

HUMAN TRAFFICKING:

A Comparative Analysis of Why Countries with Similar
Characteristics have Different Situations

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ABSTRACT

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Numerous factors which promote human trafficking have been examined by many scholars, yet little attention has been placed on the role of adolescent single mothers as a significant factor that increases the vulnerability of these young women to trafficking.

This study aims to understand and explain why two countries with similar characteristics in geography, political and socio-economic systems present a very different picture in their sex trafficking patterns and challenges. This is a case study that compares Argentina and Brazil along a variety of indicators relevant to human trafficking. Although similar with respect to several characteristics analyzed in their incidence of sex trafficking, Argentina and Brazil do differ in one major factor that on its face could account for the differences in their sex trafficking practices --birth rate among adolescent girls aged 15 to 19. This rate is higher in Brazil than that in Argentina. This study seeks to answer the following questions:

1. - Does this difference account for the difference in sex trafficking practices and if so, how?
2. - Is this difference explained by something else (e.g. other than birth rate)?

3. - What other factors might contribute to the difference in sex trafficking practices?

Two main sources of information were used in this comparative analysis: (1) data collected from reports, databases from intergovernmental organizations, governmental agencies, NGOs, and academic literature; and (2) court sentences from both countries, to both flesh out the factors identified, and more importantly, to support or refute the assumption with respect to the role of adolescent birth rates. Both qualitative and quantitative analyses were employed.

This study reveals four main differences between Argentina and Brazil that collectively, indeed, shed light on their sex trafficking differences: 1) methods of recruitment, 2) “modus operandi” and government complicity, 3) gender inequality and 4) the incidence of teen single motherhood as a vulnerability factor to trafficking. Findings in this study suggest that matrifocality, the woman-centered family, is a key component in understanding how and why Brazilian adolescent single mothers are an easy target for traffickers.

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I dedicate this work to all the women and girls who have been treated as mere commodities. I hope this study will serve to encourage us to think more deeply about the root causes of sex trafficking in Latin America and to develop and implement better policies to combat human trafficking. As Abraham Lincoln said:

“If slavery is not wrong, nothing is wrong.”¹

¹ Abraham Lincoln, letter to A. G. Hodges, Apr. 4, 1864.

TABLE OF CONTENTS

ABSTRACT.....	ii
ACKNOWLEDGMENT.....	iv
TABLE OF CONTENTS	vi
LIST OF TABLES.....	ix
LIST OF ILLUSTRATION.....	xi
LIST OF ABBREVIATIONS.....	xii
INTRODUCTION.....	1
CHAPTER 1: UNDERSTANDING HUMAN TRAFFICKING.....	4
Defining Human Trafficking	4
The Status of Sex Trafficking in Latin America and the Caribbean	8
CHAPTER II: RESEARCH DESIGN.....	17
Goals and Methodology.....	17
Limitations of the Study.....	21
Policy Implications.....	22
Overview of the Study.....	22
CHAPTER III: COUNTRY NARRATIVES	25
The Context in Which Sex Trafficking Take Place.....	25
CHAPTER IV: LITERATURE REVIEW.....	37
Background of the Problem	37
Perspectives on Trafficking	41
The Victims	41
Traffickers and Methods of Recruitment	49
Trafficking Flow.....	53
Organized Crime or a Crime That Is Organized	55
CHAPTER V: A CULTURE OF TOLERANCE.....	60
Introduction.....	60
History of Prostitution, Organized Prostitution and White Slavery.....	60
Argentina.....	65
Brazil.....	72
Legal Provisions on Human Trafficking.....	77

Argentina.....	77
Brazil.....	83
Comparative Analysis of legal provisions, TIP Reports.....	89
The Impact of the ICT on Sex Trafficking.....	91
Digital Media: The Internet.....	93
The Print Media.....	102
Government Corruption.....	105
Gender Inequality as a Contributing Factor in Human Trafficking.....	114
Homicide.....	117
Domestic Violence.....	125
Work and Social Exclusion.....	132
CHAPTER VI: ANALYSIS OF COURT SENTENCES.....	136
Argentina.....	137
Major Findings.....	138
Governmental Corruption.....	141
Scope of Sex Trafficking: International vs. Domestic.....	144
Retention of ID's.....	149
Domestic violence/dysfunctional family.....	151
Methods of recruitment.....	153
Organized Crime or a Crime that it is Organized.....	155
Trafficking Routes.....	157
Brazil.....	161
Major Findings.....	162
Geographical distribution of the Court Sentences.....	164
Government Corruption.....	165
Scope of Sex Trafficking: International vs. Domestic	166
Retention of ID's	167
Methods of Recruitment	167
Sex Tourism	171
Organized Crime	173
Conclusions.....	176
CHAPTER VII: A HYPOTHETICAL EXPLANATION.....	179
Adolescent Motherhood: Defining the Concept, Scope and Variables.....	179

Argentina.....	180
Brazil.....	186
Understanding Single Motherhood in Brazilian society.....	191
Historical Explanation.....	191
Economic Explanation.....	194
Anthropological Explanation.....	195
CHAPTER VIII: CONCLUSIONS AND FINAL CONSIDERATIONS.....	198
REFERENCES.....	206
APPENDIX A. List Court Sentences from Argentina.....	216
APPENDIX B. List Court Sentences from Brazil.....	220
CURRICULUM VITA.....	224

LIST OF TABLES

Tables no.	Title	Page
1	Components of the HT definition	5
2	Distribution of the Brazilian population by regions.	30
3	Summary of Indicators from Argentina and Brazil.	36
4	Incidence of Reporting of Origin Countries	40
5	Incidence of Reporting of Destinations Countries	41
6	Trafficking Routes in Brazil	54
7	Comparative Analysis of legal provisions according the TIP Reports.	89
8	Internet Statistics in Argentina and Brazil	94
9	Percentage of Houses with Internet access in Brazil	99
10	Corruption Perception Index, Argentina and Brazil 2007-2011	106
11	Chart of Countries' Average Victimization Rates	108
12	Chart of Homicides' rate in Brazil 2000-2010	118
13	Brazil, Map of Violence by regions 2000-2010	119
14	Rate of homicides in 100,000 inhabitants in Goiás and Ceará, 2000-2010.	120
15	Statistics of Homicide in Argentina by type, number, rate and gender.	122
16	Rates of Intentional and Negligent Homicide in north Argentina per 100,000 inhabitants, corresponding to 2008	123
17	Chart showing the Argentinean provinces with the highest rates of gender-based violence in 2009	128
18	Chart showing the level of domestic violence in the states of Ceará and Goiás.	132
19	Chart illustrating the international routes from Brazil to foreign destinations.	166
20	Rates of Adolescent Motherhood in Argentina and Brazil	180
21	Total Live Births in Argentina	181
22	Adolescent Fertility Rate	182

23	Adolescent Mothers and Level of Education	184
24	Adolescent Mothers and Level of Education (2009)	185
25	Total Live Births in Brazil	187
26	Marital Status of teen mothers by regions	188
27	Adolescent Mothers, Level of Education and Region of Residence	189
28	Adolescent Mothers and Ethnicity	190

LIST OF ILLUSTRATION

Figure no.	Title	Page
1	Map of South America	27
2	Graphs of Internet users by level of education in Argentina and Brazil	95
3	Graph of Internet users by age in Argentina	96
4	Graph of Internet users by age in Brazil	96
5	Graph of recruitment's methods in north Argentina	105
6	Graph showing the interrelation between corruption and Human Trafficking.	110
7	Map of Argentina showing the geographical distribution of the Court Sentences (N=52)	139
8	Total amount of Traffickers by gender	140
9	Convictions by Gender	140
10	Acquittals by Gender	141
11	Percentage of cases involving Governmental Corruption of the sample group	142
12	Nationality of the Victim	145
13	Percentage of Cases based on the nationality of the victims	146
14	Amount of Victims by place of birth	147
15	Graph showing the percentage of cases where the ID's were withheld	149
16	Graph showing the situation of vulnerability of minors prior being recruited	152
17	Map showing the trajectory and the movement of victims across Argentina for commercial sexual exploitation	160
18	Percentage of Victims by Age	163
19	Amount of Traffickers by Gender	163
20	Method of Recruitment	168
21	Percentage of adolescent mothers by age and place of birth of the mother	183

LIST OF ABBREVIATIONS

CEDAW	Committee on the Elimination of Discrimination against Women
CEPAL	Economic Commission for Latin America (ECLA)
CONAF	Consejo Nacional de la Niñez y Adolescencia de la Argentina (National Council of Child, Adolescent and Family of Argentina)
CPI	Corruption Perception Index
CSEC	Commercial Sexual Exploitation of Children
HDI	Human Development Index
IBGE	Instituto Brasileiro de Geografia e Estatística
ICT	Information and Communications Technology
IDI	Information Development Index
ILO	International Labour Organization
INADI	Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo (National Institute against Discrimination, Xenophobia and Racism)
INDEC	Instituto Nacional de Estadística y Censos (National Institute of Statistics and Census of Argentina)
IOM	International Organization for Migration
ITU	International Telecommunication Union
LAC	Latin America and the Caribbean
PESTRAF	Pesquisa sobre Tráfico de Mulheres, Crianças e Adolescentes para Fins de Exploração Sexual (Study of Trafficking in Women, Children and Adolescents for Sexual Exploitation)
SIM	Sistema de Informações sobre Mortalidade (System of Mortality Database)
SINASC	Sistema de Informações sobre Nascidos Vivos (Brazilian Information System of Live Birth)
THB	Trafficking of Human Beings
TIP	Trafficking in Persons

UFASE	Unidad Fiscal de Asistencia en Secuestros Extorsivos y Trata de Personas (Unit to Assist Investigations into Kidnapping, Extortion Crime, and Trafficking in Persons)
UN.GIFT	United Nations Global Initiative to Fight Human Trafficking
UNCAC	United Nations Convention against Corruption
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNODC	United Nations Office on Drugs and Crime

INTRODUCTION

The crime of trafficking in persons² is not a new phenomenon. However, it has gained new dimensions in the aftermath of the Cold War. With the advent of the ‘Information Revolution’ trafficking has become cheaper and traffickers have less incentive to keep these enslaved people in acceptable living conditions. Indeed trafficking is now much more lucrative because it is globalized (Bales & Cornell, 2008). Human trafficking is considered by the United Nations³ to be one of the fastest growing trans-national crimes, along with drug trafficking and the sale of illicit arms. Human trafficking violates immigration policies, labor laws, human rights regulations and above all, human dignity.

Trafficking in persons is a low-risk enterprise since the number of investigations and prosecutions is relatively low⁴; however, it is highly profitable with annual revenues topping US\$ 31.6 billion in 2005 (Belser, 2005, UN.GIFT). The probability of bringing traffickers to justice is minimal. In 2006, according to the United Nations “for every 800 people trafficked, only one person was convicted,”⁵ making human trafficking a very effective and attractive business.

² The author recognizes that there are numerous forms of human trafficking; this study will focus on commercial sexual exploitation. The term “trafficking” will be used in that narrow sense unless specified otherwise.

³ Global Initiative to Fight Human Trafficking (UN.GIFT).

⁴ In 2006 were 5,800 prosecutions worldwide and only 3,160 convictions according UN.GIFT, “*Human Trafficking: The Facts*.” See at: http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf accessed on April 18, 2012.

⁵ UN.GIFT, “*Human Trafficking: The Facts*.” See at: http://www.unglobalcompact.org/docs/issues_doc/labour/Forced_labour/HUMAN_TRAFFICKING_-_THE_FACTS_-_final.pdf accessed on April 18, 2012.

Based on 2007 data gathered by the ILO, the United Nations estimates that 2.5 million people find themselves victims of forced labor (including sexual exploitation) as a result of trafficking: 56% are in Asia and the Pacific, 10% are in Latin America and the Caribbean, 9.2% are in the Middle East and Northern Africa, 5.2% are in sub-Saharan countries, 10.8% are in industrialized countries and 8% are in countries in transition. It has, however, been difficult to quantify the exact extent of trafficking, not only because of the clandestine nature of the crime, but also because, until few years ago, there had been little agreement on the definition of human trafficking.

Different factors make people vulnerable to trafficking. These factors are best differentiated according to structural and proximate factors. However, those factors separately do not explain human trafficking, but rather must be examined in conjunction with each other in order to understand what makes a person or a community vulnerable to trafficking. Structural factors are those related to economic deprivation, the effects of globalization, gender status⁶, demand for prostitutes⁷ and geopolitical factors such as war and conflict; proximate factors consist of legal aspects and policies such as poor law enforcement, immigration/migration policies⁸, poor labor laws, corruption, state complicity and organized crime (Cameron and Newman, 2007).

The purpose of this study is to understand and explain why two countries (i.e. Argentina and Brazil) similar in geography, political and socio-economic

⁶ It refers to the different value that is given to men and women in the society. Gender has a direct impact on the opportunities for employment, and makes people to accept jobs that may place them at risk of trafficking.

⁷ Cameron and Newman consider that “while the sex industry is an enormous driver of trafficking, the two are not inextricably linked. There are certainly areas in the world where prostitution exists and trafficking does not. Sex work is diverse and context-specific. The way in which the local sex industries intersect with other factors is crucial” (p.32).

⁸ Trafficking is associated with migration policies, and traffickers exploit the restrictive migratory policies made by governments that stipulate who and how they can cross national borders.

characteristics, present opposite human trafficking situations. One is a source of human trafficking (Brazil) and the other is a destination country (Argentina).

There is, however, one factor on which Argentina and Brazil differ, and this factor might account for the differences seen in their respective sex trafficking situations. That factor is the birth rate⁹ among adolescent girls aged 15 to 19 – it is much higher in Brazil than in Argentina. This study seeks to examine if this disparity accounts for their differences in sex trafficking situations, instead of some other factors.

More specifically, this study seeks to contribute to the sex trafficking literature by empirically examining and exploring the role of single adolescent mothers in human sex trafficking. Other indicators are also compared in this research; such as, method of recruitment, “modus operandi” and government complicity, and the devaluation of the female gender in society-- factors that may also explain the differences seen between Argentina and Brazil with regard to sex trafficking.

⁹“Adolescent birth rate measures the annual number of birth to women 15 to 19 years of age per 1,000 women in that age group.” Also it is called as age-specific fertility rate for women aged 15-19. Millennium Development Goals Indicators. See at: <http://unstats.un.org/unsd/mdg/Metadata.aspx?IndicatorId=0&SeriesId=761> accessed on February 2, 2010.

CHAPTER I

UNDERSTANDING HUMAN TRAFFICKING

Defining Human Trafficking

Human trafficking has been defined in many ways and has involved different practices throughout history. Bales (2004) estimates that between 1815 and 1957, more than 300 international treaties were enacted for the purposes of suppressing the slave and trafficking trade. The lack of uniformity in conceptualizing and defining human trafficking has represented a major problem, especially when it was necessary to prosecute human traffickers across borders. This poses challenges since the particular offensive action may have been legal in one country and illegal in the other country. The lack of an internationally agreed upon definition has made data collection and comparative analysis very difficult, especially in cross border contexts.

In December 2000, the UN adopted international instruments to fight transnational organized crime and human trafficking. The Convention Against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Palermo Protocol), and the Interpretative Notes (*Travaux Préparatoires*) to the Trafficking Protocol represent a complete set of international obligations regarding human trafficking.

The Convention went into effect on September 29, 2003 and the Palermo Protocol went into effect on September 25, 2003. Today, 117 countries have signed the Protocol and it now has 146 member parties. After the process of ratification, each country assumes the obligation to translate the regulations into domestic law.¹⁰

¹⁰ Full status of ratification at United Nations Treaty Collection at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en accessed on October 25, 2011.

The Palermo Protocol focuses on prevention, the protection of victims, and cooperation among States Parties to fight Human Trafficking (article 2), and most importantly it defines the meaning and scope of human trafficking (article 3) 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...

The definition encompasses three elements (UNODC)¹¹ that all together define the meaning of human trafficking:

1. Act (What)
2. Means (How)
3. Purpose (Why)

These three elements possess the following components and configurations, as shown in Table 1.

Table 1. Components of the definition of HT

Act (What)	Means (How)	Purpose (Why)
Recruitment	Threat or use of force or violence	Prostitution of others
Transport	Coercion	Other forms of sexual exploitation
Transfer	Abduction	Forced labour or services
Harbouring	Fraud Deception	Slavery or practices similar to slavery
Receipt of persons	Giving payments or benefits	Servitude
	Abuse of power or vulnerability	removal of organs

¹¹ UNODC – What is Human Trafficking? See at: http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html#What_is_Human_Trafficking accessed on October 24, 2011.

The Palermo Protocol clearly states that human trafficking can occur either by employing force or even in the absence of force since the definition includes “the abuse of a position of vulnerability.” This term is defined at the *travaux préparatoires* as: “The reference to the abuse of a position of vulnerability is understood to refer to any situation in which the person involved has no real and acceptable alternative but to submit to the abuse involved.”¹² This means that there are people who are told what to do, and do not have the resources (cultural, social or legal) to refuse, and in the end submit to the orders. Those people are indeed still considered to be victims of human trafficking.

As I will further explain in Chapter V, prostitution is not treated equally in every country. In some countries, prostitution is a crime. In other countries, it is decriminalized. For that reason the terms “exploitation of the prostitution of others or sexual exploitation” were intentionally left undefined. In addition, these terms are not defined in any international instrument (Annotated Guide to the Complete UN Trafficking Protocol).

The *travaux préparatoires* to article (3 a) states:

The protocol addresses the exploitation of the prostitution of others and other forms of sexual exploitation only in the context of trafficking in persons. The terms “exploitation of the prostitution of others” or “other forms of sexual exploitation” are not defined in the protocol, which is therefore without prejudice to how States parties address prostitution in their respective domestic laws.¹³

The Palermo Protocol’s definition addresses the issue of how victim’s consent should be interpreted with both adult and minor victims.

¹² UN Interpretative notes (*travaux préparatoires*) to article 3 (a). See at: http://www.unodc.org/pdf/ctoccp_2006/04-60074_ebook-e.pdf accessed on October 25, 2011.

¹³ Ibidem.

Article 3 (b) sets that “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.” This provision is logical since no person freely consents to harming their own body or psychological well-being. Even though a person consents to work in prostitution, if the person is held in slavery-like conditions or debt bondage, she/he is still a victim of trafficking. No one can consent to a lie, if the means (how) outlined above were employed. This provision should not be interpreted as a restriction to the right of a fair trial, but when the constituents’ element of the crime¹⁴, have been proved, the “consent” is irrelevant.

In that sense the *travaux préparatoires* states:

[it] should indicate that subparagraph (b) should not be interpreted as imposing any restriction on the right of accused persons to a full defence and to the presumption of innocence. They should also indicate that it should not be interpreted as imposing on the victim the burden of proof. As in any criminal case, the burden of proof is on the State or public prosecutor, in accordance with domestic law.¹⁵

Historically and prior to the 17th century an individual was free to consent to practically everything. This principle laid in “*violenti non fit injuria*” which stated that “a person is not wronged by that to which he consents”¹⁶ and the consent was understood as a complete prohibition to trial. This aspect of the doctrine, however, has changed. Currently there is a limitation to the consent of bodily or physical harm. American law interprets this notion of consent as the fact that an individual has very limited power to authorize an act that affects his physical welfare (Bergelson, 2008). In other words, the power of the state becomes so powerful that it imposes boundaries

¹⁴ It refers to the means that are set in the legal provision.

¹⁵ Ibidem.

¹⁶ Bergelson, Vera “Consent to Harm” Pace Law Review Paper 592 accessed on October 25, 2011. See at <http://digitalcommons.pace.edu/lawrev/592> citing Terence Ingman, A History of the Defence of Volenti Non Fit Injuria, 26 JURID. REV. 1, 8-9 (1981).

to the rule of consent by not letting an individual consent to harm on his/her body or to physical injury. The procurement of the well-being of people is a more relevant value than the right to consent to harm.

Article 3 (section c) also states that in cases involving minors it is irrelevant how (means) the child was recruited, and the simple performance of the act and the purpose of exploitation itself (see Table 1) involves human trafficking.

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

By 2006, 161 countries reported that they were affected by human trafficking, either as a source, transit or destination point. This means that trafficking affects every continent and every degree of human development (UNODC, 2006).

The Status of Sex Trafficking in Latin America and the Caribbean

Trafficking in persons for commercial sexual exploitation is a growing trend in Latin America and the Caribbean, both within a country and across international borders (Ribando, 2007, Ribando Seelke, 2009). Countries from the region serve as a source, transit and destination point for victims. Because of the clandestine nature of the crime, it is very difficult to count on reliable data on the actual number of people trafficked within and from the Latin American region. The U.S. State Department, however, estimates that at least 100,000 people from Latin America are annually trafficked across borders for commercial sexual exploitation (Ribando Seelke, 2012). Spain, Italy, Portugal, the United States, and Japan are the major destination countries for Latin American victims (Ribando Seelke, 2012).

Profits in Latin American trafficking vary depending on the source; while some estimates suggest that sex trafficking provides profits of about \$16 billion annually (Ribando Seelke, 2012), other sources estimate that the exploitation of all trafficked labor generates about 1.3 billion annually which represents 4.1% of the total globally revenue of 31.6 billion (UN.GIFT).

Human trafficking in Latin American and the Caribbean has not been extensively researched. As a consequence, researchers do not yet understand the extent, nature and consequences of trafficking in this part of the world. Very little is known about the human traffic networks that are associated with organized crime. Even less is known of its *modus operandi* (Ribando Seelke 2007, Ribando Seelke, 2009; Phinney, undated).

The *Review of Spanish-Language Literature from Latin America on Sex Trafficking*¹⁷ report aimed to systematically examine the literature produced by researchers in Latin America on sex trafficking since 2000 to 2009. The research project found only a total of 72 publications. The peak years were 2006 and 2007. The report concluded the following:

- 92% of the publications were in Spanish and 8% in both Spanish and English.
- 61% of the literature was produced by international or non-governmental organizations.
- 12.5% was found in academic journals.
- 12.5% were books or monographs.
- 8% were Government reports and the remaining were student theses.

¹⁷ Zhang, Sheldon X., Rodrigo Pacheco-McEvoy, and Roxanna Campos. 2012. "Sex Trafficking in Latin America—Dominant Discourse, Empirical Paucity, and Promising Research." *Global Crime*, 13(1), 22.

- Two-third of the located literature was about the commercial sexual exploitation of children.
- 39% of the total publications used primary data collection, 18% used secondary data analysis, and the remaining literature did not use empirical data.

Having noted that the literature is indeed so scarce and less empirically based, it is important to further explore the understanding of this growing transnational crime in the region. This is especially important if one takes into the account the number of publications written in English rather than in Spanish. The literature in Spanish on sex trafficking is roughly the ten percent of that produced in English (Gozdziak and Bump, 2008).¹⁸ The lack of literature in Spanish suggests that many of the policy makers, trafficking activists and victims are not able to communicate to the non-Spanish speaking world the trends, scope and extent of this criminal activity which has a global impact. It also it shows the lack of interest in funding research projects in South and Central America.

The literature review conducted by Zhang et al. (2012) detected interesting patterns and trends on sex trafficking in the region based on the 72 publications and it revealed the existence of “cultural practices that enable and perpetuate sex trafficking activities,” such as:

- Machismo Culture and Social Tolerance: several publications pointed out that one of the causes of sex trafficking in the region can be attributed to the culture of machismo in addition to the social tolerance of such practices to the point that “there is wide acceptance rooted in the patriarchal and *machista* cultures in Latin America that tolerates the practice of men paying for sex with minors and adolescents” (p.46).

¹⁸ Note that the authors include in the N=741 publications in the English language sex trafficking, labor trafficking, domestic servitude and organ trafficking.

- Pimping as a Culture: the study conducted by Castro Soto in Mexico revealed “large numbers of men in some communities, such as Olextla and Tenancingo, economically depended on the prostitution of women” (p. 46).

- Commercial sexual exploitation of children (CSEC) in Latin America: This takes the form of child prostitution, sex tourism, pornography and it varies by country. Several articles pointed to the existence of “a high degree of social permissiveness in the region. This permissiveness is sustained by social and cultural beliefs that women and adolescents choose to prostitute themselves and that they enjoy what they are doing. This belief further leads to a lax attitude in the judicial and police system towards CSEC crimes” (p. 47).

- Feminization of Transnational Migration: Several reports posited women migration as a causal factor in sex trafficking, arguing that “globalization has forced women to leave their home and enter the job market where traditional female activities are undervalued” (p. 48).

The study *Literature Review of Trafficking in Persons in Latin America and the Caribbean*¹⁹ (2004) has also concluded that the LAC region is less researched in comparison with Asia and Europe; and very little in-depth country reports and case studies were done on adult sex trafficking. The literature review was conducted using published and unpublished materials in English, Spanish and Portuguese from 1995 to 2004. It illustrated that Latin America is consistent in having most of the common “push-pull “factors related to trafficking as in other regions of the world. It also points

¹⁹ Coffey, Pamela. The report was made through the support of USAID. The literature search and review was made on published and unpublished materials in English, Spanish and Portuguese from 1995 to 2004. See at: <http://www.oas.org/atip/regional%20reports/usaaid%20lac%20tip%20literature%20review.pdf> accessed on February 3, 2010.

to the fact that Latin America also has some distinctive vulnerability factors that are particularly characteristic of this region.

These reports also suggest that among the common factors that increase the vulnerability of LAC women to trafficking are “poverty, lack of economic alternatives, minimal education and illiteracy, family dissolution, family violence, and homelessness” (p.5). Gender discrimination, the objectification of women, ease of migration/weak border controls, globalization, government corruption, and an increased demand for prostitution and for sex tourism are also external factors that contribute to trafficking. The distinctive vulnerability factors, according several reports suggest that:

...victims in LAC often have gang affiliations, have ongoing substance abuse problems, and had children before their eighteenth birthday (p. 5).

In terms of the methods of recruitment, the report concluded that deception/false promise of work is the most common scheme, but also includes marriage fraud, peer-influenced recruitment, and gang-related recruitment. The document notes that “adolescent motherhood increases female vulnerability to trafficking and related exploitation” (p. X) and the statement was based on the following literature:

- The 1996 *Trafficking in Women from the Dominican Republic for Sexual Exploitation Report*²⁰ analyzed factors that placed Dominican (DR) women at risk for human sex trafficking. The country has the fourth highest number in the world of women working abroad in the sex trade, after Thailand, Brazil and the Philippines. The study conducted interviews with twelve women from the Dominican Republic who have returned to their home country. The profile of these victims was the

²⁰ IOM. See at: <http://www.oas.org/atip/country%20specific/TIP%20DR%20IOM%20REPORT.pdf> accessed on April 15, 2012.

following: women who were either married with children or women who were single mothers coming from “poor backgrounds and split families.” The report concluded that the main factors that facilitated the trafficking were the lack of employment, increasing sex tourism industry, the existence of a local market for obtaining false identity documents, and weak government control of the documents used to exit the country. Furthermore, teen motherhood increased the vulnerability for trafficking among young single mothers who needed to feed their children and did not see another alternative.

Young women becoming single mothers at a very young age confronted with very few job opportunities increases the possibility that they will have to resort to trafficker’s offers to be able to send money back home for their children.

- Leal and Leal (2003) reached a similar conclusion on the commercial sexual exploitation of women, children and adolescents in Brazil.

According to this study, women and adolescents that have been trafficked have low education levels who belong to poor classes and who have in their life history some kind of experience with domestic work, with commerce, with sexual abuse or exploitation, with early pregnancy and with drug use.²¹

- *The Regional Investigation on Trafficking, Prostitution, Child Pornography and Sex Tourism with Children in Central America and Mexico*²² compiled research on six countries (Costa Rica, Nicaragua, Guatemala, Honduras, El Salvador, and Mexico). The report notes that there are four risky behaviors that put children at risk for prostitution and trafficking:

²¹ Leal, Maria Lucia and Leal, Maria de Fátima (editors) “*Study on Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation in Brazil*,” PESTRAF, National Report. Brasília: CECRIA, 2003, page 59. See at: https://www.violes.unb.br/site2/phocadownload/Publicacoes/pestraf_en.pdf accessed on April 18, 2012.

²² Casa Alianza/Covenant House, 2001. See at: <http://bellsouthpwp.net/p/b/pbarcelo/regi-inv-sex-traffick.pdf> accessed on April 20, 2012.

1. The “overage” phenomenon in the educational system of children between 8 to 14 years old whose actual educational success does not match their educational potential. The frustration of being excluded from the school system may push them to becoming street children where they become much more vulnerable.
2. Average age of education attained by adolescents. A low level of education makes it very difficult for young people to effectively join the job market especially in places with high unemployment rates.
3. Adolescents who neither work nor study.
4. Adolescent motherhood without a reliable partner, “[is] one of the most frequently mentioned as a trigger for the entry into the circuit of sexual exploitation, given the temptation of easy money” (p. 6).

▪ Davidson and Taylor (1996) in their work on child prostitution and sex tourism in the Dominican Republic found that by 1991, 30% of households were headed by women, 50% of the women were illiterate which makes it almost impossible for them to enter the job marketplace in order to support themselves and their children. “In these ways, economic and gender oppression combine to make single parent women especially vulnerable to prostitution. The same can be said about child prostitution.”²³ The work also notes that in same areas, 60% of children working in prostitution had given birth by the age of 18.

²³ Davidson, Julia O’Connell and Taylor, Jacqueline Sanchez. “*Child Prostitution and Sex Tourism Dominican Republic*.” ECPAT International, 1996, page 4. See at: http://www.childtrafficking.com/Docs/o_connell_1996_child_prost3.pdf accessed on April 20, 2012.

▪ The study *Protecting Children and Adolescents Against Commercial Sexual Exploitation in Central America, Panama and the Dominican Republic*²⁴ interviewed 612 children in situations of sexual exploitation, and included the Dominican Republic, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica and Panama. Data from Guatemala was not included in the study. The report revealed that in countries such as Costa Rica and Dominican Republic half of the exploiters were tourists or foreigners residing in the country; however, it also notes that sex tourism would not expand per se if it were not for the national infrastructure and a culture of tolerance in that society. Data also showed a tendency of father neglect. About 40% of the children do not know who their father is, or if they know who he is they have not lived with him. The percentage is different with respect to their mother, but this depends on the country. About 55 to 89% of the children are either living with their mother or have some type of contact with her. The level of inter-family violence of the children who took part in the study was quite alarming. For example in the case of Costa Rica, 50% of the girls and female adolescents who were part of the project had suffered incest.

The report points out that “a violent environment pushes children to leave their homes and search for other alternatives. Since proper care and protection are not easily found, they become an easy target for pimps and “client”-exploiters” (p. 9)... “A particularly high number of girls and female adolescents have, on top of everything, one or more children. Care programs have to take this fact into consideration since sexual exploitation not only puts the girl or adolescent at risk but there are also babies or small children that are totally dependent on effective maternal protective strategies (p.12).

As described earlier, the number of LAC girls, female adolescents and women working in the sexual exploitation trade in the region, either within or across international borders, denotes an increasing trend in the region. This fact demands that

²⁴ Sorensen, Bente, ILO (undated). See at: <http://www.iin.oea.org/OIT-ing.PDF> accessed on April 20, 2012.

this issue be placed at the top of the political agenda of the region. It is not just a crime or a migration issue; it is above all, a violation of human dignity in which the mental and physical health of the trafficked victims is significantly endangered.

CHAPTER II

RESEARCH DESIGN

Goals and Methodology

This study is a comparative case study involving Argentina and Brazil. The countries were selected based on the following criteria: similarity in terms of geography, history, and socio-economic as well as a political context. Despite their similarities, the two countries, have manifested literally opposite situations in terms of sex trafficking. Brazil is a main source for the recruitment of women and girls for sexual exploitation, while Argentina is only a minimal source country for such recruitment. On the other hand, Argentina is a destination country with medium incidence as it was categorized by the citation index created by the Global Patterns Report while Brazil's incidence is low.²⁵ While they are similar with respect to a number of characteristics that will be described in the next chapter related to the context in which sex trafficking takes place in both countries, Argentina and Brazil do differ in one factor that might account for the differences seen in their sex trafficking. That factor is the birth rate among adolescent girls aged fifteen to nineteen– it is much higher in Brazil than in Argentina. Having said that, the purpose of this study is to address the following research questions:

Q: Why do Argentina and Brazil, two countries that are quite similar in terms of geographic location, and political, economic and social aspects, differ when it comes to practices of human sexual exploitation? One country receives trafficked victims, the other country sends victims.

Q.1- If the push factors are alike, why is one country a main source for recruitment while the other country is not?

²⁵ See page 40 for a full explanation of countries' incidence on human trafficking.

Q. 2 - If the pull factors are similar, why is one country attractive as a destination country for trafficking and the other one is not?

Q.3 - What other factors (besides the commonly recognized push/pull factors) might help explain human trafficking?

Q.4 - Does the difference in adolescent birth rate between Argentina and Brazil in fact account for the difference in sex trafficking practices, and if so how? Or, is that difference explained by something else?

The comparison of these two countries is expected to provide rich and nuanced analysis that eventually may lead to studies of large-N cases. Comparative case studies may be employed for different purposes: exploratory, descriptive or explanatory. This is an exploratory research with the goal of understanding and explaining why countries with similar characteristics have different outcomes in human trafficking rate. Gerring states that “preeminent among small-N methods is the most-similar method discovery by J.S. Mill (which he called the “method of difference”). Briefly stated, “the most-similar research design looks for a few cases that are as similar as possible in all respects except the outcome of interest, where they are expected to vary...”²⁶ Gerring (2001) states that if one possible factor differs between the two cases, the probable cause that makes the variation in the outcome has been identified. However, he considers that it may be possible that no obvious cause can be identified; so, it would be appropriate to either look at other countries, or at more precise degrees of differences (high, medium, low). But, if none of the

²⁶ Gerring, John “*Social Science Methodology. A Criterial Framework.*” Cambridge University Press, 2001, page 210.

alternatives work, it may be possible that the causal factors are “*multiple*, and work in conjunction with one another.”²⁷

In order to explain why the two countries have a different situation regarding sex trafficking, and most importantly in order to support or refute the assumption about the role of single adolescent birth rates, the following have been examined:

1. - Comparison of Sex Trafficking Rate.
2. - Comparison of Adolescent Birth Rate: Argentina vs. Brazil.

Within Argentina (geographical distribution)

Within Brazil (geographical distribution)

Migrants vs. natives within and between Argentina and Brazil.

3. – Analysis of factors that shape a culture of tolerance in each country with regard to the sex industry.

Two methods to collect data were originally planned for this study: document analysis and interviews. The first was an analysis of documents, reports, statistics and manuscripts from international organizations such as the United Nations, World Bank, OAS, NGO's, and from various governments and academia. The second was in-depth interviews with key persons, experts, and those in positions of power, such as judges, prosecutors and functionaries from federal and provincial offices in each country.

For a variety of reasons, principally a lack of resources, only a limited number of interviews were actually conducted, and all were in Argentina. Six interviews were conducted in Argentina between February and March 2011. All the interviewees had an official role or were professionals dealing with human trafficking. Those results are presented in Chapter IV.

²⁷ Gerring. Ibidem, page 210.

To augment the limited number of interviews, the data collection was expanded to include an examination of judicial sentencing in sex trafficking cases from both countries. This methodology was sufficient to get the data I was looking for since sentencing outcomes are the primary source of information on criminal victimization. In reviewing sentencing justifications, I paid particular attention to judges' reasoning for reaching an appropriate verdict, including the seriousness of the offense, personal circumstances of the offender (age, gender, prior criminal record, education, etc) and the victim (age, gender, family environment, previous exposure to domestic violence/sexual abuse, economic situation), the "modus operandi," and any aggravating or mitigating circumstance.

In the case of Argentina, the *Ministerio Público Fiscal* web-page (General Prosecutor's Office) through the UFASE provides free Internet access to all verdicts on human trafficking following the implementation of the anti-trafficking law 23,364 (April 2008). I analyzed only those court sentences that dealt with sex trafficking, for a total of N=52. Sentences related to labor trafficking that were part of the database were excluded from the analysis. For Brazil, the court sentences on sex trafficking were part of the UNODC Case Law Database on Human Trafficking. There were a total of 34 court sentences, 21 of which dealt with sex trafficking. A detailed explanation of the criteria for inclusion/exclusion is presented in Chapter VI.

This dissertation is grounded in the field of qualitative research. This type of methodology relies on "using quotations, comments, or anecdotes to provide evidence and support for arguments," (Johnson and Reynolds, 2008: 244). It is the most common method for case studies in order to present a detailed context of the project under analysis. However, I also employed quantitative analyses to reflect the findings using statistics, tables, graphs and maps.

Limitations of the Study

During the research, I faced different challenges that I had to overcome, including the following:

- Lack of adequate financial support in order to conduct the in-depth interviews as were originally planned;
- Insufficient existing literature in either country based upon primary sources;
- Lack of a database on sex trafficking's court sentencing from Brazil. This was a major challenge. Because no agency or organization centralizes all judicial sentencing on human trafficking, collection of the data was very difficult;
- The examination of judicial sentencing from Argentina and Brazil also revealed different legal understandings of the crime. In Argentina, court sentences were extensive in length and judges not only paid special attention to how the crime was committed, but also to how victims became victims. This means that the sentence included information about the socio-economic environment of the victim before being recruited or sexually exploited. In Brazil, court sentences were merely evidence based, without specifying with the same degree of detail the personal circumstances of the victim. This difference may account for differences in the implementation of the Palermo Protocol in domestic legislation in the two countries. In Argentina, the "means" set up in the Palermo Protocol are constituent elements of the crime, while Brazil opts for a simple definition of sex trafficking in which some of the "means" of trafficking are aggravating factors, but not constituent elements of the crime. As a result, there is no need to explain why and how the victim became a victim. Brazilian law does not include the abuse of a

situation of vulnerability as a “means” of trafficking, while Argentinean law does.

The limitations cited above are not believed to have seriously compromised the research. Comparability is viable because the pattern and trends from the Brazilian sample group, although smaller in size, are highly homogenous and consistent with the picture presented by the trafficking literature and in the US TIPs Report.

Secondly, the examination of judicial sentencing relies upon a primary source, thus augmenting the analyses of secondary materials. The review of sentencing decisions provides an accurate and realistic picture of how the crime is committed in each country, its differences, who are the operators, who are the victims and why a victim became a victim. The review also captures the judges’ reasoning, any government complicity in the crime, and any aggravating and mitigating factors.

Policy Implications

This research aimed to bring a better understanding of what *non- conventional* factors promote human trafficking. The term *non- conventional* is used in the context of identifying other factors besides the push-pull theory on human trafficking. Knowing other indicators that foster trafficking will enable policy-makers to design and implement more effective policies in order to prevent and combat the illicit enterprise of selling and exploiting human beings.

Overview of the Study

This study consists of an introduction and eight chapters.

Chapter I, “Understanding Human Trafficking,” provides a discussion of the international upon-agreed definition and an analysis of the status of sex trafficking in Latin America and the Caribbean.

Chapter II describes the “Research Design” of the study, the research questions, the goals and methodology, limitations of the study, policy implications and an overview of the chapters.

Chapter III presents the “Countries Narratives,” providing the context (geography, socio-economic, and political aspects) in which sex trafficking takes place in Argentina and Brazil.

Chapter IV then analyzes the background literature and it describes the background of the problematic in each country.

Chapter V discusses the “Culture of Tolerance” toward the sex market in each country, examining the different factors that shape the culture of tolerance, including the history of prostitution, legal provisions, the impact of information technology, government corruption, and gender discrimination, with emphasis on homicide/femicide, domestic violence and work/social exclusion.

Chapter VI contains the “Analysis of Court Sentences” from each country on sex trafficking. This analysis consists of a qualitative and quantitative examination of judicial sentencing, including charts, graphs and maps.

Chapter VII describes the sex trafficking situation in Argentina and Brazil, and addresses the question of whether early motherhood increases the vulnerability of women to human trafficking for commercial sexual exploitation. Specifically addressed is the concept of adolescent motherhood with an analysis of adolescent birth rates from Argentina and Brazil, both within and between the countries. In particular, the chapter explains the unique approach to understanding single teen

motherhood from the historical, economic and anthropological perspectives of Brazilian society.

Chapter VIII presents the conclusions and final considerations.

CHAPTER III

COUNTRY NARRATIVES

The Context in Which Sex Trafficking Takes Place

This section outlines the geography, socio-economic and political indicators of Argentina and Brazil. As shown in Table 3, the two countries closely resemble one another in a number of aspects.

Argentina is located in the southern cone of South America, and it is bordered by the Republic of Chile (5,308 km), the Republic of Bolivia (832 km), the Republic of Paraguay (1,880 km), the Federal Republic of Brazil (1,261 km), the Oriental Republic of Uruguay (580 km) as well as the Atlantic Ocean. Argentina is the second-largest country in South America after Brazil. It is also the eighth largest country in the world (CIA-The World Factbook). The country can be accessed by plane, ship and car from neighboring countries. Most of the major airlines fly to/from Argentina and most of the large cities in the world have direct flights to Argentina. It has 1142 airports. Only 156 of these airports have paved runways, and 2 heliports (CIA, The World Factbook). The major international airport is “*Ministro Pistarini*” located in the province of Buenos Aires which connects flights to/from international destinations. There are other international airports that mainly offer flights to neighboring countries.²⁸ There are more than 70 international crossing borders across Argentina’s 9,861 land boundaries. There are many different ports located in east of the country. Those ports primarily support the transport of merchandise and the agricultural export business.

²⁸ See complete list of international airports in Argentina at Aeropuertos Argentina 2000, which is the group that administers the airports in the country. See at: <http://www.aa2000.com.ar/aeropuertos.aspx> accessed on December 16, 2010.

Brazil is the largest country in South America and the fifth largest country in the world (2010 National Census, IBGE). Brazil shares boundaries with Argentina 1,261 km, Bolivia 3,423 km, Colombia 1,644 km, French Guiana 730 km, Guyana 1,606 km, Paraguay 1,365 km, Peru 2,995 km, Suriname 593 km, Uruguay 1,068 km, Venezuela 2,200 km. This means that it borders all South American countries except Chile and Ecuador (CIA, The World Factbook, 2012). It can be accessed by plane, ship and car from neighboring countries. By 2010, Brazil had 4,072 airports which made it the second country in the world after the US in terms of amount of airports or airfields recognizable from the air. Of the 4,072 airports, 726 have paved runways and the remaining 3,346 are unpaved. Major international airports are located in the cities of Rio de Janeiro and San Paulo.

The roadways cover 1,751,868 km. This makes Brazil the fourth largest country in terms of roadways. The railway system covers 28,538 km which makes Brazil the tenth largest country with a railway system. These numbers clearly suggest Brazil's level of domestically and international connectivity (CIA, The World Factbook, 2012).

Both countries have a democratically elected government. Democracy was restored in Argentina in 1983 and in 1989 in Brazil. Both countries restored democracy after years of dictatorial regimes. Furthermore, both countries have a tripartite system of governance made up of an Executive Power, a Legislative Power, and a Judicial Power. The Executive power is run by the President who is the supreme head of the nation; the Legislative Power is led by the National Congress that encompasses two Chambers: the Deputies and the Senate, and the Judicial Power are comprised of a Supreme Court of Justice and the lower courts.

Argentina is made up of one autonomous city which is the city of Buenos Aires and 23 provinces: Buenos Aires, Catamarca, Chaco, Chubut, Córdoba, Corrientes, Entre Ríos, Formosa, Jujuy, La Pampa, La Rioja, Mendoza, Misiones, Neuquén, Río Negro, Salta, San Juan, San Luis, Santa Cruz, Santa Fe, Santiago del Estero, Tierra del Fuego and Tucumán.

Brazil is made up of 26 states and 1 federal district (distrito federal). The states are: Acre, Alagoas, Amapa, Amazonas, Bahia, Ceará, Distrito Federal*, Espirito Santo, Goiás, Maranhão, Mato Grosso, Mato Grosso do Sul, Minas Gerais, Para, Paraíba, Paraná, Pernambuco, Piauí, Rio de Janeiro, Rio Grande do Norte, Rio Grande do Sul, Rondônia, Roraima, Santa Catarina, São Paulo, Sergipe, Tocantins. It is a federation since the states have political autonomy.

In terms of population²⁹, Argentina has 42,192,494 inhabitants made up of 97% whites and the remaining 3% mestizos (mixed white and Amerindian ancestry), Amerindian, or other ethnic background. About 92% of the population lives in urban areas. Life expectancy is 76.76 years. Of the total population, 4.5% are foreign born.

²⁹ The data in this section corresponds to the CIA World Factbook, 2012 otherwise noted.

Paraguay, Bolivia, Chile and Peru represent 68.9% of the total foreign born people living in the country; 16.6% were born in Europe, 12.6% came from other American countries and 1.9% from other continents (INDEC National Census, 2010).

The age distribution of the population illustrates the fact that 25.4% of the population is 0-14 years old, 63.6% are 15-64 years old, and 11% are 65 years old and over (CIA, The World Factbook, 2010).

The sex ratio is about the same between genders to 1 male/1female, in the 15 to 64 age group; though the total population accounts for 0.97 male per female.

Spanish is the official language. Roman Catholicism is the main religion, (92%); however only 20% of the population is observant. The religious belief of the remaining population includes Protestant, Jewish, etc.

Brazil has 199,321,413 inhabitants (estimate July 2012) made up of white 53.7%, mulatto (mixed white and black) 38.5%, black 6.2%, other (includes Japanese, Arab, Amerindian) 0.9%, unspecified 0.7%; however, the race distribution among the five regions is completely spread unevenly according data of the 2010 Demographic Census (IBGE). This data is important in terms of the profile of the potential trafficked victims and their place of residency, as will be outlined in further in the analysis of the literature review.

The 2010 Brazilian Demographic Census showed an increase in the level of urbanization; 84.4% of the population lives in urban areas though there are some differences around the country. The Southeast region is the most urbanized (92.9%) and the regions of the North and Northeast are the less urbanized with more than ¼ of their population living in rural areas.

Table 2. Distribution of the Brazilian population by regions

Regions	Total population	White	Black	Yellow	Mulatto	Indian	n/a
	190,755,799	91,051,646	14,517,961	2,084,288	82,277,333	817,963	6,608
North	15,864,454	3,720,168	1,053,053	173,509	10,611,342	305,873	509
Northeast	53,081,950	15,627,710	5,058,802	631,009	31,554,475	208,691	1,263
Southeast	80,364,410	44,330,981	6,356,320	890,267	28,684,715	97,960	4,167
South	27,386,891	21,490,997	1,109,810	184,904	4,525,979	74,945	256
Mid-West	14,058,094	5,881,790	939,976	204,559	6,900,822	130,494	413

Source: IBGE (2010 Demographic Census)

Portuguese is the official language, and most of the population is predominantly Roman Catholic (73.6%); the remaining religious affiliations are as follows: Protestant (15.4%), Spiritualist (1.3%) and other 2%.

The life expectancy is 72.79 years, and the age distribution of the population is the following, 26.2% are 0-14 years old, 67% are 15-64 years old, and 6.7% are 65 years old and over.

The sex ratio is 0.98 male to female in the 15-64 age groups (CIA, The World Factbook, 2012); however the region of the North is the only region where men surpass the female population (2010 Demographic Census).

The fertility rate³⁰ is 2.29 children per woman (Argentina) while 1.82 (Brazil, est. 2012). The crude birth rate³¹ is 17.34 (Argentina) and 17.48 (Brazil). However, according to the 2010 Demographic Census, the fertility rate is spread unevenly along

³⁰ It is an index that measures the average births per woman. This indicator is analyzed in further in Chapter VII.

³¹ It is an index composed by the average annual number of births during a year per 1,000 persons in the population at midyear.

the country. The adolescent fertility rate, which provides the number of births to women ages 15 - 19, per 1,000 women of the same age group is 56.9 in Argentina and 75.6 in Brazil for 2010 (UNDP, Int. Human Development Indicators, 2011).

The public expenditure on education is quite similar in both countries, about 5% of the GDP (2007) (UNDP, Int. Human Development Indicators, 2011). However, the general adult population in Argentina is more educated than in Brazil. This difference can be noted in the adult literacy rate³²: 97.7% (Argentina as of 2009) while 90% (Brazil as of 2008) (UNDP, Int. Human Development Indicators, 2011). The total number of years of schooling from elementary to tertiary education is greater in Argentina than in Brazil. In Argentina it is 16 years (15 years male/ 17 years female) as of 2007³³ while in Brazil it is 14 years for both genders - as of 2008-.

With regard to the influx of people to/from the country, the net migration rate indicates the contribution of migration to the overall level of population change, and it accounts “for the difference between the number of persons entering and leaving a country during the year per 1,000 persons (based on midyear population). An excess of persons entering the country is referred to as net immigration (e.g., 3.56 migrants/1,000 population); an excess of persons leaving the country as net

³² It measures the percentage of the population 15 years old and older who can read and write.

³³ Data from the 2010 Argentinean National Census states that 1.9% of the population of 10 years old and above are illiterate being pretty much even between genders. However, the level of education is uneven along the country. The 2010 Census shows that the average of the population that attended and has completed elementary school has a value of 68.3 %. The highest place is the city of Buenos Aires with 82.7, Tierra del Fuego, Antártida Argentina and Islas del Atlántico with 76.5 and the province of Buenos Aires with 73.4. The provinces that present the lower level with completed elementary education are Corrientes with 56.1, Chaco with 53.6 and Misiones on the bottom of the list with 51%. Those provinces are located in the Northeast and North of the country. The same outcome occurs with completed high school education. The average of the country is 56.8%, being the city of Buenos Aires the one with the highest percentage of population that had completed high school (70.5%), and the lowest are Mendoza (Center, 49.9%), Chaco (North, 49.3%) and Rio Negro (South, 49.2%) (INDEC, National Census, 2010).

emigration (e.g., -9.26 migrants/1,000 population).”³⁴ The estimate for 2012 is 0 for Argentina, and -0.9 for Brazil (net emigration value), which represents a large number considering the vast population of Brazil.

Argentina was historically a country of immigration; and based on a study conducted by the IOM, the country has 1,500,142 immigrants, which represent 3.9 % of the entire population. National statistics shows 1.531.940 of immigrants which accounts for 4.2% of the entire population. Most of the foreign born migrants come from Paraguay and Bolivia, and the remaining from Chile, Uruguay, Brazil, Peru, Italy and Spain. The total number of Argentineans living abroad is 806,369 which it represents 2.1% of the entire population (OIM, 2008)³⁵.

Brazil is also a country of immigration. After 40 years of migration stability the process has shifted. By the end of the twentieth-century Brazil became a country that pushes its nationals abroad. The IOM also conducted a study profiling the migration process. The amount of Brazilians living abroad is hard to estimate but the Brazilian Ministry of Foreign Affairs stated that, in 2008, 3,045,000 Brazilian nationals are living abroad. The United States, Paraguay, Japan, UK, Portugal and Italy represent 85% of the destination countries of the emigrants. This research also noted that there has been a transformation from the regions where the Brazilians migrated. In the 80’s most of the emigrants left from the Southeast and Southern regions of the country (91% of the emigration) and in the 90’s it represented only 79% of the emigration. The North of the country became a place of upward mobility especially to neighboring countries. The Northeast region migrated to Europe and the

³⁴ CIA, The World Factbook, 2012.

³⁵ See the complete profile of migration at “Perfil Migratorio de Argentina,” IOM, November 2008. See at: http://www.mininterior.gov.ar/provincias/archivos_prv25/6-%20Perfil_Migratorio_de_la_Argentina.pdf accessed on September 5, 2012.

US (IOM, 2009)³⁶. On the other hand, the estimated numbers of immigrants living in Brazil was 688,026 (mid-year 2010) which represented 0.4% of the population.³⁷

In terms of economic development, there are several indicators that measure the economy of a country, how people live and the level of human development. Those factors are important in the context of human trafficking since a bad economy (push factor) makes people look for jobs abroad or accept false job offers. On the other hand, a country's solid economy (pull factor) attracts immigrants that may lead them to work in slavery-like conditions.

The Gross Domestic Product (GDP) per capita in PPP terms shows that in 2009 Argentina has a higher expenditure of 13,202 US\$ while Brazil 's expenditure was 9,414 US\$ ((UNDP, Int. Human Development Indicators 2011).

The Gini-Coefficient, which is a tool that measures the level of inequality, shows that both countries present similar levels of inequality. A value of 0 represents absolute equality while a value of 100 an absolute inequality, which means than one person has all the income or ability to consume while others do not have this ability. The 2011 Int. Human Development Indicators (UNDP) based on data from 2009, outlined the following Index numbers for Argentina and Brazil: Argentinean: 45.8 and Brazil: 53.9.

The unemployment rate which measures the percentage of the total labor force without a job is similar in both countries. It is 7.9% for 2008. The labor force participation rate measures the ratio of female to male of the working-age population (ages 15–64). This rate shows less gender discrimination in Brazil. Argentina has a

³⁶ See the complete profile of migration at: "Perfil Migratório do Brasil 2009," IOM, 2009. See at: http://publications.iom.int/bookstore/free/Brazil_Profile2009.pdf accessed on September 5, 2012.

³⁷ International Migration Stock: The 2008 Revision. United Nations, 2009. See at: <http://esa.un.org/migration/p2k0data.asp> accessed on September 6, 2012.

ratio of 0.669 and Brazil's ratio is 0.734 (data as of 2009, UNDP, Int. Human Development Indicators 2011). However, the percentage of people living below the poverty line³⁸ is higher in Brazil than in Argentina: 0.9% for Argentina while 3.8% for Brazil, both percentages as of 2009 (UNDP, Int. Human Development Indicators 2011).

The level of corruption of a country is a high predictor with regard to the level of involvement in the human trafficking business³⁹. The 2011 Corruption Perception Index (CPI) ranks countries based on the perceived level of corruption in the public-sector and placed both countries with similar intensity of perceived corruption. The score reflects the perception of corruption on a scale of 0 - 10, where 0 means *Highly Corrupt* and 10 being *Very Clean*. Argentina's score is 3 and Brazil's score is 3.8.

Another important indicator is the Index of Lawfulness, which measures the level of justice and security in a country. Lawfulness is used in a sense to encompass both the quality of the institutions in the enforcement of the rule of law and the behavior of nationals in terms of having been exposed to or involved in a criminal offense. The index of lawfulness was constructed by combining the score of three indicators: 1) police performance, 2) rule of law, and 3) the combination of three main types of crime: common crime, organized crime and corruption. A country was included in the Index only if three or more sources were available. The ranking includes 158 countries, and a high score means high levels of justice and low levels of crime (Van Dijk, 2008). Argentina and Brazil belong to the group of the twenty-five countries with moderately high scores; however, Argentina performs slightly better

³⁸ It measures the percentage of the population who live below the poverty line of \$1.25 PPP per day.

³⁹ This indicator is analyzed in further in the Chapter "A Culture of Tolerance."

than Brazil. Argentina ranks 87 with a 50.8 score while Brazil ranks 107 with a 43.3 score.⁴⁰

To conclude, it is important to note how Argentina and Brazil were evaluated in terms of their level of human development. The Human Development Index (HDI) which defines the well-being of a country by measuring three basic components of human development: health, education and income shows that both countries have similar levels of human development by presenting comparable scores, although Argentina has a better world ranking. The HDI value for Argentina is 0.797 (very high human development) and it ranks at 45 out of 187 countries with comparable data while the HDI value for Brazil is 0.718 (high human development) and it ranks at 84 out of 187 countries with comparable data (UNDP, 2011 Human Development Report).

The following chart depicts all the indicators that have been reviewed above and compares the two countries:

⁴⁰ See full world table of the Index of Lawfulness in Van Dijk, Jan “The World of Crime.” Sage Publications, 2008, page 301.

Table 3. Summary of Indicators from Argentina and Brazil

Indicator	Argentina	Brazil
Life Expectancy at Birth	76.76	72.79
Sex ratio	1 male per 1 female (age group 15 to 64 years old)	0,98 male per female (age group 15 to 64 years old)
Fertility rate	2.29	1.82
Adolescent Fertility rate	56.9 per 1,000 births age group 15-19 years old.	75.6 per 1,000 births age group 15-19 years old.
Public expenditure en education (% GDP)	4.9%	5.1%
Literacy rate	97.7 % (2009)	90% (2008)
School Life Expectancy	16 years	14 years
Net Migration rate	0	-0.9
Gross Domestic Product (GDP) per capita	13,202	9,414
Gini-Coefficient	45.8	53.9
Unemployment rate	7.9%	7.9%
People living below the poverty line	0.9	3.8
Under five mortality rate	14 per 1,000	21 per 1,000
Corruption	score 3	score 3.8
Index of Lawfulness	score 50.8	score 43.3
<u>Human Development Index (HDI)</u>	value 0.797 (very high human development).	value 0.718 (high human development).

CHAPTER IV

LITERATURE REVIEW:

BACKGROUND OF THE PROBLEM

This chapter reviews the literature on sex trafficking written in English, Spanish and Portuguese from both countries and provides background on the issue. The analysis is divided in two sections: the first one contextualizes the situation of each country based on reports issued by foreign states and international organizations that cover both countries. The second section is based on academic papers, articles, books, reports issued by international, governmental and non-governmental organizations, etc. that have employed qualitative (such as, case studies, court cases, policy analysis) or quantitative (such as surveys, field studies, interviews) methods on any aspect of sex trafficking in Argentina and Brazil. Literature that did not include primary sources was excluded from the analysis. It is important to mention that in the case of Argentina only four reports were found containing empirical evidence, which made the analysis more limited.

In this section content analysis of in-depth interviews is presented, which along with the analysis of the literature provides important background of the problem of human trafficking in each country. As was previously noted in Chapter II, only six interviews were conducted in Argentina and none in Brazil.

Background Information on the Problem of Human Trafficking

Foreign and International Organizations' Reports

Argentina and Brazil differ in the extent of their sex trafficking situations although both are considered source, transit and destination countries. The Trafficking

in Persons Report (TIPs), issued by the U.S. State Department is an annual report that rates countries on their quality of involvement in combating global human trafficking and on the adjustment of their domestic legislation to international standards and places countries in four tiers. The tiers are the following: Tier 1, Tier 2, Tier 2 Watch List and Tier 3. This classification is based on the government's efforts to comply with the "minimum standards for the elimination of trafficking" found in Section 108 of the TVPA (The Victims of Trafficking and Violence Protection Act of 2000).

Tier 1 is the highest ranking and indicates that countries fully comply with the minimum standards and, Tier 3 is the lowest ranking and it means that countries do not comply with the minimum standards and do not make any efforts to do so.

The report is highly criticized for the methodology it employs to rank countries, for using U.S. standards rather than international ones, and for not taking into account local cultural practices and differences that may compromise the reliability of the research and facilitate biases. It is important to highlight however, that it is a good tool that enables both governments and the civic society to reveal the existing challenges, accomplishments, and failures in their fight to end human trafficking. The 2011 TIP report placed both countries in Tier 2 and describes their human trafficking involvement as follows:

Argentina is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. Many sex trafficking victims from rural areas or northern provinces are forced into prostitution in urban centers or wealthy provinces in central and southern Argentina. The tri-border area with Paraguay and Brazil is a significant source area for Argentine sex trafficking victims, as well as a transit region for sex and labor trafficking victims from Paraguay. A significant number of foreign women and children, primarily from Paraguay, Bolivia, and Peru, and to a more limited extent from Brazil and the Dominican Republic, are subjected to sex trafficking in Argentina... "Child sex tourism occurs in the tri-border area and in Buenos Aires. Argentina is a transit point for foreign women and girls trafficked into commercial sexual exploitation in Chile, Brazil, Mexico, and Western Europe, and some Argentine women and girls are found in forced prostitution in

Western Europe. Argentina's long borders are difficult to monitor, making the country a transit area for traffickers and their victims.

The report criticized the low number of convictions in comparison to the number of victims identified. It also critiqued the existence of the complicity of government officials at both the local and federal levels in trafficking activities. The document cites the statement made by the UN Special Rapporteur on Trafficking in Persons stating that NGOs and the media, reported significant levels of complicity by law enforcement and provincial and local officials. NGOs and international organizations also complained about official government complicity and corruption. The 2011 TIP Report classifies Brazil as a source country for trafficking in all its forms, and to a lesser extent as a destination and transit point.

Brazil is a source country for men, women, and children subjected to sex trafficking within the country and abroad, as well as a source country for men and children in forced labor within the country. To a more limited extent, Brazil is a destination and transit country for men and women in forced labor and forced prostitution. According to the UNODC, sex trafficking of Brazilian women and girls occurs in all 26 Brazilian states and the federal district, and the federal police continued to estimate that upwards of 250,000 children were involved in prostitution. A large number of Brazilian women and children are found in sex trafficking abroad, often in European countries, including Spain, Italy, Portugal, the United Kingdom, the Netherlands, Switzerland, France, Germany, Norway, and Luxembourg, as well as in the United States, and as far away as Japan. Brazilian women and children also are subjected to sex trafficking in neighboring countries such as Suriname, French Guiana, Guyana, and Venezuela. To a lesser extent, women from neighboring countries have been identified in sexual servitude in Brazil. During the year, some Brazilian transsexuals were forced into prostitution within the country, and some Brazilian men and transsexuals were forced into prostitution in Spain and Italy.

The report points out that child sex tourism in Brazil is a serious problem, particularly in touristic resort and coastal areas in the northeast. Child sex tourists typically come from Europe and, to a lesser extent, the United States. However, there were no reported prosecutions or convictions of child sex tourists.

NGOs report that corruption and government complicity is another important factor in trafficking crimes “alleging that police continued to turn a blind eye to child prostitution and potential human trafficking activity in commercial sex sites.”⁴¹ There were no reported convictions for internal sex trafficking offenses during 2009 and 2010, but seven police officers were convicted for falsifying documents and passports used to facilitate crimes of smuggling and forced prostitution of Brazilian citizens abroad.

At the same time, the Global Patterns Report (UNODC, 2006) analyzes and compares human trafficking patterns in the global arena and created a citation index that categorized the status of a country either as an origin, transit or destination point. The report concluded that Latin America and the Caribbean region is primarily a source region, and most of the sources reported Western Europe as a region where trafficked victims are sent. To a lesser extent, Latin America is reported as a transit and destination region. At the country level, Brazil is reported to be a major site of origin for the recruitment of people mainly for the purpose of commercial sexual exploitation while Argentina is considered to be only a minimal source country for such recruitment (Table 4). Conversely, Argentina is reported as a destination country with medium incidence while Brazil’s incidence is much lower (Table 5). The given score varied based upon the number of sources citing the countries and whether they are origin, transit or destination points.

Table 4. Incidence of Reporting of Origin Countries

Very High	High	Medium	Low	Very Low
	Brazil		Argentina	

Source: Trafficking in Persons: Global Patterns (UNODC, 2006)

⁴¹ “2011 Trafficking in Persons Report.” U.S. State Department. Country Narratives: Brazil.

Table 5. Incidence of Reporting of Destinations Countries

Very High	High	Medium	Low	Very Low
		Argentina		Brazil

Source: Trafficking in Persons: Global Patterns (UNODC, 2006)

Perspectives on Trafficking

The Victims

Defining who is a victim is not a simple task. The characteristics of what constitutes a victim vary from region to region and from country to country. Before the exploitation begins it is difficult to identify and distinguish those who freely engage in the sex industry from those who are trafficked. According to the Palermo Protocol the exploitation itself is not enough to consider a person a victim of human trafficking. Other elements need to be present in order to deem a person as a victim of human trafficking, such as the use of coercion and deception. There are common characteristics that most of the victims share. Unfortunately there is no discussion about this in the literature on trafficking. Generally poorly educated women and adolescents who come from traditionally poor areas are recruited. Differences arise with respect to the method employed to entrap victims. These differences include, the victim's age, its willingness to migrate and look for better opportunities abroad, the level of involvement of their family in the giving up or selling of the victims. This family involvement is more common in some places than in others.

Trafficking for commercial sexual exploitation takes place all over Argentina. Different sources agree that it is predominantly domestic since most of the victims were recruited in Argentina and exploited there. Argentina is also a destination country in less proportion mainly for Paraguayans (IOM, 2006, INECIP-UFASE, 2012, UFASE).

There is a consensus that trafficking affects mainly adult females. This however does not necessarily imply that minors are not affected. It is likely that these minors have not been reached by the legal system or that there are limitations during the investigations to uncover the “*modus operandi*” of the traffickers with regard to minors (INECIP/UFASE, 2012). The later study states that the interviewees explained that it was very hard to find victims who are minors in search warrants. This could be because traffickers are much more aware of the consequences of trafficking children and are thus significantly more cautious about trafficking minors. It is likely that minors are not exposed to discovery in the same way that adults are shown.

Previous exposure to family violence and/or sexual abuse is a recurrent factor among victims. Children engage in prostitution as a way to leave a violent and abusive past. Some view prostitution as a way to seek a better life and more opportunities. The adolescents that come from a violent, dysfunctional or authoritarian family, or who had been sexually abused by a family member, left their families by becoming runaways. As a runaway youth, they become more vulnerable to trafficking (Chejter, 2001⁴²; IOM, 2006⁴³)

Chejter (2001) also added that some of these children engaged in prostitution as early as 12 or 13 years of age (girls) and 15 or 16 years old (boys). There were cases of some as young as 8-10 years old. The data is consistent in every region

⁴² The author conducted a qualitative study involving 326 interviews, 51% to governmental institutions and organizations and 49% to people involved in prostitution being 26% of them children, in several regions of the country.

⁴³ The methodology employed in this study was qualitative and consisted of analysis of the major newspapers of the country from January 2000 to April 2006 to seek data on the regions that were most affected by sex trafficking. An analysis of the court cases of those regions was also conducted. In total, 47 criminal cases were analyzed in the following provinces: Buenos Aires (20), Cordoba (11), Misiones (4). Also, other cases were analyzed as “model cases” to cover other provinces of the country: Entre Rios (5), Jujuy (2), Northeast (1), and the city of Buenos Aires (2). Furthermore, 55 interviews were conducted with key informants (public officials and people of the civil society), 30 in-depth interviews to victims and 3 to traffickers. The research took place between March and December of 2006.

where the research was done (Buenos Aires, Misiones, Chaco, Córdoba, Neuquén, and Chubut).

With regard to foreign women and adolescents trafficked to Argentina, they came mainly from Paraguay and in lesser amounts from Dominican Republic, and Brazil. The victims are mainly adults. The proportion of juvenile victims from Argentina and Paraguay is large, “out of every eight minors from Argentina one is from Paraguay.”⁴⁴ The documents for crossing the border are usually legal in the case of adult women. If the victims are minors, they usually travel accompanied by a relative or with a legal permit. The illegal crossing of a minor takes place when the previous requirement cannot be reached and fake documentation is needed. Sometimes, the documentation is legal but the documents belong to someone else. Bribes at border crossing are given in order to let the women enter Argentina when they lack the proper documentation (IOM, 2006).

During the 1990's, Argentina received a large flow of migrants from the Dominican Republic. Between 10,000 to 15,000 migrants, mainly women arrived in Argentina. These women enter legally into Argentina and came with the promise of a good job opportunity. They were recruited in the Dominican Republic. The middle-man who arranged the trip, the passports, and other documentation earned a commission as compensation. The women were deceived at the time of recruitment, transportation, harboring and arrival to Argentina. It was however, not easy to classify it as deception with the purpose of commercial sexual exploitation. However, it could be viewed as the abuse of a vulnerable person. The repayment of the debt that was

⁴⁴ INECIP-UFASE - “*La Trata Sexual en Argentina – Aproximaciones para un análisis de la dinámica del delito*” (Sex Trafficking in Argentina – Approximations of an analysis of the dynamic of the crime), 2012. This report was funded by the European Union.

incurred for the trip to Argentina forced the Dominican women to engage in prostitution since it was the only way they had to make a living (IOM, 2005).

Most of the women prior to being recruited (nationals and foreigners alike), were the head of household, had minor children to support and came from an economically disadvantaged background (INECIP-UFASE, 2012; IOM, 2005; IOM, 2006).

This situation is confirmed by interviewee #2 who stated that victims are not older than 25 years old. Also in the 18 to 25 year old age group about 80% of the victims have children, are single mothers and the father of the child is an absent father who does not provide alimony. Many of the victims became mothers when they were teenagers.

In the case of Brazil, the PESTRAF's Report⁴⁵ (2002) offers a theoretical-empirical portrait of the trafficking business for commercial sexual exploitation. The report includes victims and traffickers' profile, information about the routes, and the modality of operation across the country and abroad. The report reached the conclusion that different forms of sexual exploitation, including prostitution, sex-tourism, pornography and trafficking are a fact of life all over Brazil. The pervasiveness of these different forms of sexual exploitation varies according to the region. Women and men are victims of sexual exploitation and there is evidence that

⁴⁵ The "*Study of Trafficking on Women, Children and Adolescents for Commercial Sexual Exploitation – National Report, Brazil*" (2002) was the first researched report on the subject. This report helped to present the topic to different segments of the Brazilian political and social agenda. This report is the result of a partnership with the International Human Rights Law Institute of DePaul University College of Law, backed by the Inter-American Commission on Women and the Inter-American Children's Institute of OAS. The study was coordinated at the national level by NGOs under the direction of CECRIA (Reference – Study and Actions Center for Children and Adolescents). The study began in June 2001 and lasted until 2002. A total of twenty states and about 130 researchers participated to the study. Data was collected from federal, state and municipal institutions and NGOs as well. In total 476 organizations were researched, including government, consulates, non-government, and cooperating agencies; however, only 93 of them provided specific information regarding trafficking.

the number of middle-class women, children and adolescent has increased. The age group of children and adolescents varies from one region to another. Sex trafficking victims are predominantly women and girls between the ages of 15 and 25 who are primarily mixed race so called “dark skin” or Afro-Brazilian.

After analyzing the media coverage, this study concluded that girls between the ages of 15 to 17 are the most trafficked age group. Before they were recruited these young girls, lived in low districts from rural areas. Those who did live near capital cities or metropolitan areas mainly resided in the suburban areas. The report highlights the fact that lack of income was not the only factor for these girls at the time that they accept the job. Escaping family violence was another important factor.

The profile of the victim that has been described is consistent with the literature from Brazil. The *Investigación Tripartita sobre trata de mujeres: Brasil, Republica Dominicana y Surinam- Una intervención en red* (2008)⁴⁶ focuses on the trafficking of women from the north of Brazil and the Dominican Republic to Surinam. Surinam it is not only a transit point to Europe, especially the Netherlands, but also a destination country according to data from the health service department of Surinam. The findings of the study show that Surinam was chosen first for its proximity between Belén (Brazil) and Paramaribo (Surinam). The trafficked women departed from Belén on commercial, non-stop flights and the travel time is about two hours. The demand for foreign prostitutes and the large population of Brazilian miners makes Surinam an attractive destination for the women trafficked from Pará (north of Brazil). The expectation that they will significantly change their life-style is the principal motivation for these young women to migrate. The women who were interviewed all (total 14) shared the same characteristics. All of these victims are

⁴⁶ A three-nation investigation on human trafficking in women: Brazil, Dominic Republic and Surinam – A network intervention.

young, between the ages of 17-34 and single. Some victims are in relationships with men who live overseas. Others are in unstable relationships with Brazilian men. All of them, except one, have children. They all have a low level of education and have “informal”, or part time jobs. At the time of travel they all had children except two women who became pregnant while at the trafficking destination. Most of them became pregnant when they were teenagers. Many of victims came from a dysfunctional family. Many were after abandoned when they were young girls by their fathers and in some cases by their mothers as well.

The report highlights the fact that these young women are terribly afraid of repeating the patterns of neglect and abuse with their own children so they leave their children in search of a “better” life. Most of the women who were interviewed did not rely on the father of their children. These men were generally absent from their lives as soon as they became pregnant. These men also do not provide alimony, nor do they maintain contact with the women. Contentious relationships with abusive former partners are an important additional factor that increases the desire of these young to migrate and find a better life.

The study places an emphasis on trafficked victims’ role as mother, particularly since they became pregnant at such a young age. The study also examines how and whether or not this role of young mother affects the victims’ decision to migrate in search for better job opportunities.

We have to think of these women not only as women but also as mothers. They could have envisioned motherhood as the possibility to have a more respectful identity that the one that previously had. The refused daughter, hard worker, exploited and abused young woman now changes her role to the role of a mother. This new identity comes with a reality that requires major life changes some times without understanding, planning or accepting the responsibility of a child. Under pressure because this new life project, without education, planning and preparation and with few economic resources sometimes the answer is not always to stay with their children. With the exception of only one of the interviewed women, all of them have children,

and therefore granting them the biological and social identity of “mother.” However, two of them were not mothers at the time they left, but became pregnant in Surinam, at the mines. They suffered violence in those relationships... The role of mother came at an early age. Ten of the interviewed women had their first child in adolescence between the ages of 14-17....⁴⁷

The report concludes that there is a lack of programs for adolescent mothers.

The minimal level of education is common among those women; most of them did not finish their basic education. All of the women had some history of family violence and gender, either in the family of origin or during their marriage. When the mothers left the country, the children remained with relatives. The problem becomes even more complicated if these women do not return soon and are not able to earn enough money to support their children or pay back the expenses incurred for the care of their children.

Again, the characteristics of the victims are recurrent in the literature. The Federal Police Delegate Luciano Dornelas⁴⁸ based in Goiás described the victims as women between 18 and 26 years of age, with dark skin color, having little or no mandatory secondary education and coming from the lower working class. Normally most of the victims come from the interior of the state and the recruiters live in the capital, Goiania. In general the victims did not have a job before going overseas and did not have enough resources to pay for a tourist visit package to go abroad. With respect to their marital status, over 60% of the victims had an unsatisfactory relationship before leaving the country and over 50% of them have one or two children. Based on Mr. Dornelas’ experience 94% of victims were aware that they were going abroad to work in the sex trafficking industry. In only a few cases the

⁴⁷ SODIREITOS/GAATW REDLAC - “*Investigación Tripartit sobre trata de mujeres: Brasil, Republica Dominicana y Surinam- Una intervención en red,*” 2008, page 104/105.

⁴⁸ He took part in 33 anti-trafficking investigations and heard 631 women.

women were victims of fraud. However, Dornelas states that recruiters inspire fear with respect to the repayment of the money paid for the tickets; however this can not be legally described as “threat” (ICMPD, *Transatlantic Journeys* 2011).

As part of the same research, Prosecutor Saulo Bezerra from Goiás described a number of recurrences that according to him are structural. “Most of the women knew they were going to a life of prostitution; some had already exercised prostitution in Brazil others had not; there are also recurrences in the large number of female households” (p. 49).

The ICMPD report (2011) draws attention to two push factors that make Brazilian women look for jobs abroad. Although these factors had been previously stated in the literature they did not appear with the prevalence and intensity that is evident in this report. One factor is the “the culture of prosperity” and “glamour.” The Public Prosecutor of Goiás, Saulo Bezerra, defines the “culture of prosperity” as a fundamental motivation for going abroad including to work in the sex industry. The Federal Public Prosecutor, Daniel Resende and other public authorities, both from Goiás, suggest that women view going to Europe as a quick way to acquire money and to increase their levels of consumption.

The question of glamour appears in a number of aspects: in the success stories, in the possibility of immediately accessing consumer goods (hairdressers, clothes, good restaurants, etc.), in the compensation that the money earned in Europe will mean for those groups which suffer more from discrimination.”⁴⁹

The Goiás State Prosecutor believes that the recruitment of victims for human trafficking occurs through enticing young women by referring to successful “examples”.

The traffickers send a pretty, well-dressed woman with the best cars or apartment who helps improve the standard of living of the family.

⁴⁹ ICMPD - “*Transatlantic Journeys- An exploratory research on human trafficking from Brazil to Italy and Portugal*,” 2011, page 53.

People start to look at her as an example of success.” Along the same lines, Delegate Dornelas, from the same state, believes that the FP do not have much of a chance to act when passports are issued: “At the time they get their passports, the recruiters have already taken them out to lunch at the best restaurant, they have been to the hairdresser's, have bought clothes, i.e., they are already involved in glamour.”⁵⁰

Traffickers and Methods of Recruitment

Different operators participate in sex trafficking. Traffickers can be defined as individuals who operate in any of the three stages of trafficking: recruitment, transportation and exploitation. I use the term operators in this manuscript interchangeably with traffickers. Traffickers can play one or more roles in the trafficking chain. They undertake different tasks, and may not know who else is working for the same boss or what the final destination of the trafficked people is.

Every trafficking organization has its own *modus operandi* for the recruitment, transportation and exploitation of the victims. It may differ according to the characteristics of the place, the potential victims, the shortage of prostitutes that willingly work in the sex trade, the demand and the region. However, for the most part, traffickers attract their victims by using deceit and fraud when they promise employment (Bales, 2009). Other victims embark in this journey knowing that they will work in the sex industry but they ignore the exploitative aspects of the work that range from coercion, fraud and violence. Victims are also trapped through the use of fake modeling agencies, castings, marriage promises, tourism agencies and newspaper advertisements offering varying kinds of employment (PESTRAF, 2002).

The literature on trafficking all concluded that the common method of recruitment in Argentina is through deceit. Recruiters attract their potential victims with false promises of jobs by offering employment as waitresses, nannies, cleaning

⁵⁰ Ibidem, page 54.

ladies, etc. in the majority of the cases. Deceit is also used, though it occurs less, particularly in cases where women consent to work in the sex industry but under different working conditions. Kidnapping occurs in isolated cases (IOM, 2006, UFASE/INECIF, 2012).

Chejter (2001) argues that children and adolescents do not engage in prostitution voluntarily. Most of them, including the adults, are recruited into the sex trade by means of seduction, incitation and/or coercion at the time of the initial recruitment and then during the exploitation.

Interviewee #2 stated that deceit is the common method of recruitment. After victims are transported far away from their place of residence, and then rotated along different brothels they don't understand how the organization functions. Interviewee #4 agreed that women are often recruited with an offer of employment. According to interviewee #6, taking advantage of the victim's vulnerability along with deceit are the main methods of recruitment. Kidnapping is less frequent but in the provinces of La Rioja and Tucuman kidnapping did take place in 15% to 20% of the cases but those women were generally already quite vulnerable.

Most of the reports conclude that women in Brazil were recruited by someone they know such as a relative, friend or an acquaintance.

The ICMPD (2011) analyzed trafficking trends of Brazilian women trafficked to Italy and Portugal. The study focused on three Brazilian States, Sao Paulo, Minas Gerais and Goiás. These states have been identified as the origin sites of many presumed trafficked/exploited Brazilian victims. They were described as single mothers looking for better opportunities to support their children.

Brazilian women trafficked to Italy are very often young single mothers who migrate to support their children and family; frequently, they are themselves the daughters of young single mothers. For some of them, their living

conditions worsen after separation and divorce. They often come from a large family with a violent and alcoholic father and a mother forced to raise her children alone. Unemployment and poorly paid jobs often cause periods of economic crisis and individual weakness.⁵¹

Harsh economic circumstances, unemployment, desire to improve their economic status appears to be the main common factors among the interviewees in explaining their decision to migrate to Italy. The report states that the success of a friend or a relative who after working in Italy in the sex trade was able to buy a house in Brazil made the decision to leave the country much easier. Victims were approached in different places but similar patterns followed: “a family member, a friend or an acquaintance played a fundamental role; they approached the potential trafficked person and suggested going abroad. Sometimes, the recruiter and the exploiter were the same person. In other cases, the recruiter worked in Brazil for an exploiter living in Italy. In most cases, the money for the journey was lent [to the victim]” (p.156). The recruiters were mostly Brazilian, women and transsexuals living in Brazil or commuting from Brazil to Italy. Recruitment has both a transnational and a local connection in order to bring victims to Europe for sexual exploitation. Deception was usually employed regarding the working conditions and the debt that victims incurred.

The research reports from Brazil and Italy showed evidence that not all cases involving Brazilian nationals can be label as trafficking and according to the researchers three phenomena (voluntary prostitution, prostitutes that are heavily exploited but not trafficked and those who are trafficked) coexist. This coexistence makes it very difficult to draw a line between voluntary prostitution and trafficking victims. The research team in Portugal confirmed that most of the victims of sexual

⁵¹ ICMPD. “*Transatlantic Journeys- An exploratory research on human trafficking from Brazil to Italy and Portugal*,” 2011, page 152.

exploitation in Portugal are Brazilian women and Eastern European women. This report also mentioned that there are two types of recruitment. There are: women who know they will work in prostitution as they did in Brazil but they expect to earn more money. There are those women who did not know that engaging in prostitution is the real reason for their trip abroad. The women were contacted by someone whom they know and were told that they will have a better life in Portugal. These victims usually leave their children in their home country. They harbor the expectation of a good life not only for themselves but for their children. As was indicated in the previous research, these women had children at an early age, and many came from a dysfunctional family.

(...) let's focus on the issue of Brazil. They usually come from poor areas, with relatively low levels of schooling, with children... the women start having children at the age of twelve, thirteen, during puberty, and they need to make money quickly in order to support their family and have some standard of living in Brazil (RZ, p. 19, i. 114).⁵²

This method of recruitment by somebody they know is also confirmed by other studies (UNODC, Piscitelli, 2007; UNODC, Colares, 2004).

In the study coordinated by Piscitelli, the notion of feminine migration to Europe as a strategy of family survival has been confirmed, especially in the cases where the mother left their children in their place of origin. The study concluded that there is no reference made to the involvement of organized crime networks. Also some of these networks are mostly informal ones comprised of people who are known to the victim such as, their fellow countrymen, acquaintances, friends, relatives and in some cases by their lovers, either Brazilian nationals or foreigners.

⁵² ICMPD *"Transatlantic Journeys- An exploratory research on human trafficking from Brazil to Italy and Portugal,"* 2011, page 264.

Trafficking Flow

The trafficking flow shows the trajectory of the victim and indicates whether a country is a source, transit or a destination count. Victims who remain in the same country are victims of domestic trafficking. This refers to the fact that all the stages of trafficking from recruitment, transport and exploitation take place inside one territory. When victims are taken across borders it is understood to be transnational trafficking. The stages of trafficking and exploitation takes place in another territory. There are cases where victims are taken temporarily to one destination and then sent to the place of exploitation either in the same territory or across borders. In that case the transitory country is a transit point.

In the case of Argentina, all sources revealed that there are two major routes: the northeast region to the south and the route coming from Paraguay. Women are recruited in high proportions in the northeast and encompass the provinces of Misiones, Corrientes, Chaco, Santa Fé y Tucumán while the provinces of Buenos Aires, Córdoba (center), La Pampa (center) Santa Cruz (south) and Chubut (south) and Tierra del Fuego (south) are destination points. There are some provinces that combine both modalities such as Entre Rios (IOM, 2006). The aforementioned report states that the province of Buenos Aires and Córdoba (center) are destination places for domestic and international sex trafficking (IOM, 2006, INECIP-UFASE, 2012).

The province of Misiones (NE) has been identified as one of the main places for recruitment, especially by promising false offers of employment (UFASE Report).

Interviewees # 2, #5 and #6 had similar point of view by revealing the north to south route. The north of the country was mentioned as the region of recruitment. The province of Córdoba, located strategically in the middle of the country, was mentioned by interviewees #4 and #5 as the province where the distribution of the

women takes place. The route of those who come from Paraguay to Argentina was also mentioned by interviewee #5. Most places of exploitation are the city of Buenos Aires, La Plata, Mar del Plata, Cordoba, Mendoza and in less proportion Entre Rios; also the south of the country is a destination place (Interviewee #6). Buenos Aires, Cordoba and Rosario are also mentioned as places with more trafficked women (Interviewee # 4).

The Triple Frontier between Paraguay, Brazil and Argentina is considered to be a major center of sexual exploitation mainly of minors (IOM, 2005) and it is also considered a transit point (Special Rapporteur, 2010).

In the case of Brazil, the PESTRAF report (2002) shows evidence of the existence of 241 trafficking routes for commercial sexual exploitation in Brazil. There are 131 international routes and 110 interstate and inter-city routes, which represent 45.41% of the total trafficking routes. This means that domestic trafficking is almost as high as international trafficking. The last ones are the preferred routes used for trafficking in women. The internal routes are used more for trafficking in adolescents. The chart below shows that the northern region has the highest number of trafficking routes, following by the northeast region. However, when it comes to international trafficking routes, the northeast region tops the list.

Table 6. Trafficking Routes in Brazil

Departure region	International	Interstate	Inter-city	Total
South	15	09	04	28
Southeast	28	05	02	35
Central-West	22	08	03	33
Northeast	35	20	14	69
North	31	36	09	76
Total	131	78	32	241

Source: PESTRAF, 2002 (p. 83)

Of the 131 international routes, 102 are used for trafficking in women. Of the 78 interstate routes 62 of them involve the trafficking in adolescents. Of these routes 20 are used solely to traffic adolescents. Of the 32 inter-city routes 31 of them were used to transport adolescents. Adult women are mostly trafficked to Spain, The Netherlands, Venezuela, Italy, Portugal, Paraguay, Switzerland, The United States, Germany and Suriname. The adolescents are trafficked to places connected to the borders of South America including Venezuela, French Guyana, Paraguay, Bolivia, Peru, Argentina and Suriname and Chile.

Colares (UNODC, 2004) also reached the same conclusion; Europe is the main destination for the Brazilian victims with Portugal, Spain and Italy as the countries with the highest incidence.

The Brazilian states of Goiás and Ceará have been identified as states with intense trafficking activity and Rio de Janeiro and San Paulo as states where women embark for transnational trafficking since there is an international airport (PESTRAF, 2002; UNODC (Colares), 2004; ICMPD, (2011); GAATW (2007)).

Organized Crime or a Crime That Is Organized

There is a large academic discussion on whether or not human trafficking and organized crime are interchangeable terms. Some scholars sustain that major international organized criminal groups are involved in the sex trade (Shelley, 2007). This claim however does not imply that all traffickers belong to an organized criminal group. It is important to note though that they are organized as a loose and decentralized network.

Picarelli (2009) argues that based on the history and the evidence of contemporary cases “trafficking in human beings is an example of a complex crime

that is organised and has a diverse set of perpetrators.”⁵³ According to him there are three types of trafficking networks: 1) entrepreneurial trafficking organizations that are small in size and where perpetrators play simultaneously one or more roles; their methods are simple and unsophisticated 2) transnational networks in which large organized criminal groups are in charge of all the stages of the trafficking and usually operate across a wide geographical locations; they often engage in other criminal enterprises and usually have connections with the “upper world” through complicity or with bribes paid to these “upper world” government officials; and 3) hybrid groups which is a combination of entrepreneurs and criminal groups that collaborate on a needed basis; this is the most common group.

Finckenauer and Chin (2011) argue, based on data they collected in their long research on the movement of Chinese women to Asia and the US for the commercial sex trade, that human trafficking is a crime operated by individual criminal entrepreneurs rather than on behalf of any criminal organization. The very characteristics of the offense of sex trafficking makes it more likely that it is a crime that is organized rather than “an organized crime”.

The literature with regard to this point is not contested in Argentina.

Some documents suggest that the three types of networks as described by Picarelli are involved in the trafficking venture. This is the case of the UN Rapporteur Joy. N. Ezeilo after her mission to Argentina. She considered that trafficking networks range from the complex organizations that are in charge of the entire trafficking chain to brothel owners who recruit the women and exploit them in their own place or sell them to others. Corruption, according to her, facilitates the trafficking networks.

⁵³ Picarelli, John. “*Human Trafficking & Organised Crime in the US & Western Europe*” in *Strategies Against Human Trafficking: The Role of The Security Sector*, Chapter 3, Study Group Information, Cornelius Friesendorf (Ed.), 2009.

In the case of the research conducted by the IOM (2006), the study was able to identify the coexistence of different networks of traffickers, which are more hybrids in nature. Some of them are formed by family members that have different brothels in different regions along the country or even in the same province or city. At times, the family members distribute among themselves the roles to cover the entire trafficking scheme (recruitment, transport and exploitation) and other times they request that recruiters or pimps provide them with women for their own brothels or to help them sell the women to other brothels.

The research conducted by INECIP-UFASE (2012) concluded that trafficking networks in Argentina are entrepreneurial, with a low level of professionalism, without a clear distribution of roles and hierarchy, and at times created by family members. These characteristics imply the absence of significant complex organizations, which is not the same as saying that the crime is not organized. Even though all the stages are present: recruitment, transport and exploitation, most of the time the same person undertakes more than one role. From their database of 192 accused perpetrators, 132 were in charge of more than one trafficking task. In addition, no more than one or two people were in charge of the recruitment phase which illustrates an unsophisticated organizational structure.

Neither in the judicial cases nor the interviews can one prove the existence of networks solely dedicated to human trafficking for commercial sexual exploitation. Contrarily, it was noted that in most of the cases the trafficking networks made business with trafficked women, exploited women and women in situation of prostitution.⁵⁴

According to the study any linkage between trafficking networks with any other criminal activities has not been proven. Interviewee # 3 stated that “trafficking

⁵⁴ “*La Trata Sexual en Argentina – Aproximaciones para un análisis de la dinámica del delito*” (Sex Trafficking in Argentina – Approximations of an analysis of the dynamic of the crime) INECIP/UFASE, 2012. This report is funded by the European Union.

will not succeed without the complicity of the police, the judiciary and other agencies of the government.”

According to the literature, Brazil has an opposite criminal structure to the one that exists in Argentina. According to the PESTRAF Report (2002) criminal networks and syndicates are the most common “*modus operandi*” in Brazil. Most, of the recruiters’ proposals are made up by members of trafficking networks operating international routes since they deal with large amounts of funds compared to those who recruit adolescents for domestic routes. Sex trafficking in Brazil is well organized and operates with the complicity of organized crime organizations, and connections in receiving countries.

Commercial trafficking networks are organized within and outside the country, maintaining contact with international organized crime syndicates. This has been verified by the detection of Mafia groups in the country (Yakuza, Russian, and Chinese Triads...) working with the international trafficking in women (Rio de Janeiro Report).

...International Mafia: Russian, Chinese, Japanese, Italian, Israeli, Spanish, Mexican....use ‘tourist trips’ and the Internet to sell girls, relying on the complicity of same individuals from the Civil and Military Police, as well as top models agency, child service agencies, and airport employees (Rio de Janeiro Report).

...The way the Russian and the Chinese mafia work is very similar. Here in Brazil, they have, let’s suppose, a group that works to lure these girls in. They are Brazilians who have everything prepared in key places and attract these girls. They draw up contracts to convince them and even go to their family’s home....Just looking at the operations, it’s perfect....(Rio de Janeiro Report).⁵⁵

The PESTRAF report is highly consistent with the study coordinated by Colares (UNODC, 2004) with regard to the existence of an established connection between the recruiters in Brazil (Brazilian or foreigners) with those who operate in the receiving

⁵⁵ PESTRAF - “*Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation.*” Brazil, 2002, page 49.

countries. Colares considered that “it is a crime committed by nationals but funded by foreigners”⁵⁶ (p.34).

The ICMPD (2011) highlights the existence of transnational criminal networks in order to create the machinery that exploits Brazilian citizens abroad, among others nationals. However, the extent of the Brazilian criminal network is not enough to determine an accurate understanding of their involvement.

The high cross-border mobility experienced by some respondents may also highlight the existence of a rather structured Brazilian transnational criminal network. In the last decade, foreign criminal organisations managing trafficking for sexual exploitation in Italy have developed a cross-national modus operandi. Different national organised crime groups may co-operate at distinct stages of the trafficking and exploitation process as a sort of criminal “joint venture” which aims at maximizing the profits.⁵⁷

However, the report coordinated by Piscitelli (UNODC, 2007), did not reach to same conclusion. The data obtained from the people who were refused entry or deported to Brazil, suggests that there was no linkage with an organized crime group. It is important to mention that the study included females and males and had a broader scope than human trafficking.

⁵⁶ UNODC - “*I diagnóstico sobre o tráfico de seres humanos: São Paulo, Rio de Janeiro, Goiás e Ceará,*” coordinated by Marcos Colares, 2004, page 34.

⁵⁷ ICMPD. “*Transatlantic Journeys- An exploratory research on human trafficking from Brazil to Italy and Portugal,*” 2011, page 167.

CHAPTER V

A CULTURE OF TOLERANCE

Introduction

Prostitution and sexual exploitation are topics inextricably linked. The line between the willingness to prostitute oneself and forced prostitution is blurred. Prostitution -which is considered the world's oldest profession, has evolved from a promiscuous activity for money to a flourishing business for criminals, especially in the aftermath of the information revolution and globalization (Fainberg, 2010). The sex industry, legal or illegal, has a lot in common with sex trafficking.

Voluntary adult sex work, although abusive and exploitative at times, does not constitute sex trafficking per se. It can become trafficking if force and fraud are used according to the international agreed-upon definition on trafficking in persons. On the other hand, sex trafficking always implies the sexual exploitation of others.

It can be said that a "culture of tolerance" for the sex trade has developed in Argentina and Brazil. The culture of tolerance exists in an environment shaped by different influences, such as history, tradition, legislation, attitudes toward women, etc- that taken together normalizes the view of commercial sex to such a degree that it becomes a part of the normal life of society (Demand, Shared Hope International).

In this chapter, different components that constitute the "culture of tolerance" for commercial sex in each country will be outlined. The similarities and differences of Argentina and Brazil's sex trade will be discussed.

History of Prostitution, Organized Prostitution and White Slavery

The word "prostitution" comes from the Latin word *prosto* which means "to expose" (Fainberg, 2010) and from the verb *prostituere* which means "to expose

publicly.” Its first appearance was in the 1520s when it meant "to offer indiscriminate sexual intercourse (usually in exchange for money)."⁵⁸ Prostitution is generally defined as the exchange of money for sex.

There is a discussion in the literature about the scope of prostitution and whether it can be considered “sex work” or not. In theory, the right to prostitute oneself falls into the category of “a private action” of a person, though all international instruments agree (whether legal or not) that it is a clear violation of human dignity.

The literature has suggested that the major predictors of the degree of prostitution in any country are likely related to the combination of the level of social inequality/exclusion and the nature of the dominant sexual ideology.

The legal status of prostitution varies from place to place, and a country’s policy toward it range from Prohibitionist to Regulationist to Abolitionist.

The Prohibitionist policy prohibits prostitution completely, and all parties are subject to criminalization, including the prostitute. From this perspective the prostitute is considered a deviant or delinquent who needs to be re-educated and punished (Osborne, 2004).

In the Regulationist approach, prostitution is regulated by the state. Prostitution is considered reprehensible but also impossible to eradicate. It is considered a menace to public health and public order, and in order to protect society, prostitution is controlled through legal mechanisms. The type of regulation varies from place to place (such as mandatory registration, medical examinations, and areas devoted solely to prostitution). Public health is the main focus of its followers (Fainberg, 2010 and Osborne, 2004).

⁵⁸ Online Etymology Dictionary. Accessed at: <http://www.etymonline.com/index.php?term=prostitute> on June 29, 2011.

This movement was established first by Napoleon III in France and it was later known as the “French system.” The regulation of prostitution was enacted by a large number of European countries with a hygienist argument to protect society from venereal diseases.

The abolitionist movement -spearheaded by Josephine Butler- emerged as a reaction to the Regulationist model. The argument states that by regulating prostitution, the victimization of women prostitutes was aggravated and it was considered a form of sexual discrimination. Butler wrote a manifesto in 1869 that was signed by 1,220 people to abolish the regulation of prostitution. The abolitionists won some battles, and in 1904 the first legal instrument of “white slavery” was signed in Paris. After 1912, many European countries started to follow this policy (Ziauriz, 2009).

In this model, prostitutes *per se* are not criminalized but all criminal behaviors related to the sexual exploitation of others are subject to criminalization. Prostitutes are not seen as deviant or offenders but rather as victims. The abolition of prostitution and the protection of prostitutes can be achieved by penalizing all third parties that take economic advantages from this business such as recruiters, pimps, etc. This position was reflected in the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others where Article 1 states the punishment of those who procure, entice, lead away or exploit the prostitution of another person even if that person consents (Fainberg, 2010 and Osborne, 2004).

Prostitution is not a crime in either Argentina or Brazil.

Prostitution is not a crime according to Argentinean law, and it can be understood as a private action guaranteed by the National Constitution (Article 19). However, the exploitation and the prostitution of others is a criminal offense. The law

does not punish the one who wants to prostitute but it does punish third parties who take economic advantages from that activity.

Argentina is classified as an “abolitionist” country in this matter, which is a characteristic of states that “have reacted to all forms of regulation of prostitution by closing the houses of tolerance and brothels, and by the disappearance of police records, controls and sanitary charts.”⁵⁹

In Brazil, prostitution is not a crime either and there is no state regulation. Brazilian law does not penalize prostitutes *per se* but it does the commercial exploitation of that activity. However, state policy never assumed an openly abolitionist discourse (Pimenta et al., 2010).

From an historical perspective, the main question is how to determine why women in post-colonial times became prostitutes and, why South America became an attractive international market for organized prostitution or “white slavery.”

Rebekah Harris summarizes the reasons women in nineteenth century Buenos Aires and Rio de Janeiro became prostitutes: poverty, unemployment and population growth. Furthermore, immigrants had more and better opportunities to get a job than Argentine nationals.

Women in Buenos Aires had few opportunities for work.... To make matters worse, female unemployment in Argentina vastly outstripped male unemployment, and both male and female immigrants more frequently found employment than native Argentineans. Surveys carried out by medical professionals in Buenos Aires between 1889 and 1934 indicated that a large proportion of prostitutes entered the profession voluntarily to make money, and that many of the respondents supported children or other family members financially. This situation was echoed in Rio de Janeiro... The changing economy in Rio after the end of the First World War increased employment opportunities in professions such as clothing production in both factories and cottage industry. However, Brazilian women, especially those of mixed or

⁵⁹ “*Nuevo Escenario en la lucha contra la trata de personas en la Argentina.*” OIM and Ministerio Publico Fiscal, article “La Finalidad de Explotación del Comercio Sexual en la figura de Trata de Personas” by Colombo Marcelo and Castany, María Luz, page 70 citing Heim, D. and N. Monfort in “Vigilar u Castigar: Las nuevas propuestas de políticas publicas para la prostitución en Europa. Análisis de los modelos de Suecia y los Países Bajos” Nueva Doctrina Penal, 2005/B, p.772.

African heritage, did not benefit from the availability of jobs; most of the high-paying skilled and unskilled work went first to immigrant European or American workers.⁶⁰

The practice of the international trade of women -known as “white slavery”- reached an unprecedented growth during the last decades of the nineteenth century, and in America it was fueled with the vast influx of immigration. The most important markets for the women were the U.S and Argentina due to the uneven demographic characteristics (more men than women) and the great economic expansion that consequently generated a great demand for prostitutes (Trochon, 2006).

The term “white slavery” was adopted by the English abolitionists who equated the trade of the white, European women to the trade of the African slaves during the Trans-Atlantic slave trade period.

The route to South America was extremely attractive for the traffickers due “to the high rate of masculinity of the receiving society, [and] it must be added the rigid patterns of moral sexuality that proclaimed the need of female virginity until the marriage...;”⁶¹ hence, prostitutes were well received to satisfy this “male necessity.”

Argentina (especially the cities of Buenos Aires and Rosario) and then Brazil (the cities of Rio de Janeiro and San Paulo) were considered important markets for introducing European women to the network of pimps (Trochon, 2006) though the legal status of prostitutes and government intervention evolved differently in both countries. Buenos Aires focused more on combating the negative influence of prostitution while Brazil attempted to lower the visibility of prostitution in the streets.

⁶⁰ Harris, Rebekah. “Zones of Tolerance and of Exclusion: Progressivism and Prostitution in Argentina and Brazil, 1863-1930.” Augusta State University, 2009. See at: <http://www.etudeshistoriques.org/index.php/etudeshistorique/article/viewFile/3/3> accessed on August 8, 2011.

⁶¹ Trochon, Yvette. “*Las Rutas de Eros. La Trata de blancas en el Atlántico Sur. Argentina, Brasil y Uruguay (1880-1932)*”. Ediciones Santillana, 2006.

However, the prevention of the spread of sexually transmitted diseases was a priority in both countries (Harris, 2009).

Argentina

Prostitution in Argentina can be traced back to the time before the country became nation. In 1797, a group of English women inmates who traveled by ship to a penitentiary in Australia ended up on the Rio de la Plata coast due to a strike on board. Most of the women stayed in Buenos Aires to work as prostitutes under the foreign mafia that was already established in the city. However, the first network of local traffickers emerged in 1889 by a group of Jewish criminals (Schnabel and Guy, 1994).

The literature suggests that by the end of the nineteenth century, Buenos Aires was known internationally as a place where women disappeared and were forced into commercial sex, and that circumstance cannot be separated from the vast influx of European migration, and to the fact that there was licensed prostitution in the city of Buenos Aires.

Europe suffered from a high unemployment rate with a large population growth in the big cities, and people escaped from poverty and hunger to Argentina. The European press continuously published stories of women who were deceived with false promises of work, and finally ended up in brothels in Buenos Aires. “In 1889, the *Bulletin Continental* affirmed that two hundreds Germans or Austrians were held against their will in Buenos Aires by Jewish Poles.”⁶²

The population increased significantly at the end of the nineteenth century. The 1869 census in Argentina showed a population of 1,740,000, by 1895 it had

⁶² Guy, Donna. “*El sexo peligroso: La prostitución legal en Buenos Aires, 1875-1955*,” Editorial Sudamericana, 1994. (El género en historia, Institute of Latin American Studies, University of London) citing *Le Bulletin Continental*, 14, 10 (15 de octubre de 1889):86.

doubled and by 1914 it reached almost 8,000,000 people (Moreno, 2004). These numbers show the massive influx of foreigners that brought to the country not only a transformation in the demographic structure but also cultural and social changes. This is especially noteworthy if one takes into account that from 1880 to 1930, 3,200,000 of Europeans had migrated to Argentina and by 1895 foreigners surpassed the number of native people in the city of Buenos Aires (Moreno, 2004).

A great proportion of the immigrants were men who left their families back in Europe waiting to be settled before bringing their families to Argentina. “Among these men were the first clients of the European ‘whites’ that would supplant the local women in the ‘market’ of the sex trade.”⁶³

Prostitution was first legalized in Buenos Aires on January 5, 1875 and then in the rest of the country. The law regulated the “prostitution houses,” and specified the characteristic and location of the brothels. It also specified who can manage them (only women) and who can work as prostitutes. It also stipulated that the brothel must register every prostitute. The law prohibited clandestine prostitution.

Article 8. - A prostitute is any woman who has intercourse with several men, and who receives compensation in the form of money or other means; either the compensation is for her, for who exploits her, or for both.

Article 9 - The prostitutes who are registered at prostitution houses should be 18 years old, unless it can be proved that they have engaged in prostitution before the age of 18.”⁶⁴

⁶³ Schnabel, Raúl. “*Historia de la Trata de Personas en Argentina como Persistencia de la Esclavitud*.” Dirección General de Registro de Personas Desaparecidas. See at: <http://www.mseg.gba.gov.ar/Trata/HISTORIA.pdf> accessed on June 29, 2011.

⁶⁴ “*Prostitution’s Regulation*” see at: http://es.metapedia.org/wiki/Casas_de_prostituci%C3%B3n_en_Buenos_Aires, accessed on December 6, 2010.

Even though the primary goal of the law was to protect the public health from sexually transmitted diseases, ultimately the regulation served to keep prostitutes off the streets and to increase the city funds (Guy, 1988).

Brothels in Argentina were supplied by the international trade of white slaves according to the statistics of foreign prostitutes registered in comparison with the native ones. In the period of 1889-1891, the city of Buenos Aires had 6,413 women registered as prostitutes only 25% were Argentines; the proportion of native prostitutes was decreased until 1915, but by 1934 the Argentines prostitutes represented the 43.8% (Guy, 1994).

A French journalist named Albert Londres was a pioneer - during 1920 to 1930- uncovering the business of forced prostitution in Argentina. He was an agent of the *Deuxieme Bureau* and the *Surete Generale* (Zinni and Ielpi, 2004) and immersed himself in the topic to find out not only how French women were transported to Argentina for forced prostitution but also how a group of ruffian Poles were behind the business in Europe. His book "The Road to Buenos Ayres" summarizes his journey. He wrote:

Having found them they send them off via Santander, Bilbao, La Carogne, Vigo, and Lisbon. Until lately they had an accomplice at Bordeaux, a doctor. He got them on board there. At present when they leave from France, they go from Marseilles. They are mostly "underweights," i.e. minors. They go as stowaways....A "friend" among the crew hides them. A boat brought two of them recently: I went to meet them at Quay N 4...They would put them on board at Genoa, or Hamburg; they would send them by hydroplane if necessary... So they depart. Some as ordinary passengers, others like thieves, disguised and concealed. They never see the sea, they're only sea-sick. The sailors look around carefully before taking them any food. It will mean twenty-one, twenty-five, twenty-eight days in prison, in accordance with the boat. Their first taste of prison. That is the road to Buenos Ayres!⁶⁵

⁶⁵ Londres, Albert "The road to Buenos Ayres." Constable & Co. Ltd., 1928, page 75.

The revelation that a minor group of Polish Jews were behind the human trafficking business in Argentina by the end of the nineteenth century not only surprised the international community but the majority of the Jews who rejected and isolated them even though they shared the same religion and tradition.

In 1889, the “Group of 40,” a crowd of 40 Jews, joined together for mutual assistance in order to facilitate the trade of foreign prostitutes (Guy, 1994). But the pimps formed an association with legal status on May 7, 1896 under the name “Sociedad Israelita de Socorros Mutuos Varsovia” (Israelite Society for the Mutual Aid of Warsaw).

The statutes of *Varsovia* did not differ from other legal associations, but the real intentions were two: to provide social benefits to their members and religious support since the Jewish community denied them these benefits because of the businesses in which they were involved. This included the use of the Jewish cemetery. It also became a legal instrument to cover their illegal trafficking business. Their clandestine work was so clean that it was very hard to trace. The commercial book keeping of the society, the registry of their members, and all the “apparent” mutual aid was very well organized and therefore was very hard to uncover the real business of slave trade (Bra, 1982).

The criminal Jews from Argentina and Brazil were known as ‘Caftens’ or ‘Caftans’ because of the traditionally long gowns that the orthodox wore, and the word became synonymous with pimps in charge of the white slave trade (Schandel and Glickman, 2000).

The *modus operandi* consisted of trips to Poland and also to other parts of Europe and Russia to recruit women. There they dated the young women and

introduced themselves as businessmen looking for a wife from their birthplace (Bra, 1982).

The recruitment of Jewish women, especially in Eastern Europe and Russia, for forced prostitution can be summarized by three factors: 1) extreme poverty, 2) strict Jewish rules, and 3) the possibility of having a better life (Bra, 1982).

Ernesto Goldar (1971) described how women were deceived once they got to Argentina:

The girls were deceived from their home towns. They were almost always from rural regions of Poland and Hungary... The Society sent a "helper" to Europe. He was not an associate of the organization but simply an employee. His mission consisted of 'hunting' unsuspecting young women. He presented himself in the young woman's town as a wealthy man and then asked the family for "the hand" of the daughter. After the wedding, the marriage was transferred to South America. Other times he initiated a friendship with a young man and proposed to him a good business deal without offering any detailed explanations. . In exchange for a sum of money this young man would only have to marry a girl that the "helper" had identified in the town. Then the young man was asked to take the wedding trip/honeymoon and deliver the girl to the indicated port...⁶⁶

Once the foreign women arrived in Argentina they were forced to work as prostitutes, and felt entrapped by the demands with little or no possibility of escape. The girl/woman was in a foreign territory, with a foreign language and customs and no friends. Beatings, deprivations, and confinement were some of the persuasive methods used to break her resistance.

The organization was also in charge of organizing and financing some auctions for the 'selling of the imported women.' They chose a place with a stage, and displayed "in the presence of special guests: judges and politicians"⁶⁷ naked women. Those who were considered appropriate could even touch the bodies of the young

⁶⁶ Cited in Schnadel page 21.

⁶⁷ Bra, page 38.

women in order to “estimate their value”. The auctions took place often, and later on, the owners of brothels from the interior of the country came to secure additional women or to renew slaves for their places (Bra, 1982). The Varsovia organization then changed its name to “Zwi Migdal” (Schandel and Bra, 1982).

By 1930 it was public knowledge that the illicit enterprise of the traffickers could not have been possible without the authorities’ complicity and connivance since, “the fabulous money from the brothels kept solvent the apparatus in charge of repressing the trafficking of women.”⁶⁸

The decline of the Zwi Migdal started with the complaint filed by a former prostitute named Raquel Liberman. The judge in charge of the investigation ordered jail for 108 of the accused for corruption and illicit association and ordered the capture of 334 fugitives. During the investigation the judge discovered how the police (Investigation Division) minimized the criminal record of most of the accused. The judge proved that the entity’s goal was the cooperation among its members for commercial sexual exploitation, but the Chamber of Appeal revoked the decision by suggesting that there was not sufficient evidence against the accused, and noted the fact that no other victim presented charges. Due to social pressure and the press, in April of 1931, the accused were expelled to Montevideo and their residency revoked.

Police Chief Julio Alsogaray who participated in the legal investigation estimated the high profits of the trafficking business in Argentina, in 1932:

In our country the **Migdal** with its associate **Caftens**, exploits 2,000 brothels, with 30 thousand women and with revenue of 3 thousand pesos monthly, which is 108 million pesos a year. The other society, formed by Russians and Rumens, founded by the well known **Simon Rubinstein**, and called **Asquenasum**, represents 50 percent of what Migdal and the Caftens collect in revenue that is 54 million pesos. The exploitation by ruffians of other

⁶⁸ Zinni, Hector and Ielpi, Rafael. “*Prostitución y Ruffianismo*” Homo Sapiens Ediciones, 2004, page 250 citing Ernesto Goldar “La mala vida” Centro Editor de America Latina. Buenos Aires, 1971.

nationalities (French, Germans, Italians, Spanish, Argentines, and others) can be estimated to be equal to Asquenasum's revenue, which means a total of 54 million pesos. The revenue that comes from this exploitation totals 216 million pesos yearly.⁶⁹

According to documentation seized in the legal investigation against the Migdal, the organization earned 36 million dollars in revenue annually and half of that sum was earned by the Asquenasum (Schnadel).

The dismantling of the organization, in addition to an increase in social awareness brought the end of licensed prostitution in the city of Buenos Aires in 1934, but it did not mean that prostitution had by any means, concluded. On the contrary, it flourished due to multiple factors: international economic depression, high rate of unemployed women and low salaries. However, it was unseen by the general public. Guy (1988) questioned whether the end of licensed prostitution also ended the projection of international white slavery and according to him, "the diminution of European immigration to the Americas occasioned by the outbreak of World War II probably had a more decisive role in the decline of reported cases."⁷⁰

The scandal of prostitution showed, on the other hand, that the regulation of prostitution was a complete failure and a complete collapse of the legislation. It is important to mention that on September 23, 1913 the law 9143 (known as Palacios Law) which penalized the exploitation of women and girls was enacted.

On December 17, 1936 the "Anti-Venereal Prophylaxis and Pre-Wedding Mandatory Exam" (Law 12,331) was enacted, which is still in force. This law has a clear abolitionist purpose (Fainberg, 2010) though the main goal was to standardize

⁶⁹ Zinni, Héctor and Ielpi, Rafael. "*Prostitución y Rufianismo*" Homo Sapiens Ediciones, 2004, page 252 citing Alsogaray Julio "*La trilogía del placer en la Argentina*," Buenos Aires, 1932. This translation is unofficial and it was made by the author.

⁷⁰ Guy, Donna. "White Slavery, Public Health, and the Socialist Position on Legalized Prostitution in Argentina, 1913-1936." Latin American Research Review, Vol. 23, No. 3 (1988), pp. 60-80, page 76.

the classification of venereal diseases and their treatment throughout the country, and in order to secure it, brothels were forbidden.⁷¹ The law did not have the intention of prohibiting prostitution completely and to criminalize prostitutes, but rather to improve the health of all the women including prostitutes and to eradicate the clandestine brothels.

It is forbidden in the entire Republic to establish houses or places to engage in prostitution or to incite it (article 15).

Those who support, administer or manage, knowingly or covertly houses of tolerance will be punished...(article 17).

Despite the enactment of the law, clandestine brothels still exist in Argentina and operate under different names: night-clubs, privados (apartments), bars, sauna, pools, whiskery, etc.

Brazil

The situation in Brazil was somehow different from that in Argentina since the arrival of the white, European women to work as prostitutes occurred while the trade of black African slaves was still in practice. Hence, in the last decades of the nineteenth century both phenomena coexisted, as Brazil was the last western country in the world to abolish slavery in 1888.

During the period of the Transatlantic Slave Trade, Brazil received about 4,000,000 African slaves, and women in particular were forced to work as prostitutes by their slaveholders. As an example, the Rio de Janeiro police were tasked in 1870 to find out if black slave women were forced into prostitution and immediately 200 women were freed based on the evidence collected. The judge's argument was based

⁷¹ Law 12,331 "*Public Health, Prophylaxis of Veneers Deceases*" See at: <http://www.todoiure.com.ar/legislacion/12331Profilaxis.htm> accessed on April 20, 2011.

on the Roman Law principle that the prostitution of the slaves justified the loss of the right of property by their owners since “the slaves who were forced to prostitute themselves were not treated as women, instead as a machine that must produce, at the end of every day, a certain amount of money for their owners.”⁷²

At the end of the nineteenth century the shipments of black African slaves were switched to different cargo -white European women- to be sexually exploited, and the starting point of the white slavery business was 1867 with the arrival of the “*polacas*” (*Poles*) to Rio de Janeiro. Under this category Russians, Austrians, Germans and Polish Jews were included and considered less valuable than other prostitutes. The French ‘*cocottes*’ had a higher value, and both groups constituted the international supply for forced prostitution.

As in Argentina, the trade of the white women in Brazil was also linked with the immigration flow, but in this case the number of foreigners never surpassed the number of native people. By 1872, Brazil had a population of 9,930,478 with the demographic distribution by gender practically even (male: 5,123,869, female: 4,806,609), by 1890 the population almost doubled to 14,333,915 inhabitants (male: 7,237,932 and female: 7,095,983) and by 1920 the population again doubled to 30,635,605 inhabitants with equal distribution by gender (IBGE).

Overall the number of immigrants who arrived to Brazil -during the period 1881-1930- was 3,936,411 (Lesser, 1995). The demographic distribution by gender was quite homogenous among the native people, but was not among the foreigners. For example, the city of Rio de Janeiro, which was an important transit port in the South Atlantic Ocean, the male rate was much higher by 1890 (72% male vs. 28% female) (Trochon, 2006).

⁷² Trochon, Yvette. “*Las Rutas de Eros. La Trata de blancas en el Atlántico Sur. Argentina, Brasil y Uruguay (1880-1932)*”. Ediciones Santillana, 2006, page 117.

The women who arrived to Brazil came from many areas in Europe, but most ports of embarkation were Odessa, Marseille and Napoli. Buenos Aires operated many times as a distribution point for the rest of South America (Trochon, 2006).

The *modus operandi* for the trade of the white, European women into prostitution in Brazil was pretty much the same as in Argentina. French and Jewish traffickers were in charge of the business. The traffickers were known as “*caftans*,” and the women who exploited other women for their own benefits were known as “*caftinas*.” The Jewish traffickers and the people who were used in prostitution disembarked in Brazil at the same time as the Jewish immigration took place. From 1881-1925 around 18,000 Jews immigrated to Brazil, with the highest number during 1926-1930 when 22,296 Jews who represented 4.9% of the overall immigration arrived during that period (Lesser, 1995). Still, those in charge of the trafficking business represented a small percentage of the immigrants, and the Jewish prostitutes also represented a small percentage of the sexual workers in Brazil. Coincidentally, the high peak of the Jewish traffickers with the sex business occurred when the *Zwi Migdal* started to decline in Argentina.

The number of foreign prostitutes was significantly high but never surpassed the amount of Brazilian prostitutes. According to the League of Nations in 1924, Rio Janeiro registered 1,683 prostitutes, 59% Brazilian and the remaining foreigners; and by 1930 of 1,866 prostitutes 75% were Brazilian native workers. In San Paulo the same situation occurred. In 1915, the city recorded 70% of the registered prostitutes were Brazilians and another study of the same city on 10,000 prostitutes (published in 1936) showed that only 17% came from Eastern Europe (Trochon, 2006 and Lesser, 1995).

Different Jewish associations were formed in Rio de Janeiro, San Paulo and Santos⁷³ with the same purposes as in Argentina. The goal was to provide religious, medical and educational assistance to their members connected to the trafficking and prostitution business, and the creation of a Jewish cemetery (Trochon, 2006).

Brazil never officially regulated prostitution, but as previously mentioned, many states did regulate it with the idea of taking prostitutes off the streets by creating red districts, for example in Rio de Janeiro. At the end of the nineteenth century the discussion was centered on the prevention of syphilis and other venereal diseases and on the adoption of policies to regulate prostitution (the French system) but in the 1920's the discussion was completely abandoned and Brazil adopted an abolitionist ideology toward prostitution (Parker and Barbosa, 1996).

Brazil incorporated in its first Penal Code (1890) the criminal offense of procuring, and was the first country to sign international agreements against white slavery, which influenced Brazilian legislation. One of the measures that the government took against traffickers was the enactment of the “lei Gordo” # 1641 (1907) that allowed the expulsion of dangerous foreigners who may put at risk the national security and the public order of the country. The caftans were included in that category.

To summarize, the business of white slavery disembarked in South America accompanied by the immigration influx to the region. French and Jewish traffickers were in charge of the enterprise; and, Argentina (especially the cities of Buenos Aires and Rosario) was the best market for prostitutes, following by Brazil (Rio de Janeiro and San Paulo). The high incidence of males in Argentina favored the high demand

⁷³ In Rio de Janeiro was formed the Associação Beneficente Funerária e Religiosa Israelita (1906), in San Paulo (1924) the Sociedade Feminina Religiosa e Beneficente Israelita, and in Santos (1930) the Sociedade Beneficente e Religiosa Israelita de Santos.

for prostitutes, and licensed prostitution made easy the establishment of numerous brothels. Social and cultural patterns about sex before marriage made the country a privileged place for the trade of women.

In neither Argentina nor Brazil was prostitution a crime.

In both countries, a small group of Jewish traffickers organized themselves under the appearance of legal societies for mutual aid, and in both places the Jewish community strongly rejected and ignored the traffickers. According to Trochon, the Brazilian police worked together with its counterpart in Argentina in the prevention of the trafficking of women by controlling the shipments that transported the unfortunate women, and it was a common practice that those who worked in Brazil restocked women in Buenos Aires or Montevideo (Uruguay) using land transportation.

Both countries presented similarities in the “white slavery” *modus operandi* with the difference that Brazil had experienced slavery to a much greater proportion - in numbers and time- than Argentina, and both phenomena coexisted at the end of the nineteenth century.

The tolerance of prostitution in Buenos Aires and Rio de Janeiro was completely antagonistic, and probably the legacy of black slavery in Brazil and its history of underestimating the value of human beings are factors that should not be ignored when it comes to understand sex trafficking. In Rio, the tolerance “was largely based upon class and racial status”⁷⁴ and certain classes of prostitutes were more tolerated by law enforcement and considered desirable to Brazilian’s upper class, while in Argentina this did not happen since the “legislation applied to all

⁷⁴ Harris, Ibidem 60, page 10.

women engaged in prostitution, regardless of their country of origin or their perceived racial background.”⁷⁵

As Harris describes, “[In Brazil].... *francesas*, or Western European prostitutes, and *mulatas*, women of partially African descent that were arbitrarily deemed especially “sexual[ly] desirab[le],” were better tolerated by police and elite society than the Eastern European *polacas* and Afro-Brazilian *pretas*. This idealization of Europeans...stemmed from the contemporaneous viewpoint that Western Europe in general represented the pinnacle of modern achievement as the birthplace of both Enlightenment ideas and urban progressive movements. Most of the prostitutes in Buenos Aires before the late-century immigration boom were either mixed-race women or white native Argentineans; this changed as European prostitutes began to flood into the city near the end of the nineteenth century. However, the tolerance of prostitution did not appear to be racially based in the same way that it was in Rio de Janeiro...”⁷⁶

Legal Provisions on Human Trafficking

Argentina and Brazil are state members of the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,” and both countries implemented the legal provisions into domestic law with a different understanding of the meaning and scope of the criminal offense.

Argentina considered, since the beginning of the discussion of the law at the National Congress, that trafficking in persons is a violation of human dignity and aligned with the guidelines set up in the Palermo Protocol, while Brazil opted for a simple definition of the phenomenon without incorporating the means as necessary components of the criminal act but rather as causes for aggravating it.

Argentina

⁷⁵ Harris, Ibidem 60, page 11.

⁷⁶ Harris, Ibidem 60, page 10.

Argentina ratified the Palermo Protocol on November 19, 2002,⁷⁷ but it was not until April 29, 2008 when the Law 26,364 “Prevention and Punishment of Trafficking in Persons and Assistance to Victims” was enacted. It introduced two new articles to the Penal Code criminalizing the human trafficking offense. During the period of time that Argentina lacked an anti-trafficking legislation, criminal cases were investigated under other criminal offenses that prohibited the exploitation of prostitution of others but did not cover the entire criminal trafficking chain. Articles 125 bis, 126, 127, 127 bis, 127 ter, 140 and 142 bis (text in accordance with Law 25,087) left out, without criminalization, the process of recruitment, transport, transfer, harbor of victims and focused solely on the sexual exploitation of others.

Section 125 (b): Any person who promotes or facilitates the prostitution of persons under eighteen years of age, although the victim has consented, shall be punished with imprisonment or jailing from four to ten years. The punishment shall be imprisonment or jailing from six to fifteen years if the victim is under thirteen years of age.

No matter the age of the victim, when deceit, violence, threat, abuse of authority or other coercive or intimidating means is used, or if the perpetrator is an ascendant, spouse, brother, tutor or person entrusted with the education of or care of the victim, imprisonment or jailing shall be from ten to fifteen years.

Section 126: Any person who with gainful purpose or to satisfy the desires of a third party, promotes or facilitates the prostitution of persons over eighteen years of age by means of deceit, violence, threat, abuse of authority or by any other means of coercion whatsoever, shall be punished...

Section 127: Any person who economically exploits the exercise of prostitution of another person by deceit, coercive or intimidating abuse of a relationship based on dependency, authority of power, or by violence, threat or any other means of intimidation or coercion, shall be punished...

Section 127 (b): Any person who promotes or facilitates the entrance or exit from the country of persons under eighteen years of age for them to exercise prostitution shall be punished with imprisonment or jailing....

Section 127 ter: Any person who promotes or facilitates the entrance or exit from the country of person over eighteen years of age to exercise prostitution

⁷⁷ See at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en accessed on April 25, 2011.

by means of deceit, violence, threat, abuse of authority or other coercive or intimidating means shall be punished...

Section 140: Any person who reduces to serfdom or to any similar condition, and anybody who receives a person in such a condition in order to maintain her, shall be punished...

Section 142 (b): Jailing or imprisonment from five (5) to fifteen (15) years shall be imposed on any person who hides, retains or deprives another of his liberty with the purpose of forcing the victim or a third party to do, not to do, or to tolerate something against his will.....⁷⁸

The IOM conducted a study in 2006 (before the implementation of the current anti-trafficking law) and analyzed how court cases were investigated and which charges were applied. As an example, the IOM analyzed 47 judicial cases during the period 2000-2006 from the city of Buenos Aires and the provinces of Buenos Aires, Cordoba, Misiones, Tucuman, Jujuy, Entre Rios and Chubut, and showed that most of the court cases were investigated under criminal offenses that did not completely correspond to the scope of trafficking in persons such as facilitation and promotion to prostitution, minors or adults, reduction to servitude and deprivation of liberty. From the 47 court cases, 37 were still under investigation. The remaining 10 laid out sentences but only 5 were firm. The court cases showed a lack of knowledge of the Palermo Protocol and the mechanisms by which to investigate the trafficking offense.⁷⁹

A constant element in the analyzed cases is the lack of training of the judicial operators in trafficking in persons matters; of the security forces and of the public officials in general. Of the forty-seven court cases analyzed, only two of them have express references to the Palermo Protocol. The lack of training

⁷⁸ "The Argentine Penal Code -2004," Estudio Durrieu Abogados, Transnational Publishers, Inc., 2004.

⁷⁹ IOM. "Estudio Exploratorio sobre Trata de Personas con fines de explotación sexual en Argentina, Chile y Uruguay." December 2006, and "Nuevo Escenario en la lucha contra la trata de personas en la Argentina." IOM and Ministerio Publico Fiscal. October 2009, see article: "Informe sobre el tratamiento judicial de casos de trata de personas en la Argentina" by Bueno, Gonzalo (pages 13/35). See at:

<http://www.oimconosur.org/archivos/descarga.php?id=153.pdf&name=Nuevo%20escenario%20en%20la%20lucha%20contra%20la%20trat> accessed on April 27, 2011.

is evident not only in the ignorance of the legislation but also in the lack of information about the dynamics of the operation of human trafficking networks and in the fact that many judicial operators do not consider the phenomenon as a type of complex criminality that requires specific strategies of penal pursuit.

...The complicity of certain members of the security forces in the legal process of trafficking in persons constitutes one of the most important obstacles that the judicial operators face. The common way of police complicity observed in the court cases and that have been mentioned in reiterative opportunities in interviews to judicial operators, victims and traffickers is the assurance of protection to brothels' managers in exchange of a regular sum of money. Also, a complementary payment to police officers takes place in the form of free beverages, food and "passes" [sexual intercourse] with the women of the places that operate as brothels.⁸⁰

On 29 April 2008, Argentina passed Law 26,364 after a large discussion in Congress and incorporated two articles into the Penal Code.

Art. 145 (bis): Any persons who recruits, transports or transfers, whether within or into or out of the country, harbors or accepts of persons older of eighteen years old for the purpose of exploitation through means of deceit, fraud, violence or any form of intimidation or coercion, abuse of authority or a situation of vulnerability, or the payment or acceptance of money or benefits to obtain the consent of the person who has authority over the victim will be punished with prison from Three (3) to Six (6) years.

The penalty will be from Four (4) to Ten (10) years, if:

1. The author is an ascendant, spouse, relative in direct line, sibling, tutor, person who lives with the victim, curator, responsible of the education or guard, ministry of any recognized cult or not, or a public official.
2. The offence was committed by three (3) or more people as part of organized crime.
3. The victims are Three (3) or more.

Art. 145 (ter): Any person who offers, recruits, transports or transfer whether within or into or out of the country, harbors or accepts of persons under the age of eighteen (18) years old for the purpose of exploitation will be punished with prison from four (4) to ten (10) years. The penalty will be from six (6) to fifteen (15) years when the victim is younger of thirteen (13) years old.

⁸⁰ "Nuevo Escenario en la lucha contra la trata de personas en la Argentina." IOM and Ministerio Publico Fiscal. October 2009, see article: "Informe sobre el tratamiento judicial de casos de trata de personas en la Argentina" by Bueno, Gonzalo (pages 27 and 29). See at: <http://www.oimconosur.org/archivos/descarga.php?id=153.pdf&name=Nuevo%20escenario%20en%20la%20lucha%20contra%20la%20trat> accessed on April 27, 2011.

In any of the above situations, the penalty will be from ten (10) to fifteen (15) years of prison, when:

1. [It was committed] through means of deceit, fraud, violence or any form of intimidation or coercion, abuse of authority or a situation of vulnerability, or the payment or acceptance of money or benefits to obtain the consent of the person who has authority over the victim.
2. Same situations as above points 1, 2, and 3.

The law also defines clearly the meaning and extent of exploitation (article 4) in order to avoid any discrepancy in its interpretation; including: a) forced labor, b) reduction to slavery, c) promotion, facilitation, development or gaining advantages of any form of sexual commerce, and 4) the illegal extraction of organs or tissues.

As it has been previously explained at the beginning of this chapter, the terms “exploitation of the prostitution of others” and “sexual exploitation” are the only terms in the definition of trafficking that are intentionally left undefined since the majority of the delegates that negotiated the UN Protocol and the Human Rights Caucus understood that countries have different laws and policies toward sex work. Also, the delegates agreed that trafficking involves slavery, forced labor or servitude, so it is not necessary to include sexual exploitation in their domestic legislation.

Since forced or coerced adult sex work (and any other forced or coerced work) and all child participation in sex work is covered in the Trafficking Protocol in the context of slavery, forced labor or servitude, governments can omit the terms “exploitation of the prostitution of others or other forms of sexual exploitation” from their domestic laws. However, any government that decides to include these undefined terms in their domestic law will have to define them clearly.⁸¹

Argentina opted for the last interpretation. In that sense, Argentina understood that the exploitation of the prostitution of others or other forms of sexual exploitation are specific actions of the exploitation of human beings, and even though they share

⁸¹ Annotated Guide to The Complete UN Trafficking Protocol. Global Rights Partners for Justice, page 5. See at: http://www.globalrights.org/site/DocServer/Annotated_Protocol.pdf?docID=2723 accessed on September 12, 2011.

similar characteristics with slavery, forced labor or servitudes, sexual commerce should be treated separately. That is why the legislation includes sex trafficking as one form of exploitation (Colombo⁸² and Castany, 2009).

According to Colombo and Castany (IOM, and Ministerio Público Fiscal, 2009), the commercial sexual exploitation according to the new anti-trafficking legislation, means that the potential trafficker could have any of the following goals:

- a) Practice sex commerce in houses of tolerance (brothels) that are forbidden.
- b) Facilitate, promote and/or exploit the sex commerce at any place (arts. 125 bis, 126, and 127 of the Penal Code).
- c) Any action related to child pornography (produce, finance, offer, publish, distribute, commerce etc of pornographic material involving minors) Art. 128 of the Penal Code.

The law also provides a complete section related to victims' rights and among others, the right to housing, psychological support, food, medical treatments, interpreter, privacy, and identity are guaranteed by law. It also established that victims can neither be punished for the commission of crimes resulting from having been trafficked nor can they receive any punishment for the infraction of any migratory provision. The first modification that the anti-trafficking law brought is its location inside the Penal Code. Articles 145 (bis) and 145 (ter) are now situated under the Title "Crimes against Personal Liberty," which clearly shows the legislations intention to protect the personal autonomy of every person, and to make an association of trafficking with "modern slavery" (Fainberg, 2010, Hairabedián, 2009).

⁸² Dr. Colombo is the Prosecutor General in charge of the Unit to Assist Investigations into Kidnapping, Extortion Crimes, and Trafficking in Persons (UFASE).

The main discussion around the current anti-trafficking law is centered on the consent of the victim. Can a person consent to his own exploitation? What is the time limit to obtaining a valid consent? In the cases involving minors of younger than 18 years old the assent is irrelevant and has no effect whether or not the victim had initially assented (Art. 3 Law 26,364) and the criminal offense is prosecuted. However, in the trafficking cases involving adult victims is required by law that the victims' will had been nullified or diminished by the means set up in the definition. The main criticism is that the adult victim has to prove that she had not consented to her own exploitation (Hairabedián, 2009).

Brazil

On January 29, 2004 Brazil ratified the *Protocol to Prevent, Suppress and Punish Trafficking In Persons, Especially Women and Children* and it was promulgated by decree 5,107 on March 12, 2004. The implementation of the Protocol into domestic law came after a year by Law 11,106 that modifies the article related to international human trafficking and adds articles 231-A, that criminalizes domestic human trafficking.

Before the 2005's modification, Brazil's Penal Code only punished international human trafficking for the exercise of prostitution, and only "women" were considered victims. The old legislation was passed in 1940 and it was not possible at that time to even imagine that men and boys could be victims of this criminal offense according to social and cultural practices. The modification also makes domestic human trafficking a crime and it encompasses a broad definition since now, victims are referred to as "persons" without differentiating by gender. However, the definition only involves cases related to the exercise of prostitution

leaving aside other forms of exploitation according to the guidelines of the Protocol, such as the exploitation of prostitution of others, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 3 of the Protocol). However, while those practices are not labeled as human trafficking, most of them are offenses criminalized under other articles of the Penal Code, but victims do not receive the protection and assistance according to international standards.

The mentioned human trafficking offense was placed in the Penal Code under the title “Crimes against the Custom” as it was in the previous Penal Code of 1940, where the legally protected interests was the public sexual morality. The Brazilian legislation continued to associate human trafficking with prostitution instead of focusing on the main aspect of the Palermo Protocol which is “exploitation.” That is why the criminal offense continued been seen as something reprehensible for the good of the society and not as crimes against human dignity (Cardoso Onofre de Alencar, 2007).

Another modification came on August 2009 that enacted Law 12, 015 amending articles 231 and 231-A, by including more criminal behaviors and strengthening penalties to potential sex trafficking offenders, and other crimes related to sexual assault. The offenses are now placed under title “Crimes against Sexual Dignity,” according to international standards.⁸³ The new legislation defines “Human Trafficking” as:

International Human Trafficking with the purpose of sexual exploitation

⁸³ See full text of Law 12,015 (Portuguese version) at Global Legal Information Network (GLIN) at: <http://www.glin.gov/view.action?search=&searchDetails.queryType=BOOLEAN&searchDetails.queryString=pubno%3A%22151%22&searchDetails.showSummary=true&searchDetails.searchAll=true&glinID=222813&summaryLang=pt&fromSearch=true> accessed on August 24, 2011.

Art. 231. To promote or to facilitate the entry in the national territory, for someone who will exert the prostitution or other form of sexual exploitation, or the output of someone who will exercise it abroad.

Penalty: imprisonment of 3 (three) to 8 (eight) years.

§ 1 The penalty is also applied for those which recruit, entice or buy the trafficked person, as well as, those which having knowledge of this condition, transport, transfer or host the trafficked person.

§ 2 The penalty is increased by half if:

I - the victim is a minor of 18 (eighteen) years;

II - the victim, by illness or mental disability, does not have the necessary discernment for the practice of the act;

III - if the agent is ascendant, stepfather, stepmother, brother, stepson, spouse, companion, tutor or curator, preceptor or employer of the victim, or if he assumed, by law or otherwise, obligation of care, protection or surveillance; or

IV - there are employment of violence, serious threat or fraud.

§ 3 If the crime is committed in order to obtain economic benefit, a fine is also applied.”

Domestic Human Trafficking with the purpose of sexual exploitation

Art. 231-A. To promote or facilitate inside the national territory the displacement of somebody to exert the prostitution or other form of sexual exploitation:

Penalty: Imprisonment from 2 (two) to 6 (six) years.

1. Incur with same penalty those who negotiate, entice, sell or buy a trafficked person, and also those who transport, transfer or harbor the trafficked person with knowledge of that condition.

2. The penalty will be increased to a half if [occurs the same situations as described on article 231].

According to the Trafficking in Person Report (2011) “these statutes encompass activity that does not constitute trafficking, however, such as the movement for the purpose of prostitution, whether across international or state borders. They only prohibit forced prostitution that involves movement. The offenses

of forced prostitution without an element of movement are covered under other statutes, including Section 228, which prohibits inducing, attracting, and facilitating the prostitution or sexual exploitation of another person, or impeding or making leaving prostitution or sexual exploitation difficult for another person; penalties range from two to eight years' imprisonment.”⁸⁴

The 2009 legislation has a wider scope than its predecessor, Law 11,106/05 which only associated human trafficking with prostitution and did not mention other forms of sexual exploitation, while the new law not only protects the victim from “the exercise of prostitution” but also to “other forms of sexual exploitation.”

Brazil employs a simple legal definition of human trafficking that raised a large discussion in the society since it does not differentiate between voluntary vs. forced prostitution, making it hard for ‘sex workers’ to earn an income. Since prostitution is not a crime for the prostitute, both concepts are not quite harmonized, and one of the indirect effects of this lack of synchronization according to the 2007 Global Alliance Against Traffic in Women (GAATW) report is the use of bribes since “corruption among law enforcement officials is known to exist, they can demand higher bribes to ‘protect’ sex workers’ jobs, especially when policemen own brothels.”⁸⁵

Brazil law opts for avoiding any discussion related to the consent of the victim, such as it is stipulated in Article 3 (b) of the UN Protocol “the consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph

⁸⁴ Trafficking in Persons Report, 2011. See at: <http://www.state.gov/g/tip/rls/tiprpt/2011/164231.htm> accessed on September 9, 2011.

⁸⁵ Global Alliance Against Traffic in Women (GAATW). “*Collateral Damages-The Impact of Anti-Trafficking Measures on Human Rights around the World*” Brazil by Nederstigt Frans and Campello R. Almeida, Luciana” (2007), page 89.

a) have been used,”⁸⁶ and also it is not included as part of the legal definition the means employed to configure the criminal offense according the UN Protocol guidelines such as “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.”⁸⁷ Brazilian law only increases the penalty when violence, serious threat or fraud is employed, as opposed to necessary aspects of the offense. The vulnerability of the victim at the recruitment instances is also not mentioned in the legal definition.

Brazil made efforts to accommodate its policy to counter human trafficking according international standards, and on October 26, 2006, former president Luiz Inácio Lula da Silva signed the decree #5,948 that created the National Policy to Counter Trafficking in Persons and instituted the Interministerial Work Group in order to develop a proposal of the National Plan to Counter Human Trafficking—PNETP. The National Policy establishes principles, guidelines and actions with focus in three strategic categories to effectively combat human trafficking: crime prevention, suppression of trafficking and accountability of the perpetrators, and victims’ assistance (Plano Nacional de Enfrentamento ao Tráfico de Pessoas, 2008). The National Policy in Chapter I defines the scope of human trafficking according the parameters of the UN Protocol:

“For the purposes of the Policy, the expression “trafficking in persons” is used as defined in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime....;

⁸⁶ See full text of the Palermo Protocol at: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf> accessed on August 25, 2011.

⁸⁷ Ibidem.

§ 1 The term “child” in the main paragraph of this article shall mean “child and adolescent”, pursuant to the Law No. 8.069, of July 13, 1990, the Child and Adolescent Statute.

§ 2 The term “abduction” in the main paragraph of this article shall mean the conduct set forth in Article 148 of Decree Law No. 2.848, of December 7, 1940, Brazilian Criminal Code, regarding kidnapping and private incarceration.

§ 3 The expression “slavery or practices similar to slavery” shall mean:

I – the conduct set forth in the art. 149 of the Decree-Law No. 2.848, of 1940, referring to the condition which corresponds to a slave; and
II – the act set forth in the art. 1st of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, as servile marriage.

§ 4 Acting as an intermediary, promoting or facilitating the recruitment, transportation, transfer, harboring or receipt of persons for the purpose of exploitation also constitutes trafficking in persons.

§ 5 Domestic trafficking in persons is the one carried out within a single Member-state of the Federation, or from one state to another, within the national territory.

§ 6 The international trafficking in persons is the one carried out between different Countries.

§ 7 The consent of a victim shall be irrelevant to establishing the occurrence of trafficking in persons.”⁸⁸

As noted, the National Plan differs from the UN Protocol in relation with the victim’s consent. The consent is irrelevant no matter what the circumstances were when the trafficking took place. It also describes explicitly the differences between domestic and international trafficking in persons. As noted earlier, the National Policy advances the fight of human trafficking but when it comes to the rule of law, the

⁸⁸ “Política Nacional de Enfrentamento ao Tráfico de Pessoas” Nações Unidas, Escritório contra Drogas e Crime- Secretaria Nacional de Justiça (2006). See full text at: http://www.unodc.org/documents/southerncone/Topics_TIP/Publicacoes/2006_Cartilha_trilingue.pdf accessed on August 25, 2011.

definition and scope of the offense is more narrow than the one set up in international instruments and the National Policy.

Table 7. Comparative Analysis of legal provisions according the TIP Reports

TIP Report	Argentina	Brazil
2007	<ul style="list-style-type: none"> - Does not prohibit all forms of trafficking in persons, though related offenses are criminalized by a variety of criminal and immigration statutes. - Lack of a federal anti-trafficking law. - No data for statistical analysis was provided by the government for the reporting 2006 period. - Tier 2 Watch List. 	<ul style="list-style-type: none"> - Does not prohibit all forms of trafficking though transnational and internal trafficking for commercial sexual exploitation is criminalized in its penal code. - No comprehensive data on trafficking investigations, prosecutions, convictions, or sentences were available for the reporting period. - The national plan of action against trafficking for all forms of exploitation was created. - Tier 2.
2008	<ul style="list-style-type: none"> - April 2008, the Argentine Congress enacted the first-ever federal legislation to prohibit all forms of trafficking, prescribing penalties of three to 15 years' imprisonment. Law 26,364. - Government officials were not able to provide complete data or information about prosecutions against traffickers in 2007. - Tier 2 Watch List 	<ul style="list-style-type: none"> - Does not prohibit all forms of trafficking in persons, although transnational and internal trafficking for commercial sexual exploitation is prohibited under Section 231 of its penal code - No comprehensive data on trafficking investigations, prosecutions, convictions, and sentences were available; though there were seven sex trafficking convictions and two sentences achieved in 2007. - Tier 2.
2009	<ul style="list-style-type: none"> - The government did not show evidence of progress in convicting and sentencing trafficking offenders. - No anti-trafficking convictions or sentences were reported for 2008; provincial governments secured at least 10 trafficking-related convictions, with sentences ranging from four to 17 years' imprisonment, in 2007. - Tier 2 Watch List. 	<ul style="list-style-type: none"> - Brazilian laws prohibit most forms of trafficking in persons. However, Brazilian law may not adequately criminalize other means of non-physical coercion or fraud used to subject workers to forced labor. - Partial-year statistics indicates that since March 2008, 22 defendants were convicted on

		sex trafficking charges, with sentences ranging from 14 months' to more than 13 years' imprisonment. - Tier 2.
2010	<ul style="list-style-type: none"> - Authorities indicted 90 individuals in 54 trafficking cases. The government obtained three convictions of sex trafficking offenders, with one sentence for four years, another for 10 years, and one trafficking offender was placed under house arrest after receiving a four-year sentence under the new anti-trafficking law. - Tier 2 	<ul style="list-style-type: none"> - Law 12,015, which went into effect in August 2009, amended Sections 231 and 231-A of the Brazilian penal code to strengthen penalties against potential sex trafficking offenders - During the reporting period, five sex trafficking offenders were convicted in one case involving Brazilian women trafficked to Switzerland, with sentences ranging from one to six years' imprisonment. There were no reports of convictions for internal sex trafficking. <p>Tier 2.</p>
2011	<ul style="list-style-type: none"> - The government obtained 15 convictions of sex trafficking offenders, with sentences ranging from two to 15 years' imprisonment. - The UFASE launched an investigation implicating 90 Buenos Aires police officers with falsifying records to protect brothels, some of which exploited children, in exchange for bribes, and in March 2011, five police inspectors implicated in this case were removed from their positions. The government, however, did not prosecute or convict any government officials involved in human trafficking last year. - The Argentine penal code does not specifically prohibit child sex tourism, although it does prohibit sex with minors, and the government did not report investigating, prosecuting, or convicting any Argentine nationals for child sex tourism offenses abroad. - Tier 2 	<ul style="list-style-type: none"> - Human trafficking investigations and prosecutions increased during the year, and seven police officers of trafficking-related complicity were convicted. - Authorities prosecuted 31 sex trafficking offenders and achieved four convictions under Article 231 (transnational trafficking). Two offenders received sentences of three years' imprisonment that were then commuted to community service and the other two received sentences of eight years and 10 months' and eight years and 11 months' imprisonment. In addition, four trafficking offenders were convicted under charges of forming a gang, and received sentences that ranged from fines and community service to 11 years' imprisonment. - There were no reported convictions for internal sex trafficking offenses. - No reports of prosecutions or

		convictions for child sex tourism during the reporting period. - Tier 2.
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Source: Trafficking in Person Reports periods 2007/2011.

The Impact of the ICT on Sex Trafficking

The culture of tolerance is also shaped by the impact of new information technologies on sex trafficking. The Information Revolution brought innovations in computerization, telecommunications, digitization and miniaturization. This allows millions of people around the world to be connected more cheaply than ever before. They can, exchange information, news, music, knowledge, and gain another perspective of the globe to a degree never experienced previously. The world in a sense becomes a single space. But, the most significant change that the new technology has made is the way that people do business, including criminals. The technological aspect of globalization increases opportunities for transnational crime. The Internet gives traffickers a new tool to commit their crimes since it is user-friendly, anonymous, is low cost, hard to trace, offers a low likelihood of being caught, and offers an “easy path to bigger profits” (Sykiotou, 2007).

According to Europol’s 2011 Report on Organized Crime “there are indications that use of the Internet increasingly facilitates the transnational marketing of sex workers, in cooperation with specialist web hosts and administrators. It is anticipated that this trend will increase, as will the number of women sexually exploited in less visible, online environments.”⁸⁹

⁸⁹ Europol’s 2011 Report “*Organized Crime Threat Assessment*.” See at: http://57.67.199.6/publications/European_Organised_Crime_Threat_Assessment_%28OCTA%29/OCTA_2011.pdf accessed on September 23, 2011.

Crimes committed using information and communication technology are known as cybercrimes and a distinction should be made between computer crimes and computer-related or computer-facilitated crimes. In the first category the computer is the object of the crime while in the second group the computer is used as a tool to commit other crimes. In this category should be included sex trafficking (Dijk, 2008, Sykiotou, 2007). The mentioned author states that:

The use of the Internet to recruit victims is not a new form of trafficking, but simple a new weapon in the traffickers' armoury. Previously, press advertisement (employment, marriage, dating, etc) were one of their best-known staples. Nowadays, when advertisements appear both in print and digital form, technology gives traffickers even more effective means of achieving their criminal ends.⁹⁰

Traffickers have two different methods to recruit potential victims:

- False advertisement for employment (such as domestic helper, nanny, models, waitress, etc), marriage agency sites, escort services, dating clubs, etc.
- Chat-rooms (Sykiotou, 2007).

The ICT gives traffickers new means of recruiting, advertising, marketing, and delivering potential victims to be sexually exploited in conditions known as modern-day slavery. However, not all the countries have developed, to the same degree, the new technological advances. This could be a factor that impedes the recruitment of victims via the Internet, especially in source countries where not everyone is computer literate or has access to technology.

The International Telecommunication Union (ITU), an agency of the United Nations specialized in information and communication technologies worldwide, released the 2011 Report on "Measuring the Information Society" presenting the ICT

⁹⁰ Sykiotou, Athanassia. *"Trafficking in human beings: Internet recruitment- Misuse of the Internet for the recruitment of victims of trafficking in human."* Directorate General of Human Rights and Legal Affairs Council of Europe 2007. See at: http://book.coe.int/sysmodules/RBS_fichier/admin/download.php?fileid=3094 accessed on October 14, 2011.

Development Index (IDI) that consists of a single index combining 11 indicators measuring the level of development of the ICT across countries, and compares it.

The information society is analyzed based on three stages:

- Access (Readiness) which encompasses 5 indicators: 1) fixed-telephony, 2) mobile telephony, 3) International Internet Bandwidth, 4) households with computers and 5) households with Internet.
- Use (Intensity) which encompasses 3 indicators: 1) Internet users, 2) fixed (wired) broadband, and 3) mobile broadband.
- Skills (Capabilities) which encompasses 3 indicators: 1) adult literacy, 2) gross secondary enrolment, and 3) gross tertiary enrolment.

The IDI includes 152 countries, and it is presented on a scale 1 to 10 (10 is the best score) to compare values of development. The 2011 Index corresponding to data of 2010 places Argentina in the 56th position with a score 4.64 and Brazil ranks 64th with a score 4.22, which means that the level of technological advancement between both countries is practically even.

In this section, information and communication technologies (ICT) in -digital and print- will be analyzed regarding its impact on sex trafficking in Argentina and Brazil, emphasizing the profile of the users and how potential victims can be easily trapped by traffickers.

The Digital Media: The Internet

Nowadays, South America encompasses 8.4% of the world population. It has 212,401,030 Internet usages, with a penetration of 40% of the population, and it represents 10.1% of Internet users in the world. In Argentina, 66% of the population uses the Internet while in Brazil only 37.4% of the population has access. However, as

shown in the graph below, Brazil has almost three times the amount of Internet users but the percentage of users is much lower than that of Argentina due to its large population. With respect to social networking, 37.44% of Argentinean population has a Facebook account while only 10.44% of the Brazilian population uses it (Internet World Statistics, 2011).

Table 8. Internet Statistics in Argentina and Brazil

Country	Population	Internet usage	% Population (Penetration)	Facebook users
Argentina	41,769,726	27,568,000	66%	15,642,240 37.44%
Brazil	203,429,773	75,982,000	37.4%	21,239,380 10.44%

Source: Internet World Stats (data updated June, 2011)

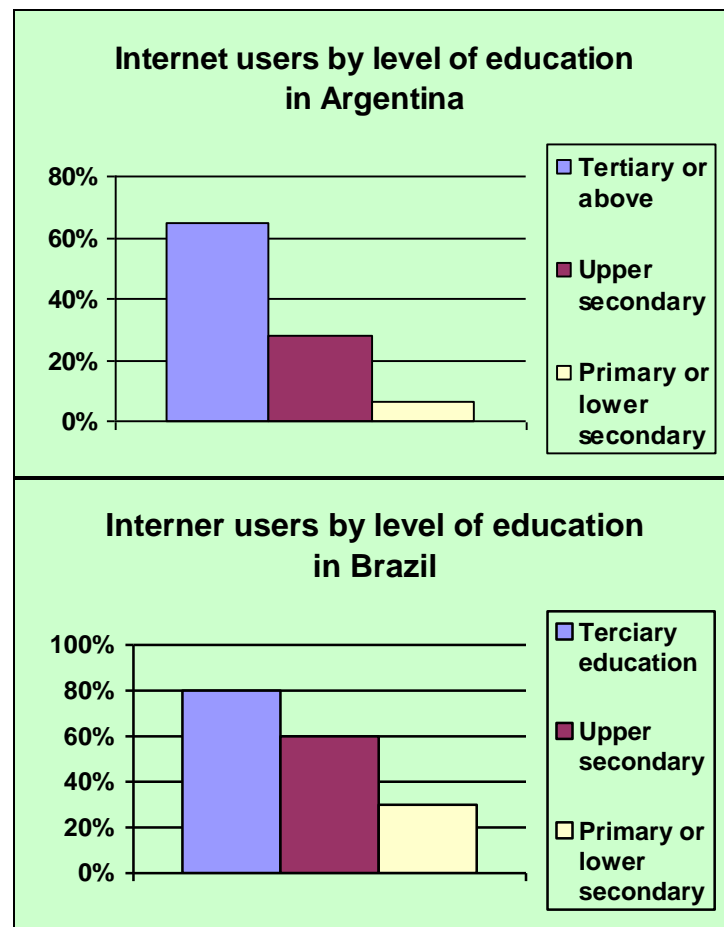
Who are the users?

It is important to mention the limitations of the data below with respect to the users. Data from Brazil is up to date (2010) while most of the data from Argentina is from 2006.

Data on Internet users show a relationship between the level of education and the use of the Internet. People with higher level of education (better employment and literacy) use the Internet more than those with a lower level of education. In the case of Brazil, 80% of the people who have tertiary education, almost 60% of people have upper secondary education and around 30% of people have primary or lower secondary education use the Internet (Measuring the Information Society, 2011). In Argentina the profile of the Internet user has changed. The initial profile was associated with high education, better employment, and better knowledge of

technology but since 2000/2001 there has been a major penetration of the Internet in middle and lower classes. A study conducted in 2006 shows that almost of 50% of the Internet users are from the upper class, 37.4% from the middle class and 12.7% of the lower class (Finkelievich and Prince, 2007).

Figure 2. Graphs of Internet users by level of education in Argentina and Brazil



With respect to gender usage, the percentage of women and men using the Internet is even between the countries, around 50% for both gender (Measuring the Information Society, 2011, Finkelievich and Prince, 2007).

The “Measuring the Information Society” 2011 report states that young people in Brazil use the Internet more than older people; less than 30% of people over 25

years old use the Internet while 70% of people under 25 years use it. In Argentina, -by 2006-, the average age of the Internet user was between 19 and 25 years old which represents 27.3% of the users, 24% were users under 18 years old, 16% of the users were between 26 and 35 years old and 15.8% of users were older than 45 years old (Finkelievich and Prince, 2007).

Figure 3. Graph of Internet users by age in Argentina

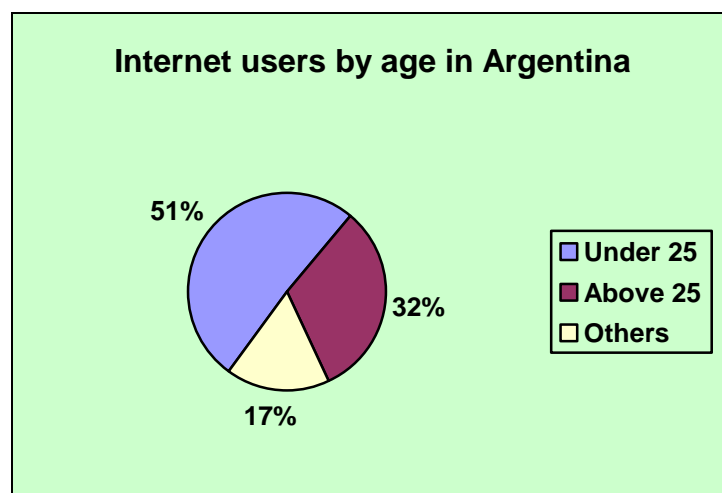
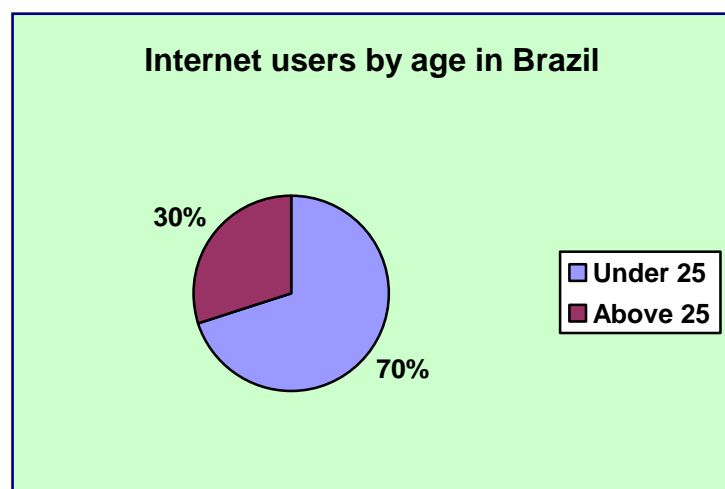


Figure 4. Graph of Internet users by age in Brazil



In 2007 was revealed that 55% of people in Brazil use the Internet at cybercafés, 40% at home, 24% at work and 15% at school. The main reason why people do not use the internet is due to “the lack of having a computer or skills to use the Internet.”⁹¹ In Argentina, -by 2006-, the place of connectivity depended on the socio-economic situation of the user.

The upper class used the Internet first from home (81.3%), then from work (24%), cybercafés and *locutorios* (19%) and at an educational institution (4.8%). The middle class connected to the Internet from home (55%) while the lower class did it from public access places such as cybercafés or *locutorios* (71.9%) and then from home (21.9%). In Argentina, 12.5% of the Internet’s use was for the purposes of looking for employment (Finquelievich and Prince, 2007).

Having explained how the Internet operates in both countries and who the users are, it can be said that the Internet does not operate yet as a massive tool to recruit women and children for sexual exploitation. In the case of Argentina, the most vulnerable population who may fall victim by spurious promises of work do not look for employment through the Internet. Only 12.5% of the Internet’s use corresponds to that function. Furthermore, the lower class is the most vulnerable to trafficking. They have low access to the Internet. Only 12.7% of the lower class uses the Internet. That means that the Internet penetration in Argentinean society is not homogenous among its population.⁹² Moreover, poor people do not have a computer at home or an Internet connection. The most common place to connect to the Internet is via the cybercafés so much so that 71% of the lower class connects to the net using private places for public access.

⁹¹ Unión Internacional de Telecomunicaciones. “*Perfiles Estadísticos de la Sociedad de la Información 2009- Región de America*,” page 30. See at: http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AM-2009-E09-PDF-S.pdf accessed on September 23, 2011.

⁹² In Argentina, there is a large amount of people considered in the lower-class.

In addition, there is a presumable hypothesis that the sex trafficking business in Argentina occurs from north to south. The provinces of the north are the places where women and children are recruited or operate as transit points (UFASE-Report NEA, and IOM, 2006). Coincidentally, the north of Argentina has less Internet access than other provinces from the center or south where victims are usually commercialized. The city of Buenos Aires and the rest of the province of Buenos Aires constitute more than 65% of the Internet access. The provinces of Santa Fe and Cordoba (center of the country) together constitute 16% of Internet access. The provinces of the north -Jujuy, Salta, Tucumán, Catamarca, La Rioja and Santiago del Estero- only represent 2% of the Internet access. The northeast provinces of Chaco and Formosa also constitute 2% of the Internet access.⁹³

The only data available is that in the province of Salta, period 1999/2004, three teenagers were recruited via the Internet, two of them were sent abroad while the third one was sent to the south of the country (CONAF, 2004). It can be inferred from the data, that the most vulnerable people to trafficking do not use the Internet as a tool for searching for jobs.

The same situation occurs in Brazil. According to a join study conducted by the UNODC's Brazil and the Ministry of Justice in 2005, trafficking victims mainly originate from two states: Ceará and Goiás (UNODC, 2008). Ceará is located in the northeast, while Goiás is in the mid-west of the country. Ceará is the state with the lowest home Internet access and Goiás has medium home Internet connections compared with the rest of country, but still low penetration among its population (Centro de Estudos sobre as Tecnologias da Informação e da Comunicação -Cetic.br, 2010).

⁹³ See complete geographical distribution of Internet access at Comisión Nacional de Comunicaciones "*Evolución y Penetración del Servicio*" at: <http://www.cnc.gov.ar/ciudadanos/internet/evolucion.asp#iconsumo> accessed on October 1, 2011.

Table 9. Percentage of Houses with Internet access in Brazil

Percentage of Houses with Internet Access in Brazil		With (%)	Without (%)
Area	Urban	31	69
	Rural	6	94
Regions	Southeast	36	63
	Northeast	11	89
	South	30	70
	North	14	86
	Mid-West	33	67

Source: TIC- Houses and Users, 2010 (Cetic.br)

<http://www.cetic.br/usuarios/tic/2010-total-brasil/rel-geral-04.htm>

The Internet indeed plays a role in the marketing of the sex industry, either legal or illegal. As stated earlier, cybercafés play an important role in both countries since they allow millions of people to be connected at a low cost. In Argentina, users of cybercafés are made of largely of children and adolescents who want to play games on the net and chat, but they also navigate “forbidden” pages. The consumption of pornography is the third motive for access to the Internet after chat rooms and computer games (CONAF, 2004).

Argentina doesn’t have a national law that regulates cybercafés. However, there is local legislation in many provinces that impose proper filters in every computer in commercial stores to forbid the access of pornographic pages for users under the age of 18. Estimates suggest that by 2005 more than 20,000 cybercafés or *locutorios* exist around the country. However, a study conducted by the National

Council of Child, Adolescent and Family of Argentina (CONAF, 2004) showed that in the city of Buenos Aires not all the cybercafés installed the proper filters, and in the many stores that did install it, it wasn't an obstacle for a child to have access to pornographic pages.

In the case of Brazil, strong policies are in place to secure cybercafés' users in many states. Since 2006, cybercafés and other places that offer Internet access are required by law to identify the users. For example, in San Paulo, the local law 12.228/2006 mandates the owner of the store to register the name, ID, date of birth, phone number and address of the user. There is a controversy regarding this policy. Many people view it as an intrusion of a private action, the owners can only divulge the data by a legal order or with authorization of the user, and it should be stored for sixty days. The law also prohibits the access of minors of 12 years old and younger to cybercafés unless they are accompanied by an adult or with a written note from the parents. Minors of 18 years old or younger should give the name of their parents, name of their school and hours of attendance. The purpose of the legislation is to protect users and to diminish the abuses committed via the Internet such as the sexual exploitation of minors (Finkelievich and Prince, 2007).

The extent of the misuses of technologies for online trafficking is unknown, though there is legal evidence that classified ads and social networking have been used for marketing and offering sexual services. Research on the role of the Internet in facilitating trafficking in persons is emerging and not comprehensive. This is the conclusion of an investigation made by the University of Southern California on the role of social networking sites and online classifieds on human trafficking.

Social networks and online classified sites are being used by traffickers to market, recruit, sell, and exploit for criminal purposes. Many of these sites are explicit in nature and some are underground. Yet, evidence from legal cases demonstrates that mainstream sites such as Craigslist, Backpage, and Myspace

have already been used for trafficking. Facebook, Twitter, and other social networking sites are susceptible to similar uses.⁹⁴

The research found evidence on online trafficking for sexual exploitation but not for forced labor. One complication is how to determine if the online advertisements offer services of trafficked victims or just of willing sexual workers who are not forced into prostitution. It is much easier to uncover the exploitation when minors are involved in the sex trade since that activity is always illegal.

In that sense the Executive Director of the UNODC has stated:

The threat and prevalence of malicious Internet activity should not be underestimated.... As is the case for many crime issues, there is a lack of reliable data. We do not have an accurate picture of the scope and nature of the problem and cannot act as effectively as we should....⁹⁵

There is not much data on the misuse of technologies for sex trafficking in Argentina and Brazil, though it can be inferred that social networking sites, such as Facebook, are susceptible to being used in Argentina to recruit and market victims based on the large amount of users. As it was previously stated, 37.44% of Argentinean inhabitants have a Facebook account while only 10% of Brazilian population.

There is a project in Argentina to ban sex classified ads on the Internet. The Ministry of Justice recently said "we will move forward against the offering of sexual

⁹⁴ University of Southern California. Anneberg School for Communication and Journalism. *"Human Trafficking Online- The Role of Social Networking Sites and Online Classifieds."* Research Series: September 2011. Principal Investigator: Latonero, Mark. See at: https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FINAL.pdf accessed on October 14, 2011.

⁹⁵ UNODC *"Commission of Crime Prevention and Criminal Justice,"* speech delivered by its Executive Director Yury Fedotov on April 11, 2011. See at: <http://www.unodc.org/unodc/en/frontpage/2011/April/crime-commission-to-address-the-protection-of-children-from-exploitation-on-the-web.html?ref=fs1> accessed on October 14, 2011.

services via the Internet, where many pages are going to be closed.”⁹⁶ The Minister recognized that prostitution does not mean trafficking in persons; however, many young women are hired as nannies or domestic helpers and then are deceived and sexually exploited.

In the case of Brazil, trafficking rings are connected with the international mafia according to the PESTRAF 2002 Report, using the Internet to profit and sell the girls.

Commercial trafficking networks are organized within and outside the country, maintaining contact with the international organized crime syndicates. This has been verified by the detection of Mafia groups in the country (Yakuza, Russian, and Chinese Triad...) working with the international trafficking in women. “...International Mafia: Russian, Chinese, Japanese, Italian, Israeli, Spanish, Mexican,...use ‘tourist trips’ and the Internet to sell the girls, relying on the complicity of some individuals from the Civil and Military Police, as well as top model agencies, child services agencies, and airport employees ...(Rio de Janeiro Report).”⁹⁷

The Print Media

The print media has been the traditional channel to recruit potential traffic victims through spurious and promising job advertisements in the same categories that the Internet does. It is also an important and effective way to advertise sexual services. In the case of Argentina, until July of 2011, “Section 59” was known as the classified section in every major newspaper to advertise fake and attractive job offers that may lead young women to be attracted for those ads, and then potentially be deceived and entrapped by traffickers. It was also a marketing place to advertise sexual services. “Section 59” was used to advertise for “escorts”, “gym teachers”,

⁹⁶ Newspaper ElDiario24.com from July, 6 2011. See at: <http://www.eldiario24.com/nota.php?id=226638> Accessed on October 12, 2011.

⁹⁷ PESTRAF. (2002) “*Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation- National Report Brazil* . See at: <http://www.oas.org/atip/country%20specific/PESTREF%20Brazil.eng.pdf>

"massage therapists," bartenders, and models offering "pleasures without limits," including *lolitas* [minors].

The National Institute against Discrimination, Xenophobia and Racism (INADI)⁹⁸ presented a legal opinion about the classified ads that were advertised in "Section 59" in different Argentinean newspapers as well as advertisements that offer images to download onto cell phones. The legal analysis was sustained based on the prohibition of non-discrimination, the principle to be equal before the law, and the prohibition to discriminate based on gender, norms that are guaranteed by the National Constitution, international instruments ratified by Argentina, and domestic laws. The INADI requested that the mass media step aside and take precaution with regards to the publishing of those types of ads since they promote "media violence." At some point those ads facilitate the recruitment of potential traffic victims. According to the INADI, those types of ads make women and girls sexual commodities, and encourage gender violence.

Finally, a Presidential decree 936/2011⁹⁹ banned all sex and prostitution ads in newspapers and printing mass media, because they are discriminatory against women and encouraged sex trafficking. The decree bans any written messages or images that "promote the exploitation of women." It also outlawed pornographic messages and images of women, children and girls since these things legitimize an unequal treatment and violence against women. The President's speech included a criticism of the mass media. On the one hand newspapers requested on their front pages that government take action in order to fight human trafficking, and on the other hand they

⁹⁸ INADI-Technical Report in case n# 7894/09.

⁹⁹ Published in *Boletín Oficial* on July 6, 2011.

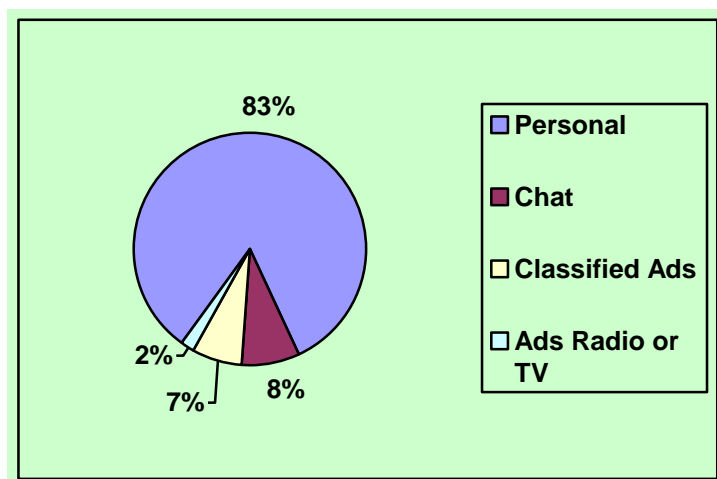
publish classified ads that facilitate the crime, since this was indeed a very profitable source of income for the graphic media.¹⁰⁰

The decree was highly questioned by sexual workers and by their organization AMMAR (The Argentine Association of Women Prostitutes). They thought that that the prohibition was counterproductive and ultimately would drive sexual workers to the hands of pimps and brothel owners, since prostitution is their way of making a legitimate living.¹⁰¹ Having said that, it is important to highlight that in the provinces of the north, known as a source or recruitment zone, personal contact is the most common channel of recruitment for human trafficking in general. This is the conclusion of an analysis conducted by the UFASE of 93 criminal investigations corresponding to the provinces of Misiones, Corrientes, Salta, Jujuy, Chaco and Formosa. This means that the media, either print or digital are not the most useful tool in recruiting potential sex trafficking victims.

Figure 5. Graph of recruitment's methods in north Argentina

¹⁰⁰ Speech of President Cristina Kirchner. Official Journal of the Justicialista Party-Tucumán. See at: <http://doctrinaenaccion.wordpress.com/2011/07/05/el-rubro-59-desaparece-la-lucha-contra-la-trata-de-personar-avanza/> accessed on October 14, 2011.

¹⁰¹ "Sex-Trade Advertising: Don't Ply for Me, Argentina" by Uki Goñi. Time World July 18, 2011. See at: <http://www.time.com/time/world/article/0,8599,2082635,00.html> accessed on October 14, 2011.



Source: UFASE-NEA Report¹⁰²

In the case of Brazil, the print media plays a vital role in the recruitment and advertisement of sexual services (PESTRAF, 2002). In addition, print flyers are used to tempt vulnerable women and girls that can easily be deceived and subjected to sex trafficking.

..there was an ‘International agency’ leaflet in circulation in Belém, advertising: ‘BRAZIL/NETHERLANDS. Want to find a nice, kind man? A European? Take your chance at happiness! New Life! ATTENTION! Ladies 21 years old and above, are you dreaming about finding your Prince Charming? This is your moment!!! Meet a kind, gentle and financially stable European man. We can help you! (North Region Report).

Government Corruption

The level of government corruption of a country affects the culture of tolerance toward the sex market; either being a source, transit, or a destination.

Corruption is defined as, “the abuse of public power for private gain.”¹⁰³ Two types of corrupt behavior could take place at a “grand”, “petty” or “street level”. The first one, “grand” corruption”, involves corrupt practices committed by the highest

¹⁰² See complete report at: http://www.mpf.gov.br/icswpd/DocumentosWeb/LinksNoticias/informe_nea.pdf accessed on October 19, 2011.

¹⁰³ Van Dijk, Jan “The World of Crime,” Sage Publication, 2008, page. 181.

authorities, while the second one, “petty corruption” consists of the payment by individuals or companies of little sums of money to public officials in order to receive special treatment. Bribery is the most common form of corruptive practice, which in order to influences a decision-making. Bribery can be active or passive. Active bribery involves the offering or payment of money, while passive bribery is the seeking or receiving of money (Van Dijk, 2008).

There are two major international instruments that address corruption; one is the *United Nations Convention against Corruption* (UNCAC). The UNCAC, which was enacted on December 14th, 2005, does not define the meaning of corruption but instead, requires State parties to establish criminal and other offenses to cover a wide range of acts of corruption. This includes active and passive bribery, if they were not criminalized under their domestic legislation. Argentina and Brazil are members of the UNCAC.¹⁰⁴ The other instrument stated, is the *United Nations Convention against Transnational Organized Crime*, which addresses a full section about the criminalization of corruption (article 8). As it was previously mentioned, Argentina and Brazil are state parties of this convention. This Convention provides a definition of corrupt practices that States should translate in their domestic law.

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:
 - (a) The promise, offering or giving to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;
 - (b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.
2. Each State Party shall consider adopting such legislative and other

¹⁰⁴ See Full Chart of Signatories/Ratifications of the UNAC at: <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html> accessed on November 7, 2011.

measures as may be necessary to establish as criminal offences conduct referred to in paragraph 1 of this article involving a foreign public official or international civil servant. Likewise, each State Party shall consider establishing as criminal offences other forms of corruption.¹⁰⁵

Two indicators were used in this study to measure the level of corruption in Argentina and Brazil and then compared it between them. Each of them showed that the level of corruption is practically even between the countries. The first indicator is the Transparency International Corruption Perception Index (CPI). The CPI is a composite index that ranks countries based on the perceived level of corruption in the public-sector. The score reflects the perception of corruption on a scale of 0 - 10, where 0 means *Highly Corrupt* and 10 meaning *Very Clean*. The following chart demonstrates the perceived level of public-sector corruption in Argentina and Brazil.

Table 10. Corruption Perception Index, Argentina and Brazil 2007-2011

Corruption Perceptions Index (CPI)	Argentina (Score)	Brazil (Score)
2011	3	3.8
2010	2.9	3.7
2009	2.9	3.7
2008	2.9	3.5
2007	2.9	3.5

Source: Transparency International, CPI reports 2007/2011.

The second indicator is a Composite Index of Street-level Corruption, across countries, developed by Van Dijk (2008). According to Van Dijk, the methodology of the CPI is highly questioned due to the sources used were varied across the

¹⁰⁵“United Nations Convention against Transnational Organized Crime”
<http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

countries, and ultimately affected the comparability of the results. Van Dijk developed a composite index that combines data from the International Crime Victims Survey (ICVS, 2000) and the Global Corruption Barometer (Transparency International, 2004). The following question was asked of 88 countries for a period of two years between 2000 and 2002,

Over the past 12 months, has any government official, for instance, a custom officer, a police officer, or inspector in your country, asked you or expected you to pay a bribe for his or her services? (% affirmative answers).¹⁰⁶

The results show that Argentina and Brazil belong to fifteen countries with “Average Victimization Rates.”

Table 11. Chart of Countries’ Average Victimization Rates

17 Mexico	20.9%	33 Peru	15.4%	64 France	2.4%
21 Belarus	20.6%	42 Pakistan	9.9%	69 Italy	2.2%
22 Egypt	18.7%	49 Poland	8.6%	69 Spain	2.2%
24 Brazil	17.9%	52 Argentina	6.8%	70 Switzerland	2.2%
29 Russian Fed.	16.6%	63 South Africa	2.9%	73 Germany	1.1%

Source: Van Dijk (2008, ICVS 2000, TI, 2004)

Corruption is continuously cited as a major factor explaining why trafficking occurs and as well as why traffickers are not likely to be caught. “Corruption both facilitates trafficking and feeds the flow of people by destabilizing democracies, weakening a country’s rule of law and stalling a nation’s development. At the same time, trafficking, which can involve global or regional networks, contributes to a

¹⁰⁶ Van Dijk, Jan. *“The World of Crime,”* Sage Publications, 2008, page 184.

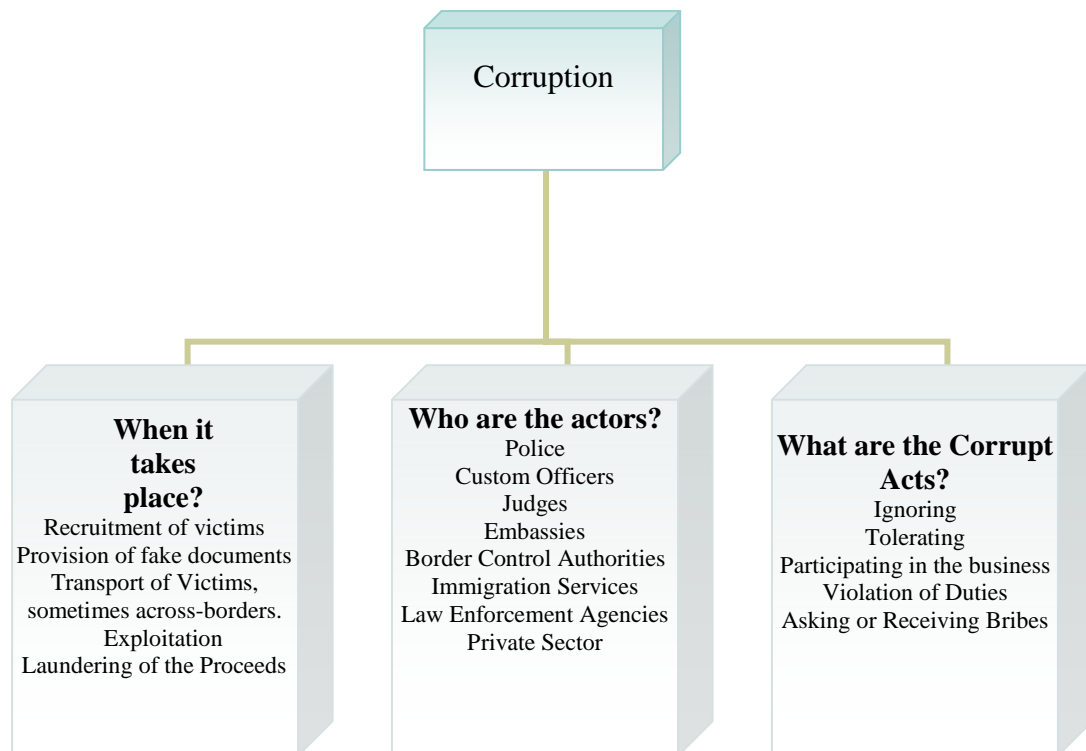
country's corruption. To function, trafficking relies on pay-offs to police, judges and ministers at all levels.”¹⁰⁷

Kevin Bales conducted a research study in an attempt to identify the strongest predictors of human trafficking at the global level. He analyzed 76 variables and reached the conclusion that the strongest predictors of trafficking *from* a country are the following: governmental corruption, infant mortality rate, the proportion of the population below the age of 14, food production index, population density, and the amount of conflict and social unrest. He considered the most important finding, was that corruption is the strongest predictor, meaning that trafficking could be reduced by decreasing government corruption. Traffickers will realize that their action is a crime and they can no longer bribe their way out of prosecution. Bales found that the indicators of trafficking *to* a country are: the country's male population over 60, governmental corruption, food production, energy consumption, and infant mortality. The last three indicators reflect the overall well-being of the destination country (Bales-“What Predicts Human Trafficking?”).

Corruption occurs at every stage of trafficking, as well in source, transit and receiving countries where the exploitation takes place. Each phase is vulnerable to corruption and facilitates victimization.

Figure 6. Graph showing the interrelation between corruption and human trafficking

¹⁰⁷ “*Corruption and Human Trafficking.*” Working Paper #3/2011. Transparency International. See at: http://www.ungift.org/doc/knowledgehub/resourcecentre/CSOs/TIWorking_Paper_Human_Trafficking_28_Jun_2011.pdf accessed on December 6, 2011.



The interrelation between corruption and human trafficking is mentioned frequently in different documents in both countries. The 2011 TIP report clearly states that the complicity of government officials was found in both countries. In the case of Argentina, evidence of corrupt practices are often due to the fact that “some police officers reportedly turn a blind eye to trafficking activity or tip off brothel owners about impending raids,” to the point that the “the head of the anti-trafficking police unit was accused of running brothels in 2010 and remains under investigation, though he retains his position” (2011 TIP Report). In the case of Brazil, seven police officers were convicted during 2010 “for falsifying documents and passports used to facilitate crimes of smuggling and forced prostitution of Brazilian citizens abroad” (2011 TIP Report).

The Report of the Special Rapporteur on trafficking in persons, especially women and children, during its mission to Argentina (UN Secretary Assembly #A/HRC/17/35/Add.4*, May 24, 2011), mentioned that corruption of the public sector

facilitates the running of the trafficking networks and emphasizes the creation of a zero tolerance policy with regard to corruption to guarantee that every state employee involved in the HT crime will be prosecuted and convicted.

Trafficking networks in Argentina range from complex organizations operating at every stage of the trafficking process (recruitment/abduction, transportation and exploitation of the victims) to brothel owners who recruit or abduct victims directly to exploit them in their own establishments or to sell them to others. As these operators are well connected, the same victim exploited in a province can then be easily transported to a brothel in Buenos Aires, or abroad. The participation of corrupt public officials and police officers facilitates the running of these networks.

In September 2011, the first conviction against a public official was obtained in Argentina since the sanction of the anti-trafficking law was created (2008). The *Tribunal Oral Federal* of the province of La Rioja (north of the country) convicted a police officer to two years of imprisonment in suspense for the crime of human trafficking.¹⁰⁸

The IOM (2006) conducted an exploratory research on Human Trafficking for commercial sexual exploitation in Argentina, Uruguay and Chile. In Argentina were analyzed judicial cases from certain provinces, interviewed informants, public officials and NGO experts as well. The report concluded that violence and impunity is extremely high in certain geographical areas.

It can be observed with worries the levels of violence and impunity that exist in certain sensitive areas toward trafficking. There are practices that go from ommissive tolerance to active protection of traffickers by some members of the security forces. The political protection is less visible, but it was identified several cases where inspectors and functionaries of municipalities got sum of money in exchange of falsifying inspections or “ignoring” cases of trafficking...¹⁰⁹

¹⁰⁸ Equipo Nitzkor, Sep. 7 2011. See at: <http://www.derechos.org/nizkor/arg/doc/trata8.html> accessed on December 12, 2011.

¹⁰⁹ IOM. “*Estudio explorativo sobre la trata de personas con fines de explotación sexual en Argentina, Chile y Uruguay*,” 2006.

Research conducted by Studnicka (2010) showed that human trafficking for commercial sexual exploitation in Brazil “is not only related to levels of official corruption but also dependent on official corruption.”¹¹⁰ The author, Studnicka, who is a criminal prosecutor in Brazil, employed a multimodal approach in her study and used five sources of information to analyze the relationship between human trafficking and corruption in her country. According to her findings corruption is a causal factor for human trafficking in Brazil. The set of sources for these findings are:

1-. A survey distributed via e-mail that the author conducted in 2006 among law enforcement and federal prosecutors in Brazil. From a potential pool of 1,000 state employees, only 109 submitted the questionnaire, 36 respondents were dismissed leaving the final number of respondents at 73. The final sample consisted of 59 criminal prosecutors, 10 federal police officers, 2 members of government institutions, 1 expert from an NGO, and 1 judge. The findings showed that 89 percent of respondents perceived human trafficking to be related to corruption and 81 percent of respondents perceived human trafficking to be increasing in Brazil. The majority of respondents expressed the relationship between corruption and human trafficking as either ‘medium’ or ‘strong’, resulting in a total of 75 percent (n = 54). More respondents saw international trafficking as a point of vulnerability greater than domestic trafficking. “These results demonstrate that, according to those surveyed, human trafficking is strongly aided by corruption and therefore is an explanatory variable of THB.”¹¹¹

¹¹⁰ Studnicka, Andrea Cirineo Sacco “*Corruption and Human Trafficking in Brazil: Findings from a Multi-Modal Approach.*” *European Journal of Criminology*, January 2010, Vol. 7, N. 1, pages 29-43. See at: <http://euc.sagepub.com/content/7/1/29.abstract> and at: http://www.mpdft.gov.br/portal/index.php?option=com_content&task=view&id=2217&Itemid=93 accessed on December 8, 2011.

¹¹¹ Studnicka, Ibidem.

2. - The Comissão Parlamentar Mista de Inquérito (CPMI) report, which is a set of cross-sectional and longitudinal data, includes information of domestic and international trafficking in and from Brazil. The report originated from an investigation conducted by a Joint Parliamentary Commission of Inquiry whose purpose was to identify cases of sexual abuse and sexual exploitation of minors throughout Brazil between May 2003 and July 2004. The Commission investigated 561 case files of sexual offences being the crime committed between 1994 and 2003. The findings showed that from those cases, 89 were analyzed as human trafficking. Of the 89 incidents, 63 involved corrupt behavior (71 percent), 15 (24 percent) were related to domestic trafficking, and 48 (76 percent) were related to international trafficking. The incidents related to international trafficking, ten involved domestic trafficking as well. The data suggest that corruption is more frequent in international trafficking (48 out of 63 cases) than in domestic trafficking (15 cases).

3. and 4. - Federal Police Official Statistics and TI's Corruption Perception Index.

The Federal Police statistics cover the international trafficking of all women, regardless of age. This data set covers all Brazilian federal states and lists the annual number of investigations in each state between January 1990 and March 2006. The total number of incidents investigated within this period (480) refers to the number of investigations brought to the attention of prosecutors. It does not, however, include the actual number of cases reported or the number of investigations where a 'positive conclusion', such as a conviction, was reached. The CPI was used to compare CPI data with the data provided by the Federal Police in order to test the general relationship between both concepts (THB and corruption) longitudinally.¹¹²

The findings showed that corruption and Human Trafficking are strongly correlated. The author tested the relationship by employing a multiple regression analysis.

¹¹² Studnicka, Ibidem

5. – The Municipal Corruption report by the Brazilian federal government between 2003 and 2005.

This data set is important because it presents an objective measure of the corrupt practices of public officials in a cross-sectional comparison between the 27 federal states between 2003 and 2005. As direct measures of corruption are rather scarce in anti-corruption research, the results of this data set have an added scientific value. The data will be used, along with the Federal Police statistics, in the multiple regression analysis in which four independent variables will be tested against human trafficking as the dependent variable.¹¹³

The findings of the multiple regression analyses demonstrate that “the higher the number of incidents of corruption, the higher the number of incidents of THB.... The results of the regression analysis imply that, when corruption rates fall, THB rates are expected to drop accordingly. By lowering the overall rate of corruption and strengthening the integrity of public officials, the occurrence of THB will decline.”¹¹⁴ As illustrated, corruption and trafficking-related crimes are extremely intertwined, either in a source country such as the case of Brazil or in destination countries where the exploitation takes place, as it occurs in Argentina. The tolerance of human trafficking, by the corrupt government practices, facilitates the running of the sex market in slavery like conditions in both countries.

Gender Inequality as a Contributing Factor in Human Trafficking

Gender inequality is one of the main causes contributing to trafficking. The different values that are given to men and women in society have a direct impact on the opportunities for employment, and makes women accept promising jobs abroad that may place them at risk of trafficking. Sally Cameron and Edward Newman (2007) considered gender status as a structural factor that that makes people vulnerable to trafficking.

¹¹³ Studnicka, Ibidem.

¹¹⁴ Studnicka, Ibidem.

Ribando (2007) analyzed factors that generate an increased amount of trafficking of human beings in Latin America and the Caribbean. He considers that there are individual factors that “push” people to migrate, one of the factors being victims’ history of physical or sexual abuse. Since there is a high incidence of domestic violence among trafficked persons, La Strada Report points out the existence of a correlation between domestic violence and trafficking, since there is a high incidence of domestic violence among trafficked persons (La Strada International Report, 2008).

Compared to the international rate, Latin America possesses a high rate of gender-based violence, and usually takes the form of domestic violence against women (Bliss, 2010). The high rates of human trafficking in the region are “also indicative of gender-based violence, reflecting efforts on the part of criminal organizations to coerce vulnerable women into forced labor arrangements, including sex work.”¹¹⁵

The unequal power relation between men and woman, cultural patriarchal values that reinforce the notion of woman’s subordination to man’s will and domestic violence are factors that impact women’s economic situation and empowerment. The lack of equal opportunities in the labor market and the corresponding feminization of poverty has a direct implication of the vulnerability to trafficking.

The culture of tolerance toward the sex industry is ineludibly shaped by the level of mistreatment of women¹¹⁶ in society. In this section I am analyzing what gender-based violence means. Three indicators are used as a sample of different forms

¹¹⁵ Bliss, Katherine. “*Gender Based Violence Latin America*” Center for Strategic International Studies <http://www.smartglobalhealth.org/blog/entry/gender-based-violence-in-latin-america/> accessed on January 10th 2012.

¹¹⁶ In this section girls are included in the general term of women. In the context of this study gender-based violence is understood as violence suffered by women, though the author recognizes that men can also suffer such violence.

of violence against women. Those indicators demonstrate different patterns of gender inequality, culture of *machismo*, and how women are mistreated in Argentinean and Brazilian society. The analysis illustrates how women's status differs geographically, even along each country. The author recognizes that there are other forms of gender-based violence that are not included in this analysis. The selection of homicide and feminicide (meaning the killing of women and girls because of their gender that it is usually committed by a spouse or a relative), domestic violence, and women at work/social exclusion were selected for being the most representative forms of violence and discrimination that a woman can suffer, which may put her in a situation of abuse of vulnerability to trafficking.

Violence against women exists in every country and it is a clear violation of human dignity that obstructs the achievement of gender equality. Even though it is a global problem, every country possesses its own characteristics based on economic, social and cultural patterns. To complicate this matter even further, gender status varies along the geographical distribution of each country.

Violence against women is rooted in history with trends of unequal power relationships between men and women; men being in domination and women in subordination; therefore, violence serves as a mechanism to perpetuate the male's authority.

States have an obligation to protect the full rights of women based on international instruments that address these issues. The Declaration on the Elimination of Violence against Women defines the meaning of violence against women as, "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or

arbitrary deprivation of liberty, whether occurring in public or in private life.”¹¹⁷ The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW - 1979) is the main international body that protects women’s rights, and defines discrimination as “...any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.”¹¹⁸

States that ratified the Convention have an obligation to incorporate the provisions into domestic law. This is the case of Argentina and Brazil since they have both ratified the instrument in 1985 and 1984 respectively . Despite the fact the full commitment of those countries to protect women’s right, make the perpetrators accountable and to design proper policies to guarantee the principle of equality between men and women, gender- based violence, is a phenomenon that continually takes place in both countries.

Homicide

Violent death is included as an indicator of general violence since it reflects the maximization of violence in a society. Because of violence people tend to migrate to find a safe place to live. During that journey certain groups of people are more vulnerable to trafficking. Numbers and rates of homicide are analyzed in both countries, including “femicide.” This type of violence is associated with gender inequalities and patterns of *machismo* which is a clear violation of human rights.

¹¹⁷ UN General Assembly, Declaration A/RES/48/104. See at: <http://www.un.org/documents/ga/res/48/a48r104.htm> accessed on January 9th, 2012.

¹¹⁸ See full text of the Convention at: <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm> accessed on January 9th, 2012.

Machismo is a cultural practice of behavior where men predominate over all others in power, especially women and children. Latin America is characterized by a patriarchal organization of family structure. It is also known as a “cult of virility,” where the man imposes his own view of doing things including resorting to violence if someone challenges his approach.

The Sangari Institute releases a Map of Violence every year since 1998. The report focuses on homicide in Brazil with data that is obtained from the *Sistema de Informações sobre Mortalidade* (SIM) (System of Mortality Database). It centralizes information for all deaths in the country as well as the reason for death. The report considers violent death to be all the deaths caused by car accident, homicides and suicide. The 2012 Violence Map Report includes data from 5,565 municipalities, 27 Federative Units (States), 27 Capitals and 33 Metropolitan Regions. The document shows that in the last decade, the rate of homicide in Brazil has been stable: about 26 homicides in 100,000 people.

Table 12. Chart of Homicides’ rate in Brazil 2000-2010

Year	Number of Homicides	Rate (100,000 people)
2000	45,360	26.7
2001	47,943	27.8
2002	49,695	28.5
2003	51,043	28.9
2004	48,374	27.0
2005	47,578	25.8
2006	49,145	26.3
2007	47,707	25.2
2008	50,113	26.4
2009	51,434	27.0
2010	49,932	26.2

Source: Map of Violence 2012 (2011)

The report highlights that Brazil has a very high rate of violent death although it is a country without any geographical controversy, civil strike, ethnic or religious unrest. In Brazil, more people (192,804) died from a violent death, than in the major twelve arms conflict worldwide for the period 2004-2007. Those numbers cannot be attributed to the vast dimension of the population since countries such as Pakistan or India (185,000 and 1,214 million of inhabitants respectively) have lower numbers and rates of violent death.

Geographically, Brazil presents an uneven map of violence throughout the country. The numbers of violent death in the last decade have decreased considerably in the southeast region which includes the cities of Rio de Janeiro and San Paulo; whereas, the north and northeast present the highest numbers.

The following chart depicts the map of violence in Brazil from 2000 to 2010.

Table 13. Brazil Map of Violence by regions 2000-2010

Region	2000	2001	2002	2003	2004	2005
North	1,334	1,287	1,405	1,449	1,372	1,614
Northeast	3,454	4,083	4,138	4,445	4,410	5,004
Southeast	11,090	10,986	10,522	10,491	9,208	7,204
South	985	1,014	1,179	1,220	1,368	1,448
Midwest	1,680	1,711	1,673	1,787	1,706	1,611

Region	2006	2007	2008	2009	2010	%
North	1,621	1,574	1,840	1,911	2,229	67.1
Northeast	5,618	6,037	6,498	6,585	6,425	86.0
Southeast	6,850	5,574	4,786	4,766	4,045	-63.5
South	1,464	1,596	1,793	1,684	1,593	61.7
Midwest	1,641	1,709	1,857	1,982	1,790	6.5

Source: Map of Violence 2012 (2011)

The numbers and rates of violent death have increased in the last decade in regard to the states of Ceará (Northeast region) and Goiás (Mid-west region). These places are mentioned in various reports as places with “intense trafficking activity.” They were not the only states where violence has been escalated but those are critical points of trafficking activity; therefore, I will focus on those Federal Units. The following chart reflects the rate of homicide in the states of Goiás and Ceará per 100,000 inhabitants. The rank is over 27 states. The data shows that the rate of homicides in Goiás has increased 45.6% while in Ceará 79.8% over the last decade, both having a medium rank.

Table 14. Rate of homicides in 100,000 inhabitants in Goiás and Ceará, 2000-2010

F.U (State)	Year		Year		Variation %
	2000	Rank	2010	Rank	
Goiás	20.2	13	29.4	15	+ 45.6
Ceará	16.5	17	29.7	14	+ 79.8

Source: Map of Violence 2012 (2011)

The 2012 Map of Violence Report (New Patterns) focused on new patterns of homicidal violence in Brazil. The study concluded that until 1996, the growth of homicides was centralized mostly in the capitals and in the larger metropolitan areas. From 1996 to 2003 that growth stopped and the dynamism was transferred to the municipalities of the interior of the states. From 2003, the average rate in capitals and metropolitan regions started to decrease, while the interior of the country increased at a slow pace. A new process flourished between states called “dissemination.” In this new process, several states that were once quiet now experienced high increases in the level of violence. Both processes generate a migration of the “dynamics of violence.”

The migration consists of the limited number of metropolitan areas to small places, both demographically and also with the respect of political power.

The victimization by race also shows alarming results. The victimization of white people decreased 27.5% from 2002 to 2010. In 2002 18,852 white people died while in 2010 only 13,668 white people died. Contrastingly, the victimization of the black people (including in this category people of mixed-race) increased 23.4% during the same period of time. In 2002, 26,952 people were black victims a figure that shifted to 33,264 in 2010. The index of black victimization shows that:

In 2002, the index of national black victimization was 45.8. This means that per year, in the country, died proportionally 45.8% of more black than white people. Four years later, in 2006, that index increased to 82.7 (died proportionally 82.7% of more black than whites). In 2010, a new scenario preoccupied: it died proportionally 139% of more blacks than whites...¹¹⁹

The victimization rates of homicide violence in the states of Ceará and Goiás are alarming. In Ceará, in 2010, 275 white people died while 1,613 black people died. In Goiás, in 2010, however, 359 white people died while 1,353 black people died.

The victimization by gender shows that in 2010, 91.4% of all the homicides corresponded to males while 8.6% corresponded to females. The rate of female homicides is 4.4% per 100,000 inhabitants and the distribution through the country is heterogeneous. In Goiás, the rate is 5.1%, while in Ceará, the rate is 3.7% per 100,000 inhabitants (Map of Violence 2012).

In the case of Argentina, the Ministry of Justice, Security and Human Rights is in charge of elaborating the statistics of homicides in the country; however, the 2009 report did not include data from the province of Buenos Aires, which is the largest of the country, with the most population density and vast criminal activity. The 2009

¹¹⁹ Mapa da Violência 2012: Os Novos Padrões da Violência Homicida no Brasil. Sangari Institute, page 62.

report divides intentional homicides from negligent homicides involving a car accident.

Table 15. Statistics of Homicide in Argentina by type, number, rate and gender

Type Of Homicide	Numbers of cases	Rate in 100,000 (not including the population of Province of Buenos Aires)	Male Victims	Female Victims
Intentional	1,360	5.45	84%	16%
Negligent (car accident)	2,588	10.37	79%	21%

Source: Argentinean Ministry of Justice, Security and Human Rights

As it previously stated, there is a presumable hypothesis that the sex trafficking business in Argentina occurs from north of the country to south. The provinces of the north are the places where women and children are recruited or are used to operate as transit points (UFASE-Report NEA, and IOM, 2006). The provinces of the north are: Jujuy, Salta, Tucumán, Catamarca, La Rioja and Santiago del Estero and the northeast provinces are Chaco and Formosa. I will focus on the previously stated provinces and observe the level of violence from homicides as well as learn whether a push factor of vulnerable people to migrate is the result of the maximization of violence.

Table 16. Rates of Intentional and Negligent Homicide in north Argentina per 100,000 inhabitants, corresponding to 2008

Province	Intentional Homicide			Negligent Homicide (car accident)		
	Rate	Male Victims	Female Victims	Rate	Male Victims	Female Victims
Catamarca	0.77	2	1	7.21	76%	24%
La Rioja	2.5	4	2	2.93	55%	45%
Santiago del Estero	3.35	63%	37%	12.71	84%	16%
Chaco	4.75	84%	16%	13.97	77%	23%
Salta	no data	-----	-----	-----	-----	-----
Formosa	5.56	76%	24%	9.26	76%	24%
Jujuy	4.12	72%	28%	10.44	64%	36%
Tucuman	2.37	80%	20%	10.10	83%	17%

Source: Argentinean Ministry of Justice, Security and Human Rights

The Map of Gender-Based Violence, in Argentina, was just released in December 2011, funded by the Embassy of Norway. The Report coincides with the above chart, by noting that the provinces of north Argentina have a high rate of femicide. According to the report, from 1997 to 2009, 5,681 women homicides took place, which represents 14% of the total number of homicides in the country. In 2009, 377 women were killed, a rate of 1.8 deaths per 100,000 women. Suicide amongst women represents 15% of the total number of cases (8,188 cases from 1997-2009). In 2009, the rate was 3.1 per 100,000 women. In both cases, the group most at risk is young women ages 15 to 19 years old. In the case of suicide, the numbers increased 57% for that age group. Homicides of women are related to two different approaches: robbery and violence in large cities and to gender-based violence, 50% of the cases are related to intra-family violence.

There are provinces, especially in the north, that have low rates of homicide in general but a large proportion of homicide of women which according to the bibliography could be an indicator of a high proportion of feminicides. The provinces with the highest rates of women homicide are in the north and in the Patagonia, and in general those places have low rates of robbery and use of guns, and because of that it tend to suppose homicides as feminicides. Even though the rates of provincials' suicide are pretty much homogenous, in the Northeast and in the Patagonia tend to be higher.¹²⁰

The 2010 Map of Violence (Anatomy of Homicide in Brazil) elaborated an international ranking of violence homicide with data obtained from the World Health Organization Statistical Information System-World Mortality Database (WHOSIS)¹²¹. With the data of over 91 countries, Brazil ranked 6th with a homicide rate of 25.8 per 100,000 inhabitants. Argentina ranked 32nd with a homicide rate of 5.2 per 100,000 inhabitants; both being looked at from 2005. The victimization of gender also shows discrepancies between both countries. Brazil had a rate of 3.7 of female homicides (2007) while Argentina had a rate of 1.6 (2005) both per 100,000 females. Even though the rate in the case of Brazil is apparently low, when it is compared at the international level, the rate is elevated. For example, Brazil ranks 12th in female homicides, while Argentina ranks 33rd in female homicides, in over 62 countries. To complicate this report even further, another report places Brazil as a country with a high rate of femicide (3-6) and Argentina with a low rate (1-2) per 100,000 female population for the corresponding period 2004-2009 (Global Burden of Armed Violence 2011).

There is no doubt that the data presented above underestimates the extent of femicide and violence against women since many times that violence is

¹²⁰ Fleitas Ortiz de Rozas, Diego M. and Otamendi, Alejandra “*Mapa de la Violencia de Genero en Argentina.*” Asociación para Políticas Públicas, 2011. See at: <http://www.app.org.ar/wp-content/uploads/2011/12/MapadeViolenciadeGeneroenArgentina1.pdf> accessed on January 31, 2012.

¹²¹ Not all of the data was up-to date and therefore included 91 countries with data covering the period from 2003-2007.

underreported because of the reluctance and fear of the victim or her family. Also, because femicide occurs mostly within the family or in the context of an intimate relation the reports tend to be underreported. Even further, “high levels of femicide are often accompanied—and in some cases generated by—a high level of tolerance for violence against women.”¹²²

Domestic Violence

Domestic violence is one of the most prevalent forms of violence against women; especially the one carried out by the intimate partner. According to the UN in-depth study of all forms of violence against women (2006), intimate partner violence could take place under different types of abuse: sexual, psychological and physical. These acts of abuse against woman, take place by a current or former intimate partner, without her consent. As it previously stated, the most aggravated and severe violence by the intimate partner could lead to femicide.

The General Assembly Resolution 58/147, on the Elimination of Domestic Violence against Women, recognizes that “domestic violence can include economic deprivation and isolation and that such conduct may cause imminent harm to the safety, health or well-being of women.”

Women who suffer domestic violence are more vulnerable to trafficking. The previous statement was confirmed by a study conducted on the health consequences of trafficking that found out that 60% of 207 women who were interviewed had

¹²² Global Burden of Armed Violence 2011, Chapter IV. See at: <http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011-Ch4-Summary.pdf> accessed on December 28, 2011.

experienced some sort of violence prior being trafficked (La Strada International Report, 2008).¹²³

The vulnerability to trafficking occurs in three main ways according to the study:

1. Domestic violence may act as a catalyst that ultimately results in trafficking. The urge to escape may enhance risk; and/or
2. Domestic violence may erode an individual's self-esteem and self-confidence, thereby increasing vulnerability to traffickers; and/or
3. Domestic violence may force children into absence from school at an early age or lead to trouble in school, or to the child's engaging in other risky, dangerous or self-defeating behaviour; lowering job prospects at home and increasing their vulnerability to trafficking.¹²⁴

Although the previous study could not empirically prove the relationship between domestic violence and trafficking, due to limitations of the data, La Strada International believes that domestic violence is a factor that enhances the vulnerability of women, which, leads to trafficking.

In the case of Argentina, it is very hard to quantify the extent of domestic violence across the country because the Unified Register of Domestic Violence Cases has not been fully implemented, due to the lack of agreement regarding data collection at the provincial level. However, a private study, funded by the Embassy of Norway, which was just released, compiles data and elaborates on a Map of Gender-based Violence in Argentina (2011). That report, in addition to reports from the Office of Domestic Violence and the civil society, illustrate the extent of the problem in Argentina.

¹²³ La Strada International Report. (2008). *"A cause and consequence of tracking in women,"* citing Zimmerman, Stolen smiles: a summary report on the physical and psychological health consequences of women and adolescents trafficked in Europe (2006).

¹²⁴ La Strada, Ibidem citing Stephen Warnath, Examining the Intersection between Trafficking in Persons and Domestic Violence (2007).

The enactment of the National Law 26,485, created in March of 2009, has shown to create some progress in tackling gender-based violence crimes. The law covers all forms of gender-based violence, not only against women but also protects people from a variety of forms of violence such as: physical, psychological, sexual, labor, media, reproductive, etc.

During 2009, 461,000 women had been beaten in Argentina; 275,000 of those women were beaten presumably in the context of gender-based violence and the remaining 186,000 were beaten during a robbery. The places that concentrate the most violence against women are the city of Buenos Aires and the country's provinces located in the north, according to the 2009 National Survey of Risk Factors. In large jurisdictions, such as the city of Buenos Aires, violence against women tends to be associated with robbery, while in the provinces in the north of the country it is associated with high consumption of alcohol abuse. The following chart shows the provinces¹²⁵ with the highest percentage of gender-based violence against women in 2009; the north and northeast of the regions were most affected, which are also the areas where women are presumably recruited for commercial sexual exploitation, according to the reports that had been cited along this study (Map of Gender-based Violence in Argentina, 2011).

Table 17. Chart showing the Argentinean provinces with the highest rates of gender-based violence in 2009

¹²⁵ Buenos Aires city is not a province, it is a federal district with own autonomy.

	% of Beaten Women (no robbery involved) <u>Total: 275,122</u>	% of Total Beaten Women <u>Total: 461,116</u>	% of Beaten Women (no robbery) to respect the total % of Beaten Women
City of Buenos Aires	4.8%	6.9%	69.6%
Salta (N)	4.5%	4.7%	95.7%
Corrientes (NE)	4.0%	4.6%	87.0%
Mendoza	3.3%	4.8%	68.8%
Jujuy (N)	2.8%	3.1%	90.3%
Tucumán (N)	2.8%	5.3%	52.8%

Source: Map of Gender-based Violence in Argentina (2011)

In 2008, a complaint of rape was reported every 150 minutes across the country, and in half the cases, the victims were minors. Out of all the complaints of crimes against sexual integrity (rape being one of them) during 2007, only 12.7% ended in conviction. (Women's Human Rights: Argentine State Pending Debts Report to CEDAW/C/ARG/6, 2010). The provinces of the north have the highest rates of rape, the figure being 10 times more than the provinces of the south which have the lowest rates of reported rapes. The highest rates of rape, in the north of the country, are associated with high alcohol abuse and extreme poverty; for example, Santiago del Estero and Jujuy have a rate of 27 and 21, respectively, while Chubut (in the south) has the lowest rate of 2.2 per 100,000 inhabitants. It is important to highlight the increased number of teen suicide (girls 15 to 19 years old) in the provinces in the north/ northeast and in Patagonia, probably because the rape is related to the suicide, such as in Jujuy (north). In addition, the provinces with a high rate of rape also have a high rate of homicide among young women (Map of Gender-based Violence in Argentina, 2011).

The Office of Domestic Violence Supreme Court, which has jurisdiction only in the city of Buenos Aires, released its statistics, since its inception in 2008. From September 2008 to September 2010 the office took 12,869 cases; women represent 80% of the victims and men 20%. Girls ages 0-18 years old represent 19% of the total female victims, and boys 14% of the male victims. The types of violence are: psychological (91%), physical (67%), economic (31%) and sexual (13%).

From the total number of female victims, 49% have a high school education, 21% have an elementary education, and 15% have a tertiary education. Regarding their economic situation, 42% of the women belong to the lower class, 25% to the medium-class, and 17% to the medium-low class. The relationship between the victim and the accused is in 85% of the cases related as a spouse, partner, former partner, boyfriend, and the 15% remaining it is a relative to the 4th degree (Office of Domestic Violence Supreme Court of Justice, Statistics to Sep. 2010).

Aggression against women, occur everywhere all over Brazil with disregard of race, ethnicity and social class; though it is still under-reported. The following excerpt clearly states the dimension of the phenomenon:

One in four women in Brazil has already been a victim of domestic violence. Since 2001, it is estimated that every 15 seconds, a woman is beaten, usually by her husband, companion, boyfriend, and/or ex-partner; every 15 seconds a Brazilian woman is also impeded from leaving the home, and, another Brazilian woman is forced to have sexual relations against her will. Available statistics and registers in Special Police Departments for Assistance to Women indicate that 70% of the aggression occurs inside the home and the attacker himself is the husband or companion of the woman; more than 40% of violence results in grave bodily injury from punches, slap, kicks, burns, beatings, and strangulations. Close to 70% of murdered Brazilian women are victims in the sphere of their domestic relations; according to research by the National Movement of Human Rights (Movimento Nacional de Direitos Humanos – MNDH), 66.3% of the accused in homicides against women are their partners. This data, in its totality, is repeated year after year, making clear

the unquestionable complexity, gravity and profoundness of the phenomenon of domestic violence.¹²⁶

Before 2006, Brazil did not have a specific law protecting women from domestic violence, though the crime was prosecuted under Law 9,099/95. The mentioned law considered domestic violence as a misdemeanor with a maximum penalty of one year of imprisonment. Common punishments included food donation and fines, among others.

In September 2006, after a long battle by the feminist grassroots organizations and the civil society, the first federal criminal domestic violence legislation was enacted with Law 11,340 known as Maria da Penha Law or MDP. The Law was named in honor of Maria da Penha¹²⁷ who was a victim of two homicide attempts made by her husband. Despite two convictions, there was no decision in the case, and different organizations filed a case in her support with the Inter-American Commission of Human Rights (IACHR) of the Organization of American States (OAS). The international body found Brazil responsible for human rights violations in regard to the protection of women's rights. The body believed that the "violence suffered by Maria da Penha was part of a general pattern of negligence and lack of effective action by the State in prosecuting and convicting aggressors."¹²⁸

Despite all of the changes that the MDP brought to protect women from domestic violence (penalty is up to three years), the Law is still considered ineffective and insufficient to protect women's right (Roure, 2009).

¹²⁶ "Shadow Report by Civil Society to the Sixth National Report of Brazil on the Convention on the Elimination of all Forms of Discrimination against Women -2001-2005 period" (2007), p. 7/8. See at: http://www.iwrawap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf accessed on January, 24 2012.

¹²⁷ Note that the woman lived in Ceará which is one of the states with most trafficking activity.

¹²⁸ Roure, Jodie. "Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform" Columbia Human Rights Law Review 41:69 2009 citing Maria da Penha v. Brazil, Report No. 54/01.

In Brazil, only 274 of 5,565 existing municipalities have special courts of domestic violence. During 2009, the Special Secretariat of Policies for Women received 41,000 calls from the hotline, Line 180: 53.9% of the calls were because of physical violence, 32.2% because of psychological violence, 1.4% because of sexual violence and about 10% were requests for services, information, etc (IBGE, Comunicação Social 17 de setembro de 2010). However, data from the 2010 Human Rights Report released by the US State Department present a completely different view of the problem. According to the report, from January to September, the hotline received a total of 552,034 calls, 51,736 of them concerned physical abuse and the majority of the callers blamed domestic partners.

Data on domestic violence in Brazil is scarce and disaggregated when comparing it by regions; however there is some information gathered by the 2009 National Home Survey (IBGE, PNAD- Characteristics of victimization and access to justice in Brazil in 2009). The following questions were introduced in the survey, and the results will include the states of Ceará, Goiás, as well as samples from San Paulo and Rio de Janeiro. It can be said that Goiás, because it is a small state in terms of population, in comparison with Rio de Janeiro and San Paulo, possesses a high percentage of family violence.

Table 18. Level of domestic violence in the states of Ceará and Goiás

Question	Ceará	Goiás	San Paulo	Rio de Janeiro
Total people who suffer physical aggression	131 in 1,000	93 in 1,000	494 in 1,000	135 in 1,000
Percentage of people 10 years or over who were victims of physical aggression at home	25,4	28,1	21,3	26,2

Source: IBGE (States)

Work and Social Exclusion

The principle of non-discrimination for sexes in the workplace, and especially the principle of “equal pay for equal work” has international recognition. The principles were incorporated in Argentinean and Brazilian law; though both countries suffer discrepancies in terms of parity of salaries between men and women. To complicate the subject even further, females have less representation at high-rank positions in the public and private sector.

Furthermore, women who are the head of household are another factor that increases the feminization of poverty. Feminization of poverty has increased in situations where the woman is head of household in Argentina in the last 10 years, from 27% to 34% of total households in the country (2010 National Census, INDEC). The percentage is very similar to that of Brazil: 36.3% of houses in the urban area, 40.6% in the metropolitan area, 30.2% in non-metropolitan area and 18% in rural areas are headed by women. The data is practically similar alongside the country being the northeast and the central-west regions of Brazil the most affected (Anuário das Mulheres Brasileiras, 2011).

Women’s participation rates in the workplace, increases according to the level of education. In Argentina, 24% of the women from the lower level participate in the workplace; the percentage increases to 32% with a medium level and to 59% of the women with the highest level of education (FIEL, Working Paper #93, 2007).

Unemployment affects more women than men. In Argentina the gap is 30% to 40%. Young women and those with high human capital are suffering more than men with the same characteristics. The gender-earning gap is also considerable. Data from the first semester of 2006 showed that men earn 33% more than women. The authors of the report recognized that the percentage should not be taken seriously, though it is

true that men earn more than women for same type of jobs (FIEL, Working Paper #93, 2007).

The under-representation of Brazilian women in the marketplace reaffirms once again that women and men do not have an equal participation in the job market. Furthermore, when gender status is intertwined with race, the outcome is considerable against the black people and women who receive the lower salaries; and black women suffer doubly so because of race as well as gender (Shadow Report of Civil Society, Brazil 2007).

According to the Shadow Report, the earning gap between genders is the principal difference:

One of the forms of identifying the gender gap in relation to economic participation is analyzing the distribution of salaries paid in different sectors of the economy. The governmental sector has the greatest salary discrepancy, as women receive on average 15% of what men receive. In the private sector women receive around 61% of what men receive, and in the non-profit sector, women are paid the equivalent of 59% of what men are paid.

However, the percentage stated above is the average of the Brazilian population. When it comes to look the earning gap by geographical location, the states of Ceará and Goiás present yet lower percentages.

The following inquiry was included in the home survey made by the Brazilian Institute of Geography and Statistics (IBGE):

Percentage of the average income received by women in relation to that received by men, considering both employed, aged 16 years and over and with 12 or more years of schooling -2009.

The results showed that women in Goiás earned 53% and in Ceará 54% of that received by men according to the IBGE Summary of Social Indicators 2010.

Women's representation in the public sector is different between Argentina and Brazil; even though the countries are both governed by women Presidents rather than men. The representation of women in high-rank positions in the public sector is

not equally distributed between men and women. Despite the fact that the empowerment of women has been notably advanced in the last period of time in both countries, Brazil does it at a very low pace.

The world classification of women in Parliaments, with data compiled by the Inter-Parliamentary Union, shows Argentina with high level of women representation in Parliament while Brazil with medium/low level. Argentina ranks 15th while Brazil ranks 110 with over 136 countries ranked. Women's representation at the Argentinean House of Representative (2011) is at 37.4% while at the same Chamber in Brazil is at 8.6%.¹²⁹ At the Argentinean Senate (2011), women's representation reaches 38.9% while in Brazil it is much lower at 16%.

It is important to highlight that women's representation in Argentinean's Parliament was not spontaneous. It is a consequence of the law 24,012 (1991) that mandates a minimum quota of 30% of women in both Chambers of the National Congress. At provincial jurisdictions, there are also quotas for women's participation, but in many provinces the integration of women in the public office has been hindered in practice. That is the case of the province of Jujuy (north of the country) which is one of the provinces that has not approved a quota law at the provincial level, despite the mandate of the National Constitution (art. 37). A constitutional complaint (*amparo*) was presented at the Court System, and in 2010 the Court granted the petition and ordered the local authorities to comply with the constitutional mandate. As a consequence, some legislators in Jujuy province from the political party in power initiated impeachment proceedings against the judges who made the ruling (Shadow Report, Argentina 2010). This example shows how certain provinces are still ruled

¹²⁹ See complete chart of Women in Parliament at: <http://www.ipu.org/wmn-e/classif.htm> accessed on January 3, 2012.

with the practice of “*masculinization* of politics” (politics run by men) and resist the empowerment of women in public office.

CHAPTER VI

ANALYSIS OF COURT SENTENCES

Common and specific assumptions about the factors that influence human trafficking and specifically vulnerability to victimization that have been described in previous chapters -- e.g., government corruption, lack of education, poverty, family or domestic violence, gender discrimination --, are said to be primary factors that make a person or community vulnerable to human trafficking, but the evidence has often shown otherwise. In this section, those same assumptions will be tested using data from judicial records of criminal cases in both Argentina and Brazil. The aim is to determine whether these data support or refute the aforementioned assumptions.

With the data of the court sentences, the characteristics of different players and the circumstances of the criminal business will be gathered in order to have a better understanding of the:

- Profile of the Traffickers
- Profile of the Victims
- Trafficking Context, in which those victims were recruited, transported and exploited
- Trafficking Routes
- Role of Government Corruption
- The organization of the crime: organized crime vs. crime that is organized

Argentina

An analysis is made of all sentences on sex trafficking that were reached between the enactment of the anti-trafficking law 23,364 (April 2008) until December 2012¹³⁰. It encompasses all of the sentences that were uploaded on the UFASE's website. The UFASE is in charge of collecting all sentences on human trafficking in Argentina, and the court of justice has to submit a copy of it after having reached a verdict. The database uploaded a total of 52 sentences on sex trafficking. No one was excluded from the analysis. The only sentences that were not included were those related to labor trafficking since they were not part of this research. The list of court sentences can be found in Appendix A.

The court sentences are identified in this research by the use of numbers ranging from #1 to #52. All citations in the corresponding analysis are done by number. The list contains information of each docket, and no personal data is included. The sentences did not contain personal data from the victims such as name, last name or address. That information was already deleted before being uploaded into the database. The date of the verdict is also described in the list. Personal data of traffickers is not included in the analysis and in the case it was necessary to refer to some of them only were mentioned by the initials or by an 'X'. Brothel addresses or places where women were exploited were not mentioned in this research.

¹³⁰ Note that at the time that this dissertation was concluded a new anti-trafficking law was passed in Argentina that went into effect on December 26, 2012 (Law # 26,842). However, all the analysis and research was conducted under the previous Law #23,364.

*Major Findings*¹³¹

The north and northeast of the country constitute the highest number of court sentences, which also coincides with the low level of human development. In the center of the country there are also a great number of court sentences as opposed to the south of the country where only 2 verdicts were reached. The province of Buenos Aires has the highest number of court sentences in one province, but it is important to mention that Buenos Aires is the most densely inhabited province in the entire country. Surprisingly, only one verdict on sex trafficking was reached in the autonomous city of Buenos Aires despite being heavily populated and having the highest concentration of education, development, and overall opportunities.

Figure 7. Map of Argentina showing the geographical distribution of the Court Sentences (N=52)

¹³¹ All Argentineans Court Sentences were written in Spanish and the translation into the English version is unofficial and it was made by the author.

Distribution of Court Cases by Provinces



Source: <http://www.nationsonline.org/oneworld/map/argentina-administrative-map.htm>

In the sample under analysis, N=52 it was able to identify 140 traffickers, and 70% of them were found guilty (98 traffickers). The distribution was 60% males and 40% females. Seven of them (6 males and 1 female) had prior criminal convictions. The remaining defendants (36 traffickers) were declared not guilty. Of this group 61% were men and 39% were women; this is a similar percentage of those who were declared guilty. Figures 8, 9, and 10 exemplify the data shown above:

Figure 8. Total amount of Traffickers by gender

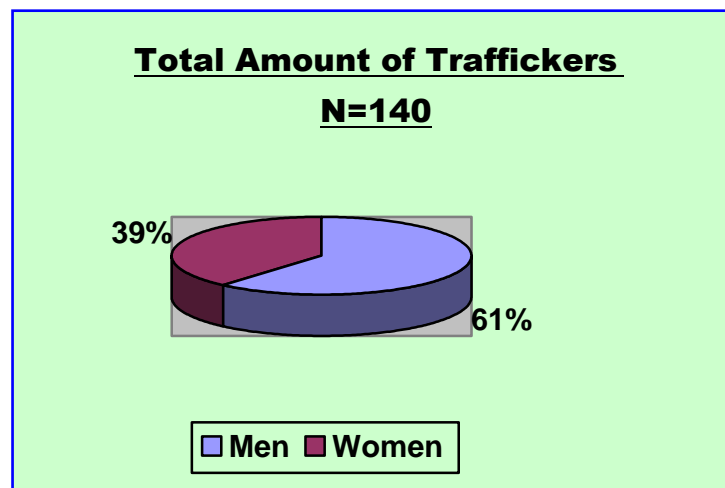


Figure 9. Convictions by Gender

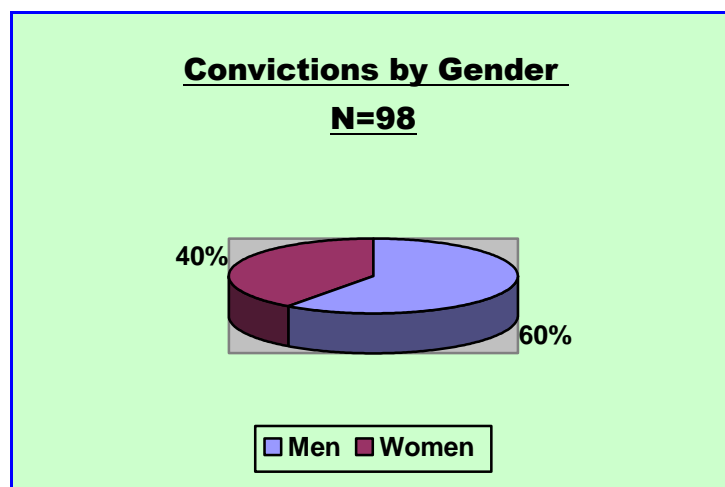
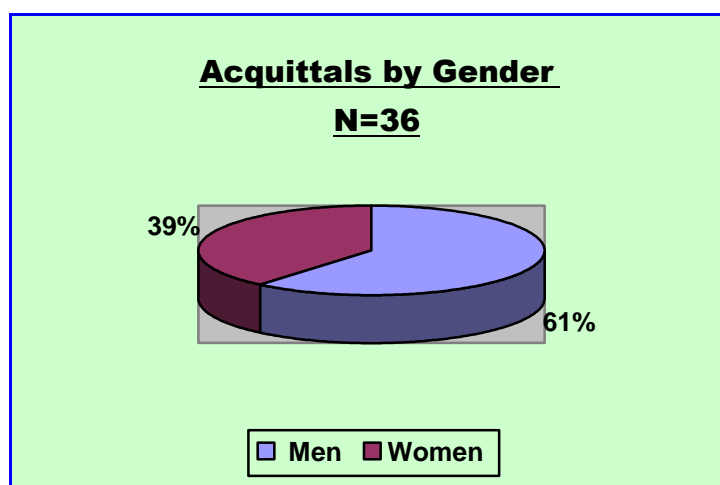


Figure 10. Acquittals by Gender

Most of the alleged traffickers from whom data on nationality were available were Argentineans (65, including both guilty and not guilty), 9 were from Paraguay, 6 from other nationalities and nationality data were missing on 60 traffickers. It could be inferred again that the latter were from Argentina; otherwise their foreign origin would have been mentioned in the verdict.

Governmental Corruption

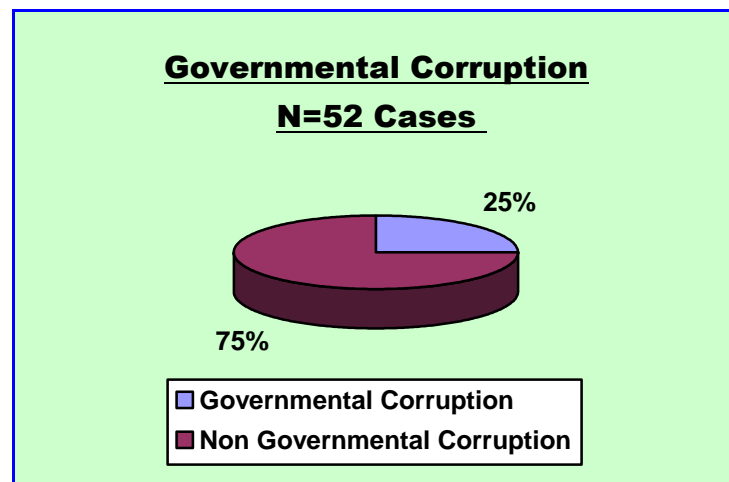
It has been shown that governmental corruption is considered the strongest predictor of human trafficking, either TO/FROM a country (Bales). Corruption as described in Chapter V, may facilitate the opening of borders to traffickers, may let traffickers avoid prosecution and let the brothels do their job.

The Special Rapporteur Joy N. Ezeilo stated after her mission to Argentina,

The capacity to address certain human trafficking issues is poor, including the sensitive issue of police corruption and of other members of the security forces directly involved in the implementation of the anti-trafficking measures taken by the Government, especially at the provincial level, where they receive bribes and collude with traffickers, who are thus able to evade arrest and prosecution.

The analysis of the court sentences shows that 13 out of 52 court sentences included a police/law enforcement complicity either by receiving bribes to let the perpetrators run the brothel, getting free “sex passes” with women, telling perpetrators in advance that a search warrant was on its way or by having a permissive attitude. In only two cases were a police officer and in one case a retired law enforcement personnel prosecuted for being in charge of the trafficking business. In most cases the presence of police in the brothels was mentioned by the victims during the trial. Furthermore, in many cases the court has proven that governmental corruption was used as a tool, by traffickers to scare the victims, and demonstrate to them that there is no way out of their predicament.

Figure 11. Percentage of cases involving Governmental Corruption



The following excerpts show how governmental corruption took place in each of the 13 cases, recreated mostly by the words of the trafficked victims during the trial.

Case #3: These circumstances show at least, an attitude with minimal diligence by the police personnel with respect to a serious subject, for

compromising the freedom of a minor that was retained and exploited in a brothel; in addition the minor said that police officer “X” knew about her situation in the brothel since he was a customer of said brothel (p.10).

Case #4: They knew about the search warrant before it took place, because a message was left in the voicemail, in which a friend of “X”, a police officer said that...(p.6).

Case #11: The court said: “Another mechanism used by the defendant was the demonstration of trafficking influences and contacts, especially within the provincial police forces, who also attended the place, generating in the victims a feeling of helplessness thus ensuring their sense of isolation. This demonstration of power is a suitable coercive method to generate a sense of helplessness and fear in the victim” (p.10).

Case #15: She sustained that the origin of this case was based on a declaration made by a person with reserved identity in which a relative of one of the victims received text messages to her cell phone from her cousin asking to be rescued from the place where she was captive, and to not tell the police of XXX since the officer was an accomplice to the owner of the place (p.2). [In the search warrant a gun was found] From the perspective of the [prosecutor] the police officer in charge of preventing and discovering this case was complicit in the crime. This issue came up clearly with the confiscation of a gun at the defendant’s place which belonged to the police, and of the testimonies of the women who referred that ‘X’ was told in advance that a search warrant to his brothel had been ordered (p.5).

Case #19: The accused was a police officer from the province of La Rioja, The court said: It has been proved that he attempted to take away the free will of ‘X’ through a false promise of work with the purpose of exploitation (p.33).

Case # 23:it was a “*privado*” [brothel] whose owner was a police officer named ‘X’, in which women mainly Paraguayan nationals lived and were sexually exploited in exchange for a sum of money by males that frequented the place; in addition, the mentioned brothel advertised in one of the local newspapers, the phone numbers functioned as contact lines and there was also a web page where potential clients could see images of women offering sex at that address (p. 4).

Case # 25: The victim escaped from the brothel and somebody helped her leave. The victim stated that in that moment she tried to call the police but the person grabbed her arm telling her “do not call the police because they are paid off” (p.11).

Case #33: The accused is a retired personnel from the Federal Penitentiary Service, and the court said: “To measure the amount of years of imprisonment we take into consideration the nature of the crime committed ...based on the impression that we formed of him in the public hearing, that the accused is an adult, educated, retired from the security forces, that did not show any sign of repentance nor intention to repent” (p.13).

Case #34: She was 15 years old at that time. She was scared and felt imprisoned; she couldn't even go to the store. "They kept the money." They made them go with personnel of the Provincial Police and Gendarmería National, who came with their respective uniforms (p.12).

- Case #39: "Both [victims] described the modality of work that was imposed to them, they said that 'X' always got the phone calls, she was in charge of advertising in the newspapers ... in the area, called the cab when they worked outside, they had to ask her for permission to leave the place, and she always went with them, she even told them "to not be scared" since she had already made arrangement with the police" (p.41/42).

- Case #40: She [the victim] described the presence of police officers in the place, she said that sometimes they came for a drink - a coke or a beer -, and other times they had "sex passes," and they always talked with 'X'.

The court in allusion to that said:

"This circumstance is crucial since the presence of the police personnel in the place, exhibiting permissive behavior and clearing being complicit in the crimes generates a sense of impotence and encourages victims to dismiss the possibility of escape. The fact is that the police is an 'authority' for the victims, their presence as accomplices in the location prevents the victims from having any potential impulses to rebel since they do not know where to go in case they could escape. Especially since the police were aware of the extent of the problem, know where is happened and have not done anything to prevent it" (p.30).

Case #45: "X [the victim], said among other things that she went voluntarily to work as a waitress, but the first day that she worked she was forced to have sex with a client, and she didn't refuse for fear. After the third day she said that she wanted to leave but "X" said that it was not possible, and threatened her with to death. They [operators] took away her cell phone, deleted all of her contacts, and gave it back to her with a new phone line. They didn't let her get out of the house. Soon after arriving to the town she gave a police officer proof of identity with the name "X". That identification was given to "X" [trafficker] by the police noting that the former "did favors for him," such as free sex passes..... that identification was giving to her because she was a minor and wasn't allowed to work in prostitution (p.3).

Case# 48: She [one victim] recounted a situation in which a payment to a police officer was made. She stated that that the officer hid outside of the brothel, and "X" [one trafficker] went outside to pay him (p.26).

Scope of Sex Trafficking: International vs. Domestic

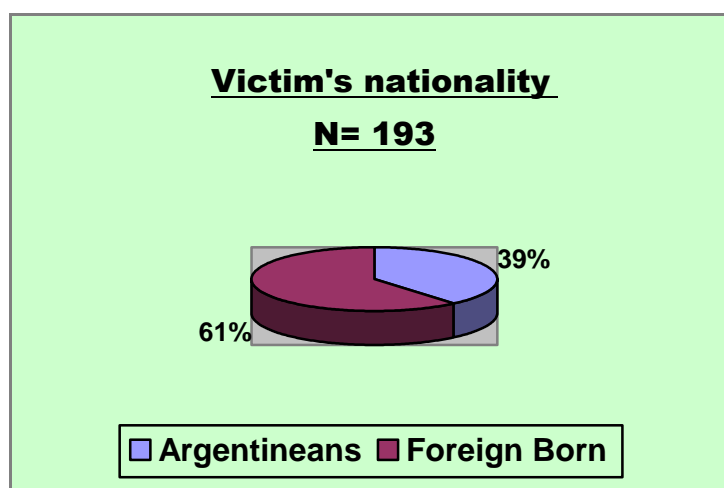
The *Global Patterns Report* (UNODC, 2006) identified Argentina as a destination country with medium incidence and with low incidence as a source

country. Other reports, such as the *Estudio exploratorio sobre Trata de Personas con fines de explotación sexual en Argentina, Chile y Uruguay* (IOM, 2006) stated that domestic trafficking has a bigger dimension than international trafficking.

The analysis of the court sentences is consistent with the conclusions of the mentioned reports. Even though it is true that trafficking is an underreported crime the evidence shows that none of the cases involved the recruitment of Argentinean nationals to be trafficked overseas, which means that Argentina is not a source country for international trafficking.

With the data of the 52 court sentences one can reaffirm the UNODC report. More than 60% of the trafficked victims¹³² were foreign nationals that were either recruited overseas and exploited in Argentina or were received or harbored in Argentina for commercial sexual exploitation.

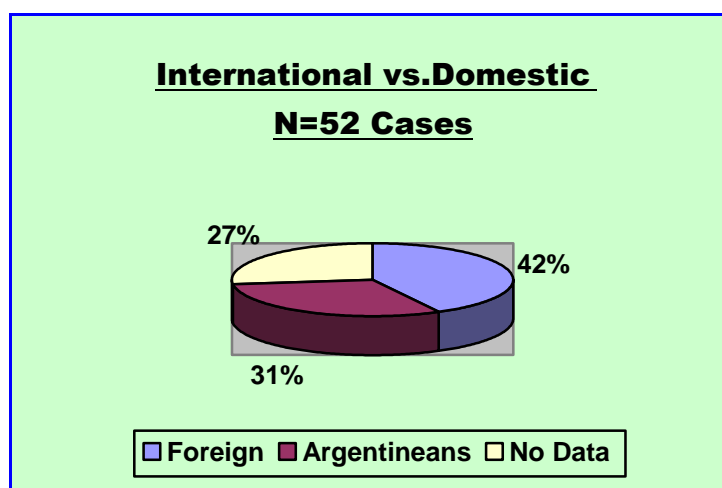
Figure 12. Nationality of the Victim



¹³² The victim's condition was considered at the beginning of the investigation. Thirty two of them were not considered victims anymore at the end of the investigation for different circumstances (some cases were acquitted for that circumstance); some of them testified that they had consented to work in the sex industry and others that they were sexually exploited but not trafficked since they were allowed to leave the brothel every day. However, for statistical purposes, it was considered that all women "prima facie" trafficked, unless otherwise noted.

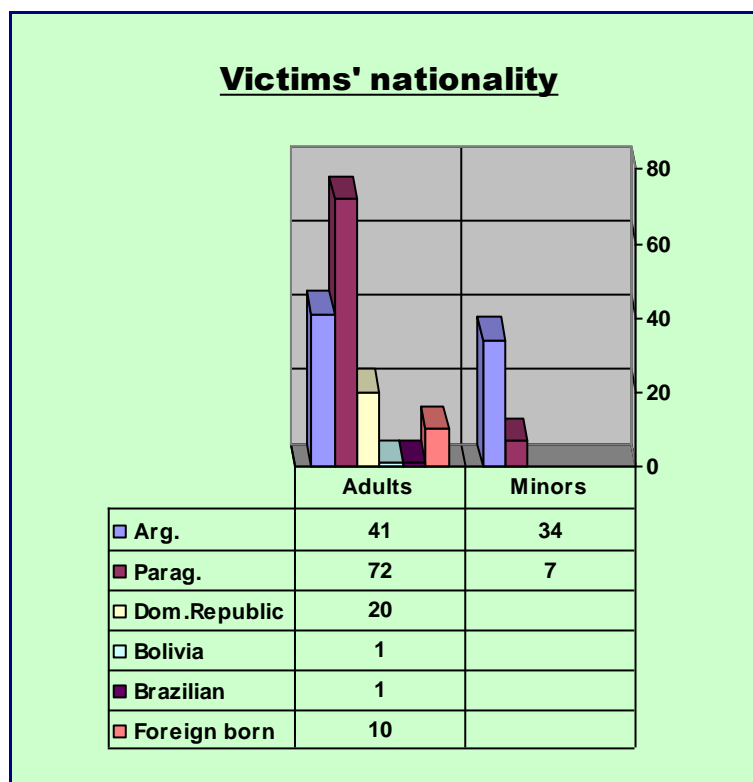
In terms of number of cases, almost in half of them, foreign women were trafficked; in some cases those women coexisted with Argentinean nationals. Note that in one case it could be one or more victims, Argentines and foreign nationals. If that was the case, it was catalogued in the foreign victims' percentage in the Figure 13. In 14% of the cases there were no data of the nationality but it can be presumed that they were Argentines; otherwise their foreign condition could be inferred from the reading of the verdict.

Figure 13. Percentage of cases based on the nationality of the victim



Most foreign victims came from neighboring countries, and were adults. The remaining 40% of the victims were Argentinean nationals who were recruited, transported and exploited domestically, involving adults and minors in similar proportions.

Figure 14. Amount of Victims by place of birth



It is important to highlight the difference seen with regard to the minors. The number of Argentineans minors trafficked domestically is much higher than for those who are foreign born. From the court sentences reading (N=52) most of the adults were Paraguayan women who crossed the border with corresponding ID's, and in the case of the Dominican women they crossed with their passports. However, there were some cases which involved illegal entry into Argentina because of lack of proper documentation. In the case of minors the regulation is different; they can only enter Argentina accompanied by their parents, a legal guardian or a legal or court permit or authorization which makes it much harder and riskier for traffickers to get involved in the smuggling of minors.

Only 7 minors were trafficked from Paraguay, some of them were recruited there and transported and exploited in Argentina and others were only received or

harbored in Argentina for commercial sexual exploitation. The following excerpts show the situation of the Paraguayan minors trafficked to Argentina.

Case#16: The Prosecutor had proven that the victims were poor women [adults and minors], mostly undocumented women who accepted job offers in their home country –Paraguay- to be transported to our territory, getting inside illegally into the province of Misiones and then transported to the city of La Plata where they were harbored in the basement of the place that was searched, providing sexual services to the clients from the time the brothel opens until it closes without interruption even if they had physical pain, sickness or another similar situation. Their freedom of movement was restricted as well as access to their own money. Also they were constantly under threat in order to ensure their stay in the place (p.5).

Case#26: With regard to the minor..., the authorization to travel abroad is safeguard in the Secretariat of the court... celebrated on X date....in Ciudad del Este, Republic of Paraguay, where ‘X’ and ‘X’ [parents of the minor] authorized the minor to travel with the accused to Argentina, for touristic purposes and for a period of ninety days.... (p.5). The minor was 17 years old.

Case#34: The case was initiated by a routine control by Gendarmería National in the province of Misiones and “... after requesting the identification of the passengers, two young Paraguayans were detected and they were identified as X an 18 years old and X a 16 years old who admitted that they had just escaped from a brothel in the locality of XX and that were taken there by deceit. They were told that they would work as cleaning ladies in a commercial store. They were transported the previous day from the Republic of Paraguay through a non legal port of entry by canoe driven by their uncle X; once in Argentinean territory, a car was waiting for them.....” During the trial stage, it was not clear how the minors got into Argentina and the uncle was declared not guilty, but other defendants were convicted for all the stages of trafficking (recruitment, transport, reception and harboring) and one of them also for the smuggling of the minors.

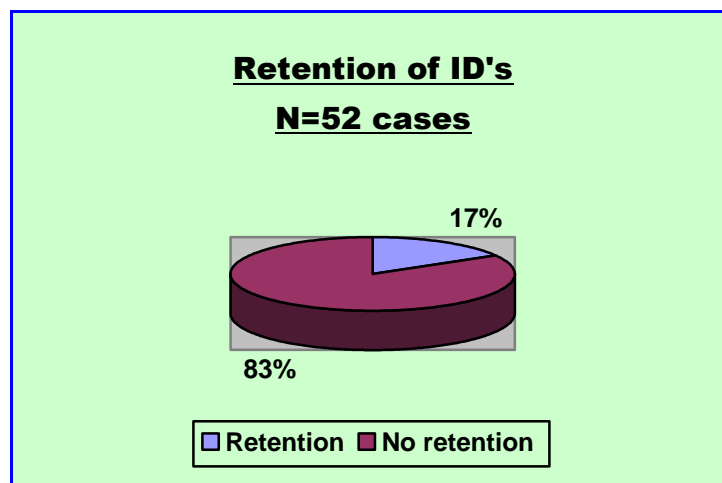
Case# 39: One report states that a minor came to Argentina. “She was motivated by the need to help her family since they were not able to afford the cost of medicine and surgery that her mother needed...” and “...her father...can’t work since he has kidney problems.....” She added that “...in May of 2009 she had been told by her neighbor named X to come to work in Argentina.....” She explained that “....even though in that moment I didn’t know what “*copas*” [drinks] and “*passes*” [sex for money] meant. I knew what prostitution was “you sell yourself for money” I thought I could earn a lot of money. I thought of my family. I thought I will be back in a month” (p. 18/19). An authorization to travel abroad given to her by her parents was found in the search warrant.

Case# 40: Both minors (16 years old) had their authorization to travel abroad.

Retention of ID's

The retention of ID's is a coercive tool used by traffickers to negotiate the liberation of the victims once they have paid in full the debt incurred from the transportation, food, clothing, etc. In the mind of the victims, the fact of not having their own ID's makes them quite fearful not realizing that their ID can be replaced, even the foreign ones. The fear is higher in foreign victims because they believe that without their ID, it would be impossible to return to their home country. The analysis shows that in 9 out of 52 cases the ID's were retained.

Figure 15. Graph showing the percentage of cases where the ID's were withheld



To illustrate the effect that this situation has on the victims, the following excerpts clearly illustrate how victims refused to escape from slavery-like conditions because they didn't have their personal documentation. The lack of education and life experience along with their foreign status prevented the victims from seeing themselves as victims and to ignore the fact that they could not be charged for any crime committed as a consequence of their illegal migratory status. In the case of the Argentinean nationals, their lack of education impeded them from knowing that their

ID can indeed be replaced. Note that in each case, there might be more than one victim but only one victim's situation will be cited from the cases that had their ID's retained.

Case #1: Then she said again to 'X' that she wanted to leave, crying, and begging for her ID and X told her that she won't get anything that way, she needed to earn money to be able to return to Paraguay (p.13).

Case #11: There is no doubt that 'X' retained the ID's from the sexual workers and in some cases their children's IDs, as a way to restrict victims' freedom. This situation was seen as an impediment to making a free choice about their future, and 'X' ensured in this way the continuation of the sexual exploitation (p.8).

Case #22: at the end of the search warrant the acting police officers noted the confiscation of nine identity cards from the Republic of Paraguay, two identity cards from Argentina, one note requesting a new identity card, and five migratory cards (p.6).

Case #25: With respect to the minor from Paraguay she said..."when she traveled she had her Paraguayan ID and her travel permit signed by her parents, but when she arrived she gave the documents to the accused" (p.4/5).

Case#26: "...she said that "when she traveled she had her Paraguayan ID and the travel permit signed by her father and mother, but when she arrives here she handed over all the documents to the accused" (p.5).

Case #39: it appears that 'X' noticed her real age because 'she gave her ID to her and she retained it until her trip'....(p.32).

Case #40: this case is very clear in showing how a desperate young Paraguayan woman tried to return to Paraguay by crossing the international bridge without documents. The Court said: "It has been proven that on....2009, a young woman XX, tried to cross the Argentina-Paraguay border on foot through the international bridge "Posadas" without her corresponding documentation.... She explained that in the brothel that she worked in and escaped, from in the locality of XX (Province of Buenos Aires), people in the brothel had retained her ID" (p.17).

Case #45: In the search warrant to the brothel the victim's ID was confiscated (p.3).

Case #52: It has been proven that "X" retained the victim's ID. When she told the story during the hearing, [the victim] said that she once had the opportunity to escape but didn't do it because her captor retained her ID (p.34).

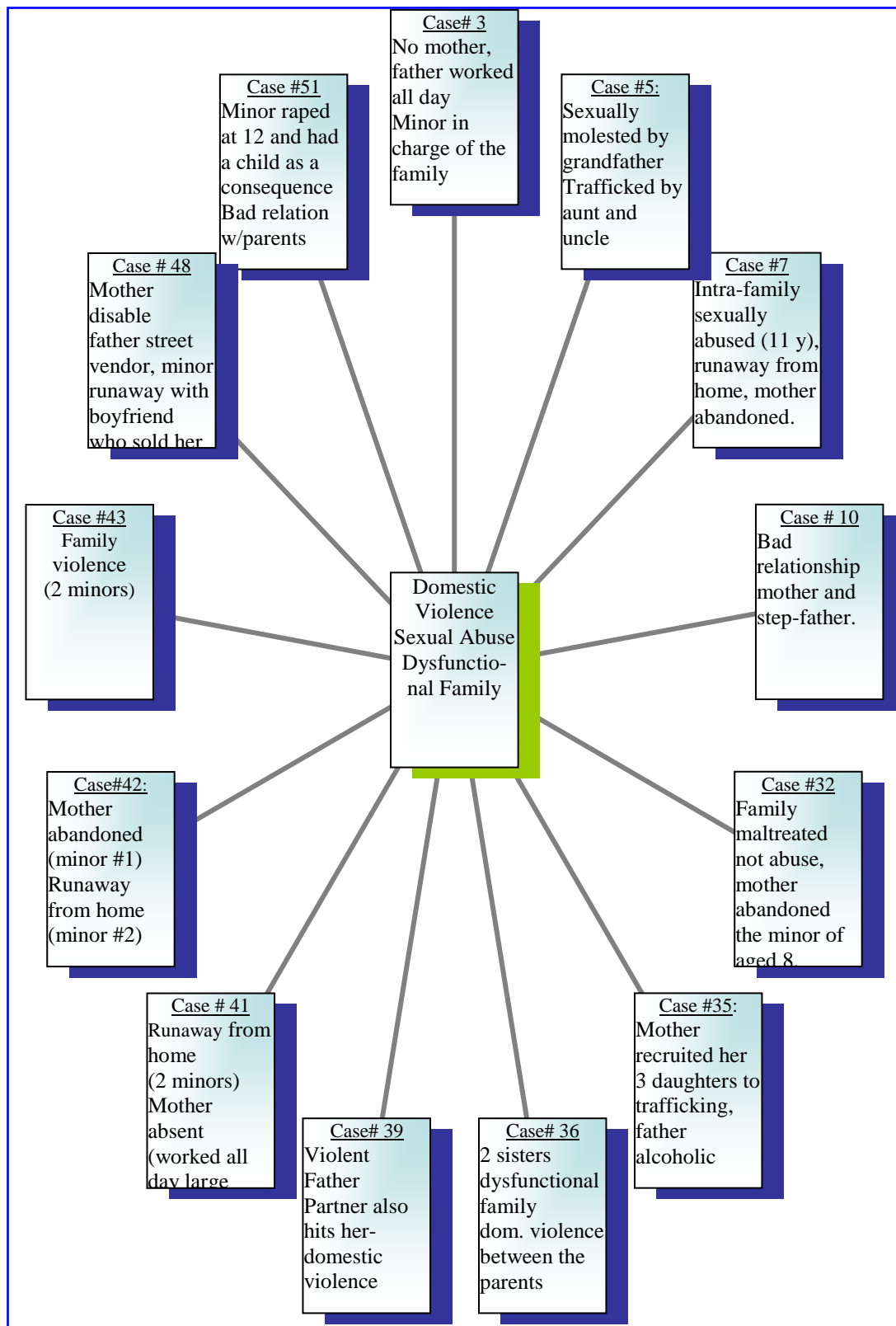
Domestic Violence/Dysfunctional Family

There are common factors that increase the vulnerability of Latin American women to trafficking; these are: the previous exposure in life to domestic violence, sexual abuse and coming from a dysfunctional family. With regard to the minors (N=41 including Argentineans and foreign born), all of them have in common the fact that they are poorly educated, and come from an environment where the basic needs were not met. Not all of the victims have completed their elementary education, some attended high school but none of them have higher education. The percentage of victims who have been exposed to domestic violence, sexual abuse or to a dismantled/abandoned family is very high among the minors; 19 out of 41 minors fit into those categories, thus representing 46.34 % of the total minors trafficked.

In many cases, these minors try to escape from sexual abuse or maltreatment at home and since they don't have the economic resources and a place to go they are easily trapped with false job offers. They then end up in the hands of pimps who exploit them. The following excerpt is very clear in this sense:

It has been proven with a high degree of certainty, that two minor victims, in this case, had suffered situations of violence at their respective families and they didn't want to return to their homes, and also they didn't have a place to go (Case # 43, p.21/22).

Figure 16 shows the situation of vulnerability of the minors (N=19) prior to being recruited and sexually exploited with regard to exposure to domestic violence, sexual abuse or a dismantled family environment. The context from which these minors came from in conjunction with their low level of education and basic needs not fully met made them more likely to become victims of trafficking.

Figure 16. Situation of vulnerability of minors prior being recruited

Methods of Recruitment

One of the big assumptions is that the Internet and the social media play an important role as a recruitment site for girls and women offering them jobs as models, singers, waitress, etc. either to work domestically or overseas. From the reading of the 52 Court Sentences, no victim was recruited by a job advertisement on the Internet, which could be logical if one takes into the account the low level of education and poverty of the victims. It is likely that the victims have never been in front of a computer nor have they had access to the Internet. Furthermore, no victim was recruited to work as a model or singer.

Most of the victims were recruited by deceit with false job offers mostly as cleaning ladies, nannies or waitresses. Some were aware of the fact that they would work in night clubs serving drinks (*copas*) but ignored the sex part of the job. Others knew that they will engage in prostitution but ignored the exploitative side of the work and the debt that had to pay back before being “liberated.”

A great number of victims were recruited or harbored with the purpose of sexual exploitation by abusing a situation of vulnerability, especially foreign nationals and minors.

It has been proven that the use of drugs, as a mechanism to dominate victims’ will, was present in only one victim when she was sexually exploited (positive cocaine in urine test, case #10), and another victim reported that she was forced to use drugs (case # 36).

In only one case was the victim was recruited by an “acting lover” (case #42). Another victim was recruited by her boyfriend who sold her for money (case #48).

It has been reported in a large amount of cases that women and girls were not able to leave the premises of the brothel until they paid back their debt in full. Some

victims testified during the hearings that they were locked in their bedrooms until the owner or manager of the brothel came to open the place.

Many victims reported that they had only one meal per day and the cost of food --which victims had to pay--, was extremely high.

The feminization of poverty is a common denominator and a recurrent factor among the victims. All of the girls and women are poor and low educated, and most of them are single head of household who have young children and other family members to support. The lack to access to a well paid job in their place of residence prompted the victims to accept job proposals even though those offers were far away from home. Their despair and hopelessness made them more vulnerable and made it easier for them to fall into the hands of opportunistic criminals.

The following excerpts illustrate how deceit in addition to the abuse of a victim's vulnerability, was employed by traffickers. Since most of the cases involved one or the other means and some both, only the most representatives' paragraphs will be cited. The court said:

Case #23: The knowledge that the accused had about the situation of vulnerability of the adult women that he harbored in the place comes from, among other evidences, the testimonies given by the victims in the judiciary branch who mentioned that they work in the brothel [*privado*] because they needed the money to support their young children who depended exclusively on them, and also because they had no other way to earn a living (p. 7).

Case #25: Both [the victims] are illiterate and earn very little money in Paraguay. Their homes lack drinkable water, were far away from schools and health centers (p.14).

Case #27: By the time this case was presented (2009) she [the victim] already had two children and today she has three. She doesn't have a partner and doesn't know where the father/fathers of her children live. She was raped at the age of 12, today she is 22 years old and her oldest child is 10 years old. Her other daughters are 6 and 2. Only the 6 years old goes to school. Despite her family context, there is a sense of abandonment...(p. 53).

Case #34: In summary, the four victims testified similarly. The four of them got to the place by deceit with the promise of work as waitresses in a restaurant or pizzeria, or as a domestic servant to clean in family houses or in a commercial store....The four of them felt that their dignity, their moral and physical integrity were injured when they were informed that they would be sexually exploited...(p.11).

Case #36: From the evidence gathered during the trial, it can be said with certainty, that the accused 'X' was in charge of recruiting young girls in situations of vulnerability, girls who lacked their basic needs, who had no education or in the best scenario with a partial elementary school education, without the possibility of finding a job in their town, and 'X' send them to XXX –CORDOBA-, or he came to pick them up with whom has a family relationship. Their first destination place were "whiskerys" [drink places] in the province of CORDOBA with the purpose of exploitation, and from there were transported to different places of the country (p. 44).

Case #46: [The report of the Office to Rescue and Assist Victims of Trafficking said:] "All the women who were interviewed were adults, six of them were Dominican nationals and one Argentinean...All the women from the Dominican Republic arrived in Argentina by paying their travel expenses with resources they had...The majority of the women who were interviewed, except one, had offspring to support – not living together in some cases. These women were the only support of the house (food, rent, nannies, etc) and to their own necessities. The majority of the women interviewed were initiated into prostitution in the brothel that was searched.The professionals said, among other things, the following consideration: "...All of the women who were interviewed said they were the only head of household, having children or relatives to support, some at the youngest age. They stated that the help from family members or former partners was not enough to cover their basic needs. It is factually relevant that almost none of the victims had completed the formal education or job specialization, and had little or no possibility of getting a job in their home town. In addition, when they migrated to Argentina, they did not have the documentation to get in the labor market" (p.8/10).

Organized Crime or a Crime that it is Organized

One of the principal discussions in the sex trafficking literature, as was previously mentioned, whether or not sex trafficking is the business of an organized crime group, or whether it is more correctly characterized as simply a crime which is organized. One major assumption with regard to Argentina is that the traffickers are

members of complex criminal organizations, as the Special Rapporteur Joy Ngozi Ezeilo stated after her mission to Argentina:

Trafficking networks in Argentina range from complex organizations operating at every stage of the trafficking process (recruitment/abduction, transportation and exploitation of the victims) to brothel owners who recruit or abduct victims directly to exploit them in their own establishments or to sell them to others. As these operators are well connected, the same victim exploited in a province can then be easily transported to a brothel in Buenos Aires, or abroad. The participation of corrupt public officials and police officers facilitate the running of these networks (p.4).

From the reading and analysis of the 52 court cases, it can be concluded that there is no mention, in any of these cases, of the involvement of transnational organized crime groups or gang affiliations. The accused in the majority of the cases were owners or managers of brothels in their different modalities (whiskery, nightclubs, *privados*, etc.); or they were facilitators of the crime, recruiting victims for their own use or for others. Consequently, it can be said that the traffickers in these cases acted as individual criminal entrepreneurs with no discernible connections with any organized crime group.

There were cases, however, when the operators were well connected with other brothels elsewhere in the country, where victims were sold and transported in order to be sexually exploited. The data suggest that the recruitment, transportation and exploitation in some cases required some degree of organization. Thus, the “*modus operandi*” is more that of a crime that is organized rather than an organized crime. In the cases that involved transnational trafficking to Argentina, especially from Paraguay, it is easier to discern the division of labor among the operators.

The following excerpts illustrate the organization of the crimes and the distribution of the roles at the different stages of the trafficking operation.

Case # 24: From the evidence collected during the formation of this case, it has been proven that the accused ‘X’ and ‘XX’ traveled to the Republic of Paraguay to recruit the victims of this case, and also, that

those people were personally in charge of their transportation to Argentina....With regard to 'X'[victim].....and in relation to her entry to Argentina she said that it was in January of 2008, and walked through the crossing border with ten other women, a van was waiting for them on the Argentinean side, and there was 'XX', partner of 'X', and once he saw all of them he left; the women went to the van and were transported to ...(p.16).

Case #25: ...it has been proven that between the days 18 to 29 of July of 2008, 'X' who is 28 years old and 'XX' who is 22 years old, both Paraguayan nationals, were recruited in the city of Caaguazú by deceit and by taking advantage of the victims' vulnerability. They were told of a well paid job offer that were false and promised eventual economic progress. For this purpose, they were promised work in an institution that cared for the elderly in the city of Buenos Aires....they traveled to our country without company, but with the bus tickets already paid for by those who had been working on their recruitment....Once they arrived at the Bus Station in Retiro in the most absolute abandonment and loneliness, without money and without knowing the place and after waiting for more than four hours the victims were transported by a couple in a car ...to....place where they were sexually exploited. It is important to clarify that a threat was employed against the victims that include their young children who remained in Paraguay in the care of one of the sisters of their recruiter and also the used the threat of physical violence to break the victims' will (p.8/9).

Case # 36: The prosecutor said: "this criminal group, as many others, was very well organized, moved the girls from one place to another, every time farther from their families, long distant, they moved them first through different brothels as a strategy and a method to break their will and then it became a custom" (p.12).

The Court said: "As it was uncovered in the testimonies of the victims and evidence in the judicial process, the accused 'X' (father) and 'XX' (son) worked exploiting women in an organized way, which means, by common agreement, they contacted the victims from other places, took them to the whiskery by deceit and forced them to prostitute in their place, in the rooms that were located outside in the back. All of them had a role, 'X' (father) was the owner of the place, 'XX' (son) was in charge of the transportation of the girls and 'XXX' (women) was the manager of the store. From the mentioned evidences, the three people had a total control over the victims" (case #36, p.39).

Trafficking Routes

All the reports and publications about sex trafficking in Argentina, that were described in the literature review, mentioned the north of the country,

especially rural areas, as the recruiting site with more incidence of girls and women; and metropolitan areas, the province of Buenos Aires and the south of the country as the destination places for sexual exploitation.

The reading of the 52 verdicts is highly consistent with this fact. The following map shows the trajectory of the victims from the site of recruitment to the province of exploitation (marked with the number of the case). Not all of the stages (recruitment, transportation and reception/harboring) occurred in every case and in every victim; and, the map only shows cases where victims were recruited in one place and exploited in another province, and women who were originally from one place and were harbored for exploitation in another province. Cases where the recruitment, transportation, reception/harboring or exploitation took place in the same province were excluded from the map. The map shows the north of the country as the major site of recruitment, the province of Buenos Aires as the major site for harboring trafficking victims for sexual exploitation, as well as the south of the country but with fewer incidences.

From the reading of the court sentences, it can be said that the operators moved women, sometimes more than 1,000 km from their place of residence, as a strategy to isolate and debilitate the victims' resistance. Victims were placed in provinces where they didn't know anybody, didn't know the place and traffickers were the only connection with the exterior world. Thus, they had to totally rely on traffickers.

Except in one case, all foreign women were exploited in the province of Buenos Aires.

The following paragraphs illustrate the trafficking routes and how the movement of women from one province to another one impacted in victims' life.

Case #11: With regard to the accused 'X', she was the real owner of the night-club ..., place where she harbored the women that either she personally moved or another person moved on her behalf from the north of the country, more precisely from the provinces of Salta and Jujuy, with the help of her friend and partner in this business 'XX', who did the preliminary work to choose the future victims of trafficking. He then turned them over to 'X' for a sum of money. It is necessary to analyze together the criminal act from both accused, since as I stated previously, 'XX' was the one who did the recruitment of people, in the Northern provinces with the purpose of sexual exploitation (p.4).

Case #37: The Court said: "...the victim was transported to a distance of more than 3,000 km from her home, being recruited with the purpose of sexual exploitation and forced to prostitute by abusing a situation of vulnerability" (p. 66).

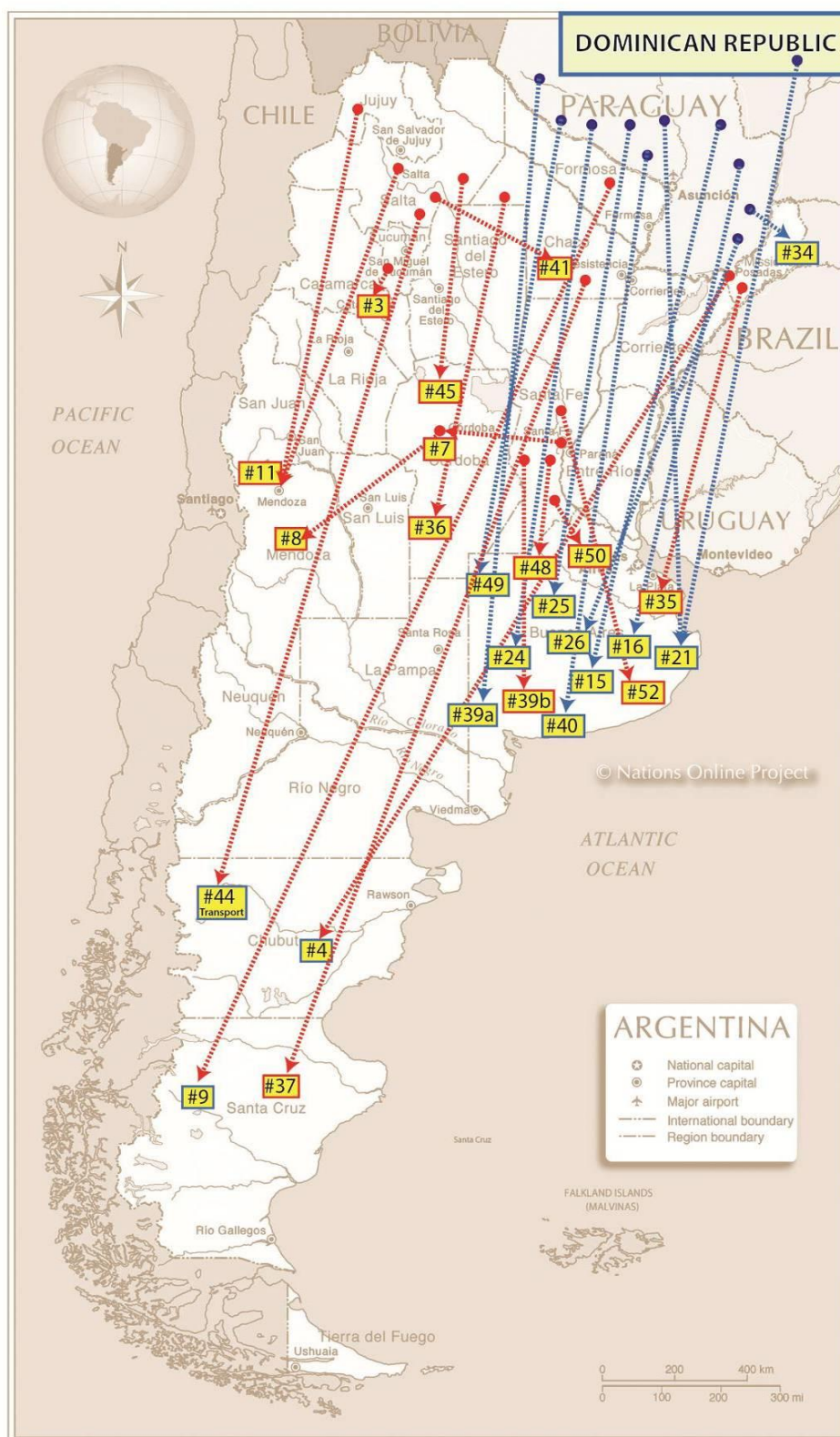
Case #44: It has been proven in this case, that the accused 'X' and 'XX' transported the victims from one point to another, from the city of Orán to Gral. Güemes, with the purpose of moving them to the south of the country with the intention of exploitation" (p.28/29).

...What has been stated illustrates without doubt the situation of vulnerability of the victims. The accused clearly took advantage of that situation. They took into account that the victims came from families with low resources, that they had to work since childhood, and that family members helped them in order to survive and support their children in some cases. All of this was known by the accused...(p.32).

Case #52: The Court said: "...that the place of exploitation chosen by 'X' [the accused] is located hundreds of kilometers away from the victim's home, this is –clearly- with the sinister purpose of isolating the victim from her family and relatives in order to insure that the victim is not able to rely on any one other than the perpetrator" (p.35).

Figure 17. Map showing the trajectory and the movement of victims across

Argentina for commercial sexual exploitation



Brazil

This analysis was conducted utilizing court sentences from the UNODC Human Trafficking Case Law Database. It was a challenge to gather information on Sex Trafficking Court Sentences from other sources besides the mentioned database since no Brazilian agency or institution is in charge of gathering and centralizing judicial decisions. Indeed, the TIP Report (2012, Brazil) states that “data collection on trafficking prosecutions and convictions continued to be a challenge.” It is important to mention that the UNODC Case Law Database containing court sentences from Argentina was not up to date in comparison with the Prosecutor’s office’s webpage (UFASE); thus, the latter was employed for the purposes of this study.

The Human Trafficking Case Law Database is composed of 34 rulings from Brazil, and as shown in the chart below, the rulings included in the sample group are mainly concern sex trafficking (N= 21) with one exception. One ruling included in the sample concerned charges for recruiting workers, through fraud in order to take them to a foreign territory and for favoring prostitution or other forms of sexual exploitation. Rulings related to labor trafficking, illegal adoption and enticement for the purpose of migration were excluded from the analysis. Also, there were some *habeas corpus* from ongoing investigations that were excluded, except two (BRA026 and BRA027) that are included in the analysis as they concern the “*modus operandi*” of a highly organized group in charge of trafficking of women across borders. However, those cases are excluded from the quantitative analysis. The date of the verdict is also listed in the chart, as well the name of Court. The list of court sentences can be found in Appendix B.

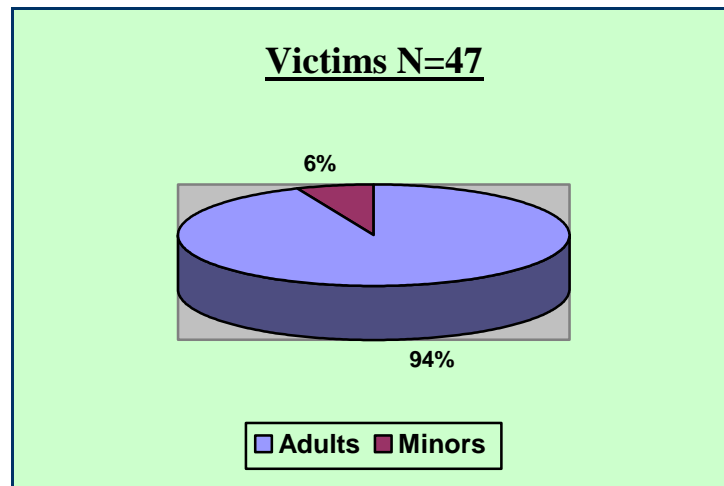
All cases will be identified by the case number, during the analysis. Personal data from the victims were already excluded from the sentences, and personal data of traffickers are not included in the analysis. In instances where it was necessary to utilize personal identifiers, those involved were referred by their initials or using the letter 'X'. No addresses of brothels or places where trafficked victim were exploited are mentioned in this research.

*Major Findings*¹³³

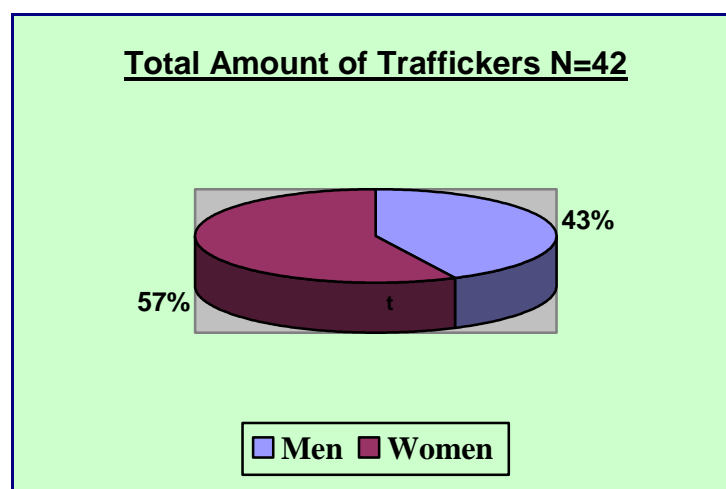
The Brazilian court sentences contain much less information about the victims than the Argentinean Court Sentences. Sentences do not describe the level of education, the family composition, the previous exposure to domestic violence and/or any other of the victim's personal characteristics. Furthermore, very few sentences state whether the victim was an adult or a minor. Lacking substantial data, it is not possible to create a detailed profile of the victims involved in the studied cases. However, it can be said that all of victims were Brazilian and female.

From the sample group (N=21), 47 Brazilian women were recruited in Brazil, and none of these women were foreigners. Though, that number is imprecise, since four Court Sentences (BRA004, BRA007, BRA012 and BRA018) stated that several women were recruited in Brazil, but did not specify the number of people. In BRA018, the recruitment of men is also mentioned. Apparently, at least 3 of the 47 victims listed were minors, but this number is also inaccurate since the victim's age was not given in every case.

¹³³ All Brazilian Court Sentences were written in Portuguese and the translation into the English version is unofficial and it was made by the author.

Figure 18. Percentage of Victims by Age

In the sample under analysis (N=21), 42 traffickers were identified. Of those 42, 24 were female and 18 were male. The percentage of female traffickers is much higher in Brazil than in Argentina (57.14% vs. 39%). Most of the defendants in the Brazilian cases worked in the recruitment stage while in the Argentinean cases most of the prosecuted traffickers were from the exploitation sites, which in general are run by men. The difference of where those people were prosecuted and the stage in which they worked may affect the difference seen in the percentage of men to women.

Figure 19. Amount of Traffickers by Gender

The nationality of the people accused in the Brazilian cases includes a variety of nationalities that was not seen in the Argentinean's Court Sentences where most of the accused were local people. In Brazil the situation is completely different. With regard to the females, 20 out of 24 are Brazilian, while the remaining 4 is unknown. The nationality of the males encompasses 7 Brazilians, 4 unknown and the remaining 6 Europeans.

In the sample of traffickers under study, the analysis identified the fact that most of the women defendants were convicted (16 out of 24, 7 acquittals and the case has been closed due to the statute of limitation with regard to 1 defendant). All accused males who were brought to justice were convicted (12 out of 17) except 1 foreigner who did not appear at the criminal court, two foreigners had different cases established since they live abroad, 1 died during the investigation and 1 had the case closed due to the statute of limitation. No males were acquitted.

Geographical Distribution of the Court Sentences

The composition of the sample of court sentences (N=21) is as follows: 5 are from the State of Ceará (northeast), 1 from the State of Minas Gerais (southeast), 1 from the State of Rio de Janeiro (south), 10 from the State of Sao Paulo (south), 2 from the State of Pernambuco (northeast), 1 from the State of Santa Catarina (south), and 1 from the State of Mato Grosso do Sul (mid-west).

Even though there is no information describing the criteria which was employed in order to include or exclude a verdict into the UNODC Human Trafficking Database and if there are more sentences than those that were already uploaded, it is important to mention that the geographical distribution of the court sentences is highly reliable with the literature that indicates the States of Ceará, Rio

de Janeiro, Sao Paulo with most trafficking activity. From the 21 sentences in the sample group, 16 of them belong to the States of Sao Paulo, Rio de Janeiro and Ceará, and 2 more to another northeastern state that also is a region with intense trafficking activity.

Government Corruption

As was previously stated, the role of governmental corruption is a crucial factor when it comes to determining the involvement of human trafficking of a country. A research conducted by Studnicka (2010) who stated that human trafficking for commercial sexual exploitation in Brazil “is not only related to levels of official corruption but also dependent on official corruption.”¹³⁴ The author found in her research that corruption and human trafficking are strongly correlated. However, no case from the sample group mentions the involvement of police or law enforcement officers’ compliance or connivance with traffickers. In addition, no victim mentioned the payment of bribes or police presence at the time of recruitment; but it does not necessarily means that it doesn’t exist. It is likely these cases did not make it into the judicial system. These findings are consistent with the 2012 TIP Report (Brazil):

Credible NGOs continued to report instances of serious official complicity in trafficking crimes at the local level, alleging that police continued to turn a blind eye to child prostitution and potential human trafficking activity in commercial sex sites. There were no reports of investigations, prosecutions, or convictions for official complicity involving sex trafficking during the year.”

¹³⁴ Studnicka, Andrea Cirineo Sacco “*Corruption and Human Trafficking in Brazil: Findings from a Multi-Modal Approach.*” European Journal of Criminology, January 2010, Vol. 7, N. 1, pages 29-43. See at: <http://euc.sagepub.com/content/7/1/29.abstract> and at: http://www.mpdft.gov.br/portal/index.php?option=com_content&task=view&id=2217&Itemid=93 accessed on December 8, 2011.

Scope of Sex Trafficking: International vs. Domestic

The Global Patterns Report (UNODC, 2006) placed Brazil as a recruitment site with high incidence and with very low incidence as a destination country. Other reports estimate that Brazil is one of top three countries with women working overseas in the sex industry; the exact number is uncertain but some authors consider that there are about 75,000 Brazilian women working in prostitution mostly in Europe (Langberg, 2003; Pellegrino, 2004; World Migration Report, 2005). The analysis of the Court Sentences is highly consistent with that. All the cases involve international trafficking or attempted international trafficking of Brazilian women for commercial sexual exploitation to different destinations with flows mainly to Europe. None of the cases reveal Brazil as a destination place for foreign victims or Brazilian nationals. Only one ongoing investigation (BRA026) consists of both, domestic and international trafficking being the rest international.

Table 19. Chart illustrating the international routes from Brazil to foreign destinations

Case #	Trajectory-International Trafficking to:
BRA001	Saragoza, Spain (Attempt)
BRA003	Paris, France to Tel Aviv (Israel)
BRA004	Germany
BRA005	Spain
BRA007	Lisbon, Portugal
BRA008	Fortaleza (BR) to Spain
BRA010	Portugal/Germany/Switzerland
BRA011	Recife/Sao Paulo (BR), Paris, Spain (Bilbao)
BRA012	Italy and Japan
BRA015	Athens, Greece
BRA016	Spain
BRA017	Spain
BRA018	Viseu, Portugal
BRA019	Spain
BRA020	Rome, Italy
BRA021	Burgos, Spain (Attempt)
BRA022	Spain
BRA024	Bolivia (Attempt)

BRA025	Las Palmas, Spain (Attempt)
BRA026	Ongoing investigation; domestic and international trafficking to Middle East, Europe, Caribbean and Uruguay.
BRA027	Ongoing investigation; domestic and international trafficking overseas: one case to Durham Tees, England.
BRA031	Switzerland
BRA302	Spain (Attempt)

The findings of the court sentences coincide with the 2012 TIP Report which stated that there were no reports of prosecutions or convictions for internal sex trafficking during 2011 nor were there any reported convictions for this crime in 2009 and 2010.

Retention of ID's

The retention of the victims' passport was not mentioned in every case but it doesn't necessarily mean that it didn't happen. Brazilian sentences did not contain relevant information about victims' personal circumstances either before being recruited or afterwards. It is important to remember that the Brazilian legal definition of trafficking did not require as constituent elements of the crime, how and in which circumstances the victim was recruited, transported, etc. (the means).

Methods of Recruitment

From the Court Sentences' sample (N=21), in 8 cases the recruitment involved fraud and deceit. Those women were recruited in the belief that they would work as nannies, waitresses, maid, receptionists, in hair salons and dancers overseas (BRA003, BRA005, BRA008, BRA011, BRA012, BRA015, BRA022, and BRA031). In 2 cases, the verdict did not identify who the victims were and how they were

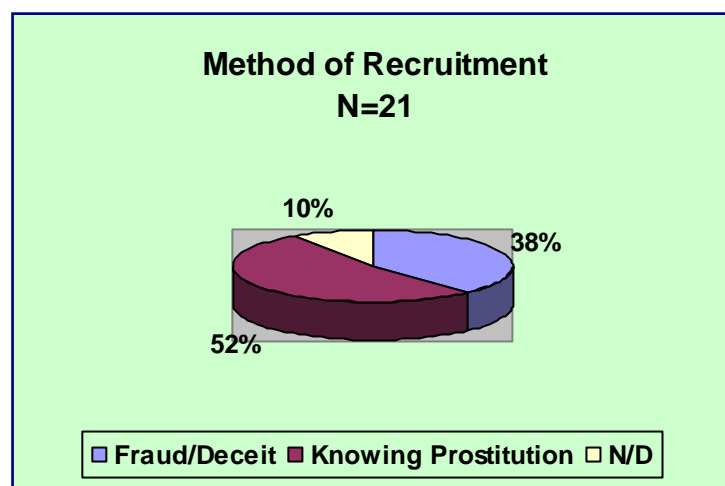
recruited since it involved the recruitment of several women. In the remaining 11 cases, the trafficked victims knew that they would work in nightclubs in the sex industry. Furthermore, most of them had already worked in the sex industry doing “*programas*” in Brazil. Even though the prior exposure of the trafficked victims into the sex industry is irrelevant at the time of evaluating if the crime of trafficking of human beings has been committed or not, one Court interpreted, surprisingly, the other way around. It said that the prior experience of the victim as a prostitute should be considered as an alleviating factor in favor of the defendant. This stigmatization is similar to when a woman is beaten by a man and it is then justified afterwards because ‘she did something to deserve it.’

The behavior of the victim in certain way helped to the commission of the crime since she already was a prostitute in this city and decided to go to Europe with the purpose of prostitution; only that she didn’t know that she will be kept locked, thinking that she would have the option of accepting or rejecting programs (sex services). This circumstance must lead in favor of the accused (BRA010, p.13).

However, another Tribunal interpreted the other way around,

It is not important if the victim was or wasn’t a person dedicated to prostitution in J. P. [Brazil], or if she was or wasn’t aware of the nature of the activity that she would do in Spanish territory. This type of crime does not require necessarily fraud as an integral element of the crime...(BRA011).

Figure 20. Method of Recruitment



One assumption with regard to how the recruitment process takes place in Brazil and how the victims are chosen is that the victim has no previous relationship with the recruiter when a large amount of trafficked victims are involved. In other instances; the victim does have previous relationship with the trafficker (Colares, 2004).

The sample under analysis (N=47 victims) shows that only 6 victims had a family relationship with their recruiter, and the remaining victims made the connection in nightclubs in Brazil or were referred by other Brazilians that already left Brazil to work in prostitution overseas. Word of mouth was a common mechanism to organizing the first contact.

The following excerpts illustrate how women were recruited in Brazil;

....the victim met the accused S.V. at the beach do Náutico where the night clubs X and X are located; according to the victim the accused talked to her in those night clubs and mentioned to her the possibility of traveling overseas; since it is known that some women that go to those night clubs traveled overseas mainly to Spain, the victim got an invitation from S. to travel to France since her husband named A. has a restaurant and she would go to work as a waitress...(BRA006).

...the accused was intercepted by the Federal Police in the border Brazil/Bolivia, while he was driving a taxi car in direction to the later country with two women as passengers [victims] with the purpose that they would work as prostitutes in the night club "X," located in the city of Santa Cruz de La Sierra , Bolivia." "...the victims' testimonies reaffirm the mentioned documentation when they said that they were going to the city of Santa Cruz de la Sierra/Bolivia to work in prostitution in the night club where their friend named X worked (BRA024).

It is stated in the accusation that the defendants X and XX recruited the victims 1, 2, 3, and 4 from night clubs from the center of the city of Sao Paulo to exercise prostitution in Spain. The accused promised to the victims a monthly income of US4, 000 (four thousand dollars) and as well the expenses and all they need to embark (BRA032).

None of the victims were recruited using newspapers ads or the Internet; there was no case involving kidnapping and “marriage agencies.” However, there are “second wave” recruiting which involves former trafficked victims or victims returning to the home country to recruit more women to feed the sex industry (Dunlop, 2008). The following excerpts illustrate the past life experience of some Brazilian recruiters:

BRA008: The charge, dated 2001, states that accused might be responsible for the recruitment, promotion and facilitation of the output of several Brazilian women, residents of Fortaleza, with the purpose of engaging in prostitution in Spanish territory where she lives with her husband named....being both owners of a bar ... (p.1).

[The defendant said during the trial] that “she lives in Spain since 1998, clarifying that in 1997 was invited by S. and A. to work as a dancer in Israel, once she got there was forced against her will to prostitute herself, after a few months and after learning some words in Hebrew got help from the Brazilian consulate....and got back to Brazil to.....; once there she experienced a situation of misery and poverty while living with her mom, two sisters, one brother and two nephews.... Because of difficult economical situation she accepted again another invitation from S., by the end of 1998, but at that time she was aware that she would work in prostitution in Spain, in the city of Badajoz in the nightclub A.; after two months she was sold to work in the brothel of B.; she said that stayed in that activity until 2000 when she met her husband...; her husband is a police officer for the last twenty two years....”(p. 25).

The defendant denied the charges and was convicted to 42 years of prison for international trafficking and favoring of prostitution with fraud, both crimes regarding the two victims, her cousins. This sentence possesses the highest years of imprisonment among the entire sentences’ sample.

BRA011: The accusation states that on July 23, 1998 the accused facilitated and promoted the output of the victim....from national territory with the purpose of exercising prostitution in foreign territory. It is stated in the denunciation that the accused promised employment to the victim in the city of Bilbao, Spain where her boyfriend owns a cafeteria, place where she can work as a waitress. Seduced by the promise, the victim received the plane tickets, the passport issued on previous days, and embarked from Recife to Paris via São Paulo, where she continued to Bilbao with other three Brazilians. The reality was completely different since they were taken to a night club XX from X where the victim adopted a different name and was forced into prostitution (p.2) ...she said [the defendant] that used to do “programs” [sexual services] abroad, where she met her current husband...(p.4).

The defendant was convicted to 5 years, 1 month and 20 days of prison for international trafficking

BRA019: It is stated in the police investigation that between 1996 to 2002, the defendant X, with intention to profit, promoted the output of Brazilian women to foreign territory with the purpose of prostitution...This case with the testimony of one of the victims named XX said that the defendant invited her to make “*programs*” in a Casino, located in the city of Castellon De la Plana, in Spain (p.1).

[The defendant said] “In 1993, I went to work in Spain in a Club to make “*programs*.” A woman named XXX, from a place X in São Paulo that I met through a newspaper’s advertisement made me an offer. She gave me everything to embark and then in Spain I had to pay back the debt. After two months I met a Spanish man named X. He paid the debt and took me to live with him. I got pregnant and we came back to ... [Brazil] in 1995 so I could give birth to my first son. After that, he returned to Spain and I stayed in Brazil for 3 years. Then I went to Spain and lived with him until 2000. I returned again to have our second child. My first child stayed with my mother. I keep my relation with X and he comes once a year to Brazil. [...] They [the victims] told me that they would go to the same city where I lived in Spain, called Castellon de Plana” (p.5). The defendant was convicted to 4 years and 6 month of prison, for the international trafficking of two victims and for the attempt to trafficking of one of them on another occasion.

The analysis of the Court Sentences shows that there are two types of woman who were recruited: one who is more naive and easily deceived with false job offers, and the other one who believes that she is in control of the situation and accepts to prostitute herself in a foreign country with the conviction that it is easy money. However, even though those women who had originally consented to travel abroad to work in the sex industry they were not aware of the extent of their working conditions, the debt that has to be repaid in full in order to ‘get back their freedom,’ as well as the eventual exploitation and violence against her and her family members.

Sex Tourism

Sex tourism is on the rise in Latin America and Brazil is considered the second world destination for sex tourism.¹³⁵ The Northeast region of Brazil is believed as a

¹³⁵ Petrini, Carmen “*Argentina: Alarmante aumento de la explotación sexual*” in Alianza por tus Derechos, bulletin #793. See at:<http://alianzaportusderechos.org/article/argentina-alarmante-aumento->

probable destination for sex tourism due its amazing beaches, which have luxurious resorts and attract large amount of tourism.

The report of the Northeast region shows a possible connection between sex tourism and trafficking since the cities of Recife (PE), Fortaleza (CE), Salvador (BA) and Natal (RN) not only are considered major trafficked destinations, but also the cities that receive a greater number of foreign tourists. Some investigations and criminal proceedings contain information on the existence of trafficking in women to Europe (PESTRAF- National Report, 2002, p.64).

Only one case (BRA004) from the sample group refers to sex tourism. The case is very interesting since it was discovered though “Operation Mucuripe” when an organized criminal group formed by 2 German males and 4 Brazilian women were charged for committing several crimes involving sexual tourism. The scheme was as follows: In Brazil, a representative of a club based in Germany, provided sensual and naked photographs of Brazilian women for its two websites. The club sent tourists to Brazil where they can have sexual services with Brazilian women and it also provided Brazilian prostitutes in Europe; in both cases the woman could be selected in advance from the two websites. The chief of the organization was based in Germany and another German man and local Brazilian women were in charge of recruiting the potential victims in Brazil, taking their pictures, sending them to Germany so the chief of the organization could fill the websites, as well as receiving and giving support to the European tourist, the “johns,” in Brazil. This case took place in the northeast region of Brazil, and shows a highly sophisticated “modus operandi” based in two countries with a defined distribution of roles. Technology and the Internet were employed as supporting components of the structure of the crime.

[de-la-explotacion-sexu/](#)accessed on March 12, 2013, citing the report “Explotación sexual: prostitución y crimen organizado” from the Scelles Foundation.

Organized Crime or a Crime that it is Organized:

Sex trafficking in Brazil, quite differently from what it is happening in Argentina, is highly organized, sophisticated, employs technology in order to offer the trafficked victims to a vast potential “johns,” and it can be said that it is a crime committed by Brazilian nationals but funded mainly by foreigners, as Colares (UNODC, 2004) already stated. There is a connection between Brazilian and foreigners recruiters in establishing networks for sexual exploitation in the receiving countries, mainly in Europe. Women were usually in charge of recruiting other women and girls and for promoting or favoring their work in prostitution abroad. In many cases those women recruiters work in conjunction with their partners that have brothels in Europe, and those foreign people were not reached by the Brazilian Legal System. They remained unnoticed and are able to continue funding and organizing the illicit enterprise of selling and exploiting unfortunate women. All of the cases mentioned that traffickers from overseas provided the resources to the victims; such as, plane tickets, travel expenses, and clothing. Lately, victims had to pay back in full the debt in order to recuperate their “freedom.”

Organized crime organizations, as previously explained, have a structure with a stable division of labor and roles, there is a self-identification with the organization, it has reputation and it operates continuously over time and over crimes which are meticulous planned. It usually involves the use of corruption and violence (Finckenauer and Chin, 2011). The Brazilian Penal Code defines “organized criminal group or gang affiliation” in article 288 as: *“The association of more than three persons, in an organized criminal group or gang, with the purpose to commit crimes.”* There were several cases where the traffickers were convicted for both offenses, the trafficking of human beings and also for being part of an organized

criminal group. However, in many cases even though the accusation was for both offenses it was hard to prove the association for criminal purposes; thus, the accused were declared not guilty for that offense. The following excerpts illustrate how foreign traffickers funded and organized the output of Brazilian women to work in prostitution overseas, and how some of them were part of an organized criminal group.

BRA004: This case was summarized previously (see sex tourism) and some of the defendants were convicted for both offenses, trafficking and for being part of an organized criminal association. The Court said:

In addition, it is noted that the accused were part of an organization with the purpose of committing crimes related to sexual tourism, they had been associated for that purpose which means that they are a group of people immerse in a criminal group activity. The case identified that at least four people that were part of this scheme (p.14).

BRA011: (crime funded by a foreigner)

It says in the accusation that the defendant on July 23, 1998 facilitated and promoted the output of X from national territory to engage in prostitution abroad. The defendant promised the victim employment in the city of Bilbao, Spain where her boyfriend owns a cafeteria, place where she can work as a waitress. Seduced by the offer, the victim accepted the plane tickets, and the passports that she received a few days earlier thus, embarking from Recife to Paris with a connection in São Paulo, where she then went to Bilbao accompanied by three Brazilians (p.2).

BRA020: (crime funded by foreigners)

The defendants in the second semester of 2007, promoted the output of the victims 1, 2, 3 and 4 to exercise prostitution in the city of Rome, Italy, as well as taking advantage of their prostitution and gaining profits. It is said in the case that X, alias X resident from Rome, Italy through the intermediation of XX living in São Paulo, promoted the output of the mentioned Brazilians in order to engage prostitution in that country. The women who were recruited by the accused XX were sent to Italy, and the expenses such as, the round trip ticket, housing, food, cigarettes and telephone were covered by X, alias X who administered the business. It is said also that XX in exchange for the services rendered to X got part of the profits gained for the exploitation of the prostitution of those Brazilians. That money was regularly deposited in the checking account (p.5).

BRA021: (crime funded by foreigners, acquittal to organized crime, conviction for trafficking)

It is clear and the evidence is abundant that the accused bought the plane tickets with money that came from overseas, he transported the women to the airport, had contact with the operators from overseas and it is obvious that such involvement did not fit with his unpractical explanation, being such role significant as a mediator between the women and the operators from overseas... [However] there are not conclusive elements of association, of gang formation between the accused and the operators from overseas (p. 6).

BRA025: (conviction for both counts)

..the accused X, XX, XXX and the victims that would go to Brazil had phone communications several times before the police operation took place ending with the arrest of the accused; all of them were involved such as, in the preparation of the trip, revealing in addition, that they associated to commit the crime of trafficking of women....The association to commit the crime did not only involve the accused X, XX, and XXX but also the foreigner (a woman) IV not being denounced in the case even though she was mentioned in the initial accusation and in the sentence. Since there were more than three members who organized themselves to commit the crime of sending women abroad; the crime of gang activity has being committed...It is evident from the proof gathered in the case that the gang was organized and specialized in sending women to “*programs*” abroad, possessing all the resources for that criminal activity(p. 6/7).

BRA026: ongoing investigation

The “modus operandi” of this criminal organization is interesting since reveals how same operators were part of different bands or criminal organizations that were also independent from each other, and because the trafficked victims were different in each judicial case the accused were charged for belonging in each criminal group.

The scheme was as follow:

X, XX, XXX, and IV were charged by the Federal Public Ministry with association in a criminal organization with the purpose of committing crimes, such as, international trafficking in persons (art. 231, CP), domestic trafficking in persons (art. 231-A, CP), ruffianism and the favoring of prostitution. The initiation of this case was a consequence of Operation Haren, which started from a *notitia criminis* mentioning a supposed criminal organization involved in the trafficking in human being for the purpose of prostitution. This; recruitment and delivery of Brazilians was so that they could engage in luxurious prostitution in the Middle East, Europe, the Caribbean and Uruguay...The existence of five groups or nuclei was proven. This existence

had in common X and XX in more than one group involved in the commission of the crime of international and domestic trafficking of women with the purpose of prostitution, ruffianism and favoring of prostitution being independent from each other, but each of them formed a well defined gang or criminal organization...III and IV were in charge of the international trafficking of women with the purpose of luxurious prostitution in the Dominican Republic (Caribbean) and had a resort named...actually it was a house of prostitution whose owner was III and the manager IV, the Brazilians women were sent there by I and II, hosted and provided sexual services. (...) It is proven, that the four of them worked in harmony and in an organized way in the route to the Caribbean...(p. 1/2).

BRA027: ongoing investigation case #19

It is said in the initial charge that the accused along with the rest of the defendants had associated for the purpose of promoting, intermediating, and facilitating women for prostitution for domestic and international trafficking with direct economic profits. It is also said in the initial accusation that the defendant X (woman) had a database with pictures of naked women or with intimate outfits that were sent by e-mail to clients who requested the service together with a password in order to have access to the pictures. According to the report made by the Federal Police, the accused got dozens of phone communications from Brazilian and foreign clients requesting women to make “*programs*” in another federative state or abroad. The complaint describes that for the success of the criminal activity, the defendant relies on the collaboration of different recruiters who act as follows: each recruiter (*caftan*) had a network of women of “programs” and potential clients...When one of the recruiters needed to send a women for a “program” to some client, they looked at the book in addition to creating a casting with the women from other recruiters. Finally, they made an agreement with the women of the “program”, usually for 50%.

Conclusions

According to the data obtained from the court sentences, sex trafficking occurs differently in the two countries. Not only are victims recruited in a different way but also their circumstances while being trafficked are singular in each country. In Argentina, victims were Argentinean nationals and foreigners that were trafficked, harbored or exploited in Argentina. Argentinean victims were adults and minors in similar proportion. Most of the victims were deceived with promising job conditions

to work as nannies, cleaning ladies and waitresses; and some of them were recruited by abusing a situation of vulnerability. None of the women who were recruited in Argentina were taken overseas for international trafficking; though some of them were taken far away from their place of residence but within Argentina. Conversely, all women who were recruited in Brazil were Brazilian nationals, mostly adults, and were sexually exploited across borders, mainly in Europe. A large percentage of those women knew that they would work in the sex market but were not fully aware of the exploitative side of the work. All Brazilian victims were indebted in going engaged overseas, while less than twenty percent of the victims in Argentina incurred such debt either to go to Argentina or to travel domestically. A large proportion of the Brazilian victims were helped to go overseas to sell sex. Word of mouth was a common mechanism to organizing the first contact with the operator.

Argentina and Brazil have an opposite situation with regard to traffickers' gender. While in Argentina 60% of the accused were males; in Brazil that proportion involved females. Traffickers in Argentina were made up mostly of local people; while in Brazil it included a variety of nationalities. Most of the prosecuted operators in Argentina were engaged in the sexual exploitation of the victims, whereas in Brazil those prosecuted were mostly targeted during the recruitment stage. Brazil also possessed "second wave" female recruiters, meaning former trafficked victims returning to their place of residence to recruit more women to supply the sex industry.

Corruption was a facilitator of the crime in 25% of the Argentina court cases. On the contrary, none of the Brazil court sentences reported government corruption. That situation does not necessarily mean that corrupt practices did not occur, but simply indicate no legal action was taken with respect to corruption.

As previously stated, the “*modus operandi*” is quite different in each country. In Argentina, it is an entrepreneurial crime although sometimes it intertwines with complex organizations. Conversely, sex trafficking in Brazil denotes some sort of complexity; it employs technology to reach and place more victims in the sex market, and it is highly organized. Data from Brazilian court sentences show that sex traffickers operate in connection with foreigners who fund the cost and travel expenses in order to send the victims overseas for commercial sexual exploitation. However, the courts were not always able to prove that traffickers were part of an organized crime group.

CHAPTER VII

A HYPOTHETICAL EXPLANATION

Does early motherhood increase the vulnerability of women to Human
Trafficking for commercial sexual exploitation?

Adolescent Motherhood: Defining the Concept, Scope and Variables

The World Health Organizations (WHO) estimates that 16 million adolescents between 15-19 years old give birth annually, or about 11% of all births around the world. It also stipulates that half of all adolescent births (5.5% or 880,000 yearly) occur in seven countries; Brazil, Bangladesh, the Democratic Republic of the Congo, Ethiopia, India, Nigeria and the United States of America. The birth rate among adolescent girls aged 15 to 19 is much higher in Brazil than in Argentina. This one factor might account for the differences that are seen in the sex trafficking situation in both countries.

This subject is important in order to determine if single early childbearing increases vulnerability to trafficking and related exploitation; and, therefore generates a vast pool of teenagers who can be easily deceived with false promises of work. As previously explained in Chapter II, Latin America has most of the push-pull factors related to trafficking as other regions, but also has unique vulnerability factors such as gang affiliations, ongoing substance abuse problems, and having children before the eighteenth birthday.

This section analyzes adolescent motherhood in Argentina and Brazil, and will identify those segments of the adolescent female population that are more likely to have children before the age of 20 years old. Variables will include: mother's

birthplace, and at the time of giving birth mother's place of residence, level of education, age and marital status.

The UNDP (Human Development Indicators) defines “Adolescent Fertility Rate” as the number of births to women ages 15 to 19 per 1,000 women in the same age group. The rate of adolescent motherhood not only is ostensibly higher in Brazil than in Argentina but it also shows a tendency to augment its rate in the next few years. On the other hand, the Argentinean's tendency seems to decline in the same period of time. While in 2010, Argentina had a rate of 56.9 per 1,000, that number will decline to 51.6% by 2020 while Brazil's rate will increase from 75.6 to 76 per 1,000 in 2020.

Table 20. Rates of Adolescent Motherhood in Argentina and Brazil

	2000	2005	2008	2010	2020 (est.)
Argentina	69.8	60.7	56.9	56.9	51.6
Brazil	89.7	86	75.6	75.6	76

Source: UNDP, Human Development Indicators

Argentina

Approximately 15% of all live births registered in Argentina in 2009 were attributed to adolescents (113,478 of 745,336) (Vital Statistics, Year 2009, Nov. 2010). The provinces in the north and northeast have higher rates than Buenos Aires (6.8%), and those provinces (Chaco 22.98%, Formosa 21.16%, Misiones 20.56% (Vital Statistics, Year 2009, Nov. 2010), are extremely poor with low levels of education. Coincidentally the trafficking routes in Argentina go from north to south, with most of the women and girls recruited in the north and northeast regions.

Table 21. Total Live Births and birth rates by provinces in Argentina

Province	Total Live Births	Birth Rate per 1,000 inhabitants	Total Live Births according to age of the mother (15-19 years old)	Percentage of Live Births according to age of the mother (15-19 years old) and jurisdiction
Entire country	745,336	18.6	113,478	15.22%
Buenos Aires city	44,615	14.6	3,053	6.84%
Prov. of Buenos Aires	279,941	18.4	37,604	13.43%
Catamarca	6,876	17.4	1,333	19.38%
Córdoba	58,595	17.4	8,436	14.39%
Corrientes	20,373	19.9	3,965	19.46%
Chaco	21,703	20.4	4,988	22.98%
Chubut	9,921	21.3	1,545	15.57%
Entre Ríos	22,228	17.5	3,994	17.96%
Formosa	11,969	21.9	2,533	21.16%
Jujuy	13,226	19.2	2,183	16.50%
La Pampa	5,493	16.3	991	18.04%
La Rioja	6,237	17.9	1,064	17.05%
Mendoza	34,435	19.7	5,355	15.55%
Misiones	25,918	23.7	5,329	20.56%
Neuquén	11,639	20.9	1,896	16.29%
Río Negro	11,773	19.6	2,058	17.48%
Salta	26,133	21.0	4,272	16.34%
San Juan	14,520	20.6	2,348	16.17%
San Luis	8,134	18.2	1,402	17.23%
Santa Cruz	5,806	25.2	916	15.77%
Santa Fé	53,830	16.5	9,374	15.93%
Santiago del Estero	19,129	21.9	3,733	19.51%
Tucumán	28,546	19.1	4,507	15.78%
Tierra del Fuego	2,619	20.2	343	13.09%
Other countries	341		78	----
Place n/d	1,336		178	----

Source: Estadísticas Vitales, Información Básica Año 2009 (Vital Statistics, Year 2009), Argentinean National Ministry of Health, November 2010.

In terms of fertility rate, Pantelides and Binstock (2007) grouped the adolescent fertility rate by geographical location, with data from 2001, and the provinces of the north (Chaco) and northeast (Misiones) have the highest rate above 100 per 1,000:

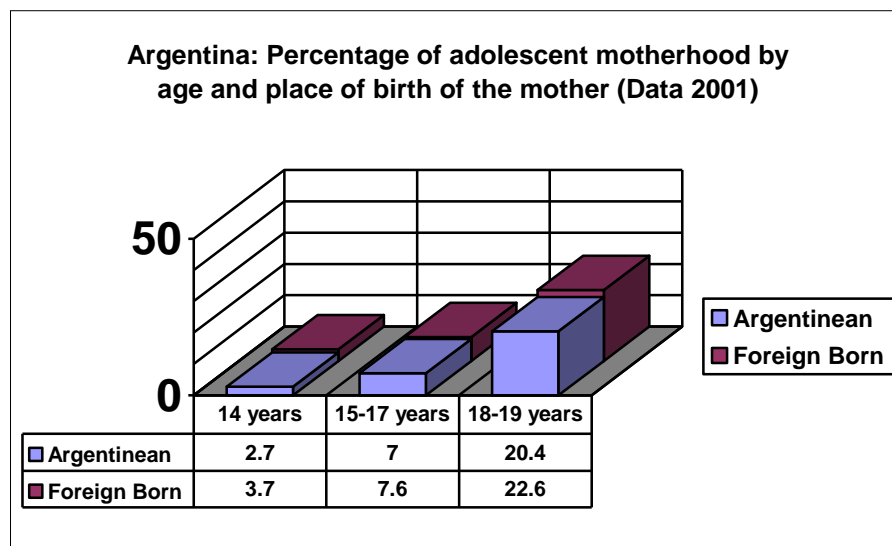
Table 22. Adolescent Fertility Rate (15 to 19 years old per 1,000 people in same age group)

from 23,9 to 59,9	from 60 to 79,9	from 80 to 99,9	from 100 and above
Buenos Aires city	Corrientes	Catamarca	Chaco
Prov. of Buenos Aires	Entre Rios	Formosa	Misiones
Cordoba	La Pampa	San Luis	
	La Rioja		
	Mendoza		
	Neuquén		
	Río Negro		
	Salta		
	San Juan		
	Santa Cruz		
	Santa Fé		
	Santiago del Estero		
	Tierra del Fuego		
	Tucumán		

Source: Pantelides and Binstock (La fecundidad adolescente en la Argentina al comienzo del siglo XXI, 2007) data from the Argentinean 2001 National Census.

The percentage who becomes adolescent mothers is higher among foreign born teenagers who reside in Argentina than the native born teens. Most of the foreign born teens come from neighboring countries and Peru and they account for 1.6% of the total teenager population in the age group 14 to 19 years old.

Figure 21. Percentage of adolescent mothers by age and place of birth of the mother



Source: Pantelides and Binstock (La fecundidad adolescente en la Argentina al comienzo del siglo XXI, 2007) with data from the 2001 Argentinean National Census.

Adolescent motherhood is inversely related to level of education.

The proportion of adolescent mothers with low levels of education (completed elementary school or less) is three times higher than those who have not at least completed high school. This is even though older adolescents would more likely have a greater opportunity of becoming pregnant (Pantelides and Binstock, 2007).

Table 23. Adolescent Mothers and Level of Education

Level of Education	14 years	15-17 years	18-19 years	Total*
No education	7,8	20,3	39,7	26,3
Not completed Elementary school	4,6	18,9	47,6	20,1
Completed Elementary school	7,5	23,9	46,3	35,0
Not completed High School and above*	2,1	4,7	19,8	7,4
Completed High School and above			7,1	7,2

* Note: In the total and in the group 18-19 includes only those who did not complete high school

Source: Pantelides and Binstock (La fecundidad adolescente en la Argentina al comienzo del siglo XXI, 2007) with data from the 2001 Argentinean National Census.

It is clear that the level of education is an important indicator when it comes to the age a girl might conceive. The higher the grade level completed the less likely the girl was to become pregnant. By the time a girl graduates from high school, her probability of becoming a teen mother drops to a low of 7% compared to a high of 46% among those with some elementary school and 20% with some high school.

The Argentinean Vital Statistics Report corresponding to 2009 (2010) points out that teen mother under the 20 years old age group, which represents about 15% of the total live births, had the following levels of education.

Table 24. Adolescent Mothers and Level of Education (2009)

Elementary or basic education incomplete	18,690 live births (2.50%)
Elementary or basic education complete	38,710 live births (5.19%)
High School incomplete	41,724 live births (5.59%)
High School complete or more	15,126 (2.02%)
No data	2,574 (0.3%)

Regarding the marital status of the mother, the same report did not specify that category by age group but it does with respect to the total number of live births corresponding to 2009.

Single motherhood occurred with higher frequency in provinces with low level of human development in the north and northeast of the country. Of the total live births (745.336), 81% of the mothers live with a partner. The city of Buenos Aires has the highest percentage of mothers that live with a partner (93 %). Misiones and Corrientes (both northeast) represent the highest percentages of single parenting: in Misiones only 64.67% of the mothers who gave birth during 2009 live with a partner, 20.37 % without one, and the remaining percentage is unknown. Corrientes (northeast) has similar rates as Misiones, 63.94 % of the mothers live with a partner, 21.79% without one , and the remaining unknown. Salta (north) 75% of the mothers reside with a partner, 17.74% without it and 6.6% unknown.

Pantelides and Binstock (2007) consider that the marital status of the adolescent mother varies according to age. The chances of becoming a single mother are inversely proportional with age. As teenagers age (18-19) there is less likelihood that they will become single teenage mothers. Those same authors, in 2001, considered that “it is evident that motherhood is an infrequent event among single

adolescents no matter the age, 60% of adolescents mothers are married or live with a partner until they are 17 years old and 70% or more in the 18 and 19 years old age group.”

Brazil

During 2010, Brazil registered 2,747,373 live births of which 484,273 (18.21%) are attributed to adolescents aged 15 to 19 years old. That percentage of adolescent motherhood is not even in the country. The north region has the highest adolescent birth rate topping almost 23%; however some federative units (also known as states) from the north and northeast region surpass that percentage; Acre (23.57%), Para (23.95%), and Maranhão (23.24%). Those regions have the lowest human level of development and education. The southeast and the south regions have the lowest percentage of live births delivered by an adolescent being, coincidentally, the most developed.

The chart below shows the total live birth in the country, by regions and federative units. It also shows the total live birth delivered by an adolescent mother aged 15 to 19 years old and the percentage that it represents according to the total live births in that federative unit.

Table 25. Total Live Births in Brazil

Federative Units (States)	Total Live Births (2010)	Total Live Births according to age of the mother (15-19 years old)	Percentage of Live Births according to age of the mother (15-19 years old) and place of mother's residence
Entire country	2,747,373	484,273	18.21%
North Region	262,175	59,380	22.64%
Rondônia	24,763	5,297	21.39%
Acre	13,191	3,110	23.57%
Amazonas	61,313	12,928	21.08%
Roraima	8,329	1,535	18.42%
Para	117,867	28,237	23.95%
Amapá	13,757	2,997	21.78%
Tocantins	22,955	5,276	22.98%
Northeast Region	798,201	158,238	19.82%
Maranhão	104,660	24,333	23.24%
Piauí	44,527	9,057	20.33%
Ceará	122,647	22,385	18.25%
Rio Grande do Norte	46,242	8,240	17.81%
Paraíba	55,657	10,163	18.26%
Pernambuco	131,965	25,666	19.44%
Alagoas	52,559	11,576	22.02%
Sergipe	32,278	6,036	18.70%
Bahia	207,666	40,782	19.63%
Southeast Region	1,106,182	167,621	15.15%
Minas Gerais	255,332	40,955	16.03%
Espírito Santo	51,594	8,480	16.43%
Rio de Janeiro	200,257	33,136	16.54%
São Paulo	598,999	85,050	14.19%
South Region	364,056	60,272	16.55%
Paraná	149,654	26,933	17.99%
Santa Catarina	83,812	13,139	15.67%
Rio Grande do Sul	130,590	20,200	15.46%
Midwest Region	216,643	38,742	17.88 %
Mato Grosso do Sul	38,761	7,885	20.34%
Mato Grosso	47,151	9,438	20.01%
Goiás	87,330	15,918	18.22%
Distrito Federal	43,401	5,501	12.67%
No data	116	20	17.24%

Source: IBGE- Estatísticas do Registro Civil, v.37, 2010

The Brazilian Information System for Live Birth (SINASC) registered in 2010 2,861,868 live births, a number a little bit higher than the chart above; though the percentage of live births (525,581) delivered by teen mothers age 15 to 19 years old remains almost the same (18.36%). However, the distribution of live birth by region and age of mothers (15 to 19 years old) is different according to the SINASC's data: North (24.74%), Northeast (20.79%), Midwest (18.35%), South (16.76%) and Southeast (15.33%).

The marital status of teen mothers (15 to 19 years old) is pretty much even along the country, 84% of them are single and about 13% are married or have/live with a partner.¹³⁶

Table 26. Marital status of teen mothers by regions

Region	Live Birth by teen mother	Single	Married	Widow	Legal Separation	Partner/ Union	Un-known
North	75,829	83.68%	8.4%	0.08%	0.06%	5.7%	1.91%
Northeast	174,924	85.28%	11.39%	0.09%	0.06%	1.75%	1.4%
South	62,032	83.96%	12.62%	0.05%	0.12%	2.23%	0.98%
Southeast	172,266	85.02%	12.07%	0.05%	0.11%	1.27%	1.14%
Midwest	40,525	82.23%	13.57%	0.04%	0.07%	3.02%	1.04%

Source: DATASUS - Sistema de Informações sobre Nascidos Vivos SINASC (corresponds to live births in 2010)

¹³⁶ All the statistical data was obtained using a software called DATASUS, a program by the Brazilian Ministry of Health, Department of Informatics of Health ([Ministério da saúde / DATASUS - Departamento de Informática do SUS](http://tabnet.datasus.gov.br/cgi/defhtm.exe?sinasc/cnv/nvuf.def)). See at: <http://tabnet.datasus.gov.br/cgi/defhtm.exe?sinasc/cnv/nvuf.def> accessed on October 10, 2012.

Teen mothers age 15 to 19 years old are ostensibly uneducated. Around 5% of the teen mothers had 1 to 3 years of education, almost 40% of the teen mothers had 4 to 7 years of education, 50% of them have 8 to 11 years of education and 4.3% have a highest education level of 12 years or more. The chart below shows that 46.18% of the teen mothers from the northeast region have 4 to 7 years of education, which represents a higher percentage of uneducated girls than the average for that level of education (40%). The southeast region which has almost the same amount of live births by adolescent mothers present a higher level of education among the teen mothers, 60% of them have 8 to 11 years of education. The following chart corresponds to live births occurring in 2010 by adolescent mothers aged 15 to 19 years old, according to the years of education and region of residence of the teen mother.

Table 27. Adolescent Mothers, Level of Education and Region of Residence

Years of Education teen mother	Total live births by teen mother	North	Northeast	South	Southeast	Midwest
1 to 3	26,339	6,073	12,417	1,477	4,063	2,309
4 to 7	205,313	34,133	79,554	24,060	54,358	13,208
8 to 11	260,446	30,573	71,406	32,898	103,686	21,883
12 or more	22,809	2,761	6,689	3,169	7,832	2,358
Unknown	7,548	1,190	3,525	309	1,985	539
	522,455					

Source: DATASUS - Sistema de Informações sobre Nascidos Vivos –SINASC.

Data on the race/ethnicity of the adolescent mother was hard to obtain since no agency or organization compiles this type of information. However, SINASC registered the race/ethnicity of the newborn. This type of information did not reflect the ethnicity of the mother but it can be inferred, at least by using genetic rules, the

profile of the mother taking into account the socio-demographic components of the Brazilian population. The chart below shows that Brazil has a white population of 53.7%, and during 2010 36.5% of the newborns were white in the age group of mothers 15 to 19 years old while it was 40.63% in the 20 to 24 year old age group. The Pardo population in Brazil accounts for the 38.5%, but the newborns with that ethnicity represents the 57.16% in the age group of mothers 15 to 19 years old, and 52.96% in the 20 to 24 years old age group. This comparison allows us to think that there are a greater proportion of adolescent mothers of Mulatto/Pardo ancestry than white ones in the 15 to 19 years old age group.

Table 28. Adolescent Mothers and Ethnicity

Race/ethnicity	Newborns from mothers aged 15 to 19 years old	Newborns from mothers aged 20 to 24 years old	Demographic components of the entire population¹³⁷
White	191,841 (36.50%)	321,739 (40.63%)	53.7%
Black	8,015 (1.5%)	11,956 (1.5%)	6.25%
Mulatto/Pardo (mixed white/black ancestry)	300,433 (57.16%)	419,344 (52.96%)	38.5%

Source: DATASUS - Sistema de Informações sobre Nascidos Vivos –SINASC (Data 2010)

The comparison and the data shown above clearly state that the adolescent fertility rate is higher in Brazil than in Argentina, and the proportion of live births in each country present similarities in terms of the geographical location of the mothers' residency. The regions of the north and northeast of both countries present the highest proportion of live births by an adolescent aged 15 to 19 years old.

The level of education of the mother is a crucial factor with respect to early childbearing. In the case of Argentina, 15.22% of the live births occurring during 2009 were delivered by an adolescent mother aged 15 to 19 years old and in half of

¹³⁷ See the Chapter about Country Narratives for full description of the Brazilian population.

them the mothers had elementary or basic education (complete or incomplete). Brazil has almost the same proportion of uneducated young mothers with less than seven years of education (44%) and the northeast region is the region with the highest live births delivered by young uneducated mothers. The context in which adolescent motherhood occurs shows a contrast between the Argentinean and Brazilian society, and the gap is colossal. Early childbearing takes place in a complete different environment; in Argentina single motherhood is a very infrequent event among the adolescents no matter the age: 60% of them are married or live with a partner in the 17 year old age group and 70% in the 18-19 years old age group. In Brazil 83% of the adolescents aged 15-19 years old are single mothers according data of the SINASC.

Understanding Single Motherhood in Brazilian society

Historical Explanation

Brazil was a colony of Portugal from 1532 until its independence in 1822. The history of Brazil is intimately connected to the slave trade in the country. During the time of colonization, the Portuguese were engaged in the slave trade and they brought in about 3.600.000 slaves from different African regions (UNESCO, Brazil).

The Northeastern region is comprised of about 1/3 of the current Brazilian population, who received the greatest number African slaves (The Brazilian Population). Coincidentally, that region also has the second highest percentage of teenage live births (North: 28.9%, Northeast: 24.9%, Southeast: 19.2%, South: 20.3% and Midwest: 24.4%, Saúde Brasil, 2004).

Mathis states that, Melville Herskovitz was one of the first anthropologists to

...recognize similarities between African cultural patterns and those of African descendants living in the United States, the West Indies and Brazil.¹³⁸ The similarities of an authentic African legacy are reflected in the every day life such as “language, music, art, house structure, dance, traditional religion and healing practices.”¹³⁹

During colonial times, and especially within the black slave population, the family structure was female centered, and the bond with their children was stronger than with their partner. Safa argues that,

the prevalence of female heads of household among black populations in the Afro-American areas of the Caribbean and Brazil has led Herskovits (1958) and others to argue that matrifocality¹⁴⁰ is a historical or cultural pattern stemming from slavery and the African heritage. There is no question that slavery greatly weakened the conjugal bond, by discouraging or, in some cases, prohibiting marriage between slaves who were often sold separately, although the mother-child unit was usually left intact (Robertson 1996).¹⁴¹

Safa sustains that matrifocality has deep historical roots originated in the black lower class during the epoch of slavery. In the same sense, Cerqueira Filho and Neder argue that “in the social formation of Brazil, the breakdown of family ties is linked to the legacies of slavery and political authoritarianism.”¹⁴²

¹³⁸ Mathis, Arthur. “*Contrasting Approaches to the Study of Black Families.*” *Journal of Marriage and Family*, Vol. 40, No. 4, (Nov., 1978), published by National Council of Family Relations, page 671. See at: <http://www.jstor.org/stable/351187> , accessed on 26/12/2009.

¹³⁹ Ibidem, page 671.

¹⁴⁰ Matrifocality means “mother-centered households.”
Safa, Helen. “*The Matrifocal Family and Patriarchal Ideology in Cuba and the Caribbean.*” *Journal of Latin American Anthropology*. University of Florida, Volume 10, Issue 2, page 314. See at: <http://www3.interscience.wiley.com/journal/120183814/abstract?CRETRY=1&SRETRY=0> accessed on December 26, 2009.

¹⁴¹ Safa, Helen. Ibidem, page 319.

¹⁴² Cerqueira Filho, Gisalio and Neder, Gizlene. “*Social and Historical Approaches Regarding Street Children in Rio de Janeiro (Brazil) in the context of the Transition to Democracy.*” *Childhood*, Volume 8 (1), Sage Publication 2001, page 12.

Teen mothers build, in most cases, a female centered family structure where the father¹⁴³ left the future mother at the time of the pregnancy, during, or just after a separation. The child is born without the support of the father and in most cases without even knowing him. Matrifocality characterized single motherhood in the 15-19 year old age group according to the literature and data cited in this research.

A research study performed in three squatter settlements of Recife, a city in the Northeast of Brazil, investigated attitudinal factors toward teenage motherhood. Three groups of teenagers were selected: virgins, sexually active but never pregnant women, and those who had been pregnant at least once. The historical explanation can be drawn from the following answer: “One reason why most teenagers in the sample might have been unlikely to expect strong disapproval was produced by answers to a question about the age their mothers had their first pregnancy. It was during the teenage years for 59 per cent of the virgin group’s mothers, 68 per cent of the mothers sexually active, and 79 per cent of the mothers of the ever-pregnant.”¹⁴⁴ The authors conclude that the findings show attitudinal variables toward teenage motherhood are independent of popular views that single teenage motherhood is a consequence of age, schooling, and socio-economic status, which means that the root causes of a women centered family structure in Brazil are culturally related to legacies from the past.

To summarize, historical culture brought by African slaves to Brazil are a clear antecedent of a matrifocal family structure. Teenagers repeat the same family patterns, and because they are the only support of their child, any option to survive is

¹⁴³ See article *Investigación Tripartit sobre Trata de Mujeres: Brasil, República Dominicana y Surinam- Una intervención en red* (“An investigation with three partners about Human Trafficking: Brazil, Dominic Republic and Suriname – a network intervention”), Sodireitos, Maio 2008.

¹⁴⁴ Marques, Neusa Maria and Simons, John. “*Motivational determinants of teenage pregnancy in a deprived area of Recife, Brazil.*” Paper prepared for the IUSSP General Population Conference, Salvador, Bahia, Brazil, August 2001 - Session S86: Young People’s Reproductive Health, page 10.

welcome. In seeking a better life, vulnerability occurs and the victimization of teenagers as single mothers for trafficking takes place. Traffickers take advantage of the single mother. The high birth rate of teenagers in the 15-19 year old age group with a matrifocal family structure in Brazil creates a vast pool of adolescents who are easily recruited for commercial sexual exploitation. Furthermore, and as it was stated before, most of the Brazilian women (including the adolescents) who are recruited in Brazil for that purpose are dark skinned Afro-Brazilian (PESTRAF, 2002).

Economic Explanation

Early childbearing has been associated with poverty and inadequate economic development. This explanation focuses solely on the consequences of adolescent parenting in terms of victimization as a vulnerability factor leading to trafficking for commercial sexual exploitation.

The young mothers in Latin America and the Caribbean share the same characteristics:

- Higher frequency of having a child in a poor environment. CEPAL conducted a study on several countries of the region (Venezuela, Brazil, Chile, Paraguay, Panama and Honduras) and concluded that adolescent fertility rate from the poorest quintile is at least triple of the richest quintile and in some cases, a 5 to 1 ratio. (1990 and 2000 census).
- Higher incidences of becoming a single mother who has primary responsibility for the upbringing of their children due to the absence of responsible or present compromised adults and adolescent males (Desafíos, 2007). The situation described above puts pressures on the young women to overcome the situation.

There is a “chicken before the egg” controversy though both reach the same end consequence for the young girl. First, that the immediate consequence of early childbearing is the interruption of the mother’s education. Therefore it becomes almost impossible to find work. This puts her in a situation of social exclusion and the poverty cycle starts over. Second, if a girl drops out of school for economical needs, she is then more likely to become a parent (Pantelides, 2003). Both interpretations reach the same conclusion: the vulnerability of the victim to trafficking for commercial sexual exploitation starts because of early childbearing in a matrifocal family structure where traffickers can easily entrap young, desperate single mothers with false and ambitious promises of work.

Of course not all adolescent mothers fall prey to traffickers, but in conjunction with other factors, such as the lack of family support or a strong social network, the level of education or the absence of other resources to survive, single mothers can become a vulnerable target for sex trafficking recruitment.

Anthropological Explanation

It is clear that cultural propensities influence sexual behavior. Different interpretations have tried to explain early pregnancy and parenthood among adolescents.

Heilborn (2007) considers that “contemporary patterns of sexual behavior among young people in Brazil do not signal growing permissiveness and are not straightforwardly related to poverty, family dysfunction or lack of life prospects on

the part of young people themselves. On the contrary, early pregnancy and parenthood retain strong continuities with core Brazilian values and norms of sexual culture.”¹⁴⁵

Others instead argue that the family of origin has an important influence in his/her sexual and reproductive behavior. A research conducted with 19 adolescents in the age group 15-18 years old showed that teenagers who do not live with both parents are more likely to assume risk and lack of contraceptive care. Teens who live with only one parent, in general the mother, are more likely to assume risk in comparison with the teens who live with both parents but to a lesser extent than those who live with neither parent (Pantelides, 2003). The study by Marques and Simon¹⁴⁶ (cited in the historical explanation) can also be applied here as it clearly shows how cultural issues influence sexual behavior: young adolescents have children during that stage in their lives because their mother did. Repetition of family behaviors is a common characteristic in adolescents, and again, matrifocality is also a cultural issue that has its legacy from the period of colonization and slavery.

From the demand driven perspective, Brazilian women have historically been considered to be exotic, sexy, and different. Those characteristics can be traced to Brazil's colonial times and slavery. Russel-Wood analyzed the role of the women in colonial Brazil and mentioned how the various groups; white, Amerindian, mulatto and black played different roles in the society and how they were perceived by the white male settler. She said that “the black and mulatto woman, slave or free, became

¹⁴⁵ Heilborn, Maria Luis, et al. “*Teenage pregnancy and moral panic in Brazil.*” Culture, Health & Sexuality, July–August 2007, Volume 9, Issue 4, page 1. See at: <https://login.proxy.libraries.rutgers.edu/login?url=http://search.ebscohost.com.proxy.libraries.rutgers.edu/login.aspx?direct=true&db=aph&AN=25728227&site=ehost-live> accessed on December 21, 2009.

¹⁴⁶ Marques, Neusa Maria and Simons, John. “*Motivational determinants of teenage pregnancy in a deprived area of Recife, Brazil.*” Paper prepared for the IUSSP General Population Conference, Salvador, Bahia, Brazil, August 2001 - Session S86: Young People's Reproductive Health.

a symbol of sensual arousal and sexual fulfillment.”¹⁴⁷ Coincidentally, the Brazilian women who are trafficked for commercial sexual exploitation are mostly dark skinned and of African-descent¹⁴⁸, with Spain and Portugal being the main countries of destination.

Matrifocality, women centered family, is a key component in order to understand how and why Brazilian adolescent single mothers are entrapped by traffickers. Moreover, the appreciation of the Brazilian women (mulatto and African descendant) by the consumer is an additive component that cannot be ignored.

¹⁴⁷ Russel-Wood, A.J.R. “*Women and Society in Colonial Brazil.*” Journal of Latin American Studies, Volume 9, Issue I, Cambridge University Press, 1977, page 1. See at: <http://www.jstor.org/stable/156605> accessed on December 26, 2009.

¹⁴⁸ PESTRAF. (2002). “*Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation – National Report, Brazil.*” See at: http://www.law.depaul.edu/centers_institutes/ihrli/downloads/Brazil.eng.pdf accessed on December 26, 2009

CHAPTER VIII

CONCLUSIONS AND FINAL CONSIDERATIONS

Human trafficking for commercial sex occurs differently in Argentina and Brazil. The data gathered during this study reaffirm the fact that in Argentina domestic trafficking takes place for its nationals, and that it is also a destination place for foreign born, especially for those coming from the neighboring Paraguay. On the other hand, Brazil is a source country of women for international trafficking, especially to Europe.

The fact that all court sentences from Argentina deal with domestic trafficking of Argentinean nationals and all court sentences from Brazil involve the transnational trafficking of Brazilian women might be interpreted as resulting from prosecutorial discretion. It could be that there are cases involving the transnational trafficking of Argentinean nationals and domestic trafficking of Brazilians, but these cases have simply not yet reached a legal stage as to be officially recorded.

The differences seen in their sex trafficking situations can be attributed to a confluence of factors that, when taken all together, explain why one country sends women abroad and the other country does not. Both countries have direct access to the Atlantic Ocean, have international flights, do not face any political unrest or civil strife, and possess similar levels of human development according to the UN Indicators of Human Development.

The sex industry in both countries shares similar practices and situations, although the tolerance of Brazilian prostitutes in its beginnings was aggravated by race. Brazil's legacy in the transatlantic slave trade still remains in Brazilian society,

especially when it comes to the undervaluing of African-descendants or black women who are doubly less valued because of their gender status and race.

The analysis of the court sentences and the literature revealed four main differences between Argentina and Brazil that collectively, indeed, shed light on their sex trafficking differences. It is important to highlight that these differences can be classified as either ‘factual’ or ‘contextual.’ The difference is ‘factual’ if it is based specifically on the data obtained from the analysis of the court sentences; but ‘contextual’ if it is derived from a comparative analysis of the general trends and characteristics of the two countries. The first two differences found are ‘factual’ while the third and fourth are ‘contextual.’ These differences are:

1) Methods of recruitment

The method of recruitment shows not only how women were placed inside the clandestine sex market, but also certain characteristics of the victims. In the case of Argentina, most women and adolescents were recruited by deceit. They received an offer to work as nannies, cleaning ladies, waitresses, etc. with a good income and once they arrived at the destination place of work, they were told of the real job – to prostitute for money; also the conditions, and in some cases the debt incurred for the transportation that they would have to repay in full. A very small percentage of women knew that they would work in prostitution. It is important to highlight that the court sentences from Argentina revealed that at the same brothels (whiskery, pub, etc.) there were simultaneously women who were trafficked, women who willingly work in the sex industry, and women who were exploited but not necessarily trafficked.

The situation in Brazil is quite different from Argentina. A large percentage of the women knew by the time of their recruitment, that they would work in prostitution overseas. Most of them had already worked in the sex industry in Brazil. This situation could explain why Brazil is a greater source country; those women knew the real intention of the recruitment and they accepted it. But sometimes the deception came afterward once they arrived at the destination place. The women were not fully aware, when agreeing to work overseas, of the debt incurred for their travel expenses which must be repaid to the traffickers, and of the conditions of work. The idea that working in the sex industry is an easy way to earn money makes Brazilian women more vulnerable to trafficking. The word of mouth from other Brazilian women who used to work or still work in the sex industry in Europe influences those who are being recruited. However, it is important to mention that even those women who freely choose to work in that profession are still victims of the socio-economic system. They have suffered social exclusion in their own country for being first women, and then being an Afro-descendant, poorly educated and with children to feed.

The feminization of poverty is a common denominator and a recurrent factor among the victims no matter the place of birth. All of the girls and women are poor and have minimal education, and most are single heads of household with young children and family members to support. The lack of access to a well- paid job makes the victims accept job proposals even when those are far away from home.

2). The “*modus operandi*” and government complicity

The court sentences revealed two different “*modus operandi*,” one in Argentina and one in Brazil; which may also explain why Brazil is a main source of women for international trafficking and Argentina is not.

In the case of Argentina, there is no mention in the court sentences of the involvement of transnational organized crime groups. The accused were, in greater part, owners or managers of brothels (whiskeries, nightclubs, *privados*, etc.); or facilitators of the crime by recruiting victims for their own use or for others. The traffickers in Argentina acted as individual criminal entrepreneurs with no discernible connections to any organized crime group. However, there were cases in which the operators were well connected with other brothels elsewhere in the country, and victims were sold and transported to other locations to be sexually exploited. The data suggest that the recruitment, transportation and exploitation in some cases required some degree of organization. Thus, the “*modus operandi*” is more of a crime that is organized rather than an organized crime. In the cases involving transnational trafficking to Argentina, especially from Paraguay, it is easier to see the division of labor among the operators. In addition, police complicity was seen in several cases in Argentina.

The “*modus operandi*” in Brazil is completely different from what is experienced in Argentina. It is highly organized, sophisticated, employs technology in order to offer the trafficked victims a vast potential of clients; and it can be said that it is a crime committed mainly by Brazilian nationals, but economically supported mainly by foreigners.

The court sentences from Brazil revealed the existence of a connection between Brazilian and foreign recruiters to establish networks for sexual exploitation in the receiving countries, mainly in Europe. A vast number of women were in charge

of recruiting other women and for promoting or favoring their output to work in prostitution abroad. In many cases, those women recruiters work in conjunction with their partners who have brothels in Europe. The latter are not touched by the Brazilian Judiciary System. They remain unseen and are able to continue funding and organizing the sex trafficking market. Traffickers from overseas provided the victims with resources in all the cases, such as, plane tickets, travel expenses, and clothing; and then, victims in order to recoup their 'freedom' had to pay back the debt in full.

3) The devaluation of women in society

The level of violence in Brazil is higher than in Argentina, and that may help explain why women are willing to leave their own country and work in prostitution abroad. Gender-based violence is a big issue: Brazil ranks 12th in female homicide while Argentina is 33rd in over 62 countries.

In the case of Brazil, in addition to the high rate of violent deaths one should add the victimization by race; for example in 2010, more people of dark skin died than white ones. The states of Ceará and Goiás, which are considered by many reports to be states with intense trafficking activity, also experience a high rate of victimization by race. It is important to mention that according to the PESTRAF report most trafficking victims are Afro-descendants.

Aggression against women occurs throughout Brazil, without regard for race, ethnicity and social class. It is, however, still under-reported. As the Shadow Report states:

One in four women in Brazil have already been a victim of domestic violence. Since 2001, it is estimated that every 15 seconds, a woman is beaten, usually by her husband, companion, boyfriend, and/or ex-partner; every 15 seconds a

Brazilian woman is also impeded from leaving the home, and, another Brazilian woman is forced to have sexual relations against her will.¹⁴⁹

As previously described, the feminization of poverty is a common denominator among the victims. The feminization of poverty has increased in situations where the women are heads of households, and Brazil has a higher percentage than Argentina. The northeast and the central-west regions of Brazil (with high trafficking activity) are the most affected (Anuário das Mulheres Brasileiras, 2011).

The under-representation of Brazilian women in the marketplace reaffirms once again that women and men do not have equal participation in the work place. Furthermore, when gender status is intertwined with race, the outcome is considerably against blacks and women who earn lower salaries; and black women suffer doubly so because of race as well as gender (Shadow Report of Civil Society, Brazil 2007). Women from the states of Ceará and Goiás earned 53% of what men earned.

The devaluation of women in society, the feminization of poverty, the lack of access to well paid jobs in their place of residence, the exposure to domestic violence, the single parenting, in conjunction with racial discrimination, are factors that- taken all together - make Brazilian women an easier target for traffickers.

4) The incidence of teen single motherhood as a vulnerability factor to trafficking

As described in Chapter VII, the birth rate among adolescent girls aged 15 to 19 is much higher in Brazil than in Argentina. In the case of Argentina, approximately

¹⁴⁹ “Shadow Report by Civil Society to the Sixth National Report of Brazil on the Convention on the Elimination of all Forms of Discrimination against Women -2001-2005 period” (2007), page 7/8. See at: http://www.iwrawap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf accessed on January, 24 2012

15% of all live births registered in 2009 were attributed to adolescents and the provinces of the north and northeast have the highest rates; those provinces are where the recruitment of Argentinean women mainly takes place. Furthermore, the percentage who becomes adolescent mothers is higher among the adolescents who are foreign born than it is among the native born.

Single parenting occurred with higher frequency in provinces with low levels of human development in the north and northeast of the country. Pantelides and Binstock (2007) consider that the marital status of the adolescent mother varies according to their age. Older teenagers (18-19) have a lesser probability of becoming a single mother. Pantelides and Binstock (2001) considered that “it is evident that motherhood is an infrequent event among single adolescents no matter the age, 60% of adolescent mothers are married or live with a partner until they are 17 years old, and 70% or more in the 18 and 19 year old age group.

In the case of Brazil, the rate of adolescent motherhood is higher and also not evenly spread throughout the country. During 2010, approximately 18% of live births were attributed to adolescents aged 15 to 19 years old; the north region has the highest adolescent birth rate topping almost 23%. The marital status of the teen mothers aged 15 to 19 years old is pretty much the same around the country, 84% of them are single and about 13% are married or live or have lived with a partner. Teen mothers age 15 to 19 years old are generally poorly educated. The data on the race/ethnicity of adolescent mothers was difficult to obtain since no agency or organization compiles that type of information. This includes the court sentences that did not specify this information in the verdict; however, the research literature reviewed in Chapter IV shows that the majority of the women who had been trafficked were young, single, had children, were Afro-descendants, and the father of the child was absent.

Matrifocality, where women are the center of the household, has historical roots in Brazilian society that originated in the black lower class during the slavery epoch. Teen mothers in Brazil tend to build a woman-centered family. The children do not even know who their father is; and having a child during adolescence many times functions as a repetition of the girl's own family structure. Teen mothers replicate similar family patterns. Matrifocality, -- the woman-centered family -- is a key component in understanding how and why Brazilian adolescent single mothers are an easy target for traffickers.

As stated at the outset, different factors make people vulnerable to trafficking, and those factors can be differentiated into structural and proximate factors. Irrespective of this difference, no one factor nor one combination of factors "explains" human trafficking. Instead, as this research demonstrates, different factors and explanations must be examined in conjunction with one another in order to understand what makes a person or a community vulnerable to trafficking. As found in other research, such structural factors as economic deprivation, the effects of globalization, gender status, and a demand for prostitution were certainly operative here. But so too are certain legal practices and policies such as poor law enforcement, immigration/migration policies, poor labor laws, and corruption, as well as the presence of certain degrees of organized crime.

As human trafficking is not a simple issue or an easily explained and understood problem, so too the solutions to this problem cannot be simple. But one thing seems very clear -- the nature and scope of the victimization involved make human trafficking a problem crying out for solutions.

REFERENCES

- Andrews**, George Reid. (1980) "The Afro-Argentines of Buenos Aires 1800-1900." The University of Wisconsin Press.
- Bales**, Kevin. (1999). "*Disposable People, New Slavery in the Global Economy.*" Berkeley, CA: University of California Press, Ltd.
- Bales**, Kevin and **Cornell**, Becky. (2008). "*Slavery Today.*" Ontario: Greenwood Books or c/o CA: Publishers Group West.
- Bales**, Kevin. (2009). "*What Predicts Human Trafficking?*" Paper presented at the International Conference on New Frontiers of Crime: Trafficking in Human Beings and New Forms of Slavery, Verona, 22-23 October 1999. Retrieved April 19, 2009, at: <http://www.freetheslaves.net/Document.Doc?id=18>.
- Beeks**, Karen and **Amir**, Delila (Editors). (2006). "*Trafficking and the Global Sex Industry.*" MD: Lexington Books.
- Belser**, **Patrick**. (2005). "*Forced Labour and Human Trafficking: Estimating the Profits,*" Working Paper, March 2005, Geneva: International Labour Organization. Retrieved on October 2, 2009, at: http://www.ilo.org/wcmsp5/groups/public/---ed_norm/-/declaration/documents/publication/wcms_081971.pdf.
- Bergelson**, Vera. (2008). "*Consent to Harm.*" Pace Law Review, Paper 592. Retrieved on October 25, 2011, at: <http://digitalcommons.pace.edu/lawrev/592>
- Binstock**, Georgina and **Pantelides**, Edith Alejandra. (2006) "*La Fecundidad Adolescente Hoy: Diagnóstico Socio-demográfico.*" Reunión de Expertos sobre Población y Pobreza en America Latina y el Caribe, 14 y 15 de Noviembre de 2006, Santiago de Chile, Naciones Unidas, Cepal y UNFPA. Retrieved on December 30, 2009, at: <http://www.eclac.cl/celade/noticias/paginas/5/27255/Binstock.pdf>.
- _____. (2007). "*La fecundidad adolescente en la Argentina al comienzo del siglo XXI, 2007.*" CONICEP/CENEP.
- Bliss**, Katherine. (2010). "*Gender Based Violence in Latin America*" Center for Strategic International Studies". Retrieved on January 10th, 2012, at: <http://www.smartglobalhealth.org/blog/entry/gender-based-violence-in-latin-america/>.
- Bra**, Gerardo. (1982). "*La Organización Negra, La increíble historia de La Zwi Migdal.*" Ediciones Corregidor.

- Casa Alianza/House Covenant.** (2001). *“Regional Investigation on Trafficking, Prostitution, Child Pornography and Sex Tourism with Children in Mexico and Central America.* Retrieved on April 20, 2012, at: <http://bellsouthpwp.net/p/b/pbarcelo/regi-inv-sex-traffick.pdf>
- Cameron, Sally and Newman, Edward** (Editors). (2008). *“Trafficking in Human\$: social, cultural and political dimensions.”* New York: United Nations University Press.
- Cardoso Onofre de Alencar, Emanuela.** (2007). *Tráfico de Seres Humanos No Brasil: Aspectos Sócios Jurídicos – o Caso do Ceará.* Dissertation. Fortaleza, Ceará. Fundação Edson Queiroz, Universidade de Fortaleza, Unifor.
- Central Intelligence Agency.** *“The World Factbook.”* Retrieved on October 1st, 2009 at: <https://www.cia.gov/library/publications/the-world-factbook> .
- Cerqueira Filho, Gisalio and Neder, Gizlene.** (2001). *“Social and Historical Approaches Regarding Street Children in Rio de Janeiro (Brazil) in the context of the Transition to Democracy.”* Childhood, Volume 8 (1), Sage Publication.
- Centro de Estudos sobre as Tecnologias da Informação e da Comunicação (CETIC)** (2010). *“TIC- Houses and Users, 2010.”* Cetic, Brazil. Retrieved at: <http://www.cetic.br/usuarios/tic/2010-total-brasil/rel-geral-04.htm>
- Chejter, Silvia.** (2001). *“La Niñez Prostituida: Estudio sobre explotación sexual comercial infantil en la Argentina.”* Buenos Aires, Argentina: UNICEF Argentina.
- Coffey, Pamela S.** (2004). *“Literature Review of Trafficking in Persons in Latin America and the Caribbean.”* Bethesda, Maryland: Development Alternatives, Inc.
- Comisión Nacional de Comunicaciones.** (2009) *“Evolución y Penetración del Servicio.”* Buenos Aires, Argentina. Retrieved on October 1st, 2012, at: <http://www.cnc.gov.ar/ciudadanos/internet/evolucion.asp#iconsumo>.
- National Council of Child, Adolescent and Family (CONAF).** (2004) *“Investigación sobre Tráfico de Niños, Niñas y Adolescentes con fines de Explotación Sexual, Pornografía Infantil en Internet y Marcos Normativos.”* Argentina.
- Davidson, Julia O’Connell and Taylor, Jacqueline Sanchez.** (1996). *“Child Prostitution and Sex Tourism Dominic Republic.”* ECPAT International. Retrieved on April 20, 2012 at: http://www.childtrafficking.com/Docs/o_connell_1996_child_prost3.pdf
- Della, Giusta Marina, Di Tommaso, Maria Laura and Strom, Steinar.** (2008). *“Sex Markets- A denied industry.”* New York, NY: Routledge IAFFE Advances in Feminist Economics.

- Di Nicola, Andrea** (Editor) (2009) *“Prostitution and Human Trafficking: focus on clients.”* New York: Springer-Verlag New York Inc.
- Estudio Durrieu Abogados.** (2004). *“The Argentine Penal Code -2004,”* Transnational Publishers, Inc.
- Europol.** (2011). *“Organized Crime Threat Assessment.”* Retrieved on September 23, 2011, at:
http://57.67.199.6/publications/European_Organised_Crime_Threat_Assessment_%28OCTA%29/OCTA_2011.pdf.
- Fainberg, Marcelo.** (2010). *“Prostitución, Pornografía Infantil y Trata de Personas.”* Argentina: Ad-Hoc.
- Fundación de Investigaciones Económicas Latinoamericanas.** (FIEL). (2007). *“El Mapa Económico de las Mujeres Argentinas (1998-2006).”* Marcela Cristini and Guillermo Bermudez. Documento de Trabajo #93, 2007. Buenos Aires, Argentina: Fundación de Investigaciones Económicas Latinoamericanas.
- Finckenauer, James, and Chin, Ko-Lin.** (2011). *“Researching and Rethinking Sex Trafficking: The Movement of Chinese Women to Asia and the United States for Commercial Sex.”* US Department of Justice.
- Finquelievich, Susana and Prince, Alejandro.** (2007). *“El (involuntario) rol social de los cibercafés.”* Prince & Cooke.
- Fleitas Ortiz de Rozas, Diego M. and Otamendi, Alejandra.** (2011). *“Mapa de la Violencia de Genero en Argentina.”* Asociación para Políticas Públicas. Buenos Aires. Retrieved on January 31st, 2012, at:
<http://www.app.org.ar/wpcontent/uploads/2011/12/MapadeViolenciadeGeneroenArgentina1.pdf>
- Geneva Declaration on Armed Violence and Development.** (2011). *“Global Burden of Armed Violence 2011”.*Chapter IV. Geneva, Switzerland. Retrieved on December 28, 2011, at:
<http://www.genevadeclaration.org/fileadmin/docs/GBAV2/GBAV2011-Ch4-Summary.pdf>
- Gerring, John.** (2001). *“Social Science Methodology. A Criterial Framework.”* New York: Cambridge University Press, 2001.
- Glickman, Nora.** (2000). *“The Jewish White Slave Trade and the Untold Story of Raquel Liberman,”* New York and London: Garland Publishing, Inc.
- Global Alliance Against Traffic in Women (GAATW)** (2007) *“Collateral Damage - The Impact of Anti-Trafficking Measures on Human Rights around the World Global”* Bangkok: Thailand, Global Alliance Against Traffic in Women. Retrieved on June 6, 2013, at:

http://www.gaatw.org/Collateral%20Damage_Final/singlefile_CollateralDamagefinal.pdf.

Gozdziak, Elzbieta, and Bump, Micah N. 2008. *"Data and research on human trafficking: Bibliography of research-based literature."* A Final Report to NIJ Grant 2007-VT-BX-K002. Washington, D.C.: Institute for the Study of International Migration, Georgetown University

Guy, Donna. (1988). *"White Slavery, Public Health, and the Socialist Position on Legalized Prostitution in Argentina, 1913-1936."* Latin American Research Review, Vol. 23, No. 3.

——— (1994). *"El sexo peligroso: La prostitución legal en Buenos Aires, 1875-1955."* Editorial Sudamericana.

Harris, Rebekah. (2009). "Zones of Tolerance and of Exclusion: Progressivism and Prostitution in Argentina and Brazil, 1863-1930." Augusta State University. Retrieved on August 8, 2011, at: <http://www.etudeshistoriques.org/index.php/etudeshistorique/article/viewFile/3/3>

Hairabedian, Maximiliano (2009) *"Tráfico de personas – La trata de personas y los delitos migratorios en el derecho penal argentino e internacional."* Buenos Aires, Argentina: Ad-Hoc.

Heilborn, Maria Luis, et al. (2007). *"Teenage pregnancy and moral panic in Brazil."* Journal Culture, Health & Sexuality, July–August 2007, Volume 9, Issue 4.

Instituto Brasileiro de Geografia e Estadística (IBGE-Brazil). (2010). "Estatísticas do Registro Civil, v.37, 2010.

——— (2010). *"Censo Demográfico 2010 - Características da população e dos domicílios Resultados do universo."* Retrieved on September 3, 2012, at: http://www.ibge.gov.br/home/estatistica/populacao/censo2010/caracteristicas_da_populacao/resultados_do_universo.pdf.

——— "População presente por sexo 1872-1920." Retrieved on July 14, 2011, at: http://www.ibge.gov.br/home/estatistica/populacao/censohistorico/1872_1920.shtm.

Instituto de Estudios Comparados en Ciencias Penales y Sociales (INECIP-Argentina) and Unidad Fiscal de Asistencia en Secuestros Extorsivos y Trata de Personas (UFASE). (2012) *"La Trata Sexual en Argentina – Aproximaciones para un análisis de la dinámica del delito."* INECIP/UFASE.

Instituto Nacional de Estadística y Censos (INDEC-Argentina). (2010). *"National Census of Population, Homes and Residencies 2010. Analysis of Data. Definitive Results."* February 2012; and *"National Census of Population, Homes and Residencies 2010. Analysis of Data. Definitive Results."* Fourth Publication, undated

International Centre for Migration Policy Development (ICMPD) (2011).

“Transatlantic Journeys- An exploratory research on human trafficking from Brazil to Italy and Portugal.” Vienna, Austria: ICMPD. Retrieved on March 5, 2013 at:

http://www.icmpd.org/fileadmin/ICMPDWebsite/ICMPDWebsite_2011/Capacity_building/THB/Publications/Transatlantic_Journeys.pdf

International Communication Union (ITU). (2009). “Perfiles Estadísticos de la Sociedad de la Información 2009- Región de America” Retrieved on September 23, 2011, at: http://www.itu.int/dms_pub/itu-d/opb/ind/D-IND-RPM.AM-2009-E09-PDF-S.pdf.

_____. (2011). *“Measuring the Information Society, 2011.”* Geneva, Switzerland: ITU.

International Organization for Migration (IOM). (1996) *“Trafficking in Women from the Dominican Republic for Sexual Exploitation.”* IOM.

_____. (2003) *“Migración, Prostitución y Trata de Mujeres Dominicanas en la Argentina.”* IOM.

_____. (2005) *“La Trata de Personas en el Paraguay- Diagnóstico exploratorio sobre el tráfico y/o trata de personas con fines de explotación sexual.”* IOM.

_____. (2005) *“Data and Research on Human Trafficking: A Global Survey.”* Volume 43(1/2), IOM.

_____. (2006) *“Estudio exploratorio sobre la trata de personas con fines de explotación sexual en Argentina, Chile y Uruguay.”* IOM. Retrieved on December 15, 2009, at: <http://www.oimconosur.org/notas/buscador.php?nota=732>.

_____. (2009) *“Perfil Migratorio de Argentina,”* IOM. Retrieved on September 5, 2012, at: http://www.mininterior.gov.ar/provincias/archivos_prv25/6-%20Perfil_Migratorio_de_la_Argentina.pdf.

_____. (2009) *“Nuevo Escenario en la lucha contra la trata de personas en la Argentina.”* OIM and Ministerio Publico Fiscal, Argentina.

Johnson, Janet Buttolph and Reynolds, H.T (2008). *“Political Science Research Methods.”* Washington, DC: CQ Press.

Laczko, Frank and Gozdzia, Elzbieta (Editors). (2005). *“Data and research on human trafficking: a global survey.”* Geneva, Switzerland: International Organization for Migration.

Latonero, Mark. (2011). *“Human Trafficking Online- The Role of Social Networking Sites and Online Classifieds.”* University of Southern California. Annenberg School for Communication and Journalism. Research Series: September

2011. Retrieved on October 14, 2011, at:

https://technologyandtrafficking.usc.edu/files/2011/09/HumanTrafficking_FIN_AL.pdf .

La Strada International. (2008). *“Violation of Women’s Rights. A cause and consequence of tracking in women.”* Amsterdam, La Strada International

Leal, Maria L. and Leal, Maria de F. (Editors). (2003). *“Study on Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation in Brazil,”* National Report PESTRAF Brazil. Brasilia: CECRIA. Retrieved on April 18, 2012, at:
https://www.violes.unb.br/site2/phocadownload/Publicacoes/pestraf_en.pdf.

Lee, Maggy (Editor). (2007). *“Human Trafficking.”* UK: Willan Publishers.

Lesser, Jeffrey. (1995). *“Welcoming the Undesirables- Brazil and the Jewish Question.”* University of California Press.

Londres, Albert. (1928). *“The road to Buenos Ayres.”* Constable & Co. Ltd.

Marques, Neusa María and Simons, John. (2001). *“Motivational determinants of teenage pregnancy in a deprived area of Recife, Brazil.”* Paper prepared for the IUSSP General Population Conference, Salvador, Bahia, Brazil, August 2001 - Session S86: Young People’s Reproductive Health.

Masika, Rachel (Editor). *“Gender, trafficking, and slavery.”* Oxfam, 2002.

Mathis, Arthur. (1978). *“Contrasting Approaches to the Study of Black Families.”* Journal of Marriage and Family, Vol. 40, No. 4, (1978), National Council of Family Relations. Retrieved on December 26, 2009, at:
<http://www.jstor.org/stable/351187>

Ministerio de Salud, Argentina and Organización Panamericana de la Salud (2008). *“Indicadores Básicos Argentina 2008.”* Retrieved on December 20, 2009, at: <http://www.bvs.org.ar/pdf/indicadores2008.pdf>.

Ministry of Health, Argentina (2010). *“Estadísticas Vitales- Información Básica, 2009,”* Serie 5, Número 53, November, 2010. Retrieved at:
<http://www.deis.gov.ar/Publicaciones/Archivos/Serie5Nro53.pdf>

Ministry of Health, Brazil. (2004). *“Saúde Brasil 2004 - Uma análise da situação de saúde”* Brasília, DF, 2004.

Ministerio Público Fiscal. *“Report NEA.”* UFASE, Buenos Aires, Argentina. Retrieved on October 19, 2011, at:
http://www.mpf.gov.ar/icswpgd/DocumentosWeb/LinksNoticias/informe_nea.pdf.

Morawaska, Ewa. (2007). *“Trafficking into and from Eastern Europe,”* (chapter 5) in Human Trafficking edited by Maggy Lee, Willan Publishing, 2007.

- Moreno, José Luis.** (1994). *"Historia de la Familia en el Río de la Plata."* Buenos Aires: Editorial Sudamericana.
- Newsroom.** (2007). *"Brazil, 241 Routes Feed Brazil's Women and Minors Sex Slavery Trade,"* November 02, 2007. Retrieved on October 1st, 2009, at: http://www.brazzilmag.com/index2.php?option=com_content&do_pdf=1&id=8824.
- Osborne, Raquel** (Editor), (2004). *"Trabajador@s del sexo. Derechos, migraciones y tráfico en el siglo XXI."* Ediciones Bellaterra.
- Pantelides, Edith A.** (2003) *"Aspectos sociales del embarazo y la fecundidad adolescente en América latina."* Paper presented at the Seminar 'La fecundidad en América Latina: ¿transición o revolución?,' organized by CELADE and the Center Recherche Populations et Sociétés, Université de Paris X-Nanterre, Santiago de Chile (Chile), June 9-11, 2003. Retrieved at: <http://www.eclac.org/publicaciones/xml/9/22069/lcg2229-p1.pdf>.
- Parker, Richard and Barbosa, Regina Maria.** (1996). *"Sexualidades Brasileiras"* Relume Dumara Editores.
- PESTRAF.** (2002). *"Study of Trafficking in Women, Children and Adolescents for Commercial Sexual Exploitation – National Report, Brazil."* Coordinated by Leal, María Fatima. Retrieved on December 26, 2009, at: http://www.law.depaul.edu/centers_institutes/iharli/downloads/Brazil.eng.pdf
- Picarelli, John.** (2009). *"Human Trafficking & Organised Crime in the US & Western Europe"* in *Strategies Against Human Trafficking: The Role of The Security Sector*, Chapter 3, Study Group Information, Cornelius Friesendorf (Ed.).
- Picotti, Dina V.** (Editor). (2001). *"El Negro en La Argentina."* Buenos Aires, Argentina: Editores de America Latina.
- Pimenta, Cristina and others.** (2010). *"Sexuality and Development – Brazilian national response to HIV/AIDS among sex workers."* Study Report. Rio de Janeiro, Brazil: Brazilian Interdisciplinary AIDS Association (ABIA).
- Roure, Jodie.** (2009). *"Domestic Violence in Brazil: Examining Obstacles and Approaches to Promote Legislative Reform."* Columbia Human Rights Law Review 41:69 2009.
- Russel-Wood, A.J.R.** (1977). *"Women and Society in Colonial Brazil."* Journal of Latin American Studies, Volume 9, Issue I, Cambridge University Press. Retrieved on December 26, 2009, at: <http://www.jstor.org/stable/156605>.
- Safa, Helen.** (2008). *"The Matrifocal Family and Patriarchal Ideology in Cuba and the Caribbean."* Journal of Latin American Anthropology. University of Florida, Volume 10, Issue 2. Retrieved on December 26, 2009, at: <http://www3.interscience.wiley.com/journal/120183814/abstract?CRETRY=1&SRETRY=0>.

- Savona, Ernesto U. and Stefanizzi, Sophia** (Editors). (2007) *"Measuring human trafficking: complexities and Pitfalls."* New York, NY: Springer.
- Sawyer, Roger.** (1986). *"Slavery in the Twentieth Century."* London, New York: Routledge & Kegan Paul.
- Schnabel, Raúl.** *"Historia de la Trata de Personas en Argentina como Persistencia de la Esclavitud."* Dirección General de Registro de Personas Desaparecidas. Retrieved on June 29, 2011, at: <http://www.mseg.gba.gov.ar/Trata/HISTORIA.pdf>
- Seelke, Clare Ribando.** (2007, 2009 and 2012). *"CRS Reports for Congress - Trafficking in Persons in Latin America and the Caribbean."* Congressional Research Service. Reports from January 8, 2007 and October 16, 2009. Retrieved on October 13, 2009, at: <http://www.humantrafficking.org/uploads/publications/RL33200.pdf> , and at: <http://www.fas.org/sgp/crs/row/RL33200.pdf>. Report from 2012, see at: <http://www.hsdl.org/?view&did=700153>.
- Seelke, Clare Ribando and Siskin, Alison.** (2008). *"Trafficking in People."* Nova Science Pub. Inc.
- Shadow Report.** (2007) "Shadow Report by Civil Society to the Sixth National Report of Brazil on the Convention on the Elimination of all Forms of Discrimination against Women -2001-2005 period." Retrieved on January 24, 2012, at: http://www.iwrawap.org/resources/pdf/BRAZIL_SHADOWREPORT_CEDAW_June,18%5B1%5D.pdf .
- Shared Hope International.** (undated). "Demand. A Comparative Examination of Sex Tourism and Trafficking in Jamaica, Japan, the Netherlands, and the United States." Shared Hope International.
- Siddharth, Kara.** (2009). *"Sex Trafficking: inside the business of modern Slavery."* Columbia University Press.
- Siegrist, Nora and Ghirardi, Monica** (Coordinators). (2008) *"Mestizaje, sangre y matrimonio en territorios de la actual Argentina y Uruguay Siglos XVII- XX."* Editorial Dunken.
- Skinner, E. Benjamin.** (2008). *"A crime so monstrous: face-to-face with modern-day slavery."* New York: Free Press.
- SODIREITOS-GAATW-REDLAC.** (2008). *"Investigación Tripartit sobre Trata de Mujeres: Brasil, Republica Dominicana y Surinam- Una intervención en red"*. Retrieved on December 26, 2009, at: http://www.childtrafficking.com/Docs/gaatw_08_sobre_mujeres_surinam_0109.pdf.

Sorensen, Bente. (undated). “*Protecting Children and Adolescents Against Commercial Sexual Exploitation in Central America, Panama and the Dominican Republic.*” International Labour Organization. Retrieved on April 20, 2012, at: <http://www.iin.oea.org/OIT-ing.PDF>.

Studnicka, Andrea Cirineo Sacco (2010). “*Corruption and Human Trafficking in Brazil: Findings from a Multi-Modal Approach.*” European Journal of Criminology, January 2010, Vol. 7, N. 1. Retrieved on December 8, 2011, at: <http://euc.sagepub.com/content/7/1/29.abstract> and at: http://www.mpdft.gov.br/portal/index.php?option=com_content&task=view&id=2217&Itemid=93.

Sykiotou, Athanassia. (2007). “*Trafficking in human beings: Internet recruitment-Misuse of the Internet for the recruitment of victims of trafficking in human.*” Directorate General of Human Rights and Legal Affairs Council of Europe 2007. Retrieved on October 14, 2011, at: http://book.coe.int/sysmodules/RBS_fichier/admin/download.php?fileid=3094

Transparency International. “*Corruption Perception Index 2008.*” Retrieved on October 20, 2009, at: http://www.transparency.org/policy_research/surveys_indices/cpi/2008.

_____. (2011). “*Corruption and Human Trafficking.*” Working Paper #3/2011. Transparency International. Retrieved on December 6, 2011, at: http://www.ungift.org/doc/knowledgehub/resourcecentre/CSOs/TIWorking_Paper_Human_Trafficking_28_Jun_2011.pdf

Trochon, Yvette. (2006). “*Las Rutas de Eros. La Trata de blancas en el Atlántico Sur. Argentina, Brasil y Uruguay (1880-1932)*”. Ediciones Santillana.

United Nations. (UN) (2010) “*Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo.* United Nations A/HRC/17/35/Add.4-Mission to Argentina.

United Nations Educational, Scientific and Cultural Organization (UNESCO). “*Slavery in Brazil. Slave Trade Archives.*” Retrieved on October 19, 2009, at: http://portal.unesco.org/ci/en/ev.phpURL_ID=8161&URL_DO=DO_TOPIC&URL_SECTION=201.html.

United Nations Development Programme. “*Human Development Reports.*” Retrieved on October 5, 2009, at: <http://hdr.undp.org/en/statistics/>

United Nations Office on Drugs and Crime (UNODC) (2004). “*I diagnóstico sobre o tráfico de seres humanos: São Paulo, Rio de Janeiro, Goiás e Ceará*” coordinated by Marcos Colares. National Justice Secretariat, UNODC and ILO.

_____. (2006) “*Trafficking in Person: Global Patterns.*” Retrieved on October 19, 2009, at: <http://www.unodc.org/documents/human-trafficking/HT-globalpatterns-en.pdf>

- _____. (2007) *“Tráfico internacional de pessoas e tráfico de migrantes entre deportados(as) e não admitidos(as) que regressam ao Brasil via o aeroporto internacional de São Paulo,”* coordinated by Adriana Piscitelli. National Secretariat of Justice of the Ministry of Justice and UNODC.
- _____. (2008). *“Corruption and Human Trafficking: The Grease that Facilitates the Crime.”* United Nations Global Initiative to Fight Human Trafficking. Retrieved on April 19, 2009, at <http://www.unodc.org/documents/humantrafficking/MarikaMisc/BP020CorruptionandHumanTrafficking.pdf>.
- _____. (2008). *“Human Trafficking: an overview.”* Retrieved on February 3, 2010, at: <http://www.fas.org/sgp/crs/row/RL33200.pdf>.
- _____. (2008) *Toolkit to Combat Human Trafficking.* Retrieved on October 13, 2009, at: http://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf.
- United Nations Statistics Division.** *“UN Data.”* Retrieved on December 21, 2009, at: <http://data.un.org/Data.aspx?d=GenderStat&f=inID%3a13>.
- U.S. Department of State.** (2009-2012). *“Trafficking in Persons Report.”* Washington DC: Department of State.
- Uslaner, Eric.** (2008). *“Corruption, inequality, and the rule of law: the bulging pocket makes the easy life.”* Cambridge University Press.
- Van Dijk, Jan.** (2008). *“The World of Crime. Breaking the Silence of Problems of Security, Justice, and Development Across the World.”* Sage Publications.
- World Health Organization (WHO).** *“Adolescent pregnancy: A culturally complex issue”* Bulletin, Volume 87, Number 6, June 2009, 405-484. Retrieved on December 21, 2009, at: <http://www.who.int/bulletin/volumes/87/6/09-020609/en/index.html>.
- Waiselfisz, Julio Jacobo** (2010). *“Mapa Da Violência 2010- Anatomia Dos Homicídios do Brasil.”* São Paulo, SP: Instituto Sangari.
- _____. (2011) *“Mapa da Violência 2012: Os Novos Padrões da Violência Homicida no Brasil.”* São Paulo, SP: Sangari Institute.
- Zhang, Sheldon.** (2010). *“A Review and Translation of Spanish-Language Literature on Sex Trafficking.”* San Diego, CA: San Diego State University
- Zinni, Nicolás and Ielpi, Rafael Oscar.** (2004). *“Prostitución y Rufianismo.”* Homo Sapiens Ediciones.

APPENDIX A

List of Cases – Argentina Court Sentences

CASE # 1: Tribunal Oral en lo Criminal Federal de Bahía Blanca, causa N° 978. Solved 12/12/12.

CASE # 2: Tribunal Oral en lo Criminal Federal N° 5 de la Capital Federal, causa N° 1561. Solved 11/02/2012.

CASE #3: Tribunal Oral en lo Criminal Federal de la ciudad de Catamarca, causa N° 62/09.

CASE #4: Tribunal Oral en lo Criminal Federal de la ciudad de Comodoro Rivadavia, causa N° 8161/08. Solved 10/13/2010.

CASE #5: Tribunal Oral en lo Criminal Federal de Comodoro Rivadavia, causa N° 999. Solved 03/10.

CASE # 6: Tribunal Oral en lo Criminal Federal N° 1 de Córdoba, causa N° 231/10, Solved 03/22/11.

CASE # 7: Tribunal Oral en lo Criminal Federal N° 1 de Córdoba, causa N° G-141/10. Solved 11/12/2010.

CASE #8: Tribunal Oral en lo Criminal Federal N° 2 de Córdoba, causa N° 14416/08. Solved 04/26/10.

CASE # 9: Tribunal Oral Federal de Formosa, causa N° 3004. Solved 12/27/2012.

CASE # 10: Tribunal Oral en lo Criminal Federal N° 1 de Mendoza, causa N° 2697-D. Solved April 2012.

CASE # 11: Tribunal Oral en lo Criminal Federal N° 2 de Mendoza, causa N° 2832-A. Solved 05/17/2011.

CASE # 12: Tribunal Oral en lo Criminal y Correccional Federal de Santa Rosa, causa N° C.7/10. Solved 07/6/2010.

CASE # 13: Tribunal Oral en lo Criminal Federal de Santa Rosa, causa N° 28/09. Solved 07/06/2010.

CASE # 14: Tribunal Oral en lo Criminal Federal de La Plata, causa N° 3352/11. Solved 10/15/2012.

CASE # 15: Tribunal Oral Federal en lo Criminal N° 2 de La Plata, causa N° 2977/10. Solved 05/24/2011.

CASE # 16: Tribunal Oral Federal en lo Criminal N° 1 de La Plata, causa N° 3094/10. Solved 12/9/10.

CASE # 17: Tribunal Oral Federal en lo Criminal N° 1 de La Plata, causa N° 3048/10. Solved 11/10/2010.

CASE # 18: Tribunal Oral Federal en lo Criminal N° 1 de La Plata, causa N° 2900/09. Solved 06/25/09.

CASE # 19: Tribunal Oral en lo Criminal Federal de La Rioja, causa N° 392-C-2011, Solved 9/12/2011.

CASE # 20: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2432. Solved 8/30/2012.

CASE # 21: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2422. Solved 10/7/2011.

CASE # 22: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2359, Solved 8/4/2011.

CASE # 23: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2338/12. Solved 7/7/2012.

CASE # 24: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2306. Solved 3/11/2011.

CASE # 25: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2267. Solved 11/12/10.

CASE # 26: Tribunal Oral en lo Criminal Federal de Mar del Plata, causa N° 2271. Solved 02/8/10.

CASE # 27: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 2.206/11. Solved 10/30/2012.

CASE # 28: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 2195/11, Solved 9/19/2012.

CASE # 29: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 2044/1. Solved 8/4/2011.

CASE # 30: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 1.911/10. Solved 03/2011.

CASE # 31: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 2021/10. Solved 06/15/2011.

CASE # 32: Tribunal Oral en lo Criminal Federal de Paraná, causa N° 1864/09. Solved 07/26/10.

CASE # 33: Tribunal Oral en lo Criminal Federal de Posadas, causa N° 125 / 2009. Solved 10/28/2010.

CASE # 34: Tribunal Oral en lo Criminal Federal de Posadas, causa N° 91/09. Solved 04/29/2010.

CASE # 35: Tribunal Oral en lo Criminal Federal de Posadas, causa N° 130/2009. Solved 07/26/2010.

CASE # 36: Tribunal Oral en lo Criminal Federal de Resistencia, causa N° 1486/2011. Solved 09/20/2012.

CASE # 37: Tribunal Oral Criminal Federal de Resistencia, causa N° 1264. Solved 9/8/2011.

CASE # 38: Tribunal Oral en lo Criminal Federal N° 2 de Rosario, causa N° 18/11, added 94/11 and 16/12. Solved 07/2012.

CASE # 39: Tribunal Oral en lo Criminal Federal N° 1 de Rosario, causa N° 70/11. Solved 04/13/2012.

CASE # 40: Tribunal Oral en lo Criminal Federal N° 2 de Rosario, causa N° 135/10. Solved 12/13/2011.

CASE # 41: Tribunal Oral en lo Criminal Federal de Salta, causa N° 3697/11. Solved 10/2012.

CASE # 42: Tribunal Oral Criminal Federal de Salta, causa N° 3418/10. Solved 12/15/2011.

CASE # 43: Tribunal Oral Criminal Federal de Salta, causa N° 3327/10. Solved 11/7/2011.

CASE # 44: Tribunal Oral Criminal Federal de Salta, causa N° 3274/10. Solved 04/2011.

CASE # 45: Tribunal Oral en lo Criminal Federal de Salta, causa N° 3284/10. Solved 09/2010.

CASE # 46: Tribunal Oral en lo Criminal Federal de San Luis, causa N° 2420. Solved 11/30/2012.

CASE # 47: Tribunal Oral en lo Criminal Federal N° 5 de San Martín, causa N° 2755. Solved 04/20/2012.

CASE # 48: Tribunal Oral en lo Criminal Federal N° 2 de San Martín, causa N° 2671. Solved 3/8/2012.

CASE # 49: Tribunal Oral en lo Criminal Federal N° 1 de San Martín, causa N° 2080. Solved 09/01/2011.

CASE # 50: Tribunal Oral en lo Criminal Federal de Santa Fé, causa N° 78/11. Solved 08/2011.

CASE # 51: Tribunal Oral en lo Criminal Federal de Santa Fé, causa N° 82/11. Solved 10/4/2011.

CASE # 52: A) Tribunal Oral en lo Criminal y Correccional Federal de Santa Fé, causa N° 84/09. Solved 12/4//2009.

B) Tribunal Oral en lo Criminal y Correccional Federal de Santa Fé, causa N° 04/10. Solved 04/29/2011 (Sentence B is for a different accused but it is the same case as A).

APPENDIX B

List of Cases, Brazil Court Sentences

BRA001	Justiça Federal de Primeira Instância- Subseção Judiciária de Uberlândia – MG Primeira Vara- Processo n.2004.38.03.009328-4 S:05/19/2004	Included
BRA002	Penal Court of Maranhão State Processo n. 2000.37.00.002913-2 S: 04/23/2008	<u>Excluded</u> <u>Forced Labor</u>
BRA003	Justiça Federal - Seção Judiciária do Ceará- 5a. Vara Processo n.98.21262-0 S: 1999	Included
BRA004	Justiça Federal No Ceará- Décima Primeira Vara Processo nº 2004.81.00.18889-0 S: 6/12/2007	Included
BRA005	Justiça Federal No Ceará – 12ª Vara Federal/CE Processo nº 0001979-29.2004.4.05.8100 S: Undated	Included
BRA006	Justiça Federal - Seção Judiciária do Ceará – 12ª Vara Processo nº. 98.21939-0 S: 10/15/ 2009	<u>Excluded, same</u> <u>case as</u> <u>BRA003</u>
BRA007	Justiça Federal - Seção Judiciária do Ceará – 11ª Vara Processo nº 2001.81.00.016360-1 S: 10/3/2008	Included
BRA008	Justiça Federal - Seção Judiciária do Ceará – 11ª Vara Processo nº 2004.81.00.006158-0 S: 1 st Instance: 09/18/2007 S: 2 nd Instance: 03/7/2012	Included
BRA009	NUMBER SKIPPED-NO COURT SENTENCE	-----
BRA010	Justiça Federal do Estado de Pernambuco – 4ª Vara Processo no number. Ministerio Publico Federal v. A.S. S: 2010	Included
BRA011	Seção Judiciária de Pernambuco – 4.ª Vara Federal Recife, Pernambuco Processo n. 98.0001501-9 S: 11/27/ 2009	<u>Excluded</u> <u>Promote or</u> <u>assist the</u> <u>enforcement of</u> <u>an act designed</u> <u>to send abroad a</u> <u>child or an</u> <u>adolescent</u> <u>without the</u> <u>legal formalities</u> <u>or in order to</u> <u>obtain profit</u>

		(art. 239)
BRA011	Seção Judiciária de Pernambuco – 4.ª Vara Federal Recife, Pernambuco. Processo n. 2001.83.00.007512-0 S: 01/25/2007	Included
BRA012	Seção Judiciária do Rio de Janeiro - Sétima Vara Federal Processo n. 2006.51.01.529682-9 S: 06/14/ 2012	<u>Excluded</u> (art.239)
BRA012	Seção Judiciária do Rio de Janeiro - Sétima Vara Federal Processo n. 0529192-15.2001.4.02.5101 S: 02/9/2012	Included (charges for recruit workers, through fraud, in order to take them to foreign territory and for Favoring prostitution or other forms of sexual exploitation)
BRA013	Seção Judiciária de Pernambuco – 4.ª Vara Federal Processo n. 2003.83.00.002077-2 S: 03/28/2006	<u>Excluded</u> <u>Enticement for the purpose of emigration</u>
BRA014	Seção Judiciária de Pernambuco - 4.ª Vara Federal Processo n. 0004447-11.2005.4.05.8300 S: 01/29/2010	<u>Excluded</u> (art.239)
BRA015	Justiça Federal - 3ª Vara Criminal de São Paulo Processo nº 89.0040455-5 S: 03/1/1996	Included
BRA016	Seção Judiciária de Santa Catarina - Vara Federal de Jaraguá do Sul Processo: 2005.72.09.000609-8 Verdict Date: 06/08/2009	Included
BRA017	Justiça Federal - Seção Judiciária do Estado de São Paulo- 1º Vara Processo n. 2000.61.07.000474-3 S: 8/30/2010	Included
BRA018	Justiça Federal – Seção Judiciária de São Paulo – 20º Subseção Judiciária – Fórum de Araraquara – 1ª Vara Processo: nº 2004.61.20.001211-9 ACR 1814-9 S: 8/16/2005	Included
BRA018	Justiça Federal - 7ª Vara Federal Criminal Rio de Janeiro Processo n. 2005.5101505545-7 S: 04/30/2008	Excluded (art. 239)
BRA019	Justiça Federal – Seção Judiciária de São Paulo – 13º Subseção Judiciária – Fórum de Franca – 2ª Vara. Processo n. 01389-24.2002.4.03.6113	Included

	S: 06/17/2004 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma S: 12/13/2011	
BRA020	Justiça Federal – Seção Judiciária de São Paulo – 24º Subseção Judiciária – Fórum de Jales – 2ª Vara Processo n. 0001703-58.2007.4.03.6124 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma. S: 08/21//2012	Included
BRA021	Seção Judiciária do Estado de São Paulo- 8º Vara Processo: 2005.61.19.004841-3 Appellate Court: Tribunal Regional Federal da 3ª Região, Segunda Turma S: 04/17/2007	Included
BRA022	Justiça Federal – Seção Judiciária de São Paulo – 5º Subseção Judiciária Processo: 0007379-88.2000.4.03.6105 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma S: 08/7/2012	Included
BRA023	Justiça Federal - Seção Judiciária do Estado de São Paulo- 5º Vara Processo nº 2009.03.00.011161-3 S: 09/29/2009	<u>Excluded</u> <u>Habeas Corpus</u> <u>Ongoing</u> <u>investigation</u>
BRA024	Justiça Federal – Seção Judiciária do Mato Grosso do Sul – 1ª Vara Processo n. 2003.60.04.000915-4 Appellate Court S: 10/16/2007	Included
BRA025	Justiça Federal – Seção Judiciária de São Paulo – 6º Subseção Judiciária – Fórum de São José do Rio Preto – 2ª Vara. Processo: 2004.61.06.004897-4 Appellate Court: Tribunal Regional Federal da 3ª Região, Quinta Turma S: 01/21/2008	Included
BRA026	Justiça Federal - Seção Judiciária do Estado de São Paulo- 4º Vara Processo n. 0011221-27.2009.4.03.6181 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma S: 2/2/2011	Included Ongoing investigation, excluded from quantitative analysis.

BRA027	Justiça Federal - Seção Judiciária do Estado de São Paulo- 7º Vara Processo nº 2009.03.00.014160-5 S: 06/23/2009	Included Habeas Corpus, ongoing inv., excluded quantitative analysis.
BRA028	Justiça Federal - Seção Judiciária do Estado de São Paulo- 5º Processo nº 2008.03.00.020091-5 S: 09/23/2008	Excluded, Habeas Corpus, ongoing investigation, related to BRA023
BRA029	Justiça Federal - Seção Judiciária do Estado de São Paulo- 7º Vara Processo: 2007.03.00.020742-5 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma S: 06/23/2009	Excluded Habeas Corpus Related to BRA027 and both will be analyzed together.
BRA030	Justiça Federal – Seção Judiciária de São Paulo – 20º Subseção Judiciária – Fórum de Araraquara – 1ª Vara [Processo nº 2004.03.00.022133-0 S: 06/29/2004	Excluded Habeas Corpus, investigation related to BRA018 (Operação Alícia)
BRA031	Justiça Federal - Seção Judiciária do Estado de São Paulo- 4º Vara Processo: 2005.03.99.009508-0 Appellate Court: Tribunal Regional Federal da 3ª Região, Quinta Turma S: 3/20/2006	Included
BRA032	Justiça Federal - Seção Judiciária do Estado de São Paulo- 2º Vara Processo: 96.03.087722-0 Appellate Court: Tribunal Regional Federal da 3ª Região, Primeira Turma S: 10/21/1997	Included

Source: UNODC Human Trafficking Case Law Database (March, 2013)

CURRICULUM VITAE

Ana Raquel Sverdlick

EDUCATION

- 2009 to present: PhD candidate in Global Affairs, Rutgers University-Newark, NJ. Dissertation Title: “Human Trafficking: A comparative analysis of why countries with similar characteristics have different situations.”
- 2005-2006: Master in Global Affairs, Rutgers University-Newark, NJ. Concentration: Terrorism and Global Security.
- 1999-2000: University of Palermo, Buenos Aires, Argentina. Post-Graduate studies in Criminal Law. Degree: Specialization in Criminal Law.
- 1987-1992: University of Buenos Aires, Argentina “School of Law” Degree: Lawyer.

PROFESSIONAL EXPERIENCE

- 2010 September to June 2011: Fellow, Schell Center for International Human Rights- Yale University Law School.
- 2008 to present: Student Graduate Associate, Center for the Study of Genocide and Human Rights, Rutgers University-Newark, New Jersey.
- 2008: Research Associate, Department of Anthropology, Rutgers University, New Brunswick, New Jersey.
- 2003-2005: S.I. Newhouse Visiting Library Fellow - School of Criminal Justice. Rutgers University- Newark, New Jersey.
- 2002-2003: Center for Holocaust and Humanity Education, Cincinnati, OH, USA.
- 1998-2001: Criminal lawyer for the Delegación de Asociaciones Israelitas Argentinas (D.A.I.A.), which is the representative organization of the Argentine Jewish Community. In 1994, an act of terrorism was committed against its headquarters at Pasteur 633, city of Buenos Aires and I was a member of the legal team representing the DAIA in the court-case.
- 1998-2001: Private lawyer in criminal cases in Argentina.
- 1990-1997: Argentinean National Judiciary Power. Criminal and Federal Court of Justice.

PUBLICATIONS:

- Sverdlick, A. “Terrorists and Organized Crime Entrepreneurs in the ‘Triple Frontier’ among Argentina, Brazil and Paraguay”. 9-2 *Trends in Organized Crime* p. 84. A quarterly journal documenting overall trends in international organized crime published by Rutgers – The State University of New Jersey. The article is reprinted in the book “Global Terrorism,” edited by James Lutz and Brenda Lutz, Sage Publications Ltd., 2008.
- Sverdlick, A. Book Review: “Women, Child for Sale: the new slave trade in the 21st. century” by Gilbert King. 9-3 *Trends in Organized Crime* p.99. A quarterly journal documenting overall trends in international organized crime published by Rutgers – The State University of New Jersey.