

Argentina

	2013	2014		
Internet Freedom Status	Free	Free	Population:	41.3 million
Obstacles to Access (0-25)	8	7	Internet Penetration 2013:	60 percent
Limits on Content (0-35)	10	9	Social Media/ICT Apps Blocked:	No
Violations of User Rights (0-40)	9	11	Political/Social Content Blocked:	No
TOTAL* (0-100)	27	27	Bloggers/ICT Users Arrested:	No
			Press Freedom 2014 Status:	Partly Free

* 0=most free, 100=least free

Key Developments: May 2013 – May 2014

- In February 2014, Argentina’s Supreme Court ruled that the government—which has ignored a string of previous directives—must comply with equitable allocation of advertising. The government’s refusal to do so has jeopardized the existence of independent online media outlets, which, like mainstream media, rely heavily on advertising revenue to sustain daily operations (see **Limits on Content**).
- In late 2013 and early 2014, a handful of contradictory court cases impacted Argentine standards for intermediary liability, specifically regarding whether intermediaries, including search engines, are required to monitor their platforms for illegal or restricted content (see **Limits on Content**).
- In December 2013, Juan Pablo Suarez, editor of the online news site *Ultima Hora*, was detained for nine days for filming the arrest of a local police officer (see **Violations of User Rights**).
- In July 2013, the Secretariat of Communications issued Resolution 5/2013, the vague wording of which could infringe on users’ right to privacy by potentially allowing unfettered access to telecommunications infrastructure and user data (see **Violations of User Rights**).
- In October 2013, a glitch in the online electoral system enabled the photos of some registered voters to be downloaded by others, violating data protection and privacy standards (see **Violations of User Rights**).

Editor's Note:

In late 2014, members of the Argentine National Congress began working on legislation to replace the 1972 Telecommunications Law. Drafts of the proposed "Argentina Digital" bill, which the government submitted to congress in October 2014 and which was subsequently debated and revised throughout November, have contained worrisome provisions related to internet freedom. While the principle of net neutrality was strengthened through revisions to the bill, there remain serious concerns over the amount of power given to the regulatory authority, appointed directly by the executive branch and authorized to grant or deny licenses to ICT companies, broadly defined. As this report was published, however, legislation has yet to be passed.

Introduction

Internet penetration has increased at a steady rate since 2009, due in part to government policies aimed at improving service and expanding broadband connections throughout the country. Argentina now has one of the largest contingents of internet users in South America, and many initiatives aimed at increasing internet access, such as the Argentina Connected Plan,¹ have already demonstrated success. The government's latest statement reveals that 15,453 kilometers of fiber-optic cables have already been built for Argentina's backbone, and infrastructure use agreements have been made with various telephone companies to facilitate internet access.²

Although the Argentine legal framework protects free speech online and offline, in recent years, a number of judicial decisions have negatively impacted the availability of online content. Between 2010 and 2013, several court judgments restricted access to websites on claims of defamation or intellectual property rights violations, with one ruling leading to the accidental blocking of the entire blog-hosting platform Blogger.

Personal data is generally protected by article 43 of the constitution; however, a handful of recent events may be cause for concern. A July 2013 resolution issued by the Communications Secretariat that regulates quality requirements for telecommunications services contains vague wording regarding government access to infrastructure, which could endanger privacy given its potential for broad interpretation.³ In October 2013, a serious breach of internet user privacy and anonymity occurred when a glitch in the online electoral system allowed citizens' photos to be downloaded. Recent projects intended to combat online child pornography and cybercrimes against children through the implementation of "child grooming" laws have also sparked criticism for overly broad language.⁴ Two worrying initiatives pertaining to the regulation of social media were also launched recently in the province of Entre Ríos and the city of La Plata.

During 2013 and 2014, many bills were discussed in Congress regarding high-stakes internet challenges such as intermediary liability and net neutrality. The lack of a specific framework for the

1 Gob.Ar, Argentina Connected, <http://www.argentinaconectada.gob.ar/contenidos/home.html>

2 "Una Red de Fibra a Punto de Iluminarse," [A Fiber Network on the Verge of Enlightenment], p. 12, February 24, 2014, <http://www.pagina12.com.ar/diario/economia/2-240482-2014-02-24.html>

3 Resolution 5/2013, <http://www.infoleg.gob.ar/infolegInternet/anexos/215000-219999/216915/norma.htm>

4 Gob.Ar, Law 26904, <http://www.infoleg.gob.ar/infolegInternet/anexos/220000-224999/223586/norma.htm>

former has led to diverse case law in Argentina, and has, at times, resulted in orders specifying the deletion of content. A new controversial regulation, enacted in March 2014, also requires annual fees for the registration of domain names.

The Argentine government has a long record of discriminatory distribution of official advertising, creating economic obstacles for critical media outlets. Despite multiple court rulings mandating fair and equitable allocation, discriminatory practices have continued.⁵

Obstacles to Access

Over the past decade, internet access has consistently been on the rise in Argentina, with the International Telecommunication Union (ITU) measuring the internet penetration rate at 60 percent in 2013, compared to 56 percent in 2012 and just 28 percent in 2008.⁶ According to Argentina's national statistics institute, INDEC, as of September 2013 there were 12.4 million residential subscriptions, the majority of which were broadband; only 35,975 subscriptions were for dial-up connections. By September 2013, INDEC also counted 2.3 million organizations with internet subscriptions (a 20 percent increase over the previous year), 537 of which benefited from free internet access. Those institutions benefitting from free access included schools, libraries, and nongovernmental organizations.⁷

Continuing expansion of internet access is a key facet of Argentina's development strategy. In April 2013, legislation was passed guaranteeing access to web content for people with disabilities.⁸ Law 26.653, which concerns access to public information, was amended to comply with fair and equal treatment for the disabled, extending access provisions to this portion of the population.⁹ In May 2013, Argentine newspaper *La Nación* published a map of Buenos Aires identifying locations with free public Wi-Fi, such as hospitals, museums, libraries, and theaters.¹⁰

Measurements of Argentina's average internet speed have varied considerably, making it difficult to get an accurate reading. In February 2014, Netflix ranked the country among the slowest at both the regional and global levels, with speeds of 1.2 to 1.88 Mbps depending on the internet service provider (ISP), figures that come in below Akamai's reading of 2.7 Mbps for the third quarter of

5 Supreme Court, A. 925. XLIX, Arte Radiotelevisivo Argentino S.A. c/Estado, February 11th, 2014, <http://www.csjn.gov.ar/confal/ConsultaCompletaFallos.do?method=verDocumentos&id=708579>

6 International Telecommunication Union, "Percentage of Individuals Using the Internet, 2001-2013," accessed July 14, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

7 Official website of INDEC, <http://www.indec.mecon.ar>

8 Gov.Ar, InfoLEG, Informacion Legislativa [Legislative Information], November 3, 2010, <http://www.infoleg.gob.ar/infolegInternet/anexos/175000-179999/175694/norma.htm>; See also: Telam, Decree 355/2013 - <http://www.telam.com.ar/advf/documentos/2013/04/515f2f849ae43.pdf>

9 Telam, "Reglamentaron la Ley que Facilita a las Personas con Discapacidad el Acceso a Paginas Web," [Regulation of the Law Makes Access to the Web Easier for the Disabled], May 4, 2013, <http://www.telam.com.ar/notas/201304/12675-accesibilidad-ley-de-accesibilidad-que-es-accesibilidad.html>

10 Jose Crettaz, "Internet: Los Argentinos, Hiperconectados, Pero con Mala Calidad y Precios Altos," [Internet: Argentines, Hyperconnected, But with Bad Quality and High Prices], *La Nacion*, May 16, 2013, <http://www.lanacion.com.ar/1582435-internet-los-argentinos-hiperconectados-pero-con-mala-calidad-y-precios-altos>

2013.¹¹ By contrast, a study from the University of San Andrés measured speeds of 7 Mbps in the metropolitan area, with speeds decreasing in rural areas and provinces.¹² Argentina currently has ten functioning Network Access Points (NAPs) to help with traffic.¹³

In Argentina, the state does not set the price of internet subscription fees.¹⁴ According to the ITU, the average broadband plan costs US\$36.50 per month, which represents 4.5 percent of the country's gross domestic product.¹⁵ In October 2013, Hernán Galperín, Director of the Technology and Society Centre of San Andrés University, published a report stating that Argentina's cheapest internet access plan is among the most expensive in the region.¹⁶ Accordingly, affordability is one of the most significant obstacles in Argentina, and has been cited by a reported 56 percent of Argentines as the reason they lack internet access.¹⁷

Argentina also suffers from infrastructural weaknesses that limit internet penetration throughout the country, particularly in rural areas. Connectivity of both residential and organizational subscriptions is concentrated in urban areas, with the majority of both types found in Buenos Aires, Córdoba, Santa Fe, and Mendoza.¹⁸ In order to address such regional disparities, the government has begun promoting different policies such as the Argentina Connected Plan (Argentina Conectada), Connect Equality (Conectar Igualdad), and the Digital Agenda (Agenda Digital), each of which aims to remedy a different facet of the problem.

The Argentina Connected Plan, a five-year initiative created in 2010, is defined as an "integral connectivity strategy" that aims to "generate a digital platform of infrastructure and services."¹⁹ One of the initiative's most important components is the Federal Network of Optical Fiber (Red Federal de Fibra Óptica), a project that is employing 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 to 97 percent of the population.²⁰ In response to concern over the pace of the project's development, a

11 La Nación, "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://www.lanacion.com.ar/1662913-cual-es-la-banda-ancha-mas-rapida-de-la-argentina-segun-netflix>; See also: Akamai, "State of the Internet," Q3, 2013, Akamai, <http://www.akamai.com/stateoftheinternet/soti-visualizations.html#stoi-map>.

12 Jose Crettaz, "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, 2013, <http://www.lanacion.com.ar/1582435-internet-los-argentinos-hiperconectados-pero-con-mala-calidad-y-precios-altos>

13 CABASE - <http://www.cabase.org.ar/wordpress/naps-en-funcionamiento/>

14 CNC (National Commission of Communications), Frequently Asked Questions, <http://www.cnc.gov.ar/ciudadanos/internet/faq.asp>

15 ITU, "Medición de la Sociedad de la Información" [Measures of the Information Society], ITU, 2013, http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2013/MIS2013-exec-sum_S.pdf

16 Galperín, Hernán, Broadband Prices in Latin America and the Caribbean, UDESA. Figure 1, p6, <http://www.udesa.edu.ar/files/AdmTecySociedad/15%20Gaperin-%20Eng.pdf>

17 "Internet: los Argentinos, Hiperconectados, pero con Mala Calidad y Precios Altos," (Internet: Argentines, Hyperconnected, but with Bad Quality and High Prices), *La Nación*, May 16th, 2014, <http://www.lanacion.com.ar/1582435-internet-los-argentinos-hiperconectados-pero-con-mala-calidad-y-precios-altos>

18 For information on connections, please see: http://www.indec.mecon.ar/nuevaweb/cuadros/14/internet_12_13.pdf

19 CELE's Translation: http://www.argentinaconectada.gob.ar/contenidos/que_es_argentina_conectada.html

20 Actions of the Argentina Connected Plan, pp 51-55, http://www.argentinaconectada.gob.ar/pv_obj_cache/pv_obj_id_BBF1FD65215BF5C6569C425C3A40C9D624C01C00/filename/0000055630.pdf; See also: AR-SAT, <http://www.arsat.com.ar/arsat-en-las-politicas-de-estado-argentino/red-federal-de-fibra-optica>

2013 report assured the public that construction of the fiber-optic cable was on track.²¹ Recent government disclosures have further revealed that 15,453 km of cable has already been built, with an additional 4,500 km of existing infrastructure purchased and further contracts signed with telephone companies assuring use of their infrastructure.²²

The Connect Equality initiative—another positive government program begun in 2010—aims to foster digital inclusion by providing a netbook to every student and teacher in public high schools.²³ As of February 2014, more than 3.8 million netbooks had been delivered. The Digital Agenda initiative, created in 2009, is also dedicated to facilitating access to ICTs for social connection and development.²⁴ The website Educ.ar further aims to expand opportunities for and equality in education by granting access to digital platforms that host educational content.²⁵

As of mid-2014, these policies have resulted in increasing internet access in rural areas, schools, parks, and public spaces.²⁶ Some provinces have also made arrangements with the national government to build a wider fiber-optic network, which is being installed by rural cooperatives. These projects have begun to show significant growth in local penetration rates and are allowing provincial governments to plan for future “triple play” service.²⁷ Discussions have also arisen regarding the availability of “quad play” service (a bundled service package of broadband internet, television, and telephone, along with wireless service provisions) in the near future. It is in this context that the government has deemed the Federal Wireless Network an issue of public interest,

21 In 2012 a group of representatives presented a request for information in the Congress, <http://www1.hcdn.gov.ar/proyxml/expediente.asp?fundamentos=si&numexp=6108-D-2012>; Diego Cabot, “AR-SAT Un Sueno Satelital Fuera de Orbita: Millones sin Rumbo Claro [AR-SAT, A Dream Satellite Out of Orbit: Millions without Clear Direction], *La Nación*, July 21, 2013, <http://www.lanacion.com.ar/1602837-ar-sat-un-sueno-satelital-fuera-de-orbita-millones-sin-rumbo>

22 For more on controversy over the project, as well as the government’s response to accusations of slow development, see: “Una Red de Fibra a Punto de Iluminarse” [A Fiber Net on the Verge of Enlightenment], *Página 12*, February 24, 2014, <http://www.pagina12.com.ar/diario/economia/2-240482-2014-02-24.html>; See also: Sigén, Report “Memoria Detallada del Estado de la Nación” [Detailed Report of the State of the Nation] p.24, 2012, http://www.sigén.gov.ar/pdfs/memoria_Estado_Naci%C3%B3n_2012.pdf

23 Gob.Ar, Decree 459/10, accessed January 27, 2014, <http://www.conectarigualdad.gov.ar/archivos/archivoSeccion/DecretoCreaci%C3%B3nCI.pdf>; See also: Gob.Ar, “Conectar Igualdad” [Connect Equality], accessed January 15, 2014, <http://www.conectarigualdad.gov.ar/seccion/sobre-programa-6>

24 Gob.Ar, Decree 512/2009: Digital Agenda, accessed January 28, 2014, <http://www.agendadigital.gov.ar/agenda-digital>

25 Gob.Ar, Ministerio de Educacion, Educ.ar, accessed January 28, 2014, <http://www.educ.ar/sitios/educar/inicio/>

26 Terra Noticias, “Inclusion Digital fue Eje de las Politicas Llevadas Adelante,” [Digital Inclusion Central to Policies], *Terra Noticias*, December 19, 2012, <http://noticias.terra.com.ar/inclusion-digital-fue-eje-de-las-politicas-llevadas-adelante.474e7ceb0e2bb310VgnCLD2000000ec6eb0aRCRD.html>; [The Equal Connection Plan Continues its Success in 2013], *AE Tecno*, December 24, 2012, <http://tecno.americaeconomia.com/noticias/programa-argentino-conectar-igualdad-continua-con-exito-hacia-el-2013>; “Rural Schools and Islands Will Connect to Internet Through Satellite Antennas,” *Diario Victoria*, August 3, 2012, <http://www.diariovictoria.com.ar/2012/08/escuelas-rurales-y-de-islas-contaran-con-conexion-a-internet-a-traves-de-antenas-satelitales>; “Escuelas Rurales y de Islas Contarán con Conexión a Internet a Través de Antenas Satelitales” [Island and Rural Schools will have Internet Connection via Satellite Dishes], July 30, 2012, <http://www.argentinaconectada.gov.ar/notas/3266-avanza-la-instalacion-internet-satelital-escuelas-rurales-y-frontera>; Angeles Castro, “Ochenta Plazas Tendrán Acceso a Internet” [Eighty Parks will have Internet Access], *La Nacion*, July 2, 2012, <http://www.lanacion.com.ar/1486839-ochenta-plazas-tendran-acceso-a-internet>

27 *La Manana Neuquen*, “El 91% de los Neuquinos Tiene Acceso a Banda Ancha en su Casa” [91% of Neuquen People Have Broadband Access at Home] *La Mañana Neuquen*, January 21, 2013, http://www.lmneuquen.com.ar/noticias/2013/1/21/el-91-de-los-neuquinos-tiene-acceso-a-banda-ancha-en-su-casa_175489; *Diario El Comercial* “Cooperativas Instalaron Fibra Optica en el Sur Cordobes” [Cooperatives Install Fiber Optics in the South of Cordoba], *El Comercial*, December 27, 2012, <http://bit.ly/GzrS8W>; iProfessional, “Provinces Will Offer their Version of Triple Play Hand in Hand with the Equal Connection Plan”, *iProfesional*, February 2, 2013, <http://bit.ly/13ljpo3>; El Esquiú, “Implementation of the Network that will Bring Internet to the Whole Province Goes Forward,” *El Esquiú*, January 28, 2013, <http://www.elsesquiú.com/notas/2013/1/28/sociedad-269839.asp>

a classification which will prioritize the expansion of national internet access.²⁸ In keeping with its growing ICT investment, the Argentine government has already built two communications satellites, one of which, Arsat-1, is expected to be launched between August and September 2014; the other, Arsat-2, will be launched in 2015.²⁹

There are approximately 300 licensed ISPs in Argentina,³⁰ indicating 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).³¹ The application fee is ARS 5,000, a fairly reasonable amount considering that the average monthly wage is ARS 7,500.³²

Mobile phone penetration has also grown consistently in Argentina in recent years. According to the ITU, as of November 2013, there were nearly 66 million mobile phones actively in use, indicating an increase of over 1.5 million subscriptions from the previous year.³³ The licensing process for mobile phone providers is similar to that for ISPs; once approved, no additional fees are charged, although providers are required to pay special taxes, such as those specified under the Universal Service Trust Fund. Cybercafe licenses are processed like those of any other small business with no additional requirements.³⁴

In 2004, the government confiscated bands of the radio spectrum after mobile company Movicom was sold to Telefónica (Telefónica was forced to relinquish the frequencies to avoid concentration of the spectrum). After repeatedly postponing legal hearings, President Kirchner announced that Libre.ar—a branch of state-owned company AR-SAT—would administer the frequencies.³⁵ This decision was implemented through Resolution 71/2012 of the Communication Secretariat³⁶ and justified with the rationale that only one of the companies bidding for the bands met necessary requirements

28 Ambito, “Declaran de interés público la Red Federal Inalámbrica” [Federal Wireless Network Declared A Public Interest], *Ambito*, December 17, 2012, <http://ambito.com/noticia.asp?id=667793>

29 El Diario 24, “Satélites Argentinos Finalizaron Exitosamente Nuevas Pruebas” [Argentinean Sattellites Finalized New Tests Successfully], *ElDiario24.com*, February 16th, 2014, <http://www.d24ar.com/nota/313968/satelites-argentinos-finalizaron-exitosamente-nuevas-pruebas-20140216-0102.html>; See also: Cecilia Farre, “Cuenta Regresiva al Satélite de Telecomunicaciones Argentino” [Countdown for Argentine Telecommunications Satellite], *Perfil*, April 20th, <http://www.perfil.com/ciencia/Cuenta-regresiva-al-satelite-de-telecomunicaciones-argentino-20140420-0066.html>; and “Avanza el Satélite Arsat-1” [Arsat-1 Satellite Moves Forward], *Page12*, February 10th, 2014, <http://www.pagina12.com.ar/diario/economia/2-239525-2014-02-10.html>

30 National Communications Commission, *Informacion de las Empresas* [Information Regarding Companies], accessed March 16, 2014, <http://www.cnc.gov.ar/ciudadanos/internet/empresas.asp>

31 National Communications Commission, Decree 764/2000: <http://www.cnc.gov.ar/ciudadanos/internet/index.asp>; National Communications Commission, “Decree 764/2000 Annex 1” [in Spanish], accessed March 20, 2014, http://www.cnc.gov.ar/normativa/Dec764_00-AnexoI.pdf.

32 National Communications Commission, “Guide for License Applications,” accessed March 20, 2014, [http://www.cnc.gov.ar/infotecnica/archivos/Guide_Licence%20Application\[eng\].pdf](http://www.cnc.gov.ar/infotecnica/archivos/Guide_Licence%20Application[eng].pdf); See also: Infobae, “El Salario Promedio de la Economía se Aproximó en Agosto a 7500 Pesos” [The Average Monthly Wage Rough Estimate is 7500 Argentine Pesos], *Infobae*, October 2013, <http://www.infobae.com/2013/10/01/1512947-el-salario-promedio-la-economia-se-aproximo-agosto-7500-pesos>

33 International Telecommunication Union, “Mobile-Cellular Telephone Subscriptions by Country, 2001-2013,” accessed September 26, 2014, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

34 Official website of INDEC, <http://www.indec.mecon.ar>

35 Marcelo Canton, “Ponen en Marcha la Empresa Estatal de Celulares” [Libre.ar, The State Mobile Company Started Working], *Clarín*, December 14, 2012, http://www.clarin.com/politica/Ponen-empresa-estatal-celulares-Librear_0_828517184.html; Juan Pedro Tomás, “Nuevamente Retrasan Licitación de Espectro Móvil” [Once More, Bid for the Mobile Spectrum is Delayed], *BN Americas*, June 8, 2012, <http://bit.ly/1eUxPvI>

36 Communications Secretariat, *Contabilis*, Resolution 71/2012, accessed March 20, 2014, <http://contabilis.com.ar/legislacion/resoluciones/resolucion-71-2012-sec-comunicaciones>.

related to future investment and development.³⁷ The decision also allowed the government to regain control over the mobile sector,³⁸ though fortunately such control has not extended to the government overtaking ICTs.

As a result of the decision, Libre.ar will hold 25 percent of the radio spectrum and will provide mobile services through small companies and cooperatives across the country.³⁹ This plan will encourage cooperatives to resell services,⁴⁰ a development they view as an opportunity to gain recognition in the mobile services arena.⁴¹ The new plan is also attractive to foreign investors looking to enter Latin America's mobile market, such as Chinese telecommunications firm Datang Mobile, which views Argentina as the most profitable point of entry due to its large number of cell phones and potential to embrace 4G services, which have yet to be launched.⁴²

The national regulatory body that oversees digital technology—the CNC—was founded as a relatively independent, public, decentralized body, whose functions are to regulate and supervise ICTs.⁴³ A 2002 presidential decree intended to increase efficiency, however, may have detracted from the body's independence by granting the executive the power to appoint an intermediary.⁴⁴ This intervention is ongoing, and may contribute to public mistrust of the regulator.⁴⁵

Limits on Content

In February 2014, Argentina's Supreme Court ruled that the government must comply with equitable allocation of advertising. Additionally, in late 2013 and early 2014, a handful of contradictory court cases impacted standards for intermediary liability, specifically regarding the liability of search providers for removing content containing the unauthorized use of individual's images.

37 Telam, "Planificación Anunció que ARSAT Explotará Frecuencias para Telefonía Celular" [It was Announced that ArSat Will Exploit Cellular Phone Frequencies], TELAM, September 9, 2012, <http://www.telam.com.ar/nota/37042/>.

38 Media Telecom, "Estado Administrará 25% del Espectro para Servicios Móviles con ARSAT" [The State Will Administer 25% of the Mobile Services Spectrum], *Media Telecom*, December 14, 2012, <http://bit.ly/15F0VvO>.

39 Argentina.Ar, "Libre.ar: Servicio de Internet y Telefonía Móvil de Arsat" [Libre.ar: Internet and Mobile Telephone Services by Arsat], December 13, 2012, <http://www.argentina.ar/temas/decada-ganada/2397-librear-servicio-de-internet-y-telefoniamovil-de-arsat>; La Nación, "Libre.ar, El Nombre de la Flamante Operadora Móvil Estatal" [Libre.ar, The Name of the State's Mobile Operator], *La Nación*, December 14th, 2012, <http://www.lanacion.com.ar/1536943-librear-el-nombre-de-la-flamante-operadora-movil-estatal>

40 Alejandro Alfie, "El Gobierno Profundiza su Acuerdo con las Telefónicas" [The Government Deepens its Agreement with the Cell Phone Companies], *Clarín*, January 4, 2013, http://www.clarin.com/politica/Gobierno-profundiza-acuerdo-telefonicas_0_841115952.html

41 Telam, "Expectativa Entre las Cooperativas Para Poder Dar Servicio de Telefonía Móvil" [Expectations Amongst the Telephone Cooperatives for Providing Mobile Telephone Service], Telam, September 9, 2012, <http://www.telam.com.ar/nota/38902/>

42 Telam, "El Negocio de las Telecomunicaciones Atrae el Interés Chino" [Chinese Interest in National Telecommunications], Telam, October 7, 2012, <http://www.telam.com.ar/nota/40165/>.

43 National Communications Commission, http://www.cnc.gov.ar/institucional/nuestro_org_introduccion.asp

44 National Communications Commission, Presidential Decree N° 521/2002 [in Spanish], March 20, 2002, http://www.cnc.gov.ar/institucional/biblioteca/buscador/Normativa/pdf/Decreto-521_02.pdf

45 The Economist, "Pressed: Argentina's Media," *The Economist*, August 25, 2010, http://www.economist.com/blogs/americasview/2010/08/argentinas_media; "Federal Judge Freezes Order to Cancel Fibertel's License, Govt to Appeal," *Business News Americas*, September 27, 2010, http://www.bnamericas.com/news/telecommunications/Federal_judge_freezes_order_to_cancel_fibertel%27s_license_govt_to_appeal.

Argentina

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. Although there is no automatic filtering of internet sites, web pages, blogs, or data centers, Law 25.690 tasks ISPs with the duty to provide software that limits access to specific websites.⁴⁶ Law 2974 also mandates the blocking of websites related to pornography in educational institutions, libraries, and other public locations in Buenos Aires.⁴⁷ Similar laws have been enacted in some of the provinces, such as Santa Fe.⁴⁸

YouTube, Facebook, Twitter, and international blog-hosting services are freely available in Argentina, although social media sites have occasionally been blamed for coordinating vandalism and other illegal activities. In December 2013, Minister of Justice Julio Alak stated that a wave of looting that occurred in Entre Ríos and other Argentine provinces had been organized through social media in response to a police protest.⁴⁹ Consequently, in Entre Ríos there was a proposal to limit the use of social networks.⁵⁰ The proposed resolution stated that it was necessary to block “comments, expressions, and information that fosters ‘apologia’ [incitement] of criminal acts and violence...”⁵¹ Although this would have been a blow to freedom of expression, the initiative was severely criticized and the project did not succeed.⁵²

According to Google’s Transparency Report, from January to June 2013, the Argentine government submitted 35 court orders as well as 6 executive or police orders for content removal. Although the number of requests declined from the previous term, the amount of content covered in these requests increased greatly, encompassing 1,748 items. By contrast, from July to December 2012, 51 orders for content removal were issued, encompassing only 160 items. Although this increase is due in part to a court order requesting the removal of 1,385 search results (Google did not remove these results, but instead appealed the order, which was then reversed), excluding that particular order, the

46 Law 25.690, available at: <http://infoleg.mecon.gov.ar/infolegInternet/anexos/80000-84999/81031/norma.htm>

47 CEDOM, Law No. 2974, Argentine Federal Government, accessed June 12, 2014, <http://www.cedom.gov.ar/es/legislacion/normas/leyes/ley2974.html>

48 Santa Fe Legal, “Codigo de Faltas, Ley 10.703, accessed June 12, 2014, <http://www.santafelegal.com.ar/cods/cdf.html>

49 La Nación, “Trágicos Saqueos: Hubo Cinco Muertos en Chaco, Jujuy y Entre Ríos” [Tragic Plunders: Five Deceased in Chaco, Jujuy and Entre Ríos], La Nación, December 10, 2013, <http://www.lanacion.com.ar/1646383-tragicos-saqueos-hubo-cinco-muertos-en-chaco-jujuy-y-entre-rios>; See also: *Infonews*,

“El Gobierno va a La Justicia por Los Saqueos: ‘No Son Espontáneos, son Organizados’ [The Government Goes Before The Justice for the Plunders: ‘They Are Not Spontaneous, They Are Organized’], *Infonews*, December 9, 2013, <http://www.infonews.com/2013/12/09/politica-113433-el-gobierno-va-a-la-justicia-por-los-saqueos-no-son-espontaneos-son-organizados-protestas-policiales.php>; and *La Nación*, “El Gobierno Aseguró que Los Saqueos Son ‘Fogoneados’ por Setores Políticos Ligados Al Massismo” [The Government Assures That The Plunders Are Encouraged by Political Sectors], La Nación, December 9th, 2013, <http://www.lanacion.com.ar/1646194-el-gobierno-afirmo-que-los-saqueos-son-fogoneados-por-sectores-politicos-ligados-al-massismo>

50 Infobae, “Insólito: Quieren Prohibir Los Mensajes en Twitter y Facebook Para Evitar Más Saqueos y Robos” [Unusual: They Want to Forbid Messages on Twitter and Facebook to Prevent Plunders and Thefts], *Infobae*, December 18, 2013, <http://www.infobae.com/2013/12/18/1531663-insolito-quieren-prohibir-los-mensajes-twitter-y-facebook-evitar-mas-saqueos-y-robos>

51 Infobae, “El Texto de La Resolución que Prohíbe el Uso de Twitter y Facebook Durante Crisis Sociales” [The Text of the Resolution that Forbids the Use of Twitter and Facebook During Social Crisis], *Infobae*, December 18, 2013, <http://www.infobae.com/2013/12/18/1531720-el-texto-la-resolucion-que-prohibe-el-uso-twitter-y-facebook-crisis-sociales>

52 Vía Libre Foundation, “Estado de Sitio Para Internet” [State Site for Internet], December 18, 2013 <http://www.vialibre.org.ar/2013/12/18/estado-de-sitio-para-internet/>; Eduardo Bertoní, “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?], December 18, 2013, <http://ebertoni.blogspot.com.ar/2013/12/regular-y-restringir-las-redes-sociales.html>

number of items still doubled in the first half of 2013. In both the 2012 and 2013 terms, the majority of the content was related to defamation.⁵³

Among the most salient issues likely to impact internet access in Argentina are net neutrality regulation and intermediary liability. The Senate Commission of Systems, Media, and Freedom of Expression debated various projects related to these issues throughout 2013.⁵⁴ One of the more positive aspects to Resolution 5/2013, issued by the Secretariat of Communications, specifically provides for net neutrality, mandating that providers “guarantee access to every user, that in no way distinguishes, blocks, interferes, discriminates, hinders, degrades or restricts arbitrarily the reception or sending of information.”⁵⁵

In recent years, controversy has emerged in Argentina over the blocking of allegedly defamatory material, copyright protected content, and injunctions that invoke intermediary liability. In October 2012, for example, a judge ordered the CNC to mandate that ISPs block specific websites that explain how to unblock netbooks from the government’s Connect Equality program in order to use them for purposes other than education and digital literacy.⁵⁶ The most recent—and highly controversial—cases of blocking concerned sites that were illegally commercializing medicine and electronic devices. The National Administration of Public Income (AFIP) blocked 37 such sites in November 2013.⁵⁷ In December, three additional websites were taken down, allegedly by the National Direction of Registration of Internet Domains (NIC.ar), after a complaint from the National Administration of Medicine, Food and Medical Technology (ANMAT) that the sites were commercializing electronic cigarettes, which are prohibited in Argentina.⁵⁸ The controversy around these cases stemmed from a lack of clarity over whether the blocks and takedowns were, in fact, court-authorized. In a public statement, ANMAT announced that it had worked with NIC.ar; however, as the agency is an entity of the executive branch and not fully transparent, uncertainty remains over whether a court order preceded the blocking and removal of the content in question.

53 Google, Transparency Report – Argentina, accessed July 1, 2014, <https://www.google.com/transparencyreport/userdatarequests/AR/>

54 Gob.Ar, Senate Commission of Systems, Media and Freedom of Expression, <http://www.senado.gov.ar/parlamentario/comisiones/info/68>; See also: S-2222/13 Senator Fellner; S-2291/13 Senator Pérsico; S-3618/12 Senators Estenssoro y Sanz; S-1847/12 Senator Romero; S-1856/13 Senator Di Perna.

55 Gob.Ar, Resolution 5/2013, <http://www.infoleg.gov.ar/infolegInternet/anexos/215000-219999/216915/norma.htm>

56 Secretaría de Comunicación Pública, “Por Orden Judicial Bloquean El Acceso a Sitios de Internet” [Court Orders Blocking of Access to Websites] November 12, 2012, <http://www.prensa.argentina.ar/2012/11/12/35882-por-orden-judicial-bloquean-el-acceso-a-sitios-de-internet.php>

57 Telam, “La AFIP Hizo 13 Allanamientos y Bloqueó Sitios Web Por Venta Ilegal” [AFIP Carried Out 13 Searches and Blocked Websites Due to Illegal sSales], Télam, November 22, 2013 <http://www.telam.com.ar/notas/201311/41863-realizan-13-allanamientos-y-bloquean-sitios-web-por-venta-ilegal.html>; See also: Infojus, “La AFIP Cerró Webs que Vendían Productos de Manera Ilegal” [AFIP Closed Down Websites that Sold Products Illegally], Infojus, November 22, 2013, <http://infojusnoticias.gov.ar/nacionales/la-afip-cerro-webs-que-vendian-productos-de-manera-ilegal-2362.html>; and Clarín, “La AFIP Comenzó a Clausurar Sitios de Compra por Internet” [AFIP Started Shutting Down Online Shopping Websites], Clarín, November 23, 2013, http://www.clarin.com/politica/AFIP-empezo-clausurar-compras-Internet_0_1034896685.html

58 ANMAT statement: http://www.anmat.gov.ar/comunicados/Cigarrillo_electronico_2013.pdf; See also: Programa Nacional de Control del Tabaco, “Dieron de Baja Sitios Web en Los que se Ofrecía el ‘Cigarrillo Electronico’” [Websites Where the ‘Electronic Cigarette’ Was Offered Were Discharged], December 9, 2013, <http://www.msal.gov.ar/tabaco/index.php/campanas-y-materiales/archivo-de-noticias/343-dieron-de-baja-sitios-web-en-los-que-se-ofrecia-el-cigarrillo-electronico>; Tiempo Argentino, “El Cigarrillo Electrónico Ataca de Nuevo: Dan de Baja a Tres Sitios” [The Electronic Cigarette Strikes Again: Three Websites Are Shut Down], Tiempo Argentino, December 7, 2013, <http://tiempo.infonews.com/2013/12/07/sociedad-114484-el-cigarrillo-electronico-ataca-de-nuevo-dan-de-baja-a-tres-sitios.php>

Cases of blocking on grounds of copyright infringement have also surfaced from time to time. In 2009, a court ordered the blocking of blog *Que Te Pasa Clarin* because of alleged copyright infringement against newspaper *Diario Clarin*.⁵⁹ Although the ruling was reviewed—and subsequently overturned—by the National Federal Civil Court of Appeals in March 2014, the domain was sold to another individual while it was blocked so that the owner could no longer make use of it. Hence, although the ruling was overturned, the blog no longer exists.⁶⁰

Another important case regarding copyright infringement and intermediaries concerns the popular social platform and content sharing site Taringa!⁶¹ In 2011, copyright complaints were filed against the site—which has over 24 million registered users—by the nonprofit organization Cámara Argentina del Libro (CAL) and several editors. In response, the National Court of Criminal Appeals prosecuted the owners as “necessary participants” in the violations committed by their subscribers, who used Taringa! to share content protected by copyright law.⁶² Although the Supreme Court confirmed the prosecution in August 2012, in March 2013 both parties reached an agreement under which they would create a mechanism for CAL to monitor content shared over the platform. Although this decision sparked criticism because it would entail content monitoring by private entities, it was nonetheless approved.⁶³

To date, there is no specific legislation regarding intermediary liability in Argentina. Due to the absence of specific regulation, judicial rulings adjudicating liability to intermediaries or injunctions ordering them to remove content are based on general rules, and decisions tend not to be uniform. In 2013, numerous rulings regarding intermediary liability were issued, some of which were positive, exempting hosting companies from disproportionate measures, and some of which were negative, applying overly broad consumer protections that negatively impact the function of search engines. In one late 2013 case, which had a positive ruling from a freedom of expression standpoint, the production company Pampa Films filed a criminal lawsuit against YouTube administrators, Google, and a YouTube user for allowing the movie “Un Cuento Chino” to be uploaded without legal permission and hosted on YouTube.⁶⁴ The movie, which was viewed by nearly 200,000 people in the nine months it was available, was removed by the company after complaints from Pampa Films.⁶⁵ The First Instance Criminal Court and the Criminal Court of Appeals each ruled that YouTube could

59 Arte Gráfica Editorial Argentino SA c/Castañeda Matías s/cese de uso de marcas, Daños y Perjuicios, July 29, 2009.

60 Telam, “Revocan un Fallo Por El Que Clarin Había Logrado Bloquear un Blog” [Ruling by Which Clarin Succeeded in Blocking a Blog is Overturned], Télam, March 26, 2014, <http://www.telam.com.ar/notas/201403/56847-revocan-un-fallo-por-el-que-clarin-habia-logrado-bloquear-un-blog.html>; See also: Infojus Noticias, “La Justicia Fallo Contra Clarin en una Demanda Para Bloquear un Blog” [Justice Ruled Against Clarin in a Demand to Block a Blog], March 28, 2014, <http://infojusnoticias.gov.ar/nacionales/la-justicia-fallo-contra-clarin-en-una-demanda-para-bloquear-un-blog-3612.html>

61 Wikipedia, Taringa! Page, Wikipedia, accessed July 1, 2014, <http://es.wikipedia.org/wiki/Taringa>

62 CIJ, “Confirman Procesamiento de Responsables del Sitio de Internet Taringa!” [Confirmed Prosecution of Those Responsible for the Taringa! Website], CIJ, October 25, 2011, <http://www.cij.gov.ar/nota-8058-Confirman-procesamiento-de-responsables-del-sitio-de-Internet-Taringa-.html>

63 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, 2013, <http://www.vialibre.org.ar/2013/05/25/control-privado-y-libertad-de-expresion-en-internet-el-caso-taringa/>; “Acuerdo entre la Cámara Argentina del Libro y Taringa” [Agreement Between Cámara Argentina del Libro and Taringa], March 27, 2012, <http://www.camaradellibro.com.ar/index.php/component/content/article/42-socios/circulares/1457-circular-no2212-aclaracion-acuerdo-entre-la-camara-argentina-del-libro-y-taringa>

64 TN, “YouTube y ‘Un Cuento Chino:’ un Fallo que Podría Sentar Precedentes,” [Youtube and ‘Un Cuento chino:’ A Ruling that Could Set a Precedent], TN, November 26, 2013, http://tn.com.ar/tecnologia/youtube-y-un-cuento-chino-un-fallo-que-podria-sentar-precedentes_423696

65 *La Nación*, “Subir Una Película a YouTube No es Un Delito Penal, Dice la Justicia Argentina” (Uploading a Movie to YouTube is Not a Crime, says Argentine Justice), *La Nación*, November 26, 2013, <http://www.lanacion.com.ar/1642229-subir-una-pelicula-a-youtube-no-es-delito-dice-la-justicia-argentina>

not be held criminally liable for hosting the film since it does not prescreen content uploaded by users, and praised the company for responding to the complaint by removing the content in question.⁶⁶

A handful of cases pertaining to the unauthorized use of images or videos have also come to the fore in recent years. In one 2010 case, the artist Virginia Da Cunha sued Google and Yahoo for the unauthorized use of her image by websites that offered sexual services. The National Civil Court of Appeals ruled that intermediaries could only be held liable if they were nonresponsive to complaints, establishing a subjective liability regime, under which liability is assigned if an actor is deemed negligent. Although the case is awaiting a ruling by the Supreme Court, in August 2013, the Attorney General issued an opinion confirming the ruling made by the Appeals Court, which stated that satisfying Da Cunha's request would be tantamount to requiring pre-emptive censorship.⁶⁷ This is a positive ruling for freedom of expression as it requires companies to respond to complaints but does not force intermediaries to monitor content as it is created, which could place undue burdens on intermediaries and lead them to censor legitimate content in order to limit legal liability.⁶⁸

Two important rulings issued in 2013 are decidedly less positive for freedom of expression. In the May 2013 case of Florencia Peña, an actress who was victim to the online publication of a stolen video of her and her husband having intimate relations,⁶⁹ the Court of First Instance issued a precautionary measure ordering Google to block *all* search results containing the actress' name along with terms alluding to the video, rather than taking a more nuanced and proportionate precautionary measure such as ordering the blocking of the specific URLs hosting the video. Another example of a ruling with a potentially dangerous precedent occurred in the December 2013 case of Evangelina Carrozo, a model whose image was used without authorization in sexual content websites. In its ruling, the National Civil Court of Appeals tasked Google and Yahoo with the obligation to compensate Ms. Carrozo for the use of her image.⁷⁰ The Court further stated that search engines carry out an inherently risky activity, making them automatically liable for content.⁷¹ The Court's findings are controversial as they imply that search engines ought to act as arbiters of content. Such responsibility would effectively force intermediaries to engage in censorship, negatively impacting freedom of expression and access to information.⁷²

One March 2014 case stands as a positive counterexample to the concerning ruling in the Carrozo case. In this suit, which also involved a model, Carolina Valeria, whose name and image were used in sexual content websites, the National First Instance Civil Court ruled in favor of Google, the

66 See Court Ruling, Page 6: <https://docs.google.com/viewer?url=http://especiales.lanacion.com.ar/multimedia/proyectos/pdf/google.pdf&chrome=true>

67 Available at: <http://fiscales.gob.ar/procuracion-general/wp-content/uploads/sites/9/2013/09/D-544-46-DA-CUNHA.pdf>

68 In May 2014, the Supreme Court called for an audience in a similar case (video here: <http://www.cij.gov.ar/nota-13404-Seguir--este-jueves-la-audiencia-p-blica-de-la-Corte-en-causa-por-responsabilidad-de-buscaadores-de-internet.html>); Many Amicus Curiae briefs were presented by specialists advising the Court on how to rule. See: Rodríguez, María Belén c/ Google Inc. s/daños y Perjuicios.

69 PEÑA MARÍA FLORENCIA c/ GOOGLE s/ ART. 250 C.P.C. INCIDENTE CIVIL -Expte. N° 35.613/2013 – Juzgado Nacional de Primera Instancia en lo Civil N° 72

70 Carrozo, Evangelina c/ Yahoo de Argentina SRL y otro s/ daños y perjuicios: http://www.infojus.gov.ar/jurisprudencia/NV6830-carrozo_yahoo_danos-nacional-2013.htm?sessionId=1vc3ebbb7ztsu1nuv2ndnkvpq?0

71 See Article 1113 pertaining to objective liability; See also Carrozo, p 7.

72 Vía Libre Foundation, "Carrozo vs. Google y Yahoo: Resarcimiento Para Una, Daño Para Todos" [Carrozo vs Google and Yahoo: Compensation for One, Damage for All] <http://www.vialibre.org.ar/2014/01/08/carrozo-vs-google-y-yahoo-resarcimiento-para-una-dano-para-todos/>

search engine being sued. In his ruling, the judge stated that the company had conducted no illegal behavior, and further, that forcing Google to delete all entries with the model's name would amount to prior censorship.⁷³

Two key legislative proposals that would have limited intermediary liability came to the fore in 2012, although neither was passed. Proposal 2668-D-2012 would have excluded ISPs serving as technical intermediaries from responsibility for content originating from a third party, as long as the ISP did not alter the content in question.⁷⁴ After this proposal was rejected in 2012 amidst criticism, its author, Representative Pinedo, updated the draft bill and presented it again; it was rejected a second time in March 2013.⁷⁵ The other proposal, 8070-D-2012, would have excluded ISPs from liability for all transmitted information, unless the ISP modified the information or was the original transmitter. This initiative faced criticism for disregarding international standards when allowing third parties and administrative bodies to ask ISPs to remove content without a judicial order.⁷⁶

Self-censorship among bloggers and online users is not widespread in Argentina, yet in the interior of the country, where the rule of law is weaker than in the capital district, some online journalists refrain from writing about powerful local officials so as not to jeopardize their relationship with private advertisers. According to the latest IFEX report, given Argentina's polarized political and press environment, public media is used as a tool to question journalists who criticize the government.⁷⁷ Some writers likewise adjust their reporting based on the partisan affiliation of their publication.

One significant issue facing news outlets is discriminatory allocation of official advertising, a practice for which the Argentine federal and local governments are known. Outlets whose reporting has been critical of the government are often excluded from official advertisement, while those who are supportive are rewarded with reallocation of advertisement opportunities.⁷⁸ This biased practice has inhibited freedom of expression, particularly in the print and broadcast media sectors.⁷⁹ Although funds allocated to internet activities represent only three percent of the federal advertising budget, the most recent publicly available statistics show that during the first semester of 2012, 42

73 Gimbutas Carolina Valeria c/Google Inc. s/Habeas Data and Gimbutas Carolina Valeria c/Google Inc s/danos y perjuicios, <http://scw.pjn.gov.ar/scw/viewer.seam?id=jx%2FuvPA6Yt7ssT%2F04x6mo9lk7gNgYFb90Mxw0Klfkas53D&tipoDoc=despacho&cid=455864>

74 H.Cámara de Diputados de la Nación, Proyecto de Ley, accessed July 1, 2014, <http://www1.hcdn.gov.ar/proyxml/expediente.asp?fundamentos=si&numexp=2668-D-2012>

75 H.Cámara de Diputados de la Nación, Proyecto de Ley, accessed July 1, 2014, <http://www1.hcdn.gov.ar/proyxml/expediente.asp?fundamentos=si&numexp=2668-D-2012>

76 Argentine House of Representatives, File 8070-D-2012, <http://www1.hcdn.gov.ar/proyxml/expediente.asp?fundamentos=si&numexp=8070-D-2012>; Beatriz Busaniche, "Responsabilidad de Intermediarios de Internet: El Debate Pendiente" [Internet Intermediaries' Responsibility: A Pending Debate], *La Nacion*, November 30, 2012, <http://www.lanacion.com.ar/1532025-responsabilidad-de-intermediarios-de-internet-el-debate-pendiente>

77 IFEX, Informe Anual de Impunidad 2013 [2013 Annual Report on Impunity], accessed July 1, 2014, http://ifex.org/alc/es/impunidad2013/2013/pdf/informe_2013.pdf

78 Poder Ciudadano, "Dimensión de la Publicidad Oficial en la Argentina" [The Dimension of Official Publicity in Argentina], Poder Ciudadano, accessed March 20, 2014, <http://poderciudadano.org/wp/wp-content/uploads/2011/12/Informaci%C3%B3n-preliminar-PO-Poder-Ciudadano.pdf>; Asociación por los Derechos Civiles and Open Society Justice Initiative, "Buying the News: A report on Financial and Indirect Censorship in Argentina," Open Society Institute (2005), <http://www.censuraindirecta.org.ar/advf/documentos/48ee57ee263549.92961213.pdf>.

79 Poder Ciudadano, "Dimensión de la Publicidad Oficial en la Argentina."

percent of that sum was assigned to only 10 beneficiaries, all of whom had clear ties to the federal government.⁸⁰

Despite multiple rulings by the Supreme Court and the Federal Court of Appeals in 2011 and 2012 stating that the government must utilize equitable measures in its distribution of state advertising, to date, the government has been noncompliant and has faced no penalty for its disregard of judicial orders.⁸¹ In June 2013, the National Civil Court of Appeals made yet another ruling urging the government to distribute official advertising in an equitable and proportional way.⁸² In October, the Supreme Court issued a further ruling regarding the constitutionality of the Telecommunications Law in which it recommended “transparent public policy in terms of official advertising.”⁸³ Finally, in February 2014, the Supreme Court confirmed its ruling urging the government to comply with equitable advertising allocation, emphasizing the importance of this principle to freedom of expression.⁸⁴ To date, however, the government does not appear to have changed its stance on equitable allocation of advertising.

There are no restrictions on access to national or foreign news sources in Argentina. Argentines are able to express themselves freely online; in recent years, many have also used social media as a tool for political mobilization. In late 2012, Twitter and Facebook were used to mobilize protestors in a major antigovernment demonstration known as 8N (November 8). Although official figures vary widely, placing the size of the protests between 30,000 (according to the Buenos Aires police) and 100,000 (according to regional media), 8N succeeded in bringing tens of thousands of people out to protest corruption, violent crime, declining freedom of expression, and inflation.⁸⁵ In April 2013, another public demonstration known as 18A (April 18) was organized using social media, and, like

80 Juan Pablo de Santis, “En Internet, el Dinero de la Publicidad Oficial También Queda en Pocas Manos” [On The Internet, Official Advertising is Also in the Hands of a Few], *La Nación*, March 21, 2013, <http://www.lanacion.com.ar/1564903-en-internet-el-dinero-de-la-publicidad-oficial-tambien-queda-en-pocas-manos>.

81 Multiple rulings were issued throughout 2011 and 2012. See: IFEX, “Supreme Court Urges Government to Avoid Bias in Allocating State Advertising,” news release, March 8, 2011, http://www.ifex.org/argentina/2011/03/08/omit_discriminatory_criteria/; Committee to Protect Journalists, “Supreme Court Tells Argentina to Avoid Bias in Allocating Ads,” March 4, 2011, <http://cpj.org/2011/03/supreme-court-urges-argentina-to-avoid-bias-in-all.php>; See also: “La Publicidad Oficial” [The Official Advertising], *Pagina 12*, August 15, 2012, <http://www.pagina12.com.ar/diario/elpais/1-201096-2012-08-15.html>; *Clarín*, “Publicidad Oficial: Otro Fallo en Favor de Perfil” [Official Advertising: Another Ruling Benefits Perfil], *Clarín*, August 15, 2012, http://www.clarin.com/politica/Publicidad-oficial-fallo-favor-Perfil_0_755924464.html; Editorial Perfil SA c/ Federal Government – Chief of Staff of Ministers – SMCs under Law 16.986, March 2011; Editorial Black River [Rio Negro] SA c/ Neuquén Province s/amparo, Fallos 330:3907, September 2007; and: <http://www.cij.gov.ar/nota-10404-Caso-Perfil-la-Corte-desestim-un-planteo-del-Estado-Nacional-en-causa-sobre-distribuci-n-de-publicidad-oficial.html>

82 *La Nación*, “Obligan al Gobierno a Distribuir Equitativamente la Pauta Oficial” [Government Forced to Distribute Official Advertising Equally], *La Nación*, June 7, 2013, <http://www.lanacion.com.ar/1589474-obligan-al-gobierno-a-distribuir-equitativamente-la-pauta-oficial>; See also: “La Corte Equilibra con un Fallo Contra el Manejo de la Pauta Oficial” [Supreme Court Balances A Ruling About Official Advertising Management], Perfil, November 3rd, 2013, <http://www.perfil.com/politica/La-Corte-equilibra-con-un-fallo-contra-el-manejo-de-la-pauta-oficial-20131103-0009.html>

83 “La Corte Suprema Declaró la Constitucionalidad de la Ley de Medios” [Supreme Court rules Media Law as Constitutional] <http://www.cij.gov.ar/nota-12394-La-Corte-Suprema-declar-la-constitucionalidad-de-la-Ley-de-Medios.html>

84 A.925. XLIX, Arte Radiotelevisivo Argentino S.A. c/Estado Nacional – JGM – SMC s/ amparo ley 16.986, <http://www.cij.gov.ar/nota-12889-La-Corte-orden--incluir-a-Canal-13-en-el-reparto-de-la-publicidad-oficial.html>

85 Damian Pachter, “Argentines Protest in Huge Anti-Government March,” *The Huffington Post*, November 8, 2012, <http://www.huffingtonpost.com/huff-wires/20121108/lt-argentina-anti-government-march/>.

Argentina

8N, gathered a great deal of attention on Twitter and Facebook.⁸⁶ According to the Buenos Aires City Government, 18A gathered over 1 million protesters—a figure that was challenged by the National Government, which stated that only 178,000 people attended.⁸⁷ The 18A protest took place in the capital and in other Argentine cities such as Mar del Plata, Santa Fe, Rosario, and Salta.

A few other notable public demonstrations were also organized via social media during 2013. In October 2013, a march was arranged on social media in support of President Cristina Fernández de Kirchner, who was in the hospital recovering from an operation.⁸⁸ In December 2013, after suffering multiple power outages due to a heat wave and an energy deficit, social media was widely used as a tool to organize protests. One of the resulting movements, known as 30D, invited citizens to gather on December 30th for a march toward the Obelisc in protest of the power cuts.⁸⁹ Although the government did not respond to 30D, it stands as an example of the practical use of social media by Argentines as a tool for real-world mobilization.

Violations of User Rights

A number of incidents over the past year threatened internet users' rights to freedom of expression and privacy online. In December 2013, Juan Pablo Suarez, the editor of the online news site *Ultima Hora*, was detained for nine days after filming the arrest of a local police officer. In October 2013, a glitch in the online electoral system enabled the photos of some registered voters to be downloaded by others, violating data protection and privacy standards. Additionally, in July 2013, the Secretariat of Communications issued Resolution 5/2013, which could infringe on users' right to privacy by potentially allowing unfettered access to telecommunications infrastructure and user data.

The Argentine Constitution and human rights treaties incorporated in 1994 guarantee freedom of expression.⁹⁰ Additional laws also exist to ensure that citizens have the liberty to express their

86 "Cacerolazo 18A: multitudinarias protestas contra el Gobierno en todo el país" (18A pot-banging protest: massive demonstration against Government across the country), La Nación, April 18th, 2013, <http://www.lanacion.com.ar/1573998-cacerolazo-18a>; See also: "Masiva marcha contra el Gobierno" (Massive demonstration against the Government), Infobae, April 18th, 2013, <http://www.infobae.com/2013/04/18/706607-masiva-marcha-contra-el-gobierno>; and: "El pulso del #18A en las redes sociales" (#18A in social media), La Nación, April 18th, 2013. <http://www.lanacion.com.ar/1573920-el-pulso-del-18a-en-las-redes-sociales>

87 "Masiva marcha contra el Gobierno" (Massive demonstration against the Government), Infobae, April 18th, 2013 <http://www.infobae.com/2013/04/18/706607-masiva-marcha-contra-el-gobierno>; See also: "Cacerolazo 18A: multitudinarias protestas contra el Gobierno en todo el país" (18A pot-banging protest: massive demonstration against Government across the country), La Nación, April 18th, 2013, <http://www.lanacion.com.ar/1573998-cacerolazo-18a>; See also: "Para el Gobierno, sólo se movilizaron 178 mil personas en todo el país" (According to the Government, only 178 thousand people took part in the mobilization), Clarín, April 20th, 2013, www.clarin.com/politica/Gobierno-solo-movilizaron-personas-pais_0_904709647.html

88 Terra Noticias, "Todos con Cristina," La Convocatoria para El 17 de Octubre" [Everyone with Cristina, the Convocation for October 17th], Terra Noticias, October 16, 2013, <http://noticias.terra.com.ar/politica/todos-con-cristina-la-convocatoria-para-el-17-de-octubre.95f82b8b551c1410VgnCLD2000000dc6eb0aRCRD.html>; See also: El Intransigente, "Convocan a Apoyar a Cristina Kirchner el 17 de Octubre en Plaza de Mayo" [Convocation to Support Cristina Kirchner on October 17th at Plaza de Mayo], El Intransigente, October 16, 2013, <http://www.elintransigente.com/notas/2013/10/16/convocan-apoyar-cristina-kirchner-octubre-plaza-mayo-212160.asp>

89 Diario Hoy, "Por Libertad a Callejeros y Por Los Cortes de Luz, Habrá dos Marchas al Obelisco" (There Will be Two Marches to the Obelisc for the Callejeros Case and Power Cuts), Diario Hoy, December 30, 2013, <http://diariohoy.net/politica/por-libertad-a-callejeros-y-por-los-cortes-de-luz-habra-dos-marchas-al-obelisco-20082>; See also: Perfil, "El #30D Tendrá Dos Marchas en el Obelisco" [#30D Will Have Two Marches at the Obelisc], Perfil, December 29, 2013, <http://www.perfil.com/sociedad/El-30D-tendra-dos-marchas-en-el-Obelisco-20131229-0055.html>

90 Senate of the Argentine Nation, "Argentine Constitution," Article 14, accessed March 20, 2014 <http://www.senado.gov.ar/web/interes/constitucion/english.php>. 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.

views without fear of censorship or reprisal, a protection that was extended to the internet in 1997.⁹¹ Constitutional protection was also extended to “the search, reception and dissemination of ideas and information of all kinds via internet services” in 2005 under Law 26032.⁹²

The Argentine judiciary is generally seen as independent, particularly in its higher echelons, such as the Supreme Court of Justice. Not all regulatory bodies in Argentina benefit from the same level of autonomy as the judiciary, however. In December 2011, NIC.ar, which regulates and registers domain names, was placed directly under oversight of the executive branch of government, where it remains to this day.⁹³ In late 2012, controversy arose over denials of domain names related to President Cristina Fernández de Kirchner and the progovernment youth group “La C mpora.”⁹⁴ Although some blamed the close relationship between NIC.ar and the executive, there is no evidence of similar cases in 2013.

In November 2009, the legislature decriminalized defamatory statements referring to matters of public interest.⁹⁵ Although there are no specific laws that criminalize online expression related to political or social issues, recent cases have detracted from the ability of reporters to cover the arrest of an elected official—an event that is arguably a “matter of public interest.” In one controversial December 2013 case, Juan Pablo Suarez, the editor of news website *Ultima 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.⁹⁶ During the arrest, police officers also seized computers and documents from the website’s headquarters.⁹⁷ While there are no penalties for “irresponsible journalism,” a recent statement by Chief of Cabinet Jorge Capitanich is worrisome. Mr. Capitanich claimed that Vice President Amado Boudou—currently being processed in a criminal case of corruption⁹⁸—is a victim of “media

91 Decreto 1279/97, <http://mepriv.mecon.gov.ar/Normas/1279-97.htm>

92 Law 26032 [in Spanish] (2005), Documentation and Information Center, accessed March 20, 2012, Available at: <http://www.infoleg.gov.ar/infolegInternet/anexos/105000-109999/107145/norma.htm>.

93 Nic.Ar <https://nic.ar/>

94 Eduardo Bertoni and Atilio Grimani, “Nombres de Dominio: Una Expresion que merece ser Protegida” [Domain Names: An Expression Worth Protecting], CELE – iLEI, November, 2012, <http://bit.ly/1dSs1zC>.

95 Reform Law 26551, See: CELE <http://www.lanacion.com.ar/1512551-calumnias-e-injurias-dos-delitos-de-incomoda-vigencia>.

96 Committee to Protect Journalists, “Argentina should release editor accused of sedition”, December 18th, 2013, <http://cpj.org/2013/12/argentina-should-release-editor-accused-of-seditio.php>; See also: “Liberaron a Juan Pablo Suárez, el periodista santiaguense que estaba detenido por instigar a la sedición” (Juan Pablo Suárez, the journalist accused of sedition, was released), Infobae, December 19th, 2013, <http://www.infobae.com/2013/12/19/1532035-liberaron-juan-pablo-suarez-el-periodista-santiaguense-que-estaba-detenido-instigar-la-sedicion/>; “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://www.lanoticia1.com/noticia/desde-fopea-reclaman-la-libertad-del-editor-juan-pablo-suarez-45656.html>; La Nacion, “Santiago del Estero: Detuvieron a Un Periodista y Lo Acusaron de Sedición” [Santiago del Estero: A Journalist Was Arrested and Accused of Sedition], La Nación, December 12, 2013, <http://www.lanacion.com.ar/1647153-santiago-del-estero-detuvieron-a-un-periodista-y-lo-acusaron-de-sedicion/>; Fopea.Org, FOPEA Statement, December 14, 2013: <http://bit.ly/1r0E3RA>

97 CPJ, “Argentina Should Release Journalist Accused of Sedition” *CPI*, December 18, 2013, <http://cpj.org/x/57f2>

98 La Nacion, “Pidieron la Indagatoria de Boudou y Echeagaray y Se Acelera el Caso Ciccone” [They Called for The Investigation of Boudou and Echeagaray and the Ciccone Case is Accelerated], *La Nación*, February 7, 2014, <http://www.lanacion.com.ar/1662050-pidieron-la-indagatoria-de-boudou-y-echeagaray-y-se-acelera-el-caso-ciccone>

persecution and lynching.⁹⁹ Such a statement could encourage censorship among investigative journalists, as it contradicts the standard according to which discussions on matters of public interest should be protected.

Although users must provide identification when purchasing a mobile phone or prepaid SIM card,¹⁰⁰ to date, there are no restrictions on anonymity for internet users, nor are there restrictions on the use of encryption. Users are able to post anonymous comments freely in a variety of online forums, and bloggers are not required to register with the government. Any website ending in “.ar;” however, must be registered with NIC.ar. 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.¹⁰¹ Beginning in March 2014, registration of any domain ending in “.com.ar” will also require an annual fee of between 65 and 450 Argentine pesos per year. Although the fees are reasonable considering that the average monthly wage is 7,500 pesos,¹⁰² domains were previously free, marking a change in domain name registration policy.¹⁰³ The rationale behind this change is that it will deter people from registering for domain names they are not going to use.

A court order is officially required to intercept private communications, even in cases related to national security, a precedent established by Argentina’s National Intelligence Law to ensure user privacy.¹⁰⁴ Such procedures appear to be followed, although there are no official figures detailing the number of annual interceptions. According to Google’s Transparency Report, between January and June 2013, Argentine authorities made 114 requests for user data spanning 132 accounts. Google complied in 48 percent of cases.¹⁰⁵ Microsoft’s Law Enforcement Request Report for the

99 Clarin, “Para el Gobierno, Boudou es Víctima de un ‘Linchamiento Mediático’” [According to the Government, Vicepresident Boudou is a Victim of ‘Media Lynching’], *Clarín*, February 7, 2014, http://www.clarin.com/politica/Gobierno-Boudou-victima-linchamiento-mediatico_0_1080492285.html; “El Gobierno Habla de ‘Persecución y Linchamiento Mediático’ de Amado Boudou” [The Government Speaks of the ‘Media Persecution and Lynching’ against Boudou], *La Nación*, February 7, 2014, <http://bit.ly/1A0zdVs>; “Capitanich: ‘Boudou es Víctima del Linchamiento Mediático’” [Capitanich: ‘Boudou is a Victim of Media Lynching’], *Cronista.com*, February 7, 2014, <http://bit.ly/1r0Er2H>

100 CNC, Law 19.798, Resolution 490/97 [in Spanish] (1997), http://www.cnc.gob.ar/normativa/sc0490_97.pdf; Secretaría de Comunicaciones, “Apruebase de Relamento General de Clientes de los Servicios de Comunicaciones Móviles” [Text of the General Terms for Users of Mobile Communication Services], CNC, accessed March 20, 2012, http://www.cnc.gob.ar/normativa/sc0490_97.pdf

101 Gov.Ar, Official Bulletin, <http://bit.ly/1r7i9rs>

102 “El Salario Promedio de la Economía se Aproximó en Agosto a 7500 pesos” [The Average Monthly Wage Rough Estimate is 7500 Argentine Pesos], *Infobae*, October 2013, <http://www.infobae.com/2013/10/01/1512947-el-salario-promedio-la-economia-se-aproximo-agosto-7500-pesos>

103 Clarin, “Habrá 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://www.clarin.com/sociedad/pagar-registrar-dominio-Internet-Argentina_0_1091290918.html; Telam, “El Registro de Dominios en Internet Dejará de Ser Gratuito Desde Marzo” [Registering Domains on the Internet Will Not Be Free As of March], *Telam*, February 24, 2014, <http://www.telam.com.ar/notas/201402/53091-el-registro-de-dominios-en-internet-dejara-de-ser-gratuito-desde-marzo.html>

104 Law 19.798, Articles 45 bis, 45 ter and 45 quáter [in Spanish] (1972), “Law of National Telecommunications,” Documentation and Information Center, accessed March 20, 2014, <http://infoleg.mecon.gov.ar/infolegInternet/anexos/30000-34999/31922/texact.htm>; Law 25.520 [in Spanish] (2001), “Law of National Intelligence,” Documentation and Information Center, <http://infoleg.mecon.gov.ar/infolegInternet/anexos/70000-74999/70496/norma.htm>; See also: <http://infoleg.mecon.gov.ar/infolegInternet/anexos/70000-74999/70496/norma.htm>

105 Google, Transparency Report, Argentina: <https://www.google.com/transparencypreport/userdatarequests/AR/>

first semester of 2013 states a total number of 455 requests for user data covering 675 accounts. Microsoft complied with 371 requests.¹⁰⁶

Argentina tends to hold high privacy and data protection standards, and while there have occasionally been local initiatives aimed at decreasing public unrest via the surveillance of online platforms, to date, none have been put into practice. Following complaints about unruly parties and other events in La Plata, Gustavo Luzardo, sub-secretary of the Urban Control Department, announced that local government would monitor social networks to trace planned events, in order to “advise” neighbors of potentially disruptive events. After allegations by community members and specialists alike that such monitoring would amount to a form of “pre-emptive surveillance,”¹⁰⁷ assurances were provided that such measures—which could endanger freedom of expression on social networks—would not be taken.¹⁰⁸

Despite a strong data protection framework, in July 2013, the Secretariat of Communications passed a resolution that may impact user privacy. Resolution 5/2013¹⁰⁹ governs the quality of telecommunications services and states that providers should “guarantee the free access of the CNC to installations... and [should] give them all the information that is required...”¹¹⁰ Although the resolution mentions respect for personal data, the vague wording has the potential to lead to violations of users’ privacy.¹¹¹ Additionally, in October 2013, a glitch in the online electoral system sparked significant concern when it enabled the photos of some registered voters to be downloaded by others, violating data protection and privacy standards.¹¹² In response, a local NGO filed a collective *habeas data* suit—a constitutional legal action that claims that every citizen has the right to see any information concerning himself or herself which appears in the public or private archives, and that he or she may also request the deletion of incorrect or sensitive information. In keeping with this rule, the NGO requested the elimination of citizens’ images from the electoral roll.¹¹³ To date, there has been no ruling on this matter, although the online electoral roll is currently inactive.

106 Microsoft, Transparency Report, Argentina: <http://www.microsoft.com/about/corporatecitizenship/en-us/reporting/transparency/>

107 “En La Plata Controlarán las Redes Sociales” [In La Plata There Will Be Control of Social Media], *La Nación*, January 20, 2014, <http://www.lanacion.com.ar/1656865-en-la-plata-controlaran-las-redes-sociales>; Sebastian Lalaurette, “En La Plata Controlarán las Redes Sociales” [Monitoring of Social Networks in La Plata], *La Nación*, February 21, 2014, <http://www.mediatelecom.com.mx/index.php/tecnologia/internet/item/58030-en-la-plata-controlaran-las-redes-sociales>; “Entrevista: ‘Queremos Que El Vecino Confíe en Control Urbano’ Afirma Gustavo Luzardo” [Interview: ‘We Want Urban Control in Neighborhoods’ Affirms Gustavo Luzardo] *La Plata YA*, January 10, 2014, <http://laplataya.com/wp/?p=32298>

108 Info Platense, “Ahora Anulan Proyecto Para Espiar Redes Sociales” [Now They Write Off the Project to Spy on Social Media], InfoPlatense, January 20, 2014, <http://www.infoplatense.com.ar/index.php/la-plata/politica/15217-ahora-anulan-proyecto-para-espia-redes-sociales>; Info Technology, “La Plata da Marcha Atrás Con Su Área de Monitoreo de Redes Sociales” [La Plata Goes Backward in The Area of Social Media Monitoring], Info Technology, January 17, 2014, <http://www.infotechnology.com/internet/La-Plata-da-marcha-atras-con-su-area-de-monitoreo-de-redes-sociales-20140117-0005.html>; “La Plata Negó Tener un Proyecto Para Monitorear Redes Sociales” [La Plata Denied Having An Initiative to Monitor Social Media], *Infobae*, January 20, 2014, <http://www.infobae.com/2014/01/20/1538258-la-plata-nego-tener-un-proyecto-monitorear-las-redes-sociales>

109 Gob.Ar, Resolution 5/2013, <http://www.infoleg.gob.ar/infolegInternet/anexos/215000-219999/216915/norma.htm>

110 Gob.Ar, Resolution 5/2013, <http://www.infoleg.gob.ar/infolegInternet/anexos/215000-219999/216915/norma.htm>

111 Eduardo Berton, “Amenaza a La Privacidad y a La Libertad de Expresión” [Threat to Privacy and Freedom of Expression], *La Nación*, October 5, 2013, <http://www.lanacion.com.ar/1626179-amenaza-a-la-privacidad-y-a-la-libertad-de-expresio>

112 *La Nación*, “Una Falla de Seguridad Permite la Descarga de Fotos del Padrón Electoral” [A Security Fault Enables Download of Pictures in Electoral Roll], *La Nación*, November 4, 2013, <http://www.lanacion.com.ar/1635285-una-falla-de-seguridad-permite-la-descarga-de-fotos-del-padron-electoral>

113 ADC, “La ADC Pidió a la Justicia que se Retiren las Fotos de los Votantes del Padrón Electoral Online” [ADC Requested that the Pictures of the Online Electoral Roll be Taken Down], October 22, 2013, <http://www.adc.org.ar/1045-la-adc-pidio-a-la-justicia-que-se-retiren-las-fotos-de-los-votantes-del-padron-electoral-online/>

Although attacks against online journalists occur sporadically, they are not as common as violence against those working for traditional media outlets, which has become a “noticeable problem.”¹¹⁴ According to the Argentine Journalism Forum (FOPEA), there were 194 attacks against 239 journalists in 2013—mainly physical aggression, harassment and censorship—a slight rise as compared to the 172 attacks witnessed in 2012.¹¹⁵ Attacks specifically targeting digital media journalists have proven more difficult to tally with accuracy but appear to have decreased over the past year. Although fear of being attacked could lead to self-censorship, as of mid-2014, it did not appear to be a significant barrier to freedom of online expression. While defamatory campaigns have occasionally targeted bloggers,¹¹⁶ as of June 2014, such incidents did not appear to be widespread or on the rise.

The Argentine government passed a law on cybercrime (Law 26388) in 2008, which amended the Argentine Criminal Code to prohibit distribution and possession of child pornography, interception of communications and informatics systems, hacking, and electronic fraud.¹¹⁷ Some of the terms used in the legislation have been criticized as too ambiguous, which could lead to expansive application of the law. To date, however, this law has not been used to punish online expression. Although cybercrime investigation units do not yet appear to exist on the national level,¹¹⁸ a one-year pilot project aimed at investigating cybercrimes was activated in Buenos Aires in November 2012.¹¹⁹ A 2013 report about the pilot project revealed 172 ongoing cybercrime felony cases, 120 of which correspond to child pornography cases.¹²⁰

Many draft bills on the issues of child grooming and cybercrime have been presented in Congress in recent years. The most recent bill was aimed at criminalizing electronic contact with minors that may lead to harm of the minor’s sexual integrity.¹²¹ This proposal sparked criticism among academics and legislators due to vague wording that would have criminalized *any* online interaction with minors, issuing the same sentence that is mandated for cases of abuse.¹²² Despite the criticism, in November 2013, Law 26.904 was passed by the Congress, establishing penalties of six months to four years

114 Committee to Protect Journalists, *Attacks on the Press in 2013: Argentina*, accessed July 1, 2014, <http://cpj.org/2014/02/attacks-on-the-press-in-2013-argentina.php>

115 FOPEA, *Monitoreo de la Libertad de Expresión en Argentina*, [Measurements of Freedom on Expression in Argentina] 2013, <http://monitoreolde.com.ar/wp-content/uploads/2014/03/FOPEA-Informe-Monitoreo-de-la-Libertad-de-Expresion-2013.pdf>

116 FOPEA, “Solidaridad de FOPEA con el Periodista Gustavo Sylvestre” [FOPEA in Solidarity with Gustavo Sylvestre], August 31, 2012, <http://bit.ly/1bXeFE5>.

117 Law 26.388, <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm>; See also: Law 26.388 [in Spanish] (2008), Documentation and Information Center, accessed March 20, 2014, <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm>.

118 “Una Fiscalía Dedicada a los Delitos Informáticos” [A Prosecutor’s Office Dedicated to Cyber-Crime], *Clarín*, February 3, 2012, http://www.clarin.com/policiales/fiscalia-dedicada-delitos-informaticos_0_859114224.html

119 See Resolution 501/FG/12 <http://www.mpfjusbaire.gov.ar/wp-content/uploads/resolucion-fg-nc2ba-501-12-equipofiscal-a-uf-este-delitos-y-contravenciones-informaticas-sin-act-int.pdf>; Project authorized by Resolution 501/12 of the General Prosecutor’s Office, <http://www.mpfjusbaire.gov.ar/wp-content/uploads/resolucion-fg-nc2ba-501-12-equipofiscal-a-uf-este-delitos-y-contravenciones-informaticas-sin-act-int.pdf>.

120 Gob.Ar, *Delitos Informaticos, Cybercrime*, 2013, <http://delitosinformaticos.fiscalias.gob.ar/wp-content/uploads/2014/02/CyberCrime-Informe-Final-2013-flip.pdf>

121 Bill presented by Representatives Pinedo – Bertol: <http://bit.ly/1pheFV1>; Bill presented by Representatives Verna and Higonet 2174/11, <https://www.argentinacibersegura.org/leygroomingya/Proyecto-de-Ley.pdf>

122 Beatriz Busaniche, “Grooming: Mala Legislación Escondida en Buenas Intenciones” [Grooming: Bad Legislation Hidden Under Good Intentions], July 3, 2013, <http://bit.ly/1muhg9k>

imprisonment for online contact with a minor carried out "*with the purpose* of committing a crime against [the minor's] sexual integrity."¹²³

In July 2011, the Executive Power established the National Program of Critical Infrastructure of Information and Cybersecurity (ICIC).¹²⁴ The program, which is comprised of four working groups, aims to create a framework to foster identification and protection of strategic infrastructure. One of its groups aims to reduce security breaches and to minimize information safety risks; another offers assessment when emergencies arise as the result of such incidents.

In August 2013, the official Twitter account of the House of Government, @CasaRosadaAR, was hacked and used to publish offensive posts about a journalist. In response, the account was temporarily suspended; however as of May 2014 it is active.¹²⁵ No suspects were named, and there has been no news of further attacks; nonetheless, cybercrime is perceived to be a growing problem in Argentina.

123 Gob.Ar, Law 26.904, <http://www.infoleg.gob.ar/infolegInternet/anexos/220000-224999/223586/norma.htm>

124 For more, see Gob.Ar, ICIC, <http://www.icic.gob.ar/paginas.dhtml?pagina=97>

125 Rodrigo Santos, "La Casa Rosada Cerró la Cuenta de Twitter Después de que Fue Hackeada" (Casa Rosada Closed Its Twitter Account After It Was Hacked), *La Nación*, August 21, 2013, <http://www.lanacion.com.ar/1612482-la-casa-rosada-cerro-la-cuenta-de-twitter-despues-de-que-fue-hackeada>