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**Argentina\***

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## Acronyms and abbreviations

ADAJUS	National Programme for Assistance to Persons with Disabilities with the Administration of Justice
CNM	National Council for Women
COFENAF	Federal Council for Children, Adolescents and the Family
CONADIS	National Advisory Commission on the Integration of Persons with Disabilities
DIGHU	Directorate-General of Human Rights of the Ministry of Foreign Affairs
DIJER	Directorate for Women of the Ministry of Foreign Affairs
GDP	Gross Domestic Product
IACHR	Inter-American Commission on Human Rights
INADI	National Institute against Discrimination, Xenophobia and Racism
INAI	National Institute of Indigenous Affairs
INDEC	National Statistics and Census Institute
IPPDH	MERCOSUR Institute of Public Policies on Human Rights
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MERCOSUR	Southern Common Market
OAS	Organization of American States
OHCHR	Office of the United Nations High Commissioner for Human Rights
PNDH	National Human Rights Plan
SENNAF	National Secretariat for Children, Adolescents and the Family
SNEEP	National System of Statistics on the Execution of Sentences

## I. General information about the State

Capital (and largest city)	Buenos Aires
Official language	Spanish
Form of government	Federal democratic republic
Total area	3,761,274 km <sup>2</sup>
Percentage of water	1.1 per cent
Borders	9,665 km
Total population	32nd place
Total	40,117,096 <i>2010 census</i> 42,192,500 <i>2012 estimate</i>
Density	14.43 inhabitants/km <sup>2</sup>
GDP (PPP)	20th place
Total (2012)	US\$ 756,226
GDP (nominal)	25th place
Total 2012	US\$ 474,812 million
GDP per capita	US\$ 11,835

1. The Argentine Republic is a sovereign State, organized as a representative and federal republic, situated in the south-east of South America.
2. Its territory is divided into 23 provinces and the Autonomous City of Buenos Aires, the national capital and seat of the federal government. The average indices of human development, per capita income and quality of life of its 40 million people are among the highest in Latin America.
3. Argentina is the largest Spanish-speaking country in the world, the second-largest State in South America, fourth on the American continent and seventh in the world.
4. Its American mainland, which covers much of the Southern Cone, is bounded to the north by Bolivia and Paraguay, to the north-east by Brazil, to the east by Uruguay and the Atlantic Ocean, and to the south and west by Chile.
5. According to the World Bank, the nominal GDP of Argentina is the twenty-fifth highest in the world but the country ranks as the twentieth-largest economy in the world by total GDP in terms of purchasing power. In 2010, the country was classified by the World Bank as an upper-middle income country or as an emerging market.

## A. Demographic, economic, social and cultural characteristics of the State

### 1. Ethnic and demographic characteristics of the country and its population according to the following indicators

Table 1  
Population size<sup>1</sup>

<b>Total population</b>	<b>40 117 096</b>
Men	19 523 766
Women	20 593 330

6. According to the results of the 2010 Census, the total national population is 40,117,096 people, 20,593,330 of whom are women and 19,523,766 men. Compared with the previous census (2001), there was an increase of 10.6 per cent, or 3,856,966 people more than in 2001.

7. In terms of population, Argentina ranks fourth in Latin America, while it accounts for 14.7 per cent of MERCOSUR.

8. The spatial distribution for 2010 shows that 70 per cent of the population is concentrated in six provinces: Autonomous City of Buenos Aires, Buenos Aires province, Córdoba, Santa Fe, Mendoza and Tucumán. Of these, Buenos Aires is the province that historically has had the highest population relative to the total for the country.

9. Meanwhile, the district with the highest population density is the Autonomous City of Buenos Aires, with 14,450.8 inhabitants/km<sup>2</sup>. In second place are the 24 districts of Greater Buenos Aires, with a density of 2,694.8 inhabitants/km<sup>2</sup>. Both areas, which make up the Metropolitan Region, have population densities much higher than the rest of the country.

10. As for the country's population structure, there has been a notable increase in the proportion of older persons (65 and over) over the years. In the composition of the older population there is a predominance of women in relation to men, and this difference is even more marked in the older age brackets (75 and over).

Table 2  
Population, absolute change and relative change between censuses and growth rate.  
Total for country, 1869–2010

<i>Year</i>	<i>Population</i>	<i>Absolute change</i>	<i>Relative change between censuses as %</i>	<i>Average annual growth rate as %</i>
1869	1 830 214			
1895	4 044 911	2 214 697	121	31
1914	7 903 662	3 858 751	95.4	35.7

<sup>1</sup> The Falkland Islands (Malvinas), South Georgia and South Sandwich Islands are an integral part of Argentine national territory. Since those territories are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic was unable to carry out the 2010 census in that area.

*Source:* INDEC. National Population, Household and Housing Census, 2010. The total population includes people living on the street.

<i>Year</i>	<i>Population</i>	<i>Absolute change</i>	<i>Relative change between censuses as %</i>	<i>Average annual growth rate as %</i>
1947	15 893 811	7 990 165	101.1	21.4
1960	20 013 793	4 119 966	25.9	17.4
1970	23 364 431	3 350 638	16.7	15.6
1980	27 949 480	4 585 049	19.6	18.1
1991	32 615 528	4 666 048	16.7	14.7
2001	36 260 130	3 644 602	11.2	10.1
2010	40 117 096	3 856 966	10.6	11.4

Source: INDEC. National population censuses, 1869–2010.

### Population density

11. Total land area: 3,761,277 km<sup>2</sup> (National Population, Household and Housing Census, 2010).

12. Area for calculation of population density: 2,780,403 km<sup>2</sup> (comprising the Autonomous City of Buenos Aires, 22 provinces and the departments of Rio Grande and Ushuaia in the province of Tierra del Fuego, Antartida and Islas del Atlántico Sur<sup>2</sup>).

### Age structure

Table 3

#### Total for country. Total population by sex and male/female ratio, by age in five-year age groups, 2010

<i>Age</i>	<i>Total population</i>	<i>Sex</i>		<i>Male/female ratio</i>
		<i>Men</i>	<i>Women</i>	
0–4	<b>3 337 652</b>	1 697 972	1 639 680	103.6
5–9	<b>3 381 219</b>	1 717 752	1 663 467	103.3
10–14	<b>3 503 446</b>	1 779 372	1 724 074	103.2
15–19	<b>3 542 067</b>	1 785 061	1 757 006	103.6
20–24	<b>3 300 149</b>	1 648 456	1 651 693	99.8
25–29	<b>3 130 509</b>	1 552 106	1 578 403	98.3
30–34	<b>3 098 713</b>	1 523 342	1 575 371	96.7
35–39	<b>2 678 435</b>	1 311 528	1 366 907	95.9
40–44	<b>2 310 775</b>	1 125 887	1 184 888	95.0
45–49	<b>2 196 350</b>	1 067 468	1 128 882	94.6
50–54	<b>2 042 993</b>	986 196	1 056 797	93.3
55–59	<b>1 868 950</b>	893 570	975 380	91.6
60–64	<b>1 621 190</b>	760 914	860 276	88.4

<sup>2</sup> The Falkland Islands (Malvinas), South Georgia and South Sandwich Islands are an integral part of Argentine national territory. Since those territories are illegally occupied by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic was unable to carry out the 2010 census in that area.

Age	Total population	Sex		Male/female ratio
		Men	Women	
65–69	<b>1 293 061</b>	588 569	704 492	83.5
70–74	<b>1 015 897</b>	438 438	577 459	75.9
75–79	<b>801 659</b>	321 481	480 178	67.0
80–84	<b>565 916</b>	200 744	365 172	55.0
85–89	<b>298 337</b>	92 848	205 489	45.2
90–94	<b>102 808</b>	26 574	76 234	34.9
95–99	<b>23 483</b>	4 704	18 779	25.0
100 and over	<b>3 487</b>	784	2 703	29.0
<b>Total</b>	<b>40 117 096</b>	<b>19 523 766</b>	<b>20 593 330</b>	<b>94.8</b>

Source: INDEC. National Population, Household and Housing Census, 2010.

Note: the total population includes people living on the streets. The male/female ratio is the number of males per 100 females.

Table 4

**Dependency ratio (percentage of population under 15 and over 65). Potential total dependency index of young and older persons. Total for country, 1991/2010**

	Total %	Young people %	Adults %
1991	<b>65.1</b>	50.5	14.6
2001	<b>61.7</b>	45.7	16.0
2010	<b>55.5</b>	39.6	15.9

Source: INDEC. National Population and Housing Census, 1991 and National Population, Household and Housing Census, 2001 and 2010.

Table 5

**Fertility rate. Total period fertility rate of national total 2001 and 2010**

	Total period fertility rate	
	2001	2010
<b>Total for country</b>	<b>3.1</b>	<b>2.9</b>

Source: INDEC. National Population, Household and Housing Census, 2001 and 2010.

Note: The total period fertility rate is calculated for women aged between 45 and 49, at the end of their reproductive life.

13. Total period fertility rate is a measure of fertility. It is defined as the ratio of live-born children of women aged 45 to 49 throughout their reproductive years (retrospective fertility) relative to the total number of women surveyed in that age group.

14. Note that for the whole country the total period fertility rate fell from 3.1 children per woman in 2001 to 2.9 children in 2010. These data show a decline in fertility over the past decade. The district with the lowest total period fertility rate is the City of Buenos Aires, with 1.9 children per woman in 2010. This is almost unchanged from the value recorded in the 2001 census (2 children per woman) and is still among the lowest levels of fertility in the country. The other provinces fall into two categories: those with two to three

children per woman (4 provinces) and those with more than three children (19 provinces). In the first group are Tierra del Fuego, Antártida and Islas del Atlántico Sur, Buenos Aires, Córdoba and Santa Fe, while the second group, with the highest fertility values, are the provinces of Misiones, Santiago del Estero, Chaco, Formosa and Salta.

15. Note that in the 2010 census data there are no provinces with four or more children per woman. In contrast, the 2001 census indicated four or more children per woman in five provinces: Formosa, Jujuy, Misiones, Salta and Santiago del Estero.

16. The 2010 census data show a decline in average number of children per woman from the 25–29 age group until the end of the reproductive period (age 45–49). From age 50, the values of the 2010 census are similar to those recorded in the previous decade.

### Distribution of population by ethnic origin

#### *Indigenous population*

17. The self-declared indigenous population is 955,032 nationwide, accounting for 2.4 per cent of the total national population.

18. Of this total, 481,074 are men and 473,958 are women. This is a significant finding, because a comparison with the figures for the total population shows that the proportion of men and women is reversed: while in the total population of Argentina men represent 48.7 per cent and women 51.3 per cent, in the indigenous population 50.4 per cent are men and 49.6 per cent women.

Table 6

#### **Indigenous population or descendants of indigenous and native peoples in private homes by gender and broad age groups. Total for country, 2010**

<i>Age group</i>	<i>Indigenous people or descendants of indigenous or native peoples</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>
0 to 14	<b>271 286</b>	138 726	132 560
15 to 64	<b>627 725</b>	314 903	312 822
65 and over	<b>56 021</b>	27 445	28 576
<b>Total</b>	<b>955 032</b>	<b>481 074</b>	<b>473 958</b>

*Source:* INDEC, National Statistics and Census Institute, 2010.

19. The provinces with the highest proportion of indigenous population are Chubut, Neuquén, Jujuy, Río Negro, Salta and Formosa, with values ranging from 8.7 to 6.1 per cent.

20. Of all the people who declare themselves to be indigenous or descendants of indigenous peoples, 21.5 per cent claim Mapuche descent, representing a total of 205,009 people.

21. The Mapuche, Toba and Guarani peoples are the only ones exceeding 10 per cent; together, these people make up 45.9 per cent of Argentina's indigenous population. The Diaguita, Kolla, Quechua and Wichí peoples, each accounting for between 5 and 10 per cent of the indigenous population, together make up 25 per cent of the indigenous population. Seventy per cent of the indigenous population of Argentina are members of the seven peoples listed above.

22. Regarding the composition of the indigenous population by age, 65.7 per cent are of working age, between the ages of 15 and 64. The observed value is very similar to that of the overall population (64.3 per cent).

23. An analysis of the other main age groups revealed significant differences in relation to the national average. In the indigenous population there is a higher proportion of young people (28.4 as against 25.5 per cent) and a lower relative proportion of older people, which makes the population less aged (5.9 as against 10.2 per cent of the total population).

#### *Population of African descent*

24. For the first time in Argentine statistical history, the 2010 Census recorded the population of African descent.

25. Between 1700 and the early 1800s, African slaves entered the port of Buenos Aires, legally or illegally, brought by the Company of Guinea. This arrival is recorded in the 1778 Census, with a significant proportion — over 30 per cent — of Africans and African descendants in Santiago del Estero, Catamarca, Salta, Córdoba, Tucumán and Buenos Aires. Militia formations of African descendants were regulated from 1801. Already in the period after the May Revolution, the armies were made up of freed slaves “rescued” by the State for military service.

26. The 2010 Census records 62,642 households with at least one person of African descent, representing 0.5 per cent of all households in the country. The highest proportion of households with at least one person of African descent is in the province of Buenos Aires (39.1 per cent). Of these, 25.6 per cent are in the 24 districts of Greater Buenos Aires and 13.5 per cent are in the interior of the province of Buenos Aires. A further 12.9 per cent are located in the Autonomous City of Buenos Aires, 7.7 per cent in Entre Ríos, 6.8 per cent in Santa Fe and 6.2 per cent in Córdoba. The total number of people in private homes claiming African descent is 149,493, i.e. 0.4 per cent of the population.

27. Of the total population of African descent, 76,064 are men and 73,429 are women. This is a significant finding, because a comparison with the average for the total population shows that the proportion of men and women is reversed: while men represent 48.7 per cent and women 51.3 per cent of the total population of the country, the population of African descent is 51 per cent male and 49 per cent female. This reversal can be seen by analysing the male/female ratio of the population of African descent, which is 103.6; meaning that there are about 103 men per 100 women, in contrast to the male/female ratio for the total population which is 94.8, meaning that there are about 95 men per 100 women.

28. Of the people who claim to be indigenous or of indigenous descent, 3.7 per cent are illiterate. Illiteracy fell by 2.3 percentage points between 2005 and 2010.

29. Of people of African descent, 67.9 per cent are aged between 15 and 64, i.e. in the working population age group; 24.7 per cent are in the 0–14 age group, and 7.4 per cent are aged 65 or above. The percentage of the population in this age group is lower than the national average (10.3 per cent), meaning that the population of African descent is less aged. Regarding the spatial distribution of the population of African descent in the country, 70.3 per cent is concentrated in the provinces of Buenos Aires, Autonomous City of Buenos Aires, Entre Ríos, Santa Fe and Córdoba.

#### *Foreign population*

30. The 2010 Census recorded a foreign-born population of 4.5 per cent, totaling 1,805,957 people. The migratory pattern shows the highest historical percentage of population from neighbouring countries (3.1 per cent) relative to the total population. Specifically, 77.7 per cent of foreigners come from neighbouring countries and Peru. Most

of the foreign-born population are women (53.9 per cent), which is higher than the proportion of women in the native population. In terms of age, the foreign-born population has a higher proportion of people of working age (15–64 years) and older persons (65 and over) than the native population. Among the working-age population, most people come from neighbouring countries and Peru (1,114,346 people, 86.4 per cent of the age group), while among older persons there is a large component of Italians and Spaniards (165,637 people, 44 per cent of the age group).

31. Note that the country with the highest contribution to the Argentine population according to the 2010 census is Paraguay, with 550,713 people. These represent 30.5 per cent of the foreign-born population, with a rising trend in the last two censuses. Next comes Bolivia, with 345,272 people (19.1 per cent), Chile with 191,147 (10.6 per cent) and Peru with 157,514 (8.7 per cent). These four countries account for 68.9 per cent of all immigrants.

32. Meanwhile, Italy and Spain are the European countries with the highest population in Argentina, but both have shown a declining relative share in recent decades. This trend is partly due to a lower flow of migrants from overseas and deaths of older Italians and Spaniards.

33. The urban centres most attractive to non-natives are the 24 districts of Greater Buenos Aires and the Autonomous City of Buenos Aires, where the 62.2 per cent of those born abroad are to be found. Next, in decreasing order of importance, come the interior of the province of Buenos Aires, Mendoza, Córdoba, Río Negro, Misiones and Santa Fe, with values above 2 per cent.

34. Of the total foreign population, 29.4 per cent arrived in the country between 2002 and 2010. More than half claim to have some form of health coverage and 85.5 per cent of those aged 65 and above have pension coverage.

## 2. Standard of living of different segments of the population according to the following indicators

Table 7  
Infant mortality rate, 2009

<i>Country</i>	<i>Infant mortality rate per thousand live births</i>
Argentine Republic	12.1

*Source:* Directorate of Health Statistics and Information, Ministry of Health.

### *Technical Note:*

35. The infant mortality is the ratio of deaths of children under one year old occurring during one year to the number of live births during the same year. It is expressed per 1,000 live births.

$$\text{Annual infant mortality rate} = \frac{\text{Number of deaths of children under one year old occurring in the population of a given geographical area in a given year}}{\text{Number of live births recorded in the population of the geographical area in the same year}} \times 1,000$$

36. Registered live births are those occurring in the registration year and in the immediately preceding year.

Table 8  
**Maternal mortality. Maternal mortality rate. 2009**

<i>Country</i>	<i>Maternal mortality rate per 10,000 live births</i>
Argentine Republic	5.5

*Source:* Directorate of Health Statistics and Information, Ministry of Health.

*Technical Note:*

37. The maternal mortality rate reflects the risk of women dying during pregnancy, childbirth and postpartum.

38. The number of live births is used as the denominator as an approximation of the number of women exposed to death from causes related to pregnancy, childbirth and postpartum. It is expressed per 10,000 live births.

$$\text{Annual maternal mortality rate} = \frac{\text{Number of deaths from maternal causes occurring in the female population for a given geographical area in a given year}}{\text{Number of live births recorded in the population of the geographical area in the same year}} \times 10,000$$

39. In 2001 a question was added to the statistical forms for deaths, to improve the classification of maternal deaths and hence to be able to calculate more precisely the maternal mortality rate.

40. Using this tool, every year the Health Statistics System seeks to improve the quality of the information and prevent maternal causes being omitted.

41. Research by the Directorate of Health Statistics and Information in the years 2000-2001 and 2005-2006 have demonstrated that civil registration and statistics for live births were omitted in a number of jurisdictions in the country. The entry into force of Decrees Nos. 262/03, 832/04 and 819/05, free identity cards at birth, and Act No. 26061/05, implemented by Decree No. 415/06 providing for a free first identity card for all children and adolescents born in the country, have improved the registration of live births, particularly since 2004.

Table 9

**Indicators on crime and the administration of justice: crime statistics****1. Data from the National Criminal Information System**

<i>Year</i>	<i>Murder, number of cases</i>	<i>Rate per 100,000 people</i>
2008	2 305	5.8
2007	2 071	5.2
2006	2 052	5.2
2005	2 115	5.8

<i>Year</i>	<i>Manslaughter in traffic accidents, number of cases</i>	<i>Incidence per 100,000 people</i>
2008	3 988	10
2007	3 783	9.6
2006	3 692	9.5
2005	3 443	9.5

<i>Year</i>	<i>Offences against sexual integrity, number of cases</i>	<i>Incidence per 100,000 people</i>
2008	3 988	10
2007	3 783	9.6

**2. Data provided by the National Statistical System on the Execution of Sentences (SNEEP) in relation to the prison population**

<i>Year</i>	<i>Detainees</i>	<i>Incidence per 100,000 people</i>
2008	54 537	137.2
2007	52 457	134.6
2006	54 000	139

*Note:* These figures cover detainees in prisons, but do not include those held in police stations or juvenile detention centres.

42. In Argentina, the length of pretrial detention is about two to three years.
43. The death penalty is not applied in this country.
44. According to the SNEEP report for 2008, most detainees had been held for less than three years, and most of them had not yet been sentenced (59 per cent have been charged and are standing trial).
45. Also, the length of the sentence handed down to prisoners who had already been convicted was between 3 and 6 years in 34 per cent of cases and was between 6 and 9 years in 26 per cent of cases. Meanwhile, 20.4 per cent of those sentenced were repeat offenders (12.3 per cent multiple offenders) while precautionary or security measures were ordered in the cases of 2 per cent of convicted persons.

46. Finally, most of the detainees are accused of committing a crime against property (burglary and theft). The number of detainees accused of murder was 7,839 while 3,252 were charged with rape.

## **B. Constitutional, political and legal structure of the State**

### **1. Republican form of government**

47. Politically speaking, the Republic of Argentina has a representative, federal, republican form of government, as laid down in its National Constitution adopted in 1853 by the General Constituent Congress of the Argentine Confederation. The Constitution was amended in 1860, principally to incorporate the province of Buenos Aires, which was separated from the Argentine Confederation from 1853 to 1860. In 1949, a new constitution amended the text of 1853/1860, which the provisional government then rescinded in 1956, reinstating the previous text. On 22 August 1994, the National Constituent Convention adopted amendments to the Constitution that entered into force on 24 August 1994. The changes concern the essential, operative part of the Constitution.

48. The system of government is presidential, with power divided among the legislature, the executive and the judiciary. The executive branch is headed by the President of the Nation.

49. Argentina is made up of 23 provinces and the Autonomous City of Buenos Aires. The provinces are: Buenos Aires, Catamarca, Corrientes, Córdoba, Chaco, Chubut, Entre Ríos, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, San Juan, San Luis, Santa Cruz, Santa Fe, Santiago del Estero, Tucumán and Tierra del Fuego.<sup>3</sup>

50. Since Argentina is a federal republic, the provinces are autonomous of the national government with regard to their domestic law, in line with the Constitution. They each adopt their own constitution governing the administration of justice and municipal autonomy, regulating the scope and content of their institutional, political, administrative, economic and financial systems. They elect their authorities, namely a governor, legislators and other provincial officials. They enact formal legislation in their local institutions and are empowered to conclude international agreements, so long as they are not incompatible with national foreign policy and do not infringe the powers vested in the federal government or harm the country's reputation. Likewise, with the knowledge of the Federal Congress, they can conclude partial treaties to further the administration of justice, economic interests or works of public utility.

### **2. National authorities: federal government**

#### **Legislature**

51. Under the Constitution at present in force, the legislature is made up of a bicameral congress: the Chamber of Deputies and the Senate (art. 44). The Chamber of Deputies is composed of representatives elected directly by the people of the provinces and the city of Buenos Aires, of a number proportional to the number of inhabitants. For electoral purposes, the country is divided into districts, each one electing its candidates in proportion

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<sup>3</sup> The Falkland Islands (Malvinas), South Georgia, the South Sandwich Islands and the surrounding maritime areas are an integral part of Argentine territory and currently under illegal occupation by the United Kingdom of Great Britain and Northern Ireland. They are the subject of a sovereignty dispute between two countries recognized by the United Nations.

to the number of inhabitants. The deputies serve a four-year term and may be re-elected, but every two years half the Chamber of Deputies is renewed (art. 50).

52. The Senate is composed of three senators from each province and three from the city of Buenos Aires, elected directly and jointly. Two seats go to the political party obtaining the most votes, and the remaining seat to the political party with the next highest number of votes. Each senator has one vote (art. 457 of the Constitution). Senators serve a six-year term and can be re-elected indefinitely. A third of the Senate membership is renewed every two years (art. 56).

53. The drafting and approval of laws is the work of the legislature. The powers of the National Congress also include declaring a state of siege in one or more parts of the country in the event of internal disturbance. If the executive has made such a declaration during a recess of Congress, the latter may subsequently either ratify or suspend it.

54. The legislature also includes the Office of the Auditor-General of the Nation and the Ombudsperson. The former is an operationally autonomous body providing technical assistance to the Congress; its purpose is to exercise external supervision of the national public sector with regard to national resources, the economy, finance and operational matters (art. 85).

55. The Office of the Ombudsperson is an independent body within the framework of the Congress with full operational autonomy for the defence and protection of human rights and other rights, guarantees and interests safeguarded by the Constitution and the laws from decisions, acts or omissions of the Administration (art. 86).

### **Executive**

56. The National Executive is an office held by a citizen with the title of "President of the Argentine Nation" (art. 87).

57. The President and Vice-President serve a four-year term and may be re-elected for a single consecutive term. If they have been re-elected or if one has succeeded the other, they cannot be elected to either office before the lapse of a further term (art. 90). The President of the Nation ceases to hold power the day his or her four-year term expires and no possible interruption of the term can be adduced to permit him or her to complete it later (art. 91).

58. If a president is ill, absent from the capital, dies, resigns or is removed from office, executive power devolves on the Vice-President of the Nation. If both the President and Vice-President have been removed, have died, have resigned or are incapacitated, the Congress designates a public official to hold the presidency until the cause of the incapacity no longer exists or until a new president has been elected (art. 88).

59. The President and Vice-President are directly elected by the people, in two rounds of voting, with the national territory considered as a single district (art. 94). The election takes place during the two months prior to the conclusion of the current President's term of office (art. 95). If required, a second round of voting on the two slates of candidates having obtained the most votes is held within 30 days of the first (art. 96). There is no second round if the winning slate in the first round has garnered more than 45 per cent of valid affirmative votes (art. 97) or when it has obtained at least 40 per cent of such votes and there are more than ten percentage points between its total and that of the runner-up (art. 98).

60. The Chief of the Cabinet of Ministers, who reports to the Congress, is responsible for the general administration of the country in accordance with the decisions and regulations adopted for that purpose and those that the President delegates to him or her, with the consent of the ministerial secretary of the department concerned by any given decree or regulation. The Chief of Cabinet also co-ordinates, prepares and convenes the

meetings of the Cabinet of Ministers and chairs them in the absence of the President. The Chief has to appear before the Congress at least once a month, alternating between the two Chambers, to report on government progress, in addition to possibly being summoned before them specially or being called for questioning by vote of an absolute majority of all the members of either Chamber. Once the regular sessions of the Congress have begun, the Chief of Cabinet, together with the other ministers, presents a detailed report on the state of the nation in the areas covered by the various government departments. He or she also produces the oral or written reports and explanations that either Chamber may request from the executive and so may attend sessions of the Congress and participate in its debates without the right to vote. The Chief countersigns decrees that provide for the exercise of powers delegated by the Congress, under the supervision of the Bicameral Standing Commission. Together with the other ministers he or she also countersigns emergency decrees and those that partially enact laws, submitting them personally after their adoption to the Standing Commission (arts. 100 and 101).

### **Judiciary**

61. The judicial power of the nation is exercised by the Supreme Court of Justice and by the other lower courts established by the Congress in the national territory (art. 108). In no case can the President exercise judicial functions, assume jurisdiction over pending cases or reopen one that has been closed (art. 109).

62. The Council of the Magistrature appoints judges and the administration of the judiciary. There is periodic rotation in the Council of the Magistrature to ensure balanced representation of elected political bodies, judges from all the courts and lawyers on the federal register, as well as of other persons in the academic or scientific fields, in such numbers and by such means as the law allows.

63. The judges of the Supreme Court and lower courts retain their posts as long as they maintain a good standard of conduct (art. 110). They may be removed from office by the decision of an impeachment jury composed of legislators, magistrates and registered lawyers (art. 115), on grounds of poor performance or professional misconduct or for ordinary offences (art. 53).

64. It is the responsibility of the Supreme Court and lower courts to hear and decide all cases relating to matters governed by the Constitution, domestic laws or treaties with foreign countries; the Supreme Court exercises jurisdiction over appeals in accordance with the rules and exceptions prescribed by Congress.

65. The foregoing notwithstanding, the Supreme Court has primary and exclusive competence in: cases concerning ambassadors, government procurators and foreign consuls; cases involving the admiralty and maritime jurisdiction; matters in which Argentina is a party; and cases arising between two or more provinces, between one province and the residents of another province, between the residents of different provinces, and between one province and its residents against a foreign State or citizen.

### **Public Legal Service**

66. The Public Legal Service is an independent body with functional and financial autonomy, whose function is to promote the administration of justice in defence of the general interests of society, in coordination with the other State authorities. It consists of the Attorney-General of the Nation, the Chief Public Defender of the Nation and such other members as are provided by law. Its members enjoy immunity of office and their salaries cannot be attached (art. 120).

### **Public Defence Service**

67. The Public Defence Service is the body responsible for ensuring effective legal assistance and defence of the rights of individuals; its main functions include:

- Providing legal counsel to ensure that citizens have access to justice;
- Giving advice and conducting the defence of persons and of the rights of the parties (including mandatory representation of minors and disabled persons);
- Acting as public guardian for minors with no legal representation and public ward for disabled and legally incompetent persons;
- Devise and implement policies to help especially vulnerable groups to gain access to justice.

68. The service is provided by public defenders, public guardians and trustees on the staff of the Public Defence Service.

69. In criminal cases, if a person has been charged with a crime and has not designated a trusted counsel, the trial judge will designate the duty official public defender in the appropriate Public Defender's Office [http://www.mpd.gov.ar/uploads/res\\_DGN\\_1629\\_2011.PDF](http://www.mpd.gov.ar/uploads/res_DGN_1629_2011.PDF). This service is free of charge.

70. In non-criminal matters (civil, family and estate, commercial, federal administrative litigation, labour and social security matters, etc.), anyone can go to an official public defender (for poor or absent clients) to ask for free legal advice and/or assistance provided they plead and can prove poverty.

71. Public Defender staff will assess their case and provide relevant legal advice and/or assistance for taking legal action, provided that they meet the eligibility requirements (Act No. 24946, art. 60, proving poverty).

72. Furthermore, Public Defenders Offices for minors and the disabled in civil, commercial and labour matters deal with issues relating to minors and persons' capacities, such as requests for psychiatric hospitalization, petitions for insanity and disqualification, and advice in civil family matters. Public defenders of minors and disabled persons will always act on behalf of the minor or disabled person. Public Defender staff will assess their case and, where appropriate, initiate appropriate action or provide relevant advice and an appropriate referral.

## **II. General framework for the protection and promotion of human rights**

73. The Department of Foreign Affairs of the Ministry of Foreign Affairs and Worship is responsible for national foreign policy in relations with all countries and international organizations.

74. Meanwhile, the Directorate-General for Human Rights of the Ministry of Foreign Affairs and Worship is responsible for drafting and designing foreign policy plans, programmes, projects and objectives in the field of human rights and for assisting in the conduct of foreign policy in these areas within international organizations, entities or ad hoc commissions.

75. Its remit includes:

- Coordinating with the competent departments on relations with other States on issues relating to human rights and humanitarian law and the associated international law;

- Drafting guidelines, plans and operational programmes for international events on human rights and humanitarian law that involve Argentina, in coordination with other relevant departments;
- Taking part, with the competent departments, in the study of domestic human rights legislation to bring it into line with international human rights and humanitarian law;
- Taking part, in coordination with the competent departments, in the conclusion of international treaties, agreements and conventions on human rights and humanitarian law to which Argentina is a party;
- Promoting studies, design and evaluation of projects, programmes and plans with other State bodies and agencies, which are relevant to national foreign policy, on human rights and humanitarian law, with a view to ensuring that they are implemented with the necessary consistency;
- Coordinating and consulting as required with the Office of the United Nations High Commissioner for Refugees (UNHCR), in relation to decisions on granting asylum and/or refuge status in the Republic to foreign applicants;
- Taking responsibility, in coordination with other competent departments, for national, ethnic, religious and linguistic minorities in the context of international organizations;
- Taking responsibility, in coordination with other competent departments, for international law on the rights of the child.

76. On the other hand, the Directorate for Women has as its primary responsibility to take action on issues relating to women at the international level and in the foreign policy of the Republic. Its activities include:

- Implementing and coordinating action on women's issues in connection with foreign policy objectives, and dealing with issues of gender and equality of opportunity and the position to be adopted in the various instances where required;
- Taking part in the drafting of instructions, plans and operational programmes for international events on the condition and status of women in which Argentina is involved, as well as events taking place in international organizations of which Argentina is a member;
- Taking part with the competent departments in the study of domestic human rights legislation to bring it into line with the rules of international law on the status and situation of women, and concluding international treaties, agreements and conventions negotiated by Argentina on the condition and status of women;
- Taking part in events and meetings of international bodies or foreign governments dealing with women's issues;
- Coordinating the participation of national representatives in international and intergovernmental bodies, and the activities taking place abroad concerning the situation and the rights of women and gender issues;
- Coordinating with national governmental bodies in order to establish frameworks for action in the international arena.

#### **A. Acceptance of international human rights norms**

77. Argentina has signed and ratified the following treaties and their optional protocols, and has accepted the jurisdiction of their respective committees.

Table 10  
Status of the major international human rights instruments

Argentina	International treaties																
	CESCR		CCPR			CERD	CED	CEDAW		CAT		CRC			MWC	CRPD	
	CESCR	CESCR-OP	CCPR	CCPR-OP1	CCPR-OP2-DP			CEDAW	CEDAW-OP	CAT	CAT-OP	CRC	CRC-OP-AC	CRC-OP-SC		CRPD	CRPD-OP
<b>Adherence</b>	✓	✓	✓	✓△	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ Signed and ratified, ✓ Signed but not ratified, ✗ Neither signed nor ratified, ? Unknown, △ The body concerned has agreed to sign and ratify, but it also recognizes the competence of the competent bodies to receive and process individual communications.

78. The legal system in force in the Argentine Republic consists of diversely ranked legal rules covering different areas, all of which are in keeping with the guidelines set out in the Constitution.

79. Competence to conclude treaties lies with the executive branch of government (art. 99 (11) of the Constitution). Nonetheless, between the signing of a treaty and the declaration of consent to be bound thereby, the Constitution (art. 75 (22)) provides for a substantive procedure to be performed by the legislative branch, namely “approving or rejecting treaties concluded with other nations and with international organizations”, in view of the principle of the separation of powers and its correlative checks and balances. This procedure guarantees the participation of the representatives of the people and of the provinces in decision-making on matters that will be binding on the country.

80. Article 75 of the Constitution provides that, within the terms of their application, the following human rights treaties have a higher rank than domestic legislation, and are to be understood as complementing the rights and guarantees recognized in the Constitution:

- American Declaration of the Rights and Duties of Man;
- Universal Declaration of Human Rights;
- American Convention on Human Rights;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights and its Optional Protocol;
- Convention on the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Inter-American Convention on Forced Disappearance of Persons;
- Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

## **B. Legal framework for the protection of human rights at the national level**

### **Competent authorities**

#### **1. Judicial authorities**

81. In the Argentine judicial system, the administration of justice is a role performed in parallel by the federal government and the provinces. In particular, under articles 5 and 123 of the Constitution, each province enacts its own constitution in accordance with the principles, declarations and guarantees of the National Constitution and ensures its own administration of justice. The provinces elect their own provincial officers and judges, with no intervention by the federal government (art. 122). Accordingly, the laws enacted to that end by the National Congress, and treaties with foreign powers are the supreme law of the nation; and the authorities of each province are bound thereby, notwithstanding any provision to the contrary in the provincial laws or constitutions (art. 31).

82. The judiciary of each province is responsible for the administration of ordinary justice within the provincial territory, by application of the codes specified in article 75 (12) of the National Constitution, namely the Civil, Commercial, Criminal, Mining, Labour and Social Security Codes, depending on the cases or persons coming under the respective jurisdictions.

83. At the level of the national justice system, article 116 of the National Constitution provides that the Supreme Court and the lower courts are empowered to hear and decide all cases arising under the National Constitution and domestic laws, with the exception of matters coming under provincial jurisdiction. Appellate jurisdiction in the aforementioned cases is exercised by the Supreme Court (art. 117).

#### **2. Administrative authorities**

##### **Secretariat for Human Rights**

84. The Secretariat for Human Rights, under the authority of the Ministry of Justice and Human Rights, is the competent authority for human rights at national level.

85. The Secretariat has the following objectives and activities:

- To devise, implement and monitor policies, plans and programmes for the promotion and protection of civil, political, economic, social, cultural and community rights and collective rights in general;
- To coordinate human rights promotion and protection measures with other ministries, the judiciary, Public Legal Service, Office of the Ombudsperson, National Congress and civil society organizations;
- To plan, coordinate and monitor the implementation of training and capacity building on human rights and international humanitarian law, both at State level and in relation to civil society;
- To coordinate the activities of the Federal Human Rights Council and operate regional offices of the Secretariat;
- To assist the Ministry of Justice and Human Rights in bringing domestic law into line with international human rights law;
- To handle the active monitoring, follow-up and reporting of cases and situations relating to human, civil, political, economic, social, cultural, community and

collective rights, working with national, provincial and municipal bodies and civil society organizations involved with this issue.

#### **Office of the Ombudsperson of the Nation**

86. The Office of the Ombudsperson is an institution that acts with full autonomy from the other branches of government, and whose essential mission, laid down in the Constitution (art. 86), meets the need of the republican system to defend human rights and for ongoing supervision of the civil service and public service providers.

87. On 1 December 1993, the Congress adopted Act No. 24284, which created the Office of the Ombudsperson within the legislature. The Ombudsperson operates without receiving instructions from any government body. The Ombudsperson has the following two basic duties: the first is an ongoing monitoring activity to observe any irregularity in the functions of the public administration, whether they be occurrences, acts or omissions, and that are illegitimate, arbitrary, abusive, negligent or seriously inappropriate; the second, closely connected with the first, is to defend the rights and interests of all inhabitants of the country. The Ombudsperson may launch investigations, on his or her initiative or at the request of a third party, into public administration acts which may infringe those rights and interests, including extended or collective interests.

88. To carry out its duties, the Office of the Ombudsperson has a number of legal mechanisms. It may request records or reports, conduct inspections and checks, and request other tools or evidential measures to carry out its duties. In addition, the Constitution gives it a very particular essential tool, namely the procedural right to seek justice whenever the collective rights of citizens are threatened, violated or repudiated by any action of the State, or are subject to its supervision.

#### **Office of the Prison System Ombudsman**

89. The Office of the Prison System Ombudsman was set up by a decree of the executive branch in 1993, within the Ministry of Justice and Human Rights, reporting to that Ministry for 10 years. In December 2003 the National Congress passed Act No. 25875 on the Office of the Prison System Ombudsman, which placed the Office under the authority of the legislature and vested it with full autonomy and independence.

90. The Prison System Ombudsman holds the rank of Under-Secretary of State for a renewable four-year term of office. The basic task of the Prison System Ombudsman is to protect the human rights of prison inmates covered by the federal prison system, in accordance with the provisions on such rights in national law and in the international conventions on the subject to which Argentina is a State party. In the discharge of these duties, the Ombudsman is not subject to any binding mandate and may not receive instructions from any authority, but must act independently using his or her judgement to determine which cases will be taken up.

91. The Ombudsman's mandate entitles him or her to visit regularly all prisons holding national or federal prisoners. He or she may, ex officio or in response to a request, investigate any act or omission that may harm the rights of the inmates and is under the obligation, where necessary, to file criminal charges. The views or opinions of the Ombudsman are reflected in recommendations to the Ministry of Justice, which monitors and supervises the national and federal prison system. The Minister of Justice then renders those recommendations operative by endorsing the Ombudsman's resolutions.

92. The Secretariat for Human Rights has an Under-Secretariat for Protection and Human Rights and an Under-Secretariat for Human Rights Promotion.

### Under-Secretariat for Protection and Human Rights

93. The duties of the Under-Secretariat are:

- To devise specific plans and programmes for the protection of individual and collective human rights, and supervise their implementation;
- To take part in the collection, updating, conservation and digitization of the archives and information relating to the violation of human rights by State terrorism and monitor the effective implementation of all compensatory legislation by the Argentine State;
- To take an active part in activities of observation, monitoring and reporting of cases and situations relating to human rights at national and international levels, particularly at the United Nations, OAS and MERCOSUR.

94. The Secretariat for Human Rights includes the following units.

(a) *National Directorate of Legal Affairs in respect of Human Rights*

95. It has the following duties:

- (a) Advising on the implementation of laws and issuing an opinion on legal issues related to the duties of the Secretariat for Human Rights;
- (b) Acting, wherever there are serious violations of human rights, which are in principle crimes against humanity, and acts in violation of human rights that cause social disruption and/or unrest, as adviser, plaintiff, injured party, monitor, *amicus curiae* and/or any other appropriate judicial involvement, in accordance with the formal rules of the competent jurisdiction;
- (c) Taking measures on regional and international human rights issues for which the Secretariat has responsibility;
- (d) Monitoring the application of the rules, decisions and resolutions relating to the fight against impunity, and providing reparations for serious human rights and other violations.

(b) *Reparations Policy Directorate*

96. It is responsible *inter alia* for:

- (a) Assisting the National Director of Legal Affairs in respect of Human Rights with the coordination of plans and programmes to provide reparations for the consequences of human rights violations caused by the State;
- (b) Implementing national reparatory laws and any legislation on the subject that is enacted;
- (c) Running programmes and activities and identifying new demands.

(c) *National Directorate of Services to Vulnerable Groups*

97. It has the following duties:

- (a) Ensuring the effective implementation of national and international standards that guarantee human rights and fundamental freedoms, with particular reference to vulnerable groups, which comprise, *inter alia*, the destitute, migrants, children, asylum-seekers, persons with disabilities, the elderly, indigenous peoples and sexual minorities;

(b) Receiving complaints of human rights violations and establishing an emergency response and follow-up mechanism to improve protection;

(c) Assisting the Secretary for Human Rights in devising programmes to promote and protect the rights of persons with disabilities and similar programmes for persons with HIV/AIDS and other vulnerable groups, on the basis of the principle of non-discrimination;

(d) Establishing procedures for active monitoring, either on its own initiative or on request, of situations involving human rights violations, in coordination with State bodies and social networks.

(d) *Dr. Fernando Ulloa Assistance Centre for Victims of Human Rights Violations*

98. The Centre manages actions to provide comprehensive assistance to victims of State terrorism and to victims of abuses of power subjected to severely traumatic situations that could involve infringements of their fundamental rights, and/or to their family members, where comprehensive assistance is understood to include psychological support, guidance and referral of the victims and/or their family members in accordance with the needs identified. It coordinates actions to assist victims, witnesses and plaintiffs who are to appear in court, particularly in trials for crimes against humanity, for whom the Centre provides psychological support and assistance during the hearings when needed.

(e) *Federal Human Rights Council*

99. The Council, established in 2003 by the National High-Level Human Rights Authorities, the provinces and the City of Buenos Aires, discusses initiatives and coordinates various issues concerning the protection and promotion of human rights, with a view to coordinating public human rights policy with provincial governments, at national, provincial and municipal levels, and fostering horizontal cooperation between the various jurisdictions.

**Programmes**

100. Within the Ministry of Justice and Human Rights there are several programmes designed to protect human rights. Note also that several national government ministries have units with responsibility for the promotion and protection of human rights in the specific field of their ministerial responsibilities. Examples include the Human Rights and International Humanitarian Law Department of the Ministry of Defence, the Department of International Affairs of the Ministry of Labour, the National Secretariat for Children, Adolescents and the Family, the Under-Secretariat for Food Policy of the Ministry of Social Development, and the Human Rights Department of the Ministry of Foreign Affairs and Worship.

**“Victims against Violence” programme**

101. It provides assistance to victims of abuse or ill-treatment caused by any kind of violence, in a spirit of support, safety and guaranteed rights. It covers domestic violence, combating child abuse, exploitation and prostitution.

102. In the Autonomous City of Buenos Aires, the programme records data on requests for assistance via a telephone help line (137), and may then decide to dispatch a mobile brigade to the victim’s home to assist and support her and help her to report the incident. This programme provides effective assistance to victims in the field, since it works directly with the victim herself in the place where the violence occurs. It is explained to victims of sexual violence that they should lodge their complaint at the police station and that the programme comes into effect from that point.

**Specific units in the federal security forces**

103. Note that in December 2010 the Ministry of National Security was established, whereupon the Ministry took responsibility for the Federal Police, the Prefecture and Gendarmerie (formerly reporting to the Federal Internal Security Council of the Ministry of Justice, Security and Human Rights). A ministerial resolution has instructed the Gendarmerie, the Federal Police, the Prefecture and the Airport Security Police to set up special units to carry out measures aimed at preventing and investigating trafficking in persons, as well as any intelligence tasks that may be necessary in that regard.

**Office for the Rescue of and Assistance to Victims of Trafficking Offences**

104. This Office centralizes all activities aimed at preventing and investigating trafficking in persons, and at providing support and legal assistance to victims of trafficking, up until the moment when their testimony is heard. After the testimony, victims are supported by specialized programmes offering assistance to victims of trafficking offences.

**National Programme on Prevention of the Abduction and Trafficking of Children and Crimes against their Identity, which operates the National Missing Children Registry**

105. The purpose of the Registry is to centralize, organize and cross-reference information from all parts of the country in a database concerning children whose whereabouts are unknown, children living in care, protection, detention or internment establishments whose filiation or identification data are unknown.

**Crime Victims Assistance Office**

106. This Office is part of the Public Prosecution Service and is responsible for giving legal advice to crime victims about their opportunities for State assistance, particularly for those with limited resources, and advising crime victims with particularly complicated social backgrounds with a view to guiding them through State and non-governmental welfare support mechanisms.

**Kidnappings for Ransom and Human Trafficking Unit**

107. This Unit provides assistance to prosecution services throughout the country in kidnapping and trafficking cases. The assistance is provided at the request of the prosecutor in the case and under his or her instructions. It also coordinates training tasks and manages a database of kidnappings for ransom and trafficking.

**Public Prosecution Unit for the Investigation of Crimes against Sexual Integrity, Trafficking in Persons and Child Prostitution**

108. Public prosecution unit with jurisdiction in the city of Buenos Aires.

**Domestic Violence Office of the Supreme Court of Justice**

109. This Office provides assistance to people suffering from physical, psychological or economic aggression in the family context, in order to ensure rapid access to justice. It gives information and guidance on the legal steps to be taken in each particular case, channels complaints, certifies victims' condition and any injuries they may have, while drawing up the relevant documents. The Office works in coordination with other public institutions where complaints can be made: police stations, courts, public prosecution services, the Victims against Violence programme, and police emergencies.

### **C. Framework for the promotion of human rights at the national level**

110. The Under-Secretariat for Human Rights Promotion reports to the Secretariat for Human Rights. Its duties are:

- To devise specific plans and programmes for the promotion of individual and collective human rights, and supervise their implementation;
- To take part in public communication activities and cultural events aimed at promoting human rights;
- To plan, coordinate and monitor training and capacity building activities on human rights and international humanitarian law, both in relation to civil society and at State level, including in the armed forces, security and police forces and the prison system.

#### **Promotion of Education and Training in Human Rights**

111. The National Human Rights Training Directorate and the National Directorate for the Development of Human Rights Legislation fall under the responsibility of the Under-Secretariat for the Promotion of Human Rights.

#### **Project to strengthen the Human Rights Protection System**

112. Also under the aegis of the Secretariat for Human Rights is this project for strengthening the rights protection system. The project's main activities are setting-up Human Rights Observatories in the country's various provinces; conducting campaigns to disseminate and raise awareness of human rights at national, provincial and local levels; running human rights training events, and coordinating a number of workshops around the country.

#### **National Advisory Commission on the Integration of Persons with Disabilities (CONADIS)**

113. The task of this national commission is to coordinate, standardize, advise, promote and disseminate throughout the country any actions that contribute directly or indirectly to the integration of persons with disabilities, without any distinction based on age, sex, race, religion or socioeconomic status, ensuring equitable distribution of and access to the benefits provided.

114. The Commission consists of a chairperson, an executive board composed of three directors and a secretary-general, specializing in different aspects of disability (prevention, rehabilitation, assistance with maintenance and equal opportunities), who provide the technical input needed for decision-making. The chairperson, who has equivalent rank and status to a Secretary of State, serves as the Commission's legal representative, overseeing and managing its operation.

115. Decree No. 984/1992 approves the organizational structure of CONADIS and in Article 8 provides for the assistance of a Technical Committee and an Advisory Committee. This Advisory Committee is composed of non-governmental organizations established in Argentina, working on disability issues.

116. Meanwhile, the Technical Committee is composed of representatives of the executive branch as consultants, and representatives of the legislature and judiciary.

117. Finally, CONADIS chairs the Federal Disability Council established by Act No. 24657 in 1996. The Council's membership includes representation at the highest level of each province and of the City of Buenos Aires and representatives of non-governmental

agencies made up of and working for persons with disabilities, elected in accordance with the law.

**National Justice System Assistance Programme for Persons with Disabilities (ADAJUS)**

118. This programme was set up by the Office of the Presidency in order to comply with the Convention on the Rights of Persons with Disabilities and its Optional Protocol, and in particular the obligation as a State party to ensure effective access to justice for persons with disabilities.

119. The programme is run by the Ministry of Justice, and its objective is in line with the social inclusion policies being implemented by the government, with the aim of strengthening the rights of persons with disabilities by means of appropriate procedures, communication and information, within the framework of the policies.

120. ADAJUS is aimed at people with disabilities, judicial officers, prison guards, security forces, civil servants, professional associations and civil society organizations, and it has the following functions:

- Providing guidance, technical assistance and referrals; preparing guides and action protocols;
- Training the staff of the judiciary, professional associations and civil servants, as well as members of the private sector on request;
- Monitoring and acting on behalf of persons with disabilities who are incarcerated;
- Adapting the methods of expert bodies in judicial or preliminary proceedings involving persons with disabilities;
- Providing technical assistance for legislative adjustments and reforms;
- Promoting inter-institutional cooperation;
- Fostering cooperation and exchange of experiences with international institutions and organizations.

**National Secretariat for Children, Adolescents and the Family (SENNAF)**

121. Act No. 26061, passed in 2005, is a product of the doctrine of comprehensive protection for children and adolescents.

122. This legal instrument establishes the National Secretariat for Children, Adolescents and the Family (SENNAF) as the body within the executive branch that specializes in the rights of children and adolescents; as such it oversees public policies in that area.

123. Pursuant to Decree No. 416/06 regulating the Act, the national executive branch determined that SENNAF should be placed under the Ministry of Social Development, thus ensuring that it would carry out its work within the framework of comprehensive social policies, and endowed it with a separate financial administration regime to enable it to implement its policies more flexibly.

124. At the federal level, the body responsible for protecting rights is the Federal Council for Children, Adolescents and the Family (COFENAF). Its membership consists of the head of the National Secretariat for Children, Adolescents and the Family, who chairs it, and the representatives of the child, adolescent and family rights protection agencies that operate in each of the provinces and the Autonomous City of Buenos Aires. At its inaugural session of 15 December 2006, COFENAF confirmed its determination:

(a) To intensify the process of institutional change and the promotion of legislative adjustments at the national level and in the provinces and municipalities in order to ensure that the country's institutions and legal frameworks are harmonized and consistent with the rights, principles and guarantees enshrined in the Convention on the Rights of the Child;

(b) To introduce forms of organization at all levels of administration that sustain a robust system of comprehensive protection of the rights of children and adolescents, that promote universal access to rights and that are capable of effective and appropriate action against any threat to or infringement of those rights, while making allowances in its work for the distinctive characteristics of each community;

(c) To promote community participation, through civil society organizations, in the formulation and implementation of policies aimed at the promotion, defence and/or restoration of rights, and in the exercise of the right of children and adolescents to be heard as well as their right to participation;

(d) To strengthen procedures for the review and modification of institutional practices pertaining to children and adolescents, aligning them with the model of comprehensive protection, avoiding overlap of efforts, duplication of structures and contingent target-setting, so that administrative resources and channels are combined, coordinated and optimized; to develop minimum quality standards of assistance, intervention protocols and general record systems for activities involving children, with special emphasis on matters pertaining to children and adolescents who are deprived of parental care.

#### **National Women's Council**

125. Argentina has a national mechanism for the advancement of women, called the National Women's Council (CNM), reporting to the National Council for the Coordination of Social Policies. CNM is the agency responsible for public policies on equal opportunities and equal treatment of men and women, with the remit of fostering a sociocultural transformation based on the full and equal participation of women in the social, political, economic and cultural life of the country. Its specific objectives are to promote and monitor the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women, which has had constitutional status in Argentina since 1994, and of the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women (Convention of Belém do Pará).

126. CNM is also the governing body of Act No. 26485, the national law to prevent, punish and eradicate violence against women within the scope of interpersonal relationships, passed in 2009. This law expanded the definition of violence against women until then in force in national legislation, introducing a number of types of violence (physical, psychological, sexual, property-related and economic and symbolic) and forms of violence (domestic, institutional, workplace-related, obstetrical and media-related).

#### **National Institute of Indigenous Affairs (INAI)**

127. This agency was established in September 1985 under Act No. 23302 as a decentralized body with indigenous participation and implemented by Decree No. 155 in February 1989. Its main purpose is to ensure that members of indigenous peoples can exercise full citizenship, ensuring compliance with the rights under the Constitution (art. 75, subpara. 17).

128. The goal of INAI is to provide care and support for the country's indigenous peoples and communities, ensure that they are defended and can develop and participate fully in Argentina's socioeconomic and cultural process, with respect for their own values and

approaches, implementing programmes to allow them access to land ownership and the promotion of their specialized agricultural, forestry, mining, industrial or craft production, the preservation of their cultural norms in education plans and health protection for their members, as established by Decree No. 410/06 regulating the organizational structure of INAI.

129. As the authority applying indigenous policy, INAI fosters the communities' participation in the conception and management of State policies that affect them, respecting their traditional forms of organization, promoting the strengthening of ethnic and cultural identities, and creating the basis for comprehensive, sustained development that is compatible with conservation of the environment in the territories where they live.

130. Furthermore, in coordination with the Ministry of Education, INAI works to further the implementation of bilingual intercultural education as a means of strengthening and fostering an appreciation of the importance of the culture, mother tongues and world view of indigenous communities.

131. The national government has taken the following noteworthy initiatives.

#### **National Human Rights Plan (PNHD)**

132. It was decided to create the Plan in December 2010, using a drafting process open to dialogue and democratic participation. The Plan is supported by a number of government departments that develop policy on human rights and that are responsible for monitoring and implementing the recommendations made under the universal periodic review. It comprises a set of commitments for State action aimed at strengthening the human rights protection and promotion system in the various areas of government, and provides a framework for action that embodies proposals and recommendations based on the principles of consolidating democracy, development and respect for human rights. One of the fundamental elements of the Plan is to consolidate economic, social and cultural rights, which are regarded as universal, comprehensive, interdependent and progressive in their achievement and implementation. The truth and justice policies and the remembrance policies are also fundamental. The PNHD has three priority areas: equality and non-discrimination, providing guarantees for access to rights and social inclusion.

138. Methodology:

- Surveying. This consists of: (a) federal dialogue; (b) national inter-jurisdictional dialogue; (c) consultation with civil society stakeholders and experts; (d) public consultation;
- Organization of the information;
- Preparation of proposals;
- Drafting of the Plan.

#### **MERCOSUR Institute of Public Policies on Human Rights (IPPDH)**

133. The MERCOSUR Council of Ministers approved the establishment of IPPDH at the seventeenth meeting of High Authorities on Human Rights, with Argentina serving as temporary chair. In order to coordinate common policies for tackling human rights-related issues, the Institute ensures that public policies throughout the region are specified, designed and monitored and that international standards in this field are adopted. To that end, it strives to overcome loopholes in the law protecting the rights of children and adolescents, to eradicate trafficking in persons, protect the rights of disabled persons and prevent discrimination against the LGBTI community.

**Parliamentary commissions**

134. In the legislature too, special bodies with responsibility for human rights have been established. The Chamber of Deputies and the Senate each has a Human Rights and Guarantees Commission. Both commissions include members from all the political parties represented in parliament.

135. The work of these commissions is enhanced by contributions from government officials who are periodically invited to present reports, and from national and international experts. Besides being a natural forum for debate on various subjects which later give rise to draft laws, these commissions request reports from the executive on matters within its purview. The provinces have also followed this example, with their legislatures setting up their own human rights forums.

**D. Reporting process at the national level**

136. The Directorate-General for Human Rights (DIGHU) of the Ministry of Foreign Affairs and Worship is responsible for coordinating the submission of periodic reports to the monitoring bodies of international human rights treaties. It does not submit the reports to the Committee on the Elimination of Discrimination against Women (CEDAW) as this is handled by the Directorate for Women (DIJER) in coordination with the National Women's Council (CNM).

137. As appropriate, DIGHU calls a meeting of all government counterparts involved in the specific topics relating to each treaty, in order to gather all the information needed to prepare a country report for the international human rights treaty concerned.

138. In most cases the procedure for calling a meeting is as follows:

- Representatives of national government, provincial governments, decentralized agencies, advisory councils, the judiciary, the legislature and the Office of the Ombudsperson are invited by their respective authorities, with an explanation of the background of the report to be drafted. They are told of its importance and asked to designate a representative to serve as a focal point.
- Representatives of the Federal Human Rights Council are invited and the governors of each province are notified.
- A schedule of meetings, beginning with an information meeting, is set. At that meeting, the objectives of the task, the guidelines, and the categories of information sources are presented; the main meetings then follow.

139. At each meeting the focal points of the various agencies involved report on their work on the relevant aspects of the convention in question, presenting supporting data for their specific work.

140. Following common practice in the preparation of periodic reports, the competent authorities share a first draft of the report with the main civil society organizations involved in the protection of human rights, and invite comments on it.

141. Nevertheless, civil society organizations in Argentina generally choose to submit their alternative reports to treaty bodies.

142. All information received in working meetings is collected by DIGHU which is responsible for preparing, drafting and submitting the report.

143. DIGHU is also in charge of coordinating the defence of the report to the relevant treaty body, where so provided by the convention in question.

### **III. Information on non-discrimination, equality and effective remedies**

#### **A. Non-discrimination and equality**

144. Bearing in mind that each country must decide internally what model of society it wishes to build, with the recent enactment of the Equal Marriage Act, Argentina became the first country in Latin America and the tenth in the world to allow same-sex marriage throughout its territory.

145. Argentina took a further step towards equal rights and combating discrimination when, on 9 May 2012, the National Congress approved the Gender Identity Act, under which “all people have the right to recognition of their gender identity and to unhindered personal development in keeping with their gender identity”.

146. At the regional and international levels, Argentina has promoted and taken an active part in the negotiation of instruments protecting human rights. In 2011, with the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, it completed the ratification of the most important human rights instruments of the universal and regional system.

#### **1. National Institute against Discrimination, Xenophobia and Racism (INADI)**

147. On 5 July 1995, the Congress adopted Act No. 24515, promulgated on 28 July of the same year, setting up the National Institute to Combat Discrimination, Xenophobia and Racism (INADI). The Institute began its work in 1997 as a decentralized body within the Ministry of the Interior — from March 2005, pursuant to Presidential Decree No. 184, it was attached to the Ministry of Justice and Human Rights — for the purpose of developing national policies and concrete measures to combat discrimination, xenophobia and racism and of promoting and carrying out activities to that end.

148. INADI actions are aimed at all those who are in situations of discrimination, actual or potential, with special attention to the most vulnerable groups with a view to ensuring the effective exercise of the rights and guarantees on an equal footing and without discrimination, namely real equality of opportunity and treatment and not only legal equality.

149. Under Act No. 24515 INADI has wide-ranging responsibilities:

- Prevention/dissemination: disseminating the principles and current legal rules on non-discrimination; informing the public;
- Education: planning and promoting information campaigns;
- Investigation: receiving, centralizing and registering complaints regarding discriminatory, xenophobic or racist acts;
- Services: counselling victims; providing free legal aid; advising the Public Legal Service on matters falling within its responsibility;
- Documentation: gathering and updating information on national, international and comparative law on the matter; establishing a registry of INADI documentation;
- Cooperation: establishing partnerships with any other bodies sharing the same objectives; concluding agreements.

150. INADI has the following objectives in its mission:

- To disseminate the principles laid down in the Constitution, international human rights treaties, concordant and complementary norms and Act No. 23592 on discriminatory acts, as well as the results of any studies it conducts or promotes and proposals it makes;
- To plan and promote education and communication campaigns designed to ensure the advancement of social and cultural pluralism and the elimination of discriminatory, xenophobic and racist attitudes;
- To receive and coordinate the receipt of complaints of discriminatory, xenophobic, racist behaviour, and keep a register of them;
- To provide a free comprehensive advice service to individuals or groups subject to discrimination, xenophobia or racism, and to provide free legal aid at the request of the party concerned.

151. Moreover, the executive, through the enactment of Decree No. 1086/05 adopting the National Plan against Discrimination, dated 7 September 2005, mandates INADI, in Article 1, to coordinate the implementation of the Plan. Accordingly, the National Institute against Discrimination, Xenophobia and Racism has set itself the following strategies as its main objectives: to federalize the management of INADI, to conduct campaigns to promote an appreciation of social and cultural pluralism, the integration of diversity and the elimination of all discriminatory attitudes, and to update the nationwide assessment of discrimination through specialized research.

## **2. National Plan against Discrimination**

152. The National Plan against Discrimination has been implemented since 2005; it is a roadmap embodying a detailed examination of this issue and offering specific recommendations. Argentina's Plan is a model for the development of similar plans in other countries.

## **B. Effective remedies**

153. A set of remedies designed to resolve situations involving the violation of a fundamental right is available to all inhabitants of the Argentine Republic. These remedies are regulated by ordinary legislation and vary according to their purpose. Article 43 of the Constitution provides for *amparo*, *habeas corpus* and *habeas data* proceedings.

154. The Code of Criminal Procedure provides that "any person who considers himself or herself to have been harmed by an offence prosecutable *ex officio* or who, while not claiming to have been harmed, learns of such an offence, may file a complaint with a judge, a prosecutor or the police. Where the criminal action is a private action, only the person entitled to bring charges may file the complaint, in conformity with the relevant provisions of the Criminal Code. Subject to the formalities set forth [...] the person reporting the offence may ask to be considered as a plaintiff".

155. The Code of Criminal Procedure (art. 177) states that the following persons have an obligation to file complaints concerning offences prosecutable *ex officio*: public officials or employees who learn of such offences in the course of their work; physicians, midwives, pharmacists and other persons engaged in any of the health professions, with regard to offences they learn of while providing their professional services, unless the acts they learn of are protected by professional secrecy.

## 1. Amparo proceedings

156. Act No. 16986 governs amparo proceedings relating to rights or guarantees explicitly or implicitly recognised in the Constitution, with the exception of individual liberty protected by *habeas corpus*. This action may be brought against any act or omission on the part of a public authority which actually or potentially infringes, restricts, jeopardizes or threatens, in a manifestly arbitrary or illegal manner, rights or guarantees explicitly or implicitly recognised in the Constitution. Where appropriate, the judge may declare unconstitutional the legal rule on which the injurious act or omission is based.

157. This remedy may be invoked by the injured party, the Ombudsperson or associations that promote such ends and are registered according to a law determining the requirements and forms of their organization, against any form of discrimination and with regard to rights protecting the environment, competition, users and consumers, as well as rights of general public interest.

158. The legal action must be brought before the judge of first instance who has jurisdiction in the place where the act occurred or where its impact was or might be felt. Where the legal action is admissible, the judge must request from the relevant authority a detailed report on the background and reasons for the contested act, which must be produced by whatever reasonable deadline he or she sets (usually five days). Once the report has been issued or the deadline for its presentation has passed, and the plaintiff has no evidence to produce, a reasoned decision, granting or denying amparo must be handed down within 48 hours.

159. Amparo proceedings against an act or omission on the part of an individual are covered by article 321 of the Code of Civil and Commercial Procedure. The proceedings are conducted in accordance with the rules on summary procedure.

160. Article 28 of Act No. 19549 on administrative procedures, as amended, provides for action for amparo in cases of administrative delay where the administrative authority has let a deadline pass or, if no deadline existed, when more than a reasonable amount of time has elapsed before the issuance of the ruling or decision, whether substantive or purely procedural, that the person concerned requested. Once the application has been filed, the judge rules on its admissibility bearing in mind the circumstances of the case and, if he or she deems fit, requires the administrative authority involved, within a time limit set by the judge, to produce a report on the causes of the alleged delay.

## 2. *Habeas corpus*

161. When the right which has been infringed, restricted, jeopardized or threatened is that of physical liberty, or in the case of unlawful degradation of the form or conditions of detention, or in the event of enforced disappearance of persons, an application for *habeas corpus* may be filed. It may be filed by the affected party or by any person acting on his or her behalf, and the judge shall take an immediate decision, even if a state of siege is in force.

162. Act No. 23098 provides that proceedings for *habeas corpus* are in order when a public authority is accused of an act or omission that involves: (a) limitation of freedom of movement or a present threat of such without a written order from the competent authority; (b) unlawful degradation of the form and conditions of detention, without prejudice to the powers of the trial judge if there is one.

163. When a person's freedom is restricted by virtue of the declaration of a state of siege, *habeas corpus* proceedings call for verification, in this specific case of whether: (a) the declaration of a state of siege was legitimate; (b) there was a connection between the detention order and the situation that gave rise to the declaration of the state of siege;

(c) the form and conditions of the detention, which can in no case be imposed in establishments where prison sentences are served, were unlawfully degraded; and (d) the person effectively exercised the right to choose to leave the national territory.

164. Where a person has been deprived of their liberty, once the complaint has been filed the judge immediately orders the authority summoned, if there is one, to bring the detainee before him or her together with a detailed report of the reasons for the measure, the manner and circumstances in which it is being carried out, whether it has been done on a written order from a competent authority, in which case that order must be produced too, and, if the detainee has been placed at the disposal of another authority, who that was, for what reason it was done and when the transfer took place. When the case is one of a present threat to deprive a person of their liberty, the judge orders the authority summoned to present the report referred to above.

165. Where the court or judge of the competent jurisdiction knows and has satisfactory proof that a person is being held in custody, detention or confinement by an official subordinate to them or a lower-ranking administrative, political or military official and it is to be feared that he or she may be transported outside the territory of their jurisdiction or that irreparable harm will be done to the individual before he or she can be assisted with a writ of *habeas corpus*, they may issue one ex officio and order those who are holding the person or any administrative officer, police officer or other employee to take the person being held or threatened and bring him or her before the court or judge to settle the matter in accordance with the law.

### 3. *Habeas data*

166. Any person may file such an action to obtain information on the existence and purpose of data concerning him or her stored in public registers or data banks, or private ones designed to supply information and, if it is inaccurate or discriminatory, may demand that the data be deleted, corrected, made confidential or updated. The confidentiality of journalists' sources may not thereby be compromised.

### 4. **Extraordinary appeal**

167. Article 14 of Act No. 48 governs extraordinary appeal to the national Supreme Court of Justice. The provision states that this recourse may be made against the final judgement in the following cases: (a) where during the proceedings the validity of a treaty, an act of the Congress or an authority exercised on behalf of the nation has been challenged and the ruling has found it invalid; (b) where the validity of a provincial law, decree or authority has been challenged on the ground that it runs counter to the National Constitution, treaties or laws of the Congress and the decision has found in favour of the validity of the provincial law or authority; (c) where the interpretation of a clause of the Constitution or a treaty or act of the Congress or a commission undertaken on behalf of the national authority has been challenged and the decision has found against the validity of the deed, right, privilege or exemption deriving from that clause and is a cause of dispute.

168. The jurisprudence of the Supreme Court has extended extraordinary appeal to cases of arbitrary judgements, that is, decisions which in some way — because they applied laws that were not in force, disregarded evidence, omitted related questions etc. — violated the guarantee of a legal defence.

### 5. **Administrative appeals**

169. Act No. 19549 on administrative procedures regulates the remedies that may be sought for acts performed by the administration. Such remedies are the petition for reconsideration, filed with the body that took the contested decision, and the hierarchical

remedy, filed with the same authority but examined by the minister in charge of the sector concerned by the decision. The President of the Nation examines hierarchical remedies filed against decisions of ministers.

## **6. Systems of compensation**

170. Compensation as redress for injury is consequent upon responsibility. Accordingly, it is for the judicial authorities to determine compensation in criminal and other proceedings.

## **C. Other related information on human rights**

171. Since the restoration of democracy, particularly since 2003, the promotion and protection of human rights is a State policy that addresses the chief demands of Argentine society. The defence and promotion of human rights are cornerstones of the country's foreign policy.

172. The Constitution of Argentina defines a democratic and pluralistic society, with a main focus on the full respect of human rights. Its pillars include the absolute equality of enjoyment of rights for all inhabitants, whether Argentine or foreign, the principle of non-discrimination and separation of powers.

173. When the Constitution was reformed in 1994, the commitment to the protection and promotion of human rights was stepped up by incorporating the main instruments of international human rights law into the text.

174. Argentina recently laid the foundations for launching its National Human Rights Plan, as an opportunity for dialogue and democratic participation aimed at reaffirming the validity and currency of human rights in Argentina, and a further example of the deepening and consolidation of its international commitments.

175. Moreover, the National Plan against Discrimination has been in effect since 2005; it is a roadmap embodying a detailed examination of this issue and offering specific recommendations. Argentina's Plan is a model for the development of similar plans in other countries.

176. Argentina has placed particular emphasis on the gradual incorporation of international human rights practices and standards.

177. In 2004, the new Migration Act (No. 25871) repealed the rules of the last military dictatorship and established principles within the framework of the Constitution and international human rights treaties. The Act's implementing regulations consolidated the focus of the non-discrimination policy on migrants through the implementation of two special programmes for regularizing their status: one for immigrants from outside MERCOSUR and another, the "Patria Grande" national programme for regularizing the status of immigrants from MERCOSUR full member and associate countries, under which 420,000 people were registered as legal residents. This consolidates an immigration policy that facilitates access to legal residency for immigrants, which is crucial for secure employment in decent conditions for workers moving to Argentina and Argentines moving to other countries in South America.

## **1. Social inclusion**

178. Decree No. 1602 of 2009 created the Universal Family Allowance per Child, currently granted to more than 3.6 million children and adolescents aged between 0 and 18. Furthermore, Presidential Decree No. 446/2011 introduced the Universal Social Protection

Pregnancy Allowance, paid out to pregnant women who are unemployed, in domestic service or working in the informal economy, from the third month of pregnancy.

179. These measures have broadened the foundations of the Argentine social protection system and fostered efficient policy coordination.

180. The adoption of the Mental Health Act (No. 26657) represents a paradigm shift from regarding people with mental disabilities as objects of assistance to recognizing their full legal personality. Its main thrust is de-institutionalization, rehabilitation and reintegration of the patient into the community. It has been allocated 10 per cent of the total health budget.

181. Act No. 26827, establishing the national mechanism for the prevention of torture, was adopted in November 2012, thereby implementing the provisions of the Optional Protocol to the Convention against Torture.

## **2. Equality**

182. Argentina took a further step towards equal rights and combating discrimination when, on 9 May 2012, the National Congress approved the Gender Identity Act, under which “all people have the right to recognition of their gender identity and to unhindered personal development in keeping with their gender identity”.

183. At the regional and international levels, Argentina has promoted and taken an active part in the negotiation of instruments protecting human rights. In 2011, with the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, it completed the ratification of the most important human rights instruments of the universal and regional system.

## **3. Foreign policy**

184. Argentina’s foreign policy is aimed at strengthening international law, cooperation, and promoting universal values and the unqualified respect for human rights.

185. Argentina is following the recommendations made during the universal periodic review, including the ratification in 2008 of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and its Optional Protocol. In the latter case, decisive steps have been taken to ensure that they are fully and effectively implemented by the National Advisory Commission on the Integration of Persons with Disabilities and with the active participation of organized civil society.

186. Regarding the mechanisms for monitoring the human rights treaties, Argentina has fulfilled its obligations both in terms of submitting periodic reports to the treaty bodies and those relating to the system of individual petitions. We would recall that this country has recognized the competence of the committees to consider petitions from persons who claim to have been victims of violations of their rights under those treaties (Human Rights Committee, the 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).

## **4. Remembrance, Truth and Justice**

187. The path taken by the Argentine government since 1983, especially from 2003 with the major impetus given to the struggle to claim and protect human rights, has put the country in a leading position worldwide. This progress is the result of the tireless work of local human rights organizations, under the theme “Remembrance, Truth and Justice”, which have constantly pressed the State for properly functioning democratic institutions

and, as representatives of society civil, have advocated proposals for public policies compliant with international rights protection standards.

188. The development of the right to truth, initiatives to prevent massive human rights violations, and proposals relating to the International Convention for the Protection of All Persons from Enforced Disappearance are but a few examples of areas in which Argentina provides leadership.

189. The fight against impunity and demands for truth, justice and reparations for victims of gross human rights violations during the military dictatorship, are fundamental pillars of the government's comprehensive human rights policy.

190. Given the country's history and the commitments it has made, a chapter of particular importance is the punishment of crimes against humanity and the prevention of genocide. In this context, Argentina took an active part in the process of establishing the International Criminal Court.

## **5. International participation**

191. In the United Nations, Argentina was a member of the Commission on Human Rights in the following periods: 1957–1962, 1966–1968, 1980–1993. It has been a member continuously since 1997, and was re-elected in May 2005 until the creation of the Human Rights Council, of which it was a member for one year.

192. Argentina has collaborated with all special procedures of the Council. It has received special rapporteurs and working groups involved in the promotion and protection of human rights and has supported initiatives involving both the renewal of existing mandates and the creation of new ones. Also in the framework of the Council, a variety of new projects have been presented, notably the introduction on the international agenda of the issue of the right to truth. The development of this right focuses on preventing massive violations of human rights in the world. Furthermore, since 2009, initiatives have been presented on forensic genetics and human rights.

193. We would highlight the recent establishment of a new thematic mandate, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence. This initiative was presented jointly with Switzerland and the main co-sponsors included Morocco, Côte d'Ivoire and France.

194. Activities related to the universalization of the International Convention for the Protection of All Persons from Enforced Disappearance, which entered into force on 23 December 2010 and in respect of which Argentina accepted the competence of the Committee on Enforced Disappearances, constitute a main focus of the country's foreign policy, together with efforts in OAS and the General Assembly related to the drafting of a convention to protect the rights of older persons.

195. As an example of its commitment to follow up the recommendations made by States in the context of the universal periodic review, at the fifteenth session of the Council (September 2010), Argentina voluntarily submitted a progress report on compliance, summarizing action taken so far.

## **6. Regional participation**

196. Argentina takes an active part, in an ongoing dialogue with the countries of the region, in all human rights negotiations in the framework of OAS.

197. As with the United Nations mechanisms, our country extends an open and standing invitation to the bodies of the Inter-American Human Rights System to visit the country. Similarly, Argentina has recognized the competence of the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court of Human Rights to receive complaints against the Argentine State of human rights violations.

198. In 2009 an extraordinary session of IACHR took place in Buenos Aires in commemoration of the anniversaries of the foundation of the Commission (1959), the effective installation of the Court (1979) and the historic visit to our country in 1979.

199. Meanwhile, the resolutions on “Right to the Truth”, “Protecting the Human Rights of Older Persons”, “Protection of Asylum Seekers and Refugees in the Americas” and “Access to Justice, The Role of Official Public Defenders” recently adopted by the forty-first General Assembly of OAS, are initiatives of Argentina.

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