

2023 Trafficking in Persons Report: Argentina

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, considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Argentina remained on Tier 1. These efforts included convicting more traffickers, issuing the first restitution payment through the trafficking victims' trust fund, adopting a new NAP, and funding a plan to build four new shelters. The government granted a home to an adult survivor of forced child labor through a housing subsidy project targeting trafficking survivors and continued its program to promote trafficking survivors' reentry into the labor market. The government continued to train officials and establish partnerships with unions to promote the identification of labor trafficking victims. Although the government meets the minimum standards, it investigated and prosecuted fewer traffickers, and identified fewer victims. It relied on ministries to support the NAP and other initiatives through their own budgets rather than allocating dedicated resources for anti-trafficking efforts. Official complicity in trafficking crimes remained a concern.

PRIORITIZED RECOMMENDATIONS: ✓

- Strengthen efforts to investigate, prosecute, and convict traffickers, especially complicit officials and labor traffickers.
- Improve victim assistance to include more specialized shelters, additional shelter options for male victims, and trauma-informed support for victims participating in trials against traffickers.
- Seek adequate penalties for convicted traffickers, which should involve significant prison terms.
- Consistently implement victim restitution procedures and facilitate asset transfers to support the restitution trust fund.
- Provide dedicated funding to fully implement the NAP.
- Strengthen coordination among the federal and provincial governments and NGOs.
- Increase availability of mid- to long-term assistance for victims, including legal, medical, and employment services.
- Amend the human trafficking law to make force, fraud, or coercion essential elements of the crime, rather than aggravating factors, consistent with the UN TIP Protocol.
- Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.
- Address trafficking victims' specific needs in the existing witness protection program and prevent abuse by agents.

PROSECUTION ✓

The government decreased prosecution 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. Because of these inclusions, it was unknown how many of the cases prosecuted under Law 26.842 involved trafficking offenses as defined by international law.

The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 61 investigations (38 for sex trafficking, 10 for labor trafficking, four involving both sex and labor trafficking, and nine for unspecified forms of exploitation) in 2022, compared with 175 investigations (101 for sex trafficking, 58 for labor trafficking, six involving both sex and labor trafficking, and 10 for unspecified exploitation or other crimes of exploitation) in 2021, and 220 investigations in 2020. The government prosecuted 46 suspected traffickers in 15 cases (seven for sex trafficking, six for labor trafficking, and two for both sex and labor trafficking), compared with prosecuting 107 suspected traffickers in 48 cases (24 for sex trafficking and 24 for labor trafficking) in 2021 and 26 suspected traffickers in 21 cases in 2020. Observers indicated the government's prosecution statistics in 2021 included cases delayed under the government's pandemic-related mitigation measures, which affected case processing in 2020. The government convicted 37 traffickers (24 for sex trafficking, nine for labor trafficking, and four for both sex and labor trafficking), compared with 31 traffickers (24 sex traffickers and seven labor traffickers) in 2021 and 26 in 2020. The courts sentenced convicted traffickers to between 2.5 and 25 years' imprisonment. In one year-long investigation into a substance abuse rehabilitation center managed by a religious organization, police arrested the center's director, a pastor accused of exploiting the center's patients in forced labor, and identified five victims. In a high-profile case involving the abuse and exploitation of 32 members of a quasi-religious organization over a 30-year span, courts convicted three traffickers on charges of sex and labor trafficking; two other alleged traffickers charged in the case, including the organization's leader, died before the trial's conclusion. Judges issued sentences of six, 14, and 25 years' imprisonment, respectively, to the three convicted traffickers. Although federal and provincial authorities collected law enforcement statistics separately, the government's federal trafficking investigations database, the Integrated Criminal Information System on the Crime of Trafficking in Persons (SISTRATA), increasingly presented case data compiled from provincial sources; 22 of 23 provinces and the autonomous city of Buenos Aires utilized SISTRATA. The government continued to train law enforcement officials to use the database.

Corruption and official complicity in trafficking crimes remained significant obstacles to anti-trafficking efforts, particularly at the local and regional levels, and hindered law enforcement action. Observers expressed concern that official complicity was more common than reflected by limited media coverage and active cases. The government reported opening three investigations involving officials accused of trafficking crimes; in all three cases, law enforcement investigated allegations of forced labor at agricultural sites owned by current or former officials. The government reported convicting one complicit official, a member of the national security force. Prosecution remained ongoing in a 2020 case against a member of the Cordoba public prosecutor's staff accused of exploiting a woman's drug dependence to force her into commercial sex. The government did not provide any update on the ongoing 2019 prosecution of a former police chief, indicted for allegedly exploiting approximately 20 victims in sex trafficking.

The government conducted anti-trafficking trainings for prosecutors, law enforcement, the judiciary, and other officials in virtual and in-person formats. Trainings covered topics such as virtual recruitment in labor trafficking for agricultural regulators in Entre Rios province; detecting forced labor in rural settings for security officials in Buenos Aires province; and human trafficking of disabled peoples for federal police. PROTEX reported cooperating with U.S. officials in the ongoing prosecution of 15 accused traffickers tied to a quasi-religious organization based in Argentina and the United States. The government established a joint Argentina-Chile prosecutorial unit to investigate human trafficking crimes, which initiated its first joint investigation in September 2022, and maintained other trafficking-specific cooperation agreements with governments in the region. Officials reported a 2019 extradition request remained pending at the end of the reporting period.

The government slightly increased protection efforts. It reported identifying 1,184 victims, compared with 1,404 victims in 2021 and 933 in 2020. Of the identified victims, traffickers subjected 713 to labor trafficking, 400 to sex trafficking, and 71 to unspecified forms of exploitation; this compared with the 945 victims of labor trafficking, 331 victims of sex trafficking, and 128 victims of unspecified exploitation identified in 2021. The government reported there were 635 female victims, 542 male, and six transgender victims in 2022. Fifty-nine of the victims were children. At least 28 identified victims reported some form of disability. More than 75 percent of victims in 2022 were Argentines; officials identified foreign victims from Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Haiti, Morocco, Paraguay, Peru, Russia, Uruguay, and Venezuela. The government reported providing short-term emergency assistance to all 1,184 identified victims in 2022, and medium- and long-term assistance to 928 victims between January and June 2022; it did not report medium- and long-term assistance statistics for the remainder of the reporting period. Officials continued to observe an increase in victims self-reporting their exploitation. The government funded repatriation for three Argentine victims exploited in trafficking abroad, compared with funding five repatriations in 2021. The National Secretariat for Childhood, Adolescence, and Family (SENAF) coordinated an unspecified number of repatriations for foreign victims to Germany, Peru, and Spain. The government launched an updated version of its Registry for Assistance to Victims of Human Trafficking (REDAVIT) database, which could record victims' biographical information and use of applicable services. With the support of an international organization, it continued to recruit and train provincial officials on the system interface, although not all provinces signed MOUs to use REDAVIT by the end of the reporting period. Federal officials had formal SOPs for victim identification and assistance; however, in practice, the procedures to identify victims among vulnerable populations varied by province. In March 2022, SENAF distributed a new identification and referral guide to provincial anti-trafficking offices to promote uniform practices. Some entities, such as the National Directorate of Migration and the Ministry of Security, maintained internal SOPs for identifying and referring victims. Some front-line responders had a limited understanding of trafficking.

The National Rescue Program (PNR) was the government office responsible for coordinating short-term emergency victim services; SENAF assisted foreign victims, child victims, and victims identified in the autonomous city of Buenos Aires. SENAF and provincial governments shared responsibility for medium- and long-term assistance to adult victims, overseen by provincial coordination centers; experts noted the need for more comprehensive services and coordination between national and provincial victim assistance authorities. The government had two specialized shelters for trafficking victims in the capital region. The SENAF shelter could accommodate male, female, and child victims, while PNR's shelter served adult female victims; both shelters were designed to host victims for short durations, such as before providing testimony. Trafficking victims could also utilize a network of shelters for victims of domestic violence and other vulnerable populations across the country; officials reported many victims, especially male victims, stayed in these non-specialized shelters or hotels. Regional governments in at least 13 provinces operated social assistance centers that provided psychological, social, medical, and judicial assistance to vulnerable populations, including trafficking victims. The government reported social assistance centers and non-specialized shelters provided primary support to most, as many as 85 percent, of trafficking victims. In March 2022, the government announced plans and allocated funding to build four new specialized shelters for trafficking victims outside the capital region. 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; some officials expressed concern many shelters did not distinguish between trafficking victims and victims of other violent crimes, limiting access to specialized care.

The government began implementation of the National Housing Access Plan for Trafficking Victims (NHAPTV), which subsidized the construction and permanent transfer of dwellings to trafficking survivors. The government reported it had selected 17 survivors as participants for the program's first round of construction and, in December 2022, granted the first NHAPTV home to an adult survivor of forced child labor. The Ministry of Labor launched the second iteration of its program to promote trafficking survivors' reentry into the labor market; in September 2022, it recruited 64 survivors to receive support in seeking employment and a monthly stipend. In October 2022, lawmakers of Salta Province passed a law to promote labor inclusion for trafficking

survivors; three provinces and several municipalities had regulations to incentivize hiring survivors through tax breaks or quotas. Certain assistance programs required victims to complete complex procedures to maintain eligibility. Foreign victims had the same access to care as Argentines; however, foreign victims were sometimes unaware of available services. The national government did not report funding allocations to support victim assistance. Observers reported provincial and local governments dedicated insufficient funding to victim services.

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. NGOs expressed concern for victims' welfare and risk of re-traumatization while supporting cases against traffickers. In particular, observers indicated the Undersecretariat of Criminal Policy's witness protection program was ill-suited to the needs of trafficking victims and posed a risk of re-traumatization. The courts offered victims participating in trials the option to provide testimony via live video, recordings, or written statements. PNR provided tribunals with an assessment of a victim's psychological state and ability to assist in a trafficker's prosecution, as well as what accommodations the victim might need in doing so. The government maintained a trust fund for trafficking victims composed of forfeited assets associated with trafficking cases and other crimes; it required criminal courts to award victim restitution at the time of traffickers' convictions. In May 2022, the fund received its first deposit and, in July 2022, issued its first restitution payment to a trafficking victim, 2 million pesos (\$10,930) awarded in a 2019 ruling. Victims could also file civil suits against traffickers to receive additional compensation, although victims had limited success in securing compensation through civil suits. Courts granted an unspecified sum in restitution to each of 60 victims in 14 cases ending in criminal conviction in 2022. The government reported courts ordered restitution in 38 percent of cases, on average, an outcome some observers associated with judges' inconsistent prioritization of financial restitution in trafficking cases.

The government trained inspectors and other Ministry of Labor officials on labor trafficking indicators. Labor inspectors used guidelines for the identification of trafficking during inspections; inspectors filed 47 reports of trafficking indicators during inspections in 2022, identifying and referring 366 potential victims to PNR via the hotline. The Ministry of Labor reported 83 percent of victims identified by labor inspectors were men and boys and 77 percent were Argentines.

PREVENTION

The government maintained prevention efforts. The Federal Council for Human Trafficking ("the Council") and the Executive Committee for the Fight Against Trafficking and Exploitation of People and the Protection and Assistance of Victims ("the Executive Committee") oversaw the implementation of the government's NAP to combat human trafficking. In December 2022, the council approved a new 2022-2024 action plan, outlining 68 activities to combat trafficking, including improving specialized services for disabled trafficking victims, increasing coordination between anti-trafficking and anti-money laundering operations, and expanding shelter options. The Executive Committee published a final evaluation of the previous plan; it assessed that the government fulfilled 92 of its 100 activities and indicated half of the incomplete activities were assigned to the judicial sector. The Council incorporated three civil society organizations in its regular meetings. The Council's regulations required civil society participants to be legally recognized as NGOs in Argentina; observers noted some NGOs found the costs associated with maintaining this status prohibitive and reported the government offered limited opportunities for wider civil society to participate in Council activities. Each province designated a lead agency on anti-trafficking efforts. The Executive Committee maintained coordination agreements with professional organizations representing vulnerable sectors, including agricultural workers, brickmakers, commercial truck drivers, and domestic workers. The government did not allocate a specific budget for the NAP, instead relying on ministries to support activities from their own budgets; observers remained concerned about the government's ability to fund its anti-trafficking initiatives and support civil society programs through periods of economic instability. Law 1694/06 prohibited worker-paid recruitment fees, and authorities had the ability to penalize foreign labor recruiters for fraudulent recruiting; however, the government did not report assessing any penalties in 2022.

The government continued to implement awareness campaigns, especially short-term publicity campaigns. PROTEX officials presented at several trafficking awareness events hosted by domestic and international sponsors. NGOs and experts remained concerned by child sex tourism, although the government did not report investigations or prosecutions related to this crime. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from PNR; the government continued to publicize the hotline in four languages through signage in bus terminals and similar venues. Fifteen provincial governments had regulations requiring regular publicity of the national hotline. There were 1,460 hotline calls through November 2022, compared with 1,624 hotline calls in 2021 and 1,340 in 2020. The government reported it initiated 72 investigations based on hotline calls, compared with 29 in 2021. The government trained more than 500 officials to refer potential cases via the hotline. The government continued to publish several annual assessments of its anti-trafficking efforts, including PROTEX's regular evaluation of trafficking-related calls to the national hotline and the Federal Council's annual progress report on the biennial 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 Argentine adults and children are victims of sex and labor trafficking in other countries. Traffickers exploit victims from other Latin American and Caribbean countries in Argentina, particularly Bolivia, Brazil, the Dominican Republic, Paraguay, Peru, Uruguay, and Venezuela. Traffickers also exploit victims from the People's Republic of China (PRC), and Republic of Korea; PRC citizens working in supermarkets are vulnerable to debt bondage.

Transgender Argentines are exploited in sex trafficking in the country and in Western Europe. Officials indicate traffickers may exploit the additional vulnerabilities of those, especially women, with disabilities or mental illnesses. Adults and children from Argentina, particularly the northern provinces; Bolivia; Paraguay; Peru; and other countries are exploited in forced labor. Traffickers exploit victims in forced labor in the garment sector; ranching; agriculture, including the cultivation and harvest of olives, onions, and lettuce; forestry and resin extraction; street vending; charcoal and brick production; domestic work; and small businesses. Traffickers exploited women seeking to work as models or promoters in sex trafficking at racetracks. Traffickers exploit children participating in youth sports clubs in sex trafficking. Revelations in 2018 of an active child sex trafficking ring in Argentina's minor soccer league that victimized youth athletes raised concerns about child sex trafficking in domestic sports and athletic clubs. Fraudulent and legitimate religious organizations serve as fronts for traffickers seeking to exploit victims in sex and labor trafficking. Traffickers compel trafficking victims to transport drugs internally and across the country's borders. Traffickers increasingly utilize social media and other online platforms to recruit and exploit victims, including via webcam livestream. Civil society reports indicate many traffickers are women; some of these women were themselves trafficking victims. Official complicity, mainly at the sub-national level, is pervasive and continues to hinder the government's efforts to combat trafficking.