

FREEDOM IN THE WORLD 2017

Argentina

82

FREE

/100

<u>Political Rights</u>	33/40
<u>Civil Liberties</u>	49/60

Global freedom statuses are calculated on a weighted scale. See the methodology.



Overview

Argentina is a vibrant representative democracy, with competitive elections and lively public debate. Corruption and violent crime are the country's most serious challenges.

Key Developments in 2016

- Former president Cristina Fernández de Kirchner and several members of her administration faced corruption investigations for their actions while in office. President Mauricio Macri, who was elected in 2015, cooperated with a corruption investigation into his own affairs.
- Macri's government held regular press conferences, and has been more open about policy than past administrations.
- The government instituted reforms at the previously discredited national statistics agency, and in September passed an access to information law.
- In October, a UN panel called on Argentina to release prominent community activist Milagro Sala, who had been in pretrial detention since January on charges the panel called unclear.

Executive Summary

The new government of President Macri, which took office in December 2015, made efforts in 2016 to improve government transparency. Its initiatives included an overhaul of the country's discredited statistics agency, and the approval of a freedom of information law. Macri's government also 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. And while corruption remains endemic, a number of high-profile corruption investigations were ongoing in 2016, including a number that targeted Cristina Kirchner and members of her former administration. Additionally, the Panama Papers—a trove of leaked legal documents that revealed potentially corrupt business activities by powerful individuals around the world—showed that Macri held directorships of offshore companies that

he had not declared to tax authorities. Macri was cooperating with an investigation into the matter.

Macri's government faced a difficult year as it sought to restore macroeconomic credibility and investor confidence in the country, following a dozen years of rule by the Kirchners. This has entailed undoing several of the Kirchners' populist policies, including reducing energy subsidies and easing restrictions on foreign currency purchases; the latter has dramatically facilitated Argentines' access to foreign currency and made travel abroad more accessible. However, public-spending cuts by the Macri government also resulted in the elimination of thousands of public-sector jobs. Cuts to the Kirchners' massive state advertising budget—which had propped up a number of outlets that were supportive of their respective administrations—resulted in job losses in the media sector.

The economic adjustment has tested the patience of ordinary Argentines, many of whom have so far failed to see its benefit as their purchasing power has been eroded by high inflation and increased prices for public services. Workers staged various strikes calling for wage increases and firing freezes in 2016.

Political Rights

A. Electoral Process

As amended in 1994, 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 won the 2015 presidential election in the second round with 51 percent of the vote, in a competitive and credible poll

The National Congress consists of the 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.

In the 2015 legislative elections, the Kirchner's Frente para la Victoria (FPV), a faction of the Justicialist (Peronist) Party, lost 26 seats compared to the previous legislature, bringing its total to 70 seats. This makes it the largest party, even though it does not have an outright majority. However, other Peronist factions hold enough seats for Peronist parties to hold an absolute majority. Macri's Cambiemos coalition gained 29 seats in the Chamber of Deputies in the elections. The FPV maintained its absolute majority in the Senate with 38 seats.

Mid-term elections will be held in October 2017, and the next presidential elections in 2019.

B. Political Pluralism and Participation

The right to organize political parties is respected. Argentina's multiparty political system affords opposition candidates the realistic opportunity to compete for political power. The Peronists have been a dominant force in politics since 1946, although they have been ideologically flexible over their existence. The Justicialist (Peronist) Party has two opposing factions: the center-left FPV and the center-right Federal Peronism faction. Other parties include Macri's center-right Republican Proposal (PRO), the Radical Civic Union (UCR), and the Civic Coalition (CC), which together comprise the Cambiemos coalition. A third important force in Argentine politics is the United for a New Alternative (UNA) coalition, which includes the Renewal Front, a breakaway faction of Justicialist Party members not aligned with the FPV.

Argentines' political choices are generally free from intimidation or harassment. Ethnic minorities have full political rights.

C. Functioning of Government

Corruption plagues Argentine society, and scandals are common. Since leaving office at the end of 2015, former president Cristina Kirchner has faced corruption

indictments, as have a number of high-ranking officials who served in her administration. In May 2016, Kirchner was charged with state fraud in connection with allegations of involvement in the central bank's sale of dollars on the futures market at a below-market rate, in an alleged bid to inflate the value of the peso before the 2015 election. In December, she was indicted alongside two former members of her administration for fraud and corruption in connection with an alleged scheme to improperly direct public-works projects to certain companies. Kirchner's transport secretary, Ricardo Jaime, was arrested in April and charged with embezzlement involving the purchase of train cars. In December, it was revealed that a Brazilian construction conglomerate, Odebrecht, had paid millions of dollars in bribes in Argentina to win favorable state contracts during Kirchner's time in office. Kirchner's former chief of staff, Aníbal Fernández, in 2016 was under investigation for running an ephedrine trafficking scheme. And a former vice president, Amado Boudou, remained under investigation during the year on allegations of bribery and influence-peddling.

Meanwhile, documents released as part of the Panama Papers leak revealed that Macri held the directorship of two offshore companies that he had failed to publicly disclose. He was cooperating with an investigation, and has denied wrongdoing.

Government transparency has improved under Macri's administration. In September 2016, the Argentine Congress approved an access to information law expected to be enacted within a year. The law establishes a Public Information Agency that will permit citizens to request information from state agencies, except 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. Macri's government has also revamped the country's statistics agency, which had been censured by the International Monetary Fund (IMF) since 2013 for misrepresenting data. In November 2016, the IMF lifted its censure after the agency released data on inflation and gross domestic product (GDP) that the IMF described as consistent with its obligations. The new government has held regular press conferences to explain its policies.

Civil Liberties

D. Freedom of Expression and Belief

Argentine law guarantees freedom of expression, and Congress decriminalized libel and slander in 2009. The Macri government's open relationship with the media represents a notable improvement from past years, which were characterized by the Kirchners' hostile attitude toward the media, including verbal and written attacks of critical outlets and persecution of specific journalists.

The Macri government has also faced challenges in reversing the media policies of the Kirchner years, which were characterized by the proliferation of pro-Kirchner print and broadcasting media that were largely supported by state advertising. The Macri government has made efforts to rein in the state advertising budget, which amounted to some \$1.4 billion in 2015. However, the reduction in spending, combined with the country's difficult economic situation, affected media businesses' financial sustainability, and journalists have protested layoffs that followed the closing and downsizing of outlets.

Other actions by the Macri government involving the media have been controversial. In December 2015, while the FPV-dominated legislature was on recess, the newly elected president Macri issued a decree that effectively overturned a 2009 media law designed to discourage monopolies. This prompted criticism that the president was disregarding democratic processes and undermining regulatory structures established by the 2009 law. In addition, in June 2016 the government suspended the signal of Telesur, a Venezuelan-backed, left-wing media venture, and of RT, a Russian-backed channel, from free-to-air digital television, arguing that the suspension was part of government austerity measures and that the signals were needed for provincial channels. The move prompted allegations that the government was silencing critical voices.

While Argentina is a relatively safe country for journalists, they can face attack in response to reporting on sensitive issues including corruption in provincial governments, or organized crime.

The government does not restrict access to the internet, which is widely used in Argentina. Argentina's constitution guarantees freedom of religion. Academic freedom is a cherished Argentine tradition and is largely observed in practice. Private discussion is vibrant and unrestricted.

E. Associational and Organizational Rights

Freedoms of assembly and association are generally respected, and citizens organize protests to make their voices heard. 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.

Organized labor remains dominated by Peronist unions, and union influence has decreased in recent years. Several labor groups called nationwide strikes in 2016, largely in protest of the austerity measures, job losses, and real wage cuts that have resulted from the Macri government's economic adjustment plan. Strikes are common at the time of annual salary renegotiations, with strikers seeking to keep wages up with inflation.

F. Rule of Law

Inefficiencies and delays plague the judicial system, which can be subject to political manipulation. The Supreme Court, however, maintains relative independence. In December 2015, with the legislature on recess, Macri appointed two Supreme Court justices by decree. However, facing opposition, he later reversed course and used the legal process requiring Senate confirmation; they were both sworn in during 2016. Argentine law allows for fair trials, a right that is generally enforced by the judiciary. 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 October 2016, the UN

Working Group on Arbitrary Detention called on Argentina to release prominent community activist Milagro Sala, who was detained in January in connection with a protest she had led, and was later charged with embezzlement; the UN panel said the charges against her were unclear and that her pretrial detention was unjustified.

Drug-related violence remained a serious issue in 2016 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.

In 2005, the Supreme Court declared that laws passed in the 1980s to safeguard the military from prosecution were unconstitutional, laying the foundation for the prosecution of past military crimes. Following the ruling, then president Néstor Kirchner initiated proceedings against former officials involved in Argentina's so-called dirty war (1976–83), during which right-wing military rulers utilized brutal tactics to silence dissent. Such prosecutions continued under Cristina Kirchner's administration, and under the current government, with dozens of military and police officers convicted of torture, murder, and forced disappearance and sentenced to life in prison.

Argentina's indigenous peoples, who represent 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.

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 police brutality. A number of killings of transgender women that took place in fall 2015 remain unsolved.

G. Personal Autonomy and Individual Rights

The government respects citizens' constitutional right to free travel both inside and outside of Argentina. Harsh government restrictions on foreign currency transactions

limited citizens' ability to travel and conduct business during the Kirchner years. The Macri government lifted the capital controls in late 2015, and allowed the peso to float freely. Doing so dramatically increased ordinary people's access to foreign currency, making travel abroad more accessible.

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 2016 against oil and gas prospectors.

Women actively participate in politics in Argentina, and the law requires that 30 percent of political parties' nominees to the national legislators be women. Around 40 percent of both houses of Congress are held by women. Although abortion remains illegal, in 2012 the Supreme Court outlawed the prosecution of women who have had an abortion after being raped. An estimated 500,000 illegal abortions are performed each year, with a few resulting in death. Domestic violence against women is a serious problem, and women continue to face economic discrimination and gender-based wage gaps.

Same-sex marriage has been legal nationwide since 2010. A 2012 gender identity law allows people to legally change their gender.

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. Government funding for programs to assist victims of human trafficking is insufficient.



On Argentina

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Global Freedom Score

85/100 Free

Internet Freedom Score

71/100 Free

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