

ARGENTINE. LES DROITS HUMAINS REMIS À PLUS TARD

AMNESTY INTERNATIONAL : COMMUNICATION POUR LA 42^E SESSION DU GROUPE DE TRAVAIL SUR L'EPU, 23 JANVIER 2023 (ANNEXES EN ANGLAIS ET ESPAGNOL)

RÉSUMÉ

La présente communication a été préparée pour les besoins du quatrième Examen périodique universel (EPU) de l'Argentine, qui doit se tenir le 23 janvier 2023. Amnesty International y examine la mise en œuvre des recommandations formulées à l'Argentine lors de son précédent EPU en novembre 2017, fait le point sur le cadre national de protection des droits humains et donne des informations sur la situation de ces droits sur le terrain.

Plus spécifiquement, Amnesty International fait part de ses préoccupations sur les droits sexuels et reproductifs, les violences faites aux femmes et aux personnes LGBTI, la santé menstruelle, l'éducation sexuelle, l'utilisation excessive de la force et les disparitions forcées, les droits des personnes autochtones, la crise climatique et les droits des migrant-e-s et réfugié-e-s.

Le document se termine par une série de recommandations à l'intention de l'Argentine qui, si elles étaient mises en œuvre, l'aideraient à relever les défis liés aux droits humains.

LE PRÉCÉDENT EXAMEN ET SES SUITES

1. Durant son précédent examen, l'Argentine avait approuvé les recommandations visant entre autres à promouvoir l'égalité de genre et combattre les violences faites aux femmes¹, à promulguer un projet de loi prévoyant un accès à des services de santé reproductive (notamment un avortement légal et sûr)², à prévenir et éliminer l'usage excessif de la force par des représentant·e-s de l'État et faire en sorte qu'il n'y ait pas d'impunité³, à établir et mettre en place un mécanisme national pour la prévention de la torture⁴, à garantir pleinement les droits des peuples autochtones⁵, et à désigner un médiateur ou une médiatrice⁶. Amnesty International se félicite que l'Argentine ait mené en 2019 un examen intermédiaire sur l'état de la mise en œuvre de ces recommandations acceptées⁷. Cependant, de graves atteintes aux droits humains sont toujours commises.
2. En 2017, le Comité national pour la prévention de la torture a été constitué. De nombreuses provinces doivent encore établir des mécanismes locaux⁸.
3. La création en 2019 du ministère des Femmes, du genre et de la diversité représente un grand pas en avant institutionnel dans la priorisation d'actions en faveur de l'égalité des genres au niveau national⁹. En 2020, le Congrès a adopté la loi n° 27.610, dépénalisant et autorisant l'avortement. Cependant, les femmes et les personnes susceptibles d'être enceintes sont toujours confrontées à de grandes difficultés pour accéder à l'avortement.
4. En 2021, le pouvoir exécutif a abrogé le décret 70/2017, qui portait atteinte aux droits des migrant·e-s, mais des décisions judiciaires relatives aux procédures d'expulsion constituent un retour en arrière (voir les sections suivantes)¹⁰.
5. Depuis 2017, les progrès ont été limités en ce qui concerne la mise en œuvre du relevé cadastral des terres occupées par des communautés autochtones¹¹. Le Congrès n'a pas adopté de loi sur la propriété des terres traditionnellement occupées par les communautés autochtones.
6. Bien qu'ayant approuvé les recommandations visant à choisir sans délai un médiateur ou une médiatrice¹², le Congrès n'a pas encore fait de progrès dans sa désignation, en attente depuis 12 ans¹³.
7. Le système de suivi des recommandations (SIMORE) n'a pas encore été mis en place¹⁴.

LE CADRE NATIONAL DE PROTECTION DES DROITS HUMAINS

8. L'Argentine a fait face à d'énormes défis depuis son dernier examen. Le pays est toujours en proie à une profonde crise économique et sociale exacerbée par la pandémie de COVID-19. En décembre 2021, 37,7 % de la population argentine vivait dans la pauvreté¹⁵ et le taux de chômage s'établissait à 8,2 %¹⁶.
9. Un poste à la Cour suprême est vacant depuis décembre 2021, ce qui offre la possibilité de nommer une candidate et de s'assurer que la personne choisie ait une approche tenant compte des questions de genre.
10. Il manque à l'Argentine une procédure nationale ouverte, transparente et méritocratique de sélection des candidat·e-s pour les postes dans des organes régionaux et internationaux de défense des droits humains garantissant une véritable consultation de la société civile et une approche tenant compte des questions de genre.
11. En 2022, la Convention n° 190 de l'Organisation internationale du travail (OIT), qui reconnaît le droit à un monde du travail exempt de violence et de harcèlement, est entrée en vigueur. Cependant, son statut est encore en attente.

12. Des inquiétudes ont été exprimées quant à des décisions liées à des procédures d'expulsion, rendues par des tribunaux locaux et contraires aux mesures provisoires formulées par le Comité des droits économiques sociaux et culturels des Nations Unies¹⁷.

LA SITUATION EN MATIÈRE DE DROITS HUMAINS SUR LE TERRAIN

Droits sexuels et reproductifs

13. Malgré l'approbation de la loi n° 27.610, les femmes et les personnes susceptibles d'être enceintes sont toujours confrontées à de grandes difficultés pour recourir à un avortement légal, en raison du manque d'accès à des services de santé sexuelle et reproductive, du manque de formation du personnel de santé, et des distances à parcourir (parfois plus de 300 km) pour accéder à ces services. Aucune campagne publique n'a été organisée pour diffuser des informations sur la loi¹⁸.
14. La répression pénale des professionnel·le·s de santé qui garantissent l'accès à l'avortement légal est injuste et répand la peur chez les médecins qui dispensent des soins élémentaires¹⁹.
15. Le taux de grossesses non désirées chez les adolescentes reste élevé, augmentant ainsi la reproduction de la pauvreté²⁰.

Santé menstruelle

16. De nombreuses femmes et personnes ayant des menstruations n'ont pas accès à de l'eau propre, à des installations sanitaires adéquates pouvant leur offrir de l'intimité, et à des produits adaptés au cycle menstruel. Cela concerne de façon disproportionnée les personnes ayant un faible revenu, et a un impact sur l'exercice d'autres droits, notamment l'accès à la santé, à l'éducation, et à du travail dans des conditions d'égalité et sans discrimination. Des filles et adolescentes manquent l'école durant leur cycle menstruel en raison d'un manque d'hygiène, d'intimité et d'accès aux produits adéquats, mais aussi à cause du tabou et des préjugés qui entourent les menstruations²¹.

Violences contre les femmes et les personnes LGBTI

17. En 2021, on comptait un féminicide toutes les 35 heures, 81 % de ces 251 morts ayant été provoquées par des violences fondées sur le genre dans des contextes de violence domestique²². En 2020-2021, 3 129 enfants ont été enregistrés comme victimes d'agressions sexuelles²³. Malgré l'attention que le public porte au combat contre les violences sexistes, la proportion de cas donnant lieu à des poursuites et à des procès est faible : des condamnations ne sont prononcées que pour 15,5 % des crimes contre l'intégrité sexuelle dénoncés²⁴. Pour les victimes de violences fondées sur le genre, le fait de bénéficier gratuitement de l'assistance d'un avocat n'est pas un moyen efficace de garantir un véritable accès à la justice.
18. La violence en ligne contre les femmes et les personnes LGBTI s'est accentuée, y compris les discours de haine, qui constituent une incitation à la discrimination, à l'hostilité ou à la violence fondée sur le genre, principalement à l'encontre de défenseur·e·s des droits humains. Parmi les femmes ayant expérimenté de la violence en ligne, 39 % se sont senties menacées physiquement, et 36 % ont ressenti une influence négative sur leur santé mentale²⁵. Beaucoup d'entre elles ont abandonné les réseaux sociaux pour éviter la violence et 100 % des femmes interrogées par Amnesty International ont affirmé que porter plainte n'en valait pas la peine²⁶.
19. En mars 2021, Tehuel de la Torre, un jeune homme transgenre de 21 ans originaire de la province de Buenos Aires, a disparu. En juillet 2022, aucune enquête indépendante, efficace, impartiale et transféministe n'avait encore été menée pour le retrouver²⁷.

Éducation sexuelle

20. Seize ans après l'adoption de la loi relative à l'éducation sexuelle complète, seulement 4 % des élèves du secondaire ont bénéficié de tout le contenu de base. Sept enseignant-e-s sur dix affirment avoir besoin de davantage de formations, et 36 % des directeurs et directrices d'établissements scolaires du secondaire déclarent que l'établissement est intervenu dans des situations de violences faites aux femmes ou de discriminations fondées sur l'orientation sexuelle ou l'identité de genre²⁸.
21. En mai 2022, le ministre de l'Éducation de la province du Chaco a financé un congrès de formation à destination des enseignant-e-s, organisé par une association religieuse. Le contenu ne prenait pas en compte le droit à l'avortement et le droit des enfants, et présentait la diversité sexuelle comme un problème médical. Ce congrès s'inscrit dans un cadre normatif qui, en permettant de faire des propositions « alternatives » d'éducation sexuelle dans la formation des enseignants, met en danger l'ESC²⁹.

Utilisation excessive de la force et disparitions forcées

22. Les allégations d'usage abusif de la force, de torture, de détentions arbitraires, de meurtres et de disparitions forcées perpétrées par des membres des forces de l'ordre sont nombreuses dans l'ensemble du pays, et ces comportements semblent profondément ancrés³⁰. L'absence d'enquête réelle favorise l'impunité et la répétition de ces actes.
23. En 2020, le bureau national du médiateur public a reçu 141 plaintes pour usage abusif de la force par des policiers sur la voie publique³¹. Entre 2020 et 2021, il y a eu 209 morts et 5 disparitions forcées potentielles³². L'absence de base de données publique unifiée et complète répertoriant les cas de violence institutionnelle empêche de saisir l'ampleur du problème et de mettre en place des solutions adéquates.
24. De violentes restrictions de l'exercice du droit de participer à un mouvement de protestation sociale et du droit à la liberté d'expression ont été dénoncées. En 2021 et 2022, des contestations sociales dans les provinces de Chubut³³ et de Jujuy³⁴ ont été réprimées par des détentions arbitraires et un usage abusif de la force. En décembre 2021, plus de 30 personnes ont été blessées par la police au cours d'une manifestation contre l'approbation de la loi agrandissant des zones minières dans la province de Chubut³⁵.
25. Le projet de loi relatif à la prévention et à l'éradication de la violence institutionnelle exercée par les forces de police et de sécurité et les services pénitentiaires sur l'ensemble du territoire national était toujours en instance d'examen devant la chambre basse du Parlement au milieu de l'année 2022.

Droits des peuples autochtones

26. Les peuples indigènes continuent de se heurter à d'importantes difficultés en matière d'accès aux droits fonciers collectifs. En 2021, le gouvernement a approuvé la prorogation de la loi d'urgence territoriale n° 26.160 ordonnant la suspension des opérations d'expulsion de communautés indigènes. Malgré l'acceptation par l'Argentine d'une recommandation visant à terminer le relevé cadastral des terres occupées par les communautés indigènes, que cette loi la chargeait d'effectuer, seul 43 % de ce relevé avait été achevé à la fin de l'année 2021³⁶. Le programme relatif au relevé cadastral a identifié 1 760 communautés dans le pays³⁷. Le Congrès n'a pas adopté de loi sur les biens appartenant à ces communautés sur leurs terres.

Crise climatique

27. Bien que le pouvoir exécutif se soit engagé à accroître sa contribution déterminée au niveau national (CDN) de près de 26 % par rapport à celle de 2016 et à parvenir à la neutralité carbone à l'horizon 2050³⁸, ces objectifs restent insuffisants, car ils ne permettent pas de respecter l'objectif mondial de limiter le réchauffement climatique à 1,5 °C³⁹. La réforme de la loi sur les hydrocarbures, qui promouvait les énergies fossiles, est toujours préoccupante.

28. Les intenses vagues de chaleur⁴⁰, les sécheresses et les incendies⁴¹ dans de larges zones de l'ensemble du pays, qui menacent des vies et des moyens de subsistance, mettent en avant la nécessité d'adopter le projet de loi relatif aux zones humides⁴², en instance d'examen au Congrès depuis plus de 10 ans⁴³.

Droits des personnes migrantes, demandeuses d'asile et réfugiées

29. En mai 2021, le pouvoir exécutif a abrogé le décret n° 70/2017, qui avait mis en place de sévères mesures portant atteinte aux droits des personnes migrantes. Cependant, la Cour suprême a pris des décisions relatives aux procédures d'expulsion en se fondant sur une interprétation inquiétante de la loi n° 25.871 relatives à la migration. En décembre 2021, dans 109 des 114 cas, la Cour Suprême a tranché en faveur de l'expulsion, en raison d'une entrée ou d'un séjour irréguliers, sans égard pour leur durée de résidence en Argentine, ni pour l'intérêt supérieur de l'enfant ou le droit à l'unité de la famille⁴⁴.
30. Malheureusement, les activités de réinstallation menées dans le cadre du programme argentin fondé sur le parrainage citoyen (également connu sous le nom de « programme Syrie ») ont été suspendues en 2019 et le programme a été annulé⁴⁵.
31. En mai 2022, les autorités nationales ont établi un nouveau programme fondé sur le parrainage citoyen pour les personnes fuyant les catastrophes naturelles et sociales en Amérique centrale, dans les Caraïbes et au Mexique⁴⁶. Bien que cette mesure réaffirme le parrainage citoyen comme outil de promotion de la protection des réfugiés en Argentine, elle n'inclut pas les personnes qui, ayant besoin de protection, sont déplacées de force pour d'autres motifs et ont d'autres nationalités.
32. Le gouvernement argentin n'a pas réussi à mettre en place un programme de réinstallation et de voies d'admission complémentaires avec un système de parrainage citoyen plus large, incluant une diversité de milieux et de nationalités, comme il s'était engagé à le faire en 2019⁴⁷. Cela réaffirmerait l'engagement de l'Argentine à fournir des alternatives aux moyens irréguliers et aux déplacements dangereux, à l'aide d'un outil concret visant à renforcer la solidarité mondiale avec les réfugiés.
33. L'Argentine n'a pas encore publié de décret d'application pour la loi n° 26.165 sur les réfugiés, qui date pourtant de 2006, et aucun plan d'intégration n'est en place pour aider les demandeur·euse·s d'asile et les réfugié·e·s à accéder à des droits fondamentaux tels que ceux à l'éducation, au travail, à des soins de santé et à des cours de langue⁴⁸. Des études révèlent que la durée du séjour a des conséquences sur le processus d'intégration locale, la première année étant la plus difficile pour les populations non-nationales. Seul un étranger sur dix a accès à la procédure pour obtenir des documents d'identité nationaux, essentiels pour l'intégration locale⁴⁹.

RECOMMANDATIONS À L'ÉTAT SOUMIS À L'EXAMEN

Amnesty International appelle le gouvernement argentin à prendre les mesures suivantes :

Cadre national de protection des droits humains

34. Conformément aux recommandations déjà acceptées, désigner un médiateur ou une médiatrice indépendant et impartial, avec une expertise et des compétences dans le domaine des droits humains.
35. Occuper le poste vacant à la Cour suprême et s'assurer que la personne choisie ait une approche tenant compte des questions de genre.
36. Adopter une procédure nationale, ouverte, transparente et méritocratique de sélection des candidat·e·s pour les postes dans des organes régionaux et internationaux de défense des droits humains garantissant une approche tenant compte des questions de genre, en consultation avec la société civile.

37. Soumettre le rapport d'État partie, actuellement en retard, à la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes (CEDAW).
38. Accepter la procédure de plainte individuelle prévue à l'Article 77 de la Convention internationale des Nations unies sur la protection des droits de tous les travailleurs migrants et de tous les membres de leur famille.

Droits sexuels et reproductifs

39. Garantir des infrastructures, des effectifs, des formations et un budget adéquats pour les services de santé sexuelle et reproductive, afin de garantir l'accès à un avortement sécurisé et légal dans l'ensemble du pays dans les mêmes conditions pour tous et toutes, avec une attention de qualité.
40. Garantir l'accès à toutes les méthodes d'avortement via le système de santé public.
41. Diffuser activement des informations sur le droit à l'avortement et sur les mécanismes de dépôt de plaintes, et s'assurer que le personnel de santé soit formé pour protéger les droits humains.
42. Mettre fin à toute forme de poursuites judiciaires injustes à l'encontre de membres du personnel de santé garantissant l'accès à l'avortement légal, notamment en abandonnant les poursuites contre Miranda Ruiz, et en adoptant des mécanismes pour les soutenir et les protéger.
43. Collecter et publier l'ensemble des données ventilées, aux niveaux local et national, afin d'identifier et d'améliorer la mise en œuvre de la loi sur l'interruption volontaire de grossesse dans l'ensemble du pays.

Santé menstruelle

44. Prendre des mesures pour tenir compte de la santé menstruelle durable dans la législation nationale et les politiques publiques, afin de garantir que chaque femme, fille et personne ayant des menstruations puisse gérer sa santé menstruelle, et de réduire l'impact disproportionné sur les personnes vivant dans des conditions précaires.

Violences contre les femmes et les personnes LGBTI

45. Réviser, et modifier si nécessaire, toutes les lois et politiques pertinentes afin de garantir que les mesures concernant les violences fondées sur le genre prennent en compte une dimension numérique.
46. Collecter et analyser des données statistiques sur les discours haineux anti-genre.
47. Mener des campagnes améliorant la compréhension du problème des inégalités de genre, et s'attaquer frontalement à la construction sociale qu'est la masculinité.
48. Mettre en application le système unifié pour l'enregistrement des plaintes liées aux questions de genre (URGE), pour adopter rapidement des mesures de protection et pour faciliter la coordination de l'attention policière et judiciaire en vue d'un traitement complet de la violence fondée sur le genre.
49. Garantir l'accès effectif des victimes de violences fondées sur le genre à l'assistance gratuite d'un avocat.
50. Garantir des protocoles et des normes pour la recherche des personnes disparues, en prenant en compte les spécificités des personnes travesties, trans et non-binaires.
51. Développer et mettre en place rapidement une réglementation pour la Convention n° 190 de l'OIT, en étroite consultation et avec la participation active de la société civile, dans toute sa diversité.

Éducation sexuelle

52. Garantir une mise en œuvre efficace et égalitaire sur l'ensemble du territoire de la loi relative à l'éducation sexuelle complète, en reconnaissant pleinement les droits des femmes et des personnes LGBTI, le droit à l'avortement, et notamment en instaurant des mécanismes d'obligation de rendre des comptes pour toute violation de cette loi.

Utilisation excessive de la force et disparitions forcées

53. Garantir que toutes les provinces mettent en œuvre la loi établissant le mécanisme national de prévention, comme exigé par le Protocole facultatif se rapportant à la Convention contre la torture et autres peines ou traitements cruels, inhumains ou dégradants.
54. Veiller à ce que toutes les affaires de torture et autres mauvais traitements fassent l'objet d'enquêtes sérieuses.

Droits des peuples autochtones

55. Garantir la pleine mise en œuvre de la loi d'urgence n° 26.160 afin d'empêcher l'expulsion ou le retrait des peuples indigènes de leurs terres ancestrales.
56. Progresser dans la reconnaissance de la propriété légale des peuples autochtones, en créant en accord avec ces peuples une loi spéciale.
57. Conformément aux précédentes recommandations⁵⁰, adopter un règlement fédéral garantissant la participation des peuples indigènes à toutes les décisions et politiques publiques qui les touchent, notamment en ce qui concerne l'exploitation des ressources naturelles sur leurs territoires, leur droit à la consultation et à donner leur consentement préalable, libre et informé, conformément aux dispositions pertinentes de la déclaration de l'ONU sur les droits des peuples autochtones.
58. Mener des enquêtes sur les allégations de persécutions et de criminalisation des peuples autochtones, et s'assurer que les procédures et les procès soient équitables dans les actions pénales.
59. Protéger les connaissances traditionnelles des communautés locales et des peuples autochtones, et les appliquer pour soutenir l'usage efficace des ressources pour l'agriculture et l'exploitation des forêts.

Crise climatique

60. Adopter le projet de loi relatif aux zones humides, accepté par plus de 380 organisations de la société civile.
61. Établir un système préventif intégral de gestion des incendies, au niveau de la communauté, afin de réduire les risques d'incendie, notamment en identifiant les zones à haut risque, en utilisant des systèmes d'alerte et en prévoyant un financement adéquat.
62. S'engager à éliminer progressivement l'utilisation de tous les combustibles fossiles le plus rapidement possible, et le faire réellement ; œuvrer pour qu'un engagement mondial similaire soit adopté lors de la COP27 et veiller à ce que le dialogue de Glasgow débouche sur des financements supplémentaires pour les personnes ayant subi des pertes et dommages du fait de la crise climatique.

Droits des personnes migrantes, demandeuses d'asile et réfugiées

63. Réexaminer toutes les anciennes décisions de justice et veiller à ce que toute décision future soit prise dans le cadre juridique de la loi n° 25.871 relative à la migration, en prenant en compte les droits humains.

64. Mettre en place un système de parrainage citoyen des réfugié-e-s dans le cadre d'un programme de réinstallation et de voies d'admission complémentaires, ouvert aux personnes ayant besoin d'une protection, indépendamment de leur nationalité ou de leur situation personnelle.
65. Mettre en place un programme clair de regroupement familial pour les personnes entrées sur le territoire grâce au programme de réinstallation et de voies d'admission complémentaires.
66. Établir la réglementation de la loi n° 26.165, sous la direction de la Commission nationale pour les réfugié-e-s, en vue de sa bonne application.
67. Retirer les critères concernant le nombre d'années de résidence migratoire régulière nécessaire pour accéder aux programmes sociaux existants, afin d'y inclure les migrant-e-s, les réfugié-e-s et les demandeur-euse-s d'asile en situation vulnérable.
68. Garantir l'entrée des migrant-e-s en Argentine sans discrimination fondée sur leur origine ou leur nationalité.
69. Garantir aux personnes migrantes, demandeuses d'asile et réfugiées une procédure régulière et un accès à la justice et à des voies de recours.
70. Développer un programme complet pour l'intégration locale des réfugié-e-s.

ANNEX 1

AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE

Argentina: 2021 Human Rights - Agenda for Argentina, 2022, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2022/03/Amnistia2022-4.pdf>

Argentina: 2020 Human Rights – Agenda for Argentina, 2021, https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2020/02/2020_Derechos_Humanos_Agenda_para_Argentina-online.pdf

Argentina: The use of force in the context of COVID-19, 2021, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/11/Amnisti%CC%81a-Internacional-Informe-Uso-de-la-Fuerza-COVID-19-2.pdf>

Argentina: Status of the Indigenous Territorial Indigenous Territorial Emergency Law 26.160, 2019, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/11/Estado-de-situacion-de-la-Ley-De-Emergencia-Territorial-Indigena-26160.pdf>

Argentina, Legal abortion: a right cannot be exercised when unknown, 2021, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/12/Informe-No-se-ejerce-un-derecho-que-se-desconoce.pdf>

Argentina, Twitter Scorecard report, 2021, https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/12/FINAL-twitter_scorecard_spanish_2021.pdf

ANNEX 2

MATRIX OF RECOMMENDATIONS FROM THE PREVIOUS CYCLE, WITH COMMENTS ON PROGRESS

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
Theme: A12 Acceptance of international norms			
107.3 Ratify the Inter-American Convention against All Forms of Discrimination and Intolerance (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A12 Acceptance of international norms B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - lesbian, gay, bisexual, transgender and inter-sex persons (LGBTI) - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented Ratification of the Inter-American Convention against All Forms of Discrimination and Intolerance is pending.
107.4 Ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance (Côte d'Ivoire) (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A12 Acceptance of international norms B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented Ratification of the Inter-American Convention against Racism, Racial Discrimination and Related Intolerance is pending.
Theme: A21 National Mechanisms for Reporting and Follow-up (NMRF)			
107.6 Consider the establishment or the strengthening of the existing national mechanism for coordination, implementation, reporting and follow-up (Portugal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A21 National Mechanisms for Reporting and Follow-up (NMRF) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partly implemented
Theme: A22 Cooperation with treaty bodies			
107.7 Adopt an open, merit-based selection process when selecting national candidates for United Nations treaty body elections (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A22 Cooperation with treaty bodies Affected persons: - general	Not yet implemented
Theme: A24 Cooperation with special procedures			
107.8 Continue collaborating with the special procedures of the Human Rights Council on cases of enforced or involuntary disappearance (Chile); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A24 Cooperation with special procedures D32 Enforced disappearances S16 SDG 16 - peace, justice and strong institutions Affected persons: - disappeared persons	Implemented
Theme: A27 Follow-up to Universal Periodic Review (UPR)			

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.5 Consider the establishment of a permanent governmental mechanism to implement the universal periodic review recommendations (Georgia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A27 Follow-up to Universal Periodic Review (UPR) A21 National Mechanisms for Reporting and Follow-up (NMRF) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented The implementation of the Recommendations Monitoring System (SIMORE) is still pending.
107.18 Undertake an inclusive process with a wide range of civil society representatives when implementing the universal periodic review recommendations (Greece); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A27 Follow-up to Universal Periodic Review (UPR) A61 Cooperation with civil society S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partly implemented

Theme: A41 Constitutional and legislative framework

107.20 Elevate racial discrimination to a criminal offence (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A41 Constitutional and legislative framework B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not yet implemented
107.102 Enact pending legislation that would provide women legal access to fulsome reproductive health services, including comprehensive sexuality education, family planning, prevention and response to sexual and gender-based violence, safe and legal abortion, and post-abortion care (Canada); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A41 Constitutional and legislative framework D8 Rights related to marriage & family E41 Right to health - General E43 Access to sexual and reproductive health and services E51 Right to education - General F13 Violence against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented (see above)
107.127 Implement effectively legislation on violence against women to combat misogynous stereotypes, discrimination and violence (Bosnia and Herzegovina); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A41 Constitutional and legislative framework F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented Online violence against women, LGBTI+ people and especially human rights defenders has risen (see submission)

Theme: A43 Human rights policies

107.19 Further mainstream human rights throughout its administration, both at national and provincial levels, to ensure that legal reforms result in improved human rights protection, especially for women and lesbian, gay, bisexual, transgender and intersex persons (Netherlands); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A43 Human rights policies S05 SDG 5 - gender equality and women's empowerment Affected persons: - women - lesbian, gay bisexual, transgender and inter-sex persons (LGBTI)	Partly implemented
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Theme: A45 National Human Rights Institution (NHRI)

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.13 Designate a new ombudsperson and implement without delay the national preventive mechanism against torture (Costa Rica); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A45 National Human Rights Institution (NHRI) D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - general - persons deprived of their liberty	Not yet implemented
107.14 Establish and appoint an ombudsman for the rights of children and adolescents (Costa Rica); Establish an ombudsperson for the rights of children and adolescents, in accordance with the Paris Principles (Honduras); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A45 National Human Rights Institution (NHRI) F31 Children: definition; general principles; protection S16 SDG 16 - peace, justice and strong institutions Affected persons: - children - youth	Not yet implemented
107.10 Continue its efforts to reform its human rights institutions in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (Australia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented
107.11 Accelerate the process of designation of the new Ombudsman (Georgia); Designate a new Ombudsman as soon as possible (Guatemala); Designate an Ombudsman as soon as possible considering that the national ombudsman's office has been without leadership for the past eight years (Republic of Korea); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented
107.12 Appoint an independent ombudsperson to guarantee more effective control of compliance with human rights norms by State organs (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A45 National Human Rights Institution (NHRI) S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Not yet implemented
Theme: A46 National Plans of Action on Human Rights (or specific areas)			
107.17 Develop and implement, in close consultation with civil society, a national human rights plan with clear, specific and measurable goals (Ireland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A46 National Plans of Action on Human Rights (or specific areas) A61 Cooperation with civil society S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partly implemented
107.21 Effectively implement the national plan against discrimination with the active participation of all interested groups (Panama); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A46 National Plans of Action on Human Rights (or specific areas) B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.16 Develop and implement a national human rights plan with clear, specific measurable goals to ensure the civil, political, social and economic rights of all citizens (Indonesia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A46 National Plans of Action on Human Rights (or specific areas) D1 Civil & political rights - general measures of implementation E1 Economic, social & cultural rights - general measures of implementation S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Implemented
Theme: A51 Human rights education - general			
107.131 Strengthen human rights education as a pillar of prevention of gender-based violence (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A51 Human rights education - general E51 Right to education - General F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
Theme: A61 Cooperation with civil society			
107.78 Continue its efforts to encourage mass media and journalists' engagement with human rights promotion (Bulgaria); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A61 Cooperation with civil society Affected persons: - media	Not implemented
107.79 Enhance the participation of civil society in the strengthening of human rights through appropriate support to civil society organizations, in particular those who focus on the most vulnerable groups, notably children, minorities and indigenous peoples (Austria); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	A61 Cooperation with civil society F31 Children: definition; general principles; protection G1 Members of minorities G3 Indigenous peoples Affected persons: - children - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples - vulnerable persons/groups	Partly implemented
Theme: B12 Crimes against humanity			
107.9 Continue its active commitment on the international level for the prevention of genocide and crimes against humanity (Armenia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B12 Crimes against humanity B13 Genocide S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Implemented
107.70 Step up the efforts concerning the investigations of human rights violations and crimes against humanity that occurred during the military dictatorship between 1976 and 1983, and continue the prosecution of those responsible for these violations, strengthening the pillar on memory, truth, justice and reparatory policies of the action plan on human rights (Nicaragua); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B12 Crimes against humanity B51 Right to an effective remedy B52 Impunity A46 National Plans of Action on Human Rights (or specific areas) D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors	Implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.71 Continue efforts concerning investigations of past human rights violations, including those related to economic crimes, and the related judicial processes (Peru); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B12 Crimes against humanity B51 Right to an effective remedy B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors	implemented
107.72 Pursue its international efforts in the promotion of truth, justice, reparations and guarantees of non-recurrence (Armenia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B12 Crimes against humanity B51 Right to an effective remedy B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	implemented
Theme: B31 Equality & non-discrimination			
107.27 Adopt a new law on anti-discrimination that makes specific reference to sexual orientation and gender identity (Albania); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
107.28 Amend the Law on discriminatory acts to recognize sexual orientation and gender identity as prohibited grounds for discrimination before its next review under the universal periodic review (Czechia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Not implemented
107.25 Intensify efforts to consolidate a broad national multisectoral strategy to combat structural discrimination, including verbal expressions, against indigenous peoples, Afro-descendants and other vulnerable groups, considering their specific needs and capacities, through the empowerment of their rights and fair reparation mechanisms (Ecuador); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General B51 Right to an effective remedy D43 Freedom of opinion and expression G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples - vulnerable persons/groups	Not implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.30 Adopt a comprehensive and integral policy against discrimination in all its forms, especially against women, people of African descent and indigenous peoples, along with a respective plan of action (Honduras); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General F12 Discrimination against women G3 Indigenous peoples S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples	Partly implemented
107.22 Develop a broad national multisectoral strategy to address the rights of indigenous peoples, Afro-descendants and other vulnerable groups subject to discrimination (Bolivarian Republic of Venezuela); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A42 Institutions & policies - General G1 Members of minorities G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples - vulnerable persons/groups	Not implemented
107.24 Take steps to address persistent cultural discrimination against indigenous people and people of African descent, including awareness-raising and the establishment of quantitative measures promoting their participation at the highest level and in decision-making positions (Sierra Leone); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination A54 Awareness raising and dissemination D7 Right to participation in public affairs and right to vote G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples	Not implemented
107.34 Investigate and criminalize cases of xenophobic and stigmatizing discourses expressed by public officials and politicians (Sierra Leone); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination B32 Racial discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - public officials	Partly implemented
107.32 Put in place a robust legal and judicial instrument aimed at combating discriminatory practices against indigenous peoples and persons of African descent and promote their inclusion in the area of human rights (Madagascar); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples	Not implemented
107.33 Intensify efforts aimed at eliminating structural discrimination, especially against the indigenous people and people of African descent (Namibia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples	Not implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.35 Take all necessary measures to ensure equal access to all rights for the entire population, particularly the population of African descent and indigenous peoples (Algeria); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - indigenous peoples	Partly implemented
107.26 Continue advancing in the adoption of measures aimed at the non-discrimination of people on the basis of their sexual orientation or gender identity (Colombia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B31 Equality & non-discrimination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Implemented
Theme: B32 Racial discrimination			
107.31 Take measures to put an end to incidents of racial discrimination against certain social groups and xenophobic hate speech and stigmatization from public and political officials (Iraq); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B32 Racial discrimination A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - public officials	Partly implemented
107.23 Multiply its awareness-raising campaigns and trainings on combating racial discrimination (Morocco); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B32 Racial discrimination A54 Awareness raising and dissemination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not implemented
107.174 Redouble efforts to combat discrimination against indigenous peoples and people of African descent and, in addition, continue to strengthen the national institute against discrimination, xenophobia and racism (Colombia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B32 Racial discrimination G3 Indigenous peoples Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not implemented
107.29 Enhance national efforts to combat discrimination, xenophobia and racism, in particular the discriminatory practices against migrants and people of African descent (Egypt); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B32 Racial discrimination G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Not implemented
Theme: B52 Impunity			
107.48 Adopt appropriate measures to prevent and eliminate excessive use of force and summary executions by security forces, and ensure that perpetrators are brought to justice (Bolivarian Republic of Venezuela); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B52 Impunity D22 Extrajudicial, summary or arbitrary executions D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials - prison officials	Not yet implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.47 Ensure that all allegations of excessive use of force or arbitrary behaviour by State officials, including those that may amount to torture or ill-treatment, are investigated (Germany); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B52 Impunity D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials - prison officials	Not yet implemented
107.38 Investigate all allegations of abuse of police authority and prosecute the perpetrators (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B52 Impunity D51 Administration of justice & fair trial D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials - prison officials	Not yet implemented
107.69 Adopt new measures to investigate and judge those responsible for the attack on the Argentine Israelite Mutual Association in 1994 (Israel); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B52 Impunity D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors	Partly implemented
Theme: B71 Human rights and the environment			
107.36 Continue the normative progress made in the area of environment and the strengthening of related bodies (Morocco); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B71 Human rights and the environment A41 Constitutional and legislative framework S13 SDG 13 - climate change S12 SDG 12 - sustainable consumption and production Affected persons: - general	Not yet implemented Wetlands Law Bill remains pending
107.37 Strengthen measures to combat the negative effect of the economic activities of companies on the environment and biodiversity (Algeria); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	B71 Human rights and the environment B72 Human rights & toxic wastes S12 SDG 12 - sustainable consumption and production Affected persons: - general	Not implemented
Theme: D25 Prohibition of torture and cruel, inhuman or degrading treatment			
107.65 Allocate the necessary human, technical and financial resources to accelerate the implementation of the national preventive mechanism for the prevention of torture, in compliance with the provisions in Law No. 26827 (Honduras); Establish the national committee for the prevention of torture as soon as possible by providing it with all the human, financial and material resources to function effectively, including through the appointment of independent and qualified members (Switzerland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework A63 Budget and resources (for human rights implementation) D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.63 Establish the national preventive mechanism against torture in accordance with the Optional Protocol to the Convention against Torture and ensure independent and effective investigation and prosecution of all cases of alleged ill-treatment of persons in detention facilities and prisons as well as remedies for victims (Czechia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework B51 Right to an effective remedy B52 Impunity D26 Conditions of detention D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.62 Take steps to guarantee the effective implementation of the national system to prevent torture, including by encouraging provinces to establish by law independent and adequately resourced local preventive mechanisms in compliance with the requirements of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.64 Establish a national mechanism for the prevention of torture as set out in the Optional Protocol to the Convention against Torture (Estonia); Implement the national prevention mechanism adopted in 2012 in application of the Optional Protocol of the Convention against Torture (France); Advance in the establishment of the national mechanism for the prevention of torture envisioned in Law No. 26827 (Mexico); Implement the national preventive mechanism against torture (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.49 Improve treatment of prisoners by encouraging provinces to implement the national mechanism to prevent torture, increasing training for police and prison officials and addressing overcrowding (United States of America); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A42 Institutions & policies - General A53 Professional training in human rights D26 Conditions of detention F13 Violence against women S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials - prison officials	Partly implemented
107.66 Expedite the establishment of the national mechanism against torture in all provinces, provide it with human and financial resources and protect its independence (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment A63 Budget and resources (for human rights implementation) D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.41 Protect all detainees, including those in police custody, from excessive use of force (Germany); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention D31 Liberty and security - general S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not yet implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
Theme: D26 Conditions of detention			
107.55 Prohibit by law the confinement of more persons than the number of spots available in places of detention. In addition, establish by law mechanisms to immediately solve overcrowding (Slovenia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
107.56 Endow the annual professional technical training plan with specific modules on human rights and continue providing resources for the programmes aimed at expanding and renovating prison infrastructure, with the objective of improving the conditions of the penitentiary system and combating prison overcrowding (Spain); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention A53 Professional training in human rights A63 Budget and resources (for human rights implementation) S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.44 Take concrete steps to implement fundamental safeguards in police custody, and prohibit the use of police stations as places for long-term detention (Ghana); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D25 Prohibition of torture and cruel, inhuman or degrading treatment S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
107.60 Adopt alternative measures to detention aimed at reducing the overpopulation in prisons and provide alternative measures to detention for pregnant women and mothers with young children (Albania); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D51 Administration of justice & fair trial F11 Advancement of women F32 Children: family environment and alternative care S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - children - persons deprived of their liberty	Not implemented
107.45 Reduce protracted pretrial detention by seeking alternatives to confinement in all possible cases and by ensuring more expedient court processes (Canada); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - judges, lawyers and prosecutors	Not implemented
107.50 Take urgent measures to guarantee better conditions of detention and that the application of preventive detention is not the norm, strictly limiting its duration through alternative non-custodial measures (Bolivarian Republic of Venezuela); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
107.52 Continue its efforts to improve the conditions of detention and consider the possibility of adopting alternative measures to detention in order to reduce overcrowding in prisons (Mauritania); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.59 Ensure that detainees in pretrial detention are separated from persons convicted by final judgement (Bolivarian Republic of Venezuela); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
107.57 Take immediate and concrete steps to rectify the deficiencies in Argentinian prisons, detention centres and police stations, such as overcrowding, poor access to health services, insufficient food, bad ventilation, precarious sanitary conditions and squalor (Sweden); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention E22 Right to food E41 Right to health - General S16 SDG 16 - peace, justice and strong institutions S03 SDG 3 - health S06 SDG 6 - water and sanitation Affected persons: - persons deprived of their liberty	Not implemented
107.53 Continue to take measures to improve prison conditions, namely overcrowding, poor medical care and unsanitary conditions (Portugal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention E41 Right to health - General S16 SDG 16 - peace, justice and strong institutions S03 SDG 3 - health Affected persons: - persons deprived of their liberty	Not implemented
107.61 Take further concrete steps to implement the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), to ensure that all women in prison receive equal access to services and that the special needs of women in prison, including of their children, are appropriately addressed (Thailand); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention F12 Discrimination against women F32 Children: family environment and alternative care S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - children - persons deprived of their liberty	Partly implemented
107.51 Continue efforts to improve penitentiary system conditions and to reduce episodes of violence in prison (Italy); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Not implemented
107.54 Take steps aimed at reducing overcrowding in detentions centres and to improve detention conditions (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
107.58 Implement measures for the improvement of prison facilities and thus reduce overcrowding in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (Angola); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty	Partly implemented
Theme: D27 Prohibition of slavery, trafficking			
107.81 Continue its efforts to bring provincial and municipal regulations on trafficking into line with national and international standards (Bosnia and Herzegovina); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work Affected persons: - vulnerable persons/groups	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.82 Develop and implement a national trafficking plan to combat human trafficking and exploitation, including of women and for the purposes of child labour and domestic work (Indonesia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking A46 National Plans of Action on Human Rights (or specific areas) E32 Right to just and favourable conditions of work F1 Women F33 Children: protection against exploitation S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - women - children	Partly implemented
107.84 Strengthen the federal council to combat human trafficking and exploitation and put in place a national trafficking plan (Sierra Leone); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking A46 National Plans of Action on Human Rights (or specific areas) S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - vulnerable persons/groups	Partly implemented
107.85 Consider allocating an adequate budget for the agencies responsible for investigating human trafficking and for taking care of victims (Islamic Republic of Iran); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking A63 Budget and resources (for human rights implementation) B53 Support to victims and witnesses S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - vulnerable persons/groups	Partly implemented
107.80 Take all necessary practical measures to tackle forced labour, modern slavery and human trafficking in line with the 2014 Protocol to the Forced Labour Convention, 1930 (No. 29) (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking E32 Right to just and favourable conditions of work A41 Constitutional and legislative framework S08 SDG 8 - economic growth, employment, decent work Affected persons: - vulnerable persons/groups	Partly Implemented
107.163 Ensure child labour law enforcement, and investigation and prosecution of trafficking offences and publish key labour and law enforcement data on child labour (United States of America); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking F33 Children: protection against exploitation S16 SDG 16 - peace, justice and strong institutions S08 SDG 8 - economic growth, employment, decent work Affected persons: - children	Implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.165 Continue to take measures to prevent child trafficking, sexual exploitation and sale of children, child prostitution and child pornography (Portugal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking F33 Children: protection against exploitation S16 SDG 16 - peace, justice and strong institutions S08 SDG 8 - economic growth, employment, decent work Affected persons: - children	Partly implemented
107.83 Continue fighting against human trafficking (Senegal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D27 Prohibition of slavery, trafficking S08 SDG 8 - economic growth, employment, decent work S16 SDG 16 - peace, justice and strong institutions Affected persons: - vulnerable persons/groups	Partly implemented

Theme: D29 Domestic violence

107.146 Continue to raise awareness regarding the criminal nature of domestic violence and keep on bringing those responsible before the courts (Serbia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D29 Domestic violence A54 Awareness raising and dissemination D51 Administration of justice & fair trial S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.153 Continue addressing domestic violence through education, awareness campaigns, victims' services and the effective application of the law against perpetrators, as well as by considering elevating the national council of women to a full ministry (Canada); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D29 Domestic violence E32 Right to just and favourable conditions of work E51 Right to education - General Affected persons: - women	Partly implemented Since 2019, Argentina has a Ministry of Women, Gender and Diversity.
107.154 Further strengthen legal provisions and social protection mechanisms to effectively protect women who are victims of domestic violence (Malaysia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented See submission

Theme: D31 Liberty and security - general

107.40 Provide training to security forces, penitentiary services, prosecutors and judges in order to reduce the cases of institutional violence and discrimination based on sexual orientation, gender identity and expression (Israel); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D31 Liberty and security - general A53 Professional training in human rights B31 Equality & non-discrimination D28 Gender-based violence S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI) - judges, lawyers and prosecutors - law enforcement / police officials - prison officials	Partly implemented
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Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.39 Address hate crimes against lesbian, gay, bisexual, transgender and intersex persons (South Africa); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D31 Liberty and security - general D28 Gender-based violence B31 Equality & non-discrimination S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - lesbian, gay, bisexual, transgender and intersex persons (LGBTI)	Partly implemented
Theme: D33 Arbitrary arrest and detention			
107.42 Review practices of detention without a court order and address the issue of unduly protracted detentions (Bosnia and Herzegovina); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D33 Arbitrary arrest and detention D51 Administration of justice & fair trial D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors - persons deprived of their liberty	Partly implemented
Theme: D43 Freedom of opinion and expression			
107.77 Continue the adoption of measures aimed at ensuring the effective implementation of the Law on access to public information in all branches of the State (Uruguay); Regulate and implement the law on access to public information (Brazil); Continue strengthening actions directed at the implementation of the law on access to public information (Spain); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D43 Freedom of opinion and expression A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - general	Partly implemented
107.74 Guarantee freedoms of peaceful assembly and association and of opinion and expression by, inter alia, ensuring that the use of police force during demonstrations is proportionate and in line with the law the provinces set up in 2011 (Germany); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D43 Freedom of opinion and expression D44 Right to peaceful assembly D45 Freedom of association D31 Liberty and security - general S16 SDG 16 - peace, justice and strong institutions Affected persons: - law enforcement / police officials	Not yet implemented
Theme: D51 Administration of justice & fair trial			
107.67 Consolidate the implementation of the 2020 programme in the framework of justice reform (Angola); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D51 Administration of justice & fair trial A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - judges, lawyers and prosecutors	Not implemented
107.46 Introduce thorough and impartial investigation of allegations of torture and other ill-treatment in detention and ensure that alleged perpetrators are brought to justice (Austria); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D51 Administration of justice & fair trial B52 Impunity D25 Prohibition of torture and cruel, inhuman or degrading treatment D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - prison officials	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.180 Strengthen the measures aimed at integrating indigenous peoples in relation to the administration of justice, health and education, through the increase of intercultural services such as interpreters and bilingual professors (Peru); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D51 Administration of justice & fair trial E41 Right to health - General E51 Right to education - General G3 Indigenous peoples S04 SDG 4 - education S03 SDG 3 - health S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.68 Apply all the necessary measures to continue strengthening the federal public defender and the provincial defenders in order to guarantee the effectiveness of their functions in all regions of the country (Panama); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D51 Administration of justice & fair trial S16 SDG 16 - peace, justice and strong institutions Affected persons: - public officials	Partly implemented
Theme: D6 Rights related to name, identity, nationality			
107.156 Strengthen measures to ensure access to free birth registration of children, in particular of indigenous children (India); Adopt the necessary measures to ensure universal birth registration with an emphasis on indigenous children (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D6 Rights related to name, identity, nationality G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons:	Partly implemented
107.155 Step up its ongoing efforts regarding the birth registration of all children (Greece); Take measures to improve the process of birth registration (Angola); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - children	Implemented
107.187 Strengthen the legislation to combat statelessness by adopting the new draft bill on the protection of the stateless (Côte d'Ivoire); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - stateless persons	Implemented
107.188 Accelerate its efforts to enact legislation on the protection of stateless persons (Australia). Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D6 Rights related to name, identity, nationality S16 SDG 16 - peace, justice and strong institutions Affected persons: - stateless persons	Implemented
Theme: D7 Right to participation in public affairs and right to vote			
107.73 Continue its efforts to ensure the effective representation of all minority groups in the highest decision-making positions (Timor-Leste); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	D7 Right to participation in public affairs and right to vote G1 Members of minorities S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups	Partly implemented
Theme: E21 Right to an adequate standard of living - general			
107.87 Continue to advance in the recognition of the differences, and the respect for the rights, of vulnerable groups, bearing in mind the duty to ensure equality among all people, paying special attention to the poorest provinces and the systemic inequalities that may exist between rural and urban areas (Nicaragua); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general B31 Equality & non-discrimination E25 Human rights & poverty S01 SDG 1 - poverty S10 SDG 10 - inequality Affected persons: - persons living in poverty - persons living in rural areas - vulnerable persons/groups	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.88 Continue to promote sustainable economic and social development to raise people's living standards (China); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general E1 Economic, social & cultural rights - general measures of implementation S01 SDG 1 - poverty S08 SDG 8 - economic growth, employment, decent work Affected persons: - general	Partly implemented
107.93 Introduce further measures to sustain and reinforce progress made in poverty reduction (Viet Nam); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general E25 Human rights & poverty S01 SDG 1 - poverty Affected persons: - persons living in poverty	Not implemented
107.94 Ensure the provision of adequate resources for poverty reduction programmes (Saudi Arabia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general E25 Human rights & poverty S01 SDG 1 - poverty Affected persons: - persons living in poverty	Partly implemented
107.92 Continue efforts to eradicate poverty and ensure the reduction of inequalities in the distribution of wealth and access to economic and social well-being by all people (Bangladesh); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general E25 Human rights & poverty S01 SDG 1 - poverty S10 SDG 10 - inequality Affected persons: - persons living in poverty	Partly implemented
107.86 Strengthen measures to guarantee the right to an adequate standard of living to indigenous peoples and peasant communities (Plurinational State of Bolivia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general G3 Indigenous peoples S01 SDG 1 - poverty S10 SDG 10 - inequality Affected persons: - Indigenous peoples - persons living in rural areas	Not implemented
107.157 Strengthen efforts to ensure that children and adolescents throughout the country enjoy equal access to social rights (Qatar); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E21 Right to an adequate standard of living - general S01 SDG 1 - poverty Affected persons: - children	Partly implemented
Theme: E23 Right to adequate housing			
107.89 Implement its national housing and national infrastructure plan (South Africa); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E23 Right to adequate housing S09 SDG 9 - infrastructure, industrialization Affected persons: - general	Not implemented
Theme: E24 Right to social security			
107.90 Continue implementing the universal pension for older persons, and ensure that it reaches all intended recipients (Namibia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E24 Right to social security S01 SDG 1 - poverty Affected persons: - older persons	Implemented
107.91 Make sure that in the process of modernizing the social security system special attention is paid to the conformity of the adopted decisions to international human rights standards (Ukraine); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E24 Right to social security S01 SDG 1 - poverty Affected persons: - general	Partly implemented
Theme: E31 Right to work			

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.95 Step up efforts aimed at increasing the employment of women in the formal sector, including ensuring equal pay to women in the labour market (Botswana); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E31 Right to work E32 Right to just and favourable conditions of work F11 Advancement of women S05 SDG 5 - gender equality and women's empowerment S08 SDG 8 - economic growth, employment, decent work Affected persons: - women	Partly implemented
107.96 Redouble efforts to eliminate inequalities between men and women regarding salary remuneration and participation in high-level employment positions (Uruguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E31 Right to work F12 Discrimination against women S08 SDG 8 - economic growth, employment, decent work Affected persons: - women	Not implemented
107.181 Facilitate access to the labour market for indigenous peoples, people of African descent and migrants and make sure they receive all social benefits (Senegal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E31 Right to work G3 Indigenous peoples G4 Migrants S08 SDG 8 - economic growth, employment, decent work Affected persons: - migrants - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not implemented

Theme: E41 Right to health - General

107.105 Promote public policies to prevent early pregnancy and ensure access to education and to sexual and reproductive health and rights (Israel); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services E51 Right to education - General S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.106 Take further steps to remove obstacles that may occur in accessing reproductive health products and services, paying special attention to women who have been victims of rape (Italy); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services F13 Violence against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.103 Ensure the effective implementation in all provinces of the protocol for the comprehensive care of persons entitled to legal termination of pregnancy and of the national plan on comprehensive sexual education (France); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.108 Develop policies to reduce high maternal mortality rates due to unsafe abortions, including the adoption of measures to ensure broad, affordable access to available abortion medication (Slovenia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.109 Guarantee access to legal abortions in all jurisdictions throughout the country, supported by publicity campaigns on the right to legally interrupt pregnancy in cases provided for by law, as well as training for health-care workers (Slovenia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented Law on right to legally interrupt pregnancy passed, but no publicity campaigns carried out. Women and people who can get pregnant still face serious obstacles to access to legal abortion, with high inequality across the country.
107.117 Continue enhancing the implementation of public policies on education and health (Libya); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General E51 Right to education - General Affected persons: - general	Partly implemented
107.98 Improve the sanitary situation in the northern provinces where the majority of indigenous people live, in accordance with the cultural characteristics of that group of Argentinian society (Iraq); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General G3 Indigenous peoples S03 SDG 3 - health Affected persons: - Indigenous peoples	Partly implemented
107.99 Continue the implementation of the national health programme for indigenous peoples in order to reduce inequalities in the health status of indigenous peoples (Maldives); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General G3 Indigenous peoples S03 SDG 3 - health Affected persons: - Indigenous peoples	Partly implemented
107.100 Further strengthen institutional building in public health to ensure people's right to health (China); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E41 Right to health - General S03 SDG 3 - health Affected persons: - general	Implemented
Theme: E43 Access to sexual and reproductive health and services			
107.101 Step up its efforts so as to further reduce the rate of early pregnancy (Burkina Faso); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - girls	Partly implemented Rates of child pregnancy have reduced, but are still high
107.104 Ensure that access to legal abortion is available on equal terms in all regions across the country (Iceland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented Law has been passed, but access to services is not equal
107.107 Take all necessary measures to significantly decrease the level of maternal mortality (Montenegro); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
Theme: E51 Right to education - General			
107.114 Continue the efforts to improve universal access to education (Viet Nam); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E51 Right to education - General Affected persons: - general	Partly implemented
107.115 Enhance efforts to increase the educational infrastructure in the poorest provinces (Qatar); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E51 Right to education - General Affected persons: - persons living in poverty	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.116 Continue its efforts to guarantee the provision of resources and infrastructure in the area of initial and secondary education so the quality standards are ensured (State of Palestine); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	E51 Right to education - General Affected persons: - general	Partly implemented
Theme: F12 Discrimination against women			
107.119 Grant ministerial rank to the national council for women (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented
107.120 Redouble efforts to achieve permanent coordination between the national council for women and the provincial and municipal offices for the implementation of national gender equality plans (Guatemala); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.121 Refrain from further budgetary cuts for the national council for women (Slovakia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.122 Extend the coverage of gender equality programmes and institutions such as the national council of women into rural areas in order to combat gender-based discrimination and violence (Mexico); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.126 Continue to take effective measures to promote gender equality and to combat violence against women (China); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.132 Fully implement its policies aimed at curbing violence against women, promoting equal opportunities for men and women and eliminating discrimination stereotypes of their respective roles in the family and society (Namibia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.118 Continue enacting laws and strengthen policies aimed at providing women with protection and enhancing their roles in society (Bahrain); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.123 Make further efforts to advance gender parity and protect the rights and freedoms of women and girls, including by considering ways to address economic discrimination (Australia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.124 Continue its efforts aimed at combating the persistence of discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society (Morocco); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.125 Continue efforts to promote equal opportunities between men and women by strengthening the implementation of the quota law with respect to electoral lists and the functioning of the tripartite equal opportunities commission, among other initiatives (Nicaragua); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women S05 SDG 5 - gender equality and women's empowerment S16 SDG 16 - peace, justice and strong institutions Affected persons: - women	Partly implemented
107.97 Take necessary measures to ensure gender equality in wages in the labour sector (Iraq); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F12 Discrimination against women S08 SDG 8 - economic growth, employment, decent work S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Not implemented
Theme: F13 Violence against women			
107.137 Ensure the effective implementation of the national plan of action for prevention, assistance and eradication of violence against women 2017–2019, established by Law No. 26485 (Croatia); Fully implement the national action plan to prevent and eradicate violence against women and to assist victims, of which France welcomes the adoption (France); Ensure the effective implementation of the national plan of action for prevention, assistance and eradication of violence against women (Iceland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A41 Constitutional and legislative framework A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.129 Ensure effective implementation of plans and strategies to curb gender-based violence and implement pending legislation to provide legal access to reproductive health services (India); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A41 Constitutional and legislative framework E41 Right to health - General E43 Access to sexual and reproductive health and services S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.133 Continue efforts to strengthen the implementation of legislation on violence against women (Malaysia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A41 Constitutional and legislative framework S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented In 2020, the National Congress passed the law for legal and voluntary access to abortion.
107.128 Ensure that government entities budget more resources to implement the national action plan to reduce violence against women, increase support and legal protection for victims and improve national data collection (United States of America); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A42 Institutions & policies - General A62 Statistics and indicators S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.134 Continue to strengthen the role of the national council for women and continue working to eradicate violence against women (Chile); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A42 Institutions & policies - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.135 Continue its efforts to provide a swift and effective government response to violence against women and girls, including by strengthening the role of the national women's council, by providing it with adequate budgetary and human resources for implementing, monitoring and evaluating the national plan of action for prevention, assistance and eradication of violence against women 2017–2019 (Croatia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented
107.136 Ensure the effective implementation, including by ensuring disaggregated data, effective public policies and necessary resource allocation, of the national plan of action for prevention, assistance and eradication of violence against women 2017–2019 (Bangladesh); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.138 Allocate adequate budgetary resources for the effective implementation of the national action plan on eradication of violence against women and to ensure that sufficient safe shelters for women are available (Estonia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.139 Allocate the necessary human, technical and financial resources for the implementation of the national plan of action for the prevention and eradication of violence against women and assistance to victims for the period 2017–2019 (Honduras); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.140 Allocate adequate budgetary resources to the effective implementation of its national action plan for the prevention, assistance and eradication of violence against women and ensure that sufficient safe shelters for women victims are available and easily accessible in every province (Ireland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.141 Continue the effective implementation of the national plan of action for prevention, assistance and eradication of violence against women 2017–2019 (Maldives); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.142 Take further steps in order to prevent gender-based violence and ensure that such cases of violence are effectively investigated, prosecuted and sanctioned, envisaging the comprehensive implementation of the 2017–2019 national action plan for the prevention, assistance and eradication of violence against women (Portugal); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.143 Advance in the implementation of the national action plan for the prevention, assistance and eradication of violence against women with the objective to continue strengthening actions aimed at combating violence against women and reducing the number of deaths of women caused by such violence (Spain); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.150 Further strengthen access to justice for victims of violence, in particular of gender-based violence, by providing effective legal aid and addressing gender stereotypes among justice officials (Thailand); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women B51 Right to an effective remedy D51 Administration of justice & fair trial Affected persons: - women	Partly implemented
107.148 Improve prosecution of femicide and all forms of violence against women and ensure that victims have access to shelters and other support services, including health services (Czechia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women E41 Right to health - General S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.130 Continue efforts to lower rates of violence against women (Libya); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.144 Implement the national strategy for the prevention, assistance and eradication of violence against women 2017–2019, and ensure continuation of this work beyond 2019 (Sweden); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.145 Allocate sufficient resources to ensure effective implementation of the national plan to combat violence against women (Norway); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.147 Allocate additional financial and human resources to policies and programmes aimed at combating violence against women and girls (Netherlands); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.149 Strengthen its actions to prevent and combat femicide and other forms of gender-based violence (Montenegro); Strengthen the measures to prevent and combat femicide and other forms of gender-based violence (Paraguay); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
107.137 Ensure the effective implementation of the national plan of action for prevention, assistance and eradication of violence against women 2017–2019, established by Law No. 26485 (Croatia); Fully implement the national action plan to prevent and eradicate violence against women and to assist victims, of which France welcomes the adoption (France); Ensure the effective implementation of the national plan of action for prevention, assistance and eradication of violence against women (Iceland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F13 Violence against women A41 Constitutional and legislative framework A46 National Plans of Action on Human Rights (or specific areas) S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Partly implemented
Theme: F41 Persons with disabilities: definition, general principles			
107.169 Carry out appropriate actions in order to harmonize its internal legislation with the Convention on the Rights of Persons with Disabilities (Panama); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F41 Persons with disabilities: definition, general principles A41 Constitutional and legislative framework Affected persons: - persons with disabilities	Not implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.167 Continue adapting legislation, at the federal, provincial and local levels, to the provisions of the Convention on the Rights of Persons with Disabilities, ensuring the participation of organizations that represent persons with disabilities in those processes (Chile); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	F41 Persons with disabilities: definition, general principles S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons with disabilities	Not implemented
Theme: G3 Indigenous peoples			
107.172 Take the necessary legislative measures in order to make progress in the regulation and implementation of the demarcation of indigenous lands (Brazil); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.179 Adopt targeted policies and programmes to address structural discrimination against indigenous peoples and people of African descent (South Africa); Consider the possibility of developing a national strategy to address the rights of indigenous peoples and other groups that are subject to discrimination (State of Palestine); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples B31 Equality & non-discrimination S16 SDG 16 - peace, justice and strong institutions Affected persons: - minorities/ racial, ethnic, linguistic, religious or descent-based groups - Indigenous peoples	Not implemented
107.171 Take measures to eliminate discrimination against indigenous people and ensure their easy access to justice and the right to property (India); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples B32 Racial discrimination B51 Right to an effective remedy S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.76 Establish a mechanism for comprehensive assistance for and protection of human rights defenders, including indigenous civil society activists, and include them in its design (Czechia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples H1 Human rights defenders A42 Institutions & policies - General S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders - indigenous peoples	Not implemented
107.170 Fully implement relevant laws to promote the rights of indigenous people and to ensure their safety in realizing their economic and civil rights (Republic of Korea); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples S01 SDG 1 - poverty Affected persons: - Indigenous peoples	Not implemented
107.176 Implement the prerogatives of the consultative and participatory council on indigenous peoples created in 2016 (France); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.177 Conclude the survey of the ownership of lands traditionally occupied by indigenous communities as envisioned in Law No. 26160 in order to fully guarantee the rights of indigenous people, especially territorial rights and the right to previous consultation, in compliance with international treaties ratified by Argentina as well as the national constitution (Germany); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
Theme: G4 Migrants			
107.183 Strengthen measures to ensure the human rights of migrants and their families (Plurinational State of Bolivia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.185 Strengthen its migration laws to ensure protection of all migrants and their families against all forms of discrimination and adopt comprehensive public programmes with adequate budgetary resources for their effective implementation (Indonesia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Partly implemented Argentina has not yet accepted the individual complaints procedures under article 77 of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).
107.186 Ensure access to fundamental human rights for all individuals residing in Argentina, including foreign nationals, regardless of their immigration status (Bangladesh); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants - non-citizens	Partly implemented
Theme: H1 Human rights defenders			
107.75 Recognize the important work of human rights defenders and ensure their effective protection against threats and violence due to their work (United Kingdom of Great Britain and Northern Ireland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Supported	H1 Human rights defenders S16 SDG 16 - peace, justice and strong institutions Affected persons: - human rights defenders	Partly implemented
Theme: A12 Acceptance of international norms			
107.2 Sign the Treaty on the Prohibition of Nuclear Weapons (Guatemala); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	A12 Acceptance of international norms Affected persons: - general	Not implemented
Theme: D29 Domestic violence			
107.152 Provide shelters and legal assistance to victims of domestic violence, and present a draft law on domestic violence (Bahrain); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	D29 Domestic violence S05 SDG 5 - gender equality and women's empowerment Affected persons: - women - children	Partly implemented
Theme: D33 Arbitrary arrest and detention			
107.43 Take adequate and credible measures to put an end to incidents of arbitrary detention in line with international law (India); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	D33 Arbitrary arrest and detention D26 Conditions of detention S16 SDG 16 - peace, justice and strong institutions Affected persons: - persons deprived of their liberty - law enforcement / police officials	Partly implemented
Theme: E41 Right to health - General			
107.182 Provide basic health-care services to indigenous communities and consider eliminating the structural discrimination against them and the migrant community (Islamic Republic of Iran); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	E41 Right to health - General B31 Equality & non-discrimination B32 Racial discrimination G3 Indigenous peoples G4 Migrants S03 SDG 3 - health Affected persons: - migrants - Indigenous peoples	Partly implemented

Recommendation	Position	Full list of themes	Amnesty International's assessment/comments on level of implementation
107.112 Ensure safe access to legal abortion, including for female rape victims, within the public health system in all regions. Initiate a public debate on the decriminalization of abortion (Germany); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	E41 Right to health - General E43 Access to sexual and reproductive health and services F13 Violence against women S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented The legal framework has already changed to legalize abortion. Despite, safe access is not fully guaranteed.
107.110 Decriminalize abortion in all circumstances and ensure that women and girls can access safe and legal abortion (Iceland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented
107.111 Take steps to ensure that no woman or girl is subject to criminal sanctions for abortion (Norway); Implement all necessary measures, including legal measures, so that under no circumstances can women and girls be criminally prosecuted for having solicited or obtained an abortion (Switzerland); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	E41 Right to health - General E43 Access to sexual and reproductive health and services S03 SDG 3 - health S05 SDG 5 - gender equality and women's empowerment Affected persons: - women	Implemented

Theme: F31 Children: definition; general principles; protection

107.159 Include children from birth and not only after 45 days of life in the national early childhood plan (Colombia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	F31 Children: definition; general principles; protection E21 Right to an adequate standard of living - general Affected persons: - children	Implemented
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Theme: G3 Indigenous peoples

107.175 Ensure that indigenous peoples are fully involved in the process of drafting legislative or administrative measures that could affect them, and that projects affecting them would be subjected to a process of prior consultation (Estonia); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	G3 Indigenous peoples A41 Constitutional and legislative framework S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.173 Enhance participation of and consultation with indigenous peoples and communities on public policies affecting them, including with regard to national resource exploitation and territorial claims, taking into account relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples (Canada); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented
107.178 Take further steps to ensure indigenous peoples right to consultation, to obtain their free, prior and informed consent before proceeding with legal and administrative measures that may affect their rights (Norway); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	G3 Indigenous peoples S16 SDG 16 - peace, justice and strong institutions Affected persons: - Indigenous peoples	Not implemented

Theme: G4 Migrants

107.184 Guarantee that the decree of necessity and the procedural guarantees in deportation proceedings the human rights of migrant population (Mexico); Source of position: A/HRC/37/5/Add.1 - Para. 107	Noted	G4 Migrants S16 SDG 16 - peace, justice and strong institutions Affected persons: - migrants	Implemented
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ANNEX 3

LA VOZ DE LOS JÓVENES EN EL EPU

Como Grupo de Jóvenes de Amnistía Internacional Argentina, nos interesa hacer hincapié en la necesidad de que las infancias, adolescencias y juventudes sean contempladas en las decisiones de los tres poderes del Estado. Esto implica no sólo el cumplimiento de recomendaciones realizadas por organismos internacionales específicamente sobre nuestros derechos, sino también la inclusión de nuestra perspectiva a la hora de garantizar, legislativa y políticamente, derechos humanos y advertir sus vulneraciones.

Nuestra visión en este examen es sumamente importante, en tanto somos la generación que va a vivir el mundo del futuro. Nuestra perspectiva no es la misma que la de quienes vienen habitándolo y participando en la toma de decisiones desde hace años: tenemos otras problemáticas, vivimos otras realidades y podemos aportar otras visiones. Sin embargo, pocas veces las medidas que se toman desde el Estado tienen en cuenta que van a impactar en nosotrxs de una manera diferente, que tenemos ideas para aportar, que somos parte de la sociedad y por lo tanto merecemos ser escuchadxs. No es lo mismo pensar, por ejemplo, en Educación Sexual Integral destinada a y pensada para nosotrxs que para adultxs. Es necesario, también, que nuestras voces, opiniones e ideas estén presentes en los procesos de discusión de las decisiones que nos van a afectar a nosotrxs, dado que nuestra perspectiva y forma de vida no son las mismas que la de lxs adultxs. ¿Quién mejor que nosotrxs mismxs para contar cómo se siente unx jóven y/o cuáles son sus necesidades, preocupaciones y deseos?

Es hora de ver cómo las medidas de los Estados nos afectan a las juventudes. En este sentido, existen pocas previsiones normativas que incluyan la perspectiva joven o la especial protección que merecen las infancias y adolescencias respecto a los derechos que garantizan. Tampoco contamos con normas que aseguren nuestra participación en espacios políticos, legislativos y/o judiciales.

A través de este documento buscamos complementar el informe de Amnistía Internacional Argentina agregando nuestra perspectiva y sumando otras cuestiones propias de la juventud que deben ser atendidas. Es por esto que nos remitimos a él en cuanto al marco normativo actual en Argentina y la descripción de la situación en el terreno sobre las violaciones a derechos que allí se refieren.

A continuación, repasaremos algunas recomendaciones que consideramos fundamentales, el estado de su implementación y recomendaciones propias de este Grupo de Jóvenes en función de ello, como complemento y sin perjuicio de lo abordado en el informe principal. Esto lo haremos sobre nuestros ejes principales de trabajo: a) derechos sexuales y reproductivos, b) derechos digitales, c) justicia climática y d) derecho a la participación ciudadana de niños, niñas y adolescentes (NNyA) y jóvenes.

1. DERECHO DE NNyA Y JÓVENES A LA PARTICIPACIÓN CIUDADANA

Consideramos fundamental nuestra participación, que hoy no se encuentra regulada en ninguna norma sobre juventudes y sobre la cual a su vez el Estado Argentino no recibió ninguna recomendación.

El derecho a la participación es una herramienta fundamental para el avance de todos los demás derechos: más allá de la existencia de ciertos mecanismos de participación ciudadana donde lxs jóvenes contribuimos a modo de consulta, en la verdadera toma de decisiones aún siguen persistiendo prácticas paternalistas y adultocéntricas. Entendiendo a la juventud solo como una etapa de transición hacia la adultez y sin visualizar a lxs jóvenes como sujetos de derechos de plena ciudadanía, estas formas de actuar discriminan, subordinan y relegan nuestras visiones acerca de problemáticas que también nos atraviesan.

Seguimos percibiendo una evidente falta de diversidad en cuanto a las voces representadas en las instituciones públicas y muy poco impulso político de cambiar significativamente la forma en que históricamente se han hecho las cosas.

Escuchamos mucho acerca de las próximas generaciones, sin advertir que “las próximas generaciones” están en capacidad de decidir. En el mundo casi el 50% de la población está por debajo de los 30 años y pese a ello solo el 2,6% de sus representantes legislativos no supera esa edad.¹ En Argentina los números no demuestran lo contrario, se estima que un 46,92%² de la ciudadanía no llega a los 30 años y únicamente el 1,16% de los legisladores es joven. Es fácil entonces comprender el por qué hoy más del 52% de lxs jóvenes en Argentina siente que sus ideas no se ven representadas.³

¹ https://beseenbeheardcampaign.com/static/media/UN_REPORT_TBS_ACCESSIBLE.b891cbcfa84c773f78e5.pdf

² https://www.indec.gob.ar/ftp/cuadros/publicaciones/proyeccionesyestimaciones_nac_2010_2040.pdf

³ A su vez de que 6 de cada 10 menciona que quisiera jóvenes tener representación etaria en el Congreso Nacional y que los temas de su interés sean debatidos en el ámbito parlamentario.
<https://www.unicef.org/argentina/media/13411/file/Juventudes%20argentinas%20y%20prioridades%20de%20pol%C3%ADtica%20p%C3%ABlica.pdf>

Pese a que en nuestro país la participación política de las juventudes se ha visto incrementada desde 2012 de la mano de la ley de voto joven⁴ y las luchas por el acceso y la expansión de los derechos en causas que nos movilizan⁵, en Argentina no existe marco normativo alguno que nos pueda asegurar un rol activo en la toma de las decisiones.

Es tarea del Estado fomentar un lugar central de la población en las cuestiones públicas, en especial de las juventudes, abordando el desafío de contribuir a la consolidación de sociedades igualitarias sobre la base de la construcción de consensos plurales desde una labor con perspectiva colaborativa e intergeneracional.

Garantizar que la juventud participe plena y activamente en las discusiones sobre políticas públicas no solo garantizará derechos ya reconocidos⁶ sino que más bien contribuirá al cambio de viejos paradigmas, incorporando experiencias y propuestas al debate público desde una perspectiva distinta, una perspectiva fresca, innovadora y creativa.

Por todas estas razones, solicitamos al Estado argentino adoptar las siguientes recomendaciones:

1. Generar campañas de sensibilización para el mundo adulto, visibilizando la importancia de respetar y promover el derecho a la participación de niños, niñas, adolescentes y jóvenes.
2. Ampliar el liderazgo de los jóvenes en el diseño y la implementación de políticas públicas a través de programas en la órbita de los tres poderes del Estado, que recaben información sobre su participación actual, la promuevan, les otorguen las herramientas y habilidades necesarias y eliminen los obstáculos normativos y culturales existentes.

2. Derechos Sexuales Reproductivos y no Reproductivos

Argentina recibió recomendaciones relativas a garantizar los derechos sexuales y reproductivos⁷, combatir la violencia, protegiendo a mujeres y diversidades y en especial a niños, niñas y adolescentes⁸ y legislar el acceso a servicios de salud sexual y reproductiva, incluyendo el aborto legal y seguro⁹.

Si bien es cierto que hubo avances, como la aprobación de la Ley N° 27.610 de Acceso a la Interrupción Voluntaria del Embarazo, aún queda mucho por hacer en cuanto al respeto, protección y garantía de estos derechos.

Además de lo descripto en el informe principal, nos interesa enfocarnos en los problemas que hoy tiene la implementación de la **Ley Nacional de Educación Sexual Integral (ESI)**. La educación sexual integral es fundamental e impostergable. Los niños, niñas y jóvenes tenemos derecho a recibir educación sexual integral sin obstáculos ni demoras.

El Programa de Educación Sexual Integral fue creado en 2006 por la Ley N° 26.150 y establece que: *“Todos los educandos tienen derecho a recibir Educación Sexual Integral en los establecimientos educativos públicos, de gestión estatal y privada (...)”* en todo el país. Esto implica que toda/os las/os estudiantes tienen el derecho a recibir Educación Sexual Integral en su periodo de formación. Pero esto ¿se cumple?

Como jóvenes creemos que la implementación de la ESI en las escuelas contiene muchas falencias y en muchos casos ni siquiera se cumple. A pesar de los 12 años de vigencia de la ley, únicamente diez provincias sancionaron leyes de educación sexual, pero aún en estas jurisdicciones existe resistencia para

⁴ El 31 octubre de 2012 se sancionó la Ley de Ciudadanía Argentina número 26.774, más conocida como “Ley de Voto Joven”, que establece el derecho de las personas jóvenes de 16 y 17 años, nativas o naturalizadas argentinas, a participar en elecciones, ejercer el derecho al voto y elegir a sus representantes.

⁵ No es novedad hablar de las recientes oleadas de activismo juvenil en Argentina. Es un ejemplo de ello su participación clave en la lucha por la aprobación del acceso a la interrupción voluntaria del embarazo (Ley 27.610) como también su continua reacción y reclamo frente a la explotación de los recursos naturales y las consecuencias del cambio climático.

⁶ El derecho a ser oído y el derecho a participar son derechos reconocidos en el sistema internacional de protección de los derechos humanos, en la Convención de los derechos del niño de 1987. En Argentina a su vez, estos derechos están reconocidos en la Ley de Protección Integral de los Derechos de las Niñas, Niños y Adolescentes (Ley 26.061)

⁷ A/HRC/37/5/Add.1 - Párr. 107, Recomendaciones: 107.95 (Botswana), 107.96 (Uruguay), 107.97 (Irak), 107.118 (Bahrein), 107.126 (China), 107.127 (Bosnia and Herzegovina) y 107.132 (Namibia).

⁸ El Comité de los Derechos del Niño (CDN) recomendó que el Estado argentino adopte un marco nacional de coordinación entre administraciones e instituciones, tanto en el plano nacional como provincial, para responder adecuadamente a las situaciones de violencia, los malos tratos y el descuido de que son víctimas los niños, prestando especial atención a sus dimensiones de género. (Observaciones finales sobre los informes periódicos quinto y sexto combinados de la Argentina - 1 de octubre de 2018)

⁹ A/HRC/37/5/Add.1 - Párr. 107, Recomendaciones: 107.102 (Canadá), 107.104 (Islandia), 107.106 (Italia), 107.108 (Eslovenia), 107.109 (Eslovenia), 107.110 (Islandia), 107.111 (Noruega y Suiza), 107.112 (Alemania), 107.129 (India), 107.130 (Libia); y 107.149 (Montenegro y Paraguay).

su efectiva implementación. Según información del Ministerio de Educación de la Nación, 8 de cada 10 estudiantes han dicho que no reciben educación sexual en sus escuelas¹⁰.

En mayo de 2018, el Comité de los Derechos del Niño de Naciones Unidas llamó a Argentina a asegurar que la educación sobre salud sexual y reproductiva forme parte del plan de estudios obligatorio de la escuela y que se desarrolle con el involucramiento de niños, niñas y adolescentes. Como adolescentes en edad escolar, no creemos que sea suficiente que la ESI se dé como tal como un seminario de unos días al año, más allá de que sea transversal a otras materias. Debe ser una asignatura regular, ya que necesita un proceso de aprendizaje y debe brindar un espacio de apoyo, dudas e información diaria para los/as alumno/as.

Por otro lado, en los casos en los que sí se trabaja con la ESI, muchas veces se hace desde una perspectiva biologicista y heteronormativa,¹¹ lo cual es contrario a lo que se promueve en la Ley Nacional que la regula. A través de la ESI se debe poder aprender a construir relaciones basadas en respeto e igualdad, identificar qué es un abuso y/o un acoso, y derribar con los mandatos machistas.¹²

En segundo lugar, queremos explayarnos sobre la insuficiente **regulación de la gestión menstrual**. En Argentina, más de 12 millones de niñas, adolescentes, mujeres, varones trans y no binaries menstrúan y sin embargo las dificultades de acceso a los productos y la falta de educación sobre la temática son notorias, lo que impacta directamente en una profundización de las desigualdades de género ya existentes y en un obstáculo a su salud y al acceso de derechos elementales como la educación, el trabajo y el recreo. Garantizar el acceso a la gestión menstrual implica visibilizar la problemática y crear y llevar a cabo políticas públicas al respecto¹³. Además, permite derribar tabúes y estigmatizaciones que aún hoy en día persisten, por lo que en este punto cabe recalcar nuevamente la necesidad de la efectiva implementación de la ESI tras 16 años de su creación.

Por su parte el acceso a copas menstruales, toallitas, y elementos de higiene utilizadas durante el ciclo de la menstruación impacta no solo mes a mes en la economía de todas las personas menstruantes sino también en el medioambiente: el uso de estos productos por año llega a alrededor de 132 mil toneladas de residuos (una toallita tarda en degradarse unos 500 años aproximadamente).¹⁴

Por todo lo mencionado, recomendamos que el Estado adopte las siguientes medidas:

1. Garantice la implementación efectiva de la ESI en todas las jurisdicciones, desde una mirada amplia no biologicista, que incluya la reflexión sobre prácticas y estereotipos sociales y culturales, que incluya el reconocimiento total de los derechos de las mujeres, de la comunidad LGBTI+ y en particular el derecho al aborto, incluyendo mecanismos de rendición de cuentas en caso de violación de la ley. Asimismo, debe capacitarse correctamente a los docentes en este sentido.
2. Que progresivamente se tomen las medidas legislativas y de política pública necesarias para que la ESI sea una materia más dentro del programa de estudios de las instituciones primarias y secundarias.
3. Establezca o fomente programas informativos en medios masivos de comunicación sobre las aristas que abarca la Ley Nacional de Educación Sexual Integral con el objetivo de concientizar sobre su importancia.
4. Tome medidas para integrar la gestión sustentable de la salud menstrual a las leyes nacionales y políticas públicas, con el objetivo de garantizar que cada persona menstruante tenga el mismo acceso a los productos de gestión y de reducir el impacto desproporcionado sobre quienes viven en condiciones vulnerables. Esto incluye garantizar precios accesibles y estables, así como la entrega de productos en forma gratuita.

3. JUSTICIA CLIMÁTICA

¹⁰ Ministerio de Educación, Cultura, Ciencia y Tecnología de la Nación. Aprender 2018.

https://www.argentina.gob.ar/sites/default/files/informe_esi_primaria_web.pdf

¹¹ Ver informe "Es Con ESI" (2021) elaborado por Casa Fusa y otros, disponible en <https://esconesi.com/wp-content/uploads/2021/06/Informe-Relevamiento-EsConESI.pdf>

¹² Eguizabal, I., & Mérida, M. (2020, December 23). *Qué ideas proponen adolescentes y jóvenes para eliminar la violencia de género desde políticas públicas- RED/ACCIÓN*. Red/Acción. Retrieved June 26, 2022, from <https://www.redaccion.com.ar/que-politicas-publicas-proponen-adolescentes-y-jovenes-para-eliminar-la-violencia-de-genero/>

¹³ Para más información ver "Justicia menstrual: igualdad de género y gestión menstrual sostenible", disponible en https://www.argentina.gob.ar/sites/default/files/justicia_menstrual_version_digital.pdf

¹⁴ Ver <https://ecofeminista.com/sangre-sudor-y-gastos-por-que-la-menstruacion-es-un-factor-de-desigualdad-2/?v=5b61a1b298a0>

Sobre esta temática, Argentina recibió recomendaciones relativas a garantizar plenamente los derechos de los pueblos indígenas¹⁵, así como el derecho a la salud y a la alimentación de toda la población¹⁶. Asimismo, el Comité de los Derechos del Niño le recomendó reforzar la aplicación de medidas para proteger la salud física y mental de los niños y jóvenes contra los daños ambientales.¹⁷

Dado que la crisis climática pone en riesgo el derecho a la vida, al agua, a la alimentación, a la vivienda, a la salud, al saneamiento, a un nivel de vida adecuado, al trabajo, al desarrollo, a un medioambiente saludable, a la cultura y a la libre determinación, así como el derecho a no sufrir discriminación ni trato cruel, inhumano y degradante¹⁸, y en tanto importa una lucha existencial de las juventudes que determinará las condiciones de existencia y subsistencia de las mismas, nos interesa destacar algunos ejes.

En primer lugar, la asignación insuficiente de recursos a la adaptación y mitigación al cambio climático resulta sumamente preocupante para nuestro futuro. El Estado Nacional se comprometió¹⁹ a destinar recursos a las agendas de adaptación y mitigación al cambio climático. Sin embargo, el Ministerio de Ambiente y Desarrollo Sostenible cuenta con el menor presupuesto inicial asignado de todas las carteras del Estado.²⁰

Por otro lado, nos interesa visibilizar el incumplimiento de la Ley Nacional de Bosques.²¹ Ésta divide los bosques de todo el país según el destino al que pueden ser sometidos, y por lo tanto limita las áreas que pueden ser desmontadas, pero no se cumple: más del 80% de los desmontes en la provincia de Santiago del Estero, la que más desmontó en 2021, fueron en áreas donde estaba prohibido.²² Lo mismo sucede con el Plan Nacional de Adaptación y Mitigación al Cambio Climático,²³ aprobado en 2019, que si bien habla de “Manejo sustentable de agroecosistemas para promover la resiliencia de los sistemas productivos”, en los hechos el desmonte durante 2019 excedió lo permitido.²⁴ Esto pone en peligro el derecho de las generaciones presentes y futuras a un ambiente sano y la garantía de nuestros medios de subsistencia (“*livelihoods*”).

En tercer lugar, queremos destacar la falta de avance de los proyectos de leyes relativos a la agenda ambiental, destacándose la ley de delitos ambientales y la ley de humedales. La primera²⁵ busca que se contemplen dentro del código penal los delitos contra el ambiente; que hoy en Argentina no tienen penalización²⁶. La segunda busca la generación de un Inventario Nacional de Humedales para su clasificación en línea con lo dispuesto en la ley de bosques y su efectiva protección. Se han presentado 15 proyectos de ley, y ninguno ha sido aprobado.²⁷

¹⁵ A/HRC/37/5/Add.1 - Párr. 107, Recomendaciones: 107.22 (Venezuela), 107.35 (Argelia), 107.177 (Alemania) y 107.181 (Senegal).

¹⁶ Informe final de la Relatora Especial de Derecho a la Alimentación de Naciones Unidas luego de su visita a la Argentina en septiembre de 2018, recomendación “e”. Disponible en https://www.senado.gob.ar/bundles/senadomicrositios/pdf/observatorio/OBSERVACIONES_FINALES_RELATORA_DERECHO_A_LA_ALIMENTACION%20C3%93N.pdf

¹⁷ Comité de los Derechos del Niño, Observaciones finales sobre los informes periódicos quinto y sexto combinados de la Argentina (CRC/C/ARG/CO/5-6)

¹⁸ Ver “¡Dejen de destruir nuestros derechos!”, pág. 4. Documento elaborado por Amnistía Internacional en 2021, disponible en <https://www.amnesty.org/es/documents/pol30/4110/2021/es/>

¹⁹ A través de la ley 27.520 de Presupuestos Mínimos para Adaptación y Mitigación al Cambio Climático, <http://servicios.infoleg.gob.ar/infolegInternet/verNorma.do?id=333515>; La Segunda Contribución Determinada a Nivel Nacional (NDC) publicada en el año 2020, <https://www.argentina.gob.ar/ambiente/cambio-climatico/contribucion-nacional>; y el Plan Nacional de Adaptación y Mitigación al Cambio Climático, <https://argentinambiental.com/legislacion/nacional/resolucion-447-19-plan-nacional-de-adaptacion-y-mitigacion-al-cambio-climatico/>

²⁰ Monitor presupuestario <https://monitorpresupuestario.acij.org.ar/monitor/explorar>

²¹ Ley 26.331 de presupuestos mínimos para la protección ambiental de los bosques nativos <http://servicios.infoleg.gob.ar/infolegInternet/anexos/135000-139999/136125/norma.htm>

²² Deforestación en el norte de Argentina informe anual 2021 - Greenpeace p. 13 <https://www.greenpeace.org/static/planet4-argentina-stateless/2022/01/dac55bb3-informe-anual-2021-desmontes.pdf>

²³ <http://servicios.infoleg.gob.ar/infolegInternet/anexos/330000-334999/332234/res447-1.pdf>

²⁴ Ver <https://www.greenpeace.org/static/planet4-argentina-stateless/2022/01/dac55bb3-informe-anual-2021-desmontes.pdf>

²⁵ Proyectos de ley de delitos ambientales - Monitor Legislativo Ambiental <https://www.lanacion.com.ar/comunidad/monitor-legislativo-ambiental-nid04062021/#/delitosambientales>

²⁶ Delitos ambientales: por qué la cuarta actividad delictiva del mundo no tiene leyes que condenen los daños a la naturaleza - Infobae <https://www.infobae.com/sociedad/2022/06/29/delitos-ambientales-por-que-la-cuarta-actividad-delictiva-del-mundo-no-tiene-leyes-que-condenen-los-danos-a-la-naturaleza/>

²⁷ Proyectos de ley de humedales - Monitor Legislativo Ambiental. <https://www.lanacion.com.ar/comunidad/monitor-legislativo-ambiental-nid04062021/#/humedales>

Por último, tal como dijo el Comité de Derechos del Niño en sus recomendaciones de 2018 al Estado Argentino, es necesario contemplar la afectación de nuestra salud física y mental contra los daños ambientales.²⁸ Hoy no existen programas específicos de ningún poder del Estado que se ocupen de esto.

Por todo lo desarrollado, recomendamos al Estado Argentino adoptar las siguientes recomendaciones:

1. Promueva normas para la efectiva protección ambiental y garantice la aplicación de aquellas que ya existen, incluyendo el cumplimiento de la Ley de Bosques y la efectiva ejecución del presupuesto comprometido para esta agenda a través de las leyes y planes de acción citados.
2. Promueva políticas de educación sobre los riesgos para la salud física y mental de NNyA del cambio climático y el daño ambiental.
3. Genere espacios de participación para las voces de las personas jóvenes en la definición de las políticas ambientales.

4. Derechos digitales

En lo relativo al uso de las nuevas tecnologías y el acceso a la información digital, la Argentina recibió recomendaciones sobre la informatización en los sistemas de vigilancia, la privacidad y protección de los datos colectados por los poderes del Estado o por empresas privadas, y el acceso de la población (especialmente NNyA) al Internet y a los dispositivos tecnológicos.^{29, 30}

Considerando la importancia que tiene hoy día el uso de la tecnología en las juventudes, tanto para la formación educativa en todos los niveles como para el desarrollo profesional y/o laboral, resulta indispensable que Estado argentino garantice el acceso a Internet y a los nuevos dispositivos electrónicos en todas las zonas del país y para todas las poblaciones, especialmente en aquellas no urbanas.

En particular, nos interesa destacar el **estado de la conectividad de los hogares**, sobre todo teniendo en cuenta la función esencial que cumplió a nivel educativo durante la pandemia. Desde el último EPU en 2017, y según datos del Instituto Nacional de Estadística y Censos (INDEC), el acceso a internet pasó del 75,9% de los hogares urbanos al 90,4%,³¹ impulsado casi únicamente por el aumento en el uso de internet móvil a través de teléfonos celulares. Resulta especialmente preocupante el bajo acceso a las computadoras en los hogares argentinos, que se mantuvo en alrededor del 64% de los hogares urbanos de acuerdo con el citado informe del INDEC. Si bien los dispositivos móviles permiten el acceso a internet, no reemplazan por completo el uso de una computadora. Ciertos planes impulsados por el Estado como *Conectar Igualdad* para entregar computadoras portátiles a poblaciones vulnerables se han desacelerado en los últimos años, y solo la mitad de las escuelas cuenta con conectividad digital.³²

En los grupos de 4 a 12 años y 13 a 17 años, la utilización de internet pasó del 68,5% y 89,2% de las personas al 82,7% y 94,5% respectivamente. Este acceso, sin embargo, continúa mostrando diferencias entre regiones del país, observándose una penetración de Internet menor en el norte del país y muchísimo menor en los parajes rurales, de los cuales más de un 40% carece de acceso a la red.³³

La pandemia por COVID-19 y la virtualización de los entornos de aprendizaje mostró que si el nivel económico de las familias acaba determinando este acceso, las desigualdades estructurales en el sistema educativo se vuelven cada vez más profundas y dificultan el acceso de lxs jóvenes a niveles educativos superiores o al mercado laboral. Para mitigar esta desigualdad, en agosto de 2020 se declaró el acceso a internet como servicio público esencial,³⁴ pero su implementación está suspendida a través de una medida cautelar judicial.³⁵ De igual modo, la creación de planes básicos de televisión, internet y telefonía móvil y fija a precios accesibles que deben ser garantizados por todos los proveedores, conocidos como Prestación Básica Universal (PBU),³⁶ ha representado un avance en la materia, pero la existencia de estos servicios es poco conocida por la sociedad.

Por último, el acceso a Internet al día de hoy está estrechamente vinculado con el uso de redes sociales, especialmente entre NNyA y jóvenes en general. El cambio en la dinámica de uso de las redes sociales y el hecho de que usuarios cada vez más jóvenes ingresen a las mismas obliga al Estado argentino a tomar

²⁸ Sobre el vínculo entre salud mental y ambiente ver, por ejemplo, https://www.redaccion.com.ar/por-que-la-salud-mental-debe-preocuparnos-y-ocuparnos-en-el-contexto-de-cambio-climatico-ii/?utm_source=RED%2FACCI%C3%93N&utm_campaign=aa46567aff-EMAIL_CAMPAIGN_2019_02_08_12_48_COPY_02&utm_medium=email&utm_term=0_4a3e7f9768-aa46567aff-379806138

²⁹ Visita a la Argentina Informe del Relator Especial sobre el derecho a la privacidad (A/HRC/46/37/Add.5) - sección 3

³⁰ Comité de los Derechos del Niño, Observaciones finales sobre los informes periódicos quinto y sexto combinados de la Argentina (CRC/C/ARG/CO/5-6) - secc. C artículo 19

³¹ "Acceso y uso de tecnologías de la información y la comunicación. EPH" del Instituto Nacional de Estadística y Censos para el 4to trimestre de 2017 (https://www.indec.gob.ar/uploads/informesdeprensa/mautic_05_18.pdf) y el 4to trimestre de 2021 (https://www.indec.gob.ar/uploads/informesdeprensa/mautic_05_22843D61C141.pdf)

³² Extraído de <https://chequeado.com/el-explicador/netbooks-el-gobierno-nacional-no-entrego-las-500-mil-prometidas-y-solo-la-mitad-de-las-escuelas-estan-conectadas/>

³³ Extraído de <https://www.telam.com.ar/notas/202112/579018-parajes-rurales-internet-agricultura-familiar.html>

³⁴ Decreto 690/2020 P.E.N. del 21/08/20 (<https://www.boletinoficial.gob.ar/detalleAviso/primera/233932/20200822>)

³⁵ Extraído de <https://www.iprofesional.com/legales/361214-telecom-la-justicia-prorroga-seis-meses-la-cautelar-contra-dnu>

³⁶ Según detallado en la página del ENACOM: https://www.enacom.gob.ar/prestacion-basica-universal_p4792

medidas para proteger a NNyA de los riesgos vinculados con la red. El avance en este aspecto desde 2017 fue limitado únicamente a campañas de difusión sin una penetración muy fuerte, sin diseñar nuevas políticas o reglamentaciones que protejan a los usuarios de Internet, y sin simplificar el acceso a la justicia cuando efectivamente se transgrede una norma sobre discriminación o acoso.

Por todo lo desarrollado, recomendamos al Estado Argentino adoptar las siguientes recomendaciones:

1. Modifique la legislación vigente para convertir el acceso a internet en un servicio público esencial, de forma tal que se asegure la conectividad de NNyA en todo el territorio argentino, tanto en escuelas como en hogares, priorizando que sea a través de computadoras. Asimismo, tome las medidas normativas y administrativas necesarias para garantizar la debida implementación de la Prestación Básica Universal por parte de las empresas proveedoras y realice campañas para difundir su existencia.
2. Apruebe legislación específica para mitigar riesgos en el uso de redes sociales e implemente mecanismos de intervención fácil y rápida frente a situaciones de acoso o discriminación, focalizándose específicamente en la protección de NNyA y jóvenes sin importar su género, etnia o condición económica.

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- ¹ Conseil des droits de l'homme de l'ONU, Rapport du Groupe de travail sur l'Examen périodique universel : Argentine, le 22 décembre 2017, paragraphe 107, doc ONU A/HRC/37/5 et son additif doc ONU A/HRC/37/5/Add.1, recommandations : 107.95 (Botswana), 107.96 (Uruguay), 107.97 (Irak), 107.118 (Bahreïn), 107.126 (Chine), 107.127 (Bosnie-Herzégovine), 107.132 (Namibie).
- ² A/HRC/37/5/Add.1, recommandations : 107.102 (Canada), 107.104 (Islande), 107.106 (Italie), 107.108 (Slovénie), 107.109 (Slovénie), 107.110 (Islande), 107.111 (Norvège et Suisse), 107.112 (Allemagne), 107.129 (Inde), 107.130 (Libye) ; 107.149 (Monténégro et Paraguay).
- ³ A/HRC/37/5/Add.1, recommandations : 107.38 (Slovaquie), 107.47 (Allemagne), 107.48 (République bolivarienne du Venezuela).
- ⁴ A/HRC/37/5/Add.1, recommandations : 107.13 (Costa Rica), 107.49 (États-Unis), 107.62 (Ghana), 107.63 (République tchèque), 107.64 (Estonie, France, Mexique, Slovaquie), 107.65 (Honduras et Suisse), 107.66 (Paraguay).
- ⁵ A/HRC/37/5/Add.1, recommandations : 107.22 (République bolivarienne du Venezuela), 107.35 (Algérie), 107.177 (Allemagne), 107.181 (Sénégal).
- ⁶ A/HRC/37/5/Add.1, recommandations : 107.11 (Géorgie, Guatemala et République de Corée), 107.12 (Slovaquie), 107.13 (Costa Rica).
- ⁷ Secrétariat national pour les droits humains et le pluralisme culturel, *Examen national intermédiaire de l'Argentine*, 2019, https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/AR/Argentina_ThirdCycle.docx
- ⁸ A/HRC/37/5/Add.1, recommandations 107.62-66 (Ghana, République tchèque, Estonie, France, Mexique, Slovaquie, Suisse, Paraguay)
- ⁹ Comme suggéré par le Comité pour l'élimination de la discrimination à l'égard des femmes (CEDAW) dans ses observations finales à l'Argentine CEDAW/C/ARG/CO/7, et conformément à la recommandation A/HRC/37/5/Add.1, Para. 107, recommandation 107.153 (Canada).
- ¹⁰ Página 12, *La Corte y las desventuras del señor Huang*, décembre 2021, <https://www.pagina12.com.ar/388744-la-corte-y-las-desventuras-del-senor-huang>
- ¹¹ A/HRC/37/5/Add.1, recommandation 107.177 (Allemagne)
- ¹² A/HRC/37/5/Add.1, recommandation 107.10 (Australie) ; 107.11 (Géorgie, Guatemala et République de Corée) ; 107.12 (Slovaquie) ; 107.13 (Costa Rica).
- ¹³ Il s'agit de l'institution nationale habilitée à protéger les droits humains en enquêtant sur les violations des droits humains, en les documentant et en les dénonçant au pouvoir judiciaire. L'absence d'un-e défenseur-e officiel empêche l'institution de mener à bien sa mission. Cela se traduit par une diminution du nombre de présentations judiciaires dans le domaine la défense des droits. Depuis 2018, le bureau du médiateur n'a engagé aucune poursuite et n'a participé à aucune action légale, même s'il s'agit d'une de ses missions principales, selon la Constitution nationale et la Loi organique. <http://www.dpn.gob.ar/anales.php>
- ¹⁴ Le système de suivi des recommandations (SIMORE) est un outil informatique en ligne qui compile les recommandations et observations reçues par l'Argentine de la part du système international dans le domaine de la protection des droits humains, argentina.gob.ar/derechoshumanos/sistema-de-monitoreo-de-recomendaciones. A/HRC/37/5/Add.1, recommandation 107.5 (Géorgie) ; 107.6 (Portugal).
- ¹⁵ Institut national des statistiques et des recensements (INDEC), *EPH : Incidencia de la Pobreza y de la Indigencia*, 2021, <https://www.indec.gob.ar/indec/web/Nivel3-Tema-4-46>
- ¹⁶ Institut national des statistiques et des recensements (INDEC), *Encuesta Permanente de Hogares. Mercado de trabajo. Tasas e indicadores socioeconómicos*, 2022, <https://www.indec.gob.ar/indec/web/Nivel4-Tema-4-31-58>
- ¹⁷ En particulier, deux décisions judiciaires ont récemment été rendues concernant la communication n° 187/2020 — Cintia Paola Villalba et autres — et la communication n° 245/2021 — Miguel Ángel Palacios y Palacios - toujours en instance devant le Comité DESC. Elles enfreignent les mesures provisoires ordonnées par le Comité.
- ¹⁸ Amnesty International Argentine, rapport sur l'accès à l'avortement légal, *Aborto legal. No se ejerce un derecho que se desconoce* 2021, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/12/Informe-No-se-ejerce-un-derecho-que-se-desconoce.pdf>
- ¹⁹ Miranda Ruiz, une docteur de Tartagal, dans la province de Salta, fait l'objet d'une enquête criminelle après avoir autorisé un avortement légal médicamenteux auto-administré. Amnesty International Argentine, communiqué de presse sur l'affaire Miranda Ruiz, 2021, <https://amnistia.org.ar/accion-urgente-global-de-amnistia-internacional-contra-la-criminalizacion-de-una-medica-que-cumplio-con-la-ley-de-aborto-legal/>
- ²⁰ Chaque jour, plus de 3 enfants âgés de moins de 15 ans accouchent, souvent à la suite de violences. Rapport du gouvernement argentin, ministère national de la Santé, 2022, https://www.argentina.gob.ar/sites/default/files/serie5numero64_web.pdf.

Entre 2019 et 2020, malgré une diminution de 26 % du nombre de grossesses de mineures âgées de 10 à 19 ans, plus de 50 000 d'entre elles donnent naissance chaque année.

²¹ Selon l'UNICEF, 10 % des filles et adolescentes en Argentine ne vont pas à l'école pendant leurs règles. UNICEF et ministère argentin de l'Économie, *Acceso a la gestión menstrual para más igualdad. Herramientas y acciones para gobiernos locales*, février 2022.

²² Base de données nationale sur les féminicides, Cour suprême d'Argentine, Bureau des femmes, 2022. Voir plus :

<https://om.csjn.gob.ar/consultaTalleresWeb/public/documentoConsulta/verDocumentoById?idDocumento=114>

²³ L'UNICEF et le ministère argentin de la Justice et des Droits humains *Un análisis de los datos del programa "Las víctimas contra las violencias" 2020-2021*, <https://www.unicef.org/argentina/informes/serie-violencia-contra-ninas-ninos-y-adolescentes>

²⁴ Bureau du procureur, unité spécialisée dans la violence faite aux femmes, 2019, https://www.mpf.gob.ar/ufem/files/2019/10/Informe_UFEM.pdf

²⁵ Durant les débats publics concernant l'adoption de la loi sur l'avortement, les injures à l'encontre des défenseuses des droits humains ont augmenté de 42 %. Amnesty International, 2021, Feuille de score de Twitter, https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/12/FINAL-twitter_scorecard_spanish_2021.pdf

²⁶ Amnesty International Argentine, Tabla de Puntuación de Twitter, septembre 2021 https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/12/FINAL-twitter_scorecard_spanish_2021.pdf

²⁷ *Buenos Aires Times*, avril 2021, <https://www.batimes.com.ar/news/argentina/protesters-use-trans-visibility-day-to-highlight-missing-youngsters-disappearance.phtml>

²⁸ Amnesty International Argentine, Amnistía Internacional publica una guía con información fundamental sobre la Ley de Educación Sexual Integral, 2021, <https://amnistia.org.ar/amnistia-internacional-publica-una-guia-con-informacion-fundamental-sobre-la-ley-de-educacion-sexual-integral-es/>

²⁹ Il s'inscrit en effet dans le cadre de la résolution 967/21, approuvée par le ministre de l'Éducation de la province de Chaco et ratifiée par le décret 2633/21, qui permet de faire des propositions « alternatives » d'éducation sexuelle dans la formation des enseignants.

³⁰ Par exemple, en mai 2020, les forces de sécurité ont fait irruption avec violence chez des membres de la communauté indigène qom à Fontana, dans la province du Chaco, et ont emmené et placé en détention trois jeunes hommes et une adolescente âgée de 16 ans. Ces personnes ont déclaré avoir subi des tortures et d'autres mauvais traitements. Malgré cela, les faits n'ont pas fait l'objet d'une enquête pour actes de torture potentiels. Aucune avancée marquante n'a été enregistrée concernant l'enquête sur la disparition et la mort de Facundo Astudillo Castro. Son corps avait été retrouvé 107 jours après le signalement de sa disparition, fin avril 2020. Il avait été aperçu pour la dernière fois à un poste de contrôle de la police dans la province de Buenos Aires. En juillet 2022, aucun policier n'avait été inculpé. L'absence de politique publique institutionnelle en matière de recherche des personnes disparues et d'enquête sur les disparitions forcées présumées restait préoccupante. En novembre 2021, Lucas González, un adolescent de 17 ans, a été tué par balle par des membres de la police de Buenos Aires après que des agent-e-s de police en civil qui circulaient dans un véhicule banalisé ont intercepté la voiture dans laquelle il roulait avec trois amis, qui ont également déclaré avoir subi des actes de torture et d'autres mauvais traitements. Voir le rapport d'Amnesty International, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2021/11/Amnisti%CC%81a-Internacional-Informe-Uso-de-la-Fuerza-COVID-19-2.pdf>

³¹ Bureau national du médiateur public, unité pour l'enregistrement, la systématisation et le suivi des actes de torture et autres formes de violence institutionnelle, 2021, https://www.mpd.gov.ar/pdf/ANEXO_URT_Final_Prog_Violencia_Institucional.pdf

³² Correpí, affaires de violences policières 2021, <http://www.correpi.org/2021/archivo-2021-la-deuda-es-con-el-pueblo/>

³³ Televisión Pública, décembre 2021, <https://www.tvpublica.com.ar/post/protestas-contra-la-megamineria-y-represion-en-chubut>; Página 12, décembre 2021, <https://www.pagina12.com.ar/389991-chubut-en-llamas-contra-la-megamineria-hubo-nuevas-marchas-y>

³⁴ Telam, mars 2022, <https://www.telam.com.ar/notas/202203/585774-pietragalla-detenido-jujuy.html>; Página 12, mars 2022, <https://www.pagina12.com.ar/414475-protesta-en-jujuy-por-las-ultimas-detenciones-de-gerardo-mor>

³⁵ Tiempo Argentino, décembre 2021, <https://www.tiempoar.com.ar/politica/masiva-protesta-en-chubut-contra-la-ley-de-megamineria-deriva-en-represion-e-incendio-de-la-gobernacion/>

³⁶ A/HRC/37/5/Add.1 — Para. 107, recommandation 107.177 (Allemagne).

³⁷ Ministère argentin de la Justice et des Droits humains. Institut national des affaires indigènes (INAI), <http://datos.jus.gob.ar/dataset/listado-de-comunidades-indigenas>

- ³⁸ Ministère de l'Environnement et du Développement durable. <https://www.argentina.gob.ar/noticias/cabandie-sobre-el-cierre-de-la-cop-26-cada-minuto-que-se-pierde-es-tiempo-que-no-se> ; <https://www.argentina.gob.ar/ambiente/accion/segunda-ndc>.
- ³⁹ Fundación Ambiente y Recursos Naturales (FARN), novembre 2021, <https://farn.org.ar/las-nuevas-metas-climaticas-argentinas-una-mejora-importante-pero-no-suficiente/>
- ⁴⁰ Informations relatives au développement des incendies et aux conditions climatiques dans l'ensemble du pays <https://www.telam.com.ar/notas/202201/580936-la-sequia-y-la-ola-de-calor-complican-la-situacion-de-los-incendios-forestales.html>; <https://noticias.perfil.com/noticias/ciencia/olas-de-calor-incendios-inundaciones-sequias-y-la-crisis-climatica.phtml>.
- ⁴¹En 2020, presque 1 200 000 hectares ont été touchés par le feu. En 2021, plus de 300 000 hectares ont été brûlés, et plus de 14 provinces ont déclaré faire face à des urgences liées au manque d'eau. Rapport du ministère de l'Environnement et du Développement durable, sur la gestion des incendies, https://www.argentina.gob.ar/sites/default/files/2021/12/14-enero-reporte_incendio.pdf. En février 2022, le groupe chargé des ressources naturelles de la station expérimentale agricole de Corrientes a indiqué qu'au mois de février, 934 238 hectares avaient été touchés par le feu dans la province de Corrientes, ce qui équivaut à 11 % de sa superficie totale. <https://inta.gob.ar/noticias/al-21-de-febrero-de-2022-la-superficie-quemada-fue-de-934238-hectareas>
- ⁴² Les zones humides représentent 21 % du territoire national, et contribuent au contrôle des incendies et des inondations. Les feux de ces dernières années dans le delta de Paraná et dans la province de Corrientes, et leurs conséquences sur l'environnement, ont remis à l'ordre du jour la nécessité d'approuver rapidement la loi relative aux zones humides.
- ⁴³ Fundación Ambiente y Recursos Naturales (FARN), *Ley de humedales: la tercera no fue la vencida*, 2021 : <https://farn.org.ar/ley-de-humedales-la-tercera-no-fue-la-vencida/>
- ⁴⁴ Centro de Estudios Legales y Sociales (CELS), 2021, Ningún ser humano es ilegal: la corte convalida la expulsión a migrantes que entraron al país de manera irregular, décembre 2021, <https://www.cels.org.ar/web/2021/12/ningun-ser-humano-es-ilegal-la-corte-convalida-la-expulsion-a-migrantes-que-entraron-al-pais-de-manera-irregular/>
- ⁴⁵ Fontoura Marquez, M. and Mussi, C., *La hospitalidad como respuesta*, juin 2021, <https://www.perfil.com/noticias/opinion/la-hospitalidad-como-respuesta-por-mariana-fontoura-marques-y-carolina-mussi.phtml>
- ⁴⁶ Département national des migrations, Décision 891/2022, <https://www.argentina.gob.ar/normativa/nacional/disposici%C3%B3n-891-2022-364999>
- ⁴⁷ Agence des Nations Unies pour les réfugiés, Argentina asumió 10 compromisos para la protección de personas refugiadas, décembre 2019, <https://www.acnur.org/noticias/press/2019/12/5dfc13e84/argentina-asumio-10-compromisos-para-la-proteccion-de-personas-refugiadas.html>
- ⁴⁸ Amnesty International Argentine, Rapport au Comité des droits économiques, sociaux et culturels des Nations Unies, octobre 2018, <https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2018/09/TB-CESCR-Argentina-submission-for-review-final-Aug-2018.pdf>. Des études révèlent que la durée du séjour a des conséquences sur le processus d'intégration locale, la première année étant la plus difficile pour les populations non-nationales, alors que seul un étranger sur dix a accès à la procédure pour obtenir des documents d'identité nationaux, essentiels pour l'intégration locale. Penchaszadeh, A. *La migración en clave temporal: la importancia del tiempo de residencia en la integración*, juin 2021, <https://www.telam.com.ar/notas/202106/559501-opinion-migrantes-pandemia.html>
- ⁴⁹ Penchaszadeh, A. *La migración en clave temporal: la importancia del tiempo de residencia en la integración*, juin 2021, <https://www.telam.com.ar/notas/202106/559501-opinion-migrantes-pandemia.html>
- ⁵⁰ ONU, Comité pour l'élimination de la discrimination raciale (CERD), CERD/C/ARG/CO/21-23, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/004/29/PDF/G1700429.pdf?OpenElement>, Comité des droits économiques, sociaux et culturels, (CESCR), E/C.12/ARG/CO/4 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fARG%2fCO%2f4. Également en conformité avec les recommandations du précédent examen dont l'Argentine a pris note : recommandations 107.173 (Canada) ; 107.175 (Estonie) and 107.178 (Norvège), doc. ONU A/HRC/37/5/Add.1 — Para. 107.