

# Argentina | Freedom House

## POLITICAL RIGHTS: 34 / 40 (+1)

### 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. Macri was elected president in 2015 in a poll deemed competitive and credible by international observers. Macri has announced his intention of running for a second term in the next election, set for October 2019.

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

Legislative elections, including the most recent ones held in October 2017, are generally free and fair. 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 a closed party list.

#### **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. 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.

### B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16 (+1)

#### **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 operate without encountering undue obstacles.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4 (+1)**

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.

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. Amid a sharp recession and economic crisis, support for President Macri has waned in the run-up to the 2019 presidential election.

*Score Change: The score improved from 3 to 4 because opposition parties command significant popular support, hold positions in national and subnational government, and face no significant legal or administrative restrictions.*

**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 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 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 2018, the Macri government continued its efforts to restore macroeconomic

credibility to the country through a \$57 billion IMF-endorsed adjustment program finalized in September, which has led to an erosion of real wages and a reduction in public spending.

## **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 investigations for alleged corruption during her time in office and has been indicted on numerous occasions, though she is protected from arrest through legislative immunity as a current member of the Senate. The most recent, notable case is the 2018 “notebooks” scandal, based on the detailed records kept by a former government driver who allegedly delivered bags of cash to the offices of government officials and to the private home of Cristina Fernández de Kirchner and her husband, Néstor Kirchner, who held the presidency before her (and died in 2010). Fernández, for her part, is accused of having received millions of dollars in cash from public construction companies in exchange for government contracts. She was indicted in September, and in December a federal appeals court upheld the decision that she be tried for bribery in connection with the case. A number of prominent businessmen were also named in the driver’s records.

Powerful members of Fernández’s administration, including former planning minister Julio de Vido and former economy minister and vice president Amado Boudou, are serving jail sentences in connection with corruption charges, and many other former officials await trial. However, it remains to be seen if ongoing corruption investigations and legal proceedings are enough to break Argentina’s historic culture of impunity.

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

In recent years, the government has taken some steps to improve transparency, including by enacting an access to information law that established the autonomous Public Information Agency, through which citizens may request information from state agencies. The government has also taken steps to digitize state records and procedures and to publish information online, including on public procurement and contracting bids.

Macri’s government has revamped the country’s statistics agency, which under the Kirchner administration had been censured by the 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.

Adherence to and enforcement of public asset disclosure regulations is inconsistent. Members of the Macri administration, as well as Macri himself, have ties to companies registered in tax havens.

## **CIVIL LIBERTIES: 50 / 60**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16**

#### **D1. Are there free and independent media? 3 / 4**

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.

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 concentrated among large conglomerates—which tend to side with the government—Argentineans nevertheless enjoy a robust and lively media environment, and there is no official censorship.

Journalists face occasional harassment and violence. Those covering discrimination against LGBT (lesbian, gay, bisexual, and transgender) people report frequent threats on social media. Separately, in May, police raided the Buenos Aires home of a photographer with the community news website *La Garganta Poderosa*, and confiscated equipment. The raid took place after he had photographed what *La Garganta Poderosa* said was an illegal police operation aimed at intimidating witnesses in a police brutality investigation.

#### **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 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. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

Academic freedom is guaranteed by law and 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. However, activists and opposition

leaders report online harassment and intimidation by progovernment trolls, especially on Twitter, and some have accused authorities of financially sponsoring trolling efforts. The government denies any involvement.

## **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**

### **E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is generally respected, and citizens frequently organize protests to make their voices heard. In mid-2018, hundreds of thousands took to the streets across Argentina to express their views regarding the legalization of abortion, as it was being debated in Congress. An October demonstration at the National Congress against austerity measures in Macri's proposed 2019 budget saw clashes between a small contingent of rock-throwing protesters, and police, who responded to them with tear gas, water cannons, and rubber bullets.

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

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. 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. 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 2018, largely in protest of the government's austerity measures and real wage losses caused by high inflation.

## **F. RULE OF LAW: 10 / 16**

### **F1. 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 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.

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 protected by the constitution and are generally upheld. However, the justice system and security forces, especially at the provincial level, have been accused of having ties with drug-trafficking operations and engaging in other corruption.

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.

In November 2018, a court closed an investigation into the 2017 disappearance and death of indigenous rights activist Santiago Maldonado without clarifying the circumstances of either. 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 later in 2017, with an autopsy determining that he had drown.

### **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 2018 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—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 July 2018, President Macri controversially announced the lifting of a ban on involvement of the armed forces in internal security operations. The government claims that soldiers will only provide logistical support for antidrug operations in border areas.

### **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 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: 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 access to foreign currency, making travel abroad more accessible. The government has also liberalized commercial air travel, with new companies offering new routes connecting Argentine cities with each other and with international destinations.

People are free to change their place of education or employment.

### **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, and the Macri administration has made some effort to reduce bureaucracy as a means of encouraging entrepreneurship.

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. 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. Activists continue to hold highly visible protests and events aimed at drawing attention to the issue.

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. In June 2018, the Chamber of Deputies approved a bill that would have legalized abortion, but it was rejected by the Senate in August. The Catholic Church and evangelical churches played a key role in the bill's narrow defeat.

### **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. Exploitation is made easier by the prevalence of informal work: more than a third of Argentines work in the informal sector, without proper benefits.

Men, women, and children are subject to sex trafficking. The government has taken steps to identify more victims, deliver antitrafficking trainings, and prosecute officials involved in trafficking, according to the US State Department's 2018 *Trafficking in Persons Report*.