

# Argentina - United States Department of State

## ARGENTINA: Tier 1

The Government of Argentina fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Argentina remained on Tier 1. These efforts included passing a new law to mandate and fund victim restitution in criminal cases and expanding a trafficking investigations database to include provincial data. Although the government meets the minimum standards, it investigated, prosecuted, and convicted fewer traffickers in 2019. Official complicity in trafficking crimes remained a concern, including within the witness protection program serving trafficking victims. The government did not allocate a dedicated budget to anti-trafficking efforts or provide dedicated housing for male victims, and the national anti-trafficking law considered force, fraud, or coercion to be aggravating factors rather than essential elements of the crime.

## PRIORITIZED RECOMMENDATIONS:

Strengthen efforts to investigate, prosecute, and convict traffickers. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Document and address official complicity in trafficking through prosecution and conviction. • Revive efforts to address labor trafficking, including holding labor traffickers accountable and proactively identifying victims. • Revise the human trafficking law to make force, fraud, or coercion essential elements of the crime, rather than aggravating factors, as established under the 2000 UN TIP Protocol. • Provide dedicated and adequate funding to fully implement the national action plan. • Restructure the witness protection program to prevent abuse by agents and encompass trafficking victims' needs. • Improve victim assistance to include more specialized shelters and dedicated shelters for male victims. • Increase availability of mid- to long-term assistance for victims, including legal, medical, and employment services. • Increase the number of labor inspections and ensure that inspections are conducted in informal sectors and rural areas. • Strengthen coordination among the federal and provincial governments and NGOs. • Consistently implement victim restitution procedures. • Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.

## PROSECUTION

The government decreased law enforcement efforts. Law 26.842 of 2012 criminalized labor trafficking and sex trafficking and prescribed punishments of four to eight years' imprisonment for offenses involving an adult victim, and 10 to 15 years for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. Inconsistent with the

definition of trafficking under international law, the law established the use of force, fraud, or coercion as aggravating factors rather than essential elements of the crime; penalties were increased to five to 10 years' imprisonment if such factors were involved. The law also defined trafficking broadly to include facilitating or profiting from the prostitution of others and the illegal sale of organs without the use of force, fraud, or coercion. Due to these inclusions, it was unknown how many of the cases prosecuted under Law 26.842 involved trafficking offenses as defined by international law.

Argentina's federal and provincial governments continued to compile law enforcement statistics separately, making it difficult to obtain comprehensive data and analyze trends across reporting periods. The Ministry of Security cooperated with judicial authorities on preliminary trafficking investigations. The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 252 preliminary trafficking investigations in 2019. The government prosecuted 78 suspected traffickers in 41 cases (32 for sex trafficking, eight for labor trafficking, and one for both sex and labor trafficking) under the trafficking law, compared with 106 traffickers prosecuted in 2018 and 63 in 2017. The government convicted 53 traffickers in 29 cases (23 cases for sex trafficking, and four for labor trafficking), compared with 71 traffickers in 48 cases (30 cases for sex trafficking, 18 cases for labor trafficking) in 2018 and 38 traffickers in 32 cases in 2017. Half of mandatory prison terms exceeded five years. Nine convicted individuals did not serve time in prison or received suspended sentences during the reporting period. In some of these cases, the courts applied lesser penalties in sentencing defendants who committed trafficking crimes before the passage of the 2012 trafficking law. Other traffickers' sentences reflected accessory convictions or reductions through appeal. The federal government expanded its Federal Criminal Information System for the Crime of Trafficking in Persons, also referred to as SISTRATA, a trafficking investigations database, to include input from 92 percent of provincial governments. The government hosted one training session to familiarize provincial security forces with the system.

Corruption and official complicity in trafficking crimes remained significant obstacles to anti-trafficking efforts; although prosecutors opened at least four new trafficking cases involving current or former public officials, the government did not report any convictions. Courts in Buenos Aires province convicted two public officials accused of trafficking as accessories to related charges. In one case, the Federal Prosecutor's office requested the trial of a former police chief accused of exploiting women and transgender women in sex trafficking at brothels along a provincial route within his jurisdiction. In a second case, a Federal Lower Court indicted a First Sergeant for sex trafficking. In a third case, prosecutors initiated a criminal probe for seven accused traffickers who benefitted from police protection and political connections in the management of two Buenos Aires brothels. A fourth case, the result of investigations dating to 2010, centered on trafficking charges brought against two public officials connected to the commercial sexual exploitation of victims in private residences. Only a small share of cases involving complicity in trafficking received media coverage or resulted in prosecution and conviction. The government provided numerous anti-trafficking trainings to law enforcement, prosecutors, and judicial officials, among others. PROTEX cooperated in 18 international trafficking investigations during the year and requested the extradition of one trafficker facing multiple criminal charges, including sex trafficking.

## PROTECTION

The government maintained protection efforts. The Rescue Program was the government office responsible for coordinating short-term emergency victim services; a separate entity, the National Secretariat for Childhood, Adolescence, and Family (SENAF), assisted foreign victims and victims identified in the autonomous city of Buenos Aires. In 2019, the Rescue Program reported assisting 1,438 victims compared to 1,501 victims in 2018 and 1,107 victims in 2017. The government did not report how many were victims of sex trafficking as opposed to labor trafficking, how many were foreign nationals, which agencies identified these victims, or whether this victim count was comprehensive. The government did not report whether SENAF coordinated any repatriations of foreign victims during the reporting period. During the reporting period, the government announced the development of a new virtual platform to compile victim assistance data from both the national and provincial levels; the database recorded victims' biographical information and their use of applicable services.

Federal officials had formal procedures for victim identification and assistance; however, in practice, the procedures to identify victims among vulnerable populations varied by province. Some front-line responders had limited understanding of trafficking. Law 27.362 provided a legal framework and more public defenders to secure rights and guarantees for victims of crimes, but victims and prosecutors did not utilize this law in any trafficking cases in the reporting period. SENAF and each provincial government were responsible for mid- and long-term assistance for foreign and domestic victims; experts noted the need for more integrated and comprehensive victim assistance. Regional governments in 10 provinces operated anti-trafficking centers that provided psychological, social, medical, and judicial assistance to trafficking victims. The government reportedly had 10 shelters spread across various provinces that trafficking victims could access; however, only two were specialized shelters. SENAF reported operating one shelter specifically for foreign victims, regardless of gender or age. The government did not operate or fund specialized trafficking shelters for male victims; consequently, the government often placed male victims in other government-funded shelters or in hotels for temporary housing. NGOs reported a need for specialized shelters, long-term housing, skills training and employment, childcare, legal assistance, and financial assistance for victims after testifying in court cases. NGOs also emphasized the need for improved implementation of a witness protection program that provided for victims' security and safety during trials. Some government officials acknowledged that the witness protection program, which was primarily designed for witnesses of drug trafficking, terrorism, and extortive kidnapping, was ill-suited to the needs of human trafficking victims. According to media, PROTEX was investigating a witness protection program agent accused of harassing program participants and forcing a participant's child into commercial sex. Foreign victims had the same access to care as Argentine nationals; however, foreign victims were sometimes unaware of available services. The government did not report funding allocations to support victim assistance.

The government encouraged victim participation in trafficking trials through an assistance framework whereby victims had access to psychological and legal support while preparing to testify. The Rescue Program provided tribunals with reports on the psychological state of victims and what requirements they might have to assist in the prosecution of their traffickers. Other support for victim testimony included the possibility of video testimony and the

use of recorded testimony. Victims had limited success in securing compensation through civil suits against their traffickers. In July 2019, Law 27.508 established a trust fund for trafficking victims comprised of traffickers' forfeited assets and began requiring criminal courts to award victim restitution at the time of traffickers' convictions. Under the new law, victims could also file civil suits to receive additional restitution. Courts applied Law 27.508 to grant victim restitution in seven cases in 2019.

## **PREVENTION**

The government maintained prevention efforts. The Federal Council for Human Trafficking and the Executive Committee oversaw the implementation of the 2018-2020 national action plan. The government reported it had implemented 59 percent of the national anti-trafficking action plan. However, the government did not allocate a specific budget for the plan and observers remained concerned about the government's ability to fund its anti-trafficking programs. Observers noted the required steps to join the Federal Council limited NGO participation in the government's anti-trafficking efforts. In contrast with previous reporting periods, the government did not report efforts to combat labor trafficking in 2019. Authorities had the ability to penalize foreign labor recruiters for fraudulent recruiting, but it was not clear whether any penalties were assessed during the reporting period.

The government produced several new trafficking awareness campaigns at the federal, provincial, and municipal level, which it distributed to NGOs, civil society groups, and high school and university students. NGOs and experts continued to express concern about child sex tourism, although there were no reported investigations or prosecutions in the reporting period related to this crime. The Secretariat of Tourism hosted specialized workshops and distributed flyers amongst tourism professionals to increase awareness and prevent child sex trafficking. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from the Rescue Program. There were 1,809 trafficking-related calls during the year; of these, authorities referred 376 to the federal courts and 295 to the provincial courts. In November 2019, the Federal Council for Human Trafficking released the second edition of its Annual Report, which assessed the country's progress based on indicators laid out in the national action plan. The government did not make efforts to reduce the demand for commercial sex acts.

## **TRAFFICKING PROFILE**

As reported over the past five years, human traffickers exploit domestic and foreign victims in Argentina and, to a more limited extent, Argentine men, women, and children are victims of sex and labor trafficking in other countries. Traffickers exploit victims from other Latin American countries in Argentina, particularly the Dominican Republic, Paraguay, Peru, Bolivia, Uruguay, Venezuela, and Brazil. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Men, women, and children from Argentina, particularly the northern provinces; Bolivia; Paraguay; Peru; and other countries are exploited in forced labor in a variety of sectors, including the garment sector, agriculture, street vending, charcoal and brick production, domestic work, and small businesses. Traffickers exploit minors participating in domestic youth sports clubs in sex trafficking. Traffickers exploit Chinese

**citizens working in supermarkets to debt bondage. Traffickers compel trafficking victims to transport drugs through the country's borders. Official complicity, mainly at the sub-national level, is pervasive and continues to hinder the government's efforts to combat trafficking. Revelations in 2018 of an active child sex trafficking ring in Argentina's soccer minor league that victimized youth athletes raised concerns about child sex trafficking in domestic sports and athletic clubs.**