



U.S. DEPARTMENT of STATE

Argentina

Country Reports on Human Rights Practices - [2006](#)

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Argentina is a federal constitutional republic with a population of approximately 39.5 million. In 2003 voters elected President Nestor Kirchner in free and fair multiparty elections; on October 23, 2005, national legislative elections were held. The civilian authorities generally 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: instances of killings and brutality by police and prison officials, which the government investigated but often did not punish; overcrowded, substandard, and life-threatening prison and jail conditions; occasional arbitrary arrest and detention; prolonged pretrial detention; weakening of the independence of the legislative and judicial branches; government pressures on the media; domestic violence and sexual harassment against women; trafficking in persons for sexual exploitation and labor, primarily within the country; and child labor.

During the year, the government resumed trials that were suspended in 1989-90 when the government pardoned perpetrators of human rights abuses committed during the Dirty War era. In addition, judges convicted several perpetrators of Dirty War-era human rights abuses for the first time since the Supreme Court's 2005 annulment of amnesty laws that had been promulgated in the 1980s.

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 and prison officers committed killings involving unwarranted or excessive force. The authorities investigated, and, in some cases, detained, prosecuted, and convicted the officers involved.

Provisional figures for the first half of the year provided by the Center for Legal and Social Studies (CELS) indicated that security forces were involved in 45 deaths in the City of Buenos Aires and its outskirts, including individuals killed in confrontations during the presumed commission of a crime. The human rights nongovernmental organization (NGO) Coordinator Against Police and Institutional Repression reported 69 killings nationwide from January through late July. There was no distinction in these figures between deaths attributed to justified use of force and those attributed to arbitrary or unlawful deprivation of life.

On July 10, authorities detained three police officers and an agent in Jujuy province in connection with the investigation of the death of Saul Mendoza, a 17 year old who was found hanged with his coat in a police station's restroom on June 30. Some sources reported the teenager was tortured before he died.

On July 31, the Buenos Aires Province security minister fired two police officials for the presumed beating and shooting death of Miguel Eduardo Cardozo, a 15 year-old who accidentally set off one of the policemen's car alarm. The police officers were detained in connection with the investigation of the crime. At year's end, the police officers remained under investigation and had not been formally charged.

In April a judge sentenced Buenos Aires provincial police corporal Adrian Bustos to life in prison for the 2005 killing of the 14 year old pregnant teenager Camila Arjona in Villa Lugano, Buenos Aires Province. In the same case, Oral Tribunal No. 10 also found Corporal Miguel Angel Almiron and Agent Mariano Cisneros guilty of abusive deprivation of freedom and causing injuries. The judge sentenced them to three year prison terms.

There was no new information on the status of the investigation of the nine policemen connected to the 2004 deaths of three juvenile detainees in a fire in a Buenos Aires police station.

In the case of the 2003 killings of Patricia Villalba and Leyla Bashier Nazar in the province of Santiago del Estero, 16 indictees, including seven individuals in pretrial detention, were awaiting oral trial at year's end. The trials were scheduled for early 2007. The former intelligence chief in Santiago del Estero Musa Azar, his son, three former police officers, and two other individuals were charged with killing Bashier Nazar, and nine other police officers and another suspect were charged with killing Villalba.

In July a court sentenced a police officer to life imprisonment and acquitted four other officers for the torture and killing of Andrea Viera in a

police station in Florencio Varela, Buenos Aires Province, in 2002.

b. Disappearance

There were no reports of politically motivated disappearances.

On December 27, federal lower court judge Norberto Oyharbide decided that kidnappings, disappearances, and killings committed between 1973 and 1975 by the defunct extremist armed group Argentine Anti-Communism Alliance (Triple A), were crimes against humanity and, as such, the statute of limitations is not applicable. The Triple A was an extreme right-wing organization, founded and led by then minister of social welfare Jose Lopez Rega. The National Commission on the Disappeared documented 428 political killings attributed to the Triple A, but other estimates put the total number killed at 600 to 2,000. The court asserted that state terrorism began long before the 1974 military coup d'etat.

Judicial proceedings related to killings, disappearances, and torture committed by the 1976-83 military regimes continued (see section 1.e.). A July report by the National Secretariat of Human Rights submitted to the UN stated that there were 958 unresolved cases and 211 former "repressors" who remained in pretrial detention.

In August former police officer Julio Simon, also known as "el Turco Julian," was sentenced to 25 years in prison for the kidnapping, torture, and forced disappearance of Jose Poblete and Gertrudis Hlaczik and for the illegal appropriation of the couple's eight month-old baby. This was the first judgment against a Dirty War security official since the Supreme Court found the 1986 and 1987 amnesty laws unconstitutional.

On September 19, a court convicted former commissioner general of the Buenos Aires Province police Miguel Etchecolatz and sentenced him to life for the extrajudicial killing, torture, and kidnapping of six individuals during the military dictatorship. The judges based their decision on the argument that Etchecolatz's acts were "crimes against humanity, committed in the framework of genocide," a concept not incorporated into the criminal code but conforming to international conventions ratified by the country. Jorge Julio Lopez, a 77-year-old torture victim and a key witness in the case against Etchecolatz, was last seen the day before Etchecolatz's sentencing. The government offered a \$130,000 (400,000 peso) reward for any information that would help locate Lopez and conducted extensive searches, but he remained missing at year's end. Despite speculation, no credible evidence emerged of state involvement in the missing-person case. Some family members of disappeared persons from the Dirty War era, as well as a number of judges and prosecutors involved in cases connected to crimes during the military dictatorship, reported receiving anonymous threats.

On December 27, Luis Gerez, a witness who made depositions against Luis Patti for human rights abuses committed under the 1976-83 military regime, was reported missing. Gerez had testified against Patti, the former police chief during the military dictatorship, during an April 20 appearance before the Lower House. His reported torture by electric shock served as important evidence that ultimately prevented Patti from assuming his seat as a national congressman after being elected to the position in October 2005. President Kirchner ordered federal and Buenos Aires law enforcement agencies to conduct intensive searches, and Gerez was located two days after he went missing. Prosecutors later confirmed that Gerez displayed physical indications of torture and was suffering from psychological trauma. Some opposition leaders, including former president Carlos Menem, suggested the kidnapping was staged by agents of the Kirchner administration, which in turn blamed unknown covert paramilitary groups for the crime. The case remained pending at year's end.

In early September, lower court federal judge Norberto Oyharbide ruled a number of the pardons granted in 1989-90 to be unconstitutional and reinforced the nonapplicability of the statute of limitations for crimes against humanity. The decision allowed resumption of trials against former de facto president Jorge Rafael Videla and two of his cabinet members, Jose Alfredo Martinez de Hoz and Albano Harguideguy, who were charged with the kidnapping of businessmen Federico and Miguel Gutheim in 1976. In September the Criminal Court of Appeals upheld a lower court ruling rendering unconstitutional the pardons granted during the 1990s. The issue then went to the Supreme Court, which had not rendered a decision by year's end.

The National Human Rights Secretariat, which maintained the files of the National Commission on Disappeared Persons, received 9,005 claims for financial compensation from families of those who died or disappeared during the military dictatorship.

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, 85 children 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 comparison to the number of complaints.

The National Human Rights Secretariat stated in late June that the kidnapping, torture, and death of 15-year-old teenager Lucas Ivarrola, which occurred on June 26, had been modeled after methods used in the Dirty War era. Two lower-ranking Navy officials and a civilian (who accused Ivarrola of having stolen a television set) kidnapped him, beat him, and shot him three times in the head. Forensics also showed that Ivarrola's body had been burned while he was still alive. One of the perpetrators confessed to the crime, and the three suspects accused of aggravated homicide remained in pretrial detention at year's end.

In February an expert witness's opinion confirmed the complaints made by the provincial Committee Against Torture (part of the Buenos Aires Provincial Memory Commission) in the October 2005 case of electric shock torture of prisoner Julio Ortiz in La Plata Penitentiary. The

director of forensic medicine in La Plata was under investigation for his alleged obstruction in the investigation of the case.

Prison and Detention Center Conditions

Prison conditions often were poor and life threatening. Inmates in many facilities suffered 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. Provisional statistics provided by CELS on violent deaths through September in Buenos Aires provincial prisons showed a decrease in the number of violent deaths compared to 2005: 34 through September, compared with 104 in 2005.

Fifteen prison guards and officials remained in preventive detention pending completion of the investigation into the October 2005 fire at the Buenos Aires Magdalena provincial prison, in which 33 prisoners died from smoke inhalation in a fire set in a prison dormitory during a disturbance. Authorities charged prison officials with negligence in the inmates' deaths and dismissed them from the provincial prison service. A total of 41 prison officers were either dismissed or faced disciplinary actions in connection with the inmates' deaths. The investigation continued at year's end.

While women are held separately from men, human right groups reported that some women were held in police stations and that 150 children under the age of four lived in federal and Buenos Aires provincial prisons. Only four out of ten mothers of children living in federal prisons had been convicted, whereas the rest were pretrial detainees.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. The National Secretariat of Human Rights reported that 85 percent of 19,579 children lodged in juvenile institutions nationwide were there for "social reasons," i.e., they had not committed any crimes but had been abandoned, had no families or had families unable to take care of them, or were considered "at risk" for other reasons. In April the government issued partial implementing regulations for the Law of Integral Protection of Children and Teenagers, aimed at strengthening family ties and providing support to families in order to avoid children being sent to juvenile institutions due only to their social circumstances.

Pretrial prisoners often were held with convicted prisoners. Official estimates reported by the Secretariat for Criminal Policy and Penitentiary Issues indicated that 60 percent of those held in prisons and police jails were pretrial detainees. In Buenos Aires Province, provisional statistics from CELS indicated that close to 80 percent of detainees were in pretrial detention, with an average wait of 36 months before trial. Of that 80 percent, 30 percent were eventually acquitted or had their cases dismissed. From late September to early October, there was a widespread, two week long protest by prisoners in Buenos Aires provincial penitentiaries demanding, among other things, an accelerated trial process and a revision of pretrial detention statutes.

A 2005 report on the penitentiary system by the research center Unidos por la Justicia estimated prison overcrowding at 20,000 prisoners nationwide. Overcrowding in federal prisons was approximately 9 percent. The situation was generally worse in provincial prisons, with some penitentiaries holding almost double their capacity, as was the case in Corrientes and Tucuman provinces.

Following several rulings by the Inter American Court of Human Rights that ordered the government to take effective measures to protect life and integrity of prisoners in Mendoza Provincial Penitentiary, the Supreme Court instructed the national and Mendoza provincial governments to report the concrete measures they took to improve conditions. By year's end, there were no indications that the national and provincial governments had complied with the Supreme Court's order, despite a second request for information that received a unanimous vote in the lower house of Congress on November 15.

Government officials noted that the findings of both the Inter-American Commission on Human Rights (IACHR) and the Inter American Court of Human Rights were limited to the Mendoza penitentiary.

Elsewhere in the prison system, authorities noted progress in areas such as budget and human resources, ongoing programs for increasing prison capacity, construction of new prisons, and strengthening of the parolee related work of the "Patronato de Liberados," the provincial agencies responsible for assisting and monitoring parolees and ex convicts. The government reported that the number of detainees in police stations in Buenos Aires Province decreased significantly, from 7,506 in 2002 to 4,400 at year's end.

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 occasionally arrested and detained citizens arbitrarily. In the past, human rights groups reported difficulties in documenting such incidents because victims were reluctant to file complaints for fear of police retaliation or because of skepticism that police would act.

Role of the Police and Security Apparatus

The Federal Police under the Interior Ministry have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. 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 endemic in some forces, and impunity for police abuses was common.

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

Efforts continued in the province of Buenos Aires to remove and prosecute police for corruption and other offenses. In late March the Buenos Aires Province governor and his security minister fired 119 police officers, citing force restructuring as the reason. Authorities fired, dismissed, or suspended more than 2,600 Buenos Aires provincial police since 2004 for alleged abuse, corruption, extortion, and unjustified homicide. In late September, following the disappearance of a witness who had testified in the case against former Buenos Aires Province Police Commissioner General Miguel Etchecolatz (see section 1.b.), the governor suspended, and in other cases dismissed, 36 provincial police agents who had worked in detention centers during the Dirty War.

The provincial security minister reported some recent improvements in the provincial police force: trainees received university training, were required to take human right courses, and were trained at a campus run by the national Border Patrol.

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 argued that there was little compliance with this provision of law, with the police often detaining 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, partially due to the fact that the majority of defendants relied on the overburdened public defender system.

The law provides for the right to bail. 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. Lack of resources for the Public Defender's Office resulted in an excessive caseload for public defense attorneys. Detainees also were allowed access to family members, although not always promptly.

The law provides for investigative detention for up to two years of indicted persons awaiting or undergoing trial; the period could be extended to three years in limited situations. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law (see section 1.e.). A convicted prisoner usually received credit for time already served.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, some judges and judicial personnel were inefficient and at times subject to political manipulation. Following the unexplained absence of a key witness who testified against Miguel Etchecolatz (see section 1.b.), some judicial officials and witnesses complained that anonymous groups had threatened them. The system was hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. 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 some governors and judicial powers in their provinces.

The judicial system is divided into federal and provincial courts, both headed by a supreme court with chambers of appeal and sections courts below it. The federal courts are divided between the criminal courts and economic courts.

On November 29 the legislature passed a law to reduce the number of the Supreme Court ministers (justices) from nine to five. The seven justices on the bench were to remain in place until two seats are vacated via retirement, death, or impeachment. The two Supreme Court vacancies created by an impeachment and a resignation in 2005 were not filled.

Trial Procedures

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. 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 was not passed. Lengthy delays in trials were a problem. There is a provision for counsel for indigents; however, in practice counsel may not always be provided due to a lack of resources. Defendants are presumed innocent and have the right to appeal, as do prosecutors. Minors under the age of 16 cannot be criminally prosecuted.

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 ordinary criminal code of justice.

On February 22, Congress passed a law reducing the number of members of the Council of Magistrates, the body charged with the selection, investigation, and sanctioning of judges and management of the judiciary, from 20 to 13. Most opposition parties, civil rights NGOs,

and lawyers' associations observed that the amendment favored political representatives over the representatives of judges, lawyers, and academics and undermined the independence of the judiciary.

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 NGOs provide free legal counseling and may represent indigent people 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. However, independent media, NGOs, and international organizations complained about the lack of transparency and oversight in the distribution of federal and provincial government spending on advertising in the media. They also criticized the government's generally aggressive and confrontational attitude toward critical media outlets and journalists, which led to such acts as publicly singling out by name individual reporters for reproach.

The independent media were numerous and active and, despite the government's confrontational attitude, 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, and a television station. A few provincial governments also owned broadcast media. In February the government signed an agreement with Telesur, a Venezuelan government initiative for a Latin American multinational television service. The government contributed 20 percent of the capital stock and was initially transmitting Telesur's news programs through the state owned Channel Seven.

Some national and international civil rights organizations, as well as several media and press associations, claimed that national and provincial government agencies interfered with media freedom and editorial independence by directing government advertising for partisan political and personal purposes. National government spending on advertising increased significantly over the past few years, from approximately \$5 million (15.4 million pesos) in 2002 to approximately \$47 million (127.5 million pesos) during the year. This increased spending allowed the survival of a number of media outlets, according to many observers; however, NGOs, press associations, and civil rights advocates contended there was little oversight, few regulations, and that political motives often governed how these funds were allocated to independent media outlets. At the national level, the majority of government agencies were legally obligated to advertise their activities. The responsibility for deciding how to allocate funds for such advertising fell to the secretary for media, who answered directly to the chief of cabinet. Public contracting was done through the government press agency Telam, which, according to critics, followed no established procedure in allocating these funds.

In mid September the national prosecutor general rendered an opinion in a case brought by the leading daily newspaper in Rio Negro, which also serves Neuquen Province, against the Neuquen provincial government. The newspaper contended that the government of Neuquen had withdrawn its advertising in retaliation for a series of articles in 2001 regarding Neuquen provincial corruption. Because the government of Neuquen historically had advertised heavily in the paper, critics argued that removal of this source of revenue constituted de facto censorship. The prosecutor general overruled the paper's petition for the restoration of provincial government advertising, based on the lack of actual regulation governing the issue. In May Grupo Editorial Perfil, the country's second largest media company, sued the national government for its alleged discriminatory policy in withholding official advertising from some of its magazines and its Sunday newspaper. The case remained pending at year's end.

Some radio and television programs critical of the government went off the air, which some observers suggested resulted from government pressure. Two prominent journalists who had regularly published criticisms of the government reported receiving death threats. On several occasions, senior government officials singled out one of the journalists by name for public criticism for having written pieces critical of the administration.

In 2005, by virtue of a presidential decree, the government extended radio and television broadcast licenses for 10 more years. Numerous FM radio stations also continued to broadcast with temporary licenses. In November a public tender, which promised to conclude the licensing process for most of the country's radio and television broadcasting entities, was opened by the Federal Broadcasting Committee, the executive branch agency in charge of regulating broadcast media.

Internet Freedom

There were no government restrictions on access to the Internet. The Association for Argentine Reporter Entities (ADEPA), complained

about violation of e-mail privacy in a case where transcripts of e-mail exchanges between a reporter and a federal judge investigating an international drug trafficking network appeared in one of the law firms representing the defendants. ADEPA argued that the intelligence service must have been monitoring the reporter's e-mails and had given the e-mails to the defendant's law firm, since the communications were private and had not been made public or shared by either the reporter or the federal judge.

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 law 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.

In apparent contradiction of nondiscrimination laws, a judge ruled that a landlord could refuse to rent an apartment to a Jewish couple because of the landlord's fear of a possible (terrorist) attack. The National Institute Against Discrimination, Xenophobia, and Racism (INADI) declared that the judge's decision violated antidiscrimination laws. The Delegation of Israeli Argentine Associations (DAIA) appealed the judge's decision. On October 24, the Civil Court of Appeals overturned the lower judge's decision and ordered the landlord to pay compensation for moral damage to the Jewish couple. This was the first time the courts had ordered defendants to pay compensation as a consequence of discriminatory behavior.

Societal Abuses and Discrimination

Acts of discrimination and vandalism against religious minorities, particularly the Jewish community, continued.

The Jewish community was estimated to number between 280,000 and 300,000. There were a number of reports of anti-Semitic acts, including threats against Jewish organizations and individuals. In August activists of the left-wing group Quebracho, armed with staffs and with faces covered, prevented Jewish community groups from demonstrating in front of the Iranian Embassy. The DAIA filed a suit against Quebracho, but there was no progress in the judicial case at year's end.

On August 13, more than 15 examples of anti-Semitic graffiti that were linked to left-wing groups against Israel appeared on walls and in restrooms at the University of Buenos Aires College of Philosophy and Letters; these were followed in late September by anti-Semitic graffiti displaying a nationalist right-wing ideology that appeared in men's restrooms in the University of Buenos Aires College of Social Sciences. On September 21, 20 examples of anti-Semitic graffiti were painted on the walls of buildings in the Palermo district, near Jewish institutions. The vandalism, which occurred just prior to the Jewish High Holy Days, included swastikas and the slogans, "long live Hitler," "long live the Fuhrer," and "Jewish murderers."

On October 25, the Special Prosecuting Unit investigating the 1994 terrorist bombing of the Argentine-Israeli Mutual Association (AMIA) presented its findings and recommendations to the investigating judge. The Special Prosecuting Unit found that the AMIA bombing, which killed 85 persons and injured more than 300, was planned and financed by the Government of Iran and carried out with the operational assistance of Hizballah and local Iranian diplomats. Prosecutors urged the judge to seek national and international arrest warrants for former Iranian president Ali Akbar Hashemi Rafsanjani and seven other persons involved in the attack on the Jewish community center. On November 9, the judge issued arrest warrants for all eight individuals listed in the prosecutors' indictments.

Jewish community representatives expressed concern over perceived anti-Semitic comments made by a government official following the AMIA Prosecuting Unit's recommendation to issue arrest warrants. The government did not make an immediate response to the official's remarks that it was "disgusting" that Israel claimed to fight against terrorism while the country itself practiced terrorism, but it ousted him from his position on November 14 after he paid a visit on the Iranian Charge d'Affaires to support Iran and condemn the decision by the judiciary to issue arrest warrants.

The DAIA noted its concern over increased receipt by individuals of threatening and anti-Semitic e-mails, which they attributed to individuals rather than any organized group.

The government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance. In July the secretary of worship presided over the signing of a document by representatives of the Archbishopric of Buenos Aires, the Islamic Center of the Argentine Republic, and the AMIA calling for peace in the Middle East. On August 18, the National Ministry of Education sponsored a gathering of 400 students from public, secular, and private religious schools of various faiths, where they sang songs calling for respect and tolerance and prayed in various languages such as Hebrew, Arabic, and Armenian.

DAIA's representatives emphasized the good work of the government of the City of Buenos Aires in removing offensive graffiti from walls shortly after DAIA provided a list with the locations of the offensive graffiti.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The constitution provides for these rights, and the government generally respected them in practice.

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

Protection of Refugees

The Law for Recognition and Protection of Refugees, passed on November 8, makes it easier for authorities to grant asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and for providing protection to refugees. This law creates a new National Committee for Refugees (CONARE), which replaces the previous interministerial committee charged with evaluating refugee and asylum claims. In addition to the Ministry of Justice and Human Rights, the Ministry of Foreign Affairs, and the Office of Immigration, CONARE also includes the Ministry of Social Development and INADI. The new law also allows CONARE to begin including refugees in its national, provincial, and municipal assistance programs. 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 government only granted asylum status to Brazilian, Uruguayan, and Paraguayan citizens on a very limited basis, as stipulated in the 19th-century Montevideo Treaty.

The government continued the implementation of the agreement with the Office of the UN High Commissioner for Refugees (UNHCR) for a program to resettle at risk Colombian families. The majority of a group of 24 Colombians residing in Ecuador arrived in the country in mid-December; the government expected the remainder of the group to arrive in January. Unlike in previous years, resettlement was to mostly occur in provincial cities like Mendoza and Rosario in order to facilitate the families' integration, with only one family staying in Buenos Aires.

The government maintained an interministerial committee to evaluate refugee and asylum claims, which was scheduled to be replaced by CONARE. The government accepted refugees for resettlement and granted refugee status to 68 persons as of November 21. Applications came from foreigners of over 30 nationalities, the majority of whom were African, Peruvian, and Colombian citizens. Authorities attributed the significant decrease in the number of requests for refugee status (163 applications compared to 385 during 2005) to the implementation of the 2005-06 National Program for Migrant Regularization aimed at citizens of the Southern Common Market associate states; Peruvian and Paraguayan citizens, who had comprised the majority of persons previously applying for refugee status, were now able to receive temporary residence in the country by virtue of their nationality.

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, and the government provided such protection during the year.

The government cooperated with the Office of the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers.

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 2003 Nestor Kirchner won a plurality of votes in presidential elections generally regarded as free and fair. In October 2005 national and provincial 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. Observers considered the elections to be free and fair, and there were no claims of fraud by any of the major parties.

On October 29, voters in Misiones Province defeated a referendum to amend the provincial constitution to remove limits on reelection of the governor. Thereafter, other governors who were seeking reelection renounced their candidacies, and other provinces amended their constitutions to institute term limits.

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 29 women in the 72 seat Senate and 86 women in the 257 seat Chamber of Deputies. There were two female Supreme Court justices and three women in the cabinet.

There were no known indigenous, ethnic, or racial minorities in the national legislature, in the cabinet, or on the Supreme Court.

Government Corruption and Transparency

Transparency International's 2006 annual index reported perceptions of a "rampant corruption problem" in the country. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult; however, the government continued to pursue anticorruption measures. In late August a federal judge indicted nine persons, including six former national senators, a former labor minister, a former head of State Intelligence, and a former Senate staffer, in a bribery case relating to votes for amending the labor laws in 2000. The oral trial was tentatively scheduled for 2008.

In late August the Bahia Blanca Deliberative Council removed Mayor Rodolfo Lopes from office for irregularities and malfeasance in the use of public monies, irregular hiring practices of personnel, and other charges. Lopes was under judicial investigation at year's end.

The law provides for public access to government information. At the national level, an executive decree requires executive agencies to answer requests for public information within 10 working days. A study by NGO Poder Ciudadano, covering the first six months of the year, on executive branch compliance with a 2003 decree regulating public access to information regarding meetings by executive branch officials, concluded that there were improvements in the quantity and quality of the information posted on official Web sites. The study noted, however, reluctance on the part of some agencies to comply with the decree as well as the absence of similar regulations governing the legislative and judicial branches.

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.

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.

Women

The law prohibits domestic violence, including spousal abuse, and provides for removal of the abusive spouse from the home, but it does not provide penalties unless the violence involves crimes against "sexual integrity." In this case penalties can be as much as 20 years' imprisonment.

Domestic violence against women was a serious problem. In Buenos Aires Province, the special Women's Police Stations and Family's police stations received a daily average of 53 complaints of violence.

Any person suffering physical or psychological domestic violence may file a formal complaint with a judge or police station. The law gives family court judges the right to prevent the perpetrator of a violent act from entering the victim's home or workplace. Charges also may be brought in criminal court, which may apply corresponding penalties. However, lack of vigilance on the part of the police and the judicial system often led to a lack of protection for victims.

In March the Interior Ministry launched a federal program that included creating a mobile unit for providing assistance to victims of sexual and domestic violence. Although the program was planned to have a national reach, its initial implementation started in late October in the City of Buenos Aires. There were two mobile units working 24 hours a day. Each unit was composed of a psychologist and a social worker, and two police officials also took part when they received complaints of domestic violence.

In March the provincial Cordoba legislature passed its first domestic violence law, leading to a significant increase in the number of complaints filed. The legislation is quite inclusive. The term "family" includes fiancées and former or current common-law husbands or wives. The law also defines domestic violence as physical, psychological, and economic violence.

In early December the Buenos Aires Supreme Court ordered the 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. Victims could call a cell phone number to get assistance.

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 and a 24 hour hotline offering support and guidance to victims of violence; however, few other shelters existed.

NGOs stressed that women often did not have a full understanding of their rights or of what actions could be considered punishable offenses. In addition there was a great disparity between urban centers and rural areas with respect to women's awareness of, and access to, equal rights. Indigenous women particularly were vulnerable, due to higher rates of illiteracy and insufficient bilingual educational resources.

The law criminalizes rape, including spousal rape, 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 the National Office for Criminal Policy, law enforcement agencies received 3,154 complaints of rape during 2005. Women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often revictimized the individual.

Promotion, facilitation, or exploitation of people into prostitution is illegal, but it occurred. 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 (see section 5, Trafficking).

Sexual harassment in the public sector is prohibited under laws that impose disciplinary or corrective measures. In some jurisdictions (for instance, in 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. No federal law expressly prohibits sexual harassment in the private sector. Lugar de Mujer, a women's rights NGO, reported that it received approximately 70 complaints of sexual harassment per month. A survey carried out by the Government Administration Workers Union estimated that 47.4 percent of women interviewed had been sexually harassed.

Although women enjoyed equality under the law, including property rights, they encountered economic discrimination and held a disproportionately higher number of lower-paying jobs. Men earned, on average, 38 percent more than women for equivalent work, an imbalance explicitly prohibited by law. 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.

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

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

On December 14, Congress passed a new Education Law, which extends free and compulsory education from 10 to 13 years, beginning at age five. The law stipulates an increase in government funding for education beginning in 2010 and requires that schools establish breastfeeding rooms to help students with infants stay in school. Although a 2001 government survey reported school attendance rates between 92 percent (at age five) to 97 percent (ages 13 to 14), a World Bank 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. Access to schooling was limited in some rural areas of the country. School enrollment rates for girls were slightly higher than for boys.

There were numerous federal and provincial health care programs available equally for boys and girls. While such programs were available in all provinces, they tended to be limited to larger urban areas, which made access difficult for children in isolated rural communities.

While child abuse continued to occur and was not uncommon, the government took measures to combat it. The National Council for Children, Adolescents, and the Family instituted a national hot line which children could use to call for advice, make complaints, and report instances of abuse or other rights violations. In conjunction with other agencies and organizations, the council also conducted educational and awareness raising efforts. Prosecutors and police pursued cases of Internet child pornography. Children also were involved in sexual exploitation, sex tourism, and drug trafficking.

Trafficking of children was a problem (see section 5, Trafficking).

Child labor was also a problem (see section 6.d.).

The lodging of children in juvenile institutions due to social circumstances was a problem (see section 1.c.).

Trafficking in Persons

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. The law also criminalizes offenses often associated with trafficking, such as kidnapping, forced labor, the use of false documents, and prostitution. 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 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, Bolivia, Brazil, the Dominican Republic, Colombia, and Chile.

While there were no official reports on the activities of traffickers, the media reported that traffickers often presented themselves as employment agencies or even as individual recruiters. 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.

Trafficking detection and antitrafficking prosecution efforts continued, but with limited success. The Federal Office of Victim Assistance (OFAVI), a unit under the Federal Prosecutor's Office, is the lead agency for coordinating antitrafficking efforts. OFAVI coordinates activities

with law enforcement agencies, including the Federal Police and the National Border Patrol Office, with the Ministries of Justice, Interior, and Foreign Affairs, the Immigration Service, and the Secretariat of Children, Teenagers, and Family. Although law enforcement officers lacked a clear mandate from political leaders and sufficient resources to pursue aggressively domestic and international traffickers, investigations and arrests increased. OFAVI also reported an increase in the number of complaints of human trafficking during the year, which it attributed to increased public awareness of the problem and improved training of judges and prosecutors. The government cooperated on international investigations and worked with Paraguayan and Bolivian authorities on several cases of trafficked persons.

There were no allegations of federal government official involvement in trafficking, and local police and officials suspected of involvement were investigated and prosecuted. In September former federal police commissioner Jorge Luis Gonzalez was found guilty of subjecting individuals to indentured servitude and for the promotion of prostitution of a teenager in Inrville, Cordoba Province, and was sentenced to 14 years in prison. Three women, who had originally been trafficking victims themselves and who had worked in the brothel, received three year prison terms.

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

Although the country lacked a comprehensive nationwide policy of victim assistance, the city of Buenos Aires in particular assisted dozens of victims, and most provinces had facilities for victims' assistance, including psychologists to aid victims and witnesses. 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 of foreign victims of trafficking.

The government did not have a comprehensive policy to prevent trafficking, but among other efforts it implemented an "interagency table" to try to coordinate actions among offices involved in this problem. The table was part of a program, Victims Against Abusers, led by the Ministry of the Interior. The Office for Criminal Intelligence, the Border Patrol, the Secretariat of Human Rights, the National Registry for Missing Children, IOM, and the National Council for Children, Adolescents, and Families regularly sit in the meetings. The government made efforts to improve its effectiveness in combating trafficking, notably in the city of Buenos Aires, where it established a network to conduct information campaigns, outreach, and child victim identification. In addition, the government participated in an International Labor Organization (ILO) project to prevent and eliminate commercial sexual exploitation of children in the border region with Brazil and Paraguay.

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 accessibility to buses and trains for persons with disabilities also were not enforced fully. Through August the National Institute Against Discrimination received a significant number of complaints about discrimination based on disability, mainly for noncompliance with statutes requiring accessibility to means of communication.

On October 17, the city legislature in Buenos Aires amended a 2005 law to exempt disabled people from paying tolls on city freeways.

On September 13, a national newspaper reported complaints of negligence, maltreatment, and other irregularities at the Association of Help to Disabled Children (APAND), an NGO lodging minors with mental and physical disabilities in Baradero, Buenos Aires Province. Although civil courts in Buenos Aires City and in San Nicolas, Buenos Aires Province, were investigating the complaints, reports stated that the Ministry of Social Development continued sending disabled children to APAND.

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.

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 laws do not specifically contemplate communal ownership. The National Institute of Indigenous Affairs is the government agency responsible for implementing these provisions.

Poverty rates were higher than average in areas with large indigenous populations. Indigenous people had higher rates of illiteracy, chronic disease, and unemployment. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people. Examples drawn from the 2004 05 survey of indigenous people revealed that 33.4 percent of the Mbya Guarani in Misiones, and almost 20 percent of the Wichi in Chaco, Formosa, and Salta over the age of 15, never attended school or received any formal education.

Individuals of indigenous descent from the northern part of the country, as well as from Bolivia, Peru, and other Latin American countries, reportedly were subjected frequently to verbal insults because of their dark skin.

Some communities were involved in land disputes with provincial governments and private companies, particularly over questions of natural resource extraction, pollution, and road construction. On March 1, the Nam Qom Toba community in Formosa Province filed a complaint before the IACHR charging multiple violations of human rights by the provincial police and the provincial and national authorities in 2002. The suit contended that 80 community members were tortured and were detained arbitrarily, some for almost two years. New witnesses made depositions, and their statements were sent to the IACHR for consideration. In August authorities in the Chaco provincial government and the president of the Institute for Chaco Indigenous People signed an agreement for the regularization of land ownership. The agreement followed a 31 day hunger strike of 12 indigenous members of the Toba, Mataco, and Mocobi communities. The case of the indigenous communities association Lhaka Honhat, which had filed a petition before the IACHR to consider the case, was preliminarily allowed on October 21. The parties were given two months' time to provide the IACHR with additional information before it started evaluating the facts. The IACHR also offered to try to help the parties reach an amicable solution.

On November 1, Congress passed a law to suspend for four years the dispossession of lands occupied by indigenous communities. The law also provided for approximately \$10 million (30 million pesos) to carry out census and real state studies of lands in dispute in order to identify ways to solve recent conflicts with indigenous communities.

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 percent of the work force was organized.

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 ILO Convention 87. One of those unions, the Argentine Workers Central, presented this claim to the IACHR in March 2004, and its petition was pending at year's end.

The law prohibits antiunion discrimination and requires employers to reinstate workers illegally dismissed for union related activities.

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 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 "minimum services" (undefined) are rendered. Workers exercised this right by conducting legal strikes, but there was little tolerance of strike action. A mass dismissal of employees from Aerolineas Argentinas and suspension of school head teachers both occurred in response to 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 (see section 5). An investigation 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, was underway at year's end. A federal judge declined to review the case, citing lack of jurisdiction, and referred the case to the National Court of First Instance. Some of the workers involved appealed the federal judge's decision, and the case remained pending at year's end.

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. 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 CONAETI approved a new list of hazardous jobs for children and will introduce 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 Ministry of Labor (MOL). Children also were involved in prostitution, sex tourism, and drug trafficking (see section 5).

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 15. 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.

CONAETI worked with the ILO's program for the elimination of child labor during 2005 to complete a national child labor regional survey, which was released during the year. CONAETI also prepared a national plan to combat child labor, which was formally announced in June and began to be implemented during the year. The government also worked with provincial authorities in the tri border area with Brazil and Paraguay to address child sexual exploitation. CONAETI and the NGO Conciencia also provided technical assistance to teachers and tobacco companies involved in the Porvernir 1 program, designed to provide school meals and recreational activities to children of tobacco workers during the summer holidays. In 2004 congress acknowledged that the country lacked sufficient inspectors and programs to detect child labor or to rescue exploited children and that there were inadequate sanctions against employers for exploiting children. CONAETI carried out an information campaign in late October that included public service announcements, conferences, and roundtables to raise awareness about the problems, as well as inspections that confirmed that child labor remains a problem in the country.

e. Acceptable Conditions of Work

The monthly national minimum wage was approximately \$266 (800 pesos), 10 percent less than the estimated amount of \$293 (879 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. A MOL report based on inspections conducted during the year reported that the rate of nonregistered work was 23.29 percent, and that 36.7 percent of the companies had at least one nonregistered worker. A September report by the National Institute of Statistics and Census, the government agency that provides official statistics, pointed out that the informal sector employed 44 percent of the workforce, or approximately 4.77 million persons.

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.