



INSTITUTO
UNIVERSITÁRIO
DE LISBOA

Human Trafficking in Argentina: The Interplay between the State and Civil Society

Laura Villalobos Sat

Master in International Studies,

Supervisor:

PhD. Marcelo Moriconi, Assistant Researcher,
ISCTE-University Institute of Lisbon

September, 2025



SOCIOLOGIA
E POLÍTICAS PÚBLICAS

History Department

Human Trafficking in Argentina: The Interplay between the State and Civil Society

Laura Villalobos Sat

Master in International Studies,

Supervisor:

PhD. Marcelo Moriconi, Assistant Researcher,
ISCTE-University Institute of Lisbon

September, 2025

Acknowledgements

I would like to start by thanking my family, both in Portugal and in Argentina, for all the care and support, for accompanying me in every step of this thesis and for taking the time to attentively listen to me talk about all the little things I found fascinating about my research topic. I also thank every single one of my friends, some of whom were also working on their thesis, and without whose companionship and exchange of ideas this would have been a lot harder and lonelier.

I thank my supervisor, Professor Marcelo Moriconi, for contributing with his insights while also supporting every idea I had, giving me the space to explore and pursue my own lines of investigation, while keeping me grounded and focused. I thoroughly enjoyed working on this research, and truly appreciated his guidance and encouragement.

I am also very grateful to ISCTE-IUL, the University I chose five years ago to pursue my Bachelor's degree in Political Science and where I chose to continue for my Master's in International Studies. These years at ISCTE-IUL allowed me to study in the fields I'm most passionate about, providing me with knowledge and introducing me to very interesting and diverse people. I cherish all the memories made at ISCTE and am appreciative of everyone I crossed paths with.

Finally, I want to express my gratitude to all the people who took the time to participate in the interview process and provided me with such interesting and valuable information. I truly believe the core of this thesis is the data I collected through this process and am immensely grateful for having had this opportunity. I think the work of everyone involved in the fight against human trafficking is highly honorable, and I thank you for committing to combat this unfortunately persistent problem in Argentina, sometimes relying solely on your own resources.

This thesis is dedicated to my dad, who inspired me every day of this past year with his strength and resilience and who provided me with unwavering support, even on the hardest days. I also thank him for the Argentine passport.

Resumo

O tráfico humano é um crime assente na exploração das vulnerabilidades das vítimas e na violação dos seus direitos humanos básicos. Na América do Sul, a Argentina destaca-se por ser um país de origem, trânsito e destino de vítimas de tráfico humano, com várias centenas de casos reportados por ano. A presente tese examina o quadro de combate ao tráfico humano na Argentina, em particular a legislação e mecanismos de assistência e identificação de vítimas, procurando analisar se seguem uma abordagem centrada na vítima e nos direitos humanos, de acordo com as categorias sugeridas pela literatura em relação às abordagens governamentais ao tráfico humano. Explora-se, também, o papel da sociedade civil na resposta às falhas do Estado em matérias de prevenção e assistência, através de uma abordagem qualitativa multi-método, baseada na análise de documentos e em entrevistas com peritos na área. Os resultados sugerem a existência de um Estado proativo em termos de legislação e de mecanismos de combate ao tráfico e assistência a vítimas, mas ausente no que diz respeito à prevenção e à assistência a vítimas a longo prazo. Os atores da sociedade civil têm intervindo para colmatar estas lacunas em matérias de prevenção, proteção, assistência e ação penal apesar da escassez de financiamento e apoio. Estes fatores apontam para a necessidade de maiores esforços ao nível da ação do Estado e de maior apoio aos atores da sociedade civil, para que possam continuar a cooperar no combate ao tráfico humano de forma sustentável.

Palavras-chave: Argentina, tráfico humano, vítima, direitos humanos, estado, sociedade civil

Abstract

Human trafficking is a crime based on the exploitation of the vulnerabilities of victims, and on the violation of their most basic human rights. In South America, Argentina stands out as a country of origin, transit and destination of human trafficking victims, reporting several hundreds of cases every year. This thesis examines Argentina's anti-trafficking framework, in particular, its current legislation and mechanisms of victim assistance and identification, analysing if they follow a victim-centered and human rights-based approach, according to the categories of government approaches to human trafficking suggested by the existing literature. It also explores the role of civil society in addressing State shortcomings in matters of prevention and victim assistance, through a multi-method qualitative approach, based on document analysis and interviews with experts in the field. Findings suggest the presence of a proactive State in matters of legislation and anti-trafficking and victim assistance mechanisms, but an absent one regarding prevention work and long-term victim assistance. Civil society actors have stepped in to fill these gaps, engaging in prevention, protection, assistance and prosecution, despite scarce funding and support. These factors point to the need for more efforts at the State level and for broader support to civil society actors, to ensure they continue cooperating in the anti-trafficking fight in a sustainable way.

Key-words: Argentina, human trafficking, victim, human rights, state, civil society

Table of Contents

Acknowledgements	
Resumo	i
Abstract	iii
Table of Contents	v
Introduction	1
Literature Review	3
What is human trafficking? Definition, concepts, and structural causes	3
Human Trafficking Approaches	5
Criminal Justice and Law Enforcement Approaches	5
Victim-Centered Approach	7
The role of States and local civil society in fighting human trafficking	9
Human Trafficking in Argentina	14
General characteristics	14
Determinants for the fight against human trafficking and the role of civil society	15
Legal framework, current legislation and anti-trafficking mechanisms	16
Methodology	21
Interview Analysis	25
Discussion	43
Conclusions	49
References	53
Annex	57

Introduction

Human trafficking is a global problem and a widespread crime that affects all countries, victimizing women, men and children of all ages for several purposes. It is a high profit crime, connected to other crimes such as illicit money flows, corruption, document fraud and cybercrime (INTERPOL, n.d.). Human trafficking implies the severe violation of human rights, depriving victims of liberty, safety, security, access to healthcare, sanitary conditions and contact with their families, submitting them to forced labor, prostitution and other purposes. This research focuses on understanding the anti-trafficking efforts promoted by Argentina's State and civil society, considering their joint pathway of fighting human trafficking, through a victim-centered and human rights-based approach.

The 2024 United Nations Office on Drugs and Crime (UNODC) report points to 202,478 detected victims worldwide between the years of 2020 and part of 2023 (UNODC, 2024b). However, this number is acknowledged as being a very small portion of the real number of cases, considering that the clandestine nature of the crime makes it hard to assess the total number, as several million people are estimated to be in trafficking situations. For example, the International Labour Organization estimates that in the year of 2021 there existed 27.6 million victims of forced labor alone (International Labor Organization, 2025) putting into evidence how hard this crime has been to accurately identify. This phenomenon affects all countries, and the main modalities of exploitation are forced labor and sexual exploitation, with females being overall the most trafficked gender. The UNODC (2024b) identifies several actors and organized structures that traffic human beings. It considers organized crime, perpetrated by criminal groups of three or more people, and non-organized crime, including individual actors.

In South America, the predominant trend reported is the trafficking of adult victims, especially women, even though children are also victimized. Forced labor and sexual exploitation are the most detected purposes of exploitation in the region. Non-organized criminals seem to dominate South American trafficking patterns, deceiving and manipulating vulnerable victims (UNODC, 2024b). This might explain why trafficking is mostly domestic in this region.

Patterns of exploitation, victim and trafficker profiles as well as characteristics of networks vary according to the region of the globe and countries are usually either origin, transit or destination countries. Argentina, however, is pointed out as a country of origin, transit and destination (Della Penna, 2014; Sommer, 2017; Giraudo et. al, 2024), entailing a complex situation worth investigating. The UNODC (2024a) provides a country data analysis of South American countries, based on data provided by national authorities. Argentina stands out with 5113 detected victims between the years of 2019 and 2022. It is followed by Peru, with 2047 victims detected during the same time period. Brazil, for example, detected 334 cases in that period, and Chile registered less than 16 cases between 2019 and 2021 (UNODC, 2024a). While these statistics depend on national reports, it's hard to ignore Argentina's

overwhelmingly high numbers compared to other countries in the region, for which it makes it important to understand national responses to this crime.

This research was conducted with a victim-centered and human rights-based approach in sight, considering that countries adopt different human trafficking approaches. Each approach has different impacts in the development of legislation and anti-trafficking mechanisms and generates various outcomes in victim support. Some approaches prioritize the criminal justice and prosecution aspect (Sibanda, 2023) while others prioritize law enforcement and securitization (Clemente & Varela, 2023). A victim-centered approach prioritizes victims and their rights above all else, understanding that, in order to fight human trafficking, its root causes should be addressed, and victims should be provided with long-term support to avoid going back to trafficking situations (OSCE Office for Democratic Institutions and Human Rights [OSCE/ODIHR], 2023; Demeke, 2024; UNODC, 2024b).

Despite the detection of thousands of human trafficking cases over the last years or, perhaps, because of it, Argentina seems to have produced robust efforts in legislation and anti-trafficking mechanisms. It is pertinent to understand if such mechanisms have adopted a victim-centered approach, considering that not much evaluation has been done in this regard. Furthermore, civil society actors have emerged as important protagonists, engaging in a series of dimensions in the anti-trafficking fight from early on (Sommer, 2017). The analysis of this interplay is fundamental to understand the scope of the State's efforts but, also, of possible shortcomings.

Taking all of this into account, the goals of this study are to understand if the Argentine State's anti-trafficking efforts have been victim-centered and human rights based, as well as to understand the limits between the actions of the State and of civil society in addressing anti-trafficking efforts and victim support. With this in mind, two research questions were formulated: "To what extent do Argentina's current legislation and mechanisms reflect a victim-centered and human rights approach to anti-human trafficking efforts?" and "What role have civil society actors played in addressing the weaknesses of the Argentine State regarding anti-trafficking efforts?". It is expected that by exploring both questions through a multi-method qualitative approach, the present study can contribute with a deeper understanding of the existing mechanisms to fight human trafficking in Argentina, as well as provide clues as to what might be missing from the State's end and what could be done to enhance these efforts. Due to the limited scope of this research, the focus will be on trafficking for purposes of labor and sexual exploitation, both at the domestic and at the transnational level, considering that all victims are granted the same rights and processes under Argentine law.

The structure of this work follows a first part of introducing key concepts to the understanding of human trafficking as a process, followed by an exploration of some of the main approaches in the anti-trafficking realm and by another section of discussion of the role of the State and civil society in this regard. Then, the case of Argentina is presented, delving into its particularities. The methodology section precludes an extensive analysis of the interview material, followed by a discussion of some of the main findings and a conclusion exploring those findings.

Literature Review

What is human trafficking? Definition, concepts, and structural causes

Human trafficking is a multicausal and multidimensional issue, touching upon human rights, migratory movements, gender, international relations and public policies. It's a recognized human rights violation as well as a problem of public health and development, associated with violence (Cook et. al, 2021).

It was only at the end of the twentieth century that the concept of human trafficking was defined due to social, political and economic shifts within national and international contexts (Segrave, 2009; Wilson, 2013). In 2000, the United Nations Convention Against Transnational Organized Crime was held in Palermo, Italy, and two complementary Protocols emerged: the Protocol Against the Smuggling of Migrants by Land, Sea and Air as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The latter is known as the Palermo Protocol and provided a relatively consensual definition of human trafficking that became the main reference in the field and was adopted by several national States. The document was the result of a growing concern with the issue, and an attempt to raise awareness and create guidelines for national states to develop their own legislation. The Protocol defines trafficking in persons as

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, 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 (United Nations, 2000).

As explained by Sibanda (2023), human trafficking implies three elements: an act, a means and a purpose. The 'act' implies the control of a person by another, through harbouring or recruitment. The 'means' regard the involuntary nature of the relationship between the one who exercises control and the victim, based on force or deception. The 'purpose' refers to the end-goal of the action, which is for perpetrators to obtain financial benefits and free or cheap labour. The Protocol also deems the consent of the victim as irrelevant in cases in which there's proof of coercion or deception, and irrelevant in any circumstance involving minors. Despite its importance and the general consensus it produced, the Protocol has also been criticized and considered as a "significantly yet largely *symbolic* framework" (Segrave, 2009, p.77). Goździak and Vogel (2020) believe it focuses mainly on women and children, leaving other groups vulnerable, that there's a disproportionate attention given to sex trafficking, and that migration challenges are poorly addressed. Guinn (2008) remarks that the Protocol assumes trafficking as the transportation from one state to another when, in reality, domestic trafficking is prevalent in some countries. International and national trafficking are often studied as two separate

phenomena, but they're deeply interconnected and share many characteristics (Laczko, 2007). The Protocol also takes trafficking into account mostly as a product of organized crime networks, failing to address that it can also happen at a small scale and be the product of "*ad hoc* activities of individuals and small groups" (Guinn, 2008, p.123). Above all, the Palermo Protocol has been criticized for being more supported on combating organized crime and prosecuting criminals (Goździak & Vogel, 2020), leaning more towards a criminal justice approach (Segrave, 2009; Boyle & Yoo, 2015; Do Carmo, 2019).

While some argue that all three elements must take place for a case to be considered as human trafficking, it should be considered that sometimes victims are rescued before the exploitation phase (Sibanda, 2023). As such, human trafficking should be understood as a process in itself and not as an isolated act (Giberti, 2014) in which the end-goal is exploiting a subject, regardless of its substantiation. The whole process of human trafficking involves serious violations of human rights, since the person is degraded to the category of 'object', negotiated in mercantile chains, transported and submitted to exploitation (Della Penna, 2014). It's important to distinguish between the concepts of trafficking and smuggling, since its interchangeable use fails to understand human trafficking as an issue of its own (Wilson, 2013). Smuggling occurs with the migrant's consent, paying a facilitator to illegally cross a border, for which it is always transnational, unlike human trafficking (Goździak & Vogel, 2020). The contact is brief and it ends upon reaching the destination. Trafficking, on the other hand, always presupposes exploitation; without it, there's no basis for the crime (Della Penna, 2014). As Cárdenas (2015) explains, consent exists in the case of smuggling but is more complex in cases of human trafficking. While smuggling is mostly a crime against a national state, human trafficking is a crime directly against the person (Wilson, 2013).

Human trafficking entails a series of modalities that vary greatly in terms of victim profile, type of exploitation, visibility, duration and place. Out of all the forms of human trafficking, trafficking for the purpose of sexual exploitation has historically received the most attention, despite not always being the most prevalent (Segrave, 2009). It is more easily sensationalized and detected, but trafficking for labor exploitation is more common in some countries. These two are the most prevalent purposes of human trafficking (UNODC, 2024b, p.14). Other purposes of exploitation include organ extraction, domestic labor, forced marriage, illegal adoption, begging and recruitment for criminal purposes (Jácome et. al, 2009).

Even though the United Nations and other organizations produce reports on human trafficking on a regular basis, such reports are based on detected cases, which represent a small fraction of reality. It is nearly impossible to assess the real dimension of the issue and provide accurate data that covers all existing cases due to the clandestine nature of exploitation, ambiguous parameters and the lack of trustworthy techniques to collect data (Della Penna, 2014; Varela, 2013), which is opaque, rarely comparable, and usually estimative (Kangaspunta, 2007). It's also hard to assess the real number of victims because they might distrust or not be willing to cooperate with authorities, not want to recall

traumatic experiences or fear their traffickers (Weitzer, 2020). Furthermore, male victims and labour exploitation cases are much more hidden than those of sexual exploitation (Kangaspunta, 2007). This is why the topic is frequently approached through a qualitative lens (Hwang et. al, 2012).

Human trafficking is intrinsically connected to socioeconomic vulnerability as a crime that builds itself on the basis of unsatisfied social needs (Barvinsk, 2014) and that presupposes relationships based on inequality and asymmetry of power, grounded in a market that demands certain illegal services (Della Penna, 2014). Latin America is a region marked by inequalities, and its social and economic structure and its history of violation of human rights and gender violence make it a fertile ground for this crime to spread. Dissatisfaction with one's economic condition, an incapability to visualize a future, frustrated employment opportunities and poor work conditions, social, political and family violence (Wilson, 2013), as well as a lack of material and emotional familial support (Antipas & Fourmentel, 2018) often make people accept the first job opportunity that seemingly pays well. Barvinsk (2014), approaches the need to stop the myth of trafficking as something that occurs by chance, with the stereotypical image of victims being kidnapped into a van. While this can happen, it provides a distorted idea of the root causes of the problem. Human trafficking is a largely targeted phenomenon, and its networks operate in certain contexts of social inequality and vulnerability. Over-simplification or the promotion of stereotypes, such as male-perpetrator and female-victim (Varela, 2016) lead to a lack of consideration of structural causes, of response to victim's needs and of public policies (Clemente & Varela, 2023). The historic tendency is for people to be transported from poorer to richer areas, both globally and domestically (Guinn, 2008), but the crime is acquiring new characteristics and prospering out of online recruitment, increasing the chances for anonymity and discrecy as it introduces new victim profiles into its networks (Winterdyk & Zarafonitou, 2022).

Human Trafficking Approaches

Criminal Justice and Law Enforcement Approaches

The fight against human trafficking is based on its recognition as a violation of human rights (Cook et. al, 2021), but it has been approached by states and international law through multiple perspectives, such as the law enforcement, the criminal justice and the victim-centered/human rights approaches. A balanced approach to the fight against human trafficking should involve an interconnection of the three approaches, through an understanding of why some of the efforts based on criminal justice and law enforcement can hinder the efforts based on the victims' human rights. Some of the current approaches fail to address root causes and are more reactive than proactive (Van Rij, 2023) and states seem to be more concerned with treating the symptoms of the problem rather than changing societal structures that allow it to exist (Sibanda, 2023).

Criminal justice approaches view human trafficking from the perspective of the state and the violation of its laws. For Sibanda (2023) it adopts a simplistic analysis of a system composed of perpetrators, victims and patterns of operation, emphasizing the need to use the law and the criminal

justice system to punish perpetrators, not providing a comprehensive approach that understands root causes. This approach is particularly ineffective when dealing with cases of trafficking for the purpose of labor exploitation since such cases often fall into the category of forced labor or violation of labor laws and fail to be judged as cases of human trafficking. As such, one of the main challenges of prosecuting these cases relies on convincing the legal system “that the experiences of trafficked persons - high fees that migrant workers often pay recruitment agencies, unexplained deductions from wages, long working hours, insalubrious living and working conditions – meet the muster of criminal offenses” (Goździak & Vogel, 2020, p.110). Through a criminal justice approach, efforts are made to identify and punish perpetrators, but during the process victims may be instrumentalized to help convict criminals, since their testimony is crucial on trial. This approach also sends the message that justice and compensation only arrive upon the conviction of criminals (Demeke, 2024; Heil & Nichols, 2024). The system is slow at incorporating emerging characteristics of the crime and proposes simplistic, dichotomic stereotypes. Thus, rather than analyzing and interpreting inequalities, a solely punitive approach will most likely deepen them (Varela, 2016). Heil & Nichols (2024) state that “[e]xploring alternatives to traditional prosecution is necessitated by the identified challenges to prosecution, low prosecution rates, research showing survivors support alternative forms of justice, and lack of survivor support for traditional prosecution” (p.234).

As for law enforcement approaches, they prioritize immigration control and securitization of migrants (Clemente & Varela, 2023), who might not be identified as human trafficking survivors (Demeke, 2024). It’s not uncommon for cases of human trafficking to be tried under the frame of immigration violations instead of under human rights violations. The fact that law enforcement approaches typically rely on police involvement requires particular care, since sometimes police are involved in human trafficking processes, for which raids can create tensions between law enforcement agents and victims, who evade the former instead of reaching out for protection (Adams, 2011). Raids can be violent and criminalize and bring victims into questioning, contributing to trauma (Grima, 2023). Moreover, law enforcement’s tendency to repatriate victims leaves them vulnerable in their home country (Adams, 2011), oftentimes starting the trafficking process all over again (Guinn 2008). When a victim refuses to cooperate, they’re often prosecuted, deported and denied victim services. By viewing the issue of human trafficking through a law enforcement approach, migrants and victims become securitized and human trafficking becomes a problem related to border and police control, failing to understand that it may happen in contexts of regular migration. A law enforcement approach can be both aggressive and ineffective, configuring human trafficking as a threat to nations and their legal frameworks rather than as a threat to people's human rights (Segrave, 2009).

Criminal justice’s priority of prosecuting criminals and law enforcement’s concern with security, border control and regular migration often instrumentalize victims, requiring them to cooperate, provide testimonies, material aid and to cut ties with their traffickers. Victims and their families might be under threat or debt bondage and, since sometimes traffickers are released during trials and investigation

processes, victims can be at risk if they testify (Adams, 2011). Under such approaches, victims' rights are dependent on their contribution to the state's prosecution or law enforcement efforts but, as Adams (2011) writes, victim services and immigration status should never be dependent on the victim's willingness to cooperate, as this further violates their human rights. Some states have created cycles of re-victimization that are counter-productive to anti-trafficking efforts. Through an approach based on the victim as a person with human rights one can better understand the characteristics of this phenomenon and plan strategies that address patterns and help victims in the short and long term (Demeke, 2024).

Addressing some of the main fragilities of the criminal justice and law enforcement approaches doesn't mean they should be fully discharged. But, on their own, as some countries apply them, they can be prejudicial to victims. The outcome of adopting such approaches can be a system that punishes victims or fails to address their needs, as well as a system that is reactive rather than proactive (Van Rij, 2023).

Victim-Centered Approach

Victims of human trafficking go through traumatic events that require a deep understanding of their situation, for which a victim-centered approach values the victim first and addresses criminal justice issues second, recognizing the importance of criminal measures as a secondary means of protecting victims (Adams, 2011). It seeks to address the root causes of trafficking (Goździak & Vogel, 2020) and provide victims with the means to satisfy their post-trafficking needs. This approach, central to building a comprehensive anti-human trafficking framework, is focused on the victim as a subject of human rights. As such, for the purpose of this work, it will be referred to as a victim-centered and human rights-based approach, even though some authors use the terms separately.

At the core of human trafficking is the violation of some of the most basic human rights. The 1948 Universal Declaration of Human Rights declared all human beings as equals, influencing national legislation and policies. Human trafficking implies a violation of article 1, "[a]ll human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood", article 3, referring to the right to life, liberty and security of person, article 4, "[n]o one shall be held in slavery or servitude; (...)", article 5, "[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" and of article 23.3, "[e]veryone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity (...)" (United Nations, 1948). The United Nations High Commissioner for Human Rights (OHCHR, 2002) states that "the human rights of trafficked persons shall be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to victims", and that "states have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons" (p.1). It further recommends that anti-trafficking measures mustn't affect the human

rights of affected victims, including those of migrants, asylum-seekers and refugees (OHCHR, 2002). Furthermore, it is relevant to highlight that article 6 of the Palermo Protocol mentions the need to protect and assist victims (United Nations, 2000).

Strategies of mitigation of human trafficking should target different aspects of the issue and address the lack of victim support, guaranteeing an approach “based on human rights, rule of law, equality and non-discrimination, [which] is trauma-informed and victim and survivor-centered” to combat human trafficking (p. 2) (OSCE/ODIHR 2023). For Demeke (2024), a human rights-based approach is crucial to designing and implementing policies that respect human rights. A human rights-based approach implies that every person is a right-holder and for every human right there is a duty-bearer. In this sense, states should be held accountable for protecting their citizens against human rights violations, namely through international human rights treaties. As rights imply duties, duties demand accountability. At the core of this approach are a set of measures that would translate it into practice. The prosecution aspect of criminals is important, and states should commit to this, but the non-criminalization of victims is crucial to secure their rights (Demeke, 2024; UNODC, 2024b). To this principle, the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR, 2023) adds the principle of non-conditionality, to guarantee that protection isn’t dependent on the person’s cooperation (or lack thereof) with criminal investigations, considering victims should be granted this status regardless of their willingness to report the crime (UNODC, 2024b). Victims should be free from the pressure of having to be cooperative or fully involved in the process in order to get a conviction, unlike what the judicial and law enforcement systems usually expect (Grima, 2023), as well as in order to get access to any services and compensations. Victims should also have access to justice, fair court proceedings, compensation and enforcement, no matter their immigration status, and should be provided with protection before, during and beyond the criminal justice process (Demeke, 2024). They should always be informed of their situation and their rights, important to reducing chances of re-trafficking (Grima, 2023). Adams (2011) states that forced repatriation and poor repatriation policies leave many migrant victims vulnerable to processes of re-victimization and re-trafficking. Victims might be intercepted by local members of a trafficking ring upon arrival, might be socially stigmatized upon suspicions of engaging in sex work, might be in a situation of debt bondage, or might have trouble finding employment, both as a consequence of stigmatization and of a lack of victim assistance services such as education and job training. Upon return, they may face the same problems they faced earlier as well as new concerns. As such, for many victims, getting out of a trafficking situation means the loss of accommodation and income, for which victims should be provided with voluntary and compensated repatriation pathways and safe and anonymous lines (Adams, 2011; UNODC, 2024b). Regarding services for re-integration, there should be access to appropriate housing, drug treatment, medical, psychological and legal support, employment opportunities and an addressal of the underlying factors that create or exacerbate vulnerability. Economic empowerment should be materialized in compensation and income support (UNODC, 2024b) including for unpaid wages and damage suffered, namely through

the assets of traffickers themselves (OSCE/ODIHR, 2023), as well as in job placement, education and vocational training (UNODC, 2024b). As Cook et al. (2021) put it, “trafficking is a wide-ranging and far-reaching crime that requires responses that are well-developed based on individuals’ different experiences” (p.6). In this sense, they believe in the need for post-trafficking policies that recognize the variety of possible experiences and health implications for survivors. Social inclusion is, for the OSCE/ODIHR, “the only lasting form of safety and stability for survivors of human trafficking, and the means by which cycles of vulnerability to trafficking can be halted” (ODIHR, 2023, p.11), and states should spare no efforts in achieving this.

The concept of victim itself should also be taken into account. Victims and their experiences vary greatly from each other and, when victims are idealized, the construction of adequate support is compromised, leading to their dehumanization. There’s a tendency for pitiful and emotional testimonies to be taken as more credible, because they fit the social imaginary of “good victims”. But there’s not a ‘standard’ victim, as Weitzer (2020) underlines. Experiences vary according to the characteristics and duration of exploitation, age and gender, economic status, the kind of control exercised and even the relationship with their trafficker (Heil & Nichols, 2024). For instance, as Segrave (2009) states, in the case of migrants, “the act of crossing the border rarely involves force or kidnapping, as much as this appeals to imaginative and dramatic representations” (p. 83). How a victim deals with their situation also varies. While some acknowledge and understand their situation as one of exploitation, many normalize or dismiss their situation and some even become traffickers, for reasons usually tied to a prolonged, albeit different, situation of vulnerability (Chalise & Laghzaoui, 2020). The ODIHR (2023) agrees that each experience of trafficking is unique, as well as victims’ and survivors’ needs. As such, deconstructing myths and assumptions related to human trafficking becomes pivotal to avoid a one-size fits all approach, allowing for an understanding of social and cultural responsibility related to inequalities, social safety and collective participation (Antipas & Fourmentel, 2018).

Taking all of this into account, it becomes clear that national states, as duty bearers, should protect victims and create legislation and mechanisms to fight human trafficking that follow these lines, providing a complex and multivariable answer to a problem with those same characteristics (Antipas & Fourmentel, 2018). States should explicitly recognize through their laws long-term, sustainable survivor protection and make all efforts that lead to early and proactive identification of human trafficking situations. Anti-trafficking initiatives must provide viable alternatives to exploitation (UNODC, 2024b).

The role of States and local civil society in fighting human trafficking

The fight against human trafficking is carried out by several actors, such as national States, international organizations, and domestic civil societies. Blanton et al. (2020) delve into the role of states in fighting human trafficking considering state capacity (which would be the opposite of state failure) which they define as “the ability of a state to successfully govern its society and implement policies and initiatives

within its borders” (Blanton et al., 2020; p. 472). For Englehart (2009), state capacity reflects “the degree to which the principal (i.e. the government) controls its agents and the degree to which the government can police private citizens” (p.167). Blanton et. al (2020) refer to the principal-agent theory to address how central governments (the principals) rely on local actors such as border agents, labor inspectors or police officers (the agents) to enforce policies. However, these agents do not always follow through as expected, and this mismatch, known as agency loss, can lead to poor enforcement which happens largely due to the corruption of agents, one of the major anchors of the human trafficking activity, as it has been acknowledged that most stages of the trafficking process involve some degree of complicity and corruption of public authorities (Lazos, 2007; Jaca, 2019). For Englehart (2009), the principal-agent theory allows us to think about state action in theory and in practice. For the author, states’ responsibility for upholding human rights in their jurisdiction has two dimensions: a normative and an empirical one. Even when “well-intentioned” (p.163), agency-loss can lead to states having trouble controlling their own agents. When this happens, private actors or state officials can find ways to abuse human rights according to their own interests, despite being under statal control, in theory. Thus, normatively, states have certain obligations regarding human rights but, empirically, several factors can undermine such obligations and lead to human rights abuses.

In the context of anti-trafficking, Pereira (2022) holds national states, as subjects to international law, as responsible for mobilizing their resources, not only to punish traffickers but to guarantee victims are compensated. States are ultimately responsible for designing specific norms according to their domestic context, under a human rights-based approach (Demeke, 2024) and for implementing adequate public policies of victim assistance (Sommer, 2017). Governments are responsible for providing policies to combat systemic causes of trafficking, but ongoing efforts require more targeted interventions for individuals and communities.

Acknowledging the State as the main actor responsible for designing and reinforcing policies doesn’t leave out the role of other actors. With time, especially in democratic societies, the so-called third sector, that is, civil society, has found its space as a political actor, going from being just an agent whose role was to demand accountability and overlook the implementation of public programmes, to having a participatory role, acting directly upon decision and policy-making, sharing democratic responsibilities with the State and other actors (Agudelo, 2012). While there are numerous definitions of civil society, Agudelo (2012) understands it broadly as a secular forum of which take part independent and conscious people who work defending various issues of public interest, in a process of amplifying actions and actors, presenting mechanisms of political participation and advocacy that go beyond the traditional idea of political parties. Otto (1996) understands it as “networks, movements and organizations of non-profit interest groups which form to assert interests, identities or causes outside state-based and controlled political institutions” (p. 108). Such organizations would include social movements, community associations, religious, intellectual and women groups, the media, the press and

the radio, civic organizations and even smaller scale groups (Agudelo, 2012). Some of these groups can take the form of NGOs (Otto, 1996).

Especially in democratic contexts, civil society can play a crucial role through processes of *incidencia* (Etkin, 2016). This term is oftentimes used interchangeably with the concept of advocacy, but they regard different concepts. As Scherer-Warren (2011) explains, advocacy refers to a broader process in favor of a social cause or of a demand for the implementation or creation of human rights, especially of normally excluded or marginalized social groups. The goal of advocacy could be to directly influence those who design public policies, through the so-called process of *incidencia*. This concept is understood by Uranga (2016) as an action sustained in time by social organizations, aimed at social transformation through a rights-based perspective in order to generate and influence public discussion over a certain issue. These processes intend to put theory into practice by shedding light on issues, sensitizing actors, setting the topic into the public agenda and participating in the definition of public policies. They're a mechanism for building knowledge within civil society as well as tools that contribute to solving social problems (Uranga, 2016). Such policies tend to surge from a first moment of material demand facing the absence of certain services or rights, in a dynamic protagonized by social movements or organizations, aggregated in networked collectives that search to directly negotiate with states and governments (Scherer-Warren, 2011).

According to the Washington Office on Latin America (WOLA) & the Centre for Development and Population Activities (CEDPA) (2005), processes of *incidencia* serve three main purposes: to solve specific problems through concrete changes in public policies and programmes, to strengthen and empower civil society and to promote and consolidate democracy, considering that political *incidencia* requires constant interaction between the civil society and the State. As such, advocacy would include a broad array of educational and informative activities as well as political pressure, and *incidencia* would regard the inclusion of those claims into the political and public policy area (Scherer-Warren, 2011). As a result, public policy formulation is one of the main ways through which civil society participates in political democratic processes.

Furthermore, while governmental entities reserve the formal authority to make public policy decisions, civil society can provide information, exert pressure, advocate in favour of certain topics, and persuade decision-makers to consider policy representation and effectiveness (Agudelo, 2012). For Brinkerhoff (1999), the participation of civil society can improve the quality of policy-making, considering it leads to better policy targeting by directly acknowledging the needs and demands of the beneficiaries of said policies. It can also be a means of reinforcing State accountability and transparency. In this sense, civil society's participation can be important for the diagnosis of social issues and for providing alternatives based on their expertise and on-the-ground experience, which might be crucial to the success of certain policies (Agudelo, 2012).

For the specific case of human trafficking, civil society, and NGOs in particular, can be key elements to improve identification and protection of victims. NGOs usually have privileged access to

vulnerable communities, tending to establish relationships of trust with victims. They can also be helpful in providing communities with information regarding how to detect possible cases, highlighting the role of information campaigns. On top of that, they have alerted to the dangers of misinformation, which contributes to stereotypification and fails to provide important information regarding trafficking signs and patterns for potential victims (UNODC, 2024b).

Democratic societies function based on models of governance, which refer to the way a certain society is organized to make and implement decisions on matters of general concern, understanding the role of citizens in the policy process (Brinkerhoff, 1999). Studies of global governance sometimes perceive power as a zero-sum game in which an increase in the power or influence of nonstate actors means a direct reduction in state power and authority. However, in the *governmentality perspective* supported by Neumann and Sending (2006), the role of nonstate actors in shaping and carrying out governance functions doesn't imply a transfer of power from the state to nonstate actors. Rather, it reflects a changing logic of government by which civil society is re-shaped to be both an object and a subject of government, losing its condition of being merely a passive object on which governments act *upon*. As such, "civil society is increasingly defined as a field populated by political subjects whose autonomy, expertise and ability to responsibly channel political will-formation has become crucial to the tasks of governing. (...) Governing is performed *through* autonomous subjects, not *on* passive objects" (Neumann & Sending, 2006, p. 669), and the association between nonstate actors doesn't necessarily imply an opposition to the political power of the state.

In the case of NGOs, as studied by Stroup (2019), they can influence both state policy as well as social practice. While patterns of NGO-state relations vary with time according to several factors, Stroup (2019) delves into the four types of relationships that are most discussed in literature: conflict, cooperation, competition and cooptation. In the first case, NGOs and states tend to disagree in strategies and outcomes. In the case of cooperation, NGOs might condemn state action if it isn't consistent with the commitments it assumed, but organizations might play the role of bringing the state's practices to align with such commitments. Competition regards the several levels in which both actors compete for influence upon other actors in various aspects of global governance, and cooptation would be the case when NGOs or INGOs gain so much power and influence that they end up serving as a shadow state (Stroup, 2019). This puts into evidence how complex and variable state-civil society relations can be.

To understand the dynamics between state actors and civil society actors in the fight against human trafficking, Boyle and Yoo (2015) analyzed their actions regarding the dimensions of prevention, protection and prosecution. This set of dimensions is well known in the human trafficking realm as the 3 P's approach, which finds its origin in the Trafficking Victims Protection Act of the United States Department of Justice (United States Department of Justice, 2000) but has been broadly adopted in research and legislation. Prevention is understood as the level of governmental efforts to prevent and combat human trafficking within civil society, and includes education campaigns, national action plans, information exchange among authorities, cooperation with NGOs, in more informal processes of culture

change (Boyle & Yoo, 2015), which should be a primary goal considering the anti-trafficking movement aims at eradicating the crime (Van Rij, 2023). For Guinn (2008) prevention and protection of victims would allow for greater rewards, but prevention efforts are being reactive rather than proactive (Van Rij, 2023). Prevention should involve anti-trafficking awareness campaigns, training of government and military officials, monitoring border and transportation sites, such as bus stations and airports, robust coordination among national authorities and among other governments and international organizations, adopting national action plans for combating trafficking, among others (Cho et al., 2012). Protection regards victim assistance after they come forward or are rescued (Boyle & Yoo, 2015) and is aimed at reducing re-victimization and at making re-socialisation possible (Van Rij, 2023). It should consider the non-punishment principle, assist victims in legal procedures, provide residence permits and basic services for housing, job training, medical and rehabilitation assistance and support for repatriation (Cho et al., 2012). Prosecution entails not only the opening of criminal cases and investigations but also the production of anti-trafficking legislation and of other relevant, related legislation (Cho et al., 2012; Boyle & Yoo, 2015), as well as reparations to victims. As such, it can be argued that prevention and protection would be related to an understanding of processes of victimization and victims' rights, and prosecution would regard the criminal justice aspect.

In their study, Boyle and Yoo (2015) found that States often comply more with the prosecution aspect, since it is required by international treaties and protocols. On the other hand, they explain, international law seems to suggest, rather than require, states to take stances on the areas of protection and prevention, making these dimensions more ambiguous in the legal realm. Consequently, advocacy of civil society and domestic political interest groups seems to contribute to implementing the 'softer' elements, which could be explained by the redirection of activists and advocates' resources into areas in which they observe greatest need (Boyle & Yoo, 2015) such as protection and prevention. Finally, a fourth 'P' standing for partnerships has been added to the discussion, referring to the importance of getting all social actors involved in anti-trafficking efforts (Van Rij, 2023).

Civil society can have a positive impact in decision-making and policy formulation and should pressure governments to comply with their commitments and implement policies (Agudelo, 2012). State-civil society networks might facilitate citizen participation in public affairs, empowerment of local groups to take charge of their livelihoods and capacity to advocate for policy reforms with public officials and political figures (Brinkerhoff, 1999), but states have irrevocable responsibilities to restore violated rights, not only due to the fundamental characteristics of democratic rule-of-law but due to the failures of state mechanisms that should prevent these situations in the first place (Cárdenas et. al, 2013 in Jaca, 2019). A state that fails to understand and address certain issues becomes helpless to a whole sector of citizens and the lack of Statal action and of certain public mechanisms directly translates into a contribution for human trafficking networks to persist (Giberti, 2014).

Human Trafficking in Argentina

General characteristics

Argentina is a country of origin, transit and destination of victims of human trafficking (Giraud et. al, 2024) of women, men and children for purposes of sexual and labor exploitation (Aszenaki, 2013).

In the country, the concept of smuggling is translated into *tráfico ilegal de personas*, related to irregular migration, while human trafficking translates into *trata de personas* (Sommer, 2017). Della Penna (2014) elaborates a summary of the usual process of trafficking, adapting it to the reality of Argentina. Firstly, victims are usually lured in through deception or, more rarely, kidnapping. This process can, sometimes, involve proximity between the victim and the trafficker (Barvinsk, 2014). Then, victims are transported, legally or illegally to where the exploitation will take place. In the case of Argentina, foreign victims enter mainly through Paraguay, Misiones or the Province of Buenos Aires and the transit routes are mainly in the provinces of Entre Ríos and Corrientes and in the main urban areas of the country, Buenos Aires, Córdoba, Mendoza and Santa Cruz (Carbajal, 2008; Sommer, 2017). The Triple Border area, shared by Argentina, Paraguay and Brazil, is weakly controlled, and victims are transported in plain sight (Moreno, 2019), for which it has been identified as one of the main areas of recruitment, especially when it comes to trafficking for purposes of sexual exploitation (Carbajal, 2008). In this area the state is mostly absent from its role of protecting vulnerable populations, who work mainly informal jobs and it's not uncommon for people to develop ties with criminal organizations, who become a source of authority (Barvinsk, 2014). In these border areas, as also happens with the border with Bolivia, criminal activity finds it easy to establish relations with both public workers and civil society, who facilitate exploitation (Villares, 2024). The third phase is the phase of exploitation. In the case of sexual exploitation, women are taken to brothels, bars, discos or private locations (Della Penna, 2014; Varela, 2016) but in the case of labor exploitation it victimizes mainly seasonal workers and migrants, who work in harvests and clandestine workshops. Abusive labor practices tend to be normalized and some social groups are seen as inferior, affecting not only migrants but national citizens of darker skin or indigenous groups (Cieza, 2013). Argentina's trafficking networks operate mainly through informal and precarious structures (Sampó, 2017) and, while there exist highly professionalized and organized networks, the dominant *modus operandi* seems to come from low organized, familial networks, which lack hierarchies and organizational autonomy, but are very effective and lucrative (Moreno, 2019). Historically, human trafficking in Argentina has prospered due to protection, complicity, tolerance or participation of State agents, such as the police, migration agents, judges, politicians and religious figures (Antipas & Fourmentel, 2018). Many of them get involved in human trafficking processes as "secondary operators" (Carbajal, 2008, p.106) who cooperate with traffickers, such as members of transportation companies, document forgers, personnel of phone lines, and others.

Determinants for the fight against human trafficking and the role of civil society

Generating debate around a certain issue and creating public policies is dependent on several social, economic and political factors.

In Argentina, the fight against human trafficking was possible due to a certain context and determinants, which are worth exploring. In the country, the first cases portrayed as sex trafficking were linked to the arrival of white European women in the 19th century that were exploited or prostituted (Schnabel, 2009), and to Dominican female migrants in the 1990s (Varela, 2012), but the issue as it is understood today gained visibility in 2002, after the disappearance of Marita Verón, a young girl from Tucumán (Barraco et. al, 2022). At the moment of Marita's disappearance, the terminology of "trata" wasn't yet categorized, for which her case was treated as a kidnap linked to a brothel network that operated in the north of the country (Varela, 2020). This case marked a significant shift and was put in the public arena thanks to social media and civil society, as well as NGOs that pressured the political power (Barraco et. al 2022). Facing the lack of judicial advancements in the process, Marita's mother, Susana Trimarco, embarked on a personal journey to search for her daughter (Carbajal, 2008) infiltrating brothels. Despite failing to find Marita, Susana discovered a reality for many women and girls, victims of trafficking for the purpose of sexual exploitation (Hernández, 2012). From that moment on, Susana has been involved in anti-trafficking efforts in Argentina, denouncing state and local powers' complicity in such cases, and created the foundation "Fundación María de los Ángeles" in 2007, with the goals of receiving denunciations, assisting victims, and providing them with counseling and advice (Fundación María de los Ángeles, n.d.). The Fundación was crucial for the anti-trafficking fight through processes of *incidencia* (Uranga, 2016), and without Susana's insistence, the anti-trafficking fight in Argentina would likely have had a different outcome. Susana Trimarco and other civil society actors gave visibility to the topic of human trafficking, reaching out to media and journalists, eventually gaining national and international recognition. They also promoted debates and mobilized actors into doing joint work, through formal and informal cooperation agreements between formal groups, relevant figures and civil society, forming social alliances and networks. Then, the topic was set in the public agenda, through the media and straight into the political debate. The Fundación became credible enough to be asked to participate in the design of public policies and, in the end, the first anti-trafficking law in Argentina counted with the expertise of the Fundación, which nonetheless had several objections to the project. That's why the second law, of 2012, came to be (Etkin, 2016).

Varela (2020) considers that the parallels between the rhetoric present in the public discourse around human trafficking and around the people that were *disappeared* by the Argentine state during the dictatorship from 1976 to 1983 were important to call attention to this issue. Using images and language related to the dictatorship, by extrapolating the symbols of disappeared people, state responsibility and mothers tirelessly searching for their children, might have been a determinant that called many people to care for this issue. Argentina became known for its fight for human rights immediately after a dictatorship that lasted 7 brutal years. The violation of human rights during the

regime led to the creation of several human rights groups and movements which sought justice, investigated and tried to find the bodies of the “*desaparecidos*”, a category created for reclaiming the forced disappearance of thousands of regime opponents. In 1985, some of the main figures of the regime were convicted, including former dictator Jorge Rafael Videla (Galante, 2014), with activism playing an important role. Sikkink (2008) believes that Argentina became a global leader in matters of human rights, even beyond processes of transitional justice. The author believes that “[t]he Argentine human rights movement created a strong organizational framework, or movement structure, designed for mobilization” (p.19), with activists being vigorous instigators that found ways to dialogue and effectively get the State to answer to several demands. As a result, human rights narratives found a prominent role in both Argentina’s transition to democracy as well as established deep roots in its contemporary democratic society (Varela, 2020), unlike most countries in Latin America, illustrating the potential for putting human rights at the center of the creation of new norms and practices (Sikkink, 2008). Some victims, in the case of human trafficking for the purpose of sexual exploitation, have become a “*desaparecida en democracia*” (disappeared in democracy) and human trafficking as a mechanism of “*desaparición*” (disappearance) (Varela 2020), since some have not been found nor had justice, and these were the cases that initially drew attention. Susana Trimarco evoked in many Argentines a paradigmatic political subject: a mother who found the need to extrapolate her personal tragedy into the public sphere in order to be heard and find justice, amid a State who was inefficient in helping find her daughter.

As for the negative determinants of the anti-trafficking fight, Barraco et. al (2022) signal the inadequate training of State officials, the lack of a gendered perspective and the presence of corruption and complicity from those in charge of enforcing the law. The myths behind human trafficking also seem to compromise efforts, since certain conceptions regarding human trafficking don’t correspond to reality. These myths include the ways in which the crime is committed, the profiles of the traffickers and archetypal images of victims, present at the societal level but also at the law enforcement and judiciary levels. The unequal access to resources at the provincial level might also hinder anti-trafficking efforts, since many provinces lack databases and personnel that help identify victims (Sommer, 2017).

Legal framework, current legislation and anti-trafficking mechanisms

Argentina ratified the Palermo Protocol in 2002 through Law 25.632, and formally recognized human trafficking as a crime in 2008 through Law 26.364 (Barraco et al., 2022). Laws 26.842 of 2012 and 27.508 of 2019 further complemented Law 26.364.

Law 26.364, approved in 2008, has two major aspects. Article 5 guarantees the principle of non-punishment of the victim within Argentine law, meaning the law doesn’t punish victims, including those who broke immigration laws as a consequence of being trafficked. Article 6 recognizes various rights for the victims, assuming direct responsibilities towards them regardless of whether they have filed a report or are participating as a complainant in the related criminal proceedings. These rights include

receiving information in their language and according to their age and maturity (article 6a); receiving appropriate housing, maintenance, feeding and elements of personal hygiene (article 6b); receiving free psychological, medical and legal assistance (article 6c); testifying in special conditions of protection and safety (article 6d); receiving effective protection against any possible retaliation against them or their family and, under certain circumstances, require to participate in the national witness protection programme (article 6e); the adoption of the necessary measures to guarantee their physical and psychological integrity (article 6f); to be informed of all stages of the process (article 6g); to be heard in all stages of the process (article 6h); having their identity and intimacy protected (article 6i); to remain in the country, if they wish to do so, receiving the required documents for that purpose (article 6j); to return to their place of residence if they wish to do so (article 6k) and to get voluntary and free access to the existing resources of assistance (article 6l) (Argentina, 2008, free translation). This law was amended by law 26.842 in 2012, which introduced some changes to the previous law, with even more rights for the victims, and was partly a result of a climate of social outrage, street demonstrations and condemnation from across the political spectrum after the acquittal of the accused in Marita Verón's case (Varela, 2016). This new law provided a more comprehensive definition of what can be understood as human trafficking. Article 1 of law 26.842 defines human trafficking as “[t]he offering, recruitment, transportation, reception, or harboring of persons for the purpose of exploitation, whether within the national territory or from or to other countries” (Argentina, 2008, free translation). As such, what constitutes a crime of human trafficking is the purpose of exploitation. This concept should be interpreted, according to the law, as “when a person is reduced to or kept in a condition of slavery or servitude, in any form” (article 1a); “when a person is forced to perform labor or services” (article 1b); “when the prostitution of another person or any other form of offering of sexual services provided by others is promoted, facilitated, or commercialized” (article 1c); “when child pornography is promoted, facilitated, or commercialized, or when any kind of representation or performance with such content is carried out” (article 1d); “when a person is forced into marriage or any kind of de facto union” (article 1e) and “when the forced or unlawful extraction of human organs, fluids, or tissues is promoted, facilitated, or commercialized” (article 1f) (Argentina, 2012, free translation).

One of the main things that changed after the amendment of law 26.364 was that the means was eliminated from the crime and became an aggravated consequence. Hence, the understanding of human trafficking changed, because the means stopped being a suggested circumstance in which victims of human trafficking consented to their own exploitation (Barraco et. al, 2022). The introduction of this principle was important as it acknowledges Sibanda's (2023) idea that no human being can consent to their own exploitation. Moreover, new forms of exploitation such as forced marriage were recognized, the prescribed length of the sentence was increased and two bodies of assistance were created, the Federal Council for the Fight Against Human Trafficking and Exploitation (better known as “Federal Council”), and the Executive Committee for the Fight against Human Trafficking and Exploitation and for the Protection and Assistance of Victims (better known as the “Executive Committee”). The former

is constituted by members of different state bodies and by civil society and international organizations, which emphasizes their role in shaping anti-trafficking initiatives, and is aimed at developing strategies, policies and measures to fight human trafficking, promoting local, regional, bilateral and multilateral efforts, among other functions (Argentina, 2012). The Executive committee, on the other hand, is composed of different ministries of the executive power and is mainly responsible for developing the National Program against Human Trafficking and Exploitation and for the Protection and Assistance of Victims. Another important mechanism introduced by this law was *Línea 145*, a free hotline for receiving complaints and suspicions of possible human trafficking cases, which works with other instruments responsible for the fight against human trafficking in Argentina, such as the Rescue Programme and PROTEX.

Another important law in the framework of the fight against human trafficking in Argentina was law 27.508, of 2019, which established a fund to ensure victims have access to adequate compensation and assistance, even in the case where the trafficker is insolvent (Argentina, 2019). It obliges prosecutors and judges to identify the trafficker's assets and make them available to the victim, as reparations for the crime, a core part of a victim-centered approach (Barraco et. al, 2022).

Furthermore, while not directly related, law 27.499 of 2019, better known as "Ley Micaela", was also a legislative pioneer. It establishes mandatory training in gender and gender-based violence for all public function workers of all levels and hierarchies, including in the Executive, Judicial and Legislative (Argentina, 2019). The law was created in the aftermath of the *femicidio*, a term introduced in 2012 in the Penal Code to classify the murder of a woman (or an intimate link) for gender-based reasons (Palacio de Arato & Palumbo, 2023), of 21 year-old Micaela García, a feminist activist assassinated by a man who was convicted for raping two girls in 2010. In question was the neglect with which the judicial system poorly handled the criminal's violent history, ignoring several red flags. It was discussed that perhaps an approach more comprehensible of gendered dynamics could have avoided Micaela's murder.

Along with the subsequent laws that have been created over the years to tackle this issue in Argentina, the country has put efforts into creating mechanisms and entities to help support the existing laws, such as the National Rescue Programme and PROTEX, the two main mechanisms that work at this level in Argentina. The PROTEX (*Procuraduría de Trata y Explotación de Personas*, or Office for Human Trafficking and Exploitation) is a specialized Prosecutor's office, created in 2013, which came to substitute UFASE (*Unidad de Asistencia en Secuestros Extorsivos y Trata de Personas*, or Assistance Unit for Extortion, Kidnappings and Human Trafficking). PROTEX is responsible for cooperating and assisting prosecutors in cases of human trafficking or related crimes, to receive and investigate denunciations, to conduct preliminary investigations regarding human trafficking, to follow-up trafficking cases at the national level as well as the compliance with the rights established to victims in law 26.364, to promote training to State officials or institutions, among other functions (Ministerio Público Fiscal de la Nación, n.d.). PROTEX elaborates annual reports, the most important at the national level (Barraco et. al, 2022), with the data that it is able to recollect, adopting a gender perspective and

an intersectional approach. A central guideline of PROTEX is the recognition and identification of the several modalities that constitute the crime of human trafficking, in order to develop public policies that enhance even more the efforts of prevention and detection of cases and make them more effective (Ministerio Público Fiscal de la Nación, Procuraduría de Trata y Explotación de Personas [PROTEX], 2023).

The *Programa Nacional de Rescate* (National Rescue Programme) holds investigatory powers to prevent the crime of human trafficking, as well as operates directly in providing victim support and assistance upon their rescue. The Programme is composed of lawyers, doctors and psychologists, participates in raids, ordered by the judiciary and provides immediate victim assistance. Along with PROTEX, it shares responsibility for *Línea 145* (Barraco et. al, 2022). Anytime there's a call with a denunciation, the judicial power must analyze it and determine whether the PNR should act. In an affirmative case, PNR workers go to the place in question and intervene along with police forces (Grima, 2023). Moreover, *Línea 145* is crucial for an early detection of cases and of their core characteristics to grant a more detailed interpretation of each situation. Since it allows for anonymous calls, more people feel secure to call and denounce without fearing identification, particularly important for cases related to people in spheres of influence.

The yearly PROTEX report collects data directly from complaints and denunciations through *Línea 145*. Thus, it is based directly on denunciations made by victims or anonymous callers. In case the caller decides to identify themselves, their personal data are kept confidential within the PROTEX registers, and security forces who intervene will not have access to it. Out of all the reports filed in 2023, only 6% were archived, which shows that in fact, most cases showed evidence of real trafficking situations and 28% of all the calls required immediate, urgent action. Briefly analyzing the 2023 PROTEX report, which is not exhaustive of all human trafficking cases in Argentina, most calls denounced possible situations of sexual exploitation and labor exploitation. There has been an increase of calls denouncing labor exploitation over the years, meaning that at the social level, perhaps victims of this type of exploitation are coming forward more often and identifying such situations as exploitation. The PROTEX report also includes data regarding calls that were made denouncing complicity of public workers in human trafficking cases, and it also provides clues as to the evolution of certain modalities of sexual exploitation. The report has been useful to identify emerging trends and dynamics of this crime in Argentina, as well as the areas in which people are more often exploited. Despite relying only on denounced cases, the statistics provided by the reports match the trends identified in the literature and by experts in the field. The report also asserts that the majority of denunciations received did, indeed, lead to the opening of court cases (Ministerio Público Fiscal de la Nación, Procuraduría de Trata y Explotación de Personas [PROTEX], 2023).

As a whole, Argentina's existing legislation and mechanisms to fight human trafficking and provide victim support seem grounded on an understanding of processes of victimization and fulfill the criteria recommended by organs such as the UNODC (2024b) and authors such as Sibanda (2023) and Demeke

(2024). The existence of a national rescue programme, of *Línea 145* for anonymous reporting of possible situations of exploitation, the creation of a specialized unit within the *Ministerio Público Fiscal* seem to account for a vision beyond punitive measures that puts the victims' interests at the center. Nonetheless, human trafficking remains an active issue in the country, for which perhaps the existence of such mechanisms isn't enough to deter criminals and avoid processes of victimization. Thus, it's important to identify what is failing on the State's end, considering it is the main responsible for enforcing these mechanisms. As Sommer (2017) predicts, even though Argentina has advanced significantly in the last years in matters of legislation and tools for assistance, victim support seems to not be whole (Sommer, 2017). These considerations were the basis for the interview process.

Methodology

The present study aims at understanding the dynamics of human trafficking in Argentina, in particular the role of the Argentine State and civil society in creating legislation and mechanisms of victim assistance. The research has two main goals; the first aims at understanding if the legislation and institutional mechanisms developed by the Argentine State have been based on a victim-centered and human rights approach. The second goal of the research was to investigate the role assumed by civil society in response to State limitations in combating human trafficking and providing assistance to victims in Argentina.

These goals were formulated into the following research questions: “To what extent do Argentina’s current legislation and mechanisms reflect a victim-centered and human rights approach to anti-human trafficking efforts?” and “What role have civil society actors played in addressing the weaknesses of the Argentine State regarding anti-trafficking efforts?”.

In order to understand such dynamics in Argentina, a multi-method qualitative approach was adopted, as it used multiple methods to examine the proposed research questions (Roulston, 2019). It’s hard to produce human trafficking studies relying on quantitative data since accurate data on victims, criminals, networks, and routes is practically non-existent. Being a clandestine phenomenon, it’s often studied through qualitative lenses which allow for a deeper comprehension of its causes and impacts (Hwang et. al, 2012). Lazos (2007) understands qualitative research as important to grasp new or unknown sides of social realities, especially in contexts of scarce empirical data. This research aligns with the interpretivist paradigm, which incorporates human interest into a study assuming reality is not objective nor unidimensional (Ikram & Kenayathulla, 2022). Thus, it’s understood that social phenomena are dependent on cultural, historical and social factors, hence why interpretivism rejects social reality as one and objective (Kouam, 2024). For this reason, interviewing is a good way to grasp perceptions on matters related to politics and the welfare state, on how certain policies play out on the ground and on the effect they have on those to whom they are directed (Knott et. al, 2022).

The first stage of the research consisted in office work through document and legal analysis, reading through academic articles, international and Argentine legislation, reports based on suspected cases, documentaries, news reports and articles of famous cases, in order to better understand the issue. A second stage involved field work. In March of 2025, I travelled to Argentina to conduct interviews *in situ* as I believed it would be valuable to be close to the environment and object of study. Due to geographical and schedule constraints, only one interview was conducted in person. The rest were conducted via Google Meet and one shorter conversation by phone. In total, I conducted 9 interviews and one conversation, and got insights from 11 experts, as one of the interviews was a joint interview. I believed it relevant to get insights from people who worked within both the Argentine State apparatus as well as from civil society in general and organizations in particular, to see if opinions diverged.

The participant selection process was achieved through a mix of purposive sampling and snowball methods. I used the first method by selecting participants through specific criteria (Friedman, 2012),

contacting members of civil society organizations and activists, but also academics who wrote articles that interested me. Some of the interviews that came out of this process produced a snowball effect with multiple chain reactions (Csizér & Dörnyei, 2012) in which participants would provide me with other contacts that might be valuable for my research. The semi-structured format was considered appropriate since interviewee profiles and roles within the field of study varied, for which a one-size-fits-all interview guide was neither possible nor desired. It was preferable to pre-plan the questions but also allow space for participants to elaborate on issues they found relevant (Alsaawi, 2014). The interview guide was developed based on academic interrogations and on my own during the literature review process, as I was reading articles, news and getting familiar with the topic. Some of them were tested, refined or excluded as the interview process developed, and other questions emerged along the way, considering I started analysing the data before ending the interview stage, to create an iterative process of informing further data collection based on early findings (Knott et. al, 2022). Moreover, I studied each participant's background to develop personalized questions within the scope of the research project, while at the same time I kept some fixed questions in the interview guide that I asked all interviewees. This approach set a level of consistency and cohesion but also opened space for each interviewee to delve into topics they deemed relevant, and so each interview followed its own course within a semi-structured frame. Table 1, in the annex, presents the codes attributed to each interviewee as well as their function related to the field of human trafficking.

At the beginning of each interview, I asked participants' oral consent to record the interview and for the treatment of the data provided and described an overview of my research goals and theoretical context. I was careful not to ask about personal experiences due to the sensitivity of the topic, but most interviewees spontaneously shared specific cases or information with me, in order to illustrate their points. The interviews were conducted in Spanish. The translation was made by me, with the help of ChatGPT regarding more technical words or expressions that I didn't know how to translate faithfully to English. I opted for keeping the English translation in the text to provide an easier and fluid reading, with the original text in the footnotes.

There was also an ethnographic component, since being physically there allowed me to understand how the issue is present. During my two-month trip there were some news reports of cases of human trafficking, trials of suspected cases and I saw graffiti writings in many of Buenos Aires' and Córdoba's walls referencing cases of human trafficking and of disappeared women and victims of gender violence. This allowed me to directly observe how such issues are deeply rooted in Argentine society, are debated in universities and inserted in the media and political agenda. For instance, I closely followed the trial for Yamila Cuello, a young girl who was murdered in 2009 in Córdoba, where I stayed for most of my trip. Cuello's ex-partner was accused of murdering her but there were also signs of having trafficked her. There were a few mobilizations seeking his condemnation for human trafficking, and I got the chance to observe one of them. In the end, Néstor Simone was not condemned for human trafficking, but will serve twenty years for *femicidio*. I also got the chance to travel to the province of Misiones and

visit the Triple Border area, which is not only a touristic landmark but also signaled as one of the main hotspots for international trafficking in the region. In fact, the free movement of small boats, goods and people was easily discernible which allowed me to directly observe how easily people can be transported between Brasil, Argentina and Paraguay with no control whatsoever in that particular point.

As for the interview analysis, it was done through an adaptation of Braun and Clarke's (2006) steps for thematic analysis to my own research and interview material, searching to identify common patterns and themes across the interviews conducted (Braun et. al, 2019). I started by getting familiar with the data, transcribing the recorded audios with the help of the website NotebookLM. Then I thoroughly reviewed them, by listening to the interviews again. This process led to generating initial codes, based on the identification of certain expressions or words that allowed me to form five main groups of "themes" which I searched for with my research goals and questions in mind (Braun & Clarke, 2006). I ended up with the following themes: "victim-centered efforts", "aspects regarding Statal action", "aspects regarding civil society and NGO action", "characteristics of human trafficking in Argentina" and I also created a "miscellaneous" theme for grouping all the information that didn't fit into those categories but that could be of use. The process involved a constant moving back and forth in the dataset (Braun & Clarke, 2006) and allowed me to aggregate information in a conducting line to construct a cohesive logic of thinking that related to my research questions. The analysis ended with the reporting of the results according to the themes described, appreciated in the next section, which aims at "telling the complicated story of [the] data" (Braun et. al, 2006, p. 23) in a way that is understandable, credible and coherent, and contributing to the understanding of human trafficking dynamics in Argentina and the roles of several actors.

Interview Analysis

1. Victim-Centered Approach in Argentine legislation and anti-trafficking mechanisms

One of the research questions of this investigation was whether the existing legislation and mechanisms to address human trafficking in Argentina followed a victim-centered approach that focused on the victims' human rights, thus providing an understanding of the complexities of victimization in human trafficking situations.

Out of the 11 people that were interviewed, all of them agreed that Argentina adopted such an approach and has a set of laws and mechanisms that consider the victim and understand human trafficking dynamics. INT2, a social worker at Fundación María de los Ángeles, states that it is important to consider the fact that Argentina has been, historically, a regional pioneer in human rights matters in every sense, by making laws and putting at the center of the debate a series of topics, of which human trafficking was no exception. To further understand how the country developed a victim-centered approach, it's important to analyze the processes and events that occurred from the moment Argentina ratified the Palermo Protocol, in 2002 - following 1994 normatives that established international treaties as hierarchically higher than national laws - until the moment the first national law, law 26.364 was passed, in 2008. In 2002, María de los Ángeles Verón disappeared in the province of Tucumán, after leaving her house to go to a medical appointment. Her mother, Susana Trimarco, started tirelessly searching for her across the country. Suspicions fell upon a local network of brothels that had seemingly coerced or kidnapped other girls to sexually exploit them. Susana dedicated her life to, not only finding her daughter, but to defending and supporting victims of human trafficking, creating a foundation, "Fundación María de los Ángeles" (FMA), which became one of the main referrals of the issue in the country. Marita's case had a huge national and international repercussion and, for most interviewees, was without a doubt what put the topic in the sociopolitical agenda. INT9, a federal prosecutor who has worked with cases of human trafficking, points to Marita's case as the one that pressured the typification of the crime in the country. As he states, it's not that it was a new crime, but there was no legislation that aligned with international typifications of the crime, and Marita's case was the 'trigger' for passing the law in 2008, the same word used by INT6, from "Fundación Volviendo a Casa" (FVC). INT4, personal lawyer of Susana Trimarco and Micaela Verón, Marita's mother and daughter, has no doubts as to the processes that led to the passing of the first *Ley de Trata de Personas* (Anti-Trafficking Law). INT4 states that, while not being perfect, the first law had positive aspects, and was the result of Susana Trimarco's fight: "I want to make this clear. It's not a state policy. I mean, it was treated as a state policy from 2003 to 2007, thanks to Susana's fight, since Marita disappeared in 2002. Susana started a battle that remains to this day"¹. For INT8, who is a public defender, there was a void in the legislation and Marita's case was what originated legislative efforts, while for INT9 "it's visible how Susana's fight (...)

¹ Original: "Eso te lo quiero dejar claro. No es una política de estado. O sea, se tomó como política de estado del 2003 al 2007 a partir de la lucha de Susana, ya que Marita desapareció en el 2002. Susana empezó toda una batalla que hoy continúa".

prompted legislative changes and public institutions began to engage and align themselves with this movement, adopting interdisciplinary perspectives”². For INT9, anti-trafficking laws in Argentina have been more comprehensive and in tune with reality as the years have passed, but it was a path that started from scratch. While the first law, law 26.364 of 2008, already showed victim and human rights concerns, manifested in the absence of punitive measures towards victims and the State’s own assumption of responsibility, the 2012 revision of the law and consequent amendments, which resulted in law 26.842, really put into evidence a victim-centered approach. For INT4, law 26.842 was also heavily influenced by the continuous work of Susana and her foundation. In that same year, the trial against the accused of exploiting Marita culminated in the acquittal of all defendants, in what he considers to have been “a disgraceful verdict, a totally rigged process”³. This led to social and political mobilizations, from left to right and from several sectors of society, that put pressure on an ongoing project of legislative reform. Thus, in 2012 the new anti-trafficking law, heavily focused on victims’ rights, was passed, creating robust mechanisms of victim assistance.

One of the most praised aspects of the 2012 law is how the consent part of the process was eliminated. As INT5 of RATT explains, with the 2008 law victims had to show proof that they had not consented to their capture or exploitation. Besides victims being traumatized, stressed and often under threat, it’s extremely hard to prove such lack of consent. In the 2008 law the concept of human trafficking was very similar to the one plastered on the Palermo Protocol. The 2012 amendment added an important verb to the definition which isn’t considered in the Protocol, that of “offering”, since victims are often “offered” by close relatives, neighbours or friends, as INT5 explains. As such, the crime of human trafficking in Argentina is understood as “offering, recruiting, transporting, receiving and harbouring with the intention of exploiting, but in which the consent of the victim is absolutely irrelevant to the establishment of the crime, the victim is not required to prove anything”⁴, acknowledging human trafficking as a process in which exploitation is the end-goal. INT4 states that this was a huge step towards a more victim-centered approach and shows understanding of vulnerability. The new law also predicted rights for migrant victims, such as the right to remain in Argentina and be given the documents for doing so or return to their country if they wish to do so. INT11 discusses how the state doesn’t discriminate against migrant victims and how they’re properly supported as the law demands, but how in certain circumstances migrants aren’t aware of Argentina’s legislation and might not know their rights as victims of human trafficking. Since some countries approach human trafficking through law enforcement lenses, migrants might believe they’ll be criminalized or deported, and be afraid to denounce their situations. This leads many victims to not reach out to State institutions or police

² Original: “Ahí se ve como la lucha de Susana Trimarco (...) genera un cambio legislativo y los organismos públicos luchan y se pliegan a este fenómeno, con perspectivas interdisciplinarias”.

³ Original: “Una sentencia bochornosa, una cuestión totalmente amañada”.

⁴ Original: “Ofrecer, reclutar, trasladar, recibir y acoger con la intención de explotar, pero en donde el consentimiento de la víctima es absolutamente irrelevante para configurar el delito de práctica, no se le pide a la víctima que tenga que probar nada”.

forces, “but Argentine law guarantees rights to these people so that they can legally stay residing in the country, the State doesn’t treat them differently”⁵, an opinion also shared by INT5. The new law also predicted that victims receive psychological assistance from the moment of their rescue until the end of the judicial process. Nowadays it’s not normal to see victims participating in processes without being accompanied by a psychologist. However, before 2012, victims testified without psychological assistance, which took a big toll on a person carrying the double feature of “witness-victim” as INT4 explains.

The law of 2012 left clear the need for better coordination among institutional actors, and among the State and civil society, prompting improvements in the existing mechanisms within the *Ministerio Público Fiscal* (Public Prosecutor’s Office). This effort for institutional coordination is evident with the creation of the *Comité Ejecutivo* (Executive Committee) and the *Consejo Federal* (Federal Council). The latter is particularly reflective of such effort since the *Consejo* coordinates with civil society and NGOs, who are consulted, on rotation, to provide expertise, statistics, suggestions, in an attempt to understand current trafficking efforts by such organizations, at least, in theory, as explained by INT5. Other aspects of law 26.842 of 2012 include the creation of *Línea 145* (Hotline 145), which INT7 believes to be a great achievement and one that makes Argentina stand out, since not all countries have one. *Línea 145* is a national, free, 24-hour hotline through which people can call anonymously to denounce trafficking situations. This is crucial since, as it was discussed earlier, many victims face physical and psychological obstacles that impede them from coming forward with denunciations. Moreover, in 2013 the *Procuraduría de Trata y Explotación de Personas* (Office for Trafficking and Exploitation of Persons), better known as PROTEX, was established as a more specialized unity inside the *Ministerio Público Fiscal* (Public Prosecutor’s Office), substituting UFASE, the unity created by the law of 2008 related to ransom kidnappings and human trafficking, as explained by INT9.

Concern for the victim is shown by a variety of other mechanisms predicted by law 26.842. Argentine mechanisms are comprehensive of the fact that many victims either don’t perceive themselves as such or might not want to testify against perpetrators. Thus, despite being preferable, a testimony can be dispensable if a victim decides they don’t want to keep participating in the trial, as there are strategies developed to work around the lack of a court testimony, respecting the victims’ time and needs. Article 250 of the *Código Procesal Penal* (Criminal Procedure Code) states that victims of human trafficking make their testimony in Gesell chambers, conducted by psychologists, as INT3 explains. Upon cases in which victims quit participating in the process, psychologists or social workers testify explaining the victims’ situation of vulnerability. This, added to the results of raids and other evidence, can hold up a case of human trafficking, as mentioned by INT9. As INT1, psychologist of FMA further explains,

⁵ Original: “Pero la ley Argentina garantiza derechos a estas personas para que se puedan quedar a vivir legalmente en el país, o sea, el Estado no les da un trato distinto”.

The testimony of a victim is important, however, if a victim decides they don't want to keep participating in the process, we're obliged to respect their will, since we can only work with them and accompany them with their consent. If they decide not to participate in the process anymore, for whatever reason, a record is signed, and confidentiality is respected and maintained⁶.

It's important to consider other laws that, while not being specifically developed for dealing with human trafficking, have contributed to a more victim-centered approach and reflect Argentina's tendency to legislate through comprehensive lenses, reflecting an understanding of victimization processes and vulnerability. INT8 considers the current legislation as very advanced, particularly regarding a gender perspective, more applicable to cases of trafficking for sexual exploitation. Law 27.372 of 2017, known as *Ley de Víctimas* (Law of Victims) created the figure of *Defensor Público* (Public Defender), crucial (albeit not exclusive) for human trafficking victims. With this law, victims are represented by a free attorney, who defends their rights, ensuring they are heard, that they have access to all aspects of the process and can express opinions that must be considered. For example, if a prosecutor asks for the acquittal of an accused but the victim insists on a sentence, the Supreme Court has to analyze such a request. Victims were granted an active voice, instead of being just a passive actor discouraged of prosecuting a case. For INT8, this reflects the adoption of a human rights approach that centers on the victim rather than on the accused.

Law 27.499 of 2019, known as *Ley Micaela*, was also discussed during interviews. This law isn't very relevant for cases of trafficking for purposes of labor exploitation, but it was consensual amongst all interviewees that it's been important for cases of sexual trafficking. *Ley Micaela* obliges all public officials at all levels and powers to receive formation on matters of gender and gender-based violence. INT9 evaluates positively the impacts and application of law *Micaela*, considering it impossible to approach such criminal offenses without understanding gendered dynamics and INT1 considers it crucial for an understanding of the matter beyond superficial conceptions. However, as INT11 also stated, it's not a guaranteed formula to prevent gender-based violence and it's not a magic cure for the involvement of public officials in human trafficking cases. Despite this, INT8 notices differences in how victims are now treated during trials. Before *Ley Micaela*,

In some trials, it was common for one of the parties, including the judge, to ask questions that are now prohibited by law, such as intruding into the victim's sexual life, for instance, by asking how many partners the victim had had in their personal life, trying to construct a 'victim profile'. These kinds of

⁶ Original: "El testimonio de una víctima es importante, sin embargo, si una víctima decide que no quiere seguir participando en un proceso, nosotros somos obligados a respetar su voluntad y solo podemos trabajar y acompañarla con su consentimiento. Si decide no seguir participando del proceso, por variados motivos, se firma una acta, se respeta y se conserva el secreto".

questions used to be normalized, but not anymore, there are now issues that cannot be addressed at any stage of the legal process⁷.

Finally, also in 2019 law 27.508 was passed, creating the *Fondo Fiduciario*, a trust fund that would complement an already established practice regarding the assets of traffickers. The logic behind the fund is to ensure economic reparations to victims of human trafficking, based on the forfeiture of traffickers' assets, such as properties, vehicles or money. The state would proceed to a disbursement of those funds upon a conviction, and one part would be directly attributed to victims of the case, and another would be destined to the fund in order to assist other victims, as explained by INT5 and INT9.

Considering all of these mechanisms, the evolution of policies, in INT9's opinion, resulted in going from an approach focused solely on searching for evidence and holding trials, as is done for most crimes, in which a victim was rescued but not assisted and supported, to a current approach focused on the victim and in which "there's as much effort and energy put into the initial rescue part and dismantling of networks as there is for the part of asset investigation and [monetary] reparation"⁸. Finally, INT9 believes that Argentina's anti-trafficking legislation is part of a system of *numerus apertus*, advanced and appropriate for victims because it doesn't exhaustively establish all finalities of exploitation:

The human trafficking law contains a list of purposes that is not exhaustive. Why? From my perspective, to allow for new forms of exploitation that aren't mentioned to be considered as human trafficking, because otherwise we would have to reform the law each time a new purpose arises, in such a dynamic society. I believe it must be interpreted that way. Otherwise, each new form of exploitation would require its own process (...) and new reforms imply consensus and political will.

And, well, with so much political fragmentation and polarization in our country, we are not in a position to do that, right?⁹

2. Theory without practice is dead: despite the efforts, what is failing?

All interviewees agreed that Argentina's legislation is well designed (even though there's room for improvement) and that it is victim-centered. As INT3 expresses, "there isn't the need to say 'we're

⁷ Original: "En algunos juicios era común que alguna de las partes, incluido el juez, hiciera preguntas ahora prohibidas por la ley, como inmiscuencia en la vida sexual de la víctima, por ejemplo, preguntando cuántos parceiros había tenido en su vida personal, para así intentar trazar perfiles de víctimas. Antes eran cuestiones normalizadas, ahora no, hay cuestiones que no se pueden tratar en cualquier parte del proceso".

⁸ Original: "Hay tanto esfuerzo para la parte inicial de rescate y desmantelamiento de redes que para la parte de la investigación patrimonial y reparación".

⁹ Original: "La Ley de Trata tiene una enumeración que no es exhaustiva. Para qué? A mi modo de ver, para permitir que nuevas formas de explotación que no están mencionadas puedan ser consideradas como delito de trata, porque sino tendríamos que reformar la ley cada vez que apareciera una nueva finalidad, en una sociedad tan dinámica. A mi modo de ver, debe interpretarse de esta manera. Sino, cada nueva forma de explotación debiera un proceso (...), y una nueva reforma implica consenso, voluntad política. Y bueno, con tanta disgregación política y polarización en nuestro país, no estamos en condiciones, no?"

missing a normative that states that victims must have certain rights', no, that already exists, and it's good, despite never being perfect"¹⁰. INT5 even says: "I was proud in telling other countries about the amount of normatives we had (...) to address the issue of human trafficking in Argentina"¹¹. This, however, poses questions such as what is missing in the State's efforts and why does this crime persist? Because, as INT7 states, "theory without practice is dead"¹², a sentiment reflected by all interviewees. INT3's personal opinion is a good reflection of the discussion of the underlying tensions between a complete legal text, in theory, and the practical struggles for its application:

I would say that the legal normative is very well put together, it's a good one, of course it needs updates (...), but it's great in terms of victim assistance. What is missing is implementation. It's great that the text of the law says so. Sure. But then (...) how do we put it into practice? How do we translate [into practice] the legal text that states that a person victim of human trafficking must have their right to identity secured? Everything that we guarantee, how do we make it happen? In real life, in the concrete, in what those people need in their daily lives.¹³

The first answer as to where the state is failing and why this problem persists relies on an overwhelmingly agreed upon issue: prevention. Every person interviewed answered that the prevention stage has been incredibly neglected by the State, despite being crucial to tackling the issue. INT7, an anti-trafficking activist and journalist, thinks ending human trafficking is nearly impossible, but she believes that "there's the possibility of fighting to save lives (...), spreading information, giving informative talks so that young people don't accept certain job offers or travels"¹⁴. INT11 identifies a very proactive State in matters of victim assistance and criminal justice, but few efforts towards prevention, saying "obviously ongoing cases should be attended, but above all there should be prevention and, in that sense, I believe the efforts have fallen short. There have been campaigns, but very shy ones, not very important"¹⁵ and further explains that focusing solely on a criminal justice approach is a mistake because

¹⁰ Original: "No se siente la necesidad de decir 'nos falta una normativa que diga que las víctimas tienen que tener ciertos derechos', no, eso ya existe, y es buena, aunque nunca es perfecta".

¹¹ Original: "Era un orgullo para mí hablar con otros países y decir la cantidad de normativas que teníamos (...) para atender a la situación de la trata de personas en Argentina".

¹² Original: "La teoría sin la práctica está muerta".

¹³ Original: "Yo lo que te diría es que la normativa legal al respeto está muy bien armada, es una buena normativa, por supuesto que necesita actualizaciones en varias cuestiones, pero está muy bien en cuanto a la asistencia a la víctima. Lo que falta es operatividad. Está muy bien que el texto de la ley lo diga. Ajá. Pero después, cómo lo aplicamos? Cómo traducimos ese texto de la ley que dice que a una persona víctima de trata hay que garantizarle el derecho a su identidad? Todo lo que garantizamos, cómo lo llevamos a cabo? En la vida real, en lo concreto, en lo que esas personas necesitan en su día a día".

¹⁴ Original: "Hay la posibilidad de luchar y de salvar vidas (...), difundiendo información, dando charlas para que los jóvenes no acepten ciertas ofertas laborales o viajes".

¹⁵ Original: "Obviamente hay que atender a los casos que están en proceso, pero hay sobre todo que prevenir y en eso creo que los esfuerzos se han quedado cortos. Ha habido campañas, pero tímidas, ni siquiera muy importantes".

When that happens, you are constantly containing the damage, but you are not preventing it. (...) I think you should have both things at the same time. If, in the future, you want to avoid having to rescue people in that situation, you also have to prevent that. It's even a long-term saving, meaning [the State would be] investing today to avoid having to pay tomorrow.¹⁶

Still on the topic of prevention, INT10 follows the same train of thought, recalling how it was common to see publicity and flyers all over bus stations and airports but that's been less common as time has passed. INT10, a lawyer specialized in human rights, believes there should be more budget as well as political pressure inside the ministries so that police structures specifically incorporate training to detect possible human trafficking cases. INT1 believes the police play an important role as the first point of contact for many victims who ask for help, but "we see resources and formations are scarce, which leads police to act irresponsibly"¹⁷. INT9 also noticed a decrease in prevention measures, attributing the lack of funds to a lack of political will: "there's a need for awareness and sensitization, mainly in teenagers, susceptible to social media and new mechanisms of recruitment, but there's little to no political will"¹⁸. INT7 believes that the governments' strategy of distributing flyers has been a way for them to seem like they're doing something, but it's not substantial. The activist states:

Look, I've lived under [President] Cristina, Macri, Alberto, Milei... there haven't been any changes towards the prevention aspect. A proper prevention policy is not printing flyers that state 'human trafficking exists'. They have filled cities with those, but young people don't pay attention to them, so when I give lectures I realize they don't even know what human trafficking really is. It's a way for the government to say that they're doing something, doesn't matter if it's positive or negative, but that they're doing something¹⁹.

Another issue clearly identified during the interview process is the lack of long-term victim support, paired with the lack of public services and trained personnel. Ensuring long-term support is crucial to avoiding processes of re-victimization, but a lack of such support is almost a guaranteed condition for

¹⁶ Original: "[Porque] sino siempre estás conteniendo el daño, pero no lo estás previniendo (...). Creo que tenés que tener las dos cosas al mismo tiempo, o sea, si vos querés evitar en el futuro tener que salir a rescatar personas en esa situación, tenés que prevenir también. Incluso es un ahorro futuro, o sea, [el Estado estaría] invirtiendo hoy para no tener que gastar mañana".

¹⁷ Original: "Por ahí vemos cierta escasez de recursos y de capacitación que hacen con que los policías se manejen de manera irresponsable".

¹⁸ Original: "Se necesitan charlas de sensibilización y concientización, sobre todo en las adolescencias, susceptibles a redes sociales y a nuevos mecanismos de captación, pero no hay voluntad política, o muy poca".

¹⁹ Original: "Mirá, yo viví bajo Cristina, Macri, Alberto, Milei... No hay ningún cambio en el tema de la política de prevención. Una política de prevención no es imprimir folletos que digan 'la trata existe'. Han llenado las ciudades con esos folletos, pero los jóvenes ni les dan bola, entonces cuando voy a dar charlas, me doy cuenta de que ni saben realmente qué es la trata. Es una manera del gobierno decir que está haciendo cosas, si bien o mal, no importa, pero que está haciendo".

victims to be re-trafficked. The Argentine law predicts robust support until the end of the trial, but what happens after? INT8 thinks “that after an oral trial everyone just washes their hands”²⁰ and that reparation shouldn’t just mean monetary compensation, but long-term support to ensure that victims get a dignified life and are able to overcome the effects of trafficking. The participation of civil society in these processes is great, says INT8, but ultimately, by signing protocols upholding human rights, the State is responsible for ensuring such rights. The judicial powers must perform their task of analysing assets, accompanying victims during the process, judging criminals and dictating sentences that lead to reparation, but the State must help victims re-build their life projects, which requires access to basic human rights like health, education and a job. As such, for INT9, after a sentence is dictated, “the State must be present through its agencies to help victims get their life back on track and regain their violated human rights”²¹. However, INT6 considers that the State never takes full accountability for not providing victims with conditions to rebuild their lives. Victims, she states, have no vision for the future, many don’t know a different situation and the State doesn’t give them tools to learn a trade. INT6’s foundation, FVC, does that, but in many instances the support that organizations give victims isn’t enough “and we are left with a feeling of anguish like we are pushing them back to trafficking networks again”²², the director says.

The lack of psychologists was also pointed out, considering they’re not enough and aren’t properly trained. There are significant deficiencies at the provincial level in terms of mental health support, with few professionals and long waiting lines. Victims of human trafficking, be it for labor or sexual exploitation, go through processes of trauma that take years to heal, if that ever happens. INT7 closely witnessed how victims of sexual exploitation often have Stockholm syndrome, and due to trauma they need psychiatric help and treatment for substance abuse, but there aren’t enough experts to deal with such medical needs, in INT7’ opinion. Furthermore, regarding processes of re-victimization, for INT8, it’s only logical that victims could fall back into trafficking situations

Because if you don’t heal the structure and the initial situation of vulnerability, if the victim was not accompanied and didn’t manage to build a new life plan, and they stumble again into a work opportunity which allows them to survive and that the State failed to offer to them, it’s normal that they go back. It’s due to a lack of real opportunities for labor reintegration²³.

²⁰ Original: “Yo creo que después de un juicio oral todos empiezan a desentenderse de la vida”.

²¹ Original: “(...) tiene que venir el Estado a través de sus agencias para poder ayudar a que las víctimas encaucen su vida y puedan alcanzar sus derechos humanos vulnerados”.

²² Original: “Y hay la sensación de angustia de que las estamos expulsando a que caigan en redes de trata de nuevo”.

²³ Original: “Porque si no se sana la estructura y la situación de vulnerabilidad en la que se encontraba inicialmente, si no estuvo acompañada, no logró hacer otro proyecto de vida y se encuentra con un trabajo que le permite subsistir y que el Estado no se lo dio, es normal que vuelva. Es por falta de oportunidades reales de reinserción laboral”.

This situation is particularly concerning considering a national context of political, social and economic instability that exacerbates the vulnerability of certain sectors of society. Thus, an individual can only do as much personal work and training to overcome their situation, and the State must be unequivocally present in supporting them, as INT1 points out.

The State's shortcomings in terms of prevention and training are related to other factors that allow human trafficking networks to persist. Interviewees signaled two factors that appear to contribute to this: collusion and corruption of public officials as well as a mutation of the crime that introduced new dynamics and made the crime more difficult to detect and tackle.

Most literature on human trafficking identifies, to a certain extent, the involvement of police staff, politicians, members of the judicial system and influential people in the operation and maintenance of these networks. Human trafficking exists and persists because it is a multimillionaire business and, as INT11 explains, from the moment there is demand for certain services in a market, someone will try to generate an offer to such demand. Human trafficking is one of the manifestations of organized crime, which, as INT9 rightfully points out, the United Nations consider as an activity whose goal is to generate wealth, oftentimes penetrating state structures and corrupting public officials, be it members of the executive and judicial power or security forces, and the Argentine case is no exception. As several interviewees expressed, there's no way for human trafficking to persist without complicity and collusion. INT10 affirms that

Human trafficking, like any other transnational crime, is possible due to collusion and corruption of public officials, which is reflected in Argentine statistics of sentenced judiciary members and police personnel who either obstruct or cover up investigations or are directly involved. This is the only way to make the crime persist, collusion is necessary²⁴.

INT3 directly addresses the issue of police involvement as undebatable, and how in the province of Tucumán police are aware of most places of sexual exploitation, and victims often identify them as traffickers or clients. In some cases they even ask for discounts in exchange for 'protection': "that reality is assumed as a given. And where there exists police complicity, there inevitably is political complicity"²⁵, says the lawyer of FMA. INT2 recalled one of the last cases the foundation worked on, in which at the moment of a raid, one of the clients was a police officer.

Moreover, human trafficking has found new, modern ways to operate in order to recruit new victims and to become even more hidden, especially when it comes to trafficking for sexual exploitation. As

²⁴ Original: "La trata, como cualquier outro delito transnacional, es posible gracias a la connivencia y corrupción de funcionarios públicos, algo que es claro en las estadísticas argentinas a través de las condenas a funcionarios judiciales y policiales que ocultan o impiden investigaciones o que directamente están involucrados. Es la única forma de que el delito persista, la connivencia es necesaria".

²⁵ Original: "Ya se da por hecho esa realidad. Y al haber complicidad policial también hay inevitablemente complicidad política".

pointed out by most interviewees, the classical image of a brothel in plain sight, or of kidnappings like Marita's are rare nowadays. Today human trafficking relies mainly on processes that take their time. As INT11 points out, besides the personal way (that is, when the recruitment takes place through someone in the victims' environment) social media are also building mechanisms of trust that lead victims to not suspect anything. Networks are less and less transparent regarding their offers. As such, as INT3 states, "[i]t's a more evolved and sophisticated form of trafficking (...). It's the same crime and deception of 20 or 30 years ago, except it's dressed up"²⁶. Sexual exploitation is not taking place as often in plain sight, but rather in rented rooms or private households, whose location is known only by clients. As a consequence, in INT10's words, "there has been a mutation of space, but not necessarily of the situation"²⁷.

This mutation has also translated into new victim profiles, affecting victims with vulnerabilities other than economic ones. INT1 points to an increase in situations such as one they dealt with in the FMA, regarding a group of young girls that were involved with "sugar daddys", a term used for older men who ask for sexual or romantic favors, usually to younger men or women, in exchange for some sort of monetary compensation, be it money, goods, luxury items, trips, and others. In the case INT1 referred to, the victims had no economic needs, but their parents were constantly away or worked a lot, for which there was a lack of family care and support that left them in a position of vulnerability that has been increasingly taken advantage of by human trafficking networks. These mechanisms of manipulation are also being used by rich and influential people in Argentina, as INT5 described. Moreover, not only the victims' profile changed, but also traffickers'. INT7's experience has led her to conclude that today many traffickers and exploiters are young women. She explains that it used to be common for older women, known as "madams" to take part in recruiting and exploiting. However, traffickers' strategies have changed because, "[w]hen a 50 year-old woman offers you a job, you doubt it, but when a young girl does it, it's easier to fall for it"²⁸.

As for trafficking for purposes of labor exploitation, the dynamics have stayed relatively the same, besides the new methods of recruiting through social media. It remains less visible compared to sexual exploitation, because it's still socially perceived as a matter of precariousness rather than as a crime. Labor exploitation often takes place in plain sight, except for clandestine workshops, and has historically been mistried. It's common for human trafficking to occur during punctual activities, since many people live out of sporadic and precarious jobs, such as soy and wine harvests, which usually take place once a year. In such cases, as INT8 details, workers are kept in inhumane conditions, have to work from sun to sun and the plate of food they were promised is not enough. Many companies have gotten used to relying on this, as it is more beneficial to them and, since there are no contracts, workers can't complain to any

²⁶ Original: "Es una trata evolucionada, más sofisticada (...). Es el mismo delito y el mismo engaño de hace 20 o 30 años, pero maquillado".

²⁷ Original: "Se ha mutado el espacio pero no necesariamente la situación".

²⁸ Original: "Cuando una mujer de 50 años te ofrece trabajo, lo dudas, pero con una chica más joven es más fácil que caigas".

entity. INT8 and INT9 agree that, unlike cases of trafficking for purposes of sexual exploitation, identifying cases of trafficking for labor exploitation relies only on state operations and controls to certain industries and companies. As such, “investigating cases of trafficking for purposes of labor exploitation requires field work, special techniques of undercover investigation because the police can’t be seen when they are observing the commercial technique and collecting documents from the garbage to see what information they can obtain”²⁹ regarding the conditions in which potential victims are working, says INT9. It seems easier to identify cases of trafficking for sexual exploitation even though, for instance, the province of Córdoba registered almost a 50/50 percentage of cases of sexual and labor exploitation, according to INT9, but a lot more cases would be identified if estatal controls were more frequent and not only once a year, believes INT8. For INT5, both the State and civil society must have more active roles in fighting human trafficking for labor exploitation.

The enunciated factors are some that explain why human trafficking persists in Argentina, as well as why, despite good laws and mechanisms, in theory, it is becoming more difficult to fight human trafficking and the State keeps failing to prevent it and protect victims.

3. The role of civil society in the fight against human trafficking in Argentina

The trajectory of identifying a victim-centered approach in Argentine legislation and anti-trafficking mechanisms, but of also identifying the points in which the Argentine State is not complying with its responsibilities, leads to the second research question of this investigation: what role have civil society actors played in addressing the weaknesses of the Argentine State regarding anti-trafficking efforts?

As it was explored, civil society and NGOs had an important role in putting the topic of human trafficking into the sociopolitical agenda of the country as well as in influencing the design of current anti-trafficking laws and mechanisms through processes of advocacy and *incidencia*. Besides Marita Verón’s case, there were parallel social changes and movements that amplified the need to do something regarding human trafficking. INT8 states that there was also a natural, general change in mentality, especially regarding trafficking for purposes of sexual exploitation, as prostitution started being viewed as something more complex than a simple personal choice, in some cases. People started acknowledging how sometimes women didn’t freely choose to engage in sex work but were rather forced or coerced to do so. While legislation eventually obeyed international obligations established between the Argentine State and the United Nations, NGOs and journalism had a pivotal role by denouncing cases, especially related to sexual exploitation. Today, 17 years after the passing of the first law and 13 years after the passing of a second one, more robust and comprehensive, civil society remains as a crucial piece in the puzzle of the anti-trafficking fight in Argentina. The State has failed to fully comply with its obligations

²⁹ Original: “La investigación de casos de trata laboral implica tarea de campo, porque la policía no tiene que ser vista cuando está observando la técnica comercial o recolectando documentos de la basura a ver qué información puede obtener (...)”.

on matters of prevention and assistance to victims, and these difficulties seem to be increasing with the mutation of the crime.

In order to understand such dynamics and the relations between State and nonstate actors, it's important to explain how and why NGOs and civil society actors related to human trafficking have emerged in the country, how they pressured legislation, and how they contribute to the dimensions of prevention, prosecution and assistance.

The discussion leads us back to the case of Marita and her mother, Susana Trimarco. In 2007, Susana founded Fundación María de los Ángeles, which remains as one of the main referrals for the crime in Argentina. While the FMA was founded based on the personal search of a mother for her daughter, other organizations and foundations don't come to be for personal reasons. For instance, RATT emerged immediately after Argentina ratified the Palermo Protocol, in 2002. There was already, at the time, a feeling of urgency coming from women organizations to start working on this topic, since the Palermo Protocol implied countries should create their laws, as INT5 says. The organization began drafting legal texts and guidelines, and moving across national territory, starting by the Northern regions, due to higher registers of trafficked people, mobilizing, and leaving references in each province, as a way to generate a collaborative network, which eventually extended to Chile, Uruguay, Bolivia and Venezuela. The network quickly organized and started doing activities of training through an integral lens, meaning they embrace all dimensions of trafficking, like prevention, promotion of human rights, victim assistance, advocacy and all matters of *incidencia* for legislation, for more comprehensive public policies and for putting certain topics in the agenda.

On the other hand, INT6, of Fundación Volviendo a Casa, went through a different and later process of getting involved in the subject of human trafficking. INT6, a social worker with experience on human rights and gender issues, founded a foundation in 2009, after the first *Ley de Trata* was passed. She explains how, after that, she educated herself on how human trafficking related to gender dynamics and human rights violations, and has since been working on the topic. In the province of Salta there were no institutions or mechanisms that did so, and the foundation started working from scratch. In INT6's words, "it was an intensive work, figuring out how to do everything, a lot of trial and error, we often felt like we weren't doing it right, the kids weren't sensitized, but we have now been doing this for 15 years and have been learning a lot over the years"³⁰.

Furthermore, INT7, a Russian investigative journalist and activist based in Argentina, doesn't have an organization, but is a big voice of the anti-trata movement, known for her blunt and raw way of communicating. Her personal experience of infiltrating in human trafficking networks for purposes of sexual exploitation all over the world has made her a valuable expert in the field. She wrote books, is very present on social media, gives lectures all over Argentina and is invited to programmes on national

³⁰ Original: "Fue un trabajo intensivo de descubrir cómo hacer todo eso, mucha prueba y error, en varios momentos sentimos que no lo estábamos haciendo bien, los chicos no estaban sensibilizados, pero hace 15 años que venimos trabajando y aprendimos muchísimo a lo largo de los años".

television. INT7 works with a team of volunteers, among which are doctors and lawyers. Her main goal is to prevent, not necessarily prosecute.

Despite the different paths found by these civil society initiatives, it's clear that civil society has different timings and sense of urgency than those of the State, which INT11 mentions as a reason for such initiatives to appear. INT10 points to how these organizations emerge as instruments of denunciation, when the State isn't complying with the required efforts. Many organizations end up collaborating in matters of public policies and others eventually become a part of the statal structure. As INT10 puts it, "[i]n a way, they enter as references and end up being the nexus between civil society and the State"³¹. INT10 further elaborates on how before passing the laws, civil participation shared intellectual and human resources to help drafting them and, in the meanwhile, provided victim assistance, since the State didn't predict any support in that sense. In the first rescue cases, victims would be accommodated in temporary locations and, due to the characteristics of re-victimization processes, would eventually go back to situations of exploitation. As such, NGOs and civil society in general worked hard by pressuring governments at provincial and federal levels, to generate programs for assistance, safe housing and economic and psychological assistance, while trying to help victims on their own means.

Facing the lack of state support, NGOs have strengthened their presence and perfected their mechanisms of assistance, in order to help as many victims as possible. The work of Fundación María de los Ángeles, for instance, has three professional departments: the legal department, the mental health department and the social work department. INT3 described in detail the role of the legal department, explaining that its job is the integral legal assistance of victims who approach the Fundación asking for help, by providing advice, guaranteeing their access to justice and by representing them. The foundation has an active phone line and is situated in a busy area of the city, in order to make it accessible for victims to come forward and denounce their situations, which can be anonymous, signed by the Fundación and presented to PROTEX. The foundation's legal department can directly represent the victim, in provincial cases, but it can also be the complainant, that is, present a case against a possible perpetrator, as an institution, in federal cases. This is allowed by the Argentine Penal Code, which states that an NGO or organization with expertise in a certain crime can be the complainant in a cause, as explained by INT3, with the FMA working as an 'assistant' to the Justice system. Sometimes the foundation is requested to take part in raids, when there's not enough personnel to attend them, especially for the part of the psychosocial post-raid assistance and long-term assistance: "and here is the difference of a service, I would say, that the Fundación provides the victim with, that is, long-term psychological treatment"³², states INT3. INT1 and INT2, social worker and psychologist, respectively,

³¹ Original: "De cierta manera, entran como referentes y terminan siendo el nexo entre las organizaciones no gubernamentales y el Estado".

³² Original: "Pero he aquí la diferencia de un tipo de servicio, te diría, que brinda la Fundación a la víctima, que es un tratamiento psicológico a largo plazo".

give more details on how they provide such support. First of all, they explain that every intervention and action plan is set on fundamental principles of human rights, paired with a gender perspective, which they apply not only internally but every time they give talks or training. Victims can approach the foundation's police station in order to avoid "unnecessary questions" that might further victimize them. They then talk to the foundation's lawyers and testify in a *Gesell* chamber, as in a normal procedure.

When asked if victims tend to have more trust in NGOs than in regular State institutions and procedures, INT1 is not sure but she does state the following: "(...) I guess we could say that, according to each case, victims take refuge in who provides more support and our interventions, especially the psychosocial ones, are fundamentally thought out to protect them"³³, always with the subjectivity of each person in mind. Regarding long-term assistance, which they acknowledge is missing from the State's end, they recognize that processes of reinsertion are long and emotional. The first steps are the hardest for victims who spent years in captivity, and the process of assistance is pivotal for them to be able to resume a routine, reunite with their family and go back to studying or working. Some victims are assisted for several years, participating in workshops of various trades, and every two weeks receive food modules. The foundation has historically articulated with the *Ministerio de Desarrollo* (Ministry of Development), which also provides some resources. As such, in the face of a somewhat absent State and a variety of cases and victim profiles, the FMA tries to cover as many strategies as possible to contain the victims.

Similarly, RATT has assisted victims, participated in training and talks, collaborated and assisted justice and prosecutors and helped victims come forward with denunciations. INT5 believes it's crucial to 'make noise', by coming forward to the press, sharing on social media and, if needed, generate scandals regarding cases of human trafficking, especially of influential people. In fact, the organization has been successful in denouncing cases that left such people out of their functions. Media presence is also important for guaranteeing that certain cases and searches aren't abandoned. This, she believes, has been an exclusive work of civil society. But, as Viviana explains, almost everything is done voluntarily, expressing her frustration with the lack of support from the State:

What is happening to us as members of civil society is that we are seriously considering abandoning victim support, because it is such a heavy load on organizations, since we work for free, we have no State subsidies, we are selling coats to raise funds and you feel victims all the time complaining to us, crying, saying they will kill themselves, that they have nowhere to go with their children, they don't even have a mattress or food... And we are not the State. And the State doesn't provide answers. They

³³ Original: "Podríamos decir que, de acuerdo a cada caso, la víctima se refugia en quien le da contención y nuestras intervenciones, principalmente las psicosociales, están pensadas fundamentalmente para protegerlas".

[the State] tell you that they listen to you, and then congratulate you when you achieve something. But *they* are the State and *they* have to answer because that's what is written in the law³⁴.

The director of RATT feels that the State has delegated responsibilities to organizations, but with no funding, resources or programmes. Paradoxically, she believes that victims trust these organizations more than State institutions, especially in cases that involve local public officials or politicians, since such cases are often dismissed by the provinces.

Besides the same tasks performed by FMA and RATT, INT6 of Fundación Volviendo a Casa believes that another important role of organizations is to “fight against the cultural”³⁵ by debunking myths. Despite some undeniable social changes, INT6 believes there’s still a long way to go. Society still downplays forced labor and normalizes all modalities of prostitution without thinking about why many women end up in situations of prostitution managed by others rather than themselves. INT6 understands that the best strategy to fight human trafficking is to work from sensitization, prevention and training, since all of these steps involve a deep understanding of human trafficking dynamics. INT7 agrees that this is fundamental, considering that victim and trafficker profiles are evolving but many people and institutions aren’t updating their perceptions, and she also shared other ways in which she’s involved. Firstly, she states that her mission is to guarantee that victims don’t fall in the hands of traffickers in the first place, through prevention. She believes that by working hard on prevention, traffickers might turn to other illegal businesses that don’t involve exploiting other people’s bodies. She believes in raising as much awareness as possible, stating: “I try to speak out, spread information. I don’t care if it’s a small or big media outlet... you, for example, are doing research and then you are going to talk to other people about this, you will pass on information”³⁶. For instance, she feels that *Línea 145* isn’t properly advertised, and that many people have no idea it exists and don’t know how to denounce. In many cases, they reach out to people like INT7 or the organizations mentioned, but it would be easier if the hotline was properly advertised. INT7 also participates in raids, which she acknowledges she isn’t professionally trained to do. But, knowing her experience, she is sometimes called to take part. This further shows how the State lacks trained personnel for these situations and sometimes relies on civil society to perform certain tasks.

³⁴ Original: “Lo que nos está pasando como sociedad civil es que estamos seriamente considerando dejar la asistencia, porque es una carga tan pesada para las organizaciones, que trabajamos gratuitamente, no tenemos subsidios del Estado, estamos vendiendo camperas para recaudar fondos y sentís todo el tiempo a las víctimas demandándonos a nosotras, llorando, diciendo que se van a suicidar, que no saben a donde ir con sus hijos, que ni un colchón tienen, ni comida. Y nosotras no somos el Estado. Y el Estado no da respuesta. Te dicen que te escuchan y te felicitan cuando logras algo. Pero *ellos* son el Estado y *ellos* tienen que responder porque así lo dice la ley”.

³⁵ Original: “Luchar contra lo cultural”.

³⁶ Original: “Yo siempre trato de hablar, de difundir información. Para mí no importa si es un medio chico, grande... vos, por ejemplo, estás haciendo un proyecto, después vas a hablar con otras personas, vas a difundir información”.

Considering other anti-trafficking mechanisms, it's relevant to talk about the Federal Council, created through law 26.842, which should be a mechanism through which NGOs have the opportunity to provide insights and recommendations to the State. The perceptions of such experience were varied. INT3 evaluates positively the participation of the FMA in this Council. He believes that State organs take it as an opportunity to get feedback from experts who work directly with victims, and that great ideas have been taken from these meetings. INT9, on the other hand, considers that in these meetings the tension between the organizations and the State is very explicitly perceived. In fact, INT5 of RATT was very critical. She sometimes has the feeling that it's not even worth it to attend these meetings and that, somehow, being there means endorsing the government. Nonetheless, she still believes in articulation with the State, because these organizations can play an important role in demanding accountability and pointing at what is failing. INT5 does believe in organizations accompanying the State, reinforcing that "organizations shouldn't replace the State, but we are also here to signal what's wrong, right?"³⁷. She further considers that the Council meets very few times a year, an opinion shared by INT6, who thinks that measures are hard to implement, because decisions made at the Council must be adapted by all provinces, which rarely happens. Some provinces, she recalls, have never even sent their representatives, and smaller organizations deeply struggle to make themselves heard. In fact, touching upon the imbalance of provincial mechanisms, INT3 acknowledges the importance the FMA had for the province of Tucumán but shows concern with other provinces that don't have mechanisms of victim support. The Fundación works well and is able to step in when the State lacks resources, but what happens in provinces that don't have such a structure? Oftentimes, in provinces with less developed mechanisms, raids take place, victims declare and then they're left at their own luck, with no support. In occasions, the FMA traveled to other provinces, but they simply can't be present everywhere:

We are from Tucumán, we live here, we have several causes here, but what happens to other provinces in which there isn't a foundation that provides them with long-term assistance and, suddenly, the person has a severe anxiety crisis or was left with post-traumatic stress and goes to a public hospital and they give them a shift in a month and a half, two months?³⁸

Thus, it's visible that the relationship between civil society and NGOs and the State in Argentina is complex and nuanced. While the State is failing in a set of crucial points of fighting human trafficking and helping victims, NGOs and members of civil society have felt the urge to step in and fill the voids. As INT9 sums up, many organizations committed to human rights emerge with the need to occupy a

³⁷ Original: "Las organizaciones no deben reemplazar el Estado, pero también estamos para decir lo que está mal, no?"

³⁸ Original: "Nosotros somos tucumanos, vivimos acá, tenemos varias causas acá, pero qué pasa en otras provincias en donde no hay una fundación que les brinde asistencia a largo plazo, y de repente la persona tiene una crisis de angustia o se ha quedado con estrés postraumático y va a un hospital público y tiene el primer turno de acá a un mes y medio, dos meses?"

place that the State is simply not occupying. The general perception is that sometimes they work well together, but that there have also been many moments of tension and resentment, due to the lack of financial and logistic support given to organizations and the burden of responsibility.

This problem seems to persist despite government changes, but has been aggravated in the face of the government that took power in 2023 that has made radical cuts in public spending. INT5 of RATT affirms, regarding anti-trafficking organizations' relationship with the State, that "today the environment is of extreme tension, both in matters of human trafficking as well as of gender violence. The current government is eliminating everything, programmes, the Woman's Ministry (...). We understand there are things to improve, but they're not improving, they're eliminating"³⁹. Her perception is that, with previous governments, it's not that organizations received much help either, but at least there was some sense of responsibility from the State, who generated programmes and created the *Fondo Fiduciario*. Today, there's an ongoing attempt to dismantle it, which INT9 considers exclusively a political decision. This fund is important for many victims to get some sort of economic support, but the current government has deemed it poorly managed and decided to cut it by professing that it is public money - even though it isn't. "I personally wrote a letter to the President saying 'No, that money isn't yours, Mr. President. It's not the State's money, it's money from the seizure of the trafficker's assets that corresponds to victims'"⁴⁰ recalls INT5, as she explains that the Government had to backtrack on that decision, but that they were keen on keeping the money, which, INT6 notes, was not even money that was included in the government's budget.

INT5 further expresses her concerns regarding the decision of moving the Executive Committee to the orbit of the Ministry of Security, a concern shared by INT6, who highlights the complicity of security forces and police members with human trafficking. The Executive Committee left the sphere of the Office of the Presidency, which included many ministries, providing a holistic approach to issues based on human rights, labor, justice, and others. By inserting it into the orbit of Security, in 2024, the approach to human trafficking became one based on law enforcement, a model built on security and nothing else, as they explain. The result is that the State's approach is solely "rescuing, rescuing, rescuing"⁴¹, through raids that leave victims to the indifference of the State and at high risks of being re-trafficked, as INT5 explains. This leaves the dimension of prevention even more neglected, and victims more exposed and vulnerable. From INT2's perspective, in the face of a government uninterested in human rights, civil society organizations must, once again, fill the spaces. In this sense, most interviewees have agreed that facing a government that's been making radical public spending cuts, the fight against human trafficking

³⁹ Original: "Hoy el ambiente es de súper tensión, tanto en términos de trata como de violencia de género. El actual gobierno está eliminando todo, programas, el Ministerio de la Mujer (...). Se entiende que hay cosas a mejorar, pero no las están mejorando, las están eliminando".

⁴⁰ Original: "Entonces le tuve que escribir yo una carta al Presidente diciendo 'No, esa plata no es suya, Señor Presidente. No es plata del Estado, es plata de la incautación de los bienes del tratante que corresponde a las víctimas'".

⁴¹ Original: "Rescatar, rescatar, rescatar".

might be even harder, even though others believe that not much has changed and that there are ways to go around these difficulties. A lot is still to be done and civil society organizations and people who participate in anti-trafficking efforts still play a major role in many aspects. INT9 believes that efforts depend on everyone playing their role, from prosecutors like him, the justice system, the NGOs and an articulation between everyone in order to properly apply the existing victim-centered legislation.

Discussion

Having analyzed the information provided by the interviews, several points of the research are able to be more deeply discussed. Regarding research question number 1, “Has Argentina adopted a victim-centered approach in its anti-trafficking legislation and mechanisms?”, the analysis of legislation and mechanisms as well as the interview process suggest that Argentina has, indeed, adopted a victim-centered approach to the creation of anti-trafficking legislation and mechanisms. A victim-centered approach seeks to address root causes of trafficking, as well as provide assistance to victims, to avoid processes of re-victimization and re-trafficking. These efforts are inserted in the context of a proactive country in human rights matters, as suggested by some interviewees, confirming Sikkink’s (2008) idea that Argentina has been an important regional actor in that aspect and in confronting state failures, as well as sustains Varela’s (2020) belief related to the parallels between the events of the dictatorship and the current landscape of disappeared people and State inaction applied to human trafficking.

The existing literature points to anti-trafficking efforts being initially prompted by Marita Verón’s case. All interviewees agree with this, and it seems that Susana Trimarco’s initial involvement helped shape a more comprehensive legislation in terms of victims’ rights and their role in the process.

The presence of this approach is evidenced by the compliance with some of the most basic key constituents of a victim-centered approach (Grima, 2023; Demeke, 2024). Anti-trafficking laws in Argentina comprehend the non-punishment principle, adopted in 2008, and the elimination of the question of consent as constitutive of the crime as from 2012, as well as several articles that predict rights for victims in law 26.364 and further developed in law 26.842. Migrant victims are also included in the law and contemplated through a victim and human rights approach in which they can either get documents to stay in Argentina or return to their country, unlike what a law enforcement approach would propose, as Adams (2011) suggests. The creation of a specialized unit within the Ministerio Público Fiscal, as well as of the *Comité Ejecutivo* and the *Consejo Federal* reflect the States’ understanding of the complexities of human trafficking and the need for better coordination among actors. In the case of the *Consejo*, it shows the appreciation of nonstate actors in the development of strategies to mitigate the crime. The creation of a national hotline to denounce possible situations of exploitation is crucial to ensure victims can safely and anonymously come forward, considering the fact mentioned by authors like Weitzer (2020) and Adams (2011) in which human trafficking victims are often afraid of denouncing their situations because they fear their traffickers or law enforcement agents. The existence of law 27.508, aimed at creating a fund for victim reparation based on the confiscated assets of traffickers, is also a reflection of this approach. The UNODC (2024b) explains the need for all of these mechanisms to be at play, for which Argentine legislation is in line with current recommendations from the United Nations. Furthermore, and unlike criminal justice and law enforcement approaches, victims aren’t obliged to participate in the whole judicial process. This echoes Adams’ (2011) thinking of a victim approach being at work when victims’ needs are prioritized over criminal justice procedures. During the judicial process, victims can provide their testimony and decide they want to step away,

avoiding unwanted processes of victimization and being used by the system merely as a means to dismantle networks and catch criminals, a central critique made by authors such as Adams (2011), Sibanda (2023) and Demeke (2024) to the criminal justice and law enforcement approaches.

The law of 2012 re-defined the understanding of human trafficking, adding the verb “to offer”, acknowledging how human trafficking is a process with an end-goal of exploitation, which includes a series of steps that form the crime, as also understood by Giberti (2014). As such, each of these steps may configure a crime of human trafficking in itself, as they may lead a victim to be exploited. Some interviewees believe that the amendment to the original definition was clear evidence of the attempt at generating a victim-centered law. The fact that this is contemplated in the law leads to believing that Argentina even stepped up to the Palermo Protocol, which has been criticized for being more focused on criminal justice and law enforcement rather than on victims’ rights (Segrave; 2009; Boyle & Yoo, 2015).

Argentina has produced other legislation that, despite not being directly aimed at dealing with human trafficking, has been crucial to anti-trafficking efforts and to protecting victims, and shows a comprehension of gendered dynamics and asymmetries as well as of processes of victimization. Law Micaela, aimed at ensuring training of all public officials in gender matters and gender violence, has played an important role in the case of trafficking for purposes of sexual exploitation, namely, to avoid unnecessary questioning of victims that might trigger trauma (Grima, 2023; Heil & Nichols, 2024), as several interviewees confirm. Moreover, the creation of a Law of Victims in 2017 demonstrates how the Argentine State understands that victims of crimes are under particular conditions of vulnerability and require specific support mechanisms.

Summing up, Argentine legislation considers, in theory, an abundance of rights for victims of human trafficking, regardless of their nationality or immigration status. These rights are in line with experts’ recommendations for implementing a victim-centered approach. Analyzing the laws and the interview content, both suggest that the lens through which current policies were designed was based on an understanding of the processes of human trafficking and victimization, eliminating matters of consent, ensuring victims aren’t punished and that victim assistance services are predicted. However, the data also points to a victim-centered approach that is stronger on paper than in its application. This finding resonates with Englehart’s (2009) theory of the interplay of two different dimensions regarding state action, a normative and an empirical one. States might take responsibility for protecting human rights in their jurisdiction, for example, through laws and normatives. Nonetheless, empirically, such norms are sometimes not properly applied, leading to human rights abuses even in the most “well-intentioned” (Englehart, 2009, p. 163) states. This concern seems to have prompted civil society to step in.

Thus, for the second research question, “What role have civil society actors played in addressing the weaknesses of the Argentine State regarding anti-trafficking efforts?”, contributions from the

interviews make it clear that, in spite of the existence of a legal text perceived as victim-centered, the Argentine State has been ineffective in certain anti-trafficking mechanisms.

Perhaps the main issue identified was the huge lack of prevention work from the State's end. Results point to how the State's prevention efforts have been limited and meager, mainly consisting of a few shy campaigns. Prevention is one of the most important aspects of the anti-trafficking fight and a present State in this sphere is required. This dimension should tackle root causes of trafficking (Van Rij, 2023) and should be taken as a responsibility of a State within its civil society (Boyle & Yoo, 2015). The neglect of the prevention aspect by successive governments in Argentina goes hand in hand with the fact that the State isn't providing long-term support to victims, leaving them at risk of being re-trafficked, since a lack of economic support, job training and education leave many victims no choice but to return to situations of exploitation (Adams, 2011). While current laws predict robust support for victims, long-term support seems to be non-existent. Moreover, public sectors lack the appropriate training to identify and support victims of trafficking and public services such as psychological and medical help. These shortcomings coexist with the mutating nature of the crime, which has developed new mechanisms of recruitment and produced a market for new purposes of exploitation, generating new victim and trafficker profiles. The identification of corruption and collusion of public officials by the interviewees matches the findings in literature that assert that human trafficking networks can't persist or operate without some level of corruption from the public sphere (Lazos, 2007; Jaca, 2019), and supports Blanton et al.'s (2020) idea of how agency loss allows for the persistence of human trafficking networks.

In understanding statal shortcomings, it's also important to reinforce the difference in how cases of sexual exploitation and labor exploitation are handled. While the former are more visible and easily sensationalized, the latter tend to be less identifiable and more socially normalized and dismissed, matching Segrave's (2009) and Goździak and Vogel's (2020) findings. Additionally, the State has relied mainly on sporadic controls, showing that actions have fallen short and that a better understanding of the dynamics of trafficking for labor exploitation might be lacking.

By being a signatory to the Palermo Protocol, and by developing its own legislation, the Argentine State is bound to assist victims, work to prevent the crime and prosecute criminals. While the dimension of prosecution appears to be active and fruitful, it seems that for the first two obligations the State has not produced significant efforts, as according to the findings in the interviews.

Having identified the main points in which the Argentine State has failed with its obligations, it is now pertinent to delve into the role that civil society actors have played in the anti-trafficking fight in the country, considering that they emerged strongly even before the current anti-trafficking legislation was passed. As it was already discussed, Susana Trimarco had a determinant role in setting the topic into the public and political agenda, ultimately leading to the creation of the first *Ley Anti-Trata*, in 2008. This puts into clear evidence the processes of advocacy and *incidencia* which played out after Marita's disappearance, protagonized by civil society actors through various instances over the course

of several years. Susana Trimarco's actions followed Uranga's (2016) description of the typical process of *incidencia* and accounted for a reflection of the role of civil society around this topic. However, Susana wasn't the only active actor in the anti-trafficking fight. NGOs and organizations such as RATT and Fundación Volviendo a Casa emerged from "the need to do something", considering that the State ratified the Palermo Protocol in 2002 but failed to provide adequate mechanisms and assistance for years. These organizations represent the emergence of an active civil society around this topic, in line with Scherer-Warren's (2011) acknowledgement of how often policies are the result of a first moment of material demand from part of civil society, organized in networks, trying to negotiate with states certain rights and services that are lacking.

The work of civil society understands victims' subjectivities and their varying experiences, avoiding a one size fits-all approach, as they search to work with local communities and address particular concerns at the local level (Brinkerhoff, 1999). This is evident by RATT's strategy of leaving referrals in several provinces of Argentina and in extending its reach to other countries in the region, building a network that aims at enhancing ongoing efforts respecting local specificities, or by FVC's crucial role at addressing local needs, since the province of Salta had no robust anti-trafficking and victim-assistance mechanisms. The FMA also has a strong and relevant local presence, being the referral for many victims to seek legal and psychosocial assistance in Tucumán. It has participated in cases from other provinces but, as explained by the interviewees, it's hard to do so due to financial and resource constraints. What is true is that local action can be particularly important due to the fact that provinces have different resources and, therefore, there's a national imbalance in anti-trafficking efforts at the provincial level, as explained by Sommer (2017) and confirmed by some interviewees.

Initially, these organizations emerged as elements of denunciation in the face of a state that was slow in answering to a problem that was becoming more visible. The disappearance of Marita ended up being the trigger for mobilization around the topic, and for it to be better understood. The role of Argentina's civil society in the development of legislation, thus, is undeniable, and is the first and most evident point of the multi-actor aspect of the creation of public policies in a democratic state, providing a direct observation of the participatory role described by Agudelo (2012) which leads to democratic responsibility-sharing.

After the legislation stage, organizations and individuals that worked in the anti-trafficking field understood that processes of re-victimization were common due to the lack of appropriate long-term support for victims, including housing, mental health, treatment to addiction, economic support, as well as education and job training. These rights are contemplated in law 26.364 of 2008 and further elaborated in law 26.842 of 2012, constituting an obligation of the Argentine State. As mentioned by one interviewee, the law is quite complete and robust, but it's not being translated into practical actions from the State's end. As such, several organizations felt the need to step up to provide such services and, until this day, continue to do so. Organizations such as the FMA, RATT and FVC, as well as individual actors such as Kitty, provide much needed help and support in the legal, mental health and social realm. This

is also a result of the fact that many victims don't trust State organs, in particular the Police, and feel safer contacting these types of organizations. Some organizations provide shelter, food modules, long-term psychological support and job training to enhance the chances of social re-integration and to avoid processes of re-victimization. Besides providing long-term victim support, one interviewee reported how she is sometimes called to participate in raids and rescues, which should be a responsibility of trained state officials and not of civilians. Civil society actors even provide training in gender and human trafficking matters, a role that should be of the State, as mentioned by Cho et al (2012).

Civil society actors also have a direct role in prevention work. While successive governments planned a few shy campaigns that had little impact, civil society has tried to compensate for the lack of work in this crucial dimension by engaging in parallel prevention efforts, through informative talks, workshops and constant presence in the media, to keep the issue in the public agenda. This is crucial to generate knowledge regarding the roots of human trafficking as well as to avoid that vulnerable populations are trafficked, particularly in a context in which the traditional trafficking mechanisms and victim and trafficker profiles are changing. Activists and organizations go to schools, appear in television and have built online platforms to spread as much awareness as possible, but usually do so without statal financial support. Prevention goes hand in hand with the act of debunking 'myths' which can be problematic as they perpetuate stereotypes and obstruct the understanding of the reality of trafficking, as some of the interviewees highlighted. Less and less trafficking happens through violent kidnappings of random people, but rather through slow and subtle deception of targeted vulnerable populations. The input of civil society in these processes can lead to enhancing State accountability as well as to better quality policy-making, as it is targeted and based on on-the-ground experience, as supported by Brinkerhoff (1999) and Agudelo (2012).

It seems that civil society actors have felt the weight and responsibility of doing prevention efforts, of providing victim assistance services, especially long-term, and of permanently advocating to keep the issue on the public agenda. This allows for an understanding of why some interviewees acknowledge that there have been moments of extreme tension between State and civil society actors. A common sentiment was that these organizations are doing the State's work, delegated onto organizations and individual actors but without its support, namely financial. The feeling is that civil society's knowledge and actions are appreciated by the State, but are taken for granted and used to fill the State's gaps for undetermined time.

On another note, regarding the present, some of the interviewees showed concern with how the government that took power in 2023 might hinder the anti-trafficking fight. The current government is following through with its electoral promise of deep cuts in public spending, which have resulted in the dismantling of some public institutions and ministries such as the Woman's Ministry. Government officials have stated that human rights are not a priority, which can further complicate efforts to fight human trafficking and put even more pressure on civil society as a whole, considering that state capacity might be even more weakened. While this puts into evidence the importance of continuous work on the

behalf of organizations, some expressed their frustration during the interview, and visualized an unpredictable future specially in terms of victim assistance.

Beyond the tension, however, there's also visible willingness from part of civil society to cooperate with the State. All actors involved seem to comprehend the plus-value of the contribution of civil society. Organizations and individuals understand that they can perform a role of demanding accountability and denouncing state failure, while also providing support and expertise. There doesn't seem to be a wish for undermining the State's functions or getting power over it; on the contrary, it seems that civil society organizations and activists in Argentina in the human trafficking field are demanding the State to comply with its responsibilities, while at the same time understanding the importance of their role. The existing legislation is taken as victim-centered and comprehensive, and the State's efforts in this sense are praised, but there is a wish for articulation, and for a more proactive State in matters of prevention and assistance. As such, it can be argued that the model of NGO-state relations mentioned by Stroup (2019) at play in this field is that of cooperation. Applying this model to the civil society actors interviewed, it seems clear that both actors are making efforts to work together, as is evident through the creation of the *Consejo Federal*, for example, as well as the reporting to public entities such as the PROTEX on the part of civil society actors. The articulation with the State is also evident through an interviewee's belief that some national mechanisms like *Línea 145* aren't being properly spread, and that civil society should play the role of advertising already existing mechanisms.

To conclude, the active participation of civil society can be a sign of a healthy democracy in which the State acknowledges the role of several actors. Civil society actors can provide a determinant voice for a certain cause, as it is evident with the case of human trafficking in Argentina. Civil society has been fundamental through processes of advocacy, *incidencia*, victim-assistance, prevention efforts and expertise. This doesn't imply a zero-sum game, as civil society is rather demanding accountability and addressing weaknesses to ensure that victims are supported. Thus, the interpretation of results can confirm Neumann and Sending's (2006) understanding of how civil society has become both an object as well as a subject of government. Its autonomy and expertise has become important to the task of governing, which is carried out through autonomous subjects and not on passive objects.

Conclusions

Human trafficking is a complex crime that is present in all corners of the globe, and one of the most profitable types of organized crimes. It victimizes men, women and children through several purposes of exploitation, violating their human rights. While international protocols and agreements to fight human trafficking have been created, national responses worldwide have varied. Some are more comprehensive of victimization processes while others seem to prioritize law enforcement and prosecution aspects, often at the victims' expense. The present research focused on Argentina and its domestic response, trying to understand if the State has adopted a victim-centered and human rights-based approach in its anti-trafficking mechanisms and legislation, and to comprehend the role of civil society in facing possible State shortcomings. Two research questions were developed in order to answer these interrogations: "To what extent do Argentina's current legislation and mechanisms reflect a victim-centered and human rights approach to anti-human trafficking efforts?" and "What role have civil society actors played in addressing the weaknesses of the Argentine State regarding anti-trafficking efforts?".

Regarding the first research question, the results based on the analysis of documents and in an interview process lead to believing that Argentina has, indeed, adopted a victim-centered approach in its anti-human trafficking mechanisms. The existing legislation and the mechanisms created demonstrate a deep understanding of the conditions that should be reunited in order to avoid processes of re-trafficking and re-victimization, as well as of the need to restore the victims' violated human rights in the measure of what is possible. Argentina immediately adopted the non-punishment principle and later modified the definition of human trafficking as well as eliminated the consent aspect of the law, acknowledging that no person can possibly consent to being exploited. The State identified the need for a series of services, including job training and education, to allow victims to be re-integrated into society and to rely on a job that does not exploit them, as well as economic support, for which the creation of a fund with the confiscated assets of traffickers emerged. There are also other laws, such as *Ley Micaela* and *Ley de Víctimas* which address gender violence and victimization, respectively, which have complemented the anti-trafficking fight.

It's important to remark, however, that these efforts were not only the result of State proactivity but had contributions from civil society actors from the beginning. This required a deeper understanding of the role played out by civil society in the anti-trafficking fight in Argentina. It became clear that Susana Trimarco, the mother of Marita Verón, was crucial to pushing the topic into the socio-political agenda, and several other actors joined her, contributing to the design of public policies on a first instance.

However, significant gaps in the implementation of these mechanisms have been identified. The implementation of the existing anti-trafficking mechanisms should be, first and foremost, a responsibility of the Argentine State, but actors in the human trafficking field report that victims aren't getting enough support and some return to situations of exploitation. Furthermore, the lack of prevention work, the collusion of public officials and the changing dynamics of the crime translate directly into the

persistence of this problem at the national level. Facing the uneven implementation of legislation and mechanisms and the clear persistence of trafficking networks, organizations and individual actors have felt the urge to step in. Today, they keep providing a wide range of victim assistance services, doing prevention work and even cooperating with State actions such as raids and rescues. While there's clear frustration from some of these actors regarding State inaction in some dimensions as well as a lack of funding to anti-trafficking initiatives, there is also a will to cooperate with the State and to utilize its existing anti-trafficking infrastructures. Civil society has played a key role from the beginning of the anti-trafficking fight in Argentina and, while these roles have evolved and changed, it remains as a fundamental actor in this field.

Argentina has been identified as an important regional actor in terms of upholding human rights, due to its political history. It seems that the regard for human rights was not an exception at the moment of developing human trafficking legislation and mechanisms, for which the country can be an example for the region, which is plagued by a history of social inequalities and human rights violations. The joint work of the Argentine State and civil society might also hint at signs of a healthy democracy, in which non-state actors find a voice, put issues into the socio-political agenda, participate in policy-making processes and are even consulted due to the acknowledgement of their expertise. This relationship reinforces the idea that democratic values and practices and respect for human rights can be co-built by the State and by civil society, but in a process in which the latter can (and should) be an active critic of the former, actively demanding accountability.

It's important to remark the concern of some interviewees in the face of the current government that has been cutting public spending and shutting down programmes and ministries. These public cuts go hand in hand with a political discourse that undermines the importance of human rights and of gender issues. These factors generate a feeling that the anti-trafficking fight might encounter even more obstacles and possibly face an even more absent State.

Finally, it seems relevant to address possible limitations of the present research. While the interview process counted with the participation of some of the main experts on this issue in Argentina, which overwhelmingly agreed on most topics, it is a somewhat short sample, which might hinder representativity. Not all Argentine provinces were covered, and the lack of accurate quantitative data can be an obstacle to an assessment of the real dimension of the problem. Nonetheless, both State and civil society actors were interviewed, and the fact that there was a general consensus regarding the proposed questions must be highlighted as a positive determinant for the reliability of the results. Being able to interview people who directly work in the human trafficking field and grasp their perceptions on the current anti-trafficking landscape in Argentina provided an interesting and rich discussion of what might be lacking to ensure this crime becomes less common and that victims see the assistance and support promised to them by the law materialized in their daily lives.

Taking all of this into account, combatting human trafficking in Argentina is promising, but implementation gaps and shortcomings must be addressed by the Argentine State. While organizations

have been denouncing the lack of resources to try to cover all aspects of prevention and victim assistance, the State seems to keep delegating these responsibilities onto them with no funding or support. In a way, civil society is doing more than it should: it can help design policies, identify problems, provide solutions, but should not be relied upon to be the sole provider of long-term support and prevention efforts. States are ultimately responsible for protecting their citizens and ensuring their rights are safeguarded. State and non-state actors can and should cooperate, but the latter has more limited capacity. Some measures such as transparency, the reinforcement of provincial assistance and of general funding can only be taken by the State. Most importantly, victims' rights should be kept at the forefront of this debate, in spite of government changes. Luckily, both actors have historically seemed to be willing to cooperate with each other to ensure this is accomplished.

References

- Adams, C. (2011). Re-trafficked victims: How a human rights approach can stop the cycle of re-victimization of sex trafficking victims. *George Washington International Law Review*, 43, 201-234.
- Agudelo, G. D. V. (2012). Incidencia de la sociedad civil en el ciclo de las políticas públicas. *Papel político*, 17(2), 469-496.
- Argentina. (2008). *Ley 26.364: Prevención y sanción de la trata de personas y asistencia a sus víctimas*. Boletín Oficial de la República Argentina. <https://servicios.infoleg.gob.ar/infolegInternet/anexos/140000-144999/140100/norma.htm>
- Argentina. (2012). *Ley 26.842: Modificación de la Ley 26.364 de prevención y sanción de la trata de personas y asistencia a sus víctimas*. Boletín Oficial de la República Argentina. <https://servicios.infoleg.gob.ar/infolegInternet/anexos/205000-209999/206554/norma.htm>
- Argentina. (2019). *Ley 27.499: Ley Micaela de Capacitación obligatoria en género para todas las personas que integran los tres poderes del Estado*. Boletín Oficial de la República Argentina. <https://servicios.infoleg.gob.ar/infolegInternet/anexos/315000-319999/318666/norma.htm>
- Argentina. (2019). *Ley 27.508: Creación del Fondo Fiduciario Público*. Boletín Oficial de la República Argentina. <https://servicios.infoleg.gob.ar/infolegInternet/anexos/325000-329999/325439/norma.htm>
- Alsaawi, A. (2014). A critical review of qualitative interviews. *European Journal of Business and Social Sciences*, 3(4), 149-156.
- Antipas, N., & Fourmentel, S. (2018). Trata de personas: Políticas públicas, abordajes desde el Estado y la sociedad civil. *Revista Plaza Pública*, 11(19), 1–22.
- Aszenaki, M. (2013). - Ley Anti Trata. In L. Romé & L. Strauss (Eds.), *Trata de personas* (pp. 7–11). Ediciones de la Facultad de Ciencias Sociales, Universidad de Buenos Aires.
- Barraco, M., Chen, M. & Farias, M., (2022). *Determinants of anti-trafficking efforts. Case study: Argentina*. British Institute of International and Comparative Law.
- Barvinsk, G. M. (2014). La trata de mujeres con fines de explotación sexual en la región de la triple frontera. *Urvio. Revista Latinoamericana de Estudios de Seguridad*, (14), 68-78.
- Blanton, R. G., Blanton, S. L., & Peksen, D. (2020). Confronting human trafficking: The role of state capacity. *Conflict Management and Peace Science*, 37(4), 471-489.
- Boyle, E. H., & Yoo, E. H. (2015). National human trafficking initiatives: Dimensions of policy diffusion. *Law & Social Inquiry*, 40(3), 631-663.
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
- Braun, V., Clarke, V., Hayfield, N., & Terry, G. (2019). Thematic analysis. In P. Liamputtong (Ed.), *Handbook of Research Methods in Health Social Sciences* (pp. 843-860). Springer.
- Brinkerhoff, D. W. (1999). State-civil society networks for policy implementation in developing countries. *Policy Studies Review*, 16(1), 124-147.
- Carbajal, M. (2008). Trata y explotación sexual en Argentina. *Debate Feminista*, 37, 103–114.
- Cárdenas, I. C. (2015). Trata de personas: Entre los hechos y los conceptos. *Perfil Criminológico*, 16, 7–8.
- Chalise, S. & Laghzaoui, L. (2020). Women trafficking other women and how international NGOs fail to address the issue. *Journal of Human Rights and Peace Studies*. 6(2), 203-226.
- Cho, S. Y., Dreher, A., & Neumayer, E. (2012). *The determinants of anti-trafficking policies: Evidence from a new index* (DIW Berlin Discussion Paper). DIW Berlin – Deutsches Institut für Wirtschaftsforschung.
- Cieza, D. (2013). Trabajo precario, trata de personas con fines laborales y derechos humanos. In L. Romé & L. Strauss (Eds.), *Trata de personas* (pp. 29–38). Ediciones de la Facultad de Ciencias Sociales, Universidad de Buenos Aires.
- Clemente, M., & Varela, C. (2023). Tráfico de pessoas, antitráfico e perspectivas críticas: nota introdutória. *Configurações. Revista de Ciências Sociais*, (32), 7-16.
- Cook, H., Fabbri, C., Galez-Davis, C., Grant, N., Kiss, L., Lo, Y., Stöckl, H. & Zimmerman, C. (2021). Human trafficking and violence: Findings from the largest global dataset on trafficking survivors. *Journal of Migration and Health*, 4, 1-6.
- Csizer, K. & Dörnyei, Z. (2012). How to design and analyze surveys in second language acquisition research. In A. Mackey & S. M. Gass (Eds.), *Research Methods in Second Language Acquisition. A Practical Guide* (1st ed., pp. 74-94). Wiley-Blackwell.

- Della Penna, C. (2014). Aspectos fundamentales sobre la trata de personas. Particularidades del caso argentino. *URVIO. Revista Latinoamericana De Estudios De Seguridad*, (14), 28–47.
- Demeke, S. (2024). A human rights-based approach for effective criminal justice response to human trafficking. *Journal of International Humanitarian Action*, 9(4), 1-13.
- DoCarmo, T. E. (2019). Major international counter-trafficking organizations: Addressing human trafficking from multiple directions. In J. Winterdyk & J. Jones (Eds.), *The Palgrave international handbook of human trafficking* (pp. 1–16). Springer Nature Switzerland.
- Etkin, E. (2016). Procesos de incidencia de la fundación María de los Ángeles y su vínculo con la Ley de Trata de Personas. *Actas de Periodismo y Comunicación*, 2.
- Englehart, N. A. (2009). State capacity, state failure and human rights. *Journal of Peace Research*, 46(2), 163-180.
- Friedman, D. A. (2012). - How to collect and analyze qualitative data. In A. Mackey & S. M. Gass (Eds.), *Research Methods in Second Language Acquisition. A Practical Guide* (1st ed., pp. 180-200). Wiley-Blackwell.
- Fundación María de los Ángeles. (n. d.). *La Fundación*. In *Fundación María de los Ángeles*. <https://fundacionmariadelosangeles.net/la-fundacion/>
- Galante, D. (2014). El Juicio a las Juntas en la escena política argentina. *Lucha Armada en la Argentina*, 10, 92-107.
- Giberti, E. (2014). La trata de personas: el desvalimiento en el crimen organizado. *Desvalimiento Psicosocial*, 1(1).
- Giraud, N. C., Juárez, J. M. & Priano, E., (2024). Trata de personas: Una mirada desde el primer nivel de atención. *Evidencia, Actualización en la Práctica Ambulatoria*, 27(4)
- Grima, J. M. (2023). Procesos de trabajo de las políticas públicas sobre trata de personas en Argentina. *Revista Espiga*, 22(46), 228-244.
- Guinn, D. E. (2008). Defining the problem of trafficking: The interplay of US law, donor, and NGO engagement and the local context in Latin America. *Human Rights Quarterly*, 30(1), 119-145.
- Goździak, E. M., & Vogel, K. M. (2020). Palermo at 20: A retrospective and prospective. *Journal of Human Trafficking*, 6(2), 109-118.
- Hernández, V. (2012, April 3). La madre que se disfrazó de proxeneta para encontrar a su hija. *BBC Mundo*. https://www.bbc.com/mundo/noticias/2012/04/120402_argentina_caso_marita_veron_una_decada_vh
- Heil, E. J. & Nichols, A. J. (2024). An integrated model of human trafficking response in the prosecution process: restorative justice, therapeutic jurisprudence, survivor centered practice and anti-oppressive practice. *Crime, Law and Social Change*, 81(3), 231-253.
- Hwang, M. C., Lee, H. R. & Parreñas, R. S. (2012). What is human trafficking? A review essay. *Signs: Journal of Women in Culture and Society*, 37(4), 1015-1029.
- Ikram, M., & Kenayathulla, H. B. (2022). Out of touch: Comparing and contrasting positivism and interpretivism in social science. *Asian Journal of Research in Education and Social Sciences*, 4(2), 39-49.
- International Labour Organization. (2025). *Understanding the scale of human trafficking for forced labour*. ILOSTAT. <https://ilostat.ilo.org/blog/understanding-the-scale-of-human-trafficking-for-forced-labour/>
- INTERPOL. (n.d.). *The issues*. In Human trafficking and migrant smuggling. Retrieved September 13, 2025, from <https://www.interpol.int/Crimes/Human-trafficking-and-migrant-smuggling/The-issues>
- Jaca, M. L. G. (2019). Trata de personas con fines de explotación sexual desde el enfoque de los derechos humanos y la perspectiva de género. *Raigal*, (5), 20–34.
- Jácome, P., Supliguicha, V. & Vásquez, G. (2009). Trata de personas: Historias que invisibilizan verdades. *Ciudad Segura*, 36, 4–9.
- Kangaspunta, K. (2007). Collecting data on human trafficking: availability, reliability and comparability of trafficking data. In E. U. Savona & S. Stefanizzi (Eds.), *Measuring Human Trafficking. Complexities And Pitfalls* (pp. 27-36).
- Knott, E., Rao, A., Summers, K. & Teeger, C. (2022). Interviews in the social sciences. *Nature Reviews Methods Primers*, 2(73), 1-36.
- Kouam, A. D. F. (2024). Interpretivism or constructivism: Navigating research paradigms in social science research. *International Journal of Research Publications*, 143(1), 1-5.
- Laczko, F. (2007). Enhancing data collection and research on trafficking in persons. In E. U. Savona & S. Stefanizzi (Eds.), *Measuring Human Trafficking. Complexities And Pitfalls* (pp. 37-44).

- Lazos, G. (2007). Qualitative research in human trafficking - A particular case. In E. U. Savona & S. Stefanizzi (Eds.), *Measuring Human Trafficking. Complexities And Pitfalls* (pp. 95-106).
- Ministerio Público Fiscal de la Nación, Procuraduría de Trata y Explotación de Personas (PROTEX). (2023). *Informe anual 2023: Procuraduría de Trata y Explotación de Personas*. Ministerio Público Fiscal de la Nación.
- Ministerio Público Fiscal de la Nación. (n. d.). *PROTEX: Procuraduría de Trata y Explotación de Personas*. <https://www.mpf.gob.ar/protex/>
- Moreno, M. (2019). El espacio de la trata de personas con fines de explotación sexual: Sus representaciones en Argentina, a comienzos del siglo XXI. *Geograficando*, 15(2).
- Neumann, I., & Sending, O. J. (2006). Governance to governmentality: analyzing NGOs, states and power. *International Studies Quarterly*, 50(3), 651-672.
- OSCE Office for Democratic Institutions and Human Rights. (2023). *Code of practice for ensuring the rights of victims and survivors of human trafficking*. OSCE/ODIHR.
- Otto, D. (1996). Nongovernmental organizations in the United Nations system: the emerging role of international civil society. *Human Rights Quarterly*, 18(1), 107-141.
- Palacio de Arato, M. A. & Palumbo, P. C. (2023). Femicidio en contexto de trata de personas en la República Argentina. *Revista Espiga*, 22(46), 181-182.
- Pereira, M. (2022). Tráfico de pessoas na seara dos Direitos Humanos e Fundamentais: A práxis judicial na América Latina. *ID on Line. Revista De Psicologia*, 16(61), 237-255.
- Roulston, K. (2019). Preparing researchers to conduct interdisciplinary, multi-method qualitative research. *The qualitative report*, 24(9).
- Sampó, C. (2017). Narcotráfico y trata de personas, una muestra de cómo el crimen organizado avanza en Argentina. *Revista de relaciones internacionales, estrategia y seguridad*, 12(2), 207-229.
- Scherer-Warren, I. (2011). Redes da sociedade civil: advocacy e incidências possíveis. In C. Martinho & C. Felix (Eds.), *Vida em rede: Conexões, relacionamentos e caminhos para uma nova sociedade* (pp. 65-85). Instituto C&A.
- Schnabel, R. A. (2009). Historia de la trata de personas en Argentina como persistencia de la esclavitud. *Buenos Aires: Dirección General de Registro de Personas Desaparecidas*.
- Segrave, M. (2009). Human trafficking and human rights. *Australian Journal of Human Rights*, 14(2), 71-94
- Sibanda, L. N. (2023). The root causes of human trafficking: A critical analysis of the contemporary approaches to human trafficking. *University of Bologna Law Review*, 8(1), 217-243.
- Sikkink, K. (2008). From pariah state to global protagonist: Argentina and the struggle for international human rights. *Latin American politics and society*, 50(1), 1-29.
- Sommer, C. G. (2017). Trata de personas en Argentina. Sus recientes implicancias de persecución y asistencia a víctimas. *Boletín Mexicano de Derecho Comparado*, 50(148), 393-425.
- Stroup, S. S. (2019). NGOs' interactions with states. In T. Davies (Ed.), *Routledge handbook of NGOs and International Relations* (pp. 32-45). Routledge.
- United Nations. (1948). *Universal Declaration of Human Rights*. United Nations <https://www.un.org/en/about-us/universal-declaration-of-human-rights>
- United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* (Palermo Protocol).
- United Nations High Commissioner for Human Rights. (2002). *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. United Nations High Commissioner for Human Rights.
- United Nations Office on Drugs and Crime. (2024a). *Global report on trafficking in persons 2024: Country data, South America*. United Nations.
- United Nations Office on Drugs and Crime. (2024b). *Global Report on Trafficking in Persons 2024* (Global Report on Trafficking in Persons). United Nations.
- United States Department of Justice. (2000). *Trafficking Victims Protection Act (TVPA)*.
- Uranga, W. (2016). Comunicar para la incidencia política. *Revista Latinoamericana de Ciencias de la Comunicación*, 13(25).
- Varela, C. I. (2012). Del tráfico de las mujeres al tráfico de las políticas: Apuntes para una historia del movimiento anti-trata en la Argentina (1998-2008). *Publicar en Ciencias Sociales y Antropología*, 12.

- Varela, C. (2013). ¿Cuáles son las mujeres de esos derechos humanos? Reflexiones a propósito de las perspectivas trafiquistas sobre el mercado del sexo. In L. Romé & L. Strauss (Eds.), *Trata y prostitución* (pp. 43–50). Ediciones de la Facultad de Ciencias Sociales, UBA.
- Varela, C. (2016). Entre el mercado y el sistema punitivo. Trayectorias, proyectos de movilidad social y criminalización de mujeres en el contexto de la campaña anti-trata. *Zona Franca*, (24), 7-37.
- Varela, C. I. (2020). Lenguajes de derechos humanos y memorias del pasado reciente en la campaña anti-trata argentina. *Clepsidra. Revista Interdisciplinaria de Estudios sobre Memoria*, 7(14), 156–175.
- Van Rij, J. J. M. (2023). Towards a new human trafficking strategy: Proactivity at the heart of the Ps Paradigm. *International Journal of Criminology and Sociology*, 12, 151-165.
- Villares, M. M. (2024). Trata y tráfico de personas en la frontera Bolivia y Argentina. *Revista Yachay*, 41(79), 169-193.
- Washington Office on Latin America (WOLA) & Centre for Development and Population Activities (CEDPA). (2005). *Manual para la facilitación de procesos de incidencia política*. https://www.wola.org/wp-content/uploads/2005/06/atp_manual_para_facilitacion_jun_05-1.pdf
- Weitzer, R. (2020). Modern slavery and human trafficking. *Great Decisions*, 41-52.
- Wilson, M. S. (2013). Recorrido histórico sobre la trata de personas. *Programa Andino de Derechos Humanos*.
- Winterdyk, J., & Zarafonitou, C. (2022). Human trafficking and urban safety: Exploring pathways to prevention, protection, partnership, and beyond. *Urban Crime—An International Journal*, 3(1), 1-7.

Annex

Table 1 – Profile and codification of the interviewees

	Code Designation	Role	Organization Name
Interviewee nr. 1	INT1	Psychologist at FMA	Fundación María de los Ángeles
Interviewee nr. 2	INT2	Social Worker at FMA	
Interviewee nr. 3	INT3	Lawyer at FMA	
Interviewee nr. 4	INT4	Lawyer for Susana Trimarco	
Interviewee nr. 5	INT5	Director of RATT	Red Alto al Tráfico y la Trata (Argentina)
Interviewee nr. 6	INT6	Director of FVC	Fundación Volviendo a Casa
Interviewee nr. 7	INT7	Journalist and Activist	
Interviewee nr. 8	INT8	Public Defender	
Interviewee nr. 9	INT9	Federal Prosecutor	
Interviewee nr. 10	INT10	Lawyer specialized in Human Rights	
Interviewee nr. 11	INT11	Political Scientist and Researcher	