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ARGENTINA

LGBTI+ ACTIVIST CRIMINALIZED FOR GRAFFITI PROTEST

Pierina Nochetti, a lesbian human rights activist, is facing criminal charges of “*aggravated damage*” for painting a graffiti in protest. In the artwork, Pierina questioned the disappearance of a young trans man in the city of Necochea, Argentina who went missing nearly three years ago. Pierina’s trial is scheduled for March 6 and if found guilty, she could be sentenced to up to four years in prison. The authorities must drop the charges as they are unnecessary and a disproportionate restriction on the right to freedom of expression.

Write to the Head Prosecutor urging him to:

- Drop the charge of “aggravated damage” against Pierina Nochetti as it appears to be an unnecessary and disproportionate restriction on the right to freedom of expression. Imposing such charges on human rights defenders for freely expressing themselves sends a chilling message that could further curtail the right to protest peacefully.

Write to:

José Luis Cipolletti,
Head prosecutor, UFI n°1, Departamental Necochea
Public Prosecutor's Office of the
Province of Buenos Aires
Adress: Avenida 75, 371, Necochea, PBA, CP: 7630
Email: ufi1.ne@mpba.gov.ar ; jcipolletti@mpba.gov.ar
Salutation: *Dear Head Prosecutor Jose Luis Cipolletti,*

And copy:

Her Excellency Maria Josefina MARTINEZ GRAMUGLIA
Ambassador
Embassy of the Argentine Republic
81 Metcalfe Street, 7th Floor
Ottawa, ON K1P 6K7
Tel: (613) 236-2351 Fax: (613) 235-2659
Email: ecana@cancilleria.gov.ar

ADDITIONAL INFORMATION

Pierina Nochetti is a mother of three kids and the primary provider at home. She describes herself as a visible lesbian and an LGBTI+ activist. For a long time, she has served on the committee organizing the Pride Parade in Necochea, a coastal town in the Buenos Aires Province. Over the years, she has shown a commitment to human rights, speaking up to build a world where people can enjoy their human rights freely and equally.

Pierina Nochetti has been amplifying calls for justice in the disappearance of a young trans man, Tehuel de la Torre. He was last seen on March 21, 2021, on his way to a job interview. Tehuel's family, together with trans feminist and LGBTI movements and human rights organizations, have led this campaign since his disappearance.

Pierina has already faced penalties including a ten-day salary reduction at the local government office where she works. Since then, the state has filed a criminal complaint against her for a graffiti she painted on a public wall with the question “*Where is Tehuel?*” This prosecution comes after Pierina spoke to her superiors about her unequal conditions and treatment at work, a situation she said may have been based on her sexual orientation and gender identity.

Argentina is a party to various international human rights treaties that protect the right to freedom of expression, including the International Covenant on Civil and Political Rights (ICCPR) and the American Convention on Human Rights. Under international human rights law, restrictions on the right to freedom of expression must be provided by law and be necessary and proportionate to a legitimate aim. The UN Human Rights Committee has clarified that penalties for damages to property in the context of protests need to be narrowly construed and has set a high threshold for considering pursuing cases only when damages are “*serious*” as they would otherwise constitute an undue restriction.

There has been much progress in protecting the rights of LGBTI+ people in Argentina in the last decades, including equal marriage, the right to gender identity, the right to an employment quota for trans people in the public sector, the right to abortion and the right to comprehensive sexual education, among others. However, LGBTI people, primarily trans and non-binary people, experience severe discrimination in accessing their rights to health, employment, education and the right to live free from violence based on their gender identity or sexual orientation. In 2022, the National Observatory of LGBT Hate Crimes registered 129 hate crimes in Argentina against people because of their identity, gender expression or sexual orientation: 84% of these attacks were against trans women. Of the total number of crimes, 40 were attacks against physical integrity. This violence and exclusion are more profound when analyzed from an intersectional perspective, including LGBT+ activists and defenders.

***Please send your appeals until March 5, 2024 (ahead of the commencement of the trial on March 6).
If there's the need for further action after that date, the UA will be duly updated.***