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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

Consideration of reports submitted by States parties under article 19 of the Convention pursuant to the optional reporting procedure

Fifth and sixth periodic reports of States parties due in 2008

Argentina*, **, ***

[Date received: 27 November 2015]

* The fourth periodic report of Argentina is contained in document CAT/C/55/Add.7; it was considered by the Committee at its 622nd and 625th meetings, held on 16 and 17 November 2004 (CAT/C/SR.622 and 625). For its consideration, see the Committee's conclusions and recommendations (CAT/C/CR/33/1).

** The present document is being issued without formal editing.

*** The annex to the present document can be consulted in the files of the secretariat. It is also available on the Committee's web page.

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Convention against Torture in Argentina

Articles 1 and 4

1. Currently, article 144 ter of the Criminal Code (Act No. 23.079/1984) states:

> 1. Any public official who inflicts any kind of torture on persons lawfully or unlawfully deprived of their liberty shall be punished with detention or imprisonment of 8 to 25 years and full disqualification for life. Whether the victim is the legal responsibility of the public official is irrelevant; what matters is whether the official has de facto power over him or her. The same penalty shall be imposed on private individuals who inflict the acts described above.
>
> 2. If the victim dies as a result of or during the torture, the custodial penalty shall be life imprisonment or detention. If any of the injuries referred to in article 91 are caused, the custodial penalty shall be detention or imprisonment of 10 to 25 years.
>
> 3. "Torture" means not only physical torture but also the infliction of mental suffering, when it is sufficiently severe.

2. The core of the offence is the infliction of any form of torture, understood as acts that cause serious mental or physical suffering to a person lawfully or unlawfully deprived of liberty and that are committed by State agents or persons acting under their protection, regardless of the motive.

3. Torture is an offence comprising multiple violations, including violations of freedom in its broadest sense and of a person's psychological and moral integrity, life, human dignity and honour. According to the legal definition of the offence, a public official is the perpetrator and the victim is a person deprived of liberty, although it is not necessary for the same official who inflicts the torture to have taken the person into lawful or unlawful custody.

4. A draft amendment to the Criminal Code that is currently under consideration would impose a penalty on those responsible for torture or other cruel treatment during armed conflict (art. 67) or for systematic or widespread attacks on the civilian population (art. 66).

5. There is also a draft bill on amendments to the Criminal Code, part II ("Crimes against persons"), chapter II, of which states that "public officials or persons acting with their acquiescence who inflict physical torture or serious mental suffering on anyone lawfully or unlawfully deprived of liberty" are liable to imprisonment (art. 88).[1] Public officials who fail to prevent or put a stop to the offence described in article 88 are also liable to punishment if they have the authority or physical ability to do so. If they do not, they are liable to punishment if they fail to notify the authorities immediately. Finally, a penalty is imposed on the official in charge of the unit, section or any other body in which the act referred to in article 88 is committed, if the act would not have occurred had the necessary supervision and safeguards been in place.

Article 2

6. The Federal Prison Service applies an admission procedure that specifies how to comply with the right to information and privacy of persons deprived of their liberty, and

[1] See http://www.infojus.gob.ar/proyectocodigopenal.

what comprehensive protection measures are to be applied to members of particularly vulnerable groups. It also regulates the use of force, on the principle that it should be exceptional, proportional, rational and lawful. This procedure provides guidance for the work of the officials who have to support, assist and advise detainees at this stage, bearing in mind that it is a critical time for them.

7. Prisoners are provided with the Manual of Basic Information for Inmates, which offers a simple description of the admission procedures; the progressive system for the enforcement of sentences; their fundamental rights; the authorities to which they should address requests or complaints; the rules on communications and visits; items permitted and prohibited in the cell blocks; and other aspects covered by the Sentence Enforcement Act (No. 24.660).

8. The Federal Prison Service has a digital database for registering detainees, containing the personal file of all persons admitted to prison. Prisoners are separated into the following categories: sentenced; awaiting trial; and sentenced with other charges pending. Each personal file is assigned a number that all federal prisons in the country must use. Furthermore, the Digital Biometric Register, which facilitates online identification at the admission stage, is at the initial stage of implementation.

9. With the adoption of the new Code of Criminal Procedure (Act No. 27.063), which will take effect on 1 March 2016, the idea that the freedom of individuals involved in criminal proceedings is the rule and preventive detention the exception will be consolidated through the introduction of a more extensive system of precautionary measures of varying degrees of intensity.

10. In this regard, the new Code of Criminal Procedure establishes the general principle that any limitation of rights and personal freedom must be interpreted narrowly and in accordance with the principles of appropriateness, reasonableness, proportionality and necessity (arts. 14-17).

11. The new Code of Criminal Procedure requires that the adoption of any precautionary measure fulfil certain basic conditions:

- Coercive measures may be imposed only when there is a formal criminal investigation and when charges have been filed against a person who has been informed of the charges and the acts of which he or she is accused (art. 222);
- The prosecution must clearly demonstrate the existence of a procedural risk on the basis of criteria that the Code establishes for flight risk and the risk of obstruction of the investigation (arts. 188 and 189 respectively). These risks must be discussed in an oral, public hearing in which the parties may produce evidence and the person charged is heard by the judge, so that a sound decision can be made. On that occasion, the public prosecutor must specify the duration of the measure, which may be questioned by the defence and the due process judge (art. 190);
- Provision is made for the use and enforcement of measures of varying degrees of coercion as alternatives to pretrial detention (art. 177). They include: a promise to appear before the judge; the obligation to report regularly to the authorities; a prohibition on leaving a given area without prior consent; the withholding of travel documents; a prohibition on attending certain meetings, visiting certain locations and communicating with or approaching certain persons; immediate departure from the home, in the event of domestic violence; release on bail; monitoring of the accused through some electronic tracking or physical positioning system; and house arrest in the home of the accused or another person.

12. The new Code of Criminal Procedure allows the defence to review the protective measure and petition for its revocation or replacement when there is no longer a reason for

it to be maintained. In addition, the due process judge may exercise ex officio oversight (art. 193).

13. The decision on replacement or revocation is to be made within 72 hours in an oral hearing, and a decision to reject the request will be open to review for 24 hours (art. 193). To strengthen this oversight mechanism, the new Code of Criminal Procedure even establishes a penalty for judges who do not complete the review of the measure in the required time (art. 194).

14. Under the new system, "offices for alternative and substitute measures" are being set up to oversee the enforcement of coercive measures and to ensure that high-quality information is available to decision-makers (arts. 177 and 190 of the new Code of Criminal Procedure and Act No. 27.150). The offices work together with the parties to the proceedings and ensure that investigations are conducted with respect for the rights of the accused and the victims.

15. Act No. 26.061/2005 established the National Secretariat for Children, Adolescents and the Family as the lead agency for the development of child policy at the national level, whereas the Federal Council for Children, Adolescents and the Family is the body that coordinates public policy at the federal level.

16. In 2014, the Federal Council signed a pledge recognizing the need for a juvenile criminal justice law that is in line with the Convention on the Rights of the Child and thus for the repeal of Act No. 22.278. In addition, the National Secretariat for Children, Adolescents and the Family undertook a national survey of juvenile criminal justice mechanisms to find out about the quality and number of facilities and programmes for juvenile offenders.

17. In 2011, the National Secretariat for Children, Adolescents and the Family and the United Nations Children's Fund (UNICEF), with support from the Organization of American States, implemented a project to strengthen institutional capacities to administer juvenile justice in accordance with the Convention on the Rights of the Child and to provide training in new practices. The objective was to gain familiarity with the country's juvenile criminal justice measures.

18. The Ministry of Social Development, in its resolution No. 3892/2011, provided the impetus for the establishment of governmental units specializing in juvenile criminal justice. The units encourage staff to specialize, and work in three main areas: residential arrangements for the deprivation and restriction of liberty; the regional system for monitoring liberty; and federal action. In addition, in 2012, an agreement was signed with the Ministry of Security on the establishment of the Úrsula Llona de Inchausti Admissions and Referral Centre. The objective was to provide accommodation for young offenders or alleged offenders from the moment of their detention, thereby providing an alternative to their admission to and stay in police stations. Since the establishment of the centre in 2013, the entry and stay of young persons under the age of 18 in the police stations of the city of Buenos Aires has been eliminated, and the process of referrals for such young people has been expedited.

19. The country's first mixed-sex residential correctional facility was established in 2012 in order to create a setting that replicates community and social life, with a focus on tolerance and mutual respect between young men and women. A new arrangement for the supervision and monitoring of young people in a social and community setting was introduced in the same year. It is the starting point for the supervision and support of young people aged from 14 to 21 charged with or convicted of an offence by the national and federal courts with jurisdiction over the juvenile criminal justice system.

20. In both closed and semi-open facilities, efforts are made to promote health, such as weight and height checks and health workshops involving teams of dental personnel, nutritionists and mental health and social workers.

21. In 2014, various actions were taken to improve the functioning of the facilities of the National Secretariat for Children, Adolescents and the Family, including the development of protocols for action to improve the referral of young people by the Admissions and Referral Centre and changes to the structure and content of reports to the judicial authorities to make them consistent with policy on juvenile criminal justice.

22. The Secretariat has entered into cooperation agreements with 21 provinces to provide technical and financial assistance in three areas: art workshops and occupational training; support and supervision as alternatives to confinement, avoiding custodial measures and encouraging de-institutionalization; and infrastructure projects and the refurbishment of residential facilities.

23. Currently, Carlos Guillermo Haquim, Secretary-General of the Ombudsman's Office, holds the position of Ombudsman pursuant to the authorization granted by the political groups of the Senate and ratified by resolution No. 1/2014 of the standing congressional committee on the Ombudsman's Office.

24. All complaints and enquiries received by the unit of the Ombudsman's Office responsible for persons deprived of liberty are analysed for specific evidence of torture or ill-treatment, as well as for covert practices, so that the issue may be addressed from a preventive perspective. Efforts are therefore made in cooperation with the judicial system and with specific agencies with competence in this area, such as the Office of the Ombudsman for the Prison System, the Office of the Prosecutor for Institutional Violence (PROCUVIN) and the provincial committees for the prevention of torture.

25. In court of investigation No. 14 of Rosario, Santa Fe, proceedings are under way regarding an application for a writ of habeas corpus, submitted by the Ombudsman, Eduardo René Mondino, on behalf of the detainees held in the fifteenth precinct police station and the twentieth precinct substation (case file No. 300/07). In that complaint, the Ombudsman requested immediate medical assistance for all the detainees held in the fifteenth precinct station and the twentieth precinct substation, as well as the separation of convicted inmates and those awaiting trial. On 20 April 2007, the judge rejected the application for a remedy of habeas corpus, referring in his decision to the substantial improvements to the overall situation of the detainees that led him to conclude that there was no longer a case to answer.

26. With regard to these improvements, the Ministry of Security of Santa Fe reports: (1) a framework agreement for cooperation with the Ministry of Health has been signed, as part of which a working group was formed to take an interdisciplinary approach to the health of the prison population. The aim of this agreement is to provide coverage to detainees in police stations, prisons for adults and women's prisons in the city of Rosario and environs, as well as police stations in the city of Santa Fe. Under this agreement, which has been in effect since 2014, medical emergencies are addressed (in the cities of Rosario and Santa Fe) by placing a 107 call to the Integrated Health Emergency System, while for dental assistance prisoners are transferred to public health centres; (2) the Ministry of Security of the province also signed a cooperation agreement with the Santa Fe Food Security Agency to promote a safe and healthy diet in places of detention; (3) the number of people held in police stations in the cities of Rosario and Santa Fe was reduced from 693 in January 2014 to fewer than 500 at present by transferring them to the Provincial Prison Service; (4) responsibility for the main prison of Regional Unit II and for 600 prisoners was transferred to the Provincial Prison Service; (5) construction of prison facility No. 116 is nearly complete, work has begun on the construction of prison facility No. 16 (for 118 prisoners),

and contracts are being awarded for two prisons for men (for 210 prisoners) and one for women (for 100 prisoners) in the city of Rosario, all administered by the Provincial Prison Service. These projects involve two forms of detention, one traditional and one (for the time being only for women) with types of housing in which houses managed by the prisoners are used in place of cell blocks. Both projects should be finished by the end of 2015, and on completion they should be able to hold 90 per cent of the detainees held in police stations; (6) a work plan for the adaptation and refurbishment of the police stations in the twenty-seventh, sixteenth, twenty-sixth, tenth, fifth, twenty-first, twenty-fourth, twenty-second, sixth, twelfth and nineteenth precincts and the substations of the eighteenth and nineteenth precincts is being implemented with a view to setting up new places of detention referred to as "temporary detention facilities", which are composed of five different areas (a cafeteria, a wing with shared bedrooms, a bathroom and an open-air space with entrance/exit).

27. On 10 October 2007, in the city of Córdoba, procedural court No. 2 considered a petition for a remedy of habeas corpus submitted by Eduardo René Mondino on behalf of the persons held in sections of the Córdoba Province Prison. The Ombudsman stated that the prisoners there were accommodated in degrading and shameful conditions in unsuitable places as a result of the state of the building, the lack of equipment and the hazardous conditions. The court asked the Ministry of Security for a comprehensive report on the issues raised and instructed the prison authorities to provide the detainees with proper medical care. Provincial prosecutors were instructed to proceed with the transfer of all detainees not immediately released to other facilities of the Córdoba Prison Service. Those measures were taken by the relevant authorities. Subsequently, the Ombudsman submitted another petition, this time seeking the definitive closure of the building, and in March 2008 the judge ordered that all those housed therein be transferred within 60 days, given the impossibility of remaining in the building.

28. The Federal Prison Service has issued resolutions to ensure that prisoners are grouped more objectively; a system of initial classification by risk is in development.

29. Currently, 62 per cent of inmates are awaiting trial and 38 per cent are convicted prisoners; these percentages arise from the way in which the criminal justice system operates, and explain why the federal prison system is operating at almost 98 per cent capacity. This situation makes absolute separation of the two types of prisoner difficult to achieve, yet the classification criteria have been improved with a view to complying with the provisions of Act No. 24.660.

30. In Argentina, the Migration Act does not provide for detention on grounds of migration; detention is possible only once the decision to expel a foreign national is final and authorized, in which case the Ministry of the Interior or the National Migration Directorate must ask the relevant judicial authority to order the detention, through a properly substantiated decision, for the sole purpose of implementing the decision and for the time strictly necessary for carrying out the expulsion (art. 70).

31. In 2006, Act No. 26.200 implemented the Rome Statute of the International Criminal Court, and in December 2007 the International Convention for the Protection of All Persons from Enforced Disappearance was ratified. Act No. 26.679 (2011) incorporated the offence of enforced disappearance into article 142 ter of the Criminal Code.

32. The bill on giving constitutional status to the Convention is being given strong backing by the Executive, which submitted it to the National Congress for consideration in 2012, and it has been discussed in the respective constitutional affairs committees. In its address to Congress, the Executive highlighted the Government's firm commitment to respecting the provisions of the Convention, as a binding legal instrument, and the

Convention's important contribution to the construction of a country with memory, truth and justice.

33. The Council of the Judiciary is a standing body of the judiciary introduced in the Constitution by the constitutional amendment of 1994 and regulated by Act No. 24.937 (Decree No. 207/2006). The powers of the Council of the Judiciary are conferred directly by the Constitution, which states that it "shall be responsible for the appointment of judges and the administration of the judiciary".

34. Its main functions are to: select judges for the lower courts through public competitions; administer the resources and implement the budget allocated by law to the administration of justice; exercise disciplinary authority over judges; issue regulations related to judicial organization and the regulations necessary to ensure the independence of the judiciary and the efficient administration of justice.

35. The composition of the Council seeks to achieve balanced representation of political bodies: lawmakers (six members), the executive branch (one), judges (three), lawyers on the federal register (two) and academia (one). It has four committees, dealing with: the selection of judges and the Judicial Training College; discipline and accusations; administration and finance; and regulations. In particular, the committee responsible for selecting judges organizes public competitions to fill openings for judges, screens applicants and brings shortlists of three applicants to the plenary of the Council. In addition, it administers the Judicial Training College, which provides training and further education to judicial officials and aspiring judges.

36. (a) Act No. 26.364 on the prevention and punishment of trafficking in persons and assistance to victims, was adopted in 2008, amended in 2012 by Act No. 26.842 in response to demands from society, and implemented by Decree No. 111/2015.

37. The Act eliminates the distinction between minors and adults in relation to consent, increases the penalties for the crime of trafficking and for related offences, adds new forms of exploitation and aggravating factors (Criminal Code, art. 145 bis and ter) and allows the State to act as plaintiff. From 2008 to March 2015, the State rescued 8,151 victims of trafficking. Fifty-three per cent of them were being exploited for labour, while the remaining 47 per cent were victims of sex trafficking.[2]

38. The Human Trafficking Act established a federal council whose mission is to serve as a permanent forum for action and institutional coordination on the issue. It is an autonomous body composed of 36 representatives of the different provinces, the Public Prosecution Service, the legislature and NGOs.

39. In addition, in 2013, the Executive Committee to Combat Human Trafficking was set up, with functional autonomy and composed of ministerial representatives. The Office of the Prosecutor for Human Trafficking and Exploitation (PROTEX) operates within the Public Prosecution Service to provide assistance to prosecutors from across the country in handling cases of abduction and trafficking, and in initiating preliminary investigations.

40. At the international level, Argentina works with Ibero-American Network for International Legal Cooperation (IberRed), which links the public prosecution services of Latin American countries. The National Trafficking Victims Rescue and Assistance Programme of the Ministry of Justice and Human Rights works with the federal law enforcement agencies to combat and prevent trafficking and assist its victims.

41. For its part, the Office for the Prevention of Child Sexual Exploitation and Trafficking in Persons (part of the National Secretariat for Children, Adolescents and the

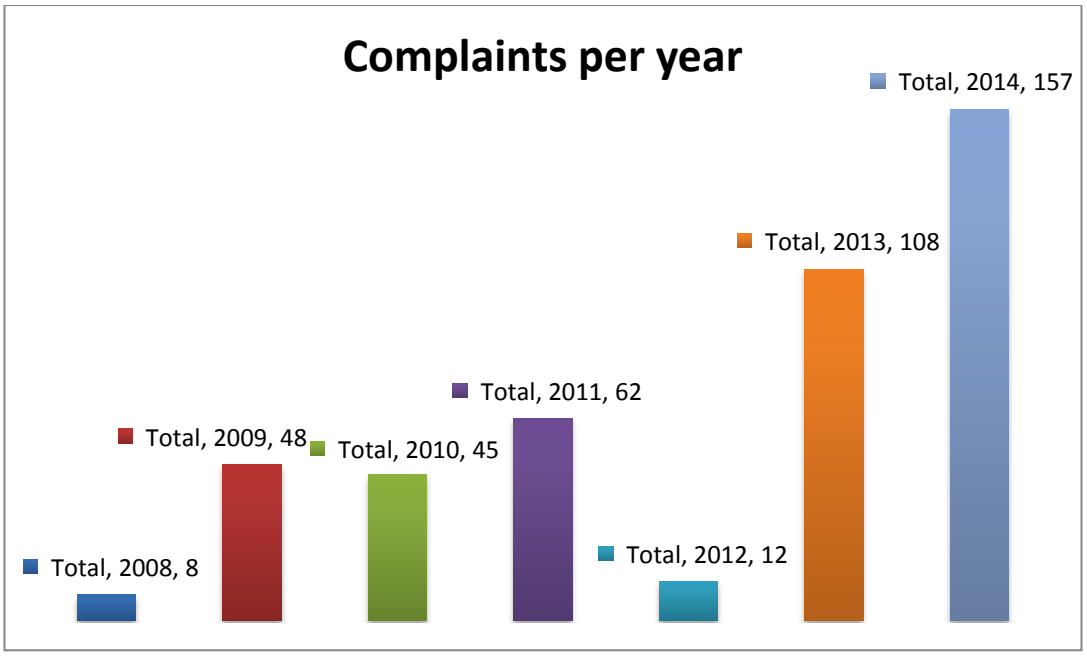
[2] http://www.jus.gob.ar/noalatrata.aspx.

Family) is responsible for the comprehensive care and support of victims. The Ministry of Security is responsible for the integrated crime information system for trafficking offences known as "SisTrata", which contains quantitative and qualitative information on the action taken by law enforcement agencies in cases of trafficking. The Ministry has a handbook on receiving complaints and procedures for detecting and rescuing victims, especially at border crossings. In view of the international nature of the crime, Argentina works with other countries of the Southern Common Market, and has signed agreements with Aerolíneas Argentinas and Aeropuertos 2000 and provided training for staff.

42. There is a nationwide toll-free number, 145, to receive complaints 24 hours a day, 365 days a year. As of March 2015, 4,102 complaints had been received. There is also a 2013 publication that sets out the Government's policies and demonstrates the need to eradicate trafficking.[3] In April 2013, by Act No. 26.847, child labour was made an offence under article 148 bis of the Criminal Code.

43. (b) In 2014, the Office of the Prosecutor for Human Trafficking and Exploitation focused on two specific areas of work: institutional relations, training and statistics; and investigation, litigation and follow-up of cases. An example of progress was the initiation of 157 preliminary investigations into possible cases of trafficking; 59 per cent of the complaints alleged trafficking for sexual exploitation and 17 per cent for labour exploitation. The type of the remaining 24 per cent of complaints could not be determined with certainty.

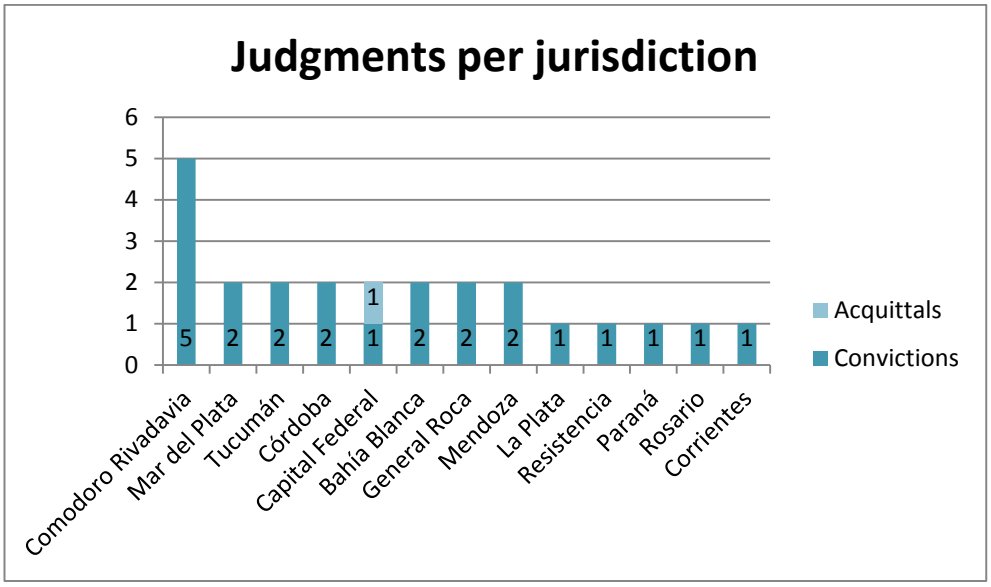
44. Since the entry into force of Act No. 26.364, the number of complaints per year has gradually risen:



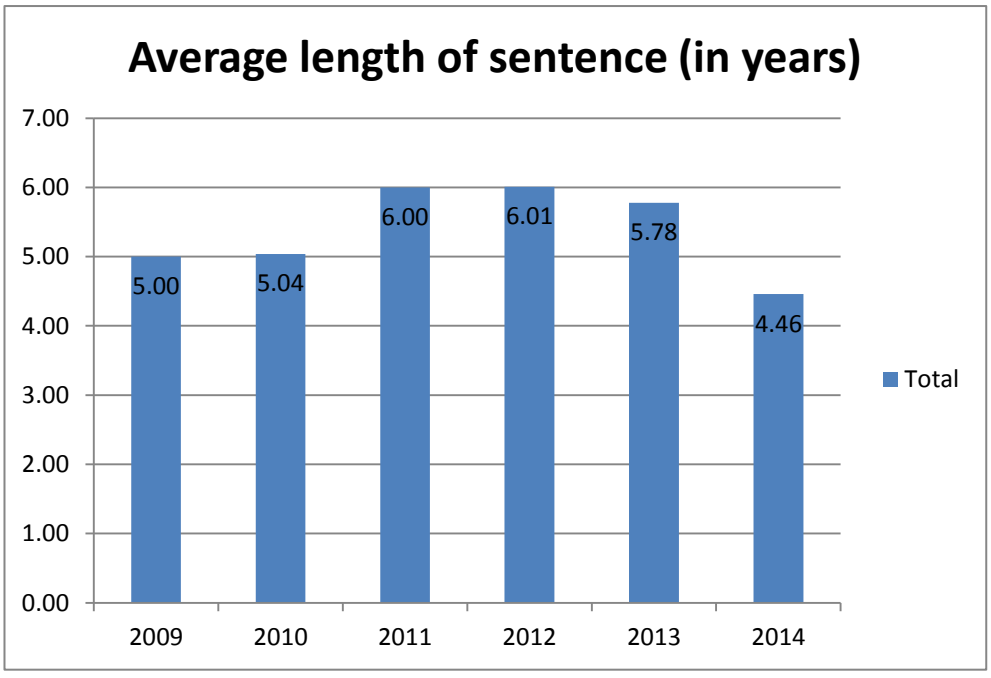
45. In 2014, 129 cooperation initiatives were launched.

46. Since the adoption of Act No. 26.364 on the prevention and punishment of trafficking in persons and assistance to victims, 126 judgments have been handed down, 24 of them in 2014:

[3] http://www.jus.gob.ar/media/1008426/Trata_de_personas.pdf.



47. The lowest average penalty (4.46 years of imprisonment) was in 2014, as the judgments related to events that took place before the Act was amended. It is reasonable to assume that in the coming years the average penalties will increase, as cases are tried for events that occurred under the new penalty scales:



48. In 2014, 48 indictment proceedings were ordered, 31 of which were committal orders; 62 per cent were on grounds of commercial sexual exploitation, while the remaining 38 per cent related to labour exploitation.

49. (c) Since the National Action Plan dates back to 2000, current public policies and legislation to combat the commercial sexual exploitation of children and adolescents are described below.

50. Crimes against sexual integrity are classified in the Criminal Code, as amended by Acts Nos. 25.087, 25.893, 26.363, 26.388 and 26.842. The criminal offences involved are abuse and corruption of minors. In both cases, the prosecution is public, and the victim is entitled to advice or representation from public institutions or private non-profit organizations. The Criminal Code makes it an offence to use children in pornography and in the production of "obscene exhibitions displayed to be seen involuntarily by third parties". In addition, penalties are established for those who distribute pornographic images which clearly demonstrate that persons under the age of 18 have been recorded or photographed.

51. The Code of Criminal Procedure was amended to protect the rights of victims of sexual offences, especially as regards the appearance of witnesses or the production of testimony, with provisions for the exclusive participation of professionals specialized in children and adolescents.

52. Act No. 26.061 on the comprehensive protection of the rights of children and adolescents (2005) enshrines the rights of children and adolescents to dignity and protection from bodily harm, in particular their right not to be subjected to any form of sexual exploitation, kidnapping or trafficking.

53. The "Victims against Violence" programme of the Ministry of Justice and Human Rights, the objective of which is to provide care and assistance to victims in general and victims of sexual violence in particular, has been operating since 2006.[4]

54. In 2005, the Public Prosecution Unit for the Investigation of Crimes against Sexual Integrity, Trafficking in Persons and Child Prostitution was established in the Public Prosecution Service; its objective is to encourage preliminary investigations to identify actions or omissions that constitute offences against sexual integrity, trafficking and child prostitution. It works with judges in the follow-up to complaints and asks the Attorney General to recognize the members of the Unit as intervening parties on behalf of the prosecution.[5]

55. A programme to prevent the abduction and trafficking of children and offences against their identity, as part of which a national register of missing minors is kept, operates within the Secretariat for Human Rights.[6]

56. Since 2012, the National Secretariat for Children, Adolescents and the Family has had a training programme on dealing with domestic violence, child abuse and sexual abuse and a subprogramme on sexual exploitation, with prominent training activities.

57. At the provincial level, in 2006, there were seventeen "102" telephone lines in 14 provinces and one 0800 line at the national level. The functions of these services include receiving complaints, counselling, support and, in some cases, referral of complaints.

58. Recently, Act No. 27.046/14 made it compulsory to post the following notice, in clear and legible writing, in a visible location: "In Argentina, the sexual exploitation and trafficking of children and adolescents is a crime that carries a severe penalty. Report it." The notice will be compulsory in domestic and international airports, port terminals, ground transport terminals, public transport, border crossings, public tourist offices and wherever official promotional activities for Argentina are carried out.

59. In addition, the National Secretariat for Children, Adolescents and the Family is an active participant in the plenary meetings of the National Commission for the Eradication of Child Labour, under the auspices of the Ministry of Labour, Employment and Social

[4] http://www.jus.gob.ar/atencion-al-ciudadano/atencion-a-las-victimas/violencia-sexual.aspx.

[5] http://www.mpf.gob.ar/ufisex/.

[6] http://www.jus.gob.ar/atencion-al-ciudadano/chicos-extraviados/denuncias.aspx.

Security, and it is involved in different areas and actions outlined in the National Plan for the Eradication of Child Labour.

60. The Secretariat was involved in the initiatives taken by the Ministry of Tourism in this area under the "Responsible Tourism and Children" programme and the "Code of Conduct" project.

61. In the area of prevention, the document "Towards a national plan to combat discrimination: diagnosis and proposals" was approved by Decree No. 186/2005, and the National Institute to Combat Discrimination, Xenophobia and Racism was given responsibility for coordinating the implementation of the proposals contained in that plan.

62. Act No. 23.592, on the criminalization of discriminatory acts, punishes discrimination through both civil measures (a mandatory halt to the discriminatory act, the elimination of its effects and reparation of the material and non-material harm done to the victim) and criminal measures (a stiffer penalty when the offence is committed on account of racial, religious or nationality-inspired persecution or hatred or to destroy in whole or in part a national, ethnic, racial or religious group). Anyone who is a member of an organization or produces propaganda based on ideas or theories affirming the superiority of a race or group of persons of a particular religion, ethnic origin or colour in order to justify or encourage racial or religious discrimination in any form is liable to imprisonment, as is anyone who in any way encourages persecution or hatred of a person or group of persons on account of their race, religion, nationality or political ideas.

63. The Federal Prison Service offers a number of specific programmes for vulnerable groups: (a) a pre-release programme, which gives detainees the tools necessary to cope with their release from prison and return to society (1,398 inmates involved); (b) treatment programmes for drug addicts, which include the Drug Rehabilitation Programme for Prisoners (*Boletín Normativo* (Bulletin of Rules and Regulations) No. 63/1997) and the Group Assistance Programme for Addicts (*Boletín Normativo* No. 420/2011); (c) the "Viejo Matías" programme, established to improve the quality of life of the male prison population over 50 years of age (80 inmates involved); (d) a programme on prison conditions and coexistence for first-time prisoners, which attempts to counteract the factors that lead to imprisonment (305 inmate participants) and takes a therapeutic approach in a bid to reduce conflict; (e) the "Tracks of Hope" programme, based on the experience of Sister Pauline Quinn, recognized worldwide for her work with service dogs trained by persons deprived of their liberty to help persons with disabilities. The programme is in place in the Nuestra Señora del Valle transitional facility and in the Federal Detention Centre for Women. The Federal Prison Service also has specific programmes for transgender people, young adults, prisoners with mental health problems and persons with disabilities.

64. (a) The applicable legislation is Act No. 24.417 of 1996, on domestic violence; various provinces have modelled their laws on this, with the common denominator being the prevention of domestic violence and the provision of comprehensive assistance or care. In addition, Act No. 26.485, which was passed in 2009, provides for comprehensive protection as a means of preventing, penalizing and eradicating violence against women. The Act defines violence against women as "any conduct, act or omission that is based on an unequal power relationship and that, directly or indirectly, in the public or private sphere, affects [women's] lives, freedom, dignity or physical, psychological, sexual, economic or material integrity, as well as their personal safety". The definition includes such acts when committed by the State or its agents. The Act also regulates indirect violence, understood as "any conduct, act, omission or discriminatory provision, criterion or practice that puts women at a disadvantage to men". Marital violence is also covered by the Act, as it explicitly includes the actions carried out by aggressors who have ongoing or past ties to

the female victims as a result of marriage, a de facto union, a partnership or an engagement, regardless of whether the couple is living together.

65. Act No. 26.791 of 2012 (art. 3) incorporated femicide into article 80 of the Criminal Code, defining the murder of a woman pursuant to gender-based violence as a crime that is an aggravated form of ordinary homicide.

66. Act No. 27.039 (2015) set up a special fund to campaign against gender-based violence, the aim of which is to make the national 144 toll-free hotline available for consultations on gender-based violence 24 hours a day, 365 days a year.

67. In this regard, the Secretariat for Human Rights, in conjunction with the National Women's Council, will be taking forward the work of the unit established by decision No. 1449 of the Secretary for Human Rights for the registration, classification and follow-up of femicides and homicides in which gender is an aggravating circumstance.

68. This unit will provide statistical data on femicides (intimate, non-intimate, in the family or otherwise related) and homicides in which gender is an aggravating circumstance in particular. It will enable the development of public policies for the prevention of human rights violations specific to women. The collection of data will be done on the basis of submissions, reports and information received by the Secretariat for Human Rights and other institutions with which information is exchanged, civil society, governmental bodies such as the National Women's Council, and agencies of the federal and provincial judicial systems and attorney generals' offices; as well as information taken from the media and social networks.

69. (b) The signing of a cooperation agreement between the National Women's Council and the National Institute of Statistics and Censuses on 11 September 2012 led to the development of a measurement tool that makes it possible to produce a proper analysis of gender-based violence, so that Argentina is one of the countries keeping official statistics on such violence. The key objective of the agreement was to design a set of mutually agreed indicators that would provide a measure of the phenomenon of violence against women, including age, sex, civil status, occupation and ties to the aggressor. This initiative aims to create a unified register of cases of violence against women, while safeguarding the identity of the victim. The following actions, among others, have been taken under the agreement: (a) the definition of the variables and their respective categories, by agreement with various State agencies; (b) the development of an instruction sheet for agencies, explaining how to access the register, and a guide to submitting data for inclusion in the register; and (c) the design of a computerized platform, which consists of the register's basic architecture and the entry form. The framework and supplementary agreements confirming the cooperation between agencies of the State and the provinces have so far been signed by the Ministry of Justice, the Ministry of Security, the Public Defence Service and the provinces of Córdoba, Salta, Catamarca, La Rioja, Chaco, Santiago del Estero, Buenos Aires and Río Negro.

70. (c) Since 2006, the "Victims against Violence" programme of the Ministry of Justice and Human Rights has been taking initiatives in the field to restore the rights of victims of domestic and sexual violence, reassuring victims and encouraging them to be active citizens and assert themselves as subjects of rights. The objective is to provide assistance to victims of abuse or ill-treatment caused by different kinds of violence, in a supportive, safe setting in which their rights are guaranteed. Strategies are deployed to ensure they have access to justice, with mechanisms in place to protect, support and assist women, children and adolescents, older persons, persons with disabilities and anyone who contacts the programme. Guidance, care and support are provided to victims of violence by mobile intervention teams of interdisciplinary specialists (psychologists and social workers) that operate 24 hours a day, 365 days a year, and take the following actions:

- *Mobile squad for assistance to victims of domestic violence*: this squad offers telephone assistance to victims of domestic violence on the toll-free hotline 137. If it is needed, the squad travels in an unmarked car with two specialists, together with non-commissioned officers of the Federal Police Force trained to respond to emergencies. Between October 2006 and September 2014, 92,671 calls to the 137 hotline were answered, and the mobile squad attended to 22,413 victims, of whom 12,746 were children or adolescents;
- *Mobile squad for assistance to victims of sexual violence*: this squad counsels and supports victims of crimes against sexual integrity committed in the city of Buenos Aires from the moment contact is made with the victim through the police station or requesting institution. Victims are accompanied to the hospital and, if necessary, to the coroner. The team is also present when the victim, by judicial order, must identify the rapist. After emergency assistance and advice, the victim is accompanied home or to a place that the victim says is safe. All the police stations in Buenos Aires must call the teams from the programme. From October 2006 to June 2014, 7,342 victims, of whom 3,819 were children or adolescents, were helped;
- *Children's squad specialized in the commercial sexual exploitation of children and adolescents in travel and tourism*: this squad assists and counsels victims of commercial sexual exploitation in tourist areas. It also deals with complaints about grooming offences. From December 2013 to November 2014, the squad dealt with 46 cases;
- *Interdisciplinary group on protection from domestic violence*: this group prepares reports on risk and family interaction as provided for in the laws on domestic and gender-based violence. The group is made up of psychologists, social workers and lawyers who interview entire families — victims and aggressors — at the request of the family courts. In 2014, 5,620 case files were prepared and submitted to the family courts;
- *Staff training team of the Federal Police Force*: programme specialists teach the mandatory course "Introduction and approaches to the prevention of violence" on the entry-level study programmes and programmes that lead to eligibility for promotion in the academies for non-commissioned officers and enlisted police personnel, the Academy of Advanced Police Studies and the Federal Police Academy. Since 2009, 24,379 police personnel have been trained.

71. In 2012, the Public Defence Service set up a service to offer victims of gender-based violence free legal advice. To launch the service, it provided free legal advice and assistance in cases before the federal courts of the city of Buenos Aires.

72. The Public Defence Service also makes legal assistance available locally in the community integration centres to be found throughout the country. Finally, the National Women's Council has a guidebook to resources that lists the services available by province and by municipality.

Article 3

73. In late 2006, Argentina adopted the Refugee Recognition and Protection Act (No. 26.165).

74. The Act includes the classic definition contained in the Convention relating to the Status of Refugees, according to which a refugee is any person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is

unable, or owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it". The Act also affords protection to all persons who have "fled their country of nationality, or country of habitual residence in the event that that they are not nationals thereof, because their lives, safety or liberty have been threatened by widespread violence, foreign aggression, internal conflict, mass human rights violations or other circumstances that have seriously disturbed public order".

75. The new Act established the National Refugee Commission, an inter-agency body under the aegis of the Ministry of the Interior composed of a representative of that Ministry and the Ministry of Foreign Affairs and Worship, the Ministry of Justice and Human Rights, the Ministry of Social Development and the National Institute to Combat Discrimination, Xenophobia and Racism. The Act also repealed Decree No. 464/1985, which had established the Refugee Eligibility Committee and made it the body responsible for determining refugee status in the country.

76. The National Refugee Commission has an executive secretariat that is responsible for decisions on requests for refugee status, conducting the procedure for the determination of refugee status and designing and coordinating public policies in the search for lasting solutions for refugees by attending to their needs in terms of assistance and integration.

77. Among other efforts made to achieve full implementation of the Act, in 2013 the Commission hosted a visit by a consultant from the Office of the United Nations High Commissioner for Refugees as part of a quality drive. The consultant presented a work plan for the evaluation of various stages of the procedure for determining refugee status.

78. In the same year, a framework cooperation agreement between the Commission and the National Institute to Combat Discrimination, Xenophobia and Racism was formalized for the purpose of taking the actions required for the full and effective implementation of Act No. 26,165, the underlying idea being to contribute to the integration of asylum seekers and recognized refugees in the social and economic life of the country. In addition, the agreement provides for the parties to design and implement a joint training programme for government employees that covers the subject of international protection of asylum seekers and refugees and non-discrimination policies.

79. In 2015, the National Refugee Commission and the National Migration Directorate also signed an agreement on: the facilitation of access to and the initiation and processing of the procedures for determining refugee status with the help of the migration offices located throughout the country; taking joint initiatives to train their personnel; and reaching out to other agencies on issues connected to the international protection of asylum seekers and refugees and migration policy and its management.

80. Moreover, in 2011, to ensure that refugees and asylum seekers have effective access to justice and that their human rights are defended, a programme was established to provide them with legal advice and representation.

81. (a) Non-refoulement is one of the cornerstones of the protection of refugees provided for in Act No. 26.165, article 2 of which states:

> The protection of refugees in the Argentine Republic shall be undertaken in accordance with the principles of non-refoulement, including a prohibition on denial of entry at the border, non-discrimination, non-penalization of illegal entry, family unity, confidentiality and the interpretation most favourable to the person, or the *pro homine* principle. In keeping with the declarative character of the recognition of refugee status, these principles shall apply both to the recognized refugee and to the applicant for refugee status.

The article expressly includes a prohibition on denial of entry at the border in order to ensure that a person in need of international protection has access to the country of asylum.

82. In the context of the special administrative procedure for expelling a refugee (or applicant for refugee status), this principle is also specifically regulated in articles 7 and 8 of Act No. 26.165.

83. In any case, the refugee is entitled to present any exculpatory evidence and to file an appeal with the administrative offices and the courts.

84. If the expulsion is set to proceed, the refugee is given a reasonable time period in which to seek legal entry to a third country, and can only be expelled to a country that guarantees his or her right to life, liberty and personal safety, as well as his or her protection from expulsion, return or extradition under the same terms as those set forth in the preceding article.

85. Accordingly, the content of article 3 of the Convention is included in article 7 of Act No. 26.165. In turn, the special expulsion procedure provides for the greatest safeguards for refugees and for a legal procedure that enshrines the principle of non-refoulement.

86. The National Refugee Commission and its executive secretariat have on file a case from 2014 in which a request by Brazil for the extradition of a recognized refugee for crimes committed in that country (narcotics trafficking) was granted. The Supreme Court upheld the contested decision to grant the request for extradition, but made the surrender conditional on the provision of assurances by the requesting State that it would "reject any request for detention, transfer or other coercive measure from the Republic of Burundi or another related foreign power that might damage or endanger the refugee status granted by the Argentine State".

87. There are no records of any expulsions of asylum seekers or recognized refugees whose extradition has been requested by their country of origin. There have, however, been instances in which an application for refugee status and an extradition request from the applicant's country of origin have been handled at the same time, and in which the judicial authorities have rejected the extradition request on the grounds that the person would be in danger of being subjected to torture if returned, in accordance with article 3 of the Convention, or because the criminal prosecution was taken to be a form of persecution. In cases such as the one described, the National Refugee Commission's decision and the analysis that falls within its sphere of competence are quite distinct in scope, and depend as well on the specifics of the case. In other cases, extradition has been granted and the decision is final but will not be carried out until the Commission rules on recognition of the applicants' refugee status.

88. Domestic jurisprudence is settled in that, pursuant to article 15 of Act No. 26.165, the granting of refugee status prevents the surrender of the person to the country of origin in cases in which extradition would have been found appropriate.

89. On this point, article 14 of the Act sets out clear criteria for cases in which the refugee or asylum seeker is also the subject of an extradition request from his or her country of origin.

90. The Migration Act (No. 25.871) provides all guarantees of due process in administrative proceedings regarding migration; therefore, in order to adopt and ultimately carry out an expulsion order, proceedings are initiated that guarantee the right to a defence, including free legal assistance, as the Chief Public Defender's Office is automatically involved. The Act also establishes a set of impediments to the entry or stay of aliens, on which the expulsion orders issued by the relevant agency are based (art. 29). It also states that the head official may overlook the impediments and, on an exceptional basis, admit the aliens to whom such an impediment is applicable for "humanitarian reasons" or for the

purpose of "family reunification", thus addressing the scenarios referred to in article 3 of the Convention.

91. (b) The provisions of the Convention have been adopted in the Act on International Cooperation in Criminal Matters of the Argentine Republic (Act No. 24.767), which states that extradition is inadmissible when there are substantial grounds for believing that the person sought might be subjected, if the extradition goes ahead and he or she is transferred to the requesting State, to torture or other cruel, inhuman or degrading treatment or punishment (art. 8 (e) of the Act).

92. Such protection is afforded by Argentina to all persons within its territory, regardless of their nationality.

93. All parties involved in an extradition procedure, whether administrative or judicial, consider whether the person sought might be subjected to torture or other cruel, inhuman or degrading treatment or punishment. If there are grounds for believing that this type of treatment could be meted out, the extradition must be rejected.

94. To determine whether the potential exists for such an infringement of human rights, the information given in the extradition request and the overall situation in the requesting State are studied.

95. The cases in which the existence of this ground for refusal is considered a possibility generally have to do with the prison system in the country requesting the extradition.

96. An analysis is thus carried out to determine whether the person is in danger of being subjected to torture or cruel, inhuman or degrading treatment in the place where he or she will be held while awaiting trial or serving a sentence. The person is handed over only if the requesting State provides assurances with regard to the conditions of detention that the person liable to extradition would face.

97. In this regard, the Supreme Court, in ruling on appeals in which the persons sought for extradition advanced the possibility of being subjected to torture in the requesting State, has established the following criteria:

- The grounds for assuming the existence of a danger of being tortured must be substantial, and that danger must be personal and present. Mere speculation or references to the general situation are not sufficient;
- It is up to the judge hearing the case to seek information from his or her foreign counterpart on the conditions of detention that the extraditable persons would face, within the framework of the United Nations Standard Minimum Rules for the Treatment of Prisoners and, if needed, request the necessary guarantees to preserve the person's life and safety;
- Generic references to a particular situation are to be given less weight than any evidence that might cast doubt on the proper conduct of the case in the requesting country's justice system;
- The extradition must be found admissible if there are no substantial grounds for believing that the person being extradited, on charges of ordinary crimes, will be in real danger of being subjected to torture in the receiving State.

98. In all, 55 expulsion orders were issued and actually carried out as a result of immigration violations by aliens (Act No. 25.871, arts. 61 and 70) in the period 2010-2014, with 10 in 2010, 8 in 2011, 4 in 2012, 7 in 2013 and 26 in 2014. The number of expulsion procedures in respect of aliens convicted of crimes committed in Argentina that fall under article 29 (c) of Act No. 25.871 and in which the expulsion was carried out came to a total

of 1,609 in the period 2010–2014. The yearly totals break down as follows: 314 in 2010, 318 in 2011, 312 in 2012, 347 in 2013 and 318 in 2014.

99. Argentina has hitherto not refused a request for extradition because there are substantial grounds for believing that the person whose extradition is requested may be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

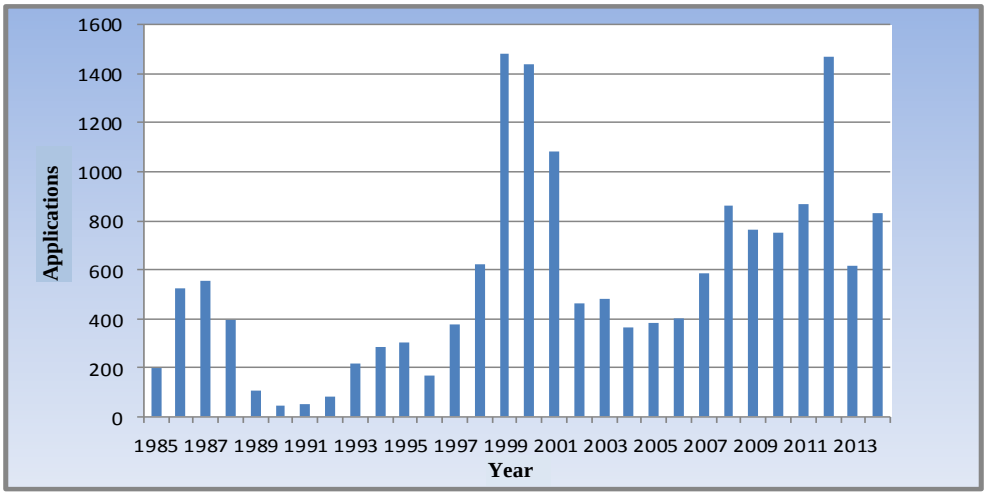
100. Although in certain specific cases the State requesting an extradition has been asked to provide assurances regarding the detention conditions a person liable to extradition would face, in such cases it was felt that the assurances were sufficient to rule out the possibility that the person whose extradition was sought would be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

101. Argentina has not received any kind of evidence reporting a later failure to follow through on those assurances.

102. Nevertheless, there is a case currently before the Supreme Court in which the officials of the court of first instance had found that the assurances provided by a State with respect to compliance with the Convention were insufficient, and as a result they rejected the request for extradition (a judgment that, having been appealed to the Supreme Court, is not yet final).

103. (a) Since the first body responsible for determining refugee status began its work in 1985, more than 16,000 applications for refugee status from people from all parts of the world have been received, and refugee status has been granted to more than 4,000 people in need of international protection.

Figure 1
Historical information on applications for refugee status submitted from 1985 to 2014



Applications submitted from 1985 to 2014, by sex

	Applications received				
Year	***Total***	*Women*	*Men*	*% Women*	*% Men*
1985	**201**	34	167	16.9	83.1
1986	**524**	134	390	25.6	74.4
1987	**557**	160	397	28.7	71.3

Applications received					
Year	***Total***	*Women*	*Men*	*% Women*	*% Men*
1988	**395**	119	276	30.1	69.9
1989	**104**	30	74	28.8	71.2
1990	**47**	8	39	17.0	83.0
1991	**53**	9	44	17.0	83.0
1992	**82**	11	71	13.4	86.6
1993	**217**	38	179	17.5	82.5
1994	**284**	73	211	25.7	74.3
1995	**305**	73	232	23.9	76.1
1996	**167**	51	116	30.5	69.5
1997	**376**	163	213	43.4	56.6
1998	**623**	209	414	33.5	66.5
1999	**1 484**	643	841	43.3	56.7
2000	**1 438**	595	843	41.4	58.6
2001	**1 080**	424	656	39.3	60.7
2002	**463**	153	310	33.0	67.0
2003	**480**	178	302	37.1	62.9
2004	**364**	141	223	38.7	61.3
2005	**381**	103	278	27.0	73.0
2006	**400**	92	308	23.0	77.0
2007	**584**	121	463	20.7	79.3
2008	**859**	215	644	25.0	75.0
2009	**763**	336	427	44.0	56.0
2010	**753**	180	573	23.9	76.1
2011	**869**	277	592	31.9	68.1
2012	**1 467**	305	1 162	20.8	79.2
2013	**614**	174	440	28.3	71.7
2014	**830**	256	574	30.8	69.2
Total	**16 764**	**5 305**	**11 459**	**31.6**	**68.4**
			16 764		

Figure 2
Refugee status acceptance rates

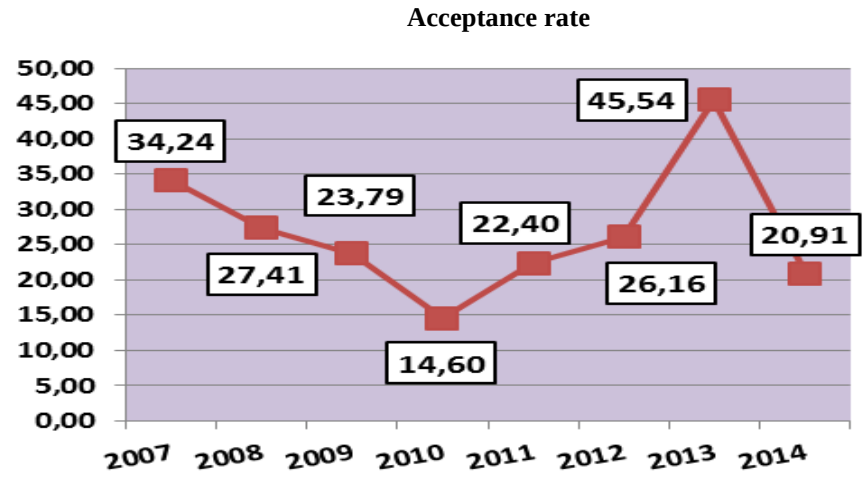


Figure 3
Applications accepted and rejected in the period 2007-2014

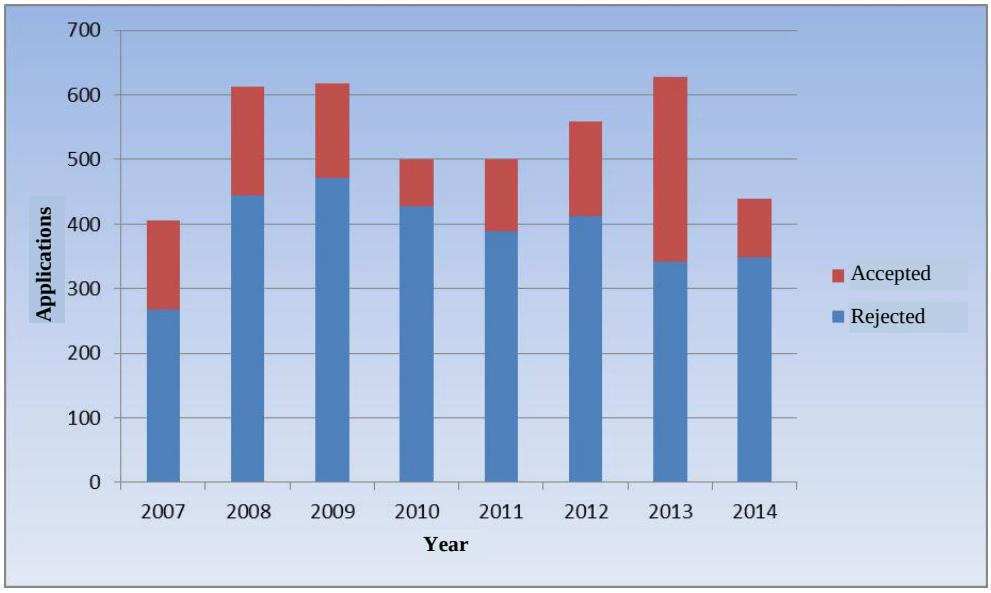
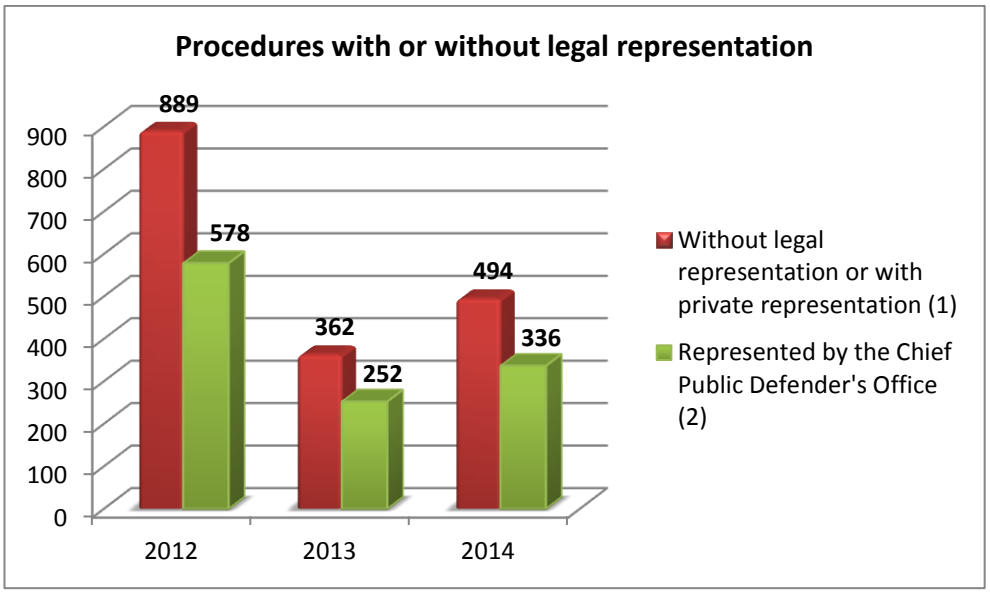


Figure 4

Processing of applications since the entry into force of the agreement signed by the Chief Public Defender's Office, the National Refugee Commission and the Office of the United Nations High Commissioner for Refugees in 2011



104. The procedure for determining refugee status does not involve the detention of the applicant at the time or under any circumstances, and submitting an application does not in itself lead to the imposition of criminal or administrative penalties or restrictions on movement, in accordance with the principles enshrined in Convention relating to the Status of Refugees, its Protocol and Act No. 26.165 (art. 40).

105. In this respect, attention is drawn to article 40 of the Act, which states that criminal or administrative penalties will not be imposed on asylum seekers who enter or remain in the country illegally. In fact this is how the courts have ruled in prosecutions for the use of false identity documents to enter the country, when the person has later applied for refugee status.

106. In such cases, the detention is taken into consideration, and the relevant judicial authorities, public defenders and authorities of correctional facilities are contacted to take all measures necessary for the appropriate handling of the case. In particular, they are alerted to the person's status as an asylum seeker or refugee and the implications of that legal status in view of the specific legal situation.

107. If it is necessary to conduct a personal interview as part of the procedure for determining refugee status, it will be conducted by sending the relevant officials to the respective correctional facility, with a request that the necessary measures be taken to enable it to be conducted in a suitable safe environment. Furthermore, a detained asylum seeker is immediately issued with a certificate attesting to his or her status as an asylum seeker, which is valid for the duration of the detention and until release, at which point the asylum seeker must report immediately to the executive secretariat of the National Refugee Commission or the nearest representative of the Chief Public Defender's Office.

Articles 5 and 7

108. Argentina has not rejected any request for the extradition of persons accused of having committed the crime of torture.

109. Article 118 of the Constitution states that the Argentine federal courts exercise jurisdiction over crimes committed in foreign territory against public international law.

110. With regard to relevant jurisprudence, in September 2010, the second chamber of the National Appeal Court for Federal Criminal and Correctional Cases overturned a decision to dismiss a complaint seeking the investigation in Argentina of crimes committed in Spain during the Franco regime. The Court ordered the issuance of a letter rogatory to seek information from the Spanish Government as to "whether the existence of a systematic, widespread and deliberate plan to terrorize Spanish supporters of representative government by eliminating them physically, carried out during the period from 17 July 1936 to 15 June 1977, is actually being investigated". The complaint included a demand that the Argentine justice system, applying the principle of universal jurisdiction, investigate those crimes.

111. In October 2014, Federal Criminal and Correctional Court No. 1 entrusted INTERPOL with the preventive arrest of 20 accused persons with a view to extradition, for the purpose of taking their statements, on the understanding that the crimes they were accused of were crimes against humanity and that the perpetrators were subject to the implementation of the principle of universal jurisdiction.

112. Article 2 of the preliminary draft of the Criminal Code states that the Code, under the principle of universal and other forms of jurisdiction, will apply to offences committed abroad that, in accordance with international law, can or should be tried in Argentine courts.

113. In 2012, Act No. 26.827 establishing the National System for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted. Its implementation is regulated by Decree No. 465/2014.

114. In June 2014, in compliance with the provisions of Act No. 26.827, the Secretariat for Human Rights presented its candidate to the congressional committee on the Ombudsman's Office and requested that the candidate's record be made public, so that the established procedure could be initiated.

115. In addition, since July 2014, the Secretariat for Human Rights has had a unit responsible for implementing the Optional Protocol to the Convention against Torture that works with all branches of the State and civil society, spearheading the process at the national and provincial levels. It works in four areas: (1) supporting the start-up of the national mechanism for the prevention of torture; (2) strengthening existing local preventive mechanisms; (3) providing technical assistance and political support to the provinces in the establishment and start-up of local preventive mechanisms; and (4) contributing to national and international efforts to implement the Optional Protocol to the Convention against Torture, under the general principle of cooperation between the Argentine State, the Subcommittee on Prevention of Torture and the United Nations system, a principle set forth in article 2 (4) of the Optional Protocol.

116. The activities of this unit of the Secretariat for Human Rights include holding meetings with the NGOs lobbying for the implementation of the Optional Protocol. The unit has agreed on proposed rules of procedure and submitted them to the Ombudsman's Office; it regularly provides information to the Rapporteur for Argentina of the United Nations Subcommittee on Prevention of Torture on the achievements of the Ombudsman's

Office and the challenges facing the congressional committee;[7] it meets with the Ombudsman for the Prison System; and it takes part in various national and international events organized to promote implementation of the Optional Protocol in Argentina. In addition, the unit prepared a document entitled "Recommendations of the Secretariat for Human Rights for the establishment and development of local mechanisms for the prevention of torture", which sets out criteria and recommendations to be taken into consideration by the provinces for the establishment of their preventive mechanisms and the strengthening of existing ones.[8]

117. Five provinces currently have local mechanisms for the prevention of torture, established by law and in operation: Chaco (Act No. 6483), Río Negro (Act No. 4621), Mendoza (Act No. 8284), Salta (Act No. 7733) and Corrientes (Act No. 6280). Two other provinces have approved legal frameworks for the establishment of such mechanisms: Tucumán (Act No. 8523) and Misiones (Act No. IV-65). The Secretariat for Human Rights provides technical assistance to the operational preventive mechanisms, customizing the tools and methods of the Subcommittee on Prevention of Torture to align their operations with the mandate established by the Optional Protocol to the Convention against Torture. Bills on the establishment of local preventive mechanisms have been introduced in the legislatures of the provinces of Buenos Aires, Santa Fe, San Luis, Neuquén, Tierra del Fuego, Entre Ríos, La Rioja and Catamarca and the city of Buenos Aires. The Secretariat works with them, providing political support and technical assistance in order to encourage them to align the bills with the Optional Protocol and to adopt them.

118. In Chubut, Formosa, Córdoba, Santa Cruz and Santiago del Estero, the Secretariat has come to an agreement with the provincial human rights units on the draft bills establishing local preventive mechanisms. The units are making progress, albeit at different rates.

119. In the provinces of Jujuy, La Pampa and San Juan, the Secretariat is working to build consensus for the drafting of bills to establish local preventive mechanisms.

120. In 2014, with the support of the Secretariat, the highest authorities of the local preventive mechanisms currently in operation and the Office of the Ombudsman for the Prison System agreed to set up the Federal Council of Local Mechanisms to contribute to the implementation of the national mechanism (Act No. 26.827).

121. In July 2015, as a result of the efforts made by the Secretariat, the province of Misiones adopted a legislative reform that brought the legal framework of its preventive mechanism fully into line with the Optional Protocol to the Convention against Torture, in response to the recommendations of the Subcommittee on Prevention of Torture. In April 2015, the preventive mechanism of Chaco submitted to the provincial legislature a draft amendment to its legal framework that would bring it fully into line with the Optional Protocol. The Secretariat has reached agreements on draft legislative amendments with Río Negro and Salta to achieve the same purpose. In the province of Mendoza, a budget line has been created for the local preventive mechanism, and agreement has also been reached on legislative amendments to complete the process of bringing the legal framework into line with the principles of the Optional Protocol.

[7] In June 2015, the Secretariat for Human Rights submitted a report on the progress made by the Argentine State in the implementation of the Optional Protocol to the Convention against Torture to the Subcommittee on Prevention of Torture, pursuant to article 2 (4) of the Optional Protocol.

[8] Available at: http://www.jus.gob.ar/derechoshumanos/areas-tematicas/protocolo-facultativo-de-la-convencion-contra-la-tortura-y-otros-tratos.aspx.

Article 10

122. (a) The Higher Academy of Prison Studies, which is part of the Federal Prison Service, has made refresher courses mandatory for future officers and non-commissioned officers working in the Service. The objective is to provide more targeted training and improve the relationships among staff members and between staff members and prisoners. The Academy has been working strategically with local universities and, in conjunction with the National University of Lomas de Zamora, has created a bachelor's degree programme in prison management, which provides basic career training for future officers.

123. In the area of human rights, the courses cover such topics as:

- *Professional ethics and human rights*: professional ethics in the prison system, ethical issues, officials' liability, commitment to take action, prison officers' duty to safeguard rights, failure to comply with the duty to safeguard rights in prisons, administrative and criminal liability, the Constitution and international treaties, human rights in practice, the Code of Conduct for Law Enforcement Officials, institutional violence and gender issues;
- *Prison officials as promoters and guarantors of human rights*: the concept of torture as set out in the Convention against Torture, and the fight against torture as an objective in international law.

124. In addition, at the "National Deputy Director Juan Carlos García Basalo" School for Non-Commissioned Officers, which is also part of the Federal Prison Service, it is understood that, as law enforcement officials, prison officers are required to promote and protect the human rights of persons in their custody and to safeguard guarantees of their rights while in custody. The school offers various theoretical and practical entry-level courses for prison staff, refresher courses for assistants and continuing education courses for those seeking promotion.

125. Similarly, every year workshops are conducted to raise awareness of the Code of Conduct for Law Enforcement Officials; these include training on the Code of Conduct, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, the United Nations Standard Minimum Rules for the Protection of Juveniles Deprived of Liberty, the Constitution, etc. Beginning in 2015, training courses were also offered for staff who conduct body searches,[9] along with basic courses on effective operational prison security for senior and junior staff.

126. (b) The Ministry of Justice is taking the necessary steps to apply the basic principles of the Istanbul Protocol, so as to ensure that prisoners' state of health is documented. With regard to procedures conducted by the Federal Police Force of Argentina, the medical examiners of the police and security forces perform medical examinations in all cases.

127. The Strategic Plan for Comprehensive Health Care in the Federal Prison Service for 2012-2015 is currently being implemented. The plan consolidates health-care provision in prison settings, by reinforcing the public health and social inclusion programmes generally carried out in federal prison units.

128. The plan introduces new national and provincial health programmes and calls for cooperation agreements between public hospitals and agencies working in the field of health. Under the plan, all persons deprived of liberty receive regular check-ups, with a view to preventing communicable diseases and optimizing resource management by

[9] Guide to Body Search Procedures, approved by resolution No. 42/1991 BPN No. 1995/1991 of the Office of the Under-Secretary for Justice, chap. II.

providing full access to, among other things: contraception; the vaccines listed on the official schedule; training sessions and awareness-raising campaigns; and computerization of the medical records of persons deprived of liberty.

129. Many of the requirements for medication are covered by the Remediar+ Networks Programme of the Ministry of Health, in addition to those medications purchased under a tendering procedure. The Central Prison Service has a medical service, a 24-hour infirmary and a psychological support service, which applies the provisions of the Suicide Prevention Programme to all prisoners.

130. (c) The Ministry of Security initiated a process of curriculum modernization to improve the operational efficiency of the police and security forces. To this end, the Ministry has instructed the most senior authorities of those forces to focus basic professional training for junior staff on specific police practices instead of providing general training unrelated to operational police practice. Specific practices covered include those involving the use of force by the police, which are addressed in a module entitled "Reasonable Use of Force". In this module, aspiring officers and new recruits acquire the professional skills necessary for self-defence, firearms use, and arrest and detention procedures, while learning how to treat persons in police care or custody in a respectful manner. The teaching and learning process is structured in accordance with the normative framework set out in international human rights standards and instruments.

131. The programme on the use of force and deployment of firearms is designed to ensure that officers are trained to use force in a gradual and progressive manner. Distinct initiatives in this regard are conceived, developed, implemented and overseen.

132. The Ministry of Security has instructed the police training institutes, the educational management teams and the teachers and instructors to develop training practices to ensure that human rights feature in the institutional life of students, in the theoretical and doctrinal syllabus and in procedural training programmes.

133. At the normative level, human rights content became a compulsory component of training pursuant to Ministry of Security resolution No. 199/2011, which approved the basic training documents for senior and beat officers. Modules on the reasonable use of force have been added to the basic training programme and encompass training in how to exercise authority and police powers (specifically the powers of arrest, detention, custody and transfer of detained persons, searches and other measures which involve the legitimate use of coercion) and use firearms in a manner respectful of international human rights principles and standards, the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms.

134. Retraining centres have been established for the Federal Police Force, the Naval Prefecture and the National Gendarmerie with a view to retraining serving officers in basic policing skills of a physical, procedural or theoretical nature, within the framework of the policy on the reasonable use of force. The establishment of these centres within the federal police and security forces has made it possible to identify and monitor police practices, evaluate them and optimize them in compliance with the law.

135. The Ministry of Security also provides training to the Neighbourhood Crime Prevention Unit of the Federal Police Force and the Neighbourhood Detachment of the Gendarmerie. Officers joining either of these two units receive training that encompasses domestic and gender-based violence, sexual diversity, policing in an inclusive policy framework, police intervention in cases of substance abuse, police tactics for guaranteeing harmonious coexistence in public spaces, and the exercise of authority.

136. (d) The Ministry of Security maintains a constant dialogue with the community and a presence throughout the country by means of various policies and operations

involving citizen participation, which enables it to directly and immediately hear the views of the various stakeholders in society and in the community.

137. With regard to training prison staff to prevent torture and ill-treatment, the Federal Prison Service has worked to establish strategic connections with universities and to implement other training mechanisms outside the Service. Gender-based violence and institutional violence were addressed in the Juana Azurduy Programme to Strengthen Women's Rights and Participation.

138. In addition, there are courses on prison mediation and alternative dispute resolution mechanisms coordinated by the National Directorate of Mediation within the Ministry of Justice. Courses on prison management and human rights are also offered by the King's College London International Centre for Prison Studies and by the Office of the Under-Secretary for the Promotion of Human Rights of the Secretariat for Human Rights.

139. Teachers come from leading universities, where they teach the same subjects as those taught at the Higher Academy of Prison Studies. The change in the teaching staff was accompanied by the signing of an agreement with the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders, which, together with the prison service, certifies the curriculum used to train prison staff.

Article 11

140. The Code of Criminal Procedure contains provisions[10] on the legal basis for the interrogation by the judge, the right of the defence counsel and the public prosecutor to participate in the interrogation and the obligation to inform the accused of this right, the freedom to make a statement, other formalities to be followed, the format of the interrogation, the information to be provided to the accused and the nature of the record to be drawn up.

141. Article 294 of the Code of Criminal Procedure stipulates that a person shall be summoned to an interrogation by the judge if there is "sufficient reason to suspect that the person has participated in the commission of a crime".

142. Since the submission of the previous periodic report, the Federal Prison Service has established, among other things: security measures for items confiscated during body searches, establishing a standard method for relocating sharp as well as blunt objects; instructions on the confiscation and safekeeping of mobile phones and related accessories confiscated during body searches; a proactive security system in Federal Prison Complex I at Ezeiza to ensure that staff understand the importance of interacting with detainees; and a procedural guide on the use of dogs to monitor and prevent the entry of narcotics into prisons, so that prohibited items cannot be brought in.

143. In accordance with Act No. 26.827 and its Regulatory Decree No. 465/14, committees for the prevention of torture must be established at the provincial level.

144. Each provincial committee constitutes a separate local preventive mechanism. They will be made up of individuals with recognized experience in the promotion and defence of the rights of persons who are deprived of liberty, detained or held in custody in places of detention, according to the broad definition set out in the above-mentioned legislation. Their membership will be diverse and interdisciplinary, and they will be independent of the other branches of government. They will be allocated the necessary human and financial resources to carry out their duties in an independent and autonomous manner.

[10] Art. 294 et seq.

145. One of their main duties is to carry out both regular and unannounced visits to places of detention (in the broad sense of the term referred to above), during which they conduct confidential interviews with persons deprived of liberty (in the places where they are being held) and study the relevant documents and records. The purpose of the visits is to identify systemic or exceptional conditions or situations that might lead to acts of torture or ill-treatment. Based on these findings, the local preventive mechanisms then draft reports setting out observations and recommendations, with an emphasis on prevention, to bring an end to such practices. To ensure that the recommendations are implemented, they establish a dialogue with the State and civil society. The State, for its part, has an obligation to sustain this dialogue, with a view to implementing the mechanism's recommendations. It should also follow up on the implementation of the recommendations and assess their impact on prevention.

146. During periodic visits to places of detention, the mechanisms inspect the physical facilities and detention conditions, analyse records, interview the authorities and staff members working in the place of detention, etc. It is essential that they conduct voluntary and confidential interviews with persons deprived of liberty.

147. The Federal Prison Service receives complaints of criminal acts involving its staff members. Persons who lodge such complaints may ask that their identity be concealed, or they may lodge an anonymous complaint with the Centre for Victims of Sexual Violence, which operates around the clock.

148. Furthermore, the Federal Prison Service is currently running targeted treatment programmes, such as the Prison Gender Programme, for specific segments of the prison population. The Service also has a support programme for English-speaking prisoners.

149. In addition, the Office of the Prosecutor for Institutional Violence, established in 2013, has the power to "call for a preliminary investigation into acts that constitute a human rights violation, with a view to launching pretrial investigative proceedings".[11]

150. The National Register of Cases of Torture or Ill-Treatment was established in 2010 by an inter-agency agreement between the Office of the Ombudsman for the Prison System, the Committee against Torture of the Buenos Aires Provincial Commission for Memory, and the criminal system and human rights study group of the Gino Germani Research Institute at the University of Buenos Aires Faculty of Social Sciences. In addition to cases of torture in places of detention, the register also includes cases of police violence.

151. Within this framework, as at October 2014 a total of 1,151 victims had been registered, most of whom were young people. Entries have been made for 227 victims in Buenos Aires and 174 in other parts of the country; in addition, 43 cases were added on the basis of information provided by the Committee against Torture of the Provincial Commission for Memory, and the names of a further 707 victims were provided under the procedure for the effective investigation and documentation of torture and ill-treatment.[12]

152. In recent years, the executive branch has allocated budget resources to the construction of new prisons equipped with technology for the treatment and rehabilitation of prisoners. The available places currently number 10,848 across the country; the prison population is stable and below that figure. It is planned to meet the needs of the regions with the highest demand that are affected by drug trafficking, as well as those of the

[11] In accordance with resolution No. 455/13: http://www.mpf.gov.ar/resoluciones/pgn/2013/PGN-0455-2013-001.pdf.

[12] http://www.ppn.gov.ar/?q=Se_presento_en_el_Senado_de_la_Provincia_de_Buenos_Aires_el_Registro_Nacional_de_Casos_de_Tortura_y/o_Malos_Tratos_%28RNCT%29_2013#sthash.Bb0qt7Mj.dpuf.

provinces that have an ageing prison infrastructure, notwithstanding the forecasts of Act No. 24.660 on the enforcement of custodial sentences.

153. There is no overpopulation in the Federal Prison System. To prevent overcrowding, specific sector-specific programmes were implemented, new establishments were opened and sectors were refurbished: (a) a parameter for measuring places was introduced in line with Decision No. 2892/2008 of the Ministry of Justice, which incorporates International Committee of the Red Cross standards; (b) the Federal Prison Complex of North-West Argentina was opened in Salta Province. It consists of two units: the Salta Federal Institute for Male Prisoners and the Correctional Institute for Women. It is designed to hold 200 women and 294 men, and the blocks have individual accommodation. The units have rooms set aside for the criminological, psychological and social assistance assessments involved in the treatment programmes. They also have offices for medical care and admissions, a visiting room, a chapel, classrooms, workshops and outdoor recreation spaces. Outside the prison, the women's facility has a day-care centre that deals with the issue of incarcerated mothers who are accompanied by their children; (c) the executive branch increased the budget of the Federal Prison Service by 573 million pesos to enable the construction of two new establishments and the addition of 2,300 new places by 2015. Decree No. 903/14 provides for the construction and expansion of federal prisons in the provinces of Salta, Córdoba, Corrientes, Misiones, Santa Fe, Buenos Aires and Chaco; (d) a prison monitoring and inspection service was established by resolution No. 1088/2014, on the premise that persons deprived of liberty are vulnerable and at risk in any detention centre.

154. The Strategic Plan for 2012–2015 carries forward the strategic challenge of developing public policies for social integration. In this regard, prison activities for providing full facilities for treating persons deprived of liberty are based on: education; work; medical, psychological, social and spiritual support; and security of the premises.

155. To that end, a number of measures have been taken, involving the recasting of regulations, treatment, security, personnel and infrastructure, to take account of key issues such as the right to life, physical integrity, dignity, and the preservation and safeguarding of human rights.

156. A draft organic law on the Federal Prison Service that is under preparation would introduce a fundamental shift in the concept of the prison's mission, focusing on two essential aspects: secure custody, and treatment of inmates.

157. To guarantee the right to decent accommodation, the Prison Service has 33 establishments, consisting of 6 prison complexes, 17 prison units, 1 prison for inmates with infectious diseases and 9 federal jails. In April 2014, the number of inmates totalled 10,018.

158. The new buildings meet the criteria set out in the document "Basic Living Conditions", in line with the international standards laid down by the International Committee of the Red Cross.

159. The fitting of security devices using the latest electronic technology has improved monitoring and supervision, providing early warning of any disturbances. They include inspection and registration systems, and a control centre has been set up to monitor the fleet of transfer vehicles.

160. Videoconferencing rooms have been introduced to offer a new means of communication between prisoners and the judicial authorities, allowing hearings to take place without the need for physical transfers.

161. Resolution No. 1379/2015, recently adopted by the Ministry of Justice, established the Support Programme for Persons under Electronic Surveillance to back up prison policies on social integration.

162. The programme's main aim is to improve the living conditions of persons who have been released under electronic surveillance by a court order. Other objectives of the programme include drawing up technical feasibility assessments on the use of electronic surveillance mechanisms, coordinating with the competent judicial authority, thoroughly monitoring the mechanisms and gathering statistical data.

163. The Code of Criminal Procedure provides for the detention of persons for up to 10 hours, which may not be extended without court authorization. It also requires a physical and psychological examination, and determines what questions may be asked, with possible exceptions (arts. 184 and 205).

164. In 15 provinces (Chubut, Neuquén, La Pampa, Córdoba, Mendoza, San Juan, La Rioja, Catamarca, Santiago del Estero, Tucumán, Salta, Formosa, Chaco, Corrientes and Misiones), the Code of Criminal Procedure stipulates that anyone arrested in flagrante delicto by the police must be brought immediately before a criminal court or the nearest judicial authority.

165. In other provinces the maximum periods of arrest are as follows: Tierra del Fuego and Santa Cruz, no more than 6 hours, which may be extended only by court order and for up to 72 hours; Río Negro and Buenos Aires Province, no more than 12 hours, which may be extended only by court order and for up to 48 hours; Entre Ríos, 12 hours, which may be extended by court order for up to three days. In San Luis, any authority detaining a person must hand them over to the nearest judge.

166. Since May 2013 the Ministry of Security has been broadcasting a commercial to alert the population to the mechanisms for preventing police abuse. The same commercial is played in places of detention run by the Federal Police Force.

167. Federal police stations have to keep a log book of detainees' calls, noting down all communications made, with the date and time and whether the call was successful.

Articles 12 and 13

168. A programme entitled "Internal Affairs of the Federal Prison Service" was carried out to punish any act of torture or cruel, inhuman or degrading treatment; this involved the adoption of modernized internal regulations and procedural protocols. June 2015 saw the first conviction of Federal Prison Service officers for torturing a person deprived of liberty in 2011.[13]

169. Ministerial Decision No. 1069/2012 has made it mandatory to conduct administrative investigations, separately from the judicial proceedings, in all cases resulting in death or injury that involve a violation of the regulations governing the use of firearms.

170. In 2013, the Office of the Prosecutor for Institutional Violence was established to launch criminal proceedings, lead investigations and prosecute crimes involving the use of institutional violence. The Office plays the role of chief prosecutor or intervener. It receives complaints and can refer them to the relevant prosecutor; carries out preliminary investigations; and collaborates in the investigation of acts of institutional violence, among other functions.

171. In 2014, Buenos Aires Province adopted Act No. 14687 establishing specialized prosecutors' offices for institutional violence to handle cases in which State officials, public health-care providers and staff, members of the security forces or prison service or

[13] http://www.infojusnoticias.gov.ar/nacionales/juicio-por-torturas-a-brian-nunez-cuatro-condenados-y-tres-absueltos-8839.html.

members of private security agencies are accused or suspected of abusing or unlawfully using State authority in a public place, a place of detention or a private place, or when the acts committed are clearly connected with these crimes, such as concealment of the crime, failure to report a crime, or failure to prosecute and punish those responsible for the acts, including by stripping them of their functional responsibilities.

172. In February 2015, the Supreme Court of Buenos Aires issued Decision No. 3743 establishing a register of convictions in cases of torture and other cruel, inhuman or degrading treatment, with a view to preventing torture and ill-treatment. The decision requires all judicial bodies to report the rulings they hand down in cases involving offences under article 144 of the Criminal Code. The register can be consulted by judges and officials of the Public Legal Service and by governmental and non-governmental bodies that express interest.

173. Over the past decade, the State has pursued a number of policies on memory, truth and justice in connection with the serious human rights violations committed during the period of State terrorism.

174. Within this framework, a total of 531 persons have been sentenced; in 110 of these cases, the sentence is final. A total of 1,135 persons are being prosecuted. Of these cases, 561 have been sent to trial and requests for a further 156 to be sent to trial have been submitted. This means that 63.17 per cent (717) of all such cases have been sent for trial or are the subject of a request for a trial (as at March 2014).

175. The latest data collection (conducted in August 2014) indicated that there are 17 oral proceedings currently in progress, in six provinces and in the City of Buenos Aires:

- Total number of defendants: 313;
- Total number of victims: 2,369.

176. Two sets of written proceedings are under way in the City of Buenos Aires and in Entre Ríos:

- Total number of defendants: 15;
- Total number of victims: 56.

177. There are three trials scheduled:

- Total number of defendants: 11;
- Total number of victims: 72.

178. The Secretariat for Human Rights acts as plaintiff in proceedings investigating crimes committed during the civil-military dictatorship, liaising with other departments of the State and other private plaintiffs.

179. The Secretariat for Human Rights also has a Unified Investigation and Registration Unit for Victims of State Terrorism, which aims to build up a picture of the dictatorship’s repressive mode of operation, according to the victims and the places where the events unfolded.

180. The Unified Victims Registry interacts with other units of the Secretariat such as the Directorate for Reparation Policy, the Coordination Unit for National Legal Affairs, the Latin American Initiative for the Identification of Disappeared Persons, the Federal Human Rights Council and the National Memory Archive (Digital Archive, Documentary Collections and Remembrance Sites), building an array of data from which information can be extracted in a methodical way.

181. To achieve the proposed objective, the work takes place in two areas, one focused on demand (requests for information from relatives, government agencies, non-governmental organizations and committees; requests for information on the laws on reparation, to provide the necessary evidence to build a case; requests from the judiciary; reports for cases of crimes against humanity) and the other consisting of investigations into militia groups, secret detention centres and victims, as required for the investigation to reconstruct and process the events.

182. Furthermore, the Directorate of Human Rights and Humanitarian Law at the Ministry of Defence is drawing on historical archives to inventory, conserve, digitize and disseminate documents of the Armed Forces. It is also supplying the information required for investigations into those responsible for human rights violations committed during the period of State terrorism.

183. Decree No. 44/07 waived the obligation of secrecy for armed forces and security personnel when making statements in court; Decree No. 1578/08 ordered the intelligence agencies to provide information on the La Tablada attack; Decree No. 1137/09 removed the "secret and strictly confidential" classification from intelligence documentation needed in judicial proceedings.

184. Decree No. 4/2010 declassified all information on the actions of the Armed Forces during the years 1976-1983, as well as all related information. The documentation is available on the Internet.[14]

185. In particular, the documentation found in the Air Force's Condor Building, comprising 280 original documents, gave insights into the military juntas: ideological texts, future plans for the "National Reorganization Process", conceptual contributions from business organizations, and blacklists of intellectuals, musicians, journalists and artists.

186. In 1992, the Association of Grandmothers of the Plaza de Mayo asked the national Government to establish a specialized technical committee and recommended specially trained personnel as possible members. The National Commission on the Right to an Identity that was subsequently established represented a new form of collaboration between an NGO and the State.

187. The initial objective — to search for children who had disappeared during the last military dictatorship — was expanded, as the Commission was the only national State body specialized in and devoted to guaranteeing the right to an identity.

188. Order No. 1328/92 of the then Office of the Under-Secretary for Human and Social Rights at the Ministry of the Interior established a technical committee to advance the search for disappeared children whose identity was known and for children born to women in detention, and to help the State meet its commitment under the Convention on the Rights of the Child with regard to the right to an identity.

189. The National Commission on the Right to an Identity has the authority to order the National Genetic Data Bank to provide assistance and advice and to ask it to issue expert opinions.

190. In September 2001, parliament adopted Act No. 25.457, which raised the status of the National Commission on the Right to an Identity by placing it within the Ministry of Justice and Human Rights.

191. Currently, the Commission intervenes in any situation in which a minor's right to an identity has been violated. Within this framework, it promotes the search for the sons and daughters of disappeared persons and for persons born while their mothers were in

[14] See http://www.archivosabiertos.com.

detention, in order to determine their whereabouts and identity. As soon as the Commission is made aware of a case, a confidential investigation is opened, taking into account the specific characteristics of each case.

192. The Commission carries out scientific activities in conjunction with the National Genetic Data Bank, which stores all the DNA samples from families seeking persons who were born in captivity or were kidnapped with their parents during the last dictatorship, as well as samples from individuals who were born during that period and have doubts about their identity, while waiting for data on new family groups to be added to the Bank.

193. The Office of the Prosecutor for Institutional Violence was established by resolution No. 455/13 to bring criminal proceedings and oversee the investigation and prosecution of offences involving the use of institutional violence, the principal victims of which are persons in situations of vulnerability.

194. The resolution specifically mentions the State party's obligation to implement article 21 of the Convention and states that, given the weak judicial response to acts of institutional violence in Argentina, as noted by international human rights bodies, the statistical data that led to the establishment of the Office should be provided.[15]

195. In November 2007, Block 2 of Prison Unit No. 1 in Santiago del Estero was burned down during a riot that resulted in the deaths of 35 prisoners. The following day, the provincial Governor declared a state of emergency within the provincial prison service, dismissed the director of the prison unit and established a committee, led by the Federal Prison Service, to assess the situation and return things to normal.

196. In addition, the provincial Supreme Court ordered an investigation into the facts, giving rise to a judicial (criminal) investigation and a separate administrative investigation. In the criminal case, charges were brought against the director of the prison and the secretary-general of the prison service for failure to perform their duties as public servants, and against the sectoral personnel director, internal security director and prison guards director for involuntary manslaughter. At the administrative level, proceedings were conducted and resulted in 14 prison officials being relieved of their duties; 3 of them were permanently dismissed, while the rest remain suspended pending the results of the criminal trial.

197. The total prison population in Prison Unit No. 1 was 473 in 2007, while at that time the prison had a capacity of 450. The prison's current capacity is 360, because in 2009/2010 a whole wing was demolished and new buildings were constructed in line with the relevant national and international standards. At present, there is no overcrowding in the prison.

Article 14

198. (a) and (b) The adoption of Act No. 26.364 (see para. 36 (a) above) enabled the establishment of various government bodies to provide assistance and support to victims of trafficking from the moment of their rescue from places of exploitation. This is accomplished by taking a multidisciplinary approach with specialized technical teams in order to ensure that victims receive psychological and medical assistance and legal aid and that they are made aware of their rights.

199. In 2008, the National Programme to Rescue and Support Victims of Human Trafficking was established within the Ministry of Justice in order to centralize all activities aimed at preventing human trafficking, such as support and assistance for victims.

[15] This information is available at: http://www.mpf.gov.ar/resoluciones/pgn/2013/PGN-0455-2013-001.pdf.

200. Once the victim has given a statement or waived his or her right to do so, the Programme's work is completed, and further action is coordinated with the bodies that provide the requested assistance.

201. Over the course of the seven years in which the Programme has been operating throughout the country, more than 7,500 victims have been rescued and assisted.

202. With regard to reparation and rehabilitation programmes, an agreement was signed between the Programme and the Ministry of Labour, Employment and Social Security on cooperation in the field of labour. Within this framework, the Programme ensures that trafficking victims are included in the relevant programmes of the Employment Secretariat.

203. With regard to victims of domestic violence and sexual abuse, see paragraph 70 (c) above.

204. (c) The Dr. Fernando Ulloa Centre for Victims of Human Rights Violations was established within the Secretariat for Human Rights by Decree No. 141/11.

205. The Ulloa Centre has two main areas of work: (1) support for victims of State terrorism; and (2) assistance for victims of serious trauma attributable to violations of their human rights. Interdisciplinary teams composed of health-care professionals such as psychiatrists, psychologists and social workers work in both areas.

206. Since its establishment, the Centre has provided comprehensive assistance to 1,646 victims, accompanied 1,716 witnesses in trials and held 1,254 meetings of medical boards.

207. The comprehensive assistance provided by the Centre encompasses psychological support, guidance and the referral of the victims and/or their relatives, depending on the needs identified.

208. In recent years, a network of professionals providing assistance to victims of State terrorism known as the National Support Network has been established; it also accompanies witnesses in trials involving crimes against humanity.

209. A protocol for dealing with victims who are witnesses in legal proceedings was drafted on the basis of the experience gained by accompanying witnesses during trials.

210. Since 1991, a number of laws have been adopted to provide economic reparation to victims of State terrorism: (a) Act No. 24.043, which establishes a special benefit for persons who were detained between 6 November 1974 and 10 December 1983, including civilians who were detained under orders issued by military courts;[16] (b) Act No. 24.411, which establishes a special benefit for cases of enforced disappearance and for killings presumed to have resulted from action taken before 10 December 1983 by the Armed Forces, security forces or paramilitary groups to suppress dissent;[17] (c) Act No. 25.192, which establishes a benefit for persons killed in the course of action to put down the civil and military uprising against the military dictatorship established by the coup that overthrew President Juan Perón; coverage is limited to public or secret executions that took place between 9 and 12 June 1956;[18] (d) Act No. 25.914 (known as the Children Act), which establishes a benefit for people born to mothers in prison or who, as children, were placed in detention with their parents, provided that one parent had been arrested and/or

[16] As at December 2007, the Secretariat had received 21,335 requests for this benefit and had granted 15,573 of those requests.

[17] As at December 2007, the Secretariat had received 9,541 requests for this benefit and had granted 7,785 of those requests.

[18] As at March 2007, the Secretariat had received 31 requests for this benefit and had granted 25 of those requests.

disappeared for political reasons, by order either of the Executive or of a military court;[19] (e) Act No. 26.913, which establishes ex gratia pensions for persons who, before 10 December 1983, were deprived of their liberty and held in the custody of the Executive for political, trade union-related or student-related reasons.

211. (d) In 2013, the National Institute to Combat Discrimination, Xenophobia and Racism received 2,150 complaints of allegedly discriminatory, xenophobic or racist acts, of which 26 were directed against indigenous victims (out of a total of 75 involving ethnic groups), 165 against women, 246 against people belonging to sexual minorities (159 gays or lesbians and 87 transgender persons) and 72 against members of political groups. In 2014, the total number of complaints rose to 2,254, of which 26 were directed against indigenous victims (out of a total of 83 involving ethnic groups), 141 against women, 260 against people belonging to sexual minorities (183 gays or lesbians and 77 transgender persons) and 74 against members of political groups.

Article 15

212. Any legislation or practice that would enable or allow evidence to be obtained by torture is prohibited by virtue of the fact that the Convention has been ratified and granted constitutional rank.

213. The following provinces of Argentina have adopted laws expressly stating that any act that violates constitutional guarantees has no evidentiary effect: Chaco, Tucumán, San Juan, Santiago del Estero, Córdoba, Buenos Aires Province, Chubut and Santa Cruz.

214. In the following provinces, on the other hand, the laws state that the facts of a case can be proven by any form of evidence, apart from the exceptions established by law: Catamarca, Mendoza, Santa Fe, La Pampa and Neuquén.

215. At the national level, article 127 of the new Code of Criminal Procedure (Act No. 27.063) provides that the facts and circumstances that must be determined to make a correct ruling on a case can be proven by any form of evidence, unless it is expressly prohibited by law or limits constitutional rights or guarantees. In addition to the forms of evidence listed in the Code, other forms may also be used, provided they do not violate constitutional guarantees and do not impede others involved in the case from checking the evidence.

216. Furthermore, the Supreme Court ruled in the Montenegro case[20] that a confession made by a person who had been arrested was invalid as evidence due to the ill-treatment to which he had been subjected in police custody before making the confession. In the Daray case,[21] the Court also maintained that "if there is only one channel of investigation in the proceedings, and if that channel is illegal, all evidence obtained through that channel shall be declared null and void".

Article 16

217. In accordance with Decree No. 18/97, persons deprived of their liberty are placed in temporary solitary confinement only when they have committed an offence that appears to be a serious breach of the disciplinary system, or to protect the personal safety of others, on the orders of the prison director.

[19] The full texts of the Acts are available at: www.infoleg.gov.ar.

[20] Montenegro, Luciano Bernardino; Supreme Court Judgment 300: 1938 (JA 1982-IV-368).

[21] Daray, Carlos A.; Supreme Court ruling of 22 December 1994 (L.L., 1995-B -349).

218. Faced with the need to regulate the protection of persons in particularly vulnerable situations, in 2013 the Federal Prison Service drafted and adopted the Protocol for the Implementation of Protection Measures for Especially Vulnerable Persons, which expressly defines protection measures as exceptional, subsidiary, limited in time, subject to periodic monitoring and designed for the benefit of detainees. It should be noted that the various branches of the national Government and civil society participated in the drafting of the protocol.

219. The protocol's main objective is to ban solitary confinement or the isolation of groups and restrictions on the rights of detainees, thereby preventing the deterioration of their detention conditions. The term "protection" is broad and covers various reasons why a person deprived of liberty might require special protection.

220. Closed and semi-open socio-educational centres are special types of institutions that are subject to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. They are regulated by the Ministry of Social Development and have a procedural protocol for lodging complaints of ill-treatment.

221. These centres are monitored by a special committee of the Chief Public Defender's Office and are visited regularly by legal counsel. There is a mechanism known as the Admissions and Referral Centre for alleged young offenders, which works in collaboration with the National Secretariat for Children, Adolescents and the Family and the Ministry of Security. Its objective is to ensure that minors who are arrested are held in specialized facilities rather than in police cells.

222. The following table indicates the number of children and adolescents deprived of liberty in closed institutions by province. The data were collected on 31 October 2013 by the National Secretariat for Children, Adolescents and the Family.

Province	*Children/adolescents in closed institutions*
Buenos Aires	449
Catamarca	1
Chaco	16
Chubut	5
Córdoba	212
Corrientes	No data
Entre Ríos	4
Formosa	0
Jujuy	27
La Pampa	4
La Rioja	3
Mendoza	70
Misiones	0
Neuquén	0
Río Negro	0
Salta	73
San Juan	8
San Luis	10
Santa Cruz	No data

Province	*Children/adolescents in closed institutions*
Santa Fe	52
Santiago del Estero	11
National Secretariat for Children, Adolescents and the Family	376
Tierra del Fuego	1
Tucumán	49
Total	**1 371**

223. With the establishment of the Admissions and Referral Centre (see paragraph 18 above), the entry and stay of young people under 18 years of age in police stations in the City of Buenos Aires was abolished in 2013, and the referral process for young people under 18 years of age was expedited.

224. In addition, a general framework regulating closed institutions, a protocol for handling complaints of ill-treatment and a protocol for handling incidents between young people in closed institutions were adopted by resolution No. 991/09.

225. This resolution explicitly prohibits any action that may constitute cruel, inhuman or degrading treatment or corporal punishment, imprisonment in a dark room and/or in solitary confinement, and any other punishment that may compromise a young person's physical or mental health. It also regulates the procedure to be followed in the event of complaints of ill-treatment in accordance with the protocol for handling complaints of ill-treatment.

226. The measures taken by the Federal Prison Service to prevent violence among inmates have two broad aims: to limit the opportunities for such violence and to encourage staff members to act in accordance with the legal framework. These measures include:

- The suspension of staff members accused of violence, while taking legal and administrative action to determine the liability of the officer involved;
- The use of techniques and mechanisms to resolve conflict through dialogue. This includes the use of mechanisms such as committees to promote harmonious relations, workshops for persons deprived of liberty and training courses for prison officers, involving everyone working in the system. Use of these mechanisms has been expanded to include Prison Unit No. 9 in Neuquén and Prison Unit No. 6 in Rawson. In addition, modules on conflict resolution, mediation and restorative justice have been included in career advancement courses for non-commissioned officers and for officers at the rank of chief and above;
- The introduction of powerful security systems;
- The establishment of committees to promote harmonious relations, in which prison officials and persons deprived of liberty meet face to face with a view to reaching an effective settlement of particular disputes by encouraging mutual compromise;
- The establishment of a Human Rights Service;
- The establishment of a Restorative Justice Service to address conflicts peacefully through dialogue, using mediation as an alternative way of dealing with interpersonal conflicts in closed institutions;
- The introduction of a programme for aggressive prisoners, which addresses impulsive and aggressive behaviour. There is also a special programme for sex offenders;

- The use of a teaching methodology to improve social skills, which seeks to improve prisoners' social behaviour by helping them assimilate positive outside influences. There are currently 173 prisoners following the programme;
- The establishment of the General Regulation on Searches and Inspections, which updates the technologies employed and incorporates the use of electronic tools to search persons deprived of liberty, their belongings and the premises where they are held.

227. Persons deprived of liberty have access to formal and non-formal education and cultural activities in all prisons run by the Federal Prison Service. Of the 9,955 persons deprived of liberty, 6,909 (69.4 per cent) attend a primary, secondary, tertiary or university course.

228. The objective of the National Prison Work Programme is to promote the right to work in prison, boost the production of goods and promote a culture of work as a way of helping prisoners reintegrate into society.

229. In a joint effort by government bodies and NGOs, protocols have been adopted on handling accidents, fires or other disasters and on preventing and resolving violent situations in facilities for young adults.

230. The Advisory Board on Prison Policy for Young Adults was established in 2011 for the specific purpose of designing and implementing, jointly with the Federal Prison Service, actions specifically targeting young men. There is also a model suicide prevention programme for persons deprived of liberty.

231. The programme entitled "Internal Affairs of the Federal Prison Service" focuses on administrative proceedings for acts that have serious implications for the institution (serious violations, alleged torture or inhuman treatment as defined in the Criminal Code), and it applies to all Federal Prison Service staff.

232. See the information provided in paragraph 168.

233. The regulations implementing the Mental Health Act (No. 26.657) were adopted by Decree No. 603/2013.

234. The Federal Prison Service launched the Suicide Prevention Programme, under which 8,868 risk assessments were conducted. A preventive check-up is also carried out by professionals in the Central Prison Service when inmates enter the system. An interdisciplinary committee was set up to investigate deaths in prison, with a view to defining the factors in the events and circumstances leading up to a death, and hence improve the prevention of such events.

235. The mortality rate associated with HIV/AIDS fell by 50 per cent in relation to 2013. The average age of death is therefore tending to rise, probably on account of the improvements in the health services provided by the institution.

236. The number of deaths among persons deprived of liberty within the Federal Prison Service and the causes of death were as follows:

Cause	*2010*	*2011*	*2012*	*2013*	*2014*
Homicide in a brawl		8	6	11	5
Suicide	9	8	12	10	7
Natural causes	23	22	36	19	30
Violent outburst ending in death		1	2	3	4

Cause	*2010*	*2011*	*2012*	*2013*	*2014*
Homicide					4
Pre-existing condition			1	1	
Total	**32**	**39**	**57**	**44**	**50**

237. All deaths of prisoners in prison are investigated by means of summary proceedings, as set out in the disciplinary regulations for Federal Prison Service staff, without prejudice to the corresponding legal action initiated by the lawyers conducting the preliminary criminal investigation.

238. In Mendoza Province, the Office of the Ombudsman for the Prison System and the Mendoza Province Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment have been established by law (see para. 113).

239. The Boulogne Sur Mer complex is intended to house prisoners benefiting from the graduated system for the reduction of sentences (the trust phase, probation periods and temporary leave), as well as prisoners who are being admitted for the first time. An admissions board made up of staff working in the areas of social assistance, psychological support, security and health has been established to better monitor prisoners' detention, as the procedure to be followed when a person arrives at the prison for the first time is of vital importance.

240. Prisoners subjected to safeguard measures for reasons of physical safety, whether on a voluntary basis or by a court order, are monitored by an interdisciplinary team with a view to their subsequent reintegration into society, while still being subject to the safeguard measures.

241. Security staff undergo professional training at academies and on courses to enable them to carry out their normal duties and improve their relations with persons deprived of liberty. Since 2009, staff have been recruited to the ranks of the security personnel and the administrative and professional personnel, the aim being to become more attentive to the rights of persons deprived of liberty and to support the objectives of the prison service.

242. In 2009, five criminal cases were opened into deaths in the Boulogne Sur Mer complex — three homicides and two suicides. That same year, administrative proceedings were launched in 39 cases for misconduct by prison staff, including malicious dereliction of duty, unlawfully entering a cell, placing prisoners in inappropriate cells, enabling a prisoner's escape, firing a weapon, abandoning a post, or allegedly participating in robbery, theft, impropriety and domestic violence.

243. The following construction projects have been carried out since 2009:

- Carpentry work and improvements to the lighting in the education section of the National University of Córdoba Faculty of Law;
- Replacement of tower searchlights for wards in the south wing, ballast and new spotlights and lighting in blocks 3, 4 and 13;
- Repair of the lighting in various wings in block 5;
- Repair of bars and doors in various blocks; manufacture of metal cots;
- Repair of toilet facilities and maintenance of the sewer system;
- General maintenance of the water network, showers, faucets and hot water tanks and the gas network;

- Block 1: plumbing, planning, metalwork, painting and electrical work, general supply of electricity to the cells, masonry, refurbishment of the dining hall, installation of a new hot water tank, repair of toilets and the communal washbasin and painting of the entire block;
- Refurbishment of the ground floor of block 5, sector B: plumbing, planning and electrical work;
- Block 4: removal of debris and crushed bricks;
- Block 10: repair of outer walls and metal doors, sector warden's office, and preparation of inner walls;
- Repair of temporary holding cells in various blocks.

244. Following the disappearance of Jorge Julio López, the Government adopted a series of public policies aimed at protecting and supporting victims, witnesses, lawyers and court officials involved in cases where crimes against humanity are being investigated.

245. In this regard, the Truth and Justice Programme was established by Decree No. 606/2007. One of the Programme's objectives is to guarantee support, protection and security for witnesses, victims, lawyers and court officials involved in court cases or investigations relating to crimes against humanity, as well as their family members.

246. Since its establishment, it has taken a number of steps to ensure security and support for victims who are summoned as witnesses in court cases in which crimes committed during the period of State terrorism are investigated and tried.

247. In this context, it maintains a constant dialogue and coordinates with courts throughout the country that have jurisdiction to prosecute crimes against humanity, so that prior, personal contact can be made with victim-witnesses or with persons who are not victim-witnesses but who for whatever reason are in a vulnerable situation.

248. The purpose of such contact is to inform them about the criminal proceedings to which they are being summoned and about their rights and obligations, as well as to point them to the mechanisms made available by the Executive — and in some cases also by provincial governments — to provide care and psychological support, or a specific security measure, if necessary. At the national level, this task is handled by the Ulloa Centre and the National Programme for the Protection of Witnesses and Accused run by the Ministry of Justice.

249. This Programme, for its part, assesses and monitors cases throughout the country and, prior to the start of the oral proceedings in most cases, makes suggestions to the relevant courts about any security measures that need to enable the successful conclusion of the proceedings. Such measures might concern the witnesses directly or could relate to the general conduct of the oral proceedings or the security of an accused person.

250. The recommendations may thus focus on the security situation in the courtroom, the security forces that need to be present in the courtroom and in the vicinity, the order of appearance of witnesses, the precautionary measures needed to protect the accused, as well as specific measures to protect particular witnesses, such as providing them with a telephone with a panic button or assigning a guard at their home or a bodyguard, either on a permanent basis or on the day they testify, or specific interventions and follow-up actions to be taken by the relevant agencies offering care and support.

251. The Truth and Justice Programme has revealed that, from 2012 to 2014, more than 8,000 witnesses were summoned to testify in oral proceedings involving the investigation and prosecution of crimes against humanity committed during the last civil-military

dictatorship, and that there were no reported cases in which a witness refused to testify for reasons to do with their personal safety.

252. Act No. 26.994, adopting the reform and consolidation of the civil and commercial codes, recognized community ownership and established that it is to be regulated by a special law (art. 18).

253. The Code of Criminal Procedure (Act No. 27.063) guarantees that the customs of indigenous peoples are taken into account when indigenous persons are involved in a crime and that they are recognized as victims when their constitutionally recognized collective rights are violated.

254. The proposed reform to the Criminal Code provides for changes to be made when imposing penalties and punishment, and establishes aggravating and mitigating circumstances. It recognizes that imposing the penalties set out in the Criminal Code while ignoring the fact that, in many cases, indigenous peoples follow their own practices for resolving conflicts between members of their communities, would amount to a double punishment (the indigenous punishment and the State-sanctioned punishment).

255. At the provincial level, for example, Río Negro amended its provincial Code of Criminal Procedure to stipulate that judicial proceedings should be free of charge in cases where collective rights are exercised.

256. The national body with primary responsibility for such matters is the National Institute of Indigenous Affairs, and the provinces also have a say provided that, at the minimum, the rights recognized in the federal constitution are observed.

257. The National Institute implements Act No. 26.160, which provides for the suspension of any act likely to result in eviction from communal land and establishes the State's obligation to exempt lands traditionally occupied by indigenous communities. Act No. 26.894 of 2013 extends the validity of articles 1, 2 and 3 of Act No. 26.160 until 20 November 2017.

258. The National Institute has two main programmes: the National Programme for the Cadastral Survey of Indigenous Communities and the Community Strengthening Programme.

259. The National Programme for the Cadastral Survey of Indigenous Communities is carried out by the national Government with representatives of indigenous communities and organizations in each province, with whom it jointly assesses and plans its activities; its beneficiaries are the indigenous communities that have registered with the National Registry of Indigenous Communities or with the competent provincial body or its predecessor. The overall objectives of the Programme are: (a) to create the conditions needed to give effect to constitutional rights; (b) to ensure indigenous participation in the design of projects carried out under the Programme, and; (c) to carry out the technical, legal and cadastral survey of the ownership status of lands traditionally occupied by indigenous communities. Given that Argentina is a federal country, the National Institute of Indigenous Affairs needs to sign agreements with the provinces to enable the implementation of the Act, and has done so with almost all of them.

260. The results of the Programme by province, in terms of the number of communities and hectares surveyed, are as follows (as at August 2013):

Province	*No. of communities surveyed*	*Hectares*
Buenos Aires	24	5.28
Catamarca	2	790 012.00

Province	*No. of communities surveyed*	*Hectares*
Córdoba	6	0
Corrientes	0	0
Chaco	32	309.00
Chubut	44	235 631.54
Entre Ríos	2	0
Formosa	1	2 303.00
Jujuy	106	1 319 072.50
La Pampa	7	18 077.00
La Rioja	0	0
Mendoza	8	131 357.57
Misiones	35	46 682.57
Neuquén	0	
Río Negro	60	715 993.37
Salta	49	255 445.31
San Juan	5	214 421.00
San Luis	0	
Santa Cruz	8	78 910.25
Santa Fe	22	171.13
Santiago del Estero	42	433 925.27
Tucumán	11	215 528.00
Tierra del Fuego	1	34 987.00
Total	**465**	**4 492 831.79**

261. The objective of the Community Strengthening Programme is to support indigenous communities in all efforts to consolidate their ownership of the lands they occupy, with a view to achieving community ownership, including by granting subsidies to mitigate the costs incurred by the communities for legal or accounting advice, legal capacity-building workshops, surveying, etc.

262. When the Act first came into force, 37 legal service centres were opened, covering 254 communities in 10 provinces.

263. The objective of the Indigenous Communities Partnership Programme is to create the necessary conditions to enable indigenous peoples to escape from poverty by means of self-development and to be proactive in identifying their own problems and proposing and implementing solutions. In Mendoza Province, for example, the proposal submitted by the representatives of the Indigenous Participation Council and community authorities was implemented with a view to assessing the socioeconomic and cultural life of these communities. Such an assessment is necessary in order to develop appropriate policies that fully respond to the needs expressed and prioritized by the indigenous communities themselves, so as to ensure their sustainable development. To that end, the National Institute of Indigenous Affairs provided a grant to cover the cost of meetings, administration and technical assistance. The project was developed with technical assistance from the Community Development Section of the National Institute.

264. Furthermore, the Secretariat for Human Rights carries out a number of actions to fulfil its mission of defending the rights of indigenous peoples (advisory services, training

and prevention). It receives complaints, seeks to clarify situations involving violations of indigenous rights and to establish complainants' rights, and, through dialogue and mediation with the relevant stakeholders, promotes and gives advice on legal strategies for representatives of indigenous communities.

Other issues

265. In 2007, the Office of the Ombudsman for the Prison System established the Register of Legal Cases concerning Torture, so as to create a database of information on relevant legal proceedings.

266. The federal judiciary and the Public Legal Service were asked to provide information on criminal cases involving investigations into alleged crimes of coercion or torture in which the accused were officials of the Federal Prison Service, the Federal Police Force, the Naval Prefecture, the National Gendarmerie or the Aviation Police, or in which the events investigated had occurred in places of detention run by those institutions.[22]

In reply to question 2

267. See the reply to question 12 above.

In reply to question 3

268. See the reply to question 29 above.

In reply to question 4

See the replies to questions 9 and 20 above.

269. In 2014, pursuant to resolution No. 30/2014, the Secretariat for Human Rights set up an office to record, systematize and follow up on information regarding acts of torture, enforced disappearance and other serious human rights violations. This office records, systematizes and follows up on acts or situations arising from the imposition of inhumane conditions of detention and the abuse of State coercive power, among other practices that jeopardize people's integrity, dignity and lives, when such acts are carried out by officers of the security forces or the Armed Forces, prison personnel or any other public officials in the context of restrictions on autonomy and liberty.

270. In this context and in coordination with the Secretariat for Human Rights units tasked with receiving and processing complaints, presentations and claims in this field, two key working tools have been developed:

(a) First, the above-mentioned resolution approved a form for registering acts of institutional violence. The form is designed to harmonize the registration criteria and procedures for the systematic collection of information. It collects information on acts or situations involving gross violations of human rights reported to the Secretariat for Human Rights;

(b) Secondly, the office has developed a database of all the information entered on the forms, to be accessed and used by all Secretariat for Human Rights units working in this field. The information entered in the database is monitored by the Registry Unit. This information is entered in the form of a record for each act or situation reported and is assigned a unique record number. The database is web-based and allows for differentiation

[22] More information is available at: http://www.ppn.gov.ar/?q=node/1743.

between users who upload data, those who consult the data and those who serve as administrators.

271. The data entered into the database is formatted into tables for subsequent processing by comparing certain variables. These enable the study and production of statistical information on, for example, the nature of the alleged events, the victims, the alleged offenders and the judicial investigation.

272. There is also a system for registering and managing complaints, so as to keep track of all actions taken by the various units of the Secretariat for Human Rights in response to the allegations received. Thus, it is possible to obtain a record of the actions taken in response to the events reported.

273. Both the form and the database contain information on the types of institutional actions taken with respect to the complaints, allegations and submissions received by the Secretariat for Human Rights. They include irregular administrative practices that, whether by act or omission, constitute or result in the concealment of and impunity for any form of violence. They also include irregularities in various judicial proceedings. In this regard, they include rights violations in the form of acts and omissions by justice officials as well as other types of actions that could generally be classified as "practices of impunity for rights violations". These types of irregularities are not dealt with as isolated or exceptional violations (which may occasionally be the case); rather, the authorities recognize that they are recurring and lasting over time, and so are structural in nature.

274. The Financial Intelligence Unit was established in 2000 (Act No. 25.246) to investigate the crime of money-laundering. Subsequently, terrorism and its financing were classed as offences, and the Financial Intelligence Unit was mandated to deal with that issue. The Unit appears as a plaintiff in proceedings launched to investigate the commission of an offence under Act No. 25.246, as amended, and it also represents the State at international organizations.

275. Act No. 26.733 incorporated into the Criminal Code the offences of market manipulation and insider trading, and Act No. 26.831 radically reformed the capital market by establishing the National Securities Commission as the only agency mandated to inspect public services. Lastly, in 2012 the existing legal provisions were adapted to bring them into line with the resolutions of the United Nations Security Council (on reporting suspicious transactions).

276. In October 2014, the Financial Action Task Force congratulated Argentina on the significant progress achieved in addressing the problem.

Legal framework

277. The relevant legislation introduced since 2003 includes:

- Act No. 25.875 establishing the Office of the Ombudsman for the Prison System within the legislative branch;
- Act No. 25.932 ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Act No. 26.298 ratifying the International Convention for the Protection of All Persons from Enforced Disappearance;
- Act No. 26.657 on public health, implemented in May 2013, establishing the National Interministerial Commission on Mental Health and Addiction Policy;
- Act No. 26.811 establishing the "National Day against Institutional Violence";

- Act No. 26.827 establishing the national system for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;
- Act No. 26.842, amending Act No. 26.364, on the prevention and punishment of human trafficking and victim assistance;
- Act No. 27.046 on the prevention of trafficking: obligation to display in a visible place a sign on the prevention of sexual exploitation of children and adolescents;
- Act No. 27.063 adopting the Code of Criminal Procedure;
- Act No. 27.150 implementing the Code of Criminal Procedure.

278. The full texts of these Acts, as well as others on inclusion, equality and compliance with international human rights standards from the period 2003 to 2013, are available at: http://inadi.gob.ar/promocion-y-desarrollo/publicaciones/10-anos-de-politicas-publicas-para-la-inclusion-y-la-igualdad/.

Case law

279. Legal information on the case law of the Supreme Court of Justice, national, federal and provincial courts, opinions of the Public Prosecution Service, the National Institute to Combat Discrimination, Xenophobia and Racism, and the National Treasury Prosecution Department can be found at: http://www.infojus.gob.ar/.

280. The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, was ratified on 2 September 2008.

281. See the information provided in paragraph 113.