

---

# INDEX

---

CONTENT	PAGES
INDEX	1
FOLLOW-UP AND REVIEW PROGRAM FOR SUSTAINABLE DEVELOPMENT GOALS AGENDA 2030	3
INITIAL ADMINISTRATIVE PROCEDURE INTENDED TO COOPERATE WITH THE UN 2015-2030 SUSTAINABLE DEVELOPMENT GOALS (SDGS) COMPLIANCE	29
FOLLOW-UP AND ASSESSMENT PROGRAMME TO THE UPR	81
PROGRAMME ON BUSINESS AND HUMAN RIGHTS	89
GANHRI PROGRAMME OF THE OPEN WORKING GROUP ON SUSTAINABLE DEVELOPING GOALS 2030 AGENDA	99
HEALTH AND HUMAN RIGHTS PROGRAMME	109
PROGRAMME ON ENVIRONMENT AND HUMAN RIGHTS	121
OECD PROGRAM - ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT	131



---

# FOLLOW-UP AND REVIEW PROGRAM FOR SUSTAINABLE DEVELOPMENT GOALS AGENDA 2030

---









# Transforming our world: The 2030 Agenda for Sustainable Development

## Introduction

The United Nations redefined the eight Millennium Goals on Sept 25th 2015 which turned into 17 Sustainable Development Goals and 169 targets to be reached by 2030.

The United Nations General Assembly released Resolution A/RES/70/1 on October 21, 2015 by means of which the “2030 Agenda for Sustainable Development” was approved.

In this context, the Argentine Ombudsman, acting as INDH’s, and with the aim of cooperating with the United Nations and national authorities, implemented the **“Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”** on December 30, 2015, related to the 17 Goals and 169 targets above mentioned.

At this first stage, an attempt to meet all goals and targets surely would be a Utopian idea. Under these circumstances and taking advantage of the Ombudsman Office structure which is divided into different thematic areas and specific offices, we determine that each area/office shall be responsible of carrying out the corresponding investigation according to the United Nations Goals. Turning to Goal 3, for example: *“Ensure healthy lives and promote well-being for all at all ages”* an administrative procedure shall be initiated aimed at learning the public policies which shall be enforced in order to *“by 2030 end the epidemics of AIDS, tuberculosis, malaria, and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases.”* (target 3.3); and another one linked to target 3.7: *“by 2030 ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes.”*

That is to say, separate administrative procedures are being implemented by our Office but the principles of interdependence and indivisibility of all human



rights established in the Vienna Declaration and its Programme of Action shall be granted, as stated by 1993 Vienna Conference: “*The international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis*”. Shortly, all investigations are closely interrelated despite their independent process, and their in-yearly reports on the degree of progress will be prepared with singleness of criteria and linkage.

Finally, it is the utmost importance to point out that the Human Rights Council released the report prepared by the United Nations High Commissioner Office and the Secretary-General (A/HRC/33/33) on July 4, 2016, which at paragraph 100 states: “*National human rights institutions are encouraged to continue their work towards implementing, in cooperation with key partners, the Merida declaration on the role of national human rights institutions in implementing the 2030 Agenda for Sustainable Development, adopted at the Twelfth International Conference of National Human Rights Institutions*”.

As a result, the Argentine Ombudsman passed Resolution 00041/16 on August 8th, 2016. Section 5 states: “The Ombudsman Office, acting as National Human Rights Institution, encourages all governmental authorities, be they national, provincial or municipal, to cooperate with the institution giving answer to all requests made as part of the ‘Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals’ and in accordance with the principles recognized by the ”Open Government Partnership and Good Governance Practices” (copies of both documents are attached hereto).



## Investigations

According to the UN Goals and targets, the following 49 administrative procedures have been initiated:



### Goal 1. End poverty in all its forms everywhere

An investigation has been initiated in order to *by 2030 ensure that all men and women, particularly the poor and vulnerable, have equal rights to access to ownership* (target 1.4) and also in line with target 11: *by 2030 ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums* (target 11.1).



### Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

Two separate procedures have been initiated with the aim of learning about those public policies which shall be implemented:

1. *By 2030 end all forms of malnutrition, including achieving by 2025 the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women, al older persons* (target 2.2).
2. *By 2030 ensure sustainable food production systems and implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters, and that progressively improve land and soil quality* (target 2.4).



### 3 SALUD Y BIENESTAR



## Goal 3. Ensure healthy lives and promote well-being for all at all ages

Five separate administrative investigations have been initiated in order to meet public policies which shall be implemented in order to:

- A. *Reduce the global maternal mortality ratio* (target 3.1);
- B. *End preventable deaths of newborns and children and under 5 children* (target 3.2);
- C. *End the epidemics of AIDS and combat water-borne diseases and other communicable diseases* (target 3.3). Should the area/office deems it appropriate, this procedure might be subdivided into two;
- D. *By 2020, halve global deaths and injuries from road traffic accidents* (target 3.6);

*By 2030 ensure universal access to sexual and reproductive health care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes to achieve, in line with Goal 5, the absolute recognition of reproductive rights as agreed in accordance with the Programme of Action of the ICPD and the Beijing Platform for Action and the outcome documents of their review conferences* (targets 3.7 and 5.6).

### 4 EDUCACIÓN DE CALIDAD



## Goal 4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all

Firstly, an investigation has been initiated in order to *ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes* (target 4.1).

Likewise, equal action has been taken to *ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education* (target 4.2).

Similarly, another investigation has been initiated aimed at ascertaining the



programmes necessary to *build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all* (target 4.a).

Again, taking into account Goal 4, an administrative procedure has also been established aimed at learning the measures which shall be implemented in order to *ensure equal access to all levels of education and vocational training for the vulnerable, including indigenous peoples* (target 4.5).

A separate investigation has been launched to determine the governmental coverage and health care for indigenous peoples; particularly, a vaccination schedule. Moreover, a frequent illness mapping must be prepared. This particular case might be subdivided by region or ethnic group, if necessary.

Turning to Goal 4 once more, similar procedure has been initiated in order to *by 2030, ensure equal access to all levels of education and vocational training for the vulnerable, including personas with disabilities* (target 4.5)

Additionally, another one has been carried out to undertake inquiries on target 4.a: *build and upgrade education facilities that are disability sensitive*.

Closing all referred to Goal 4, another investigation shall be opened in order to learn how it will be possible *by 2030 to eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable* (target 4.5).

Thus, as part of the 8 Millennium Development Goals, the progress on Objective 3 shall be closely observed, specifically *inquiring about the literacy rate of women and males; in preschool, primary, secondary and tertiary/university level*, tracing a mapping for each province.



## Goal 5. Achieve gender equality and empower all women and girls

To begin, an administrative procedure has been conducted to find out how to *eliminate all forms of violence against all women and girls in public and private spheres...* and which measures shall be taken in order to *adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels* (targets 5.2 and 5.c).





In this case, admitting that targets pointed out by Goal 5 are overall targets, this procedure has been split into two in order to achieve compliance.

However, the opening of other three investigations strengthening gender equality and gender identity has been considered necessary in order to:

- a. encourage the drawing up of protocols that include the criteria for intervention and awareness of authorities, public and private, whatever their field, to address issues that arise at work in relation to gender violence. Consequently, the three governmental branches, national and provincial, including autonomous bodies or decentralized agencies shall be invited to adopt specific rules similar to that recently approved by the University of Buenos Aires on December 9th, 2015. As to private sector, and considering that 3047 Trade Unions are registered at the Labor Union Office in the scope of the Argentine Ministry of Labor, identical invitations shall be sent to the General Confederation of Labor and to the Argentine General Business Confederation. Notwithstanding these provisions, perhaps more thoroughly, our Office of Gender deems appropriate to invite other organizations.

Besides, taking into account that the above mentioned invitations shall be implemented as Recommendations that the authorities are obliged to comply with by law, a follow-up shall be done with the purpose of learning by asking, for sure, if they welcome our proposals and finally decide to put them into practice.

- b. achieve information on public policies for lesbians, gays, bisexuals and trans in Argentina. This is the UN opinion, for instance, expressed in consideration of the report entitled “LGTB Citizenship Plan - From legal to actual equality “ formulated by the Lesbian, Gay, Bisexual and Trans Federation, supported by PNUD-Argentina.

obtain information on public policies which are being carried out at present and shall be adopted in the future referred to obstetric violence, coming this from the fact that our Office has receipt a large number of complaints on the matter, within the scope of 25.929 and 26.465 Acts.



## 6 AGUA LIMPIA Y SANEAMIENTO



### Goal 6. Ensure availability and sustainable management of water and sanitation for all

An investigation has been produced to, *by 2030, achieve universal and equitable access to safe and affordable drinking water for all, and in this context, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater, and increasing recycling and safe reuse by x% globally* (targets 6.1 and 6.3).

Similar action has been adopted in order to *by 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate* (target 6.5.).

## 7 ENERGÍA ASEQUIBLE Y NO CONTAMINANTE



### Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all

Two investigations have been conducted to:

- a. *By 2030, ensure universal access to affordable, reliable, and modern energy services.* (target 7.1.)
- b. *Increase substantially the share of renewable energy in the global energy mix by 2030* (target 7.2.).

## 8 TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO



### Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all

Firstly, an investigation has been launched in order to *promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage formalization and growth of micro-small and medium-sized enterprises including through access to financial services* (target 8.3). All that in order to *by 2030 achieve full and productive employment and decent work for all women and men, including for young people and personas with disabilities.* (target 8.5)

Besides, similar procedure has been conducted to meet future public policies



capable to ensure equal access for people with disabilities at all labor levels, public and private (target 8.5.). This requires special emphasis on public policies aimed at eradicating child labor in all its forms, protecting labor rights of individuals to promote safe and secure working environments of all workers, particularly those in precarious employment (target 8.8).

Finally, according to Goal 8, an investigation focused on how workers rights protected and how the State shall *promote safe and secure working environments of migrant workers, particularly women migrants* (target 8.8.) has been initiated.



Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation

In this regard, an investigation has been opened aimed at monitoring how to *significantly increase access to ICT and strive to provide universal and affordable access to internet in LDCs by 2020* (target 9.c).



Goal 10. Reduce inequality within and among countries

An independent procedure has been followed in order to learn how and by which means shall be possible to *facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies* (target 10.7).



Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable

Firstly, a separate investigation has been launched with the aim of learning how and by means of which public policies shall *by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety,*





*notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons (target 11.2).*

Again, in line with Goal 11, similar procedure has been initiated in order to *strengthen efforts to protect and safeguard the world's cultural and natural heritage (target 11.4).*

Further, another investigation has been launched in light of the same Goal, in order to *by 2030 significantly reduce the number of deaths and the number of affected people and decrease by y% the economic losses relative to GDP caused by disasters, including water-related disasters, with the focus on protecting the poor and people in vulnerable situations (target 11.5).*



## Goal 12. Ensure sustainable consumption and production patterns

In this context, an administrative procedure has been established in order to *by 2030, substantially reduced waste generation through prevention, reduction, recycling, and reuse (target 12.5.)*



## Goal 13. Take urgent action to combat climate change and its impacts

An investigation has been carried out with the aim of learning how to integrate climate change measures into national policies, strategies, and planning (target 13.2).

Besides, and in the same context, equal procedure has been initiated to ascertain the inclusion in school curricula of topics related to *improve education, awareness raising and human and institutional capacity on climate change mitigation, adaption, impact reduction, and early warning (target 13.3).*



Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development

In this connection, an investigation has been opened to, *by 2025, prevent and significantly reduce marine pollution of all kinds, particularly from land-based activities, including marine debris and nutrient pollution* (target 14.1), and also *by 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration, to achieve healthy and productive oceans* (target 14.2).



Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

A new investigation has been directed to, *by 2020, ensure conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular, forests, wetlands, mountains and drylands, in line with obligations under international agreements* (target 15.1).

In addition, another separate investigation has been launched in order to *by 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests, and increase afforestation and reforestation by x% globally* (target 15.2).

Besides, similar procedure has been initiated to *by 2020 combat desertification, and restore degraded land and soil, including land affected by desertification, drought and floods, and strive to achieve a land-degradation neutral world* (target 15.3).



Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

Firstly, an investigation has been conducted with the aim of *ending human trafficking* (target 16.2), and aligned with Goal 8, learning which *immediate and*



*effective measures* are being carried out and shall be introduced in future by the three governmental powers (executive, legislative and judicial branches) in order to eradicate human trafficking (target 8.7.).

Further, in the context of same Goal 16 and taking into account the following statements: *significantly reduce all forms of violence and related death rates everywhere; end abuse, exploitation, trafficking and all forms of violence and torture against children* (targets 16.1 and 16.2); *promote the rule of law at the national and international levels, and ensure equal access to justice for all* (target 16.3); *promote and enforce non-discriminatory laws and policies for sustainable development* (target 16.b) an administrative procedure has been conducted linked to our prison overcrowding. In turn it might be divided into two depending on whether prisons are federal or provincial (target 16.7 and 16.b). Other four (4) investigations have been opened in order to look into public policies which are being encouraged to promote the creation, enforcement and improvement of inter-ministerial programs referred to prisons, health, education, labor and social development (target 16.7).

In the same direction, another administrative procedure has been conducted to meet public policies that shall be undertaken concerning our country's psychiatric institutions (targets 16.1, 16.2, 16.7 and 16.b) so as to make them effective and inclusive in view of the existing confinement conditions, whether patients suffer or not physical restraint or involuntary seclusion, and fully agreed with the "*Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care*" (UN, General Assembly Resolution 46/119). All of this based on Goal 3, in order to promote mental health and well-being (target 3.4).

In addition, one more procedure dealing with Goal 16 has been carried out with the aim of learning how shall be promoted *the rule of law at the national and international levels, and ensure equal access to justice for all* (target 16.3).



Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development.

Initially, an investigation has been conducted in order to *encourage and promote effective public, public-private, and civil society partnerships, building on the*



*experience and resourcing strategies of partnerships* (target 17.17)

In this context, the first Alliance was formed between the Ombudsman of Argentina and the Inter-agency Control System for Prison Units (chaired by Mr. Gustavo M. Hornos, and composed by the Penal Enforcement Commission pertaining to the Federal Court of Cassation for Criminal Matters; its Subcommittee, integrated by Oral Court judges and the National Court of Appeals for Criminal and Correctional Matters; the representative of the National Court of Appeals for Criminal and Correctional Matters Federal; Sentence Enforcement National judges; the National Attorney-General represented by the Office in charge of preventing institutional violence; the National General Defender; and the National Ombudsman for Prisoners; and CELS (Centro de Estudios Legales y Sociales), and the Bar Association of the City of Buenos Aires acting as advisory members. They decided to sign a Master Agreement according to Goal 16 (targets 16.1; 16.2; 16.3; 16.6; 16.7 and 16.b) and Goal 17 (target 17.17) recalling *The Standard Minimum Rules for the Treatment of Prisoners* -UN Nelson Mandela Rules (Res. E/CN.15/2015/L.6/Rev.1)-. They fully agreed that their Alliance shall certainly contribute to improve prison conditions for individuals deprived of liberty, and also those related to their families, so avoiding that the penalty imposed goes beyond the infringer and reaches third parties, resulting in a secondary criminalization that the State is bound to prevent.

At this stage, attention should be drawn to the fact that the Control System for Prison Units performs monitoring tasks periodically, without notice, on all detention centers throughout the country, including Adolescent Criminal Offender Institutes, and their outcomes are reflected in Recommendations issued accordingly. For instance, Recommendations have been addressed at the Federal Penitentiary Service, among others, related to health, medical care, food, education, social inclusion, psychological containment, elementary sanitary conditions, insulation, temporary detention centers and other aspects related to the dignity of all persons arrested.

Further, multiple alliances were formed through special agreements entered into, *inter alia*, with the following organizations:

Consejo Nacional de Coordinación de Políticas Sociales

Fundación Comisión Católica Argentina de Migraciones

Fundación para el Estudio e Investigación de la Mujer (F.E.I.M.)



Grupo de Trabajo Interdisciplinario Derechos Sociales y Políticas Públicas (UBA-CONICET)

Federación Argentina de Lesbianas, Gays, Bisexuales y Trans;

Comisionado Parlamentario para el Sistema Penitenciario Uruguay;

Consejo Nacional de las Mujeres;

Centro Universitario de Idiomas (CUI): lenguas originarias

Centro Latinoamericano de Administración para el Desarrollo (CLAD)

Fundación Microjusticia





## Methodology

As regards administrative procedures to be conducted within the scope of the **“Follow-up and Review Program of the 2030 Agenda for Sustainable Development Goals”**, our Office has decided to launch separate investigations (which will remain valid for the period 2016-2030), according to certain Goals and in line with the United Nations targets proposed along with them. These investigations shall follow common guidelines through multidisciplinary work without attempting to investigate, as a sort of witch-hunt, public bodies, but rather to learn what work programs and courses of action shall be pursued to achieve the Goals compliance. In that context, our Office will propose agreements to be entered into with public and private entities in order to assist in the fulfillment of the United Nations targets, making proposals, providing advices, preparing reports or developing its own studies, advisory opinions, and so on.

For that purpose, the Office has decided to place special emphasis on Goal 17 *“Strengthen the means of implementation and revitalize the global partnership for Sustainable Development”*, because those tasks to be undertaken must be complemented by *multi-stakeholder partnerships that mobilize and share knowledge, expertise, technologies, and financial resources to support the achievement of sustainable development goals in all countries, particularly developing countries* (target 17.16). Accordingly, we should *encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships* (target 17.17).

Therefore, our Office shall provide periodic progress reports on every pending administrative procedure throughout the year by applying Structural Indicators capable of measuring progress and outcomes; ie a first report shall be launched on March 1st, the second one on June 1<sup>st</sup> and a final report on December 1st.

The first report on the issue shall reflect the initial status of affairs at the end of 2015, describing the main failures or obstacles detected that hinder the move towards the United Nations Goals and Targets; in other words, it shall identify, from our view, at least five (5) problems or obstacles arising at present. In this context and according to the UN proposals, the report shall inform if compliance with those Goals and targets might be possible by 2030 and also where we are now standing at the beginning of 2016.



Additionally, in terms of the selected target, existing regulatory frameworks, bills submitted recently, relevant Supreme Court of Justice rulings on matters under investigation shall be at first taken into account as well as OEA Recommendations issued through IACHR, and ICDH Court Resolutions. Equally, it shall be crucial to study the Special Rapporteurs Reports, General Observations of Committees, Specialized Agencies Reports, and any other pertinent documentation released by the United Nations system.

Further, national, provincial and independent public bodies in charge of the matters under investigation shall be clearly identified, dividing them according to the governmental branch they belong, that is, Executive, Legislative and Judicial; as well as the (national or international) NGOs dealing with the subject and their own position on the issue in order to exchange information and knowledge.

Additionally an inquiry shall be launched about public policies on the case which are being carried out by at least two developed countries; in other words, to look into public policies that might be appropriate to “*imitate*”, always adapting them to our country. Same procedure shall be conducted in two other countries pertaining to the Latin America and the Caribbean Region, obviously if accord no longer exists with the previous ones.

Moreover, investigations shall be developed in order to achieve reliable statistical data and to know the public policies that the State shall put in practice or which ones it shall continue conducting. Besides, we will seek information on existing programs, if any, being essential to learn the annual budget approved for the matter under investigation and also its budgetary allocations in accordance with different purposes, if necessary. This last provision must be updated annually.

When appropriate, an analysis shall be made and statistics shall be collected about the affected population group, classified by sex, age, cultural and social level, and setting the range of incidence throughout its family group. Further, advisory opinions of bars, professional councils, universities, etc. shall be required in line with the subject under investigation, if necessary,

Similarly, *in situ* fieldwork and *de visu* inspections covering locations, areas, enterprises, etc. shall be crucial in order to understand the relevant facts on the case in the same locations where they occur. Moreover, any national or



provincial governmental action coming from any of the three branches shall be informed immediately when it represents a significant forward or backward movement towards a Goal or a target.

As a result, a status and progress report related to the investigated matter shall be submitted periodically and obviously at the end of every year showing achievements and failures, the reasons behind such outcomes, if applicable, and new proposals for next year, expressly determining deadlines for their accomplishment. An outreach activities program shall also be developed defining the methodology to be applied for the promotion of the specific human right involved in the case.

Finally, outcomes coming from our investigations shall be informed to national authorities, the United Nations Organization and the National Congress. Additionally, a progress report on the **“Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”** shall be sent to the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights.





## Proposals

The following proposals are presented according to the United Nations General Assembly Resolution A/RES/70/1 dated 25th 2015, “*Transforming our World: The 2030 Agenda for Sustainable Development*”, and especially in view of paragraph 47 of its Declaration which deals with the follow-up and review process concerning the improvements on Goals and targets for the next fifteen years. The statements appearing from paragraph 60 et seq., specially paragraph 70, were also taken into account: “*The United Nations Interagency Task Team on Science, Technology and Innovation for the SDGs will promote coordination, coherence, and cooperation within the UN System on STI related matters, enhancing synergy and efficiency, in particular to enhance capacity-building initiatives*”, and particularly as paragraph 77 reads: *We commit to fully engage in conducting regular and inclusive reviews of progress at sub-national, national, regional and global levels. We will draw as far as possible on the existing network of follow-up and review institutions and mechanisms. National reports will allow assessments of progress and identify challenges at the regional and global level. Along with regional dialogues and global reviews, they will inform recommendations for follow-up at various levels*”:

1. Activities, reports and conclusions produced by *The United Nations Interagency Task Team on Science, Technology and Innovation for the SDGs* and also by the *Multi-stakeholder Forum* to be held in annual meetings, should be released in the corresponding online platforms as a Web Portal providing information on these items (in accordance with Resolution A/RES/70/1, paragraph 70). Promotion and distribution should also be necessary in order to give access to all interested persons aimed at learning not only the methodology developed for the Goals compliance but also how to implement in their countries any progress previously reached by others.

In this sense it is worth recalling what Resolution A/RES/70/1, paragraph 73 states: *Operating at the national, regional and global levels, it will promote accountability to our citizens, support effective international cooperation in achieving this Agenda and foster exchanges of best practices and mutual learning. It will mobilize support to overcome shared challenges and identify new and emerging issues. As this is a universal Agenda, mutual trust and understanding among all nations will be important.*

As regards Goal 2, for example, *End Hunger*, and considering Target 2.4 “...implement resilient agricultural practices that increase productivity and



*production...*” the awareness of the practices on the part of all State Members will be critical to promote an immediate implementation of such improvements in their own countries.

2. Notwithstanding the above, the High Level Political Forum meetings (Resolution A/RES/70/1, paragraph 87) held under the auspices of the General Assembly, should be taken place every two years instead of every four as provided by Resolution A/RES/67/290 (paragraph 6.b) at least at this early stage, regardless Forum meetings to be conducted under the auspices of the Economic and Social Council. Next HLPF meeting will take place in 2019 (*id.*, paragraph 87) and we believe that the date seems to be too far in time.

3. The follow-up process done by National Human Rights Institutions on their countries should be known by the United Nations system, following the guidelines mentioned in the above. For example, the Argentine Ombudsman should inform the investigation outcomes conducted under the “Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”. ECLAC and UNDP Argentina should also be informed in due time. This is provided in accordance with the principles set out in Agenda 21, Chapters 37 and 38 adopted at the United Nations Conference on Environment and Development (1992).

4. Those conclusions should be released annually in the corresponding NHRI website. The Ombudsman of Argentina will publish them in [www.dpn.gob.ar](http://www.dpn.gob.ar).

5. At regional level, as provided by Goal 17, the Argentine Ombudsman shall encourage and promote agreements to be entered into with National Human Institutions pertaining to the South-South Region, with the aim of exchanging skills and knowledge, as well as the implementation of common methodologies to monitor the Agenda 2030 compliance, in line with Resolution A/RES/70/1, paragraphs 80 and 81.

6. At local level, the Argentine Ombudsman will cooperate with governmental authorities in formulating Goals and targets taking into account their integrated and indivisible character, for example, central issues related to:

leisure, recreation and sport for boys, girls and young people (Resolution A/RES/70/1, paragraph 37); according to guidelines pointed out in the



UNICEF publication “Sport, Recreation and Play” (<http://uni.cf/1xljlK5>), among others;

- a. more inclusion and protection for older persons;
- b. counternarcotics; and
- c. application of effective imprisonment alternative penalties, in accordance with *The Tokyo Rules* and the information given by the UNODC in its “*Handbook of basic principles and promising practices. Alternatives to imprisonment*” ([http:// bit.ly/1OqxFs3](http://bit.ly/1OqxFs3)), as well as a well-being improvements for prisoners referred to their detention conditions: social development, health, education and employment.



## Conclusions

Recalling the Declaration of Merida, released by the 12th International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, is pertinent in this context, particularly when it stresses that national human rights institutions are ideally placed to play a linking role among stakeholders, and thus promoting the transparency, participation and inclusion related to the implementation and monitoring of national processes. Taking into account the above, the Conference, inter alia, decided: *“17.(4) Engage with duty-bearers, rights-holders and other key actors, including government agencies, parliaments, the judiciary, local authorities, national statistical offices, civil society, major groups, marginalised groups, mainstream and social media, the UN and other international and regional institutions, to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agenda, and safeguarding space for engagement of rights holders and civil society.”*

Poverty, as we know, is a reality that we got accustomed to living with. We have naturalized poverty and social inequalities. Therefore, if the corresponding Goal encourages poverty eradication, we must first de-naturalize it as a social and cultural phenomenon. Accordingly, a change of paradigm shall be essential: the design of a new social order based on the common welfare and in which appropriate conditions reducing inequality opportunities be produced and inclusive human development be fostered.

Poverty concept is interrelated with all Millennium Development Goals. That is the reason why Goals 1 and 2 should not be taken separately, and the implementation of public policies which take account of the different areas involved is necessary. That is why we strongly believe that the investigations conducted shall leave the door open to achieve more than satisfactory outcomes for the vulnerable, individuals who are intended to protect in every case.

In short, the Argentine Ombudsman will participate and cooperate with public authorities in achieving better conditions, among others, related to health, education, gender equality, decent work, the right to a healthy environment, regulatory consistency and effective, reliable and inclusive institutions, greater dignity for prisoners and their families, access to justice, elimination of abuse, discrimination and all forms of violence against children. We believe that these actions will benefit the entire population and will grant a better living standard



development ensuring a considerable decrease on the vulnerability suffered by certain part of our population. All of this based upon three basic pillars: health, education and employment for the whole family group.

Once granted, there is no doubt that poverty rates will be reduced. That is precisely why we first started these forty-nine (49) administrative procedures focused on all the aspects previously identified and why we are absolutely confident that those investigations carried out between now to 2030 shall contribute to achieve the United Nations Sustainable Development Goals compliance. In addition, other investigations shall be initiated in 2016 with the same purpose and in like manner, convinced that we will soon be reaching 169, a number which corresponds with the same number of targets proposed together with the 17 UN goals.

And so it was during the year 2016, seven new actions were promoted.

Research related to labor exploitation and other reference to trafficking for sexual exploitation purposes (goals 8.7 and 16.2) has been promoted. An inquiry was also launched to ascertain what immediate and effective measures [to be taken] to ensure the prohibition and elimination of the worst forms of child labor... [and] by 2025, to end child labor in all its forms (Goal 8.7).

At the same time, an investigation linked to Goal 16 was undertaken by 2030 to provide access to a legal identity for all, including through birth registration (goal 16.9). And two other investigations were initiated, also under Goal 16; the first one to know the public policies that have been carried out by the three branches of government (Executive, Legislative and Judicial) to “Significantly reduce all forms of violence and corresponding mortality rates worldwide” (goal 16.1); and the second, in order to know the public policies that are also carried out by the three branches of government, to “Strengthen relevant national institutions, including through international cooperation, to create at all levels, particularly in developing countries, capacity to prevent violence and combat terrorism and crime” (goal 16.a.).

Finally, an investigation was initiated in the defense and protection of older adults, since aging and the recognition of their rights is a transversal factor that includes the 17 Sustainable Development Goals.



In short, one year after the issuance of Resolution A/RES/70/1 (January 1, 2016), the “Program for Monitoring and Evaluation of the Sustainable Development Goals Agenda 2030” has 57 investigations in full process and we expect to increase considerably its number in 2017 and in the next.





<b>1</b> FIN DE LA POBREZA 	Goal 1. End poverty in all its forms everywhere.
<b>2</b> HAMBRE CERO 	Goal 2. End hunger, achieve food security and improved nutrition and promote sustainable agriculture.
<b>3</b> SALUD Y BIENESTAR 	Goal 3. Ensure healthy lives and promote well-being for all at all ages.
<b>4</b> EDUCACIÓN DE CALIDAD 	Goal 4. Ensure inclusive and equitable quality education and promote life-long learning opportunities for all.
<b>5</b> IGUALDAD DE GÉNERO 	Goal 5. Achieve gender equality and empower all women and girls.
<b>6</b> AGUA LIMPIA Y SANEAMIENTO 	Goal 6. Ensure availability and sustainable management of water and sanitation for all
<b>7</b> ENERGÍA ASEQUIBLA Y NO CONTAMINANTE 	Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all.
<b>8</b> TRABAJO DECENTE Y CRECIMIENTO ECONÓMICO 	Goal 8. Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.



<b>9</b> INDUSTRIA, INNOVACIÓN E INFRAESTRUCTURA 	<p>Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation .</p>
<b>10</b> REDUCCIÓN DE LAS DESIGUALDADES 	<p>Goal 10. Reduce inequality within and among countries.</p>
<b>11</b> CIUDADES Y COMUNIDADES SOSTENIBLES 	<p>Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable.</p>
<b>12</b> PRODUCCIÓN Y CONSUMO RESPONSABLES 	<p>Goal 12. Ensure sustainable consumption and production patterns.</p>
<b>13</b> ACCIÓN POR EL CLIMA 	<p>Goal 13. Take urgent action to combat climate change and its impacts.</p>
<b>14</b> VIDA SUBMARINA 	<p>Goal 14. Conserve and sustainably use the oceans, seas and marine resources for sustainable development.</p>
<b>15</b> VIDA DE ECOSISTEMAS TERRESTRES 	<p>Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.</p>
<b>16</b> PAZ, JUSTICIA E INSTITUCIONES SÓLIDAS 	<p>Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.</p>
<b>17</b> ALIANZAS PARA LOGRAR LOS OBJETIVOS 	<p>Goal 17. Strengthen the means of implementation and revitalize the global partnership for sustainable development.</p>



---

# Initial Administrative Procedure Intended to Cooperate with the UN 2015-2030 Sustainable Development Goals (SDGs) Compliance

---





Buenos Aires, December 30th, 2015

*Ref.: Initial administrative procedure intended to cooperate with the UN 2015-2030 Sustainable Development Goals (SDGs) compliance.*

**FROM:** Legal and Technical Advice Area

**TO:** Deputy Secretary-General

*"Strong convictions precede great actions."*

*James Freeman Clarke*

I. Domestic political changes taking place nowadays are understood by this Advisory, but our opinion starts by holding the firm belief that human rights will not be altered by climate changes. Therefore, it appears to be appropriate that the national Ombudsman Office must continue with the course undertaken twenty-one years ago, a course which maybe sometimes has been followed slower than others. Consequently, and taking into account that there is much to be done, we share the idea that being protagonists is the best; this is why we have decided to work together with new public authorities in order to reach the fulfilment of the previous 8 Millennium Goals (2000-2015) which turned, from September 25, 2015, into the 17 Sustainable Development Goals, with 169 Targets to be achieved by 2030 (<http://bit.ly/1iKD85v>). All of them shall come into effect on January 1<sup>st</sup> 2016.

UN declares in the aforementioned website:

*"2015 presents a historic and unprecedented opportunity to bring the countries and citizens of the world together to decide and embark on new paths to improve the lives of people everywhere. These decisions will determine the global course of action to end poverty, promote prosperity and well-being for all, protect the environment and address climate change."*

Finally, it says: *"On September 25th 2015, countries will have the opportunity to adopt a set of goals to end poverty, protect the planet, and ensure prosperity for all as part of a new sustainable development agenda. Each goal has specific targets to be achieved over the next 15 years. For the goals to be reached, everyone needs to do their part: governments, the private sector, civil society and people like you. Do you want to get involved?"*

After these introductory words and before moving to the issue, it is relevant to make some comments:

1. Looking forward to cooperating closely on the achievement of such Goals, the Ombudsman Office shall start its activities defining those issues that shall be addressed hereinafter and which ones are directly linked to the work undertaken by its specific Areas/Offices: an attempt to cover the 17 Goals and 169 targets would be completely unrealistic. Accordingly, the analysis to be carried out on the matter shall aim at initiating studies under next methodology: a. according to the Goals a "mother" investigation shall be opened to provide certain guidelines to follow, by pointing out the type of research which shall be conducted by each Area/Office, and specifying goals and deadlines to be met in 2016; then, new proposals, if any, shall be added to this first file at the request of the pertaining Area/Office, after consulting this Legal and Technical Advisory; b. other separate investigations focused on an specific Goal shall be opened at a later stage: these new files shall be split up from the first one and the applicable Area/Office, if necessary, shall manage them according to the corresponding targets proposed by UN for each Goal; for instance, in the context of the right to health an investigation shall be opened in order to learn the public policies which are being carried out on *"...the epidemics of AIDS, tuberculosis, malaria and neglected tropical diseases and combat hepatitis, water-borne diseases and other communicable diseases"* and another one referred to *"... ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes"*

2. In other words, an Area/Office shall be entitled to conduct one or more investigations based on the same Goal and

targets pursued. Although *prima facie* this appears to be as a bureaucratic division, experience has shown that the time eventually comes in a mega-action when we no longer know what is being investigated, neither the progress assessed or the improvement to be achieved in the future. For that reason, separate administrative procedures are encouraged; being our officers responsible for every investigation, and results, progress reports and final annual reports shall be added to the "mother" file as annexes.

However, it should be clear that the methodology adopted by each Area/Office in their investigations shall be submitted to our legal advice, and also our guidelines shall be followed thereafter, because the Ombudsman Office, in short, shall carry out one single task: contributing to the UN Development Goals compliance for the period 2015-2030. Standardization of criteria concerning the investigation procedure shall be established just for this reason.

**3.** As mentioned above, the Ombudsman Office shall not accomplished this multidisciplinary work attempting to investigate, as a sort of witch-hunt, public bodies, but rather learning what work programs and plans of action are being pursued to achieve the Goals compliance. In this context, our Office shall propose agreements to be entered into with public bodies and private organizations in order to assist in the fulfillment of the UN Goals, either making proposals, providing advices, preparing reports or producing its own studies, advisory opinions, and so on.

We, the Ombudsman Office, are totally committed to defending human rights by agreeing to perform all duties involved. This commitment is reflected in the effective awareness on the value and significance of said rights; and therefore, as a National Institution of Human Rights (INHRs), we are bound to protect and guarantee them, upholding an absolute belief that rights start to weaken when they cease to be promoted. Thus, we decided to set this project in motion, convinced that every investigation to be conducted is merely a plan, i.e., a mechanism for protecting rights. And also our intellect and creativity must grow exponentially to guarantee their full enjoyment by reaching agreements with public entities and private organizations, as seen *infra*, proposing the adoption of new legislation, the creation of specific bodies for their defense, the cooperation with public

authorities, with the civil society as a whole, and fostering civic participation. Undoubtedly, this will help to perform a positive action for the benefit of a specific right; i.e., for the benefit of all those people who were recognized as human beings by the Universal Declaration of Human Rights sixty-eight years ago.

In this regard, attention should be drawn to what the Office of the United Nations High Commissioner for Human Rights (OHCHR), based on the Paris Principles, states: "*National Human Rights Institutions (NHRIs) are governmental bodies created with a constitutional or legislative mandate to promote and protect human rights. When established in accordance with the Paris Principles, these institutions become key actors in the national system for the protection of human rights and foster important links among the State, civil society and international human rights organizations. Unlike other government bodies, NHRIs are not under the authority of the executive, legislative or judiciary, and although they receive totally or partially State funding, they are independent. Different from NGOs, NHRIs have legal responsibilities, like other state agencies. In an impartial manner, they seek to determine whether the State is complying with its human rights obligations. There is no uniform model or name for NHRIs, but in our region they are often called: defensoría del pueblo, public defenders, national commissions or human rights prosecutors, or ombudsman. No matter what you call it, but their functions do matter. What is essential is that they be established in accordance with the universal principles adopted by the United Nations, called the Paris Principles*". (Source <http://bit.ly/1ZniN5W>) (1)

The UN Fact Sheet No. 29 released by the OHCHR, "*Human Rights Defenders: Protecting the Right to Defend Human Rights*" points out that those rights, among many others, conferred to "human rights defenders", are the following: collecting, obtaining, receiving and possessing information on human rights; providing commentaries and proposals to governmental bodies and agencies and other organizations dealing with public affairs in order to improve their performance and to draw their attention to any aspect of their work capable of building further barriers for the realization of human rights; as well as condemning official policies and actions related to human rights and the right to request that these condemnations be examined. The

Fact Sheet explains that *“Human rights defenders address any human rights concerns, which can be as varied as, for example, summary executions, torture, arbitrary arrest and detention, female genital mutilation, discrimination, employment issues, forced evictions, access to health care, and toxic waste and its impact on the environment. Defenders are active in support of human rights as diverse as the rights to life, to food and water, to the highest attainable standard of health, to adequate housing, to a name and a nationality, to education, to freedom of movement and to non-discrimination. They sometimes address the rights of categories of persons, for example women’s rights, children’s rights, the rights of indigenous persons, the rights of refugees and internally displaced persons, and the rights of national, linguistic or sexual minorities”*(see <http://bit.ly/1ZnjEUr>),

Please take note that the "Paris Principles" were prepared by the first International Workshop of National Institutions for the Promotion and Protection of Human Rights held in Paris from 7 to 9 October 1991. They were adopted by the UN Human Rights Commission by Resolution 1992/54 passed in 1992, reaffirmed by the General Assembly by Resolution 48/134 of 1993 (<http://bit.ly/1O6zA9M>). The HCHR points out that: *"The Paris Principles represent the main source of international standards for the creation and operation of NHRIs. They detail their competences and responsibilities, composition, guarantees of independence and their methods of operation. The following are their powers and responsibilities: to have a broad mandate for the promotion and protection of human rights, embodied in a constitutional or legislative text; and to submit to the government or other authority (in an advisory manner) their opinions, recommendations, proposals and reports on any human rights issue. Bills, decrees, actions, situations of human rights violations, etc. may fall within their scope; and also to ensure the harmonization of national legislation and regulations with the international human rights instruments of which the State is a party and to promote the ratification of those that are missing; to assist in the preparation of reports to be submitted by the State to United Nations bodies and to cooperate with the universal, regional and national system; to assist in the formulation and delivery of human rights education and research programs; to disseminate human rights and efforts to combat discrimination and increase public information through press and*

*awareness campaigns. Methods of operation: NHRIs are entitled to have freedom to consider any matter, irrespective of its source, to hear any person and to collect all necessary documentation required to analyze relevant situations; to disseminate their opinions and recommendations through public opinion or the press, to hold regular meetings with all their members and to establish local or regional working groups or units to be assisted in their functions; to hold stakeholder consultations as regards the protection and promotion of human rights and to develop relationships with NGOs that are concerned with the promotion and protection of human rights. Additional quasi-judisdictional functions: NHRIs are entitled to receive and examine individual complaints or petitions and should seek a solution through conciliation or binding decisions; ensuring confidentiality, they must inform the person of their rights and the resources at their disposal; They may transmit the request to the competent authority or make direct recommendations to ensure rights compliances." (1)*

*And it is also declared that: "National Human Rights Institutions (NHRIs) are key actors that can fill the gaps in the application of international human rights law. They work to ensure the rule of law and fight against impunity in their countries. They also advocate for the national implementation of international human rights treaties and mechanisms.*

*NHRIs are considered as essential for promoting respect for human rights in their countries. They are also entitled to encourage the development of action plans and promote public policies on human rights. They submit legislative proposals and assess compliance with international obligations assumed by their States. They can increase the ownership and national allegiance to technical cooperation projects, thus improving their sustainability. They are also a key factor in the design and implementation of human rights programs and activities at a national level, given their broad mandate, legal basis, variety of tasks, independent nature, and the richness of their networks. They represent a key link between the national and international systems, as they can facilitate interaction with all actors of the national protection system, such as the executive branch, judiciary, national congress and civil society." (1)*

Finally, it is clearly stated that:



*a. "The power to initiate investigations can play an extremely important role with deep consequences, especially for disadvantaged and vulnerable groups who are unlikely to have access to NHRIs or the resources to inform the NHRI of their situation. The authority to open investigations also enables institutions to ensure that vulnerable groups can express themselves publicly and that everyone be aware of and interested in human rights violations, wherever they occur. Through research, it is possible that some hidden problems become part of the public debate, a necessary step to solve them."*

*b. "Systemic investigations serve to examine how systems -laws, policies, practices, patterns of behavior and entrenched attitudes- can act in a discriminatory manner or, more generally, violate human rights standards. These guidelines, policies or practices can be structural in nature, that is to say, they are based on the premise that violations are incorporated in the fabric of society and therefore are rooted and widespread ... Systemic investigations not only help to expose overall problems, but they can also be more effective than the investigation of several individual complaints. "*

NHRIs take part in their own right throughout the UN system for the promotion and protection of human rights, particularly in the Human Rights Council and the Universal Periodic Review (UPR). And indeed they do so because the UN considered NHRIs as independent bodies due to the fact that they comply with the Paris Principles, so established to guarantee their autonomy. According to these standards, they are qualified, and then accredited, to participate in the International Forum on Human Rights. As regards UPR specially, a mechanism set up by the Human Rights Council to assess the current situation on human rights within the 193 Member States, the NHRIs are entitled to submit reports to the OHCHR in Geneva, an Office which is responsible for collecting all the information which help to assess the human rights situation of every country under review.

4. Furthermore, according to the OHCHR and after the International Coordination Committee of National Institutions review, the Argentine Ombudsman Office has been recognized as the one entitled to submit an application or be accredited in compliance with the Paris Principles. *"This accreditation allows the institution to participate and speak at the United Nations Human Rights Council"*. The first accreditation was granted in 1999 and

the institution must submit 5-yearly reports in order to "revalidate" its NHRI status, as said, in accordance with the Paris Principles. This took place regularly: the last revalidation was in 2011 in Geneva and the next one shall be in 2016.

Additionally, in May 2015, the aforementioned International Coordinating Committee of NHRIs produced a dossier or chart referred to the NHRIs status where our Office, together with other 71 State Members, was ranked as "A-status", ie *"Compliance with the Paris Principles"*, while other 10 did not apply ("C status") and 26 obtained a "B status", i.e. *"Not fully in compliance with the Paris Principles"*. Moreover, several Argentine bodies, Public Prosecutor Offices and Commissions have tried to seek the UN assessment as NHRI in compliance with the Paris Principles; however, they failed to accomplish this purpose, being the national Ombudsman Office the sole Argentine Institution recognized by the UN as the main guardian in our country for the protection and promotion of fundamental human right. It's a big deal.

**5.** Briefly, according to the Paris Principles and the UN accreditation, the Argentine Ombudsman is entitled to:

- a.** issue opinions, recommendations, proposals and reports on all matters related to the protection and promotion of human rights;
- b.** investigate any situation, considered proper to be examined, referred to human rights violations;
- c.** examine all matters falling within the scope of its competence and selected to address under its terms of reference;
- d.** hear any person and obtain the information and documents necessary for assessing situations falling within its competence;
- e.** establish working groups and create specialized offices on certain matters or areas, such as those applied to Rapporteurs or Commissions, and set up local or regional divisions to make easier the performance of their tasks;
- f.** prepare reports on domestic situations concerning the human rights field in general or focused on more specific issues;
- g.** draw the attention of governmental authorities on situations concerning human rights violations and propose the corresponding measures to end these practices;

h. raise awareness of human rights and the fight against all forms of discrimination; etc..

6. Accordingly, it should be underlined that the Ombudsman shall operate in the context of the Open Government Action Plan, a plan within the scope of the national Under-Secretariat for Management Technologies. Please note that the *Open Government Partnership* (OGP) is a voluntary multilateral initiative aimed at improving governmental performance, promoting civic participation and enhancing the governmental responsiveness to their citizens. From its creation, the OGP participating countries have been growing, from 8 to 60, which work together with their local civil societies in order to develop and implement a national open government action plan. These national action plans include commitments to promote transparency and take advantage of new technologies to strengthen democracy. OGP has established an *Independent Reporting Mechanism* (IRM) to periodically evaluate the progress of each government in terms of its commitments, thus promoting greater accountability at country level. OGP is overseen by a Steering Committee composed of representatives, on an equal basis, coming from governments and civil societies, a unique model that embodies the civic participation goal. Specifically the Open Government Action Plan proclaims: *"From this perspective, a government is considered "open" as long as it is focused on the needs of the citizenry and promotes interactions with and among, inter alia, citizens, public agents, politicians, governmental bodies of different branches and levels, civil society associations, stakeholder groups. These interactions and services should be framed in civic and institutional strengthening policies and actions, with the aim of facilitating access to public information, promoting transparency and accountability, providing excellent services, generating opportunities for cooperation, calling for all forms of pluralism, voice and effective civic participation in policies cycle management."* It also announces that: *"It is essential to consolidate wills and capacities in public institutions and in civil society to achieve an engaged, equitable and inclusive society. At the same time, dealing with the complex in open and transparent contexts should be part of the culture of public administration management and civic participation, which requires understanding, conviction and training. Both aspects are identified as political challenges, the resolution of*

*which may serve as an impetus for the implementation of an Open Government ... These objectives go far beyond what is known as Open Data. They seek a more integrated and egalitarian vision of Open Government within which the challenge of achieving higher standards of social inclusion in a framework of rights expansion, respect for diversity and strengthening of regional integration is underlain."* (1)

Finally, and based on procedures that encourage transparency and civic participation, it warns us that: *"A participatory government promotes the citizens' right to participate actively in the formulation of public policies and clears the way in which public administrations can be benefited from the knowledge, ideas and experience of citizens. It promotes the creation of new meeting spaces that give greater prominence to the involvement of citizens in public affairs."* (1)

In a few words, the Ombudsman shall carry out a harmonious and joint work in tune with the OGP Action Plan ARGENTINA (Member No. 58, 29 October 2012, pertaining to the Open Government Partnership) that *"...promotes interactions with... public agents, politicians, governmental bodies of different branches and levels, civil society associations, stakeholder groups... with the purpose of improving democratic governance as a way to enhance quality of life of all members of society"* (1) (see "Open Government Partnership Argentina -Action Plan ARGENTINA", April 2013-, pages 1/2). Similarly, as regards commitments to be met and public policies to be implemented, this task shall be done in accordance with the "Action Plan ARGENTINA 2015-2017".

All in all, the Ombudsman shall pursue efforts in that direction, i.e. by participating actively in proposals concerning public policies implementation, specially, in processes which lead to a greater inclusion of all groups, and cooperating to achieve the complete fulfillment of all targets included in the 17 SDGs. Apart from the investigations conducted in accordance with the guidelines set forth here, seeking and collecting information for the promotion of human rights, focused clearly in outlining proposals for a better State performance, shall also be its main role.

**7.** Likewise, one must not forget that the UN General Assembly, through the April 2, 2014 Human Rights Council session,

and taking into account the visit to our country which took place on November 18-20, 2013, recommended that: *“The Government of Argentina should:*

*c) Renew its efforts to promote social, economic and cultural rights, including the rights to education, health, water and sanitation and adequate housing, and to ensure the minimum essential levels of these rights for all;*

*d) Take measures to address gender-based inequality in the labour market as outlined in the present report;*

*(e) Intensify its efforts relating to the inclusion of workers in the social security system so as to reduce informal employment to less than 30 per cent by 2015;*

*(f) Take measures to eliminate the social and economic factors contributing to child labour and continue to strengthen its efforts and structures to eliminate child labour, especially its worst forms;*

*(g) Take measures to address the problems of children remaining outside the education system, illiteracy, course repetition and school dropout;*

*(h) Strengthen its efforts to remove disparities in access to and the quality of education between different social groups, including implementing necessary measures to ensure the education of children with disabilities in its regular school system;*

*(i) As a matter of urgency, adopt measures to ensure unrestricted and nondiscriminatory coverage of social benefits, including non-contributory pensions and the universal child allowance, for marginalized and disadvantaged groups, such as migrants and their children;*

*(j) Strengthen its efforts to reduce poverty, particularly among children and adolescents, residents of informal settlements, indigenous people and other disadvantaged groups, as part of a comprehensive social equity strategy that goes beyond financial measures;*

*(k) Ensure women's, including teenagers, access to health services, including sexual and reproductive health services, and adopt the necessary measures to further reduce the high maternal mortality rate;*

*(l) Take measures to improve the availability of reliable, disaggregated and comprehensive data to inform the formulation and implementation of public policies, including statistics on inflation and poverty, and to ensure that the methodologies used and data gathered by the National Statistics and Census*

*Institute (INDEC) are accessible to external users and adequately disseminated;*

*(m) Enhance its efforts to evaluate the impact of its social policies from a human rights viewpoint, including assessing whether existing measures, such as minimum wages, minimum pensions and other social benefits, are sufficient to meet the essential minimum levels of social rights enumerated in international human rights conventions, including whether their level is sufficient to move the impoverished out of poverty.*

## II. The proposed SDGs are the following:

**Goal 1.** End poverty in all its forms everywhere.

**Goal 2.** End hunger, achieve food security and improved nutrition and promote sustainable agriculture.

**Goal 3.** Ensure healthy lives and promote well-being for all at all ages.

**Goal 4.** Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.

**Goal 5.** Achieve gender equality and empower all women and girls.

**Goal 6.** Ensure availability and sustainable management of water and sanitation for all.

**Goal 7.** Ensure access to affordable, reliable, sustainable and modern energy for all.

**Goal 8.** Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.

**Goal 9.** Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation.

**Goal 10.** Reduce inequality within and among countries

**Goal 11.** Make cities and human settlements inclusive, safe, resilient and sustainable

**Goal 12.** Ensure sustainable consumption and production patterns

**Goal 13.** Take urgent action to combat climate change and its impacts

**Goal 14.** Conserve and sustainably use the oceans, seas and marine resources for sustainable development.

**Goal 15.** Protect, restore and promote sustainable use of terrestrial

ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.

**Goal 16.** Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

**Goal 17.** Strengthen the means of implementation and revitalize the Global Partnership for Sustainable Development.

1. At the sixty-ninth UN General Assembly session, held on 4 December 2014 (A/69/700), the new guidelines for the future, i.e. after 2015, were determined and the SDGs were also ascertained. Paragraph 61 says (see page 17): *“Success will equally depend on the power of the new agenda to inspire and mobilize essential actors, new partnerships, key constituencies and the broader global citizenry. For this, we will need an agenda that resonates with the experiences and needs of people, that can be understood and embraced. The agenda and goals should also be received at the country level in a way that will ensure the transition of the Millennium Development Goals to the broader and more transformative sustainable development agenda, effectively becoming an integral part of national and regional visions and plans.”*

And it is added in paragraph 62 that: *“In this regard, we must recall and take note of the mandate given to the General Assembly by the Member States at the United Nations Conference on Sustainable Development, at which they declared that the: “Sustainable development goals should be action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development and respecting national policies and priorities” (Resolution 66/288, annex, para. 247).*

It is also mentioned (paragraph 64) that:

*“I wish to propose an integrated set of six essential elements, which, taken together, aim to facilitate the deliberations of Member States ahead of the special summit on sustainable development in September 2015, and enable them to arrive at the concise and aspirational*



agenda mandated by the United Nations Conference on Sustainable Development.”.

And those six essential elements (<http://bit.ly/1U2qNG1>) are stated and ascertained as follows:

### **1. Dignity: ending poverty and combating inequalities.**

*“The defining challenge of our time is to close the gap between our determination to ensure a life of dignity for all, and the reality of persisting poverty and deepening inequality. While we have made important progress in recent years, addressing gender inequality and realizing women’s empowerment and rights remain a key challenge in all regions of the world.... The agenda must accommodate the voices of women and the views of youth and minorities, seek the free, prior and informed consent of indigenous peoples, remove obstacles to full participation by persons with disabilities, older persons, adolescents and youth and empower the poor. It must not exclude migrants, refugees, displaced persons or persons affected by conflict and occupation”.*

### **2. People: to ensure healthy lives, knowledge and the inclusion of women and children**

*“Millions of people, especially women and children, have been left behind in the wake of unfinished work of the Millennium Development Goals. We must ensure that women and also youth and children have access to the full range of health services. We must ensure zero tolerance of violence against or exploitation of women and girls... All children and adolescents have a right to education and must have a safe environment in which to learn. Human development also means respect for human rights. The agenda must address universal health-care coverage, access and affordability; end preventable maternal, newborn and child deaths and malnutrition; ensure the availability of essential medicines; realize women’s sexual and reproductive health and reproductive rights; ensure immunization coverage; eradicate malaria and realize the vision of a future free of AIDS and tuberculosis; reduce the burden of non-communicable diseases, including mental illness, and of nervous system injuries and road accidents; and promote healthy behaviours, including those related to water, sanitation and hygiene...It is essential that young people receive relevant skills and quality education and lifelong learning, from early*

*childhood development to post-primary schooling, including life skills and vocational education and training, as well as science, sports and culture. Teachers must be given the means to deliver learning and knowledge in response to a safe global workplace, driven by technology”.*

**3. Prosperity: to grow a strong, inclusive and transformative economy.**

*“Economic growth should lead to shared prosperity... We need inclusive growth, built on decent jobs, sustainable livelihoods and rising real incomes for all, measured in ways that go beyond GDP and account for human well-being, sustainability and equity. Ensuring that all people, including women, persons with disabilities, youth, the aged and migrants have decent employment, social protection and access to financial services, will be a hallmark of our economic success... An enabled, properly regulated, responsible and profitable private sector is critical for employment, living wages, growth and revenues for public programmes... The world’s richness of natural resources also provides a formidable economic opportunity... Sustainable approaches to landscape management (including agriculture and forests), industrialization (including manufacturing and productive capacities), access to energy and water and sanitation are key drivers of sustainable production and consumption and job creation, as well as sustainable and equitable growth”.*

**4. Planet: to protect our ecosystems for all societies and our children**

*“To respect our planetary boundaries we need to equitably address climate change... We must protect wildlife, safeguard forests and mountains and reduce disaster risk and build resiliencies. We must protect our oceans, seas, rivers and atmosphere as*

*our global heritage and achieve climate justice”.*

**5. Justice: to promote safe and peaceful societies and strong institutions**

*“Effective governance for sustainable development demands that public institutions in all countries and at all levels be inclusive, participatory and accountable to the people. Laws and institutions must protect human rights and fundamental freedoms. All must be free from fear and violence, without discrimination... Access to fair justice systems... An enabling environment under the rule of law must be secured for the free, active and meaningful*

*engagement of civil society and of advocates, reflecting the voices of women, minorities, lesbian, gay, bisexual and transgender groups, indigenous peoples, youth, adolescents and older persons. Press freedom and access to information, freedom of expression, assembly and association are enablers of sustainable development... The rule of law must be strengthened at the national and international level to secure justice for all”.*

## **6. Partnership: to catalyse global solidarity for sustainable development**

*“A revitalized global partnership for sustainable development must be built on the foundations agreed upon in the Millennium Declaration... It is also about doing things together, uniting around the problem. Inclusive partnerships must be a key feature of implementation at all levels: global, regional, national and local... Transformative partnerships are built upon principles and values, a shared vision and shared goals: placing people and the planet at the centre. They include the participation of all relevant stakeholders, in which mutual accountability is critical. This means principled and responsible public-private-people partnerships”.*

2. The UN General Assembly released the document A/RES/70/1 (<http://bit.ly/1O9BczJ>) on 21 October 2015: a Resolution by means of which the *"The 2030 Agenda for Sustainable Development"* i.e., the 17 SDGs and 169 targets, was established in pages 16-31. Although its extension we feel compelled to transcribe some paragraphs of this document. Otherwise, the purposes behind the opening of an investigation, the aims to be achieved and the responsibility on the issues addressed shall not be duly clear.

The aforementioned Resolution adopted by the UN General Assembly on 25 September 2015 states as follows:

*21. The new Goals and targets will come into effect on 1 January 2016 and will guide the decisions we take over the next 15 years. All of us will work to implement the Agenda within our own countries and at the regional and global levels, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. We will respect national policy space for sustained, inclusive and sustainable economic growth, in particular for developing States, while remaining consistent with relevant international rules and commitments.*

23. *People who are vulnerable must be empowered. Those whose needs are reflected in the Agenda include all children, youth, persons with disabilities (of whom more than 80 per cent live in poverty), people living with HIV/AIDS, older persons, indigenous peoples, refugees and internally displaced persons and migrants. We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism.*

25. *We commit to providing inclusive and equitable quality education at all levels – early childhood, primary, secondary, tertiary, technical and vocational training. All people, irrespective of sex, age, race or ethnicity, and persons with disabilities, migrants, indigenous peoples, children and youth, especially those in vulnerable situations, should have access to life-long learning opportunities that help them to acquire the knowledge and skills needed to exploit opportunities and to participate fully in society.*

26. *To promote physical and mental health and well-being, and to extend life expectancy for all, we must achieve universal health coverage and access to quality health care. No one must be left behind. We commit to accelerating the progress made to date in reducing newborn, child and maternal mortality by ending all such preventable deaths before 2030. We are committed to ensuring universal access to sexual and reproductive health-care services, including for family planning, information and education. We will equally accelerate the pace of progress made infighting malaria, HIV/AIDS, tuberculosis, hepatitis, Ebola and other communicable diseases and epidemics, including by addressing growing anti-microbial resistance and the problem of unattended diseases affecting developing countries. We are committed to the prevention and treatment of non-communicable diseases, including behavioural, developmental and neurological disorders, which constitute a major challenge for sustainable development.*

27. (...) *We will eradicate forced labour and human trafficking and end child labour in all its forms. All countries stand to benefit from having a healthy and well-educated workforce with the knowledge*

*and skills needed for productive and fulfilling work and full participation in society.*

*31. We acknowledge that the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change.*

*35. Sustainable development cannot be realized without peace and security; and peace and security will be at risk without sustainable development. The new Agenda recognizes the need to build peaceful, just and inclusive societies that provide equal access to justice and that are based on respect for human rights (including the right to development), on effective rule of law and good governance at all levels and on transparent, effective and accountable institutions.*

*45. We acknowledge also the essential role of national parliaments through their enactment of legislation and adoption of budgets and their role in ensuring accountability for the effective implementation of our commitments. Governments and public institutions will also work closely on implementation with regional and local authorities, subregional institutions, international institutions, academia, philanthropic organizations, volunteer groups and others.*

*47. Our Governments have the primary responsibility for follow-up and review, at the national, regional and global levels, in relation to the progress made in implementing the Goals and targets over the coming 15 years. To support accountability to our citizens, we will provide for systematic follow-up and review at the various levels, as set out in this Agenda*

*48. Indicators are being developed to assist this work. Quality, accessible, timely and reliable disaggregated data will be needed to help with the measurement of progress and to ensure that no one is left behind. Such data is key to decision-making. Data and information from existing reporting mechanisms should be used where possible.*

*51. What we are announcing today – an Agenda for global action for the next 15 years – is a charter for people and planet in the twenty-first century. Children and young women and men are*

*critical agents of change and will find in the new Goals a platform to channel their infinite capacities for activism into the creation of a better world.*

*53. The future of humanity and of our planet lies in our hands. It lies also in the hands of today's younger generation who will pass the torch to future generations. We have mapped the road to sustainable development; it will be for all of us to ensure that the journey is successful and its gains irreversible.*

*55. The Sustainable Development Goals and targets are integrated and indivisible, global in nature and universally applicable, taking into account different national realities, capacities and levels of development and respecting national policies and priorities. Targets are defined as aspirational and global, with each Government setting its own national targets guided by the global level of ambition but taking into account national circumstances. Each Government will also decide how these aspirational and global targets should be incorporated into national planning processes, policies and strategies. It is important to recognize the link between sustainable development and other relevant ongoing processes in the economic, social and environmental fields.*

*58. We encourage ongoing efforts by States in other forums to address key issues which pose potential challenges to the implementation of our Agenda, and we respect the independent mandates of those processes. We intend that the Agenda and its implementation would support, and be without prejudice to, those other processes and the decisions taken therein.*

*72. We commit to engaging in systematic follow-up and review of the implementation of this Agenda over the next 15 years. A robust, voluntary, effective, participatory, transparent and integrated follow-up and review framework will make a vital contribution to implementation and will help countries to maximize and track progress in implementing this Agenda in order to ensure that no one is left behind.*

*74. Follow-up and review processes at all levels will be guided by the following principles:*

*(a) They will be voluntary and country-led, will take into account different national realities, capacities and levels of development and will respect policy space and priorities. As national ownership is key to achieving sustainable development, the outcome from national-level processes will be the foundation for reviews at the regional and global levels, given that the global review will be primarily based on national official data sources.*

*(b) They will track progress in implementing the universal Goals and targets, including the means of implementation, in all countries in a manner which respects their universal, integrated and interrelated nature and the three dimensions of sustainable development.*

*(c) They will maintain a longer-term orientation, identify achievements, challenges, gaps and critical success factors and support countries in making informed policy choices. They will help to mobilize the necessary means of implementation and partnerships, support the identification of solutions and best practices and promote the coordination and effectiveness of the international development system.*

*(d) They will be open, inclusive, participatory and transparent for all people and will support reporting by all relevant stakeholders.*

*(e) They will be people-centred, gender-sensitive, respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind.*

*(f) They will build on existing platforms and processes, where these exist, avoid duplication and respond to national circumstances, capacities, needs and priorities. They will evolve over time, taking into account emerging issues and the development of new methodologies, and will minimize the reporting burden on national administrations.*

*(g) They will be rigorous and based on evidence, informed by country-led evaluations and data which is high-quality, accessible, timely, reliable and disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts.*

*(h) They will require enhanced capacity-building support for developing countries, including the strengthening of national data systems and evaluation programmes, particularly in African countries, least developed countries, small*



*island developing States, landlocked developing countries and middle-income countries.*

*(i) They will benefit from the active support of the United Nations system and other multilateral institutions.*

*78. We encourage all Member States to develop as soon as practicable ambitious national responses to the overall implementation of this Agenda. These can support the transition to the Sustainable Development Goals and build on existing planning instruments, such as national development and sustainable development strategies, as appropriate.*

*79. We also encourage Member States to conduct regular and inclusive reviews of progress at the national and subnational levels which are country-led and country-driven. Such reviews should draw on contributions from indigenous peoples, civil society, the private sector and other stakeholders, in line with national circumstances, policies and priorities. National parliaments as well as other institutions can also support these processes.*

*90. We request the Secretary-General, in consultation with Member States, to prepare a report, for consideration at the seventieth session of the General Assembly in preparation for the 2016 meeting of the high-level political forum, which outlines critical milestones towards coherent, efficient and inclusive follow-up and review at the global level. The report should include a proposal on the organizational arrangements for State-led reviews at the high-level political forum under the auspices of the Economic and Social Council, including recommendations on voluntary common reporting guidelines. It should clarify institutional responsibilities and provide guidance on annual themes, on a sequence of thematic reviews, and on options for periodic reviews for the high-level political forum.*

*91. We reaffirm our unwavering commitment to achieving this Agenda and utilizing it to the full to transform our world for the better by 2030.*

**III.** Given the above and after several meetings held with our Deputy Secretary-General focused on discussing actions to be

undertaken by each Area/Office hereinafter, according to selected SDGs, this Advisory has proposed the opening of some investigations. The Protection of Human Rights Area and the Health, Social Action, Education and Culture Area should bear in mind paragraph 64 (as seen in II.1) adopted by the UN at its sixty-ninth General Assembly session held on December 4, 2014 (A/69/700) referred to the essential elements for the Goals compliance, particularly the following ones: 1. *Dignity: to end poverty and fight inequalities*; 2. *People: to ensure healthy lives, knowledge and the inclusion of women and children* and 5. *Justice: to promote safe and peaceful societies and strong institutions*.

In turn, the essential element: 4. *Planet: to protect our ecosystems for all societies and our children* should be considered by the Environment and Sustainable Development Area; on the other hand, the essential element 3. *Prosperity: to grow a strong, inclusive and transformative economy* by both: the Users, Works and Public Services, Economy, Finance and Taxes Area, and the Social Security and Labour Area.

Furthermore, the essential element 6 must be used as a compass by all of them: *Partnership: to catalyse global solidarity for sustainable development*. In other words: *a revitalized global partnership for sustainable development must be built on the foundations agreed upon in the Millennium Declaration... It is also about doing things together, uniting around the problem. Inclusive partnerships must be a key feature of implementation at all levels: global, regional, national and local. We know the extent to which this can be transformative. The sustainable development goals provide a platform for aligning private action and public policies. Transformative partnerships are built upon principles and values, a shared vision and shared goals: placing people and the planet at the centre. They include the participation of all relevant stakeholders, in which mutual accountability is critical. This means principled and responsible public-private-people partnership*.

Likewise, UN recommendations given to our country by the General Assembly during the April 2, 2014 Human Rights Council session, after its November 18-20, 2013 visit, should not be forgotten (see point I.4 of this advisory document).

Next, the investigations agreed upon with our Deputy Secretary-General to be opened at this first stage, according to SDGs and Targets (<http://bit.ly/1O9BczJ>) are the following:

### 1. The **General Protection of Human Rights**

**Area** shall take into account which UN states: *By 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status, and also: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.*

This Area shall be entitled to conduct other new investigations, apart from those mentioned hereinafter, for further progress in said direction They have always to follow our *supra* guidelines, specifying expressly and clearly the Goal to be pursued and entering deadlines and proposals.

The **Persons Deprived of Liberty Office** shall enlarge its investigations concerning children and teenagers with a parent in prison (**Nnapes**), taking into account prison conditions in general and calling for greater recognition of prisoner rights; the one related to youth custody centres; and that referred to pregnant women and mothers with children in prison. Besides, this Office shall keep on monitoring the effective compliance of recommendations given by the Judicial Control System of Prison Units.

Notwithstanding this and in terms of Goal 16 plus the abovementioned element 5, (*Justice: to promote safe and peaceful societies and strong institutions*)) special emphasis should be secured on:

*End abuse, exploitation, trafficking and all forms of violence against and torture of children (target 16.2);*

*Promote the rule of law at the national and international levels and ensure equal access to justice for all (target 16.3);*

*Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements (target 16.10);*

*Promote and enforce non-discriminatory laws and policies for sustainable development (target 16.b)*

In this context, this Office shall be entitled to propose the opening of other new investigations, always following the research guidelines provided by this legal advice, and never losing focus of the UN goals and targets to be achieved by 2030.

Regarding this issue, the Office shall be entitled to initiate an administrative procedure related to our domestic prison overcrowding, which may, in turn, be subdivided into two files, corresponding to federal or provincial prisons (targets 16.7 and 16.b.); as well as four other investigations to identify public policies promoting the activation, creation and intensification of inter-ministerial Programs on Confinement referred to health, education, labour and social development (target 16.7).

The **Migrants and Human Trafficking Office** shall be entitled to initiate an investigation in order to identify public policies that are being carried out by the three branches of our national government (Executive, Legislative and Judicial), as well as to determine, according to **Goal 8**, which ones are the *immediate and effective measures* undertaken to *eradicate and end human trafficking* (target 8.7); based on the same proposal as outlined in Goal 16: *End trafficking* (target 16.2).

This Office shall conducted another investigation as stated in **Goal 10**, in order to identify how and by what measures it is possible to *facilitate the orderly, safe, regular and responsible migration and mobility of people through the implementation of planned and well-managed migration policies* (target 10.7).

Besides, a third one shall be opened (**Goal 8**) in order to identify how *labour rights* are protected and how *a secure working environments for all workers, including migrant workers, in particular women migrants*, are being encouraged by the State (target 8.8).

The **Indigenous Peoples Office**, under **Goal 4**, shall investigate what actions are being undertaken to *ensure equal access to all levels of education and training for... indigenous peoples...* (target 4.5).

Additionally, another investigation shall be completed in order to identify the governmental coverage and health care devoted to indigenous peoples, the vaccination schedule specially, and

elaborating a mapping of common diseases. In such a case, this administrative procedure might be subdivided by regions or ethnic groups.

## 2. The **Special Protection of Human Rights**

**Area** should take into account, as mentioned *supra* for the General Protection Area, what the United Nations states: *by 2030, empower and promote the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status, and also, to ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.*

For this purpose, the Area shall be entitled to propose the introduction of new administrative actions, more than those disclosed in the following paragraphs, stick to the guidelines specified *supra*, and with an express and clear mention of pursued goals, specifying deadlines and proposals.

The **Disabled Persons Office** shall open an investigation in accordance with **Goal 4**, in order to arrive at *by 2030 to ensure equal access to all levels of education and vocational training for the vulnerable, including persons with disabilities...* (target 4.5).

Another separate investigation shall be completed according to target 4.a: *to build and upgrade education facilities that are child, disability and gender sensitive.*

Further inquiry shall be carried out, in relation to **Goal 8**, in order to identify future public policies that ensure the equal access of persons with disabilities at all levels of employment; both public and private (target 8.5).

The **Gender Office** should recall what the United Nations states (**Goal 5**): *Gender equality is not only a fundamental human right, but a necessary foundation for a peaceful, prosperous and sustainable world. Providing women and girls with equal access to education, health care, decent work, and representation in political and economic decision-making processes will fuel sustainable economies and benefit societies and humanity at large.*

Therefore, according to **Goal 4**, this Office shall start an inquiry to disclose how might be possible, by 2030 to *eliminate gender disparities in education and ensure equal access to all levels of education and vocational training for the vulnerable* (target 4.5).

In other words, further efforts shall be needed to Goal 3 development, one of the 8 Millennium Goals (2000-2015), namely, *to investigate the literacy rate of women and men; in preschool, primary secondary and tertiary/university levels, elaborating a mapping by provinces*.

It should be recalled that the United Nations has pointed out that gender equality and equity are shown through the following indicators: *Ratio of femininity in GBS and polymodal; Reason for femininity in GBS, polymodal, tertiary and university; Percentage of males between 15 and 24 years of age; Percentage of women between 15 and 24 years of age; Income gap between women and men; Ratio between women and men in public and private hierarchical positions*.

Besides, another investigation shall be conducted, following **Goal 5** guidelines in order to *end all forms of discrimination against all women and girls... eliminating all forms of violence against all women and girls in the public and private spheres* and also to learn which measures shall be undertaken *for the promotion of gender equality and the empowerment of all women and girls at all levels* (targets 5.2 and 5.c)

Yes, we are aware that Goal 5 targets are comprehensive targets, a reason why the Gender Office should elaborate distinct proposals, as appropriate, to subdivide this broad investigation into other separate files and actions in order to achieve compliance.

In addition to the above, the opening of investigations based on three essential issues is considered important for this legal advice:

a. To promote the creation of protocols for action, including some criteria for the authorities involvement and sensitivity, whatever their scope, either public or private, to address those matters related to gender-based violence at the workplace. Particularly, to extend an invitation to the three State branches, national and provincial, including their autonomic entities or decentralized agencies, to issue specific regulations similar to those

recently approved by the University of Buenos Aires on December 9, 2015, and which this Advisory had the opportunity to report, as shown in the following link: <http://bit.ly/1SubXtC>.

As regards private sector, and taking into account that in our country 3047 unions have been registered with the Trade-Union Associations Office -an Office within the scope of the national Ministry of Labour-, the same invitation should be extended to both: the General Confederation of Labour and the Argentine General Business Confederation. Notwithstanding this, our Gender Office might also find, giving closer consideration on this matter, other organizations beneficial to invite.

Bearing in mind that those actions shall turn into recommendations, this Office shall monitor them in order to determine, for sure, if our proposals are welcomed and finally put into practice.

**b.** Argentine public policies for lesbians, gays, trans and bisexuals. UN has taken this topic into consideration, for instance, in view of the report prepared by the Argentine Federation of Lesbians, Gays, Trans and Bisexuals, a work with the UNDP support (<http://bit.ly/1QXxV8P>), see the full document at <http://bit.ly/1mg6kTG>.

**c.** Public policies on obstetric violence, those already carried out and the forthcoming ones. This subject comes from the significant number of complaints received here and the active Gender Office involvement with other governmental bodies, in accordance with Nos. 25,929 and 26,465 Acts.

**3.** According to UN Goal 3, the **Health, Social Action, Education and Culture Area** should recall that: *Ensuring healthy lives and promoting the well-being for all at all ages is essential to sustainable development. Significant strides have been made in increasing life expectancy and reducing some of the common killers associated with child and maternal mortality. Major progress has been made on increasing access to clean water and sanitation, reducing malaria, tuberculosis, polio and the spread of HIV/AIDS. However, many more efforts are needed to fully eradicate a wide range of diseases and address many different persistent and emerging health issues.*



In this context, and in line with the aforementioned **Goal 3**, three separate investigations shall be conducted for identifying those public policies that shall be implemented in order to:

- a. reduce the maternal mortality at childbirth (target 3.1);
- b. end preventable deaths of newborns and children under 5 years of age (target 3.2);
- c. combat the epidemics of AIDS and waterborne diseases and other communicable diseases (target 3.3). It may be subdivided, if necessary.

A fourth investigation shall be opened, in accordance with **Goals 3 and 5**, in order to *by 2030, ensure universal access to sexual and reproductive health-care services, including for family planning, information and education, and the integration of reproductive health into national strategies and programmes, as well as the full recognition of reproductive rights as agreed in accordance with the Programme of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences* (targets 3.7 and 5.6).

The **Culture and Education Office** shall conduct an inquiry (**Goal 4**) *to ensure that all girls and boys complete free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes* (target 4.1).

Likewise, this Office shall also initiate a further action *to ensure that all girls and boys have access to quality early childhood development, care and pre-primary education so that they are ready for primary education* (target 4.2).

Another investigation shall be completed in order to identify such programs related to *build and upgrade education facilities that are child, disability and gender sensitive and provide safe, non-violent, inclusive and effective learning environments for all* (target 4.a.).

Besides, in the context of **Goal 13** (target 13.3) *to improve education, awareness-raising and human and institutional capacity on climate change mitigation, adaptation, impact reduction and early warning,*

the Office shall start an administrative procedure to check on the incorporation of this subject into the school curricula

Also, but this time under **Goal 11**, it shall initiate an action to *strengthen efforts to protect and safeguard the world's cultural and natural heritage* (target 11.4).

**4. The Environment and Sustainable Development Area** should take into account the United Nations statement: *Climate change is now affecting every country on every continent. It is disrupting national economies and affecting lives, costing people, communities and countries dearly today and even more tomorrow. People are experiencing the significant impacts of climate change, which include changing weather patterns, rising sea level, and more extreme weather events. The greenhouse gas emissions from human activities are driving climate change and continue to rise. They are now at their highest levels in history. Without action, the world's average surface temperature is projected to rise over the 21st century and is likely to surpass 3 degrees Celsius this century—with some areas of the world expected to warm even more. The poorest and most vulnerable people are being affected the most.*

And it has also added that: *scalable solutions are now available to enable countries to leapfrog to cleaner, more resilient economies. The pace of change is quickening as more people are turning to renewable energy and a range other measures that will reduce emissions and increase adaptation efforts. But climate change is a global challenge that does not respect national borders. Emissions anywhere affect people everywhere. It is an issue that requires solutions that need to be coordinated at the international level and it requires international cooperation to help developing countries move toward a low-carbon economy. Countries are working to adopt a global agreement in Paris next December which aims at combating climate change.*

In this context, this Area shall be entitled to conduct distinct separate investigations according to each of the Goals pursued:

**Goal 6:** *by 2030, achieve universal and equitable access to safe and affordable drinking water for all, and in this context it shall be improved water quality by reducing pollution, eliminating dumping and*

*minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally (targets 6.1 and 6.3).*

**Goal 11:** *By 2030, provide universal access to safe, inclusive and accessible, green and public spaces, in particular for women and children, older persons and persons with disabilities (target 11.7).*

**Goal 13:** *Integrate climate change measures into national policies, strategies and planning (target 13.2).*

**Goal 14:** *by 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution (target 14.1) and besides, by 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans (target 14.2).*

**Goal 15:** *by 2020, ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands, in line with obligations under international agreements (target 15.1).*

And another isolated investigation to: *by 2020, promote the implementation of sustainable management of all types of forests, halt deforestation, restore degraded forests and substantially increase afforestation and reforestation globally (target 15.2).*

Besides, two more linked to the following matters:

**a.** *Take urgent and significant action to reduce the degradation of natural habitats, halt the loss of biodiversity and, by 2020, protect and prevent the extinction of threatened species (target 15.5).*

**b.** *Take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products (target 15.7).*

**5. The Users, Services and Public Works, Economy, Finances and Taxation Area** should take into account the United Nations statement: *investments in infrastructure – transport, irrigation, energy*

*and information and communication technology – are crucial to achieving sustainable development and empowering communities in many countries. It has long been recognized that growth in productivity and incomes, and improvements in health and education outcomes require investment in infrastructure. The pace of growth and urbanization is also generating the need for new investments in sustainable infrastructures that will enable cities to be more resilient to climate change and boost economic growth and social stability.*

According to **Goal 7** this Area shall conduct two inquiries to: **a.** *by 2030, ensure universal access to affordable, reliable and modern energy services;* and **b.** *by 2030, increase substantially the share of renewable energy in the global energy mix* (targets 7.1 and 7.2).

Keeping in mind **Goal 11**, this Area shall investigate, in another administrative procedure, how *by 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons* (target 11.2).

The Area shall be entitled to subdivide this procedure into several actions, as appropriate, to improve the research outcome.

As regards **Goal 14**, an inquiry shall be completed to ensure that our country *by 2020, effectively regulate harvesting and end overfishing, illegal, unreported and unregulated fishing and destructive fishing practices and implement science-based management plans, in order to restore fish stocks in the shortest time feasible, at least to levels that can produce maximum sustainable yield as determined by their biological characteristics* (target 14.4).

**6. The Social Security and Labour Area** should recall that the following United Nations statement: *Continued lack of decent work opportunities, insufficient investments and under-consumption lead to an erosion of the basic social contract underlying democratic societies: that all must share in progress. . The creation of quality jobs will remain a major challenge for almost all economies well beyond 2015. Sustainable economic growth will require societies to create the conditions that allow people to have*

*quality jobs that stimulate the economy while not harming the environment. Job opportunities and decent working conditions are also required for the whole working age population.*

In line with **Goal 8**, this Area shall start an investigation to *promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services* (target 8.3). All this in order to, *by 2030, achieve full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value* (target 8.5).

Should the Area deem it helpful for the investigation, it shall be entitled to subdivide this procedure into several ones.

In addition, it should consider and put special emphasis on public policies aimed at eradicating child labour in all its forms, protecting labour rights of individuals, in order to achieve *safe and secure working environments for all workers... in particular...those in precarious employment* (target 8.8).

**7.** The Areas/Offices without exception should take into account **Goal 17**, common to all of them, in order to reach the proposed SDGs by 2030.

**a.** Accordingly, a methodology shall be firmly employed in their investigations which shall provide, after the studies carried out, **a better policy coherence** in each Goal.

For this purpose, they should take into account **Goal 10**, target 10.3 i.e.: *to ensure equal opportunity and reduce inequalities of outcome, including by **eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action** in this regard.*

Therefore, the underlying idea is that, after completing a first investigative stage, the disclosure of certain laws or regulations which constitute an obstacle for the Goals and targets compliance shall be crucial, as can be seen below in point IV. As a counterpart, and apart from revocation proposals, they must prepare tailor bills and regulations

intended to reach the Goals. Similar measures shall be adopted related to entrenched practices, administrative measures and public policies. This appears to be the true challenge because, ultimately, the main ideas behind are the following: changing reality, clearing the way, *separating wheat from the chaff* and, year after year, procuring a number of improvements capable of exhibiting just then one or more progress towards the Goal to be met by 2030.

Undoubtedly, the following should be clearly understood: our task shall be extremely difficult without seeking a complete harmony among customs, regulations and laws, for we rely on an obsolete legislation in some cases, and with important gaps in others, that prevents from a legitimate exercising of rights. For instance, by proposing the amendment of a law on enforcement of custodial sentences (24,660 Act) -a twenty years old ruling-, or by achieving the adoption of a new juvenile criminal regime (22,278 Act) -in force for a period of thirty-five years-, we will not normally solve all problems of those in prison but undoubtedly it shall constitute an accomplishment that radically change lives of a highly vulnerable portion of our people. In short, apart from any public welfare policy, that is, the creation of temporary programs or palliatives, the truth is that many State actions and political wills are transmuted into laws and regulations, and, therefore, it is essential that the Ombudsman promote new legislation in line with UN Goals. A State party will never move forward to the Goals fulfilment if slavery, imprisonment without trial, clitoral ablation, child labour, or persecution on grounds of sex, disability, race, ethnicity, or another condition be considered lawful.

**b.** In addition, the tasks accomplished for the Goals compliance should be *complemented by multi-stakeholder partnerships that mobilize and share knowledge, expertise, technology and financial resources, to support the achievement of the sustainable development goals in all countries, in particular developing countries* (target 17.16). Besides, they should *encourage and promote effective public, public-private and civil society partnerships, building on the experience and resourcing strategies of partnerships* (target 17.17).

**c.** They should also provide by 2020 *high-quality, timely and reliable data disaggregated by income, gender, age, race,*

*ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts (target 17.18).*

**8.** A parallel can be drawn with the 100 Brasilia Regulations (<http://bit.ly/1RR6PiN>), the aim of which is *to guarantee the conditions of effective access to justice for vulnerable people, without discrimination, encompassing the group of policies, measures, assistance and support that allow these people to fully enjoy the services of the judicial system.* They are extremely illustrative for interpreting and identifying how the investigations shall be carried out.

First of all, let's see Chapter 1, Section 2 statements:

*(3) Vulnerable people are defined here as those who, due to reasons of age, gender, physical or mental state, or due to social, economic, ethnic and/or cultural circumstances, find it especially difficult to fully exercise their rights before the justice system as recognised to them by law.*

*(4) The following may constitute causes of vulnerability: age, disability, belonging to indigenous communities or minorities, victimisation, migration and internal displacement, poverty, gender and deprivation of liberty.*

*(5) Persons under eighteen years of age are considered children and adolescents, except if they have reached legal age before by virtue of the applicable national legislation. Any child or adolescent must be subject to a special guardianship by the justice system bodies in line with their development.*

*(6) Aging can also constitute a cause of vulnerability if an elderly adult person finds it especially difficult to exercise their rights before the justice system, on the basis of their functional abilities.*

*(7) Disability is understood here as a physical, mental or sensorial deficiency, be it permanent or temporary, which limits the ability of carrying out one or more essential activities of daily life, which may be caused or aggravated by the economic or social environment.*

*(9) People belonging to indigenous communities may be in a condition of vulnerability when they exercise their*



*rights before the state justice system... without any discrimination with regard to their indigenous origins or identity...*

*(13) The displacement of a person outside the state of their nationality can be a cause of vulnerability, especially in the case of migrating workers and their families. A migrating worker is defined here as a worker who is going to carry out, is carrying out or has carried out a paid activity in a state of which he is not a national.*

*(15) Poverty is a cause of social exclusion, in economic terms, and also in social and cultural terms.*

*(16) Legal culture or literacy shall be promoted among people in a situation of poverty, as well as the conditions to improve their effective access to the justice system.*

*(18) Discrimination against women is understood as any distinction, exclusion or restriction based on gender, aimed at or resulting in undermining or cancelling the recognition, enjoyment or exercise by women, regardless of their marriage status, on the basis of the equality of man and woman, of the human rights and fundamental freedoms in political, economic, social, cultural, civil or any other field.*

*(19) Violence against women is understood as any action or conduct, on the basis of their gender, causing death, physical, sexual or psychological damage or suffering to the woman, both in the public and private spheres, by means of the use of physical or psychological violence.*

*(20) The necessary measures required to eradicate discrimination against women in the access of justice for the custody of their legitimate rights and interests shall be promoted, in order to achieve effective equality of conditions. Special attention shall be paid to cases of violence against women, establishing efficient mechanisms aimed at protecting women (and their property, home and family), their access to trials and speedy and timely proceedings.*

*(21) Belonging to a national, ethnic, religious or linguistic minority can be a cause for vulnerability. The dignity of people belonging to minorities should be respected when they come into contact with the justice system.*

(22) *Confinement, ordered by a competent public authority, can generate difficulties to exercise fully before the justice system the rest of rights pertaining to the person in confinement, especially if any of the other causes of vulnerability listed in the previous sections concur.*

Section 3 states that: *the addressees of the content of these Regulations are: a) those responsible for designing, implementing and assessing public policy within the judicial system; b) judges, prosecutors, public defenders, attorneys and other civil servants who work in the Justice Administration system in accordance with the internal legislation of each country; c) lawyers and other law professionals, as well as societies and associations of lawyers; d) **people who work at Ombudsmen bodies**; e) prison police officers and services; f) and, generally, all operators of the judicial system and those who take part in any way in its operation.*

Chapter II, Section 4<sup>th</sup>, point 2, says:

(38) *Swiftness and priority. The necessary measures shall be adopted to avoid delays in processing each case.*

(39) *Coordination. Intra- and inter-institutional coordination mechanisms, both organic and functional, shall be established with the aim of managing the interdependencies of the acts of the different bodies and institutions, both public and private.*

(41) *Interdisciplinary action. Importance is given to the action of multidisciplinary teams, made up of professionals of different fields, to improve the response of the judicial system.*

As regards the General Principle of Collaboration, Chapter IV: “Effectiveness of the Regulations” precisely states:

(85) *The efficacy of these Regulations is directly linked to the degree of collaboration between its addressees, as defined in Section 3 of Chapter I.*

(86) *The implementation of a permanent instance where the different agents referred to in the previous section will be promoted, which may be established by sectors.*

(88) *The participation of federal and central authorities, autonomic and regional government and state bodies in federal states will be promoted, given that, in the scope of their competencies, they are*

*frequently closer to directly managing social protection for the most disadvantaged sectors of society.*

*(89) Every country will consider the convenience of promoting the participation of civil society bodies given their relevant role in social cohesion and their close relationship and involvement with the most disadvantaged sectors of society.*

*(90) The creation of spaces that enable the exchange of experiences among different countries will be promoted, analysing the causes of the success or failure in each of them and establishing good practices. These spaces for participation may be sectorial.*

*(92) Studies and research on this subject will be promoted, in collaboration with academic and university institutions.*

*(93) Activities will be carried out to promote an organisational culture geared to providing the appropriate assistance to vulnerable people on the basis of the contents of these Regulations.*

*(96) Handbooks will be drafted, containing the best practices for each of the vulnerability sectors, which can expand on the contents of these Regulations, adapting them to the specific circumstances of each group.*

*(97) In addition, a catalogue of international instruments will be drafted, referred to each of the sectors or groups mentioned earlier.*

*(100) A Monitoring Committee will be formed, which will have the following aims:...Proposing an Activities Framework Plan, in order to guarantee the monitoring of the implementation of these regulations in each country and via the corresponding bodies of the Summit, proposing to the international, hemispherical and regional bodies... the definition, adoption and strengthening of public policies that promote the improvement of the conditions of access to justice for vulnerable people.*

Summarizing, it is clear who is protected when we talk about meeting the SDGs; secondly, the methodology and expeditiousness to be applied in future investigations are detailed herein; thirdly, interdisciplinary work, if necessary, with public or private entities and civil society organizations is also encouraged, and the cooperation and participation

of universities and academic institutions too. Finally, the commitment of all players and officers involved in the project is extremely important in order to reach the Millennium Goals and enhance the effectiveness on the investigations carried out.

Thus, the Ombudsman Office, according to both its legal framework and the terms of reference, shall be entitled to outline proposals and plans of action, without any restriction, in order to finally obtain the outcomes pursued in every investigation.

**9.** This is clearly no easy task and that the UN final goal or target shall be *by 2030 end poverty, combat climate change and fight injustice and inequality*.

Judge Ms. Alicia Ruíz, member of the Superior Court of Justice of Buenos Aires City, in her outstanding article "*Assuming vulnerability*", a work released by la *Defensoría General de la Nación* (2) (<http://bit.ly/1mpto1L>) says:

"The principle of equality enshrined unanimously in modern constitutions and international treaties implies that **"all"**, in one of its possible meanings, are those under the protective umbrella of Justice, which in turn shall safeguard them if their rights are being restricted: any right in any circumstance.

"Now, **who are "all"**? Actually, nothing appears to be as referred to in such texts. There are many, many individuals who wait in vain before the gates of Justice requesting that his/her claim be satisfied ... and even worse, there are some who really ignore where to find legal protection or have no legal coverage at all.

"The bright horizon of equality is barely perceivable, an illusion that badly supports the imaginary of modernity against a dark, opaque world, inhabited by individuals without identity or recognition, making them invisible, or just ignoring or forgetting them. Vulnerable human beings of extreme vulnerability towards whom, almost always and in the best-case scenario, only indifferent glances (sometimes concealed by hypocrite compassion) are directed to them.

"The poor, immigrants, the jobless, those who, because of their skin colour, their religious beliefs, their sexual choice, their

political ideology, their addiction, or formally charged with a crime or being in or out of prison, those ill or isolated in a medical institution, or “troubled” children or adolescents or those living in streets, or ... all of them are not included in such “all”. This would be an endless listing comprising all peoples to whom Justice should protect: the excluded, the repudiated, the persecuted.

“Access to Justice is a broad avenue that might enlarge the extent of those included. Let me also insist: this issue is a complex and paradoxical one. Access to Justice involves, but it is not confined to, the judicial system. It entails a strong intersection between law and democracy which calls for a critical perspective on law and a necessarily different approach for democracy if the intention is overcoming the level through which the most standard analyses go.

“In other words, a dissimilar epistemological approach concerning the access to justice is also a political commitment for a future in which expressions such as “democracy” and “law” shall have different and more comprehensive meanings than those in use.

“Democracy is the historic accomplishment of a political form of organization in which the rule of law, individual guarantees, popular sovereignty, and the rights to dissent and disobedience constitute the most characteristic features. It introduces a type of society that proclaims the unlimited expansion of human creativity in a double sense: more creativity for more individuals, an idea which requires a permanent redefinition of solidarity bonds.” (1)

The Ombudsman Office, in its best efforts to ensure ulterior SDGs compliance by 2030, is moving towards such direction by struggling to make “all” visible, those “*vulnerable human beings of extreme vulnerability*” especially, a motive which enlightens the investigations conducted to cooperate with the Goals. For instance, the proclaimed conquest of greater awards for those who have less in compliance with Goal 10, “*reduce inequality within and among countries*”, is not the sole fact to be achieved; but, on the contrary, this is about to winning the battle, a battle that will continue until we stop talking about inequalities and start to discuss parity and equivalence of rights.

Judge Alicia Ruíz well looks into this matter:

"When categories such as *"vulnerable"* or *"vulnerable conditions"* are introduced in a legal discourse, the formal equality of *"all"* is broken and the scope of subjects of law is broadened and completely altered... Naming from the *"law"* is to stage everything considered distinct, silenced or denied, also facilitating the participation of other social actors, because subjects are produced by excluding and legitimising practices that are invisible as such, among which the legal ones are highly effective in this "naturalization" process.

"Modern law has admitted that Equality is a problem that belongs to it, and once Equality enters into History, it hardly comes out of it. Hence, topics such as citizenship and rights become complex representations of new forms of sociability, in which semantics changes and "spaces of experience" become "horizons of hope". In societies where disparities are being accumulated as "claims of recognition" and as "symptoms" of discrimination, the sense of equality cannot be restricted to "equality before the law." However, legal discourse, because of its social and performative but insufficient character, is essential to constitute subjectivities and to extend those spaces of "equality"." (1)

As can be seen, this is no easy task and probably there will appear critics who judge this project, and the conducting of the proposed investigations as a utopian idea or, even worse, an unattainable one. To those who so consider it, they are invited to submit your proposals in writing, duly signed, pointing out precisely the methodology which deemed useful to cooperate with the United Nations or the Government for the 17 Goals and 169 targets compliance by 2030. A simple refusal of the project shall not be accepted, because our institution has decided to take this road in its capacity as Argentine NHRI.

#### **IV. On investigations and methodologies.**

Prior to introducing first directions, a research must be done into all our records in order to disclose the number of complaints filed in the last five (5) years referred to the matter in hand and, if necessary, subdividing results by topics and subtopics.

**1.** At the beginning of the investigation, officers shall have the duty to ascertain legal frameworks in force on the subject-matter. Thus, they must identify laws and regulations applicable to each case.

Accordingly, bills or amendments to current laws or regulations should be proposed in order to make some progress towards a Goal, thus seeking to eliminate regulatory obstacles which impede their effective fulfilment.

**2.** They shall also obtain and review all bills submitted in recent years, the most relevant judicial decisions adopted by our national Supreme Court of Justice on the matter under investigation, as well as OAS recommendations made through the IACHR and Inter-American Court of Human Rights resolutions.

**3.** National, provincial and local public bodies in charge of the matter in hand shall be strictly identified, dividing them according to their corresponding branches, i.e. the executive, the legislature and the judiciary.

**4.** A clear perspective on what NGOs (either national or international) are dealing with the topic and their position shall be crucial; and also a familiarisation with overall society demands, as well as those raised by other organizations such as the Church, political parties, universities, professional associations, and so on.

**5.** The major social demand related to the matter in hand shall be reported together with the ten (10) most relevant news released in 2015 and their impact on public opinion.

**6.** Identifying public policies on the matter which are being implemented by at least two developing countries. Or more precisely, public policies which should be "emulated", always adapting them to the context of our country. The same procedure should be applied to two countries from the Latin American and the Caribbean Region, and of course, other than the previous ones.

**7.** Investigations shall be conducted in order to obtain reliable statistical data and to identify public policies that the State has decided to implement or carry forward, and also to ascertain current Programs which are being developed, if any. The annual budget which has been allocated

to the subject-matter shall be mentioned therein, and, once approved, it must be split into budgetary items according to purpose, updating these items every year.

**8.** A comprehensive analysis, if the case so requires, shall be convenient to carry out, and also a consultation on the statistics concerning the segment of population most affected, divided them by sex, age, cultural and social level, and evaluating the impact on the whole family group.

**9.** Equally important and expressly required herein, Areas/Offices shall be encouraged to enter into agreements with public bodies and private organizations, NGOs, etc., for the exchange of information and expertise, having the duty to meet monthly and to prepare an official report with the results of these meetings, their progress, conclusions, and so on.

**10.** According to the topic addressed in each investigation, the advisory opinion of Professional Associations, Councils, Universities, and so on shall be required.

**11.** As shown in next chapter, each Area/Office shall have to prepare personal proposals to be submitted on March 1st, 2016, duly substantiated, indicating deadlines, in order to establish clearly the aim to be achieved at this first stage. Moreover, an exhaustive overview of each matter on hand shall be provided at the end of 2015 indicating which are the main flaws or obstacles detected that prevent from obtaining some progress on the UN Goals and targets, that is to say, a mention on which are, in their opinion, the current at least five (5) problems or pitfalls detected. In this context, they shall point out, according to the UN proposals, if such Goals and targets compliance is possible by 2030, and where we are now at the beginning of 2016.

**12.** In such proposals, officers in charge of an investigation shall mention the issues that they deem proper to be addressed, other than those formulated in this opinion.

**13.** Additionally, as mentioned above, officers at this early stage shall propose further investigations, other than those recommended in this opinion, to be undertaken for reaching the UN Goals and targets; as well as any procedure that they deem appropriate to carry out along



2016 and other ones which should be systematically repeated year by year until 2030.

The desire of our institution is that every officer outlines proposals that he/she considers the more appropriate to take and feels free to suggest other methods for reaching the UN Goals and targets and for optimizing investigations. Self-censorship is the worst enemy when suggesting other procedures; we, instead, encourage that officers perform their tasks as freely as possible.

**14.** More importantly, staff members in charge of the corresponding investigations shall do fieldwork and *de visu* inspections in different places, zones, shops, etc., when the matter in hand need an active involvement. Our intention is that officers move around and leave their desks to capture the true situation of the subject-matter precisely in the sites where things actually happen; nothing short than linking parallel universes. For instance, hospitals, health and care centres, indigenous communities, schools, universities, borders, public agencies, forests, prisons, etc. should be included for these purposes. Besides, visits or surveys proposed to be undertaken shall be reported monthly.

**15.** Any action performed by each one of the three governmental branches, either national or provincial, which significantly entails an improvement or retrogression towards a Goal or target should be immediately reported.

**16.** Given the dynamic character of the topics to be addressed in an investigation, the file should be in moving permanently; and under no circumstances, closure or inaction therein is not admissible. Should an irregular situation or inconvenience arise, our authorities shall be informed immediately.

**17.** In short, the officer responsible for the investigation shall submit regularly, and obviously at the end of each year, a critical analysis based on its results intending to establish an institutional perspective on the addressed Goal and its targets. In such cases, he/she shall outlines final proposals and recommendations to be implemented and carried out next year explaining expressly how he/she assessed the issue and conducted the investigation. **An outreach activities program and a**

**methodology for the promotion of such human right should also be further developed.**

**V. Just a few words:**

**1.** For better-developed investigations and no doubts on their methodology, it should be clear that, in all cases, an administrative procedure conducted to achieve a Goal shall be assigned exclusively to an officer who shall periodically report to the Head of his/her Area/Office. Additionally, each Head of this Area/Office shall make a report in writing to the Deputy Secretary-General concerning the progress in meeting the pre-established Goals.

**2.** In addition, those officers performing tasks outside our thematic Areas, for example, the Accounting and Finance Division or the Administration and Human Resources Division, all of them are invited to take part actively in this project and, if necessary, they may request for conducting an investigation linked to their expertise. Every officer working here is qualified to collaborate on this project, a remarkable point attempting to put the Ombudsman Office at a level unknown until now by all. When requested, nobody shall be left behind to cooperate and the Heads of Areas/Offices shall be responsible for including their personal concerns. Since long ago, our institution has been operating with stand-alone units, unaware that all of us belong to a team, the national Argentine Ombudsman Office, in charge of protecting and promoting human rights.

**3.** As seen in point III, each Area/Office is entitled to open an investigation directly linked to one of the UN 17 SDGs, and other similar procedures related to their targets too. On this basis and taking into account that January is a holiday month for many of us, we recall that, by March 1st, 2016, Heads of Areas/Offices shall outline a plan of action with proposals and purposes in general to be further implemented, identifying which ones are those intended to attain in the next three, six and twelve months. Priorities shall be taken into consideration, an also the severity of the case and difficulties for its achievement. In this regard, a recently work on the matter, available online in our website: <http://bit.ly/1PvIqjn> shall be of particular interest for the officers responsible for these tasks.

4. This legal opinion shall be included into the "mother" administrative procedure, i.e. the first file which shall give rise to many others devoted to each Goal and its targets (as seen in point III). Besides, a copy of this advice shall be added therein, and for this purpose, an initial formal document shall be formulated **according to the standard model attached hereto.**

5. Immediately, as mentioned above in point V.3., the officer in charge of the investigation shall prepare his/her first report and, upon both the Deputy Secretary-General approval and our legal opinion, he/she shall be entitled to open the investigation.

6. Each time a staff member in charge of the action has decided to follow a new plan, and obviously, when reviewing his/her periodic reports on the progress of the investigation, this Legal and Technical Advice Area, without any exception whatsoever, shall also take part in the procedure.

Notwithstanding this, the Legal and Technical Advice Area shall give its assistance whenever required, upon a prior well-founded request in writing from the Head of Areas/Offices.

7. The Legal and Technical Advice Area shall be in charge of the "mother" administrative procedure and it shall henceforth coordinate the inclusion of progress reports and annual reports produced in every investigation as Annexes. Moreover, it shall also be in charge of ensuring the effective compliance of the points explicitly stated in **I.2., IV.11., IV.13., IV.17, V.1. and V.3.**

8. To leave no room for doubt on the investigation process:

a. none of the investigations to be opened shall then be closed and they shall remain operative during the still pending period of 15-years for the SDGs implementation;

b. every officer responsible for the performance of his/her duties shall prepare a report yearly, to be submitted on December 1st, on the progress and present condition of the investigation conducted, pointing out which achievements have been accomplished, those failed to be achieved,

and if necessary, explaining their reasons, and outlining new proposals for the coming year with an explicit mention of deadlines;

c. every investigation shall be included in our Annual Report, and a special chapter entitled '2015-2030 SDGs.' shall be incorporated to such purposes.

9. Further, we are certainly unaware if the National Council for the Coordination of Social Policies (a governmental body composed of members pertaining to the Ministries of Social Development; Labour, Employment and Social Security; Education, Science, Technology and Productive Innovation; Health; Economy and Production; Federal Planning; Public Investment and Services; Justice, Security and Human Rights; as well as the national Secretariat for Children, Adolescents and Family; the National Council for Women; the National Advisory Commission for the Integration of Disabled Persons; the National Centre for Community Organizations; the National Early Childhood Development Program “The Early Years”; the National Tax and Social Security Identification System (SINTyS in Spanish initials); the Information, Monitoring and Evaluation System for Social Programs, the identification and Selection System for Beneficiary Families of Social Programs (SIEMPRO\_SISFAM in Spanish initials), the Consultative Council and the National Physical Activity and Human Development Network) shall continue working with all its members or other governmental bodies be created instead in order to accomplish similar duties. In any case, our officers are here advised to consider this Council as a starting point for their investigations (<http://bit.ly/1NOJv2u>), taking into account, in addition, the international links mentioned in the SDGs Website (<http://bit.ly/1iKD85v>) for each Goal.

10. Surely, it should be recalled that an strict *numerous clausus* does not apply in the investigations promoted by this Legal Area, but quite the opposite, because new procedures shall be adopted in a near future for finally reaching other SDGs. Additionally, every officer is invited herein to propose new actions under the methodology mentioned above.

## VI.

Improving people's welfare is an explicit State duty according to the Declaration on the Right to Development

(<http://bit.ly/1J4vrCX>), adopted by the UN General Assembly on 6 December 1986. By virtue of this right, all people are entitled to take part in a global development which involves economic, social, cultural and political conditions. The right to development is intended to improve welfare for the entire population and for all individuals based in their active, free and meaningful participation and in the fair distribution of the benefits deriving from it.

In line with the provisions and expectations set up in such Declaration, every individual is entitled to enjoy a social order in which rights and freedoms can be fully realized, being the human person the central component in a development process. Consequently, all development policies must consider every human being as their participant and their main beneficiary. Thus, the creation of favourable conditions for the development of peoples and individuals constitutes the primary State duty, as well as the adoption of those measures directed to eliminate barriers for development resulting from the non-observance of civil, political, economic, social and cultural rights. Moreover, given that the development concept goes beyond economic terms, the State has the responsibility to ensure equal opportunities for all as regards the access to basic resources, education, health services, food, housing, employment and a fair distribution of income.

Since 1990 the United Nations Development Program (UNDP) has been using the Human Development Approach to determine the relative position of countries in terms of human development. This Approach has given some contributions for development studies in general, and for the design and formulation of public policies in particular. Foremost among them is the notion of people as active agents of change in development processes, and not simply as passive beneficiaries. Addressing development through this Approach view serves to underline that the economy growth is a means for setting the human capacity building process in motion and not an end in itself.

Poverty is a reality that we get used to living with. It has been naturalized as well as social inequalities have been naturalized too. Therefore, if eradicating poverty is the Goal to be achieved, we must first denaturalize it as a social and cultural phenomenon. For this purpose, a paradigm change is essential, giving a basis for a social order built on common

good in which conditions should be generated to reduce unequal opportunities and to promote an inclusive human development.

Poverty goes through all SDGs, a reason why 1 and 2 Goals should not be taken separately, but it is necessary instead to implement public policies taking into account its transversality. Therefore, we strongly uphold that the investigations to be conducted shall enable us to obtain satisfactory results for vulnerable groups, those groups which we intend to protect in all cases.

Accordingly, some UN General Assembly ideas included in document A/RES/70/1 released on 21 October 2015, by means of which the "2030 Agenda for Sustainable Development" was adopted, (see point II.2.) shall be here recalled:

*"55. The SDGs and targets are integrated and indivisible, global in nature and universally applicable... 57. We recognize that baseline data for several of the targets remain unavailable, and we call for increased support for strengthening data collection and capacity building in Member States... 58. We encourage ongoing efforts by states in other fora to address key issues which pose potential challenges to the implementation of our Agenda; 72. We commit to engage in systematic follow-up and review of implementation of this Agenda over the next fifteen years. A robust, voluntary, effective, participatory, transparent and integrated follow-up and review framework will make a vital contribution to implementation and will help countries to maximize and track progress in implementing this Agenda...74. Follow-up and review processes at all levels will be guided by the following principles: a. They will be voluntary and country-led... the outcome from national level processes will be the foundation for reviews at regional and global levels, given that the global review will be primarily based on national official data sources; b. They will track progress in implementing the universal Goals and targets, including the means of implementation... c. They will maintain a longer-term orientation, identify achievements, challenges, gaps and critical success factors... They will help mobilize the necessary means of implementation and partnerships, support the identification of solutions and best practices... d. They will be open, inclusive, participatory and transparent for all people and will support the reporting by all relevant stakeholders; e. They will be people-*

*centred, gender-sensitive, respect human rights and have a particular focus on the poorest, most vulnerable and those furthest behind... 78. We encourage all member states to develop as soon as practicable ambitious national responses to the overall implementation of this Agenda...”*

Finally, our desire is to work with others for attaining better conditions as regards health, education, gender equality and, decent work; including, but not limited to, the right to enjoy a healthy environment, policy coherence and effective, responsible and inclusive institutions, greater dignity for prisoners and their families, access to justice, eradication of the abuse, discrimination and all forms of violence against children. We are convinced that these achievements shall benefit the entire population, developing a better standard of life, so that the state of vulnerability that many of our inhabitants are now experiencing shall decrease considerably; based on three fundamental pillars: health, education and work for the whole family group.

Having safeguarded them, poverty rates shall certainly be reduced. This is exactly why the Ombudsman Office shall promote investigations on all aspects mentioned early in this paragraph, convinced that these actions, year after year, shall contribute for UN SDGs compliance by 2030.

I would be less than frank if this legal opinion were closed without confessing that, prior to signature, I gave a copy to Bertolt Brecht, and it was he who encouraged us to move forward with this project. He just said: *“convictions are hopes”*.

Upon your consideration.





---

# Follow-up and Assessment Programme to the UPR

---





## ARGENTINE OMBUDSMAN RESOLUTION N° 00003/17

WHEREAS the United Nations Res. A/HRC/RES/16/21, the Res. HRC 5/1 and its Annex adopted by the Human Rights Council and also the Res. A/HRC/33/L.17/Rev.1 have been duly considered by our institution;

WHEREAS the ***“Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”*** was created by this institution on 30 December 2015 in order to cooperate with the United Nations and public authorities to achieve the Argentine fulfillment of the 169 targets set up in this Agenda;

WHEREAS certain interactions carried out by virtue of this *Programme* forged closer links, especially among this institution and the High Commissioner of Human Rights (OHCHR), the United Nations Development Programme (UNDP) and other UN agencies;

WHEREAS the dynamics that the *Programme* showed along 2016 proved that its creation enabled us, as a National Human Rights Institution (NHRI), to give a strategic framework for the 2030 Agenda follow-up and review;

WHEREAS a similar decision appears to be suitable in view of this experience and the fact that our Institution as NHRI, is required to inform the Human Rights Council (UN) on the 118 recommendations addressed to Argentina within the framework of the Universal Periodic Review (UPR) (A/HRC/22/4 and A/HRC/22/4/Add.1/Rev.1) by 30 March 2017;

WHEREAS Argentina must submit the corresponding report next August and subsequently, in November, has to defend it *in situ*;

WHEREAS our Institution is entitled to make any relevant comments on the matter in March 2018;

WHEREAS our Institution, as a NHRI, and in its own right, takes part in the promotion and protection of the fundamental human rights and freedoms universally recognized by the International Bill of Human Rights and other international treaties and conventions, by virtue of the inherent powers of the Ombudsman Office, our current legislation, the authority vested in it by the Argentine Constitution (section 86) and the corresponding mandate given by the “Paris Principles” adopted by Res N° 1992/54 of the United Nations Human Rights Commission, and reaffirmed by the General Assembly by means of Res. 48/134 (1993);

WHEREAS the UPR, in this case, as a mechanism created by the Human Rights Council in order to assess the human rights situation of the 193 Members States, authorizes NHRIs to submit reports to the OHCHR in Geneva, the Office which collects all the information that will serve to evaluate the human rights situation of the country under review;

WHEREAS UPR purposes, principles and objectives stated in paragraphs 1 to 4 of the Annex to the Res.5/1 adopted by the Human Rights Council are reaffirmed in paragraph I.A.1 of the Annex to Res. A/HRC/RES/16/21, especially point I.3.m, which declares that the UPR must be aimed at ensuring the participation of NHRIs;

WHEREAS, in addition, NHRIs shall be entitled to intervene immediately after their reviewed State, in the course of the adoption procedure of the UPR outcome report on that State at a plenary session of the Human Rights Council, in accordance to the provisions stated in paragraph I.C.2.13 of the abovementioned Annex;

WHEREAS, and more clearly related to UPR, the Res. 5/1 adopted by the Human Rights Council confirmed the following NHRIs contributions to the UPR process: submitting information to be included in the report prepared by the OHCHR Office; attending the examination of their country by the UPR Working Group in Geneva; making general comments at the Human Rights Council before adoption of the UPR Working Group's report on their country; and as well as many others, working to implement UPR recommendations, although the primary responsibility for this lies with the State.

WHEREAS some points of Res.A/HRC/33/L.17/Rev.1 are instructive to review stating that the Human Rights Council: *"18. Recognizes the important role played by national human rights institutions in the Human Rights Council, including its universal periodic review mechanism, in both preparation and follow-up, and the special procedures, and in engaging with the human rights treaty bodies, in accordance with General Assembly resolutions 60/251 of 15 March 2006 and 65/281 of 17 June 2011, Council resolutions 5/1 and 5/2 of 18 June 2007, Council decision 19/119 of 22 March 2012, and Commission on Human Rights resolution 2005/74 of 20 April 2005;*

WHEREAS, in addition, the Human Rights Council: *"19. Encourages national human rights institutions to continue to participate in and contribute to the work of the Human Rights Council, including the universal periodic review, and to continue to engage with the special procedures and treaty bodies by, inter alia, providing parallel reports and other information"; and "20. Commends in particular the increasing engagement of national human rights institutions at all stages of the universal periodic review, and encourages national human*

*rights institutions to monitor, promote and support the implementation of accepted recommendations in their respective national contexts”;*

WHEREAS, the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) in its report *“National Institutions of Human Rights and UPR follow-up”* states that the NHRIs : *“...are able to contribute effectively to all stages of the Universal Periodic Review (UPR) process. The greatest challenge –and potential- to strengthen human rights in country remains, however, at the follow-up stage to UPR. Follow-up here refers to the implementation of UPR recommendations, after the working group session and adoption of the UPR report in Geneva. While States have the primary responsibility to ensure follow-up to, and implementation of, UPR recommendations, NHRIs also have an important role to play in supporting follow-up. This role is different from yet complementary to the roles performed by Government and civil society.”;*

WHEREAS, in this context, the **“Follow-up and Assessment Programme to the UPR”** was created on 20 January 2017 aimed at collecting and analyzing the UPR recommendations addressed to the State and subsequently preparing our proposals as NHRI;

WHEREAS the Deputy Secretary General shall be responsible for the overall direction and supervision of the *Programme* and the Legal and Technical Area, as regards the follow-up and assessment, will serve as a link among different thematic areas, working together with the Jurisprudence and Documentation Office in view of its task on computer database which compile more than three thousand UN documents so far, its assistance in drawing up documents devoted to Special Rapporteurs, as well as its involvement during the preparation of the UPR report which, as mentioned above, must be submitted in March;

WHEREAS the regular reports produced by Areas I, II, III, IV, V and VII shall be revised by the Legal and Technical Area and the International Relations Office since the comprehensive report must be tailored to the formal criteria provided for by the UN for its subsequent submission to its system;

WHEREAS this *Programme* shall be implemented in the context of an internal administrative case, identified as File N° 250/17, and therefore all records connected with UPR, and the UPR reports produced by the State, our institution and the civil society must be added to such file every year;

WHEREAS the International Relations Office shall be responsible for keeping the Deputy Secretary General and the Legal and Technical Area informed in due time on deadlines and timetables laid down by the UN in order

to submit documents for the entire system (i.e. Human Rights Council, High Level Political Forum, Treaty Bodies, and other institutions, etc.), as well as the announcement of visits to be undertaken, inter alia, by the Special Rapporteurs and the deadlines set for the submission of reports;

WHEREAS the Communication Area shall be responsible for the promotion and disseminating operations of the ***“Follow-up and Assessment Programme to the UPR”***;

WHEREAS the close connection between the 2030 Agenda and the UPR is widely known, to the extent that the UN encourages to tie the targets related to the 17 Goals with the UPR recommendations, and this is the reason why the 2030 Agenda Programme and the UPR Programme shall be kept a necessary interrelationship;

WHEREAS, in this regard, The Merida Declaration, which clearly establishes the NHRIs Programme of Action for Sustainable Development by 2030, was adopted by the 53 NHRIs around the world participating in the Twelfth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights held in Mérida, Yucatán, México in October 2015, organized in cooperation with the Office of the High Commissioner of Human Rights (OHCHR), under the heading: *“The Sustainable Development Goals: What Role for National Human Rights Institutions?”*;

WHEREAS the abovementioned Declaration in its paragraph 12 states: *“Human rights instruments and mechanisms will provide an important framework for the implementation of the SDGs, and the implementation of the SDGs will contribute to the realization of human rights. This points to the potential of using international and regional human rights mechanisms, including the Human Rights Council, Special Procedures, the Universal Periodic Review, and treaty bodies, as well as the International Labour Organization's supervisory bodies, to assess and guide SDG implementation”*;

WHEREAS, in turn, the High Level Political Forum on Sustainable Development organized by the Social and Economic Council (UN), in its Res. E/HLPF72016/2, dated 2 May 2016, paragraph 241, points out: *“Reporting and reviewing must be in line with existing human rights standards and treaties, including ICESCR, CRPD, CRC, CEDAW and CERD, and build on their experiences, including that of the Universal Periodic Review and Human Rights Committees.”*;

WHEREAS, as shown, both the UPR and 2030 Agenda Follow-up and Review processes are directly linked and they shall be mutually reinforced;

WHEREAS the Legal and Technical Area has expressed its appropriate legal opinion;

WHEREAS this Resolution is adopted in compliance with section 6, paragraph j) of the Regulations for the Organization and Functioning of the Ombudsman Office, the authorization given by the two Presidents of the largest political parties represented in Parliament, and, in addition, ratified by Res. N° 001/2014 of the Ombudsman Permanent Bicameral Commission, , dated 23 April 2014, and the President's note of the Ombudsman Permanent Bicameral Commission, dated 25 August 2015, which conferred the same powers granted to the Secretary General in the person of the Deputy Secretary General, in case the Secretary General be on leave or absent.

NOW, THEREFORE, as Deputy Secretary General of the Ombudsman Office, it is hereby ordered as follows:

SECTION 1: The adoption of the following working methodology is established in the context of the Follow-up and Assessment Programme to the UPR:

1. The Deputy Secretary General shall be responsible for the overall direction and supervision of the *Programme*;
2. As regards the follow up and assessment, the Legal and Technical Area will serve as a link among different thematic areas, working together with the Jurisprudence and Documentation Office;
3. The regular reports produced by Areas I, II, III, IV, V and VII shall be prepared on a quarterly basis and shall be revised by the Legal and Technical Area and the International Relations Office, since the comprehensive report must be tailored to the formal criteria provided for by the UN for its subsequent submission to the UN System;
4. The 2030 Agenda Programme and the UPR Programme will keep a necessary interrelationship and they shall be mutually reinforced;
5. The International Relations Office shall be responsible for keeping the Deputy Secretary General and the Legal and Technical Area informed in due time on deadlines and timetables laid down by the UN in order to submit documents to the entire System (i.e. Human Rights Council, High Level Political Forum, Treaty Bodies, and other institutions, etc.), as well as the announcement of visits to be undertaken, inter alia, by the Special Rapporteurs and the deadlines set for the submission of reports;
6. The Communication Area shall be responsible for the promotion and disseminating operations of the *"Follow-up and Assessment Programme to the UPR"*.

SECTION 2: All public authorities, at a national, provincial and municipal level, shall be encouraged to cooperate with the Ombudsman Office, as NHRI, in complying with the requests demanded in the context of the *Follow-up and Assessment Programme to the UPR*, according to the principles recognized by the Open Government Partnership and Good Governance.

SECTION 3: Civil society as a whole shall be invited to participate, cooperate and collaborate directly in the UPR Follow-up and Assessment Programme, according to Res. A/HRC/33/L.17/Rev.1 adopted by the Human Rights Council: *"Invites national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments."*

SECTION 4: The National Ministry of Foreign Affairs, the United Nations Development Programme (UNDP), through its Office in Buenos Aires City, and the Ombudsman Permanent Bicameral Commission shall be informed of the contents of this Resolution.

SECTION 5: Be duly notified, recorded and filed.

JUAN JOSÉ BÖCKEL  
Deputy Secretary General  
Argentine National Ombudsman

Buenos Aires, 25 January 2017



---

# Programme on Business and Human Rights

---





00012/17



NATIONAL OMBUDSMAN  
OFFICE  
ARGENTINE REPUBLIC

BUENOS AIRES, 03 FEB 2017

HAVING REGARD TO the United Nations Resolutions A/HRC/17/31, A/HRC/RES/17/4, A/RES/70/1, A/RES/70/163, A/HRC/33/L.17/Rev.1, to Resolution N°1992/54, reaffirmed by General Assembly of the United Nations by Resolution N°48/134 in 1993, and to the Edinburgh Declaration, adopted on October 10, 2010, at the Tenth International Conference by the International Committee of National Institutions for the Promotion and Protections of Human Rights, among others..

WHEREAS, on December 30, 2015, this institution created the "Programme for the Assessment and Monitoring of the Goals of the 2030 Agenda for the Sustainable Development." so as to collaborate with the United Nations and with the public officers of our country on achieving the 169 targets of this Agenda.

WHEREAS, by virtue thereof, links have been established, particularly with the Office of the High Commissioner for Human Rights (OHCHR), and with the United Nations Development Programme (UNDP), among other UN agencies.

WHEREAS, the dynamic of the programme during 2016 demonstrated that its creation allowed us, as a National Human Rights Institution (NHRI), to provide a strategic framework for the assessment and monitoring of the 2030 Agenda.

WHEREAS, pursuant to the powers conferred to this Ombudsman Office by applicable law, in accordance with section 86 of the National Constitution, and as mandated by "The Paris Principles", adopted by UN Commission on Human Rights Resolution N° 1992/54, reaffirmed by General Assembly Resolution N° 48/134 of 1993, our institution, as NHRI, participates in its own right in the system of promotion and protection of human rights and fundamental freedoms universally recognized in the International Bill of Human Rights and in other treaties and international conventions.

WHEREAS, for present purposes, it is worth recalling that the Edinburgh Declaration, adopted on October 10, 2010, at the Tenth International Conference by the International Committee of National Institutions for the Promotion and Protections of Human Rights (ICC), stipulates, in section 16, that the NHRI have "to actively consider how their mandates under the Paris Principles can be applied, or where necessary strengthened, in order to promote



and protect human rights as they relate to business", and, in section 17, that they have "to proactively consider new ways in which NHRIs' mandates can be used to advance the "protect, respect and remedy" framework while recognising the need for its further development and alignment with international human rights standards. The Edinburgh Declaration further states, in section 20, that NHRIs agreed "to broaden NHRIs' activities by means such as creating focal points on business and human rights within their institutions and developing platforms to convene dialogue among relevant actors".

WHEREAS, UN Resolution A/HRC/17/31 states that "1. The issue of business and human rights became permanently implanted on the global policy agenda in the 1990s, reflecting the dramatic worldwide expansion of the private sector at the time, coupled with a corresponding rise in transnational economic activity. These developments heightened social awareness of businesses' impact on human rights and also attracted the attention of the United Nations."

WHEREAS, in 2005, the United Nations established a mandate for a "Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises" to undertake a new process, and requested the Secretary-General to appoint the mandate holder. This is the final report of the Special Representative.

WHEREAS, in June 2008 the Special Representative made only one recommendation: "that the Council support the 'Protect, Respect and Remedy' Framework he had developed following three years of research and consultations." The Council did so, unanimously "welcoming" the Framework.

WHEREAS, in this regard, the UN notes that "the Framework rests on three pillars. The first is the State duty to protect against human rights abuses by third parties, including business enterprises, through appropriate policies, regulation, and adjudication. The second is the corporate responsibility to respect human rights, which means that business enterprises should act with due diligence to avoid infringing on the rights of others and to address adverse impacts with which they are involved. The third is the need for greater access by victims to effective remedy, both judicial and non-judicial. Each pillar is an essential component in an inter-related and dynamic system of preventative and remedial measures: the State duty to protect because it lies at the very core of the international human rights regime; the corporate responsibility to respect because it is the basic expectation society has of business in relation to human rights; and access to remedy because even the most concerted efforts cannot prevent all abuse."

WHEREAS, UN Resolution A/HRC/17/31 further states that "These Guiding Principles are grounded in recognition of: a) States' existing obligations to respect, protect and fulfil human rights and fundamental freedoms; b) The role of business enterprises as specialized organs of society performing specialized functions, required to comply with all applicable laws and to respect human rights; c) The need for rights and obligations to be



matched to appropriate and effective remedies when breached. These Guiding Principles apply to all States and to all business enterprises, both transnational and others, regardless of their size, sector, location, ownership and structure. These Guiding Principles should be understood as a coherent whole and should be read, individually and collectively, in terms of their objective of enhancing standards and practices with regard to business and human rights so as to achieve tangible results for affected individuals and communities, and thereby also contributing to a socially sustainable globalization.

WHEREAS, in turn, Resolution A/HRC/RES/17/4 on "Human rights and transnational corporations and other business enterprises," declares that the Human Rights Council decides to establish a Working Group on the issue of human rights and transnational corporations and other business enterprises, and requests the Working Group: "b) To identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles and to assess and make recommendations thereon and, in that context, to seek and receive information from all relevant sources, including Governments, transnational corporations and other business enterprises, national human rights institutions, civil society and rights-holders; h) To develop a regular dialogue and discuss possible areas of cooperation with Governments and all relevant actors, including relevant United Nations bodies, specialized agencies, funds and programmes, in particular the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labour Organization, the World Bank and its International Finance Corporation, the United Nations Development Programme and the International Organization for Migration, as well as transnational corporations and other business enterprises, national human rights institutions, representatives of indigenous peoples, civil society organizations and other regional and subregional international organizations."

WHEREAS, furthermore, "12. Decides to establish a Forum on Business and Human Rights under the guidance of the Working Group to discuss trends and challenges in the implementation of the Guiding Principles and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups, as well as identifying good practices; 13. Also decides that the Forum shall be open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant bodies, transnational corporations and other business enterprises, business associations, labour unions, academics and experts in the field of business and human rights, representatives of indigenous peoples and non-governmental organizations in consultative status with the

Economic and Social Council; the Forum shall also be open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and principles of the Charter of the United Nations, including affected individuals and groups, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the Rules of Procedure of the Human Rights Council; 14. Further decides that the Forum shall meet annually for two working days," and requests the Working Group "to guide the work of the Forum on Business and Human Rights;" and to report annually to the Human Rights Council and the General Assembly."

WHEREAS, ultimately, the aforementioned Resolution "10. Welcomes the important role of national human rights institutions established in accordance with the Paris Principles in relation to business and human rights, and encourages national human rights institutions to develop further their capacity to fulfil that role effectively, including with the support of the Office of the High Commissioner and in addressing all relevant actors."

WHEREAS, on the other hand, Resolution A/RES/70/163 "Encourages national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international human rights instruments;" and Resolution A/HRC/33/33 recommends that NHRI "should seek regular and constructive cooperation with relevant State bodies to promote the inclusion of human rights issues in legislation, policies and programmes;" and "should develop, formalize and maintain cooperation with civil society organizations, and strengthen their capacity to participate meaningfully in the promotion and protection of human rights."

WHEREAS, lastly, it is important to note that in Resolution A/HRC/33/L.17/Rev.1, the Human Rights Council: "Commending the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the Global Alliance of National Human Rights Institutions, regional networks of national human rights institutions and national human rights institutions in the promotion and protection of human rights," reaffirms that "15. Welcomes the efforts made by the High Commissioner to strengthen United Nations system-wide coordination in support of national human rights institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions, and encourages all United Nations human rights mechanisms, and

its agencies, funds and programmes, to work within their respective mandates with national human rights institutions."

WHEREAS, in this context, the Programme on business and human rights was created with the aim to identify, exchange, promote and assess the good practices on the implementation of the Guiding Principles, and, should be necessary, to make recommendations or exhortations to the National Government and to the national and transnational corporations and business enterprises.

WHEREAS, notwithstanding the foregoing, a report will be issued and delivered to the National Government and to the UN System, particularly to the Human Rights Council, to the Working Group on the issue of human rights and transnational corporations and other business enterprises, and to the Forum on Business and Human Rights, in accordance with the provisions of the United Nations Resolution A/HRC/RES/17/4.

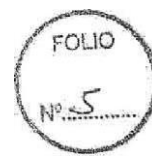
WHEREAS, the Undersecretary-General will be in charge of the administration and general supervision of the Programme, and the 4th Area: User Service, Public Works and Utilities, Economics, Finance and Taxation will deal with the monitoring and assessment of the Programme, and it will do so with the assistance of the Legal Advisory Office, which will provide the 4th Area with information retrieved from the Programme for the Assessment and Monitoring of the Goals of the 2030 Agenda for the Sustainable Development and from the Programme for the Assessment and Monitoring of the Universal Periodic Review.

WHEREAS, the aforementioned programme will be conducted as part of the proceedings N° 1001/17, and then, year by year, the necessary records will be added in order to inform the National Government and the United Nations System, as it will appear below.

WHEREAS, the Department of International Relations will be in charge of keeping the Undersecretariat-General and Area 4 informed, in due advance, about the submission deadlines and schedules set by the UN System (namely, the Human Rights Council, the Working Group on the issue of human rights and transnational corporations and other business enterprises, and to the Forum on Business and Human Rights, among others.)

WHEREAS, the Department of Communication will be in charge of developing the promotional activities for the Programme on business and human rights.

WHEREAS, finally, it is important to state that the 2030 Agenda is closely related to the Universal Periodic Review, insomuch that the UN suggests that the 17 targets of the 2030 Agenda and the UPR recommendations be related, and now calls for relations between States and corporations, and for the respect of human rights, which leads to the necessary interrelation and mutual strengthening of the Programme on business and human rights, the 2030 Agenda, and the UPR..



WHEREAS, the Legal Advisory Office has exercised compulsory intervention.

WHEREAS, the present Resolution is issued in accordance with the powers conferred by section 6°, subsection j), of the Ombudsman Office Bylaw on Organization and Function, with the authorization of both, the Argentine Senate Majority Leaders, and the Bicameral Standing Committee of the National Ombudsman Office, ratified on April 23, 2014, by Decree N° 0001/2014 and by a letter, written by the Bicameral Standing Committee President on August 25, 2015, which confers the Secretary-General the authority to act on behalf of the Undersecretary in his absence.

Therefore;

### THE NATIONAL OMBUDSMAN UNDERSECRETARY ORDERS::

SECTION 1. - To create the Programme on business and human rights.

SECTION 2. - To use the following working methodology in the Programme framework:

1. The Undersecretary-General will be in charge of the administration and supervision of the Programme.

2. 4th Area: User Service, Public Works and Utilities, Economics, Finance and Taxation will deal with the monitoring and assessment of the Programme, and it will do so with the assistance of the Legal Advisory Office, which will provide the 4th Area with information retrieved from the Programme for the Assessment and Monitoring of the Goals of the 2030 Agenda for the Sustainable Development and from the Programme for the Assessment and Monitoring of the Universal Periodic Review.

3. The Department of International Relations will be in charge of keeping the Undersecretariat-General and Area 4 informed, in due advance, about the submission deadlines and schedules set by the UN System (namely, the Human Rights Council, the Working Group on the issue of human rights and transnational corporations and other business enterprises, and to the Forum on Business and Human Rights, among others.)

4. The Department of Communication will be in charge of developing the promotional activities for the Programme on business and human rights.

SECTION 3. - To exhort all the national, provincial and municipal authorities of our country to collaborate with the National Ombudsman Office, as a National Human Rights Institution, with the requirements in the framework of the Programme on business and human rights, pursuant to the principles of the Open Government Partnership and practices of good governance.



SECTION 3. - To invite both, society as a whole, and national and transnational corporations to participate, cooperate and collaborate directly with the development of the Programme on business and human rights.

SECTION 4. - To make the content of this Decree known to the Ministry of Foreign Affairs and Worship, to the United Nations Development Programme, through their office located in the Autonomous City of Buenos Aires, and to the Bicameral Standing Committee of the Ombudsman Office.

SECTION 5. - To be registered, communicated and filed.

RESOLUTION DPA N° 00012/17



---

# GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda

---





BUENOS AIRES,

AS STATED in A/HRC17/31, A/HRC/RES/17/4, A/RES/70/1, A/RES/70/163/, A/HRC/33/L. 17/Rev.1, of the United Nations, and Res N° 48/134 from 1993, as well as the Edinburgh Declaration adopted on October 10<sup>th</sup> 2010, in The Tenth International Conference of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, among many others;

AND CONSIDERING

That this institution, on December 30<sup>th</sup> 2015, constituted the **Monitoring and Examination of the Sustainable Development's Goals Programme. 2030 Agenda**, in order to serve the United Nations and our country's authorities in order to achieve the pursuance of the 169 goals from the previously mentioned Agenda, on the part of the government.

That, by its virtue, bonds were particularly strengthened with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP) as well as other United Nations Agencies.

That during 2016, the pursuit of the *Programme* showed that its establishment allowed us, as a National Human Rights Institution (NHRI), to strategically plan the monitoring and examination of the 2030 Agenda.

That, hence, and in exercise of the powers of this Ombudsman Institution in accordance with the laws in force, and the goals stated on Section 86 of the

National Constitution and in virtue of the mandate that is recognized in accordance with the “Paris Principles” adopted by the United Nations Commission on Human Rights by Res. N° 48/134 from 1993, our institution, as a NHRI, contributes, by its own will, in the whole system of promotion and protection of the rights and the fundamental liberties universally acknowledge by the Universal Declaration of Human Rights and other international treaties and protocols.

That, concerning our interests, the Economic and Social Council (E/2016/L.30), based on the report from the Committee of Experts on Public Administration, on its 15<sup>th</sup> session (E/2016/44 – E/C. 16/2916/8), on item 12, “*Calls for innovative efforts to build the capacities of public institutions for implementing the Sustainable Development Goals...*”; on its item 17 “*Underscores the fact that providing access to information, fostering open government and promoting citizen engagement are essential to the achievement of the Sustainable Development Goals*”; and item 20: “*Encourages Governments pursuing open government initiatives...*”. Overall, it warns us that: a “Participatory government promotes the citizen’s right to take an active role on the wording/making of public policies...”

That, on the other hand, the General Assembly’s resolution A/RES/48/134, reminds us that the Vienna Declaration and Programme of Action, adopted on the International Conference on Human Rights, highlights the importance of the role of NHRIs, more specifically, its capacity to counsel authorities and its role on the relief of human rights infringements. In the previously mentioned, Vienna Declaration and Programme of Action, Resolution A/CONF157/23 (1993), it was stated that: “100 ... ***national human rights***

*institutions*, as well as non-governmental organizations, may present their views to the Secretary-General on the progress made in the implementation of the present Declaration. Special attention should be paid to assessing the progress towards the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system...” Argentina adopted and ratified the Vienna Declaration and Programme of Action.

That, on the 12<sup>th</sup> Conference of the International Coordinating Committee of National Human Rights Institutions (October 2015), to which NHRIs from all over the world attended (Asia- Pacific, Europe, Africa and America), dealt with the “*Sustainable Development Goals: Which will be the NHRI’s role?*”; and on its final report known as The Merida Declaration, it was concluded that “17. (4) Engage with duty-bearers, rights-holders and other key actors, including government agencies, parliaments, the judiciary, local authorities ... *the UN and other International and regional institutions, to raise awareness and build trust and promote dialogue and concerted efforts for a human rights-based approach to implementation and monitoring of the Agenda ...*”.

That, subsequently, Resolution A/RES/70/163 adopted by the General Assembly, states: “15. ***Encourages national human rights institutions compliant with the Paris Principles to continue to participate in and to processes in accordance with their respective mandates, including the discussions on the implementation of the 2030 Agenda...*** 16. *Encourages all relevant United Nations mechanisms and processes... including the high-level participation of national human rights institutions...* 22. ***Underlines the***

***importance of the autonomy and independence of ombudsman institutions...".***

And the Human Rights Council (A/HRC/33/33), advised the NHRIs *"100... encouraged to continue their work towards implementing... the Merida declaration... in implementing the 2030 Agenda... 103. National human rights institutions are encouraged to continue to advocate for their independent participation in relevant United Nations mechanisms and processes..."*

That, the Danish Institution for Human Rights, within the same hierarchy of ideas, states on its document *"Realizing rights through the Sustainable Development Goals: The Role of National Human Rights Institutions"*: *"Once implementation gets underway, ensuring that all states are accountable for their SDG commitments will be essential in achieving equitable, effective and rights-compliant progress... NHRIs' experience in monitoring human rights is directly applicable to tracking sustainable development successes and setbacks, and they can therefore make a unique contribution as part of the multi-layered accountability architecture..."*

That, stated all this, it should be noted that our institution participated from March 6<sup>th</sup> to 10<sup>th</sup> 2017 on the GANHRI (*Global Alliance of National Human Rights Institutions*) meeting held in Geneva, Switzerland, where it was decided to establish the Open Working Group on Sustainable Developing Goals 2030 Agenda, being conformed by: Asia and Pacific: **Indonesia**; Europe: **Denmark**; America: **Argentina** and Africa: **Ghana**.

That, GANHRI's head is a group member as well, represented by Michael Windfuhr, and has been appointed as GANHRI's special envoy, Alan Miller, appointed exclusively to Sustainable Development tasks.



That, the Danish Institution for Human rights is in charge of the Management of the Working Group, and that Argentina's Ombudsman Institution is the official representative of all the NHRIs from America.

That, on this context, it has been decided to establish the “**GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda**” which aims to: “supervise the good teamwork between America's NHRIs, to exchange experiences, to draft proposals, and support the development for the progress of pacific, fair and inclusive societies, according to Goal 16 ; and **b.** to exchange information, projects, documents, declarations, publications, etc. with the other members of GANHRI's Open Working Group, in terms of the 2030 Agenda, which looks forward to strengthen the NHRI's participation in the United Nations System.

That the management and general supervision of the Programme shall be in charge of the Secretary-General; and the liaison, as regards monitoring and evaluation with the different subject areas of the institution shall be in charge of the Monitoring and Evaluation Programme for the Sustainable Development Goals and the Evaluation of Periodic Universal Review.

That the mentioned *Programme* shall be executed on the framework of file N° 2331/17, and that total amount of recollections will be added if necessary, among those drafted and referred by the rest of GANHRI's Open Working Group members.

That, the Communication Area shall have responsibility for the dissemination and promotion of the “*GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda*”

That the Legal and Technical Counsel has intervene on its responsibilities.

That this document is issued within the powers conferred upon section 6 article j) from the Regulation on Organization and Performance of the Ombudsman Institution (*Reglamento de Organización y Funcionamiento del Defensor del Pueblo*), authorized by the heads of the numerical majority of the Nation's Senates, as Permanent Bicameral Commission of the Ombudsman Institution (*Comisión Bicameral Permanente de la Defensoría del Pueblo*) upheld by Resolution N° 001/2014 from April 23<sup>rd</sup> 2014, and the remark that dates August 25<sup>th</sup> 2015 from the Head of the Ombudsman Institution's Permanent Bicameral Commission, that ratifies the same powers granted by the Secretary- General or in case of absence or illness to the Assistant Secretary-General.

Thus,

THE OMBUDSMAN'S ASSISTANT SECRETARY-GENERAL  
ESTABLISHES:

SECTION 1. - The *GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda*" shall be created.

SECTION 2. - That the following working methodology shall be adopted within the Programme's framework:

1. The Programme's general management and monitoring is in charge of the Assistant Secretary-General.

2. The Programme aims to: **a.** supervise the good teamwork between America's NHRIs, exchange experiences, draft proposals and support the development for the progress of pacific, fair and inclusive societies according to Goal 16; and **b.** to exchange information, projects, documents, declarations, publications, etc. with the other members of GANHRI's Open Working Group, in terms of the 2030 Agenda, which looks forward to strengthen the NHRI's participation in the United Nations System.

3. The liaison, as regards monitoring and evaluation with the different subject areas of the institution and the acquaintance with the NHRI is in charge of the Legal and Technical Counsel, with the Office of Judicial Precedents and Documents, giving this programme, the information that it recollects from the Monitoring and Evaluation Programme for the Sustainable Development and the Evaluation of the Periodic Universal Review.

4. This Programme shall be conducted on the framework of File N° 2331/17, , and that total amount of recollections will be added if necessary, among those drafted and referred by the rest of GANHRI's Open Working Group members.

5. That, the Communication Area shall have responsibility for the dissemination and promotion of the "*GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda*"

SECTION 3. - To call upon all of our Nation's authorities, that is, national, provincial and municipal to collaborate with our Nation's Ombudsman Institution, as a National Institution of Human Rights , with the requirements stated on the *GANHRI Programme of the Open Working Group on Sustainable Developing*

*Goals 2030 Agenda* according to the principles recognized by the Alliance for the Open Government and good governance.

SECTION 4. - To promote direct citizen engagement and cooperation with the *GANHRI Programme of the Open Working Group on Sustainable Developing Goals 2030 Agenda*.

SECTION 5. - To notify this resolution's content to our Nation's Ministry of Foreign Affairs and Worship and to the United Nations Development Programme (UNDP), in this case through its bureau based on the Autonomous City of Buenos Aires, of GANHRI, United Nations Economic Commission for Latin America and the Caribbean (ECLAC), and the Permanent Bicameral Commission of the Ombudsman Institution.

SECTION 6. - Enter, announce and file.

RESOLUTION DPA N°

---

# Health and Human Rights Programme

---





BUENOS AIRES,

WHEREAS A/HRC/17/31, A/HRC/RES/17/4, A/RES/70/1, A/RES/70/163, A/HRC/33/L.17/Rev.1, from United Nations, and Res. N° 1992/54 reaffirmed by the General Assembly by Res. N° 48/134 of 1993, as well as the Secretary report, given by the WHO in the 69<sup>th</sup> WORLD HEALTH ASSEMBLY on April 8 2016, among other concerns, and

CONSIDERING:

WHEREAS the ***“Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”*** was created by this institution on 30 December 2015 in order to cooperate with the United Nations and public authorities to achieve the Argentine fulfillment of the 169 targets set up in this Agenda

WHEREAS certain interactions carried out by virtue of this *Programme* forged closer links, especially among this institution and the High Commissioner of Human Rights (OHCHR), the United Nations Development Programme (UNDP) and other UN agencies

WHEREAS the dynamics that the *Programme* showed along 2016 proved that its creation enabled us, as a National Human Rights Institution (NHRI), to give a strategic framework for the 2030 Agenda follow-up and review;

WHEREAS our Institution, as a NHRI, and in its own right, takes part in the promotion and protection of the fundamental human rights and freedoms universally recognized by the International Bill of Human Rights and other international treaties and conventions, by virtue of the inherent powers of the Ombudsman Office, our current legislation, the authority vested in it by the Argentine Constitution (section 86) and the corresponding mandate given by the “Paris Principles” adopted by Res N° 1992/54 of the United Nations Human Rights Commission, and reaffirmed by the General Assembly by means of Res. 48/134 (1993);

WHEREAS, the World Health Organization in the 69<sup>th</sup> WORLD HEALTH ASSEMBLY, dates 8 April 2016, created a report entitled “Health In Agenda 2030 for Sustainable Development”

WHEREAS that document includes the development of the Sustainable Development Goals (SDO), that it outlines the essential differences with the Sustainable Millennium Objectives (SMO) describing key areas of strategic importance for world health. It sustains that SDG will have important repercussions in relation to WHO.

WHEREAS on September 2015, the General Assembly adopted the text written in the 2030 Agenda for Sustainable Development A/RES/70/1, that takes into consideration the results of other meetings that have been done along the year, such as the World Sandai Framework to Reduce Risk Management 2015-2030 and the Addis Abeba Action Agenda adopted in the Third International Conference about Developmental Finance.

WHEREAS precisely, that A/RES/70/1, points out on its section number 26 that “In order to promote health physical and mental well-being of all people, we must accomplish that health care and the access to medical assistance must be universal, without excluding anyone. We commit to accelerate the progresses made until infant and maternal mortality was reduced, putting a stop in all the deaths as possible until 2030. We commit as well to guarantee universal access to all of the sexual and reproductive health services, included family planification, information and education. On the same way, we will accelerate rhythm on the processes of malaria, HIV, tuberculosis, hepatitis, ebola and other diseases that are transmissible, and also facing the increase in the resistance to antibiotics and the problem that arises in reference to the increase of neglected diseases that affect developing countries. We are committed to the prevention and treatment of non transmissible diseases, including behavioral, evolutionary and neurological disorders that constitute a big impediment to sustainable development.

WHEREAS, the Health, Social Action Education and Cultural Area from this Ombudsman, carry on investigations related to that referential framework and that are associated with the Objectives 3.1, 3.2; 3.3; 3.7, that correspond according to the WHO to the unfinished Agenda and expanded from the MDO that also refers to the Objectives (3.4/3.9) and the implementation of the SDO, among these ones 3.a: Reinforce the implementation of the Agreement in the WHO Framework for Tobacco Control.

WHEREAS these investigations will continue in the File **8315/15**, related to maternal death, complimented by File **336/17**, associated with SUMAR Program and **4016/17** where abortion is treated as one of the causes of maternal death, **8316/15** referred to infant mortality reduction between 0 and 5 years of age,



**8317/15** referred to HIV/AIDS and **8318/15** about sexual and reproductive health, connected with **1243/16**, where the National Sexual Health and Responsible Procreation Programme is investigated and in which the **Resolution 69/16** was dictated.

WHEREAS the Files **1232/17**, related with objective 3.a, that is to say the lack of adhesion to the “WHO Framework for Tobacco Control” and **1400/15**, related with less frequent diseases, **2262/17**, related with objective 3.8, that means access to universal medical assistance, as well as **3049/16**, related with the revision and update of the Obligatory Medical Programme (OMP), as well as **343/17**, related to the resurgence of syphilis, in which File **Nº 33/17** was dictated, exhorting the respective authorities to take actions in order to reduce the number of infected people.

WHEREAS as it can be seen along these investigations they keep not only an interrelation but they also show a transversality that requires the articulation of a Health and Human Rights Programme that will allow to explore on the topics related with SDO 3, named Follow-up and Assessment Programme to the UPR in the Agenda 2030 in an homogeneous way.

WHEREAS the document referred, created by the WHO, not only reinforces the SDO but it also highlights the properties that the MDO lacked, as well as that organization, now working with the objectives of the Agenda , it creates guidelines setting up parallelisms between SDO and MDO.

WHEREAS one of the main differences between SDO and MDO is their political context; where they were applied (SDO) and where they were developed (MDO).

WHEREAS it points out that the MDO had as an objective to accomplish better results on human development on developing countries, especially with subjects related to poverty, health and education. On the other hand, SDO are integrated, indivisible and have universal application, they try to be pertinent to all countries.

WHEREAS the countries that have experienced periods of persistent political instability and need assistance and that is the reason why the SDO 16 notices the importance of peace and security as necessary conditions for sustainable development.

WHEREAS the General Assembly of United Nations admitted that every country is responsible for its own economical and social development. Without prejudice to the competence that the Agenda generates, the importance of the interrelations and the objectives could ensure the achievement of the new Agenda.

WHEREAS it differs from the actual political context occurred with the MDO; which it was with bigger optimism; today it is different and for that the WHO points out: *“Economic insecurity, cuts in public services and the increase in inequality in many developed countries undermine the political interest for international development and increase public hostility towards help. In fact, it has been argued that the governments from developed countries should do more in order to overcome inequality and insecurity in their countries as part of their contribution to the Objectives of Sustainable Development, because only in that way they will have the political space needed in order to pursue the idea of world solidarity that the new Agenda maintains”*

WHEREAS in reference to health in SDO, the WHO points out that many of the health objectives stem from the unfinished agenda (MDO) and others arise from resolutions by the World Health Assembly and other plans related.

WHEREAS the new Agenda scope not only considers health as an objective itself but it also recognizes that health and its determinants affect in other goals and objectives and vice versa, as an integral part of sustainable development.

WHEREAS it's precisely this point one of the pillars that justify and leads to the creation of the Programme.

WHEREAS the WHO requires that the MDO stand out “health” but the SDO extends the image outstanding environmental, economic and social issues.

WHEREAS, in addition, it reaffirms a concept that the World Health Organization has held along the years: “Health has been positioned as a huge contribution of others SDO: without health, many of them couldn't be achieved.

WHEREAS, in addition, some of the flaws are explained. For example, immunizations as a specific goal. It also points out that the access to sexual and reproductive health services is included on Objective 3, but sexual and

reproductive rights for women and discrimination against women and children are included in the context of another objective (5). Older people are mentioned in Objective 2 (about nutrition) and the one related to cities (safer environments) is mentioned in Objective 11. Aging population, a subject that constituted and overall trend with important repercussions in health systems has been omitted, except from an indirect reference on the effects their non transmissible diseases have and mental health.

WHEREAS in reference to the importance of health systems to the new Agenda, the statement declares: *“In order to promote health and physical and mental well-being, to extend life to all people we must accomplish that medical health assistance should be universal, without excluding anyone”*

WHEREAS in this context File **Nº 2262/17** with the objective of tracking the “universal health assistance” situation, proposed by the National Executive Branch.

WHEREAS, the Organization highlights that *universal health assistance* is the key objective that maintains all the other goals, putting emphasis on coherence strengthening, the reduction on the fragmentation of the health sector and the contribution to solid health systems. Universal Health Assistance includes health protection and promotion, prevention, treatment, rehabilitation and palliative care.

WHEREAS, one of the contributions of the MDO was the recognition of the “fragmentation of the national health systems” matter that has been attributed to the creation of separated programs, each of them centered on their own objectives, without considering the effects of this methodology in the overall health system. As a result of this, it has been said that it has been difficult to establish health systems that are capable of providing integrated attention centered on people and to obtain multiple objectives with real estimations of costs.

WHEREAS the MDO are “integral and indivisible”; to transfer this is one of the main objectives of the new Agenda. Most of the synergies are well known, such as health, education, nutrition social protection and others.

WHEREAS other bonds are less direct but also important, like the relation between sustainable consumption and risk factors related to non transmissible diseases or between climate changes and disease transmission by vectors. Is the

case of another investigation associated with Dengue, Zika and Chikungunya Fever, processed through **File Nº 1687/15** by means of which a law project was created related with “declaration of national interest” and the eradication of these diseases.

*WHEREAS the adoption of the SDO offer an opportunity to revise institutional agreements in order to improve and support people health systems, as well as to create the necessary changes so as to finance and produce world public utilities; to reinforce sanitary cross border security; to raise pertinence and coherence of the United Nations Agencies in the health field; to face the causes of non transmissible diseases and to strengthen verification and accountability.*

WHEREAS financing objectives will be done as the pace of each country, taking into consideration the availability of resources, according to the WHO. Please consider, that in the MDO era, although a lot of help has been provided in order to develop the health system, the countries that have a low and medium income financed 75% of their total cost with their own resources.

WHEREAS it is important to establish if the SDO will change the expenses patterns created by the health sector, although the prediction that said that non transmissible diseases will threaten world security, as it was predicted with AIDS or pandemics, the increase of these diseases generates a menace in the fragile health systems, except some investments in order to promote health are generated.

WHEREAS, the follow up process of the SDO was complex particularly for the objective related to health; in accordance with this it points out that general indicators as well as life expectation, the number of deaths before the age of 70, healthy life expectancy, may be used to execute the follow up of the progresses towards the health objective. Nevertheless, some issues are still arising in relation to data disposal that could be used to compare among populations and will allow following the processes to reduce inequalities.

WHEREAS the Health Area had a lot of experiences in reference to data recollection coming from provincial states, according to the federal organization of the NC. The harvest has never been systematic and in very few opportunities they belonged to different periods, so it is very difficult to compare them, to quote to ongoing investigations, **File Nº 368/15** related to the lack of data in reference to

malnutrition in the different jurisdictions, as well as **File Nº 1243/16** that deals with the inconvenient of the *prosecution and development of the National Program of Sexual Health and Responsible Procreation*, in which other provinces were also asked to participate.

WHEREAS, other issue, not less relevant than the ones mentioned above by the WHO is connected to national and regional processes of follow up and evaluation, based on the accountability and corrective actions.

WHEREAS, due to the hyper connected era in which we live in it is inevitable that social media, used by society and by a hyper connected group of people with social concerns will develop a very important role, in the first place to determine if SDO have an impact on citizens and if they do so as to insist in a bigger accountability.

WHEREAS, it is important to highlight that the WHO did not evaluate the relevance and interference related to the NIHR, process that this Institution will accomplish as it was explained in the “Follow-up and Review Programme of the 2030 Agenda for Sustainable Development Goals”, begun in 2015, and other initiatives and participations in international forums, having as an objective to position America in a leadership position.

WHEREAS the UN will make use of the standards established by the WHO so as to validate the achievements and the flaws that the States could verify, the role of the NIHR, will be the authorized word to do the follow up of the fulfillments and the non-fulfillments (total or partial) of the SDO.

WHEREAS in such conditions, a **Health and Human Rights Programme** will be created with the objective of identify, interchange, promote and evaluate the practices among these principles in matter or health and in that case to continue giving recommendations to the National State

WHEREAS every year an Annual Report will be conducted for the National State and other national and international organisms related to the subject.

WHEREAS the Deputy Secretary General shall be responsible for the overall direction and supervision of the *Programme* with the Area number 2 (Health, Social Action, Education and Culture) and the Legal and Technical Area,

as regards the follow-up and assessment, will serve as a link among different thematic areas, working together with the Jurisprudence and Documentation Office in view of its task on computer database which compile more than three thousand UN documents so far, its assistance in drawing up documents devoted to Special Rapporteurs, as well as its involvement during the preparation of the UPR report which, as mentioned above.

WHEREAS this *Programme* shall be implemented in the context of an internal administrative case, and therefore all records connected with UPR, and the UPR reports produced by the State, our institution and the civil society must be added to such file every year;

WHEREAS it is important to mention that on february 3 2017, Resolution N° 12/0217, and the ***Companies and Human Rights Programme*** was created, in which its main objective was to identify, interchange, promote and evaluate good practices about the application of the following principles and by any case to formulate recommendations or exhortations to the National State and national and transnational companies.

WHEREAS the International Relations Office shall be responsible for keeping the Deputy Secretary General, The Number 2 Area and the Legal and Technical Area informed in due time on deadlines and timetables laid down by the UN in order to submit documents for the entire system (i.e. Human Rights Council, High Level Political Forum, Treaty Bodies, and other institutions, etc.), as well as the announcement of visits to be undertaken, inter alia, by the Special Rapporteurs and the deadlines set for the submission of reports;

WHEREAS the Communication Area shall be responsible for the promotion and disseminating operations of the **“Health and Human Rights Programme”**

WHEREAS the close connection between the 2030 Agenda and the UPR is widely known, to the extent that the UN encourages to tie the targets related to the 17 Goals with the UPR recommendations, and this is the reason why the 2030 Agenda Programme and the UPR Programme shall be kept a necessary interrelationship;

WHEREAS the Legal and Technical Area has expressed its appropriate legal opinion;

WHEREAS the following is dictated in relation to the article 86 of the National Constitution and the authorization of the majority of the Presidents of the H. National Senate as well as The Permanent Bicameral Commission of the National Ombudsman, ratified by its resolution 0001/2014 april 23 2014, and the note created on august 25 2015 by the President of The Permanent Bicameral Commission of the National Ombudsman in which the same faculties and attributions given to the Deputy Secretary General of the Ombudsman Office now taken by the Subsecretary are the same due to the absence of the first.

NOW, THEREFORE,

As Deputy Secretary General of the Ombudsman Office, it is hereby ordered as follows:

SECTION 1: The adoption of the Health and Human Rights Programme.

1. The Deputy Secretary General shall be responsible for the overall direction and supervision of the *Programme*;
2. As regards the follow up and assessment, the Health Social Action Education and Cultural Area will work together with the Legal and Technical Area and will serve as a link among different thematic areas, working together with the Jurisprudence and Documentation Office; and the Follow-Up Programme
3. The International Relations Office shall be responsible for keeping the Deputy Secretary General and the Legal and Technical Area informed in due time on deadlines and timetables laid down by the UN in order to submit documents to the entire System (i.e. Human Rights Council, High Level Political Forum, Treaty Bodies, and other institutions, etc.), as well as the announcement of visits to be undertaken, inter alia, by the Special Rapporteurs and the deadlines set for the submission of reports;
4. The Communication Area shall be responsible for the promotion and disseminating operations of the "*Follow-up and Assessment Programme to the UPR*".

SECTION 3: All public authorities, at a national, provincial and municipal level, shall be encouraged to cooperate with the Ombudsman Office, as NHRI, to comply with the requests demanded in the context of the *Health and Human Rights Programme to the UPR*, according to the principles recognized by the Open Government Partnership and Good Governance.

SECTION 4: Civil society as a whole shall be invited to participate, cooperate and collaborate directly in the UPR Health and Human Rights Programme, according to Res. A/HRC/33/L.17/Rev.1 adopted by the Human Rights Council: *"Invites national human rights institutions to include in their cooperation the exchange of best practices on strengthening their liaison role between civil society and their Governments."*

SECTION 5: The National Ministry of Foreign Affairs, the United Nations Development Programme (UNDP), through its Office in Buenos Aires City, and the Ombudsman Permanent Bicameral Commission shall be informed of the contents of this Resolution.

SECTION 6: Be duly notified, recorded and filed.

JUAN JOSÉ BÖCKEL  
Deputy Secretary General  
Argentine National Ombudsman



---

# Programme on Environment and Human Rights

---





## BUENOS AIRES,

HAVING REGARD TO the United Nations Resolutions A/HRC/17/31, A/HRC/RES/17/4, A/RES/70/1, A/RES/70/163, A/HRC/33/L.17/Rev.1, to Resolution N°1992/54, reaffirmed by General Assembly of the United Nations by Resolution N°48/134 in 1993, and to the Edinburgh Declaration, adopted on October 10, 2010, at the Tenth International Conference by the International Committee of National Institutions for the Promotion and Protections of Human Rights, among others.

WHEREAS, on December 30, 2015, this institution created the "Program for the Assessment and Monitoring of the Goals of the 2030 Agenda for the Sustainable Development." so as to collaborate with the United Nations and with the public officers of our country on achieving the 169 targets of this Agenda.

WHEREAS, by virtue thereof, links have been established, particularly with the Office of the High Commissioner for Human Rights (OHCHR), and with the United Nations Development Programme (UNDP), among other UN agencies.

WHEREAS, the dynamic of the programme during 2016 demonstrated that its creation allowed us, as a National Human Rights Institution (NHRI), to provide a strategic framework for the assessment and monitoring of the 2030 Agenda.

WHEREAS, pursuant to the powers conferred to this Ombudsman Office by applicable law, in accordance with section 86 of the National Constitution , and as mandated by "The Paris Principles", adopted by UN Commission on Human Rights Resolution N° 1992/54, reaffirmed by General Assembly Resolution N° 48/134 of 1993, our institution, as NHRI, participates in its own right in the system of promotion and protection of human rights and fundamental freedoms universally recognized in the International Bill of Human Rights and in other treaties and international conventions.

WHEREAS, the Stockholm Declaration on the Human Environment (1972) establishes as a first principle that "man has a fundamental right to

freedom, equality and the enjoyment of adequate living conditions in an environment of such quality as to enable him to carry a dignified life and enjoyment, and has the solemn obligation to protect and improve the environment for present and future generations... "

WHEREAS, the Rio Declaration on Environment and Development (1992), reaffirming the Declaration of Stockholm and based on it, establishes several Principles to be taken into account: 1°. Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature; 4°. In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it; 10°. Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided; 11°. States shall enact effective environmental legislation. Environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply. Standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.

WHEREAS, in addition, the Preamble to Agenda 21 indicates that "1.2 This global partnership must build on the premises of General Assembly resolution 44/228 of 22 December 1989, which was adopted when the nations of the world called for the United Nations Conference on Environment and Development, and on the acceptance of the need to take a balanced and integrated approach to environment and development questions."; And adds that "1.3 Agenda 21 addresses the pressing problems of today and also aims at preparing the world for the challenges of the next century. It reflects a global consensus and political commitment at the highest level on development and environment cooperation. Its successful implementation is first and foremost the

responsibility of Governments. National strategies, plans, policies and processes are crucial in achieving this.”

WHEREAS, the Johannesburg Declaration on Sustainable Development (2002) notes that “13. The global environment continues to suffer. Loss of biodiversity continues, fish stocks continue to be depleted, desertification claims more and more fertile land, the adverse effects of climate change are already evident, natural disasters are more frequent and more devastating, and developing countries more vulnerable, and air, water and marine pollution continue to rob millions of a decent life.”

WHEREAS, the document entitled "The Future We Want" adopted by the United Nations Conference on Sustainable Development (Rio + 20) recognizes that the opportunities for people to influence their lives and their future, participate in the adoption And express their concerns are key to sustainable development. We emphasize that sustainable development requires concrete and urgent measures. It can only be achieved by forging a broad alliance between individuals, governments, civil society and the private sector, working together to achieve the future we want for present and future generations.

WHEREAS, in that sense, Resolution A / RES / 70/1, which created Agenda 2030, teaches us that “We are determined to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.

WHEREAS, in particular in point 9, it states that “We envisage a world in which every country enjoys sustained, inclusive and sustainable economic growth and decent work for all. A world in which consumption and production patterns and use of all natural resources – from air to land, from rivers, lakes and aquifers to oceans and seas – are sustainable. One in which democracy, good governance and the rule of law, as well as an enabling environment at the national and international levels, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. One in which development and the application of technology are climate-sensitive,

respect biodiversity and are resilient. One in which humanity lives in harmony with nature and in which wildlife and other living species are protected.”

WHEREAS, finally, in point 59, it notes that “We recognize that there are different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development; and we reaffirm that planet Earth and its ecosystems are our common home and that “Mother Earth” is a common expression in a number of countries and regions.”

WHEREAS, on the other hand, Resolution A / RES / 70/163 “*Encourages* national institutions for the promotion and protection of human rights established by Member States to continue to play an active role in preventing and combating all violations of human rights as enumerated in the Vienna Declaration and Programme of Action and relevant international human rights instruments”; And Resolution A / HRC / 33/33 recommends NHRIs “... to cooperate regularly and constructively with relevant State bodies to promote the incorporation of human rights issues into laws, policies and programs ... to develop, formalize and maintain cooperation with civil society organizations and strengthen their capacity To participate meaningfully in the promotion and protection of human rights. ”

WHEREAS, lastly, it is important to note that in Resolution A/HRC/33/L.17/Rev.1, the Human Rights Council: "Commending the important role of the Office of the United Nations High Commissioner for Human Rights in assisting the development of independent and effective national human rights institutions, in accordance with the Paris Principles, and recognizing in this regard the potential for strengthened and complementary cooperation among the Office of the High Commissioner, the Global Alliance of National Human Rights Institutions, regional networks of national human rights institutions and national human rights institutions in the promotion and protection of human rights," reaffirms that "15. Welcomes the efforts made by the High Commissioner to strengthen United Nations system-wide coordination in support of national human rights institutions, including the tripartite partnership between the United Nations Development Programme, the Office of the High Commissioner and the Global Alliance of National Human Rights Institutions, and encourages all United Nations human rights mechanisms, and its agencies,

funds and programmes, to work within their respective mandates with national human rights institutions."

WHEREAS, in this context, the Programme on Environment and Human Rights was created with the aim of assessing and determining the state of the environment in our country, as well as determining which environmental issues require a prompt and effective response; Seeks to raise awareness of environmental problems through research and synthesis of national, regional and global information on the subject and, if appropriate, propose that environmental issues be more closely integrated into policies and social and economic programs of our country, as well as formulate recommendations or exhortations to the National State, to the point of proposing environmental legislation in accordance with international standards.

WHEREAS, of course, for the fulfillment of these purposes, article 41 of the National Constitution, General Environmental Law No. 25,675, Law 25,841 approving the MERCOSUR Framework Agreement on the Environment, International Conventions And Protocols ratified by our country in the matter of environment, among others, will be taken into account.

WHEREAS, notwithstanding the foregoing, a report will be issued and delivered to the the National State and the United Nations System, particularly the Human Rights Council, and the United Nations Environment Program (UNEP).

WHEREAS, the Undersecretary-General will be in charge of the administration and general supervision of the Programme, and the 3th Area: Environment and Sustainable Development will deal with the monitoring and assessment of the Programme, and it will do so with the assistance of the Legal Advisory Office, which will provide the 3th Area with information retrieved from the Programme for the Assessment and Monitoring of the 2030 Agenda for the Sustainable Development Goals and from the Programme for the Assessment and Monitoring of the Universal Periodic Review.

WHEREAS, the aforementioned programme will be conducted as part of the proceedings N° +++++/17, and then, year by year, the necessary records will

be added in order to inform the National Government and the United Nations System, as it will appear below.

WHEREAS, the Department of International Relations will be in charge of keeping the Undersecretariat-General and Area 3 informed, in due advance, about the submission deadlines and schedules set by the UN System (namely, the Human Rights Council, the Working Group on the issue of human rights and transnational corporations and other business enterprises, and to the Forum on Business and Human Rights, among others.)

WHEREAS, the Department of Communication will be in charge of developing the promotional activities for the Programme on Environment and human rights.

WHEREAS, finally, it is important to state that the 2030 Agenda is closely related to the Universal Periodic Review, insomuch that the UN suggests that the 17 targets of the 2030 Agenda and the UPR recommendations be related, and now calls for relations between States and corporations, and for the respect of human rights, which leads to the necessary interrelation and mutual strengthening of the Programme on business and human rights, the 2030 Agenda, and the UPR.

WHEREAS, the Legal Advisory Office has exercised compulsory intervention.

WHEREAS, the present Resolution is issued in accordance with the powers conferred by section 6º, subsection j), of the Ombudsman Office Bylaw on Organization and Function, with the authorization of both, the Argentine Senate Majority Leaders, and the Bicameral Standing Committee of the National Ombudsman Office, ratified on April 23, 2014, by Decree Nº 0001/2014 and by a letter, written by the Bicameral Standing Committee President on August 25, 2015, which confers the Secretary-General the authority to act on behalf of the Undersecretary in his absence.

Therefore;

THE NATIONAL OMBUDSMAN



## UNDERSECRETARY ORDERS:

SECTION 1. - To create the Programme on Environment and human rights.

SECTION 2. - To use the following working methodology in the Programme framework:

1. The Undersecretary-General will be in charge of the administration and supervision of the Programme.
2. 3th Area: Environment and Sustainable Development will deal with the monitoring and assessment of the Programme, and it will do so with the assistance of the Legal Advisory Office, which will provide the 3th Area with information retrieved from the Programme for the Assessment and Monitoring of the 2030 Agenda for the Sustainable Development Goals and from the Programme for the Assessment and Monitoring of the Universal Periodic Review.
3. The Department of International Relations will be in charge of keeping the Undersecretariat-General and Area 3 informed, in due advance, about the submission deadlines and schedules set by the UN System (namely, the Human Rights Council, the Working Group on the issue of human rights and transnational corporations and other business enterprises, and to the Forum on Business and Human Rights, among others.)
4. The Department of Communication will be in charge of developing the promotional activities for the Programme on Environment and human rights.

SECTION 3. - To exhort all the national, provincial and municipal authorities of our country to collaborate with the National Ombudsman Office, as a National Human Rights Institution, with the requirements in the framework of the Programme on Environment and human rights, pursuant to the principles of the Open Government Partnership and practices of good governance.

SECTION 3. - To invite both, society as a whole, and national and transnational corporations to participate, cooperate and collaborate directly with the development of the Programme on Environment and human rights.

SECTION 4. - To make the content of this Decree known to the Ministry of Foreign Affairs and Worship, to the United Nations Development Programme, through their office located in the Autonomous City of Buenos Aires, and to the Bicameral Standing

Committee of the Ombudsman Office.

SECTION 5. - To be registered, communicated and filed.



---

# OECD Program - Organization for Economic Cooperation and Development

---





Buenos Aires, December 20, 2017

HAVING REGARD TO the decisions A/HRX/17/31, A/HRC/RES/17/4, A/HRC/RES/33/L.17Rev. 1, of the United Nations, and Res. No. 1992754, reaffirmed by the General Assembly by Res. No. 48/134 of 1993. as well as The Edinburgh Declaration, approved on October 10, 2010, in the 10th International Conference, by the International Coordinating Committee of the National Institutions for the Promotion and Protection of Human Rights, and the A/HRC/RES/17/4, of the UN Human Rights Council, among many others;

WHEREAS,

That this Institution created on December 30, 2015 the "Monitoring and Evaluation Program of the Sustainable Development Goals. 2030 Agenda ", in order to collaborate with the United Nations and with the public authorities of our country to achieve compliance with the 169 goals of that Agenda, by the National State.

That, the purpose of the Program is to carry out, periodically, a follow-up and evaluation of the national public policies that are carried out before 2030, collaborating with the preparation of annual reports.

That, in this sense, on January 25, 2017, the "**Monitoring and Evaluation Program of the Universal Periodic Review**" was created to fulfill what the Human Rights Council points out in point 17 of Res. A/HRC/33/L.17/ Rev.1: "*Recognizes the important role played by national human rights institutions in the Human Rights Council, including its universal periodic review mechanism, both in the preparation phase and in the follow-up phase, and special procedures, as well as their collaboration with human rights treaty bodies in accordance with General Assembly resolutions 60/251, of March 15, 2006, and 65/281, of June 17, 2011 , resolutions of the Human Rights Council 5/1 and 5/2, of June 18, 2007, and 19/119, of March 22, 2012, and resolution 2005/74 of the Human Rights Commission, of 20 April 2005*".

That, in turn, on March 28, 2017, the "**GANHRI Working Group on the Agenda 2030 for the Sustainable Development Goals**" (Global Alliance of National Human Rights Institutions, that is, the Global Alliance of Institutions of Human Rights) was created.

That, in order to comply with all these commitments, our NHRI created a series of Programs that nourish and link each other with the results that are obtained and then be informed to national public authorities and international organizations.

That on February 3, 2017, the "**Program on Business and Human Rights**" was created.

That on June 26, 2017, the "**Health and Human Rights Program**" was created.

That on June 30, 2017, the "**Environment and Human Rights Program**" was created.

That, in light of the above, links were particularly strengthened with the High Commissioner for Human Rights (OHCHR) and with the United Nations Development Program (UNDP), and with other UN agencies.

That this way, and in exercise of the own competences of this Ombudsman, according to the effective laws, the mission imposed by the article 86 of the National Constitution and by virtue of the mandate that is recognized him according to the "Principles of Paris" adopted by the Commission of Human Rights by Res. No. 1992/54 reaffirmed by the General Assembly by Res. No. 48/134 of 1993, our Institution, as NHRI, participates in its own right throughout the system of promotion and protection of rights and freedoms fundamental universally recognized in the International Bill of Human Rights and other international treaties and conventions.

That the dynamics of the Programs showed that the creation of each one of them allowed us, as a National Institution of Human Rights (NHRI), to give a strategic framework to follow-up and evaluation of public policies, with fruitful results for both, in benefit of all the people that inhabit our country.

That the Resol. A/RES/48/134 of the General Assembly, recalls that the Vienna Declaration and Program of Action, adopted at the World Conference on Human Rights, reaffirmed the important role of NHRIs, in particular with regard to its

ability to advise the authorities and their role in repairing human rights violations. In that Vienna Declaration and Program of Action, Resol. A/CONF157/23 (1993), it was stated: "100 ... **National human rights institutions, as well as non-governmental organizations, may submit to the Secretary-General of the United Nations** their views on the progress made in the implementation of the present Declaration. Special attention should be given to the evaluation of the progress made in achieving the goal of universal ratification of international human rights treaties and protocols adopted within the framework of the United Nations system." Argentina adopted and ratified the Vienna Declaration and Program of Action.

That, in this context, it is decided to create the "**OECD Program - Organization for Economic Cooperation and Development**", based on the guidelines indicated below.

That Argentina adhered to the Declaration on International Investment and Multinational Enterprises of the OECD in 1997, which is why our country is a signatory to the OECD Guidelines for Multinational Enterprises, which are part of that instrument.

That the OECD Guidelines for Multinational Enterprises (LDEM) are recommendations addressed by governments to multinational companies that operate in acceding countries or that have their headquarters in them, and that although they are not binding, constitute the only code of conduct responsible, comprehensive and multilaterally agreed, that governments have committed to promote.

That on May 4, 2010, the governments of the acceding countries of the Declaration on International Investment and Multinational Enterprises began to negotiate the updating of the Guidelines for Multinational Enterprises of the OECD; and as a result of this process, it was agreed to incorporate new subjects, ordered in successive chapters, which correspond to human rights, employment and labor relations, gender equality, education, environment, fight against corruption, consumer interests, science and technology, competition, taxation and publication of information.

That for the fulfillment of its objectives, the governments committed to establish National Contact Points (NCP) with the mission of promoting the Guidelines and acting as a discussion forum for all matters related to them, also carrying out promotional activities, attending consultations and contributing to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances.

That, in this framework, by Resolution No. 17 dated January 25, 2013, the Ministry of Foreign Affairs and Worship established as functions of the National Contact Point *"to promote the validity of the Organization's Guidelines for Cooperation and Economic Development (OECD) for Multinational Companies and contribute to the resolution of matters related to their implementation."*

That the aforementioned Resolution established that the OECD National Contact Point functioned within the scope of the Directorate of Multilateral Economic Affairs, under the National Directorate of Multilateral Economic Negotiations, of the Undersecretariat of International Economic Negotiations, of the Foreign Ministry.

That the aforementioned Directorate is also responsible for intervening in the issue of corporate social responsibility, within the framework of the aforementioned Guidelines.

That the Human Rights Council of the UN in point 6 of its Resolution 17/4 of July 6, 2011 (A/HRC/RES/17/4), established a working group on the issue of human rights and transnational corporations and other companies, so that, inter alia: *"h) Establish a systematic dialogue and analyze possible areas of cooperation with governments and all relevant stakeholders, including United Nations bodies, specialized agencies, funds and programs, such as the Office of the United Nations High Commissioner for Human Rights, the Global Compact, the International Labor Organization, the World Bank and its International Finance Corporation, the United Nations Development Program and the United Nations Development Program. International Organization for Migration, as well as with transnational corporations and other companies, national human rights institutions, representatives of indigenous peoples, organizations of civil society and other regional and subregional organizations.."*



That, given their importance, at least other resolutions of the United Nations deserve to be cited; for example, A/HRC/32/45, of May 4, 2016; A/HRC/35/33, of April 24, 2017; A/HRC/35/33, of April 25, 2017; and A/72/162 \*, of July 18, 2017; as well as the recommendations made on June 30, 2017, by the working group on the issue of human rights and business, in relation to the 2030 Agenda.

That, it is insisted with the indicated thing opportunely, as far as our Institution created the Program on the companies and the human rights, taking into account, among other observations, the Joint Work elaborated by the Institute of Human Rights of Denmark, in representation of the Human Rights Working Group of the International Coordinating Committee (now GANHRI), in collaboration with the Secretariat of the OECD Guidelines and with contributions from the Canadian Human Rights Commission.

That, there is indicated: *"The PNC provide an important forum for communication and to address issues related to the responsibilities of companies in the field of human rights. NHRIs and other interested parties, including the NCPs themselves, can cooperate to ensure access to remedies when complaints filed with NCPs allege violations of human rights by companies. "*

That, he adds: *"In October 2010, NHRIs adopted the Edinburgh Declaration on Business and Human Rights. This Declaration clearly establishes the joint commitment made by the NHRIs to promote a better understanding and greater respect for human rights in commercial operations. In particular, the Declaration encourages NHRIs to consider partnerships between NHRIs and local networks of the Global Compact, as well as to establish links with governments, businesses and civil society. "*

That, on the other hand, he understands that "NCPs meet periodically to exchange experiences and report to the OECD Investment Committee. This offers NCPs an opportunity to present annual reports; discuss activities to promote the Guidelines in the proactive agenda; participate in peer learning assessments; compare lessons learned on specific issues; strengthen collaborative efforts and hold consultations with representatives of companies, unions, NGOs, international organizations and INDH. "

That, besides the foregoing, and as background, it is of the case to highlight that in 2012, the OECD and the CIC (reiterated, now GANHRI) signed a Memorandum of Understanding in Amman, Jordan, within the framework of the XI Biennial Conference of the CIC.

That the purpose of the Memorandum of Understanding was to establish a cooperation program to promote understanding, visibility and use of the OECD Guidelines for Multinational Enterprises along with the Mandate of the Paris Principles of NHRIs, in favor of a greater respect for human rights in the field of business activities.

That the Memorandum provided: *"This includes the use of synergies between the OECD and the NCPs, on the one hand, and the CIC and the NHRIs, on the other, for example, through: reference to instruments, functions and the relevant work mutual; joint participation in events of global relationship; the exchange of experiences and capacity building between NCPs and NHRIs; specialized knowledge on human rights and due diligence and continuous dialogue."*

That there is no doubt that NCPs and NHRIs can have complementary knowledge relevant to the promotion of respect for human rights by companies, taking into account that NCPs are responsible for the OECD Guidelines and the application of provisions related to human rights.

That the aforementioned Memorandum gives an account of a series of positive actions that NHRIs and NCPs should take forward in order to comply with the OECD Guidelines, namely:

**a.** *"NHRIs from the State of origin can contribute to the actions of the NCPs to promote national learning among companies and other interested parties on the OECD Guidelines. Some NHRIs are experts in specific business and human rights issues; an example is the assessment of the impact on human rights, the elimination of discrimination in the workplace, socially responsible public procurement and labor rights. Maintaining a regular dialogue between NCPs and NHRIs can promote the exchange of relevant information to define due diligence in specific contexts. The NCPs are currently actively involved in the "proactive agenda" projects of the OECD*

*Investment Committee on due diligence in the financial sector and the participation of stakeholders in the extractive industry."*

**b.** *"NHRIs may have legal powers in their countries to process complaints, act as a mediation and conciliation body or to investigate complaints of human rights violations, according to the laws by virtue of which they were created. The NCPs and NHRIs should be aware of their mutual mandates on the handling of complaints and examine the coordination of their activities."*

**c.** *"NHRIs and NCPs can, therefore, collaborate with each other to develop platforms that provide information, publications and tools on business and human rights issues for companies and other interested parties. Likewise, they can jointly organize public events to stimulate awareness and commitment among companies and communities regarding sustainability. "*

It is of great interest to note that the Danish Institute for Human Rights (DIHR) is the national human rights institution of Denmark, and in 2011, during the appearance of Denmark in the First Cycle of the Universal Periodic Review (UPR) before the UN Human Rights Council, recommended that his country review the agreements concerning the NCPs and *"ensure that the Danish NCP met all the main criteria of the NCPs in accordance with the OECD Guidelines, and all the criteria of the non-judicial complaints mechanisms according to the Proposed Draft of the Guiding Principles on Business and Human Rights of the UN "*.

That, in turn, the Recommendation of the OECD Council on Public Integrity, asks member and non-member countries to enable effective accountability; and in point 12, expressly indicates that the role of external supervision and control in the integrity system of the public sector should be reinforced, specifically: *"a) facilitating organizational learning and guaranteeing the rendering of accounts of the entities of the sector public by providing appropriate responses (including by applying corrective measures, where appropriate) to sanctions, decisions and formal advice from supervisory bodies (such as senior audit bodies, the ombudsman or information commissions), regulatory bodies and application and administrative courts."*

That, the Plan was structured around 3 main categories: *"increase participation in the OECD Committees; adhere to key instruments of the organization; carry out public policy studies."*

That, in the present, Argentina participates in different organs of the OECD, with a different degree of institutionality, such as: the Fiscal Affairs Committee, the Trade Committee, the Committee on Agriculture, the Committee on Fisheries, the Policy Committee in Science and Technology, the Development Center, the Working Group on Bribery, the Investment Committee, among others.

That Argentina currently awaits the formal invitation of the OECD, honoring the commitments assumed and committed for the coming years, in order to achieve the final approval of its entry by the 35 countries that are currently members of the OECD.

That recently the National Executive Branch presented the so-called First National Plan of Action on Human Rights (2017-2020), and its axis No. 5 "Civic Culture and Commitment to Human Rights", more precisely in point 5.6. "Human Rights and Businesses", states that the Ministry of Justice and Human Rights will contribute *"to the design and implementation ... of guidelines and protocols of action within the framework of international instruments such as the Guiding Principles of Business and Human Rights and the Guidelines of the OECD, with special attention to groups in situations of vulnerability."*, with the goal of preparing and implementing five (5) protocols and guidelines for action.

That, therefore, the **"OECD Program - Organization for Economic Cooperation and Development"**, will aim to: **a.** Establish a cooperation program to promote greater understanding, visibility and use of the OECD Guidelines between the Argentine National Contact Point and the Paris Principles Mandate that governs our NHRI, in pursuit of greater respect for human rights; **b.** Promote and protect human rights closely linked to the OECD Guidelines, through instruments and work on relevant initiatives, communications and publications; and **c.** Cooperate with other NHRIs in the coordination of good working practices, exchanging experiences, information, preparing proposals, and supporting the implementation processes of the OECD Guidelines.

That the general direction and supervision of the *Program* will be the responsibility of the Deputy Secretary General; and, the link, regarding the monitoring and evaluation with the different thematic areas of the Institution, is in charge of the Legal and Technical Advice Area, feeding this Program with the information that it collects from the other Programs that have been indicated above.

That said *Program* was implemented within the framework of action No. 13.330/17, and that it is included here to provide all the necessary data for the pertinent opportunity, and the necessary background information for the national authorities and the corresponding international organizations.

That the Communication Area will be in charge of developing the dissemination and promotion activities of the "*OECD Program - Organization for Economic Cooperation and Development*".

That the Legal and Technical Area has expressed its appropriate legal opinion;

That this Resolution is adopted in compliance with section 6, paragraph j) of the Regulations for the Organization and Functioning of the Ombudsman Office, the authorization given by the two Presidents of the largest political parties represented in Parliament, and, in addition, ratified by Res. N° 001/2014 of the Ombudsman Permanent Bicameral Commission, , dated 23 April 2014, and the President's note of the Ombudsman Permanent Bicameral Commission, dated 25 August 2015, which conferred the same powers granted to the Secretary General in the person of the Deputy Secretary General, in case the Secretary General be on leave or absent.

NOW, THEREFORE, as Deputy Secretary General of the Ombudsman Office, it is hereby ordered as follows:

ARTICLE 1.- Create the "*OECD Program - Organization for Economic Cooperation and Development*".

ARTICLE 2.- Approve the following work methodology within the framework of the aforementioned Program:

1. The overall direction and supervision of the Program is the responsibility of the Deputy Secretary General.

2. The purpose of the *Program* is: **a.** Establish a cooperation program to promote greater understanding, visibility and use of the OECD Guidelines between the Argentine National Contact Point and the Paris Principles Mandate that governs our NHRI, in pursuit of greater respect for human rights; **b.** Promote and protect human rights closely linked to the OECD Guidelines, through instruments and work on relevant initiatives, communications and publications; and **c.** Cooperate with other NHRIs in the coordination of good working practices, exchanging experiences, information, preparing proposals, and supporting the implementation processes of the OECD Guidelines.

3. The link, in terms of monitoring and evaluation with the different thematic areas of the Institution, and the relationship with the NHRIs, is in charge of the Legal and Technical Area, with the active participation of the Office of Jurisprudence and Documentation, nurturing this Program, among others, with the information it collects from the other Programs that have been referred to above.

4. That the *Program* will be carried out in the framework of action No. 13.330/17, and there will be added all the necessary information for the relevant opportunity, and the results will be reported to the national public authorities and international organizations which correspond.

5. That the Communication Area will be in charge of developing the dissemination and promotion activities of the "OECD Program - Organization for Economic Cooperation and Development".

ARTICLE 3.- To urge all public authorities of our country, national, provincial and municipal, to collaborate with the Office of the Ombudsman of the Nation, in its capacity as a National Human Rights Institution, with the requirements formulated in the framework of the "*OECD Program - Organization for Economic Cooperation and Development*", based on the principles recognized by the Alliance for Open Government and good governance practices.

ARTICLE 4.- Invite civil society as a whole, to participate, cooperate and collaborate directly with the development of the "OECD Program - Organization for Economic Cooperation and Development".

ARTICLE 5.- To put the contents of this resolution in the knowledge of the Ministry of Foreign Affairs and Worship of the Nation, of the Ministry of Finance of the Nation, of the Organization for Economic Cooperation and Development (OECD), of the Program of the Nations United for Development (UNDP), in this case through its offices located in the Autonomous City of Buenos Aires, GANHRI, ECLAC, and the Permanent Bicameral Commission of the Ombudsman's Office.

ARTICLE 6.- Be duly notified, recorded and filed.