

CONFIDENTIAL  
FOUO

DOCUMENT ID: 17763035  
INQNO: DOC31D 00305914  
DOCNO: TEL 006532 94  
PRODUCER: BUENOS AIRES  
SOURCE: STATE  
DOCTYPE: IN  
DOR: 19941001  
TOR: 001315  
DOCPREC: R  
ORIGDATE: 199409302034  
MHFNO: 94 8012130  
DOCCLASS: C  
CAVEATS: FOUO

HEADER

RR RUEAIIB  
ZNY CCCCC ZOC STATE ZZH  
MSI5682  
RR RUEHC  
DE RUEHBU #6532/01 2732034  
ZNY CCCCC ZZH  
R 302034Z SEP 94  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 2282  
BT

CONTROLS

C O N F I D E N T I A L

LIMITED OFFICIAL USE BUENOS AIRES 006532

DEPARTMENT FOR DRL

E.O. 12356: N/A

TEXT

TAGS: PHUM, ELAB, AR  
COMBINE: COMPLETE

SUBJECT: 1994 HUMAN RIGHTS REPORT ON ARGENTINA

REF: (A)

1. LOU-NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1994 COUNTRY HUMAN RIGHTS REPORT FOR ARGENTINA
3. ARGENTINA IS A FEDERAL CONSTITUTIONAL DEMOCRACY WITH A LONG HISTORY AS AN INDEPENDENT REPUBLIC . THE GOVERNMENT IS COMPOSED OF 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

STATE DEPT. DECLASSIFICATION REVIEW  
 Retain class'n  
 Declassify  
Change/classify to \_\_\_\_\_  
with concurrence of \_\_\_\_\_  
after \_\_\_\_\_  
EO 12958, 25X  
IPS/CR/IR by [Signature] Date: 8/20/07

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHODS EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2001 2007

NAZI WAR CRIMES DISCLOSURE ACT  
2000  
CIA HAS NO OBJECTION TO  
DECLASSIFICATION AND/OR  
RELEASE OF CIA INFORMATION  
IN THIS DOCUMENT

**CONFIDENTIAL**  
**FOUO**

ELECTED DELEGATES REVISED THE CONSTITUTION, CHANGING THE PRESIDENTIAL TERM TO FOUR YEARS, ABOLISHING THE ELECTORAL COLLEGE, AND PERMITTING ONE SUCCESSIVE TERM IN OFFICE. 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. SEVERAL REFORMS ENHANCE THE INDEPENDENCE OF THE JUDICIARY AND INSTITUTE NEW CHECKS AND BALANCES BETWEEN THE EXECUTIVE AND LEGISLATIVE BRANCHES. THE CONSTITUTION NOW ALSO INCORPORATES NINE INTERNATIONAL CONVENTIONS ON HUMAN RIGHTS INTO ITS TEXT.

THE PRESIDENT IS THE CONSTITUTIONAL COMMANDER-IN-CHIEF. 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, AND PUT ON A SOUND FOOTING IN EARLY 1991 IS BASED ON A CONVERTIBILITY PLAN, WHICH FIXED THE EXCHANGE RATE AT ONE DOLLAR TO ONE PESO. THIS PROGRAM HAS BUILT UP CONFIDENCE AND 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. THE PESO HAS REMAINED FIXED TO THE DOLLAR THROUGH TIGHT MONETARY POLICIES AND RIGOROUS FISCAL BALANCES. THE GRADUAL OPENING OF THE ECONOMY TO COMPETITION FROM IMPORTS AND THE REDUCTION OF TARIFF BARRIERS ARE ALSO IMPORTANT ELEMENTS OF THE REFORM PROGRAM. ALTHOUGH 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. IN SOME PROVINCES WHERE A LARGE PART OF THE WORK FORCE WAS EMPLOYED IN LARGELY INEFFICIENT PARASTATAL INDUSTRIES WHICH ARE BEING RESTRUCTURED OR CLOSED, UNEMPLOYMENT IS CONSIDERABLY HIGHER THAN AVERAGE. 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.

THE REVISED CONSTITUTION CONTINUES TO PROVIDE FOR A

**CONFIDENTIAL**  
**FOUO**

WIDE RANGE OF FREEDOMS AND RIGHTS, AND IT GUARANTEES THAT THE MOST IMPORTANT INTERNATIONAL HUMAN RIGHTS TREATIES WILL ENJOY CONSTITUTIONAL STATUS ONCE RATIFIED BY CONGRESS. HOWEVER, INSTITUTIONAL WEAKNESSES - ESPECIALLY IN THE JUDICIAL BRANCH - POLITICAL PARTISANSHIP, AND A LEGACY OF AUTHORITARIAN RULE HAVE RESULTED IN INSTANCES OF FAILURE TO FULLY PROTECT INDIVIDUAL RIGHTS AND PUNISH 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. THREATS TO PRESS FREEDOM AND AGGRESSION AGAINST JOURNALISTS DECREASED FROM 1993. ARGENTINA HAS A LIVELY AND CRITICAL PRESS. DISCRIMINATION 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. REPUDIATION OF THE VIOLENT REPRESSION DURING MILITARY RULE CONTINUES TO AFFECT PUBLIC ATTITUDES AND GOVERNMENT POLICY. 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. 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 ARE HELD PENDING FINAL TRIAL. HOWEVER, BECAUSE OF A SLIPSHOD INVESTIGATION AT THE TIME OF CARRASCO'S 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.

MOST EXTRAJUDICIAL KILLINGS HAVE BEEN ATTRIBUTABLE TO POLICE OFFICERS. HOWEVER, IN 1994 PROVINCIAL AND FEDERAL AUTHORITIES MADE A GREATER EFFORT TO ARREST AND TRY THE OFFENDERS IN CASES FROM PREVIOUS YEARS. A FEDERAL JUDGE SENTENCED FOUR POLICEMEN TO LIFE IMPRISONMENT FOR THE MURDER-KIDNAPPING OF THREE BUSINESSMEN, EDUARDO OXENFORD, BENJAMIN NEUMAN, AND OSVALDO SIVAK IN 1978, 1982, AND 1985 RESPECTIVELY.

**CONFIDENTIAL**  
**FOUO**

THREE POLICEMEN WERE SENTENCED 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, SEVEN POLICEMEN WERE TRIED AND SENTENCED FOR KILLING FOUR PEOPLE IN A SHOOTOUT. 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 IS BEING 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.

**B. DISAPPEARANCE**

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.

SEVEN OF ELEVEN BUENOS AIRES PROVINCIAL POLICE OFFICIALS IMPLICATED IN THE DISAPPEARANCE OF A LA PLATA YOUTH, ANDRES NUNEZ, ARE BEING TRIED IN A LA PLATA COURT. 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 ARE NOW FUGITIVES ARE BEING SOUGHT.

THE CASE OF PABLO GUARDATI REMAINS UNRESOLVED. HE WAS REPORTEDLY ABDUCTED BY POLICE IN MENDOZA IN 1992. THREE OF THE FOUR POLICE OFFICERS CHARGED IN THE CASE WERE RELEASED IN LATE 1993; THE FOURTH WAS FREED 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

**CONFIDENTIAL**  
**FOUO**

FAMILIES AND 13 REMAINED WITH THEIR ADOPTIVE PARENTS WHO WERE DETERMINED TO HAVE ADOPTED THE CHILDREN LEGALLY. IN 1994 AN ADDITIONAL CASE IS MOVING TOWARD RESOLUTION 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 FOR 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. HE WAS BEATEN AND DETAINED IN A LOCAL HOSPITAL. POLICE TOLD 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 FOUR POLICEMEN IN ENTRE RIOS PROVINCE WERE CONVICTED FOR BEATING A SOLDIER IN 1992 AND GIVEN A TWO AND A HALF YEAR SUSPENDED SENTENCE WHICH, THE JUDGE SAID, WOULD BE IMPOSED IF THEY DID NOT PASS A WRITTEN EXAMINATION ON CONSTITUTIONAL RIGHTS AND GUARANTEES.

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

THE PENAL CODE PLACES LIMITS ON THE ARREST AND INVESTIGATORY POWER OF THE POLICE AND THE JUDICIARY. BUT THESE RESTRICTIONS ARE OFTEN IGNORED BY PROVINCIAL POLICE AS INDICATED IN THE CASES CITED ABOVE. HUMAN RIGHTS GROUPS BELIEVE SUCH INCIDENTS ARE INCREASING, BUT DOCUMENTATION IS DIFFICULT BECAUSE VICTIMS ARE RELUCTANT TO FILE COMPLAINTS. POLICE WILL DETAIN YOUNG PERSONS (TEEN-AGERS AND YOUNG ADULTS ARE MOST VULNERABLE TO THIS PRACTICE) SOMETIMES OVERNIGHT, SOMETIMES FOR AN ENTIRE WEEKEND WITHOUT FORMAL CHARGES. DETAINEES ARE NOT ALWAYS GIVEN THE OPPORTUNITY TO CALL THEIR FAMILY OR AN ATTORNEY AND ARE RELEASED ONLY UPON A COMPLAINT FROM RELATIVES OR LEGAL COUNSEL. HUMAN RIGHTS GROUPS ARE ALSO CONCERNED ABOUT AN ANTI-TERRORISM BILL, PROPOSED BY THE MINISTRY OF JUSTICE AND CURRENTLY BEFORE CONGRESS, THAT 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.

**CONFIDENTIAL**  
**FOUO**

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. THE CENTER WILL PROVIDE TRAINING TO ARGENTINE FEDERAL AND PROVINCIAL LAW ENFORCEMENT OFFICIALS.

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

PRISON CONDITIONS IN ARGENTINA ARE GENERALLY POOR, AND PRISONS BADLY OVERCROWDED. 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. HUMAN RIGHTS GROUPS SAY THIS PROBLEM REMAINS A SERIOUS ONE AND THAT PRISONS ARE VIRTUAL POWDER KEGS OF DISCONTENT. A LARGE-SCALE PRISON RIOT OCCURRED IN BUENOS AIRES PROVINCE IN AUGUST 1994. THERE ARE CREDIBLE REPORTS THAT 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.

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

ARGENTINA'S JUDICIAL SYSTEM IS NOMINALLY INDEPENDENT AND IMPARTIAL BUT ITS PROCESSES ARE EXTREMELY INEFFICIENT AND COMPLICATED AND SUBJECT TO POLITICAL INFLUENCE. THE JUDICIAL SYSTEM IS HAMPERED BY INORDINATE DELAYS, PROCEDURAL LOGJAMS, CHANGES OF JUDGES, AND CORRUPTION. TRIALS ARE PUBLIC AND DEFENDANTS HAVE THE RIGHT TO LEGAL COUNSEL. GUILT OR INNOCENCE IS DECIDED BY A PANEL OF JUDGES. IN 1992 ORAL TRIALS IN SOME FEDERAL AND PROVINCIAL COURTS BEGAN REPLACING THE PRACTICE OF DECIDING CASES BASED ON 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 NOW PROVIDES FOR CHANGES IN THE SELECTION OF JUDGES AND OVERSIGHT OF THE LEGAL SYSTEM. SOME OBSERVERS HAVE EXPRESSED CONCERN THAT IMPLEMENTATION OF THESE REFORMS

**CONFIDENTIAL**  
**FOUO**

MAY INCREASE POLITICAL INTERFERENCE IN THE JUDICIAL 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 RARELY DOES SO. THE GOVERNMENT RESERVES THE RIGHT TO MONITOR PHONE 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. 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.

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. IN MARCH 1994, 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.

C. FREEDOM OF RELIGION

FREEDOM OF WORSHIP IS A CONSTITUTIONAL RIGHT IN ARGENTINA. THE NEW CONSTITUTION DROPPED THE PREVIOUS REQUIREMENT THAT THE PRESIDENT OF ARGENTINA 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, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION  
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

SINCE ITS RETURN TO DEMOCRATIC GOVERNMENT IN 1983, ARGENTINA HAS HELD PERIODIC FREE AND FAIR ELECTIONS TO

**CONFIDENTIAL**  
**FOUO**

CHOOSE FEDERAL, PROVINCIAL, AND MUNICIPAL OFFICE HOLDERS. UNIVERSAL ADULT SUFFRAGE IS OBLIGATORY IN NATIONAL ELECTIONS. THE NEW CONSTITUTION GUARANTEES ALL ADULT CITIZENS 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 PRESIDENTIAL TERM WAS REDUCED FROM SIX YEARS TO FOUR AND PERMITS A ONE TIME REELECTION. POLITICAL PARTIES OF VARYING IDEOLOGIES OPERATE FREELY AND OPENLY.

**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. SOME RECEIVE FINANCIAL ASSISTANCE FROM U.S. AND OTHER FOREIGN HUMAN RIGHTS GROUPS. THERE ARE NO RESTRICTIONS ON VISITS OR ACTIVITIES BY INTERNATIONAL GROUPS OR ORGANIZATIONS. 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.

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

THE 1988 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 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.

**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 TO ASSURE THAT WOMEN ARE REPRESENTED IN ELECTIVE OFFICE. A 1993 DECREE



**CONFIDENTIAL**  
**FOUO**

IMPLEMENTING A 1991 LAW REQUIRED THAT A MINIMUM OF 30 PERCENT OF ALL POLITICAL PARTY LISTS OF CANDIDATES BE FEMALE. 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.

**CHILDREN**

THE NEW CONSTITUTION INCORPORATES THE UNITED NATIONS 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 (THE HOUSE APPROVED IT ABOUT ONE WEEK AGO). IT WILL GREATLY RESTRICT ADOPTION OF CHILDREN TO THOSE NOT RESIDENT IN ARGENTINA. IT OFFERS MORE PROTECTION TO THE CHILDREN AND THE BIOLOGICAL PARENT.

**INDIGENOUS PEOPLE**

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.

**RELIGIOUS MINORITIES**

TWO MAJOR EVENTS HEIGHTENED THE JEWISH COMMUNITY'S

**CONFIDENTIAL**  
**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 -- HEIGHTENED THE JEWISH COMMUNITY'S CONCERNS ABOUT ANTI-SEMITISM IN **ARGENTINA**. 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. YET 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

THE ARGENTINE LABOR MOVEMENT IS UNDERGOING A DIFFICULT TRANSITION PERIOD AS THE GOVERNMENT PRIVATIZES INEFFICIENT STATE-OWNED ENTERPRISES. THESE CHANGES HAVE AFFECTED THE COMPOSITION OF THE LABOR MOVEMENT, BUT HAVE NOT ALTERED THE WORKER'S RIGHT TO FORM TRADE 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 CENTRAL, THE CONGRESS OF ARGENTINE WORKERS, LED BY SOME GOVERNMENT AND TEACHERS' UNIONS, OPOSE THE GOVERNMENT'S ECONOMIC RESTRUCTURING POLICIES.

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

**CONFIDENTIAL**  
**FOUO**

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**

ANTI-UNION PRACTICES ARE PROHIBITED BY LAW AND RESPECTED IN PRACTICE. 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 IT MAY TAKE OR HAS TAKEN TO ENCOURAGE VOLUNTARY NEGOTIATIONS WITHOUT IMPEDIMENTS.

THE FRAMEWORK AGREEMENT, WHICH ALSO COVERS HEALTH AND SAFETY ISSUES, EMPLOYMENT CREATION AND TRAINING, WORK-RELATED INJURIES, GRIEVANCE PROCEDURES, AND THE DISTRIBUTION OF SOCIAL BENEFITS. IT IS EXPECTED TO LEAD TO THE REFORMATION OF A SIGNIFICANT BODY OF THE LABOR CODE. THE FRAMEWORK AGREEMENT IS AIMED, IN PART, TO LOWER LABOR COSTS AND GIVE EMPLOYERS GREATER FLEXIBILITY IN HIRING, FIRING, AND REDISTRIBUTING THE WORKFORCE.

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**

FORCED LABOR IS NOT KNOWN TO BE PRACTICED IN ARGENTINA.

**CONFIDENTIAL**  
**FOUO**

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

EMPLOYMENT OF CHILDREN UNDER 14 YEARS OF AGE, EXCEPT WITHIN THE FAMILY, IS PROHIBITED BY LAW. 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.

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 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 WORKMEN'S COMPENSATION SYSTEM, THE ILO'S COMMITTEE OF EXPERTS URGED THE GOVERNMENT TO PROVIDE INFORMATION TO THE CONGRESS OF ARGENTINE WORKERS 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.

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.  
GODARD

ADMIN  
END OF MESSAGE

CONFIDENTIAL