



Trafficking in Persons Report

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ARGENTINA (Tier 2 Watch List)

Argentina is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Many victims are trafficked within the country, from rural areas to urban centers, for forced prostitution. Some Argentine women and girls are trafficked to neighboring countries, Mexico, and Western Europe for commercial sexual exploitation. Foreign women and children, primarily from Paraguay, Brazil, Peru, and the Dominican Republic, are trafficked to Argentina for the same purpose. A significant number of Bolivians, Paraguayans, and Peruvians are trafficked into the country for forced labor in sweatshops and agriculture. Some reporting suggests that Chinese migrants are trafficked for forced labor into Chinese-owned supermarkets. Child sex tourism is a problem, particularly 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. Argentina's long borders make the country an easy 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 approved national legislation to prohibit and punish all forms of human trafficking, increased law enforcement efforts to arrest trafficking suspects and rescue victims, and improved government mechanisms for directing trafficking victims to shelter care and services. Despite such efforts, the government did not show evidence of progress in convicting and sentencing trafficking offenders and ensuring adequate victim assistance across the country; therefore, Argentina remains on Tier 2 Watch List.

Recommendations for Argentina: Continue to implement the new anti-trafficking law vigorously; intensify law enforcement efforts to dismantle trafficking networks; increase judicial and prosecutorial efforts to investigate, prosecute, convict, and punish trafficking offenders, including corrupt public officials who may facilitate or be involved with trafficking activity; increase investigations of forced labor and domestic servitude crimes; dedicate more resources for victim assistance; sustain anti-trafficking training for law enforcement, judges, and other public officials, including labor inspectors; and improve data collection.

Prosecution

The government demonstrated some progress in anti-trafficking law enforcement efforts last year. Argentina prohibits all forms of trafficking pursuant to Law 26,364, enacted in April 2008, which prescribes penalties of three to 15 years, imprisonment. Such penalties are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government conducted 169 raids on suspected commercial sex sites and sweatshops, rescued 181 trafficking victims, and arrested 196 suspects. Two-thirds of victims rescued by federal law enforcement agencies were

adults. The Prosecutor General's specialized Unit to Assist Investigations into Kidnapping, Extortion Crimes, and Trafficking in Persons (UFASE) also conducted 35 trafficking investigations, and forwarded 10 trafficking cases to the courts for formal investigation. No anti-trafficking convictions or sentences were reported for 2008; provincial governments secured at least 10 trafficking-related convictions, with sentences ranging from four to 17 years, imprisonment, in 2007. A Buenos Aires city court began trial proceedings against a suspect accused of forcing eight Dominican women into prostitution in a private apartment after being promised jobs as waitresses. Since the case predates the new trafficking law, the suspect was indicted on forced servitude charges. In August 2008, a Chubut provincial judge set for trial a case against a suspected human trafficker in the province. Seven co-defendants were acquitted for lack of evidence, following a ruling that wiretap evidence had been gathered illegally. Last year, the government established a first-responder office to coordinate criminal investigations and direct assistance to trafficking victims, and sponsored basic anti-trafficking training for law enforcement personnel.

According to NGOs and international organizations, some elements of the country's security forces are complicit with human trafficking activity. Most of these allegations are directed against provincial and local officials, though allegations relating to federal forces came to light during the past year. Senior Argentine officials have acknowledged these problems and are working to curb them by investigating allegations lodged against these officials. In addition, some local police officers and other public officials reportedly own brothels where trafficking is suspected to occur, or provide traffickers with protection in exchange for bribes, sexual services, food, and alcohol. Other police officers turn a blind eye to trafficking activity or tip off brothel owners about impending raids. In December 2008, a federal judge summoned police officials for deposition as part of an investigation into alleged police protection of a ring of brothels suspected of human trafficking in the city of Buenos Aires. No other government investigations or prosecutions of corrupt officials were reported last year.

Protection

The government made efforts to assist trafficking victims during the reporting period, though international organizations and NGOs provided most specialized assistance for trafficking victims. At the federal level, the Ministry of Justice's first-responder office coordinated victim assistance, offering access to medical and psychological treatment, as well as legal counseling. It also offered protection to victims who cooperated as witnesses with law enforcement investigators and prosecutors. Argentine authorities encouraged victims to assist with the investigation and prosecution of their traffickers. While the government did not operate shelters dedicated to trafficking victims, it referred trafficking victims to other public shelters operated by provincial governments or local NGOs. In some cases, they provided victims with housing subsidies. Most government-funded shelters, however, were oversubscribed and could not accommodate trafficking victims. The quality and level of victim care varied widely by province. The government did not employ formal procedures for identifying trafficking victims among vulnerable populations, such as prostituted women. There were no specific reports of victims being jailed or penalized for unlawful acts committed as a direct result of being trafficked. Although the government does not offer formal immigration status for foreign trafficking victims, they are not typically deported. Trafficking victims who are citizens of Mercosur member or associate states, however, can obtain temporary residency in Argentina under Argentine immigration law. During the reporting period, the federal government continued modest funding for an anti-trafficking NGO providing shelter and assistance to victims.

Prevention

The government sustained prevention activities, and hosted two large anti-trafficking conferences with OAS and Mercosur member states. The government also funded anti-trafficking media campaigns, particularly in Misiones province. The federal government worked with international organizations and NGOs on additional prevention efforts. The city of

Buenos Aires continued a prevention campaign against labor exploitation, which features a website and hotline through which citizens can report information on suspected sites of forced labor. The government provided anti-trafficking training to Argentine troops prior to their deployment on international peacekeeping operations. The government supported an anti-trafficking campaign -- "Without Clients, There is No Trafficking" -- and the President publicly called on regional governments to work to reduce demand for commercial sex acts.