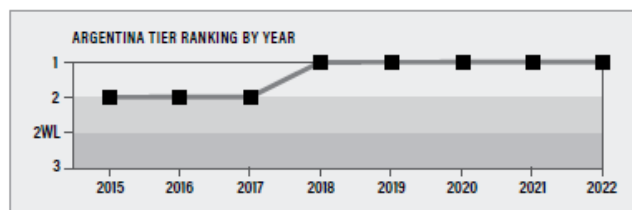




ARGENTINA: TIER 1

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 on its anti-trafficking capacity; therefore Argentina remained on Tier 1. These efforts included prosecuting and convicting more traffickers, including a complicit official; awarding restitution to 35 victims in three cases; and identifying more trafficking victims. Although the government meets the minimum standards, it did not allocate a dedicated budget to anti-trafficking efforts and did not have specialized shelters for male victims. Official complicity in trafficking crimes remained a concern. 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. • Improve victim assistance to include more specialized shelters and dedicated shelters for male victims. • Sentence convicted traffickers to adequate penalties, which should involve significant prison terms. • Document and address official complicity in trafficking through prosecution and conviction. • Provide dedicated funding to fully implement the national action plan. • Strengthen coordination among the federal and provincial governments and NGOs. • Revitalize efforts

to address labor trafficking, including prosecuting and convicting labor traffickers and proactively identifying victims. • Revise the human trafficking law to make force, fraud, or coercion essential elements of the crime, rather than aggravating factors, consistent with the 2000 UN TIP Protocol. • Restructure the witness protection program to address trafficking victims' needs and prevent abuse by agents. • 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. • Consistently implement victim restitution procedures. • Improve efforts to collect and integrate data on law enforcement statistics and victim assistance.

PROSECUTION

The government maintained 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. 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.

The special prosecutor's Human Trafficking and Exploitation Unit (PROTEX) opened 175 investigations (101 for sex trafficking, 58 for labor trafficking, six involving both sex and labor trafficking, and 10 for unspecified exploitation for other crimes of exploitation) in 2021, compared with 220 investigations (130 for sex trafficking and 90 for labor trafficking) in 2020, and 252 in 2019. The government prosecuted 107 suspected traffickers in 48 cases (24 for sex trafficking and 24 for labor trafficking) in 2021, compared with prosecuting 26 suspected traffickers in 21 cases (14 for sex trafficking, five for labor trafficking, and two for both sex and labor trafficking) in 2020. The government convicted 31 traffickers (24 sex traffickers and seven labor traffickers), compared with convicting 26 traffickers (22 for sex trafficking and four for labor trafficking) in 2020. The courts sentenced convicted traffickers to between three and 15 years' imprisonment. Prosecutors levied charges against three alleged sex traffickers, first arrested in 2019; officials reported the three defendants allegedly used their connection to the motorsports community to recruit women to work as "promoters" or models at racetracks, then forced them to engage in commercial sex. Law enforcement reported seven investigations involving religious organizations; in one such investigation, officials raided a fringe religious group that compelled its members to work for its leaders' benefit, arresting six suspected traffickers and identifying 12 victims. In an ongoing case, prosecutors levied charges against 29 alleged labor traffickers tied to an evangelical church; law enforcement identified roughly 40 additional victims during the reporting period, bringing the total number of victims associated with the case to approximately 100. Federal courts remained open throughout the reporting

period, although many procedures were held virtually, in accordance with pandemic-related restrictions. PROTEX reported the government's ongoing movement restrictions and other pandemic-mitigation measures reduced its operating capacity; it minimized the impact of these policies through increased use of virtual tactics, including collecting virtual testimony. Officials reported increased difficulty in investigating instances of sex trafficking, which they attributed to the discrepancy between law enforcement officers' routine investigative tactics and traffickers' increased use of online platforms and private residences to exploit victims during the pandemic. Although the government's federal trafficking investigations database, the Integrated Criminal Information System on the Crime of Trafficking in Persons (SISTRATA), was meant to include input from nearly all provincial governments, it remained difficult to obtain comprehensive data and analyze trends across reporting periods as federal and provincial authorities still commonly compiled law enforcement statistics separately. 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 during the year. The government reported opening two investigations involving public officials accused of complicity in trafficking crimes; in one of these cases, law enforcement investigated allegations of labor exploitation, which may have amounted to trafficking, against judicial sector officials. Authorities prosecuted only a small number of cases involving official complicity in trafficking. However, the government reported convicting at least three complicit officials during the reporting period—its first convictions involving officials complicit in trafficking crimes since 2018—including a municipal employee in the Buenos Aires metropolitan area, who courts sentenced to 13 years' imprisonment for complicity in sex trafficking. In one case first reported in 2019, the government convicted a military officer of sex trafficking and sentenced him to 10 years' imprisonment. In another case where authorities suspected a Buenos Aires area brothel was operating under the protection of complicit police officers, judges convicted 11 traffickers and ordered restitution to the victims; the government did not report how many, if any, of the 11 traffickers convicted were public officials. The government confirmed prosecution remained ongoing in a 2020 case against a member of the Cordoba public prosecutor's staff who allegedly exploited a young woman's drug dependence to force her into commercial sex. The government reported that the 2019 prosecution of a former police chief, indicted in 2019 for allegedly exploiting approximately 20 victims in sex trafficking, resumed in September 2021 and remained ongoing at the end of the reporting period. The government reported prosecutors awaited a trial date in the 2010 case against two public officials allegedly involved in the sexual exploitation of victims in Buenos Aires private residences. Official complicity appeared infrequently in media reporting. The government conducted anti-trafficking trainings for prosecutors, law enforcement, and judicial officials in both virtual and in-person formats. Training covered topics such as traffickers' recruitment tactics for local law enforcement officials in Chaco province; labor trafficking indicators for provincial law enforcement officers; and application of the anti-trafficking law for officials across several agencies. PROTEX reported cooperating with Paraguayan officials in an investigation initiated based on a call to the nationwide 1-4-5 trafficking hotline; the

government maintained trafficking-specific cooperation agreements with other governments in the region. Officials reported a 2019 extradition request remained pending at the end of the reporting period.

PROTECTION

The government increased 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, child victims, and victims identified in the autonomous city of Buenos Aires. The government reported identifying and assisting a total of 1,434 victims—including those assisted by SENAF and other government entities—compared with 933 victims in 2020, 1,438 victims in 2019, and 1,501 victims in 2018. The Rescue Program reported identifying 1,337 of these victims in 2021. Of the 1,434 identified victims, 945 were victims of labor exploitation, and 331 were victims of sex trafficking; the government was unable to specify a form of trafficking for the remaining 128 victims. The government provided incomplete demographic data on identified victims; there were at least 538 female, 680 male, and six transgender victims. At least 114 of the victims were children. More than 75 percent of victims in 2021 were Argentine nationals; officials also identified foreign victims, including from Bolivia, Colombia, the Dominican Republic, Paraguay, Peru, Senegal, Syria, Uruguay, and Venezuela. The government reported observing an increase in victims self-reporting their exploitation. The government funded repatriation for five Argentine victims exploited in trafficking abroad, compared with funding repatriation of at least 10 Argentine trafficking victims in 2020. SENAF coordinated an unspecified number of repatriations for foreign victims from several countries, including Brazil, Paraguay, and the People’s Republic of China (PRC). The National Directorate of Migration reported training 700 public officials on the identification and referral of trafficking victims amongst migrant populations since it established its anti-trafficking unit in the previous reporting period. The government reported its new Registry for Assistance to Victims of Human Trafficking (REDAVIT) database, developed with the support of an international organization, became operational in March 2021; 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. The government encouraged officials to add pandemic-specific steps to these procedures in 2021, requiring them to brief victims on COVID-19 and how to prevent its spread. Some front-line responders had a limited understanding of trafficking. SENAF and the provincial governments shared responsibility for mid- and long-term assistance to adult victims, overseen by provincial coordination centers; experts noted the need for more integrated and comprehensive victim assistance. Regional governments in an unspecified number of provinces operated anti-trafficking centers that provided psychological, social, medical, and judicial assistance to trafficking victims. The government reportedly had four specialized shelters for trafficking victims across various provinces. SENAF reported operating one of these shelters specifically to serve foreign victims regardless of gender or age. In 2021, the SENAF shelter served 39 foreign victims.

Shelters modified their services to comply with pandemic mitigation recommendations, providing staff and residents with personal protective equipment, setting shifts for mealtimes, and converting office spaces to bedrooms to reduce crowding in sleeping areas. The government could provide services to male trafficking victims, but it often placed them in other government-funded shelters or in hotels for temporary housing, rather than specialized trafficking shelters. 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 that many shelters did not distinguish between trafficking victims and victims of other violent crimes, limiting access to specialized care. The Ministry of Labor launched a pilot program to encourage trafficking survivors' reentry into the labor market; the 29 survivor-participants received support in seeking employment and a monthly stipend. Certain assistance programs required victims to complete complex procedures to maintain eligibility. Foreign victims had the same access to care as Argentine nationals; 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 re-traumatization risk. The courts offered victims participating in trials the option to provide testimony via live video, recordings, or written statements; during the reporting period, all trafficking victims participating in trials delivered video or written testimonies, as required by the courts' pandemic mitigation measures. The Rescue Program provided tribunals with an assessment of victims' psychological state and ability to assist in a trafficker's prosecution, as well as what accommodations the victims might need in doing so. The government maintained a trust fund for trafficking victims, comprised of traffickers' forfeited assets and required criminal courts to award victim restitution at the time of traffickers' convictions. 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 between 1 million and 6 million pesos (\$9,280 to \$55,680) in restitution to each of 35 victims in three cases ending in criminal conviction in 2021. In another, ongoing trafficking case, the courts authorized officials to auction seized assets in preparation for victim restitution at the case's conclusion. Despite these cases, observers reported prosecutors and judges still inconsistently prioritized 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 31 reports of trafficking indicators during inspections in 2021, identifying 221 potential victims. The Ministry of Labor reported 90 percent of victims identified by labor inspectors were men and 85 percent were Argentine nationals. Civil society actors anecdotally reported observing increased inspection activity. The Executive Committee for the Fight Against Trafficking and Exploitation of People and the Protection and Assistance of Victims

("Executive Committee") coordinated with civil society and regional law enforcement to respond to reports of forced labor in rural agricultural sites, including olive processing outfits, culminating in the identification of more than 150 labor trafficking victims in 2021. In one instance, national officials identified eight potential trafficking victims, forced to eat and sleep in tents where alleged traffickers compelled them to harvest eucalyptus leaves, after a volunteer fireman observed trafficking indicators at the site and reported them to a provincial labor authority.

PREVENTION

The government increased prevention efforts. The Federal Council for Human Trafficking and the Executive Committee oversaw the implementation of the government's 2020-2022 national action plan to combat human trafficking. The biennial plan outlined 100 specific activities to combat trafficking; the Executive Committee reported the government completed 67 of the plan's activities in 2021. Although the Federal Council incorporated three civil society organizations in its regular meetings, some observers reported the government offered limited opportunities for civil society to contribute to its efforts. The Federal Council 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. The government did not allocate a specific budget for the plan, 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. 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 during the reporting period. Given the increased vulnerability of migrants due to widespread job loss and movement restrictions during the pandemic, the government again extended expiration dates and deadlines associated with several visa categories, which decreased their vulnerability to trafficking.

The government continued to implement awareness campaigns, including one, initiated in 2016, outlining sex trafficking risks and encouraging the public to report print advertisements for commercial sex so that law enforcement can investigate. It also held several awareness workshops accessible to the general public and launched a new campaign to promote public awareness of the government's nationwide 1-4-5 trafficking hotline through signage in bus stations and other venues. PROTEX officials presented at several trafficking awareness webinars hosted by domestic and international civil society groups; these virtual events were accessible to wide audiences. NGOs and experts remained concerned by child sex tourism, although there were no reported investigations or prosecutions in the reporting period related to this crime. The Secretariat of Tourism launched a new campaign to raise awareness of sex trafficking in the tourism industry and led a regional working group on combating sex tourism. The Ministry of Justice and Human Rights operated the nationwide 1-4-5 trafficking hotline with response assistance from the Rescue Program. Fifteen provincial governments regularly publicized the national hotline in 2021. The Rescue Program trained hotline operators on application of the trafficking law and emerging trends. There were 1,624 hotline calls during the year, compared with 1,340 in 2020 and 1,809 in 2019. The government reported it investigated 1,276 of these

reports, compared with 631 in 2020, although some reports described related crimes, such as sexual exploitation, rather than trafficking. In one investigation initiated by a hotline call, regional officials arrested three suspected traffickers and identified two 16-year-old girls exploited in sex trafficking. The government continued to produce 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 the Dominican Republic, Paraguay, Peru, Bolivia, Uruguay, Venezuela, and Brazil. Transgender Argentines are exploited in sex trafficking within the country and in Western Europe. Officials indicate traffickers may exploit the additional vulnerabilities of individuals, 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; street vending; charcoal and brick production; domestic work; and small businesses. Traffickers exploit victims from the PRC and South Korea; PRC citizens working in supermarkets are vulnerable to debt bondage. 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. Religious sects and other organizations serve as fronts for traffickers. 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. Civil society reports indicate many traffickers (38 percent) are women; some of these women were themselves trafficking victims. Official complicity, mainly at the subnational level, is pervasive and continues to hinder the government's efforts to combat trafficking.