



Argentina - Researched and compiled by the Refugee Documentation Centre of Ireland on 12 November 2010

Information about the efficacy of the police in Argentina. Whether they follow up and investigate reported crimes. Whether protection services are available for people who are being threatened by non-state agent.

Section 1d of the March 2010 *United States Department of State Country Report on Human Rights Practices for Argentina*, under the heading 'Role of the Police and Security Apparatus', notes:

"The Federal Police 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, the Gendarmerie, the Coast Guard, and the Bureau of Prisons. Additionally, each province has its own police force that responds to a provincial security ministry or secretariat. Individual forces varied considerably in their effectiveness and respect for human rights.

Cases of corruption were reported in some forces. The most frequent abuses included extortion of, and protection for, those involved in drug trafficking and prostitution. Internal controls to counter police abuses were weak.

The federal security forces have the authority to conduct internal investigations into alleged abuses and to fire individuals who have allegedly committed a human rights violation. The federal government can also file complaints with the federal courts; provincial governments may do the same for provincial security forces. Members of security forces convicted of a crime were subject to stiff penalties.

Between January and December, federal security forces opened 120 investigations into police officials suspected of corruption and criminal involvement. Press sources indicated that approximately 40,000 administrative or disciplinary investigations against police officers were pending at year's end.

According to La Nacion newspaper, from 2008-2009, authorities investigated 13,619 police for acts of corruption, violence, or irregularities in job performance in Buenos Aires Province. This was approximately 25 percent of the provincial police force and a 75 percent increase in investigations from 2006-2007. Of those investigated, 872 were relieved of duty and 1,779 were reassigned to different positions." (United States Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices: Argentina*)

Paragraphs 387-390 of a September 2009 *UN Committee on the Rights of the Child* report, under the heading 'The law enforcement agencies'. states:

“387. The Argentine Federal Police have issued directives aimed at standardizing police action in cases involving minors in order to ensure full compliance with police assignments and duties in a manner consistent with the rule of law and respect for human rights.

388. The directives – aimed at standardizing procedures – were published in Internal Order of the Day No. 53 of 15 March 2007, which reviews various situations that may arise in everyday police work and describes the action to be taken in each case as well as steps to ensure conformity with legal provisions and referral to the competent authorities, endeavouring in all cases to guarantee respect for the higher interests of minors.

389. The Argentine National Gendarmerie has also taken steps to enhance awareness among officers by means of educational action in training institutes and individual units throughout the country, focusing on the content of the Code of Conduct for law enforcement officers and, in particular, on the treatment of children and adolescents.

390. Furthermore, Act No. 26.290, adopted in November 2007, urges the law enforcement agencies forming part of the Internal Security system to include in their curricula, in accordance with the provisions of Act No. 24.059 as amended by Act No. 26.102, training courses for their staff in the human rights of children and adolescents in order to ensure that their rights are enforceable in the context of any institutional action involving them.” (UN committee on the Rights of the Child (16 September 2009) *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : 3rd and 4th periodic reports of States parties due in 2004 : Argentina*)

Paragraph 18 of a March 2008 *UN General Assembly* report notes:

“CERD regretted the lack of adequate information on complaints regarding acts of racial discrimination, violent racist attacks and acts of police brutality committed on racial grounds. It expressed concern about incidents of incitement to racial hatred and racist propaganda in the media, including on the Internet, and recommended that Argentina take appropriate measures to combat these phenomena.” (UN General Assembly (26 March 2008) *Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 – Argentina*, p.6)

Paragraph 25 of the same report adds:

“Both CAT and CRC expressed their concern about reports of torture and ill-treatment of children held at police stations, which, in some cases, have resulted in death. CAT recommended that the holding of minors in police units be immediately banned, that minors then in police units be transferred to special centres, and that a nationwide ban be imposed on the detention of minors by police personnel. In 2002, CRC expressed its concern at the fact that, under article 205 of the Code of Criminal Procedure, a child may be held in incommunicado detention for a maximum of 72 hours.” (ibid, p.7)

No further information could be found on this topic amongst the sources available to the RDC.

References:

UN Committee on the Rights of the Child (16 September 2009) *Consideration of reports submitted by States parties under article 44 of the Convention : Convention on the Rights of the Child : 3rd and 4th periodic reports of States parties due in 2004 : Argentina*

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United States Department of State (11 March 2010) *2009 Country Reports on Human Rights Practices: Argentina*

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources consulted:

Amnesty International

BBC News

European Country of Origin Information Network

Freedom House

Human Rights Watch

International Crisis Group

International Federation for Human Rights (FIDH)

Immigration and Refugee Board of Canada

IRIN News

Lexis Nexis

Refugee Documentation Centre Query Database

United Kingdom: Home Office

UN Committee on the Rights of the Child

UN General Assembly

UNHCR Refworld

UN News Service

United States Department of State