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Instruments**

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Argentina*

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Update of the common core document of the Argentine Republic of 2017

1. This core document was updated on the basis of available data for the period 2017–2023, the previous core document having contained information for the years up until 2017. In some cases, data from previous years have been retained for comparative purposes or because there have been no changes.

I. General information about the reporting State

Capital (and largest city)	Buenos Aires
Official language	Spanish
Form of government	Federal democratic republic
Total area	3.669.711 km ²
Percentage of water	1.1 per cent
Borders	9,665 km ²
Size of population ranking	32nd largest
Total population	46,044,703 (2022 census) 46,654,581 (2023 estimate)
Population density	14.43 inhabitants/km ²
GDP (PPP)	28th highest
Total (2022)	USD 1,225,435 million
GDP (nominal)	22nd highest
Total (2022)	USD 632.770 million
GDP per capita (2022)	USD 13,686

2. The Argentine Republic is a sovereign State organized as a representative and federal republic that is situated in the south-eastern corner of South America.

3. Its territory is divided into 23 provinces and the Autonomous City of Buenos Aires, the national capital and seat of the federal government. According to indices, the country's 40 million inhabitants enjoy levels of human development, per capita income and quality of life that are generally among the highest in Latin America.

4. Argentina is the largest Spanish-speaking country in the world, the second largest State in South America, the fourth largest State in the Americas and the seventh largest State in the world.

5. The Argentine mainland covers a large part of the Southern Cone and is bordered by Bolivia and Paraguay to the north, Brazil to the north-east, Uruguay and the Atlantic Ocean to the east, and Chile to the south and west.

6. According to the World Bank, in 2022 the country's nominal GDP was the twenty-second highest in the world. However, when purchasing power is taken into account, the country's economy, based on total GDP, is the twenty-eighth largest in the world. In 2022, the country was classified by the World Bank as an upper middle-income nation.

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

Ethnic and demographic characteristics of the country and its population according to the following indicators:

Population size¹

Total population	46 044 703
Men	22 072 046
Women	23 690 481
X/do not self-identify under above options	8 293

7. According to the results of the 2022 census, the country's total population is 46,044,703, of whom 23,690,481 are women, 22,072,046 are men and 8,293 do not self-identify under either of these options.

8. In terms of spatial distribution, in 2022 70 per cent of the population was concentrated in six Argentine provinces, namely the province of Buenos Aires, Córdoba, the Autonomous City of Buenos Aires, Santa Fe, Mendoza and Tucumán. Of these six, Buenos Aires is the province that has historically had the greatest weighting in the country's total population.

9. The province of Buenos Aires also has the highest population density, with 17,569,053 inhabitants/km². The province of Córdoba ranks second, with a population density of 3,978,984 inhabitants/km².

10. As to the structure of the population, there has been a marked increase in the proportion of older persons (65 years of age and older) over the years. Among the older population, women outnumber men, and this difference is even more pronounced in the older age brackets (75 years and older).

Population, absolute and relative change between censuses and growth rate Nationwide total (1869–2010)

<i>Year</i>	<i>Population</i>	<i>Absolute change between censuses</i>	<i>Relative change between censuses</i>	<i>Average annual growth rate</i>
			%	%
1896	1 830 214			
1895	4 044 911	2 214 697	121	31
1914	7 903 662	3 858 751	95.4	35.7
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: National Statistics and Census Institute, National Population Censuses from 1869 to 2010.

¹ The Malvinas Islands, South Georgia, South Sandwich Islands and the surrounding maritime areas are an integral part of Argentine national territory but, because these territories are unlawfully occupied by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic was not able to carry out the 2022 census in this region.

Source: National Statistics and Census Institute, National Population, Households and Housing Census 2022.

Population density

11. The total land area of the country is 3,761,277 km² (National Population, Households and Housing Census 2010).

12. The land area for the calculation of population density is 2,780,403 km² (includes the Autonomous City of Buenos Aires, 22 provinces and the departments of Río Grande and Ushuaia in the province of Tierra del Fuego, Antarctica and the South Atlantic Islands).²

Age structure

Total national population disaggregated by sex and five-year age brackets (2023)

<i>Age bracket</i>	<i>Women</i>	<i>Men</i>	<i>X</i>
0 to 4	1 229 118	1 275 947	0
5 to 9	1 807 186	1 876 847	0
10 to 14	1 809 986	1 880 793	7
15 to 19	1 755 260	1 821 419	56
20 to 24	1 796 357	1 849 770	114
25 to 29	1 871 628	1 913 215	121
30 to 34	1 869 472	1 897 845	104
35 to 39	1 717 436	1 742 764	36
40 to 44	1 717 346	1 725 165	29
45 to 49	1 495 566	1 477 391	9
50 to 54	1 281 849	1 244 967	11
55 to 59	1 145 715	1 084 167	6
60 to 64	1 057 258	974 979	0
65 to 69	954 969	839 150	0
70 to 74	798 482	652 150	0
75 to 79	612 643	442 898	0
80 to 84	421 078	257 551	0
85 to 89	250 357	125 340	0
90 to 94	120 557	48 808	0
95 to 99	32 467	10 647	0
100 y +	5 557	1 748	0

13. The above table was drawn up by the National Population Directorate on the basis of the records of the National Registry Office attached to the Ministry of the Interior. Persons were identified by their digital identity document (Decree No. 1501/2009), light blue passbook or identity card, as at January 2023.

Dependency ratio (percentage of population under 15 and over 65 years of age)

14. In 2023, according to the records of the National Registry Office, for every 100 active persons, there were 49.15 potentially economically dependent persons.

Birth and fertility rate

15. The following information is based on the national birth and fertility report for the period 1980–2019.

² The Malvinas Islands, South Georgia, South Sandwich Islands and the surrounding maritime areas are an integral part of Argentine national territory but, because these territories are unlawfully occupied by the United Kingdom of Great Britain and Northern Ireland, the Argentine Republic was not able to carry out the 2010 census in this region.

16. Nationwide, the number of births fell between 1980 and 2001, increased to more than 72,000 births in 2010, then declined again in 2019 to below the levels seen in 1980, 1991 and 2001.

17. The crude birth rate for the country as a whole fell until 2001, then increased slightly in 2010 before falling again in 2019. In 1980, the rate was 25.0 births per thousand inhabitants, in 1991 23.3 births per thousand inhabitants, in 2001 18.2 births per thousand inhabitants, in 2010 18.7 births per thousand inhabitants and in 2019 13.9 births per thousand inhabitants.

18. In 1980, 1991 and 2001, the highest fertility levels were concentrated in the 25 to 29 age bracket. In 2010, women in the 20 to 24 and 25 to 29 age brackets had the highest fertility rates, with 110 births per thousand women in both groups. In 2019, the fertility rate was slightly higher among women aged 25 to 29 (86 births per thousand women) than among women in the 20 to 24 and 30 to 34 age brackets (83 and 81 births per thousand women, respectively). The fertility rate among women in the 15 to 19 age bracket has declined significantly in all the country's provinces.

Population distribution by ethnic origin

Indigenous Peoples

19. A total of 955,032 persons nationwide, equivalent to 2.4 per cent of the total national population, self-identify as Indigenous.

20. Of this total, 481,074 are men and 473,958 are women. This is significant since a comparison of these figures against the equivalent numbers for the total population reveals the proportion of men and women is inverted: while in the total population men account for 48.7 per cent and women for 51.3 per cent, 50.4 per cent of the Indigenous population are men and 49.6 per cent are women.

Population of Indigenous persons and persons of Indigenous or aboriginal descent in private homes, disaggregated by sex and broad age brackets. National total (2010)

Age bracket	<i>Indigenous persons and persons of Indigenous or aboriginal descent</i>		
	<i>Total</i>	<i>Men</i>	<i>Women</i>
Total	955 032	481 074	473 958
0 to 14	271 286	138 726	132 560
15 to 64	627 725	314 903	312 822
65 and over	56 021	27 445	28 576

Source: National Statistics and Census Institute 2010

21. The provinces with the highest proportion of Indigenous inhabitants are Chubut, Neuquén, Jujuy, Río Negro, Salta and Formosa, with percentages ranging from 8.7 per cent to 6.1 per cent.

22. Of the total number of persons who self-identify as belonging to or descending from aboriginal peoples, 21.5 per cent, equivalent to a total of 205,009 persons, self-identify as belonging to or descending from the Mapuche People.

23. The Mapuche, Toba and Guaraní Peoples are the only Indigenous Peoples individually accounting for more than 10 per cent of the total Indigenous population. Together, they make up 45.9 per cent of the country's Indigenous population. The Diaguita, Kolla, Quechua and Wichí Peoples account for between 5 per cent and 10 per cent of the total Indigenous population and together make up 25 per cent of the total Indigenous population. Together, these seven Indigenous Peoples account for 70 percent of Argentina's total Indigenous population.

24. As for the composition of the Indigenous population by age, 65.7 per cent is of working age, that is, aged above 15 and under 65 years old. This figure is very similar to the equivalent figure for the total population (64.3 per cent).

25. However, a comparison of the other broad age groups reveals considerable differences from the national average. In the Indigenous population there is a higher proportion of young persons (28.4 per cent vs. 25.5 per cent) and a smaller percentage of older persons (5.9 per cent vs. 10.2 per cent of the total population), which is indicative of a less aged population.

Population of African descent

26. The census conducted in 2010 collected information on the population of African descent for the first time in the country's statistical history.

27. Between 1700 and the early 1800s, during the Viceroyalty of the Río de la Plata, African slaves were brought into the territory by the Guinea Company, entering legally or illegally through the port of Buenos Aires. These arrivals are reflected in the 1778 census, which recorded significant numbers of Africans and persons of African descent, accounting for more than 30 per cent of the total population, in the provinces of Santiago del Estero, Catamarca, Salta, Córdoba, Tucumán and Buenos Aires. From 1801 onwards, the formation of militia groups with persons of African descent began to be regulated. Subsequently, in the period following the May Revolution, armies were formed of freed slaves "rescued" by the State for military service.

28. According to the 2010 census, 62,642 households, equivalent to 0.5 per cent of the total number of households in the country, included at least one person of African descent. The highest proportion of households (39.1 per cent) with at least one person of African descent is found in the province of Buenos Aires. Of these, 25.6 per cent are located in the 24 districts of Greater Buenos Aires and 13.5 per cent in the interior of the province of Buenos Aires. The next highest proportions of households with at least one person of African descent are found in the Autonomous City of Buenos Aires (12.9 per cent) and the provinces of Entre Ríos (7.7 per cent), Santa Fe (6.8 per cent) and Córdoba (6.2 per cent). The total number of persons in private homes who self-identify as being of African descent was 149,493, equivalent to 0.4 per cent of the total population.

29. Of the total population of African descent, 76,064 are men and 73,429 are women. This is significant since a comparison of these figures with the equivalent numbers for the population as a whole reveals that the proportion of men and women is inverted: while in the total population men account for 48.7 per cent and women for 51.3 per cent, in the Afro-descendant population 51 per cent are men and 49 per cent are women. This inversion is clearly visible when the male/female ratio for the Afro-descendant population, which is 103.6, meaning that there are about 103 men for every 100 women, is compared to the male/female ratio for the total population, which is 94.8, meaning that there are about 95 men for every 100 women.

30. Overall, 3.7 per cent of those who self-identify as Indigenous persons or descendants of Indigenous persons are illiterate. Illiteracy was reduced by 2.3 percentage points in the period 2005–2010.

31. Age-wise, 67.9 per cent of Afro-descendants are between 15 and 64 years old, that is, of working age, 24.7 per cent are under 14 years old and 7.4 per cent are aged 65 or older. The percentage of the population in this latter age group is lower than the national average (10.3 per cent), meaning that the Afro-descendant population is less aged. Regarding the spatial distribution of the Afro-descendant population across the national territory, 70.3 per cent is concentrated in the provinces of Buenos Aires, the Autonomous City of Buenos Aires, Entre Ríos, Santa Fe and Córdoba.

Population of foreign nationals

32. The number of foreign nationals currently residing in Argentina has been estimated using the database of the National Registry Office together with information provided by the National Directorate for Migration. The number of persons born abroad who have a digital identity document and residence in Argentina as at August 2022 was 3,033,786. Of the total

number of persons born abroad, 1,568,350 were women and 1,465,430 were men; only 6 have identity documents indicating non-binary gender. Age-wise, up to the age of 44 years there is a slight predominance of men, the only exception being in the 19 to 24 age bracket, where women are in a slight majority.

33. According to the National Registry Office, the country accounting for the largest number of foreign nationals living in Argentina is Paraguay, with 900,238 persons. Paraguayans account for 29.67 per cent of the foreign-born population, with their numbers rising over the last two censuses. Bolivian accounts for the second largest foreign-born population, with 658,559 persons (21.71 per cent), followed by Peru, with 289,430 persons (9.54 per cent) and Venezuela, with 220,595 persons (7.27 per cent). Together, these four countries account for 68.19 per cent of the total immigrant population.

34. Generally speaking, the number of migrants from other South American countries has continued to increase, while migration from European countries has continued to decrease owing to population ageing and the very low rate of population renewal in Europe. Thus, of the 3,033,786 persons born in other countries who have a digital identity document, 2,643,124, equivalent to 87.1 per cent of all persons in this group, are of South American origin while only 7 per cent were born in Europe.

35. International immigration tends to be concentrated on the metropolitan area of Buenos Aires and, to a lesser extent, the provinces of the central region. This pattern of settlement is evident in migration flows from Venezuela, Peru, Paraguay, Uruguay, Colombia and Italy in particular.

Standard of living in different population segments according to the following indicators

Infant mortality

Infant mortality (2021)

Country	Infant mortality rate per thousand live births
Argentine Republic	8

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

Technical note

36. The infant mortality rate reflects the number of deaths of children under one year old in a given year in relation to the number of live births registered in the same year. It is expressed per 1,000 live births.

37. Number of deaths of children under one year old occurring in the population of a given geographic area in a given year (annual child mortality rate) = ----- x 1,000.

38. Number of live births registered in the population of the given geographic area during the same year.

39. Registered live births are those occurring in the year of registration and in the year immediately preceding it.

Maternal mortality

Maternal mortality (2021)

Country	Maternal mortality rate per 10 thousand live births
Argentine Republic	7.42

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

40. Technical note: The maternal mortality rate reflects the risk of women dying during pregnancy, childbirth and the postpartum period.

41. The rate is calculated using the number of live births as a proxy for the number of women at risk of dying from pregnancy-, childbirth- and puerperium-related causes. It is expressed per 10,000 live births.

42. Number of maternity-related deaths occurring in the female population of a given geographic area in a given year (annual maternal mortality rate) = ----- x 10,000.

43. Number of live births registered in the population of the given geographic area during the same year.

44. In 2001, a question was added to the form used to register and compile statistics on deaths that makes it possible to identify maternal deaths more accurately and, consequently, establish the maternal mortality rate more precisely.

45. Using this tool, the Health Statistics System is endeavouring to improve the quality of information each year and prevent the omission of maternity-related causes of death.

46. Research conducted by the Directorate of Health Statistics and Information in 2000 and 2001 and in 2005 and 2006 revealed omissions in the civil and statistical registration of live births in several provinces. The enforcement of Decree Nos. 262/03, 832/04 and 819/05, providing for the free issuance of identity documents at birth, and Regulatory Decree 415/06, enacting Act No. 26.061/05, providing for the free issuance of a first identity document to all children born in Argentina and residing there on a permanent basis, has contributed to improvements in the registration of live births, especially since 2004.

Crime and administration of justice indicators

Crime statistics

Data drawn from the National Criminal Information System

<i>Year</i>	<i>Murder</i>	
	<i>Number of cases</i>	<i>Rate per 100,000 persons</i>
2021	1.541	3.4
2020	1.630	3.6
2019	1.665	3.7
2018	1.598	3.6
Change 2021/2020	-5.5%	-6.4%
Change 2021/2019	-7.4%	-9.2%

<i>Year</i>	<i>Manslaughter in traffic accidents</i>	
	<i>Number of cases</i>	<i>Rate per 100,000 persons</i>
2021	3 827	8.4
2020	2 978	6.6
2019	4 189	9.3
2018	4 803	10.8
Change 2021/2020	28.5%	27.3%
Change 2021/2019	-8.6%	-10.4%

<i>Year</i>	<i>Offences against sexual integrity</i>	
	<i>Number of cases</i>	<i>Rate per 100,000 persons</i>
2021	41 697	91.0
2020	28 916	63.7
2019	22 162	49.3
2018	16 995	38.2
Change 2021/2020	44.2%	-
Change 2021/2019	88.1%	-

Source: Data on the prison population drawn from the National Prison Statistics System.

47. In Argentina, the length of pretrial detention is generally between 2 and 3 years.
48. The death penalty is not applied in Argentina.
49. According to the 2021 report of the National Prison Statistics System, the Argentine Republic has 101,267 persons deprived of liberty in its detention facilities, equivalent to a rate of imprisonment of 221 persons per 100,000 inhabitants. Of this number, 55.2 per cent are convicted prisoners. The remaining percentage corresponds to persons facing trial who have not been convicted and persons exempted from criminal prosecution.
50. As a result of the progress made in recognizing gender identity rights, and in line with State policy on the matter, additional categories have been introduced under the gender variable. Thus, in 2021, the total prison population comprised 97,095 men, 3,998 women, 151 transgender women and 23 transgender men.
51. As regards length of sentence, most of the detainees who had already been convicted – 55 per cent of cases in 2021 – were serving sentences of between 3 and 9 years.
52. According to the statistics, more than two thirds of those convicted had no previous criminal record.
53. Most detainees had been charged with either offences against property (burglary and theft), sexual abuse (rape), murder or drugs violations under Act No. 23.737.

B. Constitutional, political and legal structure of the State

Republican form of government

54. In terms of its political organization, the Argentine Republic has a representative, federal, republican form of government, as enshrined in the 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 had been separated from the Argentine Confederation from 1853 until 1860. In 1949, a constitutional convention 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, which entered into force on 24 August 1994. These changes concern the essential, operative part of the Constitution.
55. The system of government is presidential, with power divided between the legislature, the executive and the judiciary. The executive branch is led by the President of the Nation.
56. 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.³

³ The Malvinas Islands, South Georgia, the South Sandwich Islands and the surrounding maritime areas are an integral part of the Argentine territory and currently under illegal occupation by the United

57. Since Argentina is a federal republic, the provinces are autonomous of the national government with regard to their domestic legislation, in line with the Constitution. They each adopt their own constitution to govern the administration of justice and municipal autonomy and regulate the scope and content of their institutional, political, administrative, economic and financial systems and elect their own authorities, namely a governor, legislators and other provincial officials. They enact formal legislation through their local institutions and are empowered to conclude international agreements so long as these 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 may conclude partial treaties to further the administration of justice, economic interests or works of public utility.

National Authorities: Federal Government

Legislature

58. Under the Constitution currently in force, the legislature is made up of a bicameral congress consisting of the Chamber of Deputies and the Senate (art. 44). The Chamber of Deputies is composed of representatives directly elected by the people of the provinces and the city of Buenos Aires, with their number being determined by the number of inhabitants. For electoral purposes, the country is divided into districts, each of which elects its candidates in proportion to the number of inhabitants. Deputies hold office for four years and may be re-elected. Every two years, half of the seats in the Chamber are renewed (art. 50).

59. The Senate is composed of three senators for each province and three for the city of Buenos Aires, elected directly and jointly. Two seats go to the political party obtaining the highest number of votes and the remaining seat to the political party with the next highest number of votes. Each senator has one vote (art. 54). Senators serve six-year terms and are eligible for re-election indefinitely. The renewal of the Senate is partial, with one third being renewed every two years (art. 56).

60. The remit of the legislature is to draft and enact laws. 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 unrest, and ratifying or suspending any declaration of a state of siege made by the executive during a congressional recess.

61. The Office of the Auditor-General and the Office of the Ombudsperson also form part of the legislature. The Office of the Auditor-General is an operationally autonomous body that provides technical assistance to the Congress. Its role is to exercise external oversight of the public sector with regard to national resources and economic, financial and operational matters on behalf of the legislature (art. 85).

62. The Office of the Ombudsperson is an independent body that operates with full autonomy within the framework of the Congress. Its remit is to defend and protect human rights and other constitutionally or legally protected rights, guarantees and interests in the face of decisions, acts or omissions of the Administration (art. 86).

Executive

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

64. The President and Vice-President serve a four-year term and may be re-elected for one consecutive term. If they have been re-elected, or if one has succeeded the other, they cannot be re-elected to either office until at least one further term has passed (art. 90). The President ceases to hold power on the day that his or her four-year term expires; any event that might have interrupted this term of office does not constitute grounds for completing the term subsequently (art. 91).

Kingdom of Great Britain and Northern Ireland. They are the subject of a sovereignty dispute between the two countries that is recognized by the United Nations.

65. If the President falls ill, is absent from the capital, dies, resigns or is removed from office, executive power is exercised by 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 has ceased or a new president has been elected (art. 88).

66. The President and Vice-President of the Republic are elected directly by the people, in two rounds of voting. For this purpose, the national territory is considered a single district (art. 94). The election is held during the two months prior to the end of the incumbent President's term of office (art. 95). If required, a second round of voting is held within 30 days of the first on the tickets of the two candidates obtaining the most votes (art. 96). There is no second round if the ticket with the highest number of votes in the first round has obtained more than 45 per cent of valid affirmative votes (art. 97) or has obtained 40 per cent of the votes and the difference between its share of total votes and the share of the second-placed ticket is more than ten percentage points (art. 98).

67. The Chief of the Cabinet of Ministers, who reports to the Congress, is responsible for the general administration of the country, enacting the decisions and regulations adopted for this 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 coordinates, prepares and convenes meetings of the Cabinet of Ministers and chairs them in the absence of the President. He or she must attend Congress at least once a month, alternating between the two chambers, to report on the Government's progress but may also be expressly summoned to appear or called for questioning by vote of an absolute majority of all members of either chamber. Once the regular sessions of the Congress have begun, the Chief of Cabinet presents, together with the other ministers, 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 the 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. He or she also countersigns, jointly with the other ministers, emergency decrees and decrees that partially promulgate laws and, following their adoption, submits them personally to the Bicameral Standing Commission (arts. 100 and 101).

68. Argentina has the following ministries: Ministry of the Environment and Sustainable Development; Ministry of Science, Technology and Innovation; Ministry of Culture; Ministry of Defence; Ministry of Social Development; Ministry of Territorial Development and Habitat; Ministry of Economic Affairs; Ministry of Education; Ministry of Justice and Human Rights; Ministry for Women, Gender and Diversity; Ministry of Public Works; Ministry of Foreign Affairs, International Trade and Worship; Ministry of Health; Ministry of Security; Ministry of Labour, Employment and Social Security; Ministry of Transport; Ministry of Tourism and Sports; Ministry of the Interior.

Turnout in elections and votes

69. Since democracy was restored in Argentina, citizen participation in elections has always been above 70 per cent. A check of historical data reveals that the highest turnout figures were recorded in the two elections immediately following the restoration of democracy; turnout exceeded 85 per cent in both the 1983 and 1989 elections. Latest data reveal that citizen participation in the elections held in 2021 was 71.39 per cent.

Judiciary

70. Judicial power in Argentina is vested in the Supreme Court and other lower courts that the Congress may establish across the country (art. 108). The President may not under any circumstances exercise judicial functions, assume jurisdiction over pending cases or reopen cases that have been closed (art. 109).

71. The Council of the Magistrature is responsible for the appointment of judges and the administration of the judiciary. Its membership is renewed periodically to ensure a balanced representation of elected political bodies, judges from all the courts, lawyers on the federal

register and other persons from the academic and scientific fields, in line with the numbers and means of appointment established by law.

72. Judges of the Supreme Court and lower federal courts hold their offices during good behaviour (art. 110). They may be removed from office by decision of an impeachment jury made up of legislators, judges and registered lawyers (art. 115) on grounds of poor performance, for professional misconduct or for ordinary offences (art. 53).

73. The Supreme Court and lower federal courts hear and adjudicate all cases involving matters governed by the Constitution, national legislation and treaties with foreign nations. The Supreme Court may exercise its appellate jurisdiction according to the rules and exceptions prescribed by Congress.

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

Public Prosecution Service

75. The Public Prosecution Service is an independent body with functional and financial autonomy whose function is to promote the administration of justice, in defence of the lawful general interests of society, in coordination with other State authorities. It is composed of the Attorney General of the Nation, the Chief Public Defender of the Nation and other members as established by law. Its members enjoy functional immunity and their remuneration may not be attached or withheld (art. 120).

Public Defence Service

76. The Public Defence Service is the body responsible for ensuring effective legal assistance and defending the rights of individuals. Its main functions include:

- Providing legal assistance to ensure that individuals have access to justice
- Providing advice to persons party to legal proceedings and defending them and their rights (including mandatory representation of minors and persons without legal capacity)
- Acting as guardian for minors without legal representation and conservator for persons without legal capacity
- Formulating and implementing policies to facilitate access to justice for particularly vulnerable groups

77. The above services are provided by public defenders, guardians and conservators attached to the Public Defence Service.

78. In criminal cases, if a person has been accused of committing a crime and has not appointed a trusted lawyer, the judge overseeing the case will appoint the official public defender attached to the appropriate public defender's office. This service is free of charge.

79. In non-criminal matters (e.g. civil, family and estate, commercial, federal administrative litigation, labour and social security matters), any person can turn to an official public defender (for poor or absent persons) to request free legal advice and/or representation provided that they can plead and prove poverty.

80. The staff of the Public Defence Service will assess their case and provide relevant legal advice and/or assistance for taking appropriate legal action provided that the eligibility requirements are met (article 60 of Act No. 24.946, proving poverty).

81. There are dedicated public defender offices for minors and persons without legal capacity in civil, commercial and labour matters that deal with issues related to minors and personal capacity such as requests for psychiatric hospitalization, petitions for insanity and disqualification and advice on civil family matters. Public defenders for minors and persons

without legal capacity always act on behalf of the minor and incapacitated person. Public defender staff will assess their case and, if appropriate, will either initiate the appropriate action or provide relevant advice and a forward referral.

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

82. The Secretariat of Foreign Affairs of the Ministry of Foreign Affairs, International Trade and Worship is responsible for national foreign policy in relations with all countries and international organizations.

83. The Directorate General of Human Rights of the Ministry of Foreign Affairs, International Trade and Worship is responsible for drafting and developing 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.

84. Its remit includes:

- Coordinating with the relevant departments on relations with other States in matters related to human rights and humanitarian law and the associated international law
- Preparing guidelines, plans and operational programmes for international events on human rights and humanitarian law that involve Argentina, in coordination with other relevant departments
- Reviewing domestic legislation, in conjunction with the relevant departments, to ensure its compatibility with international human rights and humanitarian law
- Participating, in coordination with the relevant departments, in the conclusion of international treaties, agreements and conventions on human rights and humanitarian law to which Argentina is a party
- Promoting the study, development and evaluation of projects, programmes and plans with other State bodies and agencies that are relevant to national foreign policy and related to human rights and humanitarian law, in order to ensure that they are implemented with the necessary consistency
- Coordinating and consulting, as required, with the Office of the United Nations High Commissioner for Refugees regarding decisions on granting asylum and/or refuge in Argentina to foreign applicants
- Taking responsibility, in coordination with other relevant departments, for matters related to national, ethnic, religious and linguistic minorities in the context of international organizations
- Taking responsibility, in coordination with other relevant departments, for matters related to international law on the rights of the child



85. The primary responsibility of the Directorate of Gender and Diversity Affairs is to deal with gender- and diversity-related issues at the international level and in the foreign policy of the Republic. Its duties involve:

- Working with other States on gender and diversity issues, including the status and situation of women and, in particular, in relation to international law, in coordination with the relevant departments
- Promoting, within the scope of its competence, the study, drafting and evaluation of projects, programmes and plans developed with other State bodies and agencies that may be relevant to national foreign policy
- Overseeing, in coordination with the relevant departments, the review of domestic law to bring it into line with rules of international law on the status and situation of women and other gender issues

- Advising, in coordination with the relevant departments, on international treaties, agreements and conventions on issues related to the status and situation of women and gender issues to which Argentina is a party
- Advising, in coordination with the relevant departments, on issues affecting vulnerable groups in the context of international organizations and international standards on the prevention and elimination of all forms of violence against women,
- Coordinating its actions with those of national public sector bodies and agencies with competence in the area of gender equality and diversity
- Supporting the implementation of mandatory training on gender issues and violence against women for all persons working in the public service at all levels and ranks within the Ministry, as established by Act No. 27.499 and in coordination with the relevant departments
- Promoting the application of a gender and diversity perspective in the policies developed by the Ministry, in coordination with the relevant departments
- Coordinating actions related to the formulation, implementation, supervision, monitoring and evaluation of programmes, plans and projects related to gender and diversity policies within the Ministry

A. Acceptance of international human rights norms

86. Argentina has signed and ratified the treaties listed in the table below and the optional protocols thereto and has accepted the competence of their respective committees.

 Status of the major international human rights instruments.																	
 Argentina	International treaties																
	CESCR ¹⁰⁶		CCPR ¹⁰⁷			CERD ¹⁰⁸	CED ¹⁰⁹	CEDAW ¹¹⁰		CAT ¹¹¹		CRC ¹¹²			CMW ¹¹³	CRPD ¹¹⁴	
	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
Membership	✓	✓	✓	✓△	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
✓ Signed and ratified, ✓ signed but not ratified, ✗ neither signed nor ratified, ⓘ unknown, △ signed and ratified and also recognizes the competence of the relevant bodies to receive and process individual communications.																	

87. The legal system in force in Argentina consists of diversely ranked legal rules covering different areas, all of which are in line with the guidelines set out in the Constitution.

88. Competence to enter into treaties lies with the executive branch of government (art. 99 (11) of the Constitution). Notwithstanding the foregoing, 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 carried out by the legislative branch (approving or rejecting treaties concluded with other nations and international organizations) in application of the principle of the separation of powers and the related 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.

89. Article 75 of the Constitution grants constitutional status to the following human rights treaties, which, under the terms of their application, rank above domestic legislation and are to be understood as complementing the rights and guarantees recognized in the Constitution:

- American Declaration on 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 the Optional Protocol thereto
- 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
- Convention on the Rights of Persons with Disabilities

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

Competent authorities

i. Judicial authorities

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

91. The judiciary of each province is responsible for the administration of ordinary justice within the provincial territory, in application of the codes specified in article 75 (12) of the Constitution, namely the Civil, Commercial, Criminal, Mining and Labour and Social Security Codes, and according to the cases or persons that fall under their respective jurisdictions.

92. With respect to the national justice system, article 116 of the Constitution establishes that the Supreme Court and lower courts are empowered to hear and adjudicate all cases involving matters governed by the Constitution and domestic legislation, with the exception of matters that fall under provincial jurisdiction. The Supreme Court has appellate jurisdiction in such cases (art. 117).

ii. *Administrative authorities*

Secretariat for Human Rights

93. The Secretariat for Human Rights, under the authority of the Ministry of Justice and Human Rights, is the authority with competence in respect of human rights-related matters at the national level.

94. The Secretariat has the following objectives and functions:

- Formulating, implementing and monitoring policies, plans and programmes for the promotion and protection of civil, political, economic, social, cultural, community and collective rights in general
- Coordinating action to promote and protect human rights with other ministries, the judiciary, the Public Prosecution Service, the Office of the Ombudsperson, the National Congress and civil society organizations
- Planning, coordinating and supervising the implementation of training and institutional capacity-building activities in the field of human rights and international humanitarian law at the State level and within civil society
- Coordinating the activities of the Federal Human Rights Council and operating the regional offices of the Secretariat
- Assisting the Ministry of Justice and Human Rights with bringing domestic law into line with international human rights law
- Managing the active monitoring, follow-up and reporting of cases and situations related to human, civil, political, economic, social, cultural, community and collective rights, working in conjunction with national, provincial and municipal bodies and civil society organizations involved in these issues

Office of the Ombudsperson of the Nation

95. The Office of the Ombudsperson of the Nation is an institution that operates with complete independence from the other branches of Government. Its central duty, which is laid down in the Constitution (art. 86), is to meet the need for the State to defend human rights and to exercise continuous oversight of the civil service and companies providing public services.

96. On 1 December 1993, the National Congress adopted Act No. 24.284, which established the legislative framework for the Office of the Ombudsperson. The Office performs its duties without receiving instructions from any government body and has two principal duties: firstly, ongoing monitoring to identify any unlawful, arbitrary, abusive, negligent or seriously inappropriate irregularity, whether by commission or omission, in the performance of public duties; and secondly, defending the rights and interests of all inhabitants of the country – an activity that is closely connected to the first. The Office may launch investigations, on its own initiative or upon request, into actions on the part of public officials that might infringe the rights and interests of members of the public, including collective and diffuse interests.

97. To perform its duties, the Office of the Ombudsperson can avail itself of various legal mechanisms. It may request records or reports, make checks and inspections, and request whatever other instruments or evidentiary measures may be useful to the exercise of its duties. In addition, the Constitution confers upon the Office one very particular essential right, namely the procedural right to bring a case before court whenever the collective rights of the public are threatened, violated or overlooked by action of the State or any of its agents.

Office of the Ombudsperson for the Prison System

98. The Office of the Ombudsperson for the Prison System was established within the Ministry of Justice and Human Rights by executive decree of 1993. The Office reported to the Ministry for the first 10 years of its operation until, in December 2003, the National Congress passed Act No. 25.875 on the Office of the Ombudsperson of the Prison System,

which placed the Office under the authority of the legislature and vested it with full autonomy and independence.

99. The Ombudsperson for the Prison System holds the rank of undersecretary of State for a renewable four-year term. The incumbent's core task is to protect the human rights of inmates in the federal prison system in accordance with the provisions on such rights contained in national law and the international human rights treaties to which Argentina is a party. In the discharge of these duties, the Ombudsperson is not subject to any binding mandate and does not receive instructions from any authority; the incumbent must act independently, using his or her judgment to determine which cases will be taken up.

100. The mandate of the Ombudsperson for the Prison System entitles him or her to conduct regular visits to all prisons holding national or federal prisoners. The Ombudsperson may, on his or her own initiative or upon request, investigate any act or omission that could be detrimental to the rights of the inmates and is under an obligation to file a criminal complaint where necessary. His or her views and opinions are incorporated in recommendations submitted to the Ministry of Justice, which monitors and oversees the national and federal prison system. The Minister of Justice gives the recommendations effect by endorsing the Ombudsperson's resolutions.

101. The Secretariat for Human Rights includes the Office of the Undersecretary for Protection and Human Rights and the Office of the Undersecretary for the Promotion of Human Rights.

Office of the Undersecretary for Protection and Human Rights

102. The duties of this Office are:

- (a) To devise specific plans and programmes for the protection of individual and collective human rights and to oversee their implementation
- (b) To take part in the collection, update, preservation and digitization of archives and information relating to human rights violations attributable to State terrorism and to oversee the effective implementation of all compensatory legislation by the Argentine State
- (c) To actively contribute to the observation, monitoring and reporting of cases and situations relating to human rights at the national and international levels, in particular reporting to the United Nations, the Organization of American States (OAS) and the Southern Common Market (MERCOSUR)

103. The Secretariat for Human Rights includes the following units:

- (a) National Directorate for Human Rights-related Legal Affairs

104. This Directorate has the following duties:

- Advising on the implementation of laws and issuing opinions on legal issues related to the duties of the Secretariat for Human Rights
- Acting as counsel, plaintiff, injured party, observer and/or amicus curiae in any cases involving serious human rights violations that appear to constitute crimes against humanity and entail acts in violation of human rights that give rise to social disruption and/or unrest, and/or playing any other appropriate part in proceedings, in accordance with the formal rules of the competent jurisdiction
- Taking measures on regional and international human rights issues for which the Secretariat has responsibility
- Monitoring the application of rules, judgments and resolutions that relate to the fight against impunity and the provision of reparations for serious human rights and other violations

(b) Reparations Policy Directorate

105. This Directorate's responsibilities include:

- Assisting the National Director for Human Rights-related Legal Affairs with the coordination of measures pertaining to plans and programmes to provide reparations for the consequences of human rights violations attributable to the State
- Implementing national laws on reparations and any legislation on the subject that may be enacted
- Running programmes and activities and identifying new needs

(c) National Directorate of Services for Vulnerable Groups

106. This Directorate has the following duties:

- Ensuring the effective implementation of national and international standards that guarantee human rights and fundamental freedoms, with particular reference to vulnerable groups including the destitute, migrants, children, asylum seekers, persons with disabilities, older people, Indigenous Peoples and sexual minorities
- Receiving complaints of human rights violations and establishing an emergency response and follow-up mechanism to improve protection
- Helping the Secretary for Human Rights to develop programmes promoting and protecting the rights of persons with disabilities and similar programmes for persons with HIV/AIDS and other vulnerable groups, based on the principle of non-discrimination
- Establishing procedures for the active monitoring, either on its own initiative or upon 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

107. This Centre manages action taken to provide comprehensive assistance to victims of State terrorism and victims of abuses of power who have suffered severely traumatic situations that could infringe their fundamental rights, and/or to their family members, comprehensive assistance being understood here to include psychological support, guidance and referral for the victims and/or their family members, in accordance with the needs identified. The Centre coordinates action to assist victims, witnesses and complainants who are to appear in court, particularly in cases involving crimes against humanity, and provides them with psychological support and assistance when needed during hearings.

(e) Federal Human Rights Council

108. Established in 2003 by the high-level human rights authorities of the national Government, the provincial governments and the government of the City of Buenos Aires, the Federal Human Rights Council considers initiatives and oversees various issues concerning the protection and promotion of human rights with the aim of coordinating with provincial governments on human rights policy at the national, provincial and municipal levels and fostering horizontal cooperation between the various jurisdictions.

Programmes

109. The Ministry of Justice and Human Rights runs various programmes designed to protect human rights. Additionally, several national government ministries have units dedicated to the promotion and protection of human rights within their specific portfolios. Examples include: the Directorate for Human Rights and International Humanitarian Law of the Ministry of Defence; the International Affairs Directorate of the Ministry of Labour; the National Secretariat for Children, Young Persons and the Family; the Office of the Undersecretary for Food Policy of the Ministry of Social Development; and the Human Rights Directorate of the Ministry of Foreign Affairs, International Trade and Worship.

“Victims against Violence” programme

110. This programme provides assistance to victims of abuse or ill-treatment caused by any form of violence in a secure and emotionally supportive environment in which their rights are guaranteed. It works to address domestic violence and combat child abuse, exploitation and prostitution.

111. In the Autonomous City of Buenos Aires, the programme’s staff take down information on requests for assistance received via the 137 telephone help line. Based on this information, a mobile team may then be dispatched to the victim’s home to provide assistance, support and help in reporting the incident. The programme thus provides effective assistance for victims on the ground, working directly with the victims themselves in the place where the violence occurs. It is explained to victims of sexual violence that they should report the incident at the police station and that the programme comes into effect from this point.

Specific units in the federal security forces

112. The Ministry of Security was established in December 2010 and thereupon assumed responsibility for the Federal Police Force of Argentina, Coast Guard, Gendarmería Nacional Argentina and Federal Internal Security Council, all of which had previously reported to the Ministry of Justice, Security and Human Rights. By ministerial resolution, the Gendarmería Nacional Argentina, the Federal Police Force, the Coast Guard and the Airport Security Police were instructed to set up special units to take measures to prevent and investigate trafficking in persons and carry out any intelligence tasks that may be necessary for that purpose.

Rescue and Support Office for Victims of Trafficking Offences

113. All activities aimed at preventing and investigating trafficking in persons and providing support and legal assistance for trafficking victims are managed centrally by this Office until the time when their testimony is heard. After giving their testimony, victims are supported by the specialized programmes offering assistance for trafficking victims.

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

114. The purpose of the Registry is to centralize, organize and cross-reference information from all parts of the country in a database of minors whose whereabouts are unknown and minors whose filiation or identification details are unknown who have either been found or are living in care, protection, detention or internment establishments.

Crime Victims Assistance Office

115. This Office is part of the Public Prosecution Service and is responsible for giving legal advice about the State assistance that might be available to crime victims, in particular those with limited resources, and advising victims of crime with especially complicated social backgrounds with a view to guiding them through State and non-governmental support mechanisms.

Public Prosecution Office for Kidnappings for Ransom and Trafficking in Human Beings

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

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

117. This Office’s functions include conducting all preliminary investigations into actions or omissions that may constitute crimes against the sexual integrity of victims under 13 years of age in the Autonomous City of Buenos Aires and filing any criminal complaints that may be appropriate.

Domestic Violence Office of the Supreme Court

118. This Office provides assistance to persons exposed to physical, psychological or economic abuse in family settings with a view to ensuring prompt access to justice. It gives information and guidance on the legal steps to be taken in each particular case, channels complaints and certifies victims' condition and any injuries they may have while drawing up the relevant documents. The Office works in coordination with other public institutions to which complaints can be addressed, namely police stations, courts, public prosecution service offices, the "Victims against Violence" programme and the police emergency service.

C. Framework within which human rights are promoted at the national level

119. The Office of the Undersecretary for the Promotion of Human Rights 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 to oversee their implementation
- To take part in public communication activities and cultural events aimed at promoting human rights
- To plan, coordinate and oversee training and capacity-building activities in the areas of human rights and international humanitarian law aimed both at civil society and State institutions, including the armed forces, the security and police forces and the prison system

Promotion of human rights education and training

120. The Office of the Undersecretary for the Promotion of Human Rights is responsible for two strategic areas: the National Directorate for Human Rights Training, which formulates and proposes education, training and cultural development policies related to human rights; and the National Directorate for the Development of Human Rights Regulations, which plans and carries out interdisciplinary research and studies with a view to proposing adjustments to national, provincial and municipal law to align them with current international law related to the promotion and guarantee of human rights.

Programme to strengthen the human rights protection system

121. The programme to strengthen the human rights protection system is also overseen by the Secretariat for Human Rights. The programme's main activities include: setting up human rights observatories in the various provinces of the country; conducting human rights awareness-raising and sensitization campaigns at the national, provincial and local levels; organizing human rights training events; and coordinating workshops around the country.

National Advisory Commission on the Integration of Persons with Disabilities

122. The National Advisory Commission on the Integration of Persons with Disabilities is responsible for coordinating, standardizing, advising on, promoting and raising awareness of, nationwide, all actions that contribute directly or indirectly to the integration of persons with disabilities, without distinction on the basis of age, sex, race, religion or socioeconomic status and ensuring equitable distribution of and access to any benefits that may be provided.

123. The Commission is composed of a chair, a supervisory board composed of three directors and a general secretary, all specialized in aspects of disability such as prevention, rehabilitation, assistance with maintenance and equal opportunities, who provide the expert input needed for decision-making. The chair, who has equivalent rank and status to a secretary of State, serves as the Commission's legal representative, overseeing and managing its operations.

124. Decree No. 984/1992 approved the Commission's organizational structure and, in article 8, provided for it to be assisted by a committee of experts and an advisory committee.

The Advisory Committee is made up of representatives of non-governmental organizations established in Argentina that work in the field of disability.

125. The Committee of Experts is composed of representatives of the executive branch and, serving as consultants, representatives of the legislature and judiciary.

126. A representative of the Commission chairs the Federal Disability Council established by Act No. 24.657 in 1996. The Federal Disability Council is composed of the most senior officials in the field of disability in each of the provinces and the City of Buenos Aires, along with the duly elected representatives of non-governmental organizations of or for persons with disabilities.

National Justice System Assistance Programme for Persons with Disabilities

127. This programme was set up by the Office of the President with a view to achieving compliance with the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, in particular the obligation for States parties to ensure effective access to justice for persons with disabilities.

128. 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, the aim of which is to strengthen the rights of persons with disabilities by means of appropriate procedures, communications and information within the framework of such policies.

129. The programme is aimed at persons with disabilities, justice officials, prison guards, the security forces, civil servants, professional associations and civil society organizations and encompasses the following activities:

- Providing guidance, technical assistance and referrals, and preparing guides and protocols for action
- Providing training for the staff of the judiciary, professional associations and civil servants, and for members of the private sector on request
- Monitoring the situation of persons with disabilities who have been deprived of their liberty and intervening on their behalf
- Adapting the methods of expert bodies in judicial or preliminary proceedings involving persons with disabilities
- Providing technical assistance for legislative amendments and reforms
- Promoting inter-institutional cooperation
- Fostering cooperation and experience-sharing with international institutions and organizations

National Commission on the Right to an Identity

130. The remit of the National Commission on the Right to an Identity is to spearhead the search for children of disappeared persons and children born to mothers held in captivity during the last civic-military dictatorship with a view to ascertaining their whereabouts and restoring their identity.

National Commission for Refugees

131. The National Commission for Refugees was established by Act No. 26.165 and is responsible for all matters pertaining to protecting, assisting and finding solutions for refugees.

132. Its main remit is to decide whether refugee status should be granted. It is also responsible for protecting the rights of refugees and assisting in the search for local integration and assistance possibilities.

National Secretariat for Children, Young Persons and the Family

133. Act No. 26.061, adopted in 2005, is part of a policy of ensuring comprehensive protection for children and adolescents.

134. The Act established the National Secretariat for Children, Young Persons and the Family as the body within the executive branch specialized in the rights of children and adolescents and, as such, the lead institution for public policy in the area.

135. Pursuant to Decree No. 416/06, the regulations implementing the Act, the Government placed the National Secretariat under the authority of the Ministry of Social Development, so ensuring that its activities fell within the framework of comprehensive social policies, and endowed it with the financial autonomy necessary to enable it to implement its policies more flexibly.

136. At the federal level, the body responsible for protecting rights is the Federal Council for Children, Adolescents and the Family. Its membership consists of the head of the National Secretariat for Children, Young Persons and the Family, who serves as chair, and representatives of the child, adolescent and family rights protection agencies that operate in each of the provinces and in the Autonomous City of Buenos Aires. At its inaugural meeting on 15 December 2006, the Council affirmed its commitment:

(a) To step up the process of institutional change and the promotion of legislative amendments at the national, provincial and municipal levels 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 ensure a robust system of comprehensive protection for 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 these rights, while making allowances in its work for the distinct characteristics of each community;

(c) To promote community participation, through civil society organizations, in the formulation and implementation of policies aimed at promoting, defending and/or restoring rights, and in the exercise of the right of children and adolescents to be heard and to participate;

(d) To strengthen procedures for reviewing and modifying institutional practices pertaining to children and adolescents, aligning them with the comprehensive protection model and preventing overlap of efforts, duplication of structures and time overruns, and thereby ensure that administrative resources and operations are harmonized, coordinated and optimized;

(e) To develop minimum quality standards for assistance, intervention protocols and records systems for activities involving children, with a special emphasis on matters pertaining to children and adolescents deprived of parental care.

National Institute of Indigenous Affairs

137. The National Institute of Indigenous Affairs was established by Act No. 23.302 of September 1985 as a decentralized body with Indigenous participation and is regulated by Decree No. 155 of February 1989. Its main goal is to ensure that members of Indigenous Peoples may exercise full citizenship, ensuring the realization of their rights under the Constitution (art. 75 (17)).

138. Under Decree No. 410/06, regulating the Institute's organizational structure, its remit is to provide care and support for the country's Indigenous Peoples and communities and ensure that they are defended and can develop and participate fully in the social and economic life of Argentina and that their values and ways of life are respected, by implementing programmes that allow them access to land ownership, foster their specialist methods of agricultural, forestry, mining, industrial and handicraft production, and preserve their culture and customs in education plans and health protection for their members.

139. As the authority responsible for the implementation of Indigenous policies, the Institute fosters community participation in the design and management of State policies that affect them, respecting their traditional forms of organization, promoting stronger ethnic and cultural identities and laying the bases for comprehensive, sustained development compatible with environmental conservation in their territories.

140. In addition, in coordination with the Ministry of Education, the Institute works to further the implementation of bilingual intercultural education as a means of strengthening and fostering appreciation of the culture, languages and worldviews of Indigenous communities.

Noteworthy national government initiatives

National Action Plan on Business and Human Rights 2023–2026

141. Decree No. 624/2023, adopting the National Action Plan on Business and Human Rights 2023–2026, coordinated by the Ministry of Foreign Affairs, International Trade and Worship, was published in the Official Gazette on 27 November 2023.

142. Under the National Action Plan, different government departments commit to carrying out specific measures to give effect to the Guiding Principles on Business and Human Rights and other standards on business and human rights and responsible business conduct.

143. Argentina made a commitment to develop a national action plan on business and human rights in the context of its re-election to the Human Rights Council for the period 2022–2024, and it has made the same pledge before other international forums. It also received a recommendation from the United Nations system to adopt a plan similar to those adopted by other countries, mainly in Europe and Latin America.

144. In keeping with its rights-based approach and cross-cutting, collaborative nature, the National Act Plan was developed with the representative, broad and plural participation of multiple stakeholders, including State agencies at different levels, civil society organizations, academia, companies, business and workers' organizations, Indigenous Peoples and potentially affected communities.

145. The first edition of the National Action Plan, covering the period 2023–2026, contains 282 commitments. The Ministry of Foreign Affairs, International Trade and Worship has coordinated its development over the past three years, through a process of dialogue and democratic participation, with the cooperation of 10 ministries, 2 secretariats, 8 decentralized agencies that work with the most vulnerable groups and 11 public companies, including banks. The commitments relate to the following topics: (a) equality and non-discrimination; (b) public and corporate governance; (c) labour standards; (d) memory, truth and justice policies; (e) the environment; (f) consumers and users; and (g) access to information and data protection.

146. In developing the National Action Plan, the Government received support within the framework of the Responsible Business Conduct in Latin America and the Caribbean Project, in which the International Labour Organization, the Office of the United Nations High Commissioner for Human Rights and the Organisation for Economic Co-operation and Development are involved. It also benefited from cooperation with the United Nations Children's Fund.

147. In accordance with the decree adopting the National Action Plan, an interministerial committee (composed of State bodies and agencies and public companies) and an advisory council have been established. The latter will function as a forum for interaction between the interministerial committee and various interest groups, including subnational governments, the private sector, workers' representatives, Indigenous Peoples, civil society, children and adolescents, the academic community, national human rights institutions, international and regional organizations and other strategic stakeholders. Implementation of the commitments will be monitored with a view to developing a second edition of the Plan.

MERCOSUR Institute of Public Policies on Human Rights

148. The Council of the Common Market of MERCOSUR approved the establishment of the Institute of Public Policies on Human Rights at the seventeenth Meeting of High Authorities on Human Rights during the pro tempore presidency of Argentina. With the aim of coordinating common policies to address human rights issues, the Institute promotes the formulation, design and monitoring of public policies throughout the region and the adoption of international human rights standards. To this end, it seeks to fill legal gaps in the protection of the rights of children and adolescents, eradicate trafficking in persons and people smuggling, protect the rights of persons with disabilities and ensure non-discrimination against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

Parliamentary committees

149. Special bodies with responsibility for human rights have also been established in the legislature. The Chamber of Deputies and the Senate each has a human rights and guarantees committee, and both committees include members from all political parties with parliamentary representation.

150. The work of these committees 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 gives rise to draft laws, these committees request reports from the executive on matters within its purview. The provinces have followed this example, with their legislatures setting up their own human rights forums.

D. Reporting process at the national level

151. The Directorate General of Human Rights of the Ministry of Foreign Affairs, International Trade and Worship and the Secretariat for Human Rights coordinate the submission of periodic reports to the monitoring bodies of international human rights treaties. They do not submit reports to the Committee on the Elimination of Discrimination against Women, as this is handled by the Directorate of Gender and Diversity Affairs in coordination with the Ministry of Women, Gender and Diversity.

152. As appropriate, the Directorate General of Human Rights 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.

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

154. 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 informed of its importance and asked to designate a representative to serve as a focal point.

155. Representatives of the Federal Human Rights Council are invited and the governors of each province are notified.

156. A schedule of meetings is set, beginning with an information meeting. At this meeting, the objectives of the task, the guidelines and the categories of information sources are presented; the main meetings then follow.

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

158. 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.

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

160. All information received in working meetings is collected by the Directorate General of Human Rights, which is responsible for preparing, drafting and submitting the report.

161. The Directorate General of Human Rights is also in charge of coordinating the defence of the report before 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

162. In accordance with the principle that each country must decide internally what model of society it wishes to build, the Constitution enshrines equality as the rule and consequently prohibits all discriminatory acts, placing special emphasis on people and groups who are vulnerable or who historically have been subjected to discrimination.

163. 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 systems.

B. Combating discrimination, xenophobia and racism

National Institute to Combat Discrimination, Xenophobia and Racism

164. On 5 July 1995, the Congress adopted Act No. 24.515, promulgated on 28 July of the same year, setting up the National Institute to Combat Discrimination, Xenophobia and Racism. The Institute began its work in 1997 as a decentralized body within the Ministry of the Interior for the purpose of developing national policies and concrete measures to combat discrimination, xenophobia and racism and promoting and carrying out activities to that end. Since March 2005, pursuant to Presidential Decree No. 184, it has been attached to the Ministry of Justice and Human Rights.

165. The Institute's actions are aimed at all those who are in situations of discrimination, whether actual or potential, with special attention paid to the most vulnerable groups, with a view to ensuring the effective exercise of rights and guarantees on an equal footing and without discrimination – in other words achieving *de facto* equality of opportunity and treatment and not only *de jure* equality.

166. Under Act No. 24515, the Institute has wide-ranging responsibilities: (a) prevention and dissemination: disseminating the principles and current legal rules on non-discrimination and informing the public; (b) education: planning and promoting information campaigns; (c) investigation: receiving, centralizing and registering complaints regarding discriminatory, xenophobic or racist acts; (d) services: counselling victims, providing free legal aid and advising the Public Legal Service on matters falling within its responsibility; (e) documentation: gathering and updating information on national, international and comparative law on the matter and establishing a registry of the Institute's documentation; and (f) cooperation: establishing partnerships with any other bodies sharing the same objectives and concluding agreements.

167. The Institute has the following objectives: 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 advance social and cultural pluralism and eliminate discriminatory, xenophobic and racist attitudes; to receive and coordinate the receipt of complaints of

discriminatory, xenophobic and racist behaviour, and keep a register of them; and to provide a free comprehensive advice service to individuals or groups subjected to discrimination, xenophobia or racism, providing free legal aid at the request of the party concerned.

168. In addition, the executive, under article 1 of Decree No. 1086/05 of 7 September 2005, adopted the National Plan against Discrimination and mandated the National Institute to Combat Discrimination, Xenophobia and Racism to coordinate its implementation. Accordingly, the Institute has established the following strategies as its main objectives: to federalize the Institute's management, 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.

National Plan against Discrimination

169. The document entitled *Hacia un Plan Nacional contra la Discriminación*, adopted by Decree No. 1086 of 2005, encapsulated in legal terms the political will to establish a comprehensive national anti-discrimination policy. The task of coordinating the implementation of the proposals contained in the document was entrusted to the National Institute to Combat Discrimination, Xenophobia and Racism. The National Plan against Discrimination contains a detailed examination of this task and offers specific recommendations, thereby serving as a model for the development of similar plans in other countries.

C. Rights of lesbian, gay, bisexual, transgender and intersex persons

170. With the enactment of the Equal Marriage Act in 2010, Argentina became the first country in Latin America and the tenth in the world to allow same-sex marriage throughout its territory. This significant advance towards the achievement of equal rights for all persons, regardless of their sexual orientation or gender identity, was embodied in a law that establishes the necessary institutional framework for the effective exercise of equal rights.

171. In parallel, the National Institute to Combat Discrimination, Xenophobia and Racism is working to achieve recognition and promote acceptance of sexual and affective diversity.

172. On 9 May 2012, Argentina took a further step towards achieving equal rights and combating discrimination when 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".

173. Act No. 27.636, adopted in 2020, provides that transvestite, transsexual and transgender persons must occupy at least 1 per cent of posts in the national public sector.

Office of the Special Representative on Sexual Orientation and Gender Identity

174. In April 2022, the Office of the Special Representative on Sexual Orientation and Gender Identity was established within the Ministry of Foreign Affairs, International Trade and Worship.

175. Its main functions are: (1) to assist the Ministry in representing the State before international organizations and forums on matters relating to gender, diversity and the protection and promotion of the rights of LGBTI persons, in cooperation with the Ministry of Women, Gender and Diversity; (2) to coordinate the participation of other national representatives before international and intergovernmental organizations on issues relating to sexual orientation and gender identity; (3) to coordinate, with the relevant bodies, activities related to gender and diversity issues in Argentina that are carried out abroad, in compliance with international commitments; (4) to disseminate and promote, before international organizations and forums and in coordination with the Ministry of Women, Gender and Diversity, measures, programmes and plans implemented in Argentina to protection and promote the rights of LGBTI persons; (5) to liaise with relevant government departments, in particular the Ministry of Women, Gender and Diversity, on international issues related to the recognition and protection of LGBTI rights.

D. Gender equality

176. Argentina has a long tradition of recognizing women's rights and strengthening the institutional framework for gender-related issues. Over the years, it has demonstrated a strong commitment to the promotion of gender equality and the struggle against gender-based violence.

177. Act No. 26485, the national law to prevent, punish and eradicate violence against women within the scope of their interpersonal relationships, was passed in 2009. This law expanded the definition of violence against women until then in force in national legislation, introducing several types (physical, psychological, sexual, economic, property-related and symbolic) and forms of violence (domestic, institutional, workplace-related, against reproductive freedom, obstetric, media-related, public, political and digital).

178. Act No. 27499 of 10 January 2019, known as the Micaela Act, provides for mandatory training on gender and gender-based violence for all persons working in the civil service at all levels.

179. In addition, Argentina adopted a new National Action Plan for Combating Gender-Based Violence, covering the periods 2020–2022 and 2022–2024. The aim of the Plan was to address this structural problem through a participatory, federal, multi-agency, cross-cutting and intersectional approach and thus build a fairer, more egalitarian society free from violence against women and persons with diverse identities. The Plan incorporated the rights established in the Gender Identity Act and marked a paradigm shift in the approach to gender-based violence.

180. In late 2020, the National Congress adopted two bills submitted by the executive, one on the voluntary termination of pregnancy and the other on comprehensive health care and assistance during pregnancy and early childhood (known as the 1,000 Days Act), that represented milestones for gender issues and public health.

181. As an example of the country's commitment to equality, the first national budget with a gender and diversity perspective was adopted in November 2020. As a key objective, the budget was designed to steer public policies towards closing gender gaps. The budget also reflects efforts to advance public policies that may reduce disparities and remedy the causes of structural gaps.

Ministry of Women, Gender and Diversity

182. The establishment of the Ministry of Women, Gender and Diversity in December 2019 reflects the commitments made by Argentina with respect to women's rights and diversity and shows that gender issues are being given priority on the public agenda. The establishment of the Ministry represented a milestone in the institutional mainstreaming of gender and diversity issues.

183. The Ministry is empowered to formulate, implement and evaluate national public policies on gender, equality and diversity.

National Cabinet Office for Mainstreaming Gender Policies

184. The National Cabinet Office for Mainstreaming Gender Policies is responsible for ensuring that the gender and diversity perspective is mainstreamed in all public policies and for coordinating actions and policies in the area of gender. It commenced work in 2020 and is composed of senior authorities from ministries and State agencies, headed by the Executive Office of the Cabinet of Ministers, with the Ministry of Women, Gender and Diversity in a technical coordination role.

Gender policy observatory

185. To strengthen the implementation of policies related to the gender perspective and gender equality, the Office of the Comptroller General set up a gender policy observatory that operates under its remit. The observatory's mission is to gather, investigate and generate information related to the implementation of national public policies.

E. Rights of persons with disabilities

186. Over the years, persons with disabilities have experienced violations of their rights to independent living, to education, to employment that is freely chosen, to equal opportunities and to accessibility in all spheres. An agreement recognizing and guaranteeing the rights of persons with disabilities was therefore needed. The Convention on the Rights of Persons with Disabilities, which Argentina ratified by Act No. 26378 and granted constitutional rank under Act No. 27044, recognizes the right of persons with disabilities to participate in all areas of life and society without discrimination of any kind.

187. The Constitution, which recognizes the constitutional rank of human rights treaties and conventions under article 75 (22) and establishes in the following paragraph, the obligation of the Congress to legislate for and promote affirmative action measures that ensure genuine equality of opportunities and treatment and the full enjoyment and exercise of the rights enshrined in the Constitution and international treaties, makes particular mention of persons with disabilities.

188. At the national level, the adoption of the Mental Health Act (No. 26.657) marked a paradigm shift from regarding persons with mental disabilities as objects in need of assistance to recognizing them as subjects of rights. The Act's main focuses are deinstitutionalization, rehabilitation and the community reintegration of patients. It provides for 10 per cent of the total health budget to be set aside for mental health.

National Disability Agency

189. The National Disability Agency was established on 6 September 2017. It is responsible for the formulation, coordination and general implementation of public policies on disability, the design and execution of measures to promote the full exercise of the rights of persons with disabilities, and the management of the process of granting disability pensions. It aims to promote equal access to justice for persons with disabilities, providing legal assistance in relation to disability issues.

190. In March 2023, during the twenty-eighth session of the Committee on the Rights of Persons with Disabilities, Argentina, represented by the Executive Director of the National Disability Agency, presented its combined second and third reports under the Convention on the Rights of Persons with Disabilities.

National Cabinet Office for Mainstreaming Disability Policies

191. The National Cabinet for the Mainstreaming of Disability Policies was established by Decree No. 746/2021. Its main function is to incorporate the disability perspective into the design, monitoring and implementation of national public policies in accordance with the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

Effective remedies

192. All inhabitants of Argentina have access to a set of remedies to resolve situations involving the violation of fundamental rights. 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.

193. 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 press 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.”

194. 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; and physicians, midwives, pharmacists and other health professionals, with regard to offences they learn of while

providing their professional services, unless the acts in question of are protected by professional secrecy.

i. *Remedy of amparo*

195. Act No. 16986 governs *amparo* proceedings relating to rights or guarantees explicitly or implicitly recognized in the Constitution, with the exception of individual liberty, which is protected by habeas corpus.

196. *Amparo* proceedings may be brought against any act or omission on the part of a public authority or individual which actually or potentially infringes, restricts, jeopardizes or threatens, in a manifestly arbitrary or illegal manner, rights or guarantees recognized in the Constitution, a treaty or a law. Where appropriate, the judge may declare unconstitutional the legal rule on which the injurious act or omission is based.

197. This remedy may be invoked against any form of discrimination and to uphold rights that protect the environment, competition, users and consumers as well as collective rights in general, by the party concerned, the Ombudsperson and associations that share these goals and are registered in accordance with the law, which determines the conditions and form of their organization.

198. The incorporation of the remedy into the Constitution marked a step forward for the protection of the environment in operational and purely declaratory terms, in that *amparo* is a tool that protects, inter alia, the right of every inhabitant to enjoy a healthy and balanced environment.

199. The legal action must be brought before the court of first instance with 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 further evidence to produce, a reasoned decision granting or denying *amparo* must be handed down within 48 hours.

200. *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.

201. Article 28 of the Administrative Procedures Act (No. 19.549), as amended, provides for *amparo* proceedings in cases of administrative delay where the administrative authority has let a deadline pass or, if no deadline existed, where a time period exceeding what might be considered reasonable 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, within a time limit set by the judge, to produce a report on the causes of the alleged delay.

ii. *Habeas corpus*

202. 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 by the affected party or by any person acting on his or her behalf, and the judge must take an immediate decision, even if a state of siege is in force.

203. Act No. 23.098 provides that proceedings for habeas corpus may be brought when a public authority is accused of an act or omission that involves: (i) restriction of or present threat to freedom of movement, without a written order from the competent authority; (ii) unlawful degradation of the form and conditions of detention, without prejudice to the powers of the trial judge, if there is one.

204. 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: (i) the declaration of a state of siege was legitimate; (ii) there was a connection between the

detention order and the situation that gave rise to the declaration of the state of siege; (iii) the form and conditions of the detention, which under no circumstances may be imposed in establishments where prison sentences are served, were unlawfully degraded; and (iv) the person effectively exercised the right to choose to leave the national territory.

205. Where a person has been deprived of liberty, once the complaint has been filed the judge must immediately order the authority accused of an act or omission, if there is one, to bring the detainee before him or her and to present a detailed report indicating the reasons for the measure, the manner and circumstances in which it is being carried out, whether the action was taken pursuant to a written order from a competent authority – in which case, the order must be produced – and, if the detainee has been placed at the disposal of another authority, which authority 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 liberty, the judge orders the authority concerned to present the report referred to above.

206. 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 feared that the person 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, the court or judge may issue such a writ *ex officio*, ordering 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.

iii. *Habeas data*

207. The procedure for pursuing the remedy of *habeas data* is set forth in the Personal Data Protection Act (No. 25.326). The purpose of this Act is to ensure the comprehensive protection of personal data held in files, records, databanks and other technical means of data processing, whether public or private, and thus to safeguard the right to personal honour and privacy.

208. Any person may bring *habeas data* proceedings to obtain information on the existence and purpose of data concerning him or her. If these data are inaccurate or discriminatory, he or she may demand that they be deleted, corrected, made confidential or updated. The confidentiality of journalists' sources may not thereby be compromised.

iv. *Extraordinary appeals*

209. Article 14 of Act No. 48 governs the remedy of extraordinary appeal to the Supreme Court. The article states that such appeals may be filed against a final judgment in the following cases: (i) 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; (ii) where the validity of a provincial law, decree or authority has been challenged on the ground that it runs counter to the Constitution, treaties or acts of the Congress and the decision has found in favour of the validity of the provincial law or authority; (iii) where the interpretation of a clause of the Constitution, of a treaty or of an 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 subject to dispute.

210. In the jurisprudence of the Supreme Court, the use of the remedy of extraordinary appeal has been extended to cases of arbitrary judgments, that is, those which in some way violated the guarantee of a legal defence, for example by applying laws that were not in force, disregarding evidence or omitting related questions.

v. *Administrative appeals*

211. The Administrative Procedures Act regulates the remedies that may be pursued for acts performed by the administration, namely requests for review, which are filed with the body that took the contested decision, and hierarchical remedies, which are filed with the same authority but examined by the minister in charge of the sector concerned by the decision.

The executive branch must resolve any issues of competence that may arise between ministers or between authorities, agencies or independent bodies that carry out activities within different ministries.

vi. *Systems of compensation*

212. Compensation as redress for injury, whether pecuniary or non-pecuniary, is consequent upon responsibility. Such compensation is intended to restore for the victim the situation prior to the occurrence of the harmful event and is based on the notion of justice.

213. Accordingly, it is for the judicial authorities to determine compensation in criminal and other proceedings.

Other related information on human rights

214. Since the restoration of democracy, and particularly since 2003, the promotion and protection of human rights has been 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.

215. The Constitution provides for a democratic and pluralistic society with full respect for human rights as a central focus. The pillars of this society include absolute equality in the enjoyment of rights for all inhabitants, whether Argentine or foreign, the principle of non-discrimination and the separation of powers.

216. When the Constitution was amended in 1994, the commitment to the protection and promotion of human rights was strengthened by incorporating the main instruments of international human rights law into the text.

217. The National Plan against Discrimination in effect since 2005 serves as a road map containing a detailed examination of the issues and offering specific recommendations. The Plan is a model for the development of similar plans in other countries.

218. The first National Human Rights Action Plan, covering the period 2017–2020, was drawn up on the basis of the international commitments assumed by Argentina. Its adoption represented a stride forward in the formulation of public policies on human rights. The Plan promotes coordination between government departments, civil society organizations and the general public with a view to driving action for societal change.

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

220. In 2004, the adoption of the Migration Act (No. 25.8711) repealed rules dating from the last military dictatorship and enshrined new principles within the framework of the Constitution and international human rights treaties. The Act's implementing regulations consolidated the focus of the policy of non-discrimination against migrants by providing for the implementation of two special programmes for the regularization of their status – one for migrants from non-MERCOSUR countries, and the other, the "Patria Grande" programme, for migrants from MERCOSUR member and associate countries. These programmes allowed 420,000 people to register to obtain legal residence, consolidating a migration policy that facilitates access to legal residence for migrants – a status that is crucial to ensuring employment in decent conditions for foreign workers moving to Argentina and Argentine nationals moving to other countries in South America.

221. In November 2012, by Act No. 26.827, Argentina established a national mechanism for the prevention of torture, thereby complying with the Optional Protocol to the Convention against Torture, which it ratified in 2004.

Social inclusion

222. The universal child allowance created by Decree No. 1602 of 2009 currently benefits more than 3.6 million children and adolescents under the age of 18 years. The universal social protection pregnancy allowance, regulated by Presidential Decree No. 446/2011, is paid to unemployed women and women who work as domestic employees or in the informal economy from the third month of pregnancy.

223. These measures have broadened the foundations of the Argentine social protection system and fostered efficient policy coordination. In this context, in 2021, a national social protection plan was drawn up with the main objective of addressing the situation of the most socially excluded and vulnerable households by empowering rights holders, their families and the communities where they live.

Foreign policy

224. Argentine foreign policy is focused on strengthening international law and cooperation and promoting universal values and unqualified respect for human rights.

225. Argentina has followed the recommendations received within the framework of the universal periodic review procedure, including by ratifying, in 2008, the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. In the latter case, decisive steps have been taken to ensure that the instruments 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.

226. Regarding the mechanisms for monitoring human rights treaties, Argentina has fulfilled its obligations in terms of periodic reporting to the treaty bodies and the system of individual petitions. It has also recognized the competence of the committees (the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on Enforced Disappearances) to consider petitions from persons who claim to have been subjected to violations of their rights under the corresponding treaties.

Remembrance, truth and justice

227. The path taken by the Argentine State since 1983, especially with the major impetus given, since 2003, to the struggle to assert 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 that, under the slogan “Remembrance, Truth and Justice”, have constantly pressed the State for properly functioning democratic institutions and, as representatives of civil society, have advocated proposals for public policies compliant with international rights protection standards.

228. The development of the right to truth, initiatives to prevent mass 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.

229. 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.

230. Given the country’s history and the commitments it has made, an area 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.

231. After four decades of democracy, the consensus on the values of remembrance, truth and justice remains the backbone of foreign policy, together with the defence and promotion of human rights.

International participation

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

233. Argentina has collaborated with all special procedures of the Council. It has hosted special rapporteurs and working groups involved in the promotion and protection of human rights and has supported initiatives both to renew existing mandates and to create new ones. It has also brought various, innovative draft resolutions before the Council, including, notably, a resolution to place the right to truth on the international agenda. Central to the realization of this right is the prevention of mass human rights violations around the world. Since 2009, Argentina has also introduced draft resolutions on forensic genetics and human rights.

234. The establishment of a new thematic mandate, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, was an achievement of particular note. Argentina introduced the proposed resolution jointly with Switzerland and the main sponsors included Morocco, Côte d'Ivoire and France.

235. 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 has recognized the competence of the Committee on Enforced Disappearances, are a main focus of the country's foreign policy, together with efforts in OAS and the United Nations General Assembly to promote the formulation of a convention to protect the rights of older persons.

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

237. Similarly, in fulfilment of a recommendation received during the third cycle of the universal periodic review in 2017, pursuant to resolution No. 20/2023 Argentina established a mechanism for selecting, with broad civil society participation, all future human rights treaty body candidates put forward by the Argentine Republic.

238. Furthermore, in January 2023, Argentina submitted its draft report for the fourth cycle of the universal periodic review and received 287 recommendations from Member States.

239. For the first time in history, Argentina was elected by acclamation to chair the Human Rights Council for 2022. It was chosen in recognition of its human rights record.

240. In 2023, the United Nations celebrated the seventy-fifth anniversary of the Universal Declaration of Human Rights. The related campaign was designed to showcase the Declaration by focusing on its legacy, relevance and activism using the slogan "Dignity, Freedom, and Justice for All".

241. The initiative has three main goals, namely universality, progress and engagement under the leadership of the Office of the United Nations High Commissioner for Human Rights. The Office invited all States to renew their commitments under the Declaration at the commemorative event in Geneva on 10 December.

242. Accordingly, Argentina assumed the following commitments:

(a) To adopt all necessary measures to expedite trials, strengthen investigations and provide greater support to victims within the framework of the process of memory, truth, justice and reparation for the crimes against humanity of the last civic-military dictatorship. In this context, investigations into and the punishment of crimes against humanity committed for economic gain will also be taken further and the policy of marking sites of remembrance will be consolidated. The Campo de Mayo Place of Remembrance will soon be inaugurated to this end;

(b) To remain fully committed to ensuring progress in the fulfilment of economic, social, cultural and environmental rights. To this end, Argentina will continue to implement social policies to support and assist the most vulnerable sectors of society, will guarantee universal access to free and inclusive public health care and the full implementation of the National Education Act (No. 26.206), will increase investment in science and technology, and, with regard to the environment, will step up efforts to combat climate change;

(c) To make progress towards the eradication of institutional violence. To this end, among other measures, Argentina will continue promoting the enactment of a comprehensive

law against institutional violence that offers tools for prevention throughout the country as well as providing support and reparation for victims. It will also continue implementing the plan to install plaques marking the site of serious acts of institutional violence and will strengthen the institutional violence complaint centres run by the National Secretariat for Human Rights;

(d) In the area of gender and diversity policies, to continue working towards the full implementation, throughout the country, of the Act on Access to Voluntary Termination of Pregnancy and the National Action Plan for Combating Gender-based Violence for the period 2022–2024. At the same time, efforts will be made to introduce a law to convert programmes to prevent violence throughout the country into State policies, and action to guarantee access to rights for the LGBTIQ+ community will be stepped up. Measures to create a comprehensive system of care policies will also be strengthened;

(e) To continue promoting dialogue and the peaceful resolution of territorial claims by Indigenous Peoples, to ensure the full implementation of the Migration Act, based on respect for human rights, and to step up efforts to safeguard the rights of the population of African descent.

Regional participation

243. Argentina actively participates in all human rights negotiations with countries of the region as part of an ongoing dialogue within the framework of OAS.

244. As with the United Nations mechanisms, Argentina has extended an open, standing invitation to visit the country to the bodies of the inter-American human rights system.

245. Similarly, Argentina has recognized the competence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights to receive complaints of human rights violations attributable to the Argentine State. As part of its usual policy of dialogue and collaboration with the bodies of the inter-American system, the Argentine Republic has developed an active policy for the amicable settlement of claims and cases in which it has been called to account.

246. In 2009, an extraordinary session of the Inter-American Commission on Human Rights took place in Buenos Aires in commemoration of the anniversaries of the foundation of the Commission (1959), the effective establishment of the Court (1979) and the Court's historic visit to Argentina in 1979.

247. The resolutions on the right to the truth, protecting the human rights of older persons, the protection of asylum-seekers and refugees in the Americas, and the role of official public defenders in guaranteeing access to justice, recently adopted by the forty-first General Assembly of OAS, were Argentine-led initiatives. Argentina was also actively involved, along with other States of the region, in the negotiation and adoption of the Inter-American Convention on Protecting the Human Rights of Older Persons.
