



Protocol

Of the actions of the

"Immediate Response Team".

San José, Costa Rica.

October, 2015

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Background

On November 8, 2005, Executive Decree No. 32824-G was signed, creating the National Coalition against Smuggling of Migrants and Trafficking in Persons. This is a permanent inter-institutional and intersectoral body responsible for defining and coordinating the execution of actions, plans and programs for the prevention, attention and punishment of human trafficking.

In May 2009, the *Care and Protection Commission of the National Coalition against the Smuggling of Migrants and Trafficking in Persons* designed a Model of Comprehensive Care for Survivors - Victims of Trafficking in Persons¹, with the purpose of providing a specialized, comprehensive and urgent response to those affected by this crime.

As a mechanism to operationalize the tasks of initial intervention with survivors who are victims of human trafficking and to streamline inter-institutional coordination, a specialized inter-institutional team was created to provide immediate attention to this type of situation. This team, called the **Immediate Response Team (ERI)**, was established by Executive Decree No. 35144-MG-MTSS in May 2009. The conceptual, ethical and normative reference that supports the Immediate Response Team for Human Trafficking Situations (ERI) is the Model of Comprehensive Care for Survivors - Victims of Human Trafficking.

On February 8, Law No. 9095, Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons, integrated its creation in Chapter V.

This document establishes the operating mechanisms of the ERI based on the provisions of Law No. 9095, its regulations and the Attention Model².

¹ Costa Rica. Ministry of Interior and Police. Modelo de Atención Integral para Sobrevivientes - Víctimas de la Trata de Personas. 2009

² Idem.

1. Definitions

Accreditation: Administrative procedure to determine whether a person is a victim of trafficking in persons according to the definition included in the Palermo Protocol³ and domestic law, and which allows him/her to be certified as such, granting him/her the right to access the set of protection, care and reintegration programs and services provided by the national and international regulatory framework adopted by the State.

Primary Care: This is a process that brings together priority actions aimed at guaranteeing the integrity, safety and protection of the victim of the crime of trafficking in persons. At this point, the actions of the institutions should focus on the assessment and management of the risk and the protection and safety of the survivor. Likewise, the victim should be provided with safe lodging in accordance with her needs and the resources available to the State, as well as attention to her mental and physical health needs in those cases that require immediate attention. The application of the "Risk Assessment Guide" of the Model of Integral Care for Survivors - Victims of Human Trafficking⁴ should be used as technical input.

Reasoned technical criteria: Clear and explicit exposition of the theoretical and technical foundations that support the vote of each institution that integrates the ERI in relation to each case submitted to the accreditation process. The same must make reference to the written report submitted and to the constituent elements of the crime set forth in the so-called Palermo Protocol⁵, Ratified by Law 8302 of 12-09-02, published in La Gaceta N°123 of 27-06-03 and the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons. The accreditation criteria shall be duly recorded in the minutes of the session and shall be supported by means of a recording.

Identification: process of detection and proactive investigation aimed at confirming or ruling out the existence of a possible situation of human trafficking through the observation and analysis of the indicators that constitute the crime.

³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. 2002. ⁴ Costa Rica. Ministry of Interior and Police. Modelo de Atención Integral para Sobrevivientes - Víctimas de la Trata de Personas. 2009

⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. 2002.

Primary care measures: This type of measures are immediate actions aimed at providing care and protection to a victim of trafficking in persons and refer specifically to the assistance to be provided in basic needs, safe accommodation, comprehensive health care, legal advice and physical protection measures.

Specialized technical appraisal process: Process carried out by the ERI by means of:

1. Verification of compliance with the documents required to apply for accreditation based on a collation instrument created ad hoc.
2. Collegial study of the "Accreditation Application Report" according to the established format. (See Annex #2)
3. Review of complementary sources of information requested by the ERI when deemed necessary to make a decision (interviews, review of collateral documents, other technical reports).
4. Issuance of reasoned technical criteria by each member of the body present at the accreditation session.
5. Issuance of resolution of the accreditation process.

Resolution of the accreditation process: Final decision of the ERI that summarizes the criteria and technical grounds that support the decision regarding the application for accreditation of a person as a victim of trafficking in persons. This decision shall contain the majority vote and the dissenting vote. It will also include those primary care measures that have been decided to implement to ensure the restitution of rights and meet the needs of protection and assistance to the victims.

Follow-up: A regulated process that includes all those actions aimed at guaranteeing compliance with the protection and assistance measures included in the accreditation resolution by all obligated institutions, as well as the continued safety and well-being of the accredited Victim of Trafficking in Persons during her stay in the country. It also includes promoting social reintegration.

The Immediate Response Team (ERI) Action Protocol.

2. Objective of this protocol

- Define the procedures to be followed by the Immediate Response Team for the identification, accreditation, immediate intervention and follow-up of victims of human trafficking based on the national and international legal framework, the approaches, principles and axes of intervention of the Model of Comprehensive Care for Surviving Victims of Human Trafficking.

3. ERI Integration

The head of each of the public institutions that are members of the ERI shall designate as its representatives an owner and two alternates with specialized technical knowledge in the field, who must have a professional profile that at least integrates:

- 1- Verifiable specialized training in human trafficking.
- 2- Experience in institutional processes of attention to victims.

Each of the representatives shall be formally accredited by means of the formal issuance of an institutional letter sent to the Technical Secretariat. Their appointment shall be for a term of two years, which may be extended for an equal period. A maximum of two representatives per institution may attend each meeting.

Each of the nine member institutions of the ERI will have the right to one vote, including the Public Prosecutor's Office (Office for the Attention and Protection of Victims of Crime and the Specialized Prosecutor's Office for the Crime of Trafficking in Persons), which must internally define its vote for each case submitted for accreditation.

The invitation to an external entity to the ERI to participate in one or more working sessions shall be previously agreed upon by the collegiate body. Only a maximum of one person may attend for each of the invited entities.

4. Availability of ERI members

Each of the member agencies of the ERI must communicate to the Technical Secretariat of the CONATT the scope of the availability regime through which the approach to cases is guaranteed throughout the national territory, as well as the mechanisms to activate this availability.

5. Ethical performance of the members of the ERI

The members of the ERI should base their actions on the following guiding approaches in accordance with the provisions of the Model of Comprehensive Care for Survivors-Victims of Trafficking:

- 1- **Human Rights Approach:** Based on the recognition that all people, regardless of gender, age, culture, nationality or any other condition, are entitled to the full range of rights inherent to human beings and places the individual at the center of actions to ensure that they are able to develop their full potential and make full use of these rights.
- 2- **Childhood and adolescence approach:** Recognizes that children and adolescents are active subjects of rights instead of passive objects of protection and the responsibility of the state and the family in the fulfillment of the rights of minors. It considers that the best interest of the child is what best favors the fulfillment of their rights.
- 3- **Generational contextual:** It considers the moment of development of the person in his or her life cycle in order to relativize the ways in which people and institutions must relate to children and adolescents according to their possibilities, expectations, needs and priorities.

- 4- **Gender approach:** This implies the recognition of human trafficking as an expression of gender-based violence, with the understanding that the intervention for victims must be differentiated between men and women.
- 5- **Power approach:** Recognizes as forces present in all types of relationships that determine the purpose of those relationships and the purpose that each party has. Victims of human trafficking are at a disadvantage in terms of power management, not only with respect to the traffickers, but also with respect to public or private officials who provide services.
- 6- **Multicultural approach:** Cultural diversity is recognized as legitimate and cultural differences are considered as a common wealth and not as a factor of division or a source of difficulties. It is a right that does not imply the superiority of some cultures over others. In the case of human trafficking, this approach makes it possible to understand that ethnocentrism and the devaluation of people from certain cultures, ethnic groups and regions, especially women and girls, are factors that promote and legitimize exploitation and the violation of rights.
- 7- **Diversity approach:** It is based on the appreciation of human diversity, in terms of culture, age, ethnicity, gender, religion, physical or cognitive functionality, sexual identity and orientation, among others. It emphasizes the need to combat stigmatization and discriminatory treatment in access to care services.
- 8- **Differentiated approach:** a differentiated approach will be promoted and applied in the treatment of cases, taking into account the individual considerations and needs of unaccompanied minors, women victims of gender-based violence and any other situation that aggravates the condition of vulnerability. This approach should permeate all stages of the administrative procedure until the effective social reintegration. It should be noted that the actions that integrate this moment of attention will be defined based on the state and felt needs of the victims, considering factors of gender, age, health, among others. None of the aforementioned actions may be subordinated to the victim's denunciation and in no case may actions be carried out that put the victim's physical or emotional integrity at risk.

Likewise, the members of the ERI must safeguard and make responsible use of the information to which they have access in the exercise of their functions or other situations involving survivors-victims of trafficking in persons, especially contacts with the media, always respecting the principle of confidentiality and the provisions of the Law Against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons.

6. Functions of the Immediate Response Team:

In order to fulfill its functions, the ERI must:

- a) Receive and respond to all possible situations of human trafficking referred to it within the framework of its attributions.
- b) Execute the immediate intervention actions required to guarantee the care, protection and security of persons suspected of being victims of human trafficking, as well as those duly accredited as such, in coordination with the competent authorities or other instances.
- c) Identify, through a specialized technical assessment process, situations of human trafficking brought to the attention of the ERI and ensure that victims have access to primary care measures.
- d) To accredit, by means of a reasoned technical resolution, the status of victim of human trafficking, in order to have access to the platform of comprehensive services for victims-survivors of this crime. The accreditation must be issued within a period not exceeding seven working days from its knowledge, by a simple majority of the members of the ERI.
- e) To meet periodically to ensure the knowledge of the detected cases of trafficking, the accreditation requests presented and to guarantee the follow-up of the same.
- f) Coordinate immediate and unrestricted access to the identification and documentation process of alleged victims.
- g) Coordinate and execute immediate primary care actions and follow-up actions as required in each case submitted to its knowledge and maintain a file that allows knowing the result of such coordination or actions carried out, in order to provide the corresponding follow-up.
- h) Issue the reasoned technical resolution and communicate it to the affected person and to the institution or institutions that submitted the case for consideration.
- i) Coordinate immigration protection measures for non-national victims.

- j) Resolve the challenges submitted to it and communicate the final decision to the appellant.

7. From the Immediate Response Team Headquarters

The Technical Secretariat of the National Coalition against the Smuggling of Migrants and Trafficking in Persons will be the physical headquarters for the safekeeping of all ERI information.

The venue of the ERI sessions will rotate by means of a previously defined role among the ERI members.

8. Functions of the Technical Secretariat in the ERI

- a) Immediately inform the ERI of any report, suspicion or potential case of human trafficking that is brought to the attention of the TS.
- b) Convene the ERI in accordance with the procedures set forth in this protocol on ERI Activation.
- c) Take and keep the minutes of the ordinary and extraordinary meetings of the ERI.
- d) To take, print, store and notify the Reasoned Technical Resolutions issued by the ERI.
- e) Custody of the minutes, files, records and documents emanating from the work of the ERI.
- f) Collect, record and socialize to the ERI member institutions all the information associated with each event brought to their attention using the instruments and database created ad hoc.
- g) Issue semi-annual reports on the status of the files including the follow-up plan or the result of the agreed measures, as the case may be.
- h) Update information on each event brought to their attention using the tools and database created ad hoc.
- i) Convene the ERI for follow-up sessions on compliance with primary and secondary care measures.

The Presidency of the ERI will be elected from among the member institutions of the ERI (Article 49, paragraph f of the General Law of Public Administration) for a period of one year and may be re-elected for up to an equal period and will have a casting vote. The Technical Secretariat of the CONATT for the purposes of the ERI sessions will act as the



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secretariat.

9. Activation of the Immediate Response Team

The ERI will be activated by means of a written request, in physical or digital format, addressed to the Technical Secretariat, which in turn will make the respective call for all the instances that make up the ERI in the cases of:

- a) Suspicion of a situation of human trafficking derived from institutions, authorities or national and international organizations, 9-1-1 emergency system, population in general, which requires an urgent intervention of the ERI for its verification or elimination.
- b) Case presentation session for accreditation.
- c) Follow-up of cases already accredited.
- d) When any of the member institutions of the ERI considers it necessary to work on aspects of its operation.

All requests for activation of the ERI sent to the Technical Secretariat must be formally communicated to all the institutions that make up the ERI collegiate body within a maximum period of 24 hours. The Technical Secretariat will be responsible for keeping a consecutive record of each of the activation requests received and for informing the ERI about them.

The Technical Secretariat shall convene the Team at least 24 hours in advance in writing by means of a numbered official letter, sent physically or digitally, specifying each of the agenda items to be discussed at the convened session.

10. Formal aspects of the sessions

10.1 Quorum

For the regulation of the meeting and voting mechanisms of the collegiate body, the provisions of the General Law of Public Administration for Collegiate Bodies shall apply. In this sense it shall be understood that:

- In order to meet, the ERI requires the presence of at least **five** of the institutions that make up the ERI or the equivalent of an **absolute majority**.
- Due to the nature of the decisions, the minimum quorum for accreditation of a victim must be the same as for a meeting, **five persons**.

10.2 How to meet

The meetings of the body shall always be private, but the body may decide in advance and for each specific meeting, by unanimous agreement of the members present, that certain specialized instances may have access to it, granting them or not the right to participate in the deliberations with voice but without vote. The TS shall submit to the consideration of the ERI in the convocation process which instances it intends to invite and the added value of their presence in said session.

Resolutions shall be adopted by absolute majority of the members in attendance, except in the case of accreditation, in which case the provisions of the preceding article shall apply. The members of the collegiate body may record in the minutes their vote against the adopted agreement and the reasons justifying it, in which case they shall be exempt from the liabilities that, if applicable, may arise from the agreements.

10.3 Minutes

About format and persons responsible for the minutes: The minutes will be taken by the Technical Secretariat of the ERI in digital form and should be printed at the end of the session for the receipt of the signatures of the institutions present. The minutes should clearly and precisely include the reasoned vote of each of the institutions present in relation to the accreditation or not of a person suspected of being a victim of the crime of human trafficking and on any other agenda item that the reasoned vote is requested to remain on the agenda.

Upon signature: The minutes shall be taken at the same meeting. The person presiding shall be the person in charge of reading the minutes before those present in order to incorporate any objections or additions that may be requested. The minutes shall be signed by all members present.

Contents: all minutes must contain at least:

- Session number
- Place and date on which the meeting is held It shall be specified whether the meeting is ordinary or extraordinary.
- List of members present and justification of absent instances
- Summary of the main deliberations of each agenda item including the textual reasoning of the vote when requested by any participating body.

- The Reasoned Technical Criteria in textual form and in quotation marks of each institution in cases in which a vote is cast for accreditation.
- Form and result of the vote, if any

11. Accreditation process

11.1 Submission of the accreditation application to the Technical Secretariat

In order to apply for accreditation, the institution must submit to the Technical Secretariat the documents defined in the *Documents Checklist*, which are detailed below:

- *Reference Report* according to official format
- copy of identification documents or passport,
- letter of request for accreditation

11.2 File creation

For each case submitted for consideration for accreditation, the Technical Secretariat shall open a formal file once the *Document Verification List* has been completed. Each file shall be numbered consecutively using manual and/or electronic means, which shall be handled with strict confidentiality and whose location shall be the archives of the Technical Secretariat of CONATT.

11.3 Specialized technical assessment process

The ERI will perform the following actions:

- Verification of the suitability and legality of the documents required for accreditation, based on the *Document Checklist*.
- Study of the *Reference Report* according to the established format, which must be presented verbally and by means of a written copy for each of the members of the ERI by the requesting body in a session convened for this purpose. It must be delivered to the TS at the end.

- Expansion of resources and sources of information that contribute to informed decision making on the case in question when the team deems it necessary (interviews, review of complementary documents, other technical reports, etc.).

11.4 Reasoned technical criteria

Once the Technical Reasoned Assessment process has been completed, each of the instances will issue during the formal session of the ERI the reasons and technical grounds that support its vote. Said criteria shall be recorded in the minutes of the session in which the accreditation is decided. If during the vote there is a dissenting vote, the Reasoned Technical Criteria shall be recorded in this manner in the Reasoned Technical Resolution of Accreditation.

11.5 Deliberative process for primary and secondary care measures

Once the trafficked person has been accredited, the collegiate body must decide on the primary and secondary care measures to be implemented.

These measures will be assigned in accordance with the competencies of the ERI member institutions and will be recorded in the minutes and in the *Technical Reasoned Resolution* for follow-up purposes.

The primary and secondary care measures may be modified according to the needs of the victims after deliberation and decision of the collegiate body.

In the event that any institution unilaterally extends, changes, suspends or revokes a protection measure granted in the ERI accreditation process, it shall immediately inform the ERI.

11.6 Reasoned technical resolution

This will be the decision that defines the status of the person whose case has been examined by the ERI, for this reason it will be communicated to the person together with the communication of the time limit within which he/she may appeal.

11.7 Notification to the party

The Technical Secretariat will be the entity in charge of notifying the party and the requesting institution of the Reasoned Technical Resolution within a term not to exceed three working days from the time it is issued.

11.8 Appeals and deadlines

The entire accreditation process must be issued and notified within a period of no more than seven working days from its knowledge, in accordance with the provisions of Article 24 of Law 9095. During this time, immediate protection and assistance must be guaranteed to the victim of trafficking in persons, including the guarantee of non-deportation in the case of a foreign victim.

11.9 Resources

Recourse for the review of resolutions: Any member of the ERI may file an **appeal for review** against an agreement after it has been voted on. This appeal for review shall be made orally before those present and must be resolved before the end of the session in which it was voted. Once resolved, it shall become final. The corresponding minutes shall record the presentation of each appeal for review filed, the institution requesting it, the reasons for the appeal, as well as the manner in which the vote was resolved.

Appeal for revocation: The potential victim and/or the institution representing the victim who does not agree with the decision of the ERI may file an appeal for revocation before the ERI within three days following the communication of the decision.

The ERI shall hear and resolve such appeal in the session immediately following the submission of the request. During this period and until such appeal is resolved, the ERI shall ensure the protection, safety and assistance of the person suspected to be a Victim of Trafficking in Persons.

12. Documentation of possible VdT

12.1 Identification of the victim: The Immediate Response Team will take all the necessary steps to determine the identity of the possible foreign victim, when they do not have the documents that identify them. Similarly, coordination between the Civil Registry and other institutions will proceed with the identification of national victims. The absence of identification documents will not prevent the victim from having access to all the primary care or protection resources referred to in the Law.

12.1 Accredited foreign victim documentation.

The ERI through its Technical Secretariat as a collegiate body, shall issue the Reasoned Technical Resolution requesting the Head of the General Directorate of Immigration and Foreigners to proceed with the proper documentation and provide immigration protection established in the General Immigration Law and Law No. 9095. Once the DGME receives such recommendation, it will resolve in the shortest possible time the process of resolution and delivery of the document, provided there is no legal impediment.

12.2 Documentation accredited victim-applicant for refuge.

The accreditation of a victim of trafficking in persons should not affect her recognition as a refugee in accordance with Article 1 and Article 33 of the 1951 Convention, which establishes the principle of non-refoulement to the country of origin where the person's life is in danger. In cases where the victim of trafficking in persons is a refugee or an applicant for refugee status, any action in her favor should not contemplate contact with the authorities of the country of origin.

12.3 Accreditation of a national victim without documentation.

In case of finding a national victim without documentation, the ERI must make the respective recommendation to the Civil Registry requesting the Head of the institution to proceed with the proper documentation as soon as possible to continue with the accreditation process.

13. Monitoring and follow-up.

The members of the ERI as a collegiate body shall establish the specific procedures and deadlines for compliance with the agreements and implementation of the care measures recommended for the victims of trafficking in persons accredited during the accreditation session and shall be included in the *Reasoned Technical Resolution* for each specific case.

For compliance, the ERI will define, if necessary, the follow-up period, which may be extended for up to 2 years or, alternatively, assess the recommendations issued by the ERI during the follow-up process. Each institution has the responsibility to constantly inform through the Technical Secretariat to the ERI the progress and processes that are being generated with the victim, through a report. In all cases involving criminal proceedings for the crime of trafficking in persons, protection, assistance and security measures must be guaranteed. In case of non-compliance with the above by any of the institutions, the ERI will duly notify the head of each institution for the corresponding action.

14. Reintegration process

The institutions that make up the National Coalition against the Smuggling of Migrants and Trafficking in Persons will participate in the process of reintegration of the victims, according to their powers.

In the case of accredited foreign victims who do not wish to remain in the country but cannot return to their country of origin or residence for security reasons, arrangements will be made for their resettlement in a third country.

15. Report to CONATT

The Immediate Response Team shall provide the National Coalition against the Smuggling of Migrants with a full report containing disaggregated statistical data and under no circumstances shall it contain names, addresses or any other type of information that would allow for the identification of persons linked to the different cases. It should be reported:

1. Number of ERI activation requests
2. Number of applications for formal accreditation
3. Number of accredited persons
4. Compliance with protection and assistance measures by the obligated institutions and general status of the accredited victims.

All information disaggregated by sex, nationality, age, type of trafficking and time of identification (internal, external/ origin, transit or destination) and its purpose.

In the event that a representative of the Immediate Response Team has unjustified absences or fails to perform his/her duties as established in this Protocol, the ERI as a collegiate body shall send a report to the Head of the institution so that he/she may take the corresponding measures in order not to affect its operation.

The actions of the members of the ERI shall be subject to the provisions of Costa Rican regulations.

ANNEX 1. Risk Assessment Checklist⁶

The following is a guide of questions for the person conducting the assessment. It should be noted that this is not a guide of questions to ask the survivor-victim, but rather a series of questions that the person conducting the assessment should keep in mind throughout the process.

I. Threats to the person	
1. Do the traffickers know the work or home address of the trafficked person? victim and/or their phone number?	
2. Has the victim been threatened with death by the traffickers?	
3. Has the victim been previously physically or sexually assaulted by What was the magnitude of the aggressions?	
4. Has the trafficker used firearms or any other object to threaten you?	
5. Did the trafficker threaten you with harm to yourself or your family?	
6. Does the victim report receiving calls or being watched and/or followed? by the traffickers?	
7. Has the victim recently entered the systems of care?	
8. Has the victim recently reported the traffickers?	
9. What is the relationship between the trafficker and the victim? Does the person have Do you have a link that allows you easy access to the victim?	
II. Threats to family and close persons	
10. Is the victim married/does she have a partner? Does she have children?	
11. Do the traffickers know details about family members or other family members? people close to the victim?	
12. Do the traffickers claim to know this information?	
Have people close to the victim been threatened?	
14. Have people close to the victim received any type of aggression?	
III. Threats by the person to his or her own physical integrity.	
15. Do you use any type of drugs?	
16. Has the victim threatened suicide?	
17. Has the victim attempted suicide?	

⁶Idem



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IV. Threats to service providers		
18. Do traffickers have information about the traffickers' suppliers? of services?		
19. Have the service providers received threats from the traffickers?		
V. Re- victimization		
20. Has the victim been contacted again by the traffickers?		
21. Does the victim maintain the conditions of vulnerability that exposed him or her to the Human Trafficking?		
VI. Dependence on licit or illicit substances		
22. Does the person currently use addictive substances as a result of the exploitative situation?		
23. Does the person present dependence to any licit or illicit substance, including the use of To what extent?		
24. Does substance use represent a risk to health and/or physical integrity? of the person?		

ANNEX 2. Accreditation Application Report REFERENCE

REPORT

I. IDENTIFICATION DATA

About the referring institution

- ✓ Name of institution/organization
- ✓ File or consecutive number
- ✓ Date of detection identification of the situation.
- ✓ Officer in charge of initial care.
- ✓ Date of preparation of the report.
- ✓ There is a criminal complaint: yes _____ no ____
- Unique number _____
- Officer in charge of the investigation _____

About the person referred

- ✓ Full name (or initials for identification)
- ✓ Type and number of identification document
- ✓ Date of birth
- ✓ Age
- ✓ Nationality
- ✓ Migratory status
- ✓ Language
- ✓ Educational level
- ✓ Marital Status / Children

- ✓ Dependent persons
- ✓ Occupation
- ✓ Current residence
- ✓ Contact information
- ✓ Residence outside Costa Rica and contact information in your home country

II. REASON FOR REFERENCE

In accordance with the provisions of the *Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons* (CONATT), Law 9095, which establishes in paragraphs 19-26 the creation of the *Immediate Response Team* (ERI); The present report is submitted in order to request both the assessment of the situation described (for its due accreditation as a victim of human trafficking), and the inclusion of the victim as a beneficiary of the platform of inter-institutional services, so as to assist - as soon as possible - with the protection, security and comprehensive care of the victim.

III. DETECTION MECHANISM

Regarding the mechanism by which the victim was identified and the conditions in which he/she was at the time of detection.

IV. CONSTITUENT INDICATORS OF TRAFFICKING IN PERSONS

Based on Annex 6 (Identification Interview Guide) and Annex 7 (Identification Form) of the *Model of Comprehensive Care for Survivors and/or Victims of Trafficking in Persons*⁷ adopted by CONATT in Costa Rica, information should be provided about:

(In general, it is felt that to the extent possible in each of the following sections, five basic questions should be answered: what, how, when, where and who. The purpose of this is to allow the ERI members to better understand the case when reading the report).

- ✓ **Vulnerability characteristics present in the VdT prior to catchment:**

Relative a th conditions personal, family cultural an socio-economic factors present in the victim's life that can help to understand The vulnerability of the victim to being deceived, captured and subjected to a trafficking situation. It also refers to the mechanisms of expulsion and/or attraction that can stimulate the recruitment of the victim.

⁷Ministry of Interior and Police/National Coalition against the Smuggling of Migrants and Trafficking in Persons. (2009). Modelo de Atención Integral para Sobrevivientes-Víctimas de Trata de Personas. Pages 117 to 126. Costa Rica.

✓ **On collection mechanisms:**

Information regarding the forms and/or mechanisms used by traffickers to identify, contact, recruit and/or recruit victims.

✓ **On the mechanisms of relocation or uprooting:**

Relating to the forms and/or mechanisms that were used by the traffickers for the territorial mobilization and/or uprooting of the victim from his or her environment to the place or places where the exploitation occurred.

✓ **On the purposes, conditions and dynamics of the operation:**

Relating to the purposes, conditions and ways in which the exploitation was carried out.

✓ **On the control and subjugation mechanisms used:**

Relating to the forms and/or mechanisms that were used by traffickers for surveillance, intimidation, supervision and control of the victim. These are intended to foster a general state of confusion, fear, hopelessness and submission in order to undermine the victim's resources to cope with and/or escape from the trafficking situation (e.g. threats, demonstrative punishment, physical punishment, subjection by debt or immigration status, deception, manipulation, among others).

✓ **On the conditions under which the exit from the trafficking condition occurs:**

Relating to the ways and/or mechanisms that were used by the victim to leave the traffickers' domain and establish contact with the outside world.

V. ASSESSMENT OF CURRENT RISK AND CHARACTERISTICS OF THE TREATERS

Taking as a reference Annex 8 (*Risk Assessment Guide*) of the *Model of Comprehensive Care for Survivors and/or Victims of Human Trafficking*⁸ adopted by CONATT in Costa Rica, information should be indicated:

⁸Ministry of Interior and Police/National Coalition against the Smuggling of Migrants and Trafficking in Persons. (2009). *Modelo de Atención Integral para Sobrevivientes-Víctimas de Trata de Personas*. Pages 127 to 131. Costa Rica.

- ✓ On the dangerousness of traffickers and their operating mechanisms.

Updated information on the background and dangerousness of the traffickers; as well as on the psychosocial or mental health conditions, pattern of consumption of addictive substances and economic activities they perform.

- ✓ On the level of relationship and knowledge that the traffickers have about the victim and her daily life

Information on the emotional and/or family ties and social relationships that traffickers have with victims and their families.

- ✓ On the victim's perceived fear of her own condition and/or safety. ***It is considered that the specific question should be included if she has been threatened, her family or any dependent of the victim; and in case the answer is positive, the type of threat received should be deepened.***

Relating to the victim's own perception of the level of danger posed by traffickers.

- ✓ About the victim's current conditions.

Information on the victim's current socioeconomic conditions.

VI. IDENTIFIED ASSISTANCE AND PROTECTION NEEDS

Information about the most immediate needs of the victim and/or his or her family. Special emphasis should be given to the conditions of safety, health, housing and/or shelter, and level of satisfaction of basic needs.

VII. TESTS

In support of the above, the following documentary and testimonial evidence is provided:

VIII. CONCLUSION

Based on the information provided above, it is concluded that _____ is a victim of the crime of trafficking in persons for exploitation (internal, international). ___ in the modality (internal, international) for which the due accreditation is requested according to the provisions of article xx of the Law against Trafficking in Persons.

VIII. RECOMMENDATIONS

Once an examination of the victim's conditions has been carried out, and/or **family or dependents**, it is concluded that the same is in a condition from ___ specify _____ RISK; for which the following are recommended actions:

1. The due accreditation of the same as a victim of human trafficking is carried out.
2. Coordinate with justice operators in order to contribute to the victim's safety.
3. The relevant inter-institutional steps are taken to meet the main security, health, housing and/or lodging needs, and to meet the basic needs of the victim and/or her family.

Report prepared by

Full name
Institution
Profession
Professional Code