



Trafficking in Persons Report 2013

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

June 19, 2013

ARGENTINA (Tier 2)

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Argentine women and children, including many from rural areas or northern provinces, are forced into prostitution within the country, particularly in urban centers or provinces in central and southern Argentina. A significant number of foreign women and children, primarily from Paraguay and the Dominican Republic, are subjected to sex trafficking in Argentina. A large number of Bolivians, Paraguayans, and Peruvians, as well as Argentine citizens often from poorer northern provinces, are subjected to forced labor in sweatshops, agriculture, supermarkets, and domestic work. Children in street vending or begging are reportedly vulnerable to forced labor. To a more limited extent, Argentine women and girls have been found in sex trafficking in other countries.

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 year, authorities convicted approximately 17 trafficking offenders and identified a significant number of potential victims. The government continued to support four shelters that provided specialized services to female trafficking victims and passed a new comprehensive trafficking law in December 2012. Funding for victim services, however, remained inadequate in light of the number of victims identified during the year, particularly in forced labor. Trafficking-related corruption remained a serious concern, while the government failed to hold criminally accountable any officials complicit in human trafficking through convictions or sentences during the year.

Recommendations for Argentina: Follow through on numerous investigations of trafficking-related complicity by prosecuting, and when appropriate, convict officials complicit in human trafficking; increase funding for shelters and specialized services, particularly for forced labor victims, in partnership with NGOs, at the federal, provincial, and local level; ensure that foreign victims are consistently offered services, including shelter and job consultations, and the opportunity to remain in the country after being identified; increase efforts to investigate, prosecute, convict, and punish trafficking offenders, especially labor trafficking offenders; continue to develop and implement protocols for local-level officials to identify and assist trafficking victims; and strengthen anti-trafficking coordination among the federal and provincial governments, civil society, and different actors on the federal level.

Prosecution

The Government of Argentina maintained law enforcement efforts during the year, though there were few convictions for forced labor and no reported convictions of public officials complicit in trafficking. The government enacted a new, more comprehensive trafficking law in December 2012, prohibiting all forms of human trafficking and prescribing penalties of four to 15 years' imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. The previous federal anti-trafficking law prohibited all forms of human trafficking, prescribing penalties of three to 10 years' imprisonment but included a legal loophole involving

victim consent that was closed in the new law. NGOs and officials noted that some prosecutors used prostitution-related statutes to address sex trafficking crimes. NGOs and officials commented these statutes can yield inadequate criminal penalties.

Authorities carried out 368 preliminary trafficking investigations in 2012. The anti-trafficking prosecutor's office (UFASE) did not report how many prosecutions were initiated during the year but noted an overall decrease in prosecutions. In 2012, the government convicted 15 sex trafficking offenders and two labor trafficking offenders with sentences ranging from two to 15 years' imprisonment. Sentences were suspended in cases where penalties were two years' imprisonment or less. The government also secured convictions of two sex trafficking offenders under other penal code statutes; the two were sentenced to 21 and 23 years' imprisonment. In comparison, in 2011 authorities reported convicting 28 sex trafficking and three labor trafficking offenders. In December 2012, judges acquitted all of the defendants in Argentina's most high-profile sex trafficking case after 10 years of investigation due to a reported lack of evidence; many NGOs and political organizations alleged complicity between judicial officials and trafficking offenders in this case, while other observers suggested the case was poorly investigated and executed.

The Ministry of Security coordinated the efforts of different federal law enforcement entities. Some NGOs reported that coordination between law enforcement officials and judicial officials was sometimes weak at the critical local level. Although trafficking is a federal crime, some trafficking cases were investigated or prosecuted at the local level under other statutes, such as those penalizing servitude or the promotion of prostitution, and were not immediately transferred to the appropriate federal authorities. This was sometimes due to misclassification or a desire to pursue cases at the local level. Some officials and NGOs noted significant delays caused by confusion over which authorities had jurisdiction, and in some cases testimonies were discarded during this process. The government continued to provide anti-trafficking training to law enforcement, judicial, and immigration officials, sometimes in partnership with international organizations, and reported training 800 senior police officials in 2012. Argentine prosecutors coordinated with the Government of Paraguay and other foreign governments on transnational trafficking investigations.

According to NGOs, international organizations, and officials, the trafficking-related complicity of some government officials was a serious concern. Some police officers reportedly condoned human trafficking activity or tipped off brothel owners about impending raids, and some judges reportedly did not adequately investigate signs of official complicity in trafficking cases. Authorities reported filing 71 cases of trafficking-related complicity in 2012, including one of a deputy police commissioner accused of holding four trafficking victims captive. It was unclear what progress had been made in the investigations initiated in 2010 of 75 Buenos Aires police officers accused of trafficking-related complicity and of the former head of the anti-trafficking police unit accused of running brothels. The government did not report convicting any government employees for alleged complicity in trafficking-related offenses during the reporting period.

Protection

The Argentine government reported identifying a significant number of potential trafficking victims and continued to fund several shelters providing services to female sex trafficking victims, but resources dedicated to specialized services, particularly for forced labor victims, did not fully meet the needs of the large number of trafficking victims identified during the year. The Ministry of Security reported identifying approximately 1,000 potential human trafficking victims: 525 potential labor trafficking victims and 430 potential sex trafficking victims; 169 children and 807 adults. The majority of sex trafficking victims identified were Argentine citizens, while the majority of labor trafficking victims were Bolivians. NGOs asserted that some officials erroneously categorized cases of labor exploitation that did not rise to the level of forced labor as human trafficking. The Ministry of Security reported developing written procedures on victim assistance during and immediately following raids, and immigration officers received training on victim identification procedures, but implementation of systematic procedures to identify victims among vulnerable populations varied by province.

Authorities did not report how many victims received comprehensive services, such as shelter, in 2012. According to NGOs and some officials, the quality and level of victim care varied widely by province, and most provinces lacked dedicated resources to care for trafficking victims, particularly forced labor victims. The Office for Rescue, with an inter-disciplinary team located in Buenos Aires, took initial victim statements, generally within a week of identification, and reportedly provided emergency post-rescue care to some victims, including access to legal, medical, and psychological services. NGOs gave mixed assessments of the office's effectiveness. Two provincial-level offices were reportedly opened in Chaco and Santa Fe during the year, but the government did not publicly report on the budget or staffing for these offices. After victims provided their initial testimony, the Secretariat for Childhood, Adolescence, and Family (SENAF) was responsible for providing follow-up assistance to them. However, specialized services and reintegration efforts were limited.

The Office for Rescue maintained a shelter in the capital to care temporarily for trafficking victims, though it was unclear how many of the victims identified during the year stayed at this shelter, or where they were housed immediately following law enforcement raids. Federal, provincial, and municipal authorities provided various amounts of funding to four shelters for women and child victims of sex trafficking and abuse across the country, one of which was operated by an NGO, but authorities did not report how many of the victims they identified were assisted at these shelters in 2012. There were no specialized shelters for forced labor victims, and it is unclear how many of the 525 potential labor trafficking victims identified during the year received services after giving their initial statements to authorities.

Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers, and some victims did so during the year. NGOs reported that some victims and families had difficulty obtaining security protection. Despite legal provisions for financial restitution to trafficking victims, there were no known cases of victims receiving restitution during the year. There were no specific reports of identified victims being jailed or penalized for unlawful acts committed as a direct result of their being subjected to human trafficking. Authorities did not report how many foreign victims received temporary residency during the reporting period. Long-term residency was available through Argentine immigration policy, though it was not trafficking-specific, and it was unclear how many foreign victims received this status during the year. It was also unclear to what extent foreign victims were fully informed of their residency and assistance options before their repatriation. NGOs stated that the federal government's de facto protocol of quickly returning foreign victims to their country or province of origin was not always in the victims' best interest, and asserted that federal entities do not consistently refer victims to specialized services in their place of origin. The government did not report identifying or assisting any repatriated Argentine victims of trafficking.

Prevention

The Government of Argentina maintained prevention efforts during the year. The trafficking law mandated new interagency coordination mechanisms, including a federal council and an executive committee, both under the presidency. Federal authorities reported funding public awareness efforts, including public service announcements about trafficking shown on long distance buses and aired on television, and maintaining two anti-trafficking hotlines administered by the ministry of security and the Office of Rescue. Some provincial governments partnered with NGOs in prevention efforts and developed anti-trafficking action plans. UFASE published a review of its anti-trafficking efforts in 2012. The government started requiring Dominican citizens traveling to Argentina to have tourist visas, citing the high number of Dominicans exploited in sex trafficking in the country. NGOs continued to report some isolated cases of child sex tourism, though there were no reported investigations or prosecutions for this crime. The government did not report providing anti-trafficking training to Argentine troops prior to their deployment abroad on international peacekeeping operations.