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TEXT

TAGS: PHUM, AR  
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SUBJECT: HUMAN RIGHTS REPORT 1994: ARGENTINA

REF: STATE 297562

1. LOU-NOFORN -- ENTIRE TEXT.

2. BELOW IS THE EMBASSY'S REPLY TO THE DRL DRAFT HUMAN RIGHTS REPORT ON ARGENTINA. WOULD APPRECIATE YOUR COMMENTS BEFORE WE TRANSMIT IN OPEN CHANNEL.

3. WE ARE FRANKLY DISTURBED ABOUT THE TONE OF THE DRL REVISED DRAFT WHICH MAKES THE HUMAN RIGHTS SITUATION IN ARGENTINA APPEAR WORSE IN 1994 THAN IN 1993 (OR IN OTHER RECENT YEARS, FOR THAT MATTER). THE DRL DRAFTERS APPARENTLY INTEND FOR ARGENTINA TO CONTINUE TO PAY FOR ITS PAST INTO THE INDEFINITE FUTURE NO MATTER WHAT THE CURRENT CIRCUMSTANCES. A FEW DAYS AGO, WE DISCUSSED THE GENERAL SITUATION WITH THE LEADERS OF THE PRINCIPAL HUMAN RIGHTS ORGANIZATIONS IN

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THE COUNTRY -- THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS, THE CENTER FOR LEGAL AND SOCIAL STUDIES, B'NAI B'RITH, THE GRANDMOTHERS OF THE PLAZA DE MAYO, AND THE INTERIOR MINISTRY'S SUBSECRETARY FOR HUMAN RIGHTS. THE CONSENSUS OF THIS WELL-INFORMED SAMPLING IS THAT THE ABUSES WHICH CONTINUE TO OCCUR ARE, IN FACT, REMNANTS OF THE LEGACY OF THE DIRTY WAR AND ARE EXCEPTIONS TO THE POSITIVE TREND TOWARDS GREATER AWARENESS AND RESPECT FOR HUMAN RIGHTS IN ARGENTINA.

NEITHER THEY, NOR WE, BELIEVE IT IS ACCURATE TO CHARACTERIZE THE CURRENT ARGENTINE HUMAN RIGHTS SCENE BASED ON THESE EXCEPTIONAL EVENTS. THE HENNY YOUNGMAN APPROACH -- "WHEN DID YOU STOP BEATING YOUR WIFE?" -- IS NOT THE WAY TO PICTURE CONTEMPORARY ARGENTINA. WHILE POLICE AND MILITARY ABUSE OF AUTHORITY AND COVER-UPS CONTINUE (AND ARE INCLUDED IN OUR VERSION), GOVERNMENT POLICY IS CLEAR -- POLICE AND/OR MILITARY BRUTALITY WILL NOT BE TOLERATED. INVESTIGATIONS, ARRESTS, TRIALS, AND CONVICTIONS DO OCCUR. OUR READING, BASED ON CURRENT INFORMATION IS THAT SUCH ABUSES ARE DECREASING. HUMAN RIGHTS ORGANIZATIONS ARE EXCEEDINGLY ACTIVE HERE AND OFTEN ARE FRUSTRATED BY COURT DELAYS, CORRUPTION, AND INEFFICIENCY (AGAIN AS DESCRIBED IN OUR DRAFT). NEVERTHELESS, THEY ARE OPTIMISTIC ABOUT THE PRESENT AND THE FUTURE. THE PERNIAS-ROLON EXAMPLE IS A CASE IN POINT; THE GOA PROPOSAL TO PROMOTE TWO NAVY OFFICERS, WHO ADMITTED TO HUMAN RIGHT ABUSES, WAS REBUFFED BY A SENATE COMMITTEE DOMINATED BY THE RULING JUSTICIALIST PARTY. THIS IS THE WAY SUCH MATTERS ARE HANDLED IN COUNTRIES WHERE THERE IS A LONG TRADITION OF RESPECT FOR HUMAN RIGHTS; IT DEMONSTRATES THE VIGOR OF A DEMOCRATIC "CHECKS AND BALANCES" SYSTEM THAT WAS UNHEARD OF IN THE OLD ARGENTINA. (WE ARE, OF COURSE, INCLUDING THIS EPISODE, WHICH OCCURRED AFTER OUR FIRST DRAFT WAS SENT TO THE DESK, IN OUR REVISED TEXT.)

4. SPECIFICALLY, A NUMBER OF DRL SUGGESTIONS ARE EITHER WRONG, DISTORTED, OR MISLEADING. THEY SUGGEST AN ATTITUDE OF BIAS AND PRE-JUDGING THE FACTS WHICH WILL UNDERMINE THE CREDIBILITY OF THE REPORT IF ALLOWED TO STAND. ARGENTINA IS PROVING THAT THEY ARE NOT CONDEMNED TO RELIEVE THEIR RECENT TRAGIC HISTORY. UNDER THE CIRCUMSTANCES, IT IS TOTALLY INAPPROPRIATE TO TAKE A GUILTY UNTIL PROVEN INNOCENT APPROACH. THE EMBASSY STRONGLY RECOMMENDS THAT THE FOLLOWING DRL CHANGES BE DELETED OR MODIFIED BASED ON OUR REVISED DRAFT BELOW.

A. INTRODUCTION:

FIRST, DRL'S DELETING THE LAST SENTENCE THE FIRST PARA REFERRING TO THE INCORPORATION OF HUMAN RIGHTS CONVENTIONS IN THE NEW CONSTITUTION AND MAKING THE FIRST SENTENCE IN THE FOURTH PARA A DEPENDENT CLAUSE DENIGRATES THE SIGNIFICANCE OF INCORPORATING HUMAN

**CONFIDENTIAL**  
**FOUO**

RIGHTS CONVENTIONS INTO THE NEW CONSTITUTION. THIS IS NO SMALL MATTER AND CERTAINLY MERITS ITS OWN SENTENCE WITHOUT MODIFIERS. WE WILL INCLUDE IT IN THE FOURTH PART.

SECOND, THE ADDITION "THERE WERE NUMEROUS INSTANCES OF GOVERNMENT FAILURE TO PROTECT INDIVIDUAL RIGHTS. THIS WAS PARTICULARLY TRUE IN THE CASE OF EXTRAJUDICIAL KILLINGS OFTEN WITH IMPUNITY..." DOES NOT SQUARE WITH OUR CURRENT RESEARCH INTO THIS SUBJECT. WHILE ISOLATED POLICE ABUSES CERTAINLY EXIST, WE HAVE NOTED IN OUR DRAFT A GREATER EFFORT ON THE PART OF THE CENTRAL AND LOCAL GOVERNMENTS TO ARREST AND TRY OFFENDERS. TO OUR KNOWLEDGE, THERE WERE NO EXTRAJUDICIAL KILLINGS IN 1994 IN WHICH POLICE OR MILITARY SUSPECTS HAVE NOT BEEN ARRESTED OR AN ACTIVE INVESTIGATION PURSUED. IF DRL HAS INFORMATION TO THE CONTRARY REGARDING EXTRAJUDICIAL KILLING CASES IN 1994, EMBASSY WOULD APPRECIATE THE INPUT. WE HAVE ASKED THE ABOVE-MENTIONED ORGANIZATIONS AS WELL. THIRD, DELETING THE REFERENCE TO A LIVELY PRESS AND ONLY MENTIONING THREATS TO JOURNALISTS COMPLETELY DISTORTS THE REALITY. ONE ONLY HAS TO BE EXPOSED TO THE WIDE VARIETY OF OPINIONS EXPRESSED ON RADIO, TV, AND IN THE NUMEROUS NEWSPAPERS AND MAGAZINES TO KNOW THAT FREEDOM OF THE PRESS IS A FACT IN THIS COUNTRY IN SPITE OF A FEW THREATS TO REPORTERS. ARGENTINA IS NOW AN OPEN SOCIETY, A FACT PRESSED HOME FOR US BY OUR HUMAN RIGHTS CONTACTS. INFORMATION AND OPINION ABOUND. WE HAVE, NEVERTHELESS, ADDED ADDITIONAL INFORMATION ABOUT THREATS TO JOURNALISTS IN OUR NEW TEXT, BUT AS WITH POLICE BRUTALITY, THEY ARE THE EXCEPTIONS RATHER THAN THE RULE.

B. SECTION 1.A. SECOND PARA: "POLICE OFFICERS COMMITTED MOST EXTRAJUDICIAL KILLINGS, MOST OF THEM WITH IMPUNITY" THE FIRST PART IS CORRECT, THE SECOND IS NOT.

C. SECTION 1.D. SECOND PARA RE ARBITRARY ARREST: "GIVEN THE CLIMATE OF IMPUNITY THAT STILL EXISTS, IT REMAINS TO BE SEEN TO WHAT EXTENT THIS (THE UN SPONSORED HUMAN RIGHTS COURSE FOR POLICE) WILL BE EFFECTIVE IN ALTERING POLICE BEHAVIOR." THIS IS A GRATUITOUS SLAP AT AN HONEST EFFORT TO SENSITIZE LAW ENFORCEMENT OFFICIALS. IT ALSO FALSELY GIVES THE IMAGE OF RAMPANT AND UNCHECKED POLICE ABUSE OF HUMAN RIGHTS. FOR THE FIRST TIME, THE GOA IS SEEKING EXTERNAL ASSISTANCE TO DEAL WITH HUMAN RIGHTS PROBLEMS. THE USG SHOULD NOT BELITTLE THIS EFFORT WITH EDITORIAL COMMENT.

D. EMBASSY DOES NOT BELIEVE THAT SECTION DESCRIBING AFFIRMATIVE ACTION REGARDING FEMALE REPRESENTATION IN CONGRESS SHOULD BE TRANSFERRED FROM SECTION 5 (WOMEN) TO SECTION 3 (POLITICAL RIGHTS) SINCE THE LATTER DEALS

**CONFIDENTIAL**  
**FOUO**

WITH "THE RIGHT OF (ALL) CITIZENS TO CHANGE THEIR GOVERNMENT." THE QUESTION OF REPRESENTATION OF VARIOUS ELEMENTS OF SOCIETY IN THE GOVERNMENT IS MORE PROPERLY ADDRESSED IN SECTION 5 WHICH FOCUSES ON THE STATUS OF THOSE ELEMENTS. IN THIS SPECIFIC CASE, THE AFFIRMATIVE ACTION TAKEN TO PROVIDE GREATER CONGRESSIONAL REPRESENTATION TO WOMEN APPLIES ONLY TO WOMEN AND NOT TO ALL CITIZENS, AND THEREFORE SHOULD REMAIN IN THE SECTION ON WOMEN.

E. SECTION 5 (INDIGENOUS PEOPLE): "THEY HAVE NO ABILITY TO PARTICIPATE IN DECISIONS AFFECTING THEIR LANDS, CULTURES, TRADITIONS, OR THE ALLOCATION OF RESOURCES." THIS IS A GROSS EXAGGERATION OF THE ACTUAL SITUATION. IT IS TRUE THAT INDIGENOUS PEOPLE ARE AT THE BOTTOM OF THE SOCIO-ECONOMIC LADDER AND SUFFER THE ILLS OF A MINORITY POPULATION; THEY ARE OCCASIONALLY INVOLVED IN DISPUTES OVER TRIBAL LANDS. EVEN SO, THEY ARE NOT POWERLESS. THEY TAKE THEIR LAND TENURE CASES TO COURT AND, ALTHOUGH THEY, LIKE MOST LITIGANTS, EXPERIENCE LENGTHY DELAYS, THEIR HANDS ARE NOT TIED. THE RIGHTS OF INDIGENOUS PEOPLE ARE GUARANTEED UNDER THE NEW CONSTITUTION AND THE ANTI-DISCRIMINATORY LAWS WHICH PROVIDES THEM RECOURSE TO PROTECT THEIR INTERESTS. SEE REVISED PARA ON THIS SUBJECT.

F. SECTION 5 (RELIGIOUS MINORITIES) "TWO MAJOR EVENTS HIGHLIGHTED THE PERSISTENCE OF ANTI-SEMITISM IN ARGENTINA." THIS IS A GENERALIZED STATEMENT THAT DOES NOT CONVEY THE MEANING OF THE ORIGINAL LANGUAGE REGARDING THE CONCERNS OF THE JEWISH COMMUNITY. FURTHERMORE, THE B'NAI B'RITH REPRESENTATIVE AGREES THAT THE EVENTS THEMSELVES CANNOT BE LINKED TO THE "PERSISTENCE" OF ANTI-SEMITISM IN ARGENTINA WHICH IS A TOPIC OF ONGOING DEBATE WITHIN THE JEWISH COMMUNITY HERE AND ON WHICH THERE IS NO CONSENSUS. THE PRIEBKE CASE HARKENS BACK TO THE POST-WORLD WAR II PERIOD WHEN THE GOA PROFESSED PRO-NAZI SYMPATHIES. ALTHOUGH NO ONE HAS BEEN CHARGED, THE AMIA BOMBING WAS ALMOST CERTAINLY AN ATTACK BY MIDDLE EAST (NOT ARGENTINE) TERRORISTS.

G. THE EMBASSY HAS READ THE LAWYERS COMMITTEE FOR HUMAN RIGHTS CRITIQUE OF THE 1993 REPORT. WHILE IT CONTAINS SOME USEFUL INSIGHTS, WE NOTE FIRST THAT ITS ATTACKS ON MENEM'S CRITICISMS OF THE PRESS ARE OVERDRAWN AND, IN OUR VIEW, ARE NOT A HUMAN RIGHTS CONCERN -- ALL POLITICAL LEADERS CRITICIZE THE PRESS. SECOND, THE LCHR REPORT INCLUDES SOME CASES NOT MENTIONED IN OUR 1993 REPORT. OUR VIEW IS THAT THE THE USG REPORT SHOULD NOT (AND CANNOT DUE TO TIME LIMITATIONS) BE A SIMPLE LISTING OF EVERY HUMAN RIGHTS ABUSE THAT OCCURRED IN A GIVEN YEAR. WE DO CITE MAJOR CASES THAT RECEIVED MOST ATTENTION, BUT AS WE TRY TO

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**FOUO**

MAKE CLEAR ABOVE, WE SHOULD NOT OVERLOOK THE FOREST FOR THE TREES. WE ALSO DO NOT BELIEVE A USG REPORT SHOULD MAKE ASSERTIONS ABOUT MENEM'S "INTERFERENCE" IN THE JUDICIAL PROCESS WHICH IS LESS A HUMAN RIGHTS MATTER THAN A QUESTION ABOUT "POLITICA A LA ARGENTINA": -- PARTICULARLY WHERE SUCH CHARGES ARE IMPOSSIBLE TO VERIFY. NEVERTHELESS, IF THE LAWYERS COMMITTEE WISHED TO BE TRULY HELPFUL, IT SHOULD PROVIDE US THEIR ANALYSIS OF 1994 NOW WHEN THERE IS TIME TO TAKE THEIR VIEWS INTO CONSIDERATION. (DRL: IS THE LCHR WORKING ON A 1994 EDITION NOW? CAN THEY PROVIDE EVEN A PARTIAL ONE IN DRAFT? OR ARE THEY WAITING FOR OUR REPORT TO BE PUBLISHED FIRST?)

IN RESPONSE TO THE DRL DRAFT, THE EMBASSY SUBMITS THE FOLLOWING REVISED VERSION OF THE 1994 HUMAN RIGHTS REPORT. IT CONTAINS UPDATES OF SOME CASES, SOME NEW MATERIAL, AND REVISED LANGUAGE IN THE INTRODUCTION TO BETTER DESCRIBE THE CONTEMPORARY HUMAN RIGHTS SCENE IN ARGENTINA. WE WILL FOLLOW UP ON THE QUESTIONS POSED IN REFTTEL AND UPDATE ADDITIONAL MATERIAL AS IT IS DEVELOPED.

BEGIN TEXT

ARGENTINA IS A FEDERAL CONSTITUTIONAL DEMOCRACY WITH AN EXECUTIVE BRANCH HEADED BY A DEMOCRATICALLY ELECTED PRESIDENT, A BICAMERAL LEGISLATURE, AND A SEPARATE JUDICIARY. THE PRESIDENT, CARLOS SAUL MENEM, WAS ELECTED IN 1989, UNDER AN ELECTORAL COLLEGE SYSTEM, FOR A SINGLE SIX-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.

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.

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, BEGUN IN 1989, LED TO THREE YEARS OF HIGH GROWTH, SHARPLY REDUCED INFLATION, AND SPURRED COMPETITIVENESS. AN EXTENSIVE PRIVATIZATION PROGRAM

**CONFIDENTIAL**  
**FOUO**

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, ALTHOUGH THE LOWEST INCOME GROUPS AND THE ENTIRE COUNTRY HAVE BENEFITTED FROM THE END OF HYPERINFLATION.

ARGENTINA IS A FREE SOCIETY WITH VIGOROUS AND OPEN DEBATE ON ALL ISSUES. THE REVISED CONSTITUTION, AS DID THE PREVIOUS, PROVIDES FOR A WIDE RANGE OF FREEDOMS AND RIGHTS WHICH ARE FULLY ENJOYED AND PRACTICED BY ALL ARGENTINES. THE CONSTITUTION NOW ALSO INCORPORATES NINE HUMAN RIGHTS INTERNATIONAL CONVENTIONS. HOWEVER, INSTITUTIONAL WEAKNESSES - ESPECIALLY IN THE JUDICIAL BRANCH - POLITICAL PARTISANSHIP, AND A LEGACY OF AUTHORITARIAN RULE HAVE RESULTED IN INSTANCES OF FAILURE TO PROTECT FULLY INDIVIDUAL RIGHTS AND PUNISH, IN A TIMELY MANNER, HUMAN RIGHTS VIOLATORS. AT THE SAME TIME, THE CENTRAL AND PROVINCIAL GOVERNMENTS ARE MAKING EFFORTS TO BRING PERPETRATORS TO JUSTICE, PARTICULARLY IN THE AREA OF KILLINGS AND BRUTALITY BY POLICE. ARGENTINA HAS A LIVELY AND CRITICAL PRESS. THREATS AND AGGRESSION AGAINST JOURNALISTS DECREASED FROM 1993. (DRL: VIOLENCE AGAINST WOMEN IS MENTIONED IN THE REVISED SECTION 5 BUT NEED NOT BE HIGHLIGHTED HERE SINCE IT IS NOT A PROBLEM OF SUCH MAGNITUDE THAT IT WARRANTS MENTION IN THE INTRODUCTION.) 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. ON BALANCE, THE PROGRESS MADE IN 1994 CONTINUED THE POSITIVE TREND OF RECENT YEARS IN THE OBSERVANCE OF BASIC RIGHTS.

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

A. POLITICAL AND EXTRAJUDICIAL KILLING

THERE WERE NO CREDIBLE REPORTS OF POLITICALLY MOTIVATED KILLINGS BY GOVERNMENT FORCES IN 1994. POLICE AND MILITARY PERSONNEL WERE RESPONSIBLE FOR A NUMBER OF EXTRAJUDICIAL KILLINGS. 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. OF THE FIVE NONCOMMISSIONED OFFICERS EVENTUALLY ARRESTED, TWO WERE BEING TRIED IN A CIVIL COURT FOR MURDER. BECAUSE OF A SLIPSHOD INVESTIGATION AT THE TIME OF CARRASCO'S

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**FOUO**

DISAPPEARANCE, NEARLY ONE MONTH 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.

POLICE OFFICERS COMMITTED MOST EXTRAJUDICIAL KILLINGS IN 1994. HOWEVER, A REVIEW OF THE YEAR'S RECORD INDICATED THAT PROVINCIAL AND FEDERAL AUTHORITIES MADE A GREATER EFFORT TO ARREST AND TRY THE OFFENDERS IN 1994 THAN IN PREVIOUS YEARS. A FEDERAL JUDGE SENTENCED FOUR POLICEMEN TO LIFE IMPRISONMENT FOR THE MURDER-KIDNAPPING OF THREE BUSINESSMEN, EDUARDO OXFENFORD, BENJAMIN NEUMAN, AND OSVALDO SIVAK IN 1978, 1982, AND 1985, RESPECTIVELY. THREE POLICEMEN, ACCUSED OF KILLING THREE TEENAGERS IN 1987 IN A BUENOS AIRES SUBURB, WERE SENTENCED TO 11 YEARS IN PERSON BUT WERE RELEASED PENDING APPEAL. IN THE TOWN OF WILDE, BUENOS AIRES PROVINCE, SEVEN POLICEMEN WERE TRIED FOR THE KILLING OF FOUR PEOPLE IN A SHOOTOUT AND CONVICTED. A COURT IN SAN NICHOLAS, BUENOS AIRES PROVINCE, SENTENCED TWO POLICEMEN 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. THE TWO POLICE OFFICERS WERE CONVICTED AND SENTENCED TO LIFE IN PRISON FOR HAVING BRUTALIZED 57-YEAR OLD RAMON BUCHON UNTIL HE DIED OF A HEART ATTACK.

**B. DISAPPEARANCE**

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

A LA PLATA COURT TRIED SEVEN OF ELEVEN BUENOS AIRES PROVINCIAL POLICE OFFICIALS IMPLICATED IN THE DISAPPEARANCE OF A LA PLATA YOUTH, ANDRES NUNEZ. THREE WITNESSES TESTIFIED THEY HEARD HIM BEING BEATEN IN A NEARBY ROOM AT THE TIME OF HIS CAPTIVITY THREE YEARS AGO. IN APRIL SIX ADDITIONAL POLICE OFFICERS WERE DETAINED AND FOUR OTHERS, WHO ARE FUGITIVES, ARE BEING SOUGHT. THE CASE OF PABLO GUARDATI, WHOM MENDOZA POLICE REPORTEDLY ABDUCTED IN 1992, REMAINS UNRESOLVED. IN

**CONFIDENTIAL**  
**FOUO**

LATE 1993, THE AUTHORITIES RELEASED THREE OF THE FOUR POLICE OFFICERS CHARGED IN THE CASE IN MARCH 1994, ALL FOR LACK OF SUFFICIENT EVIDENCE.

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

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

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 REMAIN 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.

IN AUGUST A JUDGE CONVICTED FOUR POLICEMEN IN ENTRE RIOS PROVINCE FOR PHYSICALLY ABUSING A SUSPECT. HOWEVER, HE IMPOSED A TWO AND HALF YEAR SUSPENDED SENTENCE TO BE IMPLEMENTED ONLY IF THEY DID NOT PASS A WRITTEN EXAMINATION ON CONSTITUTIONAL RIGHTS AND GUARANTEES.

IN OCTOBER, THE MENEM ADMINISTRATION RECOMMENDED THE PROMOTION OF TWO NAVY CAPTAINS, ANTONIO PERNIAS AND JUAN CARLOS ROLON. DURING THEIR CONFIRMATION HEARINGS, THEY ADMITTED TO HAVING TORTURED DETAINEES DURING THE 1976-83 PERIOD OF MILITARY RULE. A STORM OF CONTROVERSY AROSE, AND THE SENATE COMMITTEE, DOMINATED BY THE PRESIDENT'S OWN RULING JUSTICIALIST PARTY, REJECTED THE NOMINATIONS. IN THE FOLLOWING



**CONFIDENTIAL**  
**FOUO**

WEEKS, PRESIDENT MENEM, WHILE DENYING THAT HE CONDONED THE USE OF TORTURE, DEFENDED THE ROLE OF THE MILITARY AND THE POLICE DURING THE "DIRTY WAR." HUMAN RIGHTS GROUPS AND OPPOSITION POLITICIANS ROUNDLY CRITICIZED HIS REMARKS, AND THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS EXPELLED HIM FROM ITS EXECUTIVE BOARD.

ARBITRARY ARREST, DETENTION, OR EXILE

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 IN THE CASES CITED ABOVE. HUMAN RIGHTS GROUPS BELIEVE SUCH INCIDENTS ARE INCREASING, ALONG WITH A RISING CRIME RATE, BUT ARE DIFFICULT TO DOCUMENT BECAUSE VICTIMS ARE RELUCTANT TO FILE COMPLAINTS. POLICE WILL DETAIN YOUNG PERSONS (TEENAGERS AND YOUNG ADULTS ARE 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 ARE RELEASED ONLY UPON A COMPLAINT FROM RELATIVES OR LEGAL COUNSEL. HUMAN RIGHTS GROUPS WERE ALSO CONCERNED ABOUT AN ANTI-TERRORISM BILL, PROPOSED BY THE MINISTRY OF JUSTICE 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.

TO 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.

INVOLUNTARY EXILE IS NOT PERMITTED BY LAW NOR PRACTICED IN ARGENTINA.

PRISON CONDITIONS IN ARGENTINA ARE POOR IN A NUMBER OF OVERCROWDED JAILS. THE FACILITIES ARE OLD AND DILAPIDATED. IN BUENOS AIRES PROVINCE, NO NEW PRISONS HAVE BEEN BUILT FOR 25 YEARS. A CIRCUIT JUDGE (JUEZ DE TURNO) 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. HOWEVER, IT SHOULD BE NOTED THAT THE RIGHT TO BAIL IS PROVIDED BY LAW AND RECOGNIZED IN PRACTICE. WHILE THE SLOW PACE OF CRIMINAL TRIALS HAS RESULTED IN LENGTHY PRE-TRIAL DETENTION PERIODS, THE DETENTION ITSELF IS NOT ARBITRARY. HUMAN RIGHTS GROUPS SAY THIS PROBLEM REMAINS A SERIOUS ONE AND THAT

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**FOUO**

PRISONS ARE VIRTUAL POWDER KEGS OF DISCONTENT. A LARGE-SCALE PRISON RIOT OCCURRED IN BUENOS AIRES PROVINCE IN AUGUST 1994. 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. IN RECOGNITION OF THIS PROBLEM, THE SENATE PASSED A MEASURE IN OCTOBER 1994 WHICH WOULD SET A MAXIMUM TWO-YEAR LIMIT ON UNSENTENCED PRISONERS AND, AFTER THE TWO YEARS, GRANT THEM TWO DAYS OF CREDIT TOWARD THEIR SENTENCES FOR EVERY ONE DAY OF TIME SERVED BEFORE SENTENCING. 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.

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

**E. DENIAL OF A FAIR PUBLIC TRIAL**

ARGENTINA'S JUDICIAL SYSTEM IS NOMINALLY INDEPENDENT AND IMPARTIAL BUT ITS PROCESSES ARE ALLEGEDLY INEFFICIENT, COMPLICATED, AND SUBJECT TO POLITICAL INFLUENCE. THE JUDICIAL SYSTEM IS HAMPERED BY INORDINATE DELAYS, PROCEDURAL LOGJAMS, CHANGES OF JUDGES, AND ALLEGATIONS OF CORRUPTION ARE WIDELY REPORTED.

TRIALS ARE PUBLIC AND DEFENDANTS HAVE THE RIGHT TO LEGAL COUNSEL. A PANEL OF JUDGES DECIDES GUILT OR INNOCENCE. IN 1992 SOME FEDERAL AND PROVINCIAL COURTS BEGAN DECIDING CASES USING ORAL TRIALS IN LIEU OF THE PRACTICE 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.

REFORM OF THE JUDICIARY IS A HIGH PRIORITY FOR THE ARGENTINE GOVERNMENT. THE NEW CONSTITUTION PROVIDES FOR CHANGES IN THE SELECTION OF JUDGES AND OVERSIGHT OF THE LEGAL SYSTEM.

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

THE CONSTITUTION PROHIBITS THE GOVERNMENT FROM INTERFERING IN THE PRIVATE LIVES OF ITS CITIZENS AND

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**FOUO**

THE GOVERNMENT RARELY DOES SO. THE GOVERNMENT RESERVES THE RIGHT TO MONITOR TELEPHONE CONVERSATIONS WITH A COURT ORDER.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS

THE CONSTITUTION GUARANTEES THE RIGHT TO PUBLISH IDEAS WITHOUT PRIOR CENSORSHIP. THE MEDIA FULLY EXERCISES THIS RIGHT, DISSEMINATING THE FULL PANORAMA OF POLITICAL, SOCIAL, CULTURAL, AND ECONOMIC OPINION IN THE COUNTRY. COMPARED WITH 1993, THE NUMBER OF REPORTS OF ATTACKS OR THREATS AGAINST JOURNALISTS DECREASED IN 1994. A NEWSPAPER EDITOR RECEIVED AN ANONYMOUS THREAT IN JUJUY PROVINCE, AND THE WIFE OF A REPORTER FOR THE ARGENTINE NEWS AGENCY WAS MUGGED AND THREATENED IN BUENOS AIRES. A CORRESPONDENT FOR A LA PAMPA PROVINCE PAPER ALSO RECEIVED DEATH THREATS. IN MENDOZA, INTELLIGENCE OPERATIVES OF THE PROVINCIAL POLICE ARE ALLEGED TO HAVE ILLEGALLY ENTERED A HOTEL ROOM AND INTIMIDATED THREE VISITING CHILEAN JOURNALISTS IN OCTOBER. NATIONAL AND PROVINCIAL GOVERNMENT AUTHORITIES CONDEMNED THE AGGRESSION AND LAUNCHED AN INVESTIGATION INTO THE EVENT. THERE WAS LITTLE PROGRESS IN THE APPREHENSION AND PUNISHMENT OF THOSE RESPONSIBLE FOR THESE AND PRIOR ATTACKS.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

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. (DRL: UPON FURTHER REVIEW, WE DELETED MENTION OF THE MARCH DEMONSTRATION BY RETIREES SINCE POLICE ACTION APPEARED TO BE IN RESPONSE TO THE VIOLENCE FOMENTED BY THE DEMONSTRATORS.)

C. FREEDOM OF RELIGION

FREEDOM OF WORSHIP IS A CONSTITUTIONAL RIGHT IN ARGENTINA. THE NEWLY REVISED CONSTITUTION DROPPED THE PREVIOUS REQUIREMENT THAT THE PRESIDENT OF ARGENTINA BE A ROMAN CATHOLIC. IN PRACTICE, ARGENTINES OF ALL RELIGIOUS DENOMINATIONS ARE ABLE TO EXERCISE THEIR FAITH FREELY.

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

DOCUMENTED QC TRAVEL AND EMIGRATION REMAINED UNRESTRICTED IN 1994.

**CONFIDENTIAL**  
**FOUO**

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

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 NEWLY REVISED CONSTITUTION PROVIDES THAT ALL ADULT CITIZENS SHALL ENJOY 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 SIX YEARS TO FOUR 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), REMOVES THE REQUIREMENT THAT THE PRESIDENT BE A ROMAN CATHOLIC, AND MANDATES SENATE CONFIRMATION OF SUPREME COURT JUSTICES BY A TWO-THIRDS VOTE.

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

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 PROMOTE GREATER RESPECT FOR BASIC HUMAN RIGHTS AMONG LOCAL AUTHORITIES. THERE ARE NO RESTRICTIONS ON VISITS OR ACTIVITIES BY INTERNATIONAL GROUPS OR ORGANIZATIONS.

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

THE 198B ANTI-DISCRIMINATION LAW ESTABLISHES A SERIES OF PENALTIES FROM ONE MONTH TO THREE 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 IS 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

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**FOUO**

WORLD WAR. (DRL: WE HAVE NO REPORTS ON ATTACKS ON LESBIANS AND GAYS BASED ON THEIR SEXUAL ORIENTATION.)

**WOMEN**

THE CONSTITUTION AND FEDERAL LAW GUARANTEE EQUALITY FOR ALL CITIZENS. THE CONSTITUTION STIPULATES THAT THE INTERNAL REGULATIONS OF POLITICAL PARTIES AND PARTY NOMINATIONS FOR ELECTIONS BE SUBJECT TO AFFIRMATIVE ACTION REQUIREMENTS 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. IN 1994 WOMEN OCCUPIED 13 PERCENT OF THE SEATS IN THE CHAMBER OF DEPUTIES AND 4 PERCENT IN THE SENATE. THERE WERE FEW SENIOR RANKING WOMEN OFFICIALS IN THE EXECUTIVE BRANCH; THEY ARE HOWEVER ASSUMING POSITIONS OF GREATER AUTHORITY IN PROVINCIAL AND LOCAL GOVERNMENTS. FEMALE LABOR LEADERS ARE PRESSING THEIR MALE COUNTERPARTS FOR AFFIRMATIVE ACTION PROGRAMS WITHIN THE TRADE UNION MOVEMENT AS WELL.

WOMEN ENCOUNTER ECONOMIC DISCRIMINATION IN ARGENTINA, A SITUATION WHICH HAS BEEN AGGRAVATED BY THE INFUSION OF LARGE NUMBERS OF WOMEN IN THE WORKPLACE IN THE LAST 10 YEARS. ACCORDING TO A 1994 REPORT BY THE ARGENTINE GOVERNMENT, 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. 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, ARE CURRENTLY WORKING ON A THREE YEAR GOVERNMENT ACTION PLAN (1993-95) TO PROMOTE EQUAL OPPORTUNITY AND PARTICIPATION OF WOMEN IN SOCIETY.

VIOLENCE AGAINST WOMEN IS A PROBLEM; INSENSITIVITY AMONG POLICE AND JUDGES SOMETIMES DISCOURAGE WOMEN FROM REPORTING ASSAULTS, ESPECIALLY IN DOMESTIC VIOLENCE CASES. IN RESPONSE, THE NATIONAL WOMEN'S COUNCIL HAS BEEN WORKING WITH LAW ENFORCEMENT AUTHORITIES TO INCLUDE IN THEIR POLICE TRAINING CURRICULUM MATERIAL ON HANDLING CASES OF VIOLENCE AGAINST WOMEN. IN NOVEMBER 1993, PRESIDENT MENEM SIGNED AN DECREE AGAINST SEXUAL HARRASSMENT IN THE

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**FOUO**

FEDERAL GOVERNMENT.

CHILDREN

THE NEW CONSTITUTION INCORPORATES THE UN CONVENTION ON THE RIGHTS OF THE CHILD. 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 IS PENDING APPROVAL BY THE SENATE WHICH WAS APPROVED BY THE CHAMBER OF DEPUTIES. IT WILL GREATLY RESTRICT ADOPTION OF CHILDREN BY THOSE NOT RESIDENT IN ARGENTINA. IT OFFERS MORE PROTECTION TO THE CHILDREN AND THE BIOLOGICAL PARENTS. 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. CHILD ABUSE AND PROSTITUTION HAVE NOT INCREASED IN RECENT YEARS, BUT THOSE AFFECTED TEND TO BE YOUNGER THAN PREVIOUSLY. THE NATIONAL COUNCIL OF THE CHILD AND THE FAMILY, WHICH THE GOA ESTABLISHED IN 1990, IS ACTIVELY WORKING WITH FEDERAL AND LOCAL AGENCIES TO IMPROVE CHILD PROTECTION PROGRAMS. SIXTEEN OUT OF 24 PROVINCES PLUS THE FEDERAL GOVERNMENT HAVE CHILD PROTECTION LAWS ON THE BOOKS, THE MOST RECENT BEING THE PROVINCE OF BUENOS AIRES WHICH ADOPTED NEW LEGISLATION IN 1994.

INDIGENOUS PEOPLE

THE REVISED CONSTITUTION PROVIDES THE RIGHT OF MINORITIES TO BE REPRESENTED IN GOVERNMENT AND INCORPORATES INTERNATIONAL AGREEMENTS WHICH GUARANTEE ECONOMIC, SOCIAL, AND CULTURAL RIGHTS.

THERE ARE NO RELIABLE STATISTICS ON THE SIZE OF THE INDIGENOUS POPULATION OF ARGENTINA; ESTIMATES VARY FROM 60,000 TO 150,000 BUT INDEC (NATIONAL STATISTICAL INSTITUTE) BELIEVES THE FIGURE TO BE BELOW 100,000 AS OF 1992. MOST LIVE IN THE NORTHERN AND NORTHWESTERN PROVINCES AND IN THE FAR SOUTH. THEIR STANDARD OF LIVING IS CONSIDERABLY BELOW THE AVERAGE, AND THEY HAVE HIGHER RATES OF ILLITERACY, CHRONIC DISEASES, AND UNEMPLOYMENT. INDIGENOUS GROUPS ARE SOMETIMES INVOLVED IN DISPUTES OVER TRIBAL LANDS WHICH TEND TO BE PROLONGED DUE TO THE INEFFICIENT COURT SYSTEM.

RELIGIOUS MINORITIES

TWO MAJOR EVENTS HEIGHTENED THE JEWISH COMMUNITY'S

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**FOUO**

CONCERNS ABOUT 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 (THREATS, ASSAULTS, GRAFFITI) INCREASED DURING THE FIRST SIX MONTHS OF 1994 COMPARED WITH THE SECOND HALF OF 1993. THERE IS NO EVIDENCE OF ANY OFFICIAL SANCTION FOR THESE INCIDENTS.

**PEOPLE WITH DISABILITIES**

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 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**

WITH THE EXCEPTION OF MILITARY PERSONNEL, ALL WORKERS ARE FREE TO FORM UNIONS. ESTIMATES REGARDING UNION MEMBERSHIP VARY WIDELY. MOST UNION LEADERS BELIEVE IT TO BE ABOUT 40 PERCENT OF THE WORKFORCE; GOVERNMENT FIGURES INDICATE UNION MEMBERSHIP AT 30 PERCENT.

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.

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

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

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**FOUO**

THE LAW PROHIBITS ANTI-UNION 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.

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 I 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.

THERE ARE NO OFFICIALLY DESIGNATED EXPORT PROCESSING ZONES.

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

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

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

THE LAW PROHIBITS EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY, IS PROHIBITED. 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 EMPLOYMENT, PRIMARILY AS STREET VENDORS OR HOUSEHOLD WORKERS. 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**

THE NATIONAL MONTHLY MINIMUM WAGE IS \$200 BUT IS INSUFFICIENT TO SUSTAIN AN AVERAGE FAMILY OF FOUR. FEDERAL LABOR LAW MANDATES ACCEPTABLE WORKING



**CONFIDENTIAL**  
**FOUO**

CONDITIONS IN THE AREAS OF HEALTH, SAFETY, AND HOURS. THE MAXIMUM WORK DAY IS 8 HOURS AND WORK WEEK 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 WORKERS COMPENSATION SYSTEM, THE ILO'S COMMITTEE OF EXPERTS URGED THE GOVERNMENT TO PROVIDE INFORMATION TO THE CONGRESS OF ARGENTINE WORKERS REGARDING THE MEASURES IT PLANSTO TAKE TO FULFILL ITS OBLIGATONS UNDER THE CONVENTION NO. 42, WORKERS COMPENSATION (OCCUPATIOAL DISEASES) WHICH ARGENTINA RATIFIED IN 1950.

OCCUPATIONAL HEALTH AND SAFETY STANDARDS ARE COMPARABLE TO THOSE IN MOST INDUSTRIALIZED NATIONS, BUT FEDERAL AND PROVINCIAL GOVERNMENTS LACK SUFFICIENT RESOURCES TO FULLY ENFORCE THEM. IN SPITE OF UNION VIGILANCE THE MOST EGREGIOUS CASES OF INHUMANE WORKING CONDITIONS GENERALLY OCCUR TO ILLEGAL IMMIGRANTS WHO HAVE LITTLE OPPORTUNITY OR KNOWLEDGE TO SEEK LEGAL REDRESS. IN OCTOBER AND NOVEMBER, AUTHORITIES IN BUENOS AIRES UNCOVERED SEVERAL SWEATSHOPS EMPLOYING ILLEGAL IMMIGRANTS WORKING UNDER DEPLORABLE CONDITIONS FOR MINIMAL PAY. THE GOVERNMENT CLOSED ONE SWEATSHOP IMMEDIATELY; THE CLOSURE OF THE OTHERS AWAITED A COURT DECISION.

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.  
GODARD

ADMIN  
END OF MESSAGE

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