



## Argentina

### Country Reports on Human Rights Practices - [2007](#)

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Argentina is a federal constitutional republic with a population of approximately 40.3 million. On October 28, the country held national presidential and legislative elections, and voters elected President Cristina Fernandez de Kirchner in generally free and fair multiparty elections. The civilian authorities maintained effective control of the security forces.

While the government generally respected the human rights of its citizens, the following human rights problems were reported: killings by police or security forces and use of unwarranted or excessive force; violent, overcrowded, substandard, and life-threatening prison and jail conditions; occasional arbitrary arrest and detention; prolonged pretrial detention; continued weak judicial independence; official corruption; domestic violence and sexual harassment against women; trafficking in persons for sexual and labor exploitation, primarily within the country; and child labor.

During the year the government convicted several perpetrators of human rights abuses committed during the 1975-83 Dirty War era and continued trials that were suspended in 1989-90 when the government pardoned such perpetrators.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

While the government or its agents did not commit any politically motivated killings, police committed killings involving unwarranted or excessive force. Authorities investigated and, in some cases, detained, prosecuted, and convicted the officers involved.

In April Neuquen provincial police officials used force to end a teachers' strike, which resulted in the death of school teacher Carlos Fuentealba. A police officer implicated in the shooting was swiftly arrested and dismissed from the force; at year's end he remained in detention pending trial.

In November Carlos Madrid, an off-duty Buenos Aires police sergeant, shot and killed 18-year-old Daniel Ezequiel Cespedes when the officer intervened in a fight between his son and the victim. The sergeant immediately turned himself in. Madrid was indicted on homicide charges and was in pretrial detention at year's end.

In April a key witness who had testified in the 2006 trial of five police officers accused of torturing and killing Andrea Viera in a Buenos Aires Province police station in 2002 was killed. The investigation focused on police officers, but no suspects were named by year's end. Other witnesses in the trial, which sentenced one officer to life imprisonment and acquitted the others, reportedly received anonymous death threats.

The trial of two former police officers and a civilian charged with homicide in the May 2006 beating and shooting death of 15-year-old Miguel Eduardo Cardozo was pending at year's end.

In June trials began in Jujuy Province for three police officers and an agent implicated in the June 2006 death of Saul Mendoza, a 17-year-old found hanged and reportedly tortured in a police station restroom.

###### b. Disappearance

There were no reports of politically motivated disappearances.

Judicial proceedings related to killings, disappearances, and torture committed by the 1976-83 military regime continued.

According to the Center for Legal and Social Studies (CELS), approximately 130 judicial investigations implicating 873 persons for these crimes were conducted during the year. An estimated 280 persons have been indicted, of whom 210 were in pretrial detention for crimes committed during this era.

In March a trial began in Mar del Plata against the National University Concentration, an organization disbanded by law in 1978 that handed over young dissidents to the extremist armed group known as the Argentine Anti-Communism Alliance.

On July 13, the Supreme Court overturned a 1989 presidential pardon granted by then president Carlos Menem to General Santiago Riveros, a former military official accused of crimes against humanity for heading up clandestine detention centers during the 1976-83 military dictatorship. The decision opened the door to prosecute hundreds of officials who were specifically pardoned by Menem for human rights abuses during the Dirty War.

On October 9, Father Christian Von Wernich, a Roman Catholic priest and ex-chaplain of the Buenos Aires Police during the Dirty War, was sentenced to life imprisonment for his involvement in several cases of murder, torture, and illegal imprisonment. Von Wernich was the first ecclesiastical figure to be tried and convicted of Dirty War-related human rights abuses since the 2005 Supreme Court decision to annul amnesty laws that had granted immunity to ex-military personnel.

On October 18, a trial began against ex-naval official Hector Febres on charges of torturing four people at the Navy Mechanics School, a clandestine detention center, during the 1976-83 military dictatorship. On December 10, Febres died in his cell four days before the court was to announce his sentence. An autopsy revealed a large amount of cyanide in his body. Two prefects, in addition to Febres's wife and two children, were in detention at year's end. The president dismissed Coast Guard Chief Carlos Fernandez on December 17, in part for the lax conditions of Febres's detention and failure to ensure Febres's safety while in custody.

In October the government opened a judicial investigation against Ernesto Barreiro for his role in committing human rights abuses during the military dictatorship, when he served as an army officer and chief interrogator at the La Perla clandestine torture center. Barreiro remained in pretrial detention at year's end.

In December a judge sentenced seven former senior army officials and one ex-police official to prison terms ranging from 20 to 25 years for various charges linked to the kidnapping, torture, and disappearance of six individuals during the military regime. The ruling marked the first time that a group of former ranking officers was convicted since the Supreme Court revoked 1980s-era amnesty laws in 2005. Also in December a federal court decided that a 1976 guerilla attack on the Central Police Department cafeteria, in which 24 persons were killed, was not a crime against humanity and therefore was subject to the statute of limitations.

There were no developments in the 2006 missing-persons case of Jorge Julio Lopez, a 77-year-old victim of torture during the Dirty War and a key witness in the case against Miguel Etchecolatz, former commissioner general of the Buenos Aires Province police. Lopez remained missing at year's end despite government searches and a government reward offer of \$315,000 (one million pesos) for information that would help locate him.

The investigation into the 2006 kidnapping of Luis Gerez continued at year's end. Gerez was missing for two days and reportedly suffered torture and psychological trauma. Gerez had testified against Luis Patti, a politician and former police chief accused of human rights abuses during the 1976-83 military dictatorship. In November Patti was placed in pretrial detention on charges of crimes against humanity for the kidnapping and torture of three persons in 1976 and 1977.

The National Human Rights Secretariat maintained the files of the National Commission on Disappeared Persons. As of July the Secretariat had received 32,404 claims for financial compensation since it began accepting claims in 1991 from families of those who died or disappeared during the military dictatorship. During the year the Secretariat granted 250 financial awards.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption by members of the former military regime of children born to detained dissidents. At year's end 88 persons born to detained and disappeared dissidents and illegally adopted had been identified and made aware of their true backgrounds.

### c. Torture and Other Cruel, Inhuman, or Degrading

#### Treatment or Punishment

Although the law prohibits such practices and provides penalties for torture similar to those for homicide, some police and prison guards continued to employ torture and brutality. CELS reported police brutality and occasional torture of suspects. While the government investigated reports of police brutality in prisons, there were few convictions.

In Misiones two police officers were removed from their positions in January on suspicion of covering up the sexual abuse of 15-year-old Rosa Yamila Gauna, who was reportedly arrested without cause in December 2006 and killed in January by

a fire in the women's police station where she was held. At year's end, an investigation of her death continued, including whether the fire was set in an attempt to cover up sexual and physical abuse.

Two lower-ranking Navy officials and a civilian remained in pretrial detention for the June 2006 kidnapping, beating, torture, and killing of 15-year-old Lucas Ivarrola, who was accused of stealing a television set. A trial date had not been set by year's end.

There were no developments in the case of the director of forensic medicine's alleged obstruction of an investigation into the 2005 electric shock torture of prisoner Julio Ortiz in La Plata Penitentiary.

#### Prison and Detention Center Conditions

Prison conditions often were poor and life threatening. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent inhuman and degrading treatment, according to various reports by human rights organizations and research centers.

The research center Unidos por la Justicia estimated prison overcrowding at 30 to 40 percent nationwide but noted that the construction of new prisons in Buenos Aires and Mendoza provinces had increased capacity. The Buenos Aires Provincial Memory Commission's Committee Against Torture reported that in Buenos Aires Province, which accounted for approximately half of the total prison population nationwide, the prison population had decreased from 30,000 in 2005 to 25,000 in 2007. The government reported that the number of detainees in police stations in Buenos Aires Province decreased significantly, from 7,507 in 2002 to 2,982 in 2007.

The National Secretariat for Human Rights reported 265 violent deaths in the country's prisons in the last two years. The report concluded that the violence was caused by overcrowded prison conditions.

The Buenos Aires Provincial Memory Commission's Committee Against Torture noted that there were 6,000 violent incidents in Buenos Aires provincial prisons in the twelve months preceding June, 96 of which resulted in one or more persons being killed or seriously injured. According to the committee, there were 66 killings in Buenos Aires provincial prisons from June 2006 to June 2007. The committee attributed the violence to prisoner-on-prisoner violence as well as prisoner-on-prison-official violence.

While women were held separately from men, human right groups reported that some women were held in police stations and that approximately 84 children under the age of four lived in Buenos Aires provincial prisons, 75 of whom lived in Los Hornos prison. In general, the men's prisons were more violent, dangerous, and crowded than the women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. According to a UN Children's Fund (UNICEF) and National Secretariat for Human Rights report, these institutions held approximately 20,000 children. The overwhelming majority had not committed a crime; rather, they were abandoned by their families or considered "at risk" for other reasons. In March the Inter-American Commission on Human Rights (IACHR) accepted the request of the Santa Fe provincial congress's human rights commission to look into the situation of detained children and adolescents.

Pretrial detainees often were held with convicted prisoners. CELS estimated that 5,147 federal prisoners, or 57 percent of the federal prison population, were awaiting trial. In Buenos Aires Province, provisional statistics from CELS indicated that close to 80 percent of detainees were in pretrial detention. Although the legal limit for pretrial detention is two years, it can be extended. CELS reported that prisoners waited an average of three years to be tried, with some cases taking as long as six years to go to trial. According to CELS, 30 percent of pretrial detainees were eventually acquitted.

In February Buenos Aires Province created the Juvenile Penal Responsibility System to develop and implement policies to prevent juvenile crime, protect the rights of juvenile delinquents, and rehabilitate the children to reintegrate them into society.

Fifteen prison guards and officials remained in pretrial detention pending completion of the investigation into the 2005 fire at the Buenos Aires Magdalena Provincial Prison that killed 33 prisoners.

In February the Supreme Court instructed the national and Mendoza provincial governments to report concrete measures taken to improve prison conditions that would address several rulings by the Inter-American Court of Human Rights. In September the Mendoza government reported that it continued to build new prisons, had hired more penitentiary staff, and increased its per capita spending on inmates.

The government permitted prison visits by local and international human rights observers, and such visits took place during the year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions; however, police reportedly arrested and detained citizens arbitrarily on occasion.

##### Role of the Police and Security Apparatus

The Federal Police have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. Other federal police authorities include the Airport Security Police, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. Additionally, each province has its own police force that responds to a provincial security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights. Corruption was widespread in some forces, and internal controls to counter police abuses were weak.

The most frequent abuses included extortion of and protection for those involved in illegal gambling, prostitution, and auto theft rings, as well as detention and extortion of individuals under the threat of planting evidence to charge them for crimes. Some police also were involved in drug trafficking.

The federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation. The federal government can also file complaints with the federal courts; provincial governments have the authority to do the same for provincial security forces. Members of security forces who are convicted of a crime are subject to stiff penalties.

Efforts to remove police for corruption and other offenses continued in the provinces of Buenos Aires, Tucuman, Rio Negro, Santa Fe, and Cordoba. For example, in August the Buenos Aires provincial security minister fired 105 corrupt policemen in an effort to reform the provincial police corps. In addition, these provinces offered improved police training to professionalize their forces.

##### Arrest and Detention

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that the suspects have committed, or are about to commit, a crime or if they are unable to determine the suspected person's identity. Human rights groups reported that the police often detained suspects longer than 10 hours.

The law provides a person in detention with the right to a prompt determination of the legality of the detention, which entails appearance before a criminal lower court judge, who determines whether to proceed with an investigation. There were frequent delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail, except in cases involving narcotics, violent crimes, and firearms violations. Although the bail system was used, civil rights groups claimed that judges were more likely to order the holding of indicted suspects in preventive or pretrial detention than to allow suspects to remain free pending their trial.

Detainees were allowed prompt access to counsel, and public defenders were provided for detainees unable to afford counsel, although such access was sometimes delayed due to an overburdened system. Strong demand and a lack of resources for the Public Defender's Office resulted in an excessive caseload for public defense attorneys. CELS reported that approximately 80 to 90 percent of detainees in Buenos Aires Province requested public defense attorneys. Detainees also were allowed access to family members, although not always promptly.

The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period can be extended in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. A convicted prisoner usually received credit for time already served.

#### e. Denial of Fair Public Trial

The law provides for the right to a fair trial, and the judiciary generally enforced this right. However, there have been long-standing complaints that some provincial judges and judicial personnel were inefficient and at times subject to political manipulation, particularly in the provinces of Jujuy, Neuquen, Tucuman, Santiago del Estero, San Luis, Santa Cruz, and Tierra del Fuego.

The judicial system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and general inefficiency caused by remnants of the inquisitorial criminal justice system used in federal and many provincial courts. Judges have broad discretion as to whether and how to pursue investigations, contributing to a public perception that many decisions were arbitrary. Allegations of corruption in provincial courts were more frequent than at the federal level, reflecting strong connections between the executive and judicial branches at the provincial level.

The judicial system is divided into federal and provincial courts, both headed by a supreme court with appellate courts and district courts below it. The federal courts are divided between the criminal courts and commercial courts.

There is a military court system, which has jurisdiction over military personnel and in some cases can impose more severe punishment for crimes and disciplinary violations than that contemplated by the civilian criminal code of justice.

#### Trial Procedures

Trials are public, and defendants have the right to legal counsel and to call defense witnesses in the federal and some provincial courts that have an accusatory system of criminal justice. If needed, a public defender is provided at public expense when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing to the investigating judge. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Although the 1994 constitution provides for trial by jury, implementing legislation had not been passed by year's end. In Cordoba Province, defendants accused of certain serious crimes have the right to a trial by jury. Lengthy delays in trials were a problem. Defendants are presumed innocent and have the right to appeal, as do prosecutors. Minors under age 16 cannot be criminally prosecuted. By law defendants and attorneys have access to government-held evidence, but they may experience significant obstacles or delays in obtaining such evidence.

In February 2006 Congress passed a law to reduce the number of members of the Council of Magistrates from 20 to 13. Since then, the executive branch has reportedly delayed the nomination of 200 national judges (who only have jurisdiction in Buenos Aires city) and federal judges, although nominations have already been publicly vetted and approved by the Council of Magistrates and the Ministry of Justice. As a result, courts have directly appointed acting judges, thereby circumventing the public vetting process. In May the Supreme Court declared this process of appointing acting judges unconstitutional and recommended that the Congress establish a constitutionally based process to appoint temporary judges by May 2008.

#### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

#### Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, and anyone may bring lawsuits seeking damages or the protection of rights provided by the constitution.

Government agencies, professional bar associations, universities, and nongovernmental organizations (NGOs) provide free legal counseling and may represent indigent persons before civil courts as well as assist them in alternative dispute resolution proceedings.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice.

Individuals can criticize the government publicly or privately, but there are criminal penalties, including prison sentences, for libel and slander, and government officials have sought to use these against the political opposition and other critics. The government pressed criminal libel and slander charges against Elisa Carrio, head of the opposition Civic Coalition party, for accusing officials in 2004 of corruption. The courts dismissed one case against her in August and acquitted her in a second case in November. At least two more civil cases against her were pending at year's end.

The independent media were numerous and active and expressed a wide variety of views without restriction. All print media were owned privately, as were a significant number of radio and television stations. The federal government owned the Telam wire service, a radio network, a television station, and a 20 percent stake in Telesur, a Venezuelan government-backed television service.

Some independent media, NGOs and international organizations claimed that government agencies interfered with media freedom by directing government advertising for partisan political purposes. In September the Supreme Court, in a landmark ruling, determined that the withdrawal of Neuquen provincial government advertising in retaliation against a leading daily's 2001 reporting of provincial corruption constituted nonlicit, indirect censorship. The court maintained that the province was free to allocate its resources at its own discretion but that it should not use official advertising as an indirect means of curtailing freedom of speech. Although the court ordered the Neuquen government to present an official advertising distribution plan within 30 days, it had not complied by year's end. A similar suit lodged against the federal government in 2006 by the country's second largest media company, Grupo Editorial Perfil, was pending at year's end.

Numerous FM radio stations continued to broadcast with temporary licenses pending conclusion of a licensing normalization process.

In September a provincial court in Salta gave journalist Sergio Poma a one-year suspended prison sentence and barred him from practicing journalism for one year for slandering the governor of Salta. The Committee to Protect Journalists, Reporters without Borders, and local journalist organizations criticized the sentence. Poma's lawyers appealed the ruling, and the case was pending at year's end. Poma, meanwhile, remained free and able to work as a journalist.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. According to the government's National Statistics and Census Institute (INDEC), more than 28 percent of the population has access to the Internet.

#### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

The constitution provides for freedom of assembly and association, and the government generally respected these rights in practice.

Gendarmerie officials used force to end strikes in Santa Cruz in March and May, leaving 15 protesters injured.

In December seven casino workers and one Coast Guard agent were seriously injured when the Coast Guard used tear gas and batons to break up a casino workers' strike in Buenos Aires city. On December 17, the President dismissed Coast Guard Chief Carlos Fernandez, in part for the Coast Guard's response to the strike.

#### c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The constitution also states that the federal government "sustains the apostolic Roman Catholic faith," and the government provided the Catholic Church with a variety of subsidies not available to other religious groups. Other religious faiths were practiced freely.

In order to hold public worship services, obtain visas for foreign missionaries, and obtain tax-exempt status, religious organizations must register with the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship and report periodically to maintain their status.

#### Societal Abuses and Discrimination

Acts of discrimination and vandalism against religious minorities, particularly the Jewish community, continued. The Jewish community was approximately 300,000. There were a number of reports of anti-Semitic acts, including threats against Jewish organizations and individuals.

In February the National Institute Against Discrimination (INADI) received a complaint over the definition of Jew found in a children's dictionary published by Clarin, a leading media group. Among the definitions were "miser" and "usurer." INADI asked Clarin to remove the dictionary from public sale. Clarin did so, acknowledging that the definition was "insulting," and in March offered a revised edition for sale, with a free exchange for customers who had purchased the earlier version.

There were numerous incidents of vandalism of Jewish-owned buildings and the appearance of anti-Semitic graffiti around

the country. On January 10, Adriana Dirson, a Jewish woman, complained to Rosario city police after her bar was vandalized and a group of youths belonging to a rugby club sent her a threatening e-mail message. On January 23, police questioned six members of the rugby club on their suspected involvement in the incidents.

On January 21, anti-Semitic graffiti were found sprayed on the synagogue and the entrances to the town of San Cristobal in the Department of Santa Fe. On March 13, anti-Semitic graffiti were found on houses and shops, including the house of a local Jewish leader, in General Roca, Rio Negro.

In May anti-Semitic graffiti was painted on a wall in the predominantly Jewish neighborhood of Once in Buenos Aires City.

From the beginning of October through year's end, anti-Semitic graffiti appeared several times on the walls of the synagogue in the town of Villa Maria in Cordoba Department.

There were incidents in which soccer fans taunted and insulted opposing teams and fans by singing anti-Semitic songs during matches. On May 22, during a high school sports event in Tucuman, a group of approximately 22 youths sang anti-Semitic songs at the Jewish pupils attending the event. The teachers present at the event did nothing to stop the incident; the leaders of the Jewish community issued a complaint to the Tucuman police.

In August an anesthesiologist was removed from his position at a public hospital in Santa Fe for openly discriminating against Jewish persons.

As of late September, the Delegation of Israeli Argentine Associations (DAIA) had received 235 complaints of anti-Semitic acts. Although the number of anti-Semitic e-mails declined during the year, hate e-mail, which the DAIA attributed to individuals rather than any organized group, remained a concern.

Interpol issued six of the nine arrest warrants requested by the country for suspects wanted for the 1994 terrorist bombing of the Argentine-Israeli Mutual Association building.

DAIA's case against activists from the left-wing group Quebracho who prevented Jewish community groups from demonstrating in front of the Iranian Embassy in August 2006 remained pending at year's end.

In April President Kirchner addressed the Jewish community during a ceremony commemorating the 64th anniversary of the Warsaw Ghetto uprising, where he paid homage to the lives lost during the Holocaust. The government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons of concern.

The law prohibits forced exile, and the government did not exile anyone.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government granted refugee status or asylum.

In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. The government granted refugee status and temporary protection for humanitarian reasons, consistent with the norms established by international law.

The law also allows the government to provide temporary protection for humanitarian reasons, including family reunification, to individuals who may not qualify as refugees under the 1951 convention and the 1967 protocol.

According to the government's Refugee Eligibility Committee, the interministerial committee charged with evaluating refugee and asylum claims, the government accepted refugees for resettlement and granted refugee status to 51 persons

by year's end.

The government continued to cooperate with the UNHCR to resettle at-risk Colombian families. According to UNHCR, the country resettled 57 Colombians during the year.

### Section 3 Respect for Political Rights: The Right of Citizens to

#### Change Their Government

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

#### Elections and Political Participation

In October national presidential and legislative elections were held. At the national level, one-half of the seats in the Chamber of Deputies and one-third of those in the Senate were contested. The media, the Ministry of Justice, and various NGOs observed the elections and judged them free and fair, although several opposition parties filed a complaint alleging that ballots listing opposition candidates were not available at voting stations in some provinces.

Provincial elections were also held throughout the year in 22 out of 23 provinces and the Autonomous City of Buenos Aires.

In accordance with the Electoral Code Reform and a 2006 presidential decree, more than 25,000 pretrial detainees from federal prisons were allowed to vote. CELS monitored voting in federal prisons.

Political parties generally operated without restriction.

Decrees provide that one-third of the members of both houses of congress must be women, a goal achieved through balanced election slates. There were 25 women in the 72-seat Senate and 82 women in the 257-seat Chamber of Deputies. The president, two of the seven Supreme Court justices, and three cabinet ministers were women.

During the year an indigenous person was elected to the National Chamber of Deputies. There were no other known ethnic or racial minorities in the national legislature. There were no known indigenous, ethnic, or racial minorities in the cabinet or on the Supreme Court.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and there were frequent press reports of executive officials engaged in corrupt practices.

According to the World Bank's worldwide governance indicators, government corruption was a serious problem. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult.

Public officials are subject to financial disclosure laws and the Ministry of Justice's Anti-Corruption Office (ACO) is responsible for analyzing and investigating federal executive branch officials based on their financial disclosure forms. The ACO is also responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. Although nominally a part of the judicial branch, the ACO does not have authority to independently prosecute cases, but can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case. The majority of high-profile corruption cases are investigated by individual judges.

According to the local NGO Center for the Study and Prevention of Economic Crimes, corruption cases take 14 years, on average, to be resolved, and only 15 out of the last 750 cases tried resulted in convictions. The government's Anti-Corruption Office continued to pursue anticorruption measures. The center calculated that corruption has cost the country \$10 billion (30.2 billion pesos) since 1980 and estimated that approximately 20 percent of corruption cases were closed due to statute of limitations. In addition the press reported that six of the eight judgeships on the criminal court that handles 20 percent of pending corruption cases were vacant.

In May the government removed two officials, Fulvio Madero, president of the country's natural gas regulatory authority, and Nestor Ulloa, manager of the public trust established to structure private funding for a number of public works projects, for allegedly taking bribes from the Swedish construction company Skanska, which had been awarded a government contract to expand a gas pipeline. The case was under investigation at year's end.

In June a bomb squad discovered a bag containing 100,000 pesos and \$30,000 in the bathroom of Economy Minister Felisa Miceli, who subsequently resigned over the incident. Miceli was taken into custody and posted bail. In a December arraignment hearing, she was formally charged with covering up the scandal and withholding public documents. The case remained pending at year's end.

In August Claudio Uberti, the government's top regulator of toll roads and bridges, was forced to resign over a foiled attempt by a foreigner to smuggle almost \$800,000 into the country from Venezuela. The government's investigation continued at year's end.

An ACO study concluded at year's end revealed that approximately 75 percent of government purchases between 2002 and 2005 were done via direct contracts, often with a sole provider, and not via public tenders. The ACO report expressed concern that the process can facilitate corruption. According to the report, some government officials defended this practice, claiming that sometimes only one provider was able to meet contract specifications and pointing out that many contracts were below the legally mandated limit for public tenders. The ACO report claimed, however, that officials used various methods to circumvent the procedures intended to prevent sole-sourcing of contracts.

An executive decree provides for public access to government information from executive agencies, which are required to answer requests for public information within 10 working days, with a 10-day extension. The capacity to comply with this requirement, however, varied across executive agencies. The NGO Poder Ciudadano estimated that executive branch agencies answer such requests within the required timeframe approximately 70 percent of the time. The NGO noted that politically sensitive requests, such as the operational costs of the presidency, were often delayed or went unanswered.

#### Section 4 Governmental Attitude Regarding International and

##### Nongovernmental Investigation of Alleged Violations of

##### Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and generally responsive to their views.

According to Amnesty International, Pablo Salinas, a prisoners' rights advocate, received anonymous death threats in April in connection with his efforts to highlight police brutality and ill-treatment in Mendoza prisons. No information was available on the status of the case at year's end.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status, and the government generally enforced these provisions in practice.

In November INADI published the results of a national survey that found that three out of 10 citizens had experienced discrimination and five out of 10 had witnessed an act of discrimination. Survey respondents indicated that sexual minorities, persons with disabilities, racial minorities, and nationals of other countries were among the groups most affected by discrimination.

##### Women

Rape, including spousal rape, is a crime, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presented problems. The penalties for rape ranged up to 20 years' imprisonment. According to preliminary statistics from the federal Unit for the Investigation of Crimes Against Sexual Integrity, Trafficking in Persons, and Child Prostitution (UFISEX) which only has jurisdiction in Buenos Aires city, the unit received 91 complaints of rape in the first eight months of the year. Of these complaints, 80 percent of rape victims were adults and 20 percent were minors. Between January and April, the Judicial Unit for Women and Minors in the city of Cordoba received 295 complaints of crimes against sexual integrity, which include sexual abuse and rape. There were no reports of police or judicial reluctance to act on rape cases; however, women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often revictimized the individual, and according to preliminary 2006 UFISEX statistics, only 10 percent of the complaints of crimes against sexual integrity ended in conviction.

The law prohibits domestic violence, including spousal abuse, although the law defines violence against women as a misdemeanor, and complaints are addressed in civil rather than criminal courts. Family court judges have the right to bar a perpetrator from a victim's home or workplace. The law, however, only prescribes penalties for domestic violence when it involves crimes against sexual integrity, in which case the penalty can be as much as 20 years' imprisonment. However, lack of vigilance on the part of the police and the judicial system often led to a lack of protection for victims.

Domestic violence against women was a serious problem. According to press reports quoting official statistics, 18,000 complaints of domestic abuse--5,000 reporting injuries--were filed at the Women's Police Stations in Buenos Aires Province in the first half of the year.

The Interior Ministry's program to create mobile units to provide assistance to victims of sexual and domestic violence, created in March 2006, was operational only in the city of Buenos Aires. Between March and October, the mobile units assisted and provided legal counseling to 453 domestic violence victims throughout the year. A free hot line servicing the city of Buenos Aires offered consultations and received complaints.

In early December the Buenos Aires Provincial Supreme Court ordered the province's criminal, family, and minors' courts, as well as provincial courts in civil and family matters, to have duty officers to receive complaints of domestic violence and assist victims after normal court hours.

Public and private institutions offered prevention programs and provided support and treatment for abused women, but there was little transitional housing. The Buenos Aires municipal government operated a small shelter for battered women; however, few other shelters existed.

The individual act of prostitution is legal, but the promotion, facilitation, or exploitation of persons into prostitution is illegal. NGOs considered sex tourism a problem but had no estimates of its extent. Trafficking of women to and within the country for prostitution was a problem.

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions, such as the city of Buenos Aires, sexual harassment may lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison. The Ministry of Labor's Tripartite Committee on Equal Opportunity for Men and Women in the Workplace received 40 informal grievances of sexual harassment in the workplace during the year. No statistics were available on the government's enforcement of penalties for sexual harassment.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately high number of lower-paying jobs. According to a study by the Foundation for Latin American Economic Research, men earned 5 percent more than women for equivalent full-time work in the Greater Buenos Aires area and earned 21 percent more than women for equivalent part-time work, an imbalance explicitly prohibited by law. According to the Tripartite Committee, women on average earned 29 percent less than men. Approximately 70 percent of women employed outside the home worked in nonskilled jobs, although more women than men held university degrees. The law provides for prison terms of up to three years for discrimination based on gender. A December ILO study reported that of the 756,000 people between the ages of 15 and 24 who neither studied nor worked, 77 percent were young women who had dropped out of secondary school.

The National Council of Women carried out programs to promote equal social, political, and economic opportunities for women. The council worked with the special representative for international women's issues, the Ministry of Labor, and union and business organizations to form the Tripartite Committee on Equal Opportunity for Men and Women in the Workplace, which sought to foster equal treatment and opportunities for men and women in the job market. In January the committee created an Office of Labor Violence Counseling, which provided assistance in 320 cases during the year. Labor violence is defined as gender violence; mobbing; or psychological, moral, or sexual abuse in the workplace.

#### Children

Although the government voiced strong commitment to children's rights and welfare, many programs remained underfunded.

The law provides for free and compulsory education for 13 years, beginning at age five. A World Bank 2005 appraisal stated that of 100 students entering primary school, 84 would enter the seventh grade, and 40 would enter the last year of secondary school. Attendance rates were lowest among children from low-income households. School enrollment rates for girls were slightly higher than for boys.

A Ministry of Education study that showed a 15 percent decline in the number of students who graduated from high school, from 301,073 graduates in 2002 to 255,196 in 2006, with Buenos Aires province registering the steepest decline in graduates over that time period at 30 percent. The report attributed the decline to lack of labor prospects for high school graduates and students preferring adult continuing education programs with flexible work-study arrangements.

There were numerous federal and provincial health care programs available equally for boys and girls.

Child abuse continued to occur and was not uncommon; for example, according to press reports quoting official statistics, in the first half of the year there were 1,000 injuries to children reported to the Women's Police Stations in Buenos Aires

Province. The government took measures to combat child abuse. The National Council for Children, Adolescents, and the Family continued to conduct public awareness campaigns and operated a national hot line which children used to call for advice, make complaints, and report instances of abuse or other rights violations. Prosecutors and police pursued cases of Internet child pornography. The press and local NGOs reported that children were involved in sexual exploitation, sex tourism, and drug trafficking, but there were no reliable statistics to determine the extent of such exploitation.

The lodging of children in juvenile detention centers due to social circumstances was a problem.

#### Trafficking in Persons

The law criminalizes offenses often associated with trafficking, but there is no comprehensive law criminalizing trafficking itself. The country was a source, transit point, and destination for trafficked persons. Trafficking in persons primarily involved citizens trafficked within the country for the purposes of sexual and labor exploitation. They were trafficked mostly from the northern provinces to the central provinces and Buenos Aires, and from Buenos Aires to several southern provinces. To a lesser degree, the country was a destination for victims, principally women and minors from Paraguay, the Dominican Republic, Colombia, Bolivia, and Brazil. According to the press, the Federal Office of Victim Assistance (OFAVI) intervened in 85 trafficking in persons cases during the year. OFAVI reported that increased public awareness of the problem and improved training of judges and prosecutors led to an increase in the number of trafficking complaints the office received.

While there were no official reports on the activities of traffickers, the media reported that traffickers often presented themselves as employment agencies or as individual recruiters. Credible sources also identified large organized crime networks, which sometimes consisted of extended families plus their business associates, including recruiters and brothel managers. Traffickers confiscated travel documents to prevent victims from appealing to authorities for protection. Victims, particularly women and girls in prostitution, were at times denied contact with the outside world. Victims often were threatened or beaten.

The country lacks specific antitrafficking statutes. Traffickers are prosecuted under the criminal code and the 2005 immigration law for charges of prostitution through fraud, intimidation, or coercion, or, in the case of minors, alien smuggling, indentured servitude, and similar abuses. Penalties for trafficking ranged from one to 20 years in prison, depending on the nature of the violation and the age of the victim. In the absence of antitrafficking laws, officials were unable to provide accurate information regarding investigations and prosecutions against traffickers.

Trafficking detection and antitrafficking prosecution efforts continued, but with limited success. OFAVI, a unit under the Federal Prosecutor's Office, was the lead agency for coordinating antitrafficking efforts with law enforcement agencies. Although law enforcement officers lacked a clear mandate from political leaders and sufficient resources to pursue aggressively domestic and international traffickers, investigations and arrests continued. No statistics were available on the number of prosecutions and convictions for trafficking during the year.

There were no allegations of federal government official involvement in trafficking. However, there were reports of widespread corruption and collusion with traffickers at provincial and local levels, which impeded prosecution. There were some efforts to investigate and prosecute local police and officials suspected of involvement in human trafficking. For example, in April Corporal Gabriel Eduardo Jalil, a former Cordoba provincial police officer, was sentenced to four years' imprisonment, and Roberto Serniotti and Alejandra Suarez were each sentenced to three and a half years' imprisonment for their involvement in a trafficking case involving minors. Two others involved as accessories to the crime received lighter probation penalties.

At year's end prosecutors continued to investigate local police and official involvement in a case where 37 women were forced into prostitution in Chubut Province. In November 2006 two brothel owners, two former police officers, and four former public officials were charged. Only the brothel owners remained in pretrial detention at year's end.

Trafficking victims normally were not detained, jailed, or deported, although those arrested for prostitution-related crimes were sometimes jailed (for example, if trafficking victims later became abusers), or deported (particularly when cases were handled by prosecutors or judges with little experience or training in trafficking issues).

OFAVI coordinated victim-assistance policy and offered a limited number of victims access to medical and psychological treatment, legal counseling, referrals to other sources of assistance, and repatriation. The government did not operate victim shelters dedicated to trafficking, but victim-assistance offices worked with social services agencies to ensure that trafficking victims received shelter and appropriate care. Some victims qualified for federal government assistance, but most provincial officials were not trained to identify or help victims of trafficking specifically. The International Organization for Migration (IOM) assisted with repatriation and reintegration of foreign victims of trafficking.

In July the Ministry of Justice established a national program to prevent human trafficking and provide victims assistance. In October the National Program to Prevent, Eradicate, and Assist Victims of Human Trafficking, headed by the Ministry of Interior, was established by executive decree.

### Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, but the government did not effectively enforce these laws. A specific law also mandates access to buildings for persons with disabilities; however, the government did not effectively enforce it.

Laws mandating greater access to buses and trains for persons with disabilities also were not enforced fully.

The government supported the right of persons with disabilities to vote or participate in civic affairs. The National Senate employs individuals with Down syndrome as congressional pages.

The National Advisory Committee for the Integration of People with Disabilities, under the National Council for Coordination of Social Policies, has formal responsibility for actions to accommodate persons with disabilities.

In September the government passed a law establishing that the reproduction and distribution of scientific and literary works in special systems for the blind and other disabled persons are exempt from copyright payments.

### Indigenous People

The constitution recognizes the ethnic and cultural identities of indigenous people and states that congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. In practice, indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to the 23 provinces, only 11 of which have constitutions recognizing indigenous rights.

Estimates of the indigenous population range from 700,000 to 1.5 million. Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had greater than average rates of illiteracy, chronic disease, and unemployment. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people. According to a 2004-05 survey, 33 percent of the Mbya Guarani in Misiones, and almost 20 percent of the Wichi over the age of 15 in Chaco, Formosa, and Salta never attended school or received any formal education.

In January flooding in Salta and Chaco Provinces disproportionately impacted indigenous communities; 19 members of the Toba community died of malnutrition as of the end of October. Various indigenous communities complained that neither provincial government offered to evacuate indigenous flood victims or provided adequate assistance after the disaster. In September the Supreme Court ordered the national and Chaco provincial governments to provide potable water, food, means of communication, and transportation to the indigenous communities in General Guemes and General San Martin. In November national and provincial officials briefed the Supreme Court on their relief efforts, with one national official noting that in the month of October alone 254 cases of malnutrition, 91 cases of suspected tuberculosis, 36 cases of confirmed tuberculosis, and 85 at-risk pregnancies were detected in the affected region.

In 2006 a Jujuy provincial court ruled in favor of a claim made by the Commission for Indigenous Participation and ordered the provincial government to return lands to indigenous communities by November. According to commission representatives, only 50 percent of disputed territory in Jujuy had been returned to indigenous communities by year's end.

In October local media reported that 397 indigenous land disputes in 12 provinces affecting approximately 21.4 million acres remain unsolved.

Negotiations in a land dispute between the Mbya Guarani community and La Plata National University over claims to territory in Misiones continued.

The IACHR continued to evaluate a petition presented by the Lhaka Honhat indigenous association regarding the national government's failure to implement a titling policy that would return their traditional land.

### Other Societal Abuses and Discrimination

The Argentine Homosexual Community (CHA) received 1,600 complaints of discrimination during the year, including complaints of wrongful termination of employment of individuals on the basis of sexual orientation, gender identity, or HIV-positive status. The law prohibits termination of employment of HIV-positive employees. In December CHA reported that a Buenos Aires provincial police officer raped, beat, and tortured a transvestite. There were no reports indicating that charges had been filed or that an investigation had begun by year's end.

On November 2, police detained Rodolfo Aguilares in connection with the November 2006 killing of transgender activist

Pelusa Liendro, who was found stabbed in her car 10 days after the broadcast of an undercover video tape she and other activists made of police harassment and abuse of transgender persons in Salta Province. Aguilares, a friend of the murder victim, was in detention at year's end.

## Section 6 Worker Rights

### a. The Right of Association

The law provides all workers, with the exception of military personnel, the right to form and join "free and democratic labor unions, recognized by simple inscription in a special register," and workers exercised this right. An estimated 35-40 percent of the work force was organized.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor contended that the Professional Associations Law provision for legal recognition of only one union per sector conflicts with the International Labor Organization's (ILO) Convention 87 and prevents the CTA from obtaining full legal standing. The IACHR continued to review the CTA's 2004 petition at year's end.

### b. The Right to Organize and Bargain Collectively

The law provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. The Ministry of Labor, Employment, and Social Security (MOL) ratifies collective bargaining agreements, which covered roughly 75 percent of the formally employed work force. According to the ILO, the ratification process impeded free collective bargaining because the ministry considered not only whether a collective labor agreement contained clauses violating public order standards but also whether the agreement complied with productivity, investment, technology, and vocational training criteria. However, there were no known cases during the year of government refusal to approve any collective agreements under these criteria.

Unions have the right to strike, although those representing civil servants and workers in essential services are subject to the condition that undefined "minimum services" are rendered. In some cases, "minimum services" have already been incorporated in union bargaining agreements, but since the law does not define "minimum services," civil servants and workers in essential services have the right to strike only after they undergo a compulsory 15-day conciliation process. Once that term expires, civil servants and workers in essential services are required to give five days' notice to the administrative authority and the public agency that they intend to strike. All parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, is required to provide two days' notice to users about the intended strike. Other workers exercised the right to strike by conducting legal strikes.

There are no special laws or exemptions from regular labor laws in the three functioning export processing zones.

### c. Prohibition of Forced or Compulsory Labor

While the law prohibits forced or compulsory labor, including by children, there were reports that such practices occurred. One person was indicted during the year as a result of an investigation begun in 2006 into an apparent case of forced labor involving potentially hundreds of Bolivian citizens working in clothing sweatshops in Flores Sur, a neighborhood in the city of Buenos Aires.

### d. Prohibition of Child Labor and Minimum Age for

#### Employment

The law protects children from exploitation in the workplace. In 2004 the National Commission for the Eradication of Child Labor (CONAETI) estimated that up to 1.5 million children, or 22 percent of the children under the age of 15, worked in some capacity, an estimate still considered valid.

The law sets the minimum age for employment at 14 years; in rare cases the Ministry of Education may authorize a younger child to work as part of a family unit. Children between the ages of 14 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Legal penalties for employing underage workers ranged from \$350 to \$1,750 (1,000 to 5,000 pesos) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

Most illegal child labor took place in the informal sector, where inspectors had limited ability to enforce the law. Child labor in urban zones included such work as small-scale garment production, trash recycling, street sales, domestic service, and food preparation. In June 2006, CONAETI approved a new list of hazardous jobs for children and introduced a bill in Congress to raise the age at which minors can perform them; at year's end the list was awaiting the approval of the MOL.

Children also were involved in prostitution, sex tourism, and drug trafficking.

In June CONAETI, together with the UN Development Program, ILO, and UNICEF, launched a national plan for the eradication and prevention of child labor, the purpose of which was to strengthen the family, prevent school dropouts, and provide psychological and health assistance to children. In October CONAETI, the ILO, IOM, UNICEF, and Fundacion Telefonica held a seminar to prevent and eliminate child labor in the recycling business that raised public awareness of the issue and established working groups to develop policy recommendations to eliminate child labor in recycling.

The government also worked with the IOM, Save the Children Sweden, and the Center for the Study of Latin American Migration and provincial authorities in the triborder area with Brazil and Paraguay to address child sexual exploitation. The effort focused on education as a means of prevention, primarily through the distribution of learning materials in schools. A joint awareness and prevention campaign used television and radio advertisements, a documentary, printed brochures, and street signs in Spanish, Portuguese, and the indigenous language Guarani to provide basic information on how victims are captured, security measures to prevent the situation, and contact information for victim assistance. The campaign also established a trinational network between local government officials and civil society organizations to help coordinate efforts to fight human trafficking.

#### e. Acceptable Conditions of Work

The monthly national minimum wage was approximately \$283 (980 pesos), 11 percent less than the estimated amount of \$318 (1000 pesos) needed by a family of four to maintain a "decent" standard of living. Most workers in the formal sector earned significantly more than the minimum wage. The MOL is responsible for enforcing legislation related to working conditions. The MOL increased inspections to formalize its workforce, and INDEC reported in September that informal labor decreased from the previous year from 44.1 percent to 40.4 percent. According to a December ILO study, 60 percent of employed citizens ages 15 to 24 were engaged in informal labor.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest to start a new workday. Sundays are holidays, and those required to work on Sundays are paid double. However, laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector.

The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. Workers have the right to remove themselves from dangerous or unhealthy work situations without jeopardy to continued employment. However, workers who leave the workplace before it has been proven unsafe risk being fired; in such cases, the worker has the right to judicial appeal, but the process can be very lengthy.

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