

ARGENTINA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Argentina is a federal constitutional republic. Cristina Fernandez de Kirchner won re-election to the presidency October 2011 in multi-party elections the media and various NGOs described as generally free and fair. The country held legislative midterm elections in October 2013. Authorities generally maintained effective control over the security forces.

The principal human rights problems included reports of torture by federal and provincial police, gender violence, and harsh prison conditions.

Other human rights problems included use of excessive force by police, arbitrary arrest and detention, prolonged pretrial detention, judicial inefficiency, actions that risked impairing freedom of the press, official corruption, child abuse, anti-Semitism, discrimination against and infringements on the rights of indigenous people, sex trafficking, forced labor, and child labor.

Judicial authorities prosecuted a number of officials who committed abuses during the year; however, some officials engaged in corruption or other abuses with impunity.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary or Unlawful Deprivation of Life

There were reports police committed arbitrary or unlawful killings.

The Center for Legal and Social Studies (CELS) reported 76 deaths between April and August as a result of police using unwarranted or excessive force in the city of Buenos Aires and Buenos Aires Province during a declared security emergency.

On April 16, a Buenos Aires Province police officer shot and killed a 16-year-old Romani girl; the officer claimed she and her three male companions looked “suspicious.” Authorities arrested the officer but released him the next day.

On March 7, a court sentenced Carlos Maldonado, a Buenos Aires Province police officer, to eight years in prison for the 2011 killing of Damian Farias, an unarmed man.

b. Disappearance

There were no reports of politically motivated disappearances.

Authorities continued to investigate and prosecute individuals implicated in disappearances, killings, and torture committed during the 1976-83 military dictatorship (widely referred to as the “Dirty War”). According to the Prosecutor General’s Office on Crimes Against Humanity, as of October the courts had indicted a total of 1,131 individuals and convicted 559 for committing human rights abuses during the 1976-83 period, and continued trials that were suspended in 1989-90 when the government issued a blanket amnesty. In 15 cases, 267 individuals were on trial. On July 4, the La Rioja Federal Court convicted former senior military officers Luciano Benjamin Menendez and Luis Fernando Estrella for the murder of Bishop Enrique Angelelli during the military dictatorship. Authorities re-opened Angelelli’s case in 2006, which led to the discovery of a cover-up allegedly involving the judge who originally handled the case in 1976.

Judicial authorities continued to investigate cases of kidnapping and illegal adoption of children born to detained dissidents by members of the former military dictatorship. On August 22, the NGO Abuelas de la Plaza de Mayo reported that 115 of the estimated 500 persons born to detained and missing dissidents during the dictatorship and illegally adopted by former military officials had been identified and made aware of their background.

The Argentine Forensic Anthropology Team continued cooperation with the National Institute of Industrial Technology, which provides technical support and assistance in the identification of remains of Dirty War victims.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture and other cruel, inhuman, or degrading treatment or punishment and provides penalties for torture similar to those for homicide. Nevertheless, NGOs, CELS, the Prosecutor General’s Office, the Penitentiary Authority (an independent government body that monitors prison conditions), and the Buenos Aires Provincial Memory Commission’s Committee Against Torture (an autonomous office established by the provincial government) reported complaints of torture perpetrated by provincial and federal prison officials.

A June 19 statement by the Buenos Aires Provincial Memory Commission's Committee Against Torture reported continued systematic and severe torture in prisons throughout the country, particularly in the province of Buenos Aires.

A September 26 report by the Prosecutor General's Office of Institutional Violence, based on 50 visits to federal prisons since the office opened, described "severe human rights violations and situations of abandonment or imminent life risk" for prisoners.

Prison and Detention Center Conditions

Prison conditions often were harsh. Inmates in many facilities suffered from extreme overcrowding, poor nutrition, inadequate medical and psychological treatment, inadequate sanitation, limited family visits, and frequent degrading treatment, according to reports by human rights organizations and research centers.

Physical Conditions: Prison capacity in federal penitentiaries was adequate, according to the Federal Penitentiary Service's November statistics, with 10,492 inmates in federal prisons and 10,848 beds. There were approximately 33,000 prisoners in Buenos Aires provincial penitentiaries, however, which exceeded facility capacity by an estimated 70 percent, according to a CELS report during the year.

Authorities held women separately from men, and the law permits children to stay in prison with their mothers until the age of four. According to the Federal Penitentiary Service, slightly more than 800 women were in federal prisons, constituting eight percent of the overall prison population. CELS estimated that 60 percent of the women incarcerated in Buenos Aires provincial prisons were in pretrial detention or awaiting sentencing, and many were held with convicted prisoners. In general, men's prisons were more violent, dangerous, and crowded than women's prisons.

Overcrowding in juvenile facilities often resulted in minors being held in police station facilities, although some NGOs and the national prison ombudsman noted the law prohibited doing so.

The Federal Penitentiary Service reported 43 inmate deaths, 18 of which were violent, between January and October. In the same period, they investigated and documented 520 cases of torture, mistreatment, and physical abuse.

Prisoners and detainees had access to potable water, and food provided was adequate.

On February 14, Juan Carlos Moreno set fire to a mattress in his jail cell after authorities prevented him from contacting his dying mother. As Moreno burned in the cell, a prison guard looked on and yelled slurs before coming to his assistance; Moreno died five days later. It was the second suicide in the span of a few months at the same facility.

On October 9, after a regular inspection, the Penitentiary Authority described the conditions at Marcos Paz Penitentiary in Buenos Aires Province as “deplorable.” The authority documented overcrowding, flooding, broken toilets and showers, and serious infrastructure problems such as broken windows and dangerous electrical installations. Parts of the penitentiary had previously been closed because of such conditions.

Administration: Information on the adequacy of recordkeeping and alternatives to sentencing for nonviolent offenders was unavailable. Prisoners and detainees generally had access to visitors and could observe their religious practices. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Some local NGOs noted, however, access to a public defender was sometimes limited and that prisoners occasionally did not submit complaints to authorities due to fear of reprisal.

Independent Monitoring: The government usually permitted independent prison visits by local and international human rights observers, but no such visits took place during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The federal police generally have jurisdiction for maintaining law and order in the federal capital and for federal crimes in the provinces. Other federal police authorities include the airport security police, Gendarmerie, Coast Guard, and Bureau of Prisons. All federal police forces fall under the authority of the Ministry

of Security. Each province, including the city of Buenos Aires, also has its own police force that responds to a provincial (or municipal) security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights. Federal security forces have the authority to conduct internal investigations into alleged abuses and to dismiss individuals who allegedly committed a human rights violation. On April 5, Buenos Aires Province Governor Daniel Scioli declared a 12-month state of emergency to combat a wave of violent crime. Scioli committed \$75 million to reinstate 5,000 police officers and purchase new patrol cars, weapons, and equipment. On April 9, Security Minister Rodriguez dispatched 3,000 federal security force personnel to Rosario to contain growing violence in the city until the end of the year; on September 17, the order was renewed indefinitely.

The federal government can file complaints about alleged abuses with the federal courts, and provincial governments can do the same for provincial security forces.

Members of security forces convicted of a crime were subject to stiff penalties. Generally, authorities administratively suspended officers accused of wrongdoing until their investigations were completed. Authorities investigated and in some cases detained, prosecuted, and convicted the officers involved.

Arrest Procedures and Treatment of Detainees

Police generally apprehended individuals openly with warrants based on sufficient evidence and issued by a duly authorized official. Police may detain suspects for up to 10 hours without an arrest warrant if authorities have a well-founded belief the suspects have committed or are about to commit a crime, or police are unable to determine the suspect's identity. Human rights groups reported police occasionally arrested persons arbitrarily and detained suspects longer than 10 hours.

The law provides a detainee with the right to a prompt determination of the legality of the detention by a lower criminal court judge, who determines whether to proceed with an investigation. In some cases there were delays in this process and in informing detainees of the charges against them.

The law provides for the right to bail except in cases involving narcotics, violent crimes, and firearms violations.

Authorities allowed detainees prompt access to counsel and provided public defenders if they were unable to afford counsel. In some cases such access was delayed due to an overburdened system.

On September 30, a video appeared of what appeared to be a Tucuman police officer abusing a handcuffed detainee while the detainee lay face down. The alleged officer was filmed grabbing the detainee by the hair and repeatedly lifting him and dropping him on the ground face-first while demanding the detainee make animal noises. The video led to the detention of two Tucuman police officers.

Arbitrary Arrest: Police reportedly arrested and detained citizens arbitrarily on occasion.

Pretrial Detention: The law provides for investigative detention of up to two years for indicted persons awaiting or undergoing trial; the period may be extended by one year in limited circumstances. The slow pace of the justice system often resulted in lengthy detentions beyond the period stipulated by law. According to statistics from the Federal Penitentiary Service, more than 6,000 detainees (of 10,500 prisoners) in federal prisons were in pretrial detention, awaiting sentencing, or awaiting the appeals process. According to several human rights organizations, 30 percent of pretrial detainees were eventually acquitted. A convicted prisoner usually receives credit for time served.

e. Denial of Fair Public Trial

While the constitution and law provide for an independent judiciary, the government did not always respect judicial independence. According to local NGOs, judges in some federal criminal and ordinary courts were subject at times to political manipulation. NGOs also criticized all three branches of the government for inefficiencies in the process for selecting judges.

The government sought to influence the judicial process systemically. On November 25, in response to an investigation regarding alleged money laundering and misuse of public funds involving the holding companies Hotesur and Valle Mitre, in which the president and her late husband had financial interests, ruling Victory Front Senator Marcelo Fuentes lodged a criminal complaint against Judge Claudio Bonadio, accusing him of illicit enrichment in an unrelated matter. On November 26, Justice Secretary Julian Alvarez filed with the Magistrate's Council "abuse of office" complaints against Bonadio for "extortion maneuvers" against the president. At year's end the case continued.

Trial Procedures

The law provides for the right to a fair trial, and the independent judiciary generally enforced this right.

Trials are public. In federal and provincial courts, defendants enjoy a presumption of innocence and have the right to appeal, have legal counsel, and call defense witnesses. If needed, a public defender is provided at public expense when defendants face serious criminal charges. During the investigative stage, defendants can submit questions in writing to the investigating judge. A panel of judges decides guilt or innocence. Although defendants and their attorneys have access to government-held evidence, local NGOs indicated defendants sometimes experienced obstacles or delays in obtaining such evidence. Defendants can present witnesses and provide expert witness reports, in addition to the defendant's own evidence. Lengthy delays in trials occurred nationwide, with many cases taking five or more years to resolve.

Federal and provincial courts continued the transition to trials with oral arguments in criminal cases, replacing the old system of written submissions. Although the 1994 constitution provides for trial by jury, at year's end implementing legislation had not been passed nationally. Cordoba, Neuquen, and Buenos Aires provinces approved legislation to provide defendants accused of certain serious crimes the right to have a trial by jury. Neuquen Province's first trial by jury took place in April.

Delays, procedural logjams, long gaps in the appointment of judges, inadequate administrative support, and general inefficiency hampered the judicial system. Supreme Court Chief Justice Lorenzetti publicly called upon criminal judges to speed up proceedings. Judges' broad discretion on whether and how to pursue investigations contributed to a public perception that many decisions were arbitrary.

On December 4, the Lower Chamber of Congress approved the new criminal procedural code. The law transforms the country's hybrid inquisitive system into a full accusatory system, with expanded prosecution under the authority of the attorney general. The new criminal code imposes time limitations on prosecutions (most cases under the new system must be disposed of in three years), expands victims' rights, and provides for expedited deportations of foreigners in lieu of prosecution.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages or the protection of rights provided by the constitution. Local observers criticized various interested parties, including the government, for pressuring judges and shaping judicial outcomes to benefit the government.

Regional Human Rights Court Decisions

The country is subject to the jurisdiction of the Inter-American Court of Human Rights. In November 2013 the court ruled the government needed to conduct a complete, impartial, effective, and prompt investigation into the 1994 death of Assistant Commissioner Jorge Omar Gutierrez, including whether any obstruction of justice occurred. The government accepted responsibility for the human rights violations and reached a reparations agreement with Gutierrez's family.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government generally respected these prohibitions.

In March police in Villa Lugano forcefully evicted without warrant several families from land being occupied peacefully, saying they were squatting. The families were protesting the sale of the land, which they said they had been promised for housing. After the families began throwing items, police used tear gas and rubber bullets against the crowd.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. Independent newspapers, radio and television outlets, and internet sites were numerous and active, expressing a wide variety of views.

Press Freedoms: Despite previous Supreme Court rulings ordering the government to apply reasonable balance in the distribution of public advertising, placement of official advertising remained unbalanced. Official data showed media outlets critical of the government received a disproportionately small percentage of the total public advertising budget, while media outlets supportive of the government received a substantially larger share. The two national newspapers with the highest circulation, both of which were critical of the government, received between January and May (the latest available data) less than 12 percent of public advertising budgeted by the government for print media; the two major pro-government newspapers, with only approximately 5 percent of the readership, received more than 27 percent.

On February 11, the Supreme Court ordered the government to include television station Channel 13 in its public advertising distribution. Channel 13 was second in ratings and belonged to Clarin Group, which was critical of the government. In the three months following the order, the government increased Channel 13's percentage of the total public television advertising budget from 1 percent to 14 percent.

On October 8, the Federal Authority of Audiovisual Communication Services (AFSCA) rejected the Clarin Group's divestment plan (which was a result of an October 2013 ruling by the Supreme Court upholding the 2009 anti-monopoly law) submitted almost one year earlier. AFSCA's director, Martin Sabbatella, announced the government would begin the process of a forced divestment plan by selling off the group's licenses by auction. On October 19, during halftime of a soccer game on the government-sponsored "Futbol Para Todos" (Soccer for Everyone) channel, the government broadcast a commercial in which Sabbatella defended the government's actions and asserted the Clarin Group had broken the law. The Clarin Group defended the legality of its actions and accused the government of stifling dissent and attempting to appropriate private property illegally. Almost all opposition leaders and organizations such as the Inter American Press Association claimed the government action to be discriminatory and in violation of press freedom.

Violence and Harassment: The Argentine Journalism Forum, an NGO promoting freedom of expression, reported 133 attacks on freedom of expression between January and September, down 14 percent from the same period in 2013.

On August 15, the police chief of the province of Cordoba verbally threatened journalist Dante Leguizamon because of his coverage of incidents that took place between police officials and residents of a neighborhood in Cordoba Capital City. Although the police chief publicly apologized for his comments, a judge accused him of unlawful duress.

On September 11, supporters of Governor Gildo Insfran (including a provincial deputy) in Formosa Province prevented a press crew from Channel 13 from recording images of a local community and threatened to seize the crew's vehicle.

On several occasions President Kirchner used her official Twitter account to criticize media outlets. On September 18, the president called Radio Mitre, the leading radio station, "Vulture Radio," claiming its editorial line responds to the interests of bondholders who had sued the country for repayment.

On November 13, German de los Santos, a correspondent for the newspaper *La Nacion* in Rosario, received death threats over the telephone after he published a series of articles on drug trafficking in Santa Fe Province. He immediately received support from federal and provincial government officials and was provided special protection from the police. Several press freedom NGOs expressed their concern, and the National Chamber of Deputies unanimously voted on a resolution in support of the journalist.

Censorship or Content Restrictions: A survey released June 6 by CIO Creative Investigation of 830 journalists throughout the country indicated 53 percent of respondents worked for a media outlet that self-censored content. Almost half the journalists surveyed said they self-censored in their reporting on the national government. Journalists also cited trafficking in persons and drug trafficking as subject matter where self-censorship was common.

Libel Laws/National Security: On May 13, a prosecutor accused journalist Juan Pablo Suarez from Santiago del Estero of violating the anti-terrorist law by broadcasting a video showing the violent detention of a police officer who was asking for a wage increase. After strong public pressure, the judge dropped the original criminal charge but indicted the journalist for inciting violence, which is punishable by up to six years' imprisonment.

Actions to Expand Press Freedom

The Supreme Court issued decisions supporting the right of public access to information from the government. On March 25, the Supreme Court ordered the Ministry of Social Development to release to a well-known think tank information about recipients of welfare payments, stating public interest in the information took precedence over the protection of personal data. On October 14, the Supreme Court dismissed a petition by the national government to prevent an opposition congressman from accessing information on the legal status of a private company under investigation for corruption and information related to public bids for hydroelectric dam projects.

Internet Freedom

There were no generalized government restrictions on access to the internet or credible reports the government monitored private online communications without appropriate legal authority. The International Telecommunication Union reported that 60 percent of individuals in the country used the internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution provides for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, and other persons

of concern. According to the latest available numbers from UNHCR, as of January 2013 there were 3,488 refugees and 1,921 asylum seekers residing in the country.

Protection of Refugees

Access to Asylum: The law provides for the granting of refugee status, and the government has established a system for providing protection to refugees.

Statistics were not available on the number of individuals to whom the National Committee for Refugees granted refugee status, the number of asylum cases pending, or the total number of petitions filed during the year. Decisions on asylum petitions may take up to two years to adjudicate.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution provides citizens the ability to change their government through free and fair elections, which they exercised through elections based on universal suffrage.

Elections and Political Participation

Recent Elections: The country held legislative midterm elections in October 2013. Voters elected one-half of the members of the Chamber of Deputies, representing all 23 provinces and the city of Buenos Aires, and one-third of those in the senate, representing eight provinces. Local observers considered these elections generally free and fair.

Participation of Women and Minorities: Regulations provide that at least one-third of the candidates on election slates for both houses of congress must be women. There were 29 women in the 72-seat Senate and 92 women in the 257-seat Chamber of Deputies. The nation's president, a Supreme Court justice, and four cabinet ministers were women. There were no known indigenous, ethnic, or racial minorities in the national legislature, cabinet, or Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials; however, multiple reports alleged executive, legislative, and judicial officials engaged in corrupt practices with impunity, suggesting a failure to implement the law effectively.

Weak institutions and an often ineffective and politicized judicial system undermined systematic attempts to curb corruption.

Corruption: Cases of corruption occurred in some security forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution.

Allegations of corruption in provincial as well as in federal courts remained frequent. In June authorities indicted Vice President Amado Boudou for illicit enrichment and for using his former position as minister of economy to benefit the Old Fund Company, a firm in which he had a financial interest. Boudou appealed the ruling to the federal court of appeals in October. In a separate case, a court in July began investigating Boudou for discrepancies in payments to a construction company building houses in La Costa Municipality that were never finished while Boudou was the district's secretary of finance. In August and September, Boudou was indicted on two lesser offenses. In October the Senate denounced Boudou and fellow senator Juan Zabaleta for "irregularities" in their handling of the multimillion account "la Camara alta," which included hiring 2,000 new employees, including Zabaleta's 18-year-old daughter. No charges in the "la Camara alta" case had been filed by the end of November.

Financial Disclosure: Public officials are subject to financial disclosure laws, and the Ministry of Justice and Human Rights' Anti-Corruption Office is responsible for analyzing and investigating federal executive branch officials based on their financial disclosure forms. Laws provide for public disclosure, but not all agencies complied, and enforcement remained a problem, since authorities did not sanction public officials for noncompliance. The anti-corruption office is also responsible for investigating corruption within the federal executive branch or in matters involving federal funds, except for funds transferred to the provinces. As part of the executive branch, the office does not have authority to prosecute cases independently, but it can refer cases to other agencies or serve as the plaintiff and request a judge to initiate a case.

Public Access to Information: While the country does not have a law that provides for public access to government information, a presidential decree provides for access to public documents and information that fall within the jurisdiction of the executive. Implementation of the decree was not consistent.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials usually were cooperative and generally responsive to their views.

The United Nations or Other International Bodies: On March 27, the UN special rapporteur on the independence of judges and lawyers renewed a 2011 request to visit the country. At year's end the government had not responded to the request.

Government Human Rights Bodies: The government has a human rights secretariat within the Ministry of Justice and Human Rights. Its main objective is to coordinate within the ministry and collaborate with other ministries and the judiciary to promote policies, plans, and programs for the protection of human rights. During the year it published leaflets and books on a range of human rights topics.

The prosecutor general's Office of Crimes Against Humanity investigated and documented human rights violations that occurred under the 1976-83 military dictatorship.

On March 25, the Ministry of Economy and Public Finance's Commission for Memory, Truth, and Justice released its findings to the families of the workers of the ministry who were persecuted, detained, kidnapped, disappeared, or killed during the military dictatorship.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, sex, nationality, ideology, social status, or physical characteristics, and the government generally enforced these prohibitions.

Women

Rape and Domestic Violence: Rape, including spousal rape, is a crime, but evidentiary requirements, either in the form of clear physical injury or the testimony of a witness, often presented difficulties in prosecuting such crimes. The penalties for rape range from six months' to 20 years' imprisonment. There were no reports of police or judicial reluctance to act on rape cases; however,

women's rights advocates claimed that attitudes of police, hospitals, and courts toward survivors of sexual violence sometimes revictimized the individual.

No statistics were available on the number of rape cases reported during the year. In 2013, the year for which the most recent available statistics were available, 5,371 prisoners were serving terms under rape charges. Many rapes went unreported due to fear of further violence, retribution, and social stigma.

The law prohibits domestic violence, including spousal abuse, and complaints are addressed in civil courts to secure protection measures. Family court judges have the right to bar a perpetrator from a victim's home or workplace. The law requires the state to open a criminal investigation, potentially resulting in life imprisonment, in cases where violence results in death. The law imposes stricter penalties on those who kill their spouses, partners, or children as a consequence of gender violence. A 2013 law created a national DNA registry of sex criminals, but at the end of the year it remained unclear whether the registry was operational. According to local NGOs, lack of police and judicial vigilance often led to a lack of protection for victims.

The NGO La Casa del Encuentro reported 295 women died in 2013 as a result of domestic or gender-based violence. Approximately 70 percent of the killings involved a husband, boyfriend, or former boyfriend. In at least 25 cases, the woman had filed a complaint against the aggressor for domestic violence. Between 2008 and 2013, there were 1,531 reported cases of femicide.

On June 22, Carmen Leguizamon Zamora was stabbed to death in front of her five children by her husband, Luis Quevedo, in the town of San Jose in Cordoba Province. Quevedo fled the scene and at year's end had not been found or arrested.

The Supreme Court's Office of Domestic Violence provided around-the-clock protection and resources to victims of domestic violence. The office received approximately 850 cases of domestic violence each month in the city of Buenos Aires, an estimated 80 percent of which involved violence against women. The office also carried out risk assessments necessary to obtain a restraining order. The Victims against Violence program empowers a team of specialists from the Ministry of Justice and Human Rights to assist victims of domestic and sexual violence. The program reported an average of 700 telephone calls per month.

Public and private institutions offered prevention programs and provided support and treatment for abused women. The Buenos Aires Municipal Government operated a small shelter for battered women.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Harassment: The law prohibits sexual harassment in the public sector and imposes disciplinary or corrective measures. In some jurisdictions, such as Buenos Aires City, sexual harassment might lead to the abuser's dismissal, whereas in others, such as Santa Fe Province, the maximum penalty is five days in prison.

Reproductive Rights: Couples and individuals generally had the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so, as well as the right to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were widely available. The law requires the government to provide free contraceptives, and an estimated 64 to 70 percent of women used modern contraceptive means. During the year the chief of cabinet announced all 24 provinces had health programs providing free contraceptive methods to the population.

Discrimination: Although women enjoyed the same legal status and rights as men under family, labor, property, and inheritance laws, they continued to face economic discrimination and held a disproportionately high number of lower-paying jobs. Women also held significantly fewer executive positions in the private sector than men, according to several studies. Although equal payment for equal work is constitutionally mandated, women earned approximately 55 percent as much as men for similar or equal work.

The Supreme Court's Office of Women trained judges, secretaries, and clerks to handle court cases related to women's issues and ensure equal access for women to positions in the court system. The office also trained judges, prosecutors, judicial staff, and law enforcement agents to increase awareness of gender-related crimes and develop techniques to address gender-related cases and victims.

Children

Birth Registration: The government provides universal birth registration, and citizenship is derived both by birth within the country's territory and from one's parents. Parents have 40 days to register births, and the state has an additional 20 days to do so. The Ministry of Interior and Transportation may issue birth certificates to children under age 12 whose births were not previously registered.

Child Abuse: Child abuse was common; the Supreme Court's Office of Domestic Violence reported 26 percent of the cases it received per month involved children.

Early and Forced Marriage: The legal minimum age of marriage for men and women is 18.

Female Genital Mutilation/Cutting (FGM/C): No law prohibits FGM/C, and the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: Sexual exploitation of children, including in prostitution, was a problem. The minimum age of consensual sex is 13, but there are heightened protections for persons ages 13-16. There is a statutory rape law with penalties ranging from six months to 20 years in prison, depending on the age of the victim and other factors. Additionally, regardless of age, if a judge finds evidence of deception, violence, threats, abuse of authority, or any other form of intimidation or coercion resulting in sexual intercourse, the minimum sentence increases to six years. Several prominent cases of child sexual abuse were reported during the year.

The law prohibits the production and distribution of child pornography, with penalties ranging from six months to four years in prison. While the law does not prohibit the possession of child pornography by individuals for personal use, it provides penalties ranging from four months to two years in prison for possession of child pornography with the intent to distribute it. Additionally, the law provides penalties ranging from one month to three years in prison for facilitating access to pornographic shows or materials to minors under the age of 14.

During the year prosecutors and police aggressively pursued cases of internet child pornography. As of October the government brought more than 4,200 court cases deemed to have enough evidence to begin investigations. Because of the difficulty proving distribution and production, however, the conviction rate was reportedly low. Lengthy judicial processing times, lack of cooperation between provincial and city officials, and bureaucratic inefficiencies also exacerbated the difficulty in punishing offenders.

In March Israeli police alerted the metropolitan police in Buenos Aires about an international network operating in Argentina that produced and distributed child pornography to Russia and Israel. The metropolitan police obtained search warrants and arrested several individuals. They discovered 3,000 movies ready for sale as well as hard drives, computers, and other evidence.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department's report on compliance at travel.state.gov/content/childabduction/english/legal/compliance.html, and country-specific information at travel.state.gov/content/childabduction/english/country/argentina.html.

Anti-Semitism

The Jewish community consisted of approximately 250,000 persons. Sporadic acts of anti-Semitic discrimination and vandalism continued. The Delegation of Argentine Jewish Associations (DAIA) received complaints of anti-Semitism during the year.

The most commonly reported anti-Semitic incidents were virtual slurs posted on various websites, graffiti, verbal slurs, and the desecration of Jewish cemeteries. For example, the NGO Puente Democratico reported 2,858 anti-Semitic comments posted in news articles published online by *La Nacion* and *Clarín* between January and July. On July 27, unidentified individuals painted swastikas on the front of the Jewish Cultural Center in Mendoza.

The investigation continued into the 1994 bombing of the Argentina Israelite Mutual Association (AMIA) community center in Buenos Aires that killed 85 persons. The federal prosecutor investigating the case maintained the arrest order for eight Iranians for their alleged involvement in the bombing. In 2013 Argentina signed and ratified a memorandum of understanding (MOU) with Iran to jointly investigate the AMIA case, and the government sought to negotiate with Iran on the specifics of the agreement's implementation. Jewish community representatives and opposition political leaders expressed concerns the MOU could undermine the country's existing judicial investigation. Jewish organizations AMIA and DAIA filed suit against the agreement in July 2013, and in May a federal court ruled the MOU unconstitutional. During her state of the republic speech in March and again in her address before UNGA in September, Kirchner

blamed the Jewish community, political opposition, and others, including Iran, for the stalled investigation. The MOU remained in effect.

The Buenos Aires City government partnered with the interfaith organization Bridge Builders and the French Alliance to sponsor a series of monthly film presentations and discussions to promote religious understanding.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and laws prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. A specific law also mandates access to buildings by persons with disabilities. While the federal government has protective laws, many provinces had not adopted the laws and had no mechanisms to ensure enforcement. For example, the city of Buenos Aires passed a resolution that allows the city to approve the opening of shops that do not meet accessibility requirements for persons with disabilities, and a court upheld the law; the NGO Access Now appealed the court's decision. An employment-quota law reserves four percent of federal government jobs for persons with disabilities, but NGOs and advocacy groups claimed the quota often was not respected. A pattern of inadequate facilities and poor conditions continued in some mental institutions.

A 2013 regulation issued by the Buenos Aires City education ministry allows children with disabilities to attend schools with their therapists and healthcare companions. The effort aimed to promote the inclusion of children with disabilities in mainstream schools.

The National Advisory Committee for the Integration of People with Disabilities under the National Council for Coordination of Social Policies has formal responsibility for actions to accommodate persons with disabilities.

On April 16, the UN Committee on the Rights of Persons with Disabilities found government authorities failed to ensure a prisoner with disabilities was able to use prison facilities and services on an equal basis with other detainees. The report

stemmed from a complaint by a life-term prisoner arguing prison conditions affected his physical and mental health. While it concluded the prisoner had not established sufficiently his rights to health care and rehabilitation were being violated, the committee said Argentina was obliged to ensure he had equal access to facilities and that lack of accessibility did not cause physical or psychological suffering that might constitute cruel, inhuman, or degrading treatment.

Indigenous People

The constitution recognizes the ethnic and cultural identities of indigenous people and states congress shall protect their right to bilingual education, recognize their communities and the communal ownership of their ancestral lands, and allow for their participation in the management of their natural resources. Although there is no formal process to recognize indigenous tribes or determine who is an indigenous person, indigenous communities can register with the provincial or federal government as civic associations. According to the 2010 census, approximately two million persons self-identified as a member of an indigenous group, and 35 different indigenous groups had been identified.

Indigenous people did not fully participate in the management of their lands or natural resources, in part because responsibility for implementing the law is delegated to the 23 provinces, only 11 of which have constitutions recognizing indigenous rights. The NGO International Work Group for Indigenous Affairs reported implementation of land awards was slow and unpredictable and bureaucracy, insufficient funding, and opposition by landowners or businesses delayed the process. In 2006 the National Institute for Indigenous Affairs, which awards land rights to indigenous communities and offers indigenous people constitutional protection and full citizenship rights, began conducting the Territorial Survey Program for Indigenous Communities as part of the land titling process; it had four years to conclude the surveying and demarcation. A 2010 law extends the demarcation process to 2017.

Indigenous persons seeking access to justice faced additional unique challenges, including linguistic, cultural, and economic barriers. Most lived in far-flung reaches of the country and must travel considerable distances for access to courts. Many provincial courts were unaware of national and international law concerning indigenous people's rights to land and natural resources.

Indigenous persons had lower levels of economic and social development and higher rates of illiteracy in comparison with nonindigenous sectors. Poverty rates

were higher than average in areas with large indigenous populations. Indigenous people had greater than average rates of illiteracy, chronic disease, and unemployment. Indigenous women faced further discrimination based on gender and reduced economic status. The lack of trained teachers hampered government efforts to offer bilingual education opportunities to indigenous people.

Indigenous peoples continued to lack adequate participation in decisions affecting their ancestral lands. Projects carried out by the agricultural and extractive industries displaced individuals, limited their access to traditional means of livelihood, reduced the area of lands on which they depended, and caused pollution that in some cases endangered the health and welfare of indigenous communities.

On September 3, the UN special rapporteur on the rights of indigenous peoples reiterated her predecessor's call on the government to take all necessary measures to investigate and punish anyone responsible for the attacks on the family of Qom chief Felix Diaz. Diaz's family had suffered systematic attacks, which local analysts and NGOs attributed to Diaz's repeated demands for formal ownership of Qom land. The special rapporteur also called upon national and provincial authorities to take appropriate measures to resolve the territorial claims of the Qom community Potae Napocna Navagoh.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Lesbian, gay, bisexual, and transgender (LGBT) persons generally enjoyed the same legal rights and protections as heterosexual persons. No laws criminalize consensual same-sex conduct between adults. LGBT persons could serve openly in the military. The age of consent is the same for heterosexuals and homosexuals.

The law gives transgender persons the right to legally change their gender and name on identity documents without prior approval from a doctor or judge. It also requires public and private healthcare plans to cover some parts of hormone therapy and gender re-assignment surgery, although the Ministry of Health did not effectively enforce this requirement.

LGBT organizations operated freely. They worked closely with academic institutions, NGOs, and government authorities without interference.

National anti-discrimination laws do not include sexual orientation and/or gender identity as protected grounds, but there was no official discrimination based on

sexual orientation or gender identity in employment, housing, statelessness, or access to education or health care. Overt societal discrimination generally was uncommon, but media and NGOs reported cases of discrimination, violence, and police brutality toward the LGBT community, especially transgender persons. On February 8, police pepper sprayed Damian Marsero outside a night club in La Pampa after other customers complained of his homosexual behavior. On October 7, alleged neo-Nazis in Mar del Plata beat to death a transgender woman. On October 11, approximately 10 men beat Adrian Ramos, a gay man, while he was leaving a night club in Trelew.

HIV and AIDS Social Stigma

There were no known reports of societal violence against persons with HIV/AIDS, but there were occasional reports of discrimination against persons with the disease. For example, the Argentine Network for People Living with AIDS reported obstacles for infected individuals to obtain employment. According to the president, pre-employment medical exams that diagnose the disease prevented approximately 60 to 78 percent of individuals from being hired. The law does not require the exams to test for HIV/AIDS, but laboratories frequently did and reported this information to the employer.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent unions, bargain collectively, and conduct legal strikes; the government generally respected these rights. The law prohibits military and law enforcement personnel from forming and joining unions. The law prohibits discrimination against unions and protects workers from dismissal, suspension, and changes in labor conditions. The law requires reinstatement of workers fired for union activity.

The law allows unions to register without prior authorization, and registered trade union organizations may engage in certain activities to represent their members, including petitioning the government and employers. The law grants official trade union status to only one union deemed the “most representative,” defined by law as the union that has the highest average proportion of dues-paying members to number of workers represented, per industrial sector within a specific geographical region. Only unions with such official recognition receive trade union immunity from reprisals from employers for their officials, are permitted to deduct union

dues directly, and may bargain collectively with recourse to conciliation and arbitration. The most representative union bargains on behalf of all workers, and collective agreements cover both union members and nonmembers in the sector. The law requires the Ministry of Labor, Employment, and Social Security to ratify collective bargaining agreements.

The Argentine Workers Central (CTA) and other labor groups not affiliated with the General Confederation of Labor continued to contend the legal recognition of only one union per sector conflicted with international standards and prevented these unions from obtaining full legal standing. In June 2013 the Supreme Court decided a case re-affirming the need for more than one official union per sector and for amendments to the legislation. Congress had not modified the labor laws by year's end; however, the executive branch granted preliminary recognition to the CTA as of October 3.

Civil servants and workers in essential services may strike only after a compulsory 15-day conciliation process, and they are subject to the condition that unspecified "minimum services" be rendered. Once the conciliation term expires, civil servants and workers in essential services must give five days' notice to the administrative authority and the public agency that they intend to strike. If "minimum services" were not previously defined in a collective bargaining agreement, all parties then negotiate which minimum services will continue to be provided and a schedule for their provision. The public agency, in turn, must provide clients two days' notice of the impending strike.

The government effectively enforced these laws. Complaints for unfair labor practices can be brought before the judiciary. Violations of the law may result in a fine being imposed on the employer or the relevant employers' association where appropriate. Information regarding fines and other penalties for violations was unavailable. There were few cases of significant delays or appeals in the collective bargaining process.

Workers exercised freedom of association, and employers respected the right to collectively bargain and to strike.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, and the government generally enforced such laws. Penalties for violations range from four to 15 years in prison, are comparable to those for other serious offenses, and are sufficiently

stringent to deter violations. The Ministry of Justice and Human Rights reported rescuing approximately 460 potential victims of forced labor from January through June. The labor ministry carried out several inspections during the year and found various irregularities and potential cases of forced labor. There was some progress in holding perpetrators accountable, including through a conviction for labor trafficking in agriculture in March. Services for victims improved, but long-term services were lacking.

Forced labor occurred. Employers subjected a significant number of Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer northern provinces, to forced labor in the textile sector, agriculture, construction, and domestic work. There were reports Chinese citizens were victims of forced labor in supermarkets. Men, women, and children (see section 7.c.) were victims of forced labor, although victims' typical gender and age varied by employment sector.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment is 16. In rare cases labor authorities may authorize a younger child to work as part of a family unit. Children between the ages of 16 and 18 may work in a limited number of job categories and for limited hours if they have completed compulsory schooling, which normally ends at age 18. Children under 18 cannot be hired to perform perilous, arduous, or unhealthy jobs. The law requires employers to provide adequate care for workers' children during work hours to discourage child labor.

Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement. Legal penalties for employing underage workers range from \$125 to \$625 for each child employed. Subsequent violations may lead the labor authority to close the company for up to 10 days, and the company is then prevented from becoming a vendor to the government for a year. Prison terms for child labor violations range from one to four years, unless the crime falls under a more serious category. The law excludes parents. These penalties were sufficient to deter violations.

While the government enforced applicable laws, observers noted inspectors often were well connected to the subjects of inspection and corruption remained an obstacle to compliance, especially in the provinces.

Child labor occurred. According to a 2004 government survey, an estimated 450,000 children worked, amounting to seven percent of children between the ages of five and 13 and 20 percent of children over the age of 14. The labor ministry reported a 66 percent decline in child labor rates between 2004 and 2012. A report by the Catholic University of Argentina from 2010 to 2013 found 14.9 percent of children in urban areas ages five-17 performed some type of work in the country. In rural areas, children worked on family and third-party farms producing such goods as blueberries, cotton, garlic, grapes, olives, strawberries, tobacco, tomatoes, and yerba mate. Children working in the agriculture sector often handled pesticides without proper protection. In urban areas some children engaged in domestic service and worked on the street selling goods, shining shoes, and recycling trash. According to government sources, some children worked in the manufacturing sector producing such goods as bricks, matches, fireworks, and garments. Children also worked in the mining, fishing, and construction sectors. Officials noted reports of children forced to work as street vendors and beggars in the capital. Commercial sexual exploitation of children occurred as well (see section 6, Children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

The law prohibits discrimination on the grounds of sex, race, nationality, religion, political opinion, union affiliation, or age. The law also prohibits employers, either during recruitment or time of employment, from asking about a worker's political, religious, labor, and cultural views or sexual preference. In addition national anti-discrimination laws apply to labor relations and other social relations.

The most prevalent cases of workplace discrimination were based on gender (see section 6, Women) and age. The government enforced these laws more effectively in cases where employees were fired because of discrimination, but there were no statistics available on how the law was applied in cases of discrimination during hiring of employees.

Discrimination also occurred on the basis of HIV-positive status (see section 6, HIV/AIDS and Social Stigma).

e. Acceptable Conditions of Work

In September the government increased the monthly minimum wage for most workers to \$450. In December 2013 the National Census and Statistics Institute estimated a family of four needed \$223 to remain above the poverty line.

Federal law sets standards in the areas of health, safety, and hours. The maximum workday is eight hours, and the maximum workweek is 48 hours. Overtime pay is required for hours worked in excess of these limits. The law prohibits excessive overtime and defines permissible levels of overtime as three hours a day. The law sets minimums for periods of rest, requiring a minimum of 12 hours of rest prior to the start of a new workday. Sundays are holidays, and those required to work on Sundays are paid double. Labor law mandates between 14 days and 35 days of paid vacation, depending on the length of the worker's service.

The law sets premium pay for overtime, adding an extra 50 percent of the hourly rate on ordinary days and 100 percent on Saturday afternoons, Sundays, and holidays. Employees cannot be forced to work overtime unless work stoppage would risk or cause injury, the need for overtime is caused by an act of God, or other exceptional reasons affecting the national economy or "unusual and unpredictable situations" affecting businesses occur.

The government sets occupational safety and health standards, which were current and appropriate for the main industries in the country. The law requires employers to insure their employees against accidents at the workplace and when traveling to and from work. The law requires employers either provide insurance through a labor risk insurance entity or provide their own insurance to employees to meet specified requirements set forth by the national insurance regulator. In 2012 congress amended the Labor Risks Law to increase compensation for workers' death or incapacity, while limiting the workers' entitlement to file a complaint if the workers accept the insurance company's compensation.

In September the executive branch issued implementing regulations to provide labor risks insurance coverage to domestic employees starting in November. In March 2013 congress unanimously approved an amendment to the domestic employee law that expands workers' rights and benefits to domestic employees, rural workers, freelance workers, and the volunteer firemen corps.

Laws governing acceptable conditions of work were not enforced universally, particularly for workers in the informal sector. The labor ministry has responsibility for enforcing legislation related to working conditions. The ministry continued inspections to ensure companies registered their informal workers. During the year the government increased labor inspections to detect unregistered or compulsory work, mainly in rural areas. During 2011 the ministry reported it had 479 labor inspectors. Information was unavailable regarding the number of inspections during the year, violations encountered by inspectors, and fines or penalties imposed. According to a recent study by the International Labor Organization, 46.8 percent of employed citizens were engaged in informal labor, but the labor ministry reported 33.1 percent unregistered workers. The Superintendency of Labor Risk served as the enforcement agency to monitor compliance of health and safety laws and the activities of the labor risk insurance companies.

Most workers in the formal sector earned significantly more than the minimum wage. In general the minimum wage served to mark the minimum pay an informal worker should get, although formal workers' pay was usually higher.

According to the Superintendency of Labor Risk's latest available statistics, in 2013 there were 95.5 worker fatalities per million workers. Construction recorded 273.3 fatalities per million workers, electricity 221.8 fatalities per million, and agriculture 216.7 fatalities per million.

Workers could not always remove themselves from situations that endangered health or safety without jeopardy to their employment, and authorities did not effectively protect employees in these situations.