence] (Buenos Aires: Paidós, 2015), 64.

45 Martín Becerra, "Argentina Digital, convergencia y concentración," [Argentina Digital: convergence and concentration] *Martín Becerra* (blog), December 21 2014, <http://bit.ly/1LlOi8Y>; Bruno Massare and Leticia Pautasio, "Argentina Digital en detalle: qué cambios plantea la nueva ley de telecomunicaciones," [Argentina Digital in detail: which changes does the new telecommunications law bring] *Infotechnology.com*, May 8 2015, <http://bit.ly/1cwJa69>; Via Libre Foundation, "Advierten sobre alcances y problemas del proyecto de Ley Argentina Digital", [Scope and problems of bill Argentina Digital] December 1, 2014, <http://bit.ly/12kaBuH>.

46 National Communications Commission, "Guide for License Applications," <http://bit.ly/1Hs9AU3>.

47 Pablo Gutiérrez, "Argentina: El Gobierno anunció la quita de subsidios a empresas de telefonía móvil," [Argentina: the government announced the withdraw of grants to mobile telephone companies] *Wayerless*, November 2 2011, <http://bit.ly/1SySITK>; Sebastián Premici, "Servicio...", [Service] *Página12*, October 30 2011, <http://bit.ly/1H5zk9w>.

48 "El Gobierno recaudó más de 2200 millones de dólares por la subasta de las frecuencias para telefonía 4G," [The Government collected more than 2200 million dollars in the auction of frequencies for 4G telephony] *La Nación*, November 1, 2014, <http://bit.ly/1Ohi4N5>.

49 "4G: Argentina es uno de los países de la región con mayor espectro asignado," [4G: Argentina is one of the countries of the region with the most allocated spectrum] *Télam*, December 13, 2014, <http://bit.ly/1xk6BIl>; Roberta Prescott, "LatAm: Argentina auctions spectrum; mobile broadband grows in Mexico," *RCR Wireless News*, November 7, 2014, <http://bit.ly/1DTB80k>.

50 José Crettaz, "Movilidad 4G: en 2019, sólo el 10% de los dispositivos usará la nueva red," [4G mobility: in 2019, only 10% of devices will use the new network] *La Nación*, February 6, 2015, <http://bit.ly/1C1Mplk>.

51 Autoridad Federal Del Tecnologías de la Información y las Comunicaciones, "Qué est AFTIC," <http://bit.ly/1GbxItP>.

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latory bodies have been subject to some government intervention in past years,<sup>52</sup> the CNC, prior to being dissolved, had a reputation for being a relatively independent, public, decentralized body.

The Argentina Digital Law created three new regulatory authorities – the Federal ICT Authority, the Federal Council of Telecommunications and Digitalization Technologies, and a Bicameral Commission for Promotion and Monitoring of Audiovisual Communication and Telecommunication and Digital Technologies. Under the new law, the Federal ICT Authority and the Federal Council of Telecommunications and Digitalization Technologies will absorb the structure and functions of the CNC.<sup>53</sup> The procedure for the transfer of the CNC to the newly created application authorities will be determined by the law's regulation, which was still being developed as of June 2015.

Some critics of the Argentina Digital Law worry that the three regulatory authorities will have overly broad powers; for example, the power to grant licenses or take them away, decide which public policy will be implemented to ensure universal service, and impose specific obligations on providers with "significant market power."<sup>54</sup> Also, the law leaves many aspects to be determined by the regulation, which these authorities will later enforce.<sup>55</sup>

In April 2014, the Communications Secretariat created the Commission for Internet Policy (CAPI), with the aim to foster "participation of different actors to design a national strategy for internet governance ...[and] to contribute to a better representation of Argentina in international organizations and forums."<sup>56</sup> However, this is not a regulatory body, and it has yet to be determined whether its resolutions will be binding.

Any website ending in ".ar," must be registered with NIC.ar, the executive body that regulates and registers domain names. As of June 2015, registration of any domain ending in ".com.ar" required an annual fee between ARS 65 and ARS 450 (US\$7 and US\$49) per year.<sup>57</sup> The rationale behind this change was to prevent people from registering for domain names they are not going to use. Although the fees are reasonable considering that the average monthly wage is ARS 10,800 (US\$1,173),<sup>58</sup> domains were previously free, and the new policy could deter some users.<sup>59</sup>

52 D.P. "Pressed," *The Economist*, 8/25/2010, <http://econ.st/1iwGLva>.

53 Ley No. 27078, art. 79 and 87.

54 Ley No. 27078, art. 12, 20 and 46.

55 Vía Libre Foundation, "Advierten sobre alcances y problemas del proyecto de Ley Argentina Digital," [Scope and problems of bill Argentina Digital] December 1, 2014, <http://bit.ly/12kaBuH>; Asociación por los Derechos Civiles (ADC), "La ADC y la Fundación Vía Libre manifiestan su preocupación por el dictamen de "Argentina Digital," [The Association for Civil Rights and Vía Libre Foundation express concern over preliminary approval of Argentina Digital bill] November 25, 2014, <http://bit.ly/1KB9o1H>; Guillermo Mastrini, "Argentina Digital: ¿Una ley hecha a medida del poder de turno?" [Argentina Digital: a law custom-made to the authorities in place?] *Infobae*, November 11, 2014, <http://bit.ly/1wSH0EJ>; Eduardo Bertoní, "Internet Applications: Don't Cry for Me in Argentina!" *The Huffington Post*, November 26, 2014, <http://huff.to/1aRTd4F>.

56 Ministerio de Planificación, Resolución 13/2014, <http://bit.ly/1DEW4oN>; "Se reunió por primera vez la Comisión de Políticas de Internet," [The Internet Policy Commission met for the first time] *Télam*, June 3, 2014, <http://bit.ly/1GbxTQf>.

57 NIC Argentina, Registration Fees, <http://bit.ly/1flac2e>.

58 This is INDEC's estimate, pondering an average \$12,365 for public sector employees, and \$6461 for informal work. See Daniel Sticco, "Para el INDEC, la suba de salarios duplicó a la tasa de inflación," [According to INDEC, the rise in salaries doubled the inflation rate] *Infobae*, March 4, 2015, <http://bit.ly/1K9HWtc>; Conversions to USD were conducted using the OANDA rate as of August 5, 2015 <http://www.oanda.com/currency/converter/>.

59 Marcelo Bellucci, "Habrà Que Pagar Por Registrar un Dominio de Internet en Argentina" [There Will Be a Charge to Register a Domain Name in Argentina] *Clarín*, February 25, 2014, <http://clar.in/1gzlBWk>; "El Registro de Dominios en Internet Dejará de Ser Gratuito Desde Marzo" [Registering Domains on the Internet Will Not Be Free As of March], *Télam*, February 24, 2014, <http://bit.ly/1ercQLq>.



## Limits on Content

*During late-2014 and early-2015, three Supreme Court rulings on intermediate liability set a valuable precedent for freedom of expression. On the other hand, several bills that proposed blocking or removal of certain content were introduced in Congress in 2014. The introduction of such extensive legislation to expand blocking, filtering, and takedown of content raised concerns among free speech advocates, who worried that the broad wording of these initiatives could limit internet freedom and lead to restrictions on politically and socially relevant content. Although most of these bills have stalled in the early stages of the legislative process, they could still be debated before the end of the 2015 legislative session on November 30<sup>th</sup>. One bill, which would block content deemed to promote human trafficking, has been approved by the Chamber of Deputies and is under debate in the Senate.*

### Blocking and Filtering

Argentine internet users have access to a wide array of online content, including international and local news outlets, as well as the websites of political parties and civil society initiatives. YouTube, Facebook, Twitter, and international blog-hosting services are freely available. There is no automatic filtering of internet sites, web pages, platforms, social media sites, or blogs. Law 25.690, however, requires ISPs to provide software that can allow users to choose to limit their own access to “specific websites.”<sup>60</sup> Other laws at the municipal or state level mandate the blocking of pornographic websites in public locations, such as libraries and educational institutions.<sup>61</sup>

During the coverage period, several controversial bills that regulated filtering, blocking, and content removal in some way were debated in Congress (see Content Removal for more information on bills related to the removal of personal data or discriminatory content). As of June 2015, only one of the bills—a bill that proposes the blocking or removal of content that promotes human trafficking—was under consideration in the Senate, after having been approved by the Chamber of Deputies.<sup>62</sup> This bill (6943-D-2013) would ban all content that promotes human trafficking and would forbid all publications that promote commercial sex work. If passed, a regulatory body within the executive branch would have the power to monitor media to spot prohibited publications and request the blocking or removal of the content in question with no mechanism for judicial oversight.<sup>63</sup>

Some civil society groups opposed this bill on the grounds that the language is overly broad. The bill’s stated aim is to stop human trafficking, but the language of the bill prohibits any communication related to the commercial offer of sexual activity, which is not illegal in Argentina.<sup>64</sup> Other critics worry that the bill does not include a mechanism for judicial review and argue that allowing the regulatory bodies to order the blocking and removal of content without a court order creates a dangerous precedent.<sup>65</sup>

60 Ley No. 25.690, <http://bit.ly/1I0q2JX>.

61 Ley No. 2.974, BO 12/11/2008, <http://bit.ly/1yXFWDI>; See also Santa Fe Legal, Ley 10.703, <http://bit.ly/1JhmfjZ>.

62 “Diputados aprobó el proyecto que prohíbe avisos que fomenten oferta sexual en medios de comunicación,” [House of representatives passed the bill that bans ads that promote sexual services offers in media], *Télam*, November 13, 2014, <http://bit.ly/1Fht0t2>.

63 Bill 6943-D-2013, <http://bit.ly/1Hsfww9>.

64 Beatriz Busaniche, “Las buenas intenciones y el camino a la censura,” [Good intentions and the road to censorship], Via Libre Foundation, September 18th, 2014, <http://bit.ly/1OOK4qR>; “Advierten que el proyecto de Larroque para prohibir los avisos sexuales es inconstitucional,” [Critics warn that Larroque’s bill to ban sexual advertising is unconstitutional] *La Política Online*, November 13, 2014, <http://bit.ly/1fmkVt1>.

65 ADC, “Comentarios sobre el proyecto de eliminación de mensajes que fomenten la explotación sexual,” [Comments on the

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In the past few years, there have been cases of blocking and filtering of allegedly defamatory material and copyright protected content, including cases of blocking or content removal on grounds of copyright infringement on content sharing platforms.<sup>66</sup> In a June 2014 civil case initiated by the Argentine Chamber of Phonogram Producers (CAPIF), a civil court ordered ISPs to block access to IP addresses associated with The Pirate Bay, a website that facilitates peer-to-peer (P2P) filesharing using BitTorrent protocol, on the grounds that The Pirate Bay included links to copyright protected content.<sup>67</sup> The blocking of the platform was unsuccessful, however, as it was possible to access it from other websites, including from the CAPIF website, which was hacked to redirect users to The Pirate Bay platform.<sup>68</sup> One of the most controversial aspects of the decision was that the blocking of the platform in Argentina also affected Paraguay, since that country's connection to the internet goes through Argentina and Brazil.<sup>69</sup>

Argentina boasts a wide availability of social media and international blog-hosting services, like YouTube, Facebook, Twitter, and others. There are no known cases of blocking social media for political reasons. Although a few policymakers proposed limiting social media sites in 2013 in the wake of protests and a wave of looting, this initiative was widely criticized and quickly defeated.<sup>70</sup>

## Content Removal

Between October 2014 and December 2014, three court rulings on intermediary liability expanded freedom of expression by ensuring that intermediaries did not have to preemptively screen or censor content. These rulings inspired a bill to create a framework for intermediary liability, which was introduced in May 2015 to the Argentine Congress. During the 2014 legislative session, three bills that would have regulated blocking and content removal were introduced but had not yet been debated or voted on in the legislature as of May 2015.

The most important judicial decision regarding intermediary liability occurred in October 2014, when the Supreme Court confirmed the appellate court's decision to overturn a lower court's ruling, which required search engines to eliminate certain sexual and erotic content related to the petitioner, the celebrity Belén Rodríguez.<sup>71</sup> The lower court, whose opinion was challenged in an appellate court be-

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bill to ban messages that promote sexual exploitation] November 12 2014, <http://bit.ly/1yA9T74>.

66 See Taringa! Case. Wikipedia, Taringa! Page, Wikipedia, <http://bit.ly/1DYMC2T>; Centro de Información Judicial, "Confirman Procesamiento de Responsables del Sitio de Internet Taringa!" [Confirmed Prosecution of Those Responsible for the Taringa! Website] October 25, 2011, <http://bit.ly/1JlFWFo>; Vía Libre Foundation, "Control Privado y Libertad de Expresión en Internet: el Caso Taringa!" [Private Control and Freedom of Expression on the Internet: the Case of Taringa!] May 25<sup>th</sup>, 2013, <http://bit.ly/1GqYVbO>; Cámara del Libro, "Acuerdo entre la Cámara Argentina del Libro y Taringa" [Agreement Between Cámara Argentina del Libro and Taringa], March 27<sup>th</sup>, 2012, <http://bit.ly/114J0PF>.

67 "La Justicia ordena el bloqueo de The Pirate Bay en la Argentina," [The Judiciary orders blocking of The Pirate Bay in Argentina] *La Nación*, June 30, 2014, <http://bit.ly/1x6OTVv>.

68 "Hackearon el sitio de Capif para redireccionarlo a The Pirate Bay," [CAPIF's website is hacked to redirect to The Pirate Bay] *La Nación*, July 1, 2014, <http://bit.ly/1iRXHvS>; Diego Rottman, "10 motivos por los que es ridículo bloquear a The Pirate Bay," [10 reasons why blocking The Pirate Bay is ridiculous] *Periodismo*, July 1, 2014, <http://bit.ly/1pHSB8c>; "Pese al bloqueo, varios sitios permiten ingresar a The Pirate Bay en la Argentina," [Despite the blocking, several sites enable access to The Pirate Bay in Argentina] *Infotechnology.com*, July 3, 2014, <http://bit.ly/1qTe7E2>.

69 "El bloqueo argentino de The Pirate Bay también afecta a Paraguay," [Blocking of The Pirate Bay in Argentina affects Paraguay too], *La Nación*, July 2<sup>nd</sup>, 2014, <http://bit.ly/1Gfvgx5>; "El bloqueo argentino a The Pirate Bay también afecta a Paraguay," [Blocking of The Pirate Bay in Argentina affects Paraguay too], *Continental*, July 2, 2014 <http://bit.ly/1GcZD7M>.

70 Vía Libre Foundation, "Estado de Sitio Para Internet," [State Site for Internet] December 18, 2013, <http://bit.ly/1yTGZnj>; Eduardo Bertoni, "Regular y Restringir Las Redes Sociales por Ley: ¿Una Idea Demagógica o una Demostración de Falta de Conocimiento?" [Regulating and Restricting Social Media by Law: A Demagogic Idea or a Sign of Ignorance?] *e-BERTONI* (blog), December 18, 2013, <http://bit.ly/1EiR51z>.

71 Supreme Court of Justice, "Rodríguez, María Belén c/ Google Inc. s/ daños y perjuicios."

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fore reaching the Supreme Court, argued that the unauthorized use of sexually-explicit photographs of Rodriguez violated her honor and her right to those images and demanded that the search engines block the sites containing these photographs and offer compensation. The Supreme Court rejected this argument, stating that search engines should not be held liable for linking to third-party content that violates rights or infringes copyright, as long as they are not negligent<sup>72</sup>—meaning that they comply if a judicial order demands that they take said content down and they take down or block “manifestly unlawful” content, such as child pornography or genocide incitement.<sup>73</sup> The Court emphasized online freedom of expression in its ruling, and argued that using a strict liability regime would harm this freedom by incentivizing intermediaries to monitor and preemptively take down any potentially illegal content.<sup>74</sup> The Court cited international human rights agreements, including the American Convention of Human Rights, which prohibits prior censorship except in “absolutely exceptional cases.”<sup>75</sup>

A few months later, the Supreme Court reinforced this precedent by deciding that intermediaries were not liable in two similar cases in which celebrities were suing search engines for providing links to sexually explicit content.<sup>76</sup> The standard that the court set in these decisions of only requiring preemptive blocking in cases of “manifest unlawfulness” is somewhat imprecise, and lower courts in Argentina’s legal system are not obligated to follow Supreme Court precedent; however, this ruling is still a valuable precedent for freedom of expression.<sup>77</sup>

As of May 2015, Argentina still lacked any specific legal framework to regulate intermediary liability. In this context, the Supreme Court’s rulings on intermediary liability in 2014 were especially important, as they provided a precedent that may encourage the lower courts to rule more consistently against strict intermediary liability. In the past, judicial rulings on intermediary liability have been inconsistent and have generated an environment of uncertainty. Many past judicial rulings deferred to the general torts framework when deciding a case, which sometimes posed risks to rights online and resulted in very diverse and variable case law.<sup>78</sup> Some judicial rulings in the past have held intermediaries liable on the grounds that the intermediaries’ activity is an inherently “risky” activity or on the grounds that the intermediaries were violating Argentina’s 90-year-old intellectual property law, which holds anyone who reproduces copyrighted content liable.<sup>79</sup>

Inspired by the Supreme Court rulings on intermediary liability, Senator Liliana Fellner introduced a bill in May 2015 to Congress that would establish the general principle that search engines must not be held liable for third party content, and do not have to preemptively monitor or control content.<sup>80</sup> The law establishes a judicial notification procedure and says that intermediaries will only be held liable if, after being notified about unlawful content, they fail to take appropriate measures. Never-

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72 Supreme Court of Justice, “Rodriguez, Maria Belén c/ Google Inc. s/ daños y perjuicios,” par 17.

73 Supreme Court of Justice, “Rodriguez, Maria Belén c/ Google Inc. s/ daños y perjuicios,” par 18.

74 Supreme Court of Justice, “Rodriguez, Maria Belén c/ Google Inc. s/ daños y perjuicios,” par 16.

75 Supreme Court of Justice, “Rodriguez, Maria Belén c/ Google Inc. s/ daños y perjuicios,” October 28, 2014, par 25-28, <http://bit.ly/1b4IxAI>; see also Report of the UN Rapporteur on freedom of expression, and the Joint Declaration of 2011.

76 Supreme Court of Justice, “Da Cunha, Virginia c/ Yahoo de Argentina S.R.L. Y otro s/ daños y perjuicios”. December 30, 2014 <http://bit.ly/1GfxXls>; see also Supreme Court of Justice, “Lorenzo, Bárbara cl Google Inc. s/ daños y perjuicios”. December 30, 2014, <http://bit.ly/1JCeZVQ>.

77 Eduardo Bertoni, “Un precedente valioso para la libertad de expresión en internet,” [A valuable precedent for freedom of expression on the internet] *Infobae*, October 30, 2014, <http://bit.ly/1GfxVqo>.

78 Daniela Schnidrig and Verónica Ferrari, “Liability of intermediaries in Argentina: Lack of specific legislation and contradictory decisions,” *Digital Rights LAC*, April 2, 2014, <http://bit.ly/1Gr6Nu0>.

79 Ley 11.723, <http://bit.ly/1Pvz0kO>.

80 Bill 1865/15, presented by Senator Liliana Fellner on May 29 2015, <http://bit.ly/1EtTeKs>.

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theless, similar to the judicial rulings, the legislation would make an exception for “manifestly unlawful” content, which intermediaries would be required to remove upon notification by an individual user even without judicial participation.<sup>81</sup> Unfortunately, the legislation establishes a rather vague and broad definition of manifestly unlawful content, citing as examples content that facilitates or instigates the commission of crimes; endangers a person’s life or integrity; incites genocide, racism or discrimination; thwarts current judicial investigations; produces severe damage to a person’s honor, privacy or image; or exhibits child pornography.<sup>82</sup> The bill will be under discussion in 2015 in the Senate’s Commission on Systems, Media and Freedom of Expression.

In 2014, two bills introduced in the legislature would require intermediaries to block or remove personal information based on a user’s request. Although neither bill had been debated by mid-2015, they could still be picked up before the legislative year ends on November 30, 2015.<sup>83</sup> Bill 7989, introduced in October 2014, would have established a so-called “right to be forgotten,” allowing users to request that internet intermediaries, including search engines and websites, remove or block publications that could violate their right to privacy, honor, and image, although the bill provided an exception for content of public interest. If the intermediary failed to comply, the bill establishes judicial review to determine whether the content really violated a person’s privacy and, if so, whether the intermediary should be fined.<sup>84</sup>

A second, similar bill introduced in the same month, proposed the elimination of personal information online.<sup>85</sup> If passed, the bill would have enabled users to request that search engines block and remove all personal data that did not affect public interest; however, unlike Bill 7989, this initiative did not propose a judicial review process.

In September, 2014, representatives introduced a bill<sup>86</sup> that would have authorized the National Institute against Discrimination, Xenophobia, and Racism to order site administrators to take down any racist or xenophobic content or messages that undermined or insulted people based on their ethnicity, religion, gender, or sexual orientation.<sup>87</sup> The bill proposed a judicial review process through which courts could impose serious sanctions—even interruption of service—for sites that fail to comply with the content removal request.<sup>88</sup> By mid-2015, the bill hadn’t been debated in the Commission. However, in July, after the end of the coverage period for this report, a new bill against discrimination integrated this bill along with others and was approved by the Representatives Chamber’s Human Rights Commission.<sup>89</sup> This new bill sparked criticism from civil society and academia because, if

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81 Bill 1865/15, art. 5.

82 Bill 1865/15, art. 7.

83 In Argentina each bill has a validity of two legislative years, after which point it will expire unless it is reintroduced or approved by one of the chambers of Congress. Both of these bills were introduced in the 2014 legislative session. Therefore, they are set to expire at the end of the 2015 legislative year. See Law 13.640 for information governing the legislative process: <http://bit.ly/1KA2uJm>.

84 Bill 7989-D-2014, <http://bit.ly/1GmY0JC>

85 Bill 8372-D-2014, <http://bit.ly/1DgVkpK>

86 Bill 7379-D-2014, <http://bit.ly/1shOB9g>

87 Bill 7379-D-2014, art. 5, 6 and 7. <http://bit.ly/1shOB9g>; For criticism of the bill, see: “Verbistky le explicó a Conti y Carlotto que la censura a portales viola leyes y tratados vigentes,” [Verbistky explained Conti and Carlotto that censoring platforms violates laws and treaties] *La Política Online*, October 30th, 2014, <http://bit.ly/1DgWykj>.

88 Bill 7379-D-2014, art. 9.

89 The introduction of this bill occurred after the end of the coverage period for this report; therefore, it was not considered in determining internet freedom scores for the coverage period. As of August 2015, the bill had not moved forward in the legislative process to be debated by Congress.

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passed, it would allow individuals to request that intermediaries block any content that fell under a very broad definition of discriminatory material.<sup>90</sup>

### Media, Diversity, and Content Manipulation

Argentina has a relatively open and diverse online media environment, as well as high rates of social media use. Self-censorship among bloggers and online users is not widespread in Argentina, although some isolated instances of harassment may elicit self-censorship in particular cases (see Intimidation and Violence).

The discriminatory allocation of official advertising, both at the federal and local levels,<sup>91</sup> plays a major role in shaping media content in Argentina, and the government has come under fire repeatedly for providing substantial funding through advertising to media outlets that write favorable editorials, while cutting off advertising for critical organizations.<sup>92</sup> Nevertheless, it is likely that discriminatory allocation of advertising affects traditional media more than it affects digital media, although the latter, especially in the form of online editions of traditional newspapers, may be affected as well.

There have been multiple rulings by different judicial courts ordering the government to distribute official advertising in an equitable way. In February 2014, Argentina's Supreme Court ruled that the government must comply with equitable allocation of advertising, and in 2013 the Supreme Court recommended transparent public policy in terms of official advertising.<sup>93</sup> However, according to the latest figures published by the executive branch, ten groups, mostly large traditional media organizations, all of whom are allegedly close to the government,<sup>94</sup> obtained 50 percent of the total of funds allocated to official advertising.<sup>95</sup> Unfortunately, there is little data specific to advertising revenue for digital media or the effect of discriminatory allocation of advertising on the online editions and digital ventures associated with traditional newspapers.

### Digital Activism

Argentines continue to use social media as a tool for political mobilization. On November 13, 2014,

90 "Ley Nacional Contra La Discriminación," Vía Libre Foundation, <http://bit.ly/1MKrmAW>; Beatriz Busaniche, "Discriminación en Internet, un argumento para la censura," [Discrimination on the Internet: an argument for censorship] Vía Libre Foundation, November 3, 2014, <http://bit.ly/1bmjgS8>;

"El proyecto que faculta al INADI a clausurar medios," [The bill that enables INADI to shut down media] *Periodismo*, October 24, 2014, <http://bit.ly/1FklC00>; Beatriz Busaniche, "Las buenas intenciones y el camino a la censura," [Good intentions and the road to censorship] Vía Libre Foundation, September 18, 2014, <http://bit.ly/1OOK4qR>; Beatriz Busaniche, "La discriminación y el derecho al olvido en la Red, bajo la mirada de dos diputados," [Discrimination and the right to be forgotten on the net, in sight of two representatives] *La Nación*, October 28, 2014, <http://bit.ly/1PvIXQq>; Javier Borelli, "Debatirán el "derecho al olvido" en Internet," [Debate over right to be forgotten on the internet] *Tiempo Argentino*, October 22, 2014, <http://bit.ly/1z1KAU>.

91 Poder Ciudadano, "Dimensión de la Publicidad Oficial en la Argentina," [The Dimension of Official Publicity in Argentina], 2011, <http://bit.ly/1aYwbcl>; ADC and Open Society Justice Initiative, *Buying the News: A report on Financial and Indirect Censorship in Argentina*, Open Society Institute, 2005, <http://bit.ly/1EnYQTW>.

92 Sara Rafsky, "In government-media fight, Argentine journalism suffers," Committee to Protect Journalists, September 27, 2012, <https://cpj.org/x/4fa8>;

93 Centro de Información Judicial, "La Corte Suprema declaró la constitucionalidad de la Ley de Medios," [Supreme Court rules Media Law as Constitutional] October 23, 2013, <http://bit.ly/1Kdidjj>.

94 "El Gobierno admite que la pauta oficial es para amigos y hasta un peluquero," [Government admits allocating official advertising to friends and even a hair stylist] *Clarín*, March 31, 2014, <http://clarin.com/1Fkrk1N>; José Crettaz, "Amigos y hasta un peluquero en el llamativo reparto de la pauta oficial," [Friends and even a hair stylist in the unusual allocation of official advertising] *La Nación*, March 31, 2014, <http://bit.ly/1mpigNe>.

95 José Crettaz, "De 1 a 400 millones de pesos: los mayores beneficiarios de la pauta oficial 2009-2013," [From 1 to 400 million pesos: the biggest beneficiaries of official advertising 2009-2013] *La Nación*, March 31, 2014, <http://bit.ly/1dHGOkN>.

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social media was crucial in spreading the word about an antigovernment demonstration under the hashtag #13N. Like previous demonstrations, the protest generated considerable social media attention, with people both supporting and mocking the protest online.<sup>96</sup>

Another relevant demonstration took place after Alberto Nisman, the prosecutor investigating the terrorist bombing of the Jewish Mutual Aid Society in Buenos Aires in 1994, was found dead in his apartment the night before he was scheduled to appear before Congress in order to present information implicating the government in a cover up related to the bombing.<sup>97</sup> Organizing under the declaration “I am Nisman,” about 20,000 people gathered to demand justice in a spontaneous demonstration, which generated significant media attention.<sup>98</sup> Afterward, several prosecutors convoked another demonstration, demanding justice for Nisman, on February 18, 2015 and drew over 400,000 people through the social media hashtag #18F.<sup>99</sup> Government officials criticized the demonstration, which they perceived as an opposition mobilization,<sup>100</sup> and on March 1, 2015, government supporters organized a separate demonstration in support of President Cristina Fernández with the hashtag #1M.<sup>101</sup>

In June 2015, digital activism played a central role in the demonstration #NiUnaMenos.<sup>102</sup> After several women were murdered, a group of journalists and activists called for a demonstration to advocate for concrete actions to fight violence against women. The march went viral on social media, with the hashtag #NiUnaMenos (Not One Less),<sup>103</sup> and on June 3, 2015, thousands of people gathered in front of the Congress.<sup>104</sup> The mobilization had major reverberations on Twitter: during the demonstration the hashtag generated more than 270,000 tweets.<sup>105</sup>

96 Some social media users supported the protests: Tribuna de Periodistas, “13N a pesar de todo,” [13N despite everything], Storify, <http://bit.ly/1HxbMJR>; Other social media users mocked the protests online: “Bromas e ironías por el cacerolazo del #13N,” [Mocking and irony over #13N cacerolazo] *Infonews*, November 13, 2014 <http://bit.ly/1HxcgzE>.

97 “Nisman se presentará en el Congreso para explicar su denuncia por la causa AMIA,” [Nisman will make a presentation in the Congress to explain his accusation on the AMIA cause] *Télam*, January 18, 2015, <http://bit.ly/1bADDeh>; see also “El fiscal Alberto Nisman irá al Congreso para informar sobre la imputación a Cristina Kirchner y Timerman,” [Prosecutor Alberto Nisman will go to Congress to inform on his accusation about Cristina Kirchner and Timmerman] *La Nación*, January 14, 2015, <http://bit.ly/1EkesGN>; “Nisman va al Congreso con su insólita denuncia,” [Nisman goes to the Congress with his unusual accusation] *Página 12*, January 18, 2015, <http://bit.ly/1QFP2dd>; Karen Zraick, “The Mysterious Death of Alberto Nisman,” *The New York Times*, February 20, 2015, <http://nyti.ms/1KBI0BW>.

98 “‘Todos somos Nisman’, un grito multitudinario,” [‘We are Nisman’, a multitudinous cry] *La Nación*, January 20, 2014, <http://bit.ly/1AGfOqW>.

99 “Un video convoca a la marcha del #18F en redes sociales,” [A video calls for the #18F march in social media] *Perfil*, February 12, 2015, <http://bit.ly/1z1wi2A>; see also “Marcha 18F: bajo la lluvia, miles de personas se movilizaron con los fiscales y la familia de Nisman a Plaza de Mayo,” [18F demonstration: under the rain, thousands of people mobilized with prosecutors and Nisman’s family to Plaza de Mayo] *La Nación*, February 19, <http://bit.ly/1vXUCRq>; “Multitudinaria marcha del #18F, en fotos,” [Multitudinous #18F demonstration, in pictures] *Perfil*, February 19, 2015, <http://bit.ly/1JIBMIK>.

100 “Cristina Kirchner, sobre la marcha por Nisman: ‘A ellos les dejamos el silencio, siempre les gustó el silencio,’” [Cristina Kirchner, on the Nisman demonstration: “To them, we leave them silence, they always liked silence”] *La Nación*, February 11, 2015, <http://bit.ly/18wvnPE>; “Cristina calificó la marcha del 18F como ‘opositora’ y dijo que marcó ‘el bautismo del Partido Judicial,’” [Cristina qualified the 18F demonstration as “opposition”, and said it marked the “baptism of the Judiciary”] *Ámbito*, February 21, 2015, <http://bit.ly/1yXINGt>.

101 “Video: Buenos Aires se levanta para el 1M, la marcha en apoyo a Cristina Kirchner,” [Video: Buenos Aires rises for 1M, the demonstration in support of Cristina Kirchner], *RT*, March 2, 2015, <http://bit.ly/1ArtBAP>; “Cristina agradeció el apoyo en la marcha del 1M,” [Cristina thanked support in the 1M demonstration] *Crónica*, March 8, 2015, <http://bit.ly/1E4gyu5>; “Los afiches de apoyo a Cristina Kirchner para el 1M,” [The posters in support of Cristina Kirchner for 1M] *Diario Veloz*, February 25, 2015, <http://bit.ly/1OP3Jak>.

102 This mobilization occurred after the end of the coverage period for this year.

103 Facebook, Ni Una Menos, <http://on.fb.me/1d7YIqE>.

104 James Rush, “Argentina protests: Thousands takes part in mass demonstrations to condemn violence against women,” *The Independent*, June 4, 2015, <http://ind.pn/1KcSjOz>; Uki Goñi, “Argentine Women Call Out Machismo,” *The New York Times*, June 15, 2015, <http://nyti.ms/1K2GQIY>.

105 Guillermo Tomoyose, “Del mundo on line a la marcha: el mapa con las repercusiones de #NiUnaMenos en Twitter,” [From



## Violations of User Rights

*Argentina does not suffer from the same high levels of violence against journalists that are seen in many countries in the region. Nevertheless, two incidents of harassment against journalists during the coverage period—a police search of a media outlet's offices and the release of a newspaper journalist's personal flight information—raise concerns about intrusions on journalists' privacy. Overall Argentina has relatively strong privacy protections, and authorities must obtain a judicial warrant before conducting surveillance. In the realm of digital privacy, the National Directorate for Protection of Personal Data, a governmental body under the Ministry of Justice and Human Rights, issued guidelines for best practices in the development of applications that respect users' privacy rights. These guidelines may help systematize and advance digital privacy rights in the country.*

### Legal Environment

The Argentine Constitution, which incorporated several international human rights treaties in 1994, guarantees freedom of expression.<sup>106</sup> Since 1997, Argentine law has explicitly established online freedom of expression protections;<sup>107</sup> these protections were further strengthened and extended to include “the search, reception and dissemination of ideas and information of all kinds via internet services” in 2005 with Law 26032.<sup>108</sup>

In 2009, the Argentine legislature decriminalized defamatory statements referring to matters of public interest.<sup>109</sup> Statements that judges deem not to relate to the “public interest,” however, can still be charged as criminal offenses under the Argentine penal code, with the penalty set as a fine between US\$330-\$3,320.<sup>110</sup> Individuals can also sue for large sums in court on the grounds of defamation. Despite the vague parameters of the law decriminalizing defamation, the Argentine judiciary has frequently ruled against liability for defamation in relevant cases. In August 2013, for example, the Supreme Court ruled that the blogger Jorge Warley could not be held liable for defamation after he was sued by Ariel Sujarchuck, a public official at the University of Buenos Aires, for reposting an article, written by another author, which criticized Sujarchuck.<sup>111</sup>

Several laws impose criminal and civil liability for online activities, such as intellectual property infringement, fraud, hacking, and child pornography. For example, a law on intellectual property (Law 11.723) holds liable anyone who, by any means, reproduces content that violates this law and establishes sanctions ranging from fines to six years in prison.<sup>112</sup> A few laws regarding online activity have generated concern among activists, who believe that the laws, although well intentioned, are too broadly worded and could affect legitimate speech. In November 2013, for example, a law on child

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the online world to the demonstration: the map with the impact of #NiUnaMenos on Twitter] *La Nación*, June 4, 2015, <http://bit.ly/1Jayd8P>

106 Art. 14, Const. Arg., <http://bit.ly/1K2Ldgl>. The constitution was amended in 1994, and Article 75 (22) now accords numerous international human rights treaties with constitutional status and precedence over national laws.

107 Decree 1279/97, December 1, 1997, <http://bit.ly/1JCs3dP>.

108 Law 26032, <http://bit.ly/1EzDJA5>.

109 Reform Law 26551; See Laura Zommer, “Calumnias e injurias, dos delitos de incómoda vigencia,” [Slander and defamations, two offences of uncomfortable validity] *La Nación*, September 30, 2012, <http://bit.ly/1DZt3Hw>

110 The law establishes the fine at 3,000-30,000 Argentine pesos. June 2015 conversion rates were used to calculate the equivalent in USD.

111 Agustina del Campo, “Current Trends in Argentina’s Freedom of Expression Jurisprudence,” Global Freedom of Expression and Information at Columbia University, May 2, 2014, <http://bit.ly/1KA9Tbu>.

112 Law 11.723, art. 71 to 78.

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grooming, which amended the penal code and established penalties of up to four years imprisonment for online contact with a minor carried out “with the purpose of committing a crime against [the minor’s] sexual integrity,”<sup>113</sup> generated debate among academics and legislators for vague wording.<sup>114</sup>

In 2008, the Argentine government passed a law on cybercrime (Law 26388), which amended the Argentine Criminal Code to prohibit distribution and possession of child pornography, interception of communications and informatics systems, hacking, and electronic fraud.<sup>115</sup> Some of the terms used in the legislation have been criticized as too ambiguous, which could lead to overly broad application of the law. Although there are no cybercrime investigative units at the national level, a specialized prosecutor’s office was activated in Buenos Aires in 2012.<sup>116</sup>

### Prosecutions and Detentions for Online Activities

Although there were no known cases of detention or criminal prosecution of individuals in 2014 or 2015 expressly related to the dissemination or access of information on the internet, a case against the director of *La Brújula*, a radio station and news website in Buenos Aires province, raised concerns among human rights activists.

In October 2014, the judiciary ordered the search of *La Brújula* to uncover the sources that provided information to the media outlet regarding a criminal corruption case.<sup>117</sup> Authorities confiscated computers, flash drives, and other journalistic material. Shortly thereafter, a judge charged Germán Sasso, the director of *La Brújula*, with criminal cover-up after he refused to reveal where he obtained leaked recordings related to the corruption case.<sup>118</sup>

Another case during the previous coverage period also revealed legal harassment against a journalist. In December 2013, Juan Pablo Suarez, the editor of the news website *Última Hora*, was arrested on felony charges of sedition (incitement to public disorder) for filming the arrest of a local police officer in Santiago del Estero. Although he was released after nine days, there was a great deal of criticism surrounding his arrest, as many believed that he had been punished simply for doing his job.<sup>119</sup> During the arrest, police officers also seized computers and documents from the website’s headquarters.<sup>120</sup>

113 Law 26.904, <http://bit.ly/1JCto4j>

114 Beatriz Busaniche, “Grooming: mala legislación escondida en buenas intenciones,” [Grooming: Bad Legislation Hidden Under Good Intentions] *La Gaceta*, November 14, 2013, <http://bit.ly/1DkiHtI>; Martina Rua, “Satisfacción y polémica por la ley que penaliza el ‘grooming,’” [Satisfaction and controversy over the law that criminalizes ‘grooming’] *Perfil*, November 16 2013, <http://bit.ly/1JWTKMf>.

115 Law 26.388, <http://bit.ly/1tg3IpO>.

116 Cybercrime Prosecutor’s Office, <http://bit.ly/1GrpE84>; See Resolution 501/FG/12; Project authorized by Resolution 501/12 of the General Prosecutor’s Office .

117 Argentine Forum of Journalism (FOPEA), “Preocupación de FOPEA por allanamiento a La Brújula,” [Concern over search at journal La Brújula] October 29, 2014, <http://bit.ly/1dak1i8>.

118 FOPEA, “Repudio de FOPEA al procesamiento del director de La Brújula,” [FOPEA repudiates prosecution of La Brújula’s Director] November 5, 2014, <http://bit.ly/1Dsgwdo>.

119 Committee to Protect Journalists, “Argentina should release editor accused of sedition,” December 18, 2013, <http://cpj.org/x/57f2>; See also: “Liberaron a Juan Pablo Suárez, el periodista santiagueño que estaba detenido por instigar a la sedición,” [Juan Pablo Suárez, the journalist accused of sedition, was released] *Infobae*, December 19, 2013, <http://bit.ly/1LwPrxj>; “Desde Fopea reclaman la libertad del editor Juan Pablo Suárez,” [FOPEA Demand the Freedom of Editor Juan Pablo Suárez] *La Noticia 1*, December 17, 2013, <http://bit.ly/1G34Pvd>.

120 Committee to Protect Journalists, “Argentina should release editor accused of sedition.”

## Surveillance, Privacy, and Anonymity

Although users must provide identification when purchasing a mobile phone or prepaid SIM card,<sup>121</sup> the Argentine government does not impose restrictions on anonymity or encryption for internet users. Bloggers and other online users are not required to register with the government and can post anonymous comments freely in online forums. In March 2014, the Legal and Technical Secretariat issued Resolution 19, a measure which mandates the creation of a section in the Official Bulletin (Boletín Oficial) dedicated to publishing registered domain names, as well as the names of those registering them, which could deter people from applying for domain names.<sup>122</sup>

The National Directorate for Protection of Personal Data issued guidelines for best practices to protect privacy in the development of applications in April 2015.<sup>123</sup> These guidelines establish the obligation of applications and software programs to respect users' privacy and data protection and outline best practices, such as allowing pseudonyms on applications and creating a transparent privacy policy that provides proper information about the service to the user.<sup>124</sup> Although the guidelines are not binding, they could have a positive impact on users' privacy.

In general, Argentina upholds high privacy and data protection standards. According to the National Intelligence Law, a court order is necessary to conduct surveillance of private communications, and national intelligence bodies must respect the Personal Data Protection Law when carrying out their functions, meaning, for example, that they have to respect and protect personal data, and no personal information can be disclosed without a judicial order.<sup>125</sup> In 2014, public officials occasionally proposed local initiatives—such as an initiative in the Argentine state of La Plata to monitor social networks for parties and events and thereby “prevent public unrest”—that had the potential to impact users' privacy and freedom from surveillance.<sup>126</sup> Fortunately none of these initiatives was approved or put into practice.

Argentina does not systematically collect metadata, although a 2013 resolution by the Secretariat of Communications raised some privacy concerns. Resolution 5/2013 regulates the quality of telecommunications services. It states that providers should “guarantee the free access of the CNC [the regulatory body in 2013] to installations... and [should] give them all the information that is required in the set manner and timeframe.” It also establishes a period of three years for service providers to keep all collected data, which will be used to calculate quality indicators.<sup>127</sup> However, the article in question states clearly that the data will be used to calculate quality indicators, and the resolution mentions the obligation to respect personal data. Since its passage in 2013, there has been no evidence to suggest that this provision was implemented in an unlawful or abusive way.

121 Communications Secretariat, Resolution 490/97, “Apruébase el Reglamento General de Clientes de los Servicios de Comunicaciones Móviles,” [General regulation for clients of mobile communications services] April 1997, <http://bit.ly/1H5dFxZ>.

122 Gob.Ar, Official Bulletin, <http://bit.ly/1r7i9rs>

123 Ministerio de Justicia y Derechos Humanos, Disposition 18/2015, “Dirección Nacional de Protección de Datos Personales,” <http://bit.ly/1RjhmQb>.

124 Disposition 18/2015, Annex.

125 Law 25326, <http://bit.ly/1biPvtI>. Law 25.520, art. 16; see also art 5, <http://bit.ly/1bp2vWp>.

126 Sebastián Lalaurette, “En La Plata Controlarán las Redes Sociales” [In La Plata There Will Be Control of Social Media] *La Nación*, January 20, 2014, <http://bit.ly/1Ds9S6>; Entrevista: ‘Queremos que el vecino confie en Control Urbano’ afirma Gustavo Luzardo,” [Interview: ‘We Want neighbors to trust Urban Control’ Affirms Gustavo Luzardo] *La Plata YA*, January 10, 2014, <http://bit.ly/1Fkukeu>.

127 Ministerio de Planificación Federal, Inversión Pública y Servicios, Communication Secretariat, Resolution 5/2013, <http://bit.ly/1VaT2BX>.

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Although Argentina has legal protections for user privacy, little information is available regarding extralegal or covert surveillance. In mid-2015, the U.S.-based news site *The Intercept* reported that they had credible evidence that Alberto Nisman and Jorge Lanata, an Argentine journalist, received targeted spyware originating from the same remote domain. Although it is not possible to identify a specific government, agency, or group responsible for the spyware, the targeting of high-profile individuals raises concerns about journalists' privacy in the country.<sup>128</sup>

The government requested data on a number of users in 2014, mostly for the purposes of criminal investigation.<sup>129</sup> Between July and December 2014, Yahoo received 155 government requests for data disclosure related to 240 specified Yahoo accounts.<sup>130</sup> Out of these requests, Yahoo rejected 22 percent, disclosed only non-content data (basic subscriber information) in 34 percent, disclosed content in 32 percent, and reported no data found in 12 percent.<sup>131</sup> During that same period, Facebook, which states that it responds to valid requests relating to criminal cases, received 482 government data requests regarding 708 accounts. Of these, 49 percent of requests resulted in data disclosure.<sup>132</sup> Microsoft's law enforcement requests report for that same period shows Microsoft received 416 requests regarding 512 accounts, of which 2 percent were rejected for not meeting legal requirements and 18 percent, were rejected because no data was found. Of the accepted requests, none of them resulted in disclosure of content, but only non-content (subscriber) data.<sup>133</sup>

## Intimidation and Violence

The Argentine Forum of Journalism (FOPEA) released its report of attacks on press freedom during 2014.<sup>134</sup> According to this report, 178 attacks, ranging from physical aggression to threats to cyber-attacks, were reported during 2014. Digital media outlets reported 13 percent of these attacks, while blogs only accounted for one percent of the attacks.<sup>135</sup> These figures represent a slight decrease in comparison with the 194 attacks registered during 2013, eight percent of which were against digital media.

In 2015, two incidents sparked public concern about journalists' safety and privacy. The first involved the *Buenos Aires Herald* journalist Damián Pachter. Pachter was the first to report on the death of prosecutor Alberto Nisman—who was investigating a 1994 terrorist bombing and was found dead the night before he was supposed to testify before Congress<sup>136</sup>—through his Twitter account<sup>137</sup> and

128 This news story was released after the coverage period for the report. Morgan Marquis-Boire, "Inside the Spyware campaign Against Argentine Troublemakers," *The Intercept*, August 21, 2015, <http://bit.ly/1JqbdwB>.

129 Yahoo!, "Argentina: Government Data Requests," *Transparency Report*, July 1, 2014–December 31, 2014, <http://bit.ly/1NcRTaB>. The Government Data Requests reflected in this report are generally made in connection with criminal investigations.; Facebook, "Argentina," *Government Requests Report*, July 2014–December 2014, <http://bit.ly/1I4ZG9T>.

130 Yahoo, "Argentina: Government Data Requests," *Transparency Report*.

131 Yahoo, "Argentina: Government Data Requests," *Transparency Report*.

132 Facebook, "Argentina," *Government Requests Report*.

133 Microsoft, *Law Enforcement Requests Report*, 2014, <http://bit.ly/1jor8oC>.

134 FOPEA, *Monitoreo de Libertad de Expresión I Informe 2014*, [Freedom of Expression Monitoring 2014 Report] <http://bit.ly/1yXDH2z>.

135 FOPEA, *Monitoreo de Libertad de Expresión I Informe 2014*, [Freedom of Expression Monitoring 2014 Report] 12.

136 "Hallan muerto al fiscal Alberto Nisman en su departamento de Puerto Madero," [Prosecutor Alberto Nisman is found dead in his Puerto Madero apartment] *La Nación*, January 19, 2015, <http://bit.ly/1IXrNXI>.

137 Damian Pachter, Twitter Post, January 19, 2015, 7:08 PM, <http://bit.ly/1X29p7>.

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later in the *Buenos Aires Herald*.<sup>138</sup> Shortly thereafter, Pachter was informed that he was being surveilled, and had to leave the country immediately.<sup>139</sup>

After Pachter fled the country, stating that he had no plans to return because he feared for his safety, the national news agency *Télam* published an article online with a screenshot of Pachter's electronic ticket.<sup>140</sup> Both *Télam* and the state-run airline Aerolíneas Argentinas have come under criticism for the release of Pachter's private information and returning flight details. The official twitter account of the Argentine presidential palace, @CasaRosadaAR, retweeted the flight itinerary.<sup>141</sup> The national news agency and the government argued that they were merely revealing his itinerary to prove that Pachter was not actually leaving the country permanently out of fear; however, critics regarded the incident as a worrisome invasion of a journalist's privacy.

The search of the offices of the digital media and radio outlet *La Brújula*, and the seizure of evidence and computers from the offices, may also have constituted an instance of harassment (see Prosecutions and Detentions).<sup>142</sup> FOPEA and the Interamerican Press Society both heavily criticized this search, and the subsequent prosecution of *La Brújula's* director, after he refused to name his sources relevant to a criminal investigation.<sup>143</sup> Situations like this could lead journalists to self-censor for fear of being prosecuted or having personal information—or that of their sources—revealed.

## Technical Attacks

Cybercrime is perceived to be a growing problem in Argentina. Hacker attacks against official government accounts were reported during December 2014.<sup>144</sup> In 2013, hackers attacked the president's website and the government's official Twitter account.<sup>145</sup>

In December 2014, in the wake of the court-ordered block on the content sharing platform The Pirate Bay (see Blocking and Filtering), hackers attacked the website of the music industry group which sued Pirate Bay.<sup>146</sup> Also, in November 2014, national news outlet *Clarín*, along with many sites from

138 Damian Pachter, "When a trusted source provides an unexpected scoop," *Buenos Aires Herald*, January 19, 2015, <http://bit.ly/1L9QZwk>.

139 Committee to Protect Journalists, "Journalist flees Argentina after reporting on prosecutor's death."

140 "El periodista Damián Pachter viajó a Uruguay con pasaje de regreso para el 2 de febrero," [Journalist Damián Pachter travelled to Uruguay with a return ticket for February 2] *Télam*, January 24, 2015, <http://bit.ly/1z6xXmM>.

141 Casa Rosada, Twitter Post, January 24, 2015, 4:32 PM, <http://bit.ly/1BoTcOl>; See also: Committee to Protect Journalists, "Journalist flees Argentina after reporting on prosecutor's death," January 26, 2015, <http://cpj.org/x/5ec1>; Interamerican Society of Press, "La SIP lamenta la salida del país del periodista argentino," [SIP laments Argentine journalist's departure from the country] January 26, 2015, <http://bit.ly/1DHSNVy>; "Tras el escrache del Gobierno, Pachter se refugió en Israel," [After the Government's public denunciation, Pachter sought refuge in Israel] *Perfil*, January 25, 2015, <http://bit.ly/1BD3sGZ>; "El gobierno esgrachó al periodista Damián Pachter con la publicación de su boleto de Aerolíneas," [Government publicly denounced journalist Damián Pachter by publishing his flight ticket] *Clarín*, January 25, 2015, <http://clarin/1zJ8TCf>.

142 FOPEA "Repudio de FOPEA al procesamiento del director de La Brújula."

143 Interamerican Society of Press, "Preocupa a la SIP presión contra periodista para que revele fuentes," [Concern over pressure to journalist to disclose sources] November 7, 2015, <http://bit.ly/1OlpdjW>.

144 "Anonymous filtra datos de diferentes gobiernos, entre ellos el de Argentina," [Anonymous leaks data from different governments, Argentina being among them] *Minuto Uno*, December 16 2014, <http://bit.ly/1GcNdgk>; "Anonymous hackeó al Gobierno argentino," [Anonymous hacked the Argentine Government] *ArgNoticias*, December 14 2014, <http://bit.ly/16mR6Ed>.

145 "Hubo tres ataques informáticos a la página web de la Presidencia," [Three cyber attacks to the Presidential website] *La Nación*, August 20, 2013, <http://bit.ly/1damwBe>; "Un tuit polémico y denuncia de "hacking" en Casa Rosada," [A polemic tweet and report of "hacking" in Casa Rosada] *La Voz*, August 20, 2013, <http://bit.ly/1IR6EgT>; "Suspendieron la cuenta de Casa Rosada: dicen que la hackearon," [Suspension of Casa Rosada account: they say it was hacked] *La Nación*, August 20, 2013, <http://bit.ly/1JUUUGx>.

146 "Hackers Turn Music Industry Site into The Pirate Bay," *Torrent Freak*, July 1, 2014, <http://bit.ly/1K30T23>.

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other countries, suffered an attack from Syrian hackers. When trying to access the website, the legend “You’ve been hacked by the Syrian Electronic Army (SEA)” appeared.<sup>147</sup>

The government has created initiatives to combat hacking and cybercrime. For example, the Argentine executive power created the National Program of Critical Infrastructure of Information and Cybersecurity (ICIC) in 2011.<sup>148</sup> This program aims to create a framework to foster identification and protection of strategic infrastructure and is comprised of four working groups, one of which focuses on reducing security breaches and minimizing information safety risks, while another working group offers assessments when emergencies arise as the result of such incidents.

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147 “Desde Al Jazeera a Clarín, piratas sirios hackean a varios diarios del mundo,” [From Al Jazeera to Clarín, Syrian pirates hack many news outlets around the world] *Clarín*, November 27 2014, <http://clarin/12aO3w8>.

148 See Program Nacional de Infraestructuras Críticas de Información y Ciberseguridad, “Qué Hacemos,” <http://www.icic.gov.ar/>.