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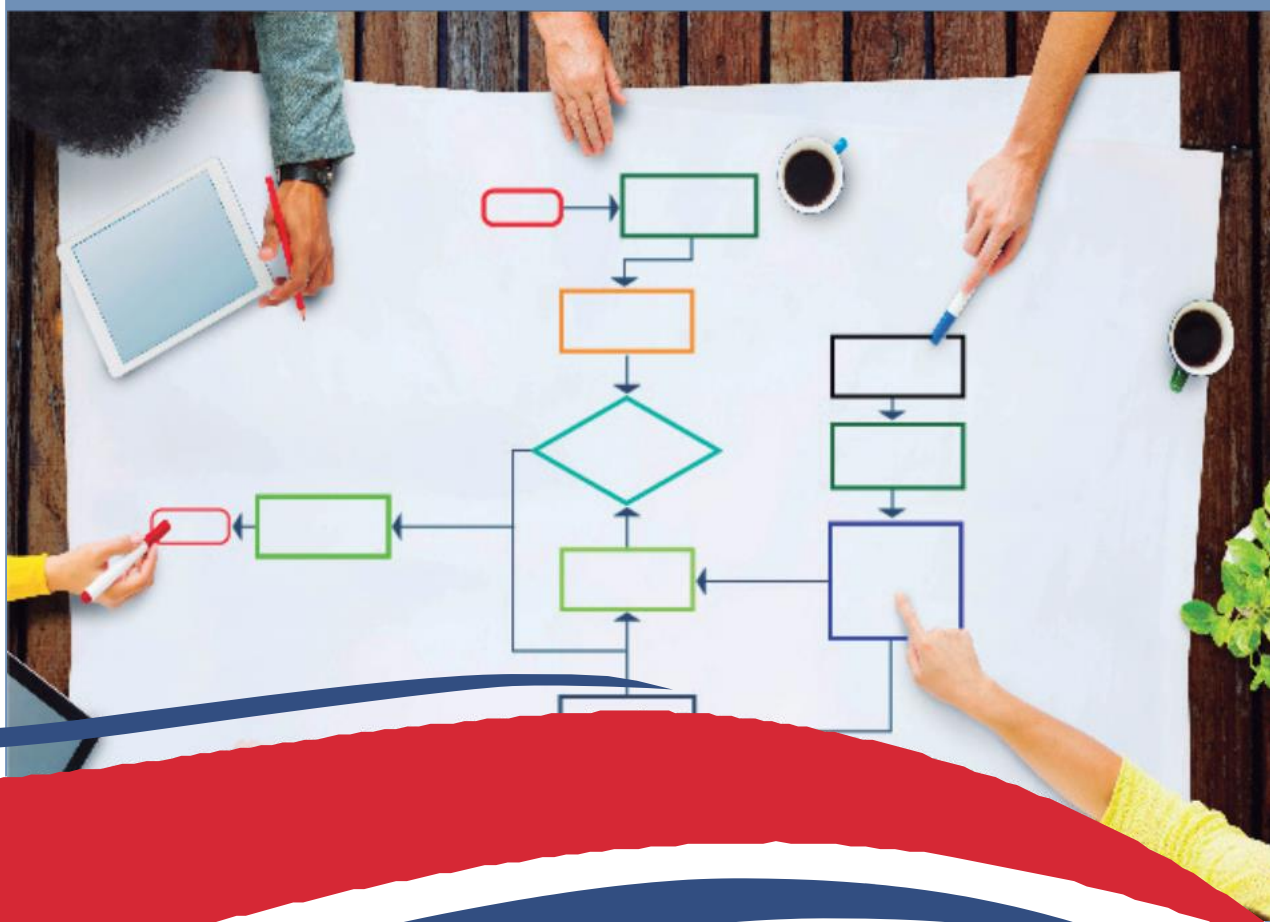
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INTERNACIONAL DE
LOS DERECHOS DEL NIÑO

المكتب الدولي لحقوق الطفل

OPERATING PROCEDURES FOR THE CARE OF VICTIMS WHO ARE SURVIVORS OF THE CRIME OF HUMAN TRAFFICKING

Established by CONATT's permanent
technical commissions

Project "Strengthening of Institutions
to combat human trafficking in Costa Rica"



With the financial support of the Ministry
of Global Affairs of the Government of Canada



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CONATT

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Established by CONATT's permanent technical commissions

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Acronyms

CCSS	Costa Rican Social Security Fund
CDN	Convention on the Rights of the Child
CEAAM	Specialized Care Centers and Shelters for Women
CIDEHUM	International Center for Migrants' Human Rights
CONAPDIS	National Council for Persons with Disabilities
COAVIF	Operational Center for Attention to Domestic Violence
CONAPAM	National Council for the Elderly
CONAPDIS	National Council for Persons with Disabilities
CONATT	National Coalition Against the Smuggling of Migrants and Trafficking in Persons
CR	Costa Rica
CTI	Institutional Technical Committee
DAI	PANI Immediate Attention Department
DGME	General Directorate of Migration and Aliens
DIMEX	Migratory Identity Card for Foreigners
DNI	Child Advocacy International
ERI	Immediate Response Team
FACTRA	Deputy Prosecutor's Office against Trafficking in Persons and Smuggling of Migrants
IAFA	Institute on Alcoholism and Drug Dependence
IBCR	International Bureau for Children's Rights
IMAS	Instituto Mixto de Ayuda Social
INA	National Learning Institute
INAMU	National Women's Institute
MP	Public Prosecutor's Office
MREC	Ministry of Foreign Affairs and Worship

MS	Ministry of Health
MSP	Ministry of Public Security
MTSS	Ministry of Labor and Social Security
NNA	Children and adolescents
OAPVD	Office for the Attention and Protection of Victims of Crime
OIJ	Judicial Investigation Organism
NGO	Non-governmental organization
PANI	National Child Welfare Agency
WEP	Minor person
PO	Operating Procedures
PPM	Professional Migration Police
REDNAM	National Network of Civil Organizations for Migration
RROCM	Regional Network of Civil Organizations for Migrations
ST CONATT	Technical Secretariat of CONATT
TdP	Trafficking in persons
VdT	Victim of trafficking
VdTdP	Victim of human trafficking

Introduction

Law No. 9095 Against Trafficking in Persons and the creation of the National Coalition Against the Smuggling of Migrants and Trafficking in Persons (CONATT) defines a specific and complementary framework for protection and assistance to both victims of this crime and their dependents and witnesses (art. 1) in Costa Rica. In its application, the principles of equality, non-discrimination, protection, proportionality, necessity, confidentiality, non-revictimization, participation, information, best interests of the minor (PME) and human dignity must be guaranteed (art. 2).

The adoption of the law has led to significant legal, institutional and administrative development in the fight against trafficking in persons (TIP) in the country; however, significant challenges remain. The project Strengthening institutions to combat human trafficking in Costa Rica, developed since September 2015 by the International Bureau for Children's Rights (IBCR), based in Montreal, thanks to the financial support of the Canadian Ministry of Foreign Affairs, Trade and Development, is part of this framework.

The project seeks to improve the institutional response of Costa Rican authorities to the ToP through professionalization and training.

The project focuses on cases of TdP that involve children and adolescents (CAC), and on the strengthening of the capacities of key actors involved in the surveillance, prevention, investigation and prosecution of this crime in Costa Rica. The project emphasizes cases of ToP involving children and adolescents.

The Mapping Report on the fight against human trafficking in Costa Rica (2016) lists a series of challenges identified by the institutions participating in the initial consultation process. Among the recommendations made, three justify the development of this document: a) establish protocols that define the focal point(s) of each institution, in order to generate a critical route for addressing cases of ToP; b) identify the institutions that provide services to victims and strengthen/create interdisciplinary teams, particularly if they have immediate response capabilities, in order to improve the approach to ToP situations; and c) identify the mechanisms and tools specialized in the comprehensive care of all victims of trafficking¹.

As a result of a participatory process and a joint effort, the Operational Procedures for the care of survivors of the crime of trafficking in persons are proposed as follows

¹ IBCR. (2016). Mapping report on combating human trafficking in Costa Rica. Montreal, Canada, Pages 93 to 101.

as a practical tool for personnel involved in the fight against this phenomenon in Costa Rica. Concise and graphic in nature, this document is intended to be easily accessible and very useful for the actors involved, thus responding to the needs identified.

Operational Procedures for the Attention of Surviving Victims of the Crime of Trafficking in Persons

Objectives and organization of the document

In general, operating procedures (OPs) are formulated to identify, clearly and concisely, the core procedures of an institution, organization or other working body in order to carry out effective interventions in compliance with national legislation and international standards. The OPs promote consistent, coordinated and quality responses, enabling organizational practices to be evaluated and thus improved.

The OPs promote the institutionalization, consistency and harmonization of the interventions carried out in different areas of the same organization or country, and may contribute to: i) increase the credibility and soundness of the interventions; ii) reduce the margin of arbitrariness or "subjectivity" in their implementation; iii) improve the quality of the service offered; and iv) ensure the continuity of the services provided, beyond staff turnover.

Within the framework of CONATT and with special emphasis on cases of TdP involving children and adolescents (NNA), the POs have been designed as a tool that contributes to providing comprehensive care to the victim of this crime and his or her dependents, guaranteeing the human rights established in national and international legislation.

More specifically, these OPs set out: i) the "optimal" intra-institutional routes for victim care and ii) the "optimal" instances of coordination, collaboration and referral of ToP cases or inter-institutional routes. The purpose of these is to minimize or avoid revictimization and allow for the monitoring and follow-up of cases carried out by CONATT's Technical Secretariat (ST-CONATT). This document also includes some recommendations on the problems encountered in practice.

The document is structured as follows:

Methodology used in the elaboration of CONATT's OPs, with emphasis on cases involving children and adolescents.

Mandate and composition of CONATT along with the role and function of the Victim Attention Commission and the Immediate Response Team (ERI).

16 OPs (15 intra-organizational and 1 inter-institutional), including flowcharts and brief descriptions of each.

Problems encountered in practice and proposed recommendations.

Annexes: regulatory glossary on ToP and children's rights and terminology glossary on the subject.

Bibliography.

Methodology

In order to collect the necessary data to formulate the Operational Procedures for the Care of Surviving Victims of the Crime of Trafficking in Persons, the IBCR facilitated two development workshops in November 2016, in which 15 institutions from the Victim Care Commission and the Immediate Response Team (ERI), both from CONATT², participated. Personnel from the Ministry of Public Education and the Office of the Second Vice President of the Republic also participated. A total of 46 participants took part in the workshops, 4 men and 42 women³, together with 3 IBCR officers and a systematization consultant.

The workshops made it possible to document the following aspects of the care provided to the VdTdP:

i) institutional routes or protocols for action; ii) inter-institutional coordination; iii) monitoring of cases carried out by CONATT's TS; iv) problems encountered in practice; and v) proposed recommendations. These aspects constitute the main instruments of the sections developed later in this document.

2 The participating institutions were the following: CCSS, DGME, IMAS, INAMU, MSP, MTSS, OAPVD, PANI, CONAPDIS, IAFA, INA, MS, MREC, FACTRA and OIJ.

3 Of the total number of participants, 16 attended both workshops.

The agreements were organized and structured in 16 flowcharts (hereinafter flowcharts), which allow the care routes to be visualized graphically. They consist of 15 inter-institutional procedures and 1 inter-institutional protocol, consigned in a concise manner in easily accessible tools for the personnel of the participating institutions.

The 16 flowcharts were validated by each of the institutions in March 2017 and in the ERI session on April 18, 2017. For their part, the flowcharts of the Fuerza

Public were updated in the validation and pilot workshops developed with the National Police School on October 26-27 and November 20-24, 2017, respectively.

This document has been formulated as a dynamic tool, which may be adjusted according to institutional, legislative and crime-related changes in order to guarantee and restore the rights of victims, dependents and witnesses of trafficking, with emphasis on cases involving children and adolescents.

Notes for clarification:

The terms PME and NNA are used interchangeably in this document to refer, according to Art. 2 of the Childhood and Adolescence Code of Costa Rica, to: child from conception to 12 years of age and adolescent to any person older than 12 and younger than 18 years of age. As a whole, they are minors (PME).

Regarding the risk assessment of a VoTdP, this document adheres to what is indicated in the **Model of Comprehensive Care for Survivors Victims of the Crime of Trafficking in Persons**, fundamentally: i) the premise that the trafficked person is at imminent risk, which can potentially be elevated according to certain additional conditions, and ii) these concepts should be taken into account when reading this document and interpreting the flow charts that follow.

Mandate, structure and composition of CONATT

The National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT) is responsible for promoting the formulation, implementation, monitoring and evaluation of national, regional and local public policies for the prevention of smuggling and ToP. It is also responsible for the care and protection of victims and the prosecution and punishment of those responsible, including the revision of national regulations and their adaptation to the international commitments made by the Costa Rican State. It is also responsible for the training and specialization of institutional human resources and the evaluation of projects subject to funding by FONATT⁴.

The Coalition is composed of the following institutions⁵:

Caja Costarricense of Social Security Fund (CCSS)

⁴ Art. 9, Chapter III, Law 9095.

⁵ Art. 10, Chapter III, Law 9095. For details on the duties, functions and responsibilities of the members of the Coalition, see the third and fifth chapters of the Regulations of Law 9095.

National Council for Persons with Disabilities (CONAPDIS)

Directorate General for Migration and Foreigners (DGME)

Address General Management of Transit (DGT)

Address of Intelligence and Security Directorate (DIS)

Office of the Attorney General of the Republic (FGR)

Institute on Alcoholism and Pharmacodependence (IAFA)

Institute Institute of Tourism (ICT)

Mixed Institute of Social Assistance (IMAS)

National Learning Institute (INA)

National Women's Institute (INAMU)

Ministry of Public Education (MEP)

Ministry of Government and Police (MGP)

Ministry of Public Security (MSP)⁶

⁶ In general, the Ministry of the Interior is counted separately from the Ministry of Public Security, resulting in a total of 22 agencies that make up CONATT.

Ministry of Justice and Peace (MJP)

Ministry of Foreign Affairs and Worship (MREC)

Ministry of Health (MOH)

Ministry of Labor and Social Security (MTSS)

Office for the Attention and Protection of Victims of Crime (OAPVD)

Judicial Investigation Organism (OIJ)

National Children's Trust (PANI)

Technical Secretariat of the National Commission against Commercial Sexual Exploitation (ST- CONACOES)

The full Coalition is composed of the head or his/her representative formally designated by each of the institutions mentioned, where agreements are reached by simple majority.

The Technical Secretariat (ST-CONATT) is the coordinating body (technical, political and administrative) and the Coalition's representative at the national and regional levels. The TS is attached to the DGME⁷.

The Coalition has the following five technical commissions pertaining to the

manents: Victim Attention, Prevention, Prosecution, Information, Analysis and Investigation, and Project Management. These are coordinated by the ST-CONATT and are made up of a titular or substitute (from each institution) formally appointed by the competent authority⁸. The terms of reference and the committee of the Permanent Technical Commission for Victim Attention are presented later on.

The Immediate Response Team (ERI)

The Immediate Response Team (ERI) is the specialized institutional body for the activation of primary care measures for trafficked persons and their dependents and is coordinated by the TS of CONATT. Its conceptual, ethical and normative reference is the Model of Comprehensive Care for Survivors Victims of the Crime of Trafficking in Persons, which is presented in the following section, while the ERI's Protocol of Actions is the tool that defines the procedures to be followed for the identification, accreditation, immediate intervention and follow-up of persons who are victims of trafficking in persons.

⁷ See chapter seven of the Regulations of Law 9095 for more details.

⁸ See chapter eight of the Regulations of Law 9095 for more details.

VdT based on the national and international legal framework⁹.

The ERI is composed of one representative and two formally appointed alternates from each of the following nine institutions:

CCSS

INAMU

MSP/Dirección General de Fuerza Pública

MTSS

MP (OAPVD and FACTRA)¹⁰

OIJ

PANI

PPM

ST CONATT

The members of the ERI are subject to a system of availability that allows them to be able to respond 24 hours a day, as well as to have access to communication, transportation and police security facilities¹¹. The ethics of their actions are governed by seven approaches

The following are the guiding principles: human rights, rights of children and adolescents, contextual-generational, power, interculturality, diversities and gender, as stipulated in the Comprehensive Care Model.

Representatives of governmental and non-governmental organizations, as well as national and international organizations that this body deems appropriate, may also participate in the ERI as technical advisors and cooperators.

The functions of the ERI are established in Law No. 9095, its regulations and in the Action Protocol. The interventions of the ERI take place at the administrative level and it has jurisdiction over the entire national territory. Among its functions are¹²:

Respond to possible trafficking situations referred to it.

Execute immediate intervention actions to guarantee the care, protection and safety of persons suspected of being victims of trafficking and those who have been accredited, in coordination with the competent authorities or other agencies.

9 ERI Action Protocol.

10 Although it has two instances, the MP is entitled to only one vote, as is the case for all ERI institutions, so it will have to define it internally for each case submitted for accreditation.

11 Art. 25, Chapter V, Law 9095.

12 Op. cit. Note 10, numeral 6.

Through the process of specialized technical assessment, identify ToP situations and ensure access to primary care measures for victims.

By means of a specialized technical resolution, accredit the status of TdP victim, in order to have access to the comprehensive services platform.

Accreditation as a victim of the crime of TdP, which grants access to the platform of comprehensive services for victims of this crime. The accreditation must be issued within a period not exceeding seven working days from the knowledge of the case.

To meet periodically in order to know the cases detected, the accreditation requests presented and to guarantee the follow-up of the cases.

Coordinate access to the identification and documentation process of the potential victim.

Coordinate and execute primary care actions as required on a case-by-case basis, maintain an

The results of this coordination and the corresponding follow-up.

To issue the reasoned technical resolution and communicate it to the affected person and to the institutions that submit the case for consideration.

Coordinate immigration protection measures for non-national victims.

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

The Technical Secretariat of CONATT is also the secretariat of the ERI and is responsible for informing the member institutions of any report, suspicion or potential case of trafficking and convening them for a meeting. It is also responsible for compiling, recording and disseminating to the institutions all the information associated with these events and their respective updates. Finally, the secretariat convenes follow-up sessions to monitor compliance with primary and secondary care measures, and keeps the minutes, records and documents resulting from the work of the ERI¹³.

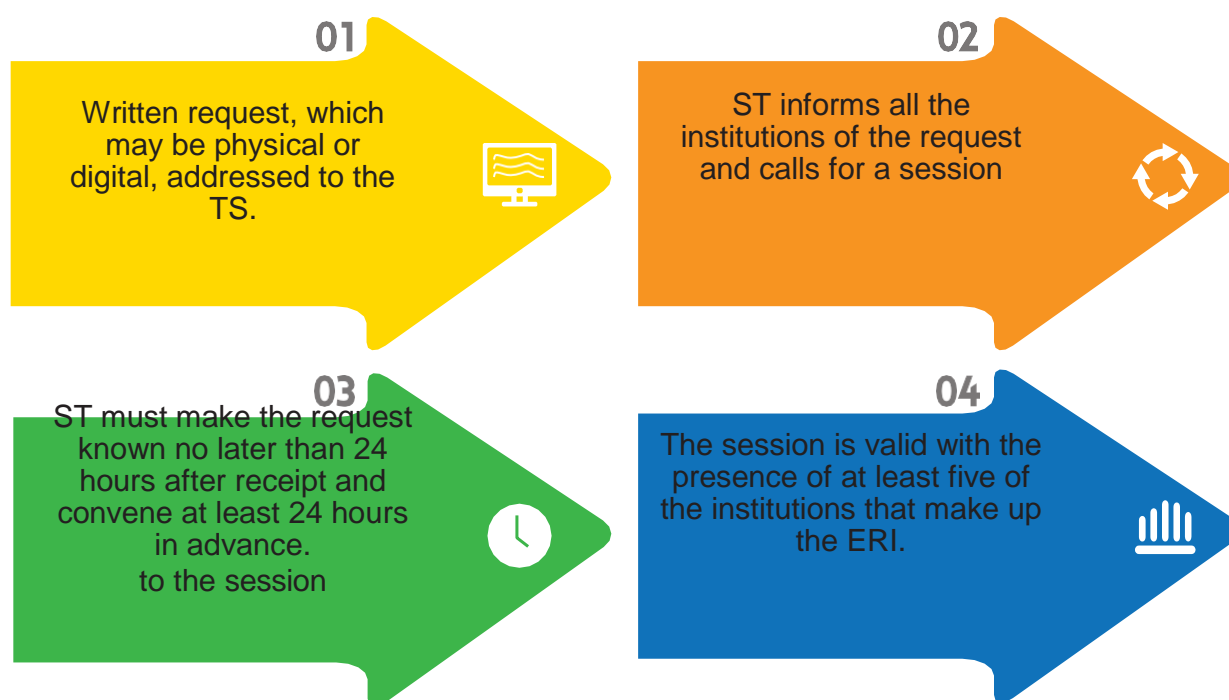
¹³Op . cit. note 10, numeral 8.

Protocol for activation of ERI

The ERI is activated upon the identification of a possible TdP¹⁴ situation by means of a written request addressed to the Technical Secretariat of CONATT. The Secretariat, in turn, convenes all of the ERI's member agencies in a formal manner, within a maximum of 24 hours from the request and at least

24 hours prior to the meeting. An activation request will also be made for the presentation of cases to be accredited, their follow-up or when any of the member institutions deems it necessary¹⁵. In order to meet, the ERI requires an absolute majority, i.e., at least five of the member institutions, which in turn constitute the minimum quorum to accredit a victim¹⁶.

Figure 1. ERI activation



14 The suspicion of a human trafficking situation may derive from national and international institutions, authorities or organizations, from the 9-1-1 emergency system or from the general population, which requires an urgent intervention by the ERI for verification or elimination.

15 Op. cit. note 10, numeral 9.

16 Idem, paragraph 10.

Victim Credentialing Process¹⁷

The first step to apply for accreditation is to submit to ST-CONA-TT the Reference Report according to the official format, a copy of the identification documents and a letter of application for accreditation. With this information a formal **expedient** is generated for each case.

With these documents, the ERI begins the **specialized technical appraisal** process, which consists of three actions:

- a. Verification of the suitability and legality of the required documents.
- b. Study of the reference report.
- c. Application of resources and information sources that contribute to informed decision making.

Subsequently, the **reasoned technical criterion** is prepared, by means of which each representative of the ERI institutions casts its vote, based on technical grounds. This motivation is established in the minutes of the session and in the **reasoned technical accreditation resolution**.

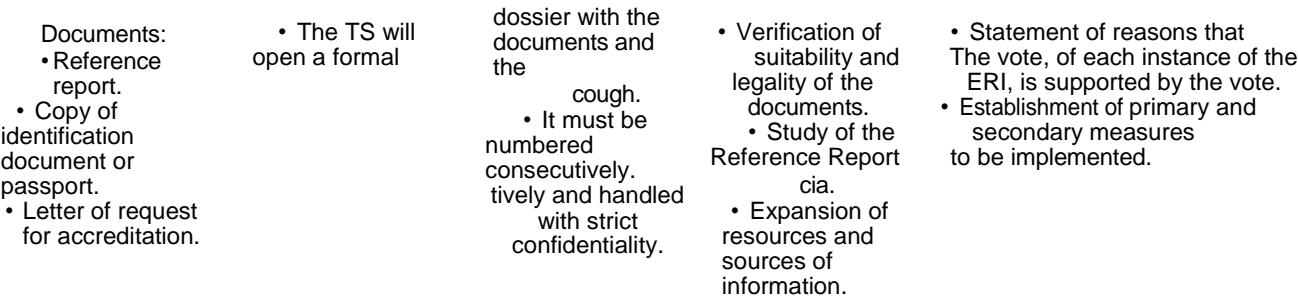
Once accreditation has been decided, the **primary and secondary care measures** to be implemented are determined, which will be recorded in the minutes and in the resolution for follow-up purposes.

Finally, the party and the requesting institution are notified of the reasoned technical resolution. The entire accreditation process must be issued and notified within a period of no more than seven working days from the time the ST-CONATT becomes aware of it¹⁸.

¹⁷ Idem, numeral 11.

¹⁸ Art. 24, Chap.V, Law 9095.

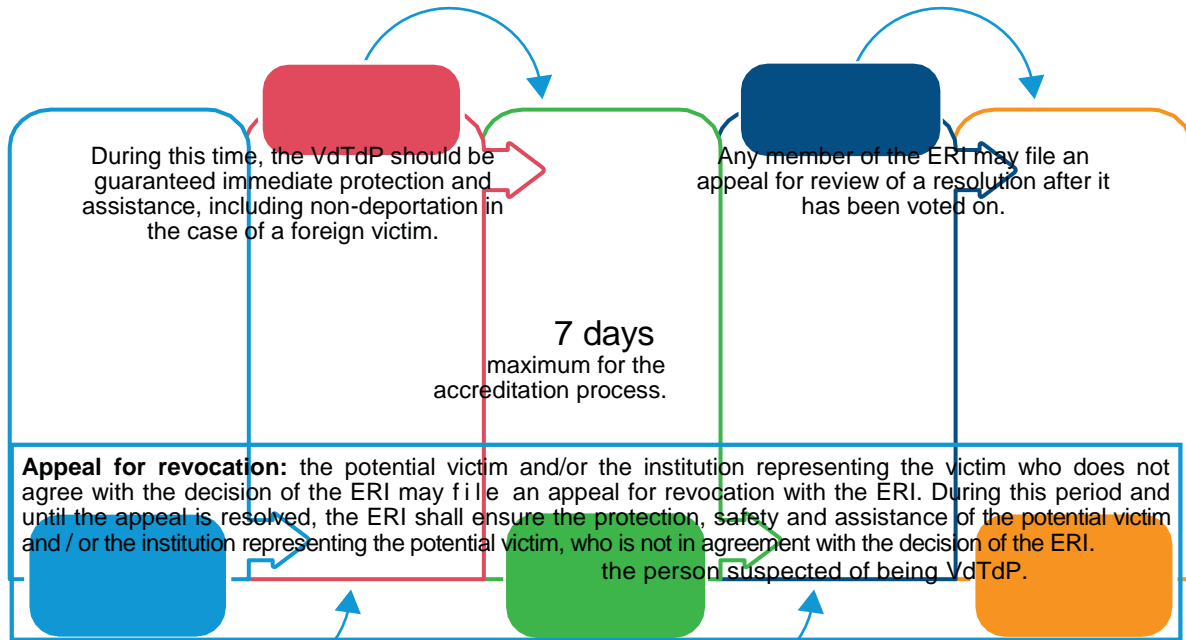
Figure 2. Process of accreditation of a victim19



- Resolution defining the accreditation of the person.
- It must be done

within
three
worki
ng
days
after

bein
g
dictated.



19 Own creation
Protocol.
information
with
from the ERI

Commission of Attention to the Victims

The Victim Care Commission is an interdisciplinary, inter-institutional and inter-sectoral group responsible for determining measures for family, community, social, educational, labor and economic reintegration of the VdTdP and their dependents, as well as technical and economic support, when appropriate. In all processes, including those of voluntary repatriation, resettlement and reintegration, the human rights of the VoT shall be respected, taking into account his or her criteria and maintaining the confidentiality of his or her condition²⁰.

The Commission is comprised of the following 13 entities:

CCSS

CONAPDIS

DGME

IAFA

IMAS

INA

INAMU

MSP

MREC

MS

MTSS

OAPVD

PANI

In 2015, the Commission for Attention to Victims reviewed and updated the 2009 Model of Care for Survivors-Victims of Trafficking in Persons, formulating the Model of Comprehensive Care for Survivors-Victims of the Crime of Trafficking in Persons. This intervention route is proposed as a concrete tool to guarantee an inter-institutional and intersectoral response, agile and timely, in the comprehensive care of survivors-victims of the TdP, oriented to the respect and guarantee of their rights, in accordance with the international commitments and obligations undertaken in this area by the Costa Rican State.

This Commission is in charge of coordinating and formulating guidelines related to immediate, secondary and protective care for VdTs whose status has been duly accredited by the ERI²¹.

²⁰ Art. 50, Chapter VIII, Law 9095. For more details, see Art. 29, I, Chapter Eight of the Regulations of Law 9095.

²¹ Op. cit. note 22, art. 28.

It also determines the reintegration measures and the technical and economic support provided to victims and their dependents²². It is made up of professionals with technical expertise in the area. Each of its member entities/institutions appoints a member and an alternate.²³

The regulation to Law No. 9095 (art. 29) establishes the following specific attributions for the Co-Mission of Attention to Victims:

Develop assistance programs for elderly and underage VdTdP.

Formulate recommendations for the comprehensive care of victims.

Promote the involvement of all the actors of the Coalition's member entities in order to

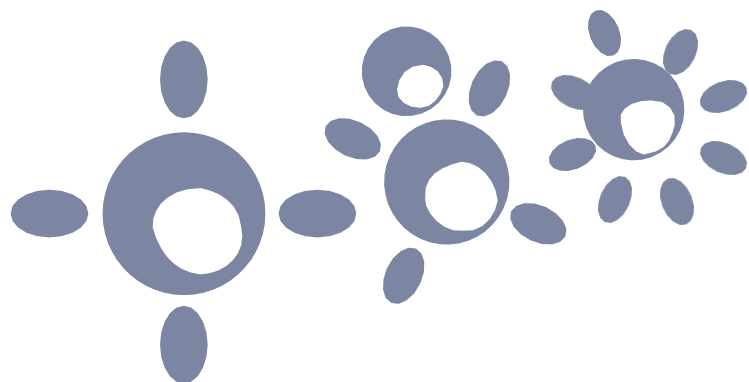
find solutions to temporary housing of the victims.

Propose inter-institutional action routes for the correct and expeditious approach to victims.

Establish programs aimed at facilitating and supporting the integration, reintegration and family, community, social, educational, labor and economic reintegration of victims and their dependents.

Create mechanisms for the formulation of processes of repatriation, return, resettlement, integration and reintegration of national and foreign VdTdP.

The requests, expressed by CONATT, in the matter.



²² Op. cit. note 1, art. 50.

²³ Op. cit. note 22, art. 29.

Table 1. Composition of CONATT and its bodies according to the participating institutions.

Institution	CONATT	ERI	Victim's Commission
CCSS	-	-	-
CNR	-		
CONAPDIS	-		-
DGME (represented by the PPM and the ST - CONATT)	-	-	-
DGT	-		
DIS	-		
FGR	-		
IAFA	-		-
ICT	-		
IMAS	-		-
INA	-		-
INAMU	-	-	-
MEP	-		
MSP	-	-	-
MJP	-		
MREC	-		-
MS	-		-
MSP	-	-	-
MTSS	-	-	-
OAPVD	-	-*	-
OIJ	-	-	
*PACI, PACTRA and OAPVD represent the MP in the ERI. There are two instances, but they have only one vote.			
PPM		-	
ST CNCESC	-		

Model of Care for Survivors-Victims of Human Trafficking²⁴

In 2015, the Victim Attention Commission of CONATT updated the **Model of Care for Survivors-Victims of Trafficking in Persons**, which had been developed in 2009. This is a set of norms, procedures and provisions that guide attention to victims and seeks to establish a concrete route to cover the different needs of trafficked persons, guaranteeing comprehensive attention. In respect and in accordance with the international commitments made by the Costa Rican State, the Model adopts the United Nations Protocol to Prevent, Prevent and Punish Trafficking in Persons, Especially Women and Children, which complements the United Nations Convention against Transnational Organized Crime, published as a law in La Gaceta of November 4, 2002.

This model establishes the following guiding approaches that govern the process of care for VdTdP:

24 This section is based on the Modelo de Atención Integral para Personas Sobrevivientes-Víctimas de Trata de Personas. (2015), especially what is contained in the first and second chapters, page 11 onwards.

Human rights: recognize that every survivor-victim of the crime of trafficking is entitled to the rights inherent to human beings and that the care provided must guarantee respect for these rights, prioritizing, for example, the protection of his or her life and physical and emotional integrity.

Children's and adolescents' rights: recognizing SMEs as active subjects of law and respecting the principle of autonomy, which implies considering their opinion and keeping them informed (about their rights and the mechanisms for their enforceability). The family (in a broad sense) and the State are considered responsible for the fulfillment of the rights of the PME. The State's responsibility lies with PANI, as the governing body and executor of protection measures.

Contextual and generational: to recognize the characteristics and needs linked to the historical, sociocultural and economic conditions of a society, bearing in mind the specific individual demands that must be addressed and taken into consideration. The generational approach integrates the moment of development of the person in his or her life cycle, in order to organize interventions and adjust them to the identity and characteristics of each age group.

Gender: this perspective makes it possible to understand the differential effects that the crime of ToP has on men and women of different ages, which makes it necessary to develop interventions that respond to the specific needs of each gender.

Empowerment: considering that VoTdP may find themselves in a situation where their power of decision or action has been undermined, the objective of the interventions is to reinforce their confidence in their own capacities and actions, thus recognizing their character as subjects of rights and not objects of protection.

Diversity: is based on respect for human diversity, in areas such as culture, age, ethnicity, gender, religion, disability, sexual identity and orientation, among others. Respect for sexual diversity emphasizes the importance of guaranteeing the fulfillment of the rights of homosexual, lesbian, transgender and transsexual persons.

xual, including any other

The aim is to combat stigmatization and discriminatory treatment in access to health care services.

The model also establishes the process of **comprehensive care** for the survivor-victim, it is

It is made up of nine axes that can be implemented simultaneously or prioritized according to the specific needs of each intervention. Detection and denunciation are the axes that enable the activation of the process.

The detection of a possible TdP situation may be carried out by the emergency system, an institution, authority, organization or any other person. A criminal report may exist, but it is not a requirement.

Reporting is mandatory for public officials who reasonably suspect a TdP activity and is made to specialized bodies or to the MP25.

Identification, which is related to the description of the person's physical characteristics²⁶ and to the specific technical assessment confirming that the person has been VdTdP.

25 For more information see art. 30. Law 9095-Criminal Procedure Code art. 278 and 281.

26 The Comprehensive Care Model, page 61, refers to the aforementioned identification interview guide, where it is mentioned that this process must take into account the different forms of communication related to ethnic conditions, disability, socio-educational level, among others.

Credentialing is the administrative procedure for determining whether a person is a VdT (see Victim Credentialing Process, page 12).

Risk assessment and management is an ongoing process aimed at evaluating the presence and magnitude of the danger of potential harm and threats to personal integrity associated with the P&D situation. In this area, not only the victim is taken into consideration, but also the family members, and even the persons responsible for providing services to them. It also identifies the security measures required for each particular situation.

Protection and safety are the primary objective of the intervention. It consists of removing the survivor-victim from the situation of exploitation, transferring her to a safe place and avoiding contact with alleged traffickers, always guaranteeing her physical and emotional integrity and, if necessary, protecting her identity and that of third parties. Finally, intelligence information is gathered to help determine the situation of TdP and possible criminal prosecution.

Immigration protection is the measure provided to avoid deportation, expulsion or rejection.

of the accredited victim. This measure applies to those persons who are presumed to be victims. It also seeks to facilitate and expedite the process of identification, documentation and return of surviving VdTdP nationals identified in other countries, guaranteeing their safe return.

Safe housing is a way of guaranteeing immediate access to a safe and accessible stay²⁷. During the VdTdP's stay in this location, specialized comprehensive intervention processes (psychosocial and legal) are guaranteed.

27 Regarding adequate, safe and accessible housing, Law 9095, art. 38, mandates: "To have adequate, accessible and safe housing. In no case shall victims of the crime of trafficking be housed in prisons, ~~penitentiary, police or administrative~~ establishments designed to house persons detained, prosecuted or convicted" (Law 9095, art. 38, paragraph (a)). In addition, Article 37, paragraph (b), mentions that one of the rights of the VdTdP is to receive appropriate, accessible and safe lodging, as well as coverage of their basic needs for food, clothing and hygiene. In the case of a VdTdP - PME, Art. 42, (c), states that assistance shall be provided by trained professionals and in accordance with their (the WEP's) special needs, primarily in terms of housing, education and care.

Attention to basic material needs.

This consists of the provision of primary elements such as food, hygiene, clothing, among others.

Attention to comprehensive health needs. It consists of the assessment and care of medical needs, both urgent and chronic, as well as the mental, emotional, educational and psychosocial condition of the victim.

Legal accompaniment. This is done through information on the legal or migratory situation and on the rights of VdT persons. They are also accompanied in the process of documenting their identity before national or foreign authorities. Advice, accompaniment and legal representation is provided during legal proceedings in which they want to or must participate.

Care, comprehensive protection, non-revictimization and respect for the rights of the victim-victimized survivor are guaranteed. This includes preventing victims from being prosecuted, detained or punished for the activities in which they participated as a direct consequence of their victimization in the TdP.

Migratory regularization. It consists of evaluating and selecting,

The migration option that best corresponds to their interests, in terms of their protection and welfare, should be chosen together with the person living in the country. This axis applies to nationals inside and outside Costa Rica, as well as foreigners in the country.

Throughout the entire care process, State institutions, in accordance with their competencies, provide the necessary support to facilitate physical and psychological recovery, along with the reintegration of the survivor-victim into society in a safe, dignified and sustainable manner.

Special care measures for minors (PME)

In the case of WEPs, in addition to the above, the following considerations mandated by Law No. 9095 and the measures included in the Model of Care for Survivors-Victims of Trafficking in Persons²⁸ shall be taken into account, with special emphasis on the fact that all actions shall be guided by the best interests of the child.

28 Other protocols to be considered are: Protocol for the care of foreign minors whose fathers, mothers, relatives or responsible persons are subject to a deportation process, Specific protocol for comprehensive protection in situations of commercial sexual exploitation (2008).

It will be guaranteed that the processes recognize their conditions as full subjects of rights in accordance with their progressive autonomy.

You should contact PANI as soon as possible and, during non-business hours of the local office, the Emergency System Information and Guidance Center at 911.

PANI will conduct a review of the institutional background and analyze the information to immediately initiate the special protection process established in the Childhood and Adolescence Code, in defense of the best interests of the PME.

The protection and security axis will be initiated immediately by the PANI, following the institutional protocol described on page 43. The PME VdT or suspected VdT must be immediately taken to a safe place.

Comprehensive care will be provided based on the recommendations of the local PANI office and protection measures for the VdTdP, which will include, as a minimum: lodging, food, physical and psychological health assessment and treatment, participation in programs, etc., will also be provided to the VdTdP.

educational and recreational activities and permanent information on their legal situation. Likewise, the PME will be informed, in a language adapted to their developmental stage and particular situation, about all decisions involving them, including appropriate legal accompaniment.

For foreign SMEs, the DGME will proceed to regularize it by issuing the necessary documentation.

SMEs who are victims or witnesses of the crime of trafficking 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, endangering their safety or personal integrity. In addition, PME shall not be subject to deportation or expulsion from the national territory, except in their own best interests. The Protocol for the Repatriation of Child and Adolescent Victims of Trafficking in Persons (IOM-UNICEF, 2007) shall also be applied.

When the age of the victim is uncertain and there is reason to believe that he/she is a PME, he/she shall be considered as such pending verification of his/her age.

Re-victimization of WEPs will be avoided by applying the following guidelines:

The PME will be attended separately. Only if there is a family or friendly bond with other victims will the group be kept together. In the event of separation, it is necessary to foresee the mechanisms for maintaining the link with significant persons for the children and adolescents; this should be analyzed on a case-by-case basis.

The physical space in which the intervention takes place must have the appropriate characteristics for the PME, taking into account their age and cognitive development, as well as understandable language and in the presence of their parents or guardians (if conditions permit), otherwise in the company of a PANI representative. Court proceedings shall be conducted in a private hearing.

Care shall be taken at all times to ensure that the dignity of the WEP is not affected.

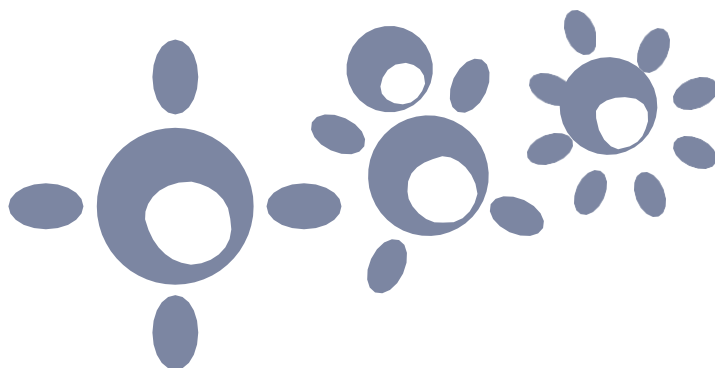
National Child Welfare Agency (PANI)

PANI is the leading institution for children and adolescents' rights in Costa Rica.

Its creation is defined in Article 55 of the Political Constitution of 1949, which states that "the special protection of mothers and children shall be the responsibility of an autonomous institution called the National Children's Trust, with the collaboration of other State institutions".

To carry out its work, PANI relies on national and international regulations derived mainly from the Convention on the Rights of the Child, ratified by Costa Rica in 1990, the Childhood and Adolescence Code (7739) of 1977, and its

Organic Law (7648) of 1996, which constitute the minimum legal framework for the protection of the rights of children and adolescents in Costa Rica.



The principles guiding this regulation are known as the Doctrine of Integral Protection and are as follows:

The best interests of children and adolescents prevail over any other consideration in institutional decision-making.

The rights of children and adolescents prevail over others.

The population of persons under 18 years of age are full subjects of rights whose guarantee is a joint responsibility of the State, society and families.

The rights of children and adolescents cover all persons under 18 years of age and not only those in difficult situations.

The integral development of children and adolescents seeks to satisfy all their needs.

All social actors are responsible for the fulfillment of children's rights.

At the national level, the Childhood and Adolescence Code establishes the rights of persons under 18 years of age, whether in health, education, culture and recreation, access to justice, work; as well as the rights of personality²⁸, the right to family life and to receive food. It also created the National System of Integral Protection, composed of the National Council (made up of State institutions and non-governmental organizations), the Protection Boards and the Child and Adolescent Guardianship Committees. This Council is responsible for ensuring that the formulation and implementation of public policies respond to the comprehensive protection of WEPs.

Based on this legislative framework and relying on the operation of the National System for Integral Protection, PANI fulfills its function through an organizational structure and an integral care model consistent with its mission, vision and values.

28 The rights of the personality are those that "guarantee the enjoyment of ourselves, assure the individual the mastery of his person, the performance of his own physical and spiritual forces". They are contemplated within human rights. Some countries terminologically separate personality rights from human rights.

Table 2 PANI's mission, vision and values³⁰

Mission	Vision	Values
PANI is the governing institution of policies for children and adolescents, executing plans, programs and projects aimed at promoting and guaranteeing the rights and comprehensive development of PME and their families, within the framework of the comprehensive protection doctrine, with the participation of State institutions and other social actors.	PANI exercises leadership in the formulation and execution of policies for children and adolescents, articulating and facilitating the participation of the different social actors to achieve a new legal and social culture that understands the PME as social subjects of rights.	Respect Solidarity Commitment Responsibility

PANI's functions with regard to the crime of TdP against children and adolescents

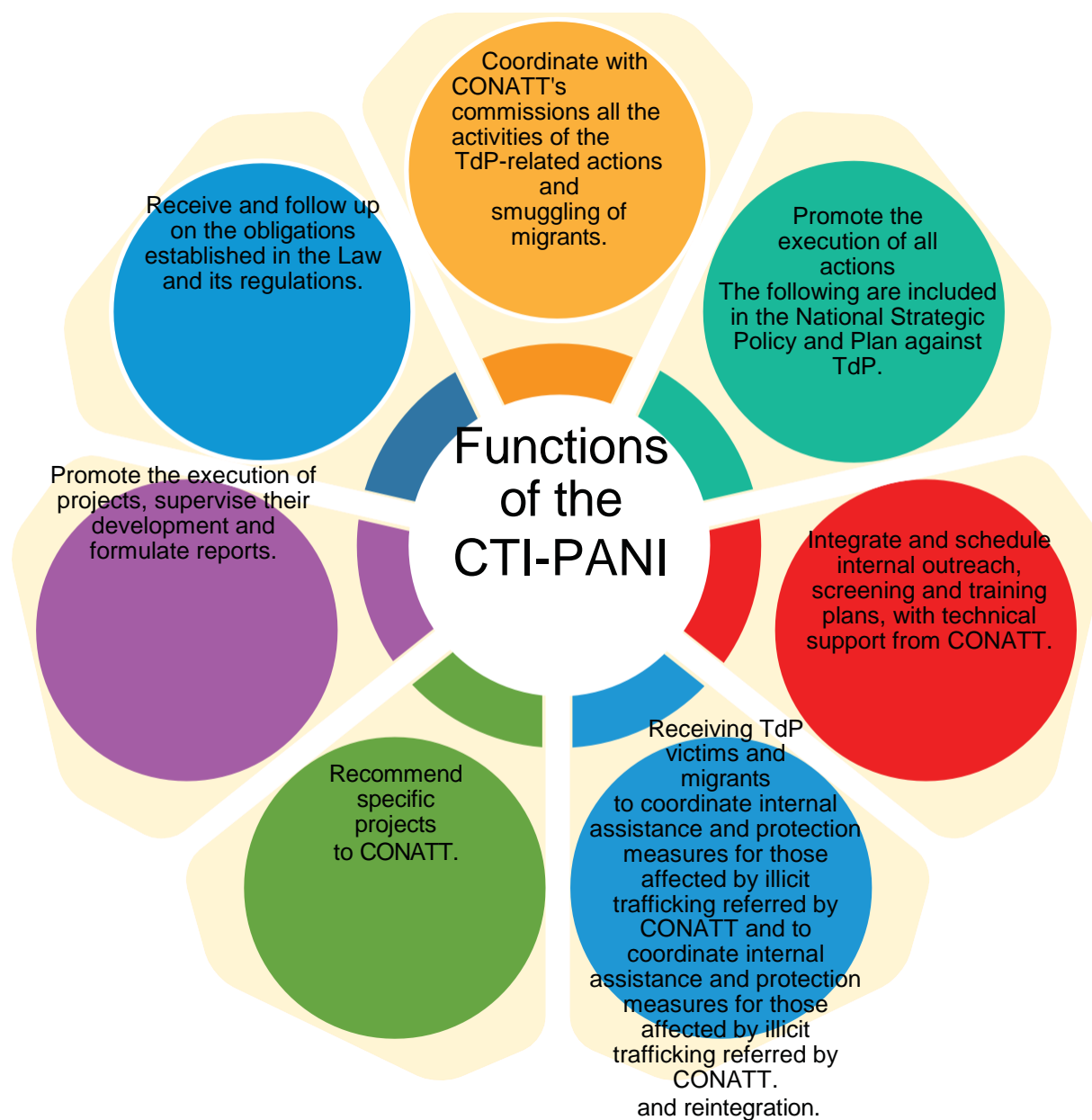
In accordance with Law 9095 of 2013, PANI is one of the institutions that make up CONATT. Article 23 of the Law establishes that each institution must create an Institutional Technical Committee (CTI) to comply with the assigned responsibilities. In the case of the Patronato, it was created in 2016, establishing its guiding approaches,

principles and objectives. The CTI-PA-NI meets once a month in ordinary meetings and may be convened in extraordinary meetings 48 hours in advance, if required by the Technical Management. Three members constitute a quorum. Minutes are taken at each meeting and a person is assigned to chair the meeting.

The chart below shows its main functions, as established in the Regulations of Law 9095.

30 Own elaboration based on the text available at: <http://www.pani.go.cr/sobre-el-pani> (accessed July 28, 2017).

Figure 3. Functions of the PANI Institutional Technical Committee³¹



31 Prepared by the authors based on the Protocol of Action of the Institutional Technical Committee.
 - Board of Trustees Patronato Nacional of the Children.
 September 2016.

Guidelines for comprehensive care of survivor-victims of human trafficking

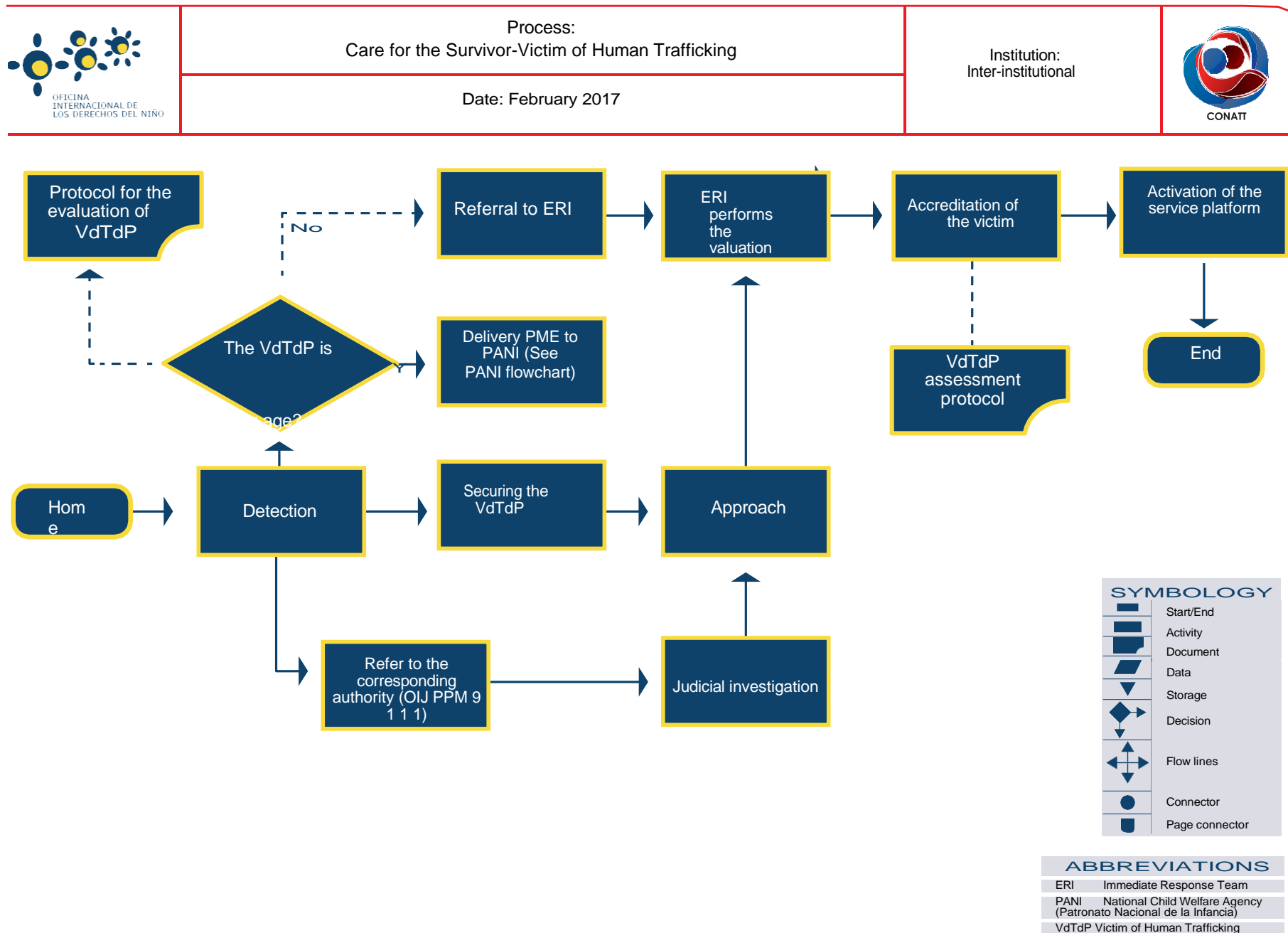
The following are the care routes defined by CONATT's technical commissions, starting with the inter-institutional version and continuing with the versions defined for each of the entities, organized in alphabetical order.

The interventions presented below should not be interpreted chronologically. Depending on each case, the actions will be carried out simultaneously and using the comprehensive protection approach (previously mentioned). For example, in the case of PME, the risk to which the victim is exposed must be identified, at the same time that it is established that it is a PME and referred to PANI.

In order to understand the term "exposure to risk", it must be understood that the assessment of risk in a VdTdP assumes that the person is at imminent risk, which may be elevated depending on additional conditions.

According to the **Model of Comprehensive Care for Survivors-Victims of the Crime of Trafficking in Persons**, risk assessment is a process that seeks to prevent danger and ensure the safety of the survivor/victim, based on the existence of a potential danger that threatens their physical, financial or emotional integrity or those of people close to them. A risk situation is understood as the reasonable existence of a threat or harm to the life, physical integrity, freedom or safety of the person, as well as his or her vulnerability, the probability of the danger occurring and the impact it may have.

Inter-institutional flowchart for detection, follow-up and activation of service platform



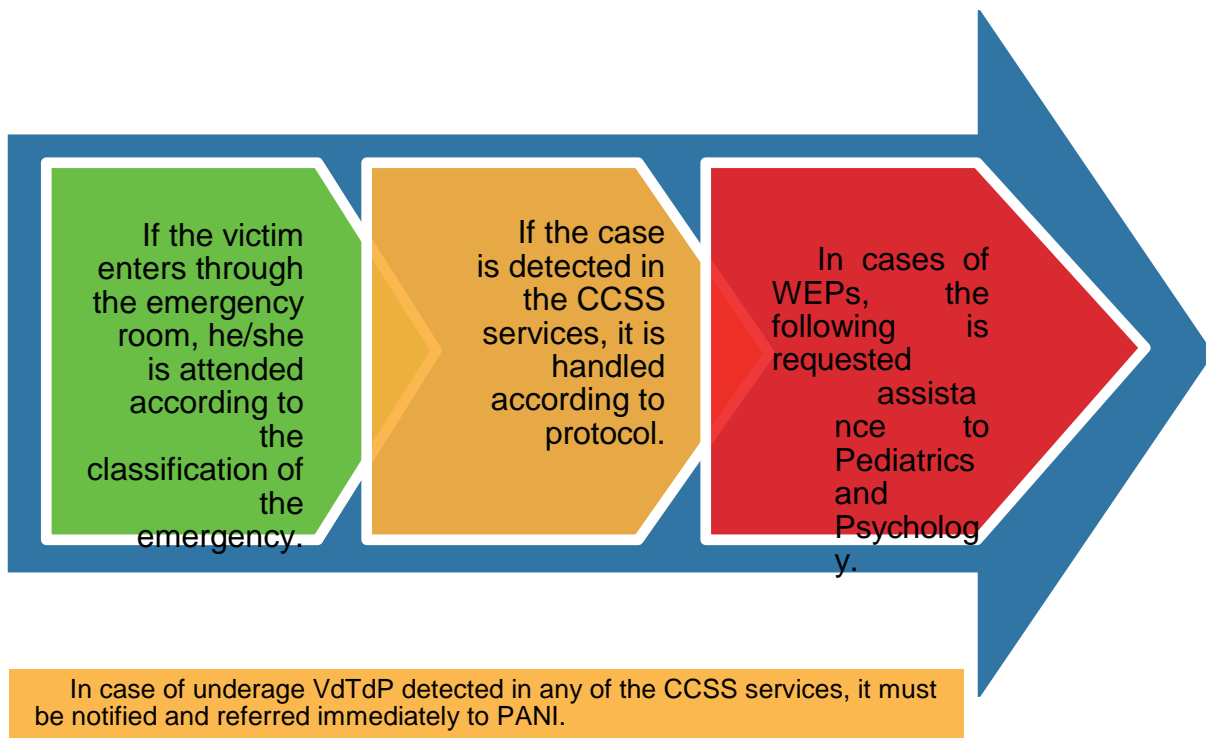
Costa Rican Social Security Fund (CCSS)*.

The CCSS provides integral health services to the individual, the family and the community. It also provides economic, social and pension protection to the Costa Rican population, in accordance with current legislation, by means of:

1. Respect for individuals and the philosophical principles of the CCSS: universality, solidarity, unity, equality, obligatory nature, equity and subsidiarity.
2. The promotion of ethical principles, mystique, commitment and excellence in the work of the Institution's employees.
3. The orientation of the services to the satisfaction of the users.
4. Continuous training and motivation of employees.
5. Innovative management, open to change, to achieve greater efficiency and quality in the provision of services.
6. Ensuring financial sustainability through an effective collection system.
7. The promotion of research and development in health sciences and administrative management.

*Text from the online site of the Costa Rican Social Security Fund (CCSS)
<http://www.ccss.sa.cr/cultura>
(accessed July 10, 2018)

Actions for the care of a VdTdP:

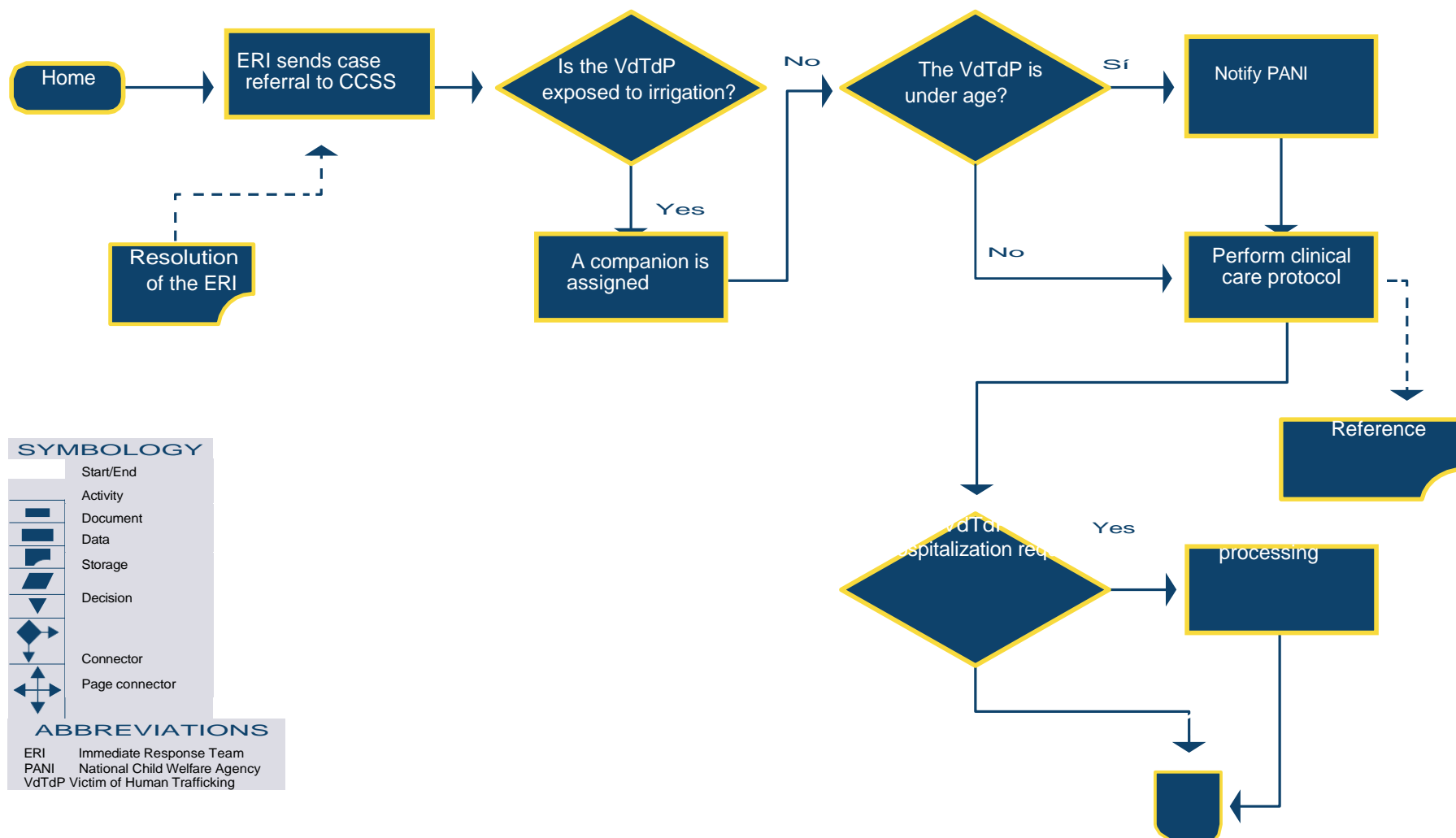


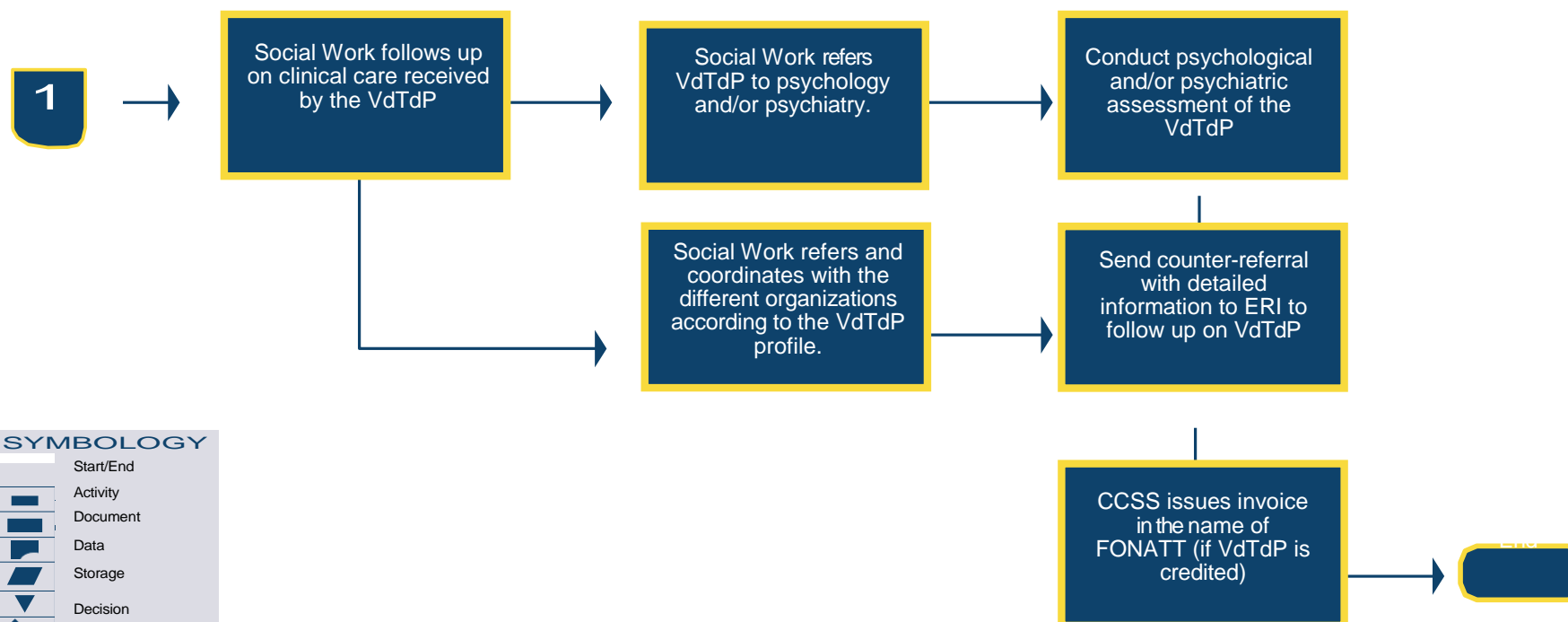
The protocol is oriented according to the time elapsed since the victim comes into contact with the health system. If less than 72 hours have elapsed, the protocol for the care of rape victims is implemented. When the events exceed 72 hours, the approach is different. The clinical history is documented and various interventions are performed, which may involve, among other things: physical examination, X-rays; laboratory examination including STIs (chlamydia, syphilis, hepatitis C and HIV), pregnancy test, emotional first aid, referral to psychiatry (if applicable),

dentistry, social work, psychology and referral to the Violence Commission for follow-up.

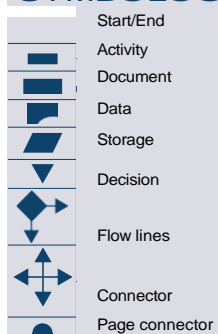
In the presence of a PME, the CCSS should verify with PANI the existence of the complaint. In the event of an emergency, coordination should be made through 9-1-1 and the Fund should guarantee care.

If the case of ToP arrives through an outpatient clinic, the necessary institutional coordination must be made through Social Work, which in turn must follow up and report to CONATT or PANI in the case of a PME.





SYMBOLOLOGY



ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of human trafficking

National Women's Institute (INAMU)

INAMU promotes and protects women's human rights through its training, counseling and psycho-social and legal services. It also coordinates and implements the National Policy for Gender Equality and Equity, in order to contribute to the construction of a just and egalitarian society that guarantees these principles.³²

Actions for the care of a VdTdP33

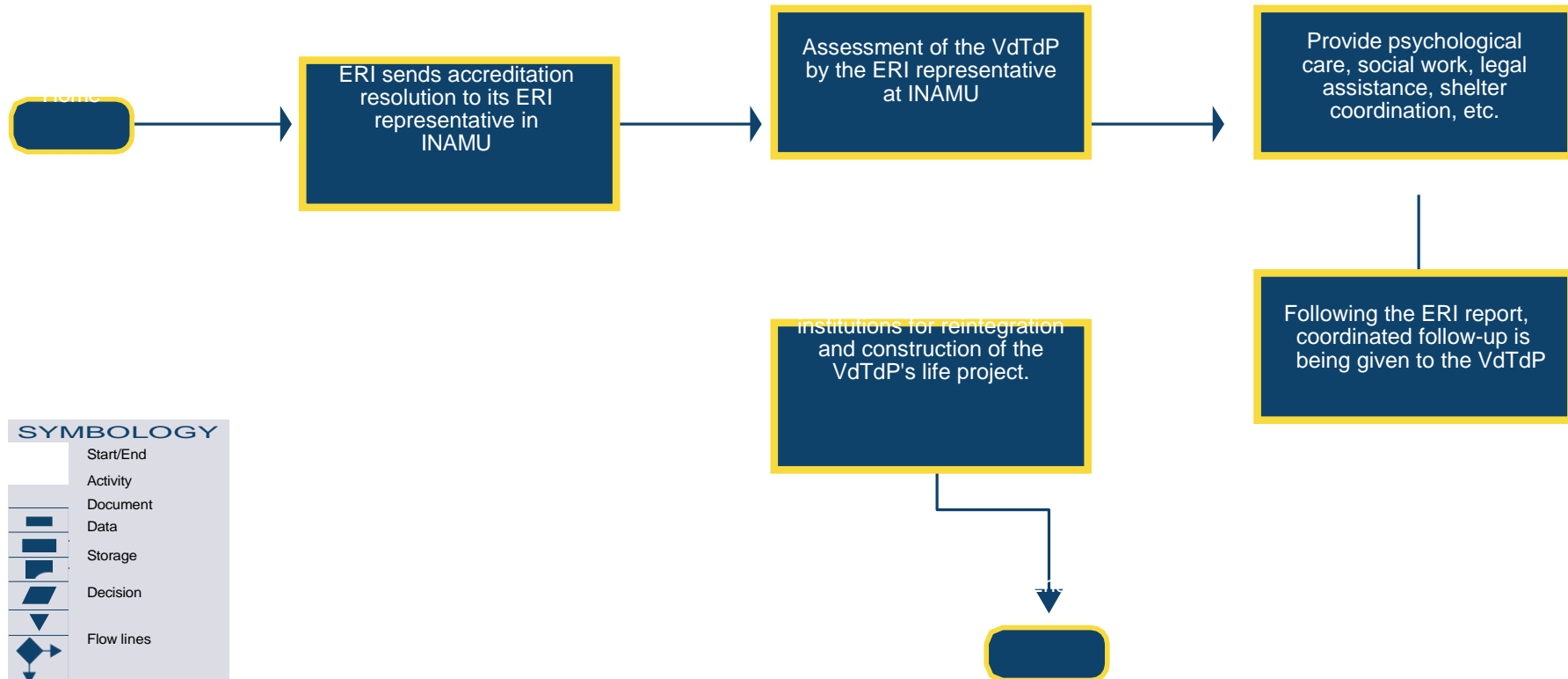
A case may come to INAMU in two ways: referral from another instance of CONATT or when a case is known first hand at INAMU, at which time it proceeds as follows:

32 Information accessed at: <http://www.inamu.go.cr/9> on July 31, 2017.










33 The information presented in this section comes from the Integrated Report of the workshops conducted within the framework of CONATT, establishment of critical routes aimed at improving the institutional response to the attention of VdTdP, with a particular focus on the purpose of commercial sexual exploitation of children and adolescents. november 2016.

The area responsible for representing INAMU before the ERI is responsible for preparing the report for the accreditation of the victim and presents the case at the meeting convened by that team, according to the established deadlines. Subsequently, the victim's admission to a shelter is coordinated with the Violence Area. In addition, specialized legal accompaniment for women victims is coordinated with the Women's Delegation, which is independent of the support provided by the Prosecutor's Office. Finally, institutional coordination is made to restore other violated rights, depending on the circumstances and characteristics of each person. In the case of PME, coordination is made with PANI. The report on the care provided is sent to the ERI to ensure a comprehensive and coordinated intervention to the VdTdP.

In the case of a PME, INAMU intervenes only as part of the ERI at the time of accreditation, review of the report and follow-up within the team.



SYMBOLOLOGY

	Start/End
	Activity
	Document
	Data
	Storage
	Decision
	Flow lines
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	Page connector

ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of Human Trafficking

National Council for Persons with Disabilities (CONAPDIS)*.

CONAPDIS is the governing body on disability, responsible for promoting and monitoring compliance with the human rights of people with disabilities, in order to promote their inclusive development in all areas of society.

Actions for the attention of a VdTdP

CONAPDIS actions apply only if the victim has a disability, in which case the following will be done:

Case evaluation.

Risk assessment.

Institutional references.

References to the Poverty and Disability Program, Promotion for Valuation axis.

Reference to ERI.

The institutional representatives before CONATT would receive the case (legal counsel and regional advisor).

When a VdTdP with a disability is identified, the procedure to be followed is as follows:

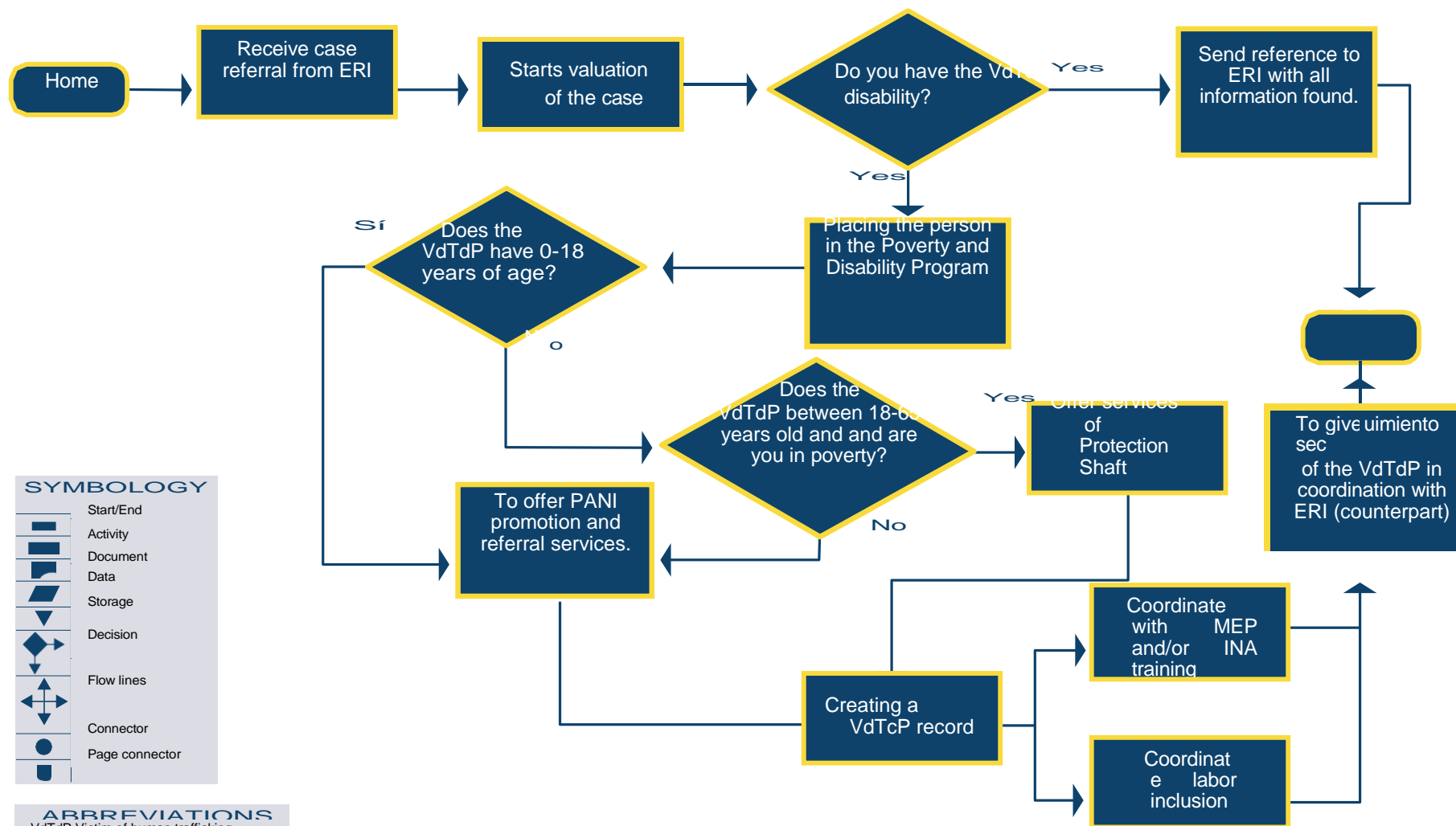
Verify whether the person is of legal age. If yes, this person will be eligible for social assistance housing, in order to ensure his or her safety and stability.

If it is an SME, it is referred to PANI and coordinated with potential support from the promotion axis.

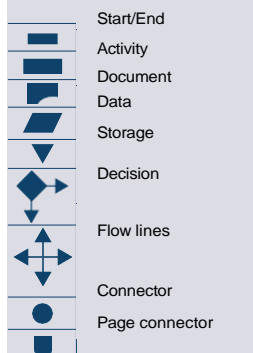
If you are an indigenous person, you must have an interpreter who speaks the dialect and knows your culture.

The report of the care provided is sent to the ERI to ensure comprehensive and coordinated intervention.

* Taken from CONAPDIS online site http://www.cnree.go.cr/el_conapdis (accessed July 10, 2018).



SYMBOLOLOGY



ABBREVIATIONS

VdTdP	Victim of human trafficking
ERI	Immediate Response Team
PANI	National Child Welfare Agency

General Directorate of Migration and Aliens

The General Directorate of Migration and Alien Affairs is the public entity that executes the migration policy, controls the entry and exit of persons to the national territory, promotes the integration of foreigners into Costa Rican society, regulates the stay and activities of foreigners in the country and cooperates in the fight against the crimes of human trafficking and smuggling of migrants, through the effective management of migratory flows that contribute to the development and security of Costa Rica.

Actions for the attention of a VdTdP

Apply the guide for special migratory situations.

Once the indicators have been identified, prepare the corresponding report.

Refer to the Management of Migrant Smuggling and Trafficking in Persons or to the Professional Migration Police.

Inform FACTRA and ERI.

Once information is obtained on possible traffickers or criminal networks, under the functional direction of the Public Prosecutor's Office, initiate the corresponding investigation.

Make the corresponding conclusions to safeguard the

physical and psychological integrity of the victim, as follows:

Migratory documentation

Criminal investigation

Coordination with ST-

CONATT

If the MSP refers the information to Migration Investigation, move to the site, communicate it to FACTRA and to Trafficking and Smuggling Management.

Refer the case to the ERI to activate assistance measures.

If it is a PME, it is referred directly to PANI:

PANI coordinates with the consul.

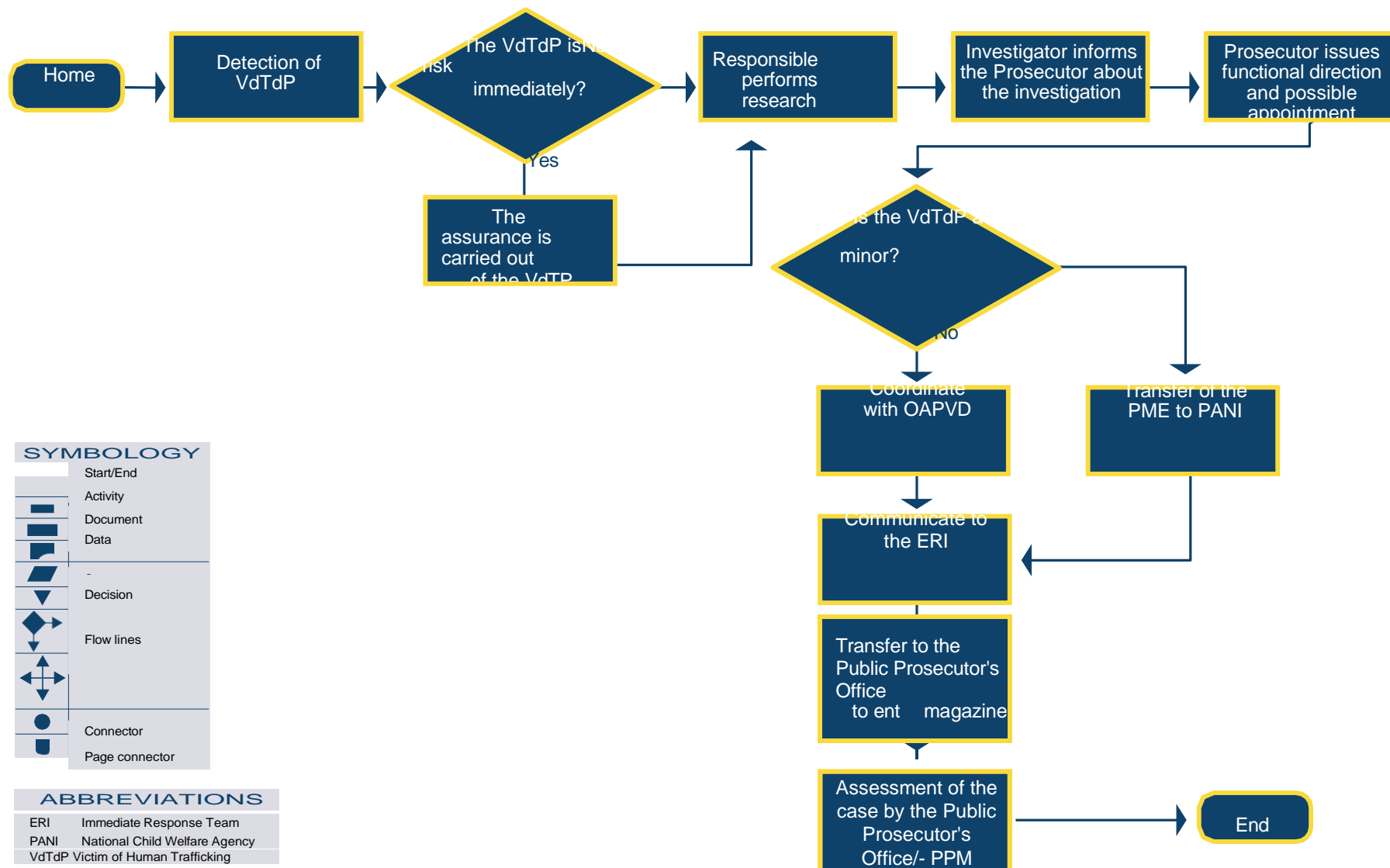
The case is referred to the ERI and the model is activated.

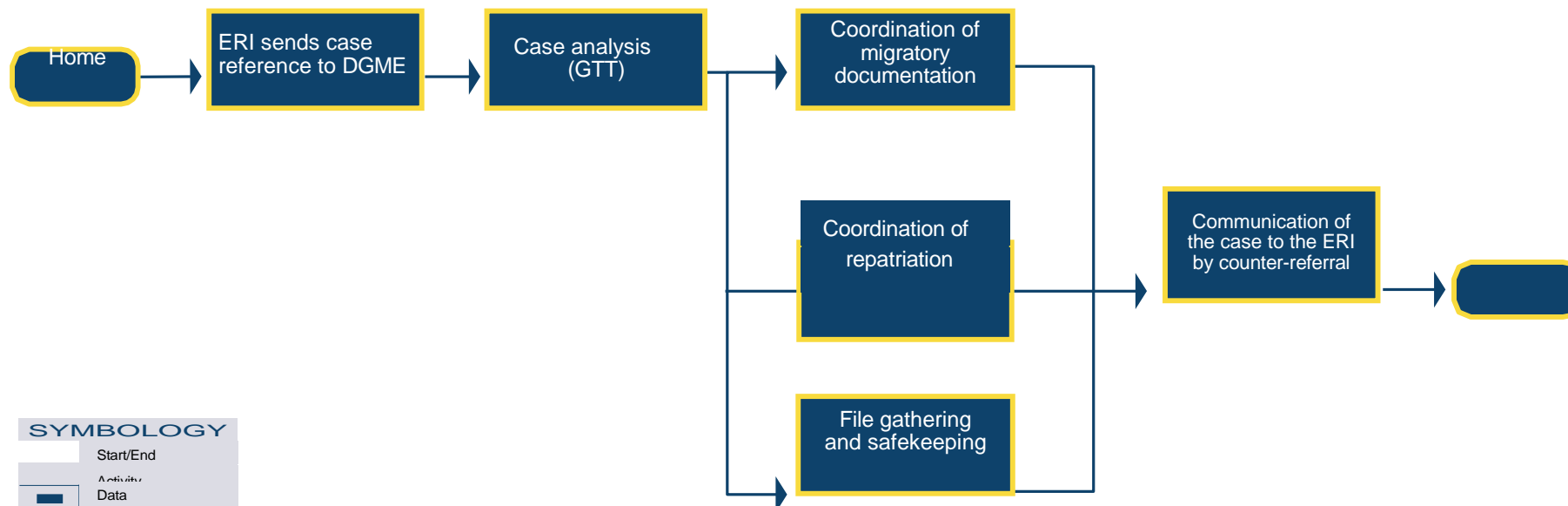
PANI is in charge of everything related to the case according to the competencies of Law No. 9095 and its regulations.

The victim is repatriated.

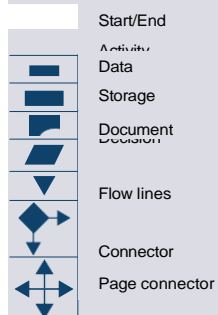
Once information of possible trafficking or criminal network is obtained, the PPM can collaborate with foreign authorities if a situation has occurred in the country.

Through the ERI, comprehensive care is provided to the person who is outside of Costa Rica.





SYMBOLOLOGY



ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTp	Victim of Human Trafficking

Office of the Deputy Prosecutor against Trafficking in Persons and Smuggling of Migrants (FACTRA)

FACTRA belongs to the Attorney General's Office of the Republic and is the agency within the Public Prosecutor's Office in charge of:

Create the necessary models, programs or protocols for the constant training of prosecutors at the national level on the subject of ToP.

Plan and conduct training courses for the Prosecutor's Office in relation to the regulations on ToP contained in national legislation.

Manage the human resources, facilities and equipment necessary for the adequate prosecution and punishment of the crime of TdP.

Coordinate with the OAPVD follow-up mechanisms that allow minimizing the re-investigation of the criminal process.³⁴

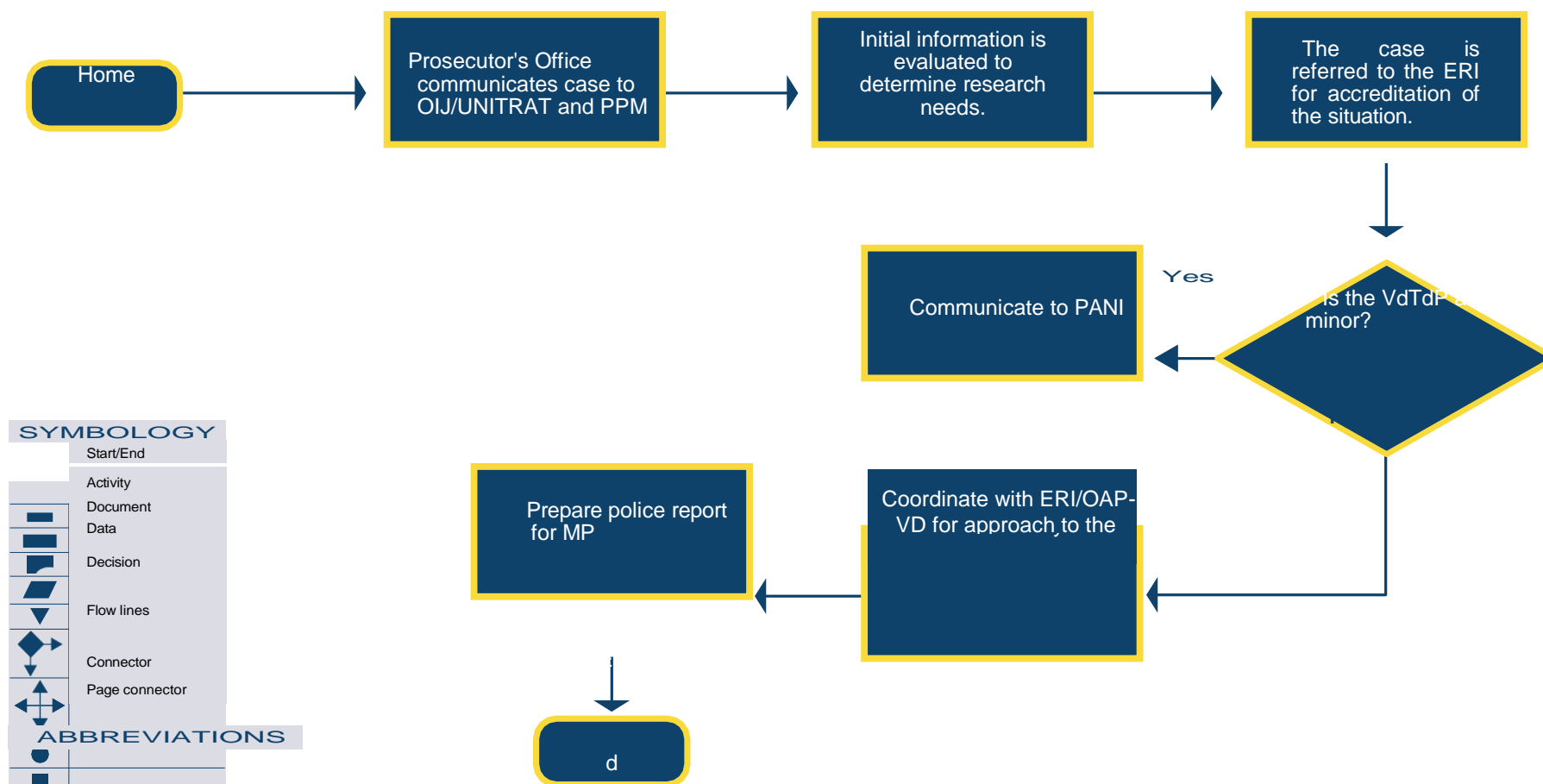
Actions for the attention of a VdTdP

Initially, the case should be reported to the ERI for the accreditation of the victim and the activation of the inter-institutional care plan, in coordination with the different institutions according to their rights and needs.

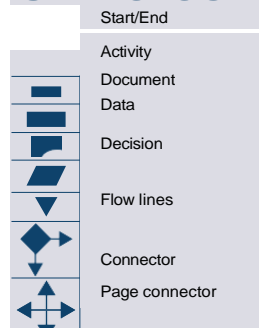
It also coordinates with the OAP- VD to file the complaint. This point ranges from the interview (according to the recommendations of the professionals in victim protection and care) to the accompaniment of the victim.

In the case of a PME, the PANI is notified and, if necessary, the respective internal and external coordination is made to attend to the different stages of the criminal process: recognition, new expert opinions, preliminary hearing, trial phase, recursive phases.




³⁴ Regulation Law 9095. September 2015.



SYMBOLOLOGY



ABBREVIATIONS

	ERI	Immediate Response Team
	PANI	National Child Welfare Agency
	VdTdP	Victim of human trafficking

National Children's Trust (PANI)

Institutional Technical Committee (ITC)

As stipulated in the CTI-PANI Action Protocol (2017), this committee is responsible for articulating, organizing and guiding, at the national level, institutional actions for the fulfillment of the responsibilities entrusted in Law No. 9095 and its regulations. It is made up of: the executive presidency, the technical management and the operative technical team made up of professionals in psychology, social work and law.

Actions for the attention of a VdTdP

Attention of first instance

All complaints or referrals for intervention for the crime of ToP are processed as a priority, which requires an immediate institutional reaction at the time the complaint is assigned to a professional responsible for identifying the services required by the victim or his or her family.

First instance assessments are carried out by the local PANI office during business hours or by the PANI Dept. of Health.

Immediate Attention Department (DAI) during non-business hours (evenings, nights, weekends and holidays).

Second instance attention

This intervention may include three services: psychotherapy, social care for the family and socio-educational care. The professionals who provide these services should work with the Social Promotion professional to activate and strengthen local and regional management networks in order to develop group workshops. These seek to support the approach to situations where there are risk factors or, alternatively, the realization of others oriented to prevention for socio-educational care.

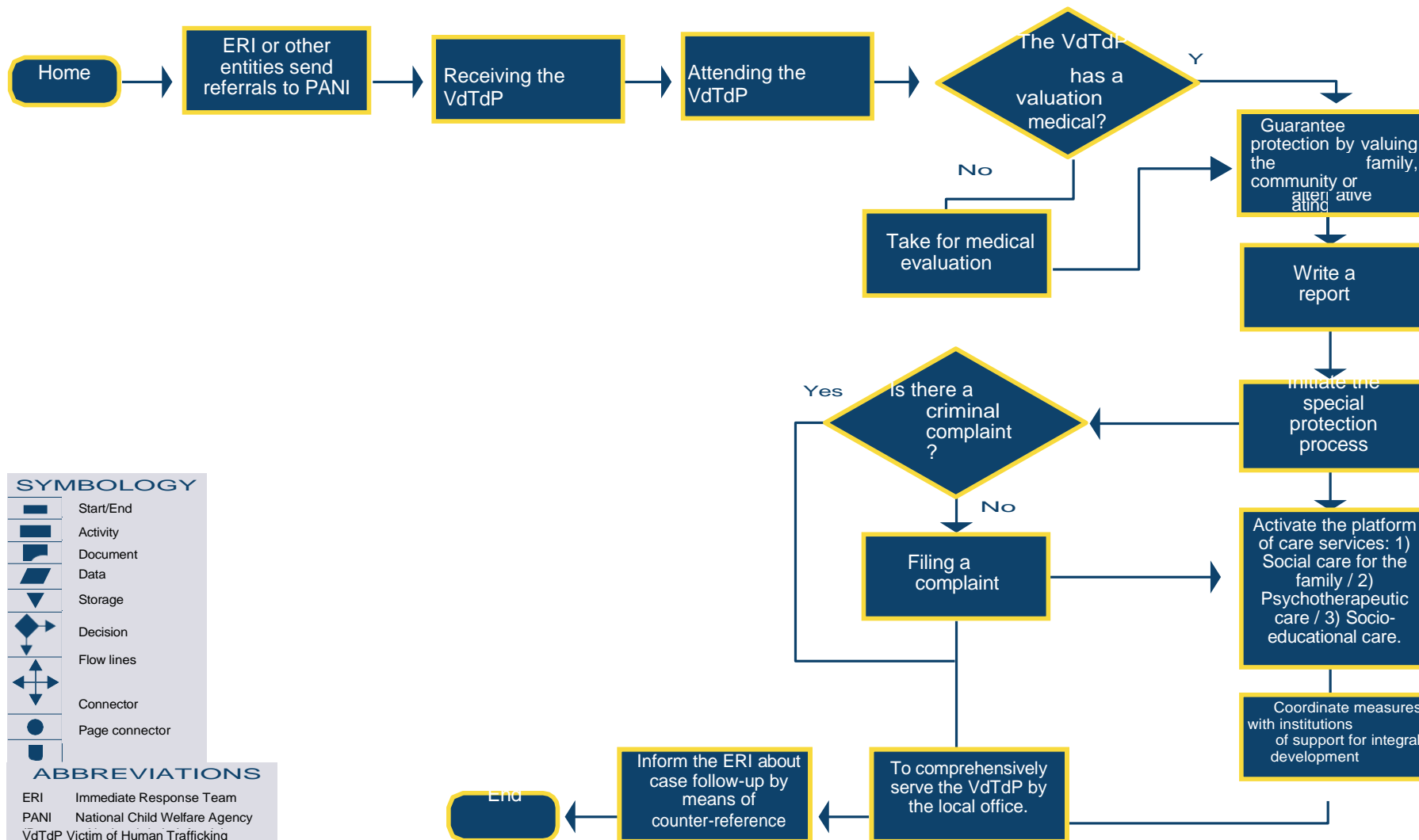
General procedures

In situations where the PME is a foreigner, coordination is carried out with the respective consulate, in order to verify her identity, assess family/communal resources in the country of origin and initiate repatriation procedures, if so determined.

Every two months, the professional in charge of care must send to the e-mail address trataytrafico@pani.go.cr an update record of the PME's condition, which will be sent to the ERI.

For the adolescent who is close to reaching the age of majority and whose Independent Living Plan (reintegration, resettlement or repatriation) requires social (socioeconomic) or inter-institutional assistance, the plan should be sent to the ERI with a request for the necessary support and the time required to complete the actions. This should be sent to eri@migracion.go.cr with a copy to trataytrafico@pani.go.cr.





Mixed Institute of Social Assistance (IMAS)

IMAS is the entity in charge of promoting dignified living conditions and social development of individuals, families and communities in situations of poverty or risk and social vulnerability, with emphasis on extreme poverty; providing them with opportunities, services and resources, based on the knowledge of the real needs of the target population, from a rights, gender equity and territoriality approach; with the active participation of different social actors.³⁵

Actions for the attention of a VdTdP

Receipt by e-mail of the person's reference and situation.

Communication via e-mail or telephone (if more detailed information is required).

Depending on the area of residence or location of the person, it is referred to the corresponding Social Development Area by means of

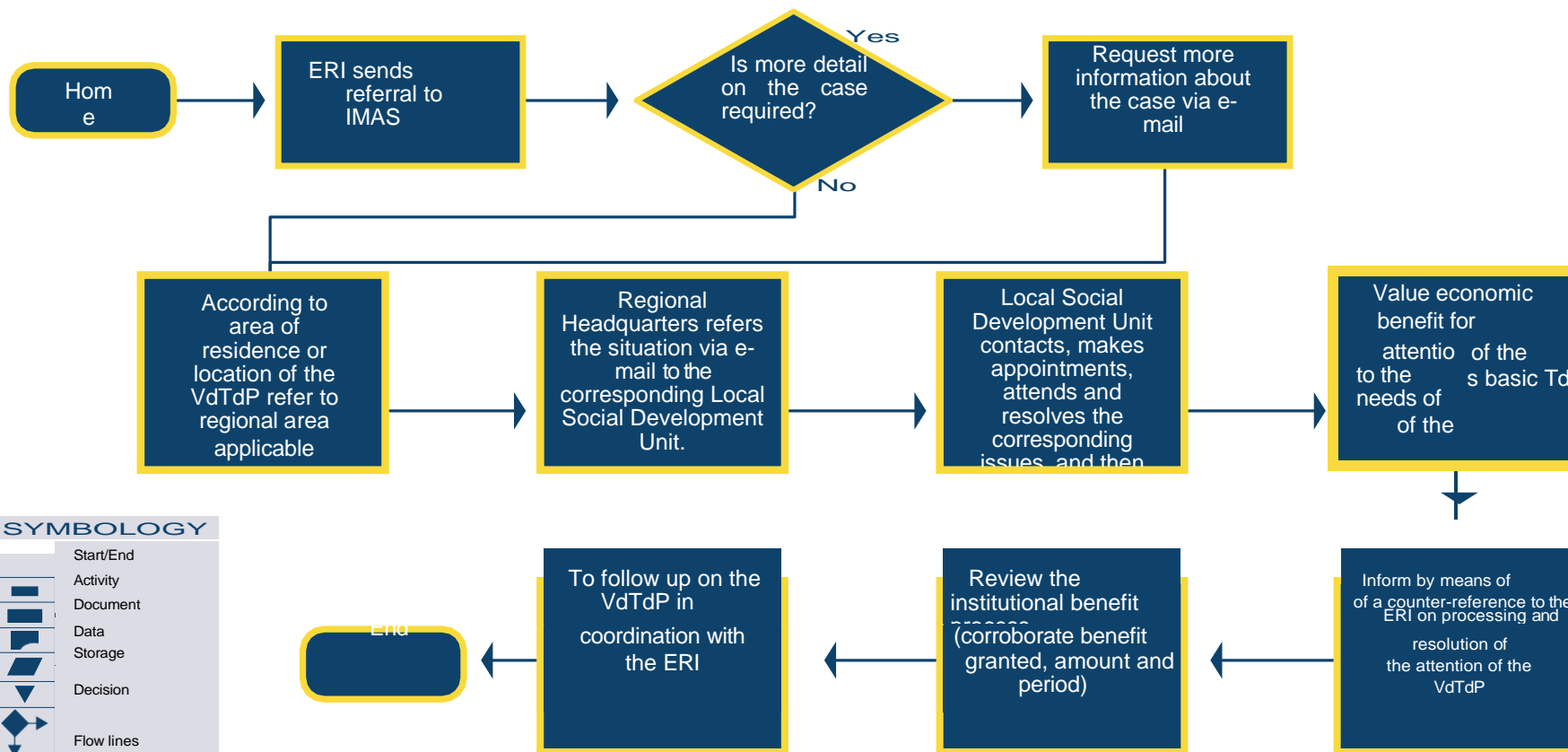
e-mail addressed to the Regional Headquarters.

Subsequently, depending on the specific location of the person, the Regional Headquarters refers the situation via e-mail to the corresponding Local Social Development Unit, specifically to the person who coordinates the Unit (who in most cases personally attends to the situation). In the event that this person is not available, the Regional Headquarters refers the situation to another professional within the Local Unit for immediate attention.

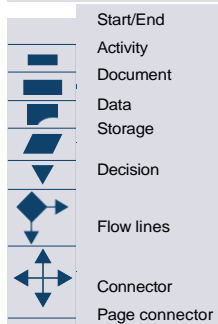
This person contacts, makes appointments, attends, determines if economic benefits are required to meet the basic needs of the VdTdP, resolves the corresponding issues and informs.

Once the above information is available, the ST-CONATT is informed of the processing and resolution of the referred person's care.

35 Information accessed at:
<http://www.imas.go.cr/general/sobre-la-institucion>
on August 3, 2017.



SYMBOLOLOGY



ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of human trafficking

National Learning Institute (INA)

INA is an autonomous institution that provides training and vocational training services to people over 15 years of age and legal persons, promoting productive work in all sectors of the economy, to contribute to the improvement of living conditions and the economic and social development of the country.³⁶

Actions for the attention of a VdTdP

The Social Development Advisory Office (ADS) is INA's liaison at the intra- and inter-institutional level for processing and facilitating the incorporation of training and technical training to VdTdP.

Once the reference has been received by the ERI, the following steps are taken:

Register in the Statistical and Monitoring Services System (SEMS), the reference

by means of the data on the order form sent by the ERI.

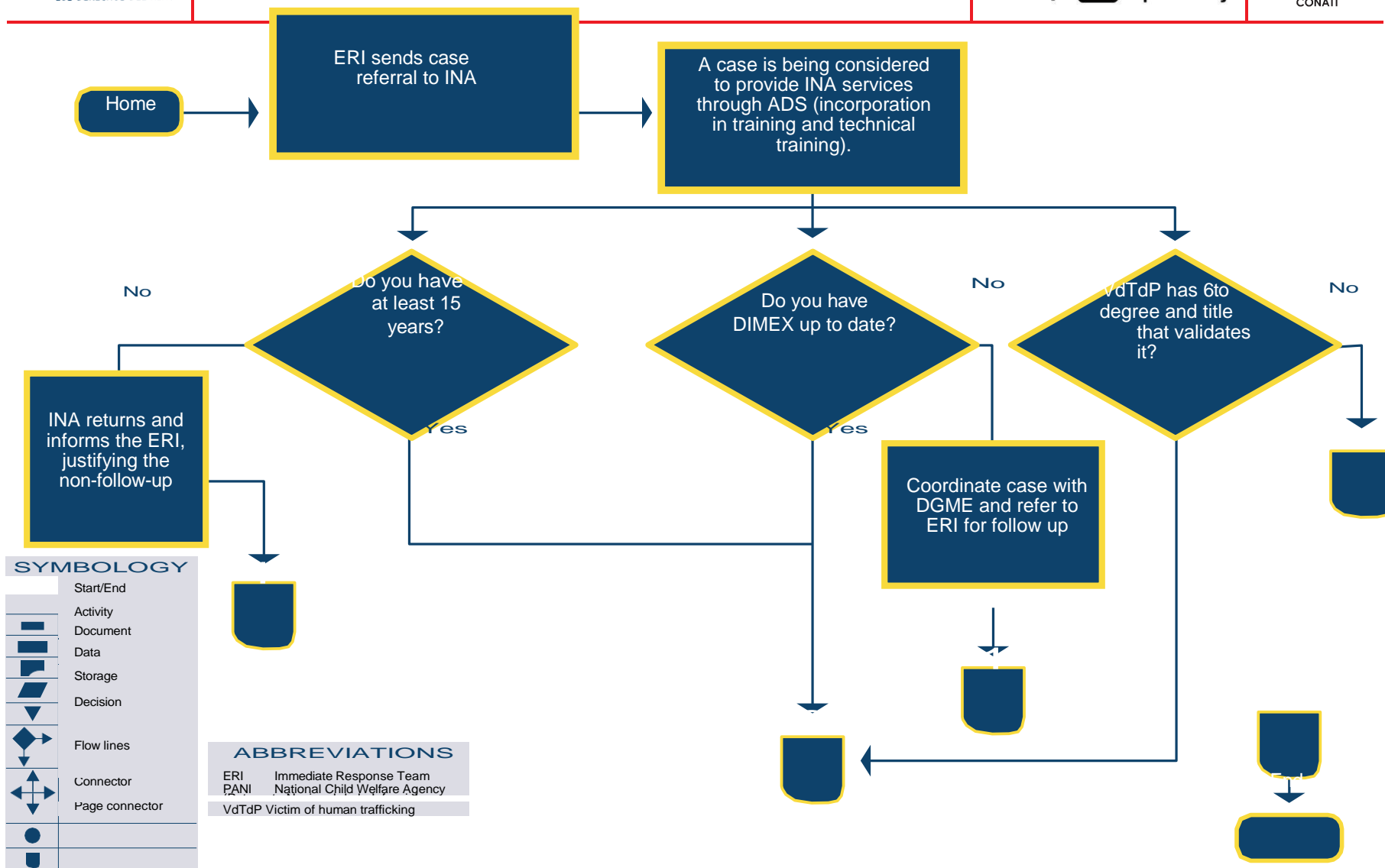
The ADS prepares a referral letter to be sent to the respective Regional Unit Directorate and prepares a physical file.

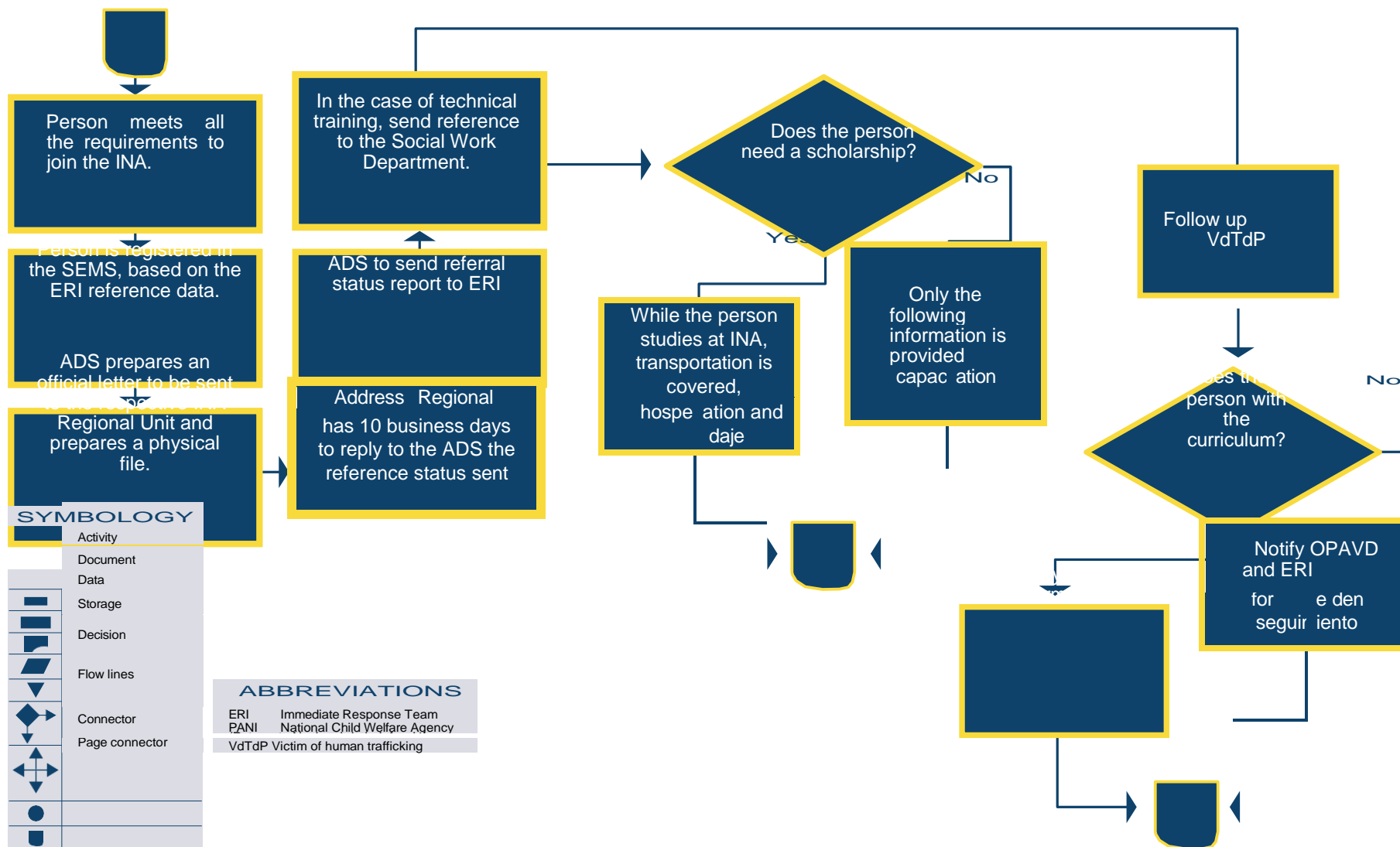
Within 10 days, the Regional Directorate must inform the ADS of the status of the reference sent.

Subsequently, the ERI is informed of the status of the referral.

The INA admits persons from the age of 15. If the person is under 15 years of age, the referral is returned, justifying the reason why the institution cannot attend him/her (Organic Law 6868). In this case it is PANI who must make the respective educational arrangements.

³⁶ Information accessed at: http://www.ina.ac.cr/institutional/mission_vision.html on August 3, 2017.





SYMBOLOLOGY

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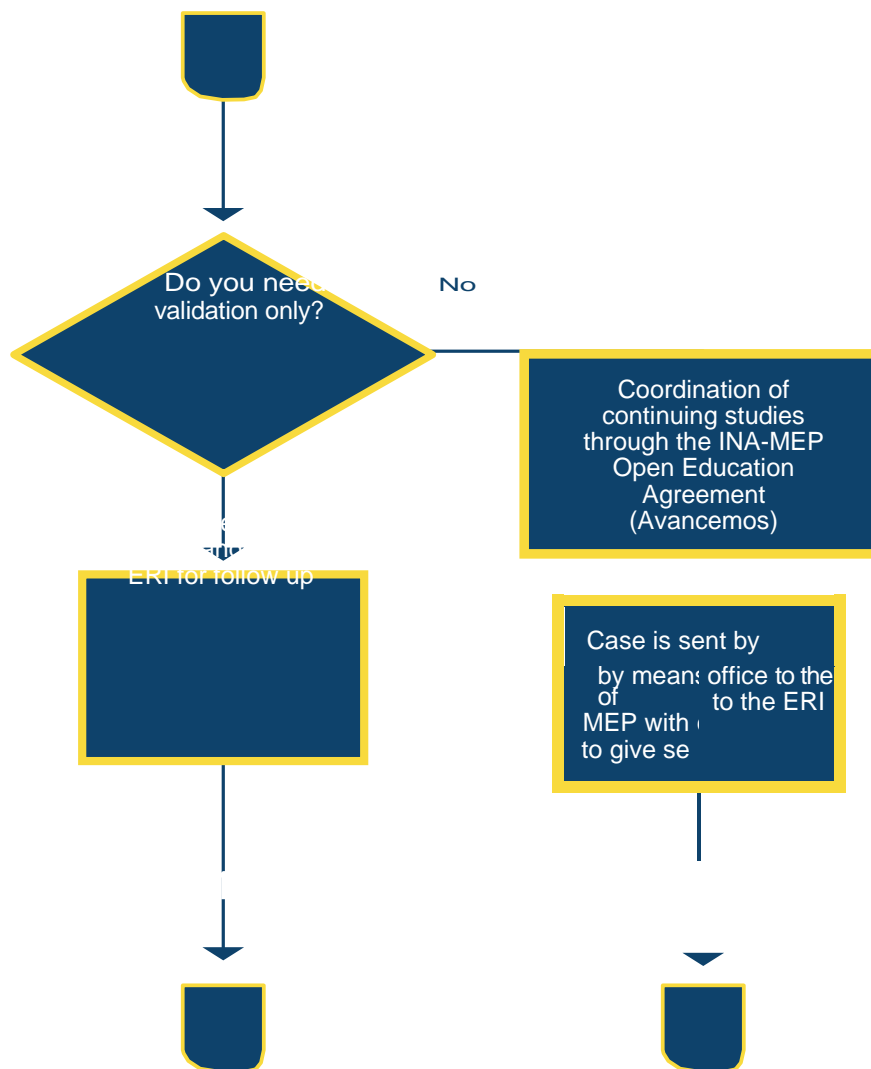
Page connector

ABBREVIATIONS

ERI Immediate Response Team

VdTp Victim of Human Trafficking

PANI National Child Welfare Agency



Institute on Alcoholism and Drug Dependence (IAFA)*.

The IAFA is a body attached to the Ministry of Health and is responsible for the technical direction, study, prevention, treatment and rehabilitation of addiction to alcohol, tobacco and other licit or illicit drugs, as well as the coordination and approval of all public and private programs aimed at these same ends.

Actions for the attention of a VdTdP

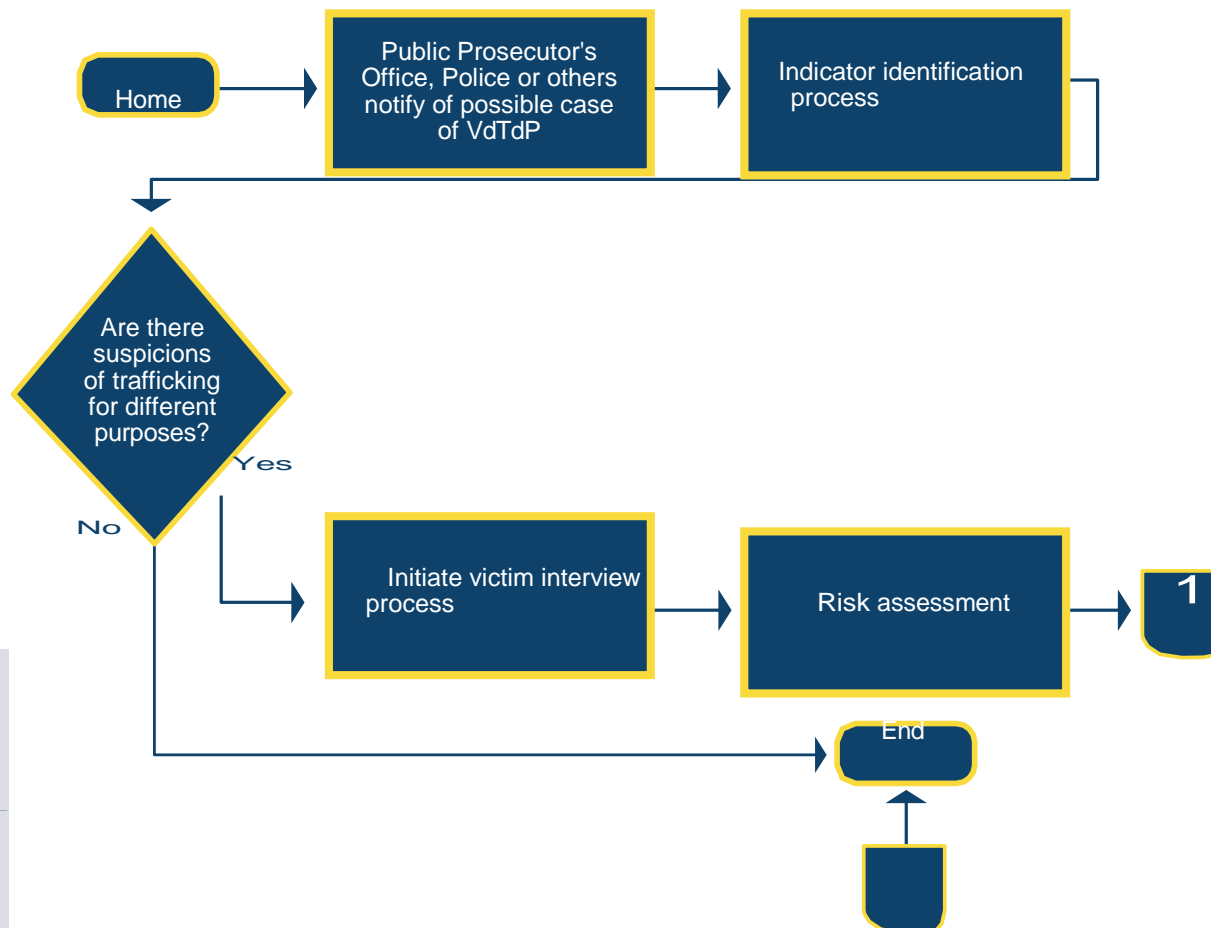
Procedure for care

- Coordination on case referral
- Person's income
- Opening of file
- Initial and follow-up care
- Archive y registration at information

Procedure for detection:

- Identification of indicators
- Interview
- Orientation
- Reference and complaint
- Registration y archiving at information

*Text based on information from IAFA's online site
<https://www.iafa.go.cr/quienes-somos>
(accessed July 10, 2018)

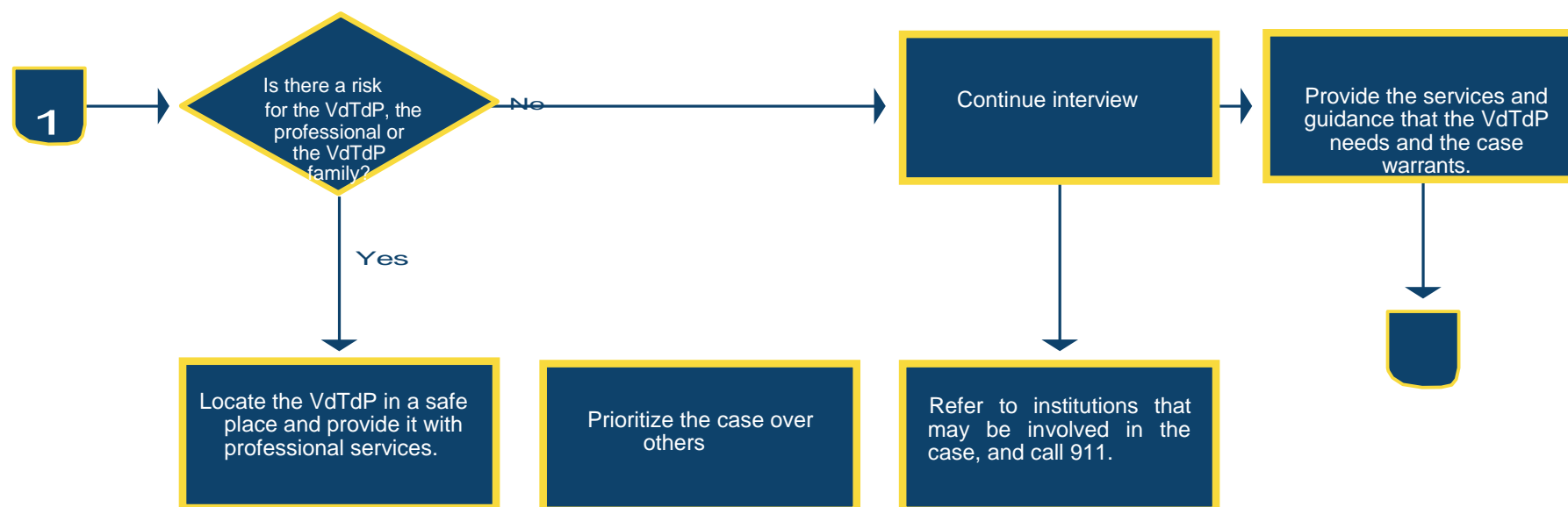


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







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ABBREVIATIONS

VdTdP Victim of Human Trafficking

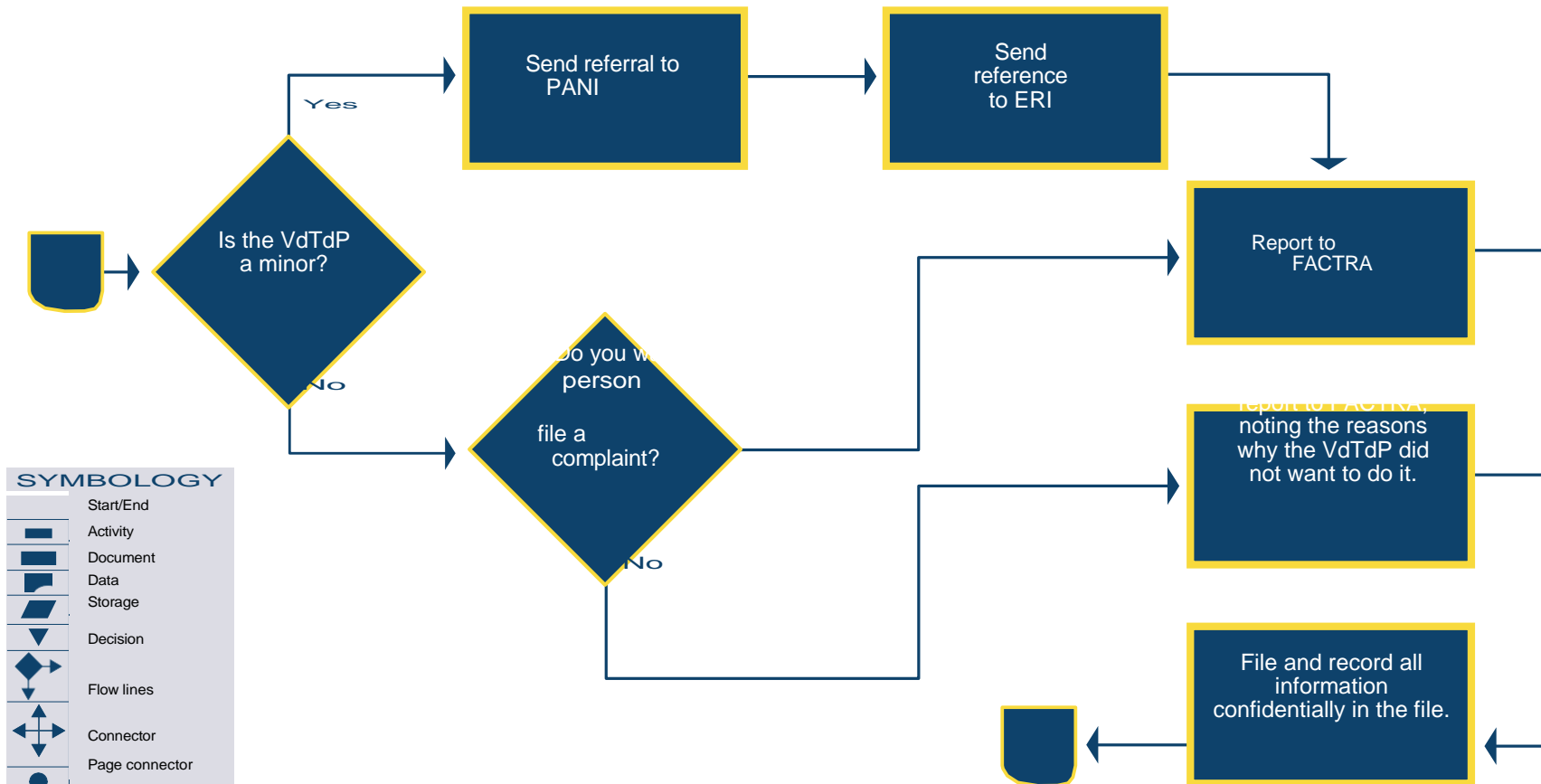


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ABBREVIATIONS

VdTdP Victim of human trafficking
ERI immediate response team
PANI National Child Welfare Agency

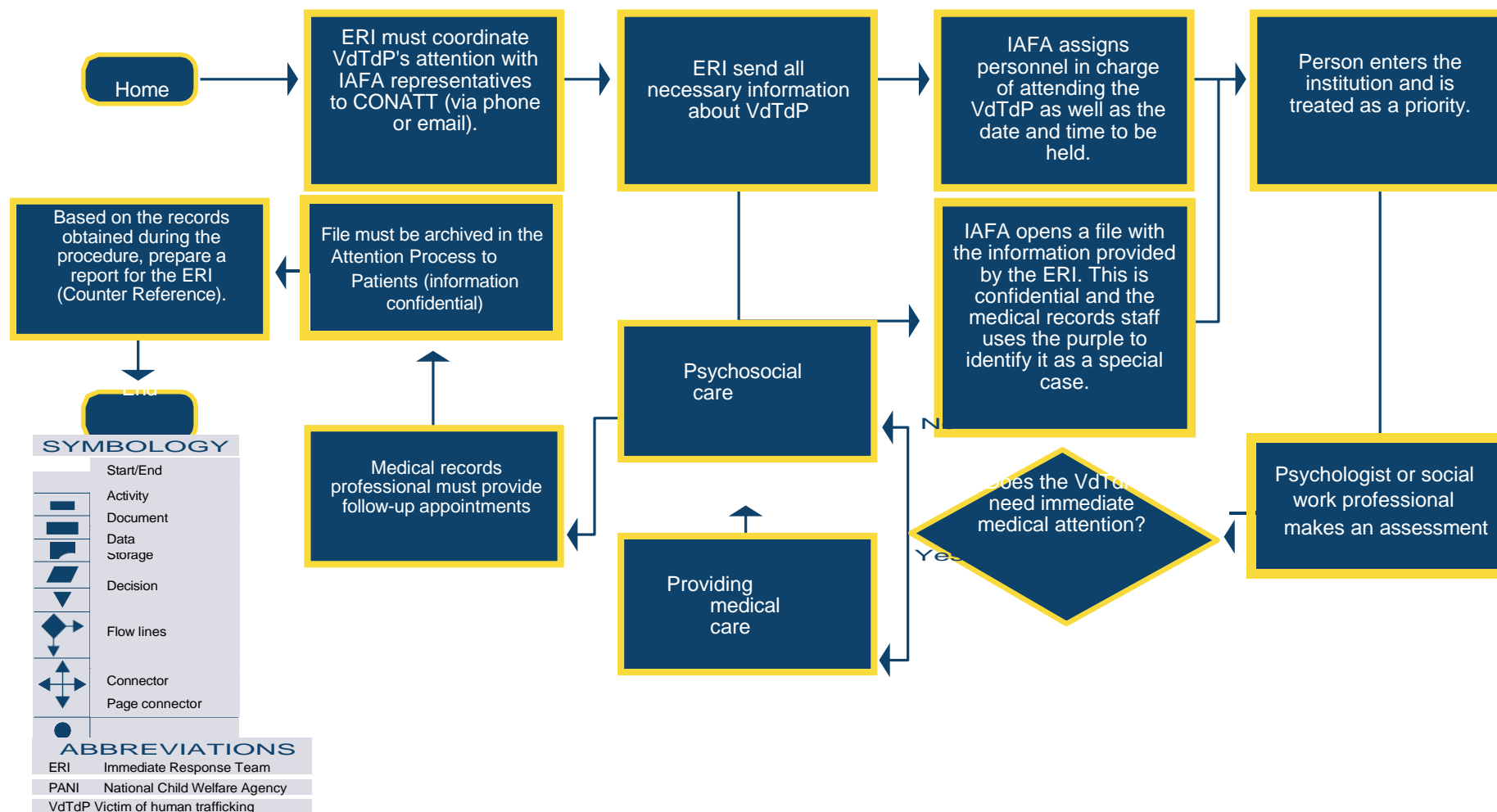


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ABBREVIATIONS

- ERI Immediate Response Team
- PANI National Child Welfare Agency
- VdTdP Victim of Human Trafficking



Ministry of Foreign Affairs and Worship (MREC)

According to the Organic Law of the MREC, art. 1 (Law No. 3008 of July 18, 1962), the function of this Ministry is to collaborate with the Presidency of the Republic in the systematic formulation of the country's foreign policy, in the orientation of its international relations and in the safeguarding of national sovereignty. It is the means by which the State carries out all its dealings with foreign governments and institutions.

Actions for the attention of a VdTdP

According to the Regulations of Law 9095, the MREC, through its different directorates and departments and with the support of CONATT, must propose, formulate and execute the following actions:

Promote and strengthen bilateral, multilateral or regional agreements to establish procedures for a comprehensive approach to victims, as well as for the prosecution of perpetrators.

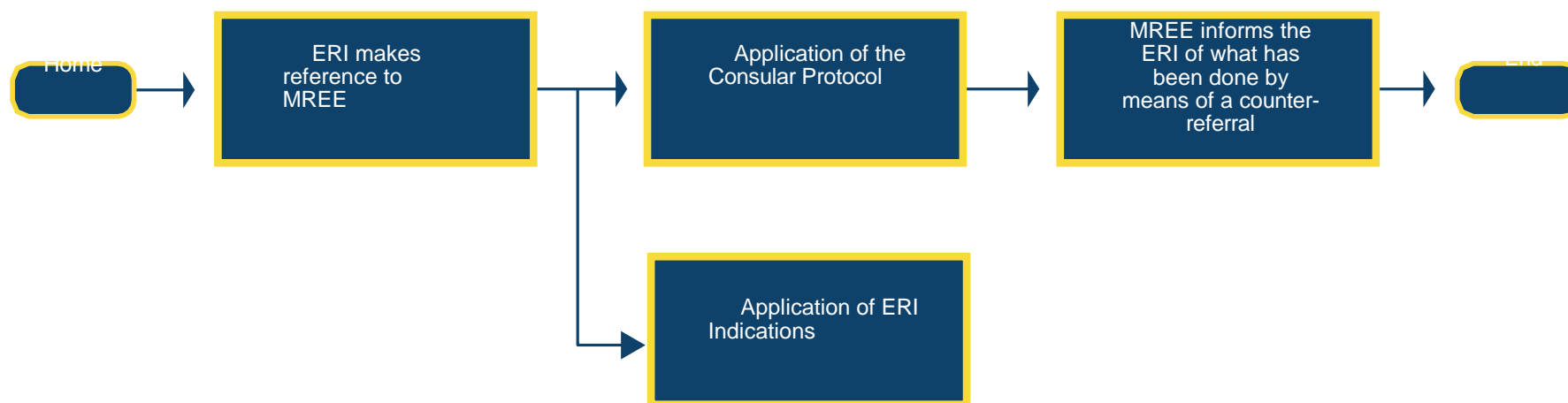
TdP offenses and smuggling of migrants.

Design programs, models and protocols for the training and continuing education of diplomatic and consular personnel in the area of human trafficking.










Create or strengthen procedures to guarantee the prompt and effective response of Costa Rican consular representations when national victims of CTP are detected in a given country.

Disseminate information on ToP to Costa Rican nationals in diplomatic and consular representations.

Promote the application of international instruments ratified by Costa Rica in order to prevent, repress and punish the crime of TdP and to provide timely attention, assistance and protection to victims.



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ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of human trafficking

Ministry of Health (MOH)*.

The MOH is the institution that directs and leads the social actors for the development of actions that promote and improve the physical, mental and social health of the population, through the exercise of the resources of the National Health System, with a focus on health promotion and disease prevention, fostering a healthy and balanced human environment, under the principles of equity, ethics, efficiency, quality, transparency and respect for diversity.

Actions for the attention of a VdTdP

According to the Regulations of Law 9095, the MS must:

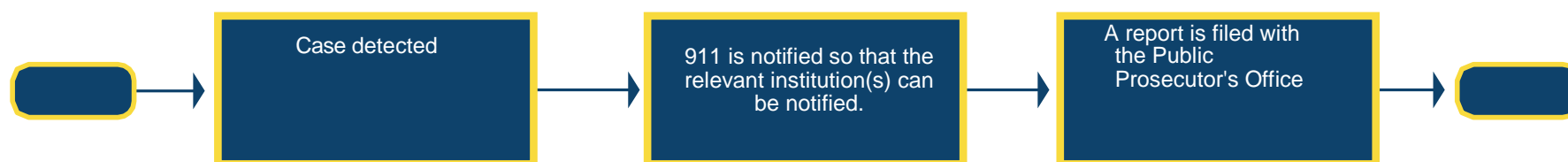
Formulate, in coordination with CONATT, a strategy aimed at detecting and referring possible cases of TdP to the competent authorities.

Strengthen control mechanisms regarding the possible illicit trafficking of organs, tissues, fluids and human material, and the supervision of premises used for activities likely to promote ToP.

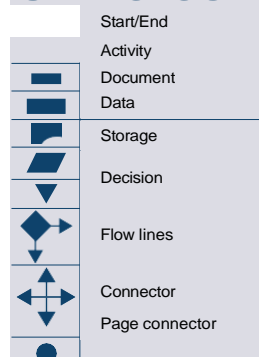
Design a permanent training program for its staff on ToP, the danger it represents, and the role and responsibilities of health personnel in these matters.

Supervise, from its competence, the state and conditions of the places destined for the surviving victims of TdP of legal age or minors.

* Based on information available online from the Ministry of Health <https://www.ministeriodesalud.go.cr/> (accessed July 10, 2018).



SYMBOLOLOGY



ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of Human Trafficking

Ministry of Labor and Social Security (MTSS)*

It is the governing and executing institution of Costa Rica's labor and social security policy, aimed at working people and employers to promote decent work and contribute to development and social justice.

Actions for the attention of a VdTdP

According to the Regulations of Law 9095, the MTSS, in conjunction with CONATT, must:

Create intra-institutional coordination mechanisms for the detection, referral and statistical reporting of the VdTdP population in order to provide timely information to CONATT.

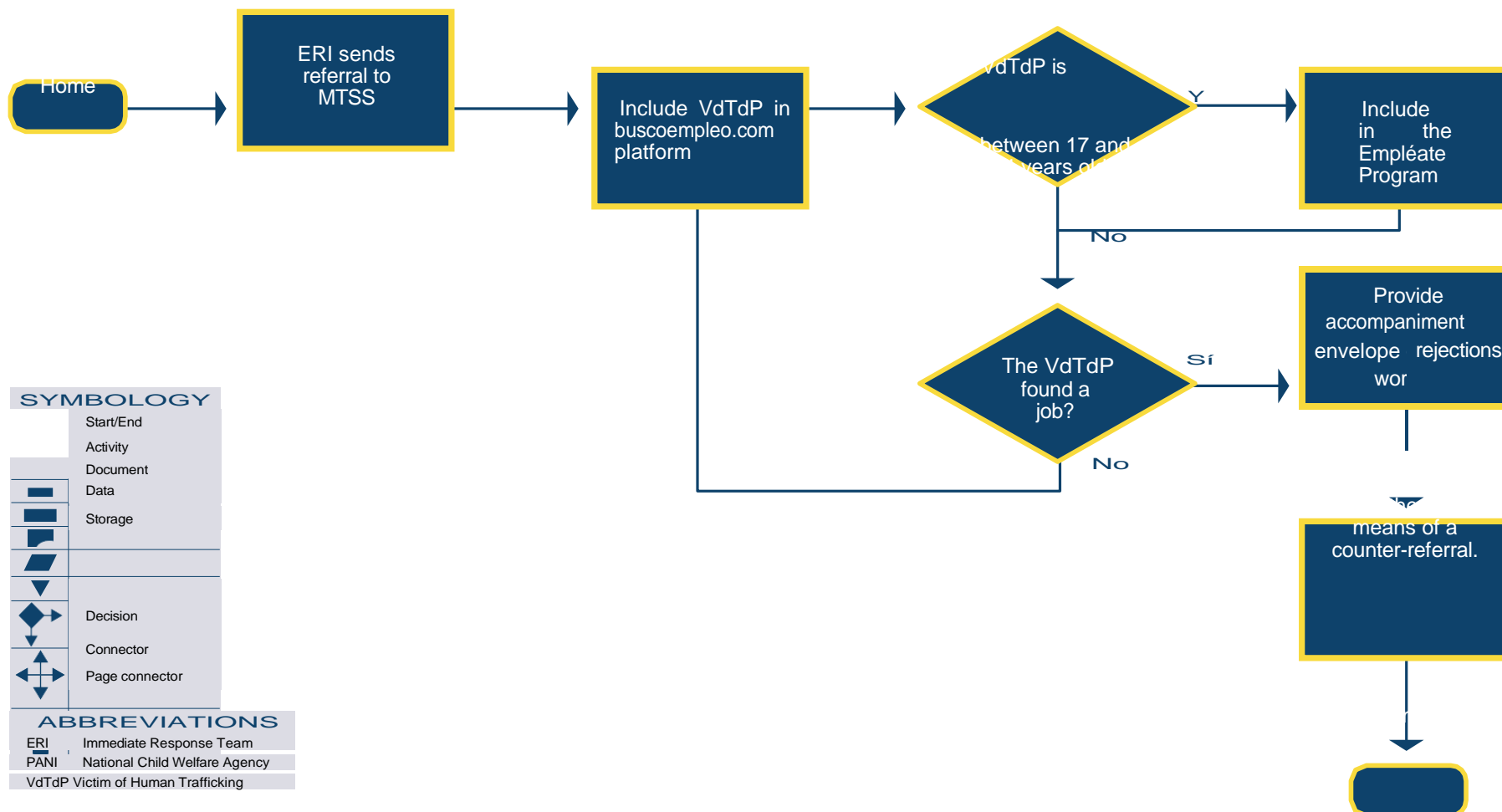
Promote training for MTSS officials in the following areas

The company has also been involved in the area of ToP and smuggling of migrants, particularly those who carry out labor inspections and those associated with the hiring of workers.

Promote employment management for the VdTdP referred by the ERI in the national productive sector, through employment intermediation mechanisms.

Coordinate with CONATT the design and continuous dissemination of information oriented to public and private workers with emphasis on the most vulnerable areas and populations to inform and prevent the crime of TdP in coordination and with the support of CONATT.

*Based on information available online at:
<http://www.mtss.go.cr/elministerio/estructura/>
(accessed July 10, 2018).



Ministry of Public Security (MSP)* Ministry of Public Safety (MSP)* Ministry of Public Security (MSP)

The MSP is in charge of serving and protecting every human being for the enjoyment of their rights and freedoms in the national territory, in alliance with the community.

Actions for the attention of a VdTdP

Through its different directorates and departments and with the support of CONATT, it must propose, formulate and execute the following actions:

Include in the Basic Police Course and in the specialization courses of the National Police School (ENP), the necessary **contents** for the correct approach to the crimes of TdP and smuggling of migrants.

Promote continuous police training aimed at theoretical, legal and police-operational knowledge of the TdP.

with emphasis on the detection and referral of possible victims or those affected by organized crime.

Establish an operational strategy to create or improve the necessary controls to detect possible cases, victims or perpetrators of TdP. For this purpose, they will receive specialized training through the ENP. This strategy should include coordination mechanisms to support police operations of competent authorities in this area.








Design, with advice from the OAPVD -and put into practice- a police protection program for VdTdP, which does not prosecute the case, or for those victims who are not covered by Law 8720 and who require security, after a risk assessment by the ERI³⁷.

* Based on information available online <http://www.seguridadpublica.go.cr/ministerio/> (accessed July 10, 2018).

37 For details on this point, refer to Chapter Five, Art. 22, letter (q) of Law 9095.



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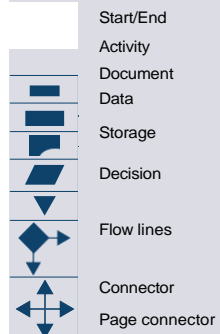
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ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of Human Trafficking



SYMBOLOLOGY



ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTp	Victim of Human Trafficking

Office for the Attention and Protection of Victims of Crime (OAPVD)

This is the office of the Public Prosecutor's Office in charge of assisting or protecting all persons (men, women, boys/girls), nationals and foreigners, who are victims, witnesses and other participants in criminal proceedings.

The office seeks to avoid the revictimization or secondary victimization of persons who have been aggrieved by a crime and to minimize the impact caused by the TdP, through humane treatment that respects their rights. In addition, the OAPVD ensures that victims can actively participate in the judicial process and that they are treated with dignity and respect. Finally, it is in charge of administering the Program for the Protection of Victims, Witnesses and other Participants in Criminal Proceedings³⁸. It carries out interdisciplinary work in the areas of Legal Assistance, Social Work and Psychology.

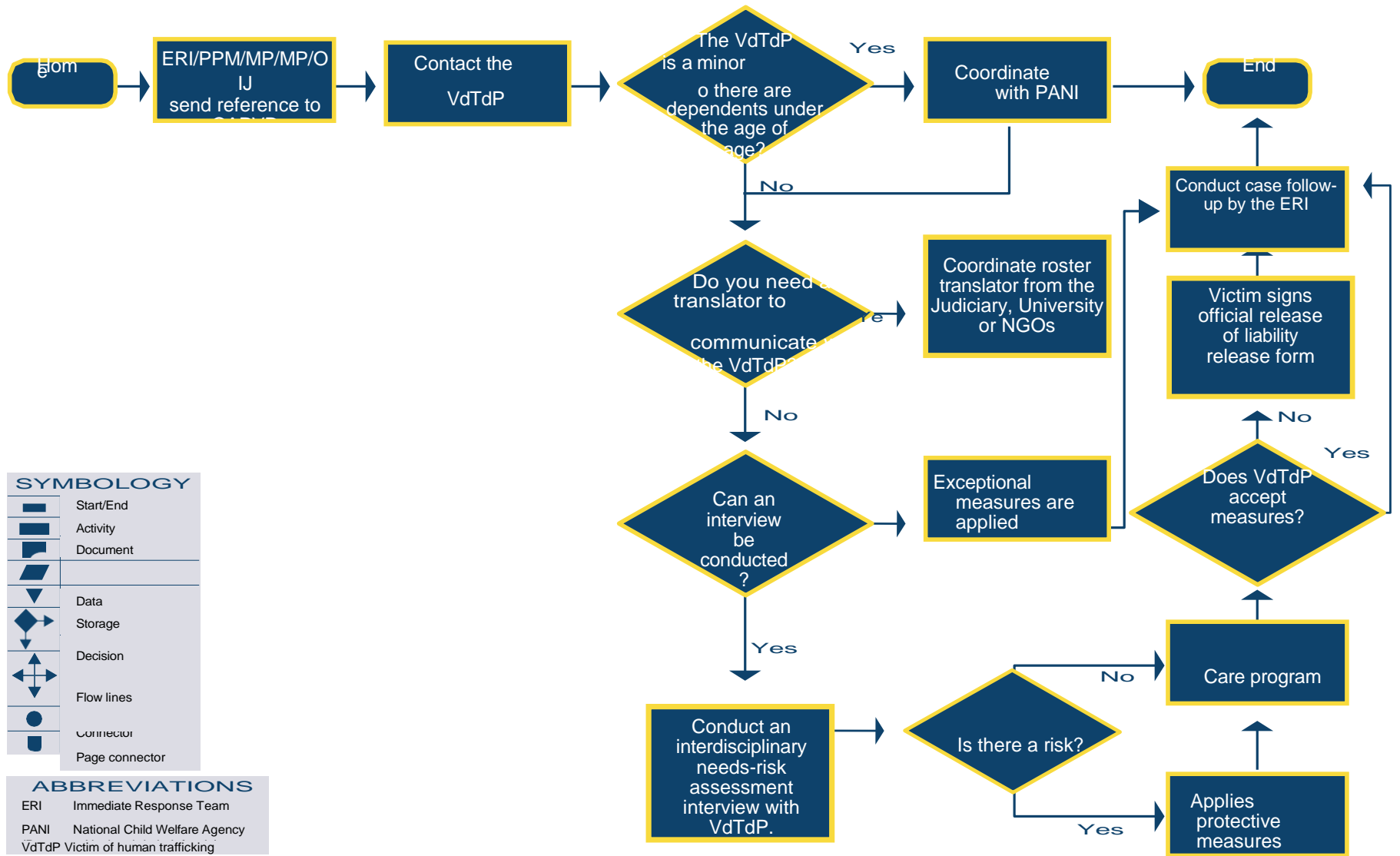
Actions for the attention of a VdTdP

According to the Regulation at the Law 9095, the OAPVD must:

Design and seek continuous improvement of models, programs and protocols oriented to the care and protection of VdTdP.

Establish an internal training program for OAPVD personnel in charge of the care and protection of VdTdP.

38 Retrieved from: https://ministeriopublico.poder-judicial.go.cr/victimas_testigos/atencion_proteccion.html#HERMES_TABS_1_0 on August 4, 2017.



Judicial Investigation Organism (OIJ)*.

It is an auxiliary advisory and consulting organization for the competent judicial authorities in the investigation, discovery and technical-scientific verification of crimes and their alleged perpetrators, with qualified technological, administrative, scientific and police resources, with a vocation for service, effective and impartial, which ensures equity and equality based on gender, ethnicity and social status.

Actions for the attention of a VdTdP

Regarding the VdTdP, the OIJ has the following functions:

Strengthen the Unit against Trafficking in Persons and Smuggling of Migrants with the necessary human resources, providing it with the specialized training that its function requires.

Permanently integrate the topic of the ToP in the technical training programs in criminal investigation in accordance with the policies of

training from its competent bodies.

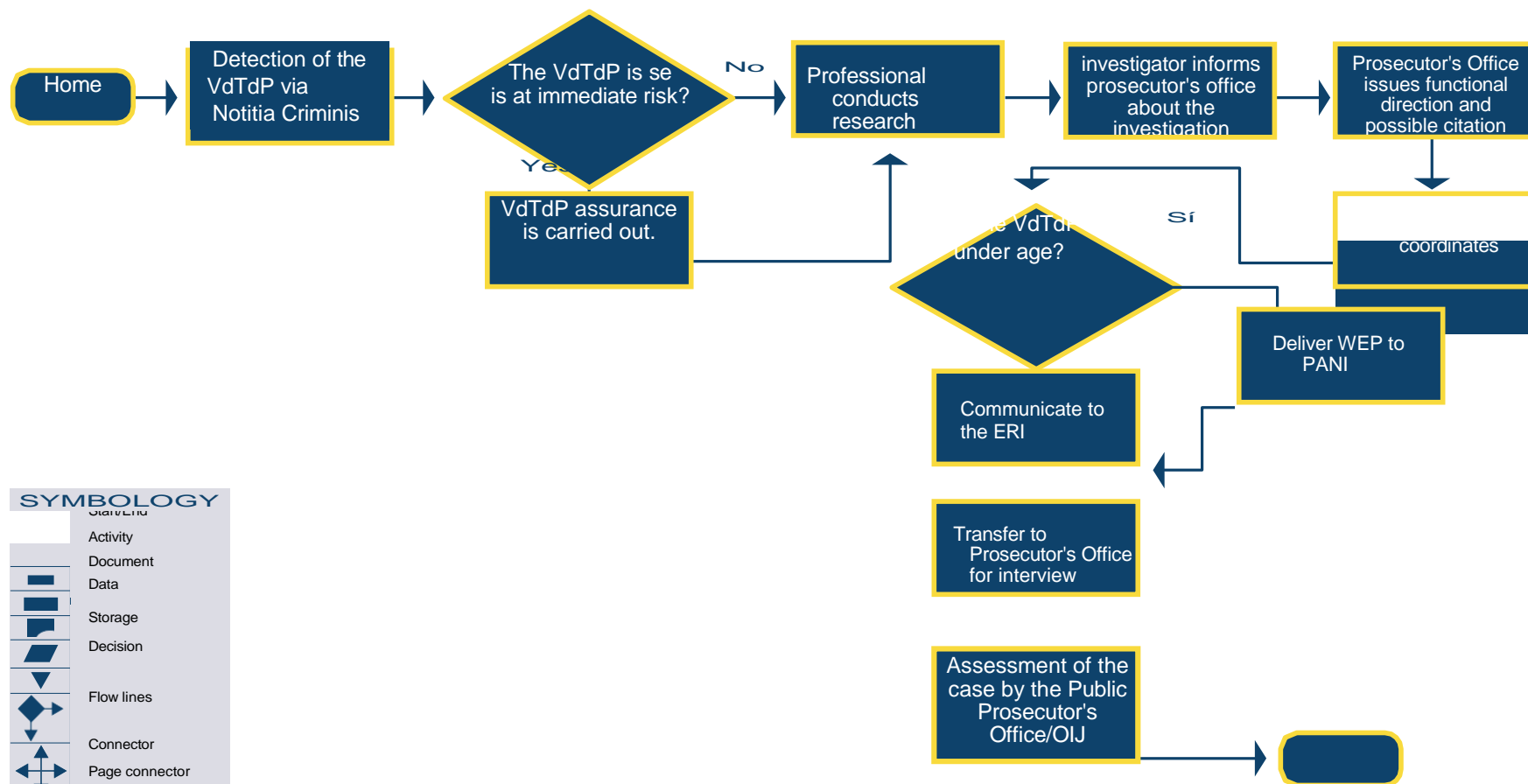
Manage or create specialized courses for personnel involved in investigation, analysis, evidence collection, tactics and intelligence in the area of TdP at the national level, with the approach adapted to the type of function and through its training bodies.

Manage or create specialized training courses for trainers on the topic of ToP.









Contribute and participate in the design of strategies, programs and maps that strengthen the techniques for the detection of possible cases, collection and referral of information that favors the development of the proactive investigation of the crime of TdP.

Support in the design and implementation of training processes in the different institutions that make up CONATT, based on its function, experience and competence.

* Based on information available online <https://sitiooiij.poder-judicial.go.cr/> (accessed July 10, 2018).



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ABBREVIATIONS

ERI	Immediate Response Team
PANI	National Child Welfare Agency
VdTdP	Victim of Human Trafficking

Recommendations

The recommendations presented in this section were developed in two ways. The first is based on the information gathered in the two OP (Operating Procedures) development workshops facilitated by the IBCR in November 2016³⁹. The objective of both workshops was to establish the intra- and inter-institutional critical routes, along with the roles and responsibilities of each institution of the Care Commission and the ERI, within the framework of the Integrated Care Model for Victims of Human Trafficking in Costa Rica.

The second source was the Mapping Report on Combating Trafficking in Persons in Costa Rica, from which some pertinent recommendations for this document are taken up, as they are considered to be still valid for the scope of the OPs.

The recommendations have been formulated as opportunities identified by the participants. Participants in the workshops and point out elements considered central to the process of improving access to the platform of available services by the VdTdP and on a case-by-case basis.

39 See Methodology.

It is important to mention that the proposed recommendations are not exhaustive and that many of them require additional and structural efforts by the State and its institutions, so they are presented with the intention of contributing and constituting a point of reference for actions that could be implemented with the aim of improving access and guaranteeing basic conditions according to the regulations in force in Costa Rica in relation to ToP.

Primary Care⁴⁰

In general, the accounts of the institutional representatives in the aforementioned workshops coincided on three central aspects that undoubtedly have a bearing on the total response time of the institutions in a case of ToP.

40 According to the Protocol of Actions of the Immediate Response Team - ERI (2015).
- In Costa Rica, primary care 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 time, the actions of the institutions should focus on the assessment and management of risk and the protection and safety of the survivor.



In view of the above, the recommendations are based on:

Generate spaces for intra-institutional training or information exchange where the VdTdP attention routes can be socialized according to each case and in accordance with the mission of each CONATT member entity.

As appropriate, make it mandatory that, in the selection and hiring processes of new personnel for the entities, the candidates incorporate at the time of induction the institutional route for the comprehensive care of the VdTdP.

Generate the necessary institutional mechanisms so that, within the established time frame, a response can be given to

The VdTdP, for example, should provide certain priority services continuously and without interruption on a 24/7 basis, favor alternate schedules, and include hours of availability of personnel who can be contacted by telephone in the event of a victim.

Strengthen the regions, so that this 24/7 attention is given equally in the territories, that is, outside the capital, with the aim of having an immediate response to the cases detected. This recommendation is related to the same recommendation made in the mapping: to extend the creation of immediate response teams to other regions of the country and to have regional liaisons, a measure that is provided for in Article 23 of Law 9095.

Strengthen the capacities of the officials of the entities belonging to CONATT in the area of inter-institutional routes, so that the references and counter-references that must be given according to each particular case are clear.

The aforementioned actions and those listed below, related to secondary care, monitoring and follow-up, require funding for their implementation. Therefore, it is recommended that the people who represent the institutions within CONATT explore the budgetary items of their institutions in light of the difficulties mentioned in the workshops (no petty cash, no budget to carry out operations, limitations on payments or expenses for custody, lack of resources for training, lack of human resources to carry out training, lack of human resources to implement the actions, etc.), as well as the difficulties in the implementation of the actions mentioned in the workshops (lack of resources to carry out training, lack of resources to carry out operations, lack of resources to carry out training, lack of resources to carry out training, lack of resources to carry out operations, etc.).

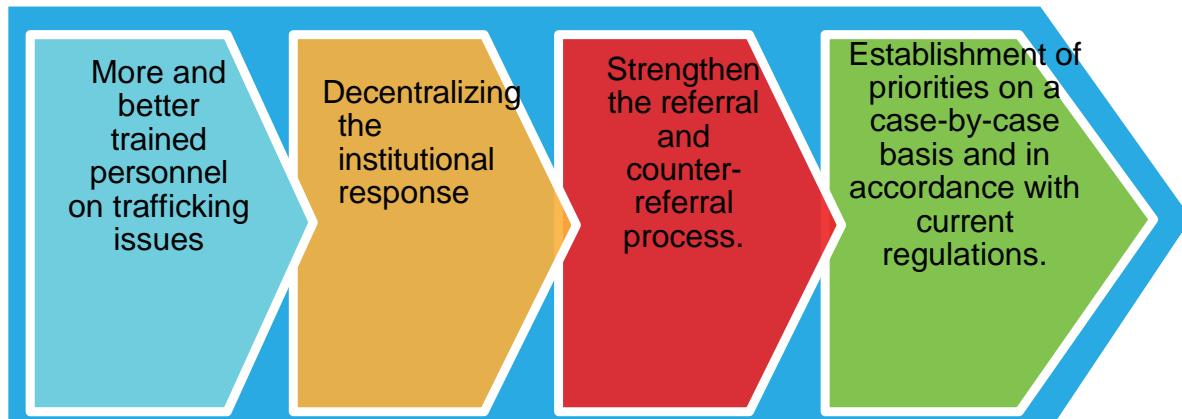
The same person may be involved in different commissions at the same time, etc.).

It may be useful to fully understand the needs of each region in terms of personnel, infrastructure and operating costs, in order to propose adjustments to fill the gaps identified, on the one hand, and to analyze the budgets of each organization, focusing on the responses to be provided in accordance with Law 9095 and its regulations, on the other.

It is important to harmonize the response times of the institutions, especially between the ERI and PANI, given that the former has established a time frame of 24 hours to initiate action in accordance with its protocol and the second sets its deadline at 48 hours. This difference does not allow harmonizing action and timeliness in the response to the VdTdP.

Secondary care⁴¹

In terms of secondary care the main opportunities identified were:



Define or strengthen inter-institutional communication processes, emphasizing referral and counter-referral of cases and favoring the confidentiality of information in accordance with current regulations.

Generate spaces for training and exchange of information related to the topic of ToP. It is suggested to establish a training schedule, where a real or hypothetical case is studied on a monthly basis and participants are allowed to explore the way in which a response should be given and the concrete actions to be taken, as appropriate.

Establishment of geographic hotspots throughout the country where the institutional technical team needs to be strengthened.

Provision of financial resources for the hiring and training of personnel dedicated to the prevention and care of VdTdP.

41 According to Law 9095, Law against trafficking in persons in Costa Rica, secondary care measures are "short, medium and long term actions aimed at facilitating the process of care, protection of the victim of the crime of trafficking and their dependents after technical assessment, including, where appropriate, voluntary repatriation to their country of origin or residence, or resettlement in a third country".

To advance in the conceptual appropriation of the services offered and institutional flowcharts in order to improve the timeliness of referral of victims of ToP to institutions on a case-by-case basis.

To systematically understand the care that should be offered to the most vulnerable populations, in this case children and adolescents.

Monitoring and follow-up⁴²

Although there is already a monitoring and follow-up strategy in place, the participants in the processes that gave rise to these recommendations were not aware of it, so one of their proposals was the development of a strategy in this direction:



the appropriation of differential approaches

⁴² Taken from the Protocol of actions of the Immediate Response Team, Costa Rica. 2015: "If necessary, the follow-up period may be extended for up to 2 years (...). Each institution is responsible for constantly informing the ERI, through the Technical Secretariat, of the progress and processes that are being generated with the victim, by means of a report".

Understanding that CONATT is responsible for promoting the formulation, execution, follow-up and evaluation of aspects related to the prevention, care and protection of VdTdP, it is important that this body has the support of its member institutions. This support can be represented by: attendance at the meetings convened, follow-up on commitments acquired, active participation in the sessions and commissions. These aspects favor action in the face of the ToP phenomenon and strengthen CONATT's governance in the face of its responsibilities within the framework of the law.

Review and strengthen the mechanism through which the reporting and follow-up of ToP cases is being carried out, i.e., the counter-referrals with which the progress of each case is reported once the victim has been referred for the pertinent attention. The establishment of better inter-institutional communication channels will favor timely action.

Strengthen the referral and counter-referral process by harmonizing the established formats, in order to avoid duplication of efforts and optimize communication among participants. Given that it is the ERI that coordinates the immediate response, it is suggested that this team's format be used by the other institutions.

Promote confidentiality in all cases, which is described in the legal tools on the subject of ToP in the country.

Develop technical capacities to improve the interaction of the actors in terms of human rights, gender, children's and adolescents' rights, interculturality, etc., which frame the actions in accordance with the Model of Comprehensive Care for Survivors and Victims of the Crime of Trafficking in Persons.

Annexes

Normative glossary on ToP and children's rights

The following is a non-exhaustive list of the legal instruments available in Costa Rica in the area of ToP and children's rights; the chart shows the current legislation in relation to the issues identified. Subsequently, a table with more detailed information is presented, in case further information on the subject is required.

Palermo Protocol of 2000: Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, ratified by Costa Rica on September 9, 2003. It complements the United Nations Convention against Transnational Organized Crime.

Law No. 9095 of 2013: Law against Trafficking in Persons and Creation of the National Coalition Against the Smuggling of Migrants and Trafficking in Persons (CONATT).

Law No. 8720 of 2009: Law for the protection of victims, witnesses and other parties involved in criminal proceedings, amendments and additions to the Code of Criminal Procedure and the Criminal Code.

Law No. 8764 of 2009: General Law on Migration and Aliens.

Law No. 7739 of 1998: Childhood and Adolescence Code.

Trafficking in persons	Criminalization of the crime	Right and obligation to report	Extraprocedural protection	Victim protection
Palermo Protocol. Article 3 Law 9095 of 2013. Article 5.	Palermo Protocol. Article 5. Penal Code. Law 4573. Article 172.	Penal Code. Law 4573. Article 278 y 281. Law 9095 of 2013. Article 71.	Law 8720 of 2009. Article 12.	Law 8720 of 2009. Article 15. Law 9095 of 2013. Artículo 37, 38, 41

Reduction of the revictimization	Testimony and other PME proceedings	WEP Statement	Special surveys	Public and private information
Law 8720 of 2009. Article 71.	Law 8720 of 2009. Article 71.	Law 8720 of 2009. Article 212.	Law 8720 of 2009. Article 221.	Law 8720 of 2009. Article 331.

Migratory aspects	Mitigating measures for minors	Protection of minors PME
Law 8764 of 2009. Artículo 44, 48, 49, 65, 94, 107.	Law 8764 of 2009. Article 42 y 185.	Law 7739 of 1998. Artículo 13 and 129. Law No. 7739 of 1998: Childhood and Adolescence Code Adolescence



Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Trafficking in persons	Palermo Protocol	<p>Article 3. Definitions</p> <p>For the purposes of this protocol:</p> <p>a) Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, Such exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs;</p> <p>b) The consent given by the victim of trafficking in persons to any form of intentional exploitation described in paragraph a) of this article shall not be taken into account when any of the means set forth in said paragraph have been used;</p> <p>c) The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if none of the means set forth in subparagraph (a) of this article are used;</p> <p>d) Child" shall mean any person under the age of 18 years.</p>
	Law No. 9095 (2013)	<p>Art. 5: Trafficking in persons shall be understood as promoting, facilitating or facilitating the entry into or exit from the country or the movement within the national territory of persons of any sex to perform one or more acts of prostitution or to subject them to exploitation or servitude, whether sexual or labor, slavery or practices similar to slavery, forced labor or services, servile marriage, forced begging, illicit extraction of organs or irregular adoption.</p>
Criminalization of the crime	Palermo Protocol	<p>Art. 5: Each State Party shall adopt such legislative and other measures as may be necessary to establish the offense.</p>

Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Right and obligation to report	Costa Rica, Penal Code, Law No. 4573, (1970).	<p>Article 172. Crime of trafficking in persons. The penalty shall be imprisonment for a term of six to ten years. or facilitates or favors the entry into or exit from the country, or the movement, movement or of persons of either sex within the national territory. to perform one or more acts of prostitution or to subject them to exploitation. sexual or labor servitude, slavery or practices analogous to slavery. slavery, forced labor or services, servile marriage, mendicancy, slavery, forced labor or services, servile marriage, mendicancy, slavery, forced labor, forced illicit removal of organs or irregular adoption.</p>
		<p>Article 278. Those who have notice of a publicly actionable offense The person may report it to the Public Prosecutor's Office, to a court of competent jurisdiction, or to a court of law. or to the Judicial Police, unless the action depends on the instigation of a criminal prosecution or the Judicial Police. private nature. In the latter case, only those who have the right to report power to urge, in accordance with this Code. The court that immediately bring the complaint to the attention of the Public Prosecutor's Office.</p>
		<p>Article 281. The following shall have the obligation to report prosecutable crimes ex officio: a) Public officials or employees who become acquainted with them in the course of their duties. b) Physicians, midwives, pharmacists and other persons engaged in the practice of medicine shall any branch of the art of healing, who are aware of these facts when lending the aids of his or her profession, unless the knowledge acquired by The information is protected by law under the protection of professional secrecy. (c) Persons who by provision of law, by authority or by an order of a The management, administration and care of the company's assets are the responsibility of the legal act. or control of assets or interests of an institution, entity or person, or of an institution, entity or person. of a person, in respect of offences committed to his or her detriment or to the detriment of the estate or assets placed under their charge or control and provided that The fact is known to them in the performance of their duties. In all In such cases, the complaint is not mandatory if it is reasonably risky. The criminal prosecution of oneself, one's spouse, or relatives up to the third degree of degree by consanguinity or affinity, or of a person who has become a member of the is linked to the complainant by special ties of affection.</p>
	Law No. 9095,	<p>Article 71. Civil servants shall be obliged to comply with the following to report, either to the specialized police agencies or to the Public Prosecutor's Office, any situation that constitutes reasonable suspicion.</p>

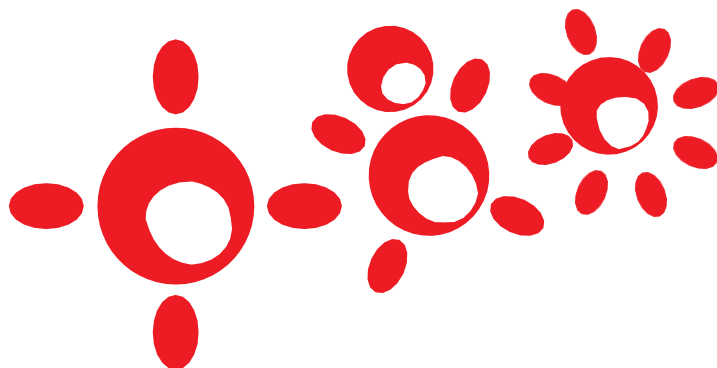
	(2013).	nable of human trafficking or migrant smuggling activity. The same obligation applies to the members and representatives of the institutions. and organizations that make up the National Coalition.
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Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Extraproce- sal protection	Law No. 8720, (2009).	<p>Article 12. Request and procedure for extraprocedural protection measures.</p> <p>A) Request: the application of protection measures will begin after a previous request before the office of attention to the victim of the crime of the Public Ministry, made by the person, the prosecutor, the judge, the public defense, the complainant, the OIJ or the Ministry of Public Security. When the request is not received directly by the office of attention to the victim of the crime of the Public Ministry, the public official who receives it must channel it, within a maximum peremptory term of twenty-four (24) hours, to the office of attention to the victim of the crime of the Public Ministry, under penalty of incurring responsibility.</p> <p>The request shall contain the general data of the person, a succinct account of the facts, a brief statement of the dangerous situation that motivates the request, as well as any other element that may guide the decision. At</p> <p>In urgent cases, the request may be verbal, with the necessary information to identify the person and the risk situation, without prejudice to the subsequent formalization of the request in writing.</p> <p>When the protected person is a minor, the application may be submitted by his or her legal representative or the person who has him or her under his or her care or custody. If this requirement cannot be fulfilled because the interest of the minor is opposed to that of those exercising parental authority, the National Child Welfare Agency (PANI) shall represent the interests of the minor. However, in all cases, when dealing with minor victims protected by the present law, it shall proceed in accordance with the Code of Childhood and Adolescence and the Convention on the Rights of the Child. (...)</p>
Victim protection		<p>Article 15. Specific rules for the protection of victims of the crime of trafficking in persons</p> <p>Victims of human trafficking shall have the following rights:</p> <p>A) receive information about their rights, in a language they understand and in a form that is accessible to their age and maturity.</p> <p>B) to remain in the country, in accordance with the immigration legislation in force, and to receive the documentation that accredits such circumstance.</p> <p>C) Not to have your name included in any special registry.</p>
Reduction of revicti- mization		<p>Article 71. Rights and duties of the victim (...)</p> <p>C) Underage victims, female victims of sexual abuse or violence and victims of human trafficking and violent acts shall have the right to assistance and support measures by the personnel designated for such purpose, both in the Judiciary and in the Ministry of Security and other institutions, in order to reduce revictimization due to their intervention in the process and to facilitate their participation in the different judicial proceedings, such as expert opinions or hearings.</p>

Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
<p>Witness and other proceedin gs</p> <p>to minors</p>		<p>Article 71. Rights and duties of the victim (...) (D) A minor victim shall have the right to have his or her child or young person's The Public Prosecutor's Office, the judge or the trial court that hears the case, or the judge or the trial court that hears the case, shall consider the best interest of the parties in the best interest of the parties when performing any diligence or expert examination and, especially, when receiving their testimony. The Commission shall take the necessary measures to ensure that the traffic is reduced. The person's testimony shall be received, under such special conditions as may be required. If necessary, an opinion may be requested from the department of social work and psychiatry and forensic psychology or from some other department. another expert or expert, duly appointed, always safeguarding the right of defense, as regulated by Articles 212, 221 and 221 of the 351 of this Code.</p>
<p>Declaration of minors</p>	<p>Law No. 8720, (2009).</p>	<p>Article 212. Special Testimonies When the statement of minors is to be received or witnesses, their best interests should be considered when considering the of its reception; for this purpose, the public prosecutor's office, the judge or court of the trial hearing the case and according to the procedural stage in which the case is being heard. the necessary measures to ensure that the number of employees is reduced. The testimony will be received under the special conditions required, arranging for its reception in private or through the use of special cameras to avoid contact between the minor and the parties, and allowing the assistance of family members or specialized experts. An opinion may be requested from the department of social work and psychology. and forensic psychology or some other expert witness or expert due to the appointed, in accordance with Title IV of this law, on the the conditions under which the declaration must be received. The following shall be safeguarded the right of defense at all times. The same rules shall apply, when the the testimony of victims of sexual abuse, trafficking in persons, and other forms of of persons or domestic violence.</p>
		<p>Article 221. Special expert opinions When different expert tests are to be carried out, such as psychoanalytical tests, the and medical-legal services, to minors who are victims of or persons who have been sexually assaulted or victims of assault or rape. In the case of intrafamily violence, within a maximum period of eight days, it shall integrate an interdisciplinary team, with the aim of concentrating, in the same interviews that the victim requires, when this does not affect the performance of the expert's report. Best interests must be taken into</p>

Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Public and private information	Law No. 8720, (2009).	Article 331. Participation of the Media. In order to inform the public of what takes place in the courtroom, the radio, television or press companies may install recording, photographic, radio, filming or other recording, photographic, radio, filming or other apparatus in the courtroom. The court shall indicate, in each case, the conditions under which these powers shall be exercised. However, by a well-founded resolution, it may prohibit such installation when it would prejudice the conduct of the proceedings or affect any of the interests indicated in the preceding article of this Code. Such apparatus may not be installed nor may any filming or recording be made in the case of acts committed to the detriment of minors. In the same manner, they may also not be used in the hearing when it is a matter of receiving the testimony of witnesses or victims who are being protected due to the existence of risks to their life or physical integrity or that of their families. In such cases, the hearing for the reception of such testimony shall be declared private. If the accused, the victim or any person who is to give testimony expressly requests that the companies do not If they do not record your voice or your image, the court will enforce your rights.
Entry to the territory	Law No. 8764, (2009)	Article 65. (...) Under no circumstances may unaccompanied minors or persons whose age of majority is uncertain be rejected. The migratory authorities in charge of the control of the entrance to the country shall immediately inform PANI about the situation of these underage persons. PANI shall immediately assume the temporary representation and transfer to a shelter of these persons, until the corresponding investigations are carried out.
Deportation of a minor		Article 185. (...) Minors shall not be subject to deportation or expulsion from the national territory, except to protect their own interests.
Permanence of foreign victims		The General Directorate of Immigration and Alien Affairs 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.

Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Repatriation and return	Law No. 9095, (2013)	<p>Article 48. Repatriation and return.</p> <p>The competent authorities shall facilitate the voluntary repatriation of national victims of trafficking in persons and their dependents abroad, without undue or unwarranted delay and with due respect for their rights and dignity, after determining their status as nationals. 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 shall in all cases be voluntary and shall be carried out with the informed consent of the victim, following a risk assessment and with appropriate assistance.</p> <p>In all cases, the cooperation of the corresponding diplomatic representations will be requested.</p> <p>In the event of the return of a victim of trafficking in persons to Costa Rica, the reason for his or her entry 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.</p> <p>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.</p>
Resettleme nt		<p>Article 49. Resettlement</p> <p>The resettlement process will proceed when the victim or his or her dependents cannot return to their country of birth or residence and cannot remain in Costa Rica due to a threat or reasonable danger that affects their life, integrity and personal freedom.</p>



Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Special care measures for minors		<p>Article 42. Special care measures for minors</p> <p>a) Receive special attention and care, especially in the case of infants.</p> <p>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 methods.</p> <p>c) Assistance will be provided by professionals trained for this purpose and in accordance with their special needs, primarily in terms of housing, education and care.</p> <p>d) If the victim is an unaccompanied minor, the National Children's Program will take the necessary steps before the appropriate authorities 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.</p> <p>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.</p> <p>f) Child and adolescent victims must be informed about the measures of assistance, protection and incidents of the process in their native language and in an accessible format, so that they are understandable to them.</p> <p>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 Sponsor.</p> <p>h) In the case of minor victims and witnesses, judicial proceedings shall always be conducted in a private hearing outside the presence of the media and the general public. Minor victims and witnesses shall always testify 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.</p>

Thematic/ subject/ issue/ detail/ description	Instruments (date of ratification or accession in RC)	Article
Responsibility for assistance		<p>Institutions responsible for assistance to victims of trafficking When the victims of trafficking are minors, the National Children's Board (PANI) shall be the entity in charge of providing care, protection of rights and assistance.</p> <p>In the case of elderly female victims, the National Women's Institute (INAMU) is responsible for providing assistance. In the case of elderly persons, coordination should be made with the National Council for the Elderly (CONAPAM).</p> <p>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 governing function, 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.</p>
Protection of minors and special protection process	Law No. 7739, (1998)	<p>Article 13. Right to state protection.</p> <p>The minor shall have the right to be protected by the State against any form of intentional or negligent abandonment or abuse of a cruel, inhuman, degrading or humiliating nature that affects his or her integral development.</p> <p>The Patronato Nacional de la Infancia, the Instituto Mixto de Ayuda Social and the Ministry of Labor and Social Security will provide opportunities for the promotion and social human development, through the corresponding programs and will strengthen the creation of institutional networks, as well as with civil society organizations that prevent abuse, mistreatment and exploitation, in its different modalities, against minors.</p>
		<p>Article 129. Special protection process</p> <p>At the administrative level, the special protection process is the responsibility of the local offices of the Patronato Nacional de la Infancia.</p>

Glossary of terminology on ToP and children's rights

The definitions presented in this glossary have been extracted from the following documents: Law No. 9095 (2013), Reglamentación de la Ley N° 9095 (2015), Modelo de Atención Integral para Sobrevivientes Víctimas del Delito de Trata de Personas (2015), Protocolo de Actuaciones del ERI (2015), la Convención sobre los Derechos del Niño de las Naciones Unidas (1989), Código de la Niñez y la Adolescencia de Costa Rica (1998).

Related activities: forced pregnancy, transportation activity, leasing, possession or management of houses and premises for the purpose of TdP, demand by the exploiting client for the services performed by the victim, as well as other activities deriving directly from the TdP.

Comprehensive care: set of comprehensive care and protection measures to which the person accredited as a victim-survivor by the ERI is entitled to access during the recovery period and which is focused on the full exercise of their human rights. Comprehensive care is not conditional on the victim-survivor reporting the crime.

ERI-Accreditation: reasoned technical resolution made by the Immediate Response Team (ERI) that certifies the person as a victim of trafficking, for the purpose of accessing the comprehensive services platform.

ERI-Reasoned Technical Criteria: statement of the theoretical and technical grounds issued by each of the institutions that make up the ERI and that support their vote in the Reasoned Technical Assessment process.

ERI-Reasoned technical resolution: resolution that defines the condition of the person whose case has been examined by the ERI.

ERI-Specialized Technical Assessment. This process includes the following actions: a) verification of the documents required to apply for accreditation (according to the Documents Verification List), b) study of the Reference Report and its delivery to the TS, c) expansion of resources and sources of information for decision making when the team considers it necessary, d) issuance of the reasoned technical criterion, and e) issuance of the resolution on the accreditation process.

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 Childhood and Adolescence, 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 the appropriate 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 or her age, degree of maturity, capacity for discernment and other personal characteristics, the socioeconomic conditions in which he or she develops and the correspondence between individual and social interests.

Primary care measures: immediate actions aimed at providing care and protection to a VdTdP. Fundamentally, these include assistance with basic needs, safe housing, comprehensive health care, legal advice and physical protection.

Secondary care measures: short-, medium- and long-term actions aimed at facilitating the care and protection process of the VdT- dP and their dependents, following technical assessment. These measures seek adequate social reintegration and will be determined by the specialized personnel of the agencies in charge.

accreditation and care of the VdTdP.

Recovery period: time granted to a person who is suspected to be a survivor-victim of human trafficking, with the objective of guaranteeing and restoring their rights, during which they can access comprehensive assistance services (medical, psychological, safe housing and migration protection, among others).

Prevention: application of all those actions of preparation, delimitation, planning and execution aimed at anticipating, deterring and preventing the phenomenon of ToP, in its different modalities.

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

Restitution of rights: includes the enjoyment of the human rights of the trafficked person, especially family life, return to the place of residence - when 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.

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

Trafficking in persons: promoting, facilitating or favoring the entry into or exit from the country or the movement, within the national territory, of persons of any sex to perform one or more acts of prostitution or to subject them to exploitation or servitude, whether sexual or labor, slavery or practices similar to slavery,

forced labor or services, servitude, forced begging, illegal organ harvesting or irregular adoption.

Victim of trafficking in persons: a person who has suffered harm, including physical or mental injury, emotional suffering, financial loss or substantial impairment of fundamental rights, as a result of the crime of TdP and related activities, whether domestic or foreign.

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