

**ARGENTINA AND THE UNIVERSAL PERIODIC
REVIEW:
UN System Support for implementing
UPR recommendations**

Good Practices Outline

**Resident Coordinator's Office
United Nations System in Argentina**



**NACIONES UNIDAS
ARGENTINA**

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I. INTRODUCTION

This document is meant to be a **reference and inspiration for countries carrying out similar or new actions** that, adapted to the specific context or actors in each country, **favour mainstreaming of the human rights approach by monitoring and implementing the Universal Period Review (UPR) recommendations.**

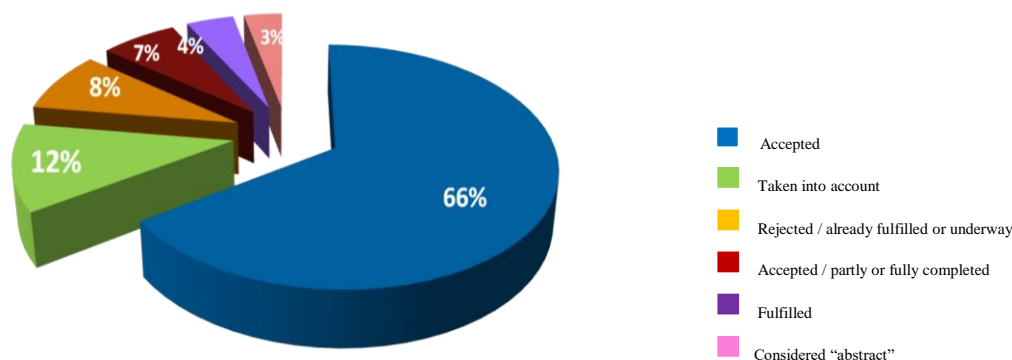
UPR is the new human rights mechanism established by the UN General Assembly (Resolution 60/251 of 15 March 2006), and managed by the Human Rights Council in Geneva. UPR helps to examine fulfillment of the human rights commitment by each of the 193 UN Member States.

UPR is a cooperation mechanism to review State actions in the field of human rights (HRR) by other states. The final outcome is a document including a series of recommendations that each examined State can accept or not.

The UPR general objectives encompass: improvement of the status of human rights in the field, in the country targeted by the review; fulfillment of the State's obligations and commitments as regards Human Rights; evaluation of progress made and challenges to be overcome, reinforcing the State's capacity to protect human rights; exchange of best practices among States, and cooperation in promoting and protecting human rights and fostering full cooperation with the Council, its mechanisms and other UN human rights bodies.

The Argentine State has been reviewed on two occasions, in 2008 and 2012. The second UPR (2012) focused on the recommendations accepted by the Argentine Government and on how the situation of human rights has evolved since the first review in 2008. As a result of the second review, 119 recommendations were set out, 66% of which were fully accepted by the Argentine State.

Chart I. UPR Recommendations 2012 as considered by the Argentine Government



At several bilateral meetings with the UN Resident Coordinator's Office (RCO) and the Regional Representative for South America of the UN Office of High Commissioner for Human Rights (OHCHR), the Argentine State voiced its interest and willingness **to generate joint actions to follow-up recommendations and other commitments arising from the UPR, as well as to promote their inclusion in the annual planning of state institutions with a view to their effective implementation.**

Given the Resident Coordinator's commitment towards this goal, **he has promoted a series of noteworthy actions through the RCO and together with the OHCHR Regional Office for South America. Such actions have led to outlining a good practice as regards the mainstreaming of the human rights approach and the implementation of UPR recommendations in Argentina.**

II. BACKGROUND AND PLAYERS

In view of its mandate, the protection of human rights is among the United Nations' fundamental objectives and principles. The United Nations System is committed to mainstreaming the human rights approach in the different programmes, projects and actions of its Agencies, Funds and Programmes, and to providing support to the country in implementing UPR recommendations. Within this framework, the RCO has been working on positioning the topic on the UN agenda, as well as on reaching consensus and having an inter-agency culture on the UPR so as to install the topic as a priority and promote the mainstreaming of the human rights approach.

Within this context, and based on conversations on UPR held by RCO, the OHCHR Regional Office for South America and the Argentine Government (through the Human Rights Directorate, Argentine Ministry of Foreign Affairs and Worship, and the Human Rights Secretariat, Argentine Ministry of Justice and Human Rights), the **Inter-Agency Group on Human Rights (IAGHR)** was set up in November 2012. IAGHR has its own terms of reference, coordination mechanisms and work plan (see Annex I).

The purpose of IAGHR is to support the monitoring of recommendations made to Argentina in the 2012 UPR, taking into account the contributions of the different Agencies, Funds and Programmes as regards access to and enhancement of rights in different segments of the population, in line with UNDAF 2010-2015¹.

The first IAGHR meeting was held in May 2013 and, at that same time, the OHCHR Regional Office for South America started setting up the "UPR Regional Project" with the overall objective of fostering cooperation, rendering specialized support and technical assistance, and exchanging good practices and experiences with regard to the UPR second cycle. **The UPR Regional Project prepared the Recommendations Systematization Matrix for the second cycle UPR (October 2013), which gave rise to the subsequent preparation of the Matrix which links UPR recommendations with the different human rights initiatives within the UN System in Argentina (November 2013, Annex II).**

Furthermore, the UPR Regional Project promoted **the possibility of hiring a technical advisor in human rights so that, from the RCO, he/she could specifically address the mainstreaming of the human rights approach and, particularly monitor and implement UPR recommendations.** Moving along these lines, the OHCHR Regional Office, RCO and IAGHR jointly defined the Terms of Reference for the technical advisor to be hired and mobilized financial resources to enable the advisor's recruitment, with **the contribution of five Agencies** (OHCHR, UNICEF, UNDP, UNODC, and UNHCR). The selection process was carried out by an inter-agency panel that met in September-October 2013 and completed the process once the consultant was effectively hired in December 2013.

Chart II. Agencies helping to hire technical advice in Human Rights



¹ One of the effects agreed upon in the United Nations Development Assistance Framework (UNDAF), adopted for the period 2010-2014 (and extended until 2015), is that the UN System must "help the country design and implement more equitable public policies, with greater levels of inclusion and no discrimination whatsoever" (UNDAF Effect 3/3.1-3.2). Therefore, UN Agencies, Funds and Programmes have implemented actions in support of the different government counterparts and civil society, with a view to enhancing the rights of all sectors of the population, particularly the groups that, for several reasons, are still excluded from opportunities, thus helping to reduce the gap in achieving the Millennium Development Goals (MDGs).

The recruitment of a human rights technical advisor, as well as the inter-relationship and commitment of all the above-mentioned players has **led to a series of successful actions targeted to the implementation of UPR recommendations and the mainstreaming of human rights, in coordination with the different State Branches (the Executive, Legislature and Judiciary), Civil Society, and the UN System itself.** These actions are described hereunder.

III. COORDINATING ACTIONS WITH THE UNITED NATIONS SYSTEM

In fulfillment of its duties, RCO disseminates UPR recommendations and promotes the mainstreaming of the human rights approach in the different Agencies, Funds and Programmes as well as Inter-Agency Groups, on the basis of different mechanisms and actions.

Thus **special treatment is given to UPR and its recommendations at all UN Country Team monthly meetings, and at the inter-agency and joint initiative group meetings,** to position the topic on the agenda.

The creation and operation of IAGHR is in itself linked to the mainstreaming strategy, with a work plan based on the UPR and the monitoring of recommendations stemming from such review.

Likewise, RCO promotes **the inclusion of the human rights approach in the justification of cooperation projects implemented by the different UN Agencies, Funds and Programmes,** both in the formulation of new projects as well as in the extension of ongoing projects.

Finally, special emphasis is placed on promoting **the inclusion of the human rights based approach in the preparation of the new 2016-2020 Cooperation Framework.** Within this framework, RCO acts as coordinator with the Government and, particularly, with the Directorate for International Cooperation, Ministry of Foreign Affairs. It is worth highlighting that, UPR recommendations, as well as the final observations of the Treaty's bodies and, in particular, the reports of Rapporteurs within Special Procedures provide a lot of input for diagnosing the vulnerable situation faced by certain segments of the population in accessing rights. This is a significant contribution to the country analysis and sets the foundation for establishing areas of cooperation for the UN System.

RCO has promoted different actions to mainstream human rights during the preparation of the new Cooperation Framework with the Argentine Government (UNDAF 2016-2020). In October 2014, **internal training was organized on the Human Rights-Based Approach (HRBA) and Result based Management approach (RBMA).** It was attended by representatives of the IAGHR and the Technical Committee in charge of outlining the Cooperation Framework. In follow-up of the workshop, a meeting was held in March 2015 to exchange experiences on the implementation of the HRBA. Several AFPs participated as well as a part of the Technical Committee and of the Inter-Agency Group on Human Rights.

Furthermore, **the HRBA was included in the road map leading to the preparation of the new Cooperation Framework.** Likewise, **the Common Country Assessment (CCA) promotes the mainstreaming of human rights,** trying to bear in mind UPR recommendations in the country diagnosis carried out before outlining the new Cooperation Framework.

IV. COORDINATING ACTIONS WITH THE THREE STATE BRANCHES

UN System coordination with the Government within the process of assisting in the implementation of UPR recommendations has taken place differently with all three State Branches (the Executive, Legislature, and Judiciary). Below is a description of the main actions implemented, the specificities of each of the branches relationship with the UN System and the results achieved.

Coordination with the Executive Branch:

In 2013 and 2014, a series of meetings were held between the government and the UN System, resulting in the creation of a Inter-Institutional Human Rights Group made up of technicians from the Human

Rights Secretariat, the Executive Secretariat of the Argentine Council for Human Rights, the Human Rights Directorate of the Ministry of Foreign Affairs, and representatives of the UN Inter-Agency Group on Human Rights.

Inter-institutional coordination takes place on the basis of periodic meetings at which general guidelines are defined for joint work, as well as the scope for monitoring and implementation of UPR recommendations, and the potential projects and joint initiatives with regard to topics prioritized in agreement with the government (indigenous peoples, LGBTI, people deprived of their freedom and victims of trafficking in persons) across the prioritized territories, among other matters.

Moreover, the UN System supports the Argentine Human Rights Council in the implementation of the **country's Periodic Reporting System (SIPEN) which replicates the UPR mechanism across the country**. In this regard, and although UN has a limited possibility to advocate at the technical level to implement SIPEN, it is important to highlight that the Government has sought support from the UN System as a partner in promoting the SIPEN practice among high officials locally, and also at the global level. **The UN System has become Argentina's ally in generating domestic and international visibility as regards monitoring and implementation of the second cycle of UPR recommendations since it is a widely recognized and legitimate player in this field.**



Photo I. Meeting of high-level authorities to address UPR at the Chief of Cabinet Ministry, July 2014.

Coordination with the Legislative Branch:

Coordination of UPR with the Legislature takes place mainly through **the Human Rights Observatory at the Argentine Senate**. Within this framework, and throughout 2014, workshops focused mainly on UPR recommendations were held with members of the House of Representatives, the Senate and their advisors. Furthermore, in the month of August 2014, the UN participated in an ordinary session of the Senate's Committee on Population and Human Development at which UNICEF and OHCHR made a presentation on the **Third Optional Protocol to the Convention on the Rights of the Child, in support of the enactment of the law adopting the above Protocol**. A meeting was also organized by the



Photos II & III. Training on UPRs, Argentine Senate, August 2014.

aforementioned Committee to hold a debate about prior consultations to indigenous peoples. The former Rapporteur on indigenous peoples, James Anaya, participated via videoconference. This gave senators, representatives, advisors and other players the possibility of discussing the rights of indigenous peoples.

Before these actions took place, there had been no previous contact between the UN System and the Legislature on human rights topics, save through OHCHR. UPR advocacy was **an opportunity to establish a new link between the UN System and the Legislative Branch**, coordinated by the RCO, through the Coordination Analyst and the support of the Human Rights Advisor.

It is worth highlighting that, unlike the situation with the Executive Branch, there was a better chance for UN action with the Legislature, since the Human Rights Observatory had only recently been created and thus lacked the necessary technical wealth and cumulative experience regarding Universal Human Rights System. Training provided to legislators and advisors also helped to promote harmonization of law's report and the legislative agenda on human rights.

Coordination with the Judiciary:

Coordination with the Judiciary has taken place through different bodies, among them, the **Office for Women and the Office against Domestic Violence (ODV), at the Supreme Court of Justice, and the Public Defender's Office.**

Throughout 2013 and 2014, workshops were held to disseminate the UPR mechanisms and, moreover, training was provided on the Universal Human Rights System in the field of Gender.

It is worth highlighting that the Supreme Court of Justice had a pre-existing relationship with the UN System with regard to gender equality promotion. Through Joint Programmes, the UN System has provided support at different levels to the Office for Women and the Office against Domestic Violence since 2008. Nonetheless, it is worth pointing out that, as a result of the above-mentioned workshops and the development of a UPR culture, reference to UPR recommendations has been included in the justification section of documents extending ongoing cooperation projects with these Offices.

V. COORDINATING ACTIONS WITH CIVIL SOCIETY

The UN System provides technical assistance and training to civil society organizations (CSO) with the purpose of disseminating the UPR mechanism and its recommendations. Furthermore, workshops have been held, inter alia, on strategic litigation within the Universal Human Rights System, as well as one on the Third Optional Protocol to the Convention on the Rights of the Child organized by OHCHR, UNICEF and the NGO CASACIDN.

Worth underscoring is the **"Mid-Term Workshop on UPR"**, organized by OHCHR, together with RCO, in March 2014. This helped to move forward the discussion with CSOs on progress made and challenges to be faced in implementing UPR recommendations. **As a result of this workshop, many CSOs were able to submit their mid-term reports on UPRs to the UN Human Rights Council.**

VI. COORDINATING ACTIONS WITH THE ARGENTINE OMBUDSPERSON'S OFFICE

Activities are also coordinated with the **Argentine Ombudsperson's Office**, a self-governed agency present across the country, **which provides a special framework for ensuring a greater impact when protecting and promoting human rights in the whole of the country.** It is a new partnership for the UN system which developed after the UPR was set up.

Based on the above, different UPR outreach activities have been organized with the ombudsperson's team in all thematic areas, with a view to disseminating recommendations and encouraging submission of mid-term reports. The latter was particularly promoted at **a workshop held in March 2015 to**

provide guidance for preparation of the Ombudsperson's Office Mid-Term Report on UPR. The Ombudsperson's Office is now working on the report.

Moreover, it is important to highlight that workshop trainings to indigenous leaders were carried out with the ombudsperson's office in several provinces of Argentina. These trainings were focused on Human Rights Universal System, including UPR mechanism and its recommendations related to indigenous peoples rights.

VII. CONDITIONS UNDERPINNING SUCCESS

Certain conditions as regards the context and willingness of the players underpin the implementation of UPR recommendations and the mainstreaming of the human rights approach, leading to success in the above-described actions.

More specifically, the **OHCHR Regional Office for South America has provided leadership, support and technical assistance while the Resident Coordinator has rendered specific support through the UN coordination team.** It is worth highlighting the role played and support provided by these actors in reviewing, analyzing and classifying UPR recommendations, as well as other human rights mechanisms; support to the State and other actors in capacity building to ensure a more active commitment towards international human rights mechanisms; establishment of mechanisms to monitor the recommendations, particularly national coordination mechanisms, for report submission; assistance and support in identifying public ministries and institutions in charge of monitoring recommendations; and reinforcement of dialogue and cooperation among all local actors.

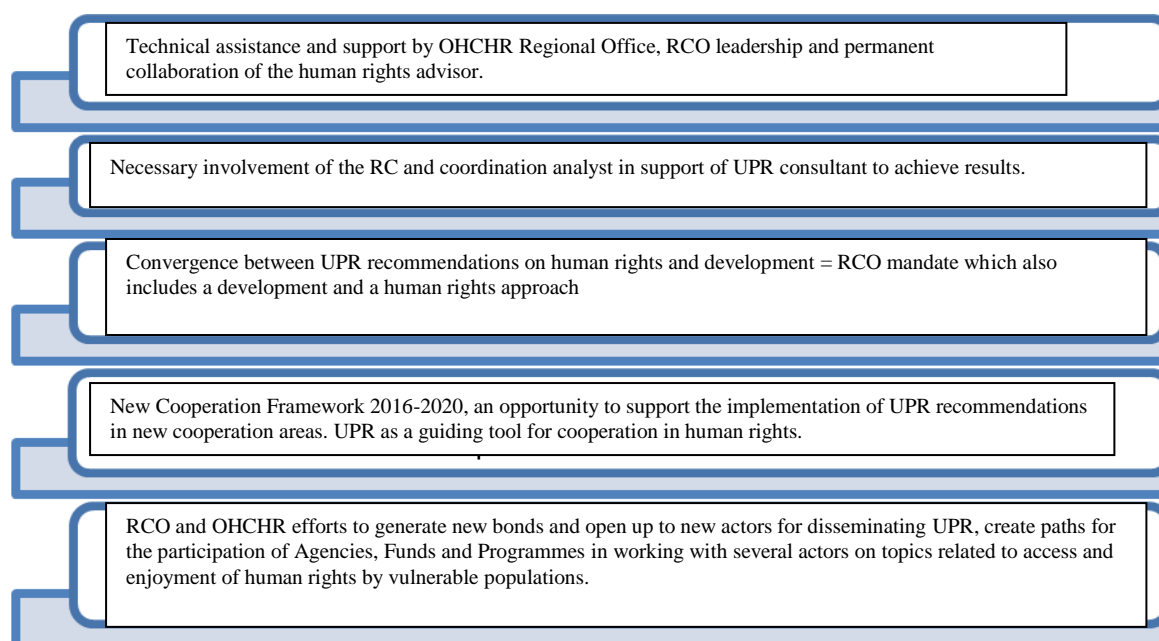
Additionally, **and based on the UPR Regional Project and, consequently, on inter-agency resource mobilization within the UN System, hiring of a human rights advisor within RCO** has been guaranteed. Such advisor renders permanent support to and is the reference person for the whole of the United Nations System in the field of human rights.

On the other hand, it is important to highlight **the existing convergence between UPR recommendations in human rights and development, and the role of the RCO in mainstreaming both approaches**, which helps strengthen leadership and involvement of RCO in both areas. With RCO support, this HRBA commitment has been transferred to the different UN Agencies, Funds and Programmes, particularly through resource mobilization to hire a human rights advisor, setting up of the IAGHR, and the preparation of a matrix matching UPR 2012 recommendations with UN-implemented actions, projects and initiatives.

The process for preparing a new 2016-2020 Cooperation Framework is an opportunity to link UPR recommendations accepted by Argentina with the areas UN and the Government have prioritized for cooperation purposes. UPR works as a guiding tool for cooperation in the field of human rights, since final observations of the Treaty's bodies, reports of the Special Procedure rapporteurs, and particularly UPR recommendations, include inputs for diagnosing the vulnerable situations of certain segments of the population as regards access to, enjoyment and exercise of rights. Taking into account that UPR recommendations were accepted by the Argentine government and that the government must be accountable to the UN Human Rights Council and to Member States for such recommendations (every four and a half years), the fact of **relating UPR recommendations to UN country programming provides reinforced legitimacy to set up projects with a sufficient degree of enforcement.**

Finally, on occasions when cooperation obstacles are encountered with some of the counterparts, the suggestion is to open new paths for UN joint work with other actors on UPRs. Consequently, it is worth highlighting the efforts for generating new links and opening up to new reference bodies, especially towards civil society organizations, national human rights institutions, the Legislature and Judiciary, with which we have been able to successfully coordinate activities.

Chart III. Elements of Success



VIII. NOTEWORTHY ACHIEVEMENTS WITHIN THE PROCESS

In view of the convergence of the above-mentioned conditions, the process has led to successful outcomes worth highlighting: firstly, we can conclude that **the human rights mainstreaming strategy has been consolidated based on the leadership of UNHCHR and the involvement of RCO**, by having the topic positioned on the UN agenda, mobilizing resources of the different agencies to hire a human rights advisor and promoting the momentum to set up the IAGHR, thus helping to establish the “UPR culture” within the UN System.

Secondly, an **Inter-Institutional Group on Human Rights was set up to coordinate** follow-up and implementation of UPR recommendations **with the Executive Branch**. It is worth underscoring that **the Government has resorted to UN as a partner for promoting the Argentine Periodic Reporting System (SIPEN)**, and generating visibility as regards UPR, among high officials at the local level and also within the international community.

Throughout 2013 and 2014, **several workshops were held for training and dissemination** of UPR recommendations targeted to different actors (legislators, legislative advisors, defenders, court officials, representatives of civil society and the UN Agencies), which have led to progress in awareness-raising and positioning of the human rights approach on the agendas of the institutions they represent, as well as in their actions and projects.

Training of legislators and advisors provided momentum to the legislative agenda on human rights and thus generated a new field for **coordination between the UN System and the Legislative Branch**.

Furthermore, CSOs and the Argentine Ombudsman’s Office **have been encouraged to prepare mid-term UPR Reports**.

Finally, **mainstreaming of the Human Rights-Based Approach in UN Agencies, funds and programmes** has been promoted in new projects as well as in ongoing projects, and throughout the preparation of the new 2016-2020 Cooperation Framework.



Photo IV. Meetings of the Argentine Human Rights Council during presentation of the “Federal UPR”, Chief of Cabinet Ministry, December 2014.



Photo V. Training workshop on strategic litigation within the Universal Human Rights System, Public Defender's Office, December 2014.

IX. PROCESS SUSTAINABILITY

The above described process and the outcomes achieved have given rise to **conditions that support its sustainability throughout time and provide the process with greater legitimacy and strength.**

Firstly, the commitment of agencies, funds and programmes to the UPR Project which clearly appears in the participation of focal points on the IAGHR, in the support provided to the activities in the Group's work plan and in the funding of the human rights advisor position, has helped **internalize the “UPR culture” in the UN System.**

Likewise, **the inclusion of the human rights approach in UN System programming,** as regards joint programming within the new Cooperation Framework and agency projects, actions and initiatives, guarantees continuity and validity of the approach for implementing projects in the future.

Finally, **the relationship with several actors from the State Branches and Civil Society** has been reinforced through advocacy and outreach with regard to UPR, while the new relationships that were set up allow progress to be made in the joint UPR work.

X. CONTRIBUTION OF SOUTH-SOUTH AND TRIANGULAR COOPERATION

Taking Into account that South-South Cooperation is an essential pillar of Argentina's foreign policy and that Human Rights are a key subject in the State's policies, the exchange of good practices and experiences with the region's countries on the monitoring and implementation of UPR recommendations (with the support of the OHCHR Regional Office and United Nations Argentina), can promote a cooperation model based on respect for and protection of human rights, allowing countries to gain, adapt and convey knowledge and experience that are mutually beneficial.

In this context, it is worth to highlight that OHCHR Regional Office has promoted cooperation and technical assistance in different areas related to the follow-up of UPR recommendations. For instance, OHCHR, with the support of RCO, has organized meetings for Human Rights Directors of the foreign ministries, Ministers and Secretaries of Justice and Human Rights of South America in order to exchange experiences and best practices in monitoring and implementing UPR recommendations (Buenos Aires in March 2014). Moreover, during 2015 OHCHR jointly with the



International Centre for Policy Studies at the University of San Martin will replicate these meetings with various stakeholders and involving more countries in the region.

Within the above framework, working coordinately among coordination officials and UPR advisors is a key factor in motivating the human rights agenda to be advanced within each Country Team. It is thus essential for UPR advisors to perform their duties within Coordination Offices, and that is why coordination officials have that sense of belonging with regard to the UPR project, so much so that this project was presented as a good practice at the regional meeting of coordination officials (Panama, September 2014).

This document is meant to be a reference and inspiration for other countries in the region carrying out similar or new actions that, adapted to the specific context and players of each country, equally favour the monitoring and implementation of UPR recommendations and the mainstreaming of the human rights approach, promoting greater levels of inclusion in the Region.

ANNEX I

IAGHR Terms of Reference and Work Plan

ANNEX II

Matrix matching UPR recommendations with the different human rights initiatives within the UN System in Argentina (November 2013)