

ARGENTINA

Date of admission to UN: 24 October 1945.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: Argentina has submitted a core document (HRI/CORE/1/Add.74) for use by the treaty bodies. The report prepared by the government includes demographic data and information on socio-economic indicators, Argentina's political organization, the structure of government and the legal framework for the protection of human rights.

Under the Constitution treaties are the supreme law and, since 1992, have taken precedence over national legislation. The legal framework for the protection of human rights is established by laws and supplemented by administrative arrangements including the Office of the Under-Secretary for Human Rights within the Ministry of the Interior, the Government Procurator for the Prison System (to protect the human rights of inmates in the federal prison system) and the National Institute to Combat Discrimination, Xenophobia and Racism. There is also a Commission on Human Rights Guarantees (established by the Chamber of Deputies and the Senate) and the Ombudsman (Defensor del Pueblo). Remedies for violations include *amparo*, habeas corpus, extraordinary appeal and administrative appeals.

Economic, Social and Cultural Rights

Signed: 19 February 1968; ratified: 8 August 1986.

Argentina's second periodic report (E/1990/6/Add.6) has been submitted and is scheduled for consideration at the Committee's November/December 1999 session; Argentina's third periodic report is due 30 June 2001.

Civil and Political Rights

Signed: 19 February 1968; ratified: 8 August 1986.

Argentina's third periodic report was due 7 November 1997.

Reservations and Declarations: Paragraph 2 of article 15; declaration under article 41.

Optional Protocol: Acceded: 8 August 1986.

Racial Discrimination

Signed: 13 July 1967; ratified: 2 October 1968.

Argentina's 15th periodic report was due 4 January 1998.

Argentina's 11th through 14th periodic report were submitted as one document (CERD/C/299/Add.11) which was considered by the Committee at its August 1997 session. The report prepared by the government provides information on those elements in the legal system which offer protection against discrimination (e.g., the constitution, domestic law, provincial law) as well as commentary on indigenous populations, immigrants, refugees, measures to address racist or extremist organizations, the remedy of *amparo*, the National Institute to Combat Discrimination, Xenophobia, and Racism and the National Anti-Discrimination Programme.

The Committee's concluding observations and comments (CERD/C/304/Add.39) noted that the economic problems in Argentina are hindering implementation of the Convention and that the main victims of unemployment and poverty are members of indigenous populations and ethnic minorities.

The Committee welcomed: the fact that the provisions of international treaties take precedence over national law; the establishment of the independent office of the Ombudsman; provision in the Constitution stipulating that an application for *amparo* may be filed in the event of discrimination of any kind; a number of constitutional amendments related to indigenous peoples, including granting of legal personality to indigenous communities, respect for the cultural identity of these communities, possession and community land ownership, and participation of indigenous peoples in the management of natural resources and other areas of concern to them; establishment of the National Institute to Combat Discrimination, Xenophobia and Racism; adoption by the National Institute of measures related to bilingual and cross-cultural education, integration of indigenous scholarship students in the traditional school system, and financial assistance for projects to raise the standard of living of certain communities; steps taken by the Indigenous Communities' Institute to transfer estate land to indigenous communities that always occupied it; conclusion of a bilateral agreement with Bolivia to regularize the situation of some 500,000 Bolivians living illegally in Argentina; legalization of the situation of 250,000 foreigners in Argentina; establishment of the Refugee Eligibility Committee and its cooperation with the Office of the UN High Commissioner for Refugees; adoption of a provision which specifies that documents of Nazi criminals are no longer confidential for reasons of state; establishment of the Commission to Shed Light on Nazi Activities in Argentina; seminars and training programmes on human rights and the prevention of racial discrimination for judges and staff of the Federal Prison Service; and, implementation by the Ministry of the Interior of the National Anti-Discrimination Programme which, in part, supports popular education programmes proposed by NGOs and provides the possibility of taking emergency action to deal immediately with discriminatory acts.

The principal subjects of concern identified by the Committee were: lack of information in the government's report on the representation of indigenous peoples and ethnic minorities in the civil service, police, judicial system, Congress and socio-economic life of the country generally; failure to implement fully provisions of article 4 of the Convention related to racist organizations, hate speech and incitement to violence; continuing problems and difficulties in effecting the transfer of estate lands to indigenous communities that have traditionally occupied them; intimidation and pressure on indigenous communities to give up their claim to some of the estate lands; failure to include in the report information on the procedures for consultation with indigenous communities during the land transfer process; and, lack of information on remedies filed, rulings handed down and compensation granted for acts of racism, as well as on *amparo* proceedings instituted as a result of discrimination.

The Committee recommended that the government:

- ▶ in its next report, provide more information on the statutes, membership and activities of the National Institute to Combat Discrimination, Xenophobia and Racism and on the National Institute of Indigenous Affairs as well as the implementation of the National Anti-Discrimination Programme;