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Recovering with integrity
Phase 3
Final Activities Report

Poder Ciudadano
Capítulo Argentino
de Transparencia Internacional

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Introduction

Below, Poder Ciudadano reports on the activities carried out in the final stage of the project "Recovering with integrity Phase 3" funded by the Partnership for Transparency Fund. The activities reported were carried out between April 2024 and January 2025.

As part of the reporting process, it is worth recognizing that it suffered a series of mismatches and delays associated with the following elements:

1. External

- Increase in the analytical complexity required to work on public health issues, in a context of highly significant political change for interaction with national authorities
- Change in the trend in response to requests for information from the highest health authorities since 2024, resulting in delays and then administrative silence in response to queries made.
- Highly uncertain context in the functioning of civil society organizations at national and subnational levels, which restricted agendas, availability of time and human resources to participate in this initiative without funds; at the same time, the beginnings of closure of the enabling space made difficult - and delayed - the implementation of the initiative.

2. Interns

- High turnover of the operational team responsible for the initiative, which entailed delays in the incorporation of trained human resources for the implementation of the project, along with the reconstruction and transfer of information and content to various people within the organization.

Within this framework, Poder Ciudadano is grateful for the PTF team's ever-present understanding of this initiative and our organization, and we are formally committed to carrying out the pending activities in the short term to complete the commitments made.

Activity report

OBJECTIVE 1: INCREASE VACCINE INFORMATION AVAILABLE TO PUBLIC AND DISSEMINATION

1.1. COVID 19 Observatory

The COVID-19 Vaccine Observatory website has been updated with the latest information provided by the Ministry of Health in response to requests for access to public information, information available on the Ministry of Health website. Additionally, the calculator allows adding costs of up to 8 doses, reflecting the passage of time and the annual boosters recommended to the population. The most relevant judicial presentations made during the course of the entire project are also uploaded and an explanatory diagram of the process from planning the purchase of vaccines to inoculation was added. It is available at the following link: https://vacunas.poderciudadano.org/

1.1.2 FOIA requests

Within the framework of the COVID-19 vaccine observatory, a request was made for access to regular public information on vaccines and their disposal. This was made on May 6, 2024, and received a response in a timely manner. As on every previous occasion, this input allowed updating the information available in the vaccine observatory, as mentioned in the previous point. The response received can be found at the following link: https://transparencyinternational-my.sharepoint.com/:f:/g/personal/erowinski_poderciudadano_org/EmmEiaNWcYZHqMTRZU2RPvkBwScPYl9ecS-pHajKwoeVBg?e=jEZZv2

Additionally, another request was made to assess the evolution of COVID-19 vaccine costs on August 30. The response received can be found at the following link: https://transparencyinternational-my.sharepoint.com/:f:/g/personal/erowinski_poderciudadano_org/Eox7CDY6ScpJpnOaBD9c-14B1_uVD4eOzq6BESFDrd6mew?e=NESoOg

1.1.2 Survey of payment and reception acts

As mentioned above, the information provided by the Ministry of Health through proactive transparency of open databases was used to update the information.

1.1.3 Inclusion of new vaccines: bivalent and child

When requesting access to public information mentioned in point 1.1.2, an attempt was first made to expand the available information with the breakdown of bivalent vaccines. However,

the response received indicated that there was no such differentiation in the information provided, making it therefore materially impossible.

1.1.4 Update Visualization

As mentioned in point 1.1, the visualization was updated, adding new relevant documents such as requests for access to information, court documents, greater availability of doses in the cost calculator, and a graph with the processes required by the National State and the provincial states for the vaccine to reach people.

1.1.5 Litigation

The first case, corresponding to the **refusal to provide information related to the contracts for the acquisition of COVID-19 vaccines (CAF 18098/2021)** - Obtained a ruling from the Court of Appeals. It is worth remembering both that it reached this instance after the appeal that we made from Poder Ciudadano after the defeat in the first instance, and that, at the time of its resolution in the Court, the connection was established with the second case initiated - also appealed- regarding access to the process of acquisition and purchase of vaccines against COVID-19, especially the analysis of the contractual terms and reasonableness of prices (CAF 35526/2022).

By virtue of the aforementioned connection, both cases had identical judgment on May 14, 2024, at first sight, **giving rise to the amparo action, but not to the claim made.** The resolution recognized the non-compliance incurred by the Ministry of Health due to the lack of adequate justification for its refusal, **however, it ordered a new administrative act to respond to the request, in order to improve the exposition of the applicable exceptions.**

Faced with this situation, Poder Ciudadano went to the Supreme Court of Justice of the Nation by filing 2 (two) federal extraordinary appeals (1 for each case), since the ruling allowed a new rejection of the delivery of information, ignoring that the applicable regulations impose as the only sanction for the lack of adequate justification the delivery of information, but not the opportunity to improve arguments, which this party insists would be equally contrary to all rights. Once the appeals were filed, they were answered by the Ministry and later the Chamber agreed to accept them and submitted the files to the Supreme Court for consideration.

As a result, **both files are currently awaiting an agreement from the Supreme Court justices for their consideration** . The expectations, going forward, are expected to be favorable, since the Court has an extensive history in its jurisprudence of favoring access to public information. However, if this trend were to reverse, the litigation could lead to a complaint before the Inter-American Commission on Human Rights and, occasionally, the Inter-American Court, since it would be a flagrant violation of the American Convention on Human Rights, and the jurisprudence and standards of the system regarding access to public information.

On the other hand, the third case **was initiated in response to the illegal decision of the Office of the Comptroller General of the Nation - a constitutional body that exercises external control over the administration - to reserve in its entirety the legality audit reports it carried out on the 9 contracts signed for the acquisition of COVID-19 vaccines (CAF 16190/2023).** At the time of the last report, it was reported that, since December 2023, this case was pending acceptance of the connection with the aforementioned cases. Despite this, the Chamber did not rule on the connection until 5 months after the ruling was issued in the other cases. In any case, the resolution of Chamber V was contrary to the connection, so it returned to its chamber of origin (Chamber II). The latter decided to insist on its criteria, and therefore a third chamber (Chamber III) was drawn for the sole purpose of resolving the question of connection, with the result being favorable to the position of Chamber II and therefore ordering the connection. Once the file was returned to Chamber V, which must finally hear the case, the proceedings entered into judgment on December 13, 2024. Currently, the Chamber's resolution is awaited, with no expectations that it will be entirely favorable, given the precedent of this Chamber in previous cases, which if repeated will imply the filing of the corresponding appeal again.

1.2 Immunization system

1.2.1 Desk research

A research process was carried out to update the report presented during the previous phase of the project, maintaining the implemented methodology, oriented towards vaccines in the national mandatory schedule.

1.2.2 Update policy brief on purchase of holidays

Based on this information, a first update report was prepared. It provides a preliminary diagnosis of the need to strengthen the level of integrity of the immunization system by incorporating basic elements of information production, active transparency and accountability. The updated report is available at the following link: https://poderciudadano.org/wp-content/uploads/2025/01/FPC-PTF-Aproximacion-a-la-compra-de-vacunas-ActualizacionVF.pdf

1.2.3 Desk investigation, interviews, FOIA requests analysis- storage and distribution

Based on the information obtained through requests for information, research from secondary sources – such as the Audit Reports of SIGEN and AGN – Poder Ciudadano was able to produce a report that points out a set of “red flags” in the storage and distribution processes of mandatory vaccinations in Argentina.

The main findings of the research indicate that:

- The storage and distribution system for mandatory vaccines in Argentina is highly vulnerable in terms of integrity.
- Between 2015 and 2019, the vaccine storage service was carried out under the figure of "legitimate payment", a mechanism used to regularize the payment of a contract when it was not carried out through the usual purchasing and contracting procedure. This state behavior spanned two government administrations of opposite political signs – the presidencies of Cristina Fernández de Kirchner and Mauricio Macri.
- In 2019, to compensate for the previous situation, a national public contract was made for the storage and distribution of vaccines via public tender for both services, awarded to an Argentine company, for a period of only 1 year with an extension of 120 days, being that it is a predictable process and that should have broad coverage over time.
- In 2020, already under the administration of Alberto Fernández, an international public tender was held for the purchase of calendar vaccines outside of COMPR.AR. Beyond the health emergency caused by the pandemic, this purchase is of a regular nature and the exception of its passage through the COMPR.AR system is a red flag regarding the integrity of the process. In this case, the process was divided between two Argentine suppliers – OCA and Andreani – for 24 months with a 12-month extension – reaching the closing of the contract in December 2024.

SIGEN audits

- 13/2020: detected 4,141,343 expired vaccines and other complementary supplies that were paid for via the legitimate payment mechanism without controlling compliance with the contractual conditions.
- o 16/2022: not only did it detect errors in the registration of supplies in the cold chamber, but it also pointed out the existence of vaccine distribution with organizations and entities with which the proper agreements for the delivery of supplies were not in place.
- 3/2023: The contracting of influenza vaccines was extended by 400,000 units for the 2021 vaccination campaign (under analysis), however these were delivered in September at a time of low demand due to a decrease in viral circulation.

AGN audits

- Found an agreement with Terminal de Cargas Argentina (TCA) so that the storage of vaccines until their nationalization would not be charged for 30 days. This belongs to Aeropuertos Argentina 2000. In 42% of the cases, this storage period was exceeded and payment had to be made for their stay. In different years, the Argentine State paid for 560 additional days of storage, equivalent to 18 extra months.
- 2016: 216 days for the sextuple vaccine

- 2017: 187 days for the pentavalent vaccine
- 2019: 157 days to go until polio vaccine

Poder Ciudadano could verify the agreement said and estimate the public's treassure losses since 2015 in $193,690,715.53, which adjusted to inflation could raise to $3,392,703,810.52 (both figures expressed in Argentinian Pesos).

This investigation was possible through the following requests for public information:

- Vaccine distribution – February 26, 2024
- Vaccine storage – February 26, 2024
- Access to audits of recent years carried out by SIGEN on the Directorate of Control of Immunopreventable Diseases – March 7, 2024
- Customs clearance of vaccines - August 26 (late response after claim)
- Customs clearance of vaccines – November 27 (No response)

Further, after the termination of the contracts with Andreani and OCA in late December 2024, a new request for public information was presented in order to update the available information. The response to this request is yet to be received.

1.2.5 Risk assessment

Main risks detected were mentioned in response to point 1.2.3 and further may be found in the full policy brief cited below.

1.2.6 Policy brief on Storage and distribution of calendar vaccines

The policy brief on storage and distribution of calendar vaccines can be found in the following link: https://poderciudadano.org/wp-content/uploads/2025/01/FPC-PTF-Banderas-rojas-Almacenamiento-y-Distribucion- of-Vaccines-VF.pdf

1.3 Dissemination event

This activity was one of those that suffered the impact of the implementation problems of the initiative. The temporary delay caused by internal and external factors during 2024 led to the decision to postpone this activity until after the end of the summer period, which is characterized by the significant decrease in the availability of relevant actors to convene a public event to disseminate results. Given this fact, it was considered pertinent to postpone its implementation for better organization, participation and attendance. It is expected to be able to carry out this activity within a period of no more than 60 days after the delivery of this report.

1.4 Measurement tool

The accountability and responsiveness measurement tool was addressed in conjunction with the 10-point dissemination document against misinformation and the Preventive Transparency Toolkit. This was done in this way given the overlapping of the topics (the Decalogue finds its theoretical foundations in the decrease in immunizations and the need for a proactive attitude in the information provided), and the toolkit focuses on its 25 points on compliance with recommendations that improve accountability (such as the budget report, its execution, documents that make up decision-making, vaccines received, in stock and inoculated).

1.4.1 Desk research

Based on the information provided in point 1.4, the response is consistent with point 3.1.1.

1.4.2 Interviews

Based on the information provided in point 1.4, the response is consistent with points 3.1.2 and 3.1.3.

1.4.3 FOIA requests analysis

In the first half of 2024, Poder Ciudadano collaborated on a project with the investigative journalism network 'El Ruido' in an investigation into transparency in the 24 provinces of the country. The result of this investigation revealed an alarming number of provinces that systematically deny the provision of information. The report can be found at the following link: https://poderciudadano.org/transparencia-en-las-legislaturas-subnacionales-de-argentina-los-datos-los-hechos-provincia-por-provincia/
This information was supplemented by exchanges with civil society organisations contacted within the jurisdictions with which it was initially planned to work, which endorsed this state of affairs at the subnational level. With this logic, it was understood that allocating resources to making requests for access to public information in each province was unproductive, given that the few responses that could be obtained would be impossible to properly analyse due to their obvious partiality.

1.4.4 Designing the measuring tool

Based on the information provided in point 1.4, the response is consistent with point 3.1.

1.4.5 Policy brief on accountability and accountability

This document - limited to the availability of public information as a result of active transparency by the provincial jurisdictions, Caba and Nation - will be produced in the short term as a result of the analysis of the information resulting from the Preventive Transparency Toolkit.

OBJECTIVE 2: PROMOTE CSO COOPERATION AND CAPACITY BUILDING IN THE SUB NATIONAL INTEGRITY INMUNIZATION SYSTEM

2.1 Creation Accountability lab

To carry out the Accountability Lab, contacts were made with various organizations specialized in transparency in the provinces of Cordoba, Mendoza, Buenos Aires and Salta. To this end, it is reported that the Ruido Investigative Journalism Network and the Foundation for the Development of Sustainable Policies, both from Cordoba, Salta Transparente from the province of Salta, Nuestra Mendoza from the province of Mendoza and CEG and CECIM from the province of Buenos Aires, were contacted. Regrettably, it was not possible to obtain the support of the selected organizations due to issues related to the agenda, projects, and human capacity of the organizations. **For this reason, the work assigned to the Lab was entirely assumed by Poder Ciudadano.**

2.1.1 CSO mapping in Córdoba, Mendoza and Buenos Aires

The mapping was reported on in the previous report.

2.2 Provincial diagnosis by the accountability lab

2.2.1 Regulatory survey

An extensive investigation was carried out on the active and proactive transparency information made available by the 24 provinces and the Nation on various public portals to analyze the compliance details of the various elements of the Preventive Transparency Toolkit, including provincial regulations. Its results are set out in point 3.1

2.2.4 Interviews

For the development of the Toolkit, regular conversations were held with Julia Kors, Senior Public Advocacy Analyst at Fundación Huésped, via email, instant messaging and phone calls.

2.2.5 Characterize the role of control bodies

Within the framework of the survey research, the control bodies, both internal and external, of the 24 provinces and the Nation were characterized, in all cases where both existed. Both the existence of these control bodies, as well as the implementation of their functions, were evaluated. the disposition of the reports they produce, were elements evaluated in the Preventive Transparency Toolkit.

2.2.6 Final Diagnosis (one for each province)

The final diagnosis involved the systematization of the information in a table that reports compliance or the impossibility of verifying this in each province. This systematization was included in letters sent to each of the provinces. jurisdictions with the results of their performances to promote their use as a basis for new policies. This point is developed in greater detail in 3.1.6.

OBJECTIVE 3: DEEPEN ACCOUNTABILITY ENVIRONMENT AT THE SUB-NATIONAL LEVEL FOR THE IMMUNIZATION SYSTEM

3.1 Preventive transparency toolkit

The preventive transparency tool was developed, which can be found at the following link: https://transparencyinternational-my.sharepoint.com/:b:/g/personal/apichonriviere_poderciudadano_org/EYAQ2FGxXCJFnAw31g4Z39kBFJh2SFxRlYtnkY1bopUZFg?e=hRuBOE

This has 25 points that were developed based on the experiences of Poder Ciudadano in the 3 phases of collaboration with PTF and the national regulations on vaccination.

3.1.1 Desk research, interviews

The Toolkit was developed taking into account the experiences and barriers encountered by Poder Ciudadano throughout its work at the Vaccine Observatory, as well as those of Fundación Huésped - a leading civil society organization in Argentina in the field of health - to which Poder Ciudadano's legal service advises on matters of access to information and litigation (following the new barriers that the current administration imposed on the right of access to public information after Decree 780/2024) following the Ministry of Health's refusal to provide any information on the vaccine schedule - among other issues.

3.1.2 interviews

See 2.2.4

3.1.3 Validation round table with experts: civil society, academics, public official, cooperation entities, etc.

For the final validation of the Toolkit, Poder Ciudadano held a meeting with the Executive Director of Fundación Huésped, Leandro Cahn.

3.1.4 Policy report: approach to the role of the National Ministry of Health and the provincial Health Ministries: roles and responsibilities in immunization policy. How does planning interact with the value chain?

This activity could not be carried out due to delays related to the establishment of the Laboratory, while support from provincial organizations was expected for its development. This product will be developed by Poder Ciudadano independently outside of this report. It is expected to have information resulting from contact with the provincial health authorities, established when sending the results of the Toolkit, as well as the Report “10 topics that must be reinforced to combat misinformation regarding immunization in Argentina with proactive transparency”. It is expected to be completed within a period of no more than 60 days from the delivery of this report.

3.1.5 Dissemination Document: 10 topics that must be reinforced to combat misinformation regarding immunization in Argentina with proactive transparency.

The decalogue of proactive transparency to combat misinformation on immunization can be found at the following link: https://poderciudadano.org/wp-content/uploads/2025/01/FPC-PTF-Decalogo-Transparencia-ProactivaVF.pdf

3.1.6 Dissemination among Health ministries (24)

With the results of the toolkit applied to the 24 provinces and the Nation, letters were delivered by email to those directly responsible for health matters, or failing that, to senior personnel whose contact was possible, with the corresponding results and the provision of Poder Ciudadano to expand and collaborate in the improvement of standards and provide the opportunity for better compliance in terms of transparency. The letters sent to each jurisdictional health authority can be found at https://transparencyinternational-my.sharepoint.com/:f:/g/personal/apichonriviere_poderciudadano_org/Eo0-dDVoPNhAvRsJrGRuBRIBsrMh0_NlNq5fx-8TX3gEbg?e=evqu9B

About Poder Ciudadano

Poder Ciudadano is a non-partisan, non-profit foundation that was founded in 1989 as an initiative of a group of citizens concerned with the defense of civil rights in our country.

Since 1993, we have been the Argentine Chapter of Transparency International, an organization that leads the fight against corruption at a global level.

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