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TEXT
TAGS: PHUM ELAB KSPR XX
SUBJECT: ARGENTINA: INITIAL EDIT OF 1994 COUNTRY REPORT ON HUMAN RIGHTS PRACTICES
REF: (A) 94 BUENOS AIR 6532, (B) 94 STATE 238530, (C) AND PREVIOUS

1. LOU-NOFORN ENTIRE TEXT.
2. THE INITIAL DRL-EDITED VERSION (VERSION 1) OF THE 1994 DRAFT REPORT ON HUMAN RIGHTS PRACTICES FOR ARGENTINA IS TRANSMITTED HERewith. PLEASE PROVIDE RESPONSES TO ALL QUESTIONS AS WELL AS YOUR OWN COMMENTS WITHIN TWO WEEKS OR INFORM THE DEPARTMENT IF UNABLE TO DO SO. RESPONSES SHOULD BE KEYED TO THE NUMBERED PARAGRAPHS OF THIS MESSAGE. POSTS SHOULD PROVIDE SPECIFIC REPEAT SPECIFIC LANGUAGE FOR ANY PROPOSED CHANGES.
3. AS YEAR'S END APPROACHES, AS APPROPRIATE POSTS SHOULD UPDATE ANY SIGNIFICANT ISSUES AND STATISTICS.
4. TEXT OF REPORT:
5. ARGENTINA IS A FEDERAL CONSTITUTIONAL DEMOCRACY, WITH

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CENTRAL INTELLIGENCE AGENCY
SOURCES METHODS EXEMPTION 3B2B
NAZI WAR CRIMES DISCLOSURE ACT
DATE 2001 2007

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AN EXECUTIVE BRANCH HEADED BY A DEMOCRATICALLY ELECTED PRESIDENT, A BICAMERAL LEGISLATURE, AND A SEPARATE JUDICIARY. PRESIDENT CARLOS SAUL MENEM WAS ELECTED IN 1989 UNDER AN ELECTORAL COLLEGE SYSTEM FOR A SINGLE 6-YEAR TERM. IN AUGUST 1994, A CONSTITUTIONAL ASSEMBLY OF POPULARLY ELECTED DELEGATES REVISED THE CONSTITUTION, CHANGING THE PRESIDENTIAL TERM TO FOUR YEARS, ABOLISHING THE ELECTORAL COLLEGE, AND PERMITTING ONE SUCCESSIVE TERM IN OFFICE.

6. THE PRESIDENT IS THE CONSTITUTIONAL COMMANDER IN CHIEF, AND A CIVILIAN DEFENSE MINISTER OVERSEES THE ARMED FORCES. MILITARY CONSCRIPTION WAS ABOLISHED IN SEPTEMBER 1994 IN PART AS A RESULT OF THE PUBLIC BACKLASH GENERATED BY THE BEATING DEATH OF A YOUNG ARMY RECRUIT EARLIER IN THE YEAR. RESPONSIBILITY FOR LAW AND ORDER IS SHARED BY THE FEDERAL POLICE, WHICH REPORT TO THE INTERIOR MINISTER; THE BORDER POLICE AND COAST GUARD WHICH REPORT TO THE DEFENSE MINISTER; AND PROVINCIAL POLICE WHICH REPORT TO THE PROVINCIAL GOVERNMENTS. POLICE CONTINUED TO BE RESPONSIBLE FOR SERIOUS HUMAN RIGHTS ABUSES.

7. ARGENTINA HAS A MIXED AGRICULTURAL, INDUSTRIAL, AND SERVICE ECONOMY THAT IN 1994 CONTINUED A DRAMATIC TURNAROUND AFTER DECADES OF MISMANAGEMENT AND DECLINE. AN ECONOMIC REFORM AND STRUCTURAL ADJUSTMENT PROGRAM LED TO THREE YEARS OF HIGH GROWTH, SHARPLY REDUCED INFLATION, AND SPURRED COMPETITIVENESS. AN EXTENSIVE PRIVATIZATION PROGRAM HAS BEEN LARGELY COMPLETED AT THE FEDERAL LEVEL AND IS NOW UNDERWAY IN THE PROVINCES. HOWEVER, WHILE EMPLOYMENT GREW RAPIDLY DURING THE FIRST YEARS OF THE PROGRAM, UNEMPLOYMENT NATIONALLY ROSE TO A RECORD HIGH OF 10.8 PERCENT IN 1994, AND THE COST OF LIVING ROSE SHARPLY. THE HIGH COST OF LIVING HAS MOST SEVERELY AFFECTED THOSE ON LOW FIXED INCOMES.

8. WHILE THE REVISED CONSTITUTION CONTINUES TO PROVIDE FOR A WIDE RANGE OF FREEDOMS AND RIGHTS, AND INCORPORATES THE MOST IMPORTANT INTERNATIONAL HUMAN RIGHTS TREATIES, THERE WERE NUMEROUS INSTANCES OF GOVERNMENT FAILURE TO PROTECT INDIVIDUAL RIGHTS AND PUNISH HUMAN RIGHTS VIOLATORS. THIS WAS PARTICULARLY TRUE IN THE CASE OF EXTRAJUDICIAL KILLINGS, OFTEN COMMITTED WITH IMPUNITY, AND INSTANCES OF POLICE BRUTALITY. THE RASH OF PHYSICAL ATTACKS AND DEATH THREATS AGAINST JOURNALISTS DECREASED FROM 1993 (EMBASSY: HOW MANY WERE THERE IN 1994?), BUT THE GOVERNMENT FAILED TO PROSECUTE ANY OF THE PERPETRATORS OF THESE ABUSES. DISCRIMINATION (EMBASSY: AND VIOLENCE? -- SEE SECTION 5) AGAINST WOMEN CONTINUED TO BE A PROBLEM. THE GOVERNMENT-SPONSORED NATIONAL COMMISSION ON THE RIGHT TO IDENTITY HAS WORKED CLOSELY WITH HUMAN RIGHTS GROUPS TO LOCATE CHILDREN OF PARENTS WHO DISAPPEARED DURING THE MILITARY DICTATORSHIP AND REUNITE THEM WITH THEIR BIOLOGICAL FAMILIES.

9. (NOTE: EMBASSY: WHEN DRAFTING THE HUMAN RIGHTS REPORT FOR 1994, POST PROBABLY DID NOT HAVE ACCESS TO THE

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VIEWS OF THE LAWYERS COMMITTEE ON HUMAN RIGHTS WHICH WERE CRITICAL OF OUR 1993 REPORT. OUR EDITING HAS TRIED TO TAKE TO ACCOUNT OF LCHR'S VIEWS BECAUSE WE BELIEVE THEY ARE OFTEN SOUND. EMBASSY SHOULD REVIEW THIS DRAFT, CONFIRMING OR CLARIFYING BOTH THE TONE AND INFORMATION, AND KEEPING IN MIND THE LCHR CRITIQUE, WHICH YOU SHOULD NOW HAVE.)

RESPECT FOR HUMAN RIGHTS

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

A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

10. THERE WERE NO CREDIBLE REPORTS OF POLITICALLY MOTIVATED KILLINGS BY GOVERNMENT FORCES IN 1994. POLICE AND MILITARY PERSONNEL CONTINUED TO BE RESPONSIBLE FOR A NUMBER OF EXTRAJUDICIAL KILLINGS. (EMBASSY: CAN YOU PROVIDE NUMBERS. WE NEED TO KNOW APPROXIMATE SCOPE OF PROBLEM. PLEASE PROVIDE SOME EXAMPLES--I.E., DEATHS IN POLICE CUSTODY, BY POLICE SHOOTING, ETC.--THE LCHR SAYS MOST EXTRAJUDICIAL KILLINGS TARGET CHILDREN AND ADOLESCENTS--IS THAT TRUE? HOW MANY SUCH KILLINGS IN 1994?) THE MOST PUBLICIZED CASE OF AN EXTRAJUDICIAL KILLING WAS THE BEATING DEATH OF A YOUNG ARMY RECRUIT, OMAR CARRASCO, WHOSE BODY WAS FOUND APRIL 6 IN THE PROVINCE OF NEUQUEN. FIVE NONCOMMISSIONED OFFICERS WERE EVENTUALLY ARRESTED; ONE WAS RELEASED FOR INSUFFICIENT EVIDENCE; THE REMAINING FOUR WERE BEING HELD PENDING FINAL TRIAL AT YEAR'S END. (EMBASSY: PLEASE UPDATE) HOWEVER, BECAUSE OF A SLIPSHOD INVESTIGATION AT THE TIME OF CARRASCO'S DISAPPEARANCE (NEARLY ONE MONTH PASSED BEFORE HIS BODY WAS FOUND), THE FEDERAL ATTORNEY GENERAL ORDERED THE CASE REOPENED IN AUGUST 1994 TO DETERMINE WHETHER SENIOR MILITARY OFFICERS HAD ENGAGED IN A COVER-UP OF THE ORIGINAL INVESTIGATION. (EMBASSY: PLEASE UPDATE THIS ASPECT AS WELL)

11. POLICE OFFICERS COMMITTED MOST EXTRAJUDICIAL KILLINGS, MOST OF THEM WITH IMPUNITY.

12. FEW IF ANY ABUSES COMMITTED IN THE LAST 2 YEARS WERE PUNISHED. PROVINCIAL AND FEDERAL AUTHORITIES DID, HOWEVER, MAKE A GREATER EFFORT TO ARREST AND TRY THE OFFENDERS IN SOME CASES FROM PREVIOUS YEARS. A FEDERAL JUDGE SENTENCED FOUR POLICEMEN TO LIFE IMPRISONMENT FOR THE MURDER-KIDNAPING OF THREE BUSINESSMEN, EDUARDO OXENFORD, BENJAMIN NEUMAN, AND OSVALDO SIVAK IN 1978, 1982, AND 1985 RESPECTIVELY. A JUDGE SENTENCED THREE POLICEMEN TO 11 YEARS FOR THE KILLING OF THREE TEENAGERS IN 1987 IN A BUENOS AIRES SUBURB, BUT THEY WERE RELEASED PENDING APPEAL. IN THE TOWN OF WILDE, BUENOS AIRES PROVINCE, THE COURTS TRIED AND SENTENCED SEVEN POLICEMEN FOR KILLING FOUR PEOPLE IN A SHOOTOUT. A COURT IN SAN NICHOLAS, BUENOS AIRES PROVINCE, SENTENCED TWO POLICEMEN

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TO LIFE IN PRISON FOR THE KILLING OF A 57 YEAR-OLD CARPENTER IN 1993. IN JULY, CORDOBA GOVERNOR EDUARDO ANGELOZ FIRED THE PROVINCE'S POLICE CHIEF, DEPUTY CHIEF, AND DIRECTOR FOR INTERNAL SECURITY AFTER A SERIOUS ALTERCATION BETWEEN POLICE AND RESIDENTS IN THE TOWN OF SAN JORGE. IN THIS CASE, A POLICE INSPECTOR ALLEGEDLY KILLED A 15-YEAR OLD, MIGUEL RODRIGUEZ, FOR HAVING STOLEN A BALL FROM HIS SON. THE INSPECTOR WAS HELD FOR TRIAL ON MURDER CHARGES. IN ANOTHER INSTANCE, POLICE RESPONSIBLE FOR BEATING A DETAINEE TO DEATH IN 1993 WERE BROUGHT TO TRIAL IN 1994, THE FIRST CASE OF ITS KIND IN THE PROVINCE OF BUENOS AIRES. TWO POLICE OFFICERS ACCUSED OF HAVING BRUTALIZED 57-YEAR-OLD RAMON BUCHON UNTIL HE DIED OF A HEART ATTACK COULD RECEIVE UP TO LIFE IN PRISON UPON CONVICTION. (EMBASSY: WHEN IS THE TRIAL? HAVE THEY BEEN CONVICTED. PLEASE UP-DATE ALL THESE CASES IN DECEMBER.)

B. DISAPPEARANCE

13. THERE WERE NO SUBSTANTIATED REPORTS OF OFFICIAL DISAPPEARANCES IN 1994. MOST CURRENT CASES STEM FROM UNRESOLVED DISAPPEARANCES IN PREVIOUS YEARS OR DURING THE 1976-83 MILITARY RULE.

14. A LA PLATA COURT TRIED SEVEN OF ELEVEN BUENOS AIRES PROVINCIAL POLICE OFFICIALS IMPLICATED IN THE DISAPPEARANCE OF A LA PLATA YOUTH, ANDRES NUNEZ. (EMBASSY: WHAT WAS THE OUTCOME?). THREE WITNESSES TESTIFIED THEY HEARD HIM BEING BEATEN IN A NEARBY ROOM AT THE TIME OF HIS CAPTIVITY THREE YEARS AGO. IN APRIL SIX POLICE OFFICERS WERE DETAINED AND FOUR OTHERS WHO FLED WERE BEING SOUGHT. (EMBASSY: FIRST SENTENCE SAYS 7 OUT OF 11 -- PLEASE CLARIFY)

15. THE CASE OF PABLO GUARDATI, WHOM MENDOZA POLICE REPORTEDLY ABDUCTED IN 1992, REMAINED UNRESOLVED. IN LATE 1993, THE AUTHORITIES RELEASED THREE OF THE FOUR POLICE OFFICERS CHARGED IN THE CASE AND FREED THE FOURTH IN MARCH 1994, ALL FOR LACK OF SUFFICIENT EVIDENCE.

16. THE GRANDMOTHERS OF THE PLAZA DE MAYO, THE NATIONAL COMMISSION ON THE RIGHT TO IDENTITY, AND THE INTERIOR MINISTRY'S SECRETARIAT FOR HUMAN RIGHTS CONTINUED THE SEARCH FOR CHILDREN OF COUPLES WHO DISAPPEARED DURING THE MILITARY REGIME. USING MODERN GENETIC TESTING TECHNIQUES TO PROVE RELATIONSHIPS WHERE BLOOD SAMPLES WERE AVAILABLE, THEY LOCATED 55 CHILDREN OUT OF 218 CASES PENDING SINCE THE RESTORATION OF DEMOCRATIC GOVERNMENT IN 1983. THIRTY OF THESE CHILDREN WERE REUNITED WITH THEIR BIOLOGICAL FAMILIES AND 13 REMAINED WITH ADOPTIVE PARENTS WHO WERE DETERMINED TO HAVE ADOPTED THE CHILDREN LEGALLY. AN ADDITIONAL CASE MOVED TOWARD RESOLUTION IN 1994 WHICH WILL BRING THE TOTAL NUMBER OF CHILDREN REUNITED WITH THEIR FAMILIES TO 31. (EMBASSY: WAS IT

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RESOLVED BY YEAR END?)

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

17. 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. NEVERTHELESS, POLICE MALTREATMENT OF DETAINEES AND LACK OF ACCOUNTABILITY REMAINED SERIOUS PROBLEMS. IN FEBRUARY, JUAN CARBAJAL HAD ENTERED A BUENOS AIRES PROVINCIAL POLICE STATION SEEKING INFORMATION AND WOUND UP IN AN ARGUMENT WITH SEVERAL OFFICERS. POLICE BEAT HIM AND DETAINED HIM IN A LOCAL HOSPITAL, TELLING HIS WIFE HE WAS BEING HELD BECAUSE HE WAS MENTALLY DERANGED. DOCTORS IN THE HOSPITAL, HOWEVER, SAID HE WAS NORMAL AND THAT HIS BRUISES WERE DELIBERATELY INFLICTED. THE PROVINCIAL DIRECTOR OF SECURITY OPENED AN INVESTIGATION; CARBAJAL WAS RELEASED AFTER TWO WEEKS IN THE HOSPITAL, AND TWO POLICE OFFICERS WERE ARRESTED. (EMBASSY: WERE THEY TRIED AND PUNISHED? PLEASE UPDATE)

18. IN AUGUST A JUDGE CONVICTED FOUR POLICEMEN IN ENTRE RIOS PROVINCE FOR BEATING A SOLDIER IN 1992. HOWEVER, HE IMPOSED A 2-1/2 YEAR SUSPENDED SENTENCE, TO BE IMPLEMENTED ONLY IF THEY DID NOT PASS A WRITTEN EXAMINATION ON CONSTITUTIONAL RIGHTS AND GUARANTEES.

D. ARBITRARY ARREST, DETENTION, OR EXILE

19. THE PENAL CODE PLACES LIMITS ON THE ARREST AND INVESTIGATORY POWER OF THE POLICE AND THE JUDICIARY, BUT THE PROVINCIAL POLICE OFTEN IGNORED THESE RESTRICTIONS, AS INDICATED ABOVE. HUMAN RIGHTS GROUPS BELIEVE SUCH INCIDENTS ARE INCREASING, BUT ARE DIFFICULT TO DOCUMENT BECAUSE VICTIMS ARE RELUCTANT TO FILE COMPLAINTS. POLICE DETAINED YOUNG PERSONS (TEEN-AGERS AND YOUNG ADULTS WERE MOST VULNERABLE TO THIS PRACTICE) SOMETIMES OVERNIGHT, SOMETIMES FOR AN ENTIRE WEEKEND WITHOUT FORMAL CHARGES. THEY DID NOT ALWAYS PROVIDE SUCH DETAINEES THE OPPORTUNITY TO CALL THEIR FAMILY OR AN ATTORNEY AND THEY RELEASED THEM ONLY UPON A COMPLAINT FROM RELATIVES OR LEGAL COUNSEL. HUMAN RIGHTS GROUPS WERE ALSO CONCERNED ABOUT AN ANTI-TERRORISM BILL THE MINISTRY OF JUSTICE PROPOSED WHICH WOULD EXTEND THE NUMBER OF HOURS A PERSON CAN BE HELD IN A POLICE STATION WITHOUT A FORMAL CHARGE FROM 6 TO 12 HOURS AND FROM 48 TO 72 HOURS IN JUDICIAL HEADQUARTERS. (EMBASSY: HAS THIS BILL BECOME LAW?) TO HELP IMPROVE POLICE PRACTICES, THE INTERIOR MINISTRY'S SECRETARIAT FOR HUMAN RIGHTS SIGNED AN AGREEMENT IN 1994 WITH THE UNITED NATIONS CENTER FOR HUMAN RIGHTS TO PROVIDE TRAINING FOR FEDERAL AND PROVINCIAL LAW ENFORCEMENT OFFICIALS. GIVEN THE CLIMATE OF IMPUNITY THAT STILL EXISTS, IT REMAINS TO BE SEEN TO WHAT EXTENT THIS WILL BE EFFECTIVE IN ALTERING POLICE BEHAVIOR.

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20. PRISON CONDITIONS IN ARGENTINA WERE DEPLORABLE, AND PRISONS BADLY OVERCROWDED. IN BUENOS AIRES PROVINCE NO NEW PRISONS HAVE BEEN BUILT FOR 25 YEARS. A CIRCUIT JUDGE IN QUILMES (BUENOS AIRES PROVINCE) DENOUNCED LAMENTABLE CONDITIONS OF PRISONERS WHO ARE CROWDED FOUR OR FIVE AT A TIME INTO CELLS NO LARGER THAN THREE METERS SQUARE. A STUDY IN LATE 1993 INDICATED THAT 60 PERCENT OF THOSE INCARCERATED NATIONWIDE ARE AWAITING TRIAL; SOME HAVE BEEN DETAINED TWO YEARS OR MORE. HUMAN RIGHTS GROUPS DESCRIBED THE PRISONS ARE VIRTUAL POWDER KEGS OF DISCONTENT. A LARGE-SCALE PRISON RIOT IN BUENOS AIRES PROVINCE IN AUGUST RESULTED IN (EMBASSY: PLEASE DESCRIBE.) MANY UNTRIED PRISONERS ARE SERVING MORE TIME IN PRISON THAN THEY WOULD HAVE SERVED IF THEY HAD RECEIVED THE MAXIMUM SENTENCE FOR THE CRIME FOR WHICH THEY WERE ARRESTED.

21. THE LAW DOES NOT PERMIT INVOLUNTARY EXILE AND IT IS NOT PRACTICED.

E. DENIAL OF A FAIR PUBLIC TRIAL

22. ARGENTINA'S JUDICIAL SYSTEM IS NOMINALLY INDEPENDENT AND IMPARTIAL BUT THE RIGHT TO A FAIR TRIAL IS COMPROMISED BY THE GOVERNMENT'S INTERFERENCE FOR POLITICAL REASONS, AS WELL AS CORRUPTION AND INEFFICIENCY. (EMBASSY: PLEASE PROVIDE A FEW SUCCINCT EXAMPLES OF A) GOVERNMENT INTERFERENCE (INCLUDING CHANGING JUDGES); B) CORRUPTION; AND C) INORDINATE DELAY. SEE THE LCHR CRITIQUE -- WHAT ABOUT THREATS AND VIOLENCE, I.E., INTIMIDATION OF THE JUDICIARY, IN 1994? PLEASE COMMENT SPECIFICALLY ON THE LCHR'S ASSERTION ON PAGE 14 RE. INTERFERENCE BY PRESIDENT MENEM AND OTHER GOVERNMENT OFFICIALS.)

23. TRIALS ARE PUBLIC AND DEFENDANTS HAVE THE RIGHT TO LEGAL COUNSEL. A PANEL OF JUDGES DECIDES GUILT OR INNOCENCE. IN 1992 IN SOME FEDERAL AND PROVINCIAL COURTS BEGAN USING ORAL TRIALS IN LIEU OF THE PRACTICE OF DECIDING CASES ON THE BASIS OF WRITTEN SUBMISSIONS. ALTHOUGH SUCH TRIALS ARE LESS TIME CONSUMING, LAWYERS AND JUDGES ARE STILL STRUGGLING TO ADJUST TO THE NEW PROCEDURES, AND 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. THE NEW CONSTITUTION PROVIDES FOR CHANGES IN THE SELECTION OF JUDGES AND OVERSIGHT OF THE LEGAL SYSTEM, BUT SOME OBSERVERS EXPRESSED CONCERN THAT IMPLEMENTATION OF THESE REFORMS MAY INCREASE POLITICAL INTERFERENCE IN THE JUDICIAL SYSTEM. (EMBASSY: PLEASE ELABORATE. HOW DO THEY THINK THIS WILL INCREASE POLITICAL INTERFERENCE?)

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

24. THE CONSTITUTION PROHIBITS THE GOVERNMENT FROM INTERFERING IN THE PRIVATE LIVES OF ITS CITIZENS AND THE GOVERNMENT RARELY DOES SO. THE GOVERNMENT HAS THE RIGHT TO MONITOR PHONE CONVERSATIONS WITH A COURT ORDER.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS

25. THE CONSTITUTION GUARANTEES THE RIGHT TO PUBLISH IDEAS WITHOUT PRIOR CENSORSHIP. IN CONTRAST TO THE RASH OF PHYSICAL ATTACKS UPON JOURNALISTS IN 1993, THERE WERE NO REPORTS OF SUCH ATTACKS IN 1994. HOWEVER, THERE WAS LITTLE PROGRESS IN THE APPREHENSION AND PUNISHMENT OF THOSE RESPONSIBLE FOR PRIOR ATTACKS. (EMBASSY: THE LCHR CRITIQUE GOES ON AT GREAT LENGTH ABOUT THIS SITUATION. PLEASE REVIEW AND EXPAND YOUR DISCUSSION. IF THERE WERE ANY ATTACKS ON JOURNALISTS IN 1994 -- YOUR INTRODUCTION SAYS THEY DECREASED, HERE IT SAYS THERE WERE NONE -- PLEASE INCLUDE EXAMPLES. DID PRESIDENT MENEM CONTINUE TO ATTACK THE PRESS, AS THE LCHR ASSERTS HE DID IN 1993?)

26. (EMBASSY: PLEASE PROVIDE A ONE-SENTENCE STATEMENT ON GOVERNMENT ATTITUDE TOWARD ACADEMIC FREEDOM, AS REQUESTED IN STATE 215437.)

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

27. THE CONSTITUTION AND LAWS PROVIDE FOR THE RIGHT OF GROUPS AND POLITICAL PARTIES TO ASSEMBLE AND DEMONSTRATE. IN 1994 MANY GROUPS FROM ALL SECTORS OF SOCIETY EXERCISED THIS RIGHT WITH LITTLE OR NO GOVERNMENT INTERFERENCE. IN MARCH, HOWEVER, A DEMONSTRATION OF RETIREES PROTESTING THE GOVERNMENT'S ECONOMIC POLICIES TURNED INTO A VIOLENT CONFRONTATION WITH THE POLICE. AT LEAST 25 CIVILIANS AND 43 POLICE WERE INJURED AND 32 PEOPLE WERE ARRESTED. PRESS REPORTS BLAMED LEFT WING GROUPS WITH INITIATING THE VIOLENCE. (EMBASSY: WHICH SEGMENT OF THE PRESS? PRO-GOVERNMENT? WHAT DID HUMAN RIGHTS GROUPS SAY?)

C. FREEDOM OF RELIGION

28. FREEDOM OF WORSHIP IS A CONSTITUTIONAL RIGHT IN ARGENTINA. THE NEW CONSTITUTION DROPPED THE PREVIOUS REQUIREMENT THAT THE PRESIDENT BE A ROMAN CATHOLIC BUT PRESERVED THE PROVISION THAT THE FEDERAL GOVERNMENT SUPPORT THE CATHOLIC CHURCH. IN PRACTICE, ARGENTINES OF ALL RELIGIOUS DENOMINATIONS ARE ABLE TO EXERCISE THEIR FAITH FREELY.

D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,

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FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

29. DOCUMENTED INTERNATIONAL TRAVEL, DOMESTIC TRAVEL, AND EMIGRATION REMAINED UNRESTRICTED IN 1994.

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

30. SINCE ITS RETURN TO DEMOCRATIC GOVERNMENT IN 1983, ARGENTINA HAS HELD PERIODIC FREE AND FAIR ELECTIONS TO CHOOSE FEDERAL, PROVINCIAL, AND MUNICIPAL OFFICE HOLDERS. UNIVERSAL ADULT SUFFRAGE IS OBLIGATORY IN NATIONAL ELECTIONS. POLITICAL PARTIES OF VARYING IDEOLOGIES OPERATE FREELY AND OPENLY. THE NEW CONSTITUTION PROVIDES THAT ALL ADULT CITIZENS HAVE THE RIGHT TO FULL PARTICIPATION IN THE POLITICAL PROCESS. IN 1994, A CONSTITUENT ASSEMBLY, FREELY CHOSEN BY THE ELECTORATE, REVISED AND RATIFIED CHANGES TO THE CONSTITUTION OF 1853 THAT WILL PERMIT THE PRESIDENT TO RUN FOR A SECOND TERM. THE CHANGES REDUCE THE PRESIDENT'S TERM FROM 6 TO 4 YEARS AND PERMIT A ONE TIME REELECTION. THE NEW CONSTITUTION PROVIDES FOR THE POPULAR ELECTION OF THE MAYOR OF THE FEDERAL CAPITAL DISTRICT OF BUENOS AIRES (PREVIOUSLY APPOINTED BY THE PRESIDENT), ABOLISHES THE ELECTORAL COLLEGE, AND MANDATES SENATE CONFIRMATION OF SUPREME COURT JUSTICES BY A TWO-THIRDS VOTE.

31. THE CONSTITUTION STIPULATES THAT THE INTERNAL REGULATIONS OF POLITICAL PARTIES AND PARTY NOMINATIONS FOR ELECTIONS BE SUBJECT TO AFFIRMATIVE ACTION TO ASSURE THAT WOMEN ARE REPRESENTED IN ELECTIVE OFFICE. A 1993 DECREE IMPLEMENTING A 1991 LAW REQUIRED THAT A MINIMUM OF 30 PERCENT OF ALL POLITICAL PARTY LISTS OF CANDIDATES BE FEMALE. TWENTY-SIX WOMEN WERE ELECTED TO THE CHAMBER OF DEPUTIES FOR THE FIRST TIME IN THE OCTOBER 1993 ELECTIONS; ONE FEMALE DEPUTY WAS REELECTED, AND SEVEN SERVED THE BALANCE OF TERMS TO WHICH THEY WERE ELECTED IN 1991. (EMBASSY: TO WHAT EXTENT DO WOMEN HOLD LEADERSHIP POSITIONS IN THE GOVERNMENT AND IN POLITICAL PARTIES? HAS THIS CHANGED AS A RESULT OF THE DECREE?)

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

32. LOCAL HUMAN RIGHTS GROUPS CONTINUE TO BE ACTIVE, PARTICULARLY IN CASES OF JUDICIAL AND POLICE ABUSE OF AUTHORITY. THE MINISTRY OF INTERIOR'S SECRETARIAT FOR HUMAN RIGHTS WORKS WITH FEDERAL AND STATE GOVERNMENTS TO TRY TO PROMOTE GREATER RESPECT FOR BASIC HUMAN RIGHTS AMONG LOCAL AUTHORITIES. THERE ARE NO RESTRICTIONS ON VISITS OR ACTIVITIES BY INTERNATIONAL GROUPS OR ORGANIZATIONS.

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

33. THE 1988 ANTIDISCRIMINATION LAW ESTABLISHES A SERIES OF PENALTIES FROM 1 MONTH TO 3 YEARS' IMPRISONMENT 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." THERE HAS BEEN NO EVIDENCE OF ANY SYSTEMATIC EFFORT TO ABRIDGE THESE RIGHTS BY GOVERNMENT OR PRIVATE GROUPS. THE MINISTRY OF INTERIOR CREATED IN 1994 AN INSTITUTE AGAINST DISCRIMINATION, XENOPHOBIA, AND RACISM, LOCATED IN BARILOCHE. INSTITUTE PERSONNEL WILL, AMONG OTHER THINGS, HAVE FREE ACCESS TO FILES ON PERSONS OR GROUPS INVOLVED IN CRIMES COMMITTED DURING THE SECOND WORLD WAR. (EMBASSY: HAVE THERE BEEN ANY INSTANCES OF ATTACKS ON, DEATHS OR OTHER VIOLENCE AGAINST GAYS OR LESBIANS BY POLICE OR SOCIETAL ELEMENTS?)

WOMEN

34. THE CONSTITUTION AND FEDERAL LAW GUARANTEE EQUALITY FOR ALL CITIZENS. WOMEN ENCOUNTER SIGNIFICANT ECONOMIC DISCRIMINATION, HOWEVER, A SITUATION AGGRAVATED BY THE ENTRY OF LARGE NUMBERS OF WOMEN INTO THE WORKPLACE IN THE LAST 10 YEARS. ACCORDING TO A 1994 GOVERNMENT REPORT, WOMEN OCCUPY IN DISPROPORTIONATE NUMBERS LOWER PAYING JOBS THAN MEN. WITHIN EACH JOB CATEGORY, WOMEN ARE CONCENTRATED IN THE LOWER RANKS AND RECEIVE THE LOWEST SALARIES. OFTEN THEY RECEIVE LESS PAY FOR EQUAL WORK DONE BY MEN EVEN THOUGH THIS IS EXPLICITLY PROHIBITED BY LAW. FEMALE LABOR LEADERS PRESSED THEIR MALE COUNTERPARTS FOR AFFIRMATIVE ACTION PROGRAMS WITHIN THE TRADE UNION MOVEMENT TO TRY TO COUNTERACT THIS. WOMEN ARE ALSO FOUND DISPROPORTIONATELY IN THE INFORMAL SECTOR WHICH EFFECTIVELY DENIES THEM WORK-RELATED ECONOMIC AND SOCIAL BENEFITS ENJOYED BY THOSE IN THE FORMAL SECTOR. THE NATIONAL WOMEN'S COUNCIL AND THE PRESIDENTIAL WOMEN'S ADVISORY CABINET, CREATED IN 1992 AND 1993 RESPECTIVELY, DEVELOPED A THREE YEAR ACTION PLAN (1993-95) TO PROMOTE EQUAL OPPORTUNITY AND PARTICIPATION OF WOMEN IN SOCIETY.

35. (EMBASSY: DISCRIMINATION AND VIOLENCE AGAINST WOMEN IS AN ISSUE WHICH IS ATTRACTING EVER-GREATER ATTENTION FROM THE HUMAN RIGHTS COMMUNITY. A/S SHATTUCK HAS MADE SPECIFIC COMMITMENTS TO GIVE THE ISSUE DUE ATTENTION IN OUR REPORTING. IT IS A TOPIC WHICH IS WORTHY OF ATTENTION ANY TIME, BUT PARTICULARLY NOW; IT CAN HURT THE OVERALL CREDIBILITY OF THE REPORT IF IT APPEARS THAT WE ARE NOT TAKING THIS VERY IMPORTANT ISSUE SERIOUSLY. BEARING THAT IN MIND, PLEASE PROVIDE INFORMATION ON THE EXTENT OF VIOLENCE AGAINST WOMEN AND STEPS THE GOVERNMENT TAKES TO DEAL WITH IT, AS REQUESTED IN PARA 48, STATE 215437.)

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CHILDREN

36. THE MINISTRY OF INTERIOR'S HUMAN RIGHTS SECRETARIAT WORKS WITH UNITED NATIONS CHILDREN'S EMERGENCY FUND (UNICEF) AND OTHER INTERNATIONAL AGENCIES TO PROMOTE CHILDREN'S RIGHTS AND WELL-BEING. SEVERAL CASES OF TRAFFICKING OF BABIES HAVE BEEN DETECTED; PROVINCIAL AUTHORITIES IN CORDOBA AND BUENOS AIRES HAVE BEGUN PROGRAMS TO IMPROVE REGISTRATION AND IDENTIFICATION OF NEWBORN INFANTS. A NEW ADOPTION LAW PENDING APPROVAL BY THE SENATE IT WILL GREATLY RESTRICT ADOPTION OF CHILDREN TO THOSE NOT RESIDENT IN ARGENTINA. IT OFFERS MORE PROTECTION TO THE CHILDREN AND THE BIOLOGICAL PARENT. (EMBASSY: PLEASE INDICATE PREVALENCE/EXTENT OF ABUSE AGAINST CHILDREN, GOVERNMENT STEPS TAKEN TO PREVENT IT, ETC. IS CHILD PROSTITUTION AN ISSUE/PROBLEM?)

INDIGENOUS PEOPLE

37. THE NATIVE POPULATION OF ARGENTINA, NOW ESTIMATED AT 50,000, LIVE PRIMARILY IN THE NORTHERN AND NORTHWESTERN PROVINCES AND THE FAR SOUTH. THEIR STANDARD OF LIVING IS GENERALLY BELOW THAT OF THE AVERAGE ARGENTINE, AND THEY HAVE HIGHER RATES OF ILLITERACY, CHRONIC DISEASES, AND UNEMPLOYMENT. THEY HAVE NO ABILITY TO PARTICIPATE IN DECISIONS AFFECTING THEIR LANDS, CULTURES, TRADITIONS, OR THE ALLOCATION OF NATURAL RESOURCES. (EMBASSY: IS THIS ACCURATE? OTHERWISE, PLEASE PROVIDE YOUR OWN ASSESSMENT -- SEE PARA 53, STATE 215437)

RELIGIOUS MINORITIES

38. TWO MAJOR EVENTS HIGHLIGHTED THE PERSISTENCE OF ANTI-SEMITISM IN **ARGENTINA**: THE TERRORIST BOMBING OF THE ARGENTINE JEWISH MUTUAL ASSOCIATION AND THE ARREST AND EXTRADITION PROCEEDINGS AGAINST EX-**NAZI** OFFICIAL ERICH PRIEBKE. SENIOR GOVERNMENT OFFICIALS, INCLUDING THE PRESIDENT, EXPRESSED SOLIDARITY WITH THE JEWISH COMMUNITY AFTER THE BOMBING AND STATED THEIR COMMITMENT TO FIND THE PERPETRATORS. NEVERTHELESS, EVEN BEFORE THE BOMBING, ANTI-SEMITIC INCIDENTS, INCLUDING AN ASSAULT ON A LEADING RABBI IN JANUARY AS WELL AS THREATS, OTHER ASSAULTS, AND GRAFFITI, INCREASED DURING THE FIRST SIX MONTHS OF 1994 COMPARED WITH THE SECOND HALF OF 1993. THERE WAS NO EVIDENCE OF ANY OFFICIAL SANCTION FOR THESE INCIDENTS. (EMBASSY: DID THE GOVERNMENT ACT VIGOROUSLY TO STOP THESE OR TO PUNISH THE PERPETRATORS?)

PEOPLE WITH DISABILITIES

39. CONGRESS APPROVED A LAW AIMED AT ELIMINATING PHYSICAL BARRIERS TO HANDICAPPED PERSONS IN 1994. THE LAW REGULATES STANDARDS REGARDING ACCESS TO PUBLIC BUILDINGS, PARKS, PLAZAS, STAIRS AND RAMPS, AND

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PEDESTRIAN AREAS. HOWEVER, FEW BUILDINGS AND PUBLIC AREAS IN BUENOS AIRES OR OTHER CITIES CURRENTLY OFFER EASY ACCESS TO PERSONS WITH DISABILITIES. FEDERAL LAW ALSO PROHIBITS DISCRIMINATION AGAINST PEOPLE WITH DISABILITIES IN EMPLOYMENT.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

40. WITH THE EXCEPTION OF MILITARY PERSONNEL, ALL WORKERS ARE FREE TO FORM UNIONS. MOST UNIONS BELONG TO THE LARGE, NATIONAL GENERAL LABOR CONFEDERATION (CGT). THE CGT SUPPORTS, WITH RESERVATIONS, THE GOVERNMENT'S ECONOMIC REFORMS. HOWEVER, A MILITANT FACTION WITHIN THE CGT FORMED A NEW ASSOCIATION, THE MOVEMENT OF ARGENTINE WORKERS, WHICH TOGETHER WITH ANOTHER INDEPENDENT FEDERATION, THE CONGRESS OF ARGENTINE WORKERS, LED BY SOME GOVERNMENT AND TEACHERS' UNIONS, OPPOSE THE GOVERNMENT'S ECONOMIC RESTRUCTURING POLICIES. (EMBASSY: WHAT PERCENT OF THE WORK FORCE IS UNIONIZED?)

41. UNIONS HAVE THE RIGHT TO STRIKE AND MEMBERS WHO PARTICIPATE IN STRIKES ARE PROTECTED BY LAW. IN 1994 MAJOR STRIKES OCCURRED WITHOUT GOVERNMENT INTERFERENCE AGAINST THE PRIVATIZED GREATER BUENOS AIRES ELECTRIC POWER UTILITY AND THE ALUMINUM SMELTING PLANT IN THE SOUTHERN PROVINCE OF CHUBUT. HOWEVER, IN RESPONSE TO A CALL FOR A GENERAL STRIKE BY TRADE UNION OPPONENTS OF THE GOVERNMENT'S ECONOMIC POLICIES, THE GOVERNMENT DECLARED THE STRIKE ILLEGAL ON THE GROUNDS THAT THE CONSTITUTIONAL RIGHT TO STRIKE IS INTENDED TO PROTECT WORKERS' ECONOMIC INTERESTS BUT NOT TO BE USED AS A POLITICAL WEAPON. HOWEVER, THE GOVERNMENT DID NOTHING TO INTERFERE WITH THE ONE-DAY WORK STOPPAGE.

42. ARGENTINE UNIONS ARE MEMBERS OF INTERNATIONAL LABOR ASSOCIATIONS AND SECRETARIATS AND PARTICIPATE ACTIVELY IN THEIR PROGRAMS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

43. THE LAW PROHIBITS ANTIUNION PRACTICES AND THE GOVERNMENT ENFORCES IT. ARGENTINE LABOR, PRIVATE SECTOR, AND GOVERNMENT REAFFIRMED THESE RIGHTS IN A FRAMEWORK AGREEMENT SIGNED IN JULY AIMED AT REFORMING LABOR-MANAGEMENT RELATIONS IN THE CONTEXT OF ECONOMIC RESTRUCTURING AND INCREASING GLOBAL COMPETITIVENESS. THE TREND TOWARDS BARGAINING ON A COMPANY LEVEL IN CONTRAST TO NEGOTIATING AT THE NATIONAL LEVEL ON A SECTORAL BASIS CONTINUES, BUT THE ADJUSTMENT IS NOT AN EASY ONE FOR EITHER SIDE. FOR THIS REASON, THE AGREEMENT PROPOSES TO CREATE A NATIONAL MEDIATION SERVICE TO PROMOTE MORE EFFECTIVE COLLECTIVE BARGAINING.

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44. THE COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) TOOK NOTE OF A TEACHER'S UNION COMPLAINT REGARDING RESTRICTIONS ON COLLECTIVE BARGAINING IN CERTAIN SPECIFIED SECTORS AND ASKED THE GOVERNMENT TO INFORM THE ILO OF MEASURES IT MAY TAKE OR HAS TAKEN TO ENCOURAGE VOLUNTARY NEGOTIATIONS WITHOUT IMPEDIMENTS. WORKERS MAY NOT BE FIRED FOR PARTICIPATING IN LEGAL UNION ACTIVITIES. THOSE WHO PROVE THEY HAVE BEEN DISCRIMINATED AGAINST HAVE THE RIGHT TO BE REINSTATED.

45. THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

46. THE LAW PROHIBITS FORCED LABOR AND THERE WERE NO REPORTS THAT IT WAS PRACTICED IN ARGENTINA.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

47. THE LAW PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY. MINORS AGED 14 TO 18 MAY WORK IN A LIMITED NUMBER OF JOB CATEGORIES BUT NOT MORE THAN 6 HOURS A DAY OR 35 HOURS A WEEK. NOTWITHSTANDING THESE REGULATIONS, A SIGNIFICANT NUMBER OF CHILDREN BETWEEN 10 AND 14 YEARS OF AGE, ESTIMATED AT 200,000 IN A 1993 REPORT BY THE MINISTRY OF LABOR, UNICEF, AND THE ILO, ARE ENGAGED IN ILLEGAL EMPLOYMENT, PRIMARILY AS STREET VENDORS OR HOUSEHOLD WORKERS. (EMBASSY: WHAT IF ANYTHING DID THE GOVERNMENT DO IN 1994 TO ENFORCE THE LAWS AGAINST CHILD LABOR?)

E. ACCEPTABLE CONDITIONS OF WORK

48. THE NATIONAL MONTHLY MINIMUM WAGE IS 200 BUT IS INSUFFICIENT TO SUSTAIN AN AVERAGE FAMILY OF FOUR. FEDERAL LABOR LAW MANDATES ACCEPTABLE WORKING CONDITIONS IN THE AREAS OF HEALTH, SAFETY, AND HOURS. THE MAXIMUM WORKDAY IS 8 HOURS AND WORKWEEK 48 HOURS. THE FRAMEWORK AGREEMENT AIMS AT PRODUCING LEGISLATION TO MODERNIZE THE ACCIDENT COMPENSATION PROCESS AND OCCUPATIONAL HEALTH AND SAFETY NORMS. IN RESPONDING TO A COMPLAINT FROM THE CONGRESS OF ARGENTINE WORKERS THAT WORK-RELATED ILLNESSES WERE NOT COVERED UNDER THE EXISTING WORKMEN'S COMPENSATION SYSTEM, THE ILO'S COMMITTEE OF EXPERTS URGED THE GOVERNMENT TO PROVIDE INFORMATION REGARDING THE MEASURES IT PLANS TO TAKE TO FULFILL ITS OBLIGATIONS UNDER THE CONVENTION NO. 42, WORKMEN'S COMPENSATION (OCCUPATIONAL DISEASES) WHICH ARGENTINA RATIFIED IN 1950.

49. OCCUPATIONAL HEALTH AND SAFETY STANDARDS ARE

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COMPARABLE TO THOSE IN MOST INDUSTRIALIZED NATIONS, BUT FEDERAL AND PROVINCIAL GOVERNMENTS LACK SUFFICIENT RESOURCES TO FULLY ENFORCE THEM. 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.
CHRISTOPHER

ADMIN
END OF MESSAGE

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