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Argentina

Country:

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Year:

2018

Freedom Status:

Free

Political Rights:

2

Civil Liberties:

2

Aggregate Score:

83

Freedom Rating:

2.0

Overview:

Argentina is a vibrant representative democracy, with competitive elections and lively public debate. Corruption and drug-related violence are among the country's most serious challenges.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 33 / 40

A. ELECTORAL PROCESS: 11 / 12

A1. 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. Mauricio Macri was elected president in 2015 in a poll deemed competitive and credible by international observers.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The National Congress consists of a 257-member the 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 a closed party list.

Legislative elections, including the most recent held in October 2017, are generally free and fair. Notably, former president Cristina Fernández de Kirchner won a senate seat in the Buenos Aires province in the 2017 elections. However, overall the elections reflected support for Macri and his center-right Cambiemos coalition, which won in 13 out of the 23 provinces, including the capital, and after the polls was the largest coalition bloc in Congress.

A3. 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, and voting is compulsory. However, the system suffers from some shortcomings, including inconsistent enforcement of electoral laws and campaign finance regulations. Some observers have criticized the country's primary system, saying that despite primary polling, in practice candidates are chosen internally by party leaders.

B. POLITICAL PLURALISM AND PARTICIPATION: 14 / 16

B1. 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 form and operate without encountering undue obstacles.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 3 / 4

Argentina's multiparty political system affords opposition candidates the realistic opportunity to compete for political power. While Macri defeated the Peronist candidate in the 2015 presidential election, the Peronist party (in its various ideological forms) has dominated the political scene since 1946. Non-Peronist presidents, once elected, have struggled to win reelection in the post-dictatorship period. However, the strong performance of Cambiemos—the coalition comprised of Macri's center-right Republican Proposal (PRO), the Radical Civic Union (UCR), and the Civic Coalition (CC)—in the 2017 legislative polls was widely interpreted as a signal of robust support for Macri and his reformist agenda.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

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

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4

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.

Since 1991, the country has had a law requiring that at least 30 percent of a party's legislative candidates be women, and around 40 percent of seats in both houses of Congress are currently held by women. In November 2017, Congress passed a new law stipulating that future party lists must have full gender parity, with men and women alternating.

C. FUNCTIONING OF GOVERNMENT: 8 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 3 / 4

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 power to implement some policies by decree, thereby bypassing the legislative branch. Provincial governors are also powerful, and tend to influence senators representing their provinces.

In 2017, the Macri government continued its efforts to restore macroeconomic credibility to the country through a difficult adjustment program that has led to an erosion of real wages.

C2. Are safeguards against official corruption strong and effective? 2 / 4

Corruption scandals are common, and several 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. Many politicians hold immunity in connection with their posts, and are thus shielded from legal consequences for corrupt behavior.

Former president Cristina Fernández de Kirchner faces several allegations of corruption relating to her time in office. These include charges filed in April 2017 of money laundering and leading an illegal organization, in connection with her and her family's real estate dealings. A separate fraud case filed against Kirchner in 2016, involving allegations of the irregular sale of dollars by the central bank ahead of the 2015 election, remains open. She dismisses the charges as politically-driven, and holds immunity in her current role as a sitting senator. In December, a judge ordered her arrest and requested that the Senate lift her immunity, which would require the approval of two-thirds of the chamber. The order came in connection with charges of treason relating to her alleged role in covering up Iran's possible involvement in the 1994 bombing of a Jewish community center in Buenos Aires, in which 85 people were killed.

Several government officials linked with the Kirchner administrations faced accusations of corruption relating to the Latin America-wide Odebrecht investigation, in which Odebrecht, a Brazilian construction firm, admitted to paying bribes to win public works contracts. Additionally, in April 2017, the newspaper *La Nación* revealed that Macri had accepted \$500,000 from Odebrecht for his 2015 election campaign, but the company defended the payment as legal.

C3. Does the government operate with openness and transparency? 3 / 4

In September 2017, a long-awaited access to information law came into force. The law establishes a Public Information Agency, an autonomous body operating under the executive branch, through which citizens may request information from state agencies. The law contains some exceptions for information deemed restricted. Citizens must receive a response to their request within 15 business days, and will have the right to appeal a denial within 40 days.

Adherence to and enforcement of public asset disclosure regulations is inconsistent. Macri declared millions of dollars' worth of assets only after some of his holdings were revealed in the 2016 Panama Papers leak, in which a trove of documents leaked from a Panama-based law firm were unveiled by media organizations.

Macri's government has revamped the country's statistics agency, which under the Kirchner administration had been censured by the International Monetary Fund (IMF) for misrepresenting data. The government now publishes timely data that offers an accurate picture of the economy. Government officials hold press conferences, and make other efforts to communicate policy objectives to voters.

CIVIL LIBERTIES: 50 / 60 (+1)

D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16 (+1)

D1. Are there free and independent media? 3 / 4 (+1)

Argentine law guarantees freedom of expression, and Congress decriminalized libel and slander in 2009. Macri's government holds regular press conferences, and has a much more open relationship with the press than the previous administrations of Cristina Fernández de Kirchner and her late husband, Néstor Kirchner, who held the presidency before her.

Macri has also reduced the state's role in advertising compared to the previous Kirchner administrations, which funded a number of friendly print and broadcasting outlets and denied advertising contracts to critical media. However, the reduction in spending, combined with the country's difficult economic situation, affected media businesses' financial sustainability, and resulted in the closure of a number of largely left-leaning outlets, in effect narrowing the scope of opposition voices. While media ownership is now concentrated among large conglomerates—which tend to side with the government—Argentines nevertheless enjoy a robust and lively media environment, and there is no official censorship. The government does not restrict access to the internet, which is widely used in Argentina.

Score Change: The score improved from 2 to 3 because President Mauricio Macri's government has a much more open relationship with the press than the previous administrations of Cristina Fernández de Kirchner and her late husband, Néstor Kirchner, who held the presidency before her.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Argentina's constitution guarantees freedom of religion. While the population is largely Roman Catholic, public education is secular, and religious 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. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is largely observed in practice.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

Private discussion is vibrant and unrestricted.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12

E1. Is there freedom of assembly? 4 / 4

Freedoms of assembly and association are generally respected, and citizens organize protests to make their voices heard. However, in 2017, there were numerous reports of abuses of protesters by police at demonstrations in the capital; such incidents were reported at a demonstration marking International Women's Day in March; a protest organized by striking teachers in April, and an anti-austerity protest in December, during which dozens of participants were also detained on dubious grounds. In September, a number of people were injured, and more than two dozen others were violently detailed, amid clashes in the capital between police and demonstrators protesting the disappearance weeks earlier of indigenous rights activist Santiago Maldonado.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 4 / 4

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. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4

Organized labor remains dominated by Peronist unions, and union influence has decreased in recent years. Labor groups continued to call nationwide strikes in 2017,

largely in protest of the austerity measures, job losses, and real wage cuts that have resulted from the Macri government's economic adjustment plan.

F. RULE OF LAW: 10 / 16

F1. Is there an independent judiciary? 2 / 4

Inefficiencies and delays plague the judicial system, which can be subject to political manipulation, particularly at lower levels. The Supreme Court, however, has maintained relative independence, and has pushed back against executive overreach during both the Kirchner and Macri administrations.

F2. Does due process prevail in civil and criminal matters? 3 / 4

Due process rights are written into the constitution and are generally upheld. However, police can face pressure from political actors, and some police collusion with drug traffickers.

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 life in prison, helping to combat a culture of impunity.

F3. 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 2017 as international criminal organizations used the country as both an operational base and a transit route; the country's northern and central regions are particularly affected.

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 August 2017, indigenous rights activist Santiago Maldonado disappeared after being arrested by border guards, who took him into custody following his participation in a demonstration in support of land claims by the indigenous Mapuche people. His body was recovered in October, with an autopsy determining that he had drown. Further circumstances of his death remained unclear at year's end.

F4. 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 illness. 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 (lesbian, gay, bisexual, and transgender) population enjoys full legal rights, including 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: 14 / 16

G1. 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. The Macri government's 2015 move to lift Kirchner-era currency controls increased ordinary people's access to foreign currency, making travel abroad more accessible.

G2. 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. However, 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 increasingly struggled to defend their land rights in 2017 against oil and gas prospectors, as well as to reclaim traditional lands.

G3. 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 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, and according to the Supreme Court, 254 women died as a result of gender-based violence in 2016. Activists continue to hold highly visible protests and events aimed at drawing attention to the problem.

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.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Some sectors of the charcoal and brick-producing industries 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. Men, women, and children are subject to sex trafficking. The government has taken steps to better fund programs to assist victims of human trafficking and draw public

awareness to the problem, according to the U.S. State Department's 2017 *Trafficking in Persons Report*.

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