



Argentina

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Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. In October 1999, voters elected President Fernando de la Rúa; in December 1999, he replaced Carlos Menem of the Justicialist Party. The elections were considered free and fair. The judiciary is generally independent but is inefficient and subject at times to political influence.

The President is the constitutional commander-in-chief, and a civilian Defense Minister oversees the armed forces. Several agencies share responsibility for maintaining law and order. The Federal Police (PFA) report to the Interior Minister, as do the Border Police ("gendarmeria") and Coast Guard. The PFA also has jurisdiction in the federal capital. Provincial police are subordinate to the respective governor. Members of the federal and provincial police forces and the federal prison guards continued to commit human rights abuses.

Argentina has a mixed agricultural, industrial, and service economy. Following several years of economic growth during an economic reform and structural adjustment program, which included privatization and trade and financial sector liberalization, the economy slowed in 1998 and in 1999 entered a recession. There was no real economic growth during the year. Unemployment rose to 13.8 percent in 1999 and in October it had reached 14.7 percent. Income disparities remain a serious problem; the wealthiest 10 percent of the population received 36 percent of total personal income, while the poorest 10 percent received 1.5 percent of total personal income during the year.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Police officers continued to commit extrajudicial killings. Police torture and brutality are serious problems. In some cases the authorities investigated and sanctioned officers responsible for abuses. Prison conditions are poor. Police arbitrarily arrested and detained citizens, and lengthy pretrial detention is a problem. The judicial system is inefficient and is subject at times to political influence and to inordinate delays in trials. There were many reports of harassment, threats, and criticisms of the press by public officials. Police used violence against demonstrators on a number of occasions during the year, with one person killed as a result. Violence and discrimination against women also are problems. Child abuse and child prostitution continued to be serious problems. Anti-Semitism is a problem; however the Government took steps to combat it. Discrimination against indigenous people persist. Child labor is a problem. There were reports that women, and unconfirmed reports that children, were trafficked into the country.

The legacy of the human rights abuses of the 1976-83 military regime continued to be a subject of intense national debate, particularly the arrest of former junta leaders on charges of taking or seizing babies born to dissidents in detention and giving them to supporters for adoption. Efforts by judges in Cordoba and Bahia Blanca to institute "truth trials" in an effort to force the military to provide information on the fate of those who disappeared during the military regime met with resistance on the part of those called to testify.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings; however, police officers were responsible for a number of extrajudicial killings. The authorities investigated and in some cases detained, tried, and convicted the

officers involved.

According to reports from nongovernmental organizations (NGO's), the police committed between 20 and 30 extrajudicial killings during the year. In July Amnesty International (AI) reported that 59 persons had died under suspicious circumstances in police stations throughout the country in the last 5 years. According to the report, of the 81 police officers implicated in the deaths, 36 were sentenced, 43 have been indicted, and 2 were cleared of charges.

On March 2, police in Buenos Aires killed two men who had taken hostages during an attempted robbery. After government negotiators failed to get the men to surrender, they entered a family home where they took three persons hostage and threatened to kill them. Government snipers then shot and killed both the hostage-takers.

AI reported that on February 16, transvestite Vanesa Lorena Ledesma, also known as Miguel Angel Ledesma, died while in police custody; the body showed signs of torture (see Sections 1.c. and 5). However, later the court denied police involvement and claimed that the victim died of a drug overdose.

On March 25, 28-year-old Jose Segundo Zambrano and 25-year-old Pablo Marcelo Rodriguez disappeared in Mendoza province. Their bloodstained car was found several days later, but their bodies were not discovered until July 3. The two men reportedly were police informants who had provided information about police officers who were involved in illegal activities. The victims' relatives and human rights organizations claimed that the killings were related to a police "mafia." By the end of July, the authorities had detained 21 officers, 4 of whom faced trial at year's end. Three were active-duty police and one was a former police officer.

In April police detained Juan Marcelo Carunchio, a 19-year-old man living in Cordoba province, on his way to a concert. A witness reported that she saw the police beat Carunchio and take him away. Following his detention, he was hospitalized in a coma and died a few days later. The authorities suspended five police officers suspected of involvement in the incident. On April 20, the authorities detained Francisco Eladio Bravo, head of the special forces unit, but further information was not available by year's end.

On July 2, two armed police intercepted a truck in Jujuy province, forced Manuel Fernandez to get out, and shot him from behind in the head. They allegedly planted cocaine and a weapon on the man and claimed that an armed encounter had taken place. On July 4, a judge ordered 10 police detained on suspicion of involvement in this case. As of November, they were still being detained, but no one had yet been charged.

In July in Corrientes province, police arrested 26-year-old Jorge Marcelo Gonzalez, whom they mistook for a car theft suspect and took him to police headquarters. They then tortured him and fatally shot him in the back of the neck. The police then attempted to convince the owner of the car to report it as stolen. On July 4, the authorities detained four police officers in connection with Marcelo's death. In July the authorities accused personnel of the Federal Penitentiary Service of ordering the murder of Gaston Maximiliano Noguera, an inmate at the Caseros prison. Noguera was one of a group of prisoners allowed to leave prison to commit crimes, apparently with the consent of the Federal Penitentiary Service officials in this prison. According to the Ministry of Justice and Human Rights, on the night of January 3, when he was supposed to have been in the Caseros prison, Noguera robbed a restaurant and killed a police officer. On January 4, he was found hanged in his cell. Carlos Sandez Tejada, a fellow inmate, claims to have killed Noguera as part of a deal made with prison officials. Noguera's prior cellmate, Miguel Angel Arribas, was going to provide testimony to the Ministry of Justice and Human Rights about the system of release for robbery but penitentiary guards shot him in December 1999 while transferring him to another prison. At year's end, the judge investigating the case was under 24-hour protection after having received threatening phone calls and a small wooden coffin sent to his home.

On November 10, in Salta province, provincial police efforts to breakup roadblocks mounted by unemployed workers resulted in the death of one protester. Incited by the violence, demonstrators later burned several buildings and looted stores in the towns of General Mosconi and Tartagal. Ultimate responsibility for the protester's death is still unresolved, with both other picketers and the provincial police potentially suspected.

The authorities have charged 10 persons, including 3 police officers, for the killing of 2 hostages trapped in a car during a bank robbery on September 17, 1999, in Villa Ramallo. One police officer, Aldo Cabral, provided the transmitter the robbers used during the bank robbery; the two others, Ramon Leiva and Oscar Parodi, reportedly were the officers who fired the shots that killed the hostages. Trial is scheduled for April 2001.

An investigation continued in the December 1999 deaths of two persons several blocks from a protest in which police fired tear gas and rubber bullets into a crowd of persons protesting the Federal Government takeover of the provincial government in Corrientes province; at least 40 persons were injured.

In April 1999, a court convicted a former chief of police of Rio Negro province and sentenced him to 26 months in prison for obstructing justice in the investigation of the November 1997 deaths of three young women in the town of Cipolletti. The authorities also charged two army officers, Claudio Kielmasz and Guillermo Gonzalez, with killing the women; their trial is scheduled for March 2001. The victims' families remain disappointed as they suspect that more than two persons were involved in the crime, and that details were covered up during the investigation.

In February in Buenos Aires province, a court convicted eight defendants, including a former police officer, of killing news photographer Jose Luis Cabezas in 1997 (see Section 2.a.).

In August in Mendoza the trial began of seven policemen and two civilians under indictment in the 1997 death of 18-year-old Sebastian Bordon. Several of these officers were among the 134 officials dismissed by Mendoza authorities on charges of misconduct in January 1999. In December a court found the officers guilty; however, it set them free because they had already served sufficient time in prison to be released. The court awarded the Bordon family compensation of \$70,000 (70,000 pesos); half to be paid by the provincial government and the other half by the four officers.

Several army officers were among 11 suspects in the investigation of an alleged coverup of the March 1994 death of army recruit Omar Carrasco. In 1996 the Federal Court of Neuquen sentenced Ignacio Canevaro to 15 years in prison, and Cristian Suarez and Victor Salazar to 10 years each, for the killing. They appealed the verdicts, and in 1996, the Supreme Court decided to uphold the lower court's decision. In April lawyers appealed the case again, this time claiming that there was substantial new evidence; however, in October, the Federal Court of Neuquen upheld its original sentence. On November 23, the authorities released both Suarez and Salazar based on a law that allows 1 year of good behavior in prison to count for 2 years of a sentence. They both served over 6 years of their 10-year sentence; Canevaro remained in prison at year's end.

Investigations continued into the 1994 bombing of the Buenos Aires Jewish community center (AMIA), in which 86 persons were killed, and the 1992 bombing of the Israeli Embassy in Buenos Aires. Fifteen former police officers have been linked to a stolen vehicle ring, which furnished the van used in the AMIA bombing, and face various criminal charges (see Section 5). The defendants' trial is scheduled for April 2001.

No new information was available in the following cases from previous years: the investigation of police officers Nestor Trotta and Roberto Martini for the killing of a youth in 1999; the investigation into the death of Carlos Andres Sutara in 1998, in which 14 police officers were implicated; the investigation of a police officer in connection with the killing of Walter Repetto in 1998; and the investigation of four police officers in the death of Juan Carlos Cardozo in 1999.

On February 9, 1998, the authorities detained five police officers from Rio Negro, including two chiefs of police, for the December 1989 murders of Sergio Sorbellini and Raquel Laguna. A court reportedly indicted the officers later that year, but all five police were later released without charges. At year's end, the investigation was still pending.

In October 1999, Spanish Judge Baltasar Garzon charged 186 persons with various crimes committed during the "dirty war" that the 1976-83 military regime conducted against alleged extremists. In November 1999, Garzon indicted the leaders of the military junta, including former military leaders General Leopoldo Galtieri, General Jorge Videla, Admiral Emilio Massera, and 95 other officers, including 1 active federal judge, on charges of torture, terrorism, and genocide. The courts had sentenced Videla, Massera, and Galtieri to life in prison in 1985, but former President Menem pardoned them in 1990. The 1986-87 "full stop" and "due obedience" laws put an end to further trials stemming from dirty war offenses. Judge Garzon continued efforts to extradite a number of Argentine citizens during the year, but the Government did not act on the requests on the basis that those charged already had been tried, convicted, and pardoned under Argentine law.

Two retired military officers were arrested overseas on the basis of international arrest warrants for abuses allegedly committed during the military regime. On August 7, on the basis of a warrant issued by France, Italian authorities arrested retired Major Jorge Olivera in Rome, charged with participation in the kidnaping of a French citizen in San Juan province in 1976. Following an extradition request presented by France in early September, the Penal Court of Appeals of Italy released him on September 19 after ruling that under Italian law, the statute of limitations for the crimes of kidnaping and torture had lapsed. Olivera returned to Argentina, but later in the month, the authorities confirmed accusations made by human rights groups that the document that had allowed his release was a false death certificate. The Italian Ministry of Justice and Human Rights and the General Prosecutor started to investigate the proceedings of the case, and at the same time French judicial authorities requested that Olivera be arrested if he should try to leave the country.

On August 24, on the basis of an arrest warrant issued by Judge Garzon in 1998 related to charges of

genocide, terrorism, and torture during the military regime, Mexican officials arrested retired Lieutenant Commander Miguel Angel Cavallo in Cancun. Cavallo had been working for several years as a businessman in Mexico. At year's end, Cavallo's extradition to Spain was pending in the Mexican Justice Ministry, a decision that must be finally approved by the Mexican Foreign Minister. Argentine judicial authorities rejected Cavallo's request for extradition to Argentina.

These incidents demonstrated that while many of those accused of dirty war offenses are safe from prosecution in Argentina due to immunity laws, they run the risk of arrest if they travel abroad. In October Judge Juan Galeano filed a request with the Chilean Government for the arrest and extradition of General Pinochet for his involvement in the killing of Chilean General Carlos Prats in Buenos Aires in a car-bomb attack in 1974. The Prats killing has been under pretrial investigation for several years. At year's end, a Chilean response to the extradition request was pending and had been the subject of judicial proceedings in that country.

In March a federal court gave former naval officer Alfredo Astiz a 3-month suspended jail due to statements he made during a January 1998 interview with a news magazine in which he claimed that he was a trained killer of political and media targets. The navy stripped Astiz of his rank and retirement pay following the interview. Astiz is subject to an Interpol arrest warrant for human rights violations committed during the 1976-83 dirty war period. This warrant is based on his 1990 sentence to life imprisonment in France (where he was tried in absentia) for his role in the disappearance of the French nuns Alice Domon and Leonie Duquet. He has also been linked to the disappearance of a Swedish teenager, Dagmar Hagelin.

b. Disappearance

There were no reports of politically motivated disappearances.

The provincial police in Mendoza province compensated the families of Adolfo Garrido and Raul Bigorria, who disappeared in 1990 and are believed to have died in police custody, with a total of \$220,000 (220,000 pesos) as recommended in 1998 by the Inter-American Court for Human Rights.

Most reliable estimates place the number of those who disappeared during the dirty war at between 10,000 and 15,000 persons. In 1984 the National Commission on Disappeared Persons (CONADEP) issued a report listing 8,961 names of such persons, based on public testimony from friends, relatives, and witnesses. Since then the Ministry of Justice and Human Rights' Under Secretariat for Human Rights, which inherited the CONADEP files, has added over 700 new names, also based on voluntary reporting. At the same time, other names have been removed from the original list, either through confirmation of the death or survival of the person who disappeared, or through the identification of duplicate entries. The absence of documentary records of those who disappeared means that the Government must rely on public testimony, either voluntary or court-ordered. As CONADEP noted in its report, "It has been possible to determine that an important quantity of documentation existed which has been destroyed or which is being concealed by those responsible for the repression."

The Under Secretariat for Human Rights accepted claims for financial compensation from families of persons who died or disappeared during the dictatorship under a law that permitted filing of applications until May. It had received nearly 9,000 claims by the deadline; at year's end the Senate had approved a bill extending the deadline for 3 more years. A law granting former prisoners of the military regime the right to apply for compensation from the Government expired in September 1998. The Under Secretariat, which administered the law, received over 12,000 applications, and by year's end had approved over 7,000 of them. While some human rights groups routinely claim that the number of disappeared was as many as 30,000, the fact that less than half that number of applications for compensation has been received suggests the lower figure of between 10,000 and 15,000 may be more accurate.

Despite military immunity laws and pardons, investigators continued efforts to hold members of the former military regime responsible for the kidnaping and illegal adoptions of children born to detained dissidents during the dirty war. At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate such kidnaping and illegal adoption cases, thought to number approximately 250-300.

In December 1999, the authorities arrested retired General Guillermo Saurez Mason in connection with a child kidnaping case. In March they put 73-year-old retired General Juan Bautista Sasiain under house arrest, charged with participating in the kidnaping and concealment of 11 children of women prisoners during the military regime. Retired General Santiago Omar Riveros was arrested in August, bringing to at least nine the number of former general officers arrested in connection with baby kidnaping cases. As in the case of most of the other retired general officers, Riveros was released to house arrest due to his age. Former Army General

Jorge Rafael Videla, the de facto president from 1979 to 1981, remains under house arrest, following his initial arrest in June 1998. The kidnaping cases are being investigated by three federal judges, Judges Bagnasco, Servini de Cubria, and Marquevich. By year's end, Judge Bagnasco was concluding his investigations and was prepared to turn his investigator reports over to an oral court for trials. Investigations by the two other judges continued at year's end.

In November Federal Judge Gabriel Cavallo ordered the preventive arrest of former police agents Julio Simon, known as "Julian, the Turkey", and Juan Antonio del Cerro, known as "Colors", and charged them with kidnaping 8-month-old Claudia Poblete in 1978. Poblete was the daughter of Gertrudis Hlaczik and Jose Poblete, who were detained in 1978 and are among those persons who disappeared.

In December 1999, Congress voted to block former General Antonio Bussi, who is charged with human rights abuses including torture and deprivation of liberty during the period of the dirty war, from taking his seat in the legislature. In May the lower house of Congress in an all-but-unanimous vote confirmed the earlier denial of Bussi's right to occupy a seat in that body.

In August the Supreme Court ruled against the Supreme Council of the Armed Forces, which had attempted to assert jurisdiction over the baby theft case. The Supreme Court decided that the case should continue under the jurisdiction of the civilian courts.

AI reported in May that Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi received death threats, apparently related to the investigations that the two were involved in regarding the kidnaping of children during the dirty war and other human rights abuses carried out during that period (see Section 1.e.).

In 1999 the Government created a reparation fund to be used by the Grandmothers of the Plaza de Mayo in carrying out activities to find and return children stolen from their parents during the 1976-83 military regime. The fund authorized \$600,000 (600,000 pesos) over 2 years, starting in January 1999, with the money coming directly from the national congressional budget. While full disbursement of this money has been delayed because of funding shortfalls, the fund has allowed the Grandmothers of the Plaza de Mayo to carry out a nationwide advertising campaign that resulted in more than 70 individuals coming forward to ask the organization's assistance in confirming their true identities.

In September a 23-year-old woman who had been ordered by a court to provide a blood sample for DNA analysis to determine whether she was one of the kidnaped babies was arrested and held overnight for refusing to comply. Her attorney succeeded in obtaining her release after citing her threat to commit suicide if the authorities proceeded with the forcible blood extraction.

In the disappearance case involving survivors of the Tarnopolsky family, Admiral Massera, who was ordered by the Supreme Court in September 1999 to pay \$120,000 (120,000 pesos) to a Tarnopolsky family member, refused to follow the court's directive. In November a lower court ordered Massera's "forced bankruptcy" in a further effort to oblige the former admiral to obey the earlier court order.

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

The Constitution prohibits torture, and the Criminal Code provides penalties for torture that are similar to those for homicide; however, police torture and brutality remain serious problems. Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the police forces. In June 1997, the U.N. Committee against Torture criticized the Government for tolerating continued brutality and the use of torture in police stations and prisons. In December 1998, the Government responded to the U.N. Committee's criticism but did not make its reply public.

The body of a transvestite who died in police custody on February 16 reportedly showed signs of torture (see Sections 1.a. and 5.).

In March a group of police officers who were looking for the killers of a colleague in Carlos Paz (Cordoba province) fired between 15 and 20 shots at a van and beat up the 2 men in the van, a dentist, Humberto Gorritti, and businessman Raul Calvo. The police admitted later that they had made a mistake. This case remains under investigation.

In April relatives of 23-year-old Cristian Omar Lopez accused police officers of Diamante district (Entre Rios province) of beating him seriously after he and a group of friends were forced by the police for no apparent reason to leave a dancing place. At year's end, Judge Hugo Perotti was carrying out an investigation.

In July in Corrientes province, police tortured a man before killing him (see Section 1.a.).

In July Mason Aldo Bravo accused a group of officials from the Investigation Bureau of the Provincial Police of Santiago del Estero of kidnaping him for 3 days and torturing him. According to his report, the policemen broke into his house at night and attacked him. Judge Mario Castillo Sola was investigating the case.

In September police arrested 25-year-old Ariel Simonini in Tres de Febrero (Buenos Aires province) and charged him with stealing a weapon. According to Simonini, no evidence was found but before releasing him, a policewoman allowed three former police officers and a former intelligence official, who themselves were under arrest, to torture Simonini. Simonini reported that they kicked and beat him in the stomach, head, legs and ribs. The authorities charged the policewoman as the instigator of the torture and the four men involved as participants.

Police used tear gas and rubber bullets to disperse protesters on numerous occasions, resulting in injuries (see Sections 2.b. and 6.a.). In one incident in Salta province, one protester was killed under circumstances that could have been the result of excessive use of force (see Section 1.a.).

During congressional debate over a labor reform law in April, federal police used force to suppress a group of protesters and injured over 30 demonstrators with blows and by firing rubber bullets. One demonstrator received a bullet wound from unknown sources. The Government disciplined 12 police officers for excessive use of force (see Sections 2.b. and 6.a.).

Prison conditions are poor. Many prisons and jails are overcrowded, and some facilities are old and dilapidated. According to the Federal Penitentiary Service and by the different provincial jurisdictions, in 1999 the prison system held 43,126 inmates in facilities designed to hold 23,523 persons, indicating a serious overcrowding problem. Reliable information on medical care and food available to prisoners is unavailable, but the general impression is that such services are minimal and of low quality. The Buenos Aires provincial government has considered various solutions, including renting temporary warehouse quarters, and was considering building 18 new prisons in various police districts, but had taken no action to do so by year's end.

Pretrial prisoners cannot be held together with convicted prisoners, but reliable reports indicate that this form of prisoner separation often is not respected. Separate facilities for men and women and for adults and minors are provided for under the law and are available in practice. Facilities for women and for minors are not subject to the same serious overcrowding as prison facilities for men.

Security is a problem at some prisons and detention facilities, at times resulting in jailbreaks. In 1999 there were 60 reported cases of prison riots in facilities around the country.

The Government permits prison visits by independent human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The Penal Code limits the arrest and investigatory power of the police and the judiciary; however, provincial police sometimes ignored these restrictions and arbitrarily arrested and detained citizens. Human rights groups find it difficult to document such incidents and state that victims are reluctant to file complaints because they fear police retaliation or do not believe that their complaints would result in any action.

Police may detain suspects for up to 10 hours without an arrest warrant if the authorities have a well-founded belief that suspects have committed, or are about to commit, a crime, or if they are unable to determine the identity of a suspect. However, human rights groups argue that this provision of law is abused widely, that police often ignore the requirement that suspects must be able to identify themselves, and often detain suspects who in fact do have identification.

Police occasionally detain teenagers and young adults, sometimes overnight, sometimes for an entire weekend, without formal charges. They do not always provide such detainees with the opportunity to call their families or an attorney. These detainees are released only upon a complaint from relatives or legal counsel.

In March 1999, the Federal Government promulgated Decree 150, which instructs police to prevent conduct that "without constituting misdemeanors nor infractions in the code of misdemeanors, should be avoided." This decree is interpreted to allow the police to detain persons for carrying suspicious objects or potential weapons. Critics complained that the decree revived the old police edicts that had been in effect until the

Buenos Aires City Council passed its Code of Misdemeanors in March 1998. Human rights groups long had argued that these edicts were used as an excuse for arbitrary detentions, particularly of young persons, immigrants, prostitutes, and transvestites.

The law allows pretrial detention for up to 2 years, and the slow pace of the justice system often results in lengthy pretrial detentions. If convicted, a prisoner usually receives credit for time already served. Three-fourths of the inmates in the federal prisons of the greater Buenos Aires area were reportedly in pretrial detention. In the prison system of the province of Buenos Aires, this figure was reported to be as high as 90 percent. The law provides for the right to bail, and it is utilized in practice.

The law does not permit forced exile, and it is not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, while the judiciary is nominally independent and impartial, its processes are inefficient, and at times subject to political influence. The system is hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Allegations of corruption are reported widely, especially in civil cases.

The judicial system is divided into federal and provincial courts, each headed by a Supreme Court with chambers of appeal and section courts below it.

The Council of Magistrates has responsibility for submitting to the President for his decision a slate of three qualified candidates for each federal judicial vacancy. The council is also responsible for conducting impeachment hearings on judges implicated in wrongdoings and for general administration of the federal court system. It began the process of selecting candidates for judicial vacancies in several parts of the country in September 1999. Nonetheless, it still does not function fully; the number of judicial vacancies has increased significantly, and a number of impeachment cases against judges remain to be resolved. The council made its first recommendations to the executive on the appointments of new judges in July. Of the candidate lists advanced to him by the Council of Magistrates, President de la Rúa nominated two judges during the year. However, the Senate confirmed neither judge, as is required by law. At year's end, there were federal judicial vacancies for more than 113 positions nationwide. A number of prominent cases to discipline judges were initiated during the year, but were moving extremely slowly through the investigation process.

Trials are public, and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. The law does not mandate a trial by jury. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old system of written submissions. However, substantial elements of the old system remain. For example, before the oral part of a trial begins, judges receive written documentation regarding the case, which, according to prominent legal experts, can bias a judge before oral testimony is heard. Lengthy delays in trials are a problem.

AI reported in May that Judge Maria Romilda Servini de Cubria and her judicial secretary Ricardo Parodi received death threats, apparently related to the investigations that the two were involved in regarding the kidnaping of children during the dirty war and other human rights abuses carried out during that period (see Section 1.b.). AI called on the Government to protect the work of Judge Servini and Parodi.

In June 1998, the Government allowed Father Juan Antonio Puigjane to leave prison and serve the remainder of his term under house arrest. Puigjane, a Capuchin monk, was a leader of the leftist "All for the Fatherland" movement, which in 1989 assaulted the La Tablada army barracks. Although he did not take part in the assault and denied any foreknowledge of it, the court sentenced him to 20 years in prison. Members of the movement who were involved in the 1989 attack are recognized by some international human rights groups as having been jailed for political reasons, but the Government maintains that those involved were tried and convicted properly of involvement in a violent rebellion against a democratically elected government.

The release of Puigjane followed the publication of a 1997 report by the Inter-American Commission on Human Rights (IACHR) on La Tablada, in which the IACHR absolved the Government of the use of excessive force in repelling the assault but concluded that the Government committed human rights violations after the attackers had surrendered. The IACHR also found that the Defense of Democracy Act, under which the La Tablada defendants were tried and convicted, effectively denied them the right of appeal.

In September the La Tablada prisoners launched a hunger strike to bring further pressure on the Government to act on their demand for an appeal. Efforts since 1998 to pass legislation that would have allowed the defendants a chance to appeal their earlier convictions ended in December when the legislation failed to gain

the necessary support in both chambers of Congress. Following that, the Supreme Court rejected by a vote of 5-4 a request by the defendants for an appeal. With the legislative and judicial routes thereby closed, on December 29, the President, still under strong international pressure from the IACHR and a wide range of human rights groups, signed a decree commuting the sentences of 11 of the 13 defendants. With these commutations, 9 of the 13 defendants will be eligible for a parole hearing in 2002, one in 2003, and one in 2005. The two leaders of the assault, Enrique Gorriaran and his wife, Ana Maria Sivori, were convicted for their roles at La Tablada only in 1997. Since they were not tried under the Defense of Democracy Act, they were allowed an appeal, which confirmed their earlier life sentences. For this reason, they were not included in the December 29 presidential decree. As a result of the presidential decree, the La Tablada defendants ended their hunger strike after 116 days.

There were no other reports of political prisoners.

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

The Constitution prohibits such practices, and the Government generally respects these prohibitions. Violations are subject to legal sanction. In practice, local police stop and search individuals without probable cause.

Several highly publicized cases of unauthorized telephone wiretaps in recent years raised public concern, and the Government introduced a bill in Congress in 1998 to prevent such activities, including the unauthorized recording of telephone conversations, the unauthorized photographing or filming of private acts, and the dissemination of such unauthorized records. Various draft laws have been proposed on the control of wiretapping, but none became law during the year. The use of wiretaps approved by a federal judge continued to be governed by a decree issued by then-President Menem in the early 1990's.

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 respects these rights in practice; however, there were several reports that public officials harassed, threatened, and criticized the press.

A number of independent newspapers and magazines publish freely, and all print media are owned privately. Privately owned radio and television stations broadcast freely. The Federal Government owns the Telam wire service, a television station, and a radio network. A few provincial governments also own broadcast media.

During the year there were several reports of harassment and threats against journalists, and criticisms of the press by public officials. In its annual report released in September, the Argentine Association of Journalistic Entities (ADEPA), a media observer organization, reviewed several incidents and noted that they occurred principally in the provinces.

In July ADEPA expressed its concern to the provincial government in Santiago del Estero with respect to an incident in which the telephones of El Liberal, a local daily newspaper, were wiretapped. The incident occurred after El Liberal published a story on an alleged intelligence gathering network sponsored by the provincial government. The Inter-American Press Association (IAPA) criticized anonymous threats against three of El Liberal's journalists and the distribution of pamphlets with defamatory information about El Liberal. IAPA representatives met with Interior Minister Storani and expressed their concern over the situation in Santiago del Estero. In November the IAPA sent a delegation to Santiago del Estero to investigate the charges.

In July the Cordoba daily newspaper La Voz del Interior reported the harassment of one of its distributors. An attacker ambushed and threatened the driver of a distribution van with a revolver. The IAPA reported that the attackers informed the driver that the governor was uncomfortable with the content of paper. This incident occurred after La Voz published a series of articles on the questionable practices of provincial government officials of Santiago del Estero, which included accusations of wiretapping and having blueprints of reporters' homes.

In February an appeals court ordered television talk show host Bernardo Neustadt and Zidanelia Pacheco de Maroneses, whom Neustadt interviewed on his program New Times, to pay punitive damages to Judge Elisa Diaz de Vivar in the amount of \$80,000 (80,000 pesos) for allegedly defamatory comments de Maroneses made in 1993 about the judge during the program. The IAPA stated that the award was a setback for the freedom of the press because it would force journalists to censor those they interview, and because it provides

special privileges to public officials, who should be open to public scrutiny.

In view of these incidents, many key media sources criticized the apparent lack of commitment on the part of some legislators to implement measures that would protect the role of the media as a "bridge" between politics and civil society, and cited the failure of some public officials to recognize openly the role of an independent media in a democratic society. ADEPA stated that these incidents violated freedom of the press and have recurred in recent years in a systematic fashion.

In February the District Court of Dolores (Buenos Aires province) sentenced to jail terms the eight persons charged with and found guilty of the highly publicized 1997 murder of photojournalist Jose Luis Cabezas of the weekly magazine Noticias. The court sentenced some to life sentences without parole, and gave the others life sentences with parole. Although never confirmed, many believe Cabezas was murdered by operatives of the late businessman Alfredo Yabran for photos and stories that he produced regarding Yabran's alleged illicit activities. ADEPA expressed satisfaction with the sentencing of those charged with Cabezas' murder. The IAPA stated that the verdict was a step in the fight against impunity for those who violate freedom of the press. Cabezas' family, however, believes that the intellectual authors of Cabezas' murder remain free, and that the incarceration of the eight persons who were found guilty does not put an end to the case.

No new information was available regarding the death of newspaper editor Ricardo Gangeme, who was killed in May 1999 in Chubut province.

In November the Supreme Court upheld Eduardo Kimel's 1999 sentence to 1 year in prison (suspended) and a fine of \$20,000 (20,000 pesos) for comments made in a book he wrote. In December the IACHR announced that the case will be investigated as a possible violation of the right to free speech.

The law provides for academic freedom, and the Government respects this in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution and the law provide for freedom of assembly, and the Government respects this right in practice. However, provincial police clashed with public sector protesters on a number of occasions during the year, using rubber bullets and tear gas to disperse protests that turned violent. In some incidents the police used deadly force against demonstrators (see Sections 1.a. and 1.c.).

During congressional debate over a labor reform law in April, labor groups led a march on the Congress. Clashes between protesters and the federal police resulted in injuries to over 30 demonstrators, including injuries from rubber bullets fired by police (see Sections 1.c. and 6.a.). In May several protesters and police officers were injured after the authorities used rubber bullets and tear gas to break up the protest (see Section 6.a.).

An investigation continued into the December 1999 deaths of 2 persons near an area in which the police injured over 40 protesters who were demonstrating against the Federal Government's takeover of the provincial government of Corrientes (see Section 1.a.).

The Constitution and the law provide for freedom of association, and the Government respects this right in practice.

c. Freedom of Religion

The Constitution states that the Federal Government "sustains the apostolic Roman Catholic faith;" however, other religious faiths are practiced freely. The Government provides the Catholic Church with a variety of subsidies totaling \$8 million (8 million pesos), administered through the Secretariat of Worship in the Ministry of Foreign Relations, International Trade, and Worship. The Secretariat was transferred from the office of the presidency following the inauguration of President Fernando de la Rúa in December 1999. The Secretariat is responsible for conducting the Government's relations with the Catholic Church, non-Catholic Christian churches, and other religious organizations in the country. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat, and must report periodically to the Secretariat in order to maintain their status.

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

The Constitution and laws provide for these rights, and the Government respects them in practice.

A committee composed of representatives of the Ministries of Justice, Foreign Affairs, and the Interior determines grants of refugee status, using the criteria of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. A representative of the U.N. High Commissioner for Refugees may participate in committee hearings, but may not vote. The Government has granted refugee status to numerous persons and accepted refugees for resettlement. The issue of the provision of first asylum did not arise during the year.

In March 1999, the Government granted asylum to former Paraguayan General and coup plotter Lino Oviedo, who fled that country after the assassination of Paraguayan Vice President Luis Maria Argana, in which Oviedo allegedly was implicated. Oviedo was granted asylum under the condition that he would not participate in political activities. In September 1999, the authorities determined that he had been politically active from his base in Buenos Aires and ordered him moved to Tierra del Fuego province in Patagonia. Oviedo remained there until he fled the country in December 1999; in June he was captured in Brazil.

In September two Paraguayans, Luis Alberto Rojas and Fidencio Vega Barrios, wanted for extradition to Paraguay for their alleged involvement in the 1999 assassination of the Paraguayan Vice President, escaped from the National Police Headquarters in Buenos Aires where they were being held. The authorities had detained them since February; police collusion in the escapes was suspected. At year's end, the two men had not been found and were thought to have fled the country.

There were no reports of the forced return of persons to a country where they feared persecution.

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

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic free and fair elections held on the basis of universal suffrage. In October 1999, voters elected Fernando de la Rúa, leader of an alliance of opposition parties, as president; he succeeded President Carlos Saul Menem of the Justicialist party on December 10, 1999.

In December 1999, President de la Rúa requested and received congressional permission to suspend all three branches of the Corrientes provincial government and take direct federal control of the province. Public workers, including teachers, court workers, and public hospitals had been on strike or limiting services for much of the year, due to the provincial government's inability to pay salaries. The situation remained tense in the province during the year; in December, Congress passed legislation that extended the suspension of the Corrientes provisional government for 1 additional year.

There are no legal impediments to participation by women and minorities in politics and government; however, they remain underrepresented. The Constitution stipulates that the internal regulations of political parties and party nominations for elections be subject to requirements to increase women's representation in elective offices. A 1991 law mandates the use of gender quotas by all political parties in national elections. A 1993 decree requires that a minimum of 30 percent of all political party lists of candidates be female. As a result, the presence of women in Congress increased. About one-fourth of the 257 members of the lower house are women. Gender quotas have not applied in the Senate, where there are only 2 female members in the 72-person body. However, a December presidential decree mandates that for future elections in the Senate (with the full chamber being competed in 2001 in first-ever direct elections), at least one-third of all Senators elected must be women. There are two female cabinet-level officials, the Minister of Social Development and Environment and the Minister of Labor, Employment, and Human Resources Training. There are no women justices on the Supreme Court.

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 operate without government restriction, investigating and publishing their findings on human rights cases. The Government is generally cooperative, although not always responsive to their views.

Some of the best-known human rights organizations include the Mothers of Plaza de Mayo, the Center of Legal and Social Studies, the Permanent Assembly for Human Rights, Service for Peace and Justice, and New Rights of Man. Within the federal government, the Ministry of Justice and Human Rights' Secretariat for Human Rights addresses human rights concerns at a domestic level. Human rights issues at the international level are handled by the Office of the Special Representative for International Human Rights of the Ministry of Foreign Relations, International Trade, and Worship.

In July the new chief of the army appointed by President de la Rúa proposed to establish a dialog among the

Government, military, and human rights groups that would attempt to shed light on past abuses committed during the military regime. The proposal largely was rebuffed by human rights organizations, many of which oppose any contact with those officials whom they believe to be guilty of human rights abuses committed by the security forces during the dirty war period.

In November Congress passed a law calling for the human rights commissions of both chambers to write an annual report on human rights in the country, commencing in 2001.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and law provide for equal treatment for all citizens, and the law provides for prison terms of up to 3 years for discrimination based on race, religion, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics.

The National Institute against Discrimination, Xenophobia, and Racism (INADI), an agency of the Ministry of Interior, has as its mandate identifying and combating all forms of intolerance in the country. INADI investigates violations of the antidiscrimination law and carries out educational programs to promote social and cultural pluralism and combat discriminatory attitudes. However, early in the year, INADI began a process of reorganization and leadership change, during which its effectiveness was impaired seriously. With new leadership, the institute was active again by year's end.

In April an AI report expressed concern over reports that police targeted, tortured, and harassed gays, lesbians, and bisexuals. The report included information regarding the February death in police custody of a transvestite whose body showed signs of torture (see Sections 1.a. and 1.c). AI noted that police bylaws and provincial codes of misdemeanors allow police to detain or sanction members of sexual minorities for actions that do not constitute a criminal offence. The Association Against Homosexual Discrimination filed a complaint to the Office of the Human Rights Ombudsman in Cordoba regarding such treatment.

Women

Domestic violence and sexual harassment against women are widely recognized as serious social problems. However, few official statistics on these crimes are available, so any accurate measure of the problems is difficult. The Government, through the National Council of Women, recently implemented a new database system, with the help of UNICEF, to standardize statistics on domestic violence, permit a more accurate evaluation of the scope of the problem, and promote better public policy. During the year, as part of a pilot project, two workshops provided training on the use of the software for this purpose.

Any person suffering physical or psychological domestic violence by a family member can file a formal complaint before a judge, with the level of injury inflicted determining the punishment under the civil and criminal codes. In addition, the Law on Protection Against Family Violence gives a judge the right to prevent the perpetrator of a violent act from entering the home or place of work of the victim, and temporarily to decide issues of family support, child custody, and arrangements for communication with children.

No statistics on domestic violence were available on a national level. However, as an indicator of the magnitude of the problem, in 1999 the city of Buenos Aires received 25,630 telephone calls regarding family violence. Courts in the city of Buenos Aires received 1,289 formal complaints through August, compared with 2,160 in all of 1999.

Rape is a problem, but reliable statistics as to its extent were not available. The crime of rape falls under the Law of Crimes Against Sexual Integrity, the name of which was changed in 1999 from the former Law of Crimes Against Honesty. This name change, sought by various women's rights groups, recognized that the nature of the crime is not a violation of female purity and chastity, but of the personal integrity of the victim. Marital rape and acquaintance rape are recognized by law, if force is involved, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presents a problem. The 1999 law expanded the definition of punishable sexual violations beyond forcible intercourse and increased the severity of punishments; in addition, it is no longer possible for an accused rapist to be excused from prosecution by offering to marry the victim. The penalties for rape vary from 6 months to 20 years and depend on the nature of the relationship between the rapist and victim and the physical and mental harm inflicted.

Public and private institutions offer prevention programs and provide support and treatment for women who have been abused, but transitory housing is almost nonexistent. The Buenos Aires municipal government operates a small shelter for battered women and a 24-hour hot line offering support and guidance to victims of violence, but few other shelters exist. NGO's working in the area of women's rights stress that women too

often do not have a full understanding of their rights. Women lack information about what constitutes sexual harassment, what can be considered rape, or when physical and emotional abuse is considered a punishable crime.

During the year, Paraguayan authorities uncovered a trafficking ring that sent women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution (see Sections 6.c and 6.f.).

Despite legal prohibitions, women encounter economic discrimination and occupy a disproportionate number of lower paying jobs. Often they are paid less than men for equivalent work, even though this is prohibited explicitly by law. Working women also are represented disproportionately in the informal sector, where effectively they are denied work-related economic and social benefits enjoyed by registered workers. According to government statistics, in 1999 the underemployment rate for women was twice as high as that of men, and women in general earned 30 percent less than men. The wage differences were more pronounced at higher levels of education; for example, women with a college degree earned 46 percent less than men.

In 1992 the Government created the National Council of Women, an interagency organization under the authority of the President's Cabinet Chief, that carries out programs to promote opportunity for women in the social, political, and economic arenas. The new administration named Dr. Carmen Storani as the Council's President. The Council operates a web site that provides information on the organization and on issues relevant to the organization's goals.

Children

While the Government voices strong commitment to issues of children's rights and welfare, including education and health, increasingly tight federal and provincial budgets mean that programs relevant to these areas continue to receive insufficient funding. The Ministry of Justice and Human Rights' Under Secretariat for Human and Social Rights works with UNICEF and other international agencies to promote children's rights. Education is compulsory, free, and universal for children up to the age of 15; however, adequate schooling is unavailable in some rural areas. There are numerous health care programs for children, although not all children have access to them.

NGO's and church sources indicate that child abuse and prostitution are increasing, although no statistics were available. The National Council for Minors and Family, a government organization reporting to the Ministry of Social Development and Environment, has developed an Action Plan, together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, on the elimination of child prostitution. The most recent census (in 1991) noted that 4.5 million children under age 14 lived in impoverished conditions. There are street children in some large cities, although there are no reliable statistics on their numbers. There were unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina (see Section 6.f.).

A May UNICEF report stated that sexual exploitation of children is widespread due to police inefficiency and lack of judicial intervention. The report indicated that the problem is substantial, but statistics on this crime were not available. The children involved usually work in the same institutions as adults. There were reports of children being trafficked from rural areas to urban areas of the country, and vice versa. Women and girls also are trafficked from other countries, although this reportedly involves very few underage girls (see Section 6.f.).

People with Disabilities

A 1994 law intended to eliminate barriers for disabled persons mandates standards regarding access to public buildings, parks, plazas, stairs, and pedestrian areas. Street curbs, commuter train stations, and some buildings in Buenos Aires have been modified to accommodate wheelchairs, but many public buildings and lavatories are still inaccessible to the disabled. The Buenos Aires subway system installed a small number of elevators and escalators to facilitate use of the subway system by the disabled, and the subway administration pledged to increase the overall number of escalators in the system.

The law prohibits discrimination against disabled persons in employment, education, and the provision of other state services, and mandates access to buildings for the disabled. There has been some progress in these areas. The National Advisory Commission on the Integration of People with Disabilities--a governmental office--and numerous nongovernmental groups actively defend the rights of the disabled and help them to find employment.

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. However, in practice, indigenous people do not participate in the management of their lands or natural resources. The National Institute of Indigenous Affairs (INAI) is the government agency responsible for implementing these provisions.

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--represent less than 5 percent of the national population. The INAI estimates that there are approximately 700,000 indigenous people, most of whom reside in rural areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimates the indigenous population at 1.5 million persons. Other demographers in recent years have provided estimates of at most 450,000 persons. To clarify the discrepancy, the national census scheduled to take place during the year was to have collected information about indigenous identity for the first time; however, at mid-year, funding shortfalls required the Federal Government to postpone the census until the year 2001.

Existing census data show that poverty rates are higher than average in areas with large indigenous populations. Indigenous persons have higher rates of illiteracy, chronic disease, and unemployment. Government efforts to offer bilingual education opportunities to indigenous people continued to be hampered by a lack of trained teachers.

Since 1994 the Government restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with provincial governments and private companies.

Religious Minorities

Anti-Semitism is a problem; however the Government took significant steps to initiate a public dialog intended to highlight past discrimination, and to improve religious tolerance. Combating this and other forms of intolerance is a priority for the INADI. There were a number of reports of anti-Semitic acts, of anti-Semitic violence, and of threats against Jewish organizations and individuals during the year. During the year, however, no one was convicted for any anti-Semitic acts.

In February a Jewish country club in San Miguel received bomb threats. Following an evacuation of the building, it was established that the threats were spurious. Since it reopened in 1999, there have been several telephoned bomb threats made against the new AMIA Jewish community center building (which replaced the one destroyed by the bombing in 1994). No one has taken responsibility for the bomb threats, nothing was found in the building on these occasions, and no formal investigations were undertaken into the bomb threats.

In April several adolescents allegedly vandalized several tombs in the Jewish cemetery at Posadas, in Misiones province. Local police subsequently arrested seven adolescents between the ages of 12 and 17 in connection with the crime, but the police maintained that the acts of vandalism had no religious connotations.

Most published reports of antireligious acts were anti-Semitic in nature. However, in June statues of Jesus Christ and Saint Augustine were vandalized at a Catholic Church in Buenos Aires. No arrests were reported at year's end.

In January President de la Rúa committed the Government to implementing a Holocaust Education Project to be carried out under the auspices of the International Holocaust Education Task Force. During the year, the Government appointed a special representative to the task force, began a number of projects including a Holocaust monument in Buenos Aires, and donated a building for a Museum of the Shoah. The Ministry of Education is working to include Holocaust education in primary and secondary schools, and the schools now commemorate a national day of tolerance on April 19. In June the Government renewed the charter of the National Commission for Clarification of Nazi Activities (CEANA), in order to enable CEANA to continue its investigations into past pro-Nazi actions on the part of Argentina. In June President de la Rúa made a formal apology for Argentina's acceptance of Nazi war criminals as immigrants after World War II.

The authorities continued to investigate the 1992 bombing of the Israeli Embassy in Buenos Aires and the 1994 bombing of the AMIA Jewish community center, in which 86 persons died.

In May 1999, the Supreme Court (which is responsible for leading the investigation into the embassy bombing)

released a report that concluded that the embassy bombing was the result of a car bomb. The court also formally determined that Islamic Jihad was responsible for the bombing, based on claims made by the group following the attack and on similarities with other bombings claimed by the group. In September 1999, the court issued an international arrest warrant for Islamic Jihad leader Imad Mughniyah. In December 1999, the court released a more extensive finding on the bombing, which encompassed the May report.

In late 1999, the Government sought the arrest and extradition of Mohammad Abbas Malik for questioning about the bombing. When he was arrested overseas on other charges, the authorities interviewed him in September, and he denied any connection with the Israeli Embassy bombing. Following the interview, the Government indicated that it had no further interest in Malik with in connection to the 1992 bombing.

In the AMIA case, the investigating judge determined in February 1999 that there was insufficient evidence to charge Iranian Nasrim Mokhtari, long suspected of complicity in the bombing. In July 1999, the Supreme Court ruled that she could leave the country. Wilson dos Santos, who reportedly had linked Mokhtari to the bombing, recanted his testimony in 1999 from earlier that year; the press reported in July 1999 that he had offered to return and testify in exchange for money. An investigator interviewed him in Brazil in 1999, evaluated the proposed testimony, and rejected his offer. However, subsequently the authorities decided to issue charges against Wilson dos Santos, and he was arrested in Switzerland and extradited to Argentina in December. He was charged with having given false testimony in the AMIA case, and the authorities still hope that he will be able to shed light on the events leading up to the 1994 attack.

In July 1999, the authorities brought formal charges against all the suspects being held in connection with the attack, including a number of former Buenos Aires provincial police officers. Fifteen former police officers have been linked to a stolen vehicle ring, which furnished the van used in the bombing, and face various criminal charges (see Section 1.a.). The provincial police officers and others held in the AMIA case are suspected accessories to the crime and not those who are thought to have planned or executed the actual attack. In late February, the investigating judge formally presented for trial the report on his investigation regarding these suspected accessories. The defendants face charges of various acts of police corruption related to the vehicle used in the bombing. At year's end, Judge Galeano's investigation aimed at finding the actual perpetrators of the bombing continued.

In April President de la Rúa created a new task force of four independent prosecutors to investigate certain areas relating to the AMIA case. On the sixth anniversary of the AMIA bombing, President de la Rúa and much of his Cabinet attended a solemn ceremony commemorating the victims at the now-rebuilt cultural center.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form "free and democratic labor unions, recognized by simple inscription in a special register," and this right is observed in practice. With the exception of military personnel, all workers are free to form unions. An estimated 35 percent of the work force is organized. Trade unions are independent of the Government and political parties, although many union leaders traditionally have supported the Justicialist Party. Most unions are affiliated with the General Confederation of Labor (CGT). A smaller federation, the Argentine Workers' Central, also is recognized legally. In the early part of the year, the CGT split into two factions, an "official" faction and a "dissident" faction, the latter of which conducted numerous marches and demonstrations--some of which became violent--in an effort to pressure the Government to take a more prolabor stance.

The International Labor Organization's (ILO) Committee of Experts has criticized the law, which allows only one union per industrial sector to negotiate salary, collect dues, and call a strike. The law makes it virtually impossible for new unions to challenge existing unions, thus giving the established unions a monopoly on these fundamental powers of representation. On November 21, the Labor Minister formed a tripartite commission to analyze the ILO observations, including this issue.

During congressional debate over a labor reform law in April, labor groups led a march on the Congress that was suppressed by the federal police, who injured over 30 demonstrators with blows and by firing rubber bullets. Ten police officers were injured in the altercation. One demonstrator received a bullet wound from unknown sources. The Government disciplined 12 police officers for excessive use of force (see Sections 1.c. and 2.b.).

The Constitution provides for the right to strike, and this right is observed in practice. Two national general

strikes took place during the year. The first in June effectively shut down most public transportation, government offices, and schools throughout the country as millions of workers representing the three major labor federations protested the May reduction in government salaries, tax hikes, and other expenditure reductions as part of the Government's austerity plan. The second national general strike took place November 23-24, again with the support of all three major labor federations. This strike, in protest of labor reforms and further economic austerity measures, was more successful than the June strike in shutting down not only most public transportation, government offices and schools, but also many stores and businesses. While the November strike was generally peaceful, some pre-strike acts of intimidation allegedly by union activists against bus and taxi companies left a number of busses and taxis damaged or burned in Buenos Aires and in other cities around the country. The police arrested no strikers or activists as a result of any of these incidents. In Cordoba, police made 10 arrests and there were at least 9 injuries in an effort to break up a demonstration by municipal workers. During the year, there also were scattered local work stoppage, and several unions, including transport workers, farmers, and teachers initiated numerous local and nationwide strikes to protest various issues including government labor policies, as well as nonpayment and late payment of wages by private companies.

Groups of unemployed and underemployed workers around the country frequently used roadblocks as acts of protest. Hundreds of small incidents took place, with groups of activists blocking roads and highways. Some of these roadblocks were spontaneous actions by groups demanding continuation of federal and provincial unemployment payments and job subsidy programs that were expiring. Others were organized by radical labor and social groups such as the Classicist Combative Movement. While most roadblocks were resolved by negotiated settlements, usually including promises of extended unemployment programs, a number ended in confrontations between the police and strikers. In May the provincial and border police in Salta province used force to disperse truckers at roadblocks, who were protesting the withdrawal of government funds from a job subsidy program. Several protesters and police officers were injured after the authorities used rubber bullets and tear gas to disperse the protesters. Protesters allegedly looted shops and set a townhall on fire. On November 10, again in Salta province, provincial police efforts to break up roadblocks resulted in the death of one protester (see Section 2.b.). Incited by the violence, demonstrators burned several buildings and looted stores in the cities of General Mosconi and Tartagal. The Federal Government criticized the provincial government's use of force but resisted calls for federal intervention.

Unions are free to join international confederations without government restrictions; many unions also are active in international trade secretariats.

b. The Right to Organize and Bargain Collectively

The Constitution provides unions with the right to negotiate collective bargaining agreements and to have recourse to conciliation and arbitration, and these rights are observed in practice. The Ministry of Labor, Employment, and Human Resources Formation ratifies collective bargaining agreements, which cover roughly three-fourths of the work force. According to the ILO, the ratification process impedes free collective bargaining as the Ministry not only considers whether a collective labor agreement contains clauses violating public order standards, but also considers whether the agreement complies with productivity, investment, technology and vocational training criteria. In recent practice, however, the Government has not refused to approve any collective agreements under the above criteria.

The Labor Reform Law, which went into effect in May, allows collective bargaining on a regional, provincial, or company basis depending on what the local union and company decide. Prior law only permitted negotiations by the heads of the national union on behalf of all the unions in the sector.

The new law also established a mediation service, which was being organized at year's end. Foreign experts, as part of an Organization of America States project, conducted a 1-week training in mediation for labor professionals, particularly government officials.

The new Labor Reform Law lengthened the probationary period for new workers from 30 days to between 90 and 120 days for large companies and to between 6 months and 1 year for small businesses. The new law also ended the practice known as "ultra-activity," which allows existing labor contracts to be renewed if the parties cannot come to terms on a new agreement.

Some labor unions strongly opposed the reform legislation. In August their opposition was strengthened when a bribery scandal emerged over alleged payments to key Senators to encourage votes in favor of the legislation. Most significantly, implementing regulations for the new labor reform law were still in the process of being developed at year's end, with no clear indication of when they would be approved. This fact, and an inconclusive closing in December of the judicial investigation into the alleged bribes, left the final impact of the new legislation unclear.

The law prohibits antiunion practices, and the Government enforces this prohibition.

There are three functioning export processing zones (EPZ's) with many others legally registered but not active. The primary commercial advantages of these zones are related to customs and duty exemptions. The same labor laws apply within these zones as in all other parts of the country.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there were no reports that it was used; however, there were reports that women were trafficked to the country (see Sections 5 and 6.f.). The law also prohibits forced and bonded labor by children; however, there were unconfirmed reports that children were trafficked to the country to work in sweatshops (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits employment of children under 15 years of age, except in rare cases where the Ministry of Education may authorize a child to work as part of a family unit; however, child labor does occur in practice and may be increasing. Children between the ages of 15 and 16 may work in a limited number of job categories, but not more than 6 hours a day or 35 hours a week. The penalty for employing underage workers ranges from \$1,000 to \$5,000 (1,000 to 5,000 pesos) for each child employed. On August 25, the President decreed the formal establishment of a National Commission for the Eradication of Child Labor, which is to work with the Government, organized labor, the business community, religious groups, UNICEF, and NGO's. Labor Minister Patricia Bullrich appointed Leandro Haleprin to head the commission.

A 1993 law requires that all children receive a minimum of 9 years of schooling, beginning at age 6. Government census figures indicate that about 5 percent of children between the ages of 6 and 14 are employed, most with older family members. Local NGO's note that the figure is imprecise and could be as high as 10 percent. In 1999 in the greater Buenos Aires area, 12,500 children age 14 and below were in the work force. In a 1997 report, UNICEF stated that 252,000 children between the ages of 6 and 14 were employed--183,500 in urban areas and 68,500 in the country--principally harvesting tea and tobacco. An August UNICEF report on adolescents found that, for children between ages 13 and 17, 3 percent were in school and also economically active; 7 percent were not in school but were economically active; 84 percent were only in school; and 6 percent were neither in school nor working.

The Government prohibits forced and bonded child labor, and there were no confirmed reports of its use; however, there were unconfirmed press reports that children were trafficked to the country to work in sweat shops (see Sections 6.c. and 6.f.).

e. Acceptable Conditions of Work

The monthly national minimum wage is \$200 (200 pesos), which is not sufficient to provide a decent standard of living for a worker and family. It is determined by a tripartite committee and has not been changed for at least 5 years.

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 payment is required for hours worked in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, enforcement of laws governing acceptable conditions of work is not carried out universally, particularly for workers in the informal sector who constitute about 40 percent of the work force.

Employers are required by law to insure their employees against accidents at the workplace, and when traveling to and from work. In December a presidential decree increased the maximum cash payments and maximum total payments for workers' compensation in an effort to strengthen worker protections. Workers have the right to remove themselves from dangerous or unhealthful work situations, after having gone through a claim procedure, without jeopardy to continued employment. Nonetheless, 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.

f. Trafficking in Persons

Although there are no laws specifically addressing trafficking in persons, laws against child abuse provide

penalties for trafficking children for purposes of prostitution, and other laws prohibit alien smuggling, indentured servitude, and similar abuses. During the year, Paraguayan authorities uncovered a trafficking ring that sent women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution. In one prominent case, two girls escaped from an Argentine brothel in April and returned to their homes. The Paraguayan authorities charged a number of Paraguayans with involvement in the case; however, at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and reported a number of undocumented Paraguayan women and girls working in slave-like conditions, offering their services as prostitutes in exchange for their clothing, room, and board.

In 1999 police in Spain apprehended two Argentine citizens whom they charged with trafficking in women for purposes of prostitution.

There were unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina.

[End.]