



## Trafficking in Persons Report 2011

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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### ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to trafficking in persons, specifically sex trafficking and forced labor. Many sex trafficking victims from rural areas or Northern provinces are forced into prostitution in urban centers or wealthy provinces in central and southern Argentina. The tri-border area with Paraguay and Brazil is a significant source area for Argentine sex trafficking victims, as well as a transit region for sex and labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and to a more limited extent from Brazil and the Dominican Republic, are forced into prostitution in Argentina. Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens from poorer Northern provinces, are subjected to forced labor in sweatshops, and on farms. Officials reported that there could be some labor trafficking victims exploited as street vendors or in forced begging in the capital. During the reporting period, the Argentine government identified a significant number of Argentine and Bolivian labor trafficking victims in rural areas. Child sex tourism occurs in the tri-border area and in Buenos Aires. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe, and some Argentine women and girls are found in forced prostitution in Western Europe. Argentina's long borders are difficult to monitor, making the country a transit area for traffickers and their victims.

The Government of Argentina does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the past year, the Government of Argentina identified a record number of trafficking victims, including many victims of forced labor. It increased prosecutions and convictions of trafficking offenders, and supported several shelters for trafficking victims, some of which opened during the reporting period. Nevertheless, the overall number of convictions remains low in comparison to the number of victims identified, specialized services remained uneven across the country, and significant allegations of trafficking-related complicity of government officials at the local and federal level prevented more comprehensive anti-trafficking efforts.

**Recommendations for Argentina:** Continue to vigorously implement the new anti-trafficking law through increased efforts to investigate, prosecute, convict, and punish trafficking offenders, including public officials who may be complicit in trafficking crimes; consider amending legislation to ensure that trafficking prosecutions are not dismissed on the basis of victims' initial consent to the intended exploitation and to strengthen victim protections; intensify law enforcement efforts to dismantle trafficking networks, by investigating assets connected to trafficking crimes; continue to increase investigations of forced labor and domestic servitude crimes in both urban and rural areas, and hold companies whose supply chains benefit from forced labor responsible; increase funding for victim assistance, particularly shelters and specialized services, at both the national and local level, in partnership with NGOs; continue anti-trafficking training for law enforcement, prosecutors, judges, and other public officials; develop and implement protocols for officials at the local level to identify and assist trafficking victims; strengthen anti-trafficking coordination between the federal and provincial governments and between different actors on the federal level, possibly through

development of a national anti-trafficking plan; and conduct nationwide efforts to raise awareness about all forms of trafficking.

## Prosecution

The Government of Argentina increased anti-trafficking law enforcement efforts last year and significantly increased efforts to investigate forced labor in rural areas, although the UN Special Rapporteur on Trafficking in Persons, citing NGOs and the media, reported significant levels of official complicity in human trafficking by law enforcement and provincial and local officials. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years' imprisonment, depending on aggravating factors. Such penalties are sufficiently stringent and are equal to or exceed those prescribed for other serious crimes, such as rape. The current anti-trafficking law allows prosecutors or judges to question the victim's initial consent to engage in an activity, even once force, fraud, or coercion have been established. Congressional committees debated modifications to this aspect of the current law, among other issues. In February 2011, Argentine authorities announced that the Human Rights Secretariat will serve as complainant in all forced labor cases, a notable step that could decrease pressure on trafficking victims to initiate the prosecution by formally accusing their traffickers. In an interagency effort, authorities significantly increased investigations of forced labor crimes during the reporting period. However, there have been few forced labor prosecutions in comparison with those for forced prostitution; the only forced labor case concluded in courts since the passage of the trafficking law in 2008 resulted in an acquittal. Law enforcement officials coordinated with the Office for Rescue and Caring of Victims during raids in trafficking investigations. In 2010, authorities carried out 107 preliminary investigations, and as of late 2010, there were 78 ongoing trafficking prosecutions nationwide. During the reporting period, the government obtained 15 convictions of sex trafficking offenders, with sentences ranging from two to 15 years' imprisonment. This represents a significant increase in convictions from the previous year, when authorities reported achieving three convictions of sex trafficking offenders, with sentences ranging from four years of house arrest to 10 years' imprisonment.

In addition to the central government's anti-trafficking prosecutor's office (UFASE), which also prosecuted kidnapping cases, at least 10 provinces maintained their own specialized law enforcement units to investigate human trafficking. Some NGOs reported that coordination between law enforcement officials and judicial officials was weak. As trafficking is a federal crime, some trafficking cases may be investigated or prosecuted at the local level as other crimes, such as the promotion or facilitation of prostitution, and not be transferred to the appropriate authorities. Argentine authorities pursued partnerships with foreign governments, including the government of Paraguay, to investigate several trafficking cases. The government continued to train judicial officials, law enforcement officers, and other officials on human trafficking and on victim assistance; however, there remained a need for further training for officials on how to investigate and prosecute trafficking crimes adequately, as well as how to identify and care for victims. According to NGOs and international organizations, some provincial and local, and – to a more limited extent – federal officials participate directly and indirectly in human trafficking crimes. Some police officers reportedly turn a blind eye to trafficking activity or tip off brothel owners about impending raids. NGOs complained that in some cases, federal or provincial officials in charge of investigating trafficking cases or assisting victims had criminal charges filed against them, were corrupt, or were ineffective. The head of the anti-trafficking police unit was accused of running brothels in 2010 and remains under investigation, though he retains his position. In November 2010, UFASE launched an investigation implicating 90 Buenos Aires police officers in falsifying records to protect brothels, some of which exploited children, in exchange for bribes, and in March 2011, five police inspectors implicated in this case were removed from their positions. However, the government did not prosecute or convict any government officials involved in human trafficking last year.

## Protection

The government increased efforts to identify and assist trafficking victims during the reporting period, though several NGOs and legislators stated that the resources the government devoted to these efforts appeared to be insufficient compared with the large number of victims identified, and services were uneven across the country. In January 2011, authorities launched a more rigorous labor inspection program targeting rural areas and reportedly providing labor inspectors with updated tools to verify worker registration information. Previously, NGOs noted that labor inspectors lacked training on how to identify trafficking victims. Authorities did not report similar proactive efforts to identify sex trafficking victims among vulnerable populations, such as women in prostitution. The federal government maintained a temporary shelter in the capital to care for trafficking victims before they testify. Federal, provincial and municipal authorities, working with an NGO, supported four shelters for women and child victims of sex trafficking across the country, three of which opened during the reporting period. One of the shelters was run by an NGO, while the others were staffed by government-funded professionals who received training and assistance from that NGO. Almost all of these shelters are "closed," not allowing victims to leave whenever they would like. In areas without these dedicated shelters, trafficking victims could be referred to government-operated shelters for victims of domestic violence shelters or for at-risk children, although it was unclear if any victims received services at these institutions during the reporting period. In other cases, authorities placed victims in hotels, which NGOs noted made the victims vulnerable to intimidation or kidnapping by traffickers. According to NGOs, the quality and level of victim care varied widely by province. The government did not provide specialized care or shelters for adult male victims.

The government's Office for Rescue and Caring of Victims of Trafficking, with an interdisciplinary staff of 19 located in Buenos Aires, provided initial post-rescue care to some trafficking victims, including access to legal, medical, and psychological services. In 2010, this office reported rescuing and assisting 569 trafficking victims: more than 80 percent were adults. NGOs gave mixed assessments as to the office's effectiveness. The governments of Salta and Chaco provinces maintained their own victim care offices. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers; however, some officials reported deficiencies in protections provided to victims who provided witness testimony in trafficking cases. While the Secretariat for Childhood, Adolescence, and Family was responsible for providing assistance to trafficking victims after they participated in a judicial procedure, there were limited reintegration efforts provided to the victims. The Secretariat did not report funding designated for services for trafficking victims, and some officials noted that victim assistance mechanisms were often unclear. There were no specific reports of identified victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Authorities reported providing temporary residency to some foreign victims during the reporting period. Long-term residency was available through Argentine immigration policy, though it was not trafficking-specific, and there were no reports of foreign trafficking victims receiving this during the year. The government did not report identifying or assisting any repatriated Argentine victims of trafficking.

## Prevention

The Government of Argentina sustained limited prevention activities: several provincial governments organized anti-trafficking campaigns, though the government did not report any nationwide awareness-raising efforts. While the government did not have a national anti-trafficking plan, authorities maintained an anti-trafficking roundtable. UFASE published a review of its anti-trafficking efforts in 2010, and the Office for Rescue released statistics several times through the state-owned news agency. The City of Buenos Aires established an anti-trafficking committee. NGOs noted that poor coordination between the federal and provincial governments continued to hinder the effectiveness of anti-trafficking efforts, as did limited or nonexistent funding for provincial and local efforts to combat trafficking. The Argentine penal code does not specifically prohibit child sex tourism, although it does prohibit sex with minors, and the government did not report investigating, prosecuting, or convicting any Argentine nationals for child sex tourism offenses abroad. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. Authorities did not report efforts to reduce the demand for commercial sex acts.