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CAPACITY MAPPING INSTITUTIONAL IN PREVENTION OF AND RESPONSE TO **ONLINE** **SEXUAL** EXPLOITATION AND **ABUSE**

2018

MAPPING OF INSTITUTIONAL CAPACITY IN PREVENTION AND RESPONSE TO EXPLOITATION AND ONLINE SEXUAL ABUSE

Learn about the country's capacity to prevent and respond to online sexual exploitation and abuse of children and adolescents.

The country requires a permanent inter-institutional articulation but focused on children, in order to actively respond to the new threats in the network.

The PANIAMOR Foundation, within the framework of the CR-NEXST country initiative, carried out the Mapping "State of the art on the country's capacity to prevent and respond to online sexual exploitation and abuse of children and adolescents" (2018). For this mapping, the We Protect Model (Annex 1) is used as a reference and a methodology combining documentary research and semi-structured interview techniques was applied. Its findings show and contrast the strengths and weaknesses of the country and its institutions to provide an effective response to this form of violence that violates rights and harms its victims. Likewise, the study allows determining the gaps to be overcome in order for Costa Rica to comply with the criteria established by the aforementioned model for the due protection of the underage population.

Following the We Protect Model, the mapping evaluates country performance in six thematic areas: Public Policy and Governance; Criminal Justice; Victims; Society; Industry; Media. In total, it includes 21 indicators for performance evaluation. This document summarizes the results of the mapping by thematic area.

Among the results obtained is the existence in Costa Rica of a robust body of legislation aimed at protecting the rights of minors, but which lacks adequate classification of the new crimes generated by Information and Communication Technologies (ICTs).

I. PUBLIC POLICIES AND GOVERNANCE

THEMATIC AREAS	INDICATORS	PRODUCTS
PUBLIC POLICY AND GOVERNANCE	1. Leadership	● Commitment commitment from
	2. Research, analysis and monitoring	● highest level to prevent and respond to Sexual Exploitation of
	3. Legislation	● Children Online

Public policy and governance implies a comprehensive understanding of online sexual exploitation of children at the highest levels of government and law enforcement, as well as a willingness to work and coordinate efforts with multiple stakeholders to ensure improved protection and response to victims of offenders.

1 LEADERSHIP

Costa Rica has a National Commission for Online Security, established by Executive Decree 36274 in 2010.

The Committee is the main institutional coordination space that oversees all types of Online Security and has specific functions for the security of children. It is coordinated and convened by the Ministry of Science, Technology and Telecommunications (MICITT), through the Directorate of Evolution and Telecommunications Market (DEMT).

The National Online Safety Commission, as a space for inter-institutional articulation and that of other sectors, presents fragilities in terms of its conformation and the sustainability of its actions in the area of interest, due to the fact that its task is global and not focused on children.



The National Commission for Online Safety is the body in charge of structuring the national policy for the protection of children, young people and adults surfing the Internet.

2 RESEARCH, ANALYSIS AND MONITORING

At present, there are no periodic situational studies on the risk and responses to online sexual exploitation of children, nor are there measurements and indicators for these measurements.

It is recognized as an opportunity to have a National Policy for Children and Adolescents 2009-2021 (PNN), the National Action Plan against Commercial Sexual Exploitation 2017-2018, and the National Action Plan for the development of strategies for the prevention and eradication of violence against children and adolescents (2017- 2019). However, none of them contemplates the Online Sexual Exploitation and Abuse of Children and Adolescents as a determinant of violence against children and adolescents or as a risk factor. On the other hand, they do not refer to research studies to determine the dimension of the problem and to shed light for planning and policy formulation processes in this area.

3 LEGISLATION

Costa Rica has generated a good regulatory base that allows it to respond to virtual violence against children and adolescents. But in the face of technological advances that may lead to new crimes, the existing regulations are not sufficient and the necessary regulatory reforms are not fast enough.

Currently, criminal offenses are not sufficient to cover the different crimes committed through the Internet and reforms are pending, such as bill **18.230** "Special Law for the protection of the rights of children and adolescents against violence and crime in the field of information and communication technologies and reforms to the Penal Code", which was published in the newspaper La Gaceta on July 8, 2013. This project seeks to create specific criminal offenses to fill the existing gaps in the Penal Code in relation to this issue.



The research indicates that the country has a suitable structure for the reporting, investigation and punishment of crimes related to online sexual exploitation of children and adolescents, but the problem requires more human resources, greater specialization and training, and more interest in the different expressions of this violence, which, according to the data, are on the rise.

CRIMINAL JUSTICE

THEMATIC AREAS	INDICATORS	PRODUCTS
CRIMINAL JUSTICE	4. Judiciary and prosecutors' offices trained	Effective and successful investigations of sexual exploitation and abuse of children and adolescents, with convictions and appropriate handling of offenders.
	5. Trained judges and prosecutors	
	7. Victims	
	4. Access to databases	

Criminal justice is the willingness to prosecute online sexual exploitation of children, whether the justice system and rule of law are in place, whether police forces and the justice sector have the knowledge, skills, systems and tools required to enable them to carry out victim-oriented investigations and ensure positive judicial outcomes. It includes whether offenders are properly managed and recidivism is prevented.

4 TRAINED JUDICIARIES AND PROSECUTORS' OFFICES

The punishment of crimes of online sexual exploitation of children and adolescents seeks to protect the sexual indemnity of minors. In this line, the Judiciary has guided the criminal process with clearly defined stages and actors, involving the Public Prosecutor's Office, the Deputy Prosecutor for Gender, the Prosecutor's Office for Trafficking in Persons and Illicit Trafficking of Persons, the Judicial Investigation Agency, the Ombudsman's Office, PANI and Interpol.

The agencies with competencies related to the protection of the rights of minors have created and strengthened mechanisms to give

accompaniment, containment and support to children and adolescents who are victims of violence.

Although there is a lack of a specific and differentiated approach to this type of violence, existing tools can be useful. In the judicial sphere, particular care is taken to ensure that the necessary support is available during legal proceedings involving minors to reduce revictimization.

5 TRAINED JUDGES AND PROSECUTORS

Courts of justice have sanctioned offenses for the production or dissemination of pornography by stating that

The legal right to be protected is the correct development of the sexuality of children and adolescents, and the protection of the image of minors, which prohibits the capture of their bodies in any medium for erotic or obscene purposes. It has also been punished for aggravated corruption of minors.

For now, there are no sentences on the crime of Internet seduction of children and adolescents. The reasons may be several, among them: the technological complexity of the case has made the investigation difficult; the prosecution disregards the

cause; the Internet seduction ended in a physical encounter and rape, because the family desisted, among others.

Crimes related to online sexual exploitation of children and adolescents should be given the relevance they deserve, for which it is necessary to make them known and visible. In this area there are opportunities that should be taken into account in the National Strategy, since greater understanding and facilities are required to achieve the respective sanctions.

NNA SEDUCTION ALLEGATIONS GROW BY THE DAY					
YEAR	2013	2014	2015	2016	2017
Number of Complaints Seduction			82		186
<i>Net criminal complaints filed with the OIJ and the Public Prosecutor's Office.</i> Source: Judiciary.					

6 OFFENDER MANAGEMENT PROCESSES

Despite Costa Rica's progress in addressing online sexual exploitation of children and adolescents, the country lacks a model or protocol for the management of offenders in order to prevent recidivism.

7 DATABASE ACCESS

Interpol has had a National Central Bureau (NCB) in Costa Rica, which has been part of the Judicial Investigation Agency since 2009, as a strategy to strengthen national security and prevent criminal activities in Costa Rica.

III VICTIMS

THEMATIC AREAS	INDICATORS	PRODUCTS
VICTIMS	8. Support throughout the process	Adequate support services for children and youth.
	9. Task force for the protection of children and adolescents	
	10. Compensation, remedies and grievance settlements	
	11. Lines of attention to children and adolescents	

This indicator takes into account support for the victim throughout the investigation process and even afterwards. Children who have been seduced online may feel responsible or think that they deserve this abuse, which makes it more difficult for them to disclose it. Therefore, it is important that mental and medical care services for child victims of online sexual exploitation be provided for children, in addition to support services for the victim's family members, to help them through the recovery process.

8 SUPPORT THROUGHOUT THE PROCESS

Costa Rica has created mechanisms for the care of crime victims at the judicial level, with the Law for the Protection of Victims, Witnesses and other parties involved in criminal proceedings and a Victim Care and Protection Office in the Public Prosecutor's Office, which implements two programs: the Care Program and the Protection Program, which are free of charge, voluntary and confidential.

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9 WORKFORCE FOR THE PROTECTION OF CHILDREN AND ADOLESCENTS

The Patronato Nacional de la Infancia (PANI) and the Ministry of Public Education (MEP) are the entities called upon to provide support to the victims with

training. The administrative instruments of both entities have the potential to be used to address exceptional situations of sexual violence that may occur against children and adolescents on the Internet; however, an educational strategy with precise and differentiated tools is required so that the institutions are prepared on how to address the related cases.

10 COMPENSATION AND REMUNERATION FOR VICTIMS

There is no compensation and remuneration mechanism for victims in the country.

11 VICTIM COUNSELING HOTLINE

According to the We Protect Model, the support and reporting of victims is required, and these can be referred to services for continued assistance. PANI has the platform of the Guidance and Information Center (COI), which has been established as a center for technical reception of complaints and attention to queries from people throughout the national territory, through different access routes, and inter-institutional coordination 24 hours a day.



4. SOCIETY

THEMATIC AREAS	INDICATORS	PRODUCTS
SOCIETY	1. EASNNAL hotlines Online Sexual Exploitation	The following has been prevented sexual exploitation in line for NNA
	2. Educational Programs	
	3. Participation of children and adolescents	
	4. Support system for offenders	

The Society thematic axis evaluates whether there are sufficient human and financial resources to address online sexual exploitation of children and adolescents, whether they have information and are empowered to protect themselves. In addition, whether caregivers, educators and professionals caring for minors are better prepared to keep children free from this violence, including addressing taboos surrounding sexual violence.

12 EMERGENCY HOTLINES

In the country, there are no lines of attention to children and adolescents and no interventions have been identified that would allow progress towards the construction of state initiatives aimed at alerting the public of the threat posed to children and adolescents by sexual predators on the Internet. Nor are there any related policies, much less services aimed at offenders that contribute to prevent these behaviors.

Public-private partnerships have helped the State to work on prevention issues.

The family and the State have the duty of special protection against sexual violence, and in particular with regard to the modalities of Online Sexual Exploitation, especially because children are not prepared for the risks of the virtual ecosystem. In this case, there are other potential agents of protection: the technology industry, the media through information campaigns and the school.

13 EDUCATIONAL PROGRAMS

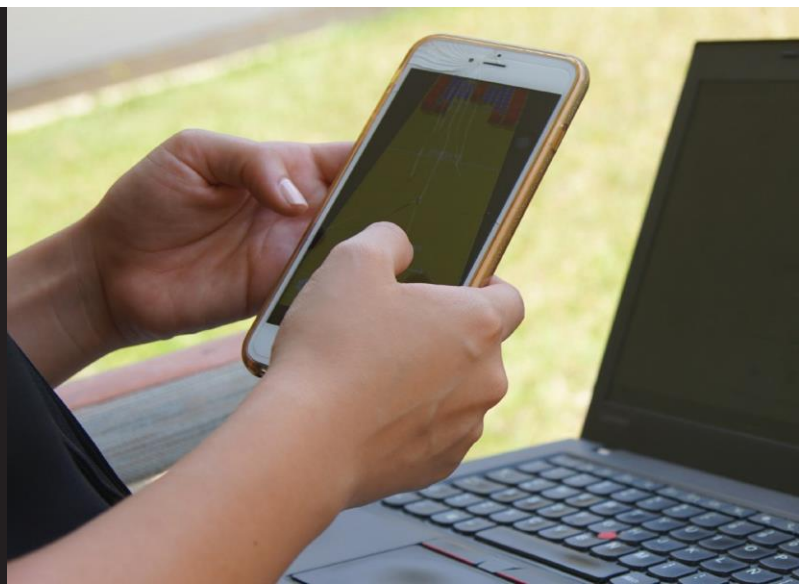
Some public-private experiences in recent years that can be described as educational, aimed at the general public with emphasis on educators, parents and children, have been carried out by telecommunications operators in association with Paniamor, PANI, IMAS (Instituto Mixto de Ayuda Social), Fuerza Pública, Fundación Omar Dengo.

14 NNA PARTICIPATION

There is no system where children and adolescents can make decisions.

15 SUPPORT SYSTEMS FOR OFFENDERS

There are no support groups in Costa Rica for offenders who have been reintegrated into society.





INTEL participates in events
with PANIAMOR

5. INDUSTRY

THEMATIC AREAS	INDICATORS	PRODUCTS
INDUSTRY	16. Alert and removal procedures	●
	17. Report of Report of online sexual exploitation and abuse of children and adolescents,	●
	18. Development of innovative solutions	●
	Corporate social responsibility	●
		The industry has been involved in the development of solutions to prevent and counteract the Sexual Exploitation in Line

This axis evaluates whether the industry has been involved in the development of solutions to prevent and counteract online sexual exploitation of children and adolescents.

16 ALERT AND CONTENT REMOVAL PROCEDURES

Local removal and blocking of Sexual Exploitation Online content, this implies that the Industry even on its own initiative takes measures to block information, data, videos or others related to this violence. In this aspect the industry has not sent any record to the national authorities.

17 ONLINE SEXUAL EXPLOITATION REPORT

Statutory protections that allow the industry to fully and effectively report cases, including transmission of content to law enforcement or competent authority. This refers to the fact that it is the Industry itself that reports cases of Online Sexual Exploitation. Currently there is no record of these actions although the national legislation allows it.

18 DEVELOPMENT OF INNOVATIVE SOLUTIONS

In the comparative analysis between what the We Protect Model envisages and what is practiced in the country, the involvement of the industry in the development of innovative solutions to help address the problem of Online Sexual Exploitation stands out.

19 CORPORATE SOCIAL RESPONSIBILITY

Telecommunications operators have developed effective actions as part of corporate social responsibility that can be qualified as good practices, these have been translated into public-private partnerships and their orientation contributes to the development of technological capabilities and digital inclusion, in order to democratize the access of children and adolescents to the Internet, but also contribute to generate a safer environment for this population in the digital world.

6. MEDIA OUTLETS

THEMATIC AREAS	INDICATORS	PRODUCTS
MEDIA AND COMMUNICATION	1. Technical reports and reported media	<div>●</div> It has generated awareness among the public, professionals and policy reforms.
	2. Universal terminology	

Media and Communication assesses whether awareness of this type of violence has been raised among the public, professionals and policy makers and whether potential future offenders have been discouraged.

20 ETHICAL AND INFORMED MEDIA REPORTING

During 2018, PANI conducted a strong television and radio campaign on online safety for children and adolescents, aimed at parents and responsible adults so that they think about the safety of their children and do not expose them to the risks of social networks. They were urged not to publish nude photos of children, or personal data such as first and last names, or other data that would allow them to be located (home address, school, car license plate). It also promoted the use of security and privacy settings on social networks.

However, it is far from having generated awareness and sensitivity among the public, professionals and policy makers about the dimension of Online Sexual Exploitation, and even further from discouraging offenders and reducing the various related criminal expressions.



At present, online sexual violence against children and adolescents is unknown or invisible by the country's authorities. In fact, in a recent report resulting from the systematic review of the determinants of violence affecting children and adolescents in Costa Rica, this type of violence was not considered. When sexual violence was addressed, it was exclusively from the traditional point of view, where physical contact is required.

21 UNIVERSAL TERMINOLOGY

To date, no guidelines and application of universal terminology for online sexual exploitation and abuse of children and adolescents have been provided.

The use of universally agreed terminology will ensure consistency of understanding, context and response among all stakeholders. Inconsistent use of terminology may result in different responses, legislation and understanding on the same issue.

ANNEX 1

APPLICATION OF THE WE PROTECT MODEL

The We Protect model is a multidimensional tool aimed at measuring and organizing the country's capacity to prevent and respond to online sexual exploitation and abuse. The Paniamor Foundation; the Ministry of Science, Technology and Telecommunications; We Protect; and the Global Alliance Against Online Child Abuse are working to adopt the model in Costa Rica, which requires the commitment of the government, state institutions, international entities, private enterprise and civil society organizations.

To this end, it is necessary to strengthen the routes and expand the actors involved in addressing online sexual exploitation and the effective protection of the rights of children and adolescents in their interactions with the digital ecosystem.

The model consists of seven enablers: I) Inter-sectoral and interdisciplinary collaboration; II) Willingness to prosecute, justice system and rule of law in place; III) Environment that supports the use of reports; IV) Sensitized public and professionals working with and for children; V) Sufficient human and financial resources; VI) Legal and policy frameworks in line with the provisions of the UN Committee on the Rights of the Child and other international and regional standards; and VII) Data and evidence on online sexual exploitation and abuse. It also includes six strategic thematic areas and twenty-one indicators.

In general, the We Protect model has two main areas: prevention and protection.

EXPECTED RESULTS WITH THE IMPLEMENTATION OF THE MODEL

National commitment at the highest level to prevent and respond to Online Sexual Exploitation. Comprehensive understanding from government, law enforcement and other state institutions. Willingness to work and coordinate efforts with multiple actors to ensure improved victim protection and response to offenders.

Effective and successful Online Sexual Exploitation Investigations, with implementation of adequate sentencing and optimal management of offenders. Law enforcement and the judicial sector will have the knowledge, skills, systems and tools required to carry out victim-oriented investigations and ensure positive judicial outcomes. Adequate offender management will prevent recidivism.

Adequate support services for children and youth. Children, adolescents and youth have access to services that support them during the investigation and prosecution of the crimes of which they were victims. They have access to housing, specialized medical and psychological services, as well as rehabilitation, repatriation and resocialization services.

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Prevention of Online Sexual Exploitation. Children, adolescents and young people will have the necessary information, which will empower them to use online tools, with adequate protection. Caregivers, educators and professionals caring for children and adolescents will be better prepared to keep them free from this violence, including addressing taboos surrounding sexual violence.

- ▼ The industry will become more involved in developing solutions to prevent and counter Online Sexual Exploitation. The public will be able to actively report cases of NASEC easily and promptly. The industry has the power and willingness to block content and proactively address local cases.

A NATIONAL RESPONSE MODEL

Preventing and Combating Sexual Exploitation and Sexual Abuse of Children and Adolescents Online (EASNNA):

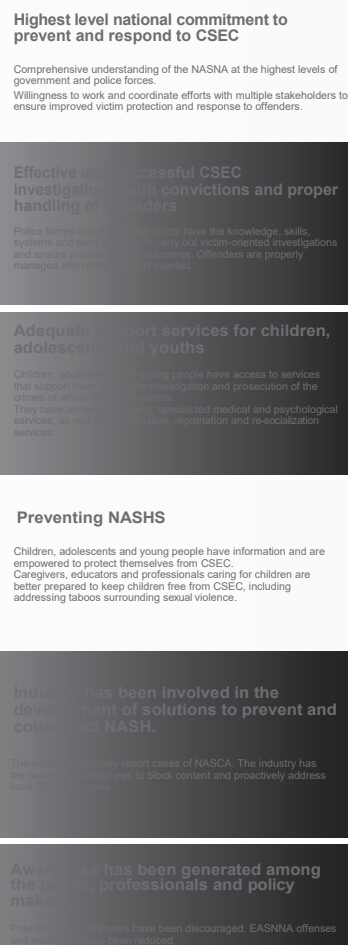
ENABLERS



CAPACITIES



PRODUCTS



A model of:

#WePROTECT
children Online

An Initiative:

FUNDACIÓN
paniamor

Backed by the



METHODOLOGY

The research used a constructive methodology (aimed at gathering recommendations and lessons learned), participatory and inclusive (as it ensured the participation of the greatest number of stakeholders), joint, broad and sensitive to cross-cutting issues such as gender, age and human rights.

Two techniques were used: documentary analysis and semi-structured interviews. Both techniques complemented each other to obtain the same information in order to achieve better quality and greater reliability of the data. Twenty-six people participated in the interviews.



Soraya Long

COUNTRY STATUS REPORT ON THE COUNTRY'S CAPACITY FOR PREVENTION AND RESPONSE TO ONLINE SEXUAL EXPLOITATION AND ABUSE OF CHILDREN (EASNNAL)