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Héctor Marcos Timerman  
Minister of Foreign Affairs  
Esmeralda 1212  
(C1007ABR) C.A.B.A.  
Argentina

18 October 2012

Dear Minister,

### **OPEN LETTER: ARGENTINA'S CANDIDACY FOR ELECTION TO THE UN HUMAN RIGHTS COUNCIL**

We write on the occasion of your country's candidacy for membership of the UN Human Rights Council in the elections scheduled for 12 November 2012. We welcome your submission of election pledges to promote and protect human rights at the national and international levels, as indicated in the Annex to the *note verbale* dated 10 January 2012 from the Permanent Mission of Argentina to the United Nations addressed to the UN Secretariat.<sup>1</sup>

We recall that, according to General Assembly resolution 60/251, members of the Council shall uphold the highest standards in the promotion and protection of human rights and fully cooperate with the Council.<sup>2</sup> On the occasion of Argentina's candidacy, we take the opportunity to comment on your election pledges and to note additional opportunities for your government to promote and protect human rights. In doing so, we refer to the guidance of the Office of the High Commissioner for Human Rights on presenting voluntary human rights pledges and commitments, including that such pledges and commitments should be specific, measurable and verifiable.<sup>3</sup>

#### **Commitments at the international level**

##### *Ratification of international human rights instruments*

We welcome your commitment to continue the full implementation at the domestic level of the obligations undertaken by Argentina through ratification of international human rights instruments.

We note that Argentina is one of eight states that have ratified the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. We encourage you to opt in to the inquiry procedure and inter-state mechanism, allowing the Committee to initiate investigations and provide possible avenues for redress in situations indicating grave or systematic violations.

##### *Cooperation with the Special Procedures*

All Members of the Council are requested to fully cooperate with the Special Procedures. We note that six of the Special Procedures are currently requesting permission to visit, and we encourage your government to facilitate these visits without delay.

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<sup>1</sup> A/67/69.

<sup>2</sup> A/RES/60/251, para 9.

<sup>3</sup> Office of the High Commissioner for Human Rights, *Suggested Elements for Voluntary Pledges and Commitments by Candidates for Election to the Human Rights Council*, available at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/pledges.pdf>.

We take this opportunity to remind you of the recommendations made by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, during her visit to Argentina in 2011. We also encourage you to implement the recommendations, at the federal and provincial levels, of the Special Rapporteur on the rights of Indigenous Peoples following his visit in 2011, including to design effective mechanisms and procedures for legally recognizing Indigenous lands, and to develop a consultation mechanism, in accordance with international standards, to increase the participation of Indigenous Peoples in decisions affecting them.

#### *Cooperation with the treaty monitoring bodies*

We note that your periodic report to the Committee against Torture is due and urge you to submit it without further delay.

We also urge you to ensure the full implementation of the 2011 recommendations by the Committee on Economic, Social and Cultural Rights, and the 2010 recommendations by the Committee on the Elimination of Discrimination against Women, in particular its recommendation to ensure access to sexual and reproductive health-care services.<sup>4</sup>

#### *Engagement with the Universal Periodic Review*

We welcome your pledge to address discrimination and gender violence in the Universal Periodic Review.

The second review of Argentina is taking place in October 2012. In our submission for the review, we have highlighted concerns around access to legal abortion for women and girls,<sup>5</sup> attacks on Indigenous leaders in the context of land claims and forced evictions,<sup>6</sup> and overcrowding and poor conditions in prisons.<sup>7</sup> We ask you to address these issues in the course of the review and to be open to supporting and implementing recommendations pertaining to those concerns.

#### *Participation in the deliberations of the Human Rights Council*

We note your government's commitment to building the Council's capacity for effective action in emergency situations of grave violations of human rights and to country mandates.

In this regard, we urge your government to work with delegations from all regions to ensure that the Council addresses situations of human rights violations, including gross and systematic violations and human rights emergencies, without selectivity or double-standards. We also urge your government to support efforts to ensure that all credible allegations of reprisals or intimidation against persons and groups who have engaged or have sought to engage with the UN human rights machinery are brought to the urgent attention of the Council; that the Council demands the government concerned to ensure that any alleged reprisals are investigated in a prompt, impartial, transparent and effective manner and that perpetrators are held to account; and that the Council requests the government concerned to inform it of measures taken in this regard.

#### **Commitments at the national level**

We welcome your commitment to combat impunity through the implementation of policies aimed at achieving truth, justice, remembrance and reparation. In this regard, we urge you to ensure prompt

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<sup>4</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women, Argentina, 16 August 2010 (CEDAW/C/ARG/CO/6), para 38.

<sup>5</sup> Argentina: Amnesty International Submission to the UN Universal Periodic Review, April 2012 (AI Index: AMR 13/003/2012), pp 2-4.

<sup>6</sup> AMR 13/003/2012, pp 2-3.

<sup>7</sup> AMR 13/003/2012, p 4.

investigation of reports of torture and ill-treatment in prisons, such as the alleged torture in 2010 of two prisoners by prison officers in Almagro prison,<sup>8</sup> and to hold those responsible to account.

We also call on you to ensure that human rights are equally protected and implemented throughout the territory, at both the federal and provincial levels. In particular, we call on you to ensure that Article 86 of the Criminal Code regarding access to abortion is applied consistently throughout the country at all levels, and in line with the March 2012 decision of the Supreme Court.

We welcome the pledges and commitments already made by Argentina, and we urge your government to use this opportunity to further strengthen its election pledges by including the additional elements listed above. We also encourage your government to announce the steps it will take to fulfil its electoral pledges and to regularly inform the General Assembly and the Human Rights Council of progress in implementing these commitments. This could be done, for example, in the form of an oral or written statement to these bodies.

We would be pleased to receive your comments and responses to the issues raised in this letter.

A copy of this letter has been sent to your country's permanent missions in Geneva and New York.

Yours sincerely,

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Section Director  
Amnesty International Argentina

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<sup>8</sup> See, eg, Amnesty International Report 2012: The State of the World's Human Rights, 24 May 2012 (AI Index: POL 10/001/2012), p 66.