

Freedom in the World 2023



header1 Overview

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

header2 Key Developments in 2022

- Vice President Cristina Fernández de Kirchner survived an assassination attempt outside her home in September. Several people accused of being involved in the attack were arrested that month, and investigations into alleged links between right-wing extremist groups and the attempt on Fernández de Kirchner's life were ongoing through year's end.
- In December, a court found Fernández de Kirchner guilty on corruption charges related to public works contracts issued during her 2007–15 presidential term. She was sentenced to six years in prison and permanently banned from holding public office, but the sentence will not take effect until the appeals process is complete.
- Also in December, the Supreme Court reversed a 2020 decree that had decreased federal funding for the city of Buenos Aires—which is governed by the opposition—and ordered the government to restore funding to the capital city. President Alberto Fernández initially said he would not comply, but later accepted the ruling, though he continued to accuse the court of political bias.

PR Political Rights

A Electoral Process

A1 1.00–4.00 pts0–4 pts

Was the current head of government or other chief national authority elected through free and fair elections?	4.004
	4.004

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.

Center-left candidate Alberto Fernández of the Front for Everyone (FdT) coalition was elected in the first round of elections in October 2019 with 48.2 percent of the vote, defeating incumbent Mauricio Macri of the Together for Change (JxC) bloc, who obtained 40.3 percent. International observers deemed the poll competitive and credible.

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.

Were the current national legislative representatives elected through free and fair elections?	4.004
	4.004

The National Congress consists of a lower house, the Chamber of Deputies, and an upper house, the Senate. The Chamber of Deputies has 257 members elected for four-year terms, and the Senate has 72 members elected for six-year terms. Half of all deputies and a third of senators are up for election every two years through a proportional-representation system with closed party lists. Legislative contests are generally deemed free and fair.

The FdT did poorly against JxC in the November 2021 legislative elections, marking an end to a decades-long majority for Peronist-led coalitions, although the governing coalition maintained a narrow plurality in both houses. The FdT notably lost ground in Buenos Aires Province, while the left-wing Workers’ Left Front and the far-right Freedom Advances did well nationally.

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?	3.003
	4.004

Argentina has a clear and relatively fair framework for conducting elections. There is universal suffrage: voting is compulsory for people between 18 and 70 years old, and voluntary for people between 16 and 18 or older than 70.

However, the system suffers from shortcomings, including the inconsistent enforcement of electoral laws and campaign finance regulations. Additionally, each party must print and distribute its own paper ballots on election day, providing opportunities for abuse and favoring larger parties.

Aspects of election management fall under the purview of the executive branch; the National Electoral Chamber (CNE) works in conjunction with the National Electoral Directorate (DNE), a department of the Interior Ministry.

B Political Pluralism and Participation

B1 1.00-4.00 pts0-4 pts

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?	4.004
	4.004

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

B2 1.00-4.00 pts0-4 pts

Is there a realistic opportunity for the opposition to increase its support or gain power through elections?	4.004
	4.004

Argentina's multiparty system affords opposition candidates the realistic opportunity to compete for political power. Opposition parties command significant popular support, have a large presence in Congress, and govern several provinces.

The 2019 presidential election marked a return of Peronism; former president Macri was the only non-Peronist to complete a presidential term since 1928.

B3 1.00-4.00 pts0-4 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?	4.004
	4.004

Argentines' political choices are generally free from domination by democratically unaccountable groups. However, political choices are influenced by voter intimidation and clientelism, particularly in poorer regions.

A failed assassination attempt against Vice President Cristina Fernández de Kirchner in September 2022 drew widespread condemnation across the political spectrum. Some of the vice president's supporters, however, blamed the opposition for the attack, claiming that opposition politicians have encouraged political violence. Several people, including the gunman, were arrested in connection with the attempt on the vice president's life; investigations into alleged links between right-wing extremist groups and the attack on Fernández de Kirchner were ongoing at year's end. At least three people accused of participating in the attack remained in pretrial detention at the end of the year.

B4 1.00-4.00 pts0-4 pts

Do various segments of the population (including ethnic, racial, religious, gender, LGBT+, and other relevant groups) have full political rights and electoral opportunities?	4.004
	4.004

All segments of the population have full political rights. However, in practice, poorer Argentines, ethnic minorities, and Indigenous people have limited access to political power.

The government has taken steps to improve women's presence in politics. All legislative party lists must respect full gender parity by law. After the November 2021 elections, women held 44.8 percent of lower-house seats and 43.1 of upper-house seats. A Ministry of Women, Genders, and Diversity (MMGD), which promotes equality and combats gender-based violence, was formed in 2019. However, men still dominate judicial and political positions at the national and provincial levels. Only 2 of Argentina's 24 provinces have women governors, and the Supreme Court has no female members.

LGBT+ people are well-represented in Argentina and legal protections for LGBT+ people are robust. In 2021, Congress passed a law mandating that 1 percent of public sector jobs be reserved for transgender people.

C Functioning of Government

C1 1.00-4.00 pts0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?

3.003

4.004

Elected officials are duly installed without interference. The political system is characterized by a powerful executive, with the president having authority to implement some policies by decree, bypassing the legislative branch. Provincial governors are also powerful and tend to influence national lawmakers representing their provinces.

Vice President Fernández de Kirchner handpicked Alberto Fernández (no relation) as presidential candidate and has been the driving force behind the ruling coalition. Several ministers and lawmakers answer personally to her. Growing divisions between them have weakened the president's authority.

C2 1.00-4.00 pts0-4 pts

Are safeguards against official corruption strong and effective?

2.002 4.004

A weak institutional framework hampers anticorruption efforts. The country's main anticorruption body is part of the executive, legislative oversight is scarce, and the judiciary is widely considered to be politicized and ineffectual, especially at the provincial level.

Many politicians hold immunity in connection with their elected posts, and are thus protected from legal consequences for corrupt behavior.

In recent years, incumbent vice president Cristina Fernández de Kirchner has been the subject of numerous investigations for alleged corruption during her 2007–15 presidential term. In December 2022, Fernández de Kirchner was found guilty of fraud for improperly awarding approximately \$1 billion in public contracts to a family friend while serving as president. Fernández de Kirchner—Argentina's first vice president to be convicted of a crime while in office—has condemned the conviction as politically motivated. She was sentenced to six years in prison and permanently banned from holding public office, but the sentence will not be imposed until the appeals process is complete.

C3 1.00-4.00 pts0-4 pts

Does the government operate with openness and transparency?

3.003 4.004

An agency to guarantee access to public information was created by law in 2017 but is not independent of the presidency. Adherence to and enforcement of public-asset disclosure regulations is inconsistent. Though the Constitution requires the head of the cabinet to appear before Congress monthly to report on the government's progress and answer questions, this rarely happens in practice.

The national government has endeavored to digitize records and procedural documents, but local and provincial governments have been slower in this work.

CL Civil Liberties

D Freedom of Expression and Belief

D1 1.00-4.00 pts0-4 pts

Are there free and independent media? | 3.003 4.004

Argentina has a robust and lively media environment. The law guarantees freedom of expression and bans official censorship. However, media ownership is concentrated among large conglomerates that frequently favor a political grouping, and state advertising allocation tends to favor government-friendly media groups. Journalists face occasional harassment and violence, especially when covering corruption and drug-related criminality. Some journalists have faced charges in connection with their investigative work.

D2 1.00-4.00 pts0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private? | 4.004
4.004

Freedom of religion is constitutionally guaranteed and enforced in practice. The population is largely Roman Catholic but public education is secular, and religious minorities express their faiths freely.

D3 1.00-4.00 pts0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination? | 4.004
4.004

Academic freedom is guaranteed by law and largely observed in practice.

D4 1.00-4.00 pts0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? | 4.004
4.004

Private discussion is vibrant and largely unrestricted. However, government agencies have been known to monitor social media activity, and intelligence services have been accused of illegally surveilling journalists, politicians, and civil society groups. In November 2022, a federal prosecutor requested that former president Macri be indicted on espionage charges for allegedly using Argentina's intelligence services to illegally monitor opposition leaders.

E Associational and Organizational Rights

E1 1.00-4.00 pts0-4 pts

Is there freedom of assembly? | 4.004 4.004

Freedom of assembly is generally respected, and citizens frequently organize protests.

E2 1.00-4.00 pts0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	4.004 4.004
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Nongovernmental organizations (NGOs) generally operate without restrictions. Civic organizations, especially those focused on human rights and abuses committed under the 1976–83 dictatorship, play a major role in society, although some fall victim to corruption.

E3 1.00–4.00 pts0–4 pts

Is there freedom for trade unions and similar professional or labor organizations?	3.003 4.004
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Union influence remains significant, although it has decreased in recent years. Organized labor is dominated by Peronists, and most labor unions have been controlled by the same individuals or groups for decades. Internal opposition to union leadership has been limited by fraud and intimidation.

F Rule of Law

F1 1.00–4.00 pts0–4 pts

Is there an independent judiciary?	2.002 4.004
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The Supreme Court is relatively independent and has resisted executive overreach. However, lower and province-level courts have close ties with political actors and engage in corrupt practices.

Leaders of the ruling coalition frequently attack judicial rulings and accuse the courts of ideological bias. President Fernández continued to accuse the judiciary of political bias in 2022, including in December, after the Supreme Court effectively reversed a 2020 decree that had substantially cut the percentage of federal funds allocated to the opposition-led city of Buenos Aires. The president initially said he would not comply with the ruling, which restored funding to the capital city, but later agreed to accept it.

After taking office, President Fernández and Vice President Fernández de Kirchner proposed legal reforms that, if enacted, could diminish judicial independence. The government has also tried to limit the independence of the body that names and removes judges.

Numerous vacancies and interim appointments hinder the autonomy of the judiciary: one seat on the 5-member Supreme Court has been vacant since late 2021, the role of national ombudsperson has remained vacant for 13 years, and the position of chief prosecutor has been filled on a temporary basis since 2017.

F2 1.00–4.00 pts0–4 pts

Does due process prevail in civil and criminal matters?	3.003 4.004
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The right to due process is constitutionally protected and generally upheld. However, security officers and some judges are suspected of maintaining criminal ties. Prisons are overcrowded and inmates live in unsuitable conditions. Pretrial detainees represented 54 percent of the country's prison population as of December 2022.

In September, the attorney general's office reported that a total of 1,088 convictions for crimes committed during the 1976–83 dictatorship had been attained since 2006.

F3 1.00–4.00 pts0–4 pts

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

2.002
4.004

Argentina's homicide rate is low compared to other Latin American countries, but violence from criminal groups and the security forces remains a serious issue. International criminal organizations use Argentina as an operational base and a transit route; the country's northern and central regions are particularly affected. Drug-related violence has increased in recent years, especially in the port city of Rosario.

Police misconduct, torture, and brutality against detainees is endemic. Arbitrary arrests and abuses by police are rarely punished in the courts, and police officers commonly collude with drug traffickers.

In recent years, there have been violent clashes between security forces and Indigenous Mapuche activists in Argentina's Patagonia region, as well as repeated confrontations between local residents and activists. Some activists have used violence to seize and occupy land.

F4 1.00-4.00 pts0-4 pts

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

3.003
4.004

Argentina has robust antidiscrimination laws, but enforcement is uneven. Indigenous peoples, approximately 2.4 percent of the population, face government neglect, disproportionate levels of poverty, and poor access to services. Displays of xenophobia against migrants and race-based discrimination are common. 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 do face some degree of societal discrimination, and occasionally, serious violence.

G Personal Autonomy and Individual Rights

G1 1.00-4.00 pts0-4 pts

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

4.004
4.004

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

Argentina implemented one of the world's strictest and most prolonged COVID-19 lockdowns. Bans and restrictions on domestic and international travel were sometimes arbitrary and gave way to abuses; security officers used disproportionate force to enforce measures. Almost all COVID-19-related restrictions were lifted in September 2021, including border controls. The government continued to ease remaining travel restrictions during 2022.

Score Change: The score improved from 3 to 4 because Argentinian authorities lifted COVID-19-related movement restrictions and have subsequently refrained from arbitrary and abusive treatment of travelers.

G2 1.00-4.00 pts0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	3.003
	4.004

Citizens generally enjoy the right to own property and establish private businesses. Economic instability, cumbersome regulations, and corruption affect the private sector at all levels.

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 and reclaim traditional lands.

G3 1.00-4.00 pts0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	4.004
	4.004

Argentiniens enjoy broad freedom regarding marriage and divorce. Same-sex marriage and adoption by same-sex couples were legalized in 2010. A 2012 gender-identity law allows people to legally change their gender.

Gender-based violence remains a serious problem. The ombudsperson’s office reported 242 femicides in 2022.

Abortion was legalized up to the 14th week of pregnancy in 2020, a landmark decision in Latin America.

G4 1.00-4.00 pts0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?	3.003
	4.004

Argentina faces high poverty rates aggravated by high inflation. In the first half of 2022, the poverty rate was 36.5 percent, with 8.8 percent of people living in extreme poverty.

Forced labor is high in sectors such as garment and brick production, agriculture, and domestic work. At least half of the workforce is informally employed and lacks labor rights and legal protections. Sex trafficking is a serious concern, and efforts to combat it have been hindered by corruption and the complicity of some officials, according to the US State Department’s 2022 *Trafficking in Persons Report*.