



**International Covenant
on Civil and
Political Rights**

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**List of issues to be taken up in connection with the consideration of the
fourth periodic report of ARGENTINA (CCPR/C/ARG/4)**

**Constitutional and legal framework for implementation
of the Covenant (art. 2)**

1. Please specify the exact position occupied in the domestic legal hierarchy by the rights enshrined in the Covenant, providing concrete and up-to-date examples of cases in which the provisions of the Covenant have been invoked before the domestic courts. Please also provide precise and up-to-date information on any legal and other measures taken to ensure uniform implementation of the Covenant at all levels in the State party. Please indicate whether a mechanism has been established to oversee and coordinate the effective implementation of the Covenant at the federal and provincial levels.
2. According to information received by the Committee, trials for crimes against humanity committed under the dictatorship are proceeding at an excessively slow pace and will not be concluded until 2024, with the result that many of those responsible for those crimes will go unpunished. Please comment on this information in the light of articles 2 and 14 of the Covenant and indicate what measures will be taken by the State party to speed up those proceedings. Indicate also whether specialized judges and prosecutors are involved in trials for crimes against humanity and specify which security forces play a role auxiliary to the courts in the investigation of enforced disappearances.
3. Please provide detailed and up-to-date information on witness protection programmes at both the federal and provincial levels, indicating the degree of coordination between them, and state whether an assessment of their results has been carried out. Please also indicate whether there are clear guidelines for judges and prosecutors in respect of applications for protection.

4. According to information available to the Committee, the work of the National Statistics and Census Institute (INDEC) has been hindered by its lack of transparency and interference by the executive, which has resulted in that agency's loss of credibility and legitimacy. Please indicate whether the State party plans to adopt legal standards to regulate access to public information from the three branches of government throughout the national territory and whether the information and statistics produced by the National Statistics and Census Institute are in the public domain and are being made available to the general public via, inter alia, the Internet.

Equal rights of men and women (art. 3)

5. Please indicate whether the Office of Domestic Violence, which began work in Buenos Aires in September 2008, has sufficient resources to provide adequate legal assistance to the victims of domestic violence. Kindly provide detailed information on this subject, including statistics.

6. Please provide specific and up-to-date information on the measures being taken by the State party to promote the participation in public affairs of women from disadvantaged groups and to create participation mechanisms. Please indicate what steps have been taken to guarantee access to justice for such women and what results have been achieved.

7. Please: (a) indicate what follow-up has been given to the proposed bill amending the rules governing abortion that was drafted by the committee of experts of the Ministry of Justice, Security and Human Rights (paragraph 111 of the State party's report); and (b) provide detailed information on the content of the bill, specifying the circumstances under which abortion would not be punishable.

Right to life and prohibition of torture (arts. 6 and 7)

8. According to information received by the Committee, between July 2007 and June 2008, 121 deaths took place in the course of acts of violence in the metropolitan area of Buenos Aires in which members of the security forces were involved, and many of those deaths were caused by firearms used by off-duty members of security forces. Please provide detailed and updated information on the steps that have been taken to investigate those cases, to identify, prosecute and punish those responsible, and to put a stop to the excessive use of force by members of law enforcement agencies.

9. Please provide precise and detailed information concerning: (a) the number of complaints of torture and ill-treatment by law enforcement officers received over the last five years; (b) the remedies available to victims; (c) the follow-up given to those complaints and the penalties imposed on those identified as having been responsible for those acts at both the federal and provincial levels; and (d) the progress made towards establishing a national mechanism for the prevention of torture (paragraph 85 of the State party's report).

Prohibition of human trafficking (art. 8)

10. According to information received by the Committee, the provisions on human trafficking included in the Criminal Code in 2007 have been criticized in various circles because, in cases where the victim is aged over 18, it must be established that no consent was given in order for

the act to be classified as the offence of exploitation, which makes it difficult to prove. Please comment on this information in the light of article 8 of the Covenant and indicate what follow-up has been given to the draft amendment to the law put forward by the National Institute to Combat Discrimination, Xenophobia and Racism (INADI).

**Right not to be subjected to arbitrary arrest or detention
(art. 9)**

11. Please indicate what follow-up has been given to the ruling by the Supreme Court which held that the legislation on pretrial detention and release from custody applicable in the Province of Buenos Aires was inconsistent with the Constitution and international principles (paragraph 78 of the State party's report). Please: (a) provide disaggregated statistics, including percentages for the provinces of Buenos Aires and Mendoza, on persons currently being held in pretrial detention in Argentina and indicate how long they have been in custody; (b) indicate whether any mechanisms for redress are available to persons having been held in pretrial detention who were subsequently acquitted and indicate whether there are any case law precedents in which compensation was granted. Please also comment, in the light of article 9 of the Covenant, on reports to the effect that the reform of the Buenos Aires Code of Criminal Procedure, adopted in December 2008, and the introduction of the new provision of article 293 of the Code of Criminal Procedure of the Province of Mendoza are inconsistent with the Covenant.

**Right of persons deprived of their liberty to be treated with humanity
(art. 10)**

12. What steps have been taken by the State party to resolve the problem of prison overcrowding and to guarantee that the basic needs of persons deprived of their liberty are met, including adequate food and medical care? Please indicate whether the Prison Policy Action Plan referred to in paragraph 82 of the State party's report has been developed and put into effect. Kindly provide detailed information on the subject, including the results. Please indicate what stage has been reached in the establishment of an ad hoc arbitration tribunal to determine the financial compensation owed to victims of abuse in prisons (paragraph 82 of the State party's report).

**Principle of non-discrimination, right to a fair hearing
and independence of the judiciary (arts. 2 and 14)**

13. Please indicate what steps have been taken by the State party in order to fully guarantee the right to the presumption of innocence, as recommended by the Committee in its concluding observations of 2000. Please also indicate whether Decree No. 222/03, which establishes the procedure for the appointment of justices to the Supreme Court (paragraphs 263 et seq. of the State party's report), has been implemented in its entirety.

14. Please indicate what steps are being taken to improve access to the system of justice for users of mental health services and to guarantee such persons' right to a defence. How does the State party guarantee adequate recognition of the legal personality of persons with disabilities in cases of involuntary confinement and interdiction? Are suitable rules on this matter in place?

**Freedom of religion and principle of non-discrimination
(arts. 18 and 26)**

15. Bearing in mind that article 2 of the Constitution of the State party provides that “The Federal Government supports the apostolic Roman Catholic religion”, please indicate what steps have been taken to guarantee full equality of treatment for all religions. Please also provide precise and detailed information on whether there are other religious communities that receive subsidies.

Freedom of expression (art. 19)

16. Please indicate whether the State party plans to replace the existing Broadcasting Act, promulgated under the military dictatorship, with a new law regulating audio-visual communication services in accordance with prevailing international standards and with article 19 of the Covenant. If so, kindly provide detailed information on this matter.

17. Please indicate whether the witness protection programmes referred to in paragraphs 93 through 101 of the State party’s report have given rise to investigations and the imposition of penalties on the perpetrators of attacks on human rights defenders and provide detailed information on the subject. Please also provide precise and updated information on the investigations and procedures followed for the imposition of penalties on the perpetrators of attacks against human rights defenders.

18. Please provide detailed and up-to-date information on any specific measures taken by the State party to guarantee the uniform application of minimum international standards regarding the use of force by security forces in the course of public demonstrations and protests.

**Prohibition of any advocacy of national, racial or religious hatred
(art. 20)**

19. Please provide specific and up-to-date information on any measures taken to put a stop to acts of discrimination and racial hatred, particularly acts of anti-Semitism and acts occurring in the context of football matches. Please indicate whether the persons responsible for those acts have been identified, tried and punished and whether compensation has been awarded to the victims.

Protection of minors (art. 24)

20. On 1 April 2009, the Argentine Minister of Justice announced the tabling of a bill in Congress to establish a juvenile criminal regime providing for imputability from the age of 14. Please provide information on this initiative and comment on its compatibility with article 24 of the Covenant. Also kindly furnish further information on the “institutions housing children deprived of freedom” referred to in paragraph 77 of the State party’s report.

21. Please provide information about the investigations that have been conducted into cases in which children born to disappeared mothers in jail during the military dictatorship were handed over to government agents. What steps has the State party taken to discover the facts of these cases?

Right to take part in the conduct of public affairs (art. 25)

22. Please provide detailed information on the so-called “testimonial candidacies” in the context of the legislative elections held in 2009 in the State party and comment on their compatibility with article 25 of the Covenant.

23. Please indicate what measures have been taken by the State party to ensure that persons who have had a hand in serious human rights violations do not continue to be employed by the armed forces or the civil service. Please comment on information received to the effect that a court of law authorized Luis Patti, who has been charged with crimes against humanity, to stand as a candidate in the legislative elections of July 2009.

Rights of minorities (art. 27)

24. Bearing in mind that only 11 of the 23 provinces have given constitutional recognition to the rights of indigenous peoples, please indicate what measures the State party is taking in order to fully guarantee the right of indigenous peoples to maintain their own culture and traditions, their own languages and control over their lands and natural resources. Does the State party plan to extend constitutional recognition of the rights of indigenous peoples to all the provinces?

25. Please comment, in the light of article 27 of the Covenant, on reports that various provinces have expelled indigenous peoples from their ancestral lands in order to sell those lands to multinational companies, particularly oil and mining companies and companies active in the soya industry and tourism development. Please indicate also what measures have been taken to ensure that members of the judiciary are familiar with Act No. 26160 on the rights of indigenous peoples.

Dissemination of the Covenant

26. Please provide information on: (a) any measures taken to disseminate information on the submission of reports and their consideration by the Committee and, in particular, on the Committee’s concluding observations; (b) dissemination of the Committee’s concluding observations regarding the third periodic report; and (c) any training courses on human rights, particularly civil and political rights, that have been held over the last five years for judges, law enforcement officers, officials from the three branches of government and the general public.
