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Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT)

N° 9095

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREES:

**LAW AGAINST TRAFFICKING IN PERSONS AND CREATION OF
THE NATIONAL COALITION AGAINST SMUGGLING OF
MIGRANTS AND TRAFFICKING IN PERSONS (CONATT)**

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1.

The purposes of the present law are:

- a) Promote public policies for the comprehensive fight against human trafficking.
- b) To promote the necessary regulations to strengthen the punishment of human trafficking and related activities.
- c) Define a specific and complementary framework for protection and assistance to victims of human trafficking and their dependents.
- e) Promote and facilitate national and international cooperation in the area of human trafficking.

Article sheet

ARTICLE 2.- General principles

For the application of this law, the following principles shall be taken into account:

- a) **Principle of equality and non-discrimination:** regardless of the judicial or administrative process carried out for the investigation of the crime of trafficking in persons, the provisions contained in this law must be applied in such a way as to guarantee respect for the human rights of the victims of this crime, without any discrimination on the basis of ethnicity, status, race or religion.

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disability, sex, gender, age, language, religion, sexual orientation, political or other opinions, origin, nationality, economic status or any other social or migratory condition.

b) Principle of protection: the protection of the life, physical and sexual integrity, liberty and security of the victims of the crime of trafficking in persons, witnesses of the crime and the victim's dependents, who are under threat, is considered paramount, without the victim's collaboration with the investigation or the filing of a complaint being a requirement for granting protection. When the victim is a minor, the best interest of the victim must be taken into account, as well as all his or her fundamental rights provided for in current legislation.

This law contemplates a comprehensive and differentiated approach according to the needs of each victim and their dependents, as well as the competencies of each institution involved.

c) Principle of proportionality and necessity: assistance and protection measures must be applied in accordance with the particular case and the special needs of the victims and their dependents, after prior technical assessment.

d) Principle of confidentiality: all information and administrative or jurisdictional activity related to the scope of protection of victims of the crime of trafficking in persons, their dependents and witnesses of the crime shall be confidential, so its use must be reserved exclusively for the purposes of the investigation or the respective process. This obligation extends to all judicial and administrative instances, both public and private, as well as to all mass media and social networks.

e) Principle of non-revictimization: in the processes regulated by this law, any action or omission that harms the physical, mental or psychological state of the victim must be avoided, including exposure to the mass media and social networks.

f) Principle of participation and information: information shall be provided clearly, accurately and in understandable language. The opinions and specific needs of the victims must be considered when making decisions that affect them. In the case of minors, the right of expression must be guaranteed at all stages of the process, always taking into account their best interests.

g) Best interest of the minor: in strict compliance with the provisions of the United Nations Convention on the Rights of the Child and the Code of Children and Adolescents, in any public or private action involving a minor, the best interest of the minor must prevail, which guarantees respect for his or her rights with adequate attention and protection. The determination of the best interest is based on the condition of active subject of the rights and responsibilities of the minor, his/her age, degree of maturity, capacity for discernment and other personal conditions, the socioeconomic conditions where he/she lives and the correspondence between the individual and social interest. The Patronato Nacional de la Infancia is responsible for the care, protection and assistance of minors, in accordance with its constitutional mandate.

h) Principle of human dignity: the victim has the right to fair and equal treatment with due respect for his or her human dignity, **especially with regard** to personal autonomy and physical, sexual, emotional, moral and psychological integrity.

Article sheet

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ARTICLE 3.- Scope of application

This law applies to the comprehensive fight against all forms of trafficking in persons and related activities, whether national or transnational, whether or not related to organized crime, and to the comprehensive approach to the victims of this crime and their dependents after technical assessment. In the case of minors, the provisions established in the Code for Children and Adolescents and related national and international legislation must be followed.

Article sheet

ARTICLE 4. Sources of interpretation

The sources of interpretation of this law are all international and national human rights instruments in force in the country or any that may be ratified in this matter, which, to the extent that they grant greater rights and guarantees to individuals, prevail over the Political Constitution. In particular, they shall be sources of interpretation of this law:

- a)** The United Nations Convention against Transnational Organized Crime (Palermo Convention 2000). Law No. 8302, of September 12, 2002, published in La Gaceta No. 123, of June 27, 2003.
- b)** The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Law No. 8315, of September 26, 2002, published in La Gaceta No. 212, of November 4, 2002.
- c)** The International Covenant on Civil and Political Rights and its Optional Protocol. Law No. 4229 of December 11, 1968, published on December 17, 1968.
- d)** The International Convention against Slavery and the Supplementary Convention against Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery.
- e)** The International Covenant on Economic, Social and Cultural Rights. Law No. 4229 of December 11, 1968, published on December 17, 1968.
- f)** The Convention on the Elimination of All Forms of Racial Discrimination. Law No. 3844 of December 16, 1966, published in La Gaceta of January 7, 1967.
- g)** The Convention and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Law No. 8089 of March 6, 2001, published in La Gaceta of August 1, 2001.

- h)** The Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Law No. 8172 of December 7, 2001, published on February 11, 2002.
- i)** The Protocol to the Convention Relating to the Status of Refugees. Law No. 6079 of August 29, 1977, published on October 5, 1977.
- j)** The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Law No. 8459 of October 12, 2005, published on November 25, 2005.
- k)** The Statute of the International Criminal Court. Law No. 8083 of February 7, 2001, published on March 20, 2001.
- l)** The Charter of the Organization of American States.
- m)** The American Convention on Human Rights or Pact of San José. Law No. 4534 of February 23, 1970, published on March 14, 1970.
- n)** The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women "Belem do Para". Law No. 7499 of May 2, 1994, published on June 28, 1995.
- ñ)** The Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities. Law No. 7948 of November 22, 1999, published on December 8, 1999.
- o)** Convention on the Rights of Persons with Disabilities. Law No. 8661 of August 19, 2008, published on September 29, 2008.
- p)** The Inter-American Convention against International Traffic in Minors. Law No. 8071 of February 14, 2001, published on May 21, 2001.
- q)** The Inter-American Convention on the Restitution of Minors. Law No. 8032 of October 19, 2000, published on November 10, 2000.

Article sheet

Article 5- Concept of trafficking in persons. Trafficking in persons shall be understood as the action that through the use of technology or any other means, resorting to the threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, a situation of vulnerability, or the granting or receiving of payments or benefits to obtain the consent of a person who has authority over another, promotes, facilitates, favors or executes the recruitment, transfer, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, in order to subject them to labor or services, in order to subject them to labor or services, in order to obtain the labor or services of one or more persons, transport, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, to subject them to forced labor or services and other forms of labor exploitation, servitude, slavery or practices similar to slavery, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and forced abortion, and the execution of any form of sexual exploitation.

In the case of minors, the recruitment, transfer, transportation, harboring, concealment, retention, delivery or receipt shall be considered trafficking in persons, even when none of the circumstances described in the first paragraph of this article are used.

Trafficking in persons shall also be understood as the promotion, facilitation, favoring or execution of the recruitment, transfer, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, for the illicit extraction or illicit transplantation of human organs, tissues, cells or fluids.

(As amended by the sole article of Law No. 9726 of August 14, 2019)

Article sheet

ARTICLE 6.- Concept of related activities. For the purposes of this law, the following are related activities of trafficking in persons: sexual and labor exploitation in all its forms, all forms of organized crime, money laundering and corruption, falsification of public and authentic documents, ideological falsehood, falsification of private documents, suppression, concealment and destruction of documents, sale or distribution of public or private documents, ideological falsehood in medical certificates, as well as other criminal activities derived from or directly related to trafficking in persons.

(As amended by Article 3 of Law No. 9545 of April 24, 2018)

Article sheet

CHAPTER II

DEFINITIONS

ARTICLE 7. Definitions

For the purposes of this law, the following terms are defined as follows:

- a) **Irregular adoption:** that which occurs without the conditions established in Law No. 5476, Family Code, of December 21, 1973, as amended.
- b) **Lessor:** a person who, for a consideration, allows the use and enjoyment of an asset he owns or is in charge of.
- c) **Lessee:** one who pays for the use and enjoyment of an asset or property of another person or persons.
- d) **Integral fight:** actions aimed at intervening, preventing, repressing and punishing human trafficking, as well as measures taken to care for and protect its victims and dependents.

e) Dependents: persons who are directly dependent on the victim of human trafficking and are under imminent risk related to this crime, regardless of whether they are adults or minors. This dependency will be determined after a technical assessment by the Immediate Response Team.

f) Uprooting: any action aimed at separating a person from the place or environment where he/she has lived, where he/she has had his/her family circle and/or emotional and cultural ties.

g) Internal displacement: permanent or temporary transfer of one or more persons from their usual place of residence and/or economic activity to a different place within the limits of the national territory, without a specific distance relationship.

h) Deception: creating totally or partially false facts to make a person believe something that is not true.

i) Forced pregnancy: any action aimed at promoting, facilitating or carrying out the pregnancy of a woman, adult or minor, with the purpose of obtaining an economic or other type of benefit from the sale of the product of the pregnancy, as well as any of its organs, tissues, fluids and other anatomical components.

j) Slavery: situation and social condition in which a person finds himself/herself lacking freedom and rights because he/she is absolutely subject to the will and dominion of another.

k) Exploitation: obtaining an economic or other type of benefit for the exploiter or for third parties, through the participation or subjection of one or more persons by force or deception to any type of act or state that harms or nullifies their fundamental human rights protected in national and international instruments on the subject.

l) Illegal organ removal: removal of one or more human organs without applying legally established medical and legal procedures.

m) Forced or servile marriage: any practice whereby a person, without the right to object, is promised or given in marriage in exchange for a consideration in money or in kind given to his or her parents, guardian, family or any other person or group of persons. Forced or servile marriage also occurs when a person marries and is subjected to exploitation.

n) Primary care measures: immediate actions aimed at providing care and protection to a trafficked person and specifically refer to the assistance to be provided in basic needs, safe accommodation, comprehensive health care, legal advice and physical protection measures.

ñ) Secondary care measures: short, medium and long-term actions aimed at facilitating the process of care and protection of the trafficked person and his/her dependents after technical assessment, including, when appropriate, voluntary repatriation to their country of origin or residence, or resettlement in a third country.

In the event that the victim decides to remain in our country, these measures include economic assistance, access to work and formal and vocational education, definition of immigration status and provision of documentation, prolonged medical and psychological assistance, when required, in order to ensure adequate social reintegration.

These measures will be determined by the specialized personnel of the agencies in charge of the accreditation and care of crime victims, which will be defined both in this law and in its regulations.

o) Forced begging: a person who is forced by another to beg for money for the benefit of the trafficker or third parties. Consent to carry out begging is not valid in the case of minors, elderly or disabled persons, or in any other situation of vulnerability.

p) Possessor: a person who, without being the owner of an asset, has it in his charge or possession.

q) Service platform: programs and services offered by the State through its institutions.

r) Practices analogous to slavery: includes debt bondage, labor servitude, forced or servile marriages, and the delivery of minors for sexual or labor exploitation.

s) Prevention: is the application of all those actions of preparation, delimitation, planning and execution aimed at anticipating, reducing and preventing the phenomenon of trafficking in persons, in its different modalities.

t) Forced prostitution: situation in which the victim is manipulated or forced to perform acts involving his or her body to satisfy the sexual desires of others, with or without remuneration.

u) Reintegration: an orderly, planned and consensual process with the trafficked person, aimed at facilitating his or her full recovery and return to life in society with full enjoyment of his or her human rights.

v) Restitution of rights: includes the enjoyment of the human rights of the surviving trafficked person, especially family life, return to the place of residence, where safe, and reintegration into work, including the possibility of continuing education, psychological support and the return of property taken as a result of the traffickers' actions.

w) Servitude: state of dependence or subjection of the will in which the perpetrator induces, exploits or forces the victim to perform acts, work or provide services with the use of deception, threats and other forms of violence.

x) Vulnerable situation: any circumstance in which the individual has no alternative but to submit to the situation.

y) Forced labor or service: is labor or service exacted from a person under threat of harm or the duty to pay a spurious debt or by deception.

z) Carrier: is a natural or legal person that promotes, facilitates or executes the transfer of goods and persons by land, air, river or sea, and that for the purposes of this law such transfer is used for the commission of the crime of trafficking in persons or its related activities.

aa) Victim of trafficking in persons: a person who has suffered harm, including physical or mental injury, emotional suffering, financial loss or substantial impairment of rights.

The crime of trafficking in persons and related activities, whether domestic or foreign, is a fundamental crime.

Article sheet

CHAPTER III NATIONAL COALITION AGAINST SMUGGLING OF MIGRANTS AND TRAFFICKING IN PERSONS

ARTICLE 8.

The National Coalition against the Smuggling of Migrants and Trafficking in Persons, hereinafter referred to as the Coalition or by its acronym Conatt, whose integration and functions shall be governed by the provisions of this law and its regulations, is hereby created.

Article sheet

ARTICLE 9.

The Coalition will be responsible for promoting the formulation, implementation, monitoring and evaluation of national, regional and local public policies for the prevention of smuggling and trafficking in persons, the care and protection of victims, and the prosecution and punishment of those responsible, including the review of national regulations and their adaptation to international commitments made by the Costa Rican State, and the training and specialization of institutional human resources. It is also responsible for the evaluation of projects that will be subject to receive budget from the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt), created by this law.

Article sheet

ARTICLE 10. Integration of the Coalition

The Coalition shall be composed of the head or representative of the following institutions:

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- a) The Costa Rican Social Security Fund. Axes of attention and prevention.
- b) The National Council on Rehabilitation and Special Education. Axes of care and prevention.
- c) The General Directorate of Migration and Alien Affairs. The main areas of attention, prevention, justice, information, analysis and investigation.
- d) The General Directorate of Transit. Axis of prevention.
- e) Directorate of Intelligence and National Security. Information, Analysis and Investigation Division.
- f) The Attorney General's Office of the Republic. Axes of justice and information, analysis and investigation.
- g) The Institute on Alcoholism and Drug Dependence. Axes of attention and prevention.
- h) The Costa Rican Tourism Institute. Prevention axis.
- i) The Instituto Mixto de Ayuda Social. Axes of care and prevention.
- j) The National Learning Institute. Axes of attention and prevention.
- k) The National Women's Institute. Axes of attention, prevention and justice.
- l) The Ministry of Public Education. Prevention axis.
- m) The Ministry of the Interior, Police and Public Security. Focus on attention, prevention and information, analysis and investigation.
- n) The Ministry of Justice and Peace. Axis of prevention.
- ñ) The Ministry of Foreign Affairs and Worship. Areas of attention and information, analysis and research.
- o) The Ministry of Health. Axes of care and prevention.
- p) The Ministry of Labor and Social Security. Axes of attention and prevention.
- q) The Office for the Attention and Protection of Victims of Crime. Focus of attention.
- r) The Judicial Investigation Organism. Axes of justice procurement and information, analysis and investigation.
- s) The National Child Welfare Agency. Axes of care and prevention.
- t) The Technical Secretariat of the National Commission against Commercial Sexual Exploitation. Axes of prevention and justice.

The functions of each institution within the Coalition shall be defined in the rules of procedure of the Coalition.
law.

Article sheet

ARTICLE 11. Observers

Representatives of any public institution, the International Organization for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR), the International Labor Organization (ILO), the United Nations Children's Fund (UNICEF), as well as other representatives of international organizations and related social organizations invited by Conatt may attend the Coalition's sessions as observers.

Article sheet

ARTICLE 12. Functions of the permanent technical commissions

The permanent technical committees shall exercise the following functions, in the manner to be established in the regulations of this law:

a) To propose, direct, promote, coordinate and supervise the implementation, follow-up, updating and execution of the national policy against human trafficking and related activities, which will include the following areas of action:

- 1.- Promote prevention.
- 2.- To facilitate the comprehensive care of victims.
- 3.- To ensure the protection of victims.
- 4.- To contribute to the adequate repression.
- 5.- Promote public policies for criminal prosecution.
- 6.- Promote the strengthening of information, investigation and analysis in cases of human trafficking.

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To improve and strengthen the inter-institutional coordination of the entities responsible for the comprehensive fight against trafficking in persons and smuggling of migrants.

- b)** Recommend the signing and ratification of agreements, conventions or treaties and other steps required to strengthen international cooperation against human trafficking.
- c)** Review compliance with international agreements and conventions that Costa Rica has signed in the area of human rights, as well as those related to human trafficking and related activities.
- d)** To participate in the meetings of the corresponding international organizations on human trafficking and to intervene in the implementation of the agreements derived from them; especially those related to human trafficking and issues related to the Coalition.
- e)** Provide technical assistance to public and private organizations that develop programs, projects or any other type of activities for the prevention, care and protection of victims of human trafficking and migrants affected as a result of the crime of smuggling of migrants, in coordination with the governing institutions involved for this purpose.
- f)** Promote the professionalization, sensitization and training of public and private officials of the agencies related to the National Plan against Trafficking in Persons and Smuggling of Migrants.
- g)** Promote the creation of inter-institutional networks at the local and regional levels to implement actions and promote policies for the prevention, protection, care, repression and punishment of human trafficking and smuggling of migrants.
- h)** Ensure the incorporation of prevention, care, protection, information, training and other actions related to human trafficking in the annual operating plans of the institutions.
- i)** Promote the development of timely services and programs, both public and private, aimed at providing direct assistance to trafficked persons and those affected by the smuggling of migrants, in accordance with the provisions of the respective protocols supplementing the United Nations Convention against Transnational Organized Crime.
- j)** Develop and execute awareness, education and orientation campaigns for citizens, especially for the most vulnerable populations, to prevent the development of this type of criminality and the victimization of the affected persons.
- k)** Formulate and follow up on Conatt's National Strategic Plan against Trafficking in Persons and Smuggling of Migrants.
- l)** Review and refer to Conatt the respective financial and accounting reports, based on the regulations of this law.
- m)** Review and recommend to Conatt the approval or denial of projects from various public institutions, entities, non-governmental organizations and international organizations.
- n)** To inform the Administrative Board of the General Directorate of Immigration and Alien Affairs of the projects approved, as established in this law.

ñ) Others provided for in this law and its regulations.

Article sheet

ARTICLE 13. Organization

The structure of the Coalition shall be composed as follows:

- a) The full Coalition shall be composed of the heads of the member institutions or their formally designated representatives. Its resolutions shall be adopted by simple majority.
- b) The Technical Secretariat of Conatt: is the coordinating and representative body at the national and regional level of Conatt, attached to the General Directorate of Immigration and Foreigners.
- c) The technical, permanent or special commissions established in the regulations of this law.
- d) Immediate Response Team: is a specialized body for the primary care of persons affected by human trafficking.

Article sheet

ARTICLE 14. Technical Secretariat

It will be in charge of the General Directorate of Migration and Aliens, being its highest representative the director or the general director, who in turn chairs the Conatt. The General Directorate of Immigration and Aliens, with the support of the other institutions that make up the Conatt stipulated in this law, will contribute at the technical and operational level what is necessary for the proper functioning of the Technical Secretariat, in accordance with their respective competencies.

Article sheet

ARTICLE 15.

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The Technical Secretariat shall ensure adequate technical, political and administrative coordination of the Conatt and the technical commissions established in the regulations of this law.

Article sheet

CHAPTER IV NATIONAL POLICY AGAINST HUMAN TRAFFICKING

ARTICLE 16. National policy for the prevention and comprehensive fight against human trafficking

The Government of Costa Rica, through the National Coalition against the Smuggling of Migrants and Trafficking in Persons, will establish the necessary measures for the articulation of a national policy to prevent and combat trafficking in persons and related activities, as well as the care and protection of its victims as part of the State's preventive and punitive criminal policy.

The State shall adopt this policy by executive decree. The strategic actions of said policy that fall under the jurisdiction of the authorities of other branches or autonomous entities, state institutions, non-state institutions, civil society organizations and international organizations and that due to their nature cannot be dictated by executive decree, shall be adopted by the highest hierarchical level of the respective entity by means of the corresponding administrative act and shall be incorporated into the operational plans of the different institutions of the Government of Costa Rica.

The objectives of the national anti-trafficking policy shall be as follows:

- a) Promote, guarantee and coordinate public policies for the prevention of human trafficking.
- b) To promote the necessary regulations to strengthen the investigation and punishment of the crime of human trafficking.
- c) Define a specific and complementary framework for protection and assistance to victims of human trafficking and their dependents.
- d) Promote and facilitate national and international cooperation in the area of human trafficking.
- e) Other objectives deemed necessary.

Article sheet

ARTICLE 17. Coalition

The National Coalition against the Smuggling of Migrants and Trafficking in Persons will elaborate, implement through its institutions and follow up on the different strategic actions contained in the national policy, in coordination with state and non-state institutions, civil society organizations and international agencies, according to their competencies and the support they provide to the fight against trafficking in persons.

Article sheet

ARTICLE 18. Strategic actions

The strategic actions contained in the National Policy will be formulated in accordance with the following axes:

- a) Focus on attention and protection of victims.
- b) Prevention axis.
- c) Justice procurement axis.
- d) Axis of information, analysis and research.
- e) Institutional coordination axis.

Each of these axes will take into account national and international cooperation actions, as well as the respective evaluation and follow-up.

Article sheet

CHAPTER V

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IMMEDIATE RESPONSE TEAM

ARTICLE 19.

The Immediate Response Team, hereinafter referred to as ERI, is hereby created under the coordination of the Technical Secretariat. Its integration and functions shall be governed by the provisions of this law and its regulations.

The ERI is a specialized inter-institutional body for the activation of primary care measures for trafficked persons and their dependents.

Article sheet

ARTICLE 20. Integration of the ERI

The ERI will be composed of one person representing the following entities, by formal designation, and two alternates:

- a) The Costa Rican Social Security Fund.
- b) The National Women's Institute.
- c) The Ministry of Public Security: General Directorate of Public Force.
- d) The Ministry of Labor and Social Security.
- e) The Public Prosecutor's Office: Office for the Attention and Protection of Victims of Crime and the Special Prosecutor's Office for the Crime of Trafficking in Persons.
- f) The Judicial Investigation Agency.
- g) The National Children's Trust.
- h) Professional Migration Police.
- i) The Technical Secretariat of the National Coalition against the Smuggling of Migrants and Trafficking in Persons.

Representatives of different governmental and non-governmental organizations, as well as national and international agencies, will also be invited to participate when requested by the ERI as technical advisors and cooperating partners.

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Article sheet

ARTICLE 21.

The ERI should convene, by the nature of the particular case, the necessary institutions to provide comprehensive care in the case of trafficked survivors.

Article sheet

ARTICLE 22.- Representatives of the ERI

The head of each of the public bodies indicated in Article 20 shall appoint a representative and two alternates with technical expertise in the field of trafficking in persons, who shall remain in office for a period of two years, extendable, so as to ensure the continuity of the ERI's actions.

Article sheet

ARTICLE 23. Scope of action

The ERI will have the authority to develop its work throughout the national territory. If necessary, the ERI will coordinate the constitution of regional immediate response teams according to the growth of the demand for care.

Article sheet

ARTICLE 24.

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The functions of the ERI shall be as follows:

- 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 safety of persons suspected of being victims of 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 its attention and ensure that victims have access to primary care measures.
- d) To accredit, through a reasoned technical resolution, the status of victim of human trafficking, in order to have access to the platform of comprehensive services for 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) Coordinate immediate and unrestricted access to the process of identification and documentation of alleged victims.
- f) Coordinate immigration protection measures for non-national victims.
- g) Any other necessary to ensure the protection and safety of the surviving victims.

Article sheet

ARTICLE 25. Requirements

For the effective fulfillment of their responsibilities and to guarantee an immediate response, the members of the ERI will be subject to an availability regime that will allow them to be able to respond around the clock, as well as communication, transportation and police security facilities.

Article sheet

ARTICLE 26. Confidentiality clause

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All information related to the administrative files of trafficked persons, due to its nature, will be confidential and will be handled exclusively by the members of the ERI who are in charge of the case, and will be so declared. The Technical Secretariat will maintain total control over access to this type of information. The same duty of confidentiality applies to other persons who have access to this information.

Article sheet

CHAPTER VI

PROTECTION AND PRIVACY OF INFORMATION

ARTICLE 27. Information management

The handling of the information, as well as its confidentiality, is the responsibility of each of the institutions and organizations that are members of the Coalition, as well as of the different specialized bodies that deal with the subject, included in the present law.

Article sheet

ARTICLE 28. Confidentiality

All information related to a case of trafficking in persons is confidential, both information obtained in the investigation process and information provided by the victim and witnesses in judicial or administrative proceedings or before officials of private entities, and for the exclusive use for judicial purposes in criminal proceedings by directly interested and accredited parties.

Article sheet

ARTICLE 29. Protocol of actions

All public and private institutions in charge of the identification, assistance to victims and prosecution of the crime of trafficking in persons in the country, by common agreement, shall implement and apply a protocol of actions to be detailed in the regulations of this law, on the reception, storage, provision and exchange of information related to cases of trafficking in persons.

Article sheet

ARTICLE 30.

The complaint, as well as the respective interview of the victim and/or witnesses during judicial or administrative proceedings, shall be carried out with due respect for their private life and out of the presence of the public and the media. The name, address and other identifying information, including images, of a trafficked person, his or her family members or relatives, shall not be disclosed or published in the media or social networks.

Article sheet

ARTICLE 31. Police Information Platform

For the collection, processing and analysis of statistical and academic information on the characteristics, dimensions and effects of internal and external trafficking in Costa Rica, as well as for the formulation of policies, strategic plans, the annual report, the mapping of national and regional reality, and programs to measure compliance with the objectives outlined in the national policy of the Conatt, the Police Information Platform established in Article 11 of Law No. 8754 will be used and coordinated with the Technical Secretariat of the Coalition to obtain the required information.° 8754, through the Technical Secretariat of the Coalition, to obtain the required information.

Article sheet

ARTICLE 32. Statistical and academic information

The statistical and academic information provided to the Technical Secretariat may be disclosed to the public, in numerical summaries, reports and statistics that do not include personal data of the victims or of a judicial nature, that do not interfere with the investigations of the Police or the Public Prosecutor's Office, with the Program for Attention and Protection of Victims and that do not allow inferring any information of an individual nature that may be used for discriminatory purposes or threaten the life, liberty and personal integrity and privacy of the victims.

Article sheet

CHAPTER VII

PREVENTION

ARTICLE 33. Liability

It is the responsibility of the State institutions that are members of the Coalition, in accordance with their competencies, to allocate the necessary personnel and resources for the implementation of concrete measures to discourage the demand for human trafficking, facilitate its detection, and alert the population in general and, in particular, public and private officials about the existence and effects of this criminal activity.

These actions will be carried out in strict coordination with the Coalition's Technical Secretariat in three specific areas: dissemination, detection and training.

Article sheet

ARTICLE 34.

The Technical Secretariat of the Coalition is responsible for advising municipal authorities to include, in their development plans, programs for the prevention of human trafficking and attention to victims of the crime within the framework of human rights, seeking integration within the community. The above, without detriment to the initiatives promoted and carried out by said Technical Secretariat in public and private institutions and the community in general, with the support and coordination with the corresponding institutions.

Article sheet

ARTICLE 35. Education and orientation campaign

All mass media shall provide the National Coalition against the Smuggling of Migrants and Trafficking in Persons, free of charge, weekly spaces of up to zero point twenty-five percent (0.25%) of the total space they broadcast or edit, to be used for education and orientation campaigns aimed at combating the crimes of trafficking in persons or smuggling of migrants.

Such spaces shall not be cumulative, assignable or transferable to third parties and may be substituted by campaigns developed by the media themselves, with prior authorization from the Coalition.

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with the Technical Secretariat of this Coalition. For purposes of the annual income tax calculation, the cost of the spaces ceded for the purposes of this article shall be considered a donation to the State.

The spaces ceded must be located in the pages, times or programs with the highest audience, according to the segment of the population at which they are targeted.

Article sheet

CHAPTER VIII

CARE AND PROTECTION OF VICTIMS

ARTICLE 36. Criminal complaints

The Costa Rican State shall at all times ensure that victims file the respective criminal complaints when they suspect the crime of trafficking; however, due attention and comprehensive protection to victims of trafficking in persons, whether nationals or foreigners, shall not depend on the filing of such a complaint.

Article sheet

ARTICLE 37. Rights

In addition to the provisions of Law No. 8720, Law for the Protection of Victims, Witnesses and other Subjects Involved in Criminal Proceedings, victims of human trafficking have the right to:

- a) Protection of their physical and emotional integrity.
- b) Receive appropriate, accessible and safe housing, as well as coverage of their basic needs for food, clothing and hygiene.
- c) As part of the recovery process, have access to free comprehensive health care services, including specialized therapies and treatments, if necessary.
- d) Receive clear and understandable information about their rights, their legal and immigration status, in a language, medium or language they understand and in accordance with their age, degree of maturity or disability status, as well as access to free legal assistance and representation services.
- e) Legal and psychological assistance.

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f) To have the necessary time to reflect, with the corresponding legal and psychological assistance, on his possible intervention in the criminal proceeding in which he appears as a victim, if he has not yet made that decision. This period shall not be less than three months.

g) To provide an interview or statement under special conditions of protection and care according to their age, degree of maturity or disability and language.

h) Protection of your identity and privacy.

i) Migratory protection including the right to remain in the country, in accordance with current immigration legislation, and to receive the documentation that certifies such circumstance, in accordance with Law No. 8764, General Law on Migration and Foreigners.

j) The exoneration of any fee, tax or tax burden, referred to the issuance of documents by the General Directorate of Migration and Alien Affairs, which accredits their immigration status as a victim of human trafficking.

k) That the repatriation or return to their place of residence is voluntary, safe and without delay. In the case of minors, in addition to the above, their repatriation or return must be accompanied in accordance with established protocols.

l) That they are provided with information and access to suitable entities to achieve resettlement, when their transfer to a third country is required. In the case of child and adolescent victims of crime, in addition to the above-mentioned rights, it shall be guaranteed that the procedures recognize their conditions as full subjects of rights in accordance with their progressive autonomy. Reintegration into their family nucleus or community shall be sought, if the best interests of the child so determine.

In the case of victims with disabilities, their needs derived from their disability condition will be addressed.

The rights mentioned in this article are integral, inalienable and indivisible.

Article sheet

ARTICLE 38. Measures for primary attention to victims

Victim assistance measures should include:

a) To have adequate, accessible and safe accommodation. In no case shall victims of the crime of trafficking be housed in prisons, penitentiary, police or administrative establishments intended for the accommodation of persons detained, prosecuted or convicted.

- b) Necessary health care and medical assistance, including, where appropriate and with due confidentiality, testing for HIV, pregnancy, detoxification and other illnesses.
- c) Psychological counseling and assistance, in a confidential manner and with full respect for the privacy of the person concerned, in a language, medium and language that he/she understands.
- d) Clear and understandable information about legal assistance to represent their interests in any criminal or other investigation, including obtaining compensation for the harm suffered by the means established by law, where appropriate, and to regulate their immigration status.
- e) Translation and interpretation services in accordance with their nationality and customs, and disability status. To the extent possible and when appropriate, assistance will also be provided to the victim's dependents.

All assistance services shall be provided in agreement with the victims and taking into account the specific conditions and guaranteed rights of minors or persons with disabilities.

Article sheet

ARTICLE 39. Obligation to report possible cases of trafficking victims

Any official of public or private entities who determines, by reason of his or her function, that there are reasonable grounds to presume that a person is a victim of the crime of trafficking, shall immediately coordinate with the members of the Immediate Response Team, the Public Prosecutor's Office or through the 911 service, in accordance with the provisions of the regulations of this law and the approved action protocols.

Article sheet

ARTICLE 40.- Identification of the victim

The corresponding judicial and administrative authorities will take all the necessary steps to determine the identity of the foreign victim and his or her dependents, when they do not have the necessary documents to prove it. Likewise, 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 and his/her dependents from having access to all the resources of attention or protection referred to in this law. Likewise, the granting of the special migratory category of trafficking in persons, stipulated in Article 94, paragraph 10) of Law No. 8764, should not be conditioned to the lack of identification documents.

The ERI will be responsible for the necessary coordination to provide such documentation.

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Article sheet

ARTICLE 41. Right to privacy and confidentiality of identity

In no case shall any regulations or administrative provisions be issued that provide for the registration of trafficked persons in a special registry, or require them to possess a special document that expressly identifies them as victims of trafficking in persons or to comply with any requirement for monitoring or reporting purposes.

Likewise, and as established in the present law, the principle of confidentiality is extended to all media, for the proper handling of the cases and the protection of the victims and other actors involved.

Article sheet

ARTICLE 42. Special care measures for minors

In addition to other guarantees provided for in this law, the following measures shall apply to minor victims:

- a) Receive special attention and care, especially in the case of infants.
- b) When the age of the victim is uncertain and there are reasons to believe that he/she is a minor, he/she shall be considered as such, pending verification of his/her age, according to the established mechanisms.
- c) Assistance will be provided by professionals trained for this purpose and in accordance with their special needs, mainly in terms of housing, education and care.
- d) If the victim is an unaccompanied minor, the Patronato Nacional de la Infancia will take all the necessary steps to establish the nationality and identity of the victim and the location of his or her family, in accordance with the best interests of the minor and in compliance with existing protocols.
- e) In the event that the minor does not have a legal representative or that the person who may hold that position represents a level of risk to the best interests of the minor, the National Children's Trust, as established by law, will assume his or her legal representation.

f) Child and adolescent victims must be informed about the assistance, protection and procedural measures in their native language and in an accessible format, so that they can understand them.

g) In the case of minor victims or witnesses, interviews, examinations and other forms of investigation shall be conducted by specially trained professionals, in a suitable environment and in a language or medium understandable to the minor and in the presence of his or her parents or legal guardian, if circumstances permit; otherwise, of a representative of the National Children's Trust.

h) In the case of minor victims and witnesses, judicial proceedings shall always be conducted in private hearings outside the presence of the media and the general public. Minor victims and witnesses must always give testimony before the court, without the presence of the accused persons; to this end, the Court shall take the appropriate measures to guarantee the corresponding rights.

Article sheet

ARTICLE 43. Special measures for persons in condition of disability and senior citizens

In addition to other guarantees provided for in this law, the following measures shall apply to persons with disabilities:

- a) Respect for their physical, sexual and mental integrity on an equal footing with others.
- b) Receive special attention and care, due to the type of disability.
- c) Respect for their identity, dignity, individual autonomy, freedom to make their own independent decisions.
- d) Respect for their faculties and capabilities.
- e) Access, on equal terms with others, to the physical environment, transportation, information and communications, and to the services and facilities provided for in this law.
- f) Priority protection in risk situations.
- g) Ease of personal mobility as and when they want it.
- h) Receive personalized support service.

i) Access to justice through procedural adjustments appropriate to their disability status or age to facilitate the performance of the effective roles of such persons as direct and indirect participants, including testifying as witnesses, in all legal proceedings.

Article sheet

ARTICLE 44. Institutions responsible for assistance to victims of trafficking in persons

When the victims of trafficking are minors, the Patronato Nacional de la Infancia (PANI) will be the entity in charge of providing care, protection of rights and the required assistance.

In the case of elderly female victims, the National Women's Institute (Inamu) is responsible for providing assistance. In the case of elderly persons, it should be coordinated with the National Council for the Elderly (Conapam).

If the victims are persons with disabilities over eighteen years of age and under sixty-five years of age, the National Council for Rehabilitation and Special Education, through its leading role, will coordinate with the other State institutions the competencies that correspond to them, to provide them with the care and assistance they require from its protection program.

Article sheet

ARTICLE 45. Participation of the victim in the proceedings

The competent judicial or administrative authorities shall provide the victim of the crime of trafficking in persons with the opportunity to present his or her views, needs, interests and concerns for consideration at the different stages of the criminal or administrative proceedings related to the crime, either directly or through his or her representative.

Article sheet

ARTICLE 46. Protection of victims and witnesses of the crime of trafficking in persons and related activities

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In the event that the victim has decided to file a complaint and cooperate with the authorities, the procedure will be in accordance with the provisions of Law No. 8720, Protection of Victims, Witnesses and Other Parties Involved in Criminal Proceedings.

Article sheet

ARTICLE 47. Protection of victims of trafficking in persons and related activities

Victims of human trafficking who decide not to file a complaint or cooperate with the authorities may receive police protection in situations of threat, subject to a prior risk assessment. Protection will be provided by the Ministry of the Interior, Police and Public Security, in accordance with the protection program established by the regulations of this law.

Article sheet

ARTICLE 48. Repatriation and return

The competent authorities shall facilitate the voluntary repatriation of national victims of trafficking in persons and persons dependent on the victim abroad, without undue or unreasonable delay and with due respect for their rights and dignity, upon determination of their national status. The same shall apply to foreign nationals returning to their country of origin or permanent residence, including the preparation of the necessary travel documents. Repatriation and return in all cases will be voluntary and will be carried out with the informed consent of the victim, prior assessment of the risk and with due assistance.

In all cases, the cooperation of the corresponding diplomatic representations will be requested.

In case of return of a victim of trafficking in persons to Costa Rica, the reason for his or her entry in such condition shall not be recorded in his or her identification documents and shall not be stored in other immigration records, and he or she shall be provided with all the protection and assistance measures established by this law.

Child victims or witnesses may not be returned to their country of origin if, based on a risk assessment, it is determined that this would be contrary to their best interests, as it jeopardizes their personal safety and integrity.

Article sheet

ARTICLE 49. Resettlement

The resettlement process will proceed when the victim or his/her dependents cannot return to their country of birth or residence and cannot remain in Costa Rica due to reasonable threat or danger affecting their life, integrity and personal freedom.

Article sheet

ARTICLE 50. Reinstatement

State institutions, in accordance with their competencies, shall establish programs aimed at facilitating and supporting the family, community, social, educational, labor and economic reintegration of victims of trafficking in persons and their dependents. Conatt's Commission for the Attention of Victims shall determine the reintegration measures and the technical and economic support, when appropriate.

Both in the processes of voluntary repatriation, resettlement and reintegration, the human rights of the victim and his/her dependents shall be respected, the victim's criteria shall be taken into account and the confidentiality of his/her status as a victim of human trafficking shall be maintained. These procedures shall be detailed in the regulations of this law.

Article sheet

Assistance to Costa Rican victims abroad.

Each diplomatic or consular representative of Costa Rica abroad shall provide the necessary assistance within their competence to Costa Rican citizens who, being outside the country, are victims of the crimes described in this law and facilitate their return to the country, if so requested, in strict compliance with national and international legislation related to this matter and without prejudice to the provisions of Law No. 8764, General Law on Migration and Aliens, in relation to the functions of consular representations as immigration agents abroad.

Article sheet

CHAPTER IX

FINANCING

ARTICLE 52.

The National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt) is created.

This Fund will be financed with the collection of one U.S. dollar (US\$1.00) in the exit tax established in Law No. 8316, Law Regulating Exit Duties from the National Territory, of September 26, 2002.

Article sheet

ARTICLE 53. Destination of the Fund

The constitution and monies of the Fund shall be solely and exclusively destined to the financing of administrative and operational expenses for the prevention, investigation, prosecution and detection of the crime of trafficking in persons; comprehensive care, protection and social reintegration of accredited victims of trafficking in persons, nationals and foreigners, as well as the comprehensive fight against the crime of smuggling of migrants. No more than twenty percent (20%) of the resources collected may be used for administrative expenses.

Article sheet

ARTICLE 54.

The Administrative Board of the General Directorate of Immigration and Alien Affairs is hereby authorized to subscribe and manage the operating trusts that may be necessary to be constituted for the fulfillment of the purposes of this law.

Article sheet

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ARTICLE 55. Execution of trust agreements

The trust agreements must be entered into with public banks of the National Banking System, in accordance with the regulations in force, selected according to the best offer among those received, based on the invitation issued.

Article sheet

ARTICLE 56. Obligations of the trust

The trustee must comply with the obligations imposed by the legal provisions in force, as well as those derived from the trust agreement entered into. The resources administered in the trusts must be invested in the best low-risk and highly liquid conditions. The trusts and their administration shall be subject to control by the Office of the Comptroller General of the Republic.

The trusts shall be financed with the resources established in Article 52 of the present law.

Article sheet

ARTICLE 57. Declaration of public interest

The operations carried out through the trust established in the present law are declared to be of public interest; therefore, they will be exempt from taxes, tariffs and surtaxes for all acquisitions of goods and services.

Article sheet

ARTICLE 58.

The collecting entity must deposit the monies collected from the tax established in Article 52 of this law, within twenty calendar days of the month following its collection, and transfer them to the established trust.

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Article sheet

ARTICLE 59. Financing

Public institutions, as well as entities and non-governmental organizations endorsed by Conatt, may request financing for projects that contribute to the objectives of this law.

For these purposes, the respective projects must be submitted to Conatt for approval or rejection.

The requirements, deadlines, reports and other aspects related to the foregoing shall be established in the regulations of this law.

Article sheet

ARTICLE 60. National strategic plan

Conatt is responsible for the formulation of a National Strategic Plan against trafficking in persons and smuggling of migrants, defining the goals, priorities and projects for the fulfillment of the objectives of this law. The projects to be executed with Fonatt funds must be contained in said Plan and be duly approved by Conatt in order to be submitted to the Administrative Board of the General Directorate of Migration and Foreigners (DGME).

Article sheet

ARTICLE 61. Permanent Technical Commission for Project Management

Public institutions, entities, non-governmental organizations or international organizations seeking to finance a project must submit it to the Permanent Technical Commission for Project Management one month prior to the beginning of each fiscal year, within which time it must be reviewed by the Commission, which will submit a technical recommendation to Conatt for approval or rejection.

Article sheet

ARTICLE 62. Authorized budget

The Conatt, through its Technical Secretariat, will issue the binding guideline to the Administrative Board of the General Directorate of Immigration and Aliens of the projects that were assessed and approved, which must be granted the authorized budget for their implementation and execution.

Article sheet

ARTICLE 63. Agreements

For cases of utility and necessity, the required agreements must be signed with public institutions, entities, non-governmental organizations and international organizations, which must comply with the opening of the required current accounts in the National Banking System.

Article sheet

ARTICLE 64. Annual report

Each public institution, entity, non-governmental organization and international organizations must submit an annual report related to the execution and implementation of the projects to the Project Management Committee, through the Technical Secretariat, one month prior to the fiscal closing.

Article sheet

ARTICLE 65. Rendering of accounts

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The Project Management Committee and the respective fiduciary entity shall provide an annual accountability report to the members of the Conatt on the projects executed with Fonatt resources.

Article sheet

ARTICLE 66. Audit

The Fonatt will be subject to an annual external audit.

All information on the operation and functioning of Fonatt shall be available to the internal audit of the Ministry of Interior and Police.

Article sheet

ARTICLE 67. Deductible donations

In accordance with Law No. 7092, Income Tax Law of April 21, 1988, donations made by individuals or legal entities, public or private, for the benefit of plans and programs authorized by the National Coalition against the Smuggling of Migrants and Trafficking in Persons shall be deductible from the calculation of income tax.

Article sheet

ARTICLE 68. Unseizable resources

The resources referred to in this chapter shall be unseizable for all legal purposes.

Article sheet

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ARTICLE 69. Prohibition

It is prohibited to use Fonatt assets and resources for purposes other than those provided for in this law.

Article sheet

CHAPTER X

PROCEDURAL PROVISIONS

ARTICLE 70. Non-punishability

The victims of the crime of trafficking in persons are not criminally or administratively punishable for the commission of misdemeanors or crimes, when these have been committed during the execution of the crime of trafficking in persons and as a consequence thereof, without prejudice to the legal actions that the aggrieved party may exercise against the perpetrator or perpetrators of the facts.

Article sheet

ARTICLE 71. Duty to denounce

Public officials shall be obliged to report, before specialized police bodies or before the Public Prosecutor's Office, any situation that constitutes reasonable suspicion of human trafficking or smuggling of migrants. Members and representatives of the institutions and organizations that make up the National Coalition have the same obligation.

Article sheet

ARTICLE 72.

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The jurisdictional advance of evidence will be managed immediately and in all cases, when a person is identified by the corresponding procedure as a victim of human trafficking and is willing to give an interview or statement in the criminal proceeding.

Article sheet

ARTICLE 73. Civil action for indemnification

When the court declares the defendant criminally responsible for the crime of trafficking in persons or its related activities, and the civil action for compensation has been brought by the victim, and if appropriate, the court shall also order the defendant to pay compensation for the damage caused to the victim. The civil conviction must include:

- a) Medical treatment costs.
- b) The costs of psychological care and physical and occupational rehabilitation.
- c) Transportation costs, including the cost of voluntary return to their place of origin or transfer to another country when applicable, food, temporary housing and care of minors or disabled persons, incurred.
- d) Compensation for damages caused.
- e) Compensation for psychological damages.

The migratory status of the victim or his absence due to return to his country of origin, residence or third country shall not prevent the court from ordering the payment of compensation in accordance with this article.

The corresponding judicial authorities, with the support of consular and diplomatic representations, will take all necessary steps to locate the victim and inform him/her of the judicial decision granting the compensation benefit.

The damage suffered by the victim shall be assessed by an expert appointed by the court and duly qualified for that purpose.

Article sheet

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CHAPTER XI

REFORMS

ARTICLE 74. Amendments to the Penal Code

Articles 192, 193 and 376 of the Penal Code are amended. The texts will read as follows:

"Aggravated deprivation of liberty.

The penalty of imprisonment shall be from four to ten years when depriving another of his personal liberty, if any of the following circumstances apply:

- 1) When the victim is a person under eighteen years of age or is in a situation of vulnerability or disability.
- 2) By means of coercion, deception or violence.
- 3) Against the spouse, cohabitant or relative up to the third degree of consanguinity or affinity, or a public official.
- 4) When it lasts more than twenty-four hours.
- 5) When the perpetrator takes advantage of a relationship of authority or trust with the victim or the victim's family, whether or not there is a family relationship.
- 6) When the perpetrator takes advantage of the exercise of his profession or the function he performs.
- 7) With serious damage to the victim's health.

Article 193.- Coercion

Whoever by means of serious threat or physical or moral violence compels a person to do, not to do or tolerate something to which he is not obliged, shall be punished with imprisonment of three to five years."

"Trafficking in minors.

Whoever promotes, facilitates or favors the sale, for any purpose, of a minor person and receives for it any type of payment, gratification, economic reward or of any other nature, shall be punished with imprisonment from eight to sixteen years. The same penalty shall be imposed on anyone who pays, gratifies or rewards for the purpose of buying the underage person.

Imprisonment shall be from ten to twenty years, when the perpetrator is an ascendant or relative up to the third degree of consanguinity or affinity, the person in charge of the guardianship, custody or any person who exercises the representation of the minor. The same penalty shall be imposed on the professional or public official who sells, promotes, facilitates or legitimizes, by means of any act, the sale of the minor. The professional and the public official shall also be imposed disqualification for the duration of the maximum of the penalty for the exercise of the profession or trade in which the act occurred."

Article sheet

Addition of article 192 bis to the Penal Code.

Article 192 bis is added to Title V, Section I of the Penal Code. The text shall read:

"Article 192 bis.- Abduction of a minor or person with disabilities

Whoever removes a minor or a person with cognitive or physical disability from the power of his parents, guardians, curators, tutors or persons in charge shall be sentenced to ten to fifteen years' imprisonment. The penalty shall be twenty to twenty-five years' imprisonment if the victim is inflicted with serious or very serious injuries, and thirty-five to fifty years' imprisonment if the victim dies.

When parents, guardians, curators, curators, tutors or persons in charge are the ones who abduct or retain a minor, disabled or without the capacity to resist, they shall be punished with imprisonment of twenty to twenty-five years."

Article sheet

Addition of article 362 bis to the Penal Code.

Article 362 bis is added to Title XVI, Section I of the Penal Code. The text shall read:

"Article 362 bis.- Sale or distribution of public or private documents.

Whoever markets or distributes a public or private document, whether false or true, by any unlawful means and in such a way as to cause damage, shall be sentenced to three to six years' imprisonment. The penalty shall be four to eight years' imprisonment if the person who markets or distributes the document is a public official."

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Article sheet

Addition of article 377 bis to the Penal Code.

Article 377 bis is added to Title XVII, sole section of the Penal Code. The text shall read as follows:

"Article 377 bis.- Illicit trafficking in human organs, tissues and/or fluids.

Whoever illicitly possesses, transports, sells or buys human organs, tissues and/or fluids shall be punished with imprisonment from eight to sixteen years."

Article sheet

Addition of article 175 bis to the Penal Code.

Article 175 bis is added to Title III, Section III of the Penal Code. The text shall read:

"Article 175 bis.- Sanction to owners, lessors, administrators or holders of establishments

The owner, lessor, possessor or administrator of an establishment or place that is destined for or benefits from trafficking in persons, smuggling of migrants or related activities shall be punished with imprisonment of three to five years."

Article sheet

Addition of Article 162 bis to the Penal Code.

Article 162 bis is added to Title III, Section I, of the Penal Code. The text shall read:

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"Article 162 bis.- Sex tourism

Whoever promotes or carries out programs, campaigns or advertisements, making use of any means to project the country nationally and internationally as a tourist destination accessible for commercial sexual exploitation or prostitution of persons of any sex or age, shall be punished with imprisonment of four to eight years."

Article sheet

Addition of Article 189 bis to the Penal Code.

Article 189 bis is added to Title V, Section I of the Penal Code. The text shall read:

"Article 189 bis.- Labor exploitation.

Whoever induces, maintains or subjects a person to the performance of work or services to the serious detriment of his fundamental human rights, with or without the consent of the victim, shall be punished with a prison sentence of four to eight years. The penalty shall be six to twelve years' imprisonment, if the victim is a person under eighteen years of age or is in a situation of vulnerability."

Article sheet

Amendment of article 33 of the Code of Criminal Procedure.

Article 33 of the Code of Criminal Procedure is amended. The text shall read:

"Article 33.- Interruption of statute of limitations periods

Once the proceeding has been initiated, the time periods established in the preceding article shall be reduced by half in order to compute them, for the purpose of suspending or interrupting the statute of limitations. The prescription periods shall be interrupted by the following:

- a) Appearance to render an indagatory statement, in crimes of public action.
- b) The filing of the complaint, in crimes of private action.

- c) The resolution convening the preliminary hearing.
- d) The appointment of the date for the debate.
- e) When the conduct of the debate is suspended for causes attributable to the defense, with the purpose of hindering the normal development of the debate, according to the declaration made by the court in a well-founded resolution.
- f) The issuance of the sentence, even if it is not final.

The interruption of the statute of limitations operates even in the event that the resolutions referred to in the preceding paragraphs are subsequently declared ineffective or null and void.

The judicial authority may not use as grounds for interruption of the statute of limitations other than those set forth in the preceding paragraphs."

Article sheet

Amendment of Article 107 of Law No. 8764.

Article 107 of Law No. 8764, General Law on Migration and Foreigners is amended. The text shall read:

"Article 107.

The General Directorate of Migration and Aliens may grant temporary stay to victims of human trafficking, upon accreditation and recommendation of the Immediate Response Team, in compliance with international treaties and conventions."

Article sheet

Amendment of several articles of Law No. 8764.

Articles 246, 247 and 248 of Law No. 8764, General Law on Migration and Foreigners are amended. The text shall read:

"Article 246.

The Administrative Board of the General Directorate of Immigration and Alien Affairs, hereinafter

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referred to as the Administrative Board, is hereby created.

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The Administrative Board will have minimum deconcentration of the Ministry of Interior and Police, and will have legal, instrumental and budgetary personality, to manage the budget of the General Directorate, the Guarantee Deposit Fund, the Special Migration Fund and the Social Migration Fund, created by this law, as well as the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

The Administrative Board may acquire goods and services, and enter into the respective contracts, all for the fulfillment of the purposes of the General Directorate, in accordance with the present law.

Article 247.

The Administrative Board shall be composed of the following members:

- 1) The head of the Ministry of Interior and Police or his representative.
- 2) Whoever is in charge of the General Management or his representative.
- 3) Whoever is the head of Institutional Planning of the General Directorate.
- 4) Whoever serves as administrative-financial director of the General Directorate.
- 5) Whoever serves as regional director.

The Administrative Board shall summon the coordinator of the Technical Secretariat of the National Coalition against the Smuggling of Migrants and Trafficking in Persons and a representative of the Project Management Commission, when dealing with matters related to projects or funds of the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

The Administrative Board may convene to the sessions to the natural or legal person who, depending on the matter, is required to advise, with voice but without vote. Both the incumbents and their alternates must meet the following requirements: be an official of the body it represents, have no conflict of interest in immigration activities and be of recognized ethical and moral solvency. Whoever occupies the Directorate General of Immigration and Alien Affairs may be replaced by whoever is in charge of the Deputy Directorate.

Article 248.

The functions of the Administrative Board shall be:

- 1) To formulate investment programs in accordance with the needs and prioritization of the General Directorate.

- 2) To receive donations from public or private, national or foreign entities, and to contract.
- 3) To authorize goods and services; to authorize the execution of the respective contracts for the fulfillment of the purposes of the Directorate General, in accordance with the present law. Authorize the opening of trusts.
- 4) Approve the plans and projects submitted by the different administrative units of the General Directorate, in order to improve its operation.
- 5) Request budget execution reports from the different administrative units of the Directorate General, when deemed appropriate.
- 6) To administer the Social Migratory Fund, according to article 242 of the present law.
- 7) Manage the resources of the trusts of the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).
- 8) Such other functions as may be determined by the regulations of this law."

Article sheet

Amendment of Article 249 of Law No. 8764.

Article 249 of Law No. 8764, General Law on Migration and Foreigners is amended. The text shall read:

"Article 249.

A prison sentence of four to eight years shall be imposed on anyone who drives or transports persons, for their entry into or exit from the country, through places authorized or not authorized by the competent immigration authorities, evading the established immigration controls or using legal data or documents, or using false or altered data or documents, or not carrying any documentation whatsoever.

The same penalty shall be imposed on anyone who, in any way, promotes, promises or facilitates the obtaining of such false or altered documents, and on anyone who, with the purpose of promoting the smuggling of migrants, harbors, hides or conceals foreign persons who illegally enter or remain in the country.

The penalty shall be six to ten years imprisonment when:

- 1) The migrant is a minor, elderly and/or disabled person.
- 2) The life or health of the migrant is endangered, due to the conditions in which the act is carried out, or serious physical or mental suffering is caused.
- 3) The perpetrator or participant is a public official.

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- 4) The act is carried out by an organized group of two or more persons.
- 5) When the person suffers serious damage to health."

Article sheet

Addition of Article 249 bis to Law No. 8764.

Article 249 bis is added to Law No. 8764, General Law on Migration and Foreigners. The text shall read:

"Article 249 bis.

A prison sentence of four to eight years shall be imposed on whoever promotes, plans, coordinates or executes the illicit trafficking of national migrants to a second, third or more countries through places not authorized or authorized by the General Directorate of Immigration and Foreigners, even when the beginning of the transfer is carried out through the legal channels established by said entity, or evading the established migratory controls or using false or altered data or documents, or being undocumented.

The same penalty shall be imposed on anyone who, in any way, promotes, promises or facilitates the obtaining of legal, false or altered documents or covers up legal or illegal financial transactions that affect the assets of the affected person or his or her guarantors, with the purpose of promoting the smuggling of national migrants, and whoever coordinates, facilitates or carries out actions tending to lodge, hide or cover up national persons who enter or remain legally or illegally in a second, third or more countries, with the purpose of consolidating the smuggling of migrants.

The penalty shall be six to ten years imprisonment when:

- 1) The migrant is a minor.
- 2) The life or health of the migrant is endangered, due to the conditions in which the act is carried out, or serious physical or mental suffering is caused.
- 3) The perpetrator or participant is a public official.
- 4) The act is carried out by an organized group of two or more persons.
- 5) As a result of the smuggling of migrants, the person turns out to be a victim of trafficking."

Article sheet

Amendment of Article 2 of Law No. 8316.

Article 2 of Law No. 8316, Law Regulating the Rights of Exit from the National Territory, of September 26, 2002, is amended. The text shall read as follows:

"Article 2.- Tax rate

The amount of the tax established in the preceding article shall be twenty-seven United States dollars (US\$27.00) for each passenger boarding an aircraft, and shall consist of the following items:

- a)** A tax of twelve U.S. dollars and fifteen cents (US\$12.15), in favor of the Central Government.
- b)** A fee of twelve U.S. dollars and eighty-five cents (US\$12.85), for airport fees in favor of the Civil Aviation Board.
- c)** A fee of one U.S. dollar (US\$1.00) for the expansion and modernization of Daniel Oduber Quirós International Airport, Limón International Airport, Tobías Bolaños International Airport and other existing state-owned airports.
- d)** A fee of one United States dollar (US\$1.00), for the purpose of fulfilling the functions and responsibilities assumed by the Costa Rican State in combating organized crime, as set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, which complement the United Nations Convention against Transnational Organized Crime, and the specific activities of the National Coalition against the Smuggling of Migrants and Trafficking in Persons.

The resources referred to in paragraph c) shall be administered in accordance with the provisions of the second paragraph of Article 66 of Law No. 8131, Law of Financial Administration of the Republic and Public Budgets of September 18, 2001, as amended, in such a way that they shall be deposited for such purpose in an account opened by the National Treasury in the Central Bank of Costa Rica. These resources will finance the budget of the Technical Council of Civil Aviation and will be destined exclusively to the expansion and modernization of the airports and aerodromes of the country. The National Treasury will transfer the resources in accordance with the financial needs of said Technical Council, as established in its annual budget programming.

By virtue of the fact that subsection b) of this article modifies the income of the Technical Council of Civil Aviation, based on the projections made by the Executive Branch and for the purpose of not affecting the financial balance of the management contract interested in the Juan Santamaría International Airport, each year, in the first quarter, the Executive Branch shall make a liquidation of the income of the Technical Council of Civil Aviation received pursuant to the provisions herein and shall compare it with the amounts it would have received according to the regulations that are repealed. If the amount received by the Technical Council of Civil Aviation is greater, it must

In such case, the amount to be reimbursed shall not be considered part of the airport's revenues.

The resources referred to in paragraph d) shall be deposited by the National Treasury, through the corresponding procedure, to the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

The tax may be paid in colones, at the sales exchange rate established by the Central Bank of Costa Rica, in effect at the time of payment of the tax".

Article sheet

Addition of subsection e) to article 158 of the Family Code.

Subparagraph e) is added to Article 158 of the Family Code. The text shall read:

"Article 158.-

[.]

e) When one or both parents abduct, retain, cause injury, sell, promote, legitimize or facilitate, by any means, that minors under their parental authority become victims of trafficking or related activities".

Article sheet

CHAPTER XII FINAL

PROVISIONS

ARTICLE 88. Public order

This law is of public order and repeals all other legal provisions that oppose it or that are incompatible with its application.

Article sheet

ARTICLE 89. Regulation

The Executive Branch shall regulate this law within ninety days after its publication. It shall be in force as from its publication.

Given at the Presidency of the Republic, San José, on the twenty-sixth day of the month of October of the twelv year two thousand two thousand and six.
e.

Article sheet

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