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2009 Human Rights Reports: Argentina

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Report on Human Rights Practices

March 11, 2010

Argentina is a federal constitutional republic with a population of approximately 40.9 million. Cristina Fernandez de Kirchner won the presidency in October 2007 in multiparty elections that media and various nongovernmental organizations (NGOs) described as generally free and fair. Civilian authorities generally maintained effective control of the security forces, although there were some instances of abuse.

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

During the year the courts convicted 34 perpetrators of human rights abuses committed during the 1976–83 military dictatorship 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

The government or its agents did not commit any politically motivated killings; however, there were reports of deaths as a result of police using unwarranted or excessive force. Generally, officers accused of wrongdoing were administratively suspended until completion of an investigation. Authorities investigated and in some cases detained, prosecuted, and convicted the officers involved.

A November report by the NGO Coordinator Against Police Repression (CORREPI) claimed that security forces using excessive force killed 392 persons between mid-December 2007 and mid-November 2009. The Center for Legal and Social Studies (CELS) reported a 12 percent increase in deaths as a result of police using unwarranted or excessive force from June 2008 to June 2009.

On July 20, an off-duty police officer shot and killed a 26-year-old man at a nightclub in Zarate. Authorities arrested the officer who claimed the victim had attempted to rob him. The suspect was in prison awaiting trial at year's end.

On July 29, Sergeant Sergio Borgino in Mendoza Province reportedly shot and killed a sixteen-year-old boy who was attempting to break into his car and then disposed of his body in a dump. Authorities charged Borgino with aggravated homicide. His trial was pending at year's end.

On October 23, two police officers reportedly shot 15-year-old Juan Carlos Quiroz in Pergamino and then disposed of his body in a nearby field. The Minister of Security of Buenos Aires Province dismissed both officers and an investigation was pending at year's end.

In February authorities sentenced Buenos Aires police sergeant Carlos Madrid to 12 years' imprisonment for the 2007 off-duty killing of 18-year-old Daniel Ezequiel Cespedes. The victim's family appealed the decision, claiming the sentence was not harsh enough.

On May 6, a criminal court acquitted five police officers and the police chief of Ramos Mejia in Buenos Aires Province, who were charged with the February 2008 murder of Gaston Duffau. Duffau died from multiple blows to the body and asphyxia.

There were no developments in the case against two police officers allegedly involved in the January 2008 killing of Sergio Enciso in Buenos Aires Province.

The trial regarding the 1991 police killing of Walter Bulacio continued as recommended by the Inter-American Court on Human Rights.

b. Disappearance

There were no reports of politically motivated disappearances.

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship. CELS estimated that there were 204 ongoing judicial investigations and 526 persons charged for crimes against humanity committed during the military dictatorship. Of those charged, 385 remained in pretrial detention. According to the Supreme Court's Office for Follow-up on Crimes Against Humanity, during the year authorities convicted 34 persons of human rights violations committed during the military dictatorship compared to 18 individuals in 2008, a 70 percent increase in convictions. An additional 88 cases were pending at year's end.

On March 16, a federal court extended former navy lieutenant commander Ricardo Cavallo's pretrial detention by one year. At year's end Cavallo was awaiting trial on charges of crimes against humanity committed during the military dictatorship.

On August 13, the Federal Court of San Martin sentenced Santiago Omar Riveros, former chief of the Military Institute Command, to life imprisonment related to the 1976 murder of Floreal Avellaneda and the kidnapping and torture of Avellaneda's mother. During the same trial, former director of the Infantry School Jorge Osvaldo Garcia received an 18-year sentence and former chief of police Fernando Ezequiel Verplaetsen received a 25-year sentence for their involvement in the crime.

On October 1, former Formosa governor Juan Carlos Colombo was convicted of human rights violations committed during the military dictatorship and was sentenced to 25 years in prison.

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On October 28, the former National University Concentration chief, Eduardo Cincotta, died of lung cancer. Authorities had charged Cincotta for human rights crimes he allegedly committed while working in a clandestine detention center in Mar de Plata, but in October the Federal Appellate Court released him from pretrial detention in light of his medical condition. Five other individuals arrested with Cincotta under the same charges remained in pretrial detention at year's end.

On October 16, a federal criminal court sentenced two former colonels, Juan Antonio Beltrametti and Carlos Humberto Caggiano Tedesco, to life in prison after they were found guilty of giving orders in Misiones during the military dictatorship that resulted in illegal deprivation of liberty, torture, and death.

On October 23, the Federal Criminal Court sentenced former general Jorge Olivera Rovere and former colonel Bernardo Jose Menendez to life imprisonment for their role in abductions and murders that occurred during the military dictatorship.

On November 2, a trial against former president and general Reynaldo Benito Antonio Bignone began in Buenos Aires Province. Bignone and several other former government officers were charged with committing 58 counts of kidnapping and torture at Campo de Mayo, the country's largest clandestine detention center. Several of Bignone's co-defendants, Santiago Omar Riveros, Fernando Ezequiel Verplaetsen, and Jorge Osvaldo Garcia, were convicted and sentenced for other human rights violations in August.

On July 7, Spanish authorities arrested Alberto Soza, a former assistant federal police commissioner from Neuquen, for his connection in 18 cases of kidnapping and torture that occurred during 1975 and 1977. Soza was in Madrid awaiting extradition at year's end.

There were no known developments regarding the March 2008 charges against former economy minister Jose Martinez de Hoz for the death of economist Juan Carlos Casariego Del Bel.

Ernesto Barreiro remained in pretrial detention for human rights abuses he allegedly committed while serving as army officer and chief interrogator at the La Perla clandestine torture center during the military dictatorship. A trial date had not been set by year's end.

There were no developments in the trial of former police officers Fernando Esvedes and Carlos Vercellone, arrested in April 2008 for their alleged role in political kidnappings and torture in the clandestine detention center Pozo de Arana during the military dictatorship.

An investigation into the 1973 killing of General Labor Confederation leader Jose Ignacio Rucci continued at year's end.

At year's end a Supreme Court decision was pending on a Court of Criminal Appeals order that 21 military officials accused of human rights violations during the military dictatorship be released on bail. The military officials remained in detention.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption by members of the former military dictatorship of children born to detained dissidents. On November 18, Congress passed a law allowing the government to order DNA testing if an individual refuses a blood test. At year's end, 100 of an estimated 500 persons born to detained and disappeared dissidents and illegally adopted had been identified and made aware of their backgrounds.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide. However, there were reports that some police and prison guards continued to employ

torture and brutality. CELS reported police brutality and occasional alleged torture of suspects, particularly during prison transfers. While the government investigated such reports, there were few convictions.

In September several guards at the Melchor Romero prison reportedly tortured prison guard Carlos Maidana, while another guard taped the incident. Maidana filed a complaint against the four officers, which was under investigation by the prosecutor's office at year's end. The minister of justice dismissed the four officers along with the director and vice director of the prison.

Prison and Detention Center Conditions

Prison conditions often were poor. 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. Buenos Aires provincial penitentiaries were overcapacity by an estimated 39 percent. According to CELS, there was a 9 percent increase from 2008 in the number of prisoners in penitentiaries and police stations in Buenos Aires Province.

The Buenos Aires Provincial Memory Commission's Committee Against Torture indicated that during 2008, 112 prisoners died in Buenos Aires Province prisons. The deaths were attributed to fights, suicides, general injuries, and diseases.

A September Amnesty International (AI) investigation into the death of eight prisoners in Mendoza Province concluded that they were murdered by other prisoners. During the year AI's country director claimed that the number of crimes, violence, illegal weapons, and unsanitary conditions in Mendoza's prisons were rising. The Mendoza government acknowledged these issues and created the position of a prison ombudsman to receive and investigate prisoners' complaints and increased training for prison officials. In November the Supreme Court of Justice ordered Mendoza Province to improve the Boulogne Sur Mer prison facilities, giving them 60 days to develop a working plan.

According to an August report of the Buenos Aires Provincial Memory Commission's Committee Against Torture, practices such as beatings, the use of a cattle prod, cold water showers, and forced isolations within Buenos Aires prisons was common.

A Buenos Aires Provincial Court of Appeal's decision regarding police mistreatment of prisoners during prison transfers was pending at year's end.

While women were held separately from men, the law permits children to stay in prison with their mothers until age four. Press reports estimated that 82 children under the age of four lived with their mothers in federal prisons. CELS reported that in Buenos Aires provincial prisons, 92 children remained with their mothers. In general men's prisons were more violent, dangerous, and crowded than women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. The Buenos Aires Provincial Memory Commission's Committee Against Torture estimated overcrowding in Buenos Aires Province juvenile facilities at 30 percent. According to a 2007 UN Children's Fund and National Secretariat for Human Rights report, juvenile facilities held approximately 20,000 children, 20 percent of whom were under age 16. The overwhelming majority had not committed a crime; rather, they were abandoned by their families or considered "at risk" for other reasons.

According to the United Civil Association for Justice, juvenile detention centers in Buenos Aires Province were often in a poor state of security, health, and infrastructure. The Association's officials reported overcrowded conditions, with inadequate psychological services and understaffing. The Buenos Aires Provincial Memory Commission's Committee Against Torture indicated that approximately 6,500 complaints of human rights violations against juvenile detainees were

filed in provincial prisons and juvenile detention facilities in Buenos Aires Province in 2008, the majority of which were pending investigation at year's end.

According to press reports, 85 percent of female pretrial detainees and 76 percent of male pretrial detainees were held in locations with convicted prisoners. In 2008 CELS estimated that 53 percent of those in federal prison were awaiting trial.

There were no known developments in the Buenos Aires Provincial Court trial initiated in November 2008 against Buenos Aires Magdalena Provincial Prison Director Carlos Tejeda and 15 prison guards and officials accused of abandoning prisoners in a 2005 fire that killed 33 prisoners.

The government permitted independent 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.

Cases of corruption were reported in some forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution. Internal controls to counter police abuses were weak.

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 may do the same for provincial security forces. Members of security forces convicted of a crime were subject to stiff penalties.

Between January and December, federal security forces opened 120 investigations into police officials suspected of corruption and criminal involvement. Press sources indicated that approximately 40,000 administrative or disciplinary investigations against police officers were pending at year's end.

According to *La Nacion* newspaper, from 2008-2009, authorities investigated 13,619 police for acts of corruption, violence, or irregularities in job performance in Buenos Aires Province. This was approximately 25 percent of the provincial police force and a 75 percent increase in investigations from 2006-2007. Of those investigated, 872 were relieved of duty and 1,779 were reassigned to different positions.

Arrest Procedures and Treatment While in Detention

Persons generally were apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official; however, 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 are unable to determine the suspected person's identity. Human rights groups reported that the police occasionally arrested persons arbitrarily and 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 lower criminal court judge, who determines whether to proceed with an investigation. There were some 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 sometimes was 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. Although there were no official statistics on the percentage of detainees requesting public defense attorneys, human rights organizations estimated that 80 percent 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 may be extended for one year in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. CELS reported that prisoners waited an average of three years to be tried, with some cases taking as long as six years. A convicted prisoner usually received credit for time already served.

In 2008 CELS indicated that nearly 75 percent of detainees in Buenos Aires Province were in pretrial detention. According to several human rights organizations, 30 percent of pretrial detainees were eventually acquitted.

e. Denial of Fair Public Trial

The law provides for the right to a fair trial, and the judiciary generally enforced this right. However, judicial scholars continued to report inefficiencies and delays in the judicial system. Additionally, there were complaints that judges were at times subject to political manipulation.

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 as well as federal courts located in the provinces were more frequent than federal courts with jurisdiction over the city and province of Buenos Aires, reflecting strong connections between the executive and judicial branches at the provincial level.

The country continued to lack a sufficient numbers of judges, and the Council of Magistrates sought to fill the void by appointing temporary judges to fill 116 of the more than 150 vacant judgeships.

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 into criminal, civil, commercial, labor, social security, and administrative courts.

Trial Procedures

Trials are public, and defendants have the right to legal counsel and to call defense witnesses in federal and some provincial courts that have an accusatory system of criminal justice. Defendants enjoy a presumption of innocence and have the right to appeal as do prosecutors. 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. Although defendants and their attorneys have access to

government-held evidence, in practice they sometimes experienced obstacles or delays in obtaining such evidence. Lengthy delays in trials occurred nationwide, with many cases taking five or more years to resolve.

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, however, defendants accused of certain serious crimes have the right to a trial by jury.

The human rights organization Fundacion Sur noted that the country lacked a separate juvenile justice system that affords adolescents due process protections equal to the rights extended to defendants in criminal trials. In addition this organization expressed concern that the broad discretion judges have in such cases increased the possibility of arbitrary rulings. Fundacion Sur asserted that 16- and 17-year-old offenders frequently were transferred to adult criminal courts or held in juvenile detention centers for longer periods than warranted by their offenses.

An ad hoc juvenile justice system operated in eight out of 18 districts in Buenos Aires city. It provides minors age 16 to 18 the same procedural rights as adults and limits sentences to 180 days in prison.

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. Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution. Administrative and judicial remedies are available for alleged wrongs.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice. However, there were press reports and judicial investigations of electronic eavesdropping, possibly perpetrated by government agents without due authorization.

On October 8, former president Eduardo Duhalde alleged that during the year the Kirchner administration used the intelligence community to wiretap his conversations. Other prominent officials including journalists and judges made similar allegations. Authorities initiated an investigation into these claims.

On October 26, officials arrested former federal police officer Ciro James for illegally wiretapping numerous individuals. He remained in pretrial detention at year's end.

On October 27, three legislators from the opposition Civic Coalition party called for the secretary of intelligence to respond to wiretapping claims.

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 were criminal penalties, including prison sentences, for libel and slander until Congress passed legislation decriminalizing libel and slander on November 18.

The independent media were numerous and active and expressed a wide variety of views without restriction.

On October 10, Congress passed a broadcast media law to replace legislation dating back to the 1976-83 military dictatorship. The new law mandates regulatory changes in three areas: ownership of mass communication channels, content, and regulatory oversight. It reduces the number of broadcast licenses an individual or company can hold from 24 to 10 and gives firms one year to comply with the new rules. The law creates a seven-member regulatory agency—two members appointed by the executive, three by Congress, and two from a federal council. At year's end the regulatory agency was inactive pending the appointment of its members. A December 16 lower court ruling establishes local content and other programming and advertising limitations, such as a minimum amount of Argentine programming content.

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

In response to studies by NGOs Poder Ciudadano and the Association for Civil Rights expressing concerns that state advertising could be used as a political tool, the broadcast media law included an article stating that the country should follow "criteria of equity and reasonability" in the distribution of state advertising.

On February 11, a court ordered the government to distribute its official advertising budget to various publications of the Perfil publishing house. The court cited a 2007 Supreme Court precedent that ruled against a state government for indirectly curtailing freedom of speech via its distribution of state advertising.

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. The International Telecommunication Union reported that 28 percent of the population used 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.

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.

In order to 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

Sporadic acts of discrimination and vandalism against religious minorities, particularly the 300,000-member Jewish community, continued. The Delegation of Israeli Argentine Associations (DAIA) received 253 complaints of anti-Semitism during January and February, representing 82 percent of the total amount of complaints (302) filed in 2008. They reported a nearly four-fold increase in reports of anti-Semitic incidents in the first half of the year compared with the same period in 2008.

The most commonly reported incidents were anti-Semitic graffiti; verbal slurs; and the desecration of Jewish cemeteries, including 50 graves at the Jewish cemetery of La Tablada in September. A majority of the complaints were filed in the city of Buenos Aires. DAIA claimed that cases in the provinces were likely underreported.

In January some political organizations exploited anti-Semitic imagery during protests outside the Israeli Embassy, the headquarters of the Argentine Jewish Mutual Aid Association (AMIA), the DAIA, and a hotel owned by the treasurer of the World Jewish Congress. The government's National Institute Against Discrimination, Xenophobia, and Racism (INADI) condemned the use of anti-Semitic imagery and lodged a criminal complaint over the discriminatory graffiti and banner used during the protests.

On May 16, approximately 20 members of the Revolutionary Action Front physically attacked participants at a Buenos Aires commemoration celebrating the 61st anniversary of the creation of Israel. The authorities arrested nine persons who remained in pretrial detention at the year's end.

The investigation into the 1994 bombing of the AMIA building in Buenos Aires that killed 85 persons continued. With INTERPOL assistance, the federal prosecutor investigating the case continued to seek the arrest of eight Iranians for their alleged involvement in the bombing. On May 27, the Supreme Court ordered the reopening of the investigation into Carlos Telleldin's alleged involvement in the bombing. A federal court had acquitted him in 2004. In addition the court's decision upheld the 2004 acquittal of former Buenos Aires provincial police officers accused of facilitating the attack, but opened the door to retrying them on extortion charges. On December 16, an appeals court ordered that Telleldin be retried. On October 10, the federal court indicted former president Carlos Menem, former secretary of intelligence Hugo Anzorreguy, and former federal judge Juan Jose Galeano for their alleged role in covering up and protecting those involved in the bombing.

On December 21, unidentified vandals desecrated 27 tombs and sprayed anti-Semitic graffiti on the perimeter wall of a Jewish cemetery in San Luis.

The government continued to support public dialogue to highlight past discrimination and to encourage religious tolerance, including the celebration of Freedom of Religion Day. On May 28, provincial education ministers made holocaust education mandatory in all secondary schools. The government collaborated with DAIA and other organizations during the year to create a recommended instruction manual for holocaust education.

For a more detailed discussion, see the [2009 International Religious Freedom Report](http://www.state.gov/g/drl/rls/irf/) at www.state.gov/g/drl/rls/irf/.

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 country is party to the 1951 Convention relating to the Status of Refugees and its 1967 protocol. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

In April the government created the National Committee for Refugees (CONARE), an inter-ministerial body under the Ministry of the Interior replacing the Committee for Refugee Eligibility. From April to December, 389 persons sought asylum, and CONARE granted refugee status to 50 persons. According to the Office of the United Nations High Commissioner for Human Rights (OHCHR), the country also resettled eight Colombians during the first half of the year, and approved the resettlement of 24 additional Colombians during December.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in particular social group, or political opinion.

The law 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.

The OHCHR noted that the government improved protection and assistance to unaccompanied children seeking refuge through a special and multidisciplinary committee under the National Ombudsman's Office.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution 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 2007 Cristina Fernandez de Kirchner of the Front for Victory Party won the presidency in elections described by media and various NGOs as free and fair. In legislative elections on June 28, voters elected one-half of the members of the Chamber of Deputies representing all 24 provinces and one-third of those in the Senate representing eight provinces. Local observers considered these elections generally free and fair.

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 27 women in the 72-seat Senate and 107 women in the 257-seat Chamber of Deputies. The president, two of the seven Supreme Court justices, and three cabinet ministers were women. Women constituted approximately 17 percent of top executive-branch positions at the federal level.

One indigenous person served in the 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.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, there were frequent press reports that executive, legislative, and judicial officials engaged in corrupt practices, suggesting a failure to implement the law effectively.

According to the World Bank's worldwide governance indicators, 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 also is responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. As part of the executive branch, the ACO does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case.

Facing at least 25 reported charges of corruption during his tenure as Secretary of Transportation, Ricardo Jaime resigned on July 1.

In November the government auctioned off the property of Maria Julia Alsogaray, a former government official convicted of illicit enrichment, to compensate the country for damages.

On December 12, the Criminal Court of Appeals upheld the indictment of former president Fernando de la Rúa on corruption charges related to bribes he allegedly offered national senators in 2000 for their votes of support on labor legislation. A former labor minister, four former senators, a parliamentary secretary, and the former chief of intelligence faced similar charges in connection with the case.

On December 15, the Supreme Court upheld the 2008 indictment of former president Carlos Menem on corruption charges related to his alleged involvement in the illegal sale of arms to Ecuador and Croatia while serving as president in the 1990s. As a senator, Menem enjoyed immunity from arrest.

Following the Mayor of Tartagal Sergio Leavy's impeachment in October under allegations that he mishandled federal money allocated for public works and humanitarian assistance to victims of February flood, in December the Salta Supreme Court suspended the City Council's impeachment decision pending the court's final decision on the case. Leavy was reinstated temporarily.

Several judicial investigations into alleged fraud committed by prosecutors and judges filling vacancies at the federal level continued. Some applicants reportedly negotiated with members of the examining board to receive answers to questions before taking the exam.

Investigations by Poder Ciudadano cited irregularities in some campaign finance reports filed after the midterm elections in June. Their findings concluded that some political parties underreported official campaign expenses, particularly regarding advertising costs. Poder Ciudadano also reported that some of the ruling party's candidates used public resources for the electoral campaign, including public funds for transportation and publicity, and coverage of electoral events on the state-owned channel. Poder Ciudadano noted a significant rise in government advertising as the country approached the elections.

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 possible 10-day extension.

In October without notice the government disabled a federal Web site which provided information on government agencies' work and accounting. Some NGOs alleged that the government removed the Web site for political reasons.

Section 5 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.

While the government cooperated with some international and local NGOs, the local chapter of a well-known international organization expressed concern that, despite repeated requests, the government often delayed providing information under a freedom of information decree.

The government cooperated with international governmental organizations and permitted visits by UN representatives and other organizations during the year.

The government has a Human Rights Secretariat and a National Ombudsman's Office.

Section 6 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 prohibitions in practice.

Women

Rape, including spousal rape, is a crime, but evidentiary requirements, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting such crimes. The penalties for rape ranged up to 20 years' imprisonment. 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.

The Rape Victims' Association reported more than 9,000 rape cases in Buenos Aires City and Buenos Aires Province during the year. Sixty percent of those cases involved victims under the age of 18. According to the Attorney General's Office, complaints were filed in three out of every ten cases, and one in three of these cases was prosecuted.

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, prescribes penalties for domestic violence only 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.

On March 11, Congress passed a law aimed at preventing, punishing, and eradicating violence against women. The law expands the legal definition of violence against women to include "any behavior, act, or omission that directly or indirectly, in the public or private sphere, based on an unequal relationship of power, affects the life, freedom, dignity, or physical, psychological, sexual or economic integrity or security of women." The new law does not prescribe penalties for violence against women but according to proponents, it provides a framework for complementary laws.

Domestic violence against women was a problem. In October Amnesty International reported that a woman died every three days as a result of domestic violence. In July the civil society organization La Casa del Encuentro reported that more

than 82 women died from January to June as a result of domestic violence. According to the NGO Red Alto a la Trata y el Trafico, 204 women died during the year as a result of domestic violence.

The Office of Domestic Violence, which opened in September 2008, provided protection and resources to victims of domestic violence 24 hours a day, seven days a week. During the year the office hired additional staff members to handle the approximately 500 cases of domestic violence it received per month. An estimated 82 percent of adult domestic violence cases received by the office involved violence against women.

Family and civil courts in Buenos Aires Province, in compliance with a provincial Supreme Court order, created hotlines to receive complaints of domestic violence and assist victims after normal hours. Criminal courts worked with police stations, police offices for women's issues, and prosecutors' offices to enable victims to file domestic violence complaints 24 hours a day.

The Ministry of Justice continued to operate mobile units to assist victims of sexual and domestic violence in the city of Buenos Aires. A free hotline servicing the city of Buenos Aires offered consultations and received complaints.

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

Prostitution by individuals over the age of 18 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. There was no information on the extent of the problem.

Couples and individuals had the right to decide the number, spacing, and timing of children, and had the information and means to do so free from discrimination. Access to information on contraception, and skilled attendance at delivery and in postpartum care were widely available. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

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 an Inter-American Development Bank report released in October, women earned 14.2 percent less than men of equivalent age and education.

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.

Children

The country provided universal birth registration, and citizenship was derived both by birth within the country's territory and from one's parents.

Parents have 40 days within which to register births, and the state has an additional 20 days to do so. A February decree permits the Ministry of Interior to issue birth certificates to children under age 12 whose births have not been previously registered.

Child abuse was not uncommon; for example, a University of Buenos Aires study released in August 2008 noted that 56 kindergartens and primary schools in Buenos Aires Province had detected 1,590 cases of family violence in the previous year.

According to media sources, approximately 5,000 children were recruited every year for pornography and sex tourism. The minimum age of consensual sex is 18. There is a statutory rape law with penalties ranging from three to 10 years in jail for victims age 13 to 18, and 5 to 15 years in prison for minors under 13. Additionally, regardless of age, if a judge finds evidence of deception, violence, threats, abuse of authority, or any other form of intimidation or coercion, the sentence increases to 10 to 15 years in jail.

The law prohibits the production and distribution of child pornography with penalties ranging from six months' to four years' imprisonment. While the law does not prohibit the possession by individuals for personal use, it provides penalties ranging from four months' to two years' imprisonment for possession with the intent to distribute child pornography. Additionally, the law provides penalties ranging from one month's to three years' imprisonment for facilitating access to pornographic shows or materials to minors under the age of 14. During the year prosecutors and police pursued cases of Internet child pornography. On May 22, a Mendoza court sentenced an individual to two years in prison for distributing child pornography. This was the first child pornography conviction in Mendoza Province.

The NGO Fundacion Adoptar reported government reluctance to prosecute and convict child abuse cases. In August the NGO filed several claims regarding three producers of child pornography in the province of Tucuman. However, the organization alleged that only two of the suspected leaders were detained for 48 hours and then release. The third individual received a warning. Authorities dismissed charges against the three individuals. In August Fundacion Adoptar denounced the existence of 75 houses allegedly used in the sexual exploitation of children. The NGO went undercover and filmed some of the suspected houses which prompted authorities to raid 12 of them. No individuals were convicted following the raid.

According to credible local press reports, dozens of child victims of violence from poor families were lodged in juvenile detention centers under judicial protection orders. City government observers continued to be barred from visiting the centers.

The National Council for Children, Adolescents, and the Family continued to conduct public awareness campaigns and operated a national hotline, which children used to call for advice, make complaints, and report instances of abuse or other rights violations.

Trafficking in Persons

A 2008 law criminalizes trafficking in persons for all purposes; however, there were several reports of persons trafficked to, from, through, and within the country.

Trafficking in persons primarily involved citizens trafficked within the country for the purposes of sexual and labor exploitation. Many were trafficked from rural to urban areas. Some women and girls were trafficked into Mexico, Western Europe, and neighbouring countries for sexual exploitation. The country was a destination for victims, principally women and minors from Paraguay, Brazil, Peru, and the Dominican Republic. A significant number of Bolivians, Paraguayans, and Peruvians were trafficked into the country for forced labor in sweatshops, agriculture, or domestic services. There were some reports suggesting that Chinese immigrants were trafficked into the country for labor exploitation in Chinese supermarkets.

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, at times were denied contact with the outside world. Victims often were threatened or beaten.

Penalties for trafficking range from three to 15 years in prison, depending on the nature of the violation and the age of the victim. Traffickers have been prosecuted on charges of prostitution through fraud, intimidation, and coercion or, in the case of minors, alien smuggling, indentured servitude, and similar abuses.

Trafficking investigations and arrests increased significantly during the year. According to Ministry of Justice statistics, internal security agencies conducted 254 raids, arrested 259 persons suspected of human trafficking, and rescued 421 victims, 83 of who were minors. On November 27, a court in Santa Fe Province sentenced a woman to 10 years' imprisonment in the country's first human trafficking conviction. Several cases were under investigation at year's end. The Ministry of Justice was the lead agency for coordinating antitrafficking efforts with internal security agencies.

There were no allegations of federal government official involvement in trafficking. However, there were reports of 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.

On May 26, the Federal Court of Appeals in Buenos Aires Province ruled that consent by trafficking victims could not be deemed as valid when vulnerability was present.

On October 6, police discovered a sex trafficking network that had lured 20 indigenous women from Chaco Province to various locations in the country. The police arrested 12 network members, who were suspected of beating and forcing the victims into prostitution.

On August 11, Prosecutor General Esteban Righi approved a standardized protocol for the investigation of sex trafficking cases. The protocol provides guidelines for identifying sex trafficking cases throughout all stages: recruitment, transportation, receiving, lodging, and exploitation of victims.

On August 24, Prosecutor General Esteban Righi signed a resolution instructing federal prosecutors to seek the closure of brothels operating with a commercial license for licit activities. The prosecutor general urged the justice and interior to act so that provincial and municipal legislation complies with national and international legislation punishing the existence of "houses of tolerance" where sexual commercial exploitation is performed or encouraged. The prosecutor general also ordered prosecutors to continue investigations against officials that may have participated or covered up trafficking in persons crimes.

In May a judge referred the December 2008 case involving alleged police protection of brothels suspected of human trafficking in Buenos Aires to the national courts with ordinary jurisdiction. The judge did not consider the case to involve trafficking.

Trafficking victims normally were not detained, jailed, or deported. The Ministry of Justice's training seminars for internal security forces included a component emphasizing that they not blame trafficking victims for illegal activities they may have become involved in as a consequence of their exploitation.

Victims' assistance is provided by the Ministry of Justice's First Responder Office for the Rescue and Immediate Assistance of Trafficking Victims. It refers minor and adult victims rescued in the city or province of Buenos Aires to the

Ministry of Social Development's Secretariat for Children, Adolescents, and the Family, which then may direct victims to existing social and medical assistance programs. Victims in other provinces usually were assisted by the relevant human rights secretariat. The Prosecutor General's Office of Victim's Assistance continued to provide assistance on an as-needed basis.

Although it did not operate victim shelters dedicated to trafficking, the government funded one NGO to operate a victims' shelter. Some victims qualified for federal government assistance, but most provincial officials were not trained to identify or help victims of trafficking specifically. During the year the federal government worked on outreach programs with provincial officials to help them identify and assist trafficking victims. The International Organization for Migration (IOM) assisted with repatriation and reintegration of foreign victims of trafficking.

The State Department's annual *Trafficking in Persons Report* can be found at www.state.gov/g/tip.

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. A specific law also mandates access to buildings for persons with disabilities. However, critics questioned the efficacy of government enforcement of such laws.

Laws mandating greater access to buses and trains for persons with disabilities were not enforced fully. A March 2008 federal court ruling ordered the Buenos Aires subway operator Metrovias to make subway stations handicapped accessible. At year's end Metrovias was making four stations handicapped accessible.

According to INADI, an estimated 20,000 children with disabilities were unable to attend school in Buenos Aires City because the buildings were not handicapped accessible. In August the NGO Acceso Ya, represented by the Association for Civil Rights (ADC), filed a suit against the city government for failing to provide information on the accessibility of its schools and claiming that the buildings were handicapped accessible.

An estimated 82 percent of persons with disabilities lacked employment. Due to lengthy procedures for obtaining a certificate of disability, a key document to access services including rehabilitation, only 15 percent of unemployed persons with disabilities received a certificate of disability.

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.

National/Racial/Ethnic Minorities

A 2007 report by DAIA indicated that many Afro-Argentines experienced employment, education, and housing discrimination; endured racial slurs while using public transportation; and were barred entry from nightclubs. The DAIA report also noted that Chinese, Koreans, Muslims, Roma, and immigrants from other Latin American countries also faced discrimination.

INADI continued a number of national public awareness campaigns throughout the year to discourage racial discrimination, including one entitled "Words Discriminate."

Indigenous People

The constitution recognizes the ethnic and cultural identities of indigenous people and states that the 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.

Although there is no formal process to recognize indigenous tribes or determine who is an indigenous person, indigenous communities can register with the provincial or federal government as civic associations.

Estimates of the indigenous population ranged 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.

Deforestation in the Salta Province continued in violation of the December 2008 Supreme Court ruling which ordered the Salta governor to suspend clearing of forested areas pending completion of a study on the environmental impact of deforestation on indigenous persons living in the area.

On October 12, a landowner accompanied by two former policemen killed one indigenous person and injured three others in the town of El Chorro, Trancas, during a forced eviction. Authorities arrested the landowner and one of the former policemen in October. They remained in pretrial detention at year's end.

The land dispute between the Mbya Guaraní community and La Plata National University over 6,500 hectares of land in Misiones Province continued.

The Inter-American Commission on Human Rights (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. The Lhaka Honhat association sent a letter to the IACHR in September 2008 asking for greater involvement and a timely resolution to the case.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Nine provinces have laws that either criminalize transgender behavior or single out homosexual activity when referring to prostitution; however, INADI reported that these laws were rarely enforced.

During the year INADI received 321 complaints of discrimination on the basis of sexual orientation or gender identity.

Lesbian, gay, bisexual, and transgender organizations operated freely. They worked closely with academic institutions, NGOs, and government authorities without interference.

Numerous gay pride marches occurred throughout the country and received government authorization. Police provided protection to participants.

On April 10, an individual was reportedly beaten for his transgender identity in La Matanza, Buenos Aires Province. According to the NGO The International Gay and Lesbian Human Rights Commission, the attorney general and INADI had not responded to his complaint by year's end.

In November and December, Sergio Alfredo Nunez and Silvio Elias Soria went to trial for their alleged role in the 2006 killing of transgender activist Pelusa Liendo. The decisions were pending at year's end.

There was no official or overt societal discrimination based on sexual orientation in employment, housing, statelessness, or access to education or healthcare.

Other Societal Discrimination

There were no known reports of societal violence against persons with HIV/AIDS and occasional reports of discrimination against persons with HIV/AIDS.

Section 7 Worker Rights

a. The Right of Association

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

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor continued to contend that the Trade Unions Law provision for the 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. Despite a December ruling by the Supreme Court upholding the right of a workers' union lacking official legal recognition to elect its own delegates, the executive branch had not granted legal recognition to the CTA at year's end. The IACHR continued to review the CTA's 2004 petition at year's end.

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 a compulsory 15-day conciliation process. Once that term expires, civil servants and workers in essential services must 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, must provide two days' notice to users about the intended strike. Other workers exercised the right to strike by conducting legal strikes.

b. The Right to Organize and Bargain Collectively

The law provides recognized unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration. During the year an increasing number of shop stewards were elected by their colleagues but did not report to officially recognized unions, which impaired the ability and willingness of official unions to negotiate. The Ministry of Labor, Employment, and Social Security ratifies collective bargaining agreements, which covered approximately 75 percent of the formally employed workforce. 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.

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, there were reports that such practices occurred.

Through December the IOM assisted 89 victims and 23 minor dependents from Bolivia, Peru, Colombia, Brazil, and the Dominican Republic, most of whom were exploited in sweatshops. Victims of labor exploitation also included 18 persons working in fruit and vegetable stores, nine in domestic services, five in street vending, and nine in other activities.

In July the National Industrial Technology Institute (INTI) launched the Apparel Demonstrative Center, which provided garment work for individuals previously employed in clandestine textile workshops under conditions of forced labor. The government supplied the center with machinery seized from the workshops. During the year approximately 130 seamstresses worked at the center. In September the courts donated an additional 250 sewing machines seized in a 2007 raid to INTI in compliance with a ruling from a September 2008 case.

The April 2008 case of 30 Bolivians working in exploitative conditions at a poultry farm in Buenos Aires Province had not gone to trial at year's end. Press reports indicated the company had not paid the fine by year's end. The Ministry of Labor was reviewing additional forced labor complaints, including two deaths, lodged against the company.

There were no developments in the September 2008 case of a garment sweatshop manager employing 20 Bolivian minors.

d. Prohibition of Child Labor and Minimum Age for Employment

While the law protects children from exploitation in the workplace, child labor persisted. A 2004 government survey revealed that an estimated 450,000 children were working, or 7 percent of children age five to 13 and 20 percent of children over age 14.

The minimum age for employment is 15. 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 15 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 1,000 to 5,000 pesos (\$269 to \$1,344) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

In rural areas, children worked in family and third-party farms producing such goods as tobacco, cotton and grapes. Children working in the agriculture sector often handled pesticides without proper protection. In urban areas, some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. According to government sources, some children worked in the manufacturing sector producing such goods as bricks, matches, fireworks, and garments. Children were also found working in the mining, fishing, and construction sectors.

The National Commission for the Eradication of Child Labor conducted seminars with the 19 provincial commissions for the eradication of child labor to train provincial authorities responsible for enforcing labor laws and raising awareness regarding exploitive child labor. It also provided technical assistance to NGOs addressing child labor in the tobacco and trash-picking sectors, including workshops with tobacco producers to encourage corporate social responsibility on child labor issues. The government worked with several NGOs to address the commercial sexual exploitation of children in the triborder area with Brazil and Paraguay, disseminating information on prevention and available assistance for victims.

e. Acceptable Conditions of Work

The government increased the monthly minimum wage in October, bringing the total monthly minimum wage to 1,440 pesos (\$387). This exceeded the estimated amount of 1,013 (\$272) a month 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 Ministry of Labor, which is responsible for enforcing legislation related to working conditions, continued inspections to get

companies to register their informal workers. In November the Ministry of Labor reported informal urban unemployment at 40 percent. According to a 2007 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 ensure 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.