

Argentina



Stable / Unchanged 

Religion

Population

Area

- Christians : **90.2%**
- Agnostics : **5.6%**
- Muslims : **2.1%**
- Others : **2.1%**

43,847,000

2,780,400 Km²

Legal framework on freedom of religion and actual application

The preamble of the Argentinian constitution^[1] invokes the protection of God as the source of all reason and justice. Article two states that the federal government supports the Catholic faith. According to article 14 of the constitution, all inhabitants may freely profess their beliefs. Clergy cannot be members of Congress, as set out in article 73. Congress is tasked, under article 75 (22), with presiding over proposed treaties with other countries, international organisations and concordats with the Holy See.

Article 93 of the constitution states that, on assuming office, the president and vice-president must take an oath consistent with their religious beliefs.

An agreement between Argentina and the Holy See, dating from 1966,^[2] declares that the Argentine state recognises the Catholic Church and its activities in the country. There is also a concordat with the Holy See on military jurisdiction and religious pastoral help for those in the armed forces.^[3]

State money is allocated to certain Catholic clergy and there is funding to help train diocesan clergy. Seminarians from some religious congregations also receive financial assistance.^[4]

Under article 126b of the country's education law, students' freedom of conscience must be respected. Article 128c grants parents the right to take into account their religious beliefs when choosing schools and colleges for their children.^[5]

According to article 46c of the National Civil and Commercial Code, the Catholic Church is a public legal entity and article 147 states that the Church is governed by its own legal structures. Other churches, confessions or religious entities are, according to article 148e, private legal entities, governed by their own rules as well as the Civil and Commercial Code, and statutes.^[6]

To obtain legal recognition, religious organisations other than the Catholic Church must register with the National Registry of Beliefs.^[7]

Under article 17 of the labour law, religious discrimination against workers is not allowed and, according to article 73, no employer has the right to enquire about a worker's religious views.^[8]

Certain Catholic feast days are statutory holidays. Some holy days for people who profess other religions such as Judaism or Islam can be treated as non-working days.^[9]

Clergy have the right to discretion concerning information gleaned through their religious status.^[10]

Under article 80 of the Penal Code of Argentina, murder is punishable by life imprisonment, and this includes if religious motives are involved. According to article 119b, with regard to sexual abuse crimes, the punishment is more severe if the perpetrator is a member of the clergy.^[11]

Incidents

In July 2016 a court in Buenos Aires ordered the city government to allow Catholic clergy and other faith leaders to provide spiritual assistance in the city's hospitals and other public institutes. A final ruling in this case is still pending.^[12]

In 2016 there was a court case concerning a resolution by the Chamber of Deputies to place an image of the Virgin of Luján in the chamber, a decision which sparked criticism on grounds that the move would go against the state's religious neutrality. In July of that year, a court denied the request to overturn the deputies' resolution, stating that the country's secular nature guaranteed religious plurality.^[13]

In August 2016 members of the Argentine Council for Religious Freedom spoke at a forum on inter-faith dialogue organised by the General Religion Office of the City of Buenos Aires.^[14]

In October 2016 the Catholic Bishops' Conference of Argentina, together with the Holy See, announced they had finished cataloguing and digitising the archive material from the country's military dictatorship. It was stated that the catalogue would be available to the regime's victims and their immediate families. In the case of clergy and religious, access would be granted to their religious superiors.^[15]

The General Secretariat of the Presidency declared in October 2016 that activities scheduled in the town of Villa Cura Brochero, Córdoba Province, for the canonisation of Father José Gabriel del Rosario Brochero, were of national interest.^[16]

In November 2016 the International Association for Religious Freedom (IARF) and the Argentine Council for Religious Freedom (CALIR) organised the 2016 South American Forum for Religious Freedom and issued a declaration of shared principles and common purposes to promote freedom of religion and conscience.^[17]

On International Women's Day in March 2017 a group of protesters gathered in front of the Cathedral of Tucumán and acted out a drama involving the Virgin Mary aborting a baby. The Archdiocese of Tucumán condemned the event saying that it offended the Virgin Mary and the faith of Catholics. That November, the National Institute against Discrimination, Xenophobia and Racism issued a statement calling the demonstration "discriminatory behaviour that constitutes an attack and an offence against Christians".^[18]

Also in March 2017 a memorandum of understanding was signed by the Religion Secretariat of the Ministry of Foreign

Affairs and Worship of the Argentine Republic and the Ministry of Local Government of San Juan Province which aimed to facilitate the registration of religious groups in the National Registry of Religion and to enhance relations with religious communities.^[19]

In November 2017 a court in Mendoza authorised a blood transfusion to a baby whose parents are Jehovah's Witnesses and who opposed the treatment for religious reasons. Given the life-threatening situation, the medical staff asked the courts to authorise the treatment.^[20]

That month, the Latin American Jewish Congress received the 2017 Prize for Religious Commitment awarded by the Clarín newspaper's Religious Values supplement, in recognition of its work in promoting dialogue between the Jewish community and the rest of civil society.^[21]

Also in November 2017 the date of 9th August was declared as "National Day of Interfaith Dialogue"^[22]

In December 2017 the Supreme Court ruled that in Salta, religious education could not take place in public schools during school hours as part of the curriculum, and that the provincial education law was unconstitutional. This law had required schools to teach religion during regular school hours. The court also overturned a regulation requiring parents to say if they want their children to be taught religion. In April 2017 the Archbishopric issued a statement expressing its concern over the decision to eliminate religious education completely.^[23]

In February 2018 the Catholic Church issued a statement that it did not oppose the government's decision to grant a debate in Congress on decriminalising abortion. However, the Church called for dialogue so that all voices, including those of Christians, could be heard. The Church also said that it did not wish to impose a religious view of the issue and that it wanted to contribute to the debate on the basis of reason. It reiterated its opposition to abortion and proposed policies for a comprehensive sexual education programme.^[24]

In February 2018 in the Sarmiento area, criminals broke into a hall used for meetings by Jehovah's Witnesses. They trashed the place before stealing items kept there.^[25] In March 2018 the Deputy Secretary of Worship said that state contributions to the Catholic Church are defined by the constitution and represent seven percent of what the Church manages. After this figure was revealed, left-wing deputies presented a bill to cut all subsidies to the Catholic Church and to repeal rules in the Civil and Commercial Code treating the Catholic Church as a "public legal person"^[26]

In March 2018 the government increased budget funding for church repairs.^[27]

In April 2018, Father Guillermo Marcó, president of the Institute of Interreligious Dialogue, was named Illustrious Citizen by the City of Buenos Aires in recognition of his pastoral, inter-religious, media and social work.^[28]

Prospects for freedom of religion

Fruitful inter-faith dialogue continues to develop in Argentina through various initiatives, involving congresses and activities organised by civic associations, as well as government bodies including the Ministry of Foreign Affairs and Worship and the Buenos Aires General Directorate of Worship.

In several cases, religious freedom issues have been resolved through legal proceedings. In the period under review, some reported attacks obviously involved religious freedom whereas with others the faith connection was less clear. What stands out from this period is the interest in a new law on religious freedom which would do more to protect this fundamental right. In short, there are positive signs with respect to freedom of religion, and future prospects appear positive.

Endnotes / Sources

- [1] Argentina's Constitution of 1853, Reinstated in 1983, with Amendments through 1994, [constitute-project.org, https://www.constituteproject.org/constitution/Argentina_1994.pdf?lang=en](https://www.constituteproject.org/constitution/Argentina_1994.pdf?lang=en), (accessed 4th April 2018)
- [2] Acuerdo entre la Santa Sede y la República Argentina de 1966, Consejo Argentino para la Libertad Religiosa (CALIR), <http://www.calir.org.ar/legis.htm>, (accessed 4th April 2018).
- [3] Acuerdo entre la Nación Argentina y la Santa Sede sobre Jurisdicción Castrense y Asistencia Religiosa en las Fuerzas Armadas, Ministerio de Relaciones Exteriores y Culto (Argentina), <https://www.mrecic.gov.ar/userfiles/acuerdo-con-santa-sede-28-06-57.pdf>, (accessed 4th April 2018).
- [4] Ley N° 21.540 sobre Asignación a Arzobispos, Obispos y Auxiliares eméritos, Ministerio de Relaciones Exteriores y Culto (Argentina), <https://www.mrecic.gov.ar/userfiles/ley-21540.pdf> ; Ley N° 21.950 sobre Asignación a Arzobispos, Obispos y Auxiliares, Ministerio de Relaciones Exteriores y Culto (Argentina), <https://www.mrecic.gov.ar/userfiles/ley-21950.pdf> ; Ley N° 22.430 sobre Asignación Mensual Vitalicia a Sacerdotes Seculares no Amparados por Regímenes Previsionales, Ministerio de Relaciones Exteriores y Culto (Argentina), <https://www.mrecic.gov.ar/userfiles/ley-22430-81.pdf> ; Ley N° 22.950 sobre Sostenimiento para la Formación del Clero de Nacionalidad Argentina, Ministerio de Relaciones Exteriores y Culto (Argentina), <https://www.mrecic.gov.ar/userfiles/ley-22950.pdf>, (accessed 4th April 2018).
- [5] Ley de Educación Nacional, Ministerio de la Educación (Argentina), articles 126 and 128, http://www.me.gov.ar/doc_pdf/ley_de_educ_nac.pdf, (accessed 4th April 2018).
- [6] Ibid.; Código Civil y Comercial de la Nación, op. cit.
- [7] Ley N° 21.745 que Crea el Registro Nacional de Cultos, Ministerio de Relaciones Exteriores y Culto (Argentina), articles 1 and 2, https://www.mrecic.gov.ar/userfiles/ley-21745_0.pdf, (accessed 4th April 2018).
- [8] Ley de Contrato de Trabajo, República Argentina, articles 7 and 73, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/25000-29999/25552/texact.htm>, (accessed 4th April 2018).
- [9] Decreto de Necesidad y Urgencia sobre Feriados Nacionales y Días No Laborables, 2010, Sistema Argentino de Información Jurídica, <http://www.saij.gob.ar/1584-nacional-decreto-necesidad-urgencia-sobre-feriados-nacionales-dias-laborables-dn20100001584-2010-11-02/123456789-0abc-485-1000-0102soterced?q=%28numero-norma%3A1584%20%29&o=3&f=Total%7CTipo%20de%20Documento/Legislaci%F3n/Decreto%7CFecha%7COrganismo%7CPublicaci%F3n%7CTema%7CEsta%20de%20Vigencia%7CAutor%7CJuridicci%F3n&t=11>, (accessed 4th April 2018).
- [10] Código Procesal Penal, Sistema Argentino de Información Jurídica, Article 153, http://www.saij.gob.ar/docs-/codigo/Codigo_Procesal_Penal_de_la_Nacion.pdf, (accessed 4th April 2018).
- [11] Código Penal, Sistema Argentino de Información Jurídica, Articles 80, 119, 125 bis, 126, 127, 142, 145 bis, 145 ter, <http://www.saij.gob.ar/11179-nacional-codigo-penal-lns0002677-1984-12-21/123456789-0abcdefg-g77-62000scanyel>, (accessed 4th April 2018).
- [12] "Rachid María contra GCBA sobre amparo", Expediente no A20-2013/0, 15th July 2016, <http://www.ijudicial.gob.ar/wp-content/uploads/2016/08/RACHID-RI-CONTRA-DEFINITIVA.pdf>, (accessed 17th April 2018).
- [13] "Argentina – D. Fallo del Juzgado en lo Contencioso Administrativo No1 de La Plata sobre la petición de anular la resolución de la Cámara de Diputados que dispuso la entronización de la imagen de la Virgen de Luján en uno de sus salones", 12th July 2016, Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, August 2016, p. 150-153, <http://derechoyreligion.uc.cl/es/docman/boletin-ju-ridico/2016/977-boletin-juridico-agosto-2016/file>, (accessed 17th April 2018).

- [14] "Memoria Anual 2016", Consejo Argentino para la Libertad Religiosa, p. 2, <http://www.calir.org.ar/verPdf.php?doc=/docs/MemoriaCALIR2016.pdf>, (accessed 30th April 2018).
- [15] "Argentina", 'A. Comunicado de prensa conjunto de la Conferencia Episcopal Argentina y de la Santa Sede', Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, October 2016, Pág. 31, http://derechoyreligion.uc.cl/es/docman/boletin_juridico/2016/985-boletin-juridico-octubre-2016/file, (accessed 21st March 2018).
- [16] "Argentina", 'C. Resolución 261 – E/2016 de la Secretaría General de la Presidencia que declara de Interés Nacional la canonización del sacerdote José Gabriel Brochero', Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, October 2016, p. 34, <http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2016/985-boletin-juridico-octubre-2016/file>, (accessed 21st March 2018).
- [17] "Argentina", 'H. Declaración conjunta de la Asociación Internacional para la Libertad Religiosa (IRLA) y el Consejo Argentino para la Libertad Religiosa (CALIR), sobre el trabajo en común para la defensa del derecho a la libertad religiosa y de conciencia', Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, November 2016, pp. 62-63, <http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2016/989-noviembre-2016/file>, (accessed 21st March 2018).
- [18] "Mujer parodia 'aborto' de la Virgen María e Iglesia le envía contundente respuesta", Aweita, <https://aweita.larepublica.pe/sociedad/1189006-mujer-parodia-aborto-de-la-virgen-maria-e-iglesia-le-envia-contundente-respuesta>, (accessed 21st March 2018); "El Inadi emitió un dictamen sobre la polémica performance de la Virgen", La Gaceta, 22nd November 2017, <https://www.lagaceta.com.ar/nota/752604/actualidad/inadi-emitio-dictamen-sobre-polemica-performance-virgen.html>, (accessed 26th April 2018).
- [19] "Convenio de Entendimiento entre la Secretaría de Culto del Ministerio de Relaciones Exteriores y Culto de la República Argentina y el Ministerio de Gobierno de la Provincia de San Juan", Boletín Jurídico del Observatorio de libertad religiosa de América Latina y El Caribe, April 2017, pp. 73-74, http://derechoyreligion.uc.cl/es/docman/boletin-juridico/2017-1/1065-boletin_juridico-abril-2017/file, (accessed 26th April 2018).
- [20] "Argentina: la Justicia autoriza transfusión de sangre a bebé hijo de testigos de Jehová", InfoCatólica, 12th November 2017, <http://www.infocatolica.com/blog/infories.php/1711111034-argentina-testigos-de-jehova>, (accessed 25th April 2018).
- [21] "El CJL fue premiado por su trabajo en Diálogo Interreligioso", IDI, 30th November 2017, <http://www.dialogointerreligioso.org/article/details/1106/el-cjl-fue-premiado-por-su-trabajo-en-dialogo-interreligioso>, (accessed 27th April 2018).
- [22] "Argentina: Declaran al 9 de agosto como 'Día Nacional del Diálogo Interreligioso'", IDI, 23rd November 2017, <http://www.dialogointerreligioso.org/article/details/1066/argentina-declaran-al-9-de-agosto-como-dia-nacional-del-dialogo-interreligioso>, (accessed 27th April 2018).
- [23] "La Corte Suprema resolvió que en Salta no podrá darse educación religiosa en las escuelas públicas en el horario escolar y como parte del plan de estudios", Centro de Información Judicial, 12th December 2017, <http://www.cij.gov.ar/nota-28821-La-Corte-Suprema-resolvi-que-en-Salta-no-podr-darse-educaci-n-religiosa-en-las-escuelas-p-blicas-en-el-horario-escolar-y-como-parte-del-plan-de-estudios.html>, (accessed 21st March 2018); "Mensaje de los Obispos de la Provincia de Salta sobre la situación de la Enseñanza Religiosa Escolar", Arzobispado de Salta, 12th April 2017, http://www.arzobispadodesalta.org.ar/novedad.php?id_noticia=889, (accessed 21st March 2018).

[24] J. M. Vidal, "La Iglesia argentina pide un 'diálogo sincero y profundo' sobre la despenalización del aborto", *Periodista Digital*, 24th February 2018, <http://www.periodistadigital.com/religion/america/2018/02/24/la-iglesia-argentina-iglesia-religion-dios-jesus-papa-aborto-macri.shtml>, (accessed 21st March 2018).

[25] "Destrozaron un salón de testigos de Jehová en Media Agua y huyeron con aparatos", *Diario de Cuyo*, 24th February 2018. <https://www.diariodecuyo.com.ar/policiales/Destrozaron-un-salon-de-testigos-de-Jehova-en-Media-Agua-y-huyeron-con-aparatos-20180224-0014.html>, (accessed 25th April 2018).

[26] B. Cohn, "El Gobierno defendió el pago de fondos a la Iglesia: 'Los \$ 130 millones son apenas un 7% de lo que maneja'", *Clarín*, 14th March 2018, https://www.clarin.com/politica/gobierno-defendio-pago-iglesia-130-millones- apenas maneja_0_rJRv2QwFz.html, (accessed 21st March 2018); "Tras la revelación de Marcos Peña, la izquierda exige derogar las leyes que financian a la Iglesia", *Clarín*, 15th March 2018, https://www.clarin.com/politica/revelacion-marcos-pena-izquierda-exige-derogar-leyes-financian-iglesia_0_rkEs_eOYf.html, (accessed 21st March 2018).

[27] "Destinan más fondos a la lucha contra la droga, la reparación de Iglesias y la energía atómica", *La Nación*, 19th March 2018, <https://www.lanacion.com.ar/2118376-amplian-el-presupuesto-en-523-millones-y-suman-fondos-para-sedronar-la-conea-y-restauracion-de-iglesias>, (accessed 21st March 2018).

[28] "Guillermo Marcó, ciudadano ilustre", *Idi*, 24th April 2018, <https://www.infobae.com/vidrie-ra/2018/04/24/23-fotos-de-la-declaracion-de-guillermo-marco-como-ciudadano-ilustre/>, (accessed 25th April 2018).