

URGENT ACTION

LGBTI+ ACTIVIST CRIMINALISED FOR GRAFFITI PROTEST

Pierina Nochetti, a lesbian human rights activist, is facing criminal charges of “aggravated damage” for allegedly painting graffiti in protest questioning the disappearance of a young trans man in the city of Necochea, Argentina. Her trial is scheduled for 6 March. The charges appear to be an unnecessary and disproportionate restriction on the right to freedom of expression.

TAKE ACTION:

- Write a letter in your own words or using the sample below as a guide to one or both government officials listed. You can also email, fax, call or Tweet them.
- [Click here](#) to let us know the actions you took on **Urgent Action 3.24**. It’s important to report because we share the total number with the officials we are trying to persuade and the people we are trying to help.

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

Embassy of Argentina in the United States
Ambassador Jorge Argüellos
1600 New Hampshire Ave NW, Washington, DC 20009
Email: eeuu@mrecic.gov.ar

Dear Head Prosecutor Jose Luis Cipolletti,

I am concerned over the prosecution of **Pierina Nochetti** on charges of “aggravated damage” for allegedly painting graffiti on a public wall with the question “Where is Tehuel?”. This question has been a wide call of a collective claim for justice in the disappearance of a 21-year-old trans man who disappeared in 2021 when he was on his way to a job interview.

Pierina is an artist, educator, mother of three kids and the main provider for her family. She is also an employee of the local government, where she has already faced administrative reprisals for her activism during the 2022 Pride Parade, including salary reduction. Since there seems to be no record of accusations for other paintings on the same wall, which include hateful messages, I am concerned that she is being targeted for her activism in support of LGBTI+ rights, as well as for her gender identity, gender expression and sexual orientation.

I call on you 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.

Yours sincerely,

ADDITIONAL INFORMATION

Pierina Nochetti is a mother of three kids and the primary provider at home. She defines herself as a visible lesbian and an LGBTI+ activist. For a long time, she has participated 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. Tehuel's family, together with transfeminist and LGBTI movements and human rights organizations, have led this campaign since his disappearance. Tehuel was last seen on March 11, 2021, when he was going to a job interview.

Pierina has already faced penalties involving a ten-day salary reduction at the local Government office where she works. After that, they filed a criminal complaint on the graffiti and have promoted legal action against her. This prosecution comes after Pierina spoke to her superiors about her unequal conditions and treatment at work potentially 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 a lot of 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.

PREFERRED LANGUAGE TO ADDRESS TARGET: Spanish or your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: March 5, 2024, as the 6th the trail starts.

NAME AND PREFERRED PRONOUN: Pierina Nochetti (she/her)