

Argentina

Western Hemisphere / **South America**

CAPITAL Buenos Aires	TERRITORY 2,736,690 km ²	POPULATION (2020) 45,376,763.00	GDP TOTAL (2020) \$383.1B USD	GDP PER CAPITA (2020) \$8,441.91 USD	INCOME GROUP Upper middle income
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Convention Implementation

75.2

Implemented

2nd of 31 western hemisphere
1st of 12 South American countries

Prevention

53.1

In progress

Criminalization and law enforcement

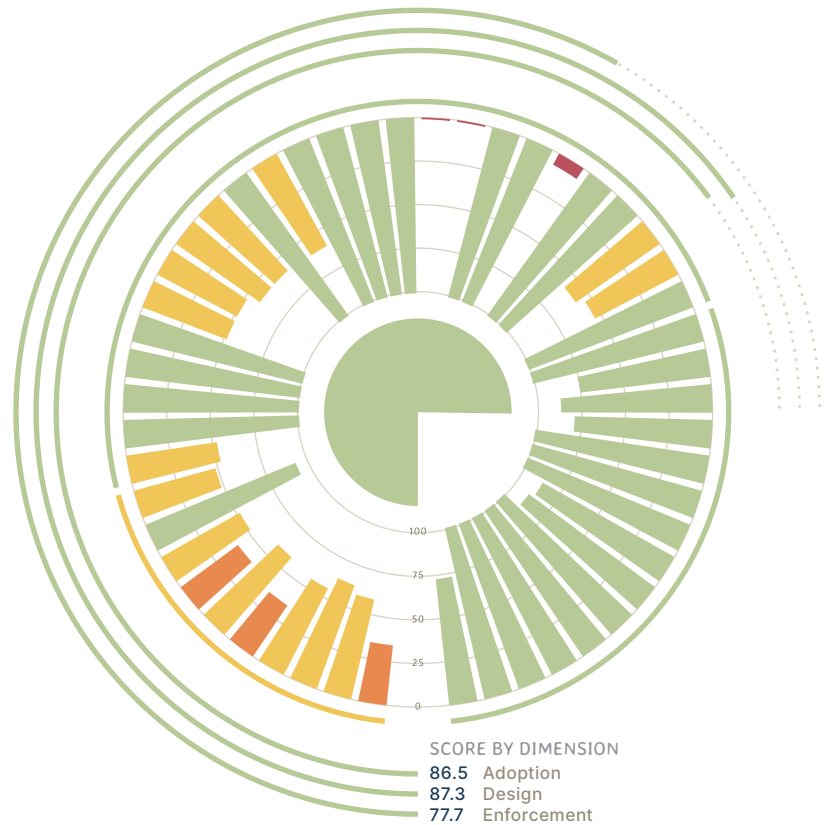
73.8

Implemented

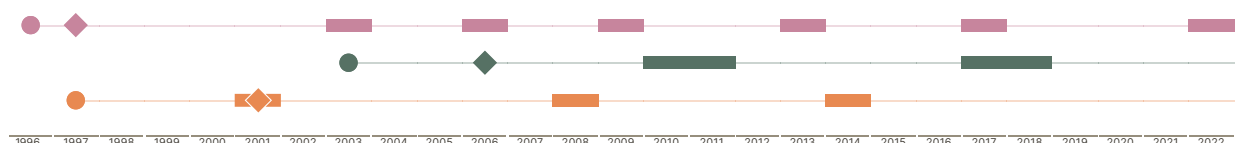
International cooperation

92.3

Implemented



Anti-corruption conventions timeline



CONVENTIONS

- IACAC - Inter-American Convention Against Corruption
- UNCAC - United Nations Convention against Corruption
- OECD Anti-Bribery Convention

KEY EVENTS

- Signed
- Ratified/acceded
- Review rounds

Prevention

In progress

53.1

✓ Adoption 80.0 ✎ Design 85.0 ⌚ Enforcement 55.0

Standards of Conduct Core-deficient 33.6 ✓ 75.0 ✎ 50.0 ⌚ 50.0	Enforcement of Standards of Conduct In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Training of Public Officials In progress 62.5 ✓ 100.0 ✎ 83.3 ⌚ 66.7	Asset and Conflicts of Interests Declarations In progress 54.7 ✓ 75.0 ✎ 100.0 ⌚ 50.0	Transparency in Government Contracting Core-deficient 34.4 ✓ 100.0 ✎ 66.7 ⌚ 33.3
Elimination of Favorable Tax Treatment In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Oversight Bodies Core-deficient 39.8 ✓ 25.0 ✎ 83.3 ⌚ 50.0	Measures to Deter Domestic and Foreign Bribery In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Encouraging Participation by Civil Society Implemented 92.2 ✓ 50.0 ✎ 100.0 ⌚ 100.0	Study of Other Preventive Measures In progress 47.7 ✓ 75.0 ✎ 83.3 ⌚ 50.0

Criminalization and law enforcement

Implemented

73.8

✓ Adoption 86.0 ✎ Design 82.0 ⌚ Enforcement 76.7

Protection of Those who Report Acts of Corruption In progress 51.6 ✓ 50.0 ✎ 50.0 ⌚ 100.0	Scope Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offense-by-National Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Jurisdiction: Offender-in-Territory Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Public Bribery In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Active Public Bribery In progress 50.8 ✓ 100.0 ✎ 83.3 ⌚ 50.0	Abuse of Functions In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Money Laundering In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Participation and Attempt Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Active Foreign Bribery In progress 59.4 ✓ 75.0 ✎ 83.3 ⌚ 66.7	Illicit Enrichment Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Use of State Property Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Illicit Acquisition of a Benefit Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Public Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0
Passive Foreign Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Bribery No implementation 0.0 ✓ 0.0 ✎ 0.0 ⌚ 0.0	Private Embezzlement Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Obstruction of Justice Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Liability of Legal Persons No implementation 6.3 ✓ 50.0 ✎ 0.0 ⌚ 0.0
Statute of Limitations Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Prosecution, Adjudication and Sanctions Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0	Consequences and Compensation In progress 57.8 ✓ 100.0 ✎ 100.0 ⌚ 50.0	Cooperation With Law Enforcement In progress 53.1 ✓ 75.0 ✎ 50.0 ⌚ 100.0	Asset Recovery Implemented 100.0 ✓ 100.0 ✎ 100.0 ⌚ 100.0

International cooperation

Implemented

92.3

✓ Adoption 91.7 ✎ Design 97.8 🔄 Enforcement 94.4

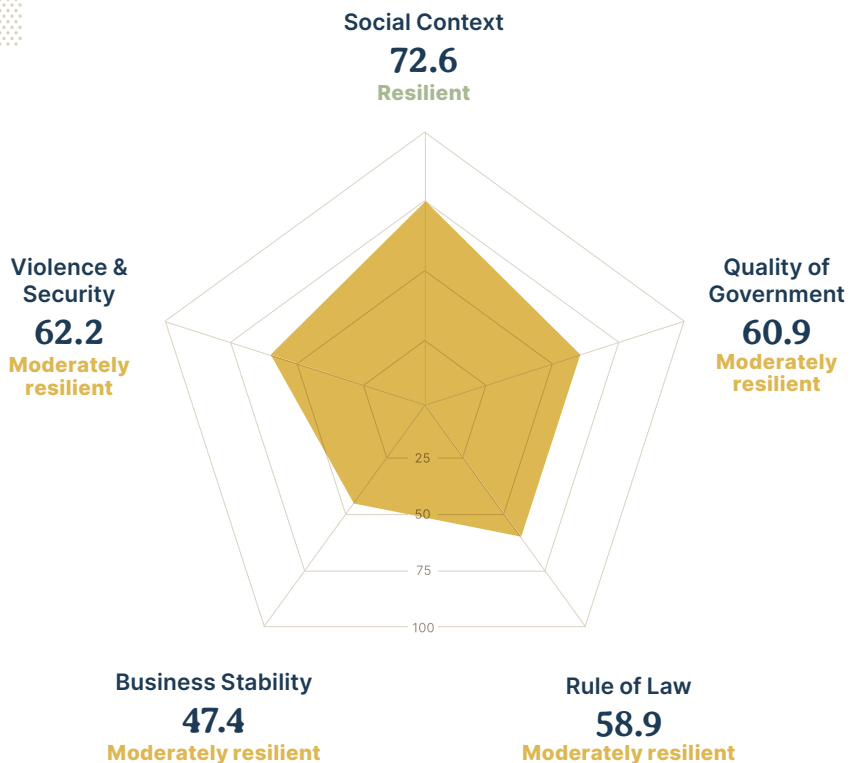


Corruption Resilience

60.4

Moderately resilient

13th of 31 western hemisphere
4th of 12 South American countries



Analysis

Convention Implementation

Argentina signed the Inter-American Convention Against Corruption (IACAC) on March 29, 1996, and ratified it on August 4, 1997. The country has been a State Party to the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC) since June 4, 2001. Argentina also signed the United Nations Convention Against Corruption (UNCAC) on December 10, 2003, and subsequently ratified it on August 28, 2006. Argentina is also party to the OECD Anti-Bribery Convention (OECD-ABC), having signed it on December 17, 1997, and deposited the instrument of ratification on February 8, 2001. Accordingly, Argentina has undergone five rounds of review under MESICIC, one round of review under the UNCAC review mechanism, and three phases of evaluation by the OECD Working Group on Bribery. Argentina's record in implementing its commitments to IACAC, UNCAC and OECD-ABC exhibits a large number of successes and very few failures. With an overall score of 75.2, the adopted measures place the country at the higher point of compliance with international norms, followed by Peru (72.3) and Colombia (74.2), and second only to Costa Rica (76.3). Despite this degree of success, progress in implementation is slightly skewed—while the measures pertaining to international cooperation and criminalization and law enforcement are found to be either implemented or in progress, the few cases of failure are found exclusively within the preventive section.

The prevention of corruption is classified as “in progress” by its average score and with prominent measures given a score above 50—i.e., systems for registering asset and conflict of interests' declarations, enforcement of standards of conduct, and training of public officials. A large majority of preventive measures are considered to be in progress, and Argentina's actions encouraging the participation of civil society are assessed as almost fully implemented. Within this section, only three measures fall far from the target—standards of conduct (33.5), transparency in government contracting (34.3), and the state of oversight bodies (39.8). These are the only three measures for which Argentina received a “core-deficient” score.

In terms of criminalization and law enforcement, Argentina shows strong results. The country is found to have fully implemented over half of its commitments, criminalizing illicit enrichment and embezzlement in the public and private sectors, among other actions. However, key measures remain in

progress, such as those pertaining to active and passive bribery in the public sector and the protection of whistleblowers. Other measures are also “in progress” due to weaknesses in data production; these include actions against the abuse of functions, money laundering, and the active bribery of foreign public officials.

While these results and the average section score reflect the fact that Argentina has achieved modest success in the implementation of its commitments in the criminalization of corruption, a few significant issues remain. Three prominent measures found to be completely or mostly lacking are: the passive bribery of foreign public officials (0.0), the liability of legal persons (6.3) (both required by UNCAC and OECD-ABC) and bribery in the private sector (0.0) (required by UNCAC). Although obstacles to the successful implementation and enforcement of preventive anti-corruption measures are not solely found in Argentina, the issue is worth emphasizing in order to contextualize the overall score obtained by the country in this section.

Finally, Argentina is found fully compliant in its commitments to establish jurisdiction over the offenses covered by the conventions, including those that have been committed inside its territory, committed by a national, or when the offender is present in its territory, among other required forms. The country's active implementation of its commitments regarding international cooperation is another point worth highlighting, with almost all measures within this section receiving an “implemented” score of various degrees—from inclusion of corruption offenses in extradition treaties (74.2) to the use of special investigative techniques (100.0)—the sole exception being Argentina's technical cooperation, which was penalized due to insufficient information on its enforcement yet still accomplished a reasonably high score (71.9).

Corruption Resilience

Over the last decade, Argentina's social context indicator ranged from a low of 69.8 in 2013 to a high of 74.3 in 2017. Between 2019 and 2020, the indicator score decreased by 0.4 points—resulting in a score of 72.6—and still remained 7.7 points above the Western Hemisphere average for 2020. This was largely due to the country's successful safeguarding of civil liberties and political freedoms which are protected under Argentinian law. Other factors influencing the score included the decriminalization of slander and libel in 2009, and periodic instances of court sanctioned censorship for media outlets

investigating or reporting political corruption within the country.

In terms of the quality of governance and institutions, Argentina’s score of 60.9 is 10.3 points above the regional average of 50.6 for 2020—falling within the 75th percentile. Since 2010, Argentina’s quality of governance score has fluctuated between a low of 47.5 in 2012 and a high of 61.2 in 2018. Argentina’s quality of governance and institutions score was primarily influenced by the country’s effective safeguarding of fundamental rights but concerns over constraints on government power remain—particularly in regard to maintaining impartiality.

Argentina’s rule of law indicator score was primarily influenced by concerns over the impartiality of lower courts, the influence of political actors, and the overburdened court system. Across the rule of law indicator, Argentina’s score has steadily increased since 2010—exceeding the regional average of 51.1 for 2020 by 7.8 points—however, the country still remains within the threshold of the 50th

percentile. In terms of business stability, Argentina’s indicator score experienced a slight increase of 0.1 points in 2020—resulting in a score of 47.4—but remains 3.1 points below the average of Western Hemisphere countries.

Over the last decade, the country’s business stability indicator has steadily albeit gradually increased from a low of 32.1 in 2015. The factors influencing Argentina’s score include inefficiencies within the regulatory system, government transparency in policymaking, property rights, and rule-based governance regarding businesses. Lastly, the violence and security indicators for Argentina reflected a score of 62.2 in 2020—which was substantially higher than the regional average of 55.0—and generally fluctuated between a low of 47.3 in 2011 and a high of 67.1 in 2013. A key factor influencing this score has been Argentina’s steadily declining homicide rate, which as of 2020, is the lowest the country has recorded in 7 years.

Transparency

MAIN REPORTING NGO

Asociacion Civil por la Igualdad y la Justicia (ACIJ)

REPORT DATE	REVIEW YEAR	DOCUMENT REVIEWED	LANGUAGE
Jul-2021	2017-2018	Full Report	English

Did the government make public the contact details for the country focal point? ✘ No

Was civil society consulted in preparation for the self-assessment? ✘ No

Was civil society invited to provide information to the official reviewers? ✘ No

Was the self-assessment published online or provided to CSOs? ✔ Yes

Assessment of the Review Process Civil Society Parallel Reports

Source: UNCAC CIVIL SOCIETY COALITION

The second civil society parallel review report was authored by Asociacion Civil por la Igualdad y la Justicia (ACIJ) and highlighted the country’s progress (and limitations) in implementing the articles within chapters II and IV of the UNCAC. The lack of available information continued to pose significant obstacles in the country’s successful implementation of the UNCAC. Complete and accurate information could not be obtained from national agencies, and this included the Anti-Corruption Office. Instead, the ACIJ consulted legal documents and reports that were authored by various public agencies, international organizations, or civil society organizations, which were scattered across multiple websites. In terms of the legal framework, most UNCAC articles remained partially implemented while few had been largely integrated. The enforcement system continued to face inconsistencies in implementation across several categories, namely those of establishing preventive anti-corruption bodies, public sector employment, political financing, within the participation of the society, and in enhancing measures to prevent money laundering.

The ACIJ emphasized that the lack of accessible and available information, especially in terms of data necessary for the review process, must be addressed. The organization recommended that information on the country’s focal point, and self-assessment documents, be published on the Anti-Corruption Bureau’s website. Moreover, the ACIJ called for the organization of civil society briefings on the review process

and for status updates regarding the country's compliance with the UNCAC. They recommended that the country provide control bodies with autonomy and establish the necessary mechanisms to ensure their effectivity and independence. Moreover, Argentina was asked to strengthen control systems both externally and internally, adapt legislation to reflect international standards in the criminalization and prevention of corruption, and strengthen the public employment system to include a transparent process for entry and promotion through the use of competitive examinations.