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Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council

Note verbale dated 19 September 2018 from the Permanent Mission of Argentina to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Argentina to the United Nations presents its compliments to the Office of the President of the General Assembly and has the honour to refer to the candidacy of the Argentine Republic to the Human Rights Council for the term 2019–2021, at the elections to be held during the seventy-third session of the General Assembly.

The Permanent Mission of Argentina has the further honour to transmit herewith the voluntary pledges and commitments made by the Argentine Republic in its contribution to the promotion and protection of human rights in all of its aspects (see annex).

* [A/73/150](#).



Annex to the note verbale dated 19 September 2018 from the Permanent Mission of Argentina to the United Nations addressed to the President of the General Assembly

[Original: Spanish]

Candidature of Argentina to the Human Rights Council, 2019–2021

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

I. Argentina and the promotion and protection of human rights

1. Argentina has presented its candidature to the Human Rights Council for the period 2019–2021 at the elections to be held in the General Assembly.

2. Since the restoration of democracy, the promotion and protection of human rights have been State policies mainstreamed into all public policies. They reflect the principle concerns of Argentine society. The protection and promotion of those rights therefore constitute the central aim of our country's foreign policy.

3. The Argentine Constitution provides for a democratic and pluralistic society whose central aim is unrestricted respect for human rights. Its pillars include absolute equality in the enjoyment of those rights by all inhabitants of the country, whether nationals or foreigners, the principle of non-discrimination and the separation of powers. In 1994, with the reform of the Constitution, the commitment to the protection and promotion of human rights was enhanced by incorporating into national law, with constitutional rank, the major instruments of international law and human rights, including: the American Declaration on the Rights and Duties of Man; the Universal Declaration of Human Rights; the American Convention on Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights and its Optional Protocol; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Convention on the Rights of the Child. All of those instruments, under their own terms, should be understood as complementary to the rights and guarantees recognized in the Constitution.

4. Constitutional rank has also been given to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Inter-American Convention on Forced Disappearance of Persons, adopted by the General Assembly of the Organization of American States (OAS), and the Convention on the Rights of Persons with Disabilities. Furthermore, a bill to accord constitutional rank to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the first international instrument that specifically addresses gender-based violence, has already been provisionally approved by the Chamber of Deputies of the Argentine Congress.

5. Argentina has placed particular emphasis on the progressive incorporation of the practices and norms of international rights standards. As a member of the inter-American and international human rights systems, it is committed to, and working towards, guaranteeing the equal enjoyment of all economic, social, cultural, civil and political rights by all persons and protecting and promoting full respect for those rights. With regard to equity and women's rights, the Argentine Government is

seeking to achieve gender equality and the political, social and economic empowerment of all women and girls.

6. To achieve those aims, Argentina has been implementing a national anti-discrimination plan since 2005; it contains an in-depth diagnosis of the problem, establishes a workplan and offers specific recommendations. The country has thus become a model for the development of similar plans in other countries. Argentina understands that achieving a society free of discrimination requires ensuring freedom of expression, religion, sexuality, gender, sexual orientation, gender identity and expression, personal identity and cultural identity in order to build a pluralistic and democratic society based on respect for diversity.

7. In July 2016, the President presented the first National Action Plan for the Prevention and Eradication of Violence against Women and Assistance to Victims (2017–2019). Argentina now has a strategic planning tool for the first time, and it is being used in an increasing number of provinces.

8. Furthermore, in December 2017 Argentina launched its National Human Rights Plan 2017–2020 to strengthen, systematize and consolidate public policies on human rights issues. The State considers that action plan to be a management tool that represents a significant step forward in the structuring of public policies and will encourage a comprehensive evaluation of specific human rights needs, promote coordination among government departments, civil society organization and the general public, and lead to actions for social transformation.

9. The National Human Rights Plan is based on the State's international commitments and the 2030 Agenda for Sustainable Development. It is focused on inclusion, non-discrimination and equality; public safety and non-violence; memory, truth, justice, and reparation policies; universal access to rights and civic culture and commitment to human rights.

10. Over the course of the last two years, the Ministry of Social Development has launched and begun to implement the National Plan for the Prevention and Reduction of Unplanned Pregnancy during Adolescence and the National Early Childhood Plan. The aim of the National Early Childhood Plan is to support boys, girls and their families in the first years of the children's lives through the establishment of comprehensive early childhood centres providing comprehensive care, support and stimulation to enable boys and girls between the ages of 45 days and 4 years in every neighbourhood to develop healthily while their mothers work or study.

11. The National Institute for Women, which is responsible for gender policies, is leading the development of the first national equal opportunities and equal rights plan. The plan, which has the support of all of the authorities, will be launched soon, in the second half of 2018. It is closely linked to Sustainable Development Goal 5, the recommendations of the Beijing Declaration and Platform for Action and the Montevideo Strategy for Implementation of the Regional Gender Agenda within the Sustainable Development Framework by 2030 of the Economic Commission for Latin America and the Caribbean.

12. Argentina has developed an important normative framework that includes clear constitutional mandates. The Constitution provides for affirmative action to ensure real equality of opportunities between men and women in access to elected and party positions (article 37) and for Congress to legislate and promote affirmative action measures to ensure real equality of opportunities and treatment, in particular in respect of children, women, older persons and persons with disabilities (article 75, paragraph 23).

13. In November 2017, Argentina took an important step in adopting the Gender Parity in Political Representation Act, which provides that from 2019, lists of

candidates for senators and deputies of the Legislative Branch and for members of the Southern Common Market (MERCOSUR) Parliament must comprise 50 per cent women. The Act also amends the Political Parties Organic Act to include an obligation for political parties to respect gender parity in their charters and in access to party positions.

14. The following bills are currently under consideration by Congress:

- A bill on the voluntary termination of pregnancy has been provisionally approved by the Chamber of Deputies and is expected to be considered by the Senate between July and September 2018.
- A bill on economic reparation for girls, boys and adolescents whose mothers have died as a result of femicide (“Brisa’s Law”) has been provisionally approved by the Senate and is being debated in the Chamber of Deputies.
- A bill on gender equity, which would amend the Employment Contract Act, was sent to Congress by the Executive Branch in March 2018. It includes proposals to introduce gender-based violence leave and to extend paternity leave, adoption leave and fertility treatment leave. It is also proposed that persons caring for children under the age of 4 be able to make arrangements for reduced working hours with their employers, and that mothers be able to work part-time for six months after giving birth. Additionally, the bill establishes guidelines for eliminating the pay gap between men and women.

15. At the international and regional levels, Argentina has promoted and participated actively in the negotiation of instruments for the protection of human rights. This action is part of a foreign policy aimed at strengthening international law, cooperation, the promotion of universal values associated with peace and security, representative democracy and respect for and promotion of human rights, both economic, social and cultural rights and civil and political rights.

16. With respect to the human rights treaty monitoring bodies, Argentina has met its obligations regarding the submission of periodic reports to the monitoring bodies (committees), its universal periodic review and the system of individual communications. On this point, it should be recalled that our country has recognized the jurisdiction of the committees (Human Rights Committee, Committee on the Rights of the Child, Committee on the Elimination of Racial Discrimination, Committee on the Elimination of Discrimination against Women, Committee against Torture and Committee on Enforced Disappearances) to analyse the complaints of persons who allege that they have been victims of violations of the rights guaranteed by those treaties. Argentina has submitted all periodic reports to the various monitoring bodies.

17. It should be noted that, as a result of the sustained efforts undertaken in the area of women’s human rights as part of the country’s foreign policy, in 2018 the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) will commence its activities in Argentina, through its country office, by implementing the Country Programme for Equality. The Programme will include projects to enhance the political participation and leadership of women, promote the economic empowerment of women and their inclusion in non-traditional economic sectors, improve systems for collecting data on femicide and eradicate gender-based violence. It will also contribute to the gender-sensitive monitoring of the implementation of the Sustainable Development Goals.

18. The path followed by Argentina since 1983 has placed the country in a position of global leadership in building a more just international order. Argentina firmly believes in the need to continue to strengthen the universal system for the promotion and protection of human rights. It therefore wishes to make a definite contribution at

this stage of the consolidation of the Human Rights Council, which will assist it in continuing to improve international levels of protection.

II. Activities of Argentina in the international system for the promotion and protection of human rights

19. Within the United Nations, Argentina was a member of the Commission on Human Rights during the following periods: 1957–1962, 1966–1968 and 1980–1993. It held continuous membership starting in 1997 and was re-elected in May 2005, until the establishment of the Human Rights Council, of which it was a member in the following periods: 2006–2007, 2009–2011 and 2013–2015.

20. It should be noted that Argentina has cooperated closely with all special procedures of the Human Rights Council. It has received visits from various Special Rapporteurs and Working Groups on the promotion and protection of human rights and supports initiatives for the renewal of existing mandates and the establishment of new ones.

21. Argentina has also presented various innovative draft resolutions to the Council, in particular introducing on the international agenda “the right to the truth”. The development of that right centres on the prevention of mass violations of human rights throughout the world. In addition, since 2009 Argentina has submitted initiatives on forensic genetics and human rights; human rights and transitional justice; business and human rights; the negative impact of corruption on the enjoyment of human rights; child, early and forced marriage in humanitarian settings; cultural rights and the protection of cultural heritage; the rights of older persons; and enforced disappearance.

22. The role of Argentina in the establishment of new thematic mandates, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Independent Expert on the enjoyment of all human rights by older persons, should also be highlighted.

23. Activities related to the universal adherence to the International Convention for the Protection of All Persons from Enforced Disappearance make up a central element of our country’s foreign policy, along with efforts in the General Assembly towards the elaboration of a convention on the protection of the rights of older persons.

24. In accordance with its foreign policy, Argentina is committed to working with the United Nations and the region to strengthen gender inclusion in the issue of women and peace and security (Security Council resolution [1325 \(2000\)](#)).

25. In forums for the promotion and protection of human rights, our country maintains a high commitment to the protection and promotion of the rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people, encouraging resolutions on these rights in various regional and global forums and forming part of the LGBTI Core Group; co-chairs the General Assembly group together with the Netherlands; and is a member of the Human Rights Council and OAS groups. In that connection, Argentina promoted and supported resolutions in the Human Rights Council on protection against violence and discrimination based on sexual orientation and gender identity. The adoption of the third resolution involved a very important step because it created a special procedure (Independent Expert) to defend the rights of LGBTI people.

26. Argentina has also ratified all existing international and regional instruments relating to the abolition of the death penalty and promotes a number of initiatives in various fields aimed at achieving that goal. These include participation in the working group that since 2008 has submitted the biennial General Assembly resolution on the moratorium on the use of the death penalty. In addition, Argentina has been a member

of the Support Group of the International Commission against the Death Penalty since its formation in 2010. The Support Group brings together specialists from all over the world to achieve a universal moratorium on the death penalty. In 2017, together with Mongolia and the European Union, Argentina co-sponsored the establishment of the Global Alliance to end trade in goods used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

27. With respect to the universal periodic review, Argentina supports this mechanism and considers it a significant and objective tool of the universal system for the promotion and protection of human rights. Along those lines, all rights, both civil and political as well as economic, social and cultural rights, should be given equal importance, including the right to development.

III. Activities of Argentina in the regional system for promotion and protection of human rights

28. Argentina actively participates in all negotiations on human rights conducted in OAS and is in constant dialogue with the States of the region.

29. Furthermore, as with United Nations mechanisms, Argentina maintains a standing invitation to the organs of the inter-American human rights system to visit the country. Additionally, it recognizes the jurisdiction of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to receive complaints against the Argentine Government for violations of the human rights contained in the American Convention on Human Rights.

30. Argentina has traditionally supported the inter-American system, which has been widely adopted by society. This is reflected in the fact that the country has one of the highest number of cases before the system, which has contributed to higher human rights standards in Argentina. Evidence of that includes the implementation of amicable solutions as the preferred option in cases pending before the Commission, a policy that has influenced important policy reforms aimed at improving the State institutionally based on individual case experiences, such as the repeal of the Code of Military Justice or the reform of the immigration Act.

31. In addition, at the General Assembly of OAS, together with Chile, Costa Rica, Mexico, Panama and Peru, over a period of three years Argentina achieved a 100 per cent increase in the necessary resources from the OAS Regular Fund allocated to the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, giving the Commission a structural solution to the recurring financial crises facing the system. In this connection, the Commission's 162nd period of sessions was held in Buenos Aires in 2017 at the invitation of the Argentine Government.

32. Argentina is a member of the Inter-American Commission of Women, the first intergovernmental body established to ensure the recognition of women's human rights, and is a member of its Executive Committee. It also acceded to and participates in the Follow-up Mechanism to the Convention of Belém do Pará, considering it to be the best tool in place to raise the standards of women's human rights in the region. The Mechanism has a Committee of Independent Experts who prepare periodic reports on the implementation of the Convention. An Argentine expert on violence against women sits on the Committee.

33. Argentina is also a member of the OAS Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities. It actively participates in the Committee's work, having served as its President in 2014 and 2015 and Second Vice-President from 2016 to July 2018. It has made important contributions in the field of the legal capacity of persons with disabilities and the formulation of proposals

for improvements and updates to the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (2006–2016), which was recently updated at the 48th period of sessions of the OAS General Assembly.

IV. Commitments by Argentina during its term of membership

34. Hoping that it can count on broad support among Member States, Argentina undertakes to:

At the international level

- Strengthen the promotion and protection of all human rights, both civil and political as well as economic, social and cultural, in accordance with the principles of universality, interdependence and indivisibility
- Strengthen ties to specialized and universal agencies in gender issues to contribute to the empowerment of women and the prevention and eradication of gender-based violence
- Promote multilateralism as an effective tool for the defence of human rights, submitting and sponsoring resolutions in the General Assembly and the Human Rights Council that will help to raise international standards for human rights protection
- Work with all organizations of civil society through interactive dialogue, developing new forums to increase mechanisms for their participation in the Council and recognizing their role as promoters of human rights
- Build the Council's capacity for effective action in emergency situations of grave violations of human rights and country mandates
- Endorse the commitment to discourage, during diplomatic consultations, such practices as the "no action motion" on a particular draft resolution. In a spirit of dialogue and cooperation, Council members must be prepared to consider all issues having to do with the promotion and protection of human rights, in due observance of General Assembly resolution 60/251
- Support the strengthening and independence of special procedures, guaranteeing full freedom of action to mandate holders. The special procedures should consider in a balanced manner the effect of all human rights, both economic, social and cultural as well as civil and political, including the right to development
- Continue supporting the work of the Office of the United Nations High Commissioner for Human Rights and its mechanisms, attempting to increase its participation in the work of the Council
- Participate constructively in giving the universal periodic review greater capacity for transformation, providing technical cooperation for all States that require it. When making its recommendations, the review should take into account the different levels of development of the countries being evaluated, along with a gender perspective
- Include factors concerning the fight against discrimination in all its forms and gender violence in the recommendations of the universal periodic review
- Continue efforts to achieve the full effect and observance of the International Convention on the Protection of All Persons from Enforced Disappearance by all States

At the regional level

- Continue to promote dialogue and cooperation among the States of the region in order to contribute to the strengthening of human rights and bring a constructive view and spirit of consensus to the Council
- Cooperate in strengthening democracy in the region, guaranteeing full respect for human rights
- Continue to participate actively in the Working Group on protection of the human rights of older persons, whose work centres on the protection of the rights of the elderly, within OAS
- Continue to participate actively in the OAS Committee for the Elimination of all Forms of Discrimination against Persons with Disabilities
- Promote the adoption of national action plans for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security in order to build societies that are more just, inclusive and peaceful

At the national level

- Continue the full implementation at the domestic level of the obligations undertaken by Argentina through international human rights instruments
- Continue and expand the promotion and protection of human rights at the national level as a Government policy, based on the strong belief that they represent rights inherent to all persons
- Implement fully the five themes of the 2017–2020 National Human Rights Plan
- Implement a cross-cutting gender perspective in the public policies of the different spheres of national, provincial and municipal administration
- Cooperate with the UN-Women office in Argentina to implement the Country Programme for Equality
- Work together with civil society and non-governmental organizations to promote public policies that guarantee respect for human rights
- Adopt a gender perspective in the follow-up to the universal periodic review
