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## U.S. Department of State

### Argentina Country Report on Human Rights Practices for 1998

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#### ARGENTINA

Argentina is a federal constitutional democracy with an executive branch headed by an elected president, a bicameral legislature, and a separate judiciary. President Carlos Saul Menem was reelected in 1995 for a second 4-year term, which runs until 1999. 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 Argentine Federal Police (PFA) report to the Interior Minister, as do the Border Police and Coast Guard. The PFA also has jurisdiction in the Federal Capital. Provincial police are subordinate to the respective governor. Members of the police continued to commit human rights abuses.

Argentina has a mixed agricultural, industrial, and service economy. An economic reform and structural adjustment program, which included privatization and trade and financial sector liberalization, led to an increase in average annual gross domestic product of 6 percent during the period 1991-97, with low inflation. Growth slowed to an estimated 4.8 percent in 1998; however, due in large part to a reduction in foreign capital flows into the country, and high unemployment persisted.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There continued to be instances of extrajudicial killings and brutality by the police, although the authorities prosecuted a number of persons for such actions. Police also arbitrarily arrested and

detained citizens, prison conditions are poor, and lengthy pretrial detention is a problem. The judicial system is subject to political influence at times and to inordinate delays. There were numerous threats against journalists. Discrimination and violence against women also are problems. In addition, the legacy of the human rights abuses of the 1976-83 military regime continued to be a subject of intense national debate, especially following the arrest of former junta leaders on charges of taking or seizing babies born to dissidents in detention and giving them out to supporters for adoption.

## **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 extrajudicial killings. However, police officers were believed responsible for a number of extrajudicial killings. The authorities investigated and in some cases detained, tried, and convicted the officers involved.

In the province of Jujuy, the authorities relieved 14 police officers from duty and detained them on suspicion of involvement in the death in January of 34-year-old Carlos Andres Sutara. The police had detained Sutara and several of his friends for a records check. According to the police, Sutara died of a heart attack, but his wife and three friends detained with him claim that he was beaten brutally.

In January in the province of Buenos Aires, the authorities detained a police officer on suspicion of killing 21-year-old Walter Repetto. According to a newspaper account, Repetto was sitting in his car waiting for a friend when the policeman, who was off duty and dressed in civilian clothes, approached the vehicle. Repetto attempted to drive away and was shot and killed. In July the authorities arrested four police officers in Entre Rios province on suspicion of involvement in the death in January of 22-year-old Juan Carlos Cardozo.

Judges in Rio Negro province indicted two former provincial police chiefs on charges of obstructing justice in the investigation of the November 1997 deaths of three young women in the town of Cipolletti.

Investigations continued into 1997 killings in three provinces allegedly carried out by police. An appeals court in Neuquen rejected the indictment of an officer accused of firing the shot that killed Teresa Rodriguez, a young woman who died during a clash between police and unemployed workers in the town of Cutral-Co. In Mendoza a sixth policeman was indicted in the death of 18-year-old Sebastian Bordon. In Buenos Aires the investigation of the murder of news photographer Jose Luis Cabezas appeared to be drawing to a close following the suicide in May of reclusive businessman Alfredo Yabran, who was suspected of ordering the murder. Several police officers were under arrest and awaiting trial in the case (see Section 2.a.).

The Buenos Aires provincial police force continued to undergo a major reorganization, motivated in part by its alleged involvement in the Cabezas murder. The force was broken up into 18 departments under the overall direction of a civilian Minister of Justice and Security.

In April a court convicted a Buenos Aires provincial policeman and sentenced him to 10 years in prison for the 1996 death of Cristian Javier Cicovici, a young fur trapper. The youth had refused to hand over his furs to the officer, who shot him in the head. In May a court in the province of Cordoba sentenced a police corporal to 20 years in prison for the 1996 shooting death of 19-year-old Ariel Lastra.

Six army officers were under indictment at year's end in the continuing judicial investigation into the alleged coverup of the 1994 death of army recruit Omar Carrasco. In 1996 a court convicted three soldiers of murdering Carrasco and a fourth for covering up the crime.

In May the judge investigating the 1993 disappearance of Miguel Bru was impeached and the investigation continued under a new judge. The authorities indicted five Buenos Aires provincial police in the case, but only one was in custody. Two of the five are charged with torturing Bru to death; the other three are charged with covering up the crime. All five awaited trial at year's end.

In September a judge in Rio Negro province indicted five police officers in connection with the 1989 deaths of two teenagers, Raquel Laguna and Sergio Sorbellini.

In March an appeals court in the province of Buenos Aires upheld the 1994 conviction of three provincial policemen sentenced to 11 years in prison for the 1987 shooting deaths of three young men in the town of Ingeniero Budge. The police had been released from custody on a legal technicality, and when authorities tried to rearrest them they could not be found.

In October 1997, a Spanish court issued arrest warrants for the former chief of the Argentine navy and 10 aides on charges of genocide and torture during the 1976-83 "dirty war" waged by the military governments. The Spanish judge, Baltasar Garzon, had previously ordered the arrest of Leopoldo Galtieri, the army general who served as president when a military junta ruled the country in 1981-82. The court also brought charges of genocide against former naval officer Adolfo Scilingo, who testified in Spain that he had participated in throwing drugged and naked dissidents to their deaths in the ocean from airplanes during the dirty war. On December 30, 1997, the Spanish judge issued charges against another 36 Argentine military and police officials, whose names were provided by Scilingo. At year's end, Judge Garzon had brought charges against 110 current or former Argentine military and police officials.

Investigations continued into the 1992 bombing of the Israeli Embassy in Buenos Aires and the 1994 bombing of the city's Jewish community center (AMIA). In November the Brazilian authorities located Wilson dos Santos, who 2 weeks prior to the AMIA bombing reported that he had heard from Iranian sources that there was to be a terrorist attack in Buenos Aires. In December one of these reputed sources, Nasrim Mokhtari, was arrested at the Buenos Aires international airport. At year's end, investigators were preparing to question Dos Santos and Mokhtari about both the AMIA and Israeli embassy bombings. Also in November, the authorities indicted Carlos Alberto Telleldin, the mechanic who reportedly worked on the truck used in the AMIA bombing, on charges of having taken an active part in the attack. He joined four other Buenos Aires provincial police officers also charged with participation in the bombing.

#### b. Disappearance

There were no reports of politically motivated disappearances.

Although four Mendoza provincial police were indicted in the case of Paulo Cristian Guardati, who disappeared in the province in 1992, the indictments later were dropped. However, in May the Mendoza government paid an indemnity of \$136,000 to his family, as recommended by the Inter-American Commission on Human Rights (IACHR).

The Inter-American Court of Human Rights recommended that the Government compensate the families of Adolfo Garrido and Raul Baigorria in the amounts of \$110,000 and \$64,000, respectively. The two

men disappeared in the province of Mendoza in 1990. The Court also called on the Government to investigate the disappearances and to bring those responsible to justice. Garrido and Baigorria are believed to have died in police custody, but no one was arrested or charged in the case.

Events in January refocused public attention on the mass disappearances that occurred during the 1976-83 military regime's dirty war against leftists. A group of national deputies announced that it would introduce a bill in Congress to annul the "Full Stop" and "Due Obedience" laws, the amnesty statutes that benefit military officers alleged to have committed human rights violations. In March Congress repealed but did not retroactively annul those laws; the repeal was largely symbolic. Also in January, President Menem announced the Government's intention to move the Naval Mechanics School (ESMA), the scene of some of the worst atrocities of the dirty war, and to build a monument to national reconciliation on the site. Human rights organizations opposed the proposal, and the courts enjoined the Government from demolishing the building.

Human rights groups also criticized a Supreme Court decision in August to uphold a ruling by the Federal Appeals Court in Buenos Aires that rejected a request for a search of government files by a parent seeking information about a daughter who disappeared during the dirty war. In a five-to-four vote, the Supreme Court ruled that the request implied a reopening of criminal cases that were already closed. However, one of the Justices who voted with the majority stated that there might be other judicial or administrative sources of relief. It was not clear whether the Supreme Court's decision would affect similar cases in the federal appeals courts in other cities. In October in a separate case, the Court ruled in favor of the public's right to seek information from the Government concerning family members who disappeared during the military dictatorship.

At the urging of the human rights organization Grandmothers of the Plaza de Mayo, judicial authorities continued to investigate the illegal adoptions of approximately 250-300 children born to detained dissidents during the dirty war. One of the investigations led to the arrest in June of former army General Jorge Rafael Videla, the de facto President from 1979 to 1981. Videla was initially arrested and jailed but then put under house arrest because of his age. Although Videla was convicted for the crimes he committed during the dirty war and sentenced to life in prison in 1985, President Menem pardoned him in 1990. However, it is not clear whether the 1990 pardon or the amnesty laws extend to the crime of child abduction.

The investigation by Judge Adolfo Bagnasco and other judges into the fate of babies whose mothers disappeared after giving birth in detention continued. In November Judge Maria Servini de Cubria ordered the arrest of retired Admiral (and former junta member) Emilo Massera, also in connection with an investigation into the abduction of babies of parents who disappeared. From prison he was moved to a hospital for medical treatment. The judge ordered that, when released from the hospital, Massera be placed under house arrest due to his age. In December former navy commander Admiral Ruben Franco was arrested on suspicion that he was a central organizer of the child abductions. In December retired navy Captain Jorge Eduardo Acosta, formerly a senior officer at the ESMA, surrendered and was arrested, bringing the total to nine senior officers who were arrested, detained, or summoned before various judges investigating the child abductions. Judge Bagnasco questioned both Massera and Acosta.

Most reliable estimates place the number of those who disappeared during the dirty war between 10,000 and 15,000. In 1984 the National Commission on Disappeared Persons (CONADEP) issued a report listing 8,961 names, based on public testimony from friends, relatives, and witnesses. Since then the Ministry of the Interior's Under Secretariat for Human and Social 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 that has been destroyed or is being concealed by those responsible for the repression."

A law granting former prisoners of the military regime the right to apply for compensation from the Government expired in September. Prior to the expiration date, the Under Secretariat for Human and Social Rights, which administers the law, had received over 13,000 applications, and by year's end had approved over 7,000 of them. The Under Secretariat also had received over 7,500 claims under a separate law authorizing compensation for the families of persons who died or disappeared during the dictatorship. The application period for this law expires in 2000.

#### 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. Nevertheless, police brutality remains a serious problem (see Section 1.a.). Human rights organizations described widespread police brutality, the use of torture on suspects, and corruption within the police forces. In June 1997, the United Nations Committee against Torture criticized the Government for tolerating continued brutality and the use of torture in police stations and prisons. In December the Government responded to the U.N. committee's criticism.

On January 14, a Buenos Aires magazine carried a provocative interview with retired naval Captain Alfredo Astiz, who was accused of torturing and murdering prisoners at the ESMA (see Section 1.b.), including French nuns Alice Domon and Leonie Renee Duquet and Swedish student Dagmar Hagelin. Astiz was summoned before a federal court for questioning about his statements in the magazine interview but said that he could not recall the events. The navy ordered him arrested and held for 60 days for granting an unauthorized press interview. On January 23, the navy chief of staff recommended that the President discharge Astiz, and the President did so the same day. Astiz had been forced to retire from the navy in 1996.

The Commission for Relatives of Victims of Social and Institutional Violence (Cofavi) works to obtain justice in instances of police brutality and at the beginning of the year reportedly had obtained 32 convictions for violent crimes in cases it brought against police officers since 1992.

Prison conditions are poor in a number of overcrowded jails where the facilities are old and dilapidated. Overcrowding was a problem in the Buenos Aires provincial prisons. In September a riot broke out in the provincial prison in Olmos, reported to house twice as many inmates as it was built to accommodate. Prisoners also suffer from poor sanitary conditions and insufficient food.

The Government permits prison visits by independent human rights monitors.

#### d. Arbitrary Arrest, Detention, or Exile

The Penal Code places limits on the arrest and investigatory power of the police and the judiciary, but provincial police often 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 do any good.

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.

Police may detain a suspect for up to 10 hours without an arrest warrant if they have a well-founded belief that he has committed, or is about to commit, a crime or misdemeanor, and if he is unable to identify himself. However, human rights groups argue that this provision of the law is abused widely, and that police often detain suspects who do have identification.

In March the Buenos Aires city council enacted a Code of Misdemeanors to replace the so-called police edicts under which the Federal Police previously had detained suspected offenders. Human rights groups had long argued that the edicts were used as an excuse for arbitrary detentions, particularly of young people, immigrants, prostitutes, and transvestites.

The law provides for the right to bail, and it is utilized in practice. Nonetheless, the law allows pretrial detention for up to 2 years, and the slow pace of the justice system often results in lengthy pretrial detention periods. 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 does not permit forced exile, and it is not practiced.

#### 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, complicated, and, at times, subject to political influence.

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 system is hampered by inordinate delays, procedural logjams, changes of judges, inadequate administrative support, and incompetence. Allegations of corruption are widely reported, especially in civil cases. In May the Justice Minister stated that "the system is in crisis."

In an effort to expedite justice in criminal proceedings, the province of Buenos Aires implemented a new code of criminal procedure under which the responsibility for criminal investigations was shifted from instructional judges to prosecutors.

Trials are public and defendants have the right to legal counsel and to call defense witnesses. A panel of judges decides guilt or innocence. Federal and provincial courts continued the transition to oral trials in criminal cases, instead of the old practice 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. In March Congress enacted a law granting greater independence to federal prosecutors and public defenders. The Council of the Magistracy, a blue-ribbon judicial council Congress established in December 1997, got off to a slow start, however, due to delays in the appointment of its members. The Council has responsibility for appointing and removing federal judges and administering the federal court system.

The Government allowed Father Juan Antonio Puigjane to leave prison in June and to begin serving the

remainder of his sentence under house arrest. Puigjane, a Capuchin monk, was a leader of the leftist "All for the Fatherland" movement, which in 1989 assaulted La Tablada army barracks near Buenos Aires. Although he did not take part in the assault and denied any foreknowledge of it, a court sentenced him to 20 years in prison. He is to be eligible for parole in 2000. Some international human rights groups claim that Puigjane was jailed for political reasons, but the Government maintains that he and the 19 others sentenced with him were tried and convicted properly of involvement in a violent rebellion against a democratically elected government.

The release of Puigjane followed the publication of an IACHR report on La Tablada. The Commission 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 Commission 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. The Human Rights Committee of the lower house of Congress drafted a bill to amend the law in this respect, but it was unclear whether this bill, if passed into law, would retroactively benefit the La Tablada defendants.

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, although in practice, local police have the right to stop and search individuals without probable cause.

Several highly publicized cases of unauthorized telephone taps raised public concern, and the Government introduced a bill in Congress to address these concerns. However, a group of prominent journalists warned that the proposed law could be used to abridge the public's right to information, under the guise of protecting the right to privacy. They urged the Government to withdraw the measure and legislators to vote against it. At year's end, the Senate had approved a bill that would penalize the unauthorized recording of telephone conversations, the unauthorized photographing or filming of private acts, and the dissemination of such unauthorized records. The Chamber of Deputies had not yet taken up the bill.

### **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 respects these rights in practice.

A number of independent newspapers and magazines publish freely, and privately owned radio and television stations broadcast freely as well. All print media are privatized, but the Federal Government still owns the Telam wire service, a television station, and a radio network. A few provincial governments also own broadcast media.

Nonetheless, organizations of journalists expressed concern over a number of developments during the year, including the growing concentration of media ownership, Supreme Court rulings granting a "right of reply," criticisms of the press by public officials, threats of violence against journalists, and the failure to bring the Cabezas murder case to a close (see Section 1.a.). In April the Supreme Court ruled that the Buenos Aires daily newspaper Pagina 12 must print a denial of a story that it had published about a

former presidential adviser, Domagoj Antonio Petric. Later the same month the Court also ruled against Pregon, a daily newspaper in Jujuy province, recognizing the right of reply of a provincial legislator whom the newspaper had criticized. In August the Court upheld a lower court ruling requiring the owners of the defunct magazine Somos to publish a letter from a reader who claimed to have been slandered by an article that appeared in the magazine in 1992.

Jose Luis Cabezas, a photographer for the weekly newsmagazine Noticias, was murdered in January 1997 outside the coastal resort town of Pinamar, south of Buenos Aires. His hands were cuffed behind his back, he had been shot in the head, and his body left in his car, which had been burned. Several provincial police were among those arrested on suspicion of carrying out the murder, but the motive was unclear. In May Alfredo Yabran, a reclusive businessman whom Cabezas had photographed, committed suicide after the investigating judge issued a warrant for his arrest on suspicion of having instigated the crime. Although by year's end the investigation appeared to be drawing to a close, no trial had been held yet.

In August 1997, the Association for the Defense of Independent Journalism (ADEPA), a group of prominent journalists, chronicled numerous threats to journalists around the country following the Cabezas murder, many in the form of anonymous telephone calls. In a report issued in September, ADEPA concluded that, in view of these threats and of the authorities' failure to bring to justice the murderers of Cabezas, "the freedom of the press existing in our country since 1983 is seriously compromised." In May Amnesty International stated that there was "a prevailing climate of intimidation against journalists" and an "increasing frequency of attacks, death threats, and harassment." However, despite these circumstances and the chilling effects of the Cabezas murder, the press continued to report and criticize freely.

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

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

The Constitution and laws provide for these rights, and the Government respects them in practice. However, police were called in to break up demonstrations in several provinces. In March the police dispersed unemployed workers in Neuquen after they blocked access to the airport in the provincial capital. In May, July, and August, police clashed with public sector workers in Jujuy who were demanding payment of salary arrears. The police used nonlethal force to control the demonstrators in Jujuy.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

#### 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 Relations, and the Interior determines grants of refugee status, using the criteria of the 1951 United Nations 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 them for resettlement. The issue of the provision of first asylum did not arise in 1998. 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.

The Constitution stipulates that the internal regulations of political parties and party nominations for elections be subject to affirmative action requirements to encourage women's representation in elective office. A 1991 law mandates the use of gender quotas by all political parties in national elections. A 1993 decree implementing that law required that a minimum of 30 percent of all political party lists of candidates be female. As a result, the presence of women in Congress has increased. Of 257 members of the Chamber of Deputies, 70 are women. In the Senate, however, whose members still are appointed, only 2 of 72 members are women.

### **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.

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

The Constitution and laws provide for equality for all citizens. A 1988 law provides for prison terms of up to 3 years for anyone who arbitrarily restricts, obstructs, or restrains a person based on "race, religion, nationality, ideology, political opinion, sex, economic position, social class, or physical characteristics."

#### **Women**

Violence and sexual harassment against women are problems, but the dimensions are difficult to measure. The only available statistics are those based on the number of cases reported to police, but many cases go unreported. The National Council of Women, a governmental organization created in 1992 in response to recommendations in the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, worked with the United Nations Children's Fund (UNICEF) on the design and implementation of software that would standardize data from numerous sources and permit a more accurate evaluation of the scope of the problem.

In 1994 Congress passed the Law on Protection against Family Violence, which authorizes a judge to order an offender excluded from the home. However, human rights groups criticized this law as insufficient to address the problem. NGO's working in the area of women's rights stress that women too often do not have a full understanding of their rights. They are uncertain what constitutes sexual harassment, what can be considered rape, or when physical and mental abuse is considered a crime.

Rape is a problem, but reliable statistics as to its extent were not available. Marital rape and acquaintance rape are recognized by law, but the need for proof, either in the form of clear physical injury or the testimony of a witness, often presents a problem. A rapist is not prosecuted if he offers to marry the victim and she accepts his proposal.

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 24-hour hot line offering support and guidance to victims of violence, and also a small shelter for battered women, but few others are known to exist.

Women encounter economic discrimination and occupy a disproportionate number of lower paying jobs. Often they are paid less than men for equal work, even though this is explicitly prohibited by law. Women also are found disproportionately in the informal, unregistered labor market, where effectively they are denied work-related economic and social benefits enjoyed by registered workers. In March President Menem signed a decree calling for the "design and implementation of policies, plans, and programs to promote the incorporation of women into the workforce on an equal footing with men."

The National Council of Women carries out programs to promote equal opportunity for women in education and employment, encourage the participation of women in politics, and support women's rights programs at the provincial level.

### Children

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 as well, though not all children have access to them. The Ministry of Interior's Subsecretariat for Human and Social Rights works with UNICEF and other international agencies to promote children's rights and well being.

There is no pattern of societal abuse of children, but nongovernmental and church sources indicate that child abuse and prostitution are on the rise. The National Council on Children and the Family believes that those affected tend to be younger than previously thought. The Council, which the Government established in 1990, works with federal and local agencies to improve child protection programs. Street children can be seen in some large cities, although there are no reliable statistics on their numbers.

### People With Disabilities

A 1994 law aimed at eliminating physical barriers to disabled persons regulates 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 some public buildings and lavatories are still inaccessible to the disabled.

The law prohibits discrimination against disabled persons in employment, education, and the provision of other state services. Since the establishment of the National Program against Discrimination in 1994, the largest single group bringing complaints has been disabled persons. The National Advisory Commission on the Integration of People with Disabilities, a governmental office, and numerous nongovernmental groups were active in defending the rights of persons with disabilities and helping them find employment.

### Indigenous People

The Constitution recognizes the ethnic and cultural identities of indigenous peoples and states that Congress shall ensure their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and ensure their participation in the management of their natural resources. The National Institute of Indigenous Affairs (INAI) is the government agency responsible for

implementing these provisions. However, attempts to offer bilingual education opportunities to indigenous peoples were hampered by a lack of trained teachers.

There is no accurate count of the number of indigenous people. Congress passed a law in May providing for the 2000 census to collect information about indigenous identity. The INAI estimates that there are 700,000 indigenous people: 450,000 in rural communities (the principal groups being the Kollas in Salta and Jujuy, the Mapuches in the Patagonian provinces, and the Wichis and Tobas in the northern provinces) and 250,000 in urban areas. However, the nongovernmental Indigenous Association of the Argentine Republic estimates the indigenous population at 1.5 million. Census data show that poverty rates are higher than average in areas with large indigenous populations. Indigenous people have higher rates of illiteracy, chronic disease, and unemployment. Their standard of living is considerably below the national average.

Since 1994 the Government has restored approximately 2.5 million acres of land to indigenous communities and expects to return 5 million more by 1999. Nonetheless, some communities were involved in land disputes with provincial governments and private companies. In September a Mapuche community in the province of Neuquen settled a dispute with the provincial government and a group of energy companies that sought to build a gas refinery on lands claimed by the tribe. Mapuches in the same province filed a complaint with the IACHR, claiming that they were being forced off their ancestral lands in Pulmari, near the Chilean border. A group of Kollas in the province of Salta reached agreement with a consortium seeking to build a gas pipeline there that the Kollas claimed would damage the environment. However, there was no solution in a longstanding land dispute between the Kollas and a company producing sugar and citrus products in Salta.

#### Religious Minorities

There were scattered reports of anti-Semitism. In January about 20 gravestones in a Jewish cemetery in the town of Ciudadela were vandalized. The crime resembled a December 1997 incident in which 30 gravestones were defiled in a Jewish cemetery in the town of La Tablada. Investigations continued into those two incidents, as well as an incident in the La Tablada cemetery in 1996, but there were no arrests. According to press reports, two officers dismissed from the Buenos Aires provincial police force were the main suspects in two attacks on Jewish cemeteries on Christmas Eve and New Years Eve in 1997.

In April a court sentenced three Buenos Aires youths to 3 years

in prison for assaulting a man in 1995 whom they believed to be Jewish. It was the first instance of an oral trial under the 1988 antidiscrimination law. The court found that the three had acted out of "hatred due to race, religion, or nationality," and they were given the maximum penalty provided by the law. However, they were released from prison in August pending appeal. At the sentencing in April, some persons in the courtroom shouted anti-Semitic remarks. The Interior Ministry's National Institute Against Discrimination, the nongovernmental Permanent Assembly for Human Rights, and the Delegation of Jewish-Argentine Associations filed suit demanding that the perpetrators be identified and tried under the antidiscrimination law.

In May a court sentenced one man to 2½ years in prison, and gave three others suspended sentences of 2 years for printing and distributing anti-Semitic literature, another conviction under the 1988 antidiscrimination law.

Investigations continued into the 1992 bombing of the Israeli Embassy in Buenos Aires and the 1994 bombing of the city's Jewish community center (AMIA) (see Section 1.a.).

## 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 or political parties, although most union leaders support President Menem's Justicialist Party. Most unions are affiliated with the General Confederation of Labor (CGT). The Government granted legal recognition to a smaller federation, the Central of Argentine Workers (CTA), in 1997.

The Constitution provides for the right to strike, and this is observed in practice. There were scattered local work stoppages during the year.

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 and Social Security ratifies collective bargaining agreements, which cover an estimated 75 percent of the work force.

In recent years, most collective bargaining agreements have been negotiated at the plant level. However, in September Congress passed amendments to existing labor laws, one of which reserved to national unions the right to represent workers at the collective bargaining table, or to delegate this authority to lower-level unions. The new law also called for the creation of a mediation and arbitration service within the Ministry of Labor and Social Security to intervene in collective bargaining if requested by labor and management.

The law prohibits antiunion practices, and the Government enforces this prohibition. However, in February the CTA complained to the International Labor Organization (ILO) that three companies had violated union rights protected by ILO conventions and that the Government had failed to prevent these violations. The ILO asked the Government to respond to these charges, and it did so in October.

Export processing zones exist or are planned in several provinces. The same labor laws apply in 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 practiced. The law also prohibits forced and bonded labor by children, and the Government enforces this prohibition effectively.

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

The law prohibits employment of children under 14 years of age, except in rare cases where the Ministry of Education may authorize a child to work as part of a family unit. Minors between the ages of 14 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 law prohibits forced and bonded labor by children, and there were no reports of its use (see Section 6.c.). UNICEF estimated that 252,000 children under 15 years of age were working. According to the National Council on Children and the Family, two-thirds were working in rural areas as farm laborers with their parents and a third were employed in urban areas, chiefly as domestic servants.

#### e. Acceptable Conditions of Work

The national monthly minimum wage is \$200 (200 pesos), which is not sufficient to provide a decent standard of living for an average family of four.

Federal labor law sets standards in the areas of health, safety, and hours. The maximum workday is 8 hours and workweek 48 hours, and overtime payment is required for hours in excess of these limits. The law also sets minimums for periods of rest and paid vacation. However, laws governing acceptable conditions of work are not universally enforced, particularly for the estimated 37 percent of salaried workers in the informal sector.

Occupational health and safety standards are still being developed, but federal and provincial governments lack sufficient resources to enforce them fully. Employers are required to insure their employees against accidents at the workplace, and when traveling to and from work. However, a rash of accidents in the construction industry led to demands that the law be strengthened. 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. Nevertheless, workers who leave the workplace before it has been proven unsafe run the risk of being fired; in such cases, the worker has the right to judicial appeal, but this process can be very lengthy.

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