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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 18 February 2021 from the Permanent Mission of Argentina to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Argentine Republic to the United Nations and has the honour to indicate that the Government of the Argentine Republic has decided to present the candidature of Argentina to the Human Rights Council for the term 2022–2024.

In this regard, the Permanent Mission of the Argentine Republic has the pleasure to transmit the voluntary pledges and commitments for the Argentine candidature to the Human Rights Council for the term 2022–2024 (see annex).

The Permanent Mission of the Argentine Republic would be grateful to the President of the General Assembly if the present note and its annex could be circulated as a document of the General Assembly, under agenda item 118 (d).

* [A/76/50](#).



Annex to the note verbale dated 18 February 2021 from the Permanent Mission of Argentina to the United Nations addressed to the President of the General Assembly

[Original: English and Spanish]

Candidature of Argentina to the Human Rights Council, 2022–2024

Voluntary pledges and commitments pursuant to General Assembly resolution [60/251](#)

I. Argentina and the promotion and protection of human rights

1. Ever since Argentina was established as a nation State, the country has incorporated into its domestic legislation fundamental rights and liberties for its citizens, which have progressively been expanded in line with and in response to the progress in this field on a regional and global scale.

2. Nowadays, the promotion and protection of human rights is a State policy that impacts all public policy and is one of the cornerstones of Argentina's foreign policy.

3. Argentina's current human rights agenda is built upon the eradication of impunity for the crimes against humanity committed over the course of Argentina's last military dictatorship (1976–1983). The coup d'état that took place on 24 March 1976 was the last one in a long series of coups that started in 1930 and marked our country's political history. The military ruled for seven years, leaving a toll of 30,000 disappeared; thousands of people killed, exiled or imprisoned for political reasons; and hundreds of children who were stolen and had their identities replaced.

4. Since democracy was restored in 1983, Argentina has walked a long path in relation to memory, truth and justice, and reparations for the crimes against humanity committed during the military dictatorship. This approach has been enabled by the untiring efforts of the human rights movement and the consensus reached by the three branches of Government and Argentine society, as well as by the political will to engage in an unprecedented process in the world: as from 2005, hundreds of judicial proceedings were reinstated across the country, as a result of which, as of August 2020, over 900 people had been convicted of crimes committed during the military dictatorship and over 600 people had been indicted, following strict rules of due process and in the context of court proceedings.

5. In 1994, when the Argentine Constitution was reformed, the country's commitment to the protection and promotion of human rights was enhanced when the main international human rights instruments were granted constitutional status, including the American Declaration of 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. These instruments, in the full force of their provisions, must be construed as supplementary to the rights and guarantees enshrined in the Constitution.

6. Other instruments have also been granted constitutional status, namely: 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; the Convention on the Rights of Persons with Disabilities; and, more recently, the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará) – the first international instrument specifically addressing violence against women.

7. Accordingly, Argentina has worked towards progressively incorporating into its domestic legislation international human rights law standards, as part of its strong commitment to the guarantee, full enjoyment, protection and enforcement of all civil, political, economic, social and cultural rights in order to build fairer and more equal, inclusive and diverse societies.

8. On the international and regional fronts, Argentina has traditionally promoted and actively participated in negotiations on human rights protection instruments. These efforts are part of a foreign policy focused on strengthening international law, multilateralism, cooperation and the promotion of the universal values enshrined in the Universal Declaration of Human Rights, the Charter of the United Nations and other international instruments for the promotion of all human rights. To date, Argentina has ratified all international human rights treaties.

9. With respect to control mechanisms under human rights treaties, Argentina has complied with the obligations undertaken in relation to the submission of regular reports to the relevant monitoring bodies and the universal periodic review, as well as with obligations arising from the individual petition system. In this respect, Argentina has recognized the jurisdiction of the following treaty-based committees: the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture, the Committee on Enforced Disappearances and the Committee on the Rights of Persons with Disabilities.

10. Since 2005, Argentina has been implementing a federal plan against discrimination, in the context of which, on the basis of a diagnosis of the situation regarding discrimination in the country, recommendations were made to work on public policies and regulations aimed at countering discrimination, in order to guarantee freedom of expression, belief, sexuality, gender, sexual orientation, gender identity and expression, personal identity, ethnic-racial identity and cultural identity so as to build a pluralistic, equitable and democratic society based on respect and the promotion of diversity.

11. The National Institute against Discrimination, Racism and Xenophobia is working on a new federal plan against discrimination, which will consist of a set of governmental commitments to action based on a strategic vision to be implemented during the period 2022–2025, in order to deepen and consolidate the progress made in legal and institutional terms with respect to the right to equality and the principle of non-discrimination. The plan will be periodically monitored and reviewed, and it will be updated every two years. It is being developed in cooperation with all social, political, cultural, sports and other organizations that work towards eradicating discrimination in any of its forms.

12. In the same vein, in the context of the National Day of Afro-Argentine People and African Culture in 2020, two initiatives were launched: the Argentine Commission for the Historical Recognition of the Afro-Argentine Community and the Inter-Ministerial Group on Public Policy for the African Community in Argentina, with a view to implementing cross-sectoral measures, engaging several government agencies, with a focus on a group of people that has historically been rendered

invisible and impaired as a result of structural racism in our society. The aim of these initiatives is to broaden the efforts made in our country to include aspects not yet addressed, as well as to comply with the international obligations undertaken by the Argentine State in the context of the International Decade for People of African Descent and the Durban Declaration and Programme of Action.

13. In addition, the Federal Government, through the National Institute for Indigenous Affairs, has prepared a work plan in connection with the policy on indigenous peoples and communities that prioritizes an approach based on direct contact for better dialogue and understanding, from a federal, intercultural and participatory perspective, with a view to responding to any unaddressed challenges.

14. Argentina also assigns great importance to the advancement and promotion of the rights of older persons and, consequently, the country will continue advocating the preparation of a draft legally binding instrument on the protection and promotion of the human rights of older persons at the United Nations.

15. Furthermore, Argentina has developed strong domestic standards in the field of women's rights and the rights of LGBTI+ persons, with a cross-sectoral approach to gender, diversity and intersectionality perspectives.

16. In 2009, Congress passed a law on comprehensive protection aimed at preventing, punishing and eradicating violence against women within the context of their interpersonal relationships (Law No. 26,485), which constitutes the greatest regulatory milestone so far in the fight against gender-based violence. Along these same lines, in 2012, Law No. 26,791 was passed, amending the Criminal Code in order to punish as aggravated crimes certain forms of murder specifically related to gender-based violence. The law broadened the scope of aggravated murder on account of the perpetrator's relationship with the victim and also in addition, new forms of hate crimes were added to the Code, including hate crimes based on "gender or sexual orientation, gender identity or gender expression". Furthermore, under this law, the crime of "femicide" was included in the Code and a new aggravating factor of the crime of murder was added, namely, murder with the purpose of inflicting suffering on a person with whom the perpetrator has or has had a relationship.

17. In addition, under Law No. 27,499 (the Micaela Law), there is now mandatory training on topics related to gender and gender-based violence for government officials at all levels across the Argentine executive, legislative and judicial branches.

18. As regards the recognition of LGBTI+ person's rights, Argentina has been a trailblazer, passing Law No. 26,618 to amend the Argentine Civil and Commercial Code to legalize same-sex marriage, while provisions were also included on adoption by same-sex couples and access to assisted reproductive treatment. Subsequently, the Law on Gender Identity (Law No. 26,743) was passed – still one of the most progressive pieces of legislation on this matter in the world – under which the right to gender identity is recognized as each person's internal and individual perception of their own gender, which may be the same as or different from that person's sex as assigned at birth. Under this law, every person also has a right to have their gender identity recognized, to the free development of their own self in line with their gender identity, to be treated in a way that is respectful of their gender identity and, especially, to be identified with such identity in any identity documents in terms of the first name, picture and sex included in them, without having to undergo any psychological, medical or judicial proceeding as a prerequisite, and with the possibility of accessing hormonal treatment or surgery if they so wish.

19. As from December 2019, the issue of gender and diversity has been assigned greater importance and given priority on the Government's agenda, as a result of which the Ministry of Women, Gender and Diversity was created. This is consistent

with the international commitments undertaken by the Argentine State on the matter of gender equality and the protection of the rights of women and LGBTI+ persons.

20. The mandate of the newly created Ministry is to adopt measures aimed at eradicating structural inequality that adversely affects women and LGBTI+ persons and to take action to guarantee that these groups can effectively exercise their human rights. The Ministry has been entrusted with designing, implementing and reviewing policies on gender, equality and diversity; generating and managing knowledge; providing training and education and delivering innovation; and implementing cultural and communication policies.

21. Since the Ministry was created, the following actions have been taken, which keep our country at the forefront in this matter: Presidential Decree No. 721/2020 was adopted, establishing a 1 per cent employment quota in federal government agencies for transvestite, transsexual and transgender persons; the programme for enhanced access to rights for transvestite, transsexual and transgender persons was implemented; the federal action plan against gender-based violence (2020–2022) was adopted; and the National Office for Mainstreaming Gender Policies was created.

22. Argentina's commitment to achieve substantive gender equality also became evident at the beginning of the coronavirus disease (COVID-19) pandemic, when a series of measures were implemented to mitigate the increased impact of COVID-19 on women and vulnerable people. Argentina has been recognized as the country that implemented the highest number of gender-sensitive measures during the pandemic according to the Global Gender Response Tracker used by the United Nations Development Programme and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

23. It should be noted that the Law on the Comprehensive Protection of the Rights of Children and Adolescents (Law No. 26,061) has placed emphasis on the concepts of comprehensive protection of rights and the child's best interest (article 3 of the Convention on the Rights of the Child and articles 1 and 3 of Law No. 26,061), as well as on the basic principles of the domestic and international legal systems applicable to all children and adolescents who are within the territory of the Argentine Republic.

24. Argentina reaffirms the interrelationship between the rights of children and adolescents under the Convention on the Rights of the Child and under Law No. 26,061 and guarantees each and every right established in those rules, since if any one right is infringed upon, all rights are.

25. Another matter of the utmost importance to Argentina is defending the right to education. Education in Argentina is recognized as a right and the State, at both the national and provincial levels, must universally ensure equal, free and secular education and access to all levels of the education system, from preschool to university education, for all the people living in the country. As evidence of this commitment to defending the right to education, Argentina is still leading the initiative to protect education from attack, through the Safe Schools Declaration, which is aimed at strengthening resilience in situations of armed conflict and in situations of recovery, once the armed conflicts are over.

26. In addition, the Law on Migration (Law No. 25,871) has been in force in the Argentine Republic since January 2004. The law resulted from the work of different governmental and non-governmental sectors and reflects Argentina's commitment to ensuring full respect for the human rights of migrants and their families. It establishes mechanisms for simplifying the regularization of migration status, which is deemed to be essential for foreign individuals to achieve full integration into the host society.

27. In line with the Law on Migration, the programme for normalizing migratory documents (named “*Patria Grande*”) was implemented to allow nationals of Southern Common Market (MERCOSUR) member and associate States to request, upon providing evidence of their nationality and lack of a criminal record, a two-year temporary residence, after which permanent residence may be obtained.

28. Moreover, Argentina takes an active and committed role in the fight against antisemitism at both the domestic and international levels, as part of a broader policy to fight against all forms of discrimination. In this regard, Argentina is the only full member from Latin America of the International Holocaust Remembrance Alliance, an intergovernmental organization that works to promote Holocaust remembrance and education and is engaged, through these activities, in the fight against antisemitism. Within this framework, in June 2020, Argentina adopted the non-legally binding working definition of antisemitism, a practical tool that contributes to the efforts to counter antisemitism.

29. In addition, based on the lessons learned from the adoption of memory, truth and justice policies, Argentina takes part in and leads initiatives on the topic of the prevention of genocide and mass atrocities at the international and regional levels. In this regard, in November 2020 Argentina took the chair of Global Action against Mass Atrocity Crimes, a global platform created in 2013 to build a network of States that are well-informed about, as well as sensitive and committed to, the atrocity prevention agenda. At the regional level, in 2012 Argentina was one of the promoters of the Latin American Network for Genocide and Mass Atrocity Prevention, a regional organization focused on the atrocity prevention agenda.

30. Argentina is firmly committed to sharing the lessons learned and the progress made since the return to democracy in 1983, with the ultimate aim of building more democratic, equal, diverse and inclusive societies. Therefore, strengthening the universal system for the promotion and protection of human rights is a priority to which Argentina certainly wishes to contribute at this stage of consolidation of the Human Rights Council, so as to further improve international protection levels and standards.

II. Role of Argentina in the universal system for the promotion and protection of human rights

31. Within the framework of 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 of the Commission starting in 1997, having been re-elected in May 2005, until the creation of the Human Rights Council, of which it served as a member during the following periods: 2006–2007, 2009–2011, 2013–2015 and 2019–2021.

32. Special mention should be made of Argentina’s close cooperation with all the special procedures of the Human Rights Council. We maintain a standing invitation for special procedure mandate holders, who we welcome continuously every year, and we support initiatives aimed at renewing existing mandates and creating new ones.

33. Argentina has also submitted several draft resolutions to the Human Rights Council, most notably the inclusion of the right to the truth on the international agenda, that is, the right of victims of gross human rights violations and their relatives to know the full and complete truth as to the events that transpired, who participated in them and their specific circumstances, including knowing the violations that took place, as well as the reasons for them.

34. In addition, since 2009, Argentina has presented initiatives on issues such as enforced disappearance, the use of forensic genetics and human rights; policies on memory, truth, justice, reparation and guarantees of non-recurrence; the rights of older persons; the right to education and culture; business and human rights; and the rights of children.

35. Argentina took part in the establishment of the following new thematic mandates: a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; an Independent Expert on the enjoyment of all human rights by older persons; and an Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity.

36. One of the main pillars of Argentina's foreign policy is the universalization of the International Convention for the Protection of All Persons from Enforced Disappearance, for which purpose it has launched, jointly with France, a third campaign to continue furthering that aim. We also continue to make efforts for the General Assembly to draft a convention for the protection of the rights of older persons, a goal that was already achieved within the Organization of American States (OAS) in 2015.

37. Argentina is also committed to working within the United Nations and in the region in order to enhance the inclusion of a gender perspective in the field of women and peace and security (Security Council resolution [1325 \(2000\)](#)).

38. As a signatory to the Beijing Declaration and Platform for Action (1995), Argentina is part of the Generation Equality initiative and co-leads one of the six action coalitions so as to contribute towards the implementation of the Platform.

39. At forums for the promotion and protection of human rights, Argentina is highly committed to protecting and promoting the rights of LGBTI+ individuals, by advancing resolutions on this issue at the regional and global levels and forming part of support groups at the United Nations, the Human Rights Council and OAS. In addition, it currently co-chairs the Equal Rights Coalition.

40. Furthermore, Argentina has ratified all existing international and regional instruments on the abolition of the death penalty and has launched various initiatives at different levels aimed at attaining this goal. One of these initiatives is its participation in the task force that has presented the General Assembly resolution on the moratorium on the use of the death penalty on a biennial basis since 2008. In addition, since its creation in 2010, Argentina has been a member of the Support Group of the International Commission against the Death Penalty, in which experts from all over the world participate with a view to establishing a universal moratorium on the death penalty. Moreover, since 2017, Argentina has co-led the Global Alliance to end trade in goods used for capital punishment and torture.

41. With respect to the universal periodic review of the Human Rights Council, Argentina will continue to support this mechanism as it is regarded as a method for the promotion and protection of human rights, which enables dialogue on human rights with all States on an equal footing. Therefore, it will continue to participate constructively to give the mechanism greater transformative power, by ensuring that the main human rights concerns are considered when making its recommendations, taking into account the different levels of development of the countries assessed, the gender and diversity perspective, and the possibility of cooperating to exchange experiences and good practices.

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

42. Argentina attaches great importance to its involvement in the progressive development of human rights at a regional level within OAS, in which it plays an active role, in constant dialogue with the States in the region.

43. Argentina strongly supports the inter-American human rights system, which was incorporated into the Argentine Constitution in 1994 and has played a key role in the quest for justice of the victims of State terrorism and their families. Argentina considers the inter-American human rights system to be an early warning mechanism that is useful at the internal level for States to make institutional improvements, as well as to develop new legislation and case law, and gives preference to the amicable settlement mechanism as the best method for the resolution of cases and petitions. This is reflected in significant amendments to legislation aimed at making institutional improvements in the State based on individual experiences, such as the abrogation of the Code of Military Justice, the Argentine State's reparation policy for victims of the last military dictatorship, the amendment to the Law on Migration and the establishment of the right to the truth.

44. Argentina is a member of the Inter-American Commission of Women, the first intergovernmental agency established to ensure recognition of women's human rights, and it is part of its Executive Committee. In addition, Argentina has adhered to and participates in the Follow-up Mechanism to the Convention of Belém do Pará, on the understanding that it is the best existing tool to raise the standards of women's human rights in the region.

45. Furthermore, Argentina is a member of the OAS Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities, which has made significant contributions to the development of the legal capacity of persons with disabilities.

IV. Commitments of Argentina during its mandate

46. Hoping to receive full support from Member States, Argentina undertakes to:

At the international level

- Strengthen the promotion and protection of human rights, in accordance with the principles of universality, interdependence and indivisibility
- Promote multilateralism as an efficient tool to defend human rights, by presenting and co-sponsoring resolutions that will contribute to raise international standards on human rights protection, with a special focus on policies seeking memory, truth and justice, and on the protection of vulnerable and/or historically discriminated against persons and groups, the institutionalization of human rights and the prevention of mass atrocities
- Reinforce the role of the Human Rights Council as the main body for progressively developing international human rights law and work in a spirit of dialogue and cooperation with all States to avoid politicization
- Improve the ability of the Human Rights Council to act effectively in urgent situations involving gross violations of human rights
- Work in close cooperation with civil society organizations in order to create new opportunities for increasing their participation in the Human Rights Council and

to acknowledge their role as key actors in the progressive development of human rights

- Continue to firmly support the work of the Office of the United Nations High Commissioner for Human Rights and its mechanisms and attempt to increase its participation in the tasks of the Human Rights Council
- Ratify the commitment to discourage, during diplomatic consultations, practices such as “no action motions” on certain draft resolutions. It is necessary, in a spirit of dialogue and cooperation, for the members of the Council to be willing to consider all issues related to the promotion and protection of human rights, duly observing General Assembly resolution [60/251](#)
- Support the strengthening and independence of special procedures
- Participate constructively with a view to strengthening the transformative power of the universal periodic review, while ensuring technical cooperation for all States requiring it. When making recommendations, the review should also take into account the different levels of development of the countries under review, as well as the gender and diversity perspectives
- Include aspects related to the fight against all forms of discrimination and gender-based violence in its recommendations within the framework of the universal periodic review
- Continue efforts to ensure universal application of the International Convention for the Protection of All Persons from Enforced Disappearance by all States
- Promote the exchange of experiences and good practices among States, so as to consolidate dialogue and cooperation in the field of human rights, especially South-South and triangular cooperation
- Work to build consensus on the drafting of a legally binding instrument that will protect the rights of older persons
- Promote the exchange of experiences and good practices for the adoption of national action plans for the implementation of Security Council resolution [1325 \(2000\)](#) on women and peace and security, in order to consolidate fairer, more inclusive and more peaceful societies
- Strengthen ties with universal and specialized organizations in order for them to contribute to substantive equality between men and women and to the prevention and eradication of gender-based violence
- Continue efforts to incorporate gender, diversity and intersectionality perspectives in international forums

At the regional level

- Continue fostering dialogue and cooperation among States of the region in order to contribute to the strengthening of human rights and to provide a constructive and agreed perspective at the Human Rights Council
- Cooperate in the strengthening of democracy and the observance of human rights in the region
- Continue to actively support the work of the Inter-American Commission on Human Rights so that it will have sufficient resources to operate
- Continue to support the strengthening of the inter-American human rights system by promoting its universalization

- Work to secure a higher number of ratifications of the Inter-American Convention on Protecting the Human Rights of Older Persons, in order for its Committee of Experts to be established
- Continue to work actively with the OAS Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities
- Continue to work actively with the Follow-up Mechanism to the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women
- Continue to support the work of the Working Group on the Protocol of San Salvador, so as to have an accurate assessment of the situation of economic, social and cultural rights in the region
- Support the work of the Economic Commission for Latin America and the Caribbean, especially the Regional Conference on Women in Latin America and the Caribbean, in order to identify the regional and subregional situation as regards the autonomy and the rights of women, submit recommendations for public policies on gender equality and carry out periodic reviews on the activities performed in accordance with regional and international agreements

At the national level

- Continue to comprehensively implement, at the domestic level, the obligations assumed by the Argentine Republic under universal and regional human rights instruments
- Continue to consolidate and strengthen the promotion and protection of human rights at the domestic level as a State policy, by supporting the progressive expansion of rights and greater inclusion of historically discriminated against, marginalized or vulnerable persons and peoples
- Mainstream gender, diversity, intersectionality and non-discrimination perspectives and other perspectives focused on substantive inclusion of vulnerable groups in the design of public policies at the different levels of the federal, provincial and municipal government
- Work in a coordinated effort with civil society organizations to develop and promote public policies that guarantee respect for human rights
- Make progress on the creation of a national plan on business and human rights, with a view to encouraging constructive dialogue among the various interested parties and achieving effective implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework
- Take into account the gender and diversity perspective in the selection of candidates for positions in human rights treaty bodies of the universal system and the inter-American human rights system
- Apply gender and diversity perspectives in the follow-up to the universal periodic review
- Work together with the Office of the United Nations High Commissioner for Refugees to strengthen resettlement and community sponsorship programmes for asylum seekers and refugees, on the basis of solidarity and active participation, at the federal level

- Promote the ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance
 - Continue to promote and expand federal inter-agency work as regards memory archives, and access to and declassification of the files of security and intelligence forces relating to the acts of State terrorism during the last military dictatorship
 - Continue working on the implementation of the national action plan against gender-based violence and the 2021–2023 national plan on equality in diversity
 - Continue to implement actions designed by the National Office for Mainstreaming Gender Policies with a view to incorporating a gender perspective into all public policies of the Argentine State, coordinating and determining each ministry's commitments as regards gender, coordinating joint strategies to monitor compliance, and designing training and specialization actions in each area
 - Implement a comprehensive care system, on the understanding that care is regarded as a necessity, as labour and as a right
 - Continue to promote policies aimed at achieving women's economic and physical autonomy
 - Continue to implement a national budget with a gender perspective
 - Continue to increase access by women to political and economic decision-making positions
-