



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND  
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13 April 2018

Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Argentina and welcome the constructive engagement of your Government during the 28<sup>th</sup> session of the UPR Working Group in early November 2017.

As the final outcome report on the review of Argentina was recently adopted by the Human Rights Council at its 37<sup>th</sup> session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review - the compilation on Argentina and the summary of stakeholders' submissions on Argentina - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations made by 79 countries, Argentina's presentation and responses, and the action taken by the Government to implement the 90 recommendations it accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I am encouraged by the commitment of Argentina to further strengthen national and provincial human rights mechanisms. In this regard, I welcome the appointment in December 2017 by the National Congress of the last six members of the National Committee for the Prevention of Torture, which will permit to move forward with the effective implementation of the National System for the Prevention of Torture. I urge Argentina to appoint as soon as possible the National Ombudsman in order to continue enhancing its national framework for the protection of human rights.

I welcome the launching of the National Action Plan on Human Rights and encourage Argentina to take the necessary measures for its prompt implementation in order to achieve concrete results in the areas listed in the Annex and facilitate Argentina's preparations for the fourth cycle of the UPR. The implementation of the plan should include consultations with interested parties, in particular the Ombudsman, civil society organizations, and, where necessary, the support of international organizations, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other entities of the United Nations, under the leadership of the UN Resident Coordinator.

.../

H.E Ambassador Jorge Marcelo Faurie  
Minister of Foreign Affairs and Worship  
Argentina



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I also encourage Argentina to consider the establishment of a national mechanism for comprehensive reporting and follow-up in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to Argentina the use of the practical guide that my office released in 2016 on this topic and which is available at: [http://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)

Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow-up actions is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary midterm report two years after the adoption of the outcome report. In this regard, I welcome the submission by Argentina of midterm reports regarding the implementation of the recommendations made during the first and second cycle and I encourage it to submit a mid-term report for the third cycle in 2019.

As the Secretary-General indicates in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, closer collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals"*.

I look forward to discussing with you ways in which my Office may assist Argentina to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein  
High Commissioner for Human Rights



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## Annex

### **Scope of international obligations and cooperation with international human rights mechanisms and bodies**

- Strengthen the normative framework against discrimination, by ratifying the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.
- Ratify the WHO Framework Convention on Tobacco Control.

### **National human rights framework**

- Promptly appoint the Ombudsman.
- Implement the National System for the Prevention of Torture, by providing sufficient human and financial resources for its operation and promoting the establishment of prevention mechanisms against torture in all provinces.
- Take the necessary measures for the prompt implementation of the National Human Rights Plan, ensuring the participation of civil society organizations in its implementation and monitoring.
- Establish a national permanent mechanism, open to the participation of civil society, for reporting and monitoring Argentina's compliance with the obligations emanating from the treaties and recommendations made by international and regional human rights mechanisms.

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **A. Cross-cutting issues**

##### *Equality and Non-discrimination*

- Adopt additional measures to eliminate gender and racial discrimination by strengthening the National Institute against Discrimination, Xenophobia and Racism, and implementing a national multi-sectorial strategy to fight structural discrimination and address the rights of indigenous peoples, Afro-descendants and other groups subject to discrimination.
- Review the antidiscrimination legislation in order to expressly prohibit discrimination related to sexual orientation and gender identity.



## B. Civil and political rights

### *Right to life, liberty and security of person*

- Strengthen measures to prevent cases of excessive use of force, arbitrary detention, ill-treatment and other abuses by law enforcement officials and prison staff; promptly investigate all complaints of such acts and bring those responsible to justice. OHCHR has manuals and other tools that could be used in training these groups of professionals to ensure that their action adjusts to international human rights standards and norms.
- Adopt effective measures to improve prison infrastructure and detention conditions in all provinces. Limit the application of pretrial detention and its duration and accelerate the application of alternative measures to detention.
- Investigate, prosecute and punish acts of discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons.

### *Administration of justice, including impunity, and the rule of law*

- Speed up investigations and corresponding trials on cases of human rights violations that occurred during the last military dictatorship and put into operation the planned bicameral commission to identify the economic and financial complicities that occurred during that period.
- Ensure a multicultural approach in the administration of justice and strengthen the Federal Public Defender and the provincial ombudsmen.
- Take the necessary legislative and administrative measures to establish a specialized juvenile criminal justice system in line with international human rights standards.
- Step up efforts to investigate and prosecute those responsible for the 1994 explosion in the *Asociación Mutual Israelita Argentina* and the officials allegedly responsible for obstructing the initial investigations.

### *Fundamental freedoms and the right to participate in public and political life*

- Guarantee full enjoyment of the freedoms of expression, assembly and association in accordance with international human rights standards. Adopt all necessary measures to protect human rights defenders, investigate all acts of intimidation and violence against them and their communities and ensure that due process is observed in judicial proceedings



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against human rights defenders, members of indigenous communities, Afro-descendants and migrants. In this framework, Argentina may also wish to consider establishing a specialized protection mechanism for human rights defenders.

*Prohibition of all forms of slavery*

- Increase the efforts to combat trafficking in persons, including by strengthening the Federal Council to Combat Human Trafficking and Exploitation; elaborating a national anti-trafficking plan; the training of the judiciary and police forces to adequately investigate and punish trafficking cases; and the implementation of a unified statistical system of information, monitoring and evaluation of the situation of the victims.

**C. Economic, Social and Cultural Rights**

*Right to work and to fair and satisfactory working conditions*

- Continue promoting women's access to formal employment and guarantee equal remuneration for men and women for work of equal value.

*Right to an adequate standard of living*

- Continue promoting social inclusion and reducing high levels of poverty of indigenous peoples, people of African descent and migrants.
- Take measures to address the shortage of adequate housing and promote full social and urban integration of slums and informal settlements.

*Right to health*

- Reduce territorial inequalities in quality and access to health services and improve health services in rural areas and for indigenous peoples, taking into account their traditional culture and practices. Ensure the accessibility of health services to people with disabilities and provide training to staff on the right to health of people with disabilities.
- Increase the access of girls and adolescents to counseling and education services on sexual and reproductive rights and take the necessary legislative and other measures to ensure access to contraceptive methods and safe abortion services in all provinces of the country in all cases provided by international human rights standards.

*Right to education*

- Continue efforts to improve the educational infrastructure with the aim of increasing coverage, reducing territorial inequalities and ensuring quality standards in all schools. Take



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the necessary measures to implement an inclusive education policy towards people with disabilities.

- Ensure the implementation of the Intercultural Bilingual Education Program and promoting the participation of indigenous communities in all stages of its application.

#### **D. Right of specific persons or groups**

##### *Women*

- Strengthen the National Council for Women, ensuring the necessary resources for its proper functioning, and consider granting it ministerial rank.
- Intensify efforts to combat violence against women, including through the effective implementation of the National Plan of Action for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017-2019) and the application of the Latin American Model Protocol for the investigation of gender-related killings of women.

##### *Children*

- Take the necessary measures to guarantee the universal registration of births, with special emphasis on indigenous children.
- Promote the adoption of adequate legislative frameworks for the protection of children rights in all provinces and establish effective and comprehensive protection systems.

##### *Persons with disabilities*

- Review existing legislation at the federal, provincial and local levels to fully align it with the Convention on the Rights of Persons with Disabilities and ensure the effective participation of organizations representing persons with disabilities in this process.
- Strengthen the National Advisory Commission on the Integration of Persons with Disabilities and providing it with adequate human and financial resources.

##### *Indigenous peoples*

- Ensure effective consultation mechanisms and processes in accordance with international standards with indigenous peoples regarding any legislative or administrative measure that could affect them.

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- Implement the process of demarcation and protection of lands traditionally occupied by indigenous peoples as foreseen by national legislation and protect indigenous communities against forced evictions.

*Migrants, refugees, and asylum seekers*

- Ensure the compatibility of its migration legislation with international human rights standards. Intensify efforts to combat discrimination against migrants and refugees and ensure their integration into Argentinian society.