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Women's rights, gender and ICTs

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Florencia Roveri and Flavia Fascendini
www.tau.org.ar

Introduction

Argentina is considered a country of origin, transit and destination for human trafficking, for the purpose of sexual exploitation and forced labour. Places of origin are impoverished provinces such as Misiones, Santa Fe, Chaco, Tucumán and Salta. The southern region of the country is considered to be a destination, given its well-developed tourism industry, oil and gas industry activities and port regions.[1]

According to studies, 84% of human trafficking in Argentina is for the purpose of sexual exploitation, as compared to 14% for forced labour, and 2% of cases where the purpose is unknown.[2] The trafficking of people for sexual exploitation almost exclusively affects women (91%),[3] and most victims are over 18 years old. There is a small prevalence of Argentine victims (51%) over foreign women, with a significant number of Paraguayan women (36%), and, to a lesser extent, women from the Dominican Republic, Colombia and Brazil.

In most cases, the victim/survivor did not previously know the abductor. Deception is the preferred method used by abductors (in 42% of cases, compared to 5% for outright kidnapping).

There is a low rate of conviction for human trafficking-related crime, and in general traffickers have earned the complicity of police forces and political power. Statistics in this field are difficult to compile because a low percentage of cases reach the courts.[4]

Traffickers use information and communications technologies (ICTs) to communicate with each other, as well as to communicate with potential victims. ICTs are used to advertise women, and traffickers can share information about accessing victims over the internet.[5] At the same time, however, ICTs can be used to prevent trafficking, to remedy the situation, to assist survivors, and to aid women's recovery.

Policy and political background

In 1957 Argentina ratified the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949).[6] Later, in 2000, the country signed the International Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.[7] The protocol defines trafficking as including such activities as sexual exploitation, forced labour and organ removal, and recognises that the crime exists not only between countries, but also within national territories.

Susana Chiarotti from the Instituto de Género, Derecho y Desarrollo, a women's organisation in Rosario, highlights two aspects of these documents: first, the convention was an abolitionist agreement, and second, the protocol was influenced by countries that wanted to legalise prostitution (and categorise it as work) as an essential step prior to the collection of taxes on the gains of this activity. The protocol also introduced the difference between children and adults as regards trafficking and established the requirement for the victim to prove non-consent for an act to be considered trafficking. The discussion around the protocol was bitter and broke feminism in two worldwide.

In April 2008, Argentina approved and enacted Law 26.364 on the "prevention and punishment of trafficking of persons and assistance to victims",[8] which followed the protocol's definitions. As directed by the law, the government created the Office for the Rescue and Support of Victims of the

1   contralatrata.files.wordpress.com/2011/03/cartilla-final.pdf

2   www.mpf.gov.ar/docs/Links/Ufase/Informe_anual_2012_UFASE.pdf

3   Ibid.

4   www.abrepuertas.inecip.org/abrepuertas.php?contenido=noticia_detalle&idnoticia=194
    www.fundacionmariadelosangeles.org/images/pdf/la-trata-sexual-en-argentina-aproximaciones-para-un-analisis-de-la-dinamica-del-delito.pdf

5   Maltzahn, K. (2006) *Digital dangers: Information and communication technologies and trafficking in women.* www5.apc.org/es/system/files/digital_dangers_EN_1.pdf

6   treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=VII-11-a&chapter=7&lang=en

7   www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html

8   infoleg.mecon.gov.ar/infolegInternet/anexos/205000-209999/206554/norma.htm

Crime of Trafficking,[9] which receives anonymous reports of the crime 24/7 by telephone, SMS text messages or email. Article 23 of the law also creates the Synchronized System of Reports on Human Trafficking. In this system, the prosecutor in the public ministry keeps records of phone calls and text messages received for no less than ten years, so that the authorities have a database to help in the investigations.

The law was modified[10] in December 2012, mainly in connection with the extension of penalties and the redefinition of consent, stating that it "does not constitute any grounds for exemption of the responsibility (...) of the creators, participants, collaborators or instigators [of the crime]." The amendment was sent to congress after a court ruling in the case of Marita Verón,[11] who was kidnapped in 2002 in Tucumán, and is still missing. After a trial with copious evidence against the defendants, they were all acquitted, causing outrage and calls for justice. Today the case is emblematic in the fight against the trafficking of women.

In July 2011, the government enacted Presidential Decree 936, which forbids the publication of sexual services advertising, mainly in the print media (newspapers, magazines, etc.). In order to enforce the decree, an Office for the Monitoring of Advertisements and Publications in the Sex Trade[12] was created. This initiative was adopted as a model by 193 UN member countries.

Since the enactment of Law 26.364 in 2008 and until 2013, 4,602 victims were rescued, in around 2,103 anti-crime initiatives.[13] According to Chiarotti, what is still missing is the inclusion of Law 12.331 – an old law on procuring or "pimping" – in the Penal Code: "The system that sustains pimping is the same that facilitates the trafficking of women. This can be seen in the same complicities between police, the judicial system, political actors, etc. One activity is totally accepted as natural and the other, the trafficking, is considered a crime."

Yazmin's story

"I met a man on the internet and he persuaded me to go to live with him since his father was very sick and he needed my support," she said. As soon as Yazmin went to live with the man, Sergio, his attitude towards her changed. He started mistreating her verbally and raped her. His mother also enslaved her, forcing her to do all sorts of housekeeping chores. Yazmin also had to take care of Sergio's sick father. The abductor kept threatening Yazmin that he would hurt her family if she ran away. He isolated her, taking away her access to the telephone and internet, and forced Yazmin to tell her family that everything was going fine.

After Sergio had raped her many times without using a condom, Yazmin realised that she was pregnant. Sergio did not change his abusive behaviour towards her. He forced her to eat, saying that he needed a healthy child to sell it and that he would get her pregnant again very soon. Finally, he took her to the hospital, as a result of which her family found out about the real situation she was going through and went to see her.

Yazmin denounced Sergio, but because the law considered him her husband, the case was characterised as family violence. She could not access the resources available to assist victims in her situation. Justice only provided her with a restraining order.

Yazmin is still being threatened by her former abductor, who is now involved in the case of Patricia, a young Colombian woman that he abducted a few years ago.[14]

Patricia's story

Patricia, a 23-year-old Colombian woman, had a small child and was unemployed.[15] She wanted to become an actress. She started to search for work on social networks and spent two years chatting with Sergio, who told Patricia that he worked in one of the main newspapers in Argentina and his brother worked in a big entertainment company in Buenos Aires and would give her a job. Patricia asked for personal data and verified the information on the internet. It was all true.

Once she arrived in Argentina with her daughter, Sergio took away her passport and money, beat her up and told her that from that moment on she was his property. Patricia was raped and tortured. Making him believe that she was in love with him,

9   www.jus.gob.ar/areas-tematicas/trata-de-personas/oficina-de-rescate-y-acompa%C3%B1amiento.aspx

10   www.mpf.gov.ar/Noticial_Detalle.asp?IdNoticia=193&idInstitucional=8

11   en.wikipedia.org/wiki/Marita_Veron

12   prezi.com/embed/j96q9rhcs7qm/?bgcolor=ffffff&lock_to_path=0&autoplay=0&autohide_ctrls=0&features=undefined&disabled_features=undefined

13   www.fundacionmariadelosangeles.org/micrositios/delito-de-trata-de-personas/zaida-gatti.pdf

14   redrattargentina.blogspot.com.ar/2013/02/esclavitud-del-siglo-xxi-yazmin-otro.html

15   A video about Patricia's case can be seen at: www.noticiascaracol.com/nacion/video-290602-trata-de-personas-internet-la-esclavitud-del-siglo-xxi

she succeeded in sending her daughter back to Colombia. She lived for five months as a servant at her abductor's house and at his family's. She also found out that he trafficked girls and managed a network of brothels.

After Patricia managed to escape, Sergio started posting notices in the streets asking for help to find his "missing wife", so that she could not prove that she had been a slave.

Now NGOs are helping both Yazmin and Patricia seek justice.

According to the National Network to Stop Smuggling, Trafficking and Commercial Sexual Exploitation of Children and Adolescents (RATT - Red Nacional Alto al Tráfico, la Trata y la Explotación Sexual Comercial de Niños, Niñas y Adolescentes),[16] these are not isolated cases: "Most cases remain unknown, because rescued women escape or do not want to make a complaint for fear of retaliation."

These cases also highlight the most extensively used method of capture: deception.[17] There are different ways used to deceive. One of them is deception through electronic media, used mainly against women from middle social classes who meet traffickers through social networks, email, online chatting or mobile phone. Traffickers build a relationship of trust online and convince the victims to leave their homes, families or even their country. This method is frequently used with teenagers, who find in these relationships the possibility to escape from family problems.[18]

The other method is the offer of a fake job. Taking advantage of social, gender and economic inequalities, traffickers offer attractive jobs, usually in other cities or countries, and promise salaries that exceed the average. The offer could be published in a newspaper, on the internet or in a public space, but it could also be shared by a person known by the victim.

In both cases described above, the perpetrator's strategies involved ICTs, mainly video chat. There is, however, a lack of information about how perpetrators select their victims. Social networking sites, chat rooms and blogs can work as great sources of information on potential victims, and anonymity and false identities facilitate the perpetration of the crime.[19] Lack of information, little awareness and the absence of resources leave women more exposed to these dangers.

According to the handbook *The crime of human trafficking: A guide for journalists*,[20] in those cases for which information could be gathered, recruitment takes place mostly face to face. "The proportion of cases in which other forms such as chat, internet, SMS or telephone are used is insignificant."[21]

However, many cases could exist where the role of ICTs has not been properly recorded, remaining invisible to statistical monitoring. The fact that most of the victims were not previously familiar with their abductors can lead us to suppose that some interaction prior to the abductions must have taken place, probably by means of some sort of technology. Secondly, the alarmingly high percentage of cases in which "no data" is available on the method of recruitment (45%)[22] leads us to suppose that some data collection gap is hiding crucial analytical information.

As mentioned, what the data does suggest is that among women over 18, middle-class women are the main targets for recruitment using ICTs. But girls and boys under 18 also represent an important target group for recruitment using ICTs.[23] At the same time, among trafficking survivors, there is very little data on girls and boys under 18, although it is known that many children are missing at the hands of trafficking networks.

The handbook suggests that measures should be taken to make children and adolescents aware of the implications of sharing pictures and videos in online spaces.[24] But an excessively protectionist approach to online spaces could favour the violation of other rights, such as freedom of expression and access to information, and enable censorship, affecting adolescents' and women's communication and information rights.

Conclusions

Lack of access to justice for women: The cases analysed suggest that beyond the existing legal tools to help victims of certain crimes, there are groups that still experience serious difficulties in accessing justice – and this is particularly true for women in a situation of vulnerability. The main factors that lead them to being excluded from justice are a lack of economic and social resources.

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16 www.rattmercosur.net/ingles/main.html

17 "Handbook against human trafficking", developed by the organisation Sin Cautivas (No Captives) in Neuquen, Argentina. contralatrata.files.wordpress.com/2011/03/cartilla-final.pdf

18 Ibid.

19 www.fundacionmariadelosangeles.org/trata-de-personas.htm

20 www.memoriaenmovimiento.gov.ar/images/Trata/cuadernillofinal.pdf

21 www.fundacionmariadelosangeles.org/micrositios/delito-de-trata-de-personas/cuadernillo_trata_FINAL_web.pdf

22 www.mpf.gov.ar/docs/Links/Ufase/Informe_anual_2012_UFASE.pdf

23 contralatrata.files.wordpress.com/2011/03/cartilla-final.pdf

24 www.memoriaenmovimiento.gov.ar/images/Trata/cuadernillofinal.pdf

Role of ICTs in the trafficking of women and girls: In the cases analysed, the most notable role played by ICTs is in the deception and recruitment phases. The abductor managed to maintain quite longstanding virtual relationships with his victims (with many of them at the same time), and the video chat might have played a key part in this, since image and sound allow a deeper involvement and generate a greater sensation of familiarity and trust than other tools.

Every law has a loophole: There is significant difficulty in identifying the *modus operandi* through which young boys and girls are abducted using ICTs. Experts suspect that trafficking networks might have adapted their procedures after the modification of Law 26.364 in 2012, working with the blind spot in the registration of cases.[25]

Lack of information and specialised mechanisms for measurement: There are no specialised indicators that allow us to understand the extent and the ways in which ICTs are being used to recruit victims.

Women and girls' online safety: Women and girls inhabiting online spaces do not always have the necessary tools to navigate these spaces safely, being exposed to many situations that could be harmful or violent. But even if this implies vulnerability, extreme protectionist approaches should be avoided in order not to endanger the privacy and communication rights of women and girls.

Evidence building: Increasing the level of awareness among women and girls about the importance of keeping track of evidence (and how to do this) will help them secure redress and will create awareness for others about these mechanisms.

Action steps

- There is a huge need to achieve better knowledge of trafficked women's experiences and to identify the role of ICTs in the process in more depth. Special research should be developed to investigate the role that technology plays in the phase between the identification of the victim and the abduction.

- There is a need to work on building women's capacity when it comes to online safety and to build evidence regarding trafficking of women as an extreme form of violence against women (VAW). It is particularly important to understand how to proceed when a woman is going through a trafficking-related situation, especially involving online environments.

- According to the 2012 annual report by the Specialised Office for Investigation of Kidnapping and Trafficking in Persons (UFASE), information dissemination and training targeting girls and boys in secondary school should be reinforced. And we add: This should be done in association with women's rights organisations specialised in human trafficking.[26]

- ICTs and women's rights advocates should review how existing national laws and international protocols address trafficking and the technology related to VAW implicated in the crime, so that they can define the gaps and propose alternatives.

- There is a need to monitor the treatment of the subject of trafficking in the mass media and denounce (creatively and engaging different sectors) cultural products that promote VAW.

- Besides the government's regulation of print advertising for the sex trade, mechanisms to warn against dangerous sites on the internet could be created, within a framework that is respectful of the right to freedom of expression. ∎

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25 www.memoriaenmovimiento.gov.ar/images/Trata/cuadernillofinal.pdf

26 www.mpf.gov.ar/docs/Links/Ufase/Informe_anual_2012_UFASE.pdf