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SUBJECT: 1993 HUMAN RIGHTS REPORT FOR ARGENTINA -  
VERSION 3

1. LOU-NOFORN--ENTIRE TEXT.
2. THE FINAL EDITED VERSION (VERSION 3) OF THE 1993 REPORT ON HUMAN RIGHTS PRACTICES FOR ARGENTINA IS TRANSMITTED HERewith FOR A FINAL REVIEW TO CHECK FOR SIGNIFICANT FACTUAL OR OTHER ERRORS, BUT NOT, REPEAT NOT, TO RENEGOTIATE THE TEXT OR ADD NEW INFORMATION UNLESS IT IS ESSENTIAL AND SUCCINCT. ANY POST COMMENTS SHOULD BE KEYED TO THE NUMBERED PARAGRAPHS IN THE CABLE. PLEASE RESPOND WITHIN TWO (2) WORKING DAYS IN ORDER TO HELP DEPARTMENT MEET THE DEADLINE FOR COMPLETING ALL 193 REPORTS.
3. POST SHOULD KEEP IN MIND THAT ALL DRAFTS INCLUDING THIS ONE MUST BE TREATED AS LIMITED OFFICIAL USE/NOFORN. WHEN THE FINAL REPORT IS OFFICIALLY RELEASED TO THE

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NAZI WAR CRIMES DISCLOSURE ACT  
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PUBLIC, YOU WILL BE SENT AN UNCLASSIFIED VERSION, AND THAT IS THE ONLY VERSION WHICH MAY BE RELEASED.

4. BEGIN TEXT OF REPORT:

5. ARGENTINA IS A FEDERAL, CONSTITUTIONAL DEMOCRACY WITH ABOUT 33 MILLION INHABITANTS. THE PRESIDENT, CARLOS SAUL MENEM OF THE JUSTICIALIST (PERONIST) PARTY. WAS ELECTED IN 1989 THROUGH AN ELECTORAL COLLEGE FOR A SINGLE 6-YEAR TERM. THE CONSTITUTION PROVIDES FOR A BICAMERAL LEGISLATURE AND AN INDEPENDENT JUDICIARY. THE EXECUTIVE TRADITIONALLY IS THE DOMINANT BRANCH AT THE FEDERAL LEVEL. SINCE THE END OF MILITARY RULE IN 1983, THERE HAVE BEEN TWO NATIONAL PRESIDENTIAL ELECTIONS AS WELL AS NUMEROUS MIDTERM ELECTIONS FOR CONGRESS AND PROVINCIAL GOVERNMENTS, THE MOST RECENT IN OCTOBER 1993. PRESIDENT MENEM IS NOT NOW ELIGIBLE FOR REELECTION IN 1995; HOWEVER, EFFORTS WERE BEING MADE TO AMEND THE CONSTITUTION TO ALLOW FOR A SECOND CONSECUTIVE TERM.

6. THE PRESIDENT IS THE CONSTITUTIONAL COMMANDER IN CHIEF, AND A CIVILIAN DEFENSE MINISTER OVERSEES THE ARMED FORCES. RESPONSIBILITY FOR MAINTAINING LAW AND ORDER IS SHARED BY THE FEDERAL POLICE, WHICH REPORT TO THE INTERIOR MINISTER; THE BORDER POLICE AND THE COAST GUARD WHICH REPORT TO THE DEFENSE MINISTER; AND THE PROVINCIAL POLICE REPORTING TO PROVINCIAL GOVERNMENTS. THERE WERE CONTINUED ABUSES OF POLICE AUTHORITY IN 1993, ALTHOUGH FEWER THAN IN PREVIOUS YEARS.

7. ARGENTINA HAS A MIXED AGRICULTURAL. INDUSTRIAL, AND SERVICE ECONOMY THAT GREW RAPIDLY AND EXPERIENCED SIGNIFICANT CHANGES. AN ECONOMIC REFORM PROGRAM IS INTENDED TO CONVERT A CENTRALLY CONTROLLED ECONOMY INTO ONE MORE RESPONSIVE TO MARKET FORCES. THE PROGRAM REDUCED INFLATION DRAMATICALLY BY SHARPLY INCREASING REVENUE COLLECTION, FIXING THE EXCHANGE RATE, PRIVATIZING VIRTUALLY ALL MAJOR STATE ENTERPRISES, AND OPENING THE ECONOMY TO VIGOROUS COMPETITION FROM IMPORTS. THESE CHANGES FORCED THE BUSINESS COMMUNITY TO INCREASE PRODUCTIVITY IN ORDER TO STAY COMPETITIVE, OFTEN THROUGH SIGNIFICANT INVESTMENT IN LABOR-SAVING TECHNOLOGY.

8. THE CONSTITUTION PROVIDES FOR A WIDE RANGE OF FREEDOMS AND GUARANTEES. NEVERTHELESS. INSTITUTIONAL WEAKNESSES, POLITICAL PARTISANSHIP, GOVERNMENT FAILURE TO PUNISH HUMAN RIGHTS VIOLATORS, AND THE LEGACY OF AUTHORITARIAN RULE RESULTED IN FAILURE TO PROTECT INDIVIDUAL RIGHTS FULLY. THIS WAS PARTICULARLY TRUE IN THE CASE OF EXTRAJUDICIAL KILLINGS, OFTEN COMMITTED WITH IMPUNITY, AND INSTANCES OF POLICE BRUTALITY. THERE WERE

ALSO MANY THREATS AND INCIDENTS OF AGGRESSION AGAINST THE MEDIA, AS WELL AS ATTEMPTS TO MONITOR IDEOLOGICAL ACTIVITIES OF STUDENTS AND OTHERS. SOCIETAL VIOLENCE AGAINST WOMEN CONTINUED TO BE A PROBLEM, WITH LITTLE VISIBLE EFFORT BY THE GOVERNMENT TO COMBAT IT. THE

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GOVERNMENT FAILED TO COMPLY WITH A LAW THAT CALLS FOR INDEMNIFICATION OF THOSE WHO SUFFERED TORTURE OR DETENTION DURING MILITARY RULE.

RESPECT FOR HUMAN RIGHTS

SECTION 1 · RESPECT FOR THE INTEGRITY OF THE PERSON,  
INCLUDING FREEDOM FROM:

A. POLITICAL AND EXTRAJUDICIAL KILLING

9. THERE WERE NO CREDIBLE REPORTS OF POLITICALLY MOTIVATED KILLINGS CARRIED OUT BY GOVERNMENT FORCES IN 1993. POLICE WERE INVOLVED, HOWEVER, IN A NUMBER OF EXTRAJUDICIAL KILLINGS, OFTEN WITH IMPUNITY.

10. IN CORDOBA, AN INTERNAL INVESTIGATION OF THE DEATH IN 1989 OF A TAXI DRIVER REVEALED IN FEBRUARY THAT TWO POLICE OFFICERS WHO HAD TRIED TO EXTORT MONEY FROM THE DRIVER HAD KILLED HIM. THE TWO WERE ARRESTED AND REMANDED TO A CIVILIAN COURT PENDING TRIAL. AN OFF-DUTY POLICEMAN WORKING AS A SECURITY GUARD AT A DISCOTHEQUE KILLED A 14-YEAR-OLD BOY IN HAEDO, BUENOS AIRES PROVINCE. IN NEAR-BY QUILMES, TWO BOLIVIAN BOYS WERE SHOT AND KILLED BY A POLICEMAN AS THEY EXITED A CHURCH. LEGAL ACTION WAS INITIATED AGAINST BOTH POLICEMEN. THE EFFICACY OF LEGAL ACTIONS OF THIS NATURE VARIES WIDELY HOWEVER, DEPENDING ON THE COURT WITHIN WHOSE JURISDICTION THE CASE FALLS, THE ATTITUDE OF LOCAL AUTHORITIES. AND THE EFFICACY OF POLICE INTERNAL REVIEW MECHANISMS.

11. THE 1991 MURDER OF RADICAL PARTY POLITICIAN REGINO MADERS WAS STILL NOT RESOLVED BY THE END OF 1993, ALTHOUGH EX-POLICE SERGEANT CARLOS GUIDONE WAS ARRESTED IN FEBRUARY ON SUSPICION OF INVOLVEMENT IN THE CASE. MADERS WAS THOUGHT TO HAVE BEEN KILLED BECAUSE OF HIS INVESTIGATION INTO ALLEGED CORRUPTION IN THE PRIVATIZATION OF A PROVINCIAL ELECTRIC UTILITY COMPANY. THERE WERE CREDIBLE REPORTS OF ATTEMPTS TO INTIMIDATE WITNESSES IN THE CASE, AND OF POLITICAL INTERFERENCE WITH THE INVESTIGATION.

B. DISAPPEARANCES

12. UNRESOLVED DISAPPEARANCES THAT MAY HAVE BEEN ATTRIBUTABLE TO THE POLICE TOOK PLACE IN 1993. ON AUGUST 17, MIGUEL BRU DISAPPEARED SHORTLY AFTER HE FILED A COMPLAINT FOR ABUSE OF AUTHORITY AGAINST THE LA PLATA POLICE FOR RAIDING HIS HOME WITHOUT A SEARCH WARRANT. BRU'S PARENTS ATTEMPTED UNSUCCESSFULLY TO REGISTER HIS DISAPPEARANCE, BUT THE POLICE REFUSED TO ACCEPT THE REPORT. IT WAS FINALLY ACCEPTED AT THE POLICE STATION WHERE BRU'S FATHER WORKED. A JUDICIAL INQUIRY HAS COMMENCED.

13. IN THE 1992 DISAPPEARANCE OF PABLO GUARDATI, WHO WAS

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REPORTEDLY ABDUCTED BY FOUR POLICEMEN IN BUENOS AIRES AND SEEN IN POLICE CUSTODY BY A WITNESS 73 DAYS LATER, A BODY WAS POSITIVELY IDENTIFIED AS THAT OF GUARDATI IN JUNE. THE 4 POLICEMEN MOST DIRECTLY INVOLVED WERE DETAINED FOR QUESTIONING; 10 OFFICERS INVOLVED IN THE COVERUP WERE REASSIGNED, AND 4 OFFICERS WERE CHARGED WITH ATTEMPTING TO PAY BRIBES FOR FALSE TESTIMONY.

14. HUNDREDS OF CHILDREN WHOSE BIOLOGICAL PARENTS DISAPPEARED DURING THE 1976-83 MILITARY DICTATORSHIP WERE--EITHER INNOCENTLY OR FRAUDULENTLY--ADOPTED BY OTHERS. LARGELY AS A RESULT OF PRESSURE FROM THE "GRANDMOTHERS OF THE PLAZA DE MAYO" GROUP, A NATIONAL COMMISSION ON THE RIGHT TO IDENTITY WAS CREATED IN THE INTERIOR MINISTRY IN NOVEMBER 1992. ACCORDING TO THIS GROUP, IN 1993 THERE WERE STILL SOME 500 CHILDREN WHOSE TRUE IDENTITY HAD NOT BEEN ESTABLISHED OR RESTORED. IN THE CASE OF THE REGGIARDO-TOLOSA TWINS, FRAUDULENTLY ADOPTED BY POLICE OFFICER SAMUEL MIARA AND HIS WIFE AFTER THEIR BIOLOGICAL PARENTS WERE MURDERED, A FEDERAL COURT NULLIFIED THE ADOPTION; CHARGED MIARA WITH FALSIFICATION OF OFFICIAL DOCUMENTS; CANCELED THEIR FRAUDULENT BIRTH CERTIFICATES AND OTHER DOCUMENTS; AND IN MAY ORDERED THAT THEIR TRUE SURNAME BE RESTORED. MIARA IS SERVING A SENTENCE FOR FRAUD AND THE TWINS WERE TEMPORARILY HOUSED IN A FOSTER HOME IN ANTICIPATION OF A CUSTODY AWARD TO THEIR BIOLOGICAL RELATIVES.

**C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT**

15. THE CONSTITUTION PROHIBITS TORTURE AND THE CRIMINAL CODE PROVIDES PENALTIES FOR TORTURE WHICH ARE SIMILAR TO THOSE FOR HOMICIDE, FROM 8 TO 15 YEARS IN PRISON. THE LEVEL OF REPORTED INCIDENTS OF POLICE BRUTALITY'

PARTICULARLY DIRECTED AGAINST YOUNG MEN, DECLINED SOMEWHAT FROM 1992. AT THE SAME TIME, DISCIPLINARY AND LEGAL ACTION AGAINST POLICE OFFICERS ACCUSED OF BEATING AND KILLING YOUTHS CONTINUED. IN MID-JULY THE SECRETARY FOR SECURITY OF BUENOS AIRES PROVINCE ANNOUNCED BROAD NEW MEASURES TO CONTROL THE POLICE AND IMPROVE THEIR IMAGE. AS A RESULT, AT LEAST 1,000 PROVINCIAL POLICE WERE SEPARATED FROM THE FORCE.

16. IN ROSARIO, SANTA FE PROVINCE, TWO POLICE OFFICERS WERE SUSPENDED FROM THE FORCE DURING THE INVESTIGATION OF CHARGES THAT THEY HAD TRIED TO EXTORT MONEY FROM TWO YOUTHS, AGED 19 AND 15, AND, FAILING IN THEIR OBJECTIVE' BEAT THEM AND SHOT AT THEM. IN ADDITION, AN INTERNAL POLICE INVESTIGATION OF THE TWO OFFICERS' ACTIONS WAS PURSUED. AT VILLA CARLOS PAZ, NEAR CORDOBA, TWO POLICE WERE ARRESTED IN MARCH FOR TORTURING A SUSPECT DURING INTERROGATION, AND A THIRD OFFICER WAS SUSPENDED FOR COVERING UP THE CRIME.

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17. PRISON CONDITIONS VARY WIDELY, BUT ON THE WHOLE ARE ACCEPTABLE. MANY OF THE FACILITIES ARE OLD AND SOME ARE DILAPIDATED AND CROWDED, BUT THE PRIMARY COMPLAINTS SEEMED TO BE THE LACK OF FRESH FRUIT AND VEGETABLES IN SOME FACILITIES. CONJUGAL VISITS ARE PERMITTED IN SOME PRISONS, DEPENDING UPON THE FACILITIES AVAILABLE. ABUSE OF PRISONERS BY GUARDS IS PUNISHED IN AT LEAST SOME CASES. IN SANTA FE, IN APRIL, 12 GUARDS WERE SUSPENDED AND TRIED FOR ABUSING 4 PRISONERS.

**D. ARBITRARY ARREST, DETENTION, OR EXILE**

18. ALTHOUGH THE PENAL CODE CONTAINS EXPLICIT PROTECTIONS FOR INDIVIDUAL RIGHTS AND PLACES LIMITS ON THE ARREST AND INVESTIGATORY POWERS OF THE POLICE AND JUDICIARY, THE LAWS ARE OFTEN IGNORED AND MEANINGFUL SANCTIONS SELDOM APPLIED AGAINST THOSE WHO BREAK THEM.

19. THE INTERIOR MINISTRY CONDUCTED COURSES FOR PUBLIC OFFICIALS DESIGNED TO HEIGHTEN AWARENESS ABOUT HUMAN RIGHTS ISSUES, AND THE JUSTICE MINISTRY ATTEMPTED TO EDUCATE THE PUBLIC ABOUT THE LEGAL RIGHTS OF DETAINEES. THE GOVERNMENT CREATED AN OMBUDSMAN TO OVERSEE THE OBSERVANCE OF INDIVIDUAL RIGHTS IN THE PRISON SYSTEM.

20. A DECEMBER 1991 LAW PROVIDED COMPENSATION (IN GOVERNMENT BONDS) FOR THOSE WHO WERE ILLEGALLY DETAINED AND HELD BY THE EXECUTIVE OR THE ARMED FORCES DURING THE

1976-83 MILITARY DICTATORSHIP. THE INTERIOR MINISTRY HAS APPROVED 4,000 OF THE 8,300 REQUESTS SUBMITTED FOR INDEMNITY PAYMENTS. THE LENGTHY PROCESS PRODUCED MANY COMPLAINTS FROM THOSE PEOPLE WHO BELIEVE THEMSELVES ENTITLED TO COMPENSATION. THE SUPREME COURT IS RESPONSIBLE FOR SETTLING DISPUTES OVER THE AMOUNT OF COMPENSATION.

**E. DENIAL OF FAIR PUBLIC TRIAL**

21. THE CONSTITUTION AND PENAL CODE CALL FOR TRIALS BEFORE PANELS OF JUDGES USING WRITTEN PRESENTATIONS AND FOR APPELLATE REVIEW OF ALL JUDICIAL RULINGS. THE SYSTEM OF ORAL PUBLIC TRIALS IN PENAL CASES, INSTITUTED IN SEPTEMBER 1992, FUNCTIONED ON A PARTIAL BASIS IN 1993. ONCE FULLY IMPLEMENTED AND FUNDED, ORAL TRIALS MAY SIGNIFICANTLY ACCELERATE RULINGS IN THE JUDICIAL PROCESS. THE RIGHT TO BAIL IS PROVIDED BY LAW AND RECOGNIZED IN PRACTICE.

22. WHILE THE JUDICIAL SYSTEM IS INDEPENDENT AND IMPARTIAL IN THEORY, THERE WERE CONTINUED ALLEGATIONS THAT THE EXECUTIVE BRANCH EXERCISED UNDUE INFLUENCE ON THE COURTS. GROWING PUBLIC AWARENESS OF THE SHORTCOMINGS OF THE SYSTEM, WHICH IS SLOW AND CUMBERSOME, HAD AN

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IMPACT ON OFFICIAL ACTIONS. THE FIRST ORAL TRIBUNAL IN THE FEDERAL CAPITAL FREED A YOUNG MAN ACCUSED OF ROBBERY IN JUNE BECAUSE HE HAD NOT BEEN NOTIFIED BY THE PROSECUTOR OF HIS RIGHT TO REFUSE TO TESTIFY AGAINST HIMSELF. IN ONE NOTORIOUS CASE OF A PRISONER WHO WAS DETAINED FOR 7 YEARS WITHOUT EVER HAVING BEEN CONVICTED OF A CRIME, THE DETAINEE WAS RELEASED IN JULY.

23. THE INDEPENDENCE AND INDEED, THE PHYSICAL SAFETY, OF JUDGES WERE ALSO AFFECTED BY THREATS AND ATTACKS ON THEIR PERSONS. THERE IS CREDIBLE REASON TO BELIEVE SUCH ATTACKS WERE SOMETIMES PERPETRATED BY THE POLICE OR THE MILITARY. A FEDERAL JUDGE IN LA PLATA WHO HAD BEEN INVESTIGATING THE INVOLVEMENT OF MILITARY PERSONNEL IN A BAND OF HIGHWAYMEN WAS THREATENED AND HIS DAUGHTER WAS ALMOST KIDNAPED. UNKNOWN PERSONS SENT THE JUDGE A SERIES OF PHOTOGRAPHS SHOWING HIS MOTHER, HIS DAUGHTER, AND HIS HOUSE. THE HOUSE OF A JUDGE IN LOMAS DE ZAMORA (BUENOS AIRES PROVINCE) WAS FIRED UPON BY UNKNOWN INDIVIDUALS IN JULY, AND PROVINCIAL AUTHORITIES ACKNOWLEDGED THAT VIRTUALLY ALL OF THE FEDERAL JUDGES WORKING IN THE PROVINCE HAVE RECEIVED THREATS AT ONE TIME OR ANOTHER. TWO JUDGES, ONE IN PARANA (ENTRE RIOS PROVINCE) AND ONE

IN ROSARIO, RECEIVED THREATS RELATED TO TRIALS OF CORRUPT POLICE OFFICERS AND NARCOTICS TRAFFICKERS. THE GOVERNMENT'S RESPONSE TO THESE THREATS WAS TO OFFER POLICE PROTECTION WHILE INVESTIGATING THE INCIDENTS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

24. ALTHOUGH PROHIBITED BY THE CONSTITUTION FROM DOING SO, THE GOVERNMENT SOMETIMES INTRUDED INTO THE LIVES OF PRIVATE CITIZENS. WITH THE PRIVATIZATION AND MODERNIZATION OF THE TELEPHONE SERVICE, DENUNCIATIONS OF TELEPHONE TAPPING DIMINISHED. HOWEVER, REPORTS CONTINUE OF ILLEGAL MONITORING BY GOVERNMENT AGENCIES AND PRIVATE ENTITIES. THE GOVERNMENT RESERVES THE RIGHT TO MONITOR TELEPHONES IN SPECIAL CASES WITH A COURT ORDER. AN OCTOBER 1992 PRESIDENTIAL DECREE ASSIGNED THE STATE INTELLIGENCE SECRETARIAT (SIDE) SUPERVISION OF JUDICIALLY ORDERED TELEPHONE TAPS, REPLACING AN OFFICE THAT EXISTED IN THE FORMERLY STATE-OWNED TELEPHONE COMPANY. A FEDERAL JUDGE QUESTIONED THE DECISION TO PLACE THIS AUTHORITY WITHIN THE NATIONAL EXECUTIVE.

SECTION 2 RESPECT FOR CIVIL LIBERTIES INCLUDING:

A. FREEDOM OF SPEECH AND PRESS

25. IN ITS SEPTEMBER 1992 PRESENTATION TO THE INTER-AMERICAN PRESS SOCIETY MEETING IN MADRID, THE NATIONAL EDITORS AND PUBLISHERS ASSOCIATION (ADEPA) CHARACTERIZED THAT YEAR AS THE WORST YEAR FOR FREEDOM OF

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EXPRESSION SINCE THE RETURN OF DEMOCRACY IN 1983. THE PROBLEMS THAT CHARACTERIZED 1992 CONTINUED IN 1993. THE MOST SERIOUS PROBLEM IN THE AREA OF FREEDOM OF EXPRESSION WAS THE HEIGHTENED LEVEL OF THREATS AND OVERT AGGRESSION AGAINST REPORTERS, RADIO AND TELEVISION STATIONS, MEDIA PERSONALITIES, UNION LEADERS, AND OPPOSITION POLITICIANS.

26. TWO JOURNALISTS WERE ATTACKED PHYSICALLY, ONE ON TWO OCCASIONS. MARCELO BONELLI, A REPORTER FOR CLARIN AND RADIO MITRE WHO WAS INVESTIGATING THE ACTIVITIES OF GOVERNMENT DRUG "CZAR" ALBERTO LESTELLE, WAS ASSAULTED BY TWO MEN ON HIS WAY TO THE RADIO STATION. THEN DEPUTY INTERIOR MINISTER GERARDO CONTE GRAND ADMITTED THAT THE ATTACK WAS PROBABLY PART OF AN "INTIMIDATION CAMPAIGN." WHILE PRESIDENT MENEM CONDEMNED THE ATTACK, DENIED ANY OFFICIAL INVOLVEMENT, BUT IMPROBABLY ATTRIBUTED THE INCIDENT TO THOSE WHO WANTED TO MAKE THE GOVERNMENT LOOK

BAD.

27. THE SECOND CASE INVOLVED JOURNALIST HERNAN LOPEZ ECHAGUE OF BUENOS AIRES DAILY PAGINA 12. HE WAS INVESTIGATING REPORTS THAT A GANG OF THUGS OPERATING OUT OF BUENOS AIRES' CENTRAL MARKET WAS BEING USED TO MOBILIZE SUPPORT FOR PERONISTS AND TO INTIMIDATE OPPONENTS. LOPEZ ECHAGUE WAS FIRST ATTACKED BY TWO MEN ON AUGUST 25. ON AUGUST 30, INTERIOR MINISTER CARLOS RUCKAUF ANNOUNCED THAT TWO MEN HAD BEEN ARRESTED ON SUSPICION OF CARRYING OUT THE ATTACK. THEY WERE RELEASED 2 DAYS LATER, HOWEVER, AFTER LOPEZ ECHAGUE WAS UNABLE TO GIVE A POSITIVE IDENTIFICATION. IN STATEMENTS TO THE PRESS THEY ACCUSED THE POLICE OF PLANTING INCRIMINATING EVIDENCE ON THEM AT THE TIME OF THEIR ARREST.

28. LOPEZ ECHAGUE WAS ATTACKED A SECOND TIME ON SEPTEMBER 9 IN A BUENOS AIRES SUBURB. TWO MEN FORCED HIM INTO A CAR WHERE, WITH THE HELP OF A THIRD, THEY BLUDGEONED HIM UNCONSCIOUS. HE WAS THEN DRIVEN SEVERAL BLOCKS AND DUMPED. PRESIDENT MENEM AND GOVERNMENT OFFICIALS STRONGLY CONDEMNED BOTH ATTACKS AND ATTRIBUTED THEM TO UNSPECIFIED ENEMIES OF THE GOVERNMENT WHO WERE ATTEMPTING TO UNDERMINE ITS SUPPORT PRIOR TO THE OCTOBER ELECTIONS. AN ALLEGED WITNESS PROVIDED THE LICENSE PLATE NUMBER OF THE VEHICLE USED BY THE ASSAILANTS. A SEARCH OF PROVINCIAL RECORDS REVEALED THAT A SIMILAR AUTOMOBILE WAS REGISTERED TO THE BUENOS AIRES PROVINCIAL GOVERNMENT, BUT RECORDS INDICATED THAT IT HAD NOT BEEN USED THE NIGHT OF THE ATTACK. THE CREDIBILITY OF THE WITNESS WAS QUESTIONED, AND PRESIDENT MENEM APPOINTED A SPECIAL PROSECUTOR TO INVESTIGATE THE CASE, BUT AS OF YEAR'S END THE IDENTITY OF LOPEZ ECHAGUE'S ASSAILANTS WAS UNKNOWN.

29. PRESIDENT MENEM ORDERED THE GOVERNMENT TELEVISION STATION TO RESTORE A POLITICAL COMMENTARY PROGRAM WHICH HAD BEEN CANCELED BY STATION MANAGERS AFTER IT REVEALED

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UNFLATTERING ASPECTS OF THE GOVERNMENT'S PURCHASE OF A NEW PRESIDENTIAL AIRCRAFT. A FEDERAL COURT ABSOLVED THE PRODUCERS OF THE SATIRIC TELEVISION PROGRAM "PEOR ES NADA" OF LIBEL CHARGES BROUGHT BY A MILITARY OFFICER WHO ALLEGED THAT HE HAD BEEN DEFAMED BY A COMEDY PROGRAM ABOUT ARGENTINE PARTICIPATION IN THE PERSIAN GULF WAR. IN MARCH, IN A SUIT BROUGHT BY THE GOVERNMENT RELATED TO AN INVESTIGATION INTO THE ADULTERATION OF WINE, A FEDERAL JUDGE RULED THAT IT IS NOT UNLAWFUL FOR JOURNALISTS TO INTERVIEW A FUGITIVE FROM JUSTICE AND THAT A JOURNALIST WHO REFUSES TO REVEAL HIS SOURCES IS NOT GUILTY OF

CONCEALMENT. FINALLY, IN MAY THE SENATE REPEALED A STATUTE PENALIZING OFFENSES AGAINST THE DIGNITY OF A PUBLIC OFFICIAL.

30. THE NUMBER OF REPORTED TELEPHONE THREATS INCREASED DURING THE JUNE TO OCTOBER PREELECTORAL PERIOD. JOURNALISTS WORKING FOR THE NEWSMAGAZINE SOMOS, FOR BUENOS AIRES DAILY LA NACION; FOR A TELEVISION STATION IN QUILMES, FOR THE NEWSPAPER LA MANANA IN FORMOSA PROVINCE, FOR RADIO CONTINENTAL AND THE TELEVISION STATION TELEFE IN BUENOS AIRES, FOR EL CRONISTA IN BUENOS AIRES, AND FOR THE DAILY LA CAPITAL IN ROSARIO, ALL RECEIVED TELEPHONE THREATS. A MOLOTOV COCKTAIL WAS THROWN AT AN FM STATION IN BUENOS AIRES, AND A SIMILAR TRANSMITTER IN SANTIAGO DEL ESTERO PROVINCE WAS DELIBERATELY BURNED. A JOURNALIST IN SALTA WAS ARRESTED IN APRIL AND A TAPE THAT SHE HAD MADE DURING AN INTERVIEW WITH A PUBLIC OFFICIAL WAS CONFISCATED BY POLICE. A PRINT MEDIA JOURNALIST'S CAR WAS FIREBOMBED IN BUENOS AIRES IN MAY, AND A REPORTER FOR CLARIN HAD HIS CAMERA SNATCHED FROM HIM AND SMASHED BY AN UNIDENTIFIED PERSON IN JUNE.

31. A GOVERNMENT INITIATIVE IN JUNE WAS WIDELY CONDEMNED AS AN EFFORT TO MUZZLE THE INDEPENDENT PRESS. AN OFFICIAL COMMUNIQUE ANNOUNCED THE GOVERNMENT'S INTENTION TO SEEK A NEW RADIO BROADCASTING LAW; TO LICENSE NEW TELEVISION STATIONS; TO ENFORCE LEGAL PROVISIONS REGARDING BROADCAST TRANSMISSIONS; TO ENSURE EQUAL ACCESS TO NEWSPRINT; AND TO ENFORCE ANTIMONOPOLY LAWS. THE COMMUNIQUE ASSERTED THAT THE GOVERNMENT'S OBJECTIVE WAS TO PREVENT THE KIND OF MONOPOLY OVER INFORMATION THAT CHARACTERIZED ARGENTINA BEFORE THE RETURN TO DEMOCRACY IN 1983.

32. THE MEDIA REACTION WAS IMMEDIATE AND NEGATIVE. ADEPA AND THE INTER-AMERICAN PRESS SOCIETY EXPRESSED CONCERN. THE DAY AFTER THE COMMUNIQUE APPEARED, TWO OF MENEM'S MINISTERS DENIED THAT THE GOVERNMENT WAS SEEKING TO CONTROL THE MEDIA. ALTHOUGH THE PRESIDENT REITERATED HIS PLANS TO SEND LEGISLATION TO CONGRESS THAT WOULD IMPOSE LIMITATIONS ON RADIO BROADCASTING, NO BILL WAS SENT BY YEAR'S END.



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33. ACADEMIC FREEDOM WAS GENERALLY RESPECTED, BUT IN JUNE THE PRESS REPORTED THAT THE PROVINCIAL POLICE ORDERED THE GATHERING OF INFORMATION ON STUDENT POLITICAL ACTIVITIES AND IDEOLOGIES. EVIDENCE OF SIMILAR ATTEMPTS TO GATHER INFORMATION ON STUDENT ACTIVITIES SUBSEQUENTLY

SURFACED IN SEVERAL OTHER LOCALES OF BUENOS AIRES PROVINCE AND IN THE PROVINCES OF NEUQUEN, CORRIENTES, MISIONES, CORDOBA, AND TUCUMAN. THEN INTERIOR MINISTER GUSTAVO BELIZ TESTIFIED THAT THE ORDER TO UPDATE INTELLIGENCE FILES HAD BEEN ISSUED UNDER HIS PREDECESSOR AND WAS A "BUREAUCRATIC MISTAKE."

**B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION**

34. THE CONSTITUTION AND LAWS PROVIDE FOR THE RIGHT OF GROUPS AND POLITICAL PARTIES TO ASSEMBLE AND DEMONSTRATE. RETIREES, PUBLIC SCHOOL TEACHERS, STUDENTS, GAY RIGHTS GROUPS, FARMERS, POLITICAL ACTIVISTS, AND OTHER ORGANIZATIONS EXERCISED THIS RIGHT, GENERALLY WITHOUT INTERFERENCE. NEVERTHELESS, LOCAL AUTHORITIES SOMETIMES INTERPRETED THESE CONSTITUTIONAL PROTECTIONS RESTRICTIVELY. AS IN THE CASE OF 25 MEMBERS OF A GOVERNMENT WORKERS UNION WHO WERE DETAINED BRIEFLY IN JUJUY PROVINCE IN SEPTEMBER FOR DEMONSTRATING IN DEMAND OF BETTER WAGES.

**C. FREEDOM OF RELIGION**

35. THE CONSTITUTION PROVIDES FOR THE FREE EXERCISE OF RELIGION BUT GIVES THE ROMAN CATHOLIC CHURCH A PRIVILEGED POSITION IN SOCIETY. ONLY A ROMAN CATHOLIC MAY BE ELECTED PRESIDENT, AND MANY INSTITUTIONS ARE, IN PRACTICE, CLOSED TO JEWS. MISSIONARIES ARE FREE TO PROSELYTIZE, PROVIDED THEY REGISTER WITH THE SECRETARIAT OF WORSHIP IN THE FOREIGN MINISTRY. THE NUMBER OF PROTESTANT AND EVANGELICAL GROUPS HAS RISEN.

**D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION**

36. DOCUMENTED INTERNATIONAL TRAVEL, INTERNAL TRAVEL, AND EMIGRATION REMAINED UNRESTRICTED.

**SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT**

37. FOR OVER A DECADE ARGENTINA HAS HELD PERIODIC, FREE ELECTIONS TO CHOOSE FEDERAL, PROVINCIAL, AND LOCAL OFFICIALS. UNIVERSAL, ADULT SUFFRAGE IS OBLIGATORY IN NATIONAL ELECTIONS. THE CONSTITUTION AND CIVIL CODE PROVIDE FOR FULL PARTICIPATION IN THE NATIONAL POLITICAL PROCESS, REGARDLESS OF SEX, ETHNIC BACKGROUND OR NATIONAL ORIGIN. ALTHOUGH PRESIDENT MENEM WAS INELIGIBLE

FOR REELECTION IN 1995, EFFORTS WERE BEING MADE TO AMEND

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THE CONSTITUTION TO, AMONG OTHER CHANGES, ALLOW FOR A SECOND CONSECUTIVE TERM.

38. A 1991 LAW MANDATING THAT 30 PERCENT OF THE CANDIDATES ON PARTY LISTS BE WOMEN WAS IN FORCE FOR THE OCTOBER 1993 LEGISLATIVE ELECTIONS. IN LATE SEPTEMBER, THE SUPREME COURT RULED THAT A FEMALE CANDIDATE FOR THE CHAMBER OF DEPUTIES FOR ENTRE RIOS PROVINCE SHOULD BE RANKED HIGH ENOUGH ON THE PERONIST PARTY LIST OF CANDIDATES TO GIVE HER REASONABLE ASSURANCE, BASED ON THE NUMBER OF DEPUTIES THAT THE PARTY RETURNED IN THE 1991 ELECTIONS, THAT SHE WOULD BE ELECTED. THE OCTOBER ELECTIONS SAW 26 WOMEN ELECTED FOR THE FIRST TIME TO THE CHAMBER OF DEPUTIES. ONE FEMALE DEPUTY WAS REELECTED, AND SEVEN FEMALE DEPUTIES CONTINUE TO SERVE THE BALANCE OF TERMS TO WHICH THEY WERE ELECTED 2 YEARS BEFORE.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

39. LOCAL HUMAN RIGHTS MONITORING GROUPS OPERATE FREELY WITHOUT GOVERNMENT RESTRICTION OR INTERFERENCE. THE MINISTRY OF THE INTERIOR HAS A SUB-SECRETARY FOR HUMAN RIGHTS. AMONG THE MEASURES DESIGNED TO CONTROL POLICE ABUSES AND IMPROVE THEIR IMAGE ARE SPECIAL COURSES ON HUMAN RIGHTS ISSUES ORGANIZED BY THE MINISTRY AND THE CREATION IN EARLY DECEMBER OF A NATIONAL OMBUDSMAN OR PEOPLE'S DEFENDER. THERE WERE NO REQUESTS BY INTERNATIONAL OR NONGOVERNMENTAL ORGANIZATIONS TO INVESTIGATE HUMAN RIGHTS ABUSES IN ARGENTINA IN 1993, BUT THE GOVERNMENT HAS BEEN COOPERATIVE IN THIS REGARD.

SECTION 5 DISCRIMINATION BASED ON SEX, RACE, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

40. THE LAW PROHIBITS DISCRIMINATION ON THE BASIS OF THE ABOVE CRITERIA. THERE IS NO EVIDENCE OF A SYSTEMATIC EFFORT TO ABRIDGE THESE RIGHTS BY THE FEDERAL OR LOCAL GOVERNMENTS' OR BY PRIVATE GROUPS OR INDIVIDUALS.

41. WOMEN

42. THE CONSTITUTION PROVIDES FOR THE EQUALITY OF ALL CITIZENS, PROVISIONS WHICH ARE GENERALLY REFLECTED IN CIVIL, PENAL, AND LABOR LAW. NONETHELESS, WOMEN ENCOUNTER DISCRIMINATION IN THE WORKPLACE, ESPECIALLY THE

GROWING NUMBER OF URBAN WOMEN WHO ALSO ARE HEADS OF HOUSEHOLD. WOMEN'S GROUPS CHARGE THAT EMPLOYED WOMEN ARE DISPROPORTIONATELY FOUND IN THE LOWER RANKING POSITIONS IN THE LOWEST PAID SECTORS OF THE FORMAL ECONOMY AND IN UNREGULATED AND UNDERPAID WORK IN THE INFORMAL ECONOMY. THEY ALSO REPORT INCREASING NUMBERS OF WOMEN SEEK EMPLOYMENT IN THE INFORMAL ECONOMY OWING TO LACK OF

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TRAINING OPPORTUNITIES AND SCARCITY OF CHILD CARE AND OTHER PROVISIONS TO ASSIST WORKING WOMEN IN THE FORMAL SECTOR.

43. THE GOVERNMENT CREATED THE NATIONAL WOMEN'S COUNCIL IN 1991 TO DEVELOP AND COORDINATE WOMEN'S POLICIES; IT REPORTS TO THE PRESIDENCY. THE COUNCIL PROMOTES EQUAL OPPORTUNITY FOR WOMEN AND NONDISCRIMINATORY EDUCATION, TRAINING, AND ORIENTATION PROGRAMS' AS WELL AS SPECIAL PROGRAMS FOR WOMEN AT RISK. THE PROBLEMS OF SPOUSAL ABUSE AND VIOLENCE AGAINST WOMEN ARE DRAWING MORE PUBLIC ATTENTION BUT THERE ARE NO GOVERNMENT PROGRAMS AIMED AT COMBATING SUCH ABUSE.

44. CHILDREN

45. THE GOVERNMENT IS COMMITTED IN PRINCIPLE TO THE PROTECTION OF CHILDREN AND THE DEFENSE OF THEIR HUMAN RIGHTS AND WELFARE. HISTORICALLY, ARGENTINA HAS BEEN A LEADER IN LATIN AMERICA IN PROGRAMS TO PROVIDE PUBLIC EDUCATION, HEALTH PROTECTION, AND RECREATIONAL SERVICES FOR ALL CHILDREN, REGARDLESS OF CLASS OR ECONOMIC STATUS. ENDEMIC ECONOMIC PROBLEMS OVER THE PAST THREE DECADES, HOWEVER, HAVE MADE IT DIFFICULT FOR THE STATE AND FOR SOCIETY IN GENERAL TO ATTAIN THESE HIGH STANDARDS.

46. INDIGENOUS PEOPLE

47. THE DEGREE TO WHICH INDIGENOUS PEOPLES PARTICIPATE IN THE POLITICAL PROCESS, THEIR EXERCISE OF CIVIL RIGHTS, AND THE EXTENT OF THEIR CONTROL OVER NATURAL RESOURCES AND LAND VARIES WIDELY FROM ONE ETHNIC GROUP TO ANOTHER. AND FROM ONE REGION OF THE COUNTRY TO ANOTHER. THE INDIGENOUS POPULATION, ESTIMATED AT 100,000, IS CONCENTRATED AT THE NORTHERN AND SOUTHERN EXTREMITIES OF THE COUNTRY. THE PROVINCE WITH THE HIGHEST CONCENTRATION OF INDIGENOUS PEOPLES, CHACO, HAS ABOUT 30,000 NATIVE PEOPLES DIVIDED INTO THREE NATIONS. LIKE MOST OF ARGENTINA'S INDIGENOUS PEOPLES, THEIR INDICES OF UNDERNOURISHMENT, ILLITERACY, TUBERCULOSIS AND OTHER DISEASES, AND UNEMPLOYMENT ARE HIGHER THAN NATIONAL

AVERAGES.

48. IN 1987 CONGRESS PASSED A LAW DESIGNED TO RETURN INDIAN LANDS. IT HAS YET TO BE IMPLEMENTED. IN 1990 PRESIDENT MENEM IMPLEMENTED A 1924 LAW GRANTING SOME 150,000 HECTARES OF LAND TO ONE OF THE CHACO NATIONS AND BUDGETED THE EQUIVALENT OF \$150,000 TO UNDERTAKE A SURVEY AND DELIMITATION OF INDIVIDUAL PLOTS. THE SURVEY, HOWEVER, DID NOT TAKE PLACE BECAUSE COMPETING NATIONAL AND PROVINCIAL AUTHORITIES COULD NOT AGREE WHO WOULD CARRY IT OUT AND HOW IT WOULD BE FUNDED.

49. RELIGIOUS MINORITIES

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50. THERE WERE FEWER INCIDENTS OF OVERT ANTI-SEMITISM IN 1993 THAN IN PREVIOUS YEARS. A JEWISH CEMETERY IN FORMOSA PROVINCE WAS DESECRATED IN LATE 1992, AND IN SEPTEMBER 1993 THE LARGE CEMETERY AT LA TABLADA, BUENOS AIRES PROVINCE, WAS VANDALIZED. THE GOVERNMENT'S 1992 DECISION TO MAKE PUBLIC OLD FILES PURPORTEDLY DEALING WITH THE IMMIGRATION OF AN ESTIMATED 60,000 FORMER **NAZIS** TO **ARGENTINA** AFTER WORLD WAR II ATTRACTED ATTENTION AGAIN IN 1993, WHEN THE LOCAL JEWISH COMMUNITY AND OTHERS CRITICIZED THE GOVERNMENT'S FAILURE TO FOLLOW THROUGH WITH ACCESS TO SIGNIFICANT RECORDS, INCLUDING CENTRAL BANK ARCHIVES THAT MAY CONTAIN EVIDENCE OF LARGE CURRENCY TRANSFERS IN THAT ERA.

51. PEOPLE WITH DISABILITIES.

52. DISABLED PERSONS' RIGHTS ARE PROTECTED BY LAW, AND SOME PROVISIONS HAVE BEEN MADE (I.E., CURB RAMPS IN SOME URBAN AREAS) TO ACCOMODATE PERSONS WITH PHYSICAL DISABILITIES. A COMPREHENSIVE FEDERAL LAW PROTECTS THE RIGHTS OF DISABLED PERSONS AND MANDATES SPECIAL CONCESSIONS IN EMPLOYMENT, BUT ITS OBSERVANCE IS DIFFICULT TO JUDGE. THE MEDIA GENERALLY HIGHLIGHT INSTANCES IN WHICH THE RIGHTS OF THE DISABLED APPEAR TO BE VIOLATED OR IGNORED, SUCH AS IN THE CASE OF A 19-YEAR-OLD WOMAN IN BUENOS AIRES WITH DOWN'S SYNDROME WHO WAS BANNED FROM VOTING IN THE OCTOBER ELECTIONS. SUCH REPORTS WERE INFREQUENT.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

53. WITH THE EXCEPTION OF MILITARY PERSONNEL. ALL WORKERS ARE FREE TO FORM UNIONS. THE LABOR MOVEMENT IS ORGANIZED IN A LARGE, NATIONAL LABOR CENTRAL, THE GENERAL LABOR CONFEDERATION (CGT), AND REPRESENTS ABOUT ONE-THIRD OF THE WORK FORCE. EACH PROVINCE HAS A LOCAL CGT, AND SOME LARGE NATIONAL UNIONS (E.G., COMMERCIAL WORKERS, AUTOMOBILE WORKERS, METALLURGICAL WORKERS, LIGHT AND POWER WORKERS) ARE SIGNIFICANT ECONOMIC AND POLITICAL POWERS. SOME FACTIONS OF THE CGT WERE QUITE HOSTILE TO THE MENEM GOVERNMENT'S PROPOSED REFORM OF LAWS GOVERNING LABOR, SOCIAL SECURITY. AND SOCIAL WELFARE BECAUSE THEY WERE PERCEIVED AS A THREAT TO THE TRADITIONAL ECONOMIC AND POLITICAL POWER OF PERONIST LABOR.

54. IN RESPONSE, AND WITH AN EYE TO THE OCTOBER ELECTIONS, THE GOVERNMENT DOWNPLAYED THESE INITIATIVES, THUS HELPING TO SOLIDIFY MENEM'S SUPPORT AMONG TRADITIONALLY PERONIST ORGANIZED LABOR. ON THE OTHER HAND, THE INTERNATIONAL LABOR ORGANIZATION'S (ILO)

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COMMITTEE OF EXPERTS CONCLUDED THAT THE TEXT OF A DRAFT AMENDMENT PREPARED BY THE GOVERNMENT DID NOT GO FAR ENOUGH IN REMOVING EXCESSIVE CONDITIONS SET OUT IN ACT NO. 23551 FOR GRANTING TRADE UNION STATUS, NOTING THAT A TRADE UNION AT THE ENTERPRISE LEVEL COULD ONLY BE GRANTED STATUS WHEN ANOTHER UNION DID NOT ALREADY EXIST WITHIN THE SAME UNIT OR AREA OF ACTIVITY.

55. UNIONS HAVE THE RIGHT TO STRIKE, SUBJECT TO COMPULSORY CONCILIATION AND ARBITRATION BY THE LABOR MINISTRY. UNION MEMBERS AND LEADERS WHO PARTICIPATE IN STRIKES AND OTHER ACTIVITIES ARE PROTECTED BY LAW. SEVERAL UNIONS, ESPECIALLY EDUCATION WORKERS, EXERCISED THAT RIGHT IN 1993 WITHOUT GOVERNMENT INTERFERENCE. ARGENTINE UNIONS ARE FREE TO ASSOCIATE INTERNATIONALLY, AND SOME LEADERS PLAY ACTIVE ROLES IN REGIONAL AND INTERNATIONAL LABOR ORGANIZATIONS.

**B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY**

56. THESE RIGHTS ARE PROTECTED BY FEDERAL LAW THROUGHOUT THE COUNTRY; COMPLEMENTARY PROVINCIAL LABOR LAWS OFTEN GO BEYOND THESE RIGHTS. ANTI-LABOR PRACTICES ARE PROHIBITED. LABOR AND MANAGEMENT ARE LEGALLY BOUND BY COLLECTIVE BARGAINING AGREEMENTS WHICH, IN THEORY, SET BASIC WAGE LEVELS AND WORKING CONDITIONS ON AN INDUSTRY WIDE BASIS. IN PRACTICE, PARTICULARLY IN THE LAST 5 YEARS, THESE AGREEMENTS HAVE TENDED TO BE LESS GLOBAL IN THEIR SCOPE, WITH THE CURRENT TREND IN BOTH PRACTICE AND THEORY MOVING TOWARD COMPANY- AND IN SOME CASES

REGION-SPECIFIC AGREEMENTS. THE FEDERAL GOVERNMENT'S ROLE IN THIS PROCESS IS LIMITED TO RATIFYING THESE CONTRACTS TO GIVE THEM LEGAL STATUS. THE ILO'S COMMITTEE ON FREEDOM OF ASSOCIATION, HOWEVER, ASKED THE GOVERNMENT TO REMOVE LIMITATIONS ON COLLECTIVE BARGAINING, IMPOSED IN 1991 AS A STABILIZATION MEASURE, WHICH EXCLUDE WAGE INDEXATION AGREEMENTS AND REQUIRE THAT WAGE INCREASES BE BASED ON PRODUCTIVITY GAINS. THE LABOR REFORM BILL INTRODUCED IN CONGRESS IN 1993 WOULD GIVE MANAGEMENT MORE FLEXIBILITY TO HIRE AND FIRE, MORE CONTROL OVER HOURS AND VACATIONS, AND WOULD FURTHER REDUCE THE GOVERNMENT'S ROLE IN LABOR-MANAGEMENT RELATIONS.

57. IN DECEMBER THE SUPREME COURT UPHELD THE EXECUTIVE BRANCH'S ANNULMENT OF 65 LABOR CONTRACTS AFFECTING 15 UNIONS IN THE PORT AND MARITIME SECTOR. THE COURT'S DECISION HAD ITS ORIGINS IN A DECREE ISSUED IN MID-1992 WHICH STRUCK DOWN ALL LABOR CONTRACTS AFFECTING MARITIME AND PORT ACTIVITIES AS PART OF THE ADMINISTRATION'S PROJECTED REFORM OF THAT SECTOR. PREVIOUS TO THE SUPREME COURT'S DECISION, A LABOR COURT HAD ASSERTED THAT THE DECREE WAS UNCONSTITUTIONAL. THE AFFECTED UNIONS HAVE FILED A COMPLAINT WITH THE ILO.

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58. WORKERS MAY NOT BE FIRED FOR PARTICIPATING IN LEGAL UNION ACTIVITIES AND THOSE WHO PROVE THEY HAVE BEEN DISCRIMINATED AGAINST HAVE THE RIGHT TO BE REINSTATED.

59. THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING ZONES.

**C. PROHIBITION OF FORCED OR COMPULSORY LABOR**

60. FORCED OR COMPULSORY LABOR IS ILLEGAL AND IS NOT KNOWN TO BE PRACTICED.

**D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN**

61. EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY, IS ILLEGAL. MINORS AGED 14 TO 18 MAY WORK IN RESTRICTED TYPES OF EMPLOYMENT WITH REGARD TO HOURS AND SAFETY AND HEALTH CONDITIONS, ALTHOUGH EXCEPTIONS ARE ALLOWED IN CASES OF EXTREME NECESSITY. A RECENT INCREASE IN THE LEVEL OF UNEMPLOYMENT ENCOURAGED SOME FAMILIES TO SEND THEIR CHILDREN OUT TO SEEK WORK. OFTEN RESULTING IN THE ILLEGAL EMPLOYMENT OF MINORS. MOSTLY IN THE INFORMAL SECTOR AND ON FARMS. FEDERAL AND PROVINCIAL LABOR AUTHORITIES WERE NOT WELL EQUIPPED TO

COPE WITH THIS SITUATION DUE TO BUDGETARY AND PERSONNEL LIMITATIONS.

**E. ACCEPTABLE CONDITIONS OF WORK**

62. THE NATIONAL MINIMUM WAGE IS \$200 (200 PESOS) A MONTH.

63. FEDERAL LABOR LAWS CONTAIN ELABORATE, ALBEIT SOMEWHAT INFLEXIBLE, PROVISIONS FOR GUARANTEEING ACCEPTABLE CONDITIONS OF WORK, ESPECIALLY WITH REGARD TO HOURS, REST PERIODS, SAFETY AND HEALTH, AND JOB SECURITY. THE MAXIMUM WORKDAY IS 8 HOURS, AND THE MAXIMUM WORKWEEK IS 48 HOURS. PREMIUMS ARE PAID FOR WORK BEYOND THOSE LIMITS, WHICH IS FREQUENTLY THE CASE. AS EMPLOYERS SEEK GREATER PRODUCTIVITY WITHOUT HAVING TO ACQUIRE LEGAL OBLIGATIONS TO NEW WORKERS UNDER THE PRESENT SYSTEM.

64. FEDERALLY LEGISLATED OCCUPATIONAL AND HEALTH STANDARDS ARE COMPREHENSIVE BUT THE FEDERAL GOVERNMENT AND MANY PROVINCIAL GOVERNMENTS LACK THE RESOURCES AND TRAINING TO ENFORCE THEM, DESPITE UNION VIGILANCE AGAINST VIOLATIONS. 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

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THE WORKPLACE BEFORE IT HAS BEEN PROVEN UNSAFE RUN THE RISK OF BEING FIRED; IN SUCH CASES, THE WORKER HAS A RIGHT TO JUDICIAL APPEAL. ACCORDING TO LABOR MINISTRY AUTHORITIES, AT PRESENT THIS APPEAL PROCESS CAN TAKE UP TO 5 YEARS. WORKER LAWSUITS PROVOKED BY ON-THE-JOB INJURY OR JOB-RELATED DISABILITY REMAIN A MAJOR INDUSTRY, AND A VERY LARGE NUMBER OF RETIREES ARE ON DISABILITY BOTH LEGITIMATE AND QUESTIONABLE. MUCH OF THE WORK FORCE, INCLUDING CHILDREN, IS EMPLOYED IN SMALL OWNER-OPERATED ENTERPRISES, MAKING IT DIFFICULT TO ENFORCE WORKERS' RIGHTS AS WELL AS HEALTH AND SAFETY STANDARDS.

65. END TEXT.  
CHRISTOPHER

ADMIN  
END OF MESSAGE

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