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## 1999 Country Reports on Human Rights Practices

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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. In October voters elected Fernando de la Rúa President for a 4-year term; he took office on December 10, replacing President Carlos Saul Menem. 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 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. Following 7 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 due in large part to a reduction in foreign capital flows. In 1999 the country entered a recession, with gross domestic product declining an estimated 3 percent. Unemployment rose to 13.8 percent in 1999, compared with 12.4 percent in 1998. Income disparities are a problem. According to a study published in the press, in 1997-98 approximately 35 percent of the population had incomes below the poverty line.

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, torture, 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 inefficient and is subject at times to political influence and to inordinate delays in trials. There were

numerous threats--and several acts of violence--against journalists. Police used violence against demonstrators. Violence and discrimination against women also are problems. Child abuse and child prostitution continued to increase. Discrimination against indigenous people persists, and there were instances of anti-Semitism. Child labor is a problem. In addition, 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.

## **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 political 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.

The authorities detained two police officers, Nestor Trotta and Roberto Martini, in Buenos Aires province and placed them under investigation for killing a youth in mid-January under unclear circumstances. Investigators suspect that the youth and the officers could have been involved in an illicit transaction gone awry.

In September in Ramallo, Buenos Aires province, police crossfire killed two hostages and one bank robber during a botched bank robbery that turned into a hostage situation. A second alleged robber died in police custody; by year's end, the police had not released a convincing explanation of the incident.

On December 17, a day after the Federal Government took control of the bankrupt Corrientes provincial government, police fired tear gas and rubber bullets into a crowd of protesters blocking a bridge, injuring at least 40 persons in the violent demonstrations. Several blocks away, two persons were killed; an investigation was underway at year's end.

In July a judge convicted Alberto Dattoli, an agent of the National Intelligence Service (SIDE), and sentenced him to 10 years in prison for the killing of Sofia Fijman in February 1998. In front of a SIDE building, Dattoli closed a heavy, mechanical, steel gate on the woman, who typically fed cats in the area. Dattoli maintained that he was trying simply to scare her and that the full closure of the gate was accidental.

In Jujuy province, 14 police officers remained under investigation for involvement in the January 1998 death of Carlos Andres Sutara. In Buenos Aires province, a police officer remained under investigation for allegedly killing Walter Repetto in January 1998.

The four police officers arrested for involvement in the January 1998 death of Juan Carlos Cardozo in Entre Rios Province remained in protective custody at year's end; their trial was scheduled for February 2000.

In July a court sentenced a policeman in Buenos Aires province to 10 years in jail for

shooting Walter Alvarez in the back while the latter was in the process of committing a petty theft in 1997.

In April a court convicted an ex-chief of police in 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 held two additional suspects who were awaiting trial at year's end.

In Mendoza seven policemen remained under indictment in the death of 18-year-old Sebastian Bordon in 1997. Several of these officers were among the 134 officials dismissed by Mendoza authorities on charges of misconduct (see Section 1.c.)

In Buenos Aires province, the investigation of the 1997 killing of news photographer Jose Luis Cabezas closed in December 1998, but a trial date had not been set at year's end (see Section 2.a.).

Several army officers were among 11 suspects 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 July and August, a judge in the province of Neuquen added charges of concealing evidence and providing false testimony against retired General Carlos Diaz and four other military officials.

In May a court convicted four police officers for the 1993 torture and murder of Miguel Bru, a student whose body never has been found. A judge sentenced police officers Justo Lopez and Walter Abrigo to life imprisonment for the crime and gave 2-year prison terms to two other police officials for their involvement in this crime.

The five police officers indicted in September 1998 for the 1989 deaths of Raquel Laguna and Sergio Sorbellini still awaited trial at year's end.

As of October, Spanish Judge Baltasar Garzon had charged 186 persons with various crimes committed during the "dirty war" that the 1976-83 military regime conducted against alleged leftists. In November 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. In 1983 the courts sentenced Videla, Massera, and Galtieri to life in prison, but President Menem pardoned them in 1990. In 1986-87 former President Raul Alfonsin signed into law the "full stop" and "due obedience" laws which put an end to further trials stemming from dirty war offenses.

Investigations continued into the 1994 bombing of the city's Jewish Community Center (AMIA) and the 1992 bombing of the Israeli Embassy in Buenos Aires (see Section 5).

#### b. Disappearance

There were no reports of politically motivated disappearances.

The Government failed to compensate the families of Adolfo Garrido and Raul Baigorria, contrary to the recommendation of the Inter-American Court of Human Rights in 1998.

The court had urged compensation in the amounts of \$110,000 (for Garrido) and \$64,000 (for Baigorria) by the end of May. The two men disappeared in the province of Mendoza in 1990 and are believed to have died in police custody, but no one was arrested or charged in the case. The court also called on the Government to investigate the disappearances and to bring those responsible to justice.

Most reliable estimates place the number of those who disappeared during the dirty war at between 10,000 and 15,000. 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 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 which has been destroyed or which is being concealed by those responsible for the repression."

The Under Secretariat for Human and Social Rights accepted claims for financial compensation from families of persons who died or disappeared during the dictatorship under a law that permits filing of applications until May 2000. It had received over 8,000 claims as of year's end. A law granting former prisoners of the military regime the right to apply for compensation from the Government expired in September 1998. Prior to the expiration date, the Under Secretariat, which administered the law, had received over 13,000 applications, and by the end of that year had approved over 7,000 of them.

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 to 300 children born to detained dissidents during the dirty war. In June 1998, one of the investigations led to the house arrest of former army General Jorge Rafael Videla, the de facto President from 1979 to 1981. Although a court convicted Videla for the crimes he committed during the dirty war and sentenced him 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 1998, Judge Maria Servini de Cubria ordered the arrest of retired Admiral (and former junta member) Emilio 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 1998, former navy commander Admiral Ruben Franco was arrested on suspicion that he was a central organizer of the child abductions. Also that month, retired navy Captain Jorge Eduardo Acosta, formerly a senior officer at the Naval Mechanics School (site of some of the worst atrocities of the dirty war), surrendered and was arrested, bringing the total to nine senior officers who were arrested, detained, or summoned before various judges investigating the child abductions.

In January Judge Bagnasco ordered into custody former de facto President Reynaldo Bignone (who was arrested on January 20 and held on the Campo de Mayo army base). In addition to ordering the detention of Massera, Franco, and Acosta, the judge also ordered the arrest of retired Admiral Antonio Vanek, former army chief Cristino Nicolaides, and others. All remained under house arrest at year's end, with the exception of Acosta, who was held at a military facility.

On December 3, the authorities arrested former General Guillermo Suarez Mason in connection with the investigation of the theft of babies from women in torture centers. Suarez Mason was among those President Menem pardoned in 1990, and was the ninth senior junta official allegedly involved in kidnaping babies and changing their identities.

On September 9, the federal appeals court issued a ruling that confirmed the continuing house arrest of Massera, Videla, and the other defendants; found that they had not been tried for theft of babies in their original 1985 trial on human rights charges; that the case did not fall under the jurisdiction of military justice, had not expired due to the passage of time; and that the crimes in question had no time limit under international law. The court also required that the investigating judge question several of the defendants again. Judicial authorities undertook several searches on military installations for information on the theft of babies. In addition, 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.

In May a federal court in Cordoba province detained army Major Luciano Quiroga for allegedly gathering information on judicial efforts underway in the investigation on the military's role in the theft of babies. Army Chief of Staff Martin Balza subsequently suspended Quiroga and three other officials, a first step toward discharge, while investigating the charges.

In late December, 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. At year's end, the rules committee of the Chamber of Deputies was reviewing his right to be seated.

On June 7, President Menem relieved General Eduardo Cabanillas from command of the Army's II Corps, based on his distribution of a book entitled "Subversion: the Forgotten History," which contained harsh criticism of the Government, the business sector, the media, and political parties. However, early in June, a military tribunal tried Cabanillas for human rights abuses, including torture, theft of babies, and deprivation of due process, committed during the dictatorship. The trial followed allegations in the press that Cabanillas was involved in the theft of babies of women who had disappeared. While the court dropped the charges for lack of evidence, the army chief asked for his resignation. Cabanillas refused, stating that only the President could remove him from his post. In July President Menem discharged Cabanillas for insubordination.

In a disappearance case separate from the theft of babies, in September the Supreme Court ruled that Admiral Massera personally must pay \$120,000 (120,000 pesos) to a survivor of the Tarnopolsky family, many of whose members disappeared during the military regime.

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 (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 1998, the Government responded to the U.N. committee's criticism but did not make its reply public.

In May the authorities detained three police officers in Buenos Aires province for the alleged torture of several persons who were held on suspicion of killing a police official. In Rosario (Santa Fe province), the authorities imposed sanctions ranging from transfers to suspensions on nine police officers for seriously beating two youths who were arrested for creating a public disturbance in June. In August several witnesses alleged torture in the city of Buenos Aires by police who sought corroborating evidence against a suspect.

At mid-year the authorities were investigating two police officers in Buenos Aires province for forcing prostitutes (who were minors) to perform sexual acts to avoid being tried in the juvenile criminal system. They indicted the officers for abuse of authority, extortion, and failing to carry out the duties of their office, among other offenses. In January Mendoza province undertook a wide-ranging purge of police ranks, when the authorities relieved 100 police officials from duty for presumed involvement in murders, torture, and abuses of civil rights. By year's end, they dismissed 34 additional officials on charges of misconduct. Among those discharged were eight officials involved in the case of Sebastian Bordon (see Section 1.a.).

Police used tear gas and rubber bullets to disperse violent protesters on numerous occasions, resulting in injuries (See Section 2.b.). In a number of incidents, they used deadly force (see Section 1.a.).

Police at times threatened journalists (see Section 2.a.).

The Commission for Relatives of Victims of Social and Institutional Violence (Cofavi) works to obtain justice in instances of police brutality.

In July the local headquarters of the Radical Civic Union (UCR) political party in Corrientes province were firebombed and destroyed; attackers also attacked the headquarters of a provincial opposition party and that of the Peronists with Molotov cocktails. In mid-September several small handmade bombs exploded outside the headquarters in Buenos Aires of the three major presidential candidates. An unknown group, the Argentine Resistance Command, claimed responsibility. No one was injured.

Prison conditions are poor. Many prisons and jails are overcrowded, and some facilities are old and dilapidated. In the Buenos Aires provincial prisons, 3,100 prisoners awaited trial at mid-year. The provincial government has considered various solutions, including renting temporary warehouse quarters, and was considering building 18 new prisons in various police districts. In the provincial capital, La Plata, 290 persons were being held for trial in an area with an original capacity of 100. In February five prisoners were wounded

in a prison uprising in Buenos Aires province; the inmates appealed for better conditions in the prison, which had been opened the previous year.

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; 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 do any good.

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, and if they are unable to identify themselves. However, human rights groups argue that this provision of law is widely abused, and that police often ignore the requirement that suspects must be unable 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 April the authorities investigated three Federal Police officials for fabricating charges against two persons in the Federal capital. Seventeen similar cases had been reported in the preceding 5 years.

In August the Government relaxed policies on police use of weapons. Officers may now fire at suspects without prior verbal warning in certain situations.

The authorities in Buenos Aires province indicted several police officials for conspiracy, hiding evidence, abuse of authority, and hiding public documents. Then-provincial Minister of Security Leon Arslanian relieved 1 official and suspended 19 others during the investigation. The officials allegedly hid or destroyed report files of about 200 crimes, with the apparent objective of reducing crime figures.

In March 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 had long argued that these edicts were used as an excuse for arbitrary detentions, particularly of young persons, immigrants, prostitutes, and transvestites. In a police sweep in downtown Buenos Aires 2 weeks after the decree was promulgated, authorities detained 21 persons under that decree and another law that allows police to check criminal records. The police said that the detainees were "intending to commit misdemeanors," although none were apprehended while committing a crime. Further massive sweeps did not occur.

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 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 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, complicated, 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 widely reported, especially in civil cases. In May 1998, the Justice Minister stated that "the system is in crisis."

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 the Magistracy, created by the 1994 constitutional reform but not established until 1997, has responsibility for appointing and removing federal judges and administering the federal court system. It began the process of selecting judges in several parts of the country in September. Nonetheless, it still does not function fully; judicial vacancies have accrued, and roughly 200 impeachment cases against judges remain to be resolved.

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.

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 near Buenos Aires. Although he did not take part in the assault and denied any foreknowledge of it, the court sentenced him to 20 years in prison. He becomes 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 a 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 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. In 1998 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. At year's end, the bill was still pending.

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 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. 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. The Senate approved the bill at the end of 1998, but the Chamber of Deputies had not taken up the bill by year's end.

### 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 all print media are owned privately. Privately owned radio and television stations broadcast freely. 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 violence and threats against journalists, the growing concentration of media ownership, criticisms of the press by public officials, findings against journalists by the Supreme Court, and the failure to bring the Cabezas murder case to a close (see Section 1.a.).

Four provincial police were under arrest and awaiting trial in the case of the January 1997 killing of news photographer Jose Luis Cabezas. After the May 1998 suicide of business executive Alfredo Yabran, a business executive suspected of instigating the murder, the investigation closed in December 1998, with 17 persons named as possible defendants. However, the investigating judge moved to another position, and at year's end, a trial date had not been set.

In the spring, a court gave journalist Eduardo Kimel a year's prison sentence (suspended)

and imposed a fine of \$20,000 (20,000 pesos) for comments made in a book titled "La Masacre de San Patricio." On April 16, the OAS Special Rapporteur for Freedom of Expression issued a statement criticizing this ruling as an infringement on freedom of expression.

In March the authorities discharged two police officers in the province of Mendoza for threatening journalists.

On May 13, unknown individuals killed Ricardo Gangeme, a newspaper editor in Chubut province. Government investigators ruled out theft as a motive and suspect that it was a crime of vengeance. The authorities arrested six persons for Gangeme's murder; at year's end, they had not yet set a trial date.

In May 1988, Amnesty International stated that there was "a prevailing climate of intimidation against journalists," and an "increasing frequency of attacks, death threats, and harassment." In a report issued in September 1998, the Association for the Defense of Independent Journalism, a group of prominent journalists, concluded that, in view of such 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." However, despite the chilling effect 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. In May students protested cuts in the federal education budget (see Section 2.b.).

#### 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. In March the executive branch issued a decree that allowed the Federal Police to detain persons who took part in "tumultuous meetings" that disturbed public tranquility. Provincial police clashed with public sector protesters numerous times throughout the year; security forces typically used rubber bullets and tear gas to disperse protests that turned violent. However, in a number of incidents the police used deadly force against demonstrators (see Section 1.a.).

In March a protest march during a visit by Prince Charles of the United Kingdom turned violent and resulted in 7 police injuries and 57 arrests. In May students blocked streets in Buenos Aires for several days, protesting cuts in the federal education budget. In May in Resistencia, Chaco province, police used heavy batons, rubber bullets, and tear gas to prevent public sector employees who were demonstrating from reaching the provincial executive offices. In June President Menem authorized the use of border police to remove a group of demonstrators who occupied the provincial legislature in Corrientes. In July clashes between protesters and police in Corrientes left a reported 25 demonstrators wounded. On August 11, police repelled protesters in Tucuman province with rubber bullets and tear gas; more than 30 persons were injured, including security officers. In December police injured over 40 protesters (and 2 persons were killed in as yet undetermined circumstances) in 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 provides for freedom of religion, and the Government respects this right in practice. The Constitution states that the Federal Government "sustains the Apostolic Roman Catholic faith," and the Government provides the Catholic Church with a subsidy of \$15 million (15 million pesos), which is administered through the Secretariat of Worship in the Office of the Presidency. Religious organizations that wish to hold public worship services and to obtain tax exempt status must register with the Secretariat. Possession of a place of worship, an organizational charter, and an ordained clergy are among the criteria the Secretariat considers in determining whether to grant or withdraw registration.

Registered religious organizations may bring foreign missionaries to the country by applying to the Secretariat of Worship, which in turn notifies the immigration authorities so that the appropriate immigration documents may be issued.

### 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.

In February members of the Roman Catholic Church complained that poor immigrants had difficulty paying the costs to arrange their residency documents and that the government immigration bureaucracy was excessive.

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 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 them for resettlement. The issue of the provision of first asylum did not arise in 1999.

In March the Government granted asylum to Paraguayan former general and coup plotter Lino Oviedo, who fled that country after the assassination of the Vice President, in which Oviedo allegedly was implicated.

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 voters elected Fernando de la Rúa, leader of an opposition alliance, as President; he succeeded President Carlos Saul Menem of the Justicialist Party on December 10.

In December 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.

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 affirmative action 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 a minimum of 30 percent of all political party lists of candidates be female. As a result, the presence of women in Congress is increasing. About one-fourth of the 257 members of the lower house are women. However, gender quotas do not apply in the Senate, in which members are chosen by provincial legislatures, and membership in the 72-seat Senate is overwhelmingly male.

#### 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 equal treatment for all citizens. A 1988 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.

#### 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 the number of unreported cases is unknown. The National Council of Women, a governmental organization created in 1992, has worked with the U.N. 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. The council also established a web site with information for women.

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 punishable crime.

Rape is a problem, but reliable statistics as to its extent were not available. Marital rape

and acquaintance rape are recognized by law, as long as there is force involved, 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. In May Congress passed a law that expanded the definition of punishable sexual violations beyond forcible intercourse and increased the severity of punishments.

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 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 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. The underemployment rate for women was twice as high as that of men, according to government statistics. In March 1998, President Menem signed a decree calling for the "design and implementation of policies, plans, and programs to promote the incorporation of women into the work force 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, although 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. In June the National Census Bureau reported that in 1998 4.5 million children under age 14--45 percent of children in that age group--lived in impoverished conditions. 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 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, and mandates access to buildings for the disabled. There was some progress in these areas. 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 the disabled and helping them find employment. Since the establishment of the National Program Against Discrimination (INADI) in 1994, the largest single group bringing complaints has been the disabled. INADI received approximately 300 complaints of discrimination based on disability between December 1997 and July 1999.

### Indigenous People

The Constitution, as amended in 1994, recognizes the ethnic and cultural identities of indigenous people 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.

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 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. Other demographers in recent years have set the figure no higher than 450,000. To clarify the issue, the 2000 national census is to collect information about indigenous identity for the first time.

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. Government efforts to offer bilingual education opportunities to indigenous people were hampered by a lack of trained teachers.

Since 1994 the Government has restored approximately 2.5 million acres of land to indigenous communities. Nonetheless, some communities were involved in land disputes with