

Contesting the Iron Fist: Dilemmas of Advocacy Networks in Controlling Police Abuses in Argentina¹

By Claudio Fuentes
FLACSO-Chile
direccion@flacso.cl

The Problem

Most citizens in the Western world consider that controlling crime and delinquency are main priorities governments should focus on. The problem is what are the costs a society should pay for public safety. In some cases, like in the province of Buenos Aires, a governor suggested that “we need to shoot delinquents. I am not saying kill them, but shoot them in their arms or legs.”² In other less extreme cases, delivering public safety means providing the police with more legal tools to arrest individuals. In most cases, politicians frame the problem as a trade-off between protecting citizens’ rights and providing public safety.

While all democratic societies have accepted the inviolability of citizens' physical integrity as a core principle of social life, there is a constant tension between the protection of such right and the actual use of force by security forces to prevent crime, delinquency, and even terrorism. This trade-off is particularly acute in the developing world where governments faces simultaneous pressures to solve socioeconomic problems, reinforce the rule of law, generate a more efficient state apparatus, and overcome institutional and political legacies of past authoritarian regimes. Social protests are likely to rise in a context in which structural economic reforms have increased social inequality and reduced the capacity of the state to deliver services. As an expected outcome, governments are tempted to use force to deal with internal conflicts. Moreover, higher levels of unemployment and poverty have been generally associated with higher levels of crime which, in turn, affect policies regarding the use of force to control crime. Additionally, public opinion generally supports “tough” policies against delinquency. Thus, it is not surprising to observe governments implementing “iron fist” policies to cope with crime and delinquency.

In theory, democracies prevent the violation of citizens’ rights by establishing rules regulating the relationship between law enforcement officers and citizens and sanctions against those who violate citizen rights. Moreover, societies have set up specific institutional tools such as ombudsmen and cost-free counseling to advance citizens’ interests. The central idea behind these regulations is to create a balance between the protection of citizens’ rights and the need to maintain public safety in a given country.

The question becomes how societies define rules enhancing citizens’ rights as well as protecting public security in a context in which “iron fist” policies are demanded. I began to explore this question when I realized that many Latin American countries did not have basic rules protecting citizens’ rights from police abuse. For instance, until the early 1990s, in many parts of the region security forces were not mandated to read detainees their rights and detainees were not able to contact their relatives or a legal counselor at the moment of arrest.

Reforms of the judiciary and the police after transitions to democracy in Latin America brought new hopes for citizens regarding the protection of their rights. Indeed, during the 1990s

¹ Paper Delivered at the XXV Conference of the Latin American Studies Association, LASA, Las Vegas, 6-9 October, 2004. This paper is a summarized version of the incoming book *Contesting the Iron Fist: Advocacy Networks and Police Violence in Argentina and Chile* (NY and London: Routledge, 2004)

² Governor Carlos Ruckauf, “Mano Dura en la Provincia”, *Clarín*, August 5, 1999.

several countries in Latin America enacted reforms such as stricter regulations on police powers to detain individuals and an equivalent to the U.S. *Miranda* rights for detainees.³ For the first time in the history of these countries, individuals had been granted certain basic rights such as the right to remain silent and the right to contact an attorney. These seemingly basic reforms should have a profound impact on the relationship between citizens and the police. However, many of these changes have been difficult to implement, several of them have been contested by the police, and—by the mid-1990s—security forces were being re-issued with some of the powers they had lost.⁴ Moreover, the actual record of police violence in the region shows that legal changes have not automatically been translated into a change in police practices (O'Donnell 1996; Pinheiro 1996; Holston and Caldeira 1998; Méndez, O'Donnell, and Pinheiro 1999; Oxhorn 2001).

This paper addresses the conditions under which changes toward the protection of citizens' rights have occurred in Latin America, in particular transformations affecting the protection of citizens from police violence. This work focuses on the impact that human rights advocacy groups have had on three levels: campaigns to increase public awareness about the topic (agenda setting), the promotion of legal reforms to guarantee a fair treatment at the moment of citizens' arrest; and advocacy groups' role in monitoring police practices. Even though my overall research project focuses on democratic Chile and Argentina, this paper will provide evidence exclusively for the case of Argentina (1983-2002).

Even though I was originally motivated to exclusively focus on the human rights movement, soon after I began my research, I noticed that given the nature of the problem at stake, I had to study not only those who were challenging the status quo but also those who were resisting the reforms. Explaining the difficulties in implementing police reforms involves the study of macro-level conditions as well as the micro-level characteristics and strategies of the groups attempting to promote reforms and those promoting the status quo. I argue that the resistance to a restriction of police powers and the maintenance of police violence are due to a particular structure of incentives favoring those actors in society who want to maintain the status quo.

Literature review

In the last fifteen years, three factors have helped create opportunities for the advancement of citizens' rights in Latin America. First, there has been a progressive incorporation of international human rights norms into the domestic legislation of countries within the region. With the exception of Cuba, all countries in the region have progressively incorporated the 1966 U.N. Covenant of Political and Civil Rights and other international regulations into national legislation.⁵ Second, the development of increasingly dense transnational advocacy networks, working locally and internationally, to monitor states' compliance with international norms has been a particularly important aspect of the globalization process. The international relations and social movements literatures have both emphasized the growing relevance of these networks in agenda setting, political debate, and even in changing state practices (Meyer et. al. 1997; Keck and Sikkink 1998; Dallmayr 1999; Samhat 1999; Forsythe 2000; Guidry, Kennedy, and Mayer 2000; O'Brien et al. 2000; Thome 2000; Khagram, Riker and Sikkink 2002). Finally, Latin American countries have

³ Penal Code procedures have been reformed in Ecuador (1991), Peru (1991) Guatemala (1992), Argentina (1992), Costa Rica (1996), El Salvador (1998), Chile (1998), Venezuela (1998), Paraguay (1998), Bolivia (1998). By 2002, other countries were debating reforms in Congress including Nicaragua, Honduras, Dominican Republic, and Panama (Domingo 1999; Struensee and Maier 2000)

⁴ This has been the case of El Salvador, Peru, Bolivia, Argentina, and Chile (Kincaid and Gamarra 1996; NACLA 1996; CELS 2001).

⁵ There are three other international agreements related to the subject: the U.N. optional protocol to file individual complaints (1966), the U.N. Convention against torture (1984), and the U.N. second optional protocol against death penalty (1989).

progressively adopted democratic political systems since the 1980s. It has been argued that democratic settings are particularly favorable environments for the influence of advocacy networks because local authorities are usually committed to respect human rights and social groups have more options to publicly denounce and advance claims.

Thus, countries more committed to international rules, a more dense civil society organized globally through transnational advocacy groups, and the process of democratization in Latin America should be considered as three favorable conditions for the advancement of citizens' rights. Even in cases in which local authorities close options for local activists to denounce police violence, theory tells us that advocacy networks can seek the support of international allies to overcome local resistance. This is the "boomerang effect" by which governments may face pressures from "below" and "above" to respect the rule of law (Keck and Sikkink 1998).

Empirical evidence shows, however, that few countries in Latin America have substantially improved the protection of civil rights since the re-establishment of democracy. As Guillermo O'Donnell has argued: "[In Latin America] the more properly political, *democratic* freedoms are effective: uncoerced voting; freedom of opinion, movement, and association. But for large sections of the population, basic *liberal* freedoms are denied or recurrently trampled. The rights of battered women to sue their husbands and of peasants to obtain fair trial against their landlords, the inviolability of domiciles in poor neighborhoods, and in general the right of the poor and various minorities to decent treatment and fair access to public agencies and courts are often denied" (O'Donnell 1996: 186).

As O'Donnell and other scholars have argued, there is a significant gap between the enhancement of political rights and the enhancement of civil rights in Latin America (Shifter 1997; Zakaria 1997; Agüero and Stark 1998; Oxhorn 2001; Gitlitz and Chevigny 2002). Domestic conditions are key in explaining the circumstances that preempt the advancement of citizens' rights and the influence of local and international social actors within the policy process. The main goal of this paper is to explain how and why domestic conditions affect the achievement of civil rights.

The argument

Making police officers and institutions accountable to new rules has been hard in Latin America. Moreover, attempts to restrict police powers in many countries have been poorly implemented or have been followed by policy reversals that have re-established some of the police powers. This seems to be a common pattern in other Latin American countries such as Peru, El Salvador, Dominican Republic, and Bolivia (NACLA 1996; Kincaid and Gamarra 1996; Holston and Caldeira 1998; Oxhorn 2001; Gitlitz and Chevigny 2002). In this context, human rights advocacy groups have in some cases influenced agenda setting but they have been less successful in affecting the political debate in Congress, monitoring policy implementation, and changing police practices.

What factors explain this resistance to change? A first, intuitive response is that authoritarian legacies, that is, the maintenance of police practices inherited from past military regimes with highly autonomous security forces, explain the persistence of police violence. Thus, police violence is explained by the institutional as well as the cultural characteristics of the police (Chevigny 1995; Méndez 1999; Neild 2000a). Other explanations are the existence of a tradition of authoritarianism in the region that influences political actors' values on the use of force (Wiarda 2001). Chaotic, violent, and lawless politics is explained by low levels of civic competence and democratic understanding on the part of mass constituencies and, equally importantly by high levels of corruption, mistrust, and abuse of power on the part of competing politicians (Diamond 1994). In this account, police violence and rules allowing it to continue are explained by certain authoritarian values prevalent within society.

One of the problems with these accounts is that they do not explain why democratic leaders, supposedly committed to protecting human rights, have not attempted to alter the status quo. In other words, if police autonomy explains the violence, it does not explain why policymakers in a democratic society do little to stop police misbehavior and reform police institutions. Moreover, if elites and masses maintain certain authoritarian values, it is difficult to explain why some sectors of society are trying to enact reforms.

Even though the historical legacy may explain a part of the story, I argue that a specific structure of domestic incentives favors those groups who want to maintain the status quo. First, citizens want to be safe from police abuse as much as they want to be safe from delinquency and, therefore, on this highly divisive issue, constituencies can be mobilized in two directions. They can be mobilized to promote police reforms if violence against citizens is detected and to increase powers if the perception of crime is rising. Second, governments are likely to rely on increasing police powers to control public safety, even in cases in which the record of security forces shows that police practices themselves are contributing to increased levels of violence. Third, those who defend pro-order views enjoy comparative advantages over those who defend civil rights views in terms of access to policymakers and available strategies. As “public safety” is highly valued by policymakers, the police and their allies in the political system have more room to maneuver over what policies are likely to be implemented. This study argues that advocacy groups may effectively impact agenda setting at some critical junctures, but that their impact on policy implementation and police practices are likely to be, at best, transitory. Put succinctly, the task of the enhancing individual rights is extremely hard given a structure of incentives that favors the status quo.

Thus, in explaining persistent patterns of police violence in democracies, scholars have usually mentioned how some political systems that lack mechanisms of accountability are able to reproduce certain insulated and/or patrimonial patterns. In the first case, police institutions are conceived as highly autonomous and they can manipulate information and effectively respond to external complaints. As the system lacks accountability mechanisms and as authorities want to maintain a good relationship with those in charge of police safety, the status quo is likely to be maintained. In the patrimonial model, corrupt incumbents have a personal interest in maintaining a mutually beneficial relationship with the police. Because police officers are hardly accountable for what they do, police violence is likely to continue.

My argument does not reject this logic, but it adds complexity to the account. I argue that the debate on police violence has to do with a broader debate on the maintenance of public order vs. protecting citizens’ rights. In which direction policy will shift depends on the comparative power of the civil rights and pro-order coalitions. The power of these coalitions depends on both the contextual and individual factors mentioned above.

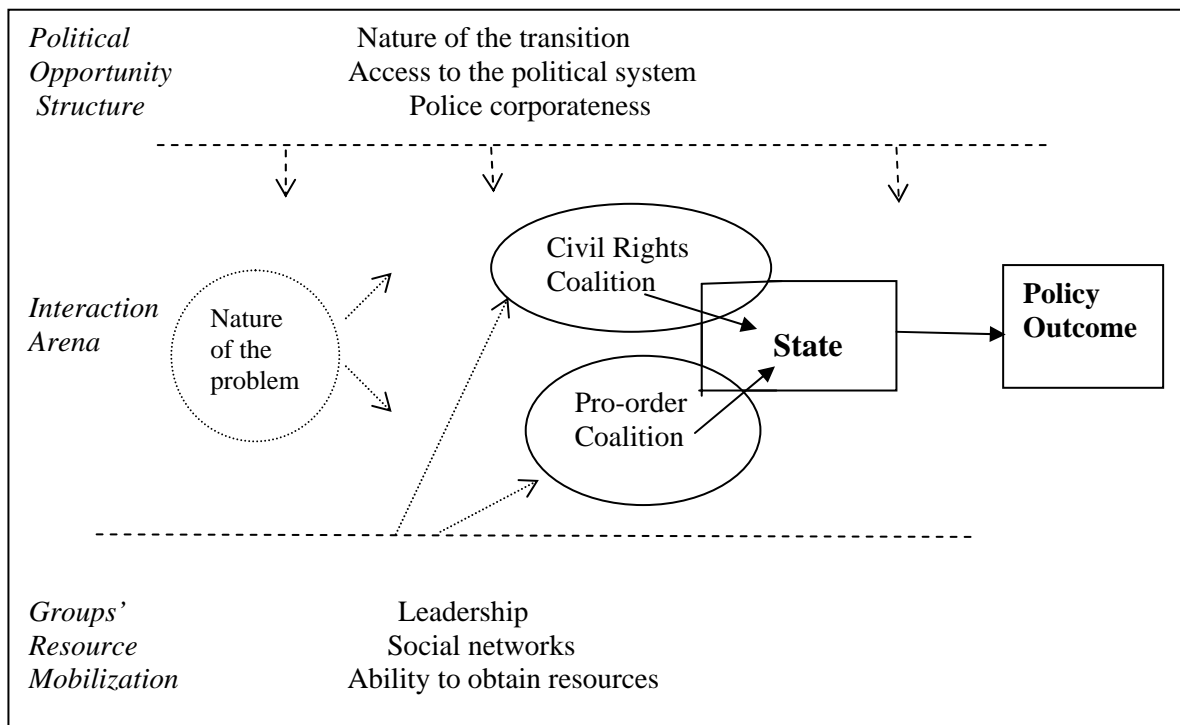
In a democratic setting, incumbents face pressures to simultaneously reduce crime, maintain the stability of the country, and protect citizens’ rights. Moreover, governments want to keep themselves in power by advocating policies that are appealing to their electorate. If the pro-order coalition has the power and ability to frame delinquency and crime as main concern of society, the status quo is likely to prevail. In contrast, if the civil rights coalition has the power and ability to frame the protection of individual rights as a main social concern and the issue of police violence as a part of the problem of social violence, then, governments will engage in reforms to transform the police.

If governments do engage in reforming the police, this will open a new set of dilemmas for both coalitions. Police reforms tend to be costly, they are not likely to show short-term political and

social benefits,⁶ and police institutions are likely to manipulate the results of a reform. Police institutions will attempt to influence politicians and the general public, suggesting that any increase in crime is the direct result those “ineffective” reforms. If the perception of public insecurity rises, governments are more willing to listen to police institutions, increasing the chances of a restriction in the scope of the reforms and/or a re-establishment of police powers. Because the civil rights coalition has more coordination problems than the pro-order coalition, it is hard for them to articulate an immediate response to this proposed new wave of counter-reforms. Given the inequality of resources of power resources between these two coalitions, we should expect that even in cases in which governments accept reforms, they tend to be mild and face serious problems of policy implementation.⁷

In this context, the influence of advocacy networks in a democratic context is mediated by a complex set of power relations among social actors and governments’ priorities. First, advocacy networks have to overcome contextual constraints such as inherited rules, an unfavorable balance of power, the lack of a pluralist media, etc. But if they face favorable conditions, they still have to deal with active groups of society seeking “tough” measures against crime. If advocacy networks succeed in influencing reformist sectors to advance changes, then, they have to make the case that an eventual increase of crime has nothing to do with restricting police powers. Even in cases in which the police is perceived as corrupt and inefficient, governments are likely to re-establish police powers if they perceive that increased “public safety” is highly valued by the population.

Figure 1. Diagram. Explaining Policy Influence



⁶ Most reforms imply introducing educational programs to re-capacitate officers, creating new standard operating procedures within the police, and creating external mechanisms of accountability that may have effective results after 2 or 3 years.

⁷ An interesting analysis on the difficulties of establishing mechanisms of accountability over police institutions in the United States is Chevigny (1995) and Human Rights Watch (1998b). For a comparative perspective, see Marenin (1996).

Figure 1 summarizes the main variables considered in my argument. While the political opportunity structure defines the context in which actors interact, resource mobilization defines certain internal characteristics of the groups. While contextual conditions are conceptualized as antecedent or more distant causes, actors have been assumed to be the proximate causes of policy outcomes. Moreover, the policy problem at stake is likely to create incentives for the formation of coalitions. These two coalitions start from a very different point of departure and, therefore, one should expect the pro-order coalition to have comparative advantages over the civil rights coalition.

If citizens do not respond to unfair treatment in an automatic or spontaneous way and if the distribution of power is not the only determinant of political outcomes, under which conditions is policy change possible and why do some social groups perform better than others in obtaining their demands. Conceptually, one needs to determine the nature of the problem, the external conditions constraining actors' behaviors, and groups' internal characteristics making a policy change more or less likely.

As two coalitions are likely to emerge in dealing with the protection of citizens' rights (pro-order and civil rights), we need to observe the comparative strength and strategies of both coalitions. The analysis of the institutional and political resources and strategies available to these coalitions allow us to infer that the pro-order coalition often has a comparative advantage over the civil rights coalition. Thus, we should expect the civil rights coalition to have a difficult time trying to coordinate policy initiatives and the pro-order coalition quickly responding to challenges to the status quo.

Advocacy Groups and Police Violence in Argentina

The story of human rights activism in Argentina is interesting for two reasons: first, it is probably one of the most striking stories of "re-invention" of a human rights institution and, second, it has been perceived as a successful story of advocacy networks influence in public policy. Even though the two previous claims are largely correct, advocacy networks have also experienced structural conflicts to make their impact permanent in the political scene of Argentina. Understanding such resistance would help us to explain the limits of social accountability and to provide new sets of challenges for such organizations. This section will explore such issues considering one case: the Buenos Aires Provincial Police (BAPP).

Argentina is a federal country with a decentralized police organized at the provincial level. The federal (i.e., national) police force is responsible for public safety in the Capital (with a population of approximately 3 million), and it conducts federal criminal investigations nationwide. The provincial police are in charge of public safety in the surrounding area of Buenos Aires Province (14 million population).⁸

a. Advocacy Networks and the Buenos Aires Province Police (BAPP).

On September 17, 1999, three men entered a bank in *Villa Ramallo*, in Buenos Aires province, with the intention of robbing it. While they were inside the bank, close to two hundred police officers surrounded the building and demanded the men surrender unarmed. Instead, they took seven hostages and waited for nine hours, until they decided to leave the bank with three of the hostages—the manager of the bank, his wife, and another banker.

⁸ This means there is 1 police officer every 270 inhabitants in Buenos Aires Province, 1 every 317 in the Capital and 1 every 416 in the case of Chile.

At this point, TV channels and radios were reporting live from *Villa Ramallo*, providing all the details of the tense situation. Once the robbers and their hostages left the bank in a car, the police followed them closely. Even though the police had clear orders to protect the lives of the innocent people, at some point the police started shooting at the car. Seventy bullets were found in the car and no police officer was wounded. Only two people survived the assault: the banker's wife and one of the delinquents. However, the latter died the next day under police custody. The official report stated that he committed suicide.

The subsequent judicial investigation has determined that some police officers were linked to the people who planned the robbery. Moreover, the same evidence shows that passengers were taken from the car and killed while defenseless (Cecchi 2000). During 20 hours, millions of people witnessed on TV the lack of coordination within the provincial police and, probably more importantly, the tendency of officers to use what is called an "easy trigger" (*gatillo fácil*) to deal with delinquents. This case was one more in a series of sometimes incredible stories of abuse of power by the provincial police. Thus, it is not surprising that the public's confidence in the police in Buenos Aires is very low.

Since the province was holding elections for governor the next month, this incident had some impact on candidates' proposals regarding public safety and police reform. Indeed, the center-left coalition's candidate—Graciela Fernández Meijide—strongly emphasized the need to reform the police and end practices of police violence in Argentina. She argued that this tragedy "may be the result of my contender's early declarations about the police."⁹ Indeed, several weeks before, the Peronist candidate—Carlos Ruckauf--had supported an 'iron fist' approach toward delinquency by stating that "we need to shoot delinquents," and "kill them" to solve the problems of delinquency in the province.¹⁰ In October 1999, Ruckauf was elected provincial governor, and he initiated a set of reforms that allowed the police to reestablish some powers lost during the 1990s.

This section explains the story of partial success of the civil rights coalition in promoting individuals rights until 1999, when the trend was reversed with the rise of a cohesive pro-order coalition in Buenos Aires province after the October elections. In contrast to Chile, the Argentine political opportunity structure has provided more opportunities for advocacy groups to influence the policy process, in part because the nature of the transition favored the development of activism related to current and past human rights violations, and also because advocacy networks faced a favorable political context by the mid- 1990s. Additionally, low levels of police corporateness stimulated conflicts inside the police, which has allowed advocacy groups to take advantage of such divisions to demand further reforms. The internal characteristics of human rights advocacy networks played an important role as well. By the mid-1990s, advocacy groups became focal points, setting the agenda and generating policy reforms. As the government delayed making changes, human rights groups searched for allies domestically and abroad, increasing international pressure to stop police brutality and to transform a legal framework that allowed it. This pressure has not been enough to implement policies and change police behavior, however, a strong pro-order and anti-reformist coalition has used legal and illegal strategies to maintain the status quo.

From an institutional point of view, the BAPP is a militarized institution with approximately 48 thousand officers and a centralized command. As in many Latin American police institutions, the BAPP is organized on the basis of a military system with a hierarchical structure of officers, sub-officers, and the troops (Gobierno de la Provincia, 2001). Even though civilians have legal control over public safety planning and command, until the mid 1990s the police forces

⁹ "Golpe en villa Ramallo, la polémica por la seguridad," *Clarín*, September 18, 1999.

¹⁰ "Hay que meterle bala a los ladrones," *Clarín*, August 4, 1999; and "Renunció Arslanián y comprometió a Duhalde," *Clarín*, August 6, 1999.

managed their own internal affairs, including decision-making and policing strategies (Saín 2001; Abregú et al. 1998). With the exception of the 1997-1999 period, civilian authorities have appointed police officers in top-ranking positions within the force. As Argentina has an inquisitorial system, the police are in charge of maintaining public order and criminal investigation.¹¹

In the BAPP, internal mechanisms of accountability protect top-ranking officers from their subordinates. For example, the statement of a superior officer is enough to prove a subordinate's misbehavior. A subordinate cannot lodge an official complaint against an officer unless the latter has committed a serious offense or one that directly affects the individual complainant (Gobierno de la Provincia, 2001: art.172 and 248).

In terms of police powers, in Argentina, the 1868 and 1888 Penal Codes gave the federal police the power to practice detentions on suspicion. In 1944, authorities increased police powers by allowing officers to arrest individuals who fail to prove their identity. Additionally, authorities promulgated police edicts [*edictos*] authorizing security forces to arrest individuals on the basis of minor offenses such as public disorder, "scandals," loafing, begging, and prostitution (Blando 1995). Following the same path, in 1970 the Buenos Aires province established in 1970 a code of misdemeanors [*Código de Faltas*] permitting the arrest of individuals on the basis of anyone of more than fifty minor offenses.

By the re-establishment of democracy in 1983, Argentina's police forces enjoyed high discretionary powers to arrest and hold citizens without external interference. They could arrest, interrogate, and detain suspected offenders for up to 30 days without bringing them before a judge. Police could carry out preventive detentions simply for ID verification or to check whether a 'suspect' had a police record.

After the transition, Argentina has faced three significant waves of reforms (Table 4.1). The first wave came at the federal level between 1991 and 1996 and involved an important recognition of citizens' legal rights through the abolition of the 'verification of records' detentions (1991),¹² the reform of the penal code (1991) and the approval of a new Constitution (1994).

By the mid-1980s, government authorities and the legal community agreed on the unsustainability of the inquisitorial system established in 1888.¹³ As in many Latin American countries, the system was based on a written procedure with no jury and in which the judge held both investigative and jurisdictional powers.¹⁴ The ambitious reform proposed by the centrist Alfonsín government (1983-1989) did not achieve congressional support, given the opposition of the Peronist party, but President Menem (1989-1999) proposed a more moderate reform that was approved by Congress in 1991. The new Federal Penal Code established a division between the investigative part of the trial, to be in charge of a prosecutor, and the ruling aspect of it, to be in charge of a judge.¹⁵ Menem's Minister of Justice, León Arslanián, played an important role during the congressional debate on this reform and, later on, during the reform of the BAPP.

¹¹ This was the case of the federal police until 1992 and the provincial police until 1998. Penal Codes reforms created a judicial investigative police at both levels. However, budget problems have delayed the implementation of the reforms.

¹² The penal code at the federal level specified that police officers could detain any individual in order to verify his/her police record (Blando 1995:140).

¹³ Argentine lawyer Julio Maier developed the first Penal Code reform. Maier's ideas—along with other lawyers such as Binder and Zaffaroni—influenced Latin American current process of judicial reforms.

¹⁴ The inefficiency of the system implied that, for instance, 84% of the adult population in jail was waiting for trial and from this figure only 16% was finally sentenced. 30.6% of trials took less than a year and 69.4% more than one year (Correa and Jiménez 1997).

¹⁵ For a comparative analysis of these changes, see Correa and Jiménez (1997); Struensee and Maier (2000).

Table 1 Argentina: Main Reforms at the Federal level and Buenos Aires Province

Federal Level	Reforms	Provincial Level	Reforms
1983-89 Alfonsín UCR	84-Military Penal Code	1983-87 UCR Armendáriz	
1989-94 Menem PJ	91 –National Law of Interior Safety 91-Abolition verification of records detention 91 –Penal Code procedure 94 - Constitution	1987-91 PJ Cafiero 1991-95 PJ Duhalde	
1995-1999 Menem PJ	98-Code of Civility (City) 99-Decree on detention	1995-99 PJ Duhalde	96- Intervention of the police decree 97 – Penal Code Procedure 97- 2 nd intervention 98 – Public Safety Law 98 – Police Organization Law
2000-2001 De la Rúa UCR- Frepasso		2000 – 2001 PJ Ruckauf	00 – Penal Code reform on police powers 00-Reorganization police

UCR: Unión Cívica Radical (centrist party)

PJ: Peronist party (populist party)

Frepasso: Leftist coalition.

Bold indicates rules restricting citizens' rights

These new regulations restricted police powers to detain individuals at the federal (national) level. Now, police could detain a suspect for up to 10 hours without an arrest warrant, if they had a “well-founded belief” that he or she had committed, or was about to commit a crime, or if individuals were unable to identify themselves. Moreover, police needed to orally warn individuals before using a weapon. Police could only question people to determine their identity once they had read them their rights and guarantees.¹⁶ Even though the first wave of reforms did not have a legal effect on the Buenos Aires province, the debate set the agenda for further reforms at the federal level in different provinces of Argentina (Blando 1995; Struensee and Maier 2000).

The second wave of reforms mainly concerned Buenos Aires province (1997-1999). It included two substantial reforms: first, at the end of 1996, the provincial legislature approved new penal procedures similar to what the federal government had approved, establishing a public

¹⁶The new code abolished the spontaneous statement to the police and, therefore, police could not receive a testimony from a detainee. Additionally, the incommunicado period was restricted to 10 days and it was explicitly recognized the right of detainees to talk with a lawyer, even under incommunicado detention. The new 1994 Constitution introduced two other changes: it gave constitutional rank to international treaties regarding human rights and it provided constitutional status to the Ombudsman. Several of these legal changes did not enter into effect until the second wave of reforms.

prosecutor and a new *judicial police* in charge of the investigative part of the trial. This reform should have been implemented in March 1, 1998, but budget problems delayed its implementation until the end of September, 1998.

Second, increasing allegations of police misbehavior made by advocacy groups, along with growing evidence of BAPP's engagement in illicit activities, provoked a serious institutional crisis. In December 1996, Peronist governor Eduardo Duhalde decided to intervene the police. Originally, this reform attempted to transform the structure of the police, to rationalize human resources, to dismiss corrupt officers, and to improve the public image of the police (Gobierno de la Provincia, 2001: Law 11,880).

These changes were highly resisted by a coalition of police officers and representatives of the Peronist party who pressured Duhalde to reduce the reforms (Saín 2001; Dutil and Ragendorfer 1997). Nevertheless, new allegations of police violence and the electoral setback of the governing Peronist party in the Buenos Aires legislature in April 1997 forced Duhalde to promulgate a second decree of intervention in December 1997 (Decree 4508/97).

Duhalde explicitly recognized the need for a major transformation of the police by suggesting that “civilian authorities must intervene because we believe there is a corporatist spirit that is impeding structural reforms.”¹⁷ Two prestigious lawyers—Alberto Binder and León Arslanián (the former Minister of Justice)—designed the main guidelines of this reform. Binder and Arslanián's original plan was to create a new model of safety: “this crisis has structural roots in all segments of the system. This crisis is not about the police in particular, but about the whole model of public safety and criminal investigation” (Arslanián and Binder 1998). As a result of this process, the Buenos Aires legislature approved a new law of public safety (Law 12,154, July 1998), a new law regulating the internal organization of the police (Law 12,155, July 1998), and a new law creating the Secretary of Justice and Public Safety (Law 12,090 August 8, 1998)

These reforms sought to divide the police into three forces: a judicial investigative police, a road police, and a preventive police in charge of public safety. The reform de-centralized the police into several districts [*departamentos*] and included the creation of citizens' forums in coordination with police departments. Additional legal changes incorporated and recognized international treaties related to human rights.

Regarding detention rights, the reforms included the right to remain silent, the right to make a call, and the right to have a lawyer. Additionally, police officers were required to read detainees their rights. However, police officers could still practice ‘verification of records’ detentions.

The third wave (1999-2001) partially reversed these reforms at the federal and provincial level. In a context of electoral campaigns and increasing criminal violence, the federal government promulgated a decree (No 150/1999) instructing the police to prevent conduct that “without constituting misdemeanors nor infractions in the Code of Misdemeanors, should be avoided.” This decree was interpreted to allow the police to detain suspicious individuals. At the provincial level and after the election of Peronist Carlos Ruckauf as the new governor, the Buenos Aires Provincial legislature approved a similar reform allowing police to interrogate detainees and witnesses during the arrest but before they arrive at the police station. The legislature also allowed police officers to make “preventive” searches of personal packages, cars, and private property. In the year 2001, the legislature was debating a bill proposed by the governor, allowing the police to shoot suspects without having to alert suspects of their presence.

¹⁷ Eduardo Duhalde, *La Nación* December 21, 1997.

Additional changes restricted the impact of the 1997-98 reforms. First, the new provincial government re-centralized the top-ranking positions in the police. Second, the BAPP continued performing investigative tasks for the judiciary. Third, the governor promulgated a decree allowing evidence from police officers' interrogation of detainees to be used in court. Finally, the governor re-hired hundreds of officers who had previously been dismissed because of their abusive and corrupt behavior.¹⁸

Although Argentina made important legal reforms on the protection of individual rights during the 1990s, the actual record of police practices shows the difficulties in implementing such rights. Since the reestablishment of democracy in 1983, several international and independent national sources have denounced serious violations of human rights by police forces, focusing on two related illegitimate practices: officers' illegal practices in order to obtain private benefits by using their position of power—that is, corruption—and, practices of violence against the population.

By the mid-1990s several press sources and specialists revealed the existence of a complex network of illegal businesses, led by police officers and political brokers in different districts of Buenos Aires province. This network included profiting from prostitution and illegal gambling, trafficking of stolen-cars, kidnapping, trafficking of police reports, and drug trafficking. This network could be considered a “ladder of illegality” that goes from street-level police officers and districts' political brokers to top-ranking officers, politicians and businessmen (Oliveira and Tiscornia 1997; Dutil and Ragendorfer 1997; Saín 2001).¹⁹

Some salient cases revealed by the press were BAPP officers' involvement in the 1994 bomb attack against the Buenos Aires Jewish Cultural Center (AMIA), causing 87 deaths, and the kidnapping and murder of the journalist José Luis Cabezas, who was investigating the links between the BAPP and organized crime as well as the activities of a controversial businessman.²⁰ In part, these junctures led the governor at the time, Eduardo Duhalde, to dismiss more than 1,200 officers involved in illegal activities between 1997 and 1998.

Additionally, both international and local advocacy groups have revealed that the police forces have been involved in unlawful practices such as ‘easy trigger’ [*gatillo fácil*],²¹ torture, arbitrary arrests, disappearances in police custody, harassment of or attacks on witnesses to these crimes, and fabrication of evidence of shoot-outs (e.g. planting of a gun on the victim's body).²²

¹⁸ See *Página 12*, January 14, 2000; and *Clarín*, February 24, February 27, and March 11, 2000.

¹⁹ Press reports suggest that the governor of the Buenos Aires province allowed criminal activities to continue in exchange of political and financial support to chiefs of police stations. The ex chief of the police Bronislao Rogosz claimed that he was dismissed by a governor in the early 1980s because he refused to protect an officer who was indicted by the court for corruption (See “plata sucia” *Página 12*, September 26, and “Plin Caja” December 19, 1999). Moreover, President Menem recognized the existence of stolen car trafficking within the provincial police (“El presidente y las bandas mafiosas,” *Clarín*, August 13, 1996). Secretary of Justice and Security León Arslanián (1998-1999) said that “even though we faced pressures from *Intendentes* [heads of Buenos Aires provincial districts], we disarticulated some of the illegal finance network in the province” (“Plin Caja” *Página 12*, December 19, 1999).

²⁰ In 1999, four former police officers, a police informer, and four civilians were detained in connection to the case. This case led the national government to push for several changes in the provincial police, including the dismissal of more than 400 officers connected to illegal activities, decentralization of the police's internal decision-making process, and the approval of several laws restricting police powers.

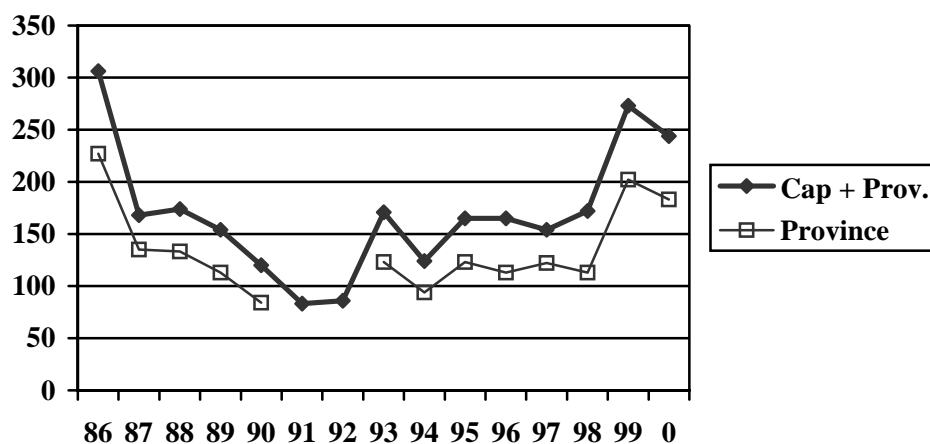
²¹ Police practice of shooting people without justified reasons (e.g. self-defense)

²² See, for instance, annual reports of Human Rights Watch (1991a), Amnesty International (1990-2001), and the U.S. Department of State Annual report on Human Rights (1995-2001).

Advocacy groups have systematically reported cases of police violence since at least 1985. However, one of the main problems in assessing trends in human rights violations in Argentina is the lack of a centralized agency collecting civilians' complaints against the police.²³ In this sense, probably the best existing indicator of police behavior is trends of civilian deaths by police in the streets. Human rights organizations such as the Center for Legal and Social Studies (CELS) and the Coordination against Institutional Repression (CORREPI) have followed all cases reported by the press since 1993, providing extremely valuable data.

Considering Buenos Aires Capital and the province together (Graph 1)²⁴, the first significant trend is the constant decline of civilian deaths by police officers between 1986 (306 deaths) and 1991 (83 deaths). Then, we observe a relatively constant increase until the year 1999 (274 deaths). Second, civilian deaths in Buenos Aires province represent approximately 74 percent of the total.²⁵ Reduction of civilian deaths between 1986 and 1991 does not necessarily mean lower levels of police abuse, per se. Indeed, international and local reports suggest that more than 700 allegations of ill-treatment and torture were made in Argentina between 1989 and 1991 (Americas Watch and CELS: 1991).

Graph 1. Argentina: Civilian Killings in Buenos Aires Capital and Province



Sources: Americas Watch and CELS (1991); CELS and Facultad (1994-95)
 CELS (1996-97, 1998b, 1999-2001)
 Cap + Prov.: Capital plus Province

²³ Allegations of police violence in court have not been systematized. Additionally, the federal nature of the Argentine political system inhibits different state agencies from having a centralized account of such cases.

²⁴ We need to keep in mind some important methodological considerations regarding available data, however. First, advocacy groups have collected information on civilian deaths in confrontations with the police using newspapers sources, which may not constitute the universe of incidents. However, when CELS's researchers have had the opportunity to compare their figures against official sources provided by the police, they tend to be similar.

²⁵ However, If we control the population, the proportion of yearly civilian deaths in the Capital (1 every 61,000 citizens) is actually greater than in the province (1 every 100,000). If we control of the number of police officers, the proportion of civilian deaths and police officers is higher in the Capital (1 every 193 officers) than in the province (1 every 358 officers).

What are the factors explaining CELS's trends of decline (until 1992) and partial increase after that year? First, it seems that the cycle of inflation and organized labor protests do not explain trends in civilian deaths. Argentina observed a severe economic crisis between 1988-1989 (the hyper-inflation period) in which labor protests and social conflicts increased significantly. However, increasing labor protests and hyper-inflation did not lead to growing use of deathly methods of coercion by the police. This may be due to the nature of social conflicts that Argentina faced in 1990 and 1991. In those years protests were mostly led by unions supportive of the governing Peronist party, which may have led to less repressive methods by the police.

Why, then, did the police begin to use deadly methods more frequently during the 1990s? Two socio-economic indicators may explain this increase: unemployment and crime rates. First, Argentina experienced an important transformation of its economy during the 1990s, causing higher levels of unemployment. From having an average of 5.5 percent unemployment between 1983 and 1990, Argentina achieved a historical record of 22 percent unemployment by 2002. In this sense, the Menem administrations (1990-1994 and 1995-1999) had to deal with a new 'threat;' jobless citizens protesting against the economic model being implemented in Argentina. We could plausibly assume that the police reacted in a more violent way against unorganized sectors of society that were protesting in the streets.

Moreover, the deterioration of socio-economic indicators such as levels of inequality, employment, and job stability probably had a clear impact on crime rates during the 1990s. Indeed, a second important transformation was the constant increase in all types of crimes including homicides, and crimes against property and individuals.²⁶ Thus, the Buenos Aires metropolitan area became more violent than it used to be. This can also be observed when we compare civilian and police deaths in confrontations during the 1993-2001 period. While CELS registered 23 police officers and 123 civilians death in confrontations in 1993, by the year 2000 such figures were 64 and 183 respectively.

While change in social conditions created a more conflictive environment, another important factor explaining the increase in police violence during the 1990s is the political decision made by federal and provincial authorities to allow the police themselves to define the best strategies to deal with social protest and crime. This is evident in several government actions. First, as soon as Menem came to power in 1989, police forces pressured the government through strikes and public displays of discontent, for higher salaries and greater autonomy in conducting their affairs. Responding to this pressure, the highest representatives of the Peronist party –President Menem and Buenos Aires province governor Duhalde—partially improved the economic conditions of the police.²⁷ More importantly, Duhalde established an agreement with the police guaranteeing that the government would not intervene in various illegal activities of the police (Dutil and Ragendorfer 1997; Saín 2001).

Additionally, both Peronist leaders supported an 'iron fist' policy with regard to public safety. This became evident when President Menem and Governor Duhalde explicitly supported two Chiefs of Police, Luis Patti and Pedro Klodczyk, officers who were questioned by human rights organizations due to the accusation that they engaged in torture of dissidents during the military

²⁶ For figures on crime, see Ministry of Justice, 2000. For figures on unemployment, see <http://www.latin-focus.com>

²⁷ Between 1986 and 1990, police forces organized an average of 20 strikes a year. Between 1990 and 1999 the average fall to less than 3 strikes a year (CEUNM, Centro de Documentación). The improvements for police officers focused on increasing the number of police cars (2,000 by 1993), increasing the number of police officers (the plan considered 6,000 more officers between 1993-1995), and improving communications (CELS and Facultad, 1994).

regime (Americas Watch and CELS 1991; CELS and Facultad 1995). Governor Duhalde took some steps such as the dismissal of 2,400 officers who were under judicial scrutiny due to illegal activities between 1991 and 1996.²⁸ However, Duhalde focused on improving police institutions' material resources and supporting an 'iron fist' approach toward crime and social protests. For instance, responding to criticisms coming from CELS on the disproportion between civilian and police deaths, the Secretary of Security of Buenos Aires province, Eduardo Pettiagini, argued that "this is a sign of police professionalism."²⁹ Responding to criticisms of police corruption, Governor Duhalde justified it by suggesting that "it is logical to find delinquents among police officers because there are delinquents in all activities including journalism, politics, law, and even in the priesthood."³⁰

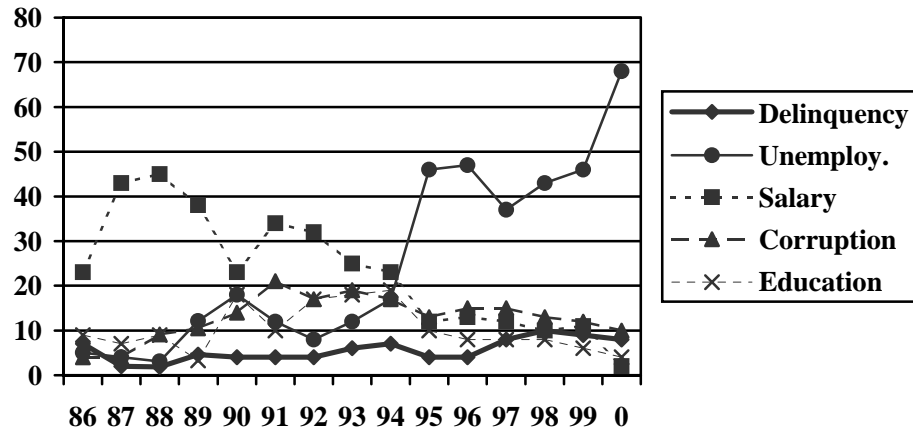
In terms of public opinion, between 1986 and 1994, the main concern was low salaries and an increasing concern about corruption. Since 1995 and given important transformations of the Argentine economy, the central concern was by far unemployment. Citizens' concern about delinquency became more important by the end of the decade of the 1990s. By 2000, respondents were concerned about corruption as much as delinquency (Graph 2). Another survey conducted in 1998 reveals that while 37 percent of respondents considered unemployment as the main problem the government should focus on, 17.7 percent mentioned delinquency and 12 percent mentioned corruption (CEUNM, 1998).

²⁸ "Duhalde elogia la policia, pero tambien pide sanciones," *Clarín*, February 23, 1996.

²⁹ *Página 12*, February 2, 1994. Cited in CELS (1995). Later on, Eduardo Pettiagini resigned from his position given increasing criticisms regarding police violence. Particularly important in this case was the publication of the U.S. State Department human rights annual report, increasing international attention to the subject.

³⁰ *Clarín*, February 20, 1994. There are several government declarations supporting an "iron fist" approach. Minister of Interior Carlos Ruckauf suggested that "the police is requesting to increase the period in which police can hold citizens under custody and reduce legal concern during periods of interrogation" (*Clarín* March 25, 1994). After a police protest requesting higher salaries and "tough" rules, President Menem argued that "we need to speed up the approval of "iron fist" measures against delinquency" (*Clarín*, February 2, 1995). In June 1996 and facing new criticisms, Duhalde suggested that "the Buenos Aires provincial police is the best police in the world" (*Clarín*, June 17, 1996).

Graph 2 Argentina: Main Concerns of Public Opinion 1986-2000³¹
What is the main problem the government should focus on?



In relation to the image of the police, citizens in the province show a relatively constant pattern of distrust for the police. Surveys in the early 1990s demonstrate that—on average—only 24 percent in the province have a positive image of the provincial police (Table 2). As an average, more than 60 percent of respondents had a regular or negative image of the police.

In 1996 and in a context of growing public exposure of police scandals, citizens perceived abuses as a structural problem. For instance, 57 percent of respondents in the Capital and the Province believed that police abuses were an institutional characteristic of the police and only 34 percent considered them as due just to individual carelessness.³² By the year 2000, 80 percent of respondents in the Buenos Aires province had a regular or negative image of the police. Only 16 percent had a positive image (Catterberg 2000).³³ Moreover, surveys conducted by the Argentine Ministry of Justice by the end of the 1990s confirm previous trends. When citizens are asked to evaluate police work, more than 50 percent of respondents in the province said that “they don’t do a good job” (Table 3).

³¹ Surveys conducted in the Buenos Aires Capital and Province. Representative and random sample. Samples are as follow: 1986-1994: 1,000 interviews; 1995: 993 interviews; 1996: 1,000 interviews; 1997-1999 1,140 interviews; 2000: 640 interviews.

³² Survey conducted by CEUNM in Buenos Aires Capital and Province. Random representative sample of adult population. 1,000 interviews. +/- 4 percent sample error.

³³ Survey conducted by Catterberg and Assoc. in the Buenos Aires province. Random and representative sample of the adult population from the province. 1,000 interviews. +/- 3 percent sample error.

Table 2. Argentina: Public Opinion Perception on the Police, 1990-1993³⁴

	March 1990		March/May 1991		March / May 1992		March / May 1993	
	FP	BAPP	FP	BAPP	FP	BAPP	FP	BAPP
Positive	30		27.6	25	16.6	12	32	35.2
Regular	35.8		34.1	38.8	32.9	28.6	31.3	29.2
Negative	30		37.1	33.6	46.2	56.7	30	32.8

FP: Federal Police; BAPP: Buenos Aires Province police.

Table 3. Argentina: Evaluation of Police Work 1998-2000³⁵**Buenos Aires Capital and Province**

	1998		1999		2000	
	FP	BAPP	FP	BAPP	FP	BAPP
They do a good job	31.4	26.6	36.1	35	36.7	32.5
They don't do a good job	52.0	58.2	49.4	51.9	45.6	51.3
Don't Answer	16.6	15.2	14.4	13.1	17.7	16.2

FP: Federal Police; BAPP: Buenos Aires Province police.

As many other countries in Latin America, citizens in Argentina are highly divided regarding the trade-off between citizens' rights and public safety. Surveys conducted in Buenos Aires province in 1998 and 2000 show that, despite the fact that citizens tend to have a negative perception of the police, almost half are in favor of giving the police more powers to fight crime.³⁶

Citizens who are from the lower class (49.3 percent) and Peronists (49.7 percent) are more likely to support increasing powers to the police. The middle and upper classes (56.9 percent) and the center-left (60 percent) are less likely to support increasing powers. This is consistent with other surveys that show that people from the lower class, with lower levels of education, and citizens who support the Peronists, have a better opinion of the police than people from the middle and upper classes, with higher levels of education, and who are center-left.³⁷

³⁴ Surveys conducted by CEUNM in Buenos Aires Capital and Province. Random and representative sample of adult population. 900 interviews. +/- 4 percent sample error.

³⁵ The methodological characteristics of the surveys are the following: 1998 survey, representative sample of citizens older than 15 years old with 2,001 interviews in Buenos Aires province (+/- 2.24% statistical error); 1999 survey, representative sample of citizens older than 15 years old with 5,611 interviews considering both Capital and Province (+/- 1.3 statistical error) (Data shows only those of the province); and 2000 survey, representative sample of citizens older than 15 years old with 3,601 interviews in the Buenos Aires Province. (+/- 1.6 statistical error). Ministerio de Justicia (2002).

³⁶ Two surveys confirm this trend. In 1998, when respondents were asked whether police forces should have more powers to fight crime, 44.7 percent supported this claim while 48 rejected it (survey conducted by CEUNM. Random and representative sample of the adult population in the Buenos Aires Capital and province. 1,140 interviews). In 2000, when respondents were asked the same question, 45.4 percent supported increasing police powers while 52 percent reject it (Survey conducted by Catterberg and Assoc. in the Buenos Aires province. Random and representative sample of the adult population from the province. 1,000 interviews. +/- 3 percent sample error).

³⁷ Surveys conducted between 1998 and 2001 confirm that lower-class sectors have a comparatively better opinion of the police than upper-class sectors. See Centro de Documentación, CEUNM.

Conditions favoring Advocacy Networks influence

Argentina's political context offers opportunities for the civil rights coalition to influence the political system. However, greater openness does not necessarily translate into more favorable outcomes. In terms of balance of power, Argentina's transition to democracy was characterized by the collapse of the military regime after Argentina's defeat in the Malvinas war against Great Britain. This was followed by a rapid process of democratization with high levels of social mobilization that ended with the election of the centrist president Raúl Alfonsín in 1983 (Karl and Schmitter 1991; Waisman 1999). While in Chile, for instance, the transition to democracy implied a limited pact between the military regime and the opposition, in Argentina the armed forces and the police could not impose rules on the new authorities. Soon after the transition, Argentina enacted some reforms regarding civilian oversight capabilities over police institutions such as the reform of the Code of the Military Justice in 1984, the establishment of an Undersecretary of Human Rights in 1987, the creation of a National Public Safety Council and a national ombudsman in 1994, and the establishment of a legislative commission to oversee police reforms in Buenos Aires province in 1998. However, often these new legal tools are poorly implemented (Abregú, Palmieri and Tiscornia 1998).

Concerning the access to the political system, the presence of a strong center-left coalition favorable to civil rights views should increase the opportunities for advocacy groups to influence the political system. This was the case in Argentina at the Capital level, where the city council [*Legislatura de la Ciudad*] enacted several measures to enhance citizens' rights in 1996-98, and at the provincial level, where the Buenos Aires provincial legislature passed important pro-civil rights legislation in 1997-98. In both cases, a strong coalition of center-left parties (UCR and FREPASO) approved legislation restricting police powers.

Moreover, internal divisions within the governing Peronist party during the 1990s also favored the civil rights coalition, particularly between 1997 and 1998. While the Ministry of Foreign Affairs and the Ministry of Justice adopted a pro-civil rights strategy, the Ministry of Interior and the Presidency generally supported pro-order points of view.³⁸

Another facilitating condition for advocacy groups' influence is the presence of a relatively pluralist media in Argentina. Particularly after the military regime, Argentina's mass media developed a culture of investigative independent journalism. Media pluralism allows social groups to express their views and 'make the case' regarding the need to reform the police. Newspapers such as *Página 12* and *Clarín* and certain TV journalists have taken a critical stand on issues concerning police violence and corruption. Moreover, journalists have published many articles and even books extensively documenting cases of police brutality and corruption.³⁹ The fact that Horacio Verbitsky—a prestigious journalist of *Página 12*—is also part of the CELS board of directors has helped transmit pro-civil rights views to the public.⁴⁰ The threat that journalists pose to pro-order sectors is revealed by the murder of journalist José Luis Cabezas in 1997, who was investigating police corruption.

³⁸ Several official documents and interviews with key policymakers and representatives of non-governmental organizations confirm this division within the government. Interviews with Martín Abregú, Andrea Pochack, and Gustavo Palmieri (CELS). April-June, 2001. See also Argentine reports on human rights presented before UN commission on human rights. For instance, Argentine representatives before the U.N. have shown critical views on the role of police forces in Argentine society (UN CAT/C/SR.307 December 10, 1997, 4). For a more moderate view, see Pierini (1999).

³⁹ See for instance, Cecchi (2000), Dutil and Ragendorfer (1997), Salinas (1997), Sdrech and Colominas (1997), Sigal (1998).

⁴⁰ Interview with Gustavo Palmieri, CELS, April and June 2001.

While the previous two factors—balance of power and media pluralism—have favored advocacy groups, the fact that governors at the provincial level and the President at the national level have veto powers have to some extent counter-balanced the impact of pro-civil rights views. This is true in most reforms that included restricting police powers.

Finally, regarding police corporateness, the main concern here is how the degree of corporateness affects the ability of pro-civil rights groups to influence the policymaking process. Information regarding cases of corruption is controlled in more corporate institutions by top-ranking officers who want to protect the reputation of the institution and themselves. Relatively well-developed mechanisms of internal administration allow top-ranking officers to preempt eventual scandals by dismissing officers or by monitoring investigations. Moreover, strong mechanisms of internal socialization and the actual cost of losing membership keep officers from exposing the institution to external actors.

Lower levels of corporateness implies poor levels of training and education, a lower sense of identity, and less effective internal administrative procedures. The BAPP is a good example of this case. In terms of training and education, in Argentina 64 percent of police officers have only completed primary education.⁴¹ Poor training became evident in Buenos Aires province after civilian authorities decided to restructure the police in 1997: studies demonstrated serious problems such as inadequate health and physical conditions of police officers, absence of basic training with weapons, and lack of instruction regarding police legal procedures.⁴²

Additionally, the absence of a strong sense of institutional identity means that top-ranking officers have less incentives to protect members than they would in a more corporate environment. If the position of the *comisarios* (chief of police stations) depends on who is ruling (mayor, governor, president), then this officer is more likely to respond to such political leaders rather than to the high command of the police. Indeed, *comisarios* of the BAPP many times respond to interests that do not necessarily follow the traditional chain of command. For instance, while internal rules state that police officers must rotate after one year in their position, some *comisarios* have maintained enough political connections in certain territories to keep their position for five or even seven years (Oliveira and Tiscornia 1998: 165). Thus, because police officers are linked to particularistic interests, a change in the balance of power in the political system may affect certain interests, creating rivalries and disputes among police officers that are exposed publicly.⁴³ This creates divisions between those who attempt to protect the institution from “bad apples” and those who prefer to maintain the status quo. If these disputes are made public, advocacy groups can take advantage of them and pressure the government to enact reforms.

This was the case of Governor Duhalde when he decided to dismiss approximately 300 top-ranking officers in 1997. This political decision generated an intense dispute within the police. A group of officers publicly criticized Duhalde, holding him responsible for the internal crisis in the police force. They argued that many of the fired officers had not been subject to judicial prosecution, hence, to due process. Moreover, they argued that several corrupt officers remained in service. This group demanded higher salaries, an investigation to determine illegal acts committed

⁴¹ Comisión de Seguridad Interior (1998).

⁴² Interview with León Arslanián, former minister of Justice and Security, March 2001. Moreover, the police face serious problems regarding systematization and centralization of crime statistics even within a province, lack of databases with criminal records, and poor infrastructure (Comisión de Seguridad Interior, 1998). See particularly intervention of León Arslanián (pp. 125-133).

⁴³ On December 1997, four anonymous chief of police stations publicly denounced illegal practices by police officers in Buenos Aires province. See *Página 12*, December 7, 1997. They mention illegal arrangements between active police officers, drug dealers and ex police officers, among others illegal activities.

by those who were dismissed by the government, and the creation of a police union (Dutil and Ragendorfer 1997). Since these internal conflicts reached the public, advocacy groups and particularly CELS and political parties took advantage of the dispute to demand further reforms (CELS 1997; 1998).

Low degrees of corporateness also imply that top-ranking officers have less control over their subordinates. In corporate environments we should expect two situations: (a) if there is a case of corruption, it generally implies a chain of command that controls certain illegal actions, and (b) if an individual officer is involved in illegal behavior, the police should promptly react to ‘clean’ the public image of the institution. In less corporate environments we should expect to observe more cases of top and lower-ranking officers’ illegal behavior—particularly corruption—given the lack of mechanisms of internal control, and weak institutional mechanisms to respond to external accusations. In Argentina, data systematized shows two trends: first, higher levels of illegal activities committed by top and lower ranking officers in the BAPP; second, the federal police show a more pro-active role in defending police officers, announcing internal investigations, and responding to criticisms. The BAPP is more passive in this regard. In this case, activists, prosecutors, and journalists are those who denounce the BAPP, and in no case does the police take the initiative to criticize internal irregularities or to inform the public regarding internal investigations.

In an environment of low police corporateness, inexperienced and untrained officers in the streets, and internal disputes that become a matter of public scrutiny, lower internal controls over subordinates’ behavior are more likely. In this context, advocacy groups have more opportunities to obtain relevant information, making the case for police reform even more strongly. In fact, advocacy groups in Argentina recognize the institutional difficulties in setting the agenda for more substantial reforms of the federal police, given its more corporate nature.⁴⁴

Another element contributing to advance the protection of human rights is the strength and strategies of human rights groups in Argentina. Human rights advocacy groups have used six strategies to influence the policy process and gain allies within the political system. These strategies are: collecting information, establishing allies with policy “experts,” organizing social mobilizations, searching for international allies, providing international institutions with information, and developing media campaigns.

An essential task for human rights –along with providing support to the victims of police violence—is to collect information regarding police abuses. An accurate and permanent compilation of cases of police brutality allows them to gain credibility domestically and abroad. In Argentina, CORREPI and CELS have considered this as a vital objective of their work. CORREPI was created in 1987 by a group lawyers and human rights activists to help victims of police violence in Argentina. They created a nationwide voluntary network of grassroots organizations to provide both legal and social support to victims of police violence. By 1997, this network included representatives of thirty-five organizations and approximately 700 activists.⁴⁵ CORREPI have systematized cases of police brutality since 1989 nationwide thanks to this network of grassroots organizations

The story of CELS is particularly telling. This center was created in 1978 as an advocacy and legal advice organization for the victims of human rights violations. By 1989-91, its faced a serious internal crisis regarding its objectives and goals in a democratic context. In 1991, one of the founders of CELS, Emilio Miñones, outlined the Center’s main problems and challenges. He

⁴⁴ Interview with Gustavo Palmieri, CELS, April and June 2001.

⁴⁵ Interview with María del Carmen Verdú, April 9, 2001.

recognized the need to widen CELS' orientation, incorporating a new approach to human rights. Thus, under the lead of a new generation, in 1993 CELS initiated new programs including, along with the traditional work on the legacy, issues such as police violence, social and economic rights, freedom of expression, indigenous rights, immigration, and international law.⁴⁶

For each topic, the center has organized teams of professionals who collect data on the subjects, build databases, and propose policy reforms. Regarding the case under scrutiny in this study, CELS created a database on cases of police violence reported by the press. CELS's annual reports include information on trends in police violence, qualitative analysis of police practices, and profiles of the victims. Moreover, after a set of legal reforms was passed in Congress in 1997, CELS monitored these legal changes, providing several policy suggestions in its annual reports. More recently, CELS has created an online monitoring system of police violence work that is sponsored by the Federal Direction of Criminal Policy and the Secretary of Justice and Security of the City of Buenos Aires.

By documenting cases of police violence and monitoring police practices, CELS has contributed to agenda setting for police reform in Argentina. By 1996, pro-reformist politicians, policymakers, and journalists were using this data to justify the need for urgent reforms.⁴⁷ Moreover, CELS has had some success in monitoring public authorities. For instance, in 1994 a CELS report on police violence was quoted by the annual report on human rights published by the U.S. Department of State. This allowed politicians and human rights activists to join forces and pressure for a change in government policies. As a result of this pressure, the Buenos Aires Province Secretary of Public Safety, Eduardo Pettigiani, resigned (CELS and Facultad 1994: 21). In 1996, CELS filed a lawsuit requesting police information on detentions and civilian and police deaths, opening a debate regarding public transparency and accountability.⁴⁸ In 1995 CELS, along with other organizations, successfully pressured the government to dismiss Buenos Aires Province Secretary of Public Safety Alberto Patti, who had been involved in human rights violations during the military regime.⁴⁹ Finally, given CELS's allegations, in 2000 authorities from the Federal Council for the Protection of Children requested CELS's help in designing a new policy to prevent torture against children by the police.⁵⁰

Other strategy refers to the establishment of links between activists and policy experts. In 1986, Alfonsín's government supported the proposal of the influential lawyer Julio Maier that sought a major reform of federal penal code procedures. Two years later, a network of penal lawyers—led by Maier and other Latin American lawyers—established in Brazil the Iberoamerican Institute of Penal Law, developing a “Model Penal Code for Latin America.” Soon, several countries in Latin America began to follow this model, transforming the traditional inquisitorial system.⁵¹ These pro-civil rights lawyers—including Julio Maier, Raúl Zaffaroni, León Arslanián,

⁴⁶ Interview with Martín Abregú, January 26, 2001. See also CELS annual reports on human rights (1993-2001)

⁴⁷ See, for instance, “Dicen que aumentan los casos de violencia policial en el país,” *Clarín*, June 18, 1996; “Aumentan las víctimas incidentales, según el CELS,” *Página 12*, July 1, 1998; “Para un solo año, demasiadas balas,” *Página 12*, March 25, 1999; “Police violence on the rise” *Buenos Aires Herald*, April 18, 2000. In terms of politicians using this report, see 34 session, Buenos Aires Province Legislature, November 24, 1998; 27 session, December 11 1997; 22 session, 2000.

⁴⁸ See “El CELS quiere saber,” *Clarín*, November 18, 1996; and “la Justicia pregunta por qué la policía federal no da información” *Página 12*, October 25, 1996.

⁴⁹ See, “Posible sucesor de Patti,” *Página 12*, August 13, 1996; “Patti, Manual del buen torturador,” *Página 12*, November 19, 1999.

⁵⁰ “Queremos que el CELS nos ayude,” *Página 12*, August 29, 2000.

⁵¹ Reforms were made in Ecuador (1991), Peru (1991) Guatemala (1992), Argentina (1992), Costa Rica (1996), El Salvador (1998), Chile (1998), Venezuela (1998), Paraguay (1998), Bolivia (1998). By 2002 other

and Alberto Binder—occupied important government positions, and provided policy proposals to transform either the judicial system or police institutions. These lawyers maintained close contacts with human rights organizations and pro-civil rights political parties.⁵² CELS have particularly incorporated pro-civil rights experts in their activities through the organization of seminars and academic events to reach political and social actors regarding police institutional reforms.

Additionally, social mobilizations are also considered as relevant strategies for agenda setting and monitoring authorities. CORREPI is probably one of the most effective grassroots social organizations denouncing police violence in Argentina. The death of seventeen-year-old Walter Bulacio on April 19, 1991, constituted a landmark case for human rights activists.⁵³ Every April 19th, CORREPI along with several other social organizations organizes a social protest in Buenos Aires demanding justice and the end of police violence in Argentina. Thousands of people representing a wide range of social organizations have marched in the streets of Buenos Aires demanding justice and police reform. In addition, CORREPI generally organizes protests after some particularly shocking act of police violence has occurred. Most demonstrations are reported by the press, thanks again to the personal contacts between CORREPI's leaders and journalists.

Another strategy frequently used by Argentine human rights groups is to search for allies abroad. CORREPI, for example, has managed to put information online through the establishment of an alliance with a Spanish human rights network, and it has implemented an e-mail listserv to inform about activities and to promote campaigns.⁵⁴ CELS has established an extensive network of international alliances to pressure the government from abroad.⁵⁵ For instance, CELS co-published a document on police violence with Americas Watch in 1991. By the mid-1990s, CELS had established a key alliance with CEJIL (Center for Justice and International Law) based in Washington, D.C., to co-sponsor lawsuits before the Inter-American Court of Justice. The Center has also prepared an alternative report for the U.N. Commission of Human Rights (CELS 2001). Finally, CELS has constantly provided information to embassies and international organizations (U.N. Commission on Human Rights, Amnesty International) to maintain pressure on public authorities.

Finally, both CORREPI and CELS have developed a communicational strategy to widen their impact. CORREPI's activities are frequently reported in the press thanks to a well-established

countries were debating reforms in Congress including Nicaragua, Honduras, Dominican Republic, and Panama (Domingo 1999; Struensee and Maier 2000).

⁵² As was said, Julio Maier wrote the original draft of the federal penal code reform in 1986. Alberto Binder and León Arslanián proposed and participated in the institutional reforms of the BAPP in 1997-1998. Binder is closely related to the FREPASO party and Arslanián is a member of the Permanent Assembly of Human Rights in Argentina. Raúl Zaffaroni wrote the original draft eliminating the detention on suspicion clause for the Buenos Aires City Council. All these authorities have participated in activities organized by CELS and have maintained contacts with CELS' researchers. Interview with Gustavo Palmieri (CELS), April 2001 and interview with Martín Abregú (CELS), January 2001.

⁵³ Walter Bulacio was arrested outside of a stadium when he was trying to gain access to a rock concert in Buenos Aires. The police tortured him in the police station and transferred him to a hospital where he died as a result of serious contusions in his head. Until 2002, the police and the criminal system have failed to bring the responsible to justice. For example, the alleged officer responsible for this crime kept his job and was even promoted in the police, despite the fact he faced charges against him in court. Interview with María del Carmen Verdú, April 9, 2001. See also, "Sobresayeron al comisario que detuvo al joven Walter Bulacio," *Clarín*, March 14, 1996; "Habrá condena en el caso Walter Bulacio" *Diario Popular*, March 24, 1996.

⁵⁴ CORREPI's listserv address is correpi@fibertel.com.ar. CORREPI's online reports in: <http://www.informativos.net>.

⁵⁵ The author interviewed six members of CELS between April and August 2001: Gustavo Palmieri, Sofía Tiscornia, Andrea Pochack, Laura Itchart, María Capurro, and Julieta Rossi.

relationship between these lawyers and some journalists.⁵⁶ CELS's communicational strategy to influence the policy process has become more sophisticated since the mid-1990s. First, they hired a professional journalist who understands newspapers' needs for information, anticipating public debates by providing relevant information before or during the discussion of a policy initiative. This expertise has allowed CELS to become a focal point for policymakers and local and international actors.

In terms of leadership, both CORREPI and CELS have been led by relatively young professionals (lawyers) highly committed to human rights and who have had the ability to keep these organizations alive. Contrary to other human rights organizations in Latin America, CORREPI evolved as a grassroots network without having a bureaucratic structure. CORREPI's horizontal organization has allowed it to reach lower-class sectors particularly in the Buenos Aires metropolitan area. CORREPI's leaders—a group of lawyers and representatives of social organizations—have been willing to share their experiences and activities with other grassroots organizations, creating a dynamic web of relationships nationwide. As of 2001, CORREPI was not interested in receiving funding from international donors because of its anti-capitalist ideology.

A turning point for CELS was when the directors re-shaped the institution's principal orientation in 1993-94, attracting a new generation of researchers, widening the scope of interests, and developing important grant-seeking skills. By 2002, CELS received financial support from 13 agencies and had an annual budget of approximately \$ 840,000. The old generation of directors allowed a new generation of professionals to expand CELS's work toward a wider concept of human rights.

Another sign of leadership in these two organizations is the way they have overcome ideological differences. While CORREPI rejects a dialogue with public authorities, CELS attempts to influence the policy process. However, this difference has not inhibited the two organizations from sharing experiences and information, and helping each other at critical junctures. One example is their collaboration to bring Walter Bulacio's case before the Inter-American Court of Justice. While CORREPI documented the case, CELS has provided its international expertise and international links to pressure the Argentine government to solve this case.⁵⁷

Advocacy Networks in Action

The balance of power among political parties, media pluralism, the structure of the police (particularly in the Province), and specific internal characteristics of human rights groups have created conditions conducive to action. As human rights views gained recognition by policymakers, the pro-order coalition faced strong incentives to organize in order to maintain the status quo—to block reforms during the policy implementation stage. As a result, human rights groups and their allies have been able to influence problem definition and political debate, but they have been unable to influence the implementation of crucial reforms.

The reform of the BAPP is an example of an initial well-coordinated effort by the civil rights coalition to influence the policy process and enact several reforms restricting police powers. As was stated, by 1995 several human rights organizations had documented extensive violations of human rights committed by the BAPP (Americas Watch and CELS 1991; CELS and Facultad 1994-1995; CELS 1996). Press reports documented practices of “easy trigger,” corruption, and

⁵⁶ Between 1989 and 2000, CORREPI's leaders have given 12 long interviews to the press, and newspapers register 53 reports on CORREPI's legal activities, and 38 reports on CORREPI's public demonstrations (Documentary Center, CORREPI).

⁵⁷ Interview with Fernanda Doz Costa, representative of CEJIL, Washington DC, January 23, 2002.

clandestine businesses controlled by police officers.⁵⁸ On December 19, 1996, the Governor of the Province, Eduardo Duhalde, declared the provincial police to be in a “state of emergency” to allow him to reform the structure of the police, reassign material and human resources, and dismiss officers involved in crimes and illegal activities.

Social pressure increased after the assassination of José Luis Cabezas in January 1997. Cabezas was a photographer who was investigating the links between the police and a specific businessman in Buenos Aires province (Sdreh 1997). Lawyers, specialists on police issues from different parties, deputies of the national and provincial Congress, and human rights groups developed a set of proposals to reform the police.⁵⁹ The *Alianza* coalition between FREPASO and the UCR incorporated these demands within their electoral platforms, making police reform a crucial issue during the 1997 provincial legislative electoral campaign. In April 1997, CELS organized a seminar on democratic control over the police, inviting key political actors, representatives of police institutions, and human rights organizations. In this event, representatives of FREPASO, UCR and the Peronist party discussed several proposals to reform the police.⁶⁰

Anti-reform sectors were also active, however. They are dominated by high and lower-ranking officers of the police, provincial government officials, the heads of several *intendencias* (districts) within the province, and ‘brokers’ within the Peronist party who controlled a network of illegal businesses including drugs, prostitution, traffic of stolen cars, and gambling (Dutil and Ragendorfer 1997).⁶¹ As the potential changes threatened their profits and interests, they managed to postpone Duhalde’s reforms until after the October elections (Saín 2001), but the electoral triumph of the *Alianza* at the provincial level made it more difficult for Duhalde to delay these changes any longer. In December 1997 Duhalde promulgated a new decree, taking over the provincial police (Decree 4508/97), and appointing Peronist lawyer León Arslanián as Minister of Justice and Security. Arslanián had previously participated in the reform of the penal code at the federal level, and now executed important changes such as the dismissal of more than 1,200 officers involved in illegal practices, the decentralization of the police command structure, the appointment of civilians to key high-ranking positions within the police, the creation of citizen review boards to monitor police practices, and the creation of internal mechanisms to control police practices. The center-left *Alianza*, human rights organizations, as well as professional organizations supported these initiatives, and by July 1998, three major bills related to the changes were approved in the provincial legislature.

The provincial government also created the Institute of Criminal Policy and Public Safety. This was a multiparty initiative in which representatives of the three major political parties (Peronist, UCR, and FREPASO) and human rights organizations—particularly CELS—were represented. This Institute was conceived as a center to produce empirical studies and policy initiatives to support the governor’s reforms.

⁵⁸ Without considering news about the AMIA, more than 32 cases of police corruption were denounced by the press only in 1996 (Oliveira and Tiscornia 1997).

⁵⁹ A prestigious lawyer, Alberto Binder, pro-civil rights was the main author of a proposal draft for the reform of the police.

⁶⁰ Seminario sobre Control Democrático de los Organismos de Seguridad Interior. Buenos Aires, April 7 and 8, 1997. Marcelo Saín (who was in charge of writing the FREPASO proposal for the reform of the BAPP), and León Arslanián (who was the person in charge of implementing the BAPP reform) participated in this seminar.

⁶¹ In his study on the Peronist party, Steven Levitsky (2001) argues that local brokers or “problem-solvers” are informally linked to the Peronist party, accessing government resources. However, “there is a dark underside to this social embeddedness. Because urban slum zones are frequently centres of illicit activity such as drug trafficking, prostitution, and gambling, Peronist networks are inevitably linked to these forms of organization as well” (Levitsky 2001: 41).

Resisting Change, Reversing Policies

The reform discussed above was strongly resisted by a cohesive alliance between some sectors of the police, political brokers in several districts, some *intendentes* [the equivalent to mayors], and important representatives of the Peronist party. They used illegal, institutional, and electoral strategies to block and reverse some of the policies the government was seeking to implement. The following paragraphs explain the mechanisms used by these actors to maintain the status quo.

Soon after the government announced the transformation of the police, the press reported threats by “anonymous sources” toward those who were promoting police reforms. In December 1997—one week after the governor’s announcement of a second intervention—, a group of officers organized in the so-called Police Movement (MOPOL) held a meeting to study measures of pressure against the government. They threatened to produce chaos in the public safety system by not reacting toward judicial or citizens’ requests. As a representative of MOPOL stated: “the best strategy is to do nothing and, if there are problems, this will increase insecurity, and therefore they [the government] will feel more pressure to stop reforms.”⁶² In March 1998, a police officer who was investigating police agencies received telephone threats.⁶³ The same month, two legislators who were working on the legislation to reform the police received new threats from ‘the big family of the Buenos Aires police.’⁶⁴

Another way to resist the reform was by not implementing policies already approved. *Intendentes* who had a close relationship with anti-reform officers resisted the implementation of certain policies. Moreover, *intendentes* lobbied the governor to maintain in place certain chiefs of police stations whose positions were threatened. For instance, former policymakers who worked during the reform period recognize that they received hundreds of calls from *intendentes* and judges requesting they not dismiss certain police officers.⁶⁵ Moreover, they manipulated certain appointments. For instance, a press note suggests that the police and *intendentes* were manipulating the election of the representatives of civil society into a Citizens’ Board of Safety in charge of monitoring policy implementation.⁶⁶

But probably the most effective way to undermine the reform was not the use of illegal methods but the promotion of an ‘iron fist’ electoral discourse during the 1999 gubernatorial electoral campaign. Until July 1999, Peronist governor Eduardo Duhalde and his pro-active Secretary of Justice Arslanián strongly supported the need to reform the police. However, candidate Carlos Ruckauf—a Peronist as well—was one of the most important representatives of the pro-order coalition. Ruckauf was leading the public opinion polls and, on August 3, 1999, he re-framed the electoral debate by suggesting that: “I will not have compassion with delinquents. We need to shoot delinquents, we need to fight them without contemplation.”⁶⁷ Two days later he insisted on the point, arguing that “we need to shoot in the heads those who commit crimes. I want to see these

⁶² Anonymous chief of a police station. “Los policías amenazan con huelga de brazos caídos,” *Página 12* December 21, 1997.

⁶³ “Amenazan al comisario que investiga las agencies,” *Página 12*, March 3, 1998.

⁶⁴ “Amenazan a dos legisladores,” *Clarín*, March 8, 1998. More cases were denounced during 1998. See “La policía está presa en su interna,” *Página 12*, September 20, 1999.

⁶⁵ “Plata sucia,” *Página 12*, September 26, 1999. Moreover, former secretary of justice and security León Arslanián recognized pressures from several *intendentes* to maintain the illegal profit system in the police. “Plin Caja” *Página 12*, December 19, 1999.

⁶⁶ “En Lomas de Zamora al defensor de seguridad lo eligen entre pocos,” *Página 12*, March 18, 1998.

⁶⁷ “Hay que meterle bala a los ladrones,” *Clarín*, August 4, 1999.

assassins killed.”⁶⁸ Within a few days, Ruckauf outlined his programmatic goals by suggesting the need to approve tougher rules against delinquency, to appoint police officers in top-ranking positions related to public safety, to keep criminals in jail, and to increase the number of police officers in the streets.⁶⁹

The evident inconsistency between Arslanián’s program and Ruckauf’s proposals created a serious division within the Peronist party. Arslanián resigned one day after Ruckauf’s declarations, arguing that he was not willing to change his plan and that a political conflict within the party would not help the country.⁷⁰ In the following two months, governor Duhalde chose to reverse some of the ongoing changes, given the increasing public support for Ruckauf’s tough proposals. For instance, Duhalde reincorporated 1,000 officers previously dismissed for violent or corrupt behavior.⁷¹ Additionally, Duhalde appointed several *comisarios* who had links with corrupt police officers.⁷²

But the main changes came after Ruckauf won the election in October 1999. His first decision was to appoint former military officer, Aldo Rico, as Secretary of Security. In the 1980s, Rico had led a military uprising against the democratic government and he had a clear hard line approach to delinquency.⁷³ Moreover, Ruckauf re-incorporated most of the officers dismissed by the previous administration and appointed police officers in key positions that had been previously occupied by civilians. Additionally, Ruckauf sent two bills to the legislature to re-centralize the police, increase police powers, and allow officers to detain suspects on the streets. These reforms were approved by the legislature in February 2000, albeit after long negotiations between the governing party and the *Alianza*, given its majority in the legislature. Additionally, the government unsuccessfully attempted to restrict television’s live transmission of robberies in the city.

The civil rights coalition attempted to stop some of these changes. In the legislature, the *Alianza* approved some of the government’s proposals such as reducing the ability of prisoners to be released before the end of their sentences, and allowing the police to interrogate suspects at the moment of their arrest. Given the *Alianza*’s distrust toward police procedures, however, it rejected one proposal to create a photo database of suspects, and another to allow police interrogation of detainees to be used as evidence during a trial.⁷⁴ Given the *Alianza*’s majority in the legislature, Ruckauf agreed to the conditions. However, two weeks later Ruckauf unilaterally broke the agreement, promulgating a decree that allowed police interrogation to be used as evidence during a trial.⁷⁵

Human rights advocacy networks also attempted to reduce the impact of these counter-reforms. CELS tried to demonstrate through the press that shooting delinquents was a common practice in Buenos Aires province before Ruckauf, but that this method had not produced good

⁶⁸ “Renunció Arslanián y comprometió a Duhalde,” *Clarín*, August 6, 1999.

⁶⁹ “Renunció Arslanián y comprometió a Duhalde,” *Clarín*, August 6, 1999. “La peor astilla,” *Página 12*, August 8, 1999; “Una relación es ascenso,” *Clarín*, October 28, 1999.

⁷⁰ Interview with León Arslanián, March 2001.

⁷¹ “Reincorporarán a mil policías,” *Clarín*, August 13, 1999.

⁷² “La Maldita policía, parte II,” *Página 12*, August 13, 1999. A political reason may explain Duhalde’s drastic change: he was interested on running for president in the next presidential election (1999) and he needed Ruckauf’s support within the Peronist party.

⁷³ Constant conflicts with the press and aggressive declarations made Ruckauf to request Rico’s resignation few months after he was appointed.

⁷⁴ The law implies that judges may take into account police’s interrogatories but it was not allowed to use them during the trial.

⁷⁵ “Las dos jugadas de Ruckauf,” *Clarín*, February 27, 2000.

results.⁷⁶ The Leftist FREPASO and some human rights organizations publicly accused Ruckauf's Secretary of Public Safety of past corruption which forced Ruckauf to ask his Secretary to resign twenty-five days after he was appointed.⁷⁷

Despite all these efforts, the new government was able to impose several pro-order reforms, including the centralization of the police high command and the approval of rules increasing police powers. The new Chief of Police, Amadeo D'Angelo, summarized the new orientation in a few words: "we will close down shantytowns so that delinquents will not get out. If they leave, we will arrest them."⁷⁸

Conclusions

When a journalist asked Argentina's former Secretary of Justice and Safety, León Arslanián, whether proposing "iron fist" measures would deliver more votes in an election, Arslanián did not hesitate to respond "yes, I believe so."⁷⁹ Arslanián led one of the most comprehensive attempts to reform a police force in contemporary Latin America. His attempt failed because of the strong institutional and political resistance from a powerful pro-order coalition as well as a simple electoral factor: proposing "tough" punitive measures against delinquency is a strategy that many politicians are likely to use because many citizens are likely to applaud. This seems to be the case in many Latin American countries⁸⁰ and, indeed, in democracies everywhere. Indeed, the French National Assembly adopted a sweeping anti-crime law in early February 2004, giving prosecutors and the police new power to fight organized crime, including the extension from two to four days the period in which suspects can be detained and questioned without charges against them.⁸¹ The same has happened in Chile and Argentina just some months ago.

While advocacy networks have become focal points for the coordinated actions of those who promote civil rights in Argentina, as of 2001, they have failed to shape police practices. Police officers have continued to use repressive tactics such as "easy trigger" to deal with social protests, crime, and delinquency. These strategies have been supported by a pro-order coalition that has used illegal, legal, and electoral methods to maintain the status quo.

In Argentina, while a well-placed network has been an important factor in blocking reform attempts by the provincial government, it was not the only factor. More important was the electoral triumph of a governor who was a promoter of the pro-order approach, which allowed for a reversal of an ongoing process of reform. Thus, a favorable political opportunity, effective strategies, and constant local and international monitoring have not led to a change in legal rights or police practices. What matters in this case is the comparative analysis of the two coalitions in competition and how they have been able, on the one hand, to frame a problem, gaining the support of a critical mass of people who were willing to protect citizens' rights from police abuses (in the mid 1990s) and, on the other hand, to give up rights in exchange for increasing police powers (after 1999).

⁷⁶ "Lo de meter bala ya era doctrina antes de Ruckauf," *Página 12*, August 13, 1999.

⁷⁷ "Duhalde tuvo que despedir a su secretario de seguridad," *Clarín*, September 8, 1999.

⁷⁸ "Joven y pobre es igual a delincuente," *Página 12*, May 17, 2001.

⁷⁹ "Conducir no es leer encuestas y correr," *Página 12*, August 6, 1999.

⁸⁰ A recent WOLA report addresses that "in response to calls for a 'tough on crime' approach, governments have maintained or reintroduced a military role in policing, undermining the commitment to demilitarized internal security (...). Central America's police reform efforts have made important strides, but they face constant resistance and challenges from authoritarian sectors including the military, political parties, and elites who see their prerogatives threatened by democratic change" (Neild 2002: 1)

⁸¹ "Lawyers Protest Across France at Sweeping Anticrime Law", *The New York Times*, February 12, 2004, A11.

The main argument addressed here is that what explains resistance to change in police practices and institutions is a structure of incentives favoring those who want to maintain the status quo. First, citizens want to be safe from police abuse as much as they want to be safe from delinquency and, therefore, on this highly divisive issue, constituencies can be mobilized in two directions. They can be mobilized to promote police reforms if violence against citizens is detected and to increase powers if the perception of crime is rising. Second, governments are likely to rely on increasing police powers to control public safety, even in cases in which the record of security forces show that police practices are contributing to increased levels of violence. Third, those who defend pro-order views enjoy comparative advantages over those who defend pro-civil rights views in terms of institutional resources, access to policymakers, and available strategies. As “public safety” is highly valued by policymakers, the police and their allies in the political system have more room to maneuver over what policies are likely to be implemented.

Even in political systems that are more favorable to human rights advocacy groups, and even when a “window of opportunity” to gain allies and influence the policy process presents itself to these groups, the possibilities for successful reform are likely to be counter-balanced by a generally well-organized pro-order coalition. My work suggests that advocacy groups may effectively impact agenda setting in some critical junctures but that their impact on policy implementation and police practices are likely to be, at best, transitory. In sum, the task of the enhancement of individual rights is extremely difficult given a structure of incentives that favors those who aim to preserve the status quo.

To explain resistance to change, we need to examine the conditions under which human rights advocacy groups are likely to influence the policy process. Thus, we need to focus on macro-level factors as well as on micro-level internal characteristics of advocacy groups. In this account, institutional conditions have been conceptualized as antecedent (contextual) causes, whereas actors' actions have been assumed to be the proximate causes of policy outcomes (Scharpf 2000).

However, I argue that analyzing the contextual and groups' internal characteristics is not enough. We need to observe nature of the policy issue at stake and the characteristics of the policy actors involved, assuming that on highly divisive issues, actors are likely to engage in some degree of coordination to promote their demands. Indeed, in the case under scrutiny, one can clearly observe the establishment of two coalitions (civil rights and pro-order) both attempting to influence the policy process. Second, these two coalitions have structural differences, which make it more or less likely for them to succeed. We can understand policy shifts and reversals by considering the comparative power and strategies of both those who challenge the political system and those who protect the status quo.

This study aims to make three contributions: first, because most analyses regarding the protection of human rights have studied the influence of transnational advocacy groups over authoritarian regimes, the conclusions have tended to downplay the complexity of elements proper to a democratic regime. Indeed, when facing fragile established democratic regimes, advocacy networks confront new strategic challenges that have not been properly explored. The cases presented in this study provide evidence that even if alliances between domestic and international advocacy networks are active, the domestic configuration of power, the way the police force is organized, and the way citizens' rights are framed strongly influence whether governments are willing to address the issue of police brutality and push for police reforms.

While the conceptualization of the mentioned “boomerang effect” has been mainly applied to authoritarian contexts, this study suggests a more complex relationship between international and domestic forces in a democratic setting. First, even though democratic regimes are substantially more open than authoritarian regimes, democratic incumbents can still have *incentives* to block

advocacy networks' influence. Second, in a democratic context *both* governments and advocacy groups may use international forums to advance their demands. For example, incumbents are likely to use international forums to respond to allegations of human rights, which—to some extent—may diffuse the initial impact of charges made by human rights groups. Third, if international actors want to support certain claims, local organizations *must* provide reliable and updated information to make the case of police abuses. This study aims to explain the strategic complexity associated with the enhancement of citizens' rights in a democratic context where multiple actors interact.

The second contribution of this study relates to the factors that explain the persistence of police brutality and policy reversals on formal police powers in Latin America. While some scholars have addressed the historical legacy of police autonomy and repression, I argue that the nature of the problem at stake and the characteristics of the policy actors involved are driving policy decisions. Given that governments rely on the police for public order, they face strong incentives to avoid disturbing their relationship with the police, making it more likely that they do not seek to improve mechanisms of internal accountability of the police. Moreover, citizens clearly want not only to be safe from police abuses but also to be safe from crime. Governments will respond to the pressures from those organized groups in society that are most successful in framing the issues, influencing them. According to my argument, the pro-order coalition has a structural comparative advantage over the civil rights coalition, making it harder for the latter to influence the policy process.

The analysis of the structure of incentives and power relations among actors challenge some explanations regarding the importance political actors' ideological commitment to certain worldviews. While we should expect center and leftist parties defending civil rights views, my argument suggests that this happens only under certain conditions and that policymakers are constantly facing a trade-off between the respect of citizens' rights and the maintenance of public order.

Third, this study challenges the pluralist idea that a change in objective conditions in society will automatically be translated into policy responses. In other words, increasing levels of crime or social protests do not necessarily imply that politicians will provide more powers to the police. At the same time, a reduction in the level of crime or an increase in the level of police violence does not automatically translate into a reduction in police powers. While objective social conditions may create incentives for action, I argue that an essential part of the story is how well organized are those who want to increase police powers and those who want to protect individual rights.

Bibliography

TO BE COMPLETED.