

Argentina



Population: 40,913,584 (July 2009 est.)
Population Growth Rate: 1.053% (2009 est.)
Birth Rate: 17.94 births/1000 population (July 2009)
Life Expectancy: total population: 76.56 years
male: 73.32 years
female: 79.97 years (2009 est.)
Literacy Rate: total population: 97.2%
male: 97.2%
female: 97.2% (2001 census)
Net Migration Rate: 0.migrant(s)/1,000 population (2009 est.)
Unemployment Rate: 9.6% (2009 est.)
Gross Domestic Product per Capita: \$13,800 (2007 est.)
Religions: nominally Roman Catholic 92% (less than 20% practicing), Protestant 2%, Jewish 2%, other 4%
Languages: Spanish (official), Italian, English, German, French
Ethnic Groups: white (mostly Spanish and Italian) 97%, mestizo (mixed white and Amerindian ancestry), Amerindian, or other nonwhite groups 3%
Capital: Buenos Aires¹

Trafficking Routes

Argentina is a source, transit, and destination country for trafficking, especially in women and children. While women and children are trafficked for sexual and labor exploitation abroad, particularly to European Union countries,² many are trafficked internally. Many of those trafficked through the triple frontier are destined for the illegal labour market in Argentina³, including an ever growing numbers of Paraguayan women and girls, attracted by the promise of jobs⁴. However, in Argentina, it is estimated that 90 percent of trafficking victims are sexually exploited women. The International Labour

¹ CIA, World Factbook, <https://www.cia.gov/library/publications/the-world-factbook/geos/ar.html>.

² International Organization for Migration, Argentina, (2008), <http://www.iom.int/jahia/Jahia/pid/443>.

³ Olivia Balch, *Latin America's Secret Slave Trade*, GUARDIAN.CO.UK, Dec 20, 2006, available at: <http://www.guardian.co.uk/world/2006/dec/20/argentina.brazil>.

⁴ Emily Vasquez, *Dispatches from the field: duped and sold: human trafficking in Paraguay*, Americas Quarterly, (Summer 2008), available at: http://findarticles.com/p/articles/mi_7454/is_200807/ai_n32289573/

Organization (ILO) estimates that directly or indirectly 500,000 people participate in this business.⁵

Factors That Contribute to Human Trafficking Infrastructure

Argentina has consistently attracted migrants from the Latin American regions seeking better economic opportunities.⁶ There are approximately 2 million immigrants, mostly from Chile, Bolivia, Paraguay, Brazil and Uruguay.⁷ Illegal immigration, in particular, fuels the trafficking business. Immigrants are smuggled into the country, sometimes in transit to the United States or the EU, and become easy preys of trafficking rings.⁸ At the same time, Argentines from the northern provinces such as Misiones, Jujuy, Tucumán, and Entre Ríos are highly susceptible to internal trafficking because of the extreme poverty and lack of opportunities. These, along with family breakdown, little access to health services, and lack of education, are commonly cited as key issues contributing to sexual exploitation, especially in rural areas.⁹

Corruption within the police force and its participation in criminal activities related to prostitution and trafficking seriously impede efforts to address the issue. For example, in January 2005, three women escaped from traffickers but were not able to go to the local police since many of the officers were clients of the brothel. Moreover, police at the station they went to refused to file a complaint and called the owner of the brothel to let him know what was happening.¹⁰

Additionally, the slow and inefficient judicial system hampers the development of effective and timely prosecution of traffickers. Between 2002 and November 2005, the Office for Integrated Assistance for Victims of Crime (OFAVI) provided direct assistance to victims in more than 100 trafficking cases, all of which have gone before judges, but only one case had been resolved by the end of 2005.

Forms of Trafficking

Most trafficked victims end up in the illegal labor market.¹¹ Women often become victims in the sex industry, sometimes kidnapped from their hometowns or tricked into servitude.¹² Police in the northwestern province of Jujuy have received more than 50 reports of missing young women since September 2005. All of them had gone to see

⁵ *Denuncian que aumento el tráfico de personas y la trata de blancas en el país*, CLARIN.COM, Sept. 6, 2007, available at: www.clarin.com/diario/2007/09/06/um/m-01493683.htm.

⁶ World Factbook *supra* note 1.

⁷ World Factbook *supra* note 1.

⁸ *Statement by Julio Cristobal Gabrielli*, Partner, Chevallier Boutell, Speyer & Mariani Law Office, Argentina, Oct. 15, 2008.

⁹ *La Pobreza Condena a los Menores de la Triple Frontera a Ofrecer sus Cuerpos por Monedas*, LIENA CAPITAL, Dec. 12, 2005, available at: <http://www.lineacapital.com.ar/?noticia=3909>.

¹⁰ *Denuncian que las esclavizaron para trabajar como prostitutas*, CLARIN.COM, Jan 18, 2005, available at: <http://www.clarin.com/diario/2005/01/18/policiales/g-03701.htm>.

¹¹ Olivia *supra* 3

¹² Marcela Valente, *Trafficked Women – An invisible Problem*, INTER-PRESS SERVICE, May 19, 2005, available at: <http://www.ipsnews.net/interna.asp?idnews=28748>.

about a “job” and have not been heard from since.¹³ Many end up in city centers and tourist destinations or in towns with oil and fishing industries, where demand for paid-for sex is high.¹⁴

The group most at risk of becoming victims of trafficking for sexual exploitation is composed of women and girls with low levels of schooling, many belonging to families with unmet basic needs, where most of its members are unemployed or unskilled primary activities performed by the extremely low income earners¹⁵.

Thousands of women have been trafficked from the Dominican Republic to Argentina for forced prostitution mainly because of the established parity between the Argentine peso and the U.S. dollar during the late 1990s, which promoted the trafficking of Dominicans to Argentina. While the Argentine economic crisis diminished the rate of Dominicans trafficked, the number of victims from other nationalities stayed the same or increased during the reporting period of the 2006 report.¹⁶

Women and girls are trafficked to Argentina from Paraguay expecting to work as domestic employees but are then forced into prostitution. According to the International Organization for Migration (IOM), 62 percent of the Paraguayans trafficked to Argentina were minors.¹⁷ Current estimates state there are at least 600 boys and girls being sexually exploited in Buenos Aires¹⁸.

In October 2005, 17 Bolivians were released from a textile factory in Buenos Aires. The Ombudsman’s Office for the city of Buenos Aires (Defensoría del Pueblo CABA), the IOM, and a local community organization helped the migrant workers to file charges against the owner for trafficking and forced labor.¹⁹ Although Bolivians are primarily affected, people from Paraguay, Peru and within Argentina are also reported to be victims of forced labor.²⁰ Argentine women and girls are also trafficked for sexual exploitation, both internally and across borders; in fact, a high percentage of these women are often kidnapped by gangs.²¹ Along the border between Argentina, Brazil, and Paraguay, young prostituted children and adolescents can be seen on the streets of towns

¹³ Marcela Valente, *Young Women Lured into Trafficking by Job Ads*, INTER-PRESS SERVICE.NET Mar 6, 2006, available at: <http://ipsnews.net/news.asp?idnews=32384>.

¹⁴ International Organization for Migration, *Efforts to Counter Human Trafficking Expand to Other Provinces*, (September 15, 2006), <http://www.iom.int/jahia/Jahia/pbnAM/cache/offonce?entryId=10856>.

¹⁵ <http://www.fundacionmariadelosangeles.org/eng/infovictimas.htm>

¹⁶ MIKE KAYE, ANTI-SLAVERY INTERNATIONAL COMTEMPORARY FORMS OF SLAVERY IN ARGENTINA, (2006), available at: http://www.antislavery.org/includes/documents/cm_docs/2009/c/contemporary_forms_of_slavery_in_argentina.pdf.

¹⁷ ORGANIZAICON INTERNATCIONALPARA LAS MIGRACIONES, *LA TRATA DE PERONAS EN EL PARGUAY-DIAGNOSTICO EXPLORATORIO SOBRE EL TRAFICOY/O TRATA DE OERSIBAS CIBFUBES DE EXPKITACION SEXUAL* (2005), available at:

http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/studies_and_reports/latrata_personas.pdf.

¹⁸ <http://www.cbc.ca/world/story/2009/06/18/f-rfa-watson.html#ixzz0uLO5d5xJ>

¹⁹ Eduardo Videla and Sebastián Ochoa, *Como Presos en Talleres de Baja Costura*, PAGINA/12, Oct. 16, 2005, available at: <http://www.pagina12.com.ar/diario/sociedad/3-58447-2005-10-26.html>.

²⁰ Marcela Valente, *Argentina: Slave Labour Alive and Well in Textile Workshops*, INTER-PRESS SERVICE.NET, Dec. 2, 2005, available at: <http://www.ipsnews.org/news.asp?idnews=31264>.

²¹ Virginia Messi, *La Desaparición de las Mujeres*, CLARIN.COM, May 29, 2005, available at: <http://www.clarin.com/diario/2005/05/29/policiales/g-05415.htm>.

such as Puerto Iguazu (Argentina), Foz do Iguazu (Brazil), and Ciudad del Este (Paraguay).²²

Government Responses

After years of debate within the Senate and the lower house, Argentina passed a law to prevent trafficking in persons, protect victims of trafficking, and punish perpetrators of human trafficking in April 2008, which entered into force on April 29, 2008. Law 26.364, entitled “Prevención y sanción de la trata de personas y asistencia a sus víctimas,” makes trafficking in persons a federal crime.²³ Under this new law, the penal code now establishes prison sentences for those convicted of participating in the entrapment, recruitment, transportation, or reception of people for the purposes of sexual or labor exploitation or organ harvesting. If the victim is younger than 13, the maximum sentence is increased to 15 years.²⁴ The law further provides for protective measures for victims of trafficking, including the non prosecution of crimes committed as a direct consequence of being trafficked;²⁵ the right to free psychological, medical, and legal assistance;²⁶ the right to not be lodged in any police or penitentiary institution;²⁷ the right to privacy;²⁸ and the right to diplomatic representation and assistance for Argentines who are victims of trafficking abroad.²⁹

The Criminal Code of Argentina prohibits the prostitution of minors—consent in this case is irrelevant. The penalty for promoting or facilitating the prostitution of a minor is imprisonment of between four and 10 years.³⁰ The penalty is raised to six to 15 years if the victim is under 13 years of age.³¹ Other aggravating circumstances can raise the penalty to imprisonment of between 10 and 15 years—for example, if the crime is for consistency committed by deceit, violence, threat, abuse of authority, or any other means of coercion or when the perpetrator is the spouse, sibling, cohabitant, relative, or guardian of the victim. Child pornography is punished by imprisonment of six months to four

²² INTERNATIONAL LABOUR OFFICE, LAW ENFORCEMENT IN ARGENTINA AND PARAGUAY, (2005), available at: http://white.oit.org.pe/ipec/documentos/legis_esci_arg_py_eng.pdf.

²³ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 (Argentina), available at : <http://www.acnur.org/biblioteca/pdf/6314.pdf>

²⁴ Marcela Valente, *Argentina: Activists Criticise New Law on Trafficking in Persons*, INTER-PRESS SERVICE.NET, Apr 10, 2008, available at: <http://ipsnews.net/news.asp?idnews=41950>.

²⁵ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 Article 5, (Argentina), available at : <http://www.acnur.org/biblioteca/pdf/6314>.

²⁶ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 Article 6, (Argentina), available at : <http://www.acnur.org/biblioteca/pdf/6314>.

²⁷ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 (Argentina) Article 7, available at : <http://www.acnur.org/biblioteca/pdf/6314>.

²⁸ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 Article 8, (Argentina), available at : <http://www.acnur.org/biblioteca/pdf/6314>.

²⁹ PREVENCION Y SANCION DE LA TRATA DE PERSONAS Y ASISTENCIA A SUS VICTIMAS LEY 26.364, April 9, 2009 (Argentina) Article 9, , available at : <http://www.acnur.org/biblioteca/pdf/6314>.

³⁰ CODIGO PENAL DE ARGENTIN, art.127 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³¹ CODIGO PENAL DE ARGENTINA, art.125 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

years. Both the production and publication of pornographic materials and the organization of pornographic shows with minors are considered forms of child pornography.³² Slavery and practices similar to slavery are punished by imprisonment of three to 15 years.³³ Deprivation of liberty is punished by imprisonment of six months to three years,³⁴ but the penalty is raised to two to six years if the crime is committed through the use of force, threat, for the purpose of retaliation, or as religious discrimination; if the crime is committed by a relative of the victim; if the victim suffered physical or financial damage as a result of being deprived of his or her liberty; if the author of the crime pretended to be a public official; and, finally, if the deprivation of liberty lasted more than one month.³⁵ Finally, under Argentine criminal law, to participate in an organized criminal group is a crime (it is not necessary to commit an additional crime), and the punishment is imprisonment of three to 10 years.³⁶ Prostitution is not a crime under Argentine law.

In 2004, the Argentine Congress passed a migration law³⁷ that made smuggling of people across the Argentine borders a crime and punished this crime by imprisonment for up to six years. The law adds progressively harsher penalties if force, coercion, or threat is used,³⁸ or for repeat offenders and public officials who abuse their authority.³⁹ The punishment is further raised to five to 15 years if the victim is a minor or is injured or dies as a result of the smuggling. Punishment is most severe for traffickers who do so for the purpose of terrorism, drug trafficking, money laundering, or prostitution.⁴⁰ However, the law was soon faced with opposition due to the unclear phrasing, which made it difficult to apply the harsher penalties. The April 2008 antitrafficking law solved this problem by modifying article 121 of the migration law and eliminating the “purpose of prostitution” as one of the factors that raise the smuggling penalties.⁴¹

OFAVI was designated the national focal point for trafficking in people in 2004. It provides assistance to trafficked persons, including legal advice and a risk assessment and, when needed, refers individuals to social and psychological assistance. OFAVI has

³² CODIGO PENAL DE ARGENTINA, art.128 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³³ CODIGO PENAL DE ARGENTINA, art.140 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³⁴ CODIGO PENAL DE ARGENTINA, art.141 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³⁵ CODIGO PENAL DE ARGENTINA, art.142 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³⁶ CODIGO PENAL DE ARGENTINA, art.210 (Argentina) available at: http://www.justiniano.com/codigos_juridicos/codigo_penal.htm.

³⁷ Ley de Migraciones Nro. 25.871 January 20, 2004 Iavailable at: <http://www.gema.com.ar/ley25871.html>

³⁸ Ley de Migraciones No. 25.871 January 20, 2004, Article 119. (Argentina) available at: <http://www.gema.com.ar/ley25871.html>

³⁹ Ley de Migraciones No. 25.871 January 20, 2004, Article 120. (Argentina) available at: <http://www.gema.com.ar/ley25871.html>.

⁴⁰ Ley de Migraciones No. 25.871 January 20, 2004, Article 121.. (Argentina) available at: <http://www.gema.com.ar/ley25871.html>.

⁴¹ Statement by Julio Cristobal Gabrielli, Partner, Chevallier Boutell, Speyer & Mariani Law Office, Argentina, Oct. 15, 2008.

conducted training for police on trafficking issues and works closely with the Ministry of Social Welfare.⁴²

Nongovernmental and International Organization Responses

The Argentine office of the IOM in conjunction with popular Uruguayan actress and singer Natalia Oreiro originated a campaign against trafficking in women for sexual exploitation. “No to Human Trafficking, No to Modern-day Slavery” was launched on March 14, 2007, and aims to call the Argentine public’s attention to a criminal activity that affects 2.4 million people, most of them women, and rakes in some \$32 billion US dollars a year worldwide, according to the IOM.⁴³

In 2006, the IOM launched a study on human trafficking for sexual exploitation in Argentina, Chile, and Uruguay.⁴⁴ It has also expanded its counter-trafficking work in Argentina. In partnership with the government, the IOM has made efforts to train government officials and NGOs in their ability to protect victims and provide assistance when necessary.

IOM, together with other NGOs like Vital Voices, worked together with Argentine government officials such as Stella Maria Cordoba, congresswoman and president of the Joint Committee for Oversight of Intelligence Agencies and Activities of Argentina. IOM provided technical advice in drafting relevant legislation, while Vital Voices offered insight on the development of programs for victims.⁴⁵

The First International Conference on Slavery and Trafficking in Persons took place in Mar del Plata, Argentina, on Sept. 7, 2007. The participants were the members of the National Association of Ombudsmen of the Republic of Argentina (ADPRA); ombudsman Eduardo Mondino presented a preliminary report about slavery and trafficking in humans for sexual exploitation. The conference addressed issues related to trafficking, such as the high incidence of sexually transmitted diseases and the need for awareness and education about this critical issue.⁴⁶

The civil association La Casa del Encuentro called for a second civil mobilization against the disappearance of women and children victims of human trafficking and sexual exploitation. The mobilization took place before the Argentine Congress on May 3, 2007, with activists from different NGOs advocating for the dismantling of networks related to trafficking and exploitation. These mobilizations will be held the 3rd of each month until the petitions are heard.⁴⁷

⁴² Mike Kaye, *Contemporary Forms of Slavery in Argentina*, ANTI-SLAVERY INTERNATIONAL (2006), available at: <http://www.antislavery.org/homepage/resources/PDF/PDFlatinamerica.htm> (Last visited: Sep 17, 2008).

⁴³ *La OIM presenta en Argentina un estudio sobre el tráfico de seres humanos y lanza una campaña de sensibilización*, EL ECONOMISTA.ES, Mar 14, 2007, available at: <http://www.economista.es/mercados-cotizaciones/noticias/181257/03/07/RSC-La-OIM-presenta-en-Argentina-un-estudio-sobre-el-trafico-de-seres-humanos-y-lanza-una-campana-de-sensibilizacion-.html>.

⁴⁴ Marcela Valente, *Argentina: Recruiting Celebs Against Trafficking in Women*, INTER-PRESS SERVICE.NET, Mar. 15, 2007, available at: <http://ipsnews.net/news.asp?idnews=36936>.

⁴⁵ Vital Voices Global Partnership Human Rights: Recent Human Rights Activities, http://www.vitalvoices.org/desktopdefault.aspx?page_id=39.

⁴⁶ *La Prostitución es un Negocio Protegido por las Autoridades*, LA CAPITAL, Sept. 7, 2007, available at: <http://www.servicioslacapital.com.ar/historico/noticia.asp?id=7092044>.

⁴⁷ *Campaña: Ni una Mujer más Víctima de la Prostitución*, La Casa del Encuentro (Dec 03, 2007), <http://www.lacasadelencontro.com.ar/2007.html>.

The Argentine-based NGO Missing Children (Chicos Perdidos de Argentina) provides support to find missing children and also focuses on issues such as organ trafficking and sexual exploitation of children.⁴⁸ Foundation Under addresses children's abuse and children's rights more generally.⁴⁹ The Coalition Against Trafficking in Women provides services to victims of sexual exploitation and trafficking.⁵⁰

In 2007, the Asociación Civil de Derechos Humanos Mujeres Unidas Migrantes y Refugiadas (AMUMRA) opened a new center for migrant and refugee women in Buenos Aires.⁵¹ The Integral Center Against Violence for Women provides women with information on their legal rights, and offers services like counseling and social assistance.

The National Institute of Industrial Technology's (INTI) voluntary certification program for clothing companies was launched as a result of the outcry triggered by a fire that broke out in a clandestine textile factory in Buenos Aires on March 30, 2006, killing two Bolivian women and four children. This program rewards companies that respect the country's labor laws and provide decent working conditions. This is an effort by a public institute to crack down on sweatshops.⁵²

Multilateral Initiatives

Argentina's antitrafficking efforts are closely watched by the Organization of American States. Additionally, the Argentine government has partnered with an institute in Buenos Aires to create incentives for companies that obey the country's labor laws. This multilateral approach involves an agreement between INTI, the Defense Ministry, and the Buenos Aires provincial Education Ministry that commits them to favoring companies that have joined the certification program when making purchases. This partnership is noteworthy because of the number of military and public school uniforms the agencies purchase each year.⁵³

The seventh South American Conference on Migration took place in Asunción, Paraguay, May 4–5, 2006. The 11 participating vice ministers and high-level representatives from South American Migration Dialogue member countries, including representatives from Argentina, signed the "Declaration of Asunción" that calls for respect of the human rights of migrants and recognition of the development contribution of migrants to countries of destination. Additionally, the declaration requests the inclusion of migration and development as a priority theme in the agenda of all regional

⁴⁸ Miss Children of Argentina, <http://www.missingchildren.org.ar/ingles/entradatod.htm>, (Last visited Feb 2, 2010).

⁴⁹ Foundation Under, http://www.fundacionamparo.org.ar/Pagina_Principal.htm, (Last Visited Feb 2, 2010).

⁵⁰ Coalition Against Trafficking in Women, <http://www.catwinternational.org/about/index.php>, (Last Visited, Feb 2, 2010).

⁵¹ GAATW *E-Bulletin*, Global Alliance Against Traffic in Women (2007), http://www.gaatw.org/e-bulletin/compilation/2007_GAATW_eBulletin.pdf

⁵² Marcela Valente, *Incentive Against Slave Labour*, HUMAN RIGHTS TRIBUNE, Jun 23, 2007, available at: <http://ipsnews.net/news.asp?idnews=38282>

⁵³ Marcela Valente, *Argentina: Incentive for Eliminating Slave Labour*, INTER PRESS SERVICE NEWS AGENCY, Jun 22, 2007, available at: <http://www.humanrights-geneva.info/Incentive-Against-Slave-Labour,1886>.

and bilateral meetings, the support of programs that facilitate voluntary returns, and reduction of the transfer cost of remittances.⁵⁴

In May 2007, the Specialized Women's Conference of MERCOSUR (Mercado Común del Sur, or Southern Common Market) was held in Asunción, Paraguay. Representatives from all of the member states (Argentina, Brazil, Paraguay, Uruguay, and Venezuela) and associate countries (Bolivia and Chile) attended the conference. Additionally, representatives from the ILO, IOM, United Nations Development Fund for Women, United Nations Population Fund from Argentina, and the Pan American Health Organization were present. The delegates are part of a multidisciplinary working group to coordinate trafficking prevention actions, awareness-raising campaigns, and services provided to trafficking victims.⁵⁵

⁵⁴ Press Release, Jemini Pandy, International Organization for Migration (IOM) Paraguay - Sixth South American Conference on Migration, (May 5, 2006), *available at*: <http://www.old.iom.int/en/news/PBN050506.shtml#item3>.

⁵⁵ REUNION ESPECIALIZADA DE LA MUJER DE LA MUJER DE MERCOSUR, MERCOSUR/REM/ATAN 01/07: XVII REUNION ESPECIALIZADA DE LA MERCOSUR; ASUNCION, FINAL ACT MERCOSUR May 17-18, 2007, (2007), *available at*: <http://www.mercosurmujeres.org/XVIIacta.htm>.