

# Argentina - Human Rights Scorecard <sup>1</sup>

Officially known as the Argentine Republic, Argentina is the largest Spanish-speaking country in Latin America. The country enjoyed relative peace and stability, with massive waves of European immigration radically reshaping its cultural and demographic outlook. Though it is still plagued with corruption and police abuse, Argentina has good scores when it comes to their minorities, disabled citizens and refugees. The biggest problem of the country would be the implementation of the constitution and its laws in a society that is ruled by corrupt officials.

**Capital:** Buenos Aires

**Official language:** Spanish

**Ethnic groups:** 97% white (mostly Spanish and Italian); 3% mestizo, Amerindian and other

**Government:** Federal presidential constitutional republic

- President: Mauricio Macri

- Vice President: Gabriela Michetti

**Death penalty:** Abolitionist for all crimes

**Population:** 41.8 million

**Life expectancy:** 76.3 years

**Under-5 mortality:** 13.3 per 1000

**Adult literacy:** 97.9 percent



## Section 1: Overall Development

The overall development of a country – considering education, health, income, and other factors – is a strong indicator of whether average citizens have a reasonable chance to enjoy social and economic well-being and mobility.

### Human Development (UNDP Human Development Index (HDI)) <sup>2</sup>



#### 0.836 – Very High Human Development <sup>3</sup>

According to the UNDP, Argentinians enjoyed a gross national income per capita of \$22,050, and could expect to have on average 17.9 years of schooling. Compared to other countries with comparable gross national income per capita, this is a very high HDI.

## Section 2: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

### Freedom from arbitrary or unlawful deprivation of life



#### Largely disrespected <sup>4</sup>

It is difficult to obtain reliable information on unlawful killings in Argentina, but the Center for Legal and Social Studies in Argentina has reported 126 deaths in 2015 caused by police force in the Buenos Aires province.

### Freedom from disappearance



#### Respected <sup>5</sup>

Recently, there have been no reports of politically motivated disappearances in Argentina.

### Freedom from torture and other cruel, inhuman or degrading treatment or punishment



#### Largely disrespected <sup>6</sup>

Though laws are in place to prohibit torture, there have been over 400 reports of torture and degrading treatment by police in big cities such as Buenos Aires and Sante Fe.

### Freedom from arbitrary arrest or detention



#### Partially respected <sup>7</sup>

There are laws in place to prevent arbitrary arrests. However, there have been occasional cases of violation of this freedom.

### Freedom from denial of fair public trial



#### **Partially respected**<sup>8</sup>

The Argentinian government does not always respect judicial independence, even though it is constitutionally protected. Locals NGOs observed that the government and its courts are influenced by political actors, especially in selecting judges.

### Freedom from arbitrary interference with privacy, family, home or correspondence



#### **Respected**<sup>9</sup>

This freedom is protected in the constitution and the government generally respects it.

## Section 3: Respect for Civil Liberties

*Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.*

### Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)<sup>10</sup>



#### **Score: 25.09, Rank: 54 / 180 – Partially free, diverse and independent**<sup>11</sup>

Freedom of speech and press is guaranteed by the law but not always respected in practice. There have been instances of harassment of journalists covering corruption news although the government seems to have taken some measures to protect them.

### Freedom from academic censorship



#### **Partially respected**<sup>12</sup>

Following the protests against the regime in 2011, the state suspended academics supporting the protests. More recently, the government has moved to suspend the Islamic Scholars Council.

### Freedom of peaceful assembly and association



#### **Respected**<sup>13</sup>

There are no reports of governmental violation of the right to assembly and association.

### Freedom of religion



#### **Partially respected**<sup>14</sup>

There are many reports of religious discrimination within the population, but the government, with NGOs and civil society groups, is actively working to promote interfaith dialogue.

### Freedom of movement



#### **Respected**<sup>15</sup>

The constitution protects freedom of movement and there have been no reports of government restrictions.

### Protection of refugees and stateless persons



#### **Respected**<sup>16</sup>

The Argentinian government works with the UNCHR to provide assistance to refugees. In 2014, almost 3500 refugees and 1800 asylum seekers were living in the country.

### Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)<sup>17 18</sup>



#### **2 / 7 – Free**<sup>19</sup>

While civil liberties in Argentina overall are strong, there are new signs of wavering in the government's commitment to civil liberties.

## Section 4: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc.

### Overall protection of political rights (*FreedomHouse Political Rights Index*)<sup>20</sup>



**2 / 7 – Free**<sup>21</sup>

Argentina has a multiparty political system which enables the expression of diverse viewpoints.

## Section 5: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

### Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)<sup>22</sup>



**Score: 32%, Rank: 107 / 175 – Highly corrupt**<sup>23</sup>

The judicial, executive and the legislative branches have all been accused of corruption. A few government officials have been put on trial after evidence of corruption.

## Section 6: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

### Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



**Respected**<sup>24</sup>

The Argentinian government is generally open and cooperative with NGOs, allowing them to investigate and publish human rights cases.

## Section 7: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

### Endangered Minorities (*Peoples Under Threat – Minority Rights Group International*)<sup>25</sup>



**No threat listed – Limited dangers to minorities**<sup>26</sup>

According to Minorities Rights Group International, there are no ethnic minorities in Argentina that face immediate threat of violence.

### Rights of women (*World Economic Forum Gender Gap Index*)<sup>27</sup>



**Score: 73.5%, Rank: 33 / 144 – Somewhat unequal rights**<sup>28</sup>

Women have the same legal status as men under the law, but still face economic discrimination, unequal wages and are confronted to a glass ceiling in the private sector.

### Rights of Children (*KidsRights Index Overall Score*)<sup>29</sup>



**Score: 86.4%, Rank: 33 / 163 – Protected**<sup>30</sup>

While Argentina scores well with children's education and health, there are still unaddressed issues of child abuse and sexual exploitation.

### Rights of persons with disabilities



**Respected**<sup>31</sup>

The constitution and laws forbid discrimination against persons with disabilities. NGOs have noted that schools in particular have become more accessible to disabled people.

## Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



### Partially respected<sup>32</sup>

Anti-Semitism is a problem in Argentina. Indigenous peoples also face important discrimination of various kinds. However, such tensions are not so great that such groups face violence.

## Freedom from abuse and discrimination based on sexual orientation or gender identity



### Respected<sup>33 34</sup>

Members of the LGBT community share the same legal rights as heterosexual persons. There were no reports of discrimination against LGBT individuals in employment, housing, and access to education or health care.

## Section 8: Workers' Rights

*Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.*

## Rights to freedom of association and to collective bargaining



### Respected<sup>35</sup>

The constitution protects the right to freedom of association, and these rights are usually respected by the government and employers.

## Freedom from forced or compulsory labour



### Partially respected<sup>36</sup>

There are laws that prohibit forced labour, however violations involving Bolivians and Peruvians in poorer provinces of Argentina have been reported to authorities. The government carries out investigations on these cases and has improved its support system for these victims.

## Freedom from forced labour for children, and a minimum age of employment



### Partially respected<sup>37</sup>

Laws guarantee children's freedom from forced labour, but it is reported that around 15% of children in urban areas performed some type of work between 2010 and 2013. The government launched a national awareness campaigns on the issue, and perpetrators are punished severely.

## Right to acceptable conditions of work



### Partially respected<sup>38</sup>

Argentinian laws carefully regulate conditions of employment for workers. However, many individuals work in the informal sector, which makes it difficult to enforce these laws.

## Right to employment



### 7.3% - Reasonable unemployment<sup>39</sup>

Unemployment has dropped since 2005, and is projected to remain stable until 2018.

<sup>1</sup> A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

<sup>2</sup> The UN Development Program HDI was created to emphasize that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone. The HDI can also be used to question national policy choices, asking how two countries with the same level of GNI per capita can end up with different human development outcomes. These contrasts can stimulate debate about government policy priorities. The Human Development Index (HDI) is a summary measure of average achievement in key dimensions of human development: a long and healthy life, being knowledgeable and have a decent standard of living. Accessed Jan. 8, 2017 <http://hdr.undp.org/en/composite/HDI>

<sup>3</sup> "Table 1: Human Development Index and its components, Argentina" UNDP, based on 2014 or the most recent year available. Accessed Jan. 20, 2017. <http://hdr.undp.org/en/composite/HDI>.

<sup>4</sup> "Country Reports on Human Rights Practices for 2015 Argentina." U.S Department of State. January 1, 2015. Accessed January 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>5</sup> Ibid. U.S Department of State. For purposes of the present analysis, a “disappearance” is different than simple arbitrary detention because a “disappearance” is considered permanent.

<sup>6</sup> Ibid. U.S Department of State.

<sup>7</sup> Ibid. U.S Department of State.

<sup>8</sup> Ibid. U.S Department of State.

<sup>9</sup> Ibid. U.S Department of State.

<sup>10</sup> The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

<sup>11</sup> "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2017. Accessed January 20, 2017. <http://rsf.org/index2014/en-index2014.php>.

<sup>12</sup> "Country Reports on Human Rights Practices for 2015 Argentina." U.S Department of State. January 1, 2017. Accessed January 20, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>13</sup> "Argentina." World Report 2014: Argentina. January 1, 2014. Accessed January 20, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Argentina>.

<sup>14</sup> "Argentina." International Religious Freedom Report for 2013. January 1, 2017. Accessed January 20, 2017. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

<sup>15</sup> "Argentina." World Report 2014: Argentina. January 1, 2014. Accessed January 20, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Argentina>.

<sup>16</sup> "Argentina." World Report 2014: Argentina. January 1, 2014. Accessed January 20, 2017. <http://www.hrw.org/world-report/2014/country-chapters/Argentina>.

<sup>17</sup> Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

<sup>18</sup> Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed Dec. 9, 2014 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>19</sup> "Argentina." Freedom in the World 2014: Argentina. January 1, 2014. Accessed January 25, 2017. <https://freedomhouse.org/report/freedom-world/2014/Argentina-0#.VIIHLzGG9e8>.

<sup>20</sup> See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed January 25, 2017 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

<sup>21</sup> "Argentina." Freedom in the World 2014: Argentina. January 1, 2014. Accessed January 25, 2017. <https://freedomhouse.org/report/freedom-world/2014/Argentina-0#.VIIHLzGG9e8>.

<sup>22</sup> Transparency International (TI) publishes a “Corruption Perceptions Index” annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

<sup>23</sup> "Argentina." Corruption by Country. January 1, 2014. Accessed November 25, 2014. <http://www.transparency.org/country#BHR>.

<sup>24</sup> "Country Reports on Human Rights Practices for 2015 Argentina." U.S Department of State. January 1, 2015. Accessed January 25, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>25</sup> The Peoples under Threat assessment by Minority Rights Group International highlights countries most at risk of genocide and mass killing. The ranking is created by compiling data on the known antecedents to genocide or mass political killing. Accessed Jan. 8, 2017 <http://peoplesunderthreat.org/>.

<sup>26</sup> "Argentina." Peoples under Threat, Minority Rights Group International. 2015, or most recent data. Accessed Jan. 8, 2017. <http://peoplesunderthreat.org/>.

<sup>27</sup> This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

<sup>28</sup> "Argentina." World Economic Forum. January 1, 2014. Accessed January 25, 2017. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=BHR>.

<sup>29</sup> This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

<sup>30</sup> "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed January 25, 2017. <http://www.kidsrightsindex.org/>

<sup>31</sup> "Country Reports on Human Rights Practices for 2015 Argentina." U.S Department of State. January 1, 2016. Accessed January 25, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>32</sup> Ibid. U.S Department of State.

<sup>33</sup> "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed January 25, 2017. <http://ilga.org/>. See also Ibid. U.S Department of State.

<sup>34</sup> ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

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<sup>35</sup> "Country Reports on Human Rights Practices for 2015 Argentina." U.S Department of State. January 1, 2015. Accessed January 25, 2017. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

<sup>36</sup> Ibid. U.S Department of State.

<sup>37</sup> Ibid. U.S Department of State.

<sup>38</sup> Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at [http://en.wikipedia.org/wiki/List\\_of\\_minimum\\_wages\\_by\\_country](http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country)

<sup>39</sup> "Global Employment Trends." International Labour Organization. January 1, 2016. Accessed January 25, 2017. [http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS\\_233936/lang--en/index.htm](http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm).