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Thesis Prospectus Draft

Sex Trafficking in Argentina

Research Question / Overview:

The thesis will focus on human trafficking -- particularly for purposes of sexual exploitation -- of women within and to Argentina. The first task will be to shed light on the particular causes, forms and methods of trafficking prevalent in Argentina. Then I plan to analyze the measures taken by national and local governments to combat trafficking and comply with international anti-trafficking laws, which includes targeted legislation, heightened border security, and training for police forces, judges, and prosecutors. It also includes the steps these governments are taking to increase public awareness of the issue and to provide victims with adequate assistance. In addition, I will examine the role of non-governmental organizations in the country's anti-trafficking efforts. The goal is to assess effectiveness of Argentina's measures by comparing them with other global counter-trafficking strategies and by indicating the areas in which Argentina has failed to comply with international standards. Finally, I will discuss proposed strategies for more effective prosecution of offenders, rehabilitation of victims, and reduction of future cases of human trafficking for sexual exploitation.

Background:

The first step in global anti-trafficking efforts has been the development of a commonly accepted definition of human trafficking, a term which encompasses an array of crimes against men, women and children. Victims can be trafficked for a variety of purposes, ranging from sexual exploitation to sweatshop labor to the harvesting of organs. The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (also known as Palermo Protocol) defines human trafficking as:

"[...] the recruitment, transportation, transfer, harbouring or receipt of persons, by means of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs [...]."¹

The Protocol clarifies that the consent of the victim should be irrelevant to the determination of whether the aforementioned activities constitute human trafficking, focusing instead on the intent of the perpetrator². It also asserts that the “recruitment, transportation, transfer, harbouring or receipt” of any victim under the age of eighteen is to be considered trafficking even if it does not involve any of the means laid out in the definition.³ However, other definitions, such as the one put forth by the United States’ Trafficking Victims Protection Act of 2000, do not classify situations in which a person over eighteen years of age gives his or her consent to such activities—no matter how exploitative or abusive the circumstances may seem—as cases of human trafficking.⁴

Human trafficking is more than just a human rights issue, and it is this complexity that often complicates efforts to effectively address the problem. Trafficking has been studied in disciplines ranging from criminology and law to public health and the sociology of gender. As a result, social scientists have come to understand the problem from varying perspectives; identifying trafficking as “the new white slave trade, transnational organized crime, an illegal migration problem, a threat to national sovereignty and security, a labor issue, human rights violations, or a combination of the above.”⁵ Some researchers take a feminist approach to the issue, asserting that the social, political and economic inequities facing women not only lead them to seek certain forms of employment but also explain their subsequent exploitation. Others have examined human trafficking from an economic perspective, as “a worldwide criminal industry that

¹ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, 2

² Laczko, Frank. *Data and Research on Global Trafficking: A Global Survey*, 58.

³ Protocol, 2

⁴ Trafficking in Persons Report, 6

⁵ Lee, Maggy. *Human Trafficking*, 2

generates billions of dollars of yearly profits for its ‘entrepreneurs’”.⁶ In many cases, the perspective from which a government or organization views its human trafficking issue determines the strategies it implements to address the issue, so examining these varying perspectives is critical to understand anti-trafficking measures.⁷ In the case of Argentina, it is necessary to utilize an interdisciplinary approach to the country’s trafficking problem—examining it as simultaneously a migration, organized crime, and women’s rights issue—in order to adequately assess the country’s anti-trafficking efforts and ensure the existence of a comprehensive strategy.

Another challenge in the study of human trafficking is determining the precise meaning of terms such as ‘consent’ and ‘coercion’ that are used in commonly accepted definitions of human trafficking. The disparity between the Palermo Protocol’s definition and that of the U.S. State Department highlights the difficulty social scientists often face when attempting to make the distinction between voluntary sex work in exploitative situations and sexual exploitation itself. While a woman, as the owner of her own body, may use it as she sees fit, to what extent should an individual be permitted to subject her to abusive conditions and restrictions on liberty for his or her own economic benefit?⁸ Is prostitution inherently exploitative, or does it “involve women’s management of their sexuality and their bodies?”⁹ Furthermore, what constitutes ‘the abuse of power or of a position of vulnerability,’ one of the means by which traffickers operate? Are conditions such as poverty and the desire to escape armed conflicts sufficient as positions of vulnerability? Some argue that all impoverished women recruited into prostitution should be considered trafficking victims because the exploitation of their poverty can be interpreted as coercive.¹⁰ These questions remain under debate, and this thesis will examine Argentine attitudes in particular towards issues of consent and coercion, as recent anti-trafficking

⁶ Trafficking in Persons Report, 34

⁷ Lee, 2

⁸ Estudio exploratorio sobre Trata de personas con fines de explotación sexual en Argentina, Chile y Uruguay, 30

⁹ Cameron, Sally and Edward Newman. *Trafficking in Humans: Social, Cultural, and Political Dimensions*, 35.

¹⁰ Obokata, Tom. *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*, 25.

legislation has been criticized for requiring adult victims to “prove” a lack of consent in order to prosecute their offenders.

Along with varying perspectives on the study of human trafficking come multiple hypotheses as to the major causes of trafficking, and these purported causes in turn influence a country’s anti-trafficking strategy. The U.S. Department of State, for example, asserts that legalized prostitution is a leading contributor to human trafficking for sexual exploitation: “where prostitution is legalized or tolerated, there is a greater demand for human trafficking victims and nearly always an increase in the number of women and children trafficked into commercial sex slavery.”¹¹ Many argue, however, that women trafficked into countries that criminalize prostitution still meet a demand but may be more prone to marginalization, stigmatization and abuse at the hands of their clients and traffickers, while those working in regulated industries might enjoy greater safety and less exploitative conditions.¹² Many structural causes exist, however, upon which most policy-makers and researchers can agree, such as poverty, the increasingly liberal flow of people and capital due to globalization, gender discrimination, racism, and conflict situations.¹³ Proximate factors include poor law enforcement, restrictive migration policies, corruption and a lack of awareness among vulnerable populations. All of these factors, among others, have been suggested as possible contributors to Argentina’s trafficking problem.

In the case of Argentina, changes in the economy, in immigration patterns and in the status of women have been named as possible contributors to the increase in sex trafficking in the last two decades. After the economic crisis of 2001, 21.5% of the population faced unemployment, while 57.5% fell under the poverty line. Regional economies were already suffering under the privatizations and economic deregulation of the 1990s. Many were forced to leave their homes to look for work in urban areas. Despite the economic setbacks of recent years, Argentina continues to receive a large

¹¹ The Link Between Prostitution and Sex Trafficking

¹² Cameron, 36

¹³ Cameron, 21

number of immigrants seeking improved economic opportunities from neighboring, less-developed countries such as Paraguay and Bolivia. Additionally, there has been a steady increase in the number of women entering the labor market and serving as the heads of their households. This has been accompanied by an increase in the number of women living in poverty. The Argentine labor market has exhibited signs of gender discrimination, and women are often forced to seek work in less-profitable industries requiring fewer skills.¹⁴

Until recently, there were no national criminal laws in Argentina specifically targeting human trafficking. Victims who were rescued or who escaped and reported their exploitation rarely saw their traffickers receive punishment because there was no explicitly stated crime with which they could effectively be charged.. However, recent events in Argentina, including one woman's cross-country search for her kidnapped daughter that uncovered hundreds of trafficking victims, have brought the issue into the public arena and forced the government to begin taking steps to comply with international anti-trafficking standards.

Data / Methodology:

The thesis will first examine human trafficking as a global phenomenon and outline the various structural and proximate factors that can contribute to an increased prevalence of trafficking within a particular region or country. I will also examine the varying definitions of human trafficking and the anti-trafficking legislation put forth by national and international governments and organizations. I will look to primary sources such as the Palermo Protocols and the Trafficking Victims Protection Act of 2000 to identify the commonly used definitions of human trafficking and the elements that comprise them. Analysis of these definitions and of the controversies surrounding their elements can be found in a number of books that examine trafficking from various theoretical perspectives, including Tom Obokata's *Trafficking of Human Beings from a Human Rights Perspective: Towards a Holistic Approach*, Ernesto Savona's *Measuring Human*

¹⁴ Estudio Exploratorio, 19

Trafficking: Complexities and Pitfalls, Maggy Lee's *Human Trafficking*, and Sally Cameron's *Trafficking in Humans: Social, Cultural, and Political Dimensions*. The latter book also provides considerable insight into the various factors that make countries susceptible to the presence of trafficking operations, which will be the next topic in the investigation of the nature of trafficking.

Because the varying theoretical approaches to and perspectives on the issue of trafficking influence the choice of strategies used to combat it, the thesis will then examine these varying perspectives. Obokata's book details the human rights perspective, while Louise Shelley's article entitled "Trafficking in Women: The Business Model Approach" discusses the issue as a problem of transnational crime. Claudia Aradau's *Rethinking Trafficking in Women: Politics out of Security* examines human trafficking as a political issue affecting and affected by security policies. Cameron's book provides insight into the relationship between human trafficking and migration and gender issues.

The next step will be to focus on the phenomenon as it affects Argentina specifically, shedding light on the particular causes, forms and methods of trafficking that are prevalent within the country. Relatively little quantitative data exists on the subject, and the reasons behind this dearth of quantitative data are discussed in Savona's book and Frank Laczko's *Data and Research on Human Trafficking: A Global Survey*, which examine the methodology used to gather quantitative data on trafficking victims. The thesis will primarily rely on qualitative data such as interviews with victims and traffickers, news articles and scholarly analysis to examine Argentina's situation. Of particular use is the International Organization for Migration's *Estudio exploratorio sobre Trata de personas con fines de explotación sexual en Argentina, Chile y Uruguay*. The report goes into considerable detail in its discussion of the structure of trafficking networks in Argentina and includes victims' firsthand accounts of their exploitation. It also addresses several of Argentina's weaknesses in effectively dealing with trafficking, including the then lack of targeted legislation, shortcomings in border security, the unfamiliarity of prosecutors, judges and public officials with the phenomenon of trafficking and inadequate programs of victim assistance. The International Labour

Office's Programme for Prevention and Elimination of Commercial Sexual Exploitation of Girls, Boys and Adolescents in the Triple Border Area published a report that provides extensive information on the trafficking of children for sexual exploitation through the largely unguarded triple border of Argentina, Brazil and Paraguay. Finally, Tanja Bastia's *Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina* discusses another side to the trafficking problem in Argentina, which will be useful if I choose to include trafficking for purposes of labor exploitation as part of the thesis.

The thesis will then outline the anti-trafficking efforts of the Argentine government, non-governmental organizations, the entertainment industry and private citizens, with the goal of determining Argentina's overall compliance with international anti-trafficking standards. I will begin with an examination of the new anti-trafficking legislation, and I will rely on news articles, organization websites, and the *Estudio Exploratorio* for information on the various victim assistance programs, awareness campaigns and border security measures, among other strategies, that have recently been implemented. I will then return to the Trafficking Victims Protection Act of 2000 and the Palermo Protocols to determine Argentina's exact obligations under international law with regards to combating trafficking. Based on this information, I should be able to gauge the extent to which Argentina is meeting these obligations and identify the areas where Argentina falls short of a comprehensive anti-trafficking policy. At this point, I am relying on news articles found at the InterPress Service News Agency and the Agencia de Noticias Red Acción for information on the major criticisms of the country's new anti-trafficking legislation. David Batstone's *Not for Sale: The Return of the Global Slave Trade—and How We Can Fight It*, as well as the International Organization for Migration's *Guidelines for the Investigation and Prosecution of Human Trafficking Cases and the Treatment of Victims during Law Enforcement Proceedings* may provide insight into effective anti-trafficking strategies that could be implemented in Argentina, as might Obokata's book.

Preliminary Findings/Hypothesis:

The typical trafficking victim is young, female, uneducated and poor. She likely comes from a rural area in northeastern Argentina, but it is possible that she is living in poverty in a neighboring country such as Paraguay. She is seeking better employment to support herself or her family, and trafficking recruiters often exploit her vulnerability by claiming to offer positions in domestic work, childcare or the entertainment industry. Sometimes she travels alone; other times she is accompanied by a recruiter to the ‘job location.’ Upon arrival, she may be repeatedly physically or sexually assaulted, or her life or the lives of her family members may be threatened in order to force her to comply with the traffickers’ demands. Victims are usually sold to pimps or directly to brothel managers where they are forced to work as prostitutes and denied access to their own identification documents. While the profile often varies, all the victims are in some way deceived about their future working conditions and are denied basic liberties such as freedom of movement. All fall victim to intricate trafficking networks involving a vast number of primary and secondary actors, including recruiters, pimps, brothel managers, and at times, the local law enforcement officials and politicians who accept bribes to ‘look the other way.’ Anecdotal evidence has suggested that public official corruption extends so far as to include local police officers and politicians owning the brothels in which trafficking victims work.¹⁵

Measuring the success of Argentina’s efforts is complicated by the lack of quantitative data on the prevalence of human trafficking and the relatively short time period in which the new legislation and other measures have been in effect. What can be measured, however, is Argentina’s level of compliance with the international norms that have been used to ensure effective responses to trafficking problems. Awareness of the trafficking problem in Argentina practically did not exist until Susana Trimarco de Verón’s crusade to find her kidnapped daughter uncovered over two hundred trafficking victims beginning in 2002. Argentina is thus in the beginning stages of compliance with international anti-trafficking standards, and although the country is not in full compliance, it continues to take steps in that direction. The most significant stride in Argentina’s anti-trafficking efforts has been the recent passage of federal legislation to prohibit all forms of

¹⁵ Estudio Exploratorio, 170

trafficking. This legislation will not only provide a means for obtaining convictions against offenders but will also give officials the tools necessary to finally collect more reliable data on trafficking arrests and prosecutions. Many non-governmental organizations have criticized this legislation, however, claiming that it fails to meet Argentina's obligations as outlined by the 2000 UN TIP Protocol. The law makes a distinction between crimes committed against minors and those committed against adult victims, and many fear that when the law is put into practice, prosecutors representing adult victims will have to "prove" a lack of consent in order to secure a conviction, which is often impossible to do. The city of Buenos Aires recently criminalized trafficking in minors in order to be able to prosecute these crimes at the local level, and special anti-trafficking police units have recently been established in Tucumán and Santa Fe Provinces.¹⁶ There have been reports of women being jailed for crimes committed as a direct result of their being trafficked, and it is essential that law enforcement officials be familiarized with the complexities of human trafficking in order to avoid punishing the victims. It will also be the responsibility of the government to crack down on complicity among provincial security forces and public officials, a problem which has yet to be addressed. It remains to be seen how effective these new security and legislative forces will be in the fight against trafficking.

The government has failed so far to provide comprehensive victim assistance programs, often leaving the task in the hands of non-governmental and international organizations. There are no shelters dedicated to the protection of trafficking victims, and women are typically referred to other shelters, "space permitting."¹⁷ Programs offering counseling, health services, migration assistance and vocational or educational training need to be implemented in order to prevent victims from becoming vulnerable to re-trafficking. A secure witness protection program would enable women to more confidently take part in the prosecution of their offenders. In the absence of comprehensive victim assistance, international organizations and the entertainment industry have launched awareness campaigns, using advertisements and even television soap operas to call attention to the

¹⁶ U.S. State Department Trafficking in Persons Report

¹⁷ U.S. State Department Trafficking in Persons Report

issue and prevent more women from becoming victims. The government has lent its support to these efforts and has established hotlines and websites informing citizens of the dangers of human trafficking. Awareness seems to be increasing, and this should hopefully only improve when the effects of the new legislation begin to be seen.

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