

**Presentation of sexual exploitation of children in
Costa Rica**

for the Universal Periodic Review of the Human Rights Situation in Costa
Rica

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The Paniamor Foundation works to combat the sexual exploitation of children, child trafficking and child sex tourism, especially by raising awareness, working with law enforcement and managing a database of information on trafficking. The group has established a training program on the ECPAT International Code of Conduct for employees of travel and tourism companies.



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ECPAT International is a global network of civil society organizations working for the eradication of all forms of sexual exploitation of children. For the past 28 years, ECPAT has acted as an international watchdog, monitoring States' response to the sexual exploitation of children and advocating for strong international measures to protect children from sexual exploitation. ECPAT International currently has 104 network members operating in 93 countries.

Justification of the presentation

1. In 2002, the Government of Costa Rica (GoR) ratified the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) and, in doing so, made an explicit commitment to combat the sexual exploitation of children (SEC). In September 2015, through the adoption of the 2030 Agenda for Sustainable Development, the GoP explicitly recommitted to eliminating all forms of violence against children, including sexual abuse and exploitation.¹
2. This presentation is an update to review the progress made by the Government of Costa Rica to end CSEC and assess the level of implementation of the UPR recommendations on the rights of the child made in 2014. Specific recommendations will be made to end CSEC in Costa Rica.
3. The content of this presentation is based on ECPAT International and Paniamor Foundation research for the period 2014-2018. Its scope is limited to SEC and its different manifestations, including exploitation of children in prostitution,² online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),³ trafficking of children for sexual purposes, child sexual exploitation in the context of travel and tourism (SECTT)⁴ and child, early and forced marriage (CEFM).

Situation and evolution of child sexual exploitation in Costa Rica

4. Costa Rica is a presidential representative republic. Executive power is exercised by the President and his cabinet; while legislative power is in the hands of a unicameral Legislative Assembly. In 2017, the country's population reached 4,905,769 inhabitants,⁵ of which about 1.296 million are under the age of 18.⁶ According to a 2017 study conducted by Costa Rica's Directorate General of Migration and Foreigners (DGME), about 9% of the population is composed of migrants.⁷ They come mainly from Nicaragua (67.3%), Colombia (5.5%), the United States (4.9%) and the Northern Triangle of Central America (Guatemala-Honduras-El Salvador, 4.1%).⁸ Costa Rica has a youth literacy rate of 99%, and its birth registration rate is close to 100%.⁹
5. Costa Rica is the world's largest economy 73rd,¹⁰ and enjoys a high human development index (0.794 in 2017).¹¹ However, in 2017, the Organization for Economic Cooperation and Development recommended that the country redouble its efforts to address poverty, reduce income inequality, and promote greater participation in formal activities by women, youth, and migrants.¹² Although poverty levels remain relatively high, the rate of households in poverty declined slightly from 22.4% in 2014 to 20% in 2017. In addition, 5.7% of households were in extreme poverty in 2017, down from 6.7% in 2014.¹³ According to UNICEF, more than 427,000 children live in poverty in Costa Rica,¹⁴ making them particularly vulnerable to SEC.
6. The National Child Protection Agency (PANI) reported that it had received at least 1,000 SEC complaints between 2011 and 2016. However, it should be noted that the number of reported cases tends to gradually decrease (from 239 in 2012 to 137 in 2015).¹⁵ A 2016 report by the International Bureau for Children's Rights stated that **low awareness of child sexual abuse and exploitation, as well as a high tolerance for prostitution in Costa Rican society, had led to high levels of underreporting of these crimes**, a problem that

continues to undermine the fight against the sexual exploitation of children in prostitution in the country.¹⁶

7. In July 2017, the CEDAW Committee noted that **Costa Rica was a country of origin, transit and destination for human trafficking for sexual exploitation**. It further stated that children in Pacific coastal areas and migrant girls were particularly at risk.¹⁷ However, the current lack of updated information does not allow for the following to be reported

assess the real extent of child sex trafficking in the country. The Paniamor Foundation reported, based on data from the National Coalition against Migrant Smuggling and Human Trafficking, that 211 victims of human trafficking were identified from 2010 to September 2018, including 43 children. Among the victims that were identified from 2010 to 2016, 40 had been trafficked for sexual exploitation.¹⁸ The Prosecutor's Office reported that at least six people had been convicted of human trafficking-related crimes in 2017, including one for the purpose of sexual exploitation; and that 17 suspected traffickers were in pre-trial detention at the end of 2017.¹⁹

8. Within the country, there were more than 180 cell phone subscriptions per 100 people in 2017, and the number of fixed broadband subscriptions increased from 419,782 in 2011 to 744,059 in 2017. Overall, 71.5% of the population now uses the Internet, up from 39.2% in 2011.²⁰ **This rapid increase increased the risks associated with grooming, OSCE and CSAM distribution.** The *Judicial Investigation Agency (OIJ)* reported that the number of complaints related to CSAM distribution it receives has been gradually increasing in recent years, as follows: 3 in 2014, 72 in 2015 and 133 in 2016.²¹ In June 2018, the Director of the OIJ stated that the police currently handle an average of 10 CSAM-related complaints per month, and that this number could be significantly higher if all suspicious cases were properly reported. He also noted that, although some CSAM is produced in Costa Rica, its consumption remains the main problem.²²
9. The Costa Rican Tourism Institute revealed that 2,959,869 foreign tourists had visited the country in 2017, representing a 17% increase compared to 2014.²³ Although there is no updated data to accurately assess its scope, **SECTT is reportedly a serious problem, with offenders coming mainly from Europe, the United States and Canada.** ECPAT International's Global Survey on SECTT found that, in addition to Europeans and North Americans, the main perpetrators of SECTT were domestic tourists.²⁴ The Global Survey also found that facilitators or exploiters, mostly cab drivers and members of organized criminal networks, often take victims from local communities to locations (mostly private apartments) where they are sexually exploited by tourists or travelers.²⁵ In November 2016, and for the first time, an individual was sentenced to five years in prison for promoting the country as a "*sex tourism*" destination.²⁶ Twenty-one tourism stakeholders based in Costa Rica are currently members of ECPAT's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, along with fourteen international stakeholders with operations in the country.²⁷
10. **CEFM continues to be a major problem in Costa Rica, and appears to be fueled primarily by gender stereotypes, machismo, and poverty.** According to UNICEF, 21% of women between the ages of 20 and 24 were married for the first time or formed a union before the age of 18, and 7% before the age of 15.²⁸ The GoC reported that it rescued two victims of trafficking for forced marriage in 2013 and 2015, respectively.²⁹
11. During the country's last UPR in 2014, the Working Group's report made 11 recommendations specifically targeting the SEC, out of a total of 67 recommendations on children's rights. In addition, 12 of them addressed the issue of child trafficking.

Legislative framework

12. Article 169 of the Penal Code punishes, with imprisonment of two to five years, anyone who promotes prostitution, induces a person to engage in prostitution, keeps a person in prostitution or recruits someone for this purpose. The same penalty applies to offenders who subject a victim to sexual servitude. The sexual exploitation of children in prostitution falls under the category of "*aggravated pimping*", which is covered by Article 170.

commits an offence under Article 169 against a child shall be punished by imprisonment for a term of four to ten years. Finally, Article 171 punishes, with imprisonment from three to nine years, any person who benefits from the money

carried out by a child over the age of 13 exploited in prostitution. This offense carries more severe penalties (four to ten years imprisonment) if the victim is under 13 years of age.

13. Article 160 of the Penal Code criminalizes the act of paying or promising a payment or any benefit to a child or a third person, in exchange for that child performing sexual or erotic acts. However, it should be noted that this provision does not clearly target the person having sexual intercourse with the victim. The prison sentences provided for in Article 160 vary according to the age of the victim, as follows: four to ten years if the victim is under 13 years of age; three to eight years if the victim is between 13 and 15 years of age; and two to six years if the victim is over 15 years of age.
14. Legal provisions on the age of sexual consent can also be used to criminalize clients, as Article 156 of the Penal Code punishes sexual intercourse with minors under 13 years of age with imprisonment of ten to sixteen years. However, such a low age of sexual consent is detrimental to the protection of children against sexual abuse and exploitation. In addition, Article 159 criminalizes sexual relations with children over the age of 13, but presents certain conditions that restrict its scope. Indeed, this provision only applies if the perpetrator is at least five years older than the victim between the ages of 13 and 15; or at least seven years older if the victim is older than 15. Article 159 prescribes prison sentences of three to six years in the first case, and two to three years in the second. Article 161 could also be applied in the context of SEC, as it punishes, with imprisonment of three to eight years, anyone who engages in abusive sexual intercourse with a child. This offense carries more severe penalties (four to ten years' imprisonment) if the victim is under 13 years of age, or if the perpetrator takes advantage of the victim's vulnerability.
15. During the country's last UPR, Mexico recommended that the Government of Costa Rica introduce the crime of trafficking in children, particularly those trafficked for commercial and sexual exploitation, into the [Penal] Code.³⁰ In April 2018, Costa Rica passed *Law No. 9545*, which amended the Penal Code to align the definition of trafficking with international standards. Article 172 of the Penal Code now defines and punishes, with prison sentences of six to ten years, the crime of trafficking in persons, including for the purpose of forced marriage or for any form of sexual exploitation. Trafficking in human beings is punishable by more severe penalties (eight to 16 years' imprisonment) if the victim is a child, in which case it is also directly applicable regardless of whether one of the requirements necessary to qualify a crime as such under Article 172 (including the use of any form of coercion, kidnapping, abuse of power, etc.) is met. In addition, Article 175 *bis* punishes, with imprisonment of three to five years, any owner or manager who uses premises or places under his responsibility for the purpose of trafficking in human beings.
16. The Penal Code has specific provisions that contemplate SECTT. Indeed, Article 162 *bis* punishes, with prison sentences of four to eight years, anyone who promotes or carries out programs, campaigns or advertisements to project Costa Rica as a tourist destination that offers access to commercial sexual exploitation or prostitution of persons of any age or sex. In addition, owners, administrators or managers of a travel agency, lodging establishment, airline, tour operator or ground transportation company that promote or facilitate commercial sexual exploitation may have their business license suspended for a period of three to ten years (Article 168 *bis*).
17. Article 173 of the Penal Code defines CSAM in line with Article 2(c) of the OPSC, and punishes its creation, production and reproduction with imprisonment of four to eight years. It further provides that whoever introduces or imports CSAM into the country shall be punished with imprisonment of three to six years. Mere possession is also penalized by Article 173 *bis*, which provides for imprisonment of one to four years. In addition, Article 174 punishes with imprisonment of four to eight years,

whoever exhibits, disseminates, distributes, distributes, finances or markets CSAM, or possesses it for these purposes. Article 174 also criminalizes giving, selling, disseminating, distributing, distributing or showing "*pornographic material*" to children (associated penalties range from three to seven years' imprisonment). Finally, Article *174bis* prohibits virtual pornography and sexually explicit material with

adults impersonating children, punishing anyone who possesses, produces, sells, distributes or displays such material with imprisonment of six months to two years. No legal provision obliges ISPs to report suspected CSAM to the competent authorities.³¹

18. Costa Rican legislation criminalizes certain forms of online grooming, as article 167 *bis* of the Penal Code punishes with imprisonment from one to three years anyone who establishes communications of a pornographic or erotic nature with a child under 15 years of age. This offense carries more severe penalties (two to four years' imprisonment) if the offender attempts to arrange a face-to-face meeting with the child. However, ECPAT International believes that all children, regardless of age, should benefit from legal protection against online grooming.
19. On November 30, 2016, the Legislative Assembly established 18 years of age as the legal age for marriage, modifying Article 14 of the Family Code through the approval of *Law No. 9406*. In addition, Article 64 of the Family Code, as amended by the new law, prohibits the Civil Registry from registering marriages involving children.
20. The legal provisions on extraterritorial jurisdiction fully comply with the OPSC. Indeed, Article 6-4 of the Penal Code establishes that Costa Rican nationals may be prosecuted for punishable offenses committed outside the country. In addition, Article 7 establishes extraterritorial jurisdiction for child trafficking and sexual offenses against children, regardless of the nationality of the perpetrator or the legislation of the country where the act was committed, and provided that the alleged perpetrator is located in Costa Rica (Article 8).
21. *Law No. 5991* on Comprehensive Reform of the Extradition Law (1976) lacks a specific reference to the possibility of extraditing persons for offenses under the OPSC, and its Article 3 conditions extradition to the requirements of dual criminality and minimum gravity (possible penalty of at least one year imprisonment). In addition, Costa Rican nationals cannot be extradited and must be tried by local courts. The provisions of international treaties to which Costa Rica is a party take precedence over *Law No. 5991*. However, extradition treaties with Spain (1997), Panama (2001), Peru (2002) and Mexico (2011) also condition extradition to the same requirements.

Recommendations for the GoC:

- Raising the legal age of sexual consent and limiting the age proximity exceptions to cases where the sexual partner is a child or children and no more than three years of age; and amending Article 167 *bis* of the Penal Code to comprehensively criminalize the following offenses
22. During the country's last UPR, Sudan recommended that the DRC Government intensify its efforts to protect children from all forms of violations, including domestic violence and sexual exploitation.³² Bangladesh also recommended the country to strengthen its actions to curb sexual exploitation of children.³³
 23. Costa Rica adopted its first National Action Plan against SEC in 1998. The latter, which was developed by local NGOs Fundación Procal and Fundación Paniamor with the collaboration of a Working Commission composed of civil society organizations and public entities, paved the way for the adoption of four other action plans against SEC that were implemented between 2000 and 2011. Between 2011 and 2014, measures against SEC were integrated into the framework of the Roadmap against the worst forms of child labor. The country is currently implementing its sixth National Action Plan against SEC for the period 2017-2018. It is divided into five strategic priorities: strengthening the response capacity of the National Commission against CSEC.

(CONACOES); increase prevention efforts; ensure better assistance to victims of CSEC through multisectoral cooperation; guarantee the protection and restitution of the rights of potential or actual victims of CSEC; and adequately assess the level of

implementation of the National Action Plan. Although it sets specific goals and objectives, the National Action Plan does not provide for specific measures to address CSAM/CSEM. Furthermore, it does not directly mention dedicated budget provisions, and no statements on its level of implementation as of September 2018 appear to have been published on the NAPI website.³⁴

24. During the country's last UPR, Canada recommended to the GoC to more effectively combat the sexual exploitation of children and child labor by improving the implementation of the February 2013 Anti-Smuggling and Trafficking in Persons Act, and strengthening coordination among the agencies that make up the national anti-trafficking coalition.³⁵ In 2016, the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT) began developing a National Policy against Trafficking in Persons, along with a corresponding National Action Plan.³⁶ Although both the National Policy and Action Plan have not yet been finalized, CONATT has been working diligently to prevent human trafficking, prosecute offenders and assist victims under its Strategic Work Plan 2012-2015, which is still in effect. In addition, it is also in the process of developing an updated version of its Strategic Work Plan.

Recommendations for the GoC:

- Coordination and evaluation**
- Conduct a comprehensive evaluation of the implementation of the National Action Plan against SEC and targets, as well as a specific budget;
 - Advance in the process of adopting a National Action Plan against Trafficking in Persons
25. PANI was created in 1930 by *Law No. 39*, as an independent institution that works to guarantee the protection of the rights of children and their mothers. At the same time, the National Council for Children and Youth (CNNA) was created in 1998 by *Law No. 7739*. It is composed of ministries, public institutions or civil society organizations with responsibilities in the area of children's rights, and operates under the responsibility of the Presidency of the Republic. The main mission of the CNNA is to coordinate inter-institutional and intersectoral actions aimed at formulating policies and implementing programs for the protection of children's rights.
26. CONACOES was created in 1996 and established as a special commission of the CNNA in 2000. It brings together a wide range of public agencies, PANI, NGOs (including the Paniamor Foundation) and international organizations such as UNICEF. It is responsible for designing, supervising and monitoring public actions against SEC. During the country's last UPR, Malaysia recommended to the Government of the Dominican Republic to intensify measures to ensure greater coordination among agencies dealing with children's issues in order to eliminate violence, commercial sexual exploitation and child labor.³⁷ As part of the National Action Plan against SEC 2017-2018, CONACOES' operating rules will be analyzed to identify possible shortcomings, address them and improve its capacity for action (Action 1.1.1). In this regard, the Paniamor Foundation reported that CONACOES was facing some internal changes that affected the implementation of the National Plan against SEC. However, it reported that this process should be concluded by the end of 2018.
27. CONATT was created in 2012 by Article 8 of *Law No. 9095*. It is composed of representatives from 21 public institutions, including PANI and CONACOES. Its main mission is to design, supervise and monitor the implementation of public measures against trafficking in persons.

persons. Therefore, any project related to human trafficking developed by NGOs or public agencies must be submitted to the plenary of CONATT to avoid duplication and establish coordination agreements. *Law No. 9095* also created a National Fund against Migrant Smuggling and Trafficking in Persons (FONATT) to cover administrative and operational expenses derived from the prevention, investigation, prosecution and detection of human trafficking.

The Paniamor Foundation reported that CONATT has been meeting regularly. The Paniamor Foundation reported that CONATT has been meeting regularly. Although it approved several projects in line with FONATT's objectives, government officials often have little time to implement them due to heavy workloads. In addition, reporting requirements to allocate funds to a particular project proposal can sometimes delay approval.

Recommendations for the GoC:

- Prevention**
- Ensure that sufficient funds are allocated to CONACOES to enable it to fulfill its mandate effectively;
 - Ensure the rapid adoption and allocation of adequate funding for projects aimed at combating human trafficking and assisting child victims; and allocate sufficient human resources for their full implementation.
28. The Government of Costa Rica did not establish a registry of child sex offenders, and does not appear to impose travel restrictions on nationals who were convicted of sexual offenses against children. However, it has consistently worked with international partners to prohibit entry into Costa Rica of registered foreign sex offenders. At least 111 of them were denied access to the country between 2016 and September 2017.³⁸
 29. In 2003, the Paniamor Foundation created the Costa Rican Code of Conduct for the Protection of Children and Adolescents against Sexual Exploitation in Travel and Tourism, in collaboration with tourism industry professionals. In 2010, the Costa Rican Tourism Institute and the National Chamber of Tourism signed an agreement to transform this initiative into a national program endorsed by the authorities and overseen by a Technical Secretariat coordinated by the Paniamor Foundation. The Code of Conduct functions as a voluntary self-regulatory mechanism, under which signatory companies commit to take concrete measures to prevent SECTT.³⁹ As of 2018, 428 companies have signed the Code of Conduct,⁴⁰ and 20 workshops and training sessions have been scheduled throughout the year.⁴¹ In parallel, the Costa Rican Tourism Institute launched a dedicated campaign ("*Be an advocate*") to raise awareness of the Code of Conduct among local and international tourists.⁴² The Paniamor Foundation and the Costa Rican Tourism Institute also launched in 2015 the "Unforgettable Costa Rica" campaign. The latter aims to combat the promotion of the country as a destination for SECTT, especially through targeted online publications to redirect potential sex offenders to a website that informs them of the country's determination to prosecute SEC.⁴³ Finally, in September 2018, the Paniamor Foundation and the Costa Rican Tourism Board launched an Information Guide to help tourism businesses deal with suspected cases of SECTT. The document emphasizes their responsibility to report any suspicious situations to local authorities and not simply deny their services to suspected offenders. In 2017 alone, five suspected cases of SECTT were reported from companies that had signed up to the Code of Conduct.
 30. CoCR participated in several initiatives to prevent sexual abuse against children online. In 2015, it launched the Cri@TIC campaign in collaboration with the Paniamor Foundation, the Institute for Psychological Research (IIP) and the University of Costa Rica. As part of this campaign, a website dedicated to informing parents about the dangers of the Internet and giving them tools to protect their children online was created.⁴⁴ The GoC also involved three mobile operators in this initiative so that they could disseminate the campaign materials to their customers.⁴⁵ In September 2017, PANI, the Ministry of Education and Movistar Costa Rica launched another campaign to raise awareness among children and their parents about the dangers of the Internet, and to promote safe online practices. As part of this initiative, public servants from PANI and the

Ministry participated in workshops on how to prevent crimes such as online grooming and "*sextortion*".⁴⁶
In May 2017, PANI also organized a

workshop ("*Conectados*") in cooperation with the Organization of American States to discuss measures and tools to ensure the protection of children's rights online. The event was attended by parents, public officials and representatives of the Children and Youth Participatory Councils, which bring together 1,670 children from all over the country.⁴⁷ In addition, 260 public officials working with families will receive training on CSEC prevention as part of the "*e-mentors*" program, which began in August 2018.⁴⁸

31. In November 2016, the GoC joined the UN Blue Heart campaign against human trafficking, and began disseminating messages and communication materials through the media to raise awareness of this crime among the general public.⁴⁹ CONATT also routinely organizes workshops and events to raise awareness of human trafficking, and these activities reached 25,674 people in 2015.⁵⁰ The Paniamor Foundation also reported high levels of awareness of human trafficking among public officials, which led to the development of several strategies to address it at the local level. However, prevention efforts continue to be undermined by a general lack of awareness among communities, as well as social acceptance towards prostitution. In addition, awareness campaigns have mostly been developed at the state level, without involving local actors in prevention efforts; and social networks have so far not been optimally used to support these efforts.⁵¹ In March 2017, the GoC began to address these shortcomings by committing to launch a prevention campaign against CSEC on social networks by the end of 2018 (Action 2.1.1 of the National Action Plan against CSEC), and by involving Community Development Associations in the prevention of human trafficking.⁵² The Paniamor Foundation also began working with these associations to raise their awareness of this crime and promote the need to report it to the authorities.

Recommendations for the GoC:

- Allocate sufficient funds to raise public awareness of all manifestations of SEC, specifically among vulnerable groups, the general public, and visitors, with special attention to promoting the need to report these crimes; and put in place mechanisms to evaluate the effectiveness of awareness and prevention operations;
32. Although the Government of the Czech Republic does not have a specific child-friendly hotline to enable victims or individuals to report CSEC-related crimes to the authorities, it committed to invest in child empowerment prevention programs to address the root causes and multiple vulnerabilities that put children, families and communities at risk; and promote educational programs to transform cultural patterns that contribute to SEC through the PANI website. PANI also has a special hotline with psychologists trained to handle calls from children (1-147), but it is only available from 7 a.m. to 10 p.m. on weekdays. Although the Prosecutor's Office has a special unit to investigate crimes related to human trafficking, no similar mechanism appears to have been put in place to deal with SEC-related crimes.
 33. CONNAT has an Immediate Response Team that intervenes whenever a trafficking case is detected and is responsible for referring victims to the relevant protection institutions. CONNAT has also helped several Latin American countries set up similar units. In 2008, the

GoC adopted a special protocol for assisting child and adult victims of sexual exploitation committed by adults,⁵³ , which sets out the steps to be taken by officials when faced with potential SEC cases. A manual for assisting child victims of all forms of exploitation was also adopted in 2014,⁵⁴ along with a similar protocol for victims of child trafficking in 2017.⁵⁵ In September 2017, the Ministry of Health committed to train 188 officials across the country on how to prevent, identify and report SEC, and provide

adequate services to victims. Similar commitments were made by the Social Security Service (CSSS) and the Ministry of Labor.⁵⁶

34. During the country's last UPR, Botswana recommended to the GoC to strengthen measures to combat child trafficking, facilitate access to justice and improve protection and assistance to victims.⁵⁷ Egypt further recommended the country to facilitate access to justice and provide compensation to child victims, and improve protection and assistance to victims.⁵⁸ In April 2015, the High Council of the Judiciary issued Circular No. 82-2015, which presents guidelines to ensure effective access to justice for all children and to eliminate any discrimination, restrictions or barriers that prevent them from exercising their rights. The right of victims to receive compensation from perpetrators of punishable acts against them is provided for in Article 103 of the Criminal Code.
35. During the country's last UPR, Germany recommended to the GoC to implement a comprehensive child protection system, especially for those suffering from violence, forced labor and sexual exploitation.⁵⁹ However, the country did not fully implement this recommendation, as there are no dedicated structures in place to assist victims of SEC. In fact, the Government of the Czech Republic does not have in place or plans to build dedicated shelters for child victims of sexual exploitation, who are cared for under the country's child protection system and are often placed in institutions. However, these centers do not offer services tailored to CSEC victims.⁶⁰ In 2016, the head of PANI's Technical Management and coordinator of CONACOES stated that such shelters are not an adequate solution to the issue of sexual exploitation, as they make victims feel guilty; and suggested that families should have adequate tools to assist CSEC victims on their own. He also reported that PANI does not have the human resources to effectively address CSE.⁶¹ ECPAT International and the Paniamor Foundation strongly deplore this position, as it clearly goes against vote 2008-15.751 of the Constitutional Chamber of the Supreme Court of Justice, which ordered PANI and the Ministry of Health to open dedicated shelters for victims of CSEC within 18 months in 2008.⁶²
36. Despite the lack of dedicated shelters by the government, PANI has been allocating a significant portion of its budget to support local child rights NGOs (24.5% in 2015 and 19.1% in 2016), although this financial support is mainly focused on prevention activities.⁶³ In 2016, a private organization created a shelter for child victims of sexual exploitation aged 13-18. PANI reportedly refers some SEC victims to this center and provides financial support.⁶⁴ Another local NGO, the Rahab Foundation, has been raising money for several years to build a \$2 million shelter for victims of trafficking and sexual exploitation.⁶⁵ It will reportedly be able to house 60 children.⁶⁶ However, it is not expected to be operational soon, as the first phase of the project (which does not yet include the construction of dedicated units for child victims) has not yet been completed.⁶⁷ Under the Chinchilla administration (2010-2014), the Government of the Dominican Republic contemplated donating US\$6,000 through the National Women's Institute to support this project, but ultimately decided not to do so.⁶⁸
37. Article 71 of the Criminal Procedure Code establishes that child victims of crime are entitled to benefit from special assistance and protection measures to facilitate their participation in the judicial process and to prevent them from further victimization. Article 212 establishes special procedures to take into account the best interests of child victims or witnesses when receiving their statements, such as questioning them in private or in rooms adapted to avoid any contact between the child and the other parties to the proceedings. In addition, children may be assisted by their parents or by specialized experts if necessary, and Article 351 allows for the use of

of "available technological means" to record the testimony of child witnesses. In addition, Article 221 provides that psychological or medical testing of a child victim must be conducted by a multidisciplinary team of trained professionals, ideally during a single session. The prosecutor and the defense of the accused may attend the psychological evaluation if it does not endanger the physical integrity of the victim, in which case the interview may be conducted in a separate room to avoid any contact between them and the child. In addition, they are

They may not interrupt it, and may only communicate their observations to the interviewer, who remains competent to decide whether and how to put them to the child. Finally, Article 131 prohibits the media from capturing, by any means whatsoever, judicial proceedings relating to offenses against children.

Recommendations for the GoC:

- Ensure, as a matter of urgency, the construction of a sufficient number of government-run shelters for victims of CSEC, adequately funded, staffed with well-trained personnel and capable of providing integrated services (psychological, legal, medical, etc.); or, at the very least, provide sufficient

¹ Sustainable Development Goals Targets 5.2, 8.7 and 16.2

² ECPAT prefers the term "exploitation of children in prostitution" rather than "child prostitution," in line with the recently adopted Terminology Guidelines. The Child Victims of CSEC can fully exercise their right to seek Protection of Compensation from Sexual Exploitation and Sexual Abuse, adopted by the Inter-Agency Working Group in Luxembourg, 28 January 2016," Bangkok: ECPAT, 29, accessed March 27, 2018, <http://luxembourgguidelines.org/>.

³ ECPAT prefers the term "child sexual exploitation material" or "child sexual abuse material" rather than "child pornography," which is often still used in the legal context, in line with the recently adopted Terminology Guidelines. ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016", 39.

⁴ ECPAT International (2016), "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Inter-Agency Working Group in Luxembourg, 28 January 2016," Bangkok: ECPAT, 54, accessed March 27, 2018, <http://luxembourgguidelines.org/>.

⁵ World Bank, "Population, total - Costa Rica," accessed October 4, 2018, <https://data.worldbank.org/indicator/SP.POP.TOTL?end=2017&locations=CR&start=1960&view=chart>.

⁶ UNICEF (2017), "The State of the World's Children 2017; Children in a Digital World," 174, accessed September 21, 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.

⁷ Dirección General de Migración y Extranjería (2017), "Diagnóstico del Contexto Migratorio de Costa Rica 2017", 15, accessed October 4, 2018,

http://migration.go.cr/integration_development/Diagnostic%20Context%20Migratorio%20de%20Costa%20Rica%20202017.pdf.

⁸ Ibid, 16.

⁹ UNICEF (2017), *op. cit.*, 171 and 182.

¹⁰ World Bank, "GDP (current US\$) - All countries and Economies," accessed September 21, 2018, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD>.

¹¹ UNDP (2018), "Country Briefing Note on 2018 Statistical Update - Costa Rica," 2, accessed September 21, 2018, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/CRI.pdf.

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