



# FREEDOM IN THE WORLD 2020

## Argentina

**85**  
/100

FREE

<u>Political Rights</u>	<b>35</b> /40
<u>Civil Liberties</u>	<b>50</b> /60

### LAST YEAR'S SCORE & STATUS

84 /100    **Free**

Global freedom statuses are calculated on a weighted scale. [See the methodology.](#)



## Overview

Argentina is a vibrant representative democracy with competitive elections, lively media and civil society sectors, and unfettered public debate. Economic instability, corruption in the government and judiciary, and drug-related violence are among the country's most serious challenges.

## Key Developments in 2019

- Alberto Fernández and Cristina Fernández de Kirchner (who are unrelated) were elected president and vice president respectively, defeating incumbent president Mauricio Macri and running mate Miguel Ángel Pichetto in the October election. Cristina Fernández de Kirchner was the driving force that brought Alberto Fernández to power, and had handpicked him to lead the ticket. Macri's popularity, meanwhile, had been eroded by economic instability and the effects of an austerity program endorsed by the International Monetary Fund (IMF).
- The country's economic crisis continued, with gross domestic product (GDP) forecast to contract by approximately 3 percent in 2019, and inflation reaching more than 50 percent. The poverty rate rose from 25 percent in 2017 to around 35 percent in mid-2019.
- In December, Congress approved a massive legislative package granting President Fernández emergency powers over vast swaths of economic policy for one year. Among other powers, the president will be able to impose new taxes, determine wage and pension increases by decree, and renegotiate foreign debt.
- During the electoral campaign and after taking office, President Fernández publicly criticized trials against *kirchnerista* officials, deeming them politically motivated. Some detainees were released by judges immediately after Fernández's Peronist administration returned to power, suggesting a high degree of politicization in the judiciary.

## Political Rights

# A. Electoral Process

**A1** 0-4 pts

**Was the current head of government or other chief national authority elected through free and fair elections?**

**4 / 4**

The constitution provides for a president to be elected for a four-year term, with the option of reelection for one additional term. Presidential candidates must win 45 percent of the vote to avoid a runoff. Alberto Fernández, a center-left figure who aside from a brief time in the Buenos Aires city government had never held elected office before, was elected president in the first round of elections in October 2019 with 48.24 percent of the vote, against incumbent Mauricio Macri's 40.28 percent. The poll was deemed competitive and credible by international observers.

Fernández's victory was widely viewed as benefiting from having political veteran and former president Cristina Fernández de Kirchner on his ticket; a member of the populist Peronist movement, she was the subject of multiple allegations of corruption at the time of the election, and faced trial for one of them.

**A2** 0-4 pts

**Were the current national legislative representatives elected through free and fair elections?**

**4 / 4**

The National Congress consists of a 257-member Chamber of Deputies, whose representatives are directly elected for four-year terms with half of the seats up for election every two years; and the 72-member Senate, whose representatives are directly elected for six-year terms, with one-third of the seats up for election every two years. Legislators are elected through a proportional representation system with closed party lists.

Legislative elections, including the most recent ones held in October 2019 together with the presidential vote, are generally free and fair. In the lower chamber, there were 130 seats contested in 2019, of which Frente de Todos won 64, Juntos por el Cambio won 56, and a number of smaller coalitions won between one and three seats each. The Senate saw 25 seats contested in 2019, of which Frente de Todos won 13, Juntos por el Cambio won 8, and Frente Cívico por Santiago won 2. Frente de Todos holds the greatest number of seats in both houses.

**A3** 0-4 pts

**Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?**

**3 / 4**

Argentina has a clear, detailed, and fair legislative framework for conducting elections. There is universal suffrage. Voting is compulsory for people between 18 and 70 years old, and voluntary between 16 and 18, and for people older than 70. However, the system suffers from some shortcomings, including inconsistent enforcement of electoral laws and campaign finance regulations. Further, aspects of election management fall under the purview of the executive branch, as Argentina's National Electoral Chamber (CNE) works in conjunction with the National Electoral Directorate, a department of the Ministry of the Interior.

In 2019, opposition forces questioned the software company hired by the Macri government to conduct a provisional vote count for the presidential election, alleging weak security measures and low technical standards.

## B. Political Pluralism and Participation

**B1** 0-4 pts

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**Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings?**

**4 / 4**

Argentina has competitive political parties that operate without encountering undue obstacles. Primary elections are mandatory for presidential and legislative elections, and only party candidates that obtain 1.5 percent of the national vote can move on to the general election.

**B2** 0-4 pts

**Is there a realistic opportunity for the opposition to increase its support or gain power through elections?**

**4 / 4**

Argentina's multiparty political system affords opposition candidates the realistic opportunity to compete for political power, and opposition parties command significant popular support and hold positions in national and subnational government.

The 2019 elections marked the return of Peronism to national power, after a 4-year-hiatus under Macri, who in December 2019 became the first elected non-Peronist to complete a presidential term since 1928.

**B3** 0-4 pts

**Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?**

**4 / 4**

Argentines' political choices are generally free from domination by groups that are not democratically accountable.

**B4** 0-4 pts

**4 / 4**

<b>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</b>	
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Ethnic and religious minorities have full political rights in Argentina. However, in practice, the government frequently ignores legal obligations to consult with indigenous communities about legislation and government actions that affect them.

Women and women's interests are reasonably well represented in the legislature. The 2019 legislative elections, in which a portion of seats were contested, were the first conducted under a new law that mandates all party lists to have full gender parity, with men and women alternating. Women now hold 42 percent of seats in the resulting Chamber of Deputies, and 38 percent in the Senate. Previously, since 1991, the country has had a law requiring that at least 30 percent of a party's legislative candidates be women.

The rights of LGBT+ people are also reasonably well represented in Argentina. Robust legal protections for LGBT+ people are codified in the law, and Argentina in 2010 became the first country in the Americas to legalize same-sex marriage.

*Score Change: The score improved from 3 to 4 because there are no significant obstacles preventing minority groups or other groups from exercising their political rights.*

## C. Functioning of Government

**C1** 0-4 pts

<b>Do the freely elected head of government and national legislative representatives determine the policies of the government?</b>	<b>3 / 4</b>
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Argentina's elected officials are duly installed in office without interference. However, the political system is characterized by a powerful executive, with the president having authority to implement some policies by decree, thereby bypassing the legislative branch. Provincial governors are also powerful and tend to influence lawmakers representing their provinces.

In December 2019, Congress approved a massive legislative package granting the president emergency powers over vast swaths of economic policy for one year. Among other powers, the president will be able to impose new taxes, determine wage and pension increases by decree, and renegotiate foreign debt.

At the same time, it remains to be seen if the president will be able to exercise the full powers of his office. Cristina Fernández de Kirchner is arguably the most influential vice president in the country's history: she is the driving force behind the electoral coalition that brought Alberto Fernández to power, and handpicked him as the presidential candidate.

**C2** 0-4 pts

<b>Are safeguards against official corruption strong and effective?</b>	<b>2 / 4</b>
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Corruption scandals are common, and several prominent members of the political class, including former presidents, have been charged with or found guilty of malfeasance in recent years. However, weak anticorruption bodies and the politicization of the judicial system hamper institutional safeguards against corruption. For instance, the country's main anticorruption office is part of the Justice Ministry and is headed by a presidential appointee, leaving it vulnerable to improper influence by the executive. Further, many politicians hold immunity in connection with their elected posts, and are thus shielded from legal consequences for corrupt behavior.

Vice President Cristina Fernández de Kirchner faces several investigations for alleged corruption during her time as president, from 2007 to 2015, and

has been indicted on numerous occasions. She stands accused of receiving bribes from public work contractors, and of treason for signing an agreement with Iran regarding the investigation of a 1994 terrorist attack in Buenos Aires, and is expected to stand trial in 2020. Judges have requested her pretrial arrest several times, but she was protected through legislative immunity as a senator between 2017 and 2019 and as vice president thereafter.

Powerful members of Fernández de Kirchner's administration, including former vice president Amado Boudou, are serving jail sentences in connection with corruption charges, and many other former officials await trial. During the campaign and after taking office, President Fernández publicly criticized trials against kirchnerista officials, deeming them politically motivated. Further, some detainees were released by judges immediately after the Peronist administration returned to power, suggesting a high degree of politicization in the judiciary.

**C3** 0-4 pts

**Does the government operate with openness and transparency?**

**3 / 4**

In the past few years the government has taken steps to improve transparency at the national level, including by presenting periodic action plans as part of its membership in the Open Government Partnership. Authorities have digitized state records and procedures and have published more information online, including on public procurement and contracting bids, as part of an effort to enter the Organization for Economic Cooperation and Development (OECD).

In 2017, Argentina enacted its first access to information law that established a Public Information Agency, through which citizens may request information from state agencies and other state-funded institutions. The implementation of the law has been uneven, and the agency is located within the office of the Chief of Cabinet of Ministers, who is appointed by the president. Adherence

to and enforcement of public-asset disclosure regulations is inconsistent. Further, there has been limited progress to promote transparency at the provincial and municipal levels, and in the judiciary.

## Civil Liberties

### D. Freedom of Expression and Belief

**D1** 0-4 pts

<b>Are there free and independent media?</b>	<b>3 / 4</b>
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Argentine law guarantees freedom of expression, and Congress decriminalized libel and slander in 2009. While media ownership is concentrated among large conglomerates that frequently favor a political grouping, Argentineans nevertheless enjoy a robust and lively media environment, and there is no official censorship.

Journalists face occasional harassment and violence. In addition, those covering discrimination against LGBT+ people report frequent threats on social media. Some journalists have faced corruption or other charges in connection with their investigative work. Separately, in October 2019, Javier Smaldone, a cybersecurity expert, was arrested along with others accused of being involved in a leak of information about the security forces. Smaldone claimed that the arrests were retaliation for uncovering vulnerabilities with the electronic voting system.

**D2** 0-4 pts

<b>Are individuals free to practice and express their religious faith or nonbelief in public and private?</b>	<b>4 / 4</b>
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Argentina's constitution guarantees freedom of religion. While the population is largely Roman Catholic, public education is secular, and religions minorities express their faiths freely. The government has formally acknowledged more than 5,300 non-Catholic organizations, granting them tax-exempt status and other benefits.

**D3** 0-4 pts

<b>Is there academic freedom, and is the educational system free from extensive political indoctrination?</b>	<b>4 / 4</b>
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Academic freedom is guaranteed by law and largely observed in practice.

**D4** 0-4 pts

<b>Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?</b>	<b>4 / 4</b>
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Private discussion is vibrant and unrestricted. However, activists and opposition leaders reported online harassment and intimidation by progovernment trolls under Macri, especially on Twitter, and some have accused authorities of financially sponsoring trolling efforts. His government denied any involvement.

## E. Associational and Organizational Rights

**E1** 0-4 pts

<b>Is there freedom of assembly?</b>	<b>4 / 4</b>
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Freedom of assembly is generally respected, and citizens frequently organize protests to make their voices heard. In the midst of rising inflation

and a recession, massive demonstrations in Buenos Aires and other large cities were frequent and usually peaceful. Ahead of the October 2019 elections, street rallies were organized by all political sectors throughout the country with no major incident.

**E2** 0-4 pts

**Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?**

**4 / 4**

Nongovernmental organizations (NGOs) generally operate without restrictions. Civic organizations, especially those focused on human rights and abuses committed under the 1976–83 dictatorship, are robust and play a major role in society, although some fall victim to Argentina’s pervasive corruption.

**E3** 0-4 pts

**Is there freedom for trade unions and similar professional or labor organizations?**

**3 / 4**

Organized labor remains dominated by Peronist unions, and union influence remains significant although it has decreased in recent years. Most labor unions have been controlled by the same individuals or groups since the 1980s, and internal opposition to union leadership has been limited by fraud and intimidation. Labor groups continued to call nationwide strikes in 2019 in protest of the government’s austerity measures and real wage losses caused by high inflation.

## F. Rule of Law

**F1** 0-4 pts

**Is there an independent judiciary?**

**2 / 4**

Inefficiencies and delays plague the judicial system, which is susceptible to political manipulation, particularly at lower levels. Some federal judges are known to maintain close ties with political actors, and to engage in corrupt practices. A former federal judge has been charged with corruption in what has become known as the “notebooks” case, accused of having been part of the bribery scheme benefiting members of the administrations of Cristina Fernández de Kirchner and Néstor Kirchner.

Judicial cases tend to follow political trends: several former officials and businessmen involved in corruption allegations during the previous government of Fernández de Kirchner were imprisoned during Macri’s presidency, but some were released as Fernández began to poll well ahead of the elections.

The Supreme Court, however, has maintained relative independence, and has pushed back against executive overreach during both the Kirchner and Macri administrations.

**F2** 0-4 pts

**Does due process prevail in civil and criminal matters?**

**3 / 4**

Due process rights are protected by the constitution and are generally upheld. However, the justice system and security forces, especially at the provincial level, have long stood accused of using excessive violence, and having ties with drug-trafficking operations.

The UN Special Rapporteur on torture stated in April 2018 that six out of ten people held in Argentine prisons had yet to reach the final stage in their trial, and were thus being held despite having not been convicted of any crime.

Court cases dating from the mid-2000s have allowed the prosecution of crimes against humanity committed during the 1976–83 dictatorship. Dozens of military and police officers have been convicted of torture, murder, and

forced disappearance, and sentenced to long prison terms, helping to combat a culture of impunity.

**F3** 0-4 pts

**Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?**

**2** / 4

Drug-related violence remained a serious issue in 2019 as international criminal organizations used the country as both an operational base and a transit route; the northern and central regions are particularly affected. Rosario—the country’s third largest city and an important port in the Santa Fe province—has been at the center of a spike in drug-related violence and unrest that has featured armed attacks against courts and intimidation of public officials.

Police misconduct, including torture and brutality against suspects in custody, is endemic. Prisons are overcrowded, and conditions remain substandard throughout the country. Arbitrary arrests and abuse by police are rarely punished in the courts, and police collusion with drug traffickers is common. In September 2019, the chief of the Federal Police in Santa Fe was arrested for impeding an investigation following a violent attack against him, and he was later charged with drug trafficking. In May 2019, four young people were killed when their car crashed as they fled police officers who opened fire on them in the province of Buenos Aires. As a result, 12 officers were suspended pending an investigation.

**F4** 0-4 pts

**Do laws, policies, and practices guarantee equal treatment of various segments of the population?**

**3** / 4

Argentina’s indigenous peoples, who comprise approximately 2.4 percent of the population, are largely neglected by the government and suffer disproportionately from extreme poverty and poor access to public services.

Only 11 of Argentina's 23 provinces have constitutions recognizing the rights of indigenous peoples. Women enjoy legal equality, but continue to face economic discrimination and gender-based wage gaps.

Argentina's LGBT+ population enjoys full legal rights, including marriage, adoption, and the right to serve in the military. However, LGBT+ people face some degree of societal discrimination, and occasionally, serious violence.

## G. Personal Autonomy and Individual Rights

**G1** 0-4 pts

**Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?**

**4 / 4**

The government respects citizens' constitutional right to free travel both inside and outside of Argentina. People are free to change their place of education or employment.

**G2** 0-4 pts

**Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?**

**3 / 4**

Citizens generally enjoy the right to own property and establish private businesses, and the Macri administration has made some effort to reduce bureaucracy as a means of encouraging entrepreneurship. However, bureaucratic abuses and corruption continue to affect private businesses.

Approximately 70 percent of the country's rural indigenous communities lack titles to their lands, and forced evictions, while technically illegal, still occur.

Indigenous communities continue to struggle to defend their land rights against oil and gas prospectors, and to reclaim traditional lands.

**G3** 0-4 pts

**Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?**

**4** / 4

Argentineans enjoy broad freedom regarding marriage and divorce. Same-sex marriage and adoption by same-sex couples has been legal nationwide since 2010. A 2012 gender identity law allows people to legally change their gender.

Violence against women remains a serious problem. Activists continue to hold highly visible protests and events aimed at drawing attention to the issue. According to official data, less than 5 percent of murder cases against women from 2018 ended in convictions.

Access to abortion is legal only in cases where the mother's life or health are in danger, or if the pregnancy is the result of rape; women in more remote parts of the country report difficulty in accessing an abortion even when these conditions are met. President Fernández in November 2019 pledged to decriminalize abortion.

**G4** 0-4 pts

**Do individuals enjoy equality of opportunity and freedom from economic exploitation?**

**3** / 4

Some industries like garment and brick production profit from the forced labor of men, women, and children from Argentina as well as from neighboring countries; forced labor is also present in the agriculture sector and among domestic workers and street vendors. Exploitation is made easier

by the prevalence of informal work: more than a third of Argentines work in the informal sector, without proper benefits or formal legal protections.

Men, women, and children are subject to sex trafficking. The government maintained the use of a hotline to facilitate investigations and has worked to identify more victims, deliver antitrafficking trainings, and prosecute officials involved in trafficking, according to the US State Department's 2019 *Trafficking in Persons Report*.



### On Argentina

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### Country Facts

#### Global Freedom Score

**85/100** Free

#### Internet Freedom Score

**72/100** Free

### Other Years

2019

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