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FINAL VERSION OF THE 1980 HUMAN RIGHTS REPORT

1. FOLLOWING IS THE FINAL VERSION OF THE 1980 HUMAN RIGHTS REPORT FOR ARGENTINA. ALL REPORTS ARE EMBARGOED UNTIL CONGRESS MAKES THEM PUBLIC. LIKE LAST YEAR WE HOPE TO BE ABLE TO DISCUSS REPORT AND GIVE COPY TO ARGENTINE EMBASSY PRIOR TO PUBLIC RELEASE AND, AT EMBASSY'S DISCRETION, FOLLOW SAME COURSE WITH HOST GOVERNMENT OFFICIALS IN BUENOS AIRES. HOWEVER, UNDER CIRCUMSTANCES MAY THE REPORTS BE SHOWN TO OR DISCUSSED WITH GOA OFFICIALS UNTIL DEPARTMENT AUTHORIZES POST TO SO. DEPARTMENT DECISIONS ON THIS YEAR'S MODUS OPERANDO STILL PENDING; WE WILL INFORM POST SOONEST. HARDCOPY TEXT BEING POUCHED TODAY.

2. BEGIN TEXT:

FOR THE PAST 25 YEARS ARGENTINA HAS EXPERIENCED CYCLICAL CHANGES BETWEEN CIVILIAN AND MILITARY GOVERNMENTS.


AT THE TIME THE MILITARY TOOK CONTROL OF THE STATE IN 1976, THE SITUATION IN ARGENTINA HAD UTERIORATED SHARPLY. COURTS AND POLITICAL LEADERS WERE INTIMIDATED, INFLATION APPROACHED 800 PERCENT, AND MANY ESSENTIAL PUBLIC SERVICES WERE DISRUPTED. TERRORISM HAD TAKEN ON BROAD DIMENSIONS: BOMBINGS, ROBBERIES, KIDNAPPINGS...


THE MOST CAREFULLY RECORDED AND DOCUMENTED LIST OF UNEXPLAINED DISAPPEARANCES, COMPILED BY THE PERMANENT ASSEMBLY FOR HUMAN RIGHTS IN BUENOS AIRES, CONTAINS ABOUT 5,600 CASES FOR THE PERIOD 1976 TO 1979. SOME ESTIMATES, HOWEVER, RUN CONSIDERABLY HIGHER. THERE IS SUBSTANTIAL EVIDENCE THAT MOST OF THOSE PERSONS WERE ABDUCTED BY THE SECURITY FORCES AND INTERROGATED UNDER TORTURE. MANY OBSERVERS BELIEVE THESE PERSONS HAVE BEEN SUMMARILY EXECUTED. THERE HAS BEEN NO ACCOUNTING FOR PAST DISAPPEARANCES.
ABOUT 8,200 PERSONS HAVE BEEN DETAINED SINCE 1974 UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT (PEN). THIS NUMBER HAS BEEN REDUCED. IN DECEMBER 1980 THE GOVERNMENT ACKNOWLEDGED THAT APPROXIMATELY 900 PERSONS REMAIN UNDER PEN DETENTION, INCLUDING THESE PRISONERS, THE TOTAL NUMBER OF PERSONS BEING HELD ON OTHER THAN CRIMINAL CHARGES TOTALLED ABOUT 1,550. OF THESE, ABOUT 600 HAD BEEN Tried AND CONVICTED, ANOTHER 400 WERE IN TRIAL STATUS, AND ABOUT 550 WERE BEING HELD WITHOUT TRIAL AND/OR CHARGES, SOME FOR MANY YEARS OR EVEN AFTER HAVING SERVED THEIR SENTENCES. GOVERNMENT FIGURES INDICATE THAT THIS YEAR EIGHT NEW ARRESTS WERE MADE UNDER THE EXECUTIVE’S SPECIAL POWERS AND 883 PERSONS WERE REMOVED FROM PEN DETENTION. THERE CONTINUE TO BE RELIABLE REPORTS THAT INDIVIDUALS DETAINED AS SUSPECTED TERRORISTS OR SUBVERSIVES ARE SUBJECT TO PHYSICAL MISTREATMENT DURING INTERROGATION.

THE CONSTITUTIONAL RIGHT OF CERTAIN KINDS OF DETAINES TO CHOOSE SELF-EXILE IN LIEU OF IMPRISONMENT HAS BEEN CIRCUMSCRIBED THROUGH THE IMPOSITION OF A LENGTHY APPLICATION AND SCREENING PROCESS. PRISON CONDITIONS HAVE IMPROVED. EARLIER PROBLEMS OF SERIOUS MISTREATMENT, OVERCROWDING, LACK OF MEDICAL TREATMENT, IMPROPER FOOD, AND RESTRICTIONS ON VISITS HAVE DIMINISHED. HOWEVER, THERE IS STILL CONCERN OVER PSYCHOLOGICAL PRESSURES IN THE PRISONS WHICH MAY HAVE CONTRIBUTED TO SOME FIVE SUICIDES THIS YEAR.

IT HAS TAKEN OR INTENDS TO TAKE TO CARRY OUT MANY OF THE REPORT'S RECOMMENDATIONS. A RESOLUTION REFERRING TO THIS REPORT AS WELL AS TO OTHER IAHRC REPORTS WAS ADOPTED BY CONSENSUS AFTER A PROLONGED DEBATE AT THE NOVEMBER OAS GENERAL ASSEMBLY.


THE 1980 NOBEL PEACE PRIZE WAS AWARDED TO ADOLFO PEREZ ESQUIVEL, SECRETARY OF THE PEACE AND JUSTICE MOVEMENT, FOR HIS NON-VIOLENT ADVOCACY OF HUMAN RIGHTS IN ARGENTINA AND ELSEWHERE IN LATIN AMERICA. HE WAS IMPRISONED IN 1977-1978 FOR HIS ACTIVITIES.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING:
   A. TORTURE

   ARTICLE 20 OF THE ARGENTINE CONSTITUTION PROHIBITS TORTURE. MOST OBSERVERS HAVE CONCLUDED THAT TORTURE CONTINUES TO BE PRACTICED IN THE CASES OF INDIVIDUALS WHO DISAPPEAR AT THE HANDS OF SECURITY OFFICIALS, AND ARE PRESUMED DEAD. FORMER DETAINES HAVE REPORTED THAT TORTURE, PRACTICED DURING THE FIRST DAYS OF THE INTERROGATION, TOOK THE FORM OF ELECTRIC SHOCK, IMMERSSION OF THE HEAD IN WATER, MOCK EXECUTIONS, SEVERE BEATINGS, AND PSYCHOLOGICAL ABUSE. REPORTS FROM SOME PEOPLE DETAINED FOR NATIONAL SECURITY REASONS DURING 1980 INDICATED THAT PHYSICAL MISTREATMENT CONTINUES TO BE USED DURING THE INTERROGATION PHASE.

   B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT
BEFORE EARLY 1979, CONDITIONS OF IMPRISONMENT FOR THOSE DETAINED FOR SECURITY REASONS WERE POOR AND MEDICAL SERVICES WERE PRIMITIVELY. IN APRIL 1979, THE GOVERNMENT DECREED UNIFORM PRISON REGULATIONS WHICH HAVE LED TO A GENERAL IMPROVEMENT IN PRISON CONDITIONS FOR MOST CATEGORIES OF PRISONERS. MANY OF THE REFORMS WERE NOT APPLIED TO ALL PRISONERS, IN PARTicular THOSE DETAINED FOR POLITICAL REASONS AND CONSIDERED BY THE AUTHORITIES TO BE SUBVERSIVE OR DANGEROUS. WHILE CONDITIONS REPORTEDLY IMPROVED FOR THIS CATEGORY FOR A TIME AFTER THE ISSUANCE OF THE DEGREE, THEY AGAIN DETERIORATED THEREAFTER. MANY OF THESE PRISONERS WERE DENIED VISITATION, COMMUNICATION, EXERCISE, AND WORK. IN MAY 1980, A NEW DEGREE WAS ISSUED WHICH WAS DESIGNED TO REDUCE ABUSES AND DISCIPLINARY MEASURES BY PRISON GUARDS, IMPROVE MEDICAL CARE AND PROVIDE INCREASED FAMILY VISITS, VISITS BY COUNSEL, AND ACCESS TO READING MATERIAL, WORK AND EXERCISE. INITIAL REPORTS SUGGEST THERE HAS BEEN IMPROVEMENT IN THESE AREAS. HOWEVER, CONCERN REMAINS ABOUT PSYCHOLOGICAL PRESSURES AFFECTING PRISONERS, IN VIEW OF THE APPROXIMATELY FIVE SUICES THIS YEAR.

C. DISAPPEARANCES

THE ARGENTINE PERMANENT ASSEMBLY ON HUMAN RIGHTS HAS RECORDED TWELVE REPORTS OF DISAPPEARANCES IN CIRCUMSTANCES WHICH INDICATE THE VICTIM WAS ABDUCTED BY THE SECURITY FORCES. HUMAN RIGHTS ORGANIZATIONS ALLEGE THAT A LARGER NUMBER OF PEOPLE DISAPPEARED -- PERHAPS 28 OR MORE. MOST ARGENTINE OBSERVERS BELIEVE THAT MANY OF THOSE WHO DISAPPEARED HAD ACTIVE LINKS TO TERRORIST ORGANIZATIONS. THERE WERE ALSO CASES OF SUSPECTED TERRORISTS BEING PLACED BEFORE THE COURTS WHEN, IN THE PAST, THEY MIGHT SIMPLY HAVE DISAPPEARED. TWO PEOPLE WHO REPORTEDLY DISAPPEARED IN 1980 WERE PARAGUAYAN COMMUNISTS LIVING CLANDESTINELY AS REFUGEES IN ARGENTINA.

AMNESTY INTERNATIONAL AND OTHER HUMAN RIGHTS ORGANIZATIONS CHARGE THAT ARGENTINE SECURITY FORCES
PARTICIPATED IN A WIDELY PUBLICIZED DISAPPEARANCE IN JUNE 1980 OF FOUR ARGENTINES IN LIMA, PERU. THE ARGENTINE GOVERNMENT HAS DENIED ANY ROLE IN THEIR DISAPPEARANCE.

THE AUTHORITIES HAVE NOT YET ACCOUNTED FOR THE PEOPLE WHO DISAPPEARED IN THE PAST. GOVERNMENT SPOKESMEN HAVE SUGGESTED THAT THE BULK OF THE DISAPPEARED ARE DEAD. NOTING THE STATEMENTS OF FORMER DETAINEE WHO REPORT THAT MOST OF THEIR FELLOWS WERE EXECUTED, AS WELL AS LACK OF EVIDENCE TO THE CONTRARY, MOST OBSERVERS ALSO BELIEVE THAT THE GREAT BULK OF THE DISAPPEARED ARE DEAD.

A 1979 LAW SHORTENING THE PERIOD FOR A COURT FINDING OF PRESUMPTIVE DEATH HAS ALLEVIATED SOME PERSONAL HARDSHIPS IN LEGAL AND FINANCIAL MATTERS FOR THE SURVIVORS OF THE DISAPPEARED. THE LAW DREW SHARP CRITICISM FROM ARGENTINE HUMAN RIGHTS ORGANIZATIONS, RELATIVES, AND THE EUROPEAN PARLIAMENT, BECAUSE OF FEARS THE GOVERNMENT WOULD MISUSE IT TO CLOSE ARBITRARILY CASES OF DISAPPEARANCES. THERE HAVE BEEN NO REPORTS THAT THE LAW IN FACT HAS BEEN ABUSED BY THE AUTHORITIES. THE GOVERNMENT HAS NOW EXPLICITLY RESTRICTED THE TERMS OF THE LAW TO ASSURE AGAINST POTENTIAL OFFICIAL MISUSE.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION IN ITS 1980 REPORT HAS RECOMMENDED THAT ARGENTINA, TO PREVENT NEW DISAPPEARANCES, SHOULD CREATE A CENTRAL REGISTER OF DETAINEE.

D. ARBITRARY ARREST AND IMPRISONMENT

THE ARGENTINE CONSTITUTION, IN ARTICLE 23, ESTABLISHED THE POWER OF THE EXECUTIVE BRANCH TO DETAIN AND HOLD PRISONERS UNDER A STATE OF SIEGE (WHICH HAS BEEN IN EFFECT SINCE 1974). THE POWERS DERIVED UNDER THIS PROVISION, AS WELL AS THE PRISONERS HELD UNDER ITS AUTHORITY, ARE OFTEN DESCRIBED WITH THE ADJECTIVE PEN.

THE SPANISH ACRONYM FOR THE NATIONAL EXECUTIVE POWER (Poder Ejecutivo Nacional), THE CONSTITUTION PLACES NO EXPLICIT TIME LIMIT FOR HOLDING PRISONERS UNDER THE PEN POWERS. THE SUPREME COURT, OVERTURING A NUMBER OF LOWER COURT DECISIONS, HAS ACCEPTED BROAD AND UNSUBSTANTIATED CHARGES OF ASSOCIATION WITH SUBVERSION AS SUFFICIENT GROUNDS FOR INDEFINITE PEN DETENTION.

SOME PEN PRISONERS HAVE BEEN IN JAIL WITHOUT CHARGE FOR SEVERAL YEARS — INCLUDING A SIGNIFICANT NUMBER DETAINED BEFORE 1976.

SINCE 1974, 8,200 PERSONS ACCUSED OF TERRORISM OR SUBVERSION HAVE BEEN DETAINED UNDER THE SPECIAL EXECUTIVE POWERS OF THE PRESIDENT. BY DECEMBER 1980, THOSE HELD ON OTHER THAN COMMON CRIMINAL CHARGES TOTALLED ABOUT 1,550. OF THESE, ABOUT 600 HAD BEEN TRIED AND CONVICTED IN MILITARY OR CIVILIAN COURTS.

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Date: Oct 19, 2018
ANOTHER 400 WERE IN TRIAL STATUS, AND ABOUT 550 WERE
BEING HELD WITHOUT TRIAL AND/OR CHARGES, SOME FOR MANY
YEARS OR EVEN AFTER HAVING SERVED THEIR SENTENCES.

THE MINISTER OF INTERIOR SAID 300 ARE BEING HELD
WITHOUT CHARGES. IN DECEMBER 1980 THE GOVERNMENT
ACKNOWLEDGED THAT APPROXIMATELY 900 PERSONS REMAIN
UNDER PEN DETENTION. THE ARGENTINE GOVERNMENT
INFORMED THE OAS GENERAL ASSEMBLY THAT IN 1980 EIGHT
PERSONS WERE DETAINED UNDER PEN POWERS; OF THESE, SIX
WERE REFERRED TO NORMAL JUDICIAL PROCEDURES AND TWO
WERE RELEASED UNDER PAROLE CONDITIONS. THE GOVERNMENT
HAS SET UP A SYSTEM TO REVIEW PERIODICALLY ALL PENDING
CASES, AND 388 PERSONS WERE REMOVED FROM PEN DETENTION
IN 1980. THE INTERNATIONAL COMMITTEE OF THE RED CROSS
HAS MAINTAINED A REGULAR PROGRAM OF PRISON VISITS.

E. DENIAL OF FAIR PUBLIC TRIAL

PERSONS ACCUSED OF SUBVERSION OR TERRORISM MAY BE TRIED
IN EITHER CIVILIAN OR MILITARY COURTS. CIVILIAN COURTS
FOLLOW ARGENTINA'S CUSTOMARY LEGAL PROVISIONS REGARDING
OPEN AND FAIR TRIALS. ARGENTINE LAW, HOWEVER, REQUIRES
WRITTEN RATHER THAN ORAL TESTIMONY, SO THAT "OPEN HAS
A DIFFERENT MEANING AND DIFFERENT CONSEQUENCES FROM
THOSE IN OTHER LEGAL SYSTEMS. THE LAW PROVIDES THAT
THE CIVILIAN COURTS ARE INDEPENDENT, BUT THE PRESSURES
ACCOMPANYING TRIALS INVOLVING SUBVERSION AND TERRORISM
HAVE MADE IT DIFFICULT FOR THE COURTS TO MAINTAIN
INDEPENDENCE. MILITARY TRIBUNALS, BEFORE WHICH CIVILIANS
MAY BE TRIED, CONDUCT THEIR PROCEEDINGS IN SECRET.
THE DEFENDANTS HAVE ACCESS ONLY TO A MILITARY DEFENSE
COUNSEL WHO IS USUALLY NOT A LAWYER. DEFENDANTS LEGALLY
MAY BE KEPT UNAWARE OF THE EVIDENCE AGAINST THEM IN
BOTH MILITARY AND CIVILIAN PROCEEDINGS. THE ARGENTINE
GOVERNMENT, IN ITS REPORT TO THE OAS GENERAL ASSEMBLY,
STATED THAT IN 1980 157 PERSONS WERE SENTENCED FOR
CRIMES RELATED TO TERRORISM; 154 SENTENCES WERE HANDED-
DOWN BY CIVILIAN COURTS AND THREE BY MILITARY COURTS.
LAWYERS IN THE PAST GENERALLY HAVE BEEN RELUCTANT TO DEFEND PEOPLE CHARGED WITH TERRORISM OR SUBVERSION, FEARING HARASSMENT OR REPRISALS. THE NEW YORK CITY BAR ASSOCIATION, FOLLOWING ITS VISIT TO ARGENTINA IN APRIL 1979, CONCLUDED THAT IN 1975-1978 SOME LAWYERS DISAPPEARED OR WERE DETAINED IF THEY DEFENDED CLIENTS AND CAUSES UNPOPULAR WITH THE GOVERNMENT. OVER THE PAST TWO YEARS, NO LAWYERS DISAPPEARED OR WERE DETAINED FOR SUCH REASONS, AND IT APPEARS THAT THE PROFESSION IS OPERATING MORE SECURELY THAN IN THE PAST.


F. INVASION OF THE HOME


2. GOVERNMENT POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

ARGENTINA ENJOYS A HIGH STANDARD OF LIVING. IN 1979 PER CAPITA INCOME IN CURRENT DOLLARS WAS AN ESTIMATED $3,400, AND ARGENTINE GOVERNMENTS HAVE -- WITHIN THE ECONOMIC CONSTRAINTS OF RECENT YEARS -- SOUGHT TO CONFRONT SOCIAL NEEDS. OF TOTAL CENTRAL GOVERNMENT EXPENDITURES IN 1979, 10.1 PERCENT WENT TO EDUCATION, THREE PERCENT TO PUBLIC HEALTH AND 4.5 PERCENT TO HOUSING. INFANT MORTALITY IN 1970-79 WAS 59 PER 1,000 BIRTHS. LIFE EXPECTANCY IS 69.4 YEARS. THERE IS ONE PHYSICIAN FOR EVERY 530 PERSONS, AND A HOSPITAL BED FOR EVERY

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170. In 1978 94 percent of the adult population was employed in Argentina. Official unemployment in Argentina was two percent in 1980, although some observers believe that there is some hidden unemployment. Argentina has traditionally enjoyed relatively equal distribution of income although it has become less equal in recent years, in part as a result of government policies designed to reduce inflation and revitalize the country's productive sector. Toward that end, the government has made an effort to open the economy to external competition by lowering tariff protection, reducing subsidies, and limiting state involvement in the economy. These policies, which greatly increased imports and discouraged exports, have recently resulted in a number of bankruptcies, belt-tightening for lower and some middle-income groups, and growing complaints from the private sector. The economy is currently in a period of reduced growth. Inflation continues to decline but is still high, running at about 90 percent for 1980, partly because of deliberate government policy to maintain full employment and to provide substantial increases in real wages of public sector employees over the past several years. This has contributed to upward pressure on wages and prices throughout the economy.

Education has been free and is widely available, though the government is now moving to require tuition for university-level education. Government, private and trade union medical care programs make treatment available and affordable to most of the population.

Property ownership and transaction is a right of citizens. There is a serious housing shortage in Argentina, most of it attributable to now-defunct legislation that sustained rent control guidelines. The tax system is progressive and tax collections are.

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Date: Oct 19, 2018
ARGENTINE WOMEN GENERALLY ENJOY EQUAL JURIDICAL STATUS WITH MEN. WOMEN'S RIGHTS ARE NOT A CONTENTIOUS ISSUE IN ARGENTINA; AS JOBS AND EDUCATIONAL OPPORTUNITIES, ALONG WITH SUPPORT SYSTEMS THAT FACILITATE THE SIMULTANEOUS HANDLING OF JOB AND FAMILY, ARE AVAILABLE, AT LEAST IN URBAN AREAS. SEX DISCRIMINATION IS PROHIBITED IN EDUCATION, POLITICS, AND EMPLOYMENT. TRADITION AND SOCIAL CUSTOMS STILL LIMIT WOMEN'S PARTICIPATION IN THE WORK FORCE.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH, PRESS, RELIGION AND ASSEMBLY


THE PRESS IS NOT LEGALLY SUBJECT TO PRIOR OFFICIAL CENSORSHIP EXCEPT FOR MORAL CONTENT. HOWEVER, GOVERNMENT-IMPOSED GUIDELINES RESULT IN SELF-CENSORSHIP. THE ARGENTINE PUBLISHERS' ASSOCIATION, AFTER ITS ANNUAL MEETING IN 1980, ISSUED A STATEMENT THAT "IT IS IMPOSSIBLE TO STATE THAT PRESS FREEDOM EXISTS IN ARGENTINA." IN THE PAST, JOURNALISTS HAVE BEEN AMONG THE ARGENTINES WHO DISAPPEARED. SOME ARE CURRENTLY UNDER DETENTION. THE GOVERNMENT HAS INTERVENED OR CONFISCATED A NUMBER OF NEWSPAPERS, NOTABLY LA OPINION.
NEVERTHELESS, NEWSPAPERS ACTIVELY CRITICIZE THE GOVERNMENT IN MANY AREAS AND REPORT THE REMARKS OF OPPOSITION POLITICIANS. COVERAGE OF SUCH ISSUES AS HUMAN RIGHTS AND THE DISAPPEARANCES INCREASED DURING 1980. IN AUGUST A DECLARATION SIGNED BY 180 PROMINENT ARGENTINES CALLING FOR CLARIFICATION OF THE WHEREABOUTS OF DISAPPEARED PERSONS WAS PUBLISHED IN A PROMINENT DAILY NEWSPAPER. MOST FOREIGN PUBLICATIONS ENTER ARGENTINA WITHOUT CENSORSHIP.

THE ARGENTINE CONSTITUTION Requires THAT THE PRESIDENT BE A MEMBER OF THE CATHOLIC CHURCH, AND THE MAJORITY OF ARGENTINES PROFESS THIS FAITH. OTHER RELIGIONS ARE REQUIRED TO REGISTER WITH THE GOVERNMENT; ALL BUT THE JEHOVAH'S WITNESSES ARE PERMITTED TO FUNCTION, AND THERE ARE SUBSTANTIAL MINORITY RELIGIOUS GROUPS, INCLUDING A 300,000-450,000 MEMBER JEWISH COMMUNITY. THE GOVERNMENT PUBLICLY CONDEMNs RELIGIOUS PREJUDICE.

ARGENTINE JEWS HAVE WELL-DEVELOPED COMMUNITY ORGANIZATIONS, EXERCISE THEIR RELIGION WITHOUT RESTRAINTS AND PARTICIPATE FULLY IN ARGENTINE ECONOMIC AND CULTURAL LIFE. THE GOVERNMENT MAINTAINS CORRECT RELATIONS WITH THE JEWISH COMMUNITY AND THERE IS NO EVIDENCE OF OFFICIAL ANTI-SEMITIC POLICY, ALTHOUGH INCIDENTS OF ANTI-SEMITISM OCCUR. DURING THE HEIGHT OF THE "DIRTY WAR" THERE WERE CREDIBLE REPORTS OF ANTI-SEMITIC BEHAVIOR BY THE SECURITY FORCES AND PERSECUTION OF JEWISH PRISONERS. VIRULENT ANTI-SEMITIC LITERATURE REMAINS ON SALE IN THE COUNTRY AND OPENLY ANTI-SEMITIC ATTITUDES HAVE BEEN TOLERATED IN STATE-CONTROLLED TELEVISION. SEVERAL JEWISH SCHOOLS WERE BOMBED IN JULY AND AUGUST AND MORE RECEIVED ANONYMOUS THREATS. THOUGH THE CULPRITS WERE NEVER FOUND, THE GOVERNMENT SOUGHT TO REASSURE ARGENTINE JEWS.

UNTIL THE END OF 1980, THE GOVERNMENT CONTINUED TO REFUSE TO PERMIT THE LEGAL REGISTRATION OF THE JEHOVAH'S WITNESSES, WHO NUMBER APPROXIMATELY 30,000 IN ARGENTINA. THEIR PROPERTIES AND MEETING PLACES HAVE BEEN CLOSED.
AND SOME WITNESS CHILDREN HAVE BEEN EXPELLED FROM
PROVINCIAL SCHOOL SYSTEMS FOR REFUSING TO SALUTE THE
FLAG AND SING THE NATIONAL ANTHEM. THE SUPREME COURT
HAS RULED THAT TWO EXPELLED PRIMARY SCHOOL CHILDREN
SHOULD BE ALLOWED TO RETURN TO SCHOOL. IN DECEMBER
1980 THE GOVERNMENT REVOKED A DEGREE WHICH HAD PRECLUDED
THE JEHOVAH'S WITNESSES FROM SEEKING FORMAL REGISTRATION.

SEVERAL HUMAN RIGHTS ORGANIZATIONS, UNITING ACTIVISTS
AND RELATIVES OF THE DISAPPEARED, HAVE PLAYED A
SIGNIFICANT ROLE IN ARGENTINA OVER THE PAST SEVERAL
YEARS. SOME LEADERS OF THESE GROUPS WERE SEVERELY
HARASSED AND THREATENED IN THE PAST AND SEVERAL
ACTIVISTS DISAPPEARED. IN 1980 IT APPEARED THAT THE
ORGANIZATIONS WERE OPERATING IN A CLIMATE OF ENHANCED
SECURITY THOUGH THERE CONTINUED TO BE OCCASIONAL
HARASSMENT. THE GOVERNMENT IN 1980 REAFFIRMED THE
RIGHT OF HUMAN RIGHTS ORGANIZATIONS TO CONDUCT THEIR
ACTIVITIES FREELY, AND Praised THOSE GROUPS THAT
DIRECTED THEIR EFFORTS TOWARD HUMANITARIAN RATHER
THAN POLITICAL GOALS. THE "MOTHERS OF THE PLAZA DE
MAYO" -- RELATIVES OF DISAPPEARED PERSONS -- WHO USED
TO ASSEMBLE IN FRONT OF THE MINISTRY OF THE INTERIOR
IN THE PLAZA DE MAYO, WERE FORCIBLY PREVENTED FROM
USING THE PLAZA LATE IN 1978, AND IN DECEMBER 1980 A
DEMONSTRATION BY HUMAN RIGHTS ACTIVISTS, INCLUDING
RELATIVES OF THE DISAPPEARED, WAS BROKEN UP BY THE
POLICE WITH THE USE OF CONSIDERABLE FORCE. TWENTY-
SEVEN DEMONSTRATORS WERE ARRESTED.

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

ARGENTINE CITIZENS ARE FREE TO TRAVEL WITHOUT
RESTRICTION WITHIN THE COUNTRY AND ARE FREE TO
EMIGRATE. MARRIED WOMEN LIVING IN ARGENTINA MUST HAVE
THE PERMISSION OF THEIR HUSBANDS TO TRAVEL ABROAD WITH
THEIR CHILDREN IF THE HUSBAND IS NOT ACCOMPANYING THEM.
THE ARGENTINE CONSTITUTION PERMITS PEN PRISONERS TO
CHOOSE SELF-EXILE. EXERCISE OF THIS "RIGHT OF OPTION"
WAS DENIED BY THE CURRENT GOVERNMENT UNTIL 1978 AND
SUBSEQUENTLY RESTRICTED THROUGH IMPLEMENTATION OF AN
EXTENSIVE SCREENING PROCESS FOR ALL APPLICANTS. MANY
APPLICATIONS WERE DENIED DURING 1980, EVEN THOUGH THE
APPLICANTS HAD DOCUMENTS AUTHORIZING THEM TO ENTER
OTHER COUNTRIES. OF THE 711 CASES HANDLED THUS FAR
UNDER THE UNITED STATES REFUGEE PROGRAM, 277 HAVE BEEN
RELEASED.

ARGENTINA HAS ACCEPTED ABOUT 300 INDOCHINESE AND ELEVEN
CUBAN REFUGEES.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

CONFIDENTIAL

THE GOVERNMENT HAS SUBJECTED MAJOR TRADE UNIONS TO ITS INTERVENTION, REPLACING HIGH-LEVEL UNION OFFICIALS WITH MILITARY PERSONNEL, AND PROHIBITING STRIKES. IN 1976, AND AGAIN IN MID-1979, DURING PERIODS OF LABOR TENSION, THE GOVERNMENT DETAINED A NUMBER OF IMPORTANT LABOR LEADERS (ALMOST ALL OF THESE HAVE SINCE BEEN RELEASED). NEVERTHLESS, STRIKES FOR WAGE INCREASES HAVE OCCURRED, AND NEARLY ALL HAVE BEEN SETTLED WITHOUT VIOLENCE.

CONTINUES TO OPERATE. IT IS NOT CLEAR WHEN THE GOVERNMENT WILL LIFT THE SUSPENSION OF THE RIGHTS TO STRIKE AND BARGAIN COLLECTIVELY. FROM THE GOVERNMENT'S POINT OF VIEW, THE NEW LAW IS DESIGNED TO INTRODUCE MORE GRASSROOTS DEMOCRACY AND FREEDOM OF ASSOCIATION FOR THE WORKERS THAN EXISTED IN THE PAST; LABOR LEADERS,

ON THE OTHER HAND, SEE IT AS AN EMASCULATION OF UNION POWER, AS IT PROHIBITS ALL POLITICAL ACTIVITY AND GREATLY RESTRICTS CONTROL OVER SOCIAL FUNDS. THE PROCEDURAL STEPS FOR THE IMPLEMENTATION OF THE NEW LAW WILL NOT BE CLARIFIED UNTIL THE MINISTRY OF LABOR ISSUES DETAILED REGULATIONS. THE ICFTU CONDEMNS THE LAW AS A VIOLATION OF UNION RIGHTS.

ALTHOUGH ENJOYING NO OFFICIAL STANDING OR RECOGNITION BY THE GOVERNMENT, SEVERAL LABOR GROUPINGS ARE ACTIVE IN MAKING THEIR VIEWS KNOWN. FOR EXAMPLE, THEY OPPOSE THE GOVERNMENT'S TRADE UNION LAW ON GROUNDS THAT IT RESTRICTS FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE AS DEFINED IN CONVENTIONS 87 AND 98 OF THE INTERNATIONAL LABOR ORGANIZATION (ILO) AS RATIFIED BY THE ARGENTINE GOVERNMENT. THEY ALSO OPPOSE THE NEW LAW'S PROHIBITION AGAINST POLITICAL ACTION BY TRADE UNIONS. THE INTER-AMERICAN HUMAN RIGHTS COMMISSION HAS RECOMMENDED THE REPEAL OR AMENDMENT OF LAWS THAT PREVENT THE NORMAL DEVELOPMENT OF TRADE UNIONS. THE ARGENTINE GOVERNMENT INFORMED THE OAS GENERAL ASSEMBLY THAT IN 1990 ARGENTINA FILED REGULAR REPORTS WITH THE ILO'S COMMITTEE ON TRADE UNION FREEDOM, WHICH HAS NOTED PROGRESS.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS


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RECOMMENDATIONS TO THE ARGENTINE GOVERNMENT FOR CORRECTING THE ABUSES IT HAD OBSERVED. THESE RECOMMENDATIONS INCLUDED TRIAL AND PUNISHMENT FOR THOSE RESPONSIBLE FOR DEATHS ATTRIBUTABLE TO THE GOVERNMENT, AN OFFICIAL ACCOUNTING FOR THE DISAPPEARED, EFFECTIVE IMPLEMENTATION OF HABEAS CORPUS PROCEDURES, PUNISHMENT OF THOSE RESPONSIBLE FOR TORTURE, RELEASE OR TRIAL OF THOSE BEING HELD UNDER PEN, IMPROVEMENT IN PRISON CONDITIONS, EFFECTIVE GUARANTEES OF LEGAL DEFENSE AND DUE PROCESS, RESTORATION OF POLITICAL RIGHTS, OBSERVANCE OF TRADE UNION RIGHTS, LIFTING OF PROHIBITIONS AGAINST JEMOVAN'S WITNESSES, INVESTIGATION AND PUNISHMENT OF DISCRIMINATION AGAINST JEWS, AND FACILITATING THE EFFORTS OF HUMAN RIGHTS ORGANIZATIONS.


THE SPECIAL IAHRC REPORT ON ARGENTINA WAS CONSIDERED BY THE ORGANIZATION OF AMERICAN STATES GENERAL ASSEMBLY HELD IN WASHINGTON, D.C. NOVEMBER 19 - 27, 1980. ARGENTINA, IN AN INFORMATIVE NOTE, REPORTED ACTIONS TAKEN IN 1980 TO IMPROVE THE HUMAN RIGHTS SITUATION, INCLUDING A GRADUAL DECREASE IN THE NUMBER OF NEW PERSONS DETAINED BY THE EXECUTIVE, AND A SYSTEM FOR PERIODIC
A REVIEW OF PENDING CASES, IMPROVED PRISON CONDITIONS, A DECREASE IN THE NUMBER OF INDIVIDUALS SAID TO HAVE DISAPPEARED AND OFFICIAL EFFORTS TO CLARIFY THE CIRCUMSTANCES, AN INCREASE IN JUDICIAL EFFECTIVENESS, THE DEVEL0PMENT OF STATE CONTROLLED MEDIA INTO PRIVATE HANDS, THE REAFFIRMATION OF THE RIGHT OF HUMAN RIGHTS ORGANIZATIONS TO CONDUCT THEIR ACTIVITIES FREELY, COOPERATION WITH THE ILO, AND EFFORTS TAKEN TO RESTORE POLITICAL RIGHTS. THE OAS APPROVED A RESOLUTION SPECIFYING ARGENTINA, AS WELL AS FIVE OTHER COUNTRIES IN WHICH HUMAN RIGHTS VIOLATIONS HAD BEEN DISCUSSED IN EITHER THE IAHRc ANNUAL REPORT OR IN SPECIAL REPORTS, AND URGED MEMBER STATES THAT HAD NOT YET DONE SO TO CORRECT REMAINING VIOLATIONS. ALTHOUGH THE SUBJECT OF PROLONGED DEBATE, THE RESOLUTION WAS ADOPTED BY CONSENSUS.

THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS IS CONSIDERING THE SITUATION OF HUMAN RIGHTS IN ARGENTINA UNDER ITS CONFIDENTIAL 1503 PROCEDURES. A WORKING GROUP ON DISAPPEARANCES IS INQUIRING INTO CASES OF DISAPPEARANCES IN ARGENTINA AND OTHER COUNTRIES. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) MAINTAINS AN ACTIVE PROGRAM IN ARGENTINA, WITH GOVERNMENT APPROVAL, ON BEHALF OF IMPRISONED PERSONS. THE GOVERNMENT HAS USUALLY FACILITATED THE EFFORTS OF VARIOUS GROUPS AND INDIVIDUALS SEEKING TO INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS ABUSE.

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