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Argentina

Country Reports on Human Rights Practices - [2005](#)

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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, national legislative elections on were held. The civilian authorities generally maintained effective control of the security forces.

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
- overcrowded, substandard, and life-threatening prison and jail conditions
- arbitrary arrest and detention
- prolonged pretrial detention
- domestic violence and sexual harassment against women
- trafficking in persons for sexual exploitation and labor
- child labor

In June the Supreme Court ruled that the 1986 and 1987 amnesty decrees were unconstitutional, opening the way for the resumption of trials against hundreds of former military and security force personnel, whose trials had been halted when the decrees were issued. Although significant problems remained, the government moved forward in judicial reform; in August the country's first jury trial was conducted.

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.

The Center for Legal and Social Studies (CELS) reported that security forces were responsible for 53 deaths in the greater Buenos Aires area in the first half of the year, a number that included individuals killed in confrontations with security forces during the presumed commission of a crime.

In February in Villa Lugano, the Federal Police (PFA) arrested three police officers, Agent Adrian Bustos, Agent Miguel Angel Cisneros and Corporal Mariano Almiron for killing 14-year-old Camila Arjona. The three police officers were being held in preventive detention pending the beginning of their trial.

In May a court in San Isidro absolved a former police officer in the 1999 shooting death of an unarmed 16-year-old suspect. The superior court denied the prosecutor's appeal.

The investigation continued into the October 2004 deaths of three juvenile detainees in a fire in a Buenos Aires police station. Nine policemen were suspended and remained under investigation at year's end.

On September 22, the superior court of the province of Santiago del Estero ordered that the trial of seven suspects in the 2003 killings of Patricia Villalba and Leyla Bashier Nazar begin. The seven indictees included the former information chief of the province and three provincial police officers; the trial was ongoing at year's end. An investigation of other police officers and former provincial officials in connection with the killings continued.

On January 9, the court sentenced former Buenos Aires provincial police officers Alfredo Fanchiotti and Alejandro Acosta to life imprisonment for the 2002 shooting deaths of demonstrators Dario Santillan and Maximiliano Kosteki. Franchiotti and Acosta were sentenced to life imprisonment. Three of the five other police officers on trial were found guilty of concealing the crime and sentenced to four years in prison; two other officers received probation for two and three years, respectively.

In September former police officers Marcos Bressan and Martin Alejandro Ferreyra were acquitted for in the 2001 killings of Gaston Galvan and Miguel Burgos.

b. Disappearance

There were no reports of politically motivated disappearances.

Judicial proceedings related to killings, disappearances, and torture committed by the 1976-83 military regimes continued (see section 1.e.). In June the Supreme Court ruled the 1986 and 1987 amnesty laws, "Full Stop" and "Due Obedience," to be unconstitutional, opening the way to restarting suspended judicial proceedings against hundreds of former military and security force members accused of forced disappearances to recommence.

The under-secretariat for human rights, 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. Eighty-one children born to detained and disappeared dissidents and illegally adopted have been identified and made aware of their true backgrounds.

In April three Buenos Aires provincial police officers were sentenced to prison for kidnapping and extorting a local merchant. One received a 14-year prison sentence; the 2 others received sentences of 13½ years in prison.

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. Human rights organizations 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.

In another case documented by the independent Buenos Aires Provincial Memory Commission, Cristian Lopez Toledo and Claudio Marquez Laineker, prisoners at the Buenos Aires provincial prison in La Plata, were tortured with electric shocks after they requested to meet with the Memory Commission during its visit to the prison in August. In the subsequent trial, expert witnesses verified the commission's claims.

Prison and Detention Center Conditions

Prison conditions often were poor and life threatening. The Inter-American Commission on Human Rights stated that "overcrowding, deficient health care, dilapidated and insufficient infrastructure, inadequate nutrition, and ongoing inhumane treatment of detainees...triggered violations of human rights" in detention centers. The commission added that violence in various prisons led to death and "serious bodily and psychological harm to inmates." The CELS 2005 publication *Collapse of the Prison System* cited a Federal Penitentiary Service report indicating that 28.5 percent of the federal penitentiaries were overcrowded and 40 to 45 percent were at capacity. In Buenos Aires Province, 54 percent of the provincial prisons were overcrowded, and 28 percent were at capacity.

In February rioting in the San Martin prison in Cordoba led to the deaths of five prisoners, two guards, and a police officer. In April in the Coronada prison in Santa Fe, prisoners killed 13 other inmates in what was described as a "settling of accounts" between rival gangs. On October 16, 33 prisoners died from inhaling smoke from a fire set in a prison dormitory during a disturbance at the Buenos Aires provincial prison in Magdalena. Victims' family members claimed the fires were reprisals because some of the prisoners in that dormitory had filed complaints. The Buenos Aires Provincial Memory Commission reported that its inquiry revealed official complicity in the deaths. The report stated that the emergency doors remained locked during the fire and that half the fire extinguishers had expired. The report also stated that guards used force, including firing rubber bullets, to prevent prisoners in neighboring cells from aiding the trapped prisoners.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although separate from adult detainees. Reliable reports indicated that pretrial prisoners often were held with convicted prisoners. In May the Supreme Court upheld a motion brought by CELS on behalf of all prison and jail detainees in the province of Buenos Aires and ordered an end to the detention of minors and sick persons in Buenos Aires police stations. Thereafter all such detainees were sent to the respective juvenile, mental health, or specialized centers. The overall number of adult detainees in police detention facilities in the province of Buenos Aires also decreased from 5,500 to 4,200 during the year.

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 PFA under the Interior Ministry has 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 November the Buenos Aires Province security minister fired 46 police officers under investigation for alleged abuse, corruption, extortion, and unjustified homicide, bringing to 935 the number of officers dismissed, suspended, or under investigation for malfeasance and criminal activity between May 2004 and November 2005. Other trials were pending.

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 this provision of law was often disregarded.

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 rely 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 indicted suspects held in preventive or pretrial detention rather than 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, although not always prompt, to family members.

There were no reports of political detainees.

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 certain 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. According to the Federal Bureau for Criminal Policies, approximately 65 percent of inmates in federal prisons had been charged but were awaiting the beginning or completion of their trials; CELS reported that the figure in the province of Buenos Aires was 84 percent in 2004. The Nam Qom Toba indigenous community in Formosa Province alleged that some of its members were arbitrarily detained (see section 5).

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. There were credible reports of efforts by members of security forces and others to intimidate the judiciary and witnesses. 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 section courts below it. The federal courts are divided between the criminal courts and economic courts.

Investigations over the last two years of a number of Supreme Court justices by the Impeachment Committee of the Chamber of Deputies concluded in September with the Senate's impeachment of Justice Antonio Boggiano, which followed the impeachment of one justice in 2003 and the resignations of three others in 2004.

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 has not been 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.

Political Prisoners

There were no reports of political prisoners.

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

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

The independent media were active and expressed a wide variety of views without restriction. A number of independent newspapers and magazines published freely, and all print media were owned privately. Privately owned radio and television stations broadcast freely. The federal government owns the Telam wire service, a radio network, and a television station. A few provincial governments also owned broadcast media.

Some civil rights organizations and several media claimed that national and provincial government agencies subtly interfered with media freedom and editorial independence, for instance, directing government advertising for political and personal purposes. A report by the nongovernmental organization (NGO) Poder Ciudadano, the local chapter of Transparency International, alleged that there was discriminatory allocation of advertising in national newspapers, noting, for instance, that, although *La Nacion* newspaper had the second largest circulation in the country, it received less government advertising than the daily *Pagina/12*, which had much lower circulation but was widely perceived as supporting government policies.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. Although most protests and demonstrations were peaceful, there were violent demonstrations and confrontations with security forces, resulting in injuries and arrests. Security forces occasionally used rubber bullets but more often used tear gas and water cannons to disperse unruly demonstrators.

Demonstrators were detained in several instances, leading to charges that the government was criminalizing protests. Agitators reportedly often inserted themselves into otherwise peaceful demonstrations to provoke confrontations with the police.

c. Freedom of Religion

The law 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. Other religious faiths were practiced freely.

In order to hold public worship services 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 September the secretary of religion issued new regulations, following consultations with all the religious groups, which streamlined the registration process for religious groups.

Societal Abuses and Discrimination

Acts of discrimination and vandalism against religious minorities, particularly the Jewish community, continued. The government continued to support a public dialogue to highlight past discrimination and to encourage improved religious tolerance. In July the secretary of religion, together with the Universidad del Salvador and the Latin American Association for the Study of Religions, hosted the Third Latin American Colloquium on Religion and Society; leaders of the Christian, Jewish, Muslim, and indigenous communities attended the colloquium.

The Jewish community was estimated to number between 280 thousand and 300 thousand. There were a number of reports of anti-Semitic acts, including threats against Jewish organizations and individuals. On December 29, in La Plata, a monument honoring former Israeli prime minister Yitzhak Rabin was vandalized. In November fans of a basketball team playing against a team from the Zionist Youth Center of La Plata, chanted anti-Semitic epithets. The most frequent incidents included anti-Semitic and pro-Nazi graffiti and posters in cities throughout the country and the proliferation of anti-Semitic publications in bookshops. Jewish organizations reported their continued concern but noted that there was no increase in incidents from the previous year.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law 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 provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. The government signed an agreement with the Office of the UN High Commission for Refugees (UNHCR) for a program to resettle at-risk Colombian families; in addition, it maintained an interministerial committee to evaluate refugee and asylum claims. The government accepted refugees for resettlement. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum to 213 persons during the year.

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.

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 held on the basis of universal suffrage.

Elections and Political Participation

In 2003 Nestor Kirchner won a plurality of votes in presidential elections generally regarded as free and fair. On October 23, 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.

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 31 women in the 72-seat Senate and 86 women in the 257-seat Chamber of Deputies. There were two female Supreme Court justices and one woman 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 annual index indicated perceptions of a "severe corruption problem" in the country. The government continued to pursue anticorruption measures. In September the Senate impeached Supreme Court Justice Antonio Boggiano, following an investigation by the Chamber of Deputies into accusations of malfeasance in office (see section 1.e.). Prosecutions of a number of former government officials accused of corruption continued. Historically weak institutions and an often ineffective and politicized judicial system made rooting out corruption in any systemic fashion difficult.

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. Agencies' compliance generally fell short of this requirement, as few had developed the internal mechanisms necessary to respond efficiently to the requests.

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. The government usually was 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 2004 the Inter American Development Bank estimated that 25 percent of women were victims of domestic violence.

Any person suffering physical or psychological domestic violence may file a formal complaint with a judge or police station, and 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.

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 hot line 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. Although reliable statistics were not available, advocates believed that rape was not uncommon. Women's rights advocates claimed that police, hospital, and court attitudes toward sexual violence victims often re-victimized the individual.

Soliciting for prostitution is generally illegal but did occur. 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. Sexual harassment occurred, but few complaints were lodged, which specialists believed may be due to a lack of information on existing legal protections.

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 non-skilled 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.

Education is free and compulsory for 10 years, beginning at age 5. Although a 2001 government survey reported school attendance rates between 92 percent (at age 5) to 97 percent (ages 13 to 14), an appraisal by the International Bank for Reconstruction and Development 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 for boys and girls on basis of equal access. 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 the first quarter of the year, the city of Buenos Aires' call-in service, Linea 102, received almost 1,900 calls, over half of which were for "mistreatment," another significant group for "negligence," and a third large group for family violence. 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.).

Trafficking in Persons

The law prohibits trafficking in persons for the purpose of prostitution through fraud, intimidation, or coercion, or in the case of minors; however, trafficking occurred. The law also prohibits 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 range from 1 to 20 years in prison, depending on the nature of the violation and the age of the victim.

Coordination of trafficking detection and antitrafficking prosecution efforts improved. 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 Gendameria, with the Ministries of Justice, Interior, and Foreign Affairs, the national Immigration Service, and the Council for Children, Teenagers, and Family. Although the country's law enforcement officers lacked a clear mandate from political leaders and sufficient resources to pursue aggressively domestic and international traffickers, investigations and arrests increased. The government cooperated on international investigations and worked with Paraguayan and Bolivian authorities on several cases of trafficked women and minors. The government cooperated with international investigations.

Trafficking in persons primarily involved citizens trafficked within the country, 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 and Brazil. The International Organization for Migration (IOM) estimated that 52 percent of the Paraguayan victims of trafficking rings were trafficked into the country, 34 percent of them women under age 18. The groups most at risk were young women and children from impoverished families and broken homes, who were subject to physical and sexual abuse in the home and often abandoned.

Trafficking into forced labor occurred (see section 6.c.).

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, may be denied contact with the outside world. Victims often were threatened or beaten.

There were no allegations of federal government official involvement in trafficking, and local police and officials suspected of involvement were investigated and prosecuted. In May the criminal court of appeals in San Martin, Buenos Aires, overruled the dismissal by a lower court of a case against the mayor of San Miguel, Claudio Zilocchi, who had been accused of receiving bribes from several brothel owners. The court of appeals ordered the trial to begin. Other indictees included an inspector from San Miguel, the brother of the mayor of San Fernando, and 11 provincial police officers.

Trafficking victims normally were not detained, jailed, or deported, although some who were arrested for prostitution-related crimes may be jailed or deported.

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 IOM assisted with repatriation of foreign victims of trafficking. The Catholic Oblate Sisters also assisted victims, offering such help as emergency shelter and counselling.

The government did not have a comprehensive policy to prevent trafficking, but isolated preventive measures were in place. 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 law prohibits discrimination against persons with physical or mental disabilities in employment, education, access to health care, or the provision of other state services, and mandates access to buildings for persons with disabilities; however, the government did not effectively enforce these rights in practice.

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

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 integrate persons with disabilities.

The government implemented measures aimed at integrating persons with disabilities into the workforce. In August the navy began a program to hire persons with disabilities for appropriate tasks in some of their facilities. In September the City Urban Guard in Buenos Aires, which is charged with preventing and detecting hazardous or criminal situations in public spaces and calling upon security forces to take action, advertised a personnel search to hire 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.

Observers estimated that the principal indigenous groups--the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces--represented less than 5 percent of the national population, with estimates ranging between 1.75 and 5 million persons.

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.

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 August 11, in Salta Province the indigenous communities association Lhaka Honhat filed a motion with the Supreme Court contesting a provincial decree calling for a referendum to grant or deny lands in dispute. The Supreme Court declined to hear the case; in October the referendum was held and passed. In mid-October Lhaka Honhat and federal and provincial government representatives attended a meeting at the Inter-American Commission on Human Rights (IACHR). The indigenous communities requested the adoption of provisional remedies to protect their ancestral lands and asked that the IACHR consider the case, which it agreed to do. On March 1, the Nam Qom Toba community in Formosa Province filed a complaint before the IACHR for 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.

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 the above 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.

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 and 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 to 5 thousand pesos) for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement.

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. 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. Children also were involved in prostitution, sex tourism, and drug trafficking (see section 5).

CONAETI worked with unions and other groups to train rural child labor monitors, and with provincial authorities in the tri-border area with Brazil and Paraguay to address child sexual exploitation. 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. Ministry of Labor statistics indicated that federal and provincial labor inspectors conducted approximately 64 thousand inspections through the end of October. In 44 percent of the inspections, officials detected a violation of some type, typically relating to informally employed workers, for whom employers didn't pay social security and health taxes or insurance.

e. Acceptable Conditions of Work

The monthly national minimum wage was approximately \$215 (630 pesos), which did not provide a decent standard of living for a worker and family. Most workers in the formal sector earned significantly more than the minimum wage. The Ministry of Labor (MOL) is responsible for enforcing legislation related to working conditions. A MOL report based on inspections conducted during the year reported that the informal sector employed 46 percent of the workforce.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest to start a new workday. Sundays are holidays, and those required to work on Sundays are paid double. However, laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector.

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

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