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MAPPING REPORT ON THE FIGHT AGAINST HUMAN TRAFFICKING IN COSTA RICA



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ABBREVIATIONS AND ACRONYMS

CCSS	Caja Costarricense de Seguro Social (Costa Rican Department of Social Security)
CIDEHUM	Centro Internacional para los Derechos Humanos de los Migrantes (International Centre for the Human Rights of Migrants)
CONACOE	Comisión Nacional contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes (National Commission Against the Commercial Sexual Exploitation of Children and Adolescents)
CONATT	Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (National Coalition Against the Smuggling of Migrants and Human Trafficking)
CONFRECOR	Conferencia de Religiosos y Religiosas - Costa Rica (Conference on Religious Men and Women - Costa Rica)
CPP	Código Procesal Penal (Criminal Procedure Code)
CRC	Convention on the Rights of the Child
CSE	Commercial Sexual Exploitation
CTI	Comités Técnicos Institucionales de la CONATT (CONATT's Institutional Technical Committees)
IBINA	Índice de Bienestar de la Niñez y la Adolescencia (Child and Youth Well-Being Index)
DAI	Departamento de Atención Inmediata del PANI (Immediate Care Department of PANI)
DGME	Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
DIS	Dirección de Inteligencia y Seguridad Nacional (Office of Intelligence and National Security)
ECOSOC	United Nations Economic and Social Council
EDNA	Informe Estado de los Derechos de la Niñez y la Adolescencia (Report on the State of Children's and Adolescents' Rights)
ENAHO	Encuesta Nacional de Hogares (National Household Survey)
FACTRA	Fiscalía Adjunta Contra la Trata de Personas y el Tráfico Ilícito de Migrantes (Deputy Public Prosecutor's Office Against Human Trafficking and Smuggling of Migrants)
FONATT	Fondo Nacional contra la Trata de Personas y el Tráfico Ilícito de Migrantes (National Fund Against Human Trafficking and Illegal Smuggling of Migrants)
GMA	Greater Metropolitan Area
GTT	Gestión de Trata de Personas y Tráfico Ilícito de Migrantes de la DGME (DGME Office of Human Trafficking and Smuggling of Migrants)
JPNA	Juntas de protección de la niñez y la adolescencia (Local Committees for the Protection of Children and Adolescents)
IBCR	International Bureau for Children's Rights
ICE	Instituto Costarricense de Electricidad (Costa Rican Electricity Institute)
ICT	Instituto Costarricense de Turismo (Costa Rican Tourism Institute)
ILANUD	Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (United Nations Latin American Institute for the Prevention of Crime and the Treatment of Criminals)
INA	Instituto Nacional de Aprendizaje (National Learning Institute)
INAMU	Instituto Nacional de las Mujeres (National Women's Institute)
INEC	Instituto Nacional de Estadística y Censos (National Institute of Statistics and Census)
ILO	International Labour Organisation
IOM	International Organisation for Migration

IRT	Immediate Response Team
LJPJ	Ley de Justicia Penal Juvenil (Juvenile Criminal Penal Law)
LPVCM	Ley de Penalización de la Violencia contra la Mujer (Penal Law for Violence Against Women)
LWBC	Lawyers Without Borders Canada.
MEP	Ministerio de Educación Pública (Ministry of Public Education)
MIDEPLAN	Ministerio de Planificación Nacional y Política Económica (Ministry of National Planning and Economic Policy)
MJP	Ministerio de Justicia y Paz (Ministry of Justice and Peace)
MP	Ministerio Público (Attorney General's Office)
MSP	Ministerio de Seguridad Pública (Ministry of Public Security)
MTSS	Ministerio de Trabajo y Seguridad Social (Ministry of Labour and Social Security)
OAPVD	Oficina de Atención y Protección a la Víctima de Delito (Crime Victims' Care and Protection Office)
OATIA	Oficina de Atención y Erradicación del Trabajo Infantil y Protección del Trabajo Adolescente (Office for the Attention and Eradication of Child Labour and the Protection of Adolescent Labour)
OATRI	Oficina de Asesoría Técnica y Relaciones Internacionales (Office of Technical Assistance and International Relations)
OFIM	Oficinas Municipales de la Mujer (Municipal Women's Offices)
OIJ	Organismo de Investigación Judicial (Judicial Investigation Body)
NGO	Non-governmental organisation
PANI	Patronato Nacional de la Infancia (National Child Welfare Agency)
PND	Plan Nacional de Desarrollo 2015-2018 "Alberto Cañas Escalante" (National Development Plan for 2015-2018 "Alberto Cañas Escalante")
PEN	Programa Estado de la Nación en Desarrollo Humano Sostenible (State of the Nation on Sustainable Human Development Programme)
PNNA	Política Nacional para la Niñez y la Adolescencia (National Policy for Children and Adolescents)
PPM	Policía Profesional de Migración (Professional Immigration Police)
PROHAB	Agencia de Protección de Datos de los Habitantes (Personal Data Protection Agency)
RCM	Regional Conference on Migration
RESDAL	Red de seguridad y defensa de América Latina (Security and defense network for Latin America)
RREE	Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs)
FP	Fuerzas públicas (policía) (Security forces (police))
ST	Secretaría Técnica de la CONATT (Technical Secretariat for CONATT)
UCR	Universidad de Costa Rica (University of Costa Rica)
UCS	Unidad de Capacitación y Supervisión del Ministerio Público (Training and Supervision Unit of the Attorney General's Office)
UN	United Nations Organisation
UNICEF	United Nations International Children's Emergency Fund
UNODC	United Nations Office on Drugs and Crime
UPROV	Unidad de Protección a Víctimas y Testigos (Victims and Witness Protection Unit)

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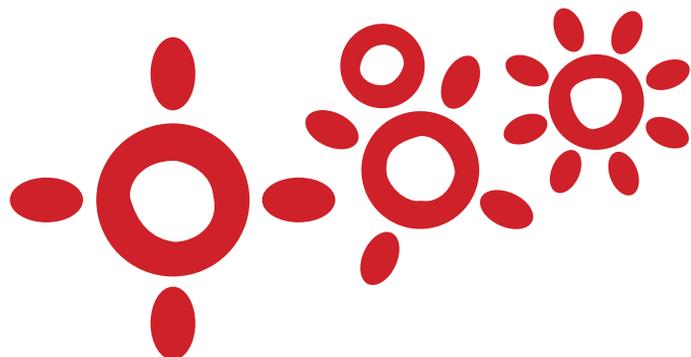
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FOREWORD

The fight against human trafficking, mainly involving male and female children and adolescents, is a global phenomenon that concerns us all. If we pay attention, behind some of our purchases, travel, hobbies or leisure, are displaced children and adolescents who are being exploited.

Billions of dollars feed this complex and multifaceted industry, which directly or indirectly benefits some at the expense of the life and dignity of others.

Costa Rica has a long history of fighting human trafficking. The country has implemented a series of original and advanced measures to prevent and take action against it. At the regional level, they have also been at the forefront of addressing children's and adolescents' rights, as they relate to the travel and tourism industry.

For several years, thanks to support from Global Affairs Canada, the International Bureau of Children's Rights (IBCR) has been collaborating with civil society, the formal and informal private sector, communities and authorities in Costa Rica in fighting sexual exploitation in the travel and tourism industry. This work has involved innovative and participatory initiatives designed to adjust to the rapid evolution of this type of exploitation, which is closely linked to human trafficking.

Actions taken to fight sex tourism involving children and adolescents constantly need to be adjusted to meet the changing conditions that define this criminal act. For example, the use of private rental accommodations, anonymous online payment methods, the use of new technologies that allow travellers to avoid conventional tour operators, the use of drugs and substances that complicate victims' situations, or things that are even more complicated such as the use of children and adolescents in the production of pornographic material, the distribution of which is so difficult to control.

Clearly, displaying posters in large hotels that show the Code of Conduct against the sexual exploitation of children and adolescents is important, but it is no longer enough to make a real difference in the fight against their exploitation in the travel and tourism industry.

But answers can be found.

Police are cooperating more than ever on an international level to follow up on leads, exchange information and initiate concerted actions while taking into account the transnational dimension of these crimes. Communities are becoming aware of their ability to prevent and report abuse, directly addressing issues such as social tolerance of this criminal act. Companies are more willing to accept their own social responsibility, reaching out to the informal economic sector and using their influence to change attitudes and, importantly, ensuring that their production chain is free of abuse and exploitation. Civil society is also facing its own responsibility to protect children and adolescents by working to create long-lasting awareness that allows for the integration of the specific skills of both community and political agencies. Finally, children and adolescents are now able to better understand the opportunities offered by new technologies while weighing the risks associated with them. Increasingly, they are becoming opinion leaders amongst their peers with a view to combating human trafficking and sexual exploitation.

In September 2015, the Government of Canada reiterated its confidence in the IBCR's work with Costa Rican authorities, in particular police and Costa Rican justice authorities, civil society, the private sector and children and adolescents. This support aimed to strengthen the fight against human trafficking and to continue efforts to combat sexual exploitation in the travel and tourism industry.

This mapping report is the result of intensive work done by the IBCR team and our Costa Rican collaborators. The purpose of the report is to help lay the foundation for concerted action against these challenges over the coming years.

From now until 2018, the Bureau will respond to the desire expressed by Costa Rican society for us to capitalise on the achievements made thus far and to improve the effectiveness and cohesiveness of the fight against human trafficking and sexual exploitation associated with the travel and tourism industry. Within the IBCR programme in Costa Rica, there are structured actions for the review of operating procedures (protocols), the development of technological tools to facilitate multisector management of cases, specialised training for key personnel, awareness campaigns, mechanisms that call for the participation of children and adolescents, exchange of best practices with partners in other countries within the region and instructor certification for schools and training units for the police and courts.

For us, it is a great pleasure to work with stakeholder in Costa Rica's child protection system, with a view to making a significant contribution to these bold measures that will prevent and effectively fight against human trafficking and the sexual exploitation of children and adolescents, mainly in the travel and tourism industry.



Guillaume Landry
IBCR Director



EXECUTIVE SUMMARY

Human trafficking is a serious problem that affects millions of people around the world, including children and adolescents. Today, it is considered a modern form of slavery and one of the most severe violations of human rights.

Costa Rica is no stranger to human trafficking and over the last decade the country has expressed concern about its rise. It has also joined the international call to fight it. To this end, Costa Rica has ratified the primary human rights instruments applicable to this topic and has enacted related laws, regulations, protocols, manuals and other tools. The country has implemented institutional reforms to combat this crime and to protect and assist its victims. Furthermore, it has included the issue into broader policy frameworks, such as the Plan Nacional de Desarrollo 2015-2018 (National Development Plan 2015-2018) and the Política Nacional de Niñez y Adolescencia 2009-2021 (National Policy for Children and Adolescents 2009-2021). The country actively participates in regional efforts to address this problem.

However, the complexity of human trafficking and its related crimes presents major challenges for preventing these crimes, effectively protecting and rebuilding victims' rights and prosecuting the persons responsible.

In order to provide an overview of how the country's various systems respond to human trafficking situations operate, the International Bureau of Children's Rights (IBCR) carried out an exercise to map human trafficking prevention in Costa Rica from November 2015 to March 2016. This initiative was part of the Strengthening Institutions to Combat Human Trafficking in Costa Rica Project, and was made possible thanks to the support of Global Affairs Canada.

This project seeks to determine the country's institutional challenges and needs in order to respond to the various dimensions of combating this crime. More than 60 recommendations were collected to be sent to technical commissions at the Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT, or National Coalition Against Human Trafficking and Smuggling), a Costa Rican body comprised of 22 member institutions involved in the fight against human trafficking.

The mapping exercise involved reviewing secondary sources, carrying out interviews with key individuals, conducting observation visits to training schools and holding nine workshops. These workshops were developed with a highly participatory methodology that promoted multi-sector, multi-institutional and multi-territorial dialogue. Conducted in San José, border areas and tourist areas, the workshops were attended by 145 people from 18 public and private entities. A knowledge questionnaire was also given to 398 officials from key institutions. All these activities allowed for the collection of input on:

- The functioning of the judicial and administrative system as it relates to the detection, investigation and enforcement of human trafficking crimes.
- The functioning of the judicial and administrative system regarding the care and protection of human trafficking victims.
- Key issues and challenges in the justice and administrative systems related to combating human trafficking.
- The roles and responsibilities of different institutions within the judicial system.
- Collaboration between different judicial and administrative institutions and the social sector to combat human trafficking and commercial sexual exploitation.
- Formal and informal mechanisms used for this collaboration, identifying the ones that improve collaboration and the ones that make it more challenging.
- The tools available for preventing and combating human trafficking and for the care and protection of victims.
- The operating methods of the National Police Academy, the Judicial School, the OIJ training unit and the UCS. Also, their relationships with current and future training processes related to human trafficking.
- Children's perception of the role of the police and the protection of their rights.

Generally, actions to combat trafficking in Costa Rica are considered to be moving in the right direction. To a greater or lesser extent, answers are being found to many of the challenges through projects, which are being supported by FONATT in 2016. These projects should be continued during the coming years.

Institutional changes, such as the creation of specialised units to combat human trafficking or to care for victims, have been identified and are providing sustainability to the fight against this crime.

This subject has been placed on the national agenda. Although CONATT is in a consolidation phase, reviewing its operating procedures appears to be necessary, especially at the representation level. Additionally, the actions being taken must be made well known. The subject has also been integrated into highly relevant policy frameworks and the definition of public policy mandated by Law 9095 is in process. Furthermore, it is expected that during 2016, 10 projects with a value of approximately ₡1 billion will be carried out using public funds¹ with the aim of strengthening the national strategy on human trafficking.

Notwithstanding the foregoing, this project also identified three limitations that require a short-term response: 1) The need for more effective inter-agency collaboration; 2) Capacity building should include an increase and stabilisation of human resources dedicated to caring for human trafficking situations; 3) Personnel handling cases must be trained (not only informed or sensitised) and the training processes must be institutionalised.

In addition to the above, actions should have a local impact and the private sector must play a more visible and active role, especially in the prevention of human trafficking. This includes stepping up actions to fight against human trafficking for other purposes, while maintaining efforts to combat commercial sexual exploitation.

Research is necessary in order to strengthen and broaden the spectrum of evidence to provide a technical complement to the research process and minimise revictimisation. In this area, several sectors were identified as strategic to training and specialisation, and particularly the judiciary.

The common thread for all these efforts must be strengthening the response to trafficking, specifically in terms of the effectiveness of institutional actions. Attention should be paid to the difference between funding forecasts and the amount of resources actually provided, the existence of a policy that is more in line with international instruments, and the small number of convictions and recognised victims seen in recent years.



1. Exchange rates: 1 colon = 0.00244 Canadian dollars, 0.00165 euros or 0.00561 American dollars; See: http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/index_en.cfm (data from April 4, 2016)

1. INTRODUCTION

1.1 THE INTERNATIONAL BUREAU OF CHILDREN'S RIGHTS (IBCR)

Established in 1994 in Montreal, Canada, the International Bureau of Children's Rights (IBCR) is an international non-governmental organisation whose mission is to contribute to the promotion and protection of the rights of children and adolescents around the world. Since 2003 it has held a special consultative status with the United Nations Economic and Social Council (ECOSOC).

IBCR actions are based on the international legal framework for the human rights of children and adolescents, primarily made up of the *Convention on the Rights of the Child* (CRC) and its three optional protocols: Optional protocol regarding the sale of children, child prostitution and child pornography²; Optional protocol regarding the involvement of children in armed conflict;³ and Optional protocol for a communications procedure⁴.

The mission of the Bureau is to work directly with institutions and non-governmental organisations in Africa, Asia, Latin America and the Middle East in a spirit of partnership, transparency and dialogue, all in an effort to develop constructive actions and to encourage positive and lasting change in order to protect the rights and dignity of children and adolescents.

The activities of the Bureau fall into five main fields of activity:

- Children and emergency situations
- Sexual exploitation of children
- Empowering girls
- Children and the economy
- Children and justice

The IBCR is renowned for its technical expertise in the following areas:

- Capacity building (individual and collective) designed to equip key players in the child protection system with effective and lasting new skills
- Applied research using evaluations, situations analysis and comparative analysis aimed at monitoring progress and methods
- Policy advocacy and institutional support through technical assistance during the reform process, and a permanent constructive dialogue with those responsible for the promotion and protection of children's and adolescents' rights
- Development of tools and reference guides using surveillance and monitoring instruments
- Workshops to train instructors through intensive courses leading to certification

Thus, the IBCR has been called on to support national authorities and UNICEF at both the national and regional levels. This contributes to knowledge sharing on the challenges faced in the implementation of the rights of children and adolescents with national authorities.

2. General Assembly of the United Nations, 25/May/2000 (entered into force on January 18, 2002)

3. General Assembly of the United Nations, 25/May/2000 (entered into force on February 12, 2002)

4. General Assembly of the United Nations, 27/January/2012 (entered into force on April 14, 2014)

The IBCR in Costa Rica: Background

Between March 2012 and February 2014, the IBCR implemented a project entitled “Prevention of the Commercial Sexual Exploitation of Children and Adolescents in Travel and Tourism in Costa Rica”, in partnership with the PANIAMOR Foundation and with the support of World Vision and financial assistance from the Government of Canada.

The project was aimed at preventing and raising awareness about the sexual exploitation of children and adolescents in the travel and tourism industry in Costa Rica. The main activities involved were fostering cooperation between Canadian and Costa Rican police authorities, promoting awareness campaigns aimed at Canadian travellers, and educating the informal tourism sector. Awareness campaigns were also carried out to help families, youths and communities near tourist areas in Costa Rica, as well as some initiatives aimed at travellers in Canada.

Currently in Costa Rica, another project called “Protection of Children, Women and Other Vulnerable Communities” is also underway. It is being implemented in partnership with Lawyers Without Borders Canada (LWBC) in the context of the voluntary cooperation programme that is funded by Global Affairs Canada. It aims to improve the protection of rights for children, women and poor and marginalised communities, as well as to strengthen democracy and the rule of law through access to justice. As part of this project, the IBCR oversees the work of volunteers in different countries. In Costa Rica, the IBCR has a partnership with the PANIAMOR Foundation, which primarily focuses on protecting the rights of children and adolescents through legislative and public policy reform.

1.2 THE PROJECT: STRENGTHENING INSTITUTIONS TO COMBAT HUMAN TRAFFICKING IN COSTA RICA

Commercial sexual exploitation and human trafficking for this purpose are not just another problem that affects thousands of vulnerable people, including children and adolescents. Today, these issues are considered a modern form of slavery and one of the most severe violations of human rights.

Concern about these serious problems has a long history in Costa Rica. Among other factors, the geographical location of the country—being part of the corridor for migratory transit between the southern and northern parts of the Americas, and being a leading international tourist destination—increases its vulnerability to these problems.

Over the last decade, Costa Rica has acknowledged its concern about the rise of these crimes and has joined the international call to combat them, ratifying the primary human rights instruments applicable to the area. This commitment has also resulted in the promotion and implementation of a series of legal and institutional reforms aimed at strengthening the country’s ability to prevent or stop these crimes. Additionally, actions have been taken to provide information and raise awareness, as well as to create a broad national commitment to protecting the rights of children and adolescents, along with other vulnerable individuals, against human trafficking and commercial sexual exploitation.

Despite this, human trafficking and the commercial sexual exploitation of children and adolescents carried out by organised crime have become more complex, and the country constantly faces new challenges in trying to effectively protect the rights of the vulnerable. These challenges include detecting cases, providing comprehensive care for victims, and punishing those responsible for these crimes. Similarly, it is important to increase the availability of information and public awareness in understanding that this problem is as a form of violence that we are all responsible for reporting.

In this context, and considering the experience of the International Bureau of Children’s Rights in implementing projects related to preventing and combating human trafficking and commercial sexual exploitation in several countries such as Burundi, Canada, Congo and Peru, this project is being implemented in Costa Rica and seeks to strengthen capacities for combating human trafficking, with a particular focus on trafficking for the purpose of the commercial sexual exploitation of children and adolescents.

Since 2008, the IBCR has been supporting national authorities in more than 25 countries and in seven languages, in an effort to strengthen their systems that protect the rights of children and adolescents and to help integrate approaches that promote respect for the children's rights by people who have personal contact with them. Working in Afghanistan, Angola, Yemen, Senegal, Nigeria, Honduras, Djibouti and the Philippines, the IBCR has developed extensive technical experience with security and defence forces along with justice and social workers. This has helped to professionalise their training systems and to improve their response procedures, information systems and practices. These improvements have been made in accordance with international norms and standards regarding justice and the protection of children's and adolescents' rights.

With the support of Global Affairs Canada, the IBCR is working on a project entitled "*Strengthening Institutions to Combat Human Trafficking in Costa Rica*" which will be implemented over a three-year period, from September of 2015 to August of 2018.

Specifically, this project seeks to help professionalise and strengthen the abilities of key stakeholders involved in the surveillance, prevention, investigation and prosecution of human trafficking crimes in order to improve the institutional response to this problem by Costa Rican authorities.

Among the primary goals is to integrate permanent, mandatory and specialised courses for training programmes at the National Police Academy, the Judicial School and other specialised training units, such as the Organismo de Investigación Judicial (OIJ, or Judicial Investigation Body) and the Attorney General's Office. Also included is the goal to train specialised instructors who will help to implement a continuing education process for different groups of national police personnel, OIJ personnel, prosecutors and judges.

Key strategies and project activities

The project aims to strengthen the abilities of the police, OIJ agents, prosecutors and judges to be able to detect, investigate and prosecute human trafficking crimes, particularly those whose end is the commercial sexual exploitation of children and adolescents. It is important to stress that focussing on victims is essential in all phases of the project.

For this reason, the project includes:

- An assessment of the needs of police, prosecutors, the judiciary system and other key players related to these crimes
- The performance of a process of consultations and workshops in order to review, revise and implement action protocols
- The development and validation of training materials for judges, prosecutors and police officers, along with other key actors involved in combating human trafficking to ensure the active participation of these players
- Conducting instructor training courses and training key players, using the information, materials and tools produced by the project
- The exchange of best practices and lessons learned among police, prosecutors and judges in order to increase collaboration with other actors in the region.
- Support for the process of integrating training courses into official instruction programmes for judges, prosecutors and police

In addition, the project aims to inform and sensitise key actors (communities, tourism sector and others) regarding human trafficking for commercial sexual exploitation, with particular emphasis on cases involving children and adolescents.

To this end, the project scope includes:

- Developing outreach programmes on the role and capabilities of police and the justice system
- Launching a consultation process with the private sector (especially the formal and informal sectors in the tourism industry) to define the best tools for cooperation with law enforcement authorities in an effort to prevent or at least identify and report these crimes

The main direct beneficiaries of the project are:

- National commissions related to the fight against human trafficking and commercial sexual exploitation, and particularly the agents responsible for law enforcement, which will have new information and tools available to them to prevent and punish these crimes
- Schools and centres for training judges, prosecutors and police will also strengthen their ability to protect children's rights
- The private sector and other key actors, who will be sensitised and informed about their responsibility to protect the rights of vulnerable people and those who are made vulnerable, especially children and adolescents, by human trafficking and commercial sexual exploitation

The indirect beneficiaries are the victims of trafficking, particularly children and adolescents, and people in vulnerable situations who will benefit from the training of key players. This will be done by building the capacities of officials as well as those of communities and the private sector. These stakeholders will all be better equipped to play a more active and informed role in combating human trafficking.

1.3 MAPPING THE FIGHT AGAINST HUMAN TRAFFICKING IN COSTA RICA: METHODOLOGICAL ASPECTS

The objective of this report is to provide an overview of how the various parts of the systems used to respond to human trafficking situations in Costa Rica work. It describes the coordination between systems and identifies the actors involved, along with their roles and functions. The actors' views on training needs and challenges in the country is also included. The methodology that was used was highly participatory and encouraged inter-sector and inter-institutional dialogue. It also sought to identify, from a geographic approach, viewpoints and perceptions of the actors outside the Greater Metropolitan Area (GMA) in the country.

Considering that one of the main components of human trafficking is the movement of the individuals and the domestic and international transfer of victims, three communities were selected from the interior of the country that have various characteristics that are found in Costa Rica and that relate to the topics discussed in this report:

- Liberia and surrounding area (Guanacaste, northern border) – a border area with high migratory movement
- Quepos (Puntarenas, Central Pacific) – a tourist area where there is great concern about the problem of commercial sexual exploitation and human trafficking
- Ciudad Neily and area (Puntarenas, southern border) – a border area with high migratory movement

The different activities performed allowed for the gathering of information on the following subjects:

- The functioning of the judicial and administrative system when it comes to the detection, investigation and prosecution of human trafficking crimes
- The functioning of the judicial and administrative system regarding the care and protection of human trafficking victims
- Key issues and challenges in the justice and administrative systems related to combating human trafficking
- The roles and responsibilities of different institutions within the judicial system
- The collaboration between different judicial and administrative institutions and the social sector to combat human trafficking and commercial sexual exploitation
- Formal and informal mechanisms that are used for this collaboration, identifying those who improve collaboration and those who make it more challenging
- The tools available for preventing and combating human trafficking and for the care and protection of victims
- The functioning of the National Police Academy, the Judicial School, the OIJ training unit and the UCS. Also, their relationship with current and future training processes related to human trafficking
- Children's perception of the role of the police and the protection of their rights



The team behind this mapping report included IBCR members based in Costa Rica and Canada. The team based in Canada travelled to Costa Rica during key periods of the project. The project was carried out between November 2015 and March 2016.

The time frame for information gathering was a limiting factor for the following two reasons: a) Part of this period coincided with the holiday season at the end and beginning of the year in Costa Rica; b) The institutions and key actors consulted were busy with annual reports and were planning activities for the following year. Despite this, the period was favourable for the IBCR in that it was possible to observe the institutional context in the country as far as this subject is concerned. It was also possible to identify collaborators, gather key information and position the project in the national context. In any case, the project is ongoing.

In connection with gathering information by means of workshops and focus groups, one major limitation was that it was not possible to achieve full coverage of all those involved in combating human trafficking in the country. Since some key institutions and organisations failed to participate in all the workshops, building a joint vision was challenging.

However, information from workshops, focus groups, interviews, questionnaires and key documents was organised, compared, tabulated and made available in this mapping report. This report is aimed at national actors and is intended to contribute to the process of strengthening capacities for combating trafficking. In particular, we hope the information contained herein will guide the work of CONATT's technical and the design of public policy on the fight against human trafficking, which is currently being prepared in the country.

This report also provides input for the IBCR in its relationship with schools and training units. This is particularly useful for the development of tools for enhancing the professionalisation of Costa Rican officials, beginning with a focus on the needs and strengths identified in a participatory manner and with a comprehensive perspective.

For a better understanding of the information gathering, the following is a detailed explanation of the techniques used. These techniques provided a wide range of perspectives on how the system works. Table 1, at the end of this section, provides details about workshop participants, as well as the dates and place that the workshops took place.

a) Literature review (secondary sources)

The material for the contextual analysis of the mapping exercise comes from various institutional documents, digital documents, webpages and websites. The wealth of material presented a major challenge due to the need to carefully search out the best sources of information. Therefore, publications from agencies that have worked on this issue in Costa Rica—such as the United Nations Office on Drugs and Crime, the International Organisation for Migration, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Criminals, the United Nations International Children's Emergency Fund and the International Labour Organisation—were given priority. The sources of information included studies, diagnostics, training manuals and other informational documents regarding human trafficking, commercial sexual exploitation and migration.

b) Questionnaire about key players' understanding of the investigation and prosecution of human trafficking crimes in Costa Rica

The objective of this exercise was to obtain information about existing knowledge, attitudes and practices, as well as to obtain recommendations from key actors on issues related to human trafficking and/or training. For this, a survey with 31 questions was used. In total, 398 responses were received, with 70.5% from men and 29.5% from women. Institutional affiliation of the participants was as follows: 70.9% from the Professional Immigration Police, 24.6% from the Judicial Investigation Body, 4.3% from the Criminal Judiciary and 0.3% from personnel involved in criminal proceedings.

Information collection was performed in collaboration with the Office of Professional Immigration Police, the Training Unit of the Judicial Investigation Unit and the Judicial School.

c) Meetings and interviews

Sixteen semi-structured interviews and meetings were held with senior political officials, managers, technicians and operators at government institutions, non-governmental organisations and international bodies, all of which work from various angles to either strengthen the fight against human trafficking or to directly help the victims of human trafficking. Through these interviews, documents and tools were collected for the mapping exercise.

d) Observation visits to schools and training units

In order to publicise the project and agree on the guidelines to be used to keep it consistent and coordinated, visits to select schools and training units were made. The objective of these visits were: a) to understand the infrastructure, equipment and operation used by the institution; b) to observe the methodology and teaching techniques; and c) to collect documents and useful tools for the mapping exercise. With these goals in mind, three visits were made: 1) The Judicial School; 2) The National Police Academy; 3) The training unit for the Judicial Investigation Body. For the visit to the Judicial School, a site visit was conducted and information was made available on how their training courses are developed and updated. During the visit to the National Police Academy, the school visit included two days of participation in a course entitled "Refresher on Human Rights for Law Enforcement Officers."

e) Thematic workshops

Three 2-day thematic workshops were held, with different objectives (justice, police and social) depending on the areas of specialisation of the participants (based on overall numerical prevalence).

The main objective of these workshops was to identify, using the experience of the individuals involved, how law enforcement mechanisms work (starting with the report of a crime) and how care and protection is provided to victims of human trafficking victims, with collaboration between the participants.

To this end, practical case studies were created by key players involved in the fight against human trafficking. They used their experiences to design the studies (some of these were domestic cases). A highly participatory methodology allowed for reflection and information sharing. Most of the work was done in small groups of four to five people, either balanced or divided by sectors, with plenary sessions at the end of each activity.

The thematic workshops were developed around four main activities whose objectives were to gain knowledge about human trafficking and commercial sexual exploitation, rebuild institutional and civil responses to human trafficking situations, define the roles and responsibilities of representatives from institutions in terms of caring for victims and the management of law enforcement mechanisms, define the main elements that do or do not allow for effective collaboration among institutions, define the formal and informal mechanisms that allow for institutional responses to human trafficking and to create recommendations and suggested actions to help combat human trafficking. During all activities the response to situations where children and adolescents are present was discussed.

The workshops included a total of 66 participants (30 men and 36 women) from the following institutions: Ministry of Public Security (Law Enforcement, Border Police, Special Preventive Programmes), General Office of Immigration and Foreigners (Technical Secretariat for the National Coalition Against the Smuggling of Migrants and the Human Trafficking - CONATT , Planning, Professional Immigration Police), Judiciary Power (Attorney General's Office, Judicial Investigation Body, Judiciary), Judiciary School, training unit of the Judicial Investigation Body, Office of Intelligence and National Security, National Child Welfare Agency, National Institute for Women and Civil Society (CONFRECOR).

One of the three workshops was held in Liberia (Guanacaste), which allowed the collection of information in a border zone with high migratory flow.

f) Children's consultation workshop

In collaboration with the Sisters of the Good Shepherd/CONFRECOR (Conference on Religious Men and Women - Costa Rica), a consultation with children aged between 6 and 13 years was held to better understand the experience and perception of children regarding the police, since it would be with members of Law Enforcement that potential human trafficking victims have first contact.

The consultation also sought to understand: a) the level of confidence that children have in the police and other actors in the system for protection of their rights; b) the manner in which, in their view, these sectors could improve their contact with children.

The consultation was organised into two groups of 10 children each that were divided by age (6 to 8, and 9 to 13 years old). Children in vulnerable conditions due to poverty, family disintegration and/or family migration were used. With the prior consent of their parents or guardians and in coordination with the Convent of the Sisters of the Good Shepherd, consent forms were obtained in compliance with ethical standards for consultation with minors. The children also were informed that they could stop participating at any time without creating any problems for them. Using games adapted to the children's age, they were allowed to reflect on and express what they think about the above subjects.

g) Focus groups with police

Two 6-hour focus groups were held, one in Ciudad Neily (Southern Border) and another in San José, with the participation of 22 police officers from security forces and preventive programmes. These activities sought to dig deep into the perceptions and opinions of law enforcement officials regarding the issues of human trafficking, commercial sexual exploitation and the rights of children and adolescents. Additionally, the focus groups allowed us to collect information on their perceptions of their own role and the type of interventions that they can carry out to combat human trafficking. The groups also helped point out their challenges in meeting the objectives set by Ministry of Public Security in relation to human trafficking (prevention, inter-agency cooperation and protection of rights).

The Focus Groups were developed around four main activities that addressed perception of police, the vision of children's and adolescents' rights, knowledge about human trafficking and commercial sexual exploitation and actions that can be taken to help combat trafficking in children and adolescents.

h) Local-level multisector consultation

This workshop, held for one day, took place in Quepos with the support of the PANI (National Child Welfare Agency) and the Ministry of Public Security. The workshop was attended by 17 representatives of the institutions that make up the Local Network Against the Commercial Sexual Exploitation of Children and Adolescents: Law Enforcement; Jacó, Parrita and Quepos; Tourist Police: Dominical, Quepos and Puntarenas; Municipality of Parrita and Quepos; MEP (JPNA Representative); Ministry of Health-Parrita; PANI-Quepos; Judiciary power; and the Cantonal Youth Committee-Quepos.

Five activities aimed at addressing knowledge and perceptions about the rights and protection of children and vulnerable adolescents or victims of trafficking and commercial sexual exploitation were developed. The roles of different institutions, local governments and civil society in relation to the prevention, reporting and intervention in trafficking cases along with the challenges and recommendations made to prevent and combat human trafficking were also analysed.

i) Workshop with pilot and reference groups

As part of the information gathering process and completion of the first phase of the project (mapping exercise) and the second and third year (construction of training tools), a work session was held to validate the two mechanisms that the project will leverage to ensure the sustainability of the results.

To this end, the Reference Group was validated and officialised. The Reference Group is responsible for: a) Providing policy guidance to the project, according to the country's national policy on human trafficking; b) Facilitating their implementation in the country. This group will consist of the Technical Committees for Information, Analysis and Research and Prosecution at CONATT.

The Pilot Group's operating procedures were also validated. This group will be the contact for consultation and the validation of tools, materials, processes, etc., all of which are a result of the IBCR project. This group is composed of the Technical Secretariat of CONATT and the schools and training units related to this project.

This meeting was also the setting for a presentation of the preliminary results of the mapping exercise. It included a discussion of the main recommendations, and the participants were able to validate, discuss and comment on the first results of the information gathering process.

j) Validation workshop

A preliminary version of the mapping report was submitted to partners, reference and pilot groups and participants from the thematic workshops. To accomplish this, a one day workshop that sought to finalise the analysis of the mapping report's main findings and validate and specify the level of the recommendations that had been collected was held, primarily to ensure that the contribution of the mapping report would be of practical use to CONATT. Furthermore, some training priorities and information on the development of tools that will serve this purpose were made known. This mapping report incorporates the contributions collected during this workshop.

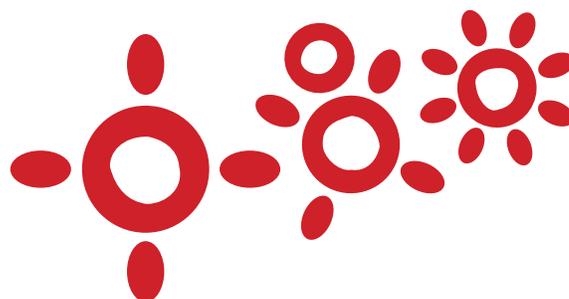


TABLE 1 – Summary of data collection workshops

WORKSHOPS	PARTICIPATING INSTITUTIONS AND ORGANISATIONS	No.		PLACE	DATE (2016)
		♂	♀		
Police Focus Group	Law Enforcement (Preventive Programmes)	11		Ciudad Neily	03.02
		7	4		
Local Multisector Workshop	Law Enforcement: Jacó, Parrita and Quepos; Tourist Police: Dominical, Quepos and Puntarenas; Municipality of Parrita and Quepos; MEP (JPNA Representative); Ministry of Health-Parrita; PANI-Quepos; Judiciary power; Cantonal Youth Committee-Quepos	17		Quepos	04.02
		7	10		
Consultation with Children	Children of the Convent of the Sisters of the Good Shepherd/CONFRECOR	20		San José	05.02
		4	16		
Thematic Workshop: Judicial Approach	ST CONATT; MSP: Law Enforcement (Preventive Programmes); Professional Immigration Police, Judicial Investigation Body, DGME; Ministry of the Interior; Judicial School; Judicial Investigation Body training unit; Convent of the Sisters of the Good Shepherd/CONFRECOR; Criminal judges; Attorney General's Office	22		San José	09 and 10.02
		14	8		
Police Focus Group	Law Enforcement (Preventive Programmes)	11		San José	12.02
		6	5		
Thematic Workshop: Police Approach	PANI (National Child Welfare Agency); INAMU (National Women's Institute); DIS (Office of Intelligence and National Security); OIJ (Judicial Investigation Body); MSP (Ministry of Public Security): Law Enforcement and Special Programmes; PPM (Professional Immigration Police)	24		San José	16 and 17.02
		15	9		
Thematic Workshop: Social Approach	PANI (National Child Welfare Agency); INAMU (National Women's Institute); DIS (Office of Intelligence and National Security); OIJ (Judicial Investigation Body); PPM (Professional Immigration Police); MSP (Ministry of Public Security): Law Enforcement and border police; Attorney General's Office; Criminal judges	24		Liberia	16 and 17.02
		13	11		
Workshop with Pilot and Reference Groups	DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency), OIJ (Judicial Investigation Body), DIS (Office of Intelligence and National Security), RREE (Ministry of Foreign Affairs), PPM (Professional Immigration Police), Attorney General's Office, Judicial School, National Police Academy	12		San José	24.02
		4	8		
Validation Workshop	ST CONATT, DGME (General Office of Immigration and Foreigners), Ministry of the Interior, Ministry of Public Security, PANI (National Child Welfare Agency), OIJ (Judicial Investigation Body), DIS (Office of Intelligence and National Security), PPM (Professional Immigration Police), Attorney General's Office/FACTRA (Deputy Public Prosecutor's Office Against Human Trafficking and Smuggling of Migrants), Judicial School/Judiciary, National Police Academy, Training and Supervision Unit for the Attorney General's Office, Sisters of the Good Shepherd/CONFRECOR, RAHAB Foundation, Caritas, IOM	23		San José	15.03
		7	16		
TOTAL PARTICIPANTS		164			
		77	87		

2. REFERENCE FRAMEWORK

2.1 OVERALL CONTEXT IN THE COUNTRY

Costa Rica's political and economic stability of for the past nearly 70 years is widely recognised in Latin America. Particularly notable are its "advanced social welfare system, effective and innovative environmental conservation policies, democratic state of law, robust civil liberties system and its open and modern economy".⁵

This stability has largely been the result of major transformations that occurred in Costa Rica during the middle of the last century. In 1942, laws for the advancement of social, labour and educational protection were adopted. After the last civil war in 1948, the progressive vision of the country continued, including momentous events with far-reaching scope, such as the abolition of the army and the expansion of the healthcare system, and primary and secondary education systems. The policy that governs these systems calls for services to be provided free of charge across the country.

In the following years, banking and energy was nationalised and bodies such as the Civil Service and institutions aimed at managing public housing and water services were created. All these aspects contributed to a large and growing professional middle class.

Thus, during the second half of the twentieth century, Costa Rica established itself as a democratic country with no army, based on institutions that promote order and guarantee citizens their natural rights to a peaceful and dignified life. The government is composed of three independent branches: executive, legislative and judicial. Elections are held every four years, in which the vote is direct and secret.

Where economics are concerned, with the development models from the second half of the last century being exhausted and given the economic crisis of the 80s and the opening of markets, the country has transcended the economic model based on coffee and banana exports and moved to one based primarily on tourism, now one of the main economic activities of the country. According to the World Bank, Costa Rica has experienced stable economic expansion during the past 25 years, mainly due to the implementation since the late 80s of a foreign affairs strategy, its growth being led by export, openness to foreign investment and gradual trade liberalisation. The economy grew at an average annual rate of 5% during the 90s and has generally exceeded the average growth seen in the region during the current millennium.⁶

However, in keeping with the warnings from recent years, today the country faces a slowing down of its historical progress and an erosion of economic, social and environmental sustainability. It is seeing increased political gridlock, which will inevitably contribute to a slowed pace of human development. This situation directly and negatively impacts the living conditions of much of the population and "creates uncertainty regarding the ability to advance and eventually preserve these achievements."⁷

5. Programa Estado de la Nación, Vigésimo primer Informe Estado de la Nación en Desarrollo Humano Sostenible, Costa Rica, (2015), p. 32

6. Banco Mundial, Costa Rica : Panorama general (2016), available on-line at <http://www.bancomundial.org/es/country/costarica/overview>

7. Op. cit. note 5, pp. 31-32

In this new context, the growth of the service sector is notable, to the detriment of the economy's primary sector. This has resulted in informal employment reaching its highest point since 2010 during the first quarter of 2015, reaching 45.3% of all workers⁸. In the last year, informal labour grew significantly among men (reaching 43.1% in 2015). In the case of women, informal labour remained constant (48% in 2015), although it continues to affect them in greater proportion. The unemployment rate in 2014 was 8.5%,⁹ but by the first quarter of 2015, it had risen to 10.1% (8.8% for men and 12.3% for women)¹⁰.

This situation creates significant gaps, particularly since income deteriorated during 2014, although increases were recorded in the last five years. Poverty increased by 1.7% between 2013 and 2014, which meant that 22.4% of households were living in poverty during 2014, with 6.7% experiencing extreme poverty during that same year.¹¹

According to the State of the Nation Programme¹², if adjustments are not made, the country will be exposed to an abandonment of the design and implementation of local solutions, and will be subject to adjustments being imposed on it from abroad, pushing the population into a more vulnerable and dangerous situation.

TABLE 2 - Country's general indicators

	Costa Rica	Regional
Total population (millions) (INEC, or National Institute of Statistics and Census) 2015	4.8	611.2*** (2013)
Population of children and adolescents (1.3 million) (%)*	26.31	18***
2015 Human Development Index (Ranked # 69) +	0.766	0,478
Average annual growth rate of gross domestic product (GDP) <i>per capita</i> (%) 1990-2013***	2.7	1,8
Population living below the international poverty line of US \$1.25 per day (%) 2009-2012***	3	4
Households in total poverty (%) **	22.4	—
Net labour participation rate (%) **	59.5	—
Unemployment rate (%)	Total	8.5
	Men	8**
	Women	12**
Child labour (%) (2005- 2013)***	Total	4
	Men	4
	Women	5
Life expectancy at birth (years)***	80	75
Gross birth rate (2013)***	15	18
Infant mortality rate (<1 year) (per 1,000 live births) ¹³	7.8*	15
Mortality rate for minors under 5 years of age. 2013*** (per 1,000 births)	10	18
Low birth weight (%) 2009-2013***	7	9
Total fertility rate***	1.8	2.2
Maternal mortality rate. Risk of maternal mortality during lifespan: (1 in:) 2013***	1.400	510
Births at 18 (%) 2009-2013***	9	Data not available
Birth rate among adolescents 2008-2012***	67	74
Birth registration (%) from 2005 to 2012***	100	92

8. Oscar Rodríguez, "Empleo informal en Costa Rica alcanza su punto más alto desde el 2010" (23 May 2015), Periódico La Nación. Available on-line at http://www.nacion.com/economia/consumidor/Empleo-informal-Costa-Rica-alcanza_o_1489251088.html

9. Op. cit. note 5, p. 82

10. INEC, Encuesta continua de empleo. Indicadores del Mercado Laboral Costarricense. Primer Trimestre 2015. Available on-line at www.inec.go.cr/A/MT/Empleo/ECE/Documentos/Publicaci%C3%B3n/CO/Indicadores%20del%20mercado%20laboral%20costarricense.%20I%20Trimestre%202015/A%C3%B1o%202015.pdf

11. Op. Cit. note 5, p. 82

12. Ídem, p. 32

13. INEC, Fecundidad mantiene tendencia al descenso, available on-line at <http://www.inec.go.cr/Web/Home/Noticia.aspx?id=2>

	Costa Rica	Regional
Illiteracy (%) **	2.4	
Adult literacy rate (%) (2009-2013)***	97	92
Average schooling of people 18 to 64 years of age (years)**	9.3	—
Youth literacy rate (15 to 24) from 2009 to 2013***	Men	98
	Women	98
Population aged 12 to 18 receiving education (%) **	88.0	—
Net rate of primary school attendance 2008-2013***	Men	93
	Women	94
Net rate of secondary school attendance 2008-2013***	Men	73
	Women	78
School dropouts from secondary education (%) **	8.7	—
Early marriage (%) 2005-2013)***	Married at 15	7
	Married at 18	29
Children living with HIV (thousands) 2013***	<200 [<200 - <500] (0 a 14años) ¹⁴	52
Prevention among youth (15-24 years). HIV prevalence among youth (%) 2013***	<0.1	0.2
Use of improved drinking water sources (%) 2012***	Total	94
	Urban	97
	Rural	82
Use of improved sanitation facilities (%) 2012***	Total	82
	Urban	87
	Rural	63
Homicide rate (per 100,000 inhabitants)**	10.0	—

Sources:

* INEC 2014

** PEN 2015

*** UNICEF. 2015. Estado Mundial de la Infancia de 2015.¹⁵

+UNDP. 2015. Human Development Index

Definition of colours:

Baseline used to compare the performance of each country or country data is equal to the regional baseline

The country data is better than the regional baseline

The country data is worse than the regional baseline

Public Safety

At the beginning of the 21st Century, the homicide rate was below 10 per 100,000 inhabitants. In 2009, there was an all-time high of 11.4. It then decreased, only to again shoot up in 2014. The areas mostly affected are San José, Desamparados and Limón. Some 34% of the victims were young people between 20 and 29 years of age, the main causes being vigilante justice or revenge.¹⁶

14. UNAIDS, Estimaciones sobre el VIH y el SIDA (2014), available on-line at: <http://www.unaids.org/es/regionscountries/countries/costarica> (last accessed 7 April 2016)

15. UNICEF, Estado Mundial de la Infancia de 2015, Reimaginar el futuro: Innovación para todos los niños y niñas (2015)

16. Op. Cit. note 5, p. 85

TABLE 3 - Public safety indicators

POLICE AND OTHER SECURITY CORPS RELATED TO THE FIGHT AGAINST HUMAN TRAFFICKING (2013)¹⁷

Police Force	■ 12,948 officers
Migration and Foreigner Police	■ 170 officers
Organismo de Investigación Judicial (OIJ, or Judicial Investigation Body)	■ 1,542 officers
Prosecutors (Attorney General's Office)	■ 11 per 100,000 inhabitants ¹⁸
Safety Perception (2008) ^{19, 20}	<ul style="list-style-type: none"> ■ 33% of those interviewed reported that insecurity was the main problem ■ 80% perceived Costa Rica to be a country with little or no safety
Homicides (2015) ²¹	■ 557 intentional homicides
Murders of minors under 18 (2015) ²²	■ 28 (total)
Femicides (2014) ²³	<ul style="list-style-type: none"> ■ 16 (sexual partners, attackers or stalkers) (For that year, no femicides of minors were reported)
Intentional homicides of adult women (2015) ²⁴	■ 31 (total)
Intentional homicides of children and adolescents (2015) ²⁵	■ 8 (total)
Drug trafficking (2015) ²⁶	<ul style="list-style-type: none"> ■ 9 criminal narcotics organisations dismantled (25 international and 74 local: 12 family structures) ■ Eleven tons of cocaine and four tons of marijuana seized ■ 1,658,424 marijuana plants destroyed ■ Confiscation of 48,943,893.00 colons (US \$2,304,102.00), all resulting from narcotics activity ■ Seized: 44 fire arms, 62 vehicles, 114 doses of ecstasy, 55,627 doses of crack and 29.81 kg of heroin

Source: Calculations based on cited sources

17. RESDAL, Índice de Seguridad Pública Centroamérica: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua y Panamá (2013), p. 32

18. Programa Estado de la Nación, I Informe Estado de la Justicia, Costa Rica (2015), p. 50

19. INEC, PNUD, Resultados modulo sobre victimización de la Encuesta de Hogares de Propósitos Múltiples (July 2008) p. 14.

20. Op. cit. note 5, p. 87. Explains that the responses to surveys made by the Latin American Public Opinion Project regarding the subject during 2004, 2008, 2010 and 2012 show, with little percentage point variation, that crime is the biggest problem in the country.

21. Ídem, p. 45

22. OIJ, Response to a request for information concerning details of the number of intentional homicides against minors and women during the period 2014-2015. No.303-OPO/UAC/S-2016 (2016)

23. Op. cit. note 5, p. 83

24. Op. Cit. note 22

25. Ídem

26. Presidencia de la República de Costa Rica "Costa Rica combate diariamente el narcotráfico" (16 September 2015) available on-line at: <http://presidencia.go.cr/prensa/comunicados/costa-rica-combate-diariamente-el-narcotrafico/?s=>

Drug trafficking is a growing problem, as is the increase in violence and other activities related to organised crime. This has resulted in higher levels of fear and insecurity among the Costa Rican population. This, in turn, affects the standard of living, as there is a constant sense of threat to one's physical integrity and property.²⁷

The Government recognises that there is an increase in organised crime that requires the creation of strategies to address new forms of crime, including human trafficking, thus reinforcing the prosecution of organised networks and working to dismantle them. For this purpose, "regional actions are designed to recognise migration routes and strengthen border security, but also to guarantee human rights for those who have been violated as victims of human trafficking".²⁸

TABLE 4 - Public investment in security (2015)²⁹

Attorney General's Office	12.2% (of the judicial budget) ³⁰
Public defence	8.0% (of the Judicial budget)
OIJ (Judicial Investigation Body)	21.0% (of the Judicial budget)
Judicial School	0.4% (of the Judicial budget)
Victim and witness services	1.8% (of the Judicial budget)
Ministerio de Justicia y Paz (Ministry of Justice and Peace)	¢82,734.6 million (Budget)

Source: Calculations based on cited sources

Regarding security, it is notable that by abolishing the army in 1948, the country created the Police Academy in 1964 which aims to strengthen the policing profession. In 1994, the *General Police Act* allowed for the recognition of several security forces that, since 1995, have been under the Ministry of Public Security. Moreover, under the functional control of the Public Prosecutor and within the framework of the country's judicial institutions, there is also a Judicial Investigation Body, which is the main law enforcement agency used to investigate crimes. For human trafficking crimes, this institutional framework is reinforced by the Professional Immigration Police and the Office of Intelligence and National Security.

Violence against women

Violence against women, adolescents and girls in all its forms is present in many areas of social, economic and political life in the country. It affects all social classes. Human trafficking is only one of its manifestations. For example, when the purpose of human trafficking is sexual exploitation, it especially affects adult women, adolescents and children, who fall into these networks through deception, coercion or violence. Sexual and reproductive rights are also threatened because, although the country has a very strong women's rights movement, women and girls are still prevented from making their own decisions regarding their bodies, and they are punished when they do so. As seen in the country's general indicators, unemployment mostly affects women, and women are paid lower wages, as is the global trend.

27. Op. cit. note 5 p. 84

28. MIDEPLAN, "Informe Annual de seguimiento y cumplimiento de metas al 2015-2018", San José (2014), p. 402

29. Op. cit. note 18, pg 133

30. Ministerio de Hacienda, "El presupuesto nacional de Costa Rica 2015", p. 19

According to the Observatorio de Violencia (Violence Watch)³¹, in 2014, 70 women per 100,000 inhabitants suffered from some form of violence. However, according to INAMU (National Women's Institute), "the magnitude of domestic violence in the country is difficult to quantify exactly". In the first quarter of 2013, the institution attended to 1,663 cases of violence just in the Delegación de la Mujer (Women's Delegation) of San José.³²

In addition to the above, according to INAMU (National Women's Institute), beyond domestic violence in the country, "... there is no general recognition of other forms of violence against women and its implications, such as sexual harassment, human trafficking, sexual exploitation, patrimonial violence and psychological violence. Women are the most frequent victims of gender-based violence, a scourge that is expressed not only physically, but also verbally, economically and sexually, among others".³³

In 2013, researchers at the University of Costa Rica and the National University conducted the survey "Perceptions of violence against women", which found that 42% of Costa Ricans know of a case of violence against women in which a female was harassed, humiliated, insulted, assaulted or limited in areas such as study or work, among others. However, silence persists when it comes to reporting this crime.³⁴

According to the Observatorio de Violencia website's information on gender violence against women and access to justice³⁵, there were a total of 260 femicides in Costa Rica from 2007, the year when the *Ley de Penalización de la Violencia contra la Mujer* (LPVCM, or Law on the Criminalisation of Violence Against Women) was enacted, up to December 2015. But by February 23, 2016, the date of the last official cut-off for the Judiciary Power Statistics Office, there were 7 deaths; in other words, one death every week.

In connection with the crimes covered by this same law, from 2007 to 2014, a total of 120,464 new cases were filed with the Attorney General's Office. "The main causes, in order of magnitude, and which accounted for 95.05% of the cases filed during the period from 2007 to 2014, were as follows: Failure to comply with a protection order (29.68%), abuse (25.08%), and threats against a woman (21.69%), emotional violence (9.84%) and offenses of dignity (8.76%)".³⁶

Regarding sexual violence, the same source indicates that these crimes represent "about 4% of all complaints filed with the Attorney General's Office, making them the fourth leading cause of new crimes covered by the Criminal Code and filed every year".³⁷

Since 1996, Costa Rica has had a *Law Against Domestic Violence*, through which people, especially mothers, children and adolescents, persons 60 years old and over or those who are disabled and victims of violence in relationships, can request protection orders that guarantee life, integrity and dignity. "Between 2010 and 2015, a total of 289,745 protection orders were requested, for an average of 132 protection orders per day. In most cases, it is women who seek protection against men".³⁸

31. Observatorio de la Violencia, available on-line at <http://sisvi.mj.go.cr>

32. Alberto Barrantes, "Costarricenses culpan a la mujer de permitir ciclo de agresión" (12 June 2014), La Nación, available on-line at http://www.nacion.com/nacional/comunidades/Costarricenses-culpan-mujer-permitir-agresion_0_1347265284.html (Last accessed 27 March 2016)

33. INAMU "Magnitud de la violencia intrafamiliar", available on-line at <http://www.inamu.go.cr/web/inamu/3> (Last accessed 27 March 2016)

34. Op. cit. note 32

35. Observatorio de violencia de género contra las mujeres y acceso a la justicia, available on-line at <http://www.poder-judicial.go.cr/observatoriodegenero/> (last accessed 8 April 2016)

36. Observatorio de violencia de género contra las mujeres y acceso a la justicia, "Ley de Penalización de la Violencia contra la Mujer", available on-line at <http://www.poder-judicial.go.cr/observatoriodegenero/> (last accessed 8 April 2016)

37. Observatorio de violencia de género contra las mujeres y acceso a la justicia, "Delitos sexuales", available on-line <http://www.poder-judicial.go.cr/observatoriodegenero/> (Last accessed 8 April 2016).

38. Observatorio de violencia de género contra las mujeres y acceso a la justicia, "Violencia doméstica" available on-line <http://www.poder-judicial.go.cr/observatoriodegenero/> (last accessed 8 April 2016).

Regarding minors, according to the Informe Estado de los Derechos de la Niñez y la Adolescencia (EDNA, or Report on the State of Children's and Adolescents' Rights), "adolescent males tend to be involved in criminal behaviour more often than female adolescents". On the other hand, "women tend to fall victim to various forms of crime, especially of a sexual nature, more often, which could be seen as a reflection of the patriarchal culture in which women are viewed as inferior to men and as having a role of 'satisfying object' for their needs and appetites".³⁹

Given this situation, it is worth mentioning the efforts of the Ministry of Public Education "to incorporate sex education in secondary schools, which includes content such as emotions, myths about sexuality, the influence of social environment on sexuality, ways to reconcile differences, the responsibility of men and women in sexual and reproductive health, and strategies to mitigate the negative impact of the social environment in sexual development. Without a doubt, education is not enough to change the criminological profile described above, but it can play an essential role in the long term, helping create a new awareness of gender and inter-gender relationships", according to the report.⁴⁰

The same report adds that, according to data cited in the 2013 MICS survey, it "calculated a 17% proportion of women aged 15 to 19 who have already been pregnant or had a child". This proportion is up to four times higher in coastal and rural areas compared to urban areas. Similarly, "the gap is further amplified when socioeconomic status levels are analysed, as in the richest quintile the proportion is 7%, while in the poorest quintile the level reaches 38%, which is a ratio five times greater. But the highest prevalence of early childbearing occurs in the indigenous population, where 49% of adolescents began motherhood before age 19".⁴¹

Despite the progress made in the country, "the model of a patriarchal society dominated by males is still hegemony, a situation that forces girls to face double discrimination: one for their age and another for their gender".⁴²

Childhood and adolescence

Costa Rica has made significant progress on improving the quality of life of children and adolescents. The country shows progress in education, with greater coverage of the population aged 12 to 18 years. Progress has also been made in healthcare. For example, in 2014, the country recorded its best-ever infant mortality rate.⁴³ However, the country has faced difficulties in recent years in maintaining its pace of social progress.

According to UNICEF data, "monetary poverty affected 1 in 3 minors in 2010 (with 34% living in poverty and 10.6% in extreme poverty). This indicator has been increasing, and in 2009 the highest value in 10 years was recorded, a situation that has persisted during 2010 and 2011".⁴⁴

Among the main challenges the country faces is the persistence of various forms of violence against children and adolescents, such as commercial sexual exploitation, human trafficking, physical abuse and neglect. Judicial statistics for 2009 show that in that year about 4,000 new complaints were filed for sexual offenses committed against children. Those who suffer most from domestic violence are women, a trend that occurs in all age ranges. According to the Ministry of Health data from 2008, 2,345 children and adolescents were victims of domestic violence.⁴⁵

39. Universidad de Costa Rica, UNICEF, "VIII Informe Estado de los Derechos de la niñez y la Adolescencia en Costa Rica (2015), p. 65

40. Ídem

41. Ídem, p. 52

42. Ídem

43. Op. cit. note 5, p. 32

44. UNICEF, "La infancia en Costa Rica", available on-line at <http://www.unicef.org/costarica/children.html> (last accessed 27 March 2016).

45. Ídem

In recent decades, the country has shown a decline in the relative number of people under 18 years of age compared to the total population. “The census data shows that between 2000 and 2011 the population under 18 years of age dropped from 38.3% to 31.0%. This is directly associated with fertility rates in the country. The decrease in the rate of population growth seen in the country resulted in a rate of 1.1% in 2011, a figure that places it near the limit of the population replacement rate”⁴⁶ and has important implications in education and the labour market.

Gender distribution in this age group remains at about 50.0%, males being slightly higher. As for age distribution, the population aged 0 to 6 years represents 36%; the group from 7 to 12 years represents 33.5% and the group from 13 to 17 years represents 30.4% of the under aged population, the latter being the only group that experienced growth between the censuses of 2000 and 2011.⁴⁷ Regarding indigenous population, in 2011, 31.4% of the population was under 18 years of age (32,742).

According to MIDEPLAN (Ministry of National Planning and Economic Policy), development style that has prevailed in the country has focused progress and increased well-being, both social and human, in the centre of the country, and to a lesser extent in surrounding areas. This is reflected in the childhood and adolescence situation.

The Child and Youth Well-Being Index (IBINA)⁴⁸ groups the 477 districts in the country into three classifications with which it is concluded that higher levels of well-being are mainly concentrated in the GMA. This has had an impact on migration to urban areas, especially towards the centre of the country.

Some 50% of the districts are in the middle range, and the higher and lower ranges of well-being are both close to 25% each. The population under 18 years of age (1,309,761 in 2011) resides mostly in districts with a medium level of well-being. 10% of children and adolescents are concentrated in the 20 most populated districts with lower well-being levels. In the central region, the districts of La Uruca, Los Guido and Leon Trece are notable. The remaining districts are concentrated in the Caribbean and North Huetar regions.

The results presented by the Children and Adolescents Well-being Index show similar behaviour to that shown in the Social Development Index (MIDEPLAN-Ministry of National Planning and Economic Policy, 2013). This demonstrates how the quality of life of children and adolescents is closely linked to levels of social development achieved by Costa Rican society.⁴⁹

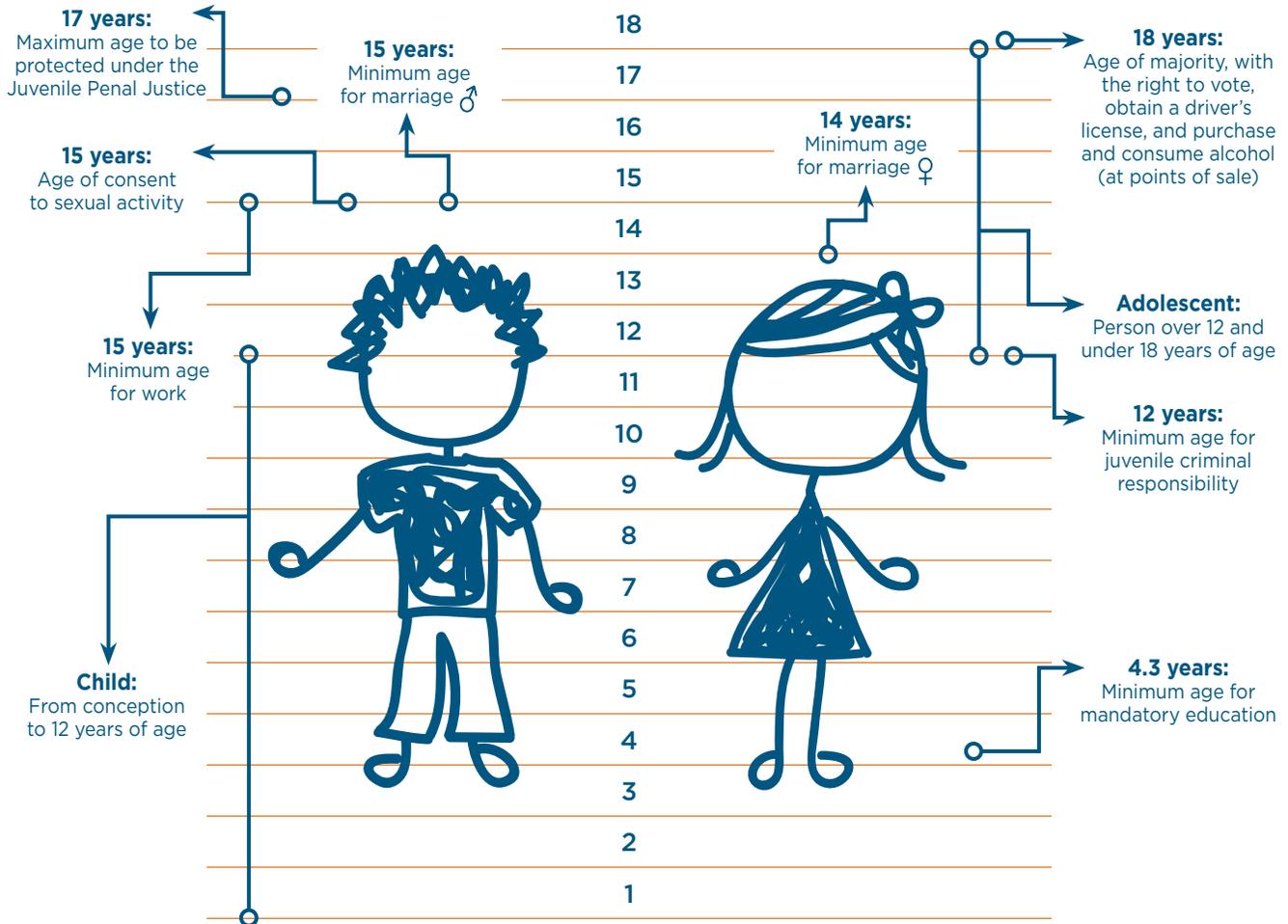
46. MIDEPLAN, UNICEF, “Índice de Bienestar de la Niñez y la adolescencia”, Costa Rica (2014), p. 12

47. Ídem

48. IBINA is a tool developed in 2013 by the Ministry of National Planning and Economic Policy (MIDEPLAN) and the United Nations International Children's Fund (UNICEF). According to information from the website of MIDEPLAN, “this index seeks to measure the “well-being” of children and adolescents, taking a geographic approach in the 477 populated districts and 81 counties. The information used was taken from the Population Census of 2011 and was unbundled for three age groups: 0 to 6; 7 to 12 and 13 to 17 years of age”. Available on-line at <https://www.mideplan.go.cr/component/content/article?id=1328> (last accessed 28 March 2016)

49. Op. cit. note 46

GRAPHIC 1 - Legal definitions of childhood and adolescence in Costa Rica



Note: Adolescents require permission from their parents in order to get married. The Legislative Assembly is currently reviewing Bill 19.337, which aims to set the legal age for marriage at 18 years.

Sources: Political Constitution, Childhood and Adolescence Code, Juvenile Criminal Justice Law, Transit Law for Public Roads and Road Security.



2.2 CONCEPTUAL AND LEGAL FRAMEWORK TO ADDRESS HUMAN TRAFFICKING IN COSTA RICA

International legal framework

Human trafficking is not a new problem, and is based essentially “on capturing human beings for their exploitation”⁵⁰. It involves the objectification of a human being in order to transform that person into a commercial item, which is considered a form of modern slavery and one of the worst human rights violations. In addition to the above, specialised international organisations confirm its severity and constantly warn that “this phenomenon has become a very lucrative criminal activity that competes worldwide with drug and arms trafficking”.⁵¹

Human trafficking is a crime that involves using a person for the purpose of exploitation, either for one’s own advantage or for that of a third party, utilising coercion or the limitation of individual freedom.

According to the International Labour Organisation (cited by the United Nations Office on Drugs and Crime), by early this century, profits from the crime of human trafficking “were estimated at US\$12 billion worldwide. Today, profits have tripled and the United Nations organisation estimates these profits at US\$32 billion”.⁵²

For many years, this issue has been a global concern, and combating this crime has resulted in various international instruments, each of which have recommended different definitions and strategies to address the growing complexity of this crime.

Costa Rica has indicated its concern about human trafficking and, as early as 1924⁵³, various criminal codes have been calling for punishment for “white female trafficking”. Although it was an incomplete response to human trafficking as it is understood today, the law responded to the understanding of this subject that was available at the time.

In the year 2000, as a result of international concern over the rise of transnational organised crime, the “Protocol to Prevent, Suppress and Punish Human Trafficking, especially of Women and Children” (the “Palermo Protocol”) was established, supplementing the United Nations *Convention Against Transnational Organised Crime*. The Palermo Protocol came into force in 2003 and today is the most important and influential international legal agreement on human trafficking.

These international instruments reposition the crime of human trafficking and strengthen the global and specialised response to this problem, not only aspects on how to fight it, but also aspects relating to the care and rehabilitation of victims, prevention of the crime and international cooperation.

One of the main effects of the adoption of these new international instruments was the beginning of an intense process to adapt national legal frameworks to international standards. However, it should also be noted that in relation to human trafficking, these international standards are comprised of no less than 20 international instruments (agreements, conventions, declarations, etc.) that together form a reference for attention to this problem. They are the result of the different perspectives under which it can be examined, such as human rights, the fight against crime, criminal justice, migration, children’s and adolescents’ rights and various forms of exploitation (see Table 5).

50. IOM, “Estudio regional sobre la normativa en relación a la trata de personas en América Central y República Dominicana y su aplicación” (2008), p. 17

51. UNODC, ILANUD, “Manual de investigación del delito de trata de personas. Guía de Autoaprendizaje”, Costa Rica (2010), p. 28

52. UNODC, ILANUD, “Diagnóstico de las capacidades nacionales y regionales para la persecución penal del delito de trata de personas en América Central”, Costa Rica (2009), p. 18

53. Op. cit. note 50, p. 21

“The Palermo Protocol, which was drafted with reference to all international instruments and by means of an exhaustive discussion among different working groups, is the most comprehensive international treaty regarding the conceptualisation and development of human trafficking as a transnational offense committed by organised crime. Its main merit is that it filled the need for an instrument of its nature addressing almost all aspects of human trafficking. There were already a great number of international legal instruments available that addressed regulations and practical measures to combat the exploitation of persons, especially women, children and adolescents, but none addressed human trafficking itself.”

The United Nations Office on Drugs and Crime and the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Criminals. 2010. Human Trafficking Crime Investigation Manual. Self-Learning Guide. San José, p. 58.

Meanwhile, Table 6 presents the general observations of the Committee on the Rights of the Child⁵⁴ as related to human trafficking because of their importance in promoting children’s and adolescents’ rights. Table 7 shows the specific observations on this topic that apply to Costa Rica.

In addition to examining each report submitted by party states, the Committee expresses its concerns and recommendations in the form of “concluding observations”. The Committee reviews any additional reports to be submitted by States that have adhered to the two optional protocols from the Convention, and it also publishes its interpretation of the content regarding human rights provisions. This is published by means of general observations (17 to date) in which the rights and guiding principles of the Convention are addressed.

TABLE 5 - International and regional instruments on human rights and human trafficking ratified by Costa Rica

	Action taken Date
1926 Convention on Slavery, Servitude, Forced Labour and Similar Institutions and Practices (Slavery Convention of 1926)	Not ratified
29th Convention on Forced Labour (ILO, 1930)	Ratified. June 2, 1960
United Nations Charter (1945)	Ratified. November 2, 1945
Convention for the Suppression of Human Trafficking and of Exploitation from third party Prostitution (1949)	Not ratified
Protocol and Convention on Slavery and convention for the suppression of human trafficking and of exploitation from prostitution (1950)	Accession. April 23, 1980
Convention on the Status of Refugees (1951)	Accession. March 28, 1978
Convention on the Status of Stateless Persons (1954)	Ratified. November 2, 1977
Supplementary Convention on the Abolition of Slavery, Slave Trafficking and Institutions and Practices tied to Slavery (1956)	Not ratified

54. The Committee on Children’s Rights is the body that monitors implementation of the *Convention on the Rights of the Child* by its party states. It also monitors the application of the two optional protocols from the Convention, including the protocol related to the sale of children, child prostitution and child pornography. All party states must submit periodic reports to the Committee on how rights are exercised. Initially, states must submit a report two years after their accession to the Convention and thereafter every five years.

	Action taken Date
105th Convention Concerning the Abolition of Forced Labour (ILO, 1959)	Ratified. May 4, 1959
Convention on the Fight Against Discrimination in Education (1960)	Ratified. September 10, 1973
Convention on the Reduction of Statelessness (1961)	Accession. November 2, 1977
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages (1962)	Not ratified
International Convention on the Elimination of all forms of Racial Discrimination (1965)	Ratified. January 16, 1967
International Agreement on Economic, Social and Cultural Rights (1966)	Ratified. November 29, 1968
International Agreement on Civil and Political Rights (1966)	Ratified. November 29, 1968
Optional Protocol from the International Agreement on Civil and Political Rights (1966)	Ratified. November 29, 1968
Protocol from the Convention on the Status of Refugees (1967)	Accession. March 28, 1978
American Convention on Human Rights, "San José, Costa Rica Agreement" (1969)	Ratified. March 2, 1970
138th Convention on the minimum required age for employment (1973) and recommendation 146 (ILO, 1973) (minimum age specified by Costa Rica: 15 years)	Ratified. June 11, 1976
Additional Protocol I from the Geneva Conventions of 1949, Related to the Protection of Victims of International Armed Conflicts (1977)	Accession. December 15, 1983
Additional Protocol II from the Geneva Conventions of 1949, Related to the Protection of Victims of Non-International Armed Conflicts (1977)	Accession. December 15, 1983
Convention on the Elimination of all Forms of Discrimination Against Women (1979)	Ratified. April 4, 1986
Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment (1984)	Ratified. November 11, 1993
Inter-American Convention to Prevent and Punish Torture (1985)	Ratified. November 25, 1999
Additional Protocol from the American Convention on Human Rights Regarding Economic, Social and Cultural Rights (1988)	Ratified. September 29, 1999
Second Optional Protocol from the International Agreement on Civil and Political Rights, Aimed at Abolishing the Death Penalty (1989)	Ratified. June 5, 1998
Convention on Children's Rights (1989)	Ratified. August 21, 1990
Protocol from the American Convention on Human Rights Regarding the Abolition of the Death Penalty (1990)	Ratified. March 30, 1998

	Action taken Date
International Convention on the Protection of the Rights of all Migrant Workers and Their Family Members (1990)	Not ratified
Inter-American Convention on International Trafficking of Minors (1994)	Ratified. May 22, 2001
Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women "Convention of Belem do Para" (1994)	Ratified. July 12, 1995
Inter-American Convention on the Forced Disappearance of Persons (1994)	Ratified. March 20, 1996
Rome Statute of the International Criminal Court (1998)	Ratified. June 7, 2001
Hague Convention on Protection of Minors and cooperation regarding international adoption (1993)	Ratified. October 30, 1995
182nd Convention on the Elimination of the Worst Forms of Child Labour (1999) and recommendation 190. (ILO, 1999)	Ratified. September 10, 2001
Optional Protocol from the Convention on the Elimination of all forms of Discrimination against Women (1999)	Ratified. September 20, 2001
Convention Against Transnational Organised Crime (2000)	Ratified. July 24, 2003
Protocol to Prevent, Suppress and Punish Human Trafficking, Especially of Women and Children (Palermo Protocol) (2000)	Ratified. September 9, 2003
Protocol Against the Smuggling of Migrants by Land, Sea and Air (2000)	Ratified. August 7, 2003
Optional Protocol on the Sale of Children, Child Prostitution and the Use of Children in Pornography (2000)	Ratified. April 9, 2002
Optional Protocol on the Participation of Children in Armed Conflicts (2000)	Ratified. January 24, 2003
Optional Protocol to the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment (2002)	Ratified. December 1, 2005
International Convention on the Protection of All Persons from Forced Disappearances (2006)	Ratified. February 16, 2012
Convention on the Rights of Persons with Disabilities (2006)	Ratified. September 29, 2008
Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006)	Ratified. September 29, 2008
Optional Protocol for a Communications Procedure (2011)	Ratified. October 17, 2013

TABLE 6 - General observations addressing human trafficking from the Committee on Children's Rights

<p>General observation No.2 The role of independent national human rights institutions in the promotion and protection of children's rights CRC / GC / 2002/ November 2, 2002</p>	<ul style="list-style-type: none"> ■ Questions concerning human rights for children across national borders. ■ It is increasingly necessary to devise appropriate regional and international responses to the trafficking of women and children, the use of child pornography, child soldiers, child labour, child abuse, refugee and migrant children, etc. ■ International and regional mechanisms and exchanges should be established so that the various national human rights institutions can learn from each other's experience, collectively strengthen each one's position, and contribute to resolving human rights problems that affect different countries and regions.
<p>General observation No.3 HIV/AIDS and children's rights CRC / GC / 2003/ March 3, 2003</p>	<ul style="list-style-type: none"> ■ Adequate measures to fight against HIV/AIDS can only be applied if the rights of children and adolescents are fully respected. In this regard, the most important rights include the right to protection against abduction, sale and trafficking of children and adolescents, as well as against torture or other cruel, inhumane or degrading treatment (articles 35 and 37 of the Convention).
<p>General observation No.6 Trafficking of children and adolescents that are unaccompanied and separated from their families outside their country of origin CRC / GC / 2005/ September 6, 2005</p>	<ul style="list-style-type: none"> ■ The right to life, survival and development (Article 6): <ul style="list-style-type: none"> - The Committee observes that there is often a link between trafficking and the circumstances of children who are separated and unaccompanied by their family. - Children and adolescents that are separated and unaccompanied are exposed to several risks that affect their life, survival and development. For example, trafficking for sexual exploitation or other reasons, involvement in criminal activities that can have negative consequences for the child, or, in extreme cases, death. - Article 6 requires party states to monitor this area, especially in the presence of organised crime. ■ Prevention of trafficking and exploitation for sex and other purposes, along with abuse and violence (articles 34, 35 and 36). <ul style="list-style-type: none"> - Children and adolescents who are unaccompanied or separated from their family and located outside their country of origin are particularly vulnerable to exploitation and abuse. Girls are at greater risk of being subjected to trafficking, especially for sexual exploitation. - According to Article 35 of the Convention, party states shall take the necessary measures to prevent trafficking: <ul style="list-style-type: none"> ○ The identification of children and adolescents who are unaccompanied or separated from their family. ○ Periodic investigation of their whereabouts. ○ Information campaigns that are tailored to all ages, that take into account gender considerations and that are presented in a language and environment that is understandable to child victims of trafficking. ○ Appropriate legislation must be enacted. ○ Effective mechanisms should be established to enforce labour and border flow regulations. - Children who have already been victims of trafficking are also at serious risk, this being the result of the child being unaccompanied or separated from his or her family. The child should not be punished, and should receive assistance as a victim of a serious violation of his or her human rights. - Some children and adolescents subjected to trafficking may apply for refugee status under the 1951 Convention. States should ensure that these children and adolescents have access to asylum procedures. - Children and adolescents at risk of being re-subjected to trafficking shall not be returned to their country of origin, unless it is in their best interests and under the condition that adequate measures are taken to protect them. ■ States should consider adopting complementary ways to protect children who have been victims of trafficking when returning them is not in their best interests.

<p>General observation No.7 Protecting children's rights in early childhood CRC / C / GC / November 7, 2005</p>	<ul style="list-style-type: none"> ■ Sale, trafficking and abduction of children (Article 35) <ul style="list-style-type: none"> - With regard to younger age groups, one of the purposes of the sale and trafficking of children that are abandoned and separated from their families can be adoption, especially (but not only) by foreigners. - In addition to the Optional Protocol on the sale of children, child prostitution and child pornography, the Committee has consistently urged all party states that recognise and/or permit adoption to ratify the Hague Convention on the Protection of Children and Cooperation in Respect of International Adoption (1993) to prevent abuses in this area. ■ A universal birth record, along with international cooperation, can help to combat this violation of rights.
<p>General observation No.11 Indigenous children and their rights under the <i>Convention on the Rights of the Child</i> CRC / C / GC / February 11-12, 2009</p>	<ul style="list-style-type: none"> ■ Indigenous children whose communities are submersed in poverty and affected by urban migration are at high risk of becoming victims of sexual exploitation and trafficking. ■ Young women, particularly those whose births are not registered, are especially vulnerable. ■ To improve protection for all children, especially indigenous children, party states are encouraged to ratify and implement the Optional Protocol on the sale of children, child prostitution and child pornography. ■ States, in consultation with indigenous communities, including children, should devise preventive measures and allocate financial and human resources that are specifically designed to implement these measures. ■ States should base preventive measures on studies in which criminal trends are documented and where their root causes are analysed.
<p>General observation No.13 Children's right to not be subject to any form of violence CRC / C / GC / April 13 and 18, 2011</p>	<ul style="list-style-type: none"> ■ Cooperation is needed to address issues related to the protection of children that transcend national borders, such as cross-border trafficking of children for labour or sexual exploitation, adoption, removal of organs or other purposes. ■ It may be necessary to approve legislation, policies, programmes and specific measures to protect children that are affected by cross-border issues regarding their protection, for example: <ul style="list-style-type: none"> - Cyber-crime - Extraterritorial prosecution of those who sexually abuse children when they travel or are on vacation - The extraterritorial prosecution of persons engaged in trafficking of families and children
<p>General observation No.16 Regarding the state's obligations on the impact of the business sector on children's rights CRC / C / GC / April 16-17, 2011</p>	<ul style="list-style-type: none"> ■ In areas of conflict, children may be victims of violence, such as sexual exploitation or abuse, child trafficking or gender based violence. States should recognise this situation by providing guidance to businesses. ■ States of origin should provide businesses with current, accurate and complete information regarding the local context of children's rights when these businesses operate, or plan to do so, in areas affected by conflicts or emergencies. ■ This guidance should emphasise that companies have the same obligation to respect children's rights in these situations as they do in any other situation.

Source: UNICEF. DIF. 2015. General observations from the Committee on Children's Rights Mexico.

TABLE 7 - The Committee on Children’s Rights’ observations regarding progress and challenges in combating human trafficking in Costa Rica

Progress	Challenges
<p>The Committee recognises the efforts made by the State to combat human trafficking, protect children and assist the victims of this crime:</p> <ul style="list-style-type: none"> ■ Approval of Law 8590 (2007) for strengthening the measures that are in place to combat the sexual exploitation of minors. ■ Amendments to different provisions of the Criminal Code and the Criminal Procedure Code. ■ The establishment of the National Coalition against Migrant Smuggling and Human Trafficking, which prepared a national action plan on trafficking which was incorporated into the National Development Plan (2006-2010). ■ Incorporation of the second National Plan against Commercial Sexual Exploitation of Children (2008-2010) as one of the priorities of the National Development Plan 2006-2010. ■ Promotion of a code of conduct to combat sexual exploitation in the tourism sector. ■ Modification of the migration Law to allow temporary residence for migrants who have been victimised by trafficking. ■ Creation of an Immediate Response Team to provide trafficking victims with a fast response, within 24 hours. ■ Increased awareness and training for public officials regarding trafficking related crimes. 	<p>However, the Committee is concerned about the following:</p> <ul style="list-style-type: none"> ■ That trafficking of children for labour and sexual exploitation, particularly in the sex tourism industry, remains a serious problem in the party state. ■ The high number of children, particularly children on the streets, who are victims of sexual exploitation. ■ The lack of firm action by the state to reduce the demand for sexual exploitation and forced child labour or to identify trafficking victims among vulnerable children. ■ The limited impact of existing legal measures. ■ The absence of criminal law provisions that would specifically criminalise child trafficking. ■ Insufficient access to the asylum procedure for trafficking victims. ■ Low conviction rates. ■ A lenient sentencing policy. ■ A lack of coordination between institutions with regard to providing victims with support, rehabilitation and reintegration services. ■ The limited impact of training for law enforcement officials to help them detect trafficking cases and implement criminal law provisions. ■ Lack of awareness on the part of officials who handle cases, due to “the distorted view that exists on this issue”. ■ Lack of awareness among the population about the illegal nature of trafficking in women and children. ■ The lack of direct work with children and adolescents who are at risk. ■ The party state relies on NGOs to provide specialised assistance to trafficking victims and there are no shelters provided for these children. ■ The need to assess the approach to each case in accordance with the needs of the population served, under the premise that the female population is the most affected by this problem.

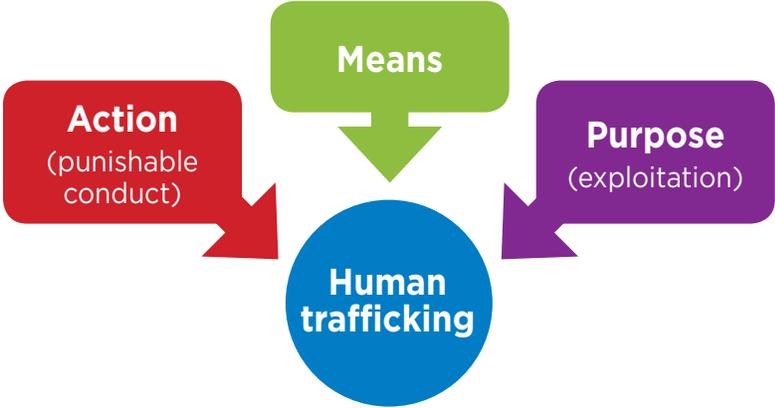
Conceptualisation of the crime of human trafficking in international and national legal frameworks

International legal framework

Costa Rica is a signatory to the main international legal instruments on human trafficking, along with others that reinforce international protection for the rights of children and adolescents and the rights of other vulnerable groups or those that could be made vulnerable, such as women. Thereby, Costa Rica assumes responsibility for adapting its domestic legislation to meet the minimum standards set out in international instruments in all of their dimensions: prevention, combating crime, administration of justice and care and reintegration for victims, with particular emphasis on the situation faced by women, children and adolescents.

Based on the above, and regarding the obligation to adapt domestic legislation so that it classifies human trafficking as a crime according to the most relevant international instruments, the classification should include at a minimum the following:

GRAPHIC 2 - Elements of human trafficking



International instruments indicate that, in order to be classified as human trafficking, this crime should include the following behaviours, means and forms of exploitation:

TABLE 8 - Behaviours, means and purposes of human trafficking according to international instruments

	Palermo Protocol	Other international instruments ⁵⁵
Behaviours	<ul style="list-style-type: none"> ■ Capture ■ Move ■ Harbour ■ Transport ■ Receive 	<ul style="list-style-type: none"> ■ Sell ■ Offer ■ Deliver ■ Accept ■ Remove ■ Move ■ Hold
Means	<ul style="list-style-type: none"> ■ Threat ■ Use of force or other forms of coercion ■ Kidnapping ■ Fraud ■ Deception ■ Abuse of power ■ Vulnerable situation ■ Giving or receiving of payments or benefits to obtain consent by a person who has control over someone else. 	<ul style="list-style-type: none"> ■ Any means ■ Remuneration or any other compensation ■ Abduction ■ Fraudulent or coerced consent ■ Delivery or reception of unlawful payments or benefits
Purposes / Exploitation	<ul style="list-style-type: none"> ■ Exploitation of the Prostitution of Others ■ Other forms of sexual exploitation ■ Forced labour or services ■ Slavery ■ Practices similar to slavery ■ Servitude ■ Removal of organs 	<ul style="list-style-type: none"> ■ Dangerous child labour and working below minimum age required for granting of employment ■ Prostitution of children and adolescents ■ Production of pornography using children and adolescents ■ Pornographic performances using children and adolescents ■ Condition as servant ■ Practice of Illicit activities by children and adolescents

55. Optional Protocol from the Convention on the Rights of the Child regarding on the Sale of Children, Child Prostitution and the use of Children for Pornography (2000), Inter-American Convention on International Trafficking of Minors (1994) and 182nd ILO, Convention regarding the worst forms of child labor (1999).

In addition to the above, Article 5 of the Palermo Protocol states that they should also classify the following conduct as related to the crime of human trafficking:

- a) The attempted commission of the crime
- b) Participation as an accomplice to the crime
- c) Organising or directing other persons to commit the crime

National legal framework

The crime of human trafficking in Costa Rica is regulated by the Criminal Code and is addressed in Article 172, which reads as follows⁵⁶:

“Punishment with imprisonment of six to ten years shall be given to those who promote, facilitate or encourage the entry or departure from the country, or movement within national territory, of persons of either sex to perform one or more acts of prostitution or to subject them to exploitation, sexual or labour servitude, slavery or practices similar to slavery, forced labour or services, servile marriage, begging, illegal removal of organs or irregular adoption practices.

Imprisonment shall be of eight to sixteen to sixteen years if any of the following circumstances is involved:

- a) The victim is under 18 years of age or is in a position of vulnerability or disability.*
- b) Deceit, violence or any means of intimidation or coercion.*
- c) The offender is a spouse life mate or relative up to the three generations away by blood or relationship.*
- d) The offender takes advantage of his or her relative authority or trust with the victim or their family, whether or not he or she is a relative of the victim.*
- e) The offender takes advantage of the exercise of their profession or role.*
- f) The victim suffers serious harm to their health.*
- g) The punishable offense is committed by a criminal group of two or more members”.*

In addition to the type of crime specifically cited, Law 9095 against human trafficking amends a number of related offenses. The articles of the Criminal Code reformed by this law, by means of which a significant increase in penalties was made, are number 192 “Aggravated deprivation of freedom”, number 193 “Duress” and number 176 “Trafficking of minors”. Additionally, Article 192a under Title V of the Criminal Code “Abduction of a minor or disabled person”.

Evidently, the classification set out in Article 172 of the Criminal Code is more restricted than what is established by international instruments. According to the Attorney General’s Office and the Judiciary, victim displacement is necessary for an act to be considered a crime, though this requirement does not exist in the Palermo Protocol.

This limitation imposed by the Criminal Code is one of the main points that those responsible for the investigation and criminal prosecution look for. This shows that a proposal to reform the Criminal Code and broaden the definition of punishable actions should be made, in accordance with the international instruments cited, as will be seen later.

On the other hand, the national legal system recognises both international human trafficking as well as domestic displacement within the country. In this area, the classification is even broader than that established by the Palermo Protocol. This adaptation was one of the reforms introduced to this classification of offenses that was made by the last amendment in 2009, by means of Act 8720.

This crime also allows for variable punishments based on a number of criteria, such as the age of the victim (minor), the use of violence or abuse of an authoritative relationship, trust from the exercise of a profession, relationship to the victim or when the crime is committed by a criminal organisation.

56. As amended by Article 19 of the “Ley de Protección a Víctimas, Testigos y demás intervinientes en el Proceso Penal N° 8720” of March 4, 2009.

Under Costa Rica’s legal system, the crime of human trafficking can be punishable by up to 11 types of sentences, depending on the forms of exploitation involved.⁵⁷

According to the Palermo Protocol’s legislative guide, “... the obligation is to criminalise trafficking as a combination of constituent elements and not the elements themselves. Therefore, any conduct that combines any of the listed actions and means and is carried out with any of the stated purposes shall be punished as trafficking... The crime defined in Article 3 of the Protocol is at a very early stage. It does not explicitly involve exploitation”.⁵⁸

The verbs used for trafficking crimes (“promote”, “facilitate”, “favour”, “displace”, and in other legislation: “execute”, “induce”, etc.) complement each other in other legislation with other verbs related to active participants’ level of participation in trafficking crimes (“capture”, “transport”, “refuge” or “receive”) and are those applied, along with the variety of purposes, according to the specific human trafficking crime compared to other offenses (for example, procuring). Thus, in other legislation, the crime of trafficking could be found without first demonstrating displacement, transport and reception of the victim, but rather can be found simply with capture and proof of intent to exploit.⁵⁹

In Costa Rican legislation, the offense classification protects the following legal rights: life, sexual freedom, freedom of movement, human dignity, and personal health and children’s interests.

Where intent to exploit is concerned, the Criminal Code is more limited than the provisions established by international instruments. However, it does include a large variety of purposes that contrast with the view of previous criminal legislation that limited trafficking to the purpose of sexual exploitation. Specifically, between 2010 and 2015, cases of labour, sexual, servile marriage, illicit extraction of organs, use for illegal activities and servitude were identified. However, most of the 129 human trafficking victim cases in Costa Rica that have been recognised by administrative headquarters are related to sexual exploitation.

In Costa Rican legislation, the victim of the crime can be anyone of any sex, age or nationality. In fact, the offense is aggravated if the victim is under 18 years of age or if they are in any of the special circumstances set forth in article 172 of the Criminal Code. The offender may be any person or group of persons.

Where punishment is concerned, Law 9095 amends a series of crimes related to human trafficking that carry a wide range of sanctions, including up to 25 years in prison. There are also a number of aggravating circumstances, as set forth in Article 172 (for example, age, relationship, etc.).

The existence of a criminal classification, however, has resulted in few cases actually being processed in the country. CONATT reports that there are “difficulties and delays in the process” which result in “many victims not willing to cooperate.”⁶⁰ However, the Fiscalía Adjunta Contra la Trata de Personas y el Tráfico Ilícito de Migrantes (FACTRA, or Deputy Public Prosecutor’s Office Against Human Trafficking and Smuggling of Migrants) for the Attorney General’s Office explains that the delay in these processes is due to their complexity.

In order to prosecute human trafficking, given the seriousness of the act and its criminal consequences, the Criminal Code of Costa Rica requires proof that the accused transported the victim. Since this particular element (displacement) cannot always be proven, many cases end up only being prosecuted only for other crimes, such as procuring.

57. These offenses are: slavery, servitude, removal of organs, forced labour or services (only minors) and commercial sexual exploitation.

58. UNODC, “Guías legislativas para la aplicación de la Convención de las Naciones Unidas contra la delincuencia organizada transnacional y sus Protocolos” (2004), p. 270

59. Gerardo Bravo, “Análisis comparado de los ordenamientos jurídicos del delito de trata de personas en Centroamérica”, Managua (2014), pp. 26-35

60. Gustavo Fallas M., “Ley contra trata de personas solo dio 8 sentencias en 6 años”, 25 de septiembre de 2015, La Nación, available on-line at http://www.nacion.com/sucesos/seguridad/Ley-trata-personas-sentencias-anos_0_1514248593.html (last accessed 3 March 2016)

According to information from FACTRA, after the 2009 reform there were seven convictions and one acquittal out of all the cases that went to trial. This information contrasts with the number of victims who have reported themselves in the country. According to the Technical Secretariat of CONATT, there are currently 129 human trafficking victims have been formally recognised by administrative headquarters (ERI) in Costa Rica.

TABLE 9 - Human trafficking related activities and offences

CRIMINAL CODE		
Article 172	Human trafficking	6 to 16 years in prison
Article 160	Paid sexual acts with minors	2 to 10 years in prison
Article 162a	Sex tourism	4 to 8 years in prison
Article 167a	Seduction or encounters with minors by electronic means	1 to 4 years in prison
Article 168	Aggravated corruption	4 to 10 years in prison
Article 169	Procurement	2 to 5 years in prison
Article 170	Aggravated procurement	4 to 10 years in prison
Article 171	Procuring	2 to 10 years in prison
Article 173	Manufacture, production or reproduction of pornography	3 to 8 years in prison
Article 173a	Possession of pornographic material	1 to 4 years in prison
Article 174	Dissemination of pornography	3 to 8 years in prison
Article 174a	Virtual pornography and pseudopornography	6 months to 2 years in prison
Article 175a	Punishment for owners, landlords, managers or holders of establishments	3 to 5 years in prison
Article 184	Simple seizure of a minor or a person without volitional or cognitive ability	6 months to 10 years
Article 184a	(Illegitimate possession of minors for adoption)	3 to 6 years in prison
Article 189	(Servitude)	4 to 12 years in prison
Article 189a	Labour exploitation	4 to 12 years in prison
Article 192	Aggravated deprivation of liberty	4 to 10 years in prison
Article 192a	Seizure of a minor or disabled person	10 to 25 years in prison
Article 193	Coercion	3 to 5 years in prison
Article 195	Aggravated threats	15 to 60 days in prison or a 10 to 60-day fine
Article 362a	Sale or distribution of public or private documents	3 to 8 years in prison
Article 383	Trafficking minors	8 to 20 years in prison
Article 384	(Adoption to sell organs)	5 to 10 years
Article 384a	Illicit trafficking in organs, human tissues and/or body fluids	8 to 16 years in prison
Article 390	Begging	10 to 60-day fine

Source: Código Penal de Costa Rica

Difference between the crime of human trafficking and other offenses

In addition to the portrait that international instruments paint of human trafficking, in particular the Palermo Protocol, it is important to distinguish between human trafficking and other acts. Although they may share certain characteristics, they are not the same.

Making this distinction is important. When gathering information for this mapping exercise, we frequently noted that participants lacked knowledge on the distinction and equated human trafficking with other offenses, such as smuggling of migrants and commercial sexual exploitation.

Clarifying the two distinct acts, or properly identifying them, is the starting point for states. It allows them to develop effective strategies for preventing and combating these crimes, as well as for taking care of victims and allowing them to exercise their rights.

Human trafficking is often lumped together with the smuggling of migrants. This is possibly because, in practice, it can sometimes be difficult to distinguish between these two crimes, as there are cases where trafficking victims have initially been migrants who became subjects of illegal trafficking.

TABLE 10 - Differences between human trafficking and smuggling of migrants⁶¹

Differentiating elements	Human trafficking	Smuggling of migrants
Definition	Characterised by “the action of capture, transport, transfer, harbour or receipt of persons, by means of 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 consent by a person having control over another person for exploitation”. <i>United Nations Protocol to Prevent, Suppress and Punish Human Trafficking, Especially of Women and Children.</i>	“To facilitate the illegal entry of a person into a State of which the person is not a citizen or permanent resident in order to obtain financial or other material benefit.” <i>Protocol Against the Smuggling of Migrants by Land, Sea and Air.</i>
Consent	There is no consent, or if it has been given, consent is not valid if obtained by coercion, deception or abuse of the traffickers. ⁶¹	Migrants give consent to their transport (even in dangerous or degrading conditions).
Exploitation	Involves the continued exploitation of the victims to generate profit (illegal) for the traffickers.	The relationship between the smuggler and the migrant usually ends when the migrant crosses the border.
Transnationality	Not necessary (Both international and domestic individuals are trafficked). The legal/illegal nature of the border crossing is not an essential element.	It is always transnational and passage between the border(s) is illegal, as is entry into the country of transit or destination.
Source of profit	The trafficker exercises control over the victim being trafficked in order to obtain benefits through continuous exploitation.	The trafficker generates their revenues from fees charged for transporting people.
Impact on health and life	During the transport, risks to health and life are minimised. However, in the long-term, the physical and psychological impact is drawn out.	During the transport, there are often great risks to health and life.

61 This table was created using the Manual de investigación del delito de trata de personas (UNODC, ILANUD, 2010).

62. It is important to always remember that consent granted by a human trafficking victim is not taken into account when any of the means indicated by the Protocol have been used (threat, use of force or other forms of coercion, abduction, fraud, deception, etc.). The same applies to trafficking any person under the age of 18, which is expressly excluded as a constituent of the crime whether or not such means were used. (Art. 3, Palermo Protocol).

As also seen, one of the constituent elements of human trafficking is the purpose of the exploitation. According to the Palermo Protocol, trafficking may have among its purposes the prostituting of others (procuring) or other forms of sexual exploitation. However, very often human trafficking and commercial sexual exploitation are understood to be the same, despite being two different crimes.

The overlap between the two is only in that commercial sexual exploitation is one of the purposes of human trafficking. However, it is not the sole purpose and, in accordance with what has already been explained, there are many forms of exploitation to which a person who is a victim to this crime can be submitted. Moreover, some forms of commercial sexual exploitation can occur (or other forms of exploitation) without necessarily being linked to a human trafficking crime.

In the Costa Rican legal framework, illegal trafficking is punishable under Article 249⁶³ of the General Law of Immigration and Foreigners and carries penalties ranging from 4 to 10 years in prison. The different forms of commercial sexual exploitation are also covered in several articles of Title III “Sexual offenses” in the Criminal Code.

3. INSTITUTIONAL RESPONSE TO TRAFFICKING IN COSTA RICA

As shown in the following table, Costa Rica has internal laws and decrees that specifically formalise the main international legal instruments used to prevent and combat trafficking. Similarly, although the country lacks public policy on human trafficking, the issue is integrated into its plans, policies, agendas and other strategic policy instruments that aim to define the direction the country should take in the development and protection of rights, particularly those of children and adolescents.

Also, national institutions have proceeded with the development of protocols, guidelines, manuals and guides designed to optimise coordination between the different institutions responsible for addressing human trafficking situations. This coordination has been achieved to a greater or lesser extent, as reflected in this report. The country is not alone in its efforts, and Costa Rica is very active in the development and implementation of regional strategies to combat this crime. The main tools being used are also listed in the following table.

63. Ley General de Migración y Extranjería (General Law of Immigration and Foreigners). Article 249: - “Imprisonment of four to eight years shall be imposed on any person who drives or transports people for the purpose of entering or exiting the country, either through locations that are authorised or unauthorised by the competent immigration authorities, evading established controls or using legal information or migration documents, or using false or altered documents or not carrying any documentation at all. The same penalty shall be imposed on any person who, in any way, promotes, promises or facilitates the procurement of such false or altered documents, and who, in order to promote the illegal smuggling of migrants, shelters, conceals or covers up a foreign person entering or remaining illegally in the country. The penalty shall be six to ten years of imprisonment when: 1) The migrant is a minor, elderly and/or disabled person. 2) The life or health of the migrant is endangered because of the conditions used to carry out the act, or if serious physical or mental suffering is caused. 3) The offender or participant is a public official. 4) The act is carried out by an organised group of two or more people. 5) The person suffers serious harm to health. Amended by Article 84 of Law 9095 of October 26, 2012, published in the Alcance Digital No. 27 in La Gaceta No. 28 of February 8, 2013. Article 249a: - Imprisonment of four to eight years shall be imposed on any person who promotes, plans, coordinates or carries out the illegal smuggling of domestic migrants to a second, third or more countries through locations not authorised by the General Office of Immigration and Foreigners, even when the initial part of the transfer is made through the legal channels established by this entity. Furthermore, the same is applicable to those avoiding established immigration controls or using false information, false or altered documents, or no documentation. The same penalty shall be imposed on any person who, in any way, promotes, promises or facilitates the obtaining of legal documents, or of false or altered documents, or who conceals legal or illegal financial transactions that may affect the assets of the person involved or their guarantors, for the purpose of promoting the smuggling of domestic migrants, and who coordinates, facilitates or carries out actions to shelter, hide or cover citizens who enter or remain legally or illegally in a second, third or more countries, with the purpose of illegally smuggling migrants. The penalty shall be six to ten years of imprisonment when: 1) The migrant is a minor. 2) The life or health of the migrant is endangered because of the conditions used to carry out the act, or if serious physical or mental suffering is caused. 3) The offender or participant is a public official. 4) The act is carried out by an organised group of two or more people. 5) As a result of the illegal smuggling of migrants, the person ends up being a victim of trafficking. Added by Article 85 of Law 9095 of October 26, 2012, published in the Alcance Digital No. 27 in La Gaceta No. 28 of February 8, 2013.

TABLE 11 – Main tools for care and coordination in human trafficking situations in Costa Rica

LAWS AND DECREES	STRATEGIC POLICY INSTRUMENTS	PROTOCOLS, GUIDELINES, GUIDES AND MANUALS	REGIONAL INSTRUMENTS
Law No. 9095 of February 8, 2013. Law against human trafficking and creation of the National Coalition Against Human Trafficking and Smuggling (CONATT) (2013)	Plan Nacional de Desarrollo 2015-2018 “Alberto Cañas Escalante” (National Development Plan for 2015-2018 “Alberto Cañas Escalante”) (2015)	CONATT. Model for comprehensive care of victims and survivors of human trafficking (2009)	Joint Declaration for a Comprehensive Approach to Human Trafficking Crimes in Central America, issued by governing national authorities against Human Trafficking in the Republics of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua (2015)
Law No. 8764 of September 1, 2009 (effective as of March 1, 2010) General Law on Immigration and Foreigners (Art. 6.- 5); 18.- 2), 15); 94.- 10); 107; 234. 2) 246; 247; 248; 249; 249a) (2009)	Política Nacional para la Niñez y la Adolescencia (National Policy for Children and Adolescents). Costa Rica 2009 - 2021 (2009)	DGME (General Office of Immigration and Foreigners). Protocol for actions by the Equipo de Respuesta Inmediata (ERI, or Immediate Response Team) (2015)	Guidelines for action by the Regional Coalition Against Human Trafficking and Illegal Smuggling of Migrants (2014)
Law No. 8720 of April 22, 2009. Protection of victims, witnesses and other parties involved in criminal proceedings, reforms and addition to the Criminal Procedure Code and the Criminal Code. (Art.15.; 71.- 2.c; 212; 330. - f. Ammendments to the Criminal Code (Art. 172) (2009)	National Agenda for Children and Adolescents 2015-2021 (2015)	DGME (General Office of Immigration and Foreigners). Protocol for actions for Special Immigration Situations (2015)	CRM. Regional Guidelines for Profiling and Referral Mechanisms for Vulnerable Migrant Populations (2013)
Law No. 8754 of July 24, 2009. Law against organised crime. (Art.16. - j, k) (2009)	CONATT. Strategic work plan. National Coalition Against Migrant Smuggling and Human Trafficking Costa Rica, 2012-2015 (valid until 2016)	Ministry of Labour and Social Security, National Coalition against Human Trafficking and Smuggling, National Commission against the Commercial Sexual Exploitation of Children and Adolescents, Costa Rican Department of Social Security, General Office of Immigration and Foreigners, Ministry of Security, National Children’s Trust. Manual for the inter-institutional care of exploited minors for the following reasons: sexual, trafficking, child labour and dangerous adolescent work (2015)	Regional Strategy for Comprehensive Care and Accompaniment of Victims of Human Trafficking in Central America (2012)
Law No. 4573 of November 15, 1970. Criminal Code of Costa Rica (Art.162a; 172; 175a; 189a; 192; 192a; 362a; 377a) (1970)	Roadmap to make Costa Rica a Country Free of Child Labour and its Worst Forms.	DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency). Protocol for the detection, comprehensive care and protection of minors who require international protection, are applicants for refugee status, are refugees or are stateless persons (2014) (Sections: 2.2.3, 2.2.10., 2.3.1., 3.1)	Regional Communication Strategy for the Prevention of Human Trafficking in Central America (2012)

LAWS AND DECREES	STRATEGIC POLICY INSTRUMENTS	PROTOCOLS, GUIDELINES, GUIDES AND MANUALS	REGIONAL INSTRUMENTS
<p>Law No. 7594 of June 4, 1996. Criminal Procedure Code (Art.18; 33; 212; 278; 281) (1996)</p>		<p>DGME (General Office of Immigration and Foreigners), INA (National Learning Institute), PANI (National Child Welfare Agency). Care protocol for officials of INA, PANI and DGME to care for PME foreign students that need to regularise their immigration status (2014)</p>	<p>Regional Guidelines for Strengthening Institutional Coordination in Combating Human Trafficking in Central America (2011)</p>
<p>Decree No. 39325-MGP-MSP-CM-MEP-H- JP-MOPT-P-RREE-S-MTSS-T. Regulations in the Law against human trafficking and creation of the CONATT (2015)</p>		<p>DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency). Protocol for the care and protection of unaccompanied or separated foreign minors who are outside their country of origin (2012)</p>	<p>Action manual on human trafficking for Secretariats and Ministries of Foreign Affairs in Central America and Mexico (2014)</p>
<p>Decree No. 38756 MGP. Organisation and Service regulations for the Professional Immigration and Foreigners Police. (Art. 7- 7); 9; 12- b), o) (2014)</p>		<p>DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency). Regularisation Protocol for the Permanence of Foreign minors under the protection of the National Child Welfare Agency (2012)</p>	<p>Treaty on Mutual Legal Assistance in Criminal Matters between the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama (1993)</p>
<p>Decree No. 38927-RE Memorandum of Understanding between the Governments of the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic, by which implementation of the "Regional Action Framework for the comprehensive approach to the crime of human trafficking in Central America and the Dominican Republic" is established (2015)</p>		<p>DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency). Protocol for the care of foreign minors whose fathers, mothers, families or responsible individuals are subject to deportation proceedings (2012)</p>	
		<p>DGME (General Office of Immigration and Foreigners). Internal protocol for the Repatriation of Victims to Trafficking of Minors (2011)</p>	
		<p>Ministerio de Seguridad Pública (Ministry of Public Security). Protocol for Detection and Referral of Child and Adolescent Victims of Trafficking by the Ministry of Public Security (2011)</p>	
		<p>DGME (General Office of Immigration and Foreigners). Action Protocol for Immigration Officers and Officials Related to Minors in Vulnerable Situations (2009)</p>	

LAWS AND DECREES	STRATEGIC POLICY INSTRUMENTS	PROTOCOLS, GUIDELINES, GUIDES AND MANUALS	REGIONAL INSTRUMENTS
		Ministry of the Interior, MEP (Ministry of Public Education), National Women's Institute, DGME (General Office of Immigration and Foreigners), PANI (National Child Welfare Agency), Ministry of Health and CCSS (Costa Rican Department of Social Security). Protocol (inter-institutional) for the Repatriation of Children and Adolescents who are Victims of Trafficking (2007)	
		PANI (National Child Welfare Agency) Protocol for attention in trafficking situations (2007)	
		CONATT. Guide for the preparation of FONATT (National Fund against Human Trafficking and Illegal Smuggling of Migrants) projects (2015)	
		National Guidelines for Strengthening institutional coordination in order to combat human trafficking in Costa Rica (2011)	
		IOM Profile manual to be applied in the detection of victims and offenders in human trafficking crimes (2011)	
		Ministerio de Relaciones Exteriores (Ministry of Foreign Affairs). Prevention, detection and care in situations involving the commercial sexual exploitation of minors and trafficking for this purpose. Procedures manual directed to Foreign Service (2005)	
		Code of Conduct for the Protection of Children and Adolescents against Sexual Exploitation Associated with Travel and Tourism in Costa Rica	

3.1 PUBLIC POLICIES AND MANAGEMENT TOOLS USED AGAINST HUMAN TRAFFICKING

3.1.1 Public policy against human trafficking and its management framework

In 2013, Law 9095 against human trafficking entered into force, and CONATT (National Coalition against Human Trafficking and Smuggling) was created. With this, the Costa Rican government strengthened its commitment to take necessary and comprehensive action to combat human trafficking crimes. Also, the care and protection of victims was extended and, as a core and important aspect, budgets were allocated for these purposes in the form of a fund, along with guidelines on resource collection and management.

The objective of the law is to punish the crime and protect victims. Both national and international coordination is encouraged, and actions in several areas that transcend the court are required, including the prevention and comprehensive care of victims, particularly minors. The law also promotes the creation of public policies in the areas of competence for the prevention, treatment and punishment, as appropriate.

PURPOSES OF LAW 9095 (ARTICLE 1)

- a) *To promote public policies for an integral fight against human trafficking.*
- b) *To provide the legislation necessary to stiffen punishment of human trafficking and its related activities.*
- c) *To define a specific and complementary framework to protect and assist the victims of human trafficking and their dependents.*
- d) *To promote and facilitate both national and international cooperation on the issue of human trafficking.*

In promoting public policies aimed at combating human trafficking, the law calls for "... promoting the preparation, implementation, monitoring and evaluation of national, regional and local public policies for the prevention of illicit trafficking and human trafficking, the care and protection of victims, and the prosecution and punishment of those responsible..."⁶⁴ and CONATT is responsible for the management of a national policy on preventing and combating human trafficking along with the care and protection of victims as part of the preventive and punitive criminal justice policies. It is also responsible for monitoring the various strategic actions in coordination with other institutions and organisations with expertise in this area.

This national policy against human trafficking should focus on prevention, investigation and punishment of the crime; protection and assistance for victims; and national and international cooperation. It should also revolve around the idea of care and protection for victims; prevention; law enforcement; information, analysis and research; and institutional coordination. For this reason, CONATT structures its work by means of permanent, technical commissions for each of these areas, each of which must "propose, direct, promote, coordinate and supervise the implementation, monitoring, updating and implementation of the national policy against human trafficking ...", "promote public policies for criminal prosecution" and "promote the creation of institutional networks at both local and regional levels in order to implement actions and encourage policies for the prevention, protection, care, repression and punishment of human trafficking ..."

Despite the above, to date the country has no policy and no action plan. However, with the support of IOM and by making use of the resources that Law 9095 allocates for addressing this problem⁶⁵, at the time that this report was being presented, the National Policy against Human Trafficking and its corresponding Action Plan were being prepared and should be ready by the end of 2016. This process will provide an answer to one of the main mandates deriving from Law 9095 that is still pending a response.

CONATT, in following its mandate, did develop a Strategic Work Plan for 2012-2015, whose validity is maintained through an agreement by the same Coalition up to and including 2016. According to the Technical Secretariat, the result of these actions is that "there is adequate planning and targeting of resources by the country towards specific objectives in the fight against human trafficking".⁶⁶

The Strategic Work Plan is organised into five areas, "the first four correspond to each of the standing technical committees of the Coalition, and the last one corresponds to a section of interagency coordination"⁶⁷. Its purpose has been to "establish priority actions" for the institutions within the various committees that are working with this coordinating body. The areas are structured around strategic actions, necessary activities, goals, schedules, entities related to implementation and indicators.

64. Costa Rica, Ley contra la trata de personas y creación de la Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT), Ley 9095, article 9

65. Secretaría Técnica de la CONATT, "Pronunciamiento al Informe Anual sobre Trata de Personas" (2016). This project is one of 10 that are approved with resources from FONATT (National Fund against Human Trafficking and Illegal Smuggling of Migrants)

66. CONATT, "Informe sobre trata de personas 2015 CONATT-Costa Rica, presented at the first ordinary session of CONATT (25 March 2016)

67. DGME et al., "Plan estratégico de trabajo Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas", Costa Rica 2012-2015 (November 2012), p. 7

Organisation of CONATT

CONATT, the National Coalition Against the Smuggling of Migrants and Human Trafficking, is made up of 22 institutions, with civil society and international organisations also participating as observers. The bulk of CONATT is composed of the heads of institutions or their representatives. It also has a Technical Secretariat who is responsible for national and regional coordination, and is attached to DGME (General Office of Immigration and Foreigners). As mentioned, it has five permanent technical commissions. Special committees can be created, as established in the regulations of this law.

Despite the provisions of this law, the functionality and makeup of CONATT, along with most of its technical committees, still face many challenges. While the law states that the bulk of CONATT be made up of leaders from its 22 institutions, the same law provides for the possibility that this representation be delegated, with the frustrating factor being that it does not indicate requirements for this representation.

This has resulted in many of the participating institutions designating technical participation, with little or no capacity for decision-making and limited ability to accept responsibilities under the Coalition, under the provisions of the specific tasks pertaining to their roles in their own institutions. In turn, this level of representation has limited their ability to provide feedback to their own institutional leaders regarding the issues and decisions to be discussed within the coalition. This situation has been identified as one of the main challenges to the functionality of CONATT. For this reason, it has been recommended that major changes be made, including to the actual law, which would impact the dynamics of the Coalition's actions and make them more effective.

CONATT also has an Immediate Response Team, which is an inter-agency entity that is specialised in providing primary care to victims of trafficking and their dependents. This will be discussed later in the analysis of victim care and protection.

Of particular importance in the Coalition's activities has been the creation of FONATT (National Fund Against Human Trafficking and Illegal Smuggling of Migrants), designed to provide financing for necessary expenses "... for the prevention, investigation, persecution and detection of human trafficking crimes, comprehensive care, protection and social reintegration of recognised victims of domestic and foreign human trafficking, and a comprehensive fight against migrants smuggling crimes".⁶⁸

FONATT is funded by collecting US\$1.00 from each payment of the country's departure tax. The DGME (General Office of Immigration and Foreigners) is responsible for its management. The Standing Technical Committee for Project Management is responsible for reviewing and recommending/rejecting projects to CONATT.

Projects to be implemented with FONATT should be part of the Strategic Plan against human trafficking and illegal smuggling of migrants. For its design and operation, the "Procedures Manual for the Construction, Review and Recommendation of Projects for the use of FONATT" was created. Following a transitional period during which the Ministry of Planning assisted with project designs and administrative procedures in order to set the fund up, approval of the following 10 projects for 2016 has been given:



TABLE 12 – FONATT (National Fund against Human Trafficking and Illegal Smuggling of Migrants)⁶⁹

Projects for 2016	Beneficiary institution	Budget (in Colons) ⁶⁹
Design of a geographic-strategic map on the criminal activity of human trafficking and smuggling of migrants in Costa Rica	United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders - Office of Intelligence and National Security	40.771.050,00
Preparation of the National Policy against Human Trafficking and the strategic work plan for 2016-2020 by CONATT	International Organisation for Migration	21.114.000,00
Strengthening of Community Development Associations for the prevention of human trafficking, CONATT	Ministry of the Interior, National Council for Community Development	68.800.000,00
Strengthening of police activities for the Directorate of the PPM (Professional Immigration Police) through the acquisition of surveillance and monitoring devices - DGME	Professional Immigration Police Office	12.734.464,00
Improvement in the results of OIJ investigations regarding human trafficking crimes, through the acquisition of vehicles (OIJ)	Organismo de Investigación Judicial (Judicial Investigation Body)	76.572.000,00
Periodic and permanent collection of intelligence information related to the human trafficking and migrant smuggling crimes - DIS (Office of Intelligence and National Security)	Dirección de Inteligencia y Seguridad Nacional (Office of Intelligence and National Security)	115.323.597,00
Updating the community safety strategy, incorporating the prevention of human trafficking and the smuggling of migrants	Ministerio de Seguridad Pública (Ministry of Public Security)	110.400.000,00
Blue Heart Campaign against human trafficking (Trafficking management by DGME)	Trafficking management by the General Office of Immigration and Foreigners	136.750.000,00
Strengthening the Technical Secretariat of CONATT	Secretariat of CONATT and the General Office of Immigration and Foreigners	276.085.304,00
Strengthening police functions at PPM (Professional Immigration Police), through the provision of different types of transportation for institutions - DGME	General Office of Immigration and Foreigners and Professional Immigration Police	12.734.464,00
Total for ordinary budget for projects – 2016		973.606.717,00

Despite the significant progress that the approval of these projects implies, and especially in view of the urgent need for their implementation, at the first regular meeting of CONATT held in March of 2016, the Administrative Board of the DGME that manages FONATT reported limited progress with this fiduciary entity (Banco de Costa Rica) as far as the management and funding of these projects. There is no doubt that this is one of the most urgent challenges facing CONATT today.

69. DGME Junta Administrativa, "Planes Operativos y Presupuestos del FONATT" (2016)

70. Exchange rates: 1 colon = 0.00244 Canadian dollars, 0.00165 euros or 0.00561 American dollars; available on-line at http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/index_en.cfm (last accessed 4 April 2016)

3.1.2 Other political and strategic frameworks that support the fight against human trafficking

The National Development Plan for 2015-2018 entitled “Alberto Cañas Escalante” (PND) explicitly provides for the fight against human trafficking in three of its 16 sectoral strategic proposals. First, in sectoral strategic proposal 5.4 “The Educational Sector”, aimed at “an equal and quality education that integrally trains individuals to contribute to the development of the country”, is included in Programme 1.8. “Education centres taking the lead in prevention and attention to violence”, which aims to reduce violence in schools and to encourage student retention and success through attention to several issues, including human trafficking, commercial sex exploitation, child labour, physical and sexual violence, bullying, drugs, weapons and abuse.⁷¹

In sector 5.14, entitled “International Politics”, the issue of human trafficking appears linked to the issue of migration, which is a fundamental part of Costa Rica’s foreign policy. The implementation of a comprehensive immigration policy, according to the National Development Plan, “includes the country’s position regarding the protection and promotion of human rights when it comes to migrants and refugees, as well as vulnerable people involved with migration. This includes the victims of human trafficking and migrant smuggling crimes, minors, women who are heads of households, indigenous people and persons with disabilities”⁷² Thus, the issue of human trafficking is expressly included in programme 1.2. “Human rights for the migrant and refugee population.”⁷³

Finally, in sector 5.16 entitled “Citizen Security and Justice”, the problem of human trafficking is linked to transnational organised crime networks, and attention to them is provided for in project 1.2. “Care for the victims of violence and crime” (125 new victims cared for), and 1.4. “Combating organised, cross-border crime and its related activities” (80 detainees linked to human trafficking, smuggling of migrants and related crimes).⁷⁴

The country also has a long-term political framework entitled “Política Nacional para la Niñez y la Adolescencia” (PNNA, or “National Policy for Children and Adolescents”), which provides strategic direction from the Costa Rican State for the effective promotion, respect and guarantee of the human rights of all children and adolescents.⁷⁵ The time frame for this policy to be implemented is estimated to be 2021, and the hope for the PNNA is that “By 2021, Costa Rica expects to be a nation that is capable of guaranteeing the full exercise of all of the rights of children and adolescents, and will make the entire national territory an environment that provides comprehensive protection, participation and effective development for the children and adolescents who live there”.⁷⁶

Under the category of “Special protection policies”⁷⁷, and according to its sixth strategic area⁷⁸, the PNNA expresses the obligation of all institutions linked to CONATT to provide immediate protection for victims under priority safety considerations, and to take the necessary safety measures on behalf of all minors. It indicates that mechanisms must be designed to guarantee respect and protection of human rights. Particularly, it emphasises tools for the dissemination of information and training on the risks of human trafficking to the public and those who are responsible for protecting rights. It also outlines the obligation to strengthen the ability to create a comprehensive care system for victims of human trafficking that guarantees their prompt and adequate recovery and social reintegration.⁷⁹

71. MIDEPLAN, “Plan Nacional de Desarrollo 2015-2018 “Alberto Cañas Escalante”” (november 2014), p. 225

72. Ídem, p. 456

73. Ídem, p. 458

74. Ídem, pp. 510-517

75. Rectoría Sector Social y Lucha contra la Pobreza Gobierno de Costa Rica et al, “Política Nacional para la Niñez y la Adolescencia Costa Rica 2009-2021” (2009), p. 19

76. Ídem

77. State policies on children and adolescents are comprised of four levels or areas: basic social policies, social welfare policies, special protection policies and guarantee policies. The third level, Special Protection Policies, “... include actions aimed at individuals or groups who, for some special condition or some form of violation of their rights, need special public services in order to be protected... they are aimed at understanding the causes of vulnerability, something that is largely a result of the non-satisfaction of universal rights. This refers to trafficking, commercial sexual exploitation, labour exploitation, addictions and drug abuse situations, among other forms of violence”. Ídem, p. 24

78. Ídem, p. 88

79. Ídem, p. 90



In 2015, the Government of the Republic presented the “National Agenda for Children and Adolescents for 2015-2021”, which is a result of the Public Policy for Children and Adolescents, and references the existing legal framework in this area along with the recommendations of the Geneva Committee on the Rights of the Child. This Agenda is incorporated into the “Alberto Cañas Escalante” National Development Plan for 2015-2018. Eight hundred children, adolescents, mothers, parents and staff of various institutions participated in the preparation of the agenda.

The Agenda is a five-year platform. It is a national plan with goals that specify national and international commitments to children and adolescents, in a prioritised sequence of programmes and actions, integrating the political will of main social actors from the national community. It addresses goals regarding education, recreation, games, health and psychosocial development for four age groups: prenatal, birth to 6 years, from 7 to 12 years and from 13 to 17 years.

Under the strategic objective aimed to “promote the active participation of children in the group from 7 to 12 years of age and the enjoyment of safe, inclusive and accessible recreational and educational environments, in order to develop their abilities and interests, with an awareness of their rights and recognition of their cultural identity”. The goal regarding human trafficking is defined as follows: “Right to psychosocial development: Eradication of 60% of situations in which children are involved in human trafficking and commercial sexual exploitation”. Regarding the strategic objective aimed at “creating opportunities that allow adolescents to build life projects according to their needs, interests and sociocultural context”, the goal is as follows: “Right to psychosocial development: 50% increase in reporting of human trafficking and commercial sexual exploitation”.⁸⁰

Furthermore, at the policy level, and given the proximity of human trafficking and commercial sexual exploitation crimes as well as the fight against child labour and its worst forms, it is important to mention that the work of CONATT also harmonises with the following national entities that are furthering efforts to fight these phenomena: the National Commission against the Commercial Sexual Exploitation of Children and Adolescents (CONACOES), which coordinates PANI (the National Child Welfare Agency), and the National Directing Committee for the Fight Against Child Labour and the Protection of Adolescent Workers, chaired by the Ministry of Labour and Social Security (MTSS).

Following up on this combination of efforts, the actions of the CONATT are integrated into the “Roadmap to Make Costa Rica a Country Free of Child Labour and its Worst Forms”⁸¹, which links different public policies (health, education, poverty, labour, recreation, culture, children and adolescents) for the elimination of the worst forms of child labour, including trafficking of minors.

This interagency coordination has also created an instrument called “Manual for Interagency Care of Minors in Sexual Exploitation, Trafficking, Child Labour and Dangerous Adolescent Labour”⁸², which has been welcomed by various government agencies, in accordance with their respective authority and responsibilities for the care of persons under 18 years of age who are victims of these situations.

Moreover, internationally, CONATT coordinates its efforts in this area with national coalitions within Costa Rica, Nicaragua, Honduras, El Salvador, Guatemala, Mexico and the Dominican Republic by means of the Regional Coalition of Central America, Mexico, Dominican Republic and Panama against Human Trafficking. The Technical Secretariat of the Regional Coalition is held by El Salvador, although for many years it was held by CONATT.

As a result of regional efforts, several strategic and operational documents have been produced to “coordinate and jointly cooperate in to guiding the work of key players from interagency entities in each country. The objective of this effort is to contribute to improving organisational capacity for the management and coordination of efforts and tools that will allow for an effective, comprehensive approach to human trafficking”.⁸³

80. Consejo Nacional de Niñez y Adolescencia, Fondo de las Naciones Unidas para la Infancia, “Agenda Nacional de la Niñez y la Adolescencia metas y compromisos 2015-2021”, Costa Rica (2015), pp. 32 – 38

81. Comité Directivo Nacional de Lucha contra el Trabajo Infantil y Protección de la Persona Adolescente Trabajadora, “Hoja de Ruta para hacer de Costa Rica un país libre de trabajo infantil y sus peores formas”, programación 2011-2014 available on-line at <http://www.ilo.org/ipeinfo/product/download.do?type=document&id=16357>

82. Ministerio del trabajo et al. “Manual para la atención interinstitucional de personas menores de edad en explotación: sexual, trata, trabajo infantil y trabajo adolescente peligroso” (2015), available on-line at https://www.ministeriodesalud.go.cr/inicio/DPEEAS/DPEEAS_manual_interinstitucional_menores_explotacion_2015.pdf

83. Costa Rica, “Decreto Nr. 38927-RE: Memorandum de Entendimiento entre los Gobiernos de las Repúblicas de Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panamá y República Dominicana mediante el cual se establece la ejecución del «Marco de Acción Regional para el abordaje integral del delito de trata de personas en Centroamérica y República Dominicana» (13 de febrero del 2015), article 1.

3.2 CARE AND PROTECTION OF HUMAN TRAFFICKING VICTIMS

In Article 6 of the Palermo Protocol, a number of specific measures pertaining to the care and protection of human trafficking victims are established, by which means of which states are invited to take the necessary measures to safeguard the human rights of victims.

In particular, the protection of identity and integrity, provision of adequate care and informing victims about the legal mechanisms available to them (administrative and judicial) are highlighted. In addition, the possibility of “implementing measures to provide for the physical, psychological and social recovery of human trafficking victims” is provided. This includes appropriate housing, counselling and information, in particular with respect to their rights, in a language they can understand. It also includes medical, psychological and material assistance and employment opportunities, along with education and training. States are also asked to establish measures in their domestic legal systems that would ensure that victims are able to obtain compensation for damages suffered.

These measures provided by the Protocol are optional and not binding on the states. In the case of Costa Rica, the Protocol was ratified on September 9, 2003, thus making it binding for the country. As a result of this, in 2002, as a supplement to the protection of human trafficking victims, “Recommended Principles and Guidelines on Human Rights and Human Trafficking” were developed by the United Nations Human Rights Office of the High Commissioner (OHCHR). These principles recommend that states: avoid detention or punishment of victims because of their illegal entry into the country of destination or for their involvement in unlawful activities as a direct consequence of their situation; provide protection and assistance to these victims, even if they do not wish to cooperate in legal proceedings; grant them temporary residence permits; protect the interests of the child at all times; and ensure repatriation in humane and safe conditions.

Eleven guidelines are related to the central place that the protection of human rights should have regarding measures taken to prevent and combat human trafficking, particularly those individuals who have been victimised by traffickers. This includes the identification of victims and traffickers, the research, analysis, evaluation and dissemination of strategies against trafficking, the establishment of an adequate legal framework, the tools for proper law enforcement, care and protection of victims, prevention of human trafficking, special measures for the protection and care of children, providing victims with access to resources, the obligations of those responsible for peacekeeping, including civil, humanitarian and diplomatic police, and cooperation and coordination between States and regions.

3.2.1 Protection and assistance for human trafficking victims at administrative headquarters

In Costa Rica, Law 9095 includes among its objectives, “the definition of a specific and complementary framework for protection and care of trafficking victims and their dependents”⁸⁴, for which it also indicates that the application of the law is meant to ensure that victims are treated with respect for their human rights. For this reason, principles of equality and non-discrimination, protection, proportionality and necessity, confidentiality, avoidance of revictimisation, participation and information, best interests of the minor and human dignity should be followed.⁸⁵

These principles translate into actions aimed at ensuring, without charge, the rights of victims throughout the process and include being duly informed in their own language. Also included are primary care services such as housing, food, clothing and comprehensive health care. Furthermore, victims are entitled to legal and psychological counselling, protection of their identity and regularisation of their immigration status and respect of their right to remain in the country or return to their country.

84. “Human Trafficking Victim” refers to “a person who has suffered harm, including physical or mental injuries, emotional suffering, economic loss or substantial impairment of their fundamental rights as a result of the crime of human trafficking and its related activities, whether domestic or foreign”. Clause aa) of Article 7 of Law 9095.

85. Op. cit. note 63, article 1 - 2

In all cases, whether involving minors or adults, an Immediate Response Team (ERI), which has become highly important in the processes for care and assistance of victims, intervenes. Law 9095 raises the rank of the ERI to a law, which was initially created by Executive Decree No. 35144-MG-MTSS in 2009⁸⁶.

The Immediate Response Team is a specialised interagency body used for the activation of primary and secondary care measures for victims of trafficking and their dependents, and is composed of the following institutions: a) CSS (Costa Rican Department of Social Security), b) INAMU (National Women's Institute), c) MSP (Ministry of Public Security), namely the Directorate General of the Police Force, d) MTSS (Ministry of Labour and Social Security), e) MP (Attorney General's Office), namely the Crime Victims' Care and Protection Office and the Special Prosecutor's Office on Human Trafficking Crimes, f) OIJ (Judicial Investigation Body), g) PANI (National Child Welfare Agency), h) PPM (Professional Immigration Police), and i) Technical Secretariat of CONATT.⁸⁷

Its functions under Article 24 are as follows:

- Receive and respond to all possible human trafficking situations.
- Carry out immediate intervention actions that ensure the care, protection and safety of persons suspected to be victims of trafficking.
- Identify, using a specialised technical assessment process, human trafficking situations that are brought to its attention and ensure that the victims receive access to primary care measures.
- Recognise the status of trafficked persons, within no more than seven days, so that they can receive access to available services.
- Coordinate immediate and unrestricted access to the process of identification and documentation for alleged victims.
- Coordinate migratory protection measures for non-national victims.
- Any other necessary actions that ensure the protection and safety of surviving victims.

ERI intervention is granted at an administrative level in order to ensure comprehensive attention for surviving victims, and is not conditional upon receiving a report from the person that the crime has occurred. In other words, it is independent of the judicial process. In fact, a person could be recognised by the ERI as a victim of trafficking even though no judicial proceeding exists. The goal of this office is to ensure a primary response for victims and their dependents, focused on the full exercise of their human rights.

When it comes to underage victims, once the victim and his or her dependents (if any) are detected, they should be referred to local offices of the National Child Welfare Agency (PANI) or the dai (Immediate Care Department of PANI) in the case of victims identified within the Metropolitan area, in order "to proceed with an immediate assessment and interview of the situation and to provide comprehensive protection of basic needs, applying the principles and strategies related to first response crisis intervention"⁸⁸.

The assessment of the situation should take into account the following criteria: basic health needs, identification of the minor, analysis of previous institutional care, psychosocial inquiry of the underage person and their family, assessment of risk indicators, evaluation of the potential suitability of the family group and their socio-economic ability to define required support, management of protection when required, send and coordinate the case with the ERI in order to activate available services, obtain official recognition from authorities in the country of origin if the victim is not a national, and recognise the person as a trafficking victim⁸⁹.

86. Ministerio de Gobernación y Policía, "Modelo de atención integral para sobrevivientes - víctimas de trata de personas", Costa Rica (2009), p. 110

87. For more details, see Chapter V of Law 9095 which refers only to this team, indicating its operation, integration, functions, scope and other elements that make up its role in providing primary care for trafficking victims.

88. Op. cit. note 81, p. 32

89. Ídem

In these cases, the manual states that the ERI must activate its response process, which includes⁹⁰: identifying and recognising the situation, coordinating immediate care actions with PANI; performing a risk assessment, identifying the victims and coordinating protective measures. Parallel to these actions, the basic needs of the minor are identified and there is to be coordination with health authorities in order to perform an immediate medical examination. Also, the level of risk to the life and physical integrity of the individual is evaluated in conjunction with police and judicial authorities and an opinion regarding the corresponding protective measures to be taken is prepared, including individuals close to the victim.

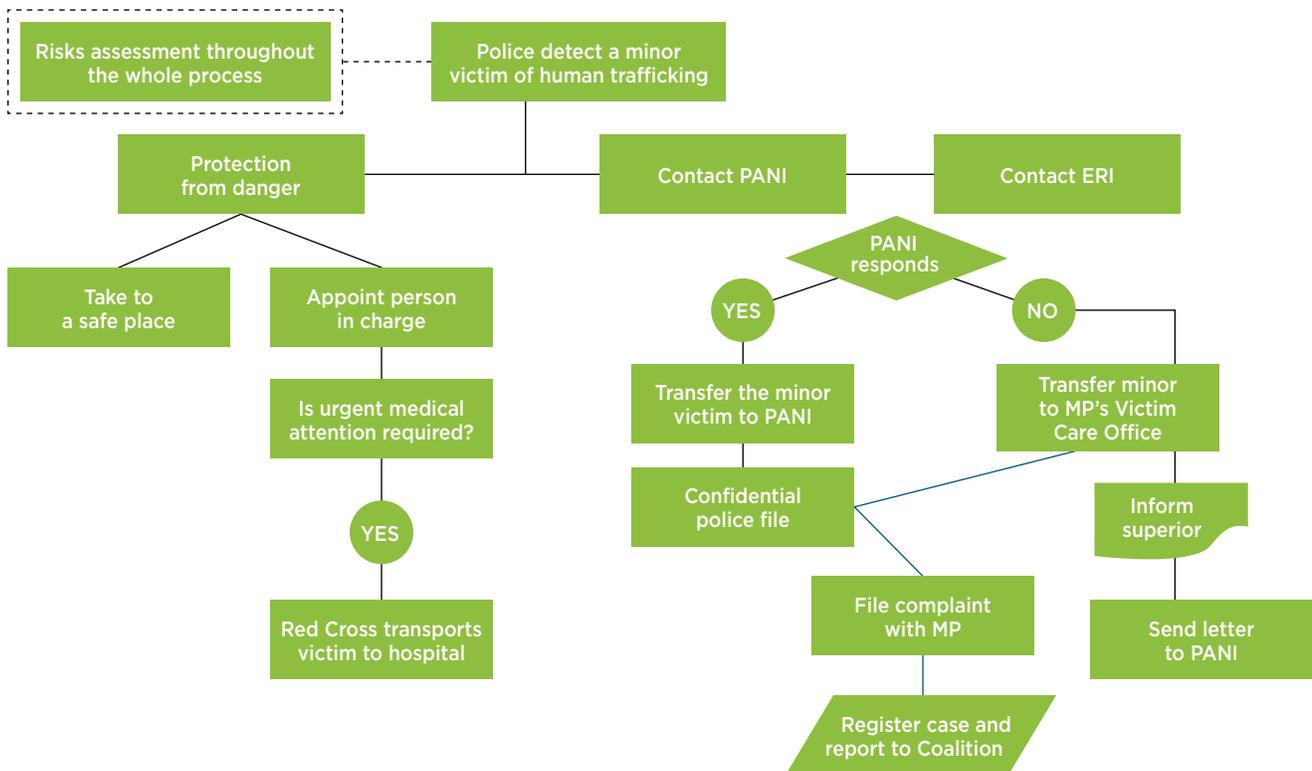
“When victims of trafficking are minors, the National Child Welfare Agency (PANI) is the entity responsible for providing care, protection of rights and the assistance required.”

Article 44 of Law 9095

In all cases, the referral route for care in human trafficking situations shall be PANI (National Child Welfare Agency). If the situation is detected by another entity, the channel for the protection of rights will still be PANI, or National Child Welfare Agency. This does not prevent the detecting entity from carrying out necessary activities, for example, providing immediate health services.

In the case of the Ministry of Public Security, there is a specific protocol for the detection and referral of cases involving the trafficking of children and adolescents which determines the referral route and services that police shall provide when cases of trafficking of children and adolescents are detected. Despite the existence of this protocol, none of the people who participated in the data collection activities made any reference to it.

GRAPHIC 3 – Referral route for situations involving the trafficking of children and adolescents: Ministerio de Seguridad Pública (Ministry of Public Security)⁹¹



90. Ídem

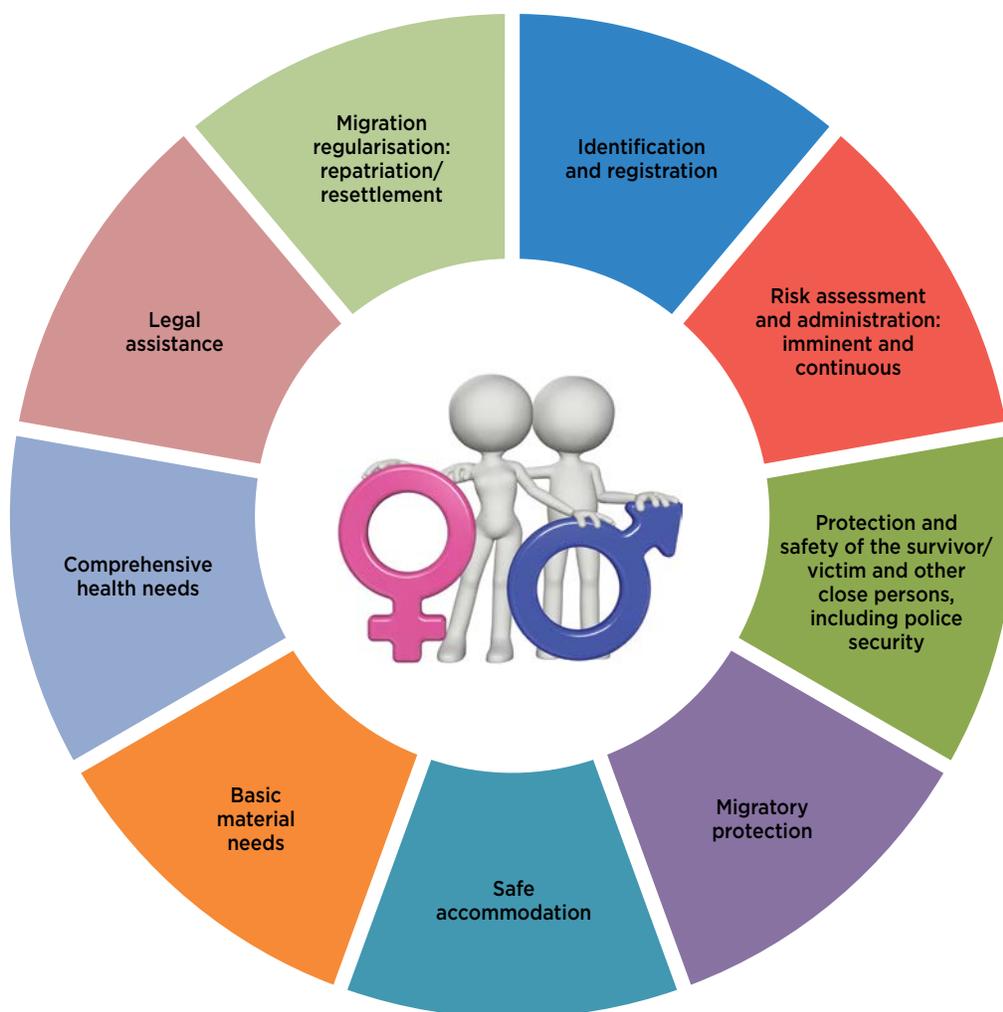
91. Ministerio de Seguridad Pública, et al., Protocolo para la detección y derivación de situaciones de niños, niñas y adolescentes víctimas de trata del Ministerio de Seguridad Pública, s.f., p. 53.

The Commission for Care at CONATT has established an Action Protocol which defines the proper ways to approach these individuals, a system for coordination with other agencies in order to give the recognised victim appropriate treatment according to his or her needs⁹², and the entities responsible for providing the different services required by victims, regardless of their nationality.⁹³ This protocol has been in force since 2015 and details the operational mechanisms of the Immediate Response team.

The objective of the ERI Protocol is to “Define the procedures to be followed by the Immediate Response Team for the identification, official recognition, immediate intervention and follow-up of human trafficking victims based on national and international legal frameworks and the approaches, principles and areas of intervention in the Comprehensive Care Model for Surviving Victims of Trafficking”.⁹⁴

The comprehensive care process is made up of nine areas that are applied simultaneously and according to each situation, “with the understanding that the guarantee of the right to life and integrity for the surviving victim is considered a priority action”⁹⁵:

GRAPHIC 4 - Comprehensive care process areas



92. CONATT, “Informe del ERI Periodos 2011-2015”, presented at the first ordinary session of CONATT on March 25, 2016, Costa Rica (2016).

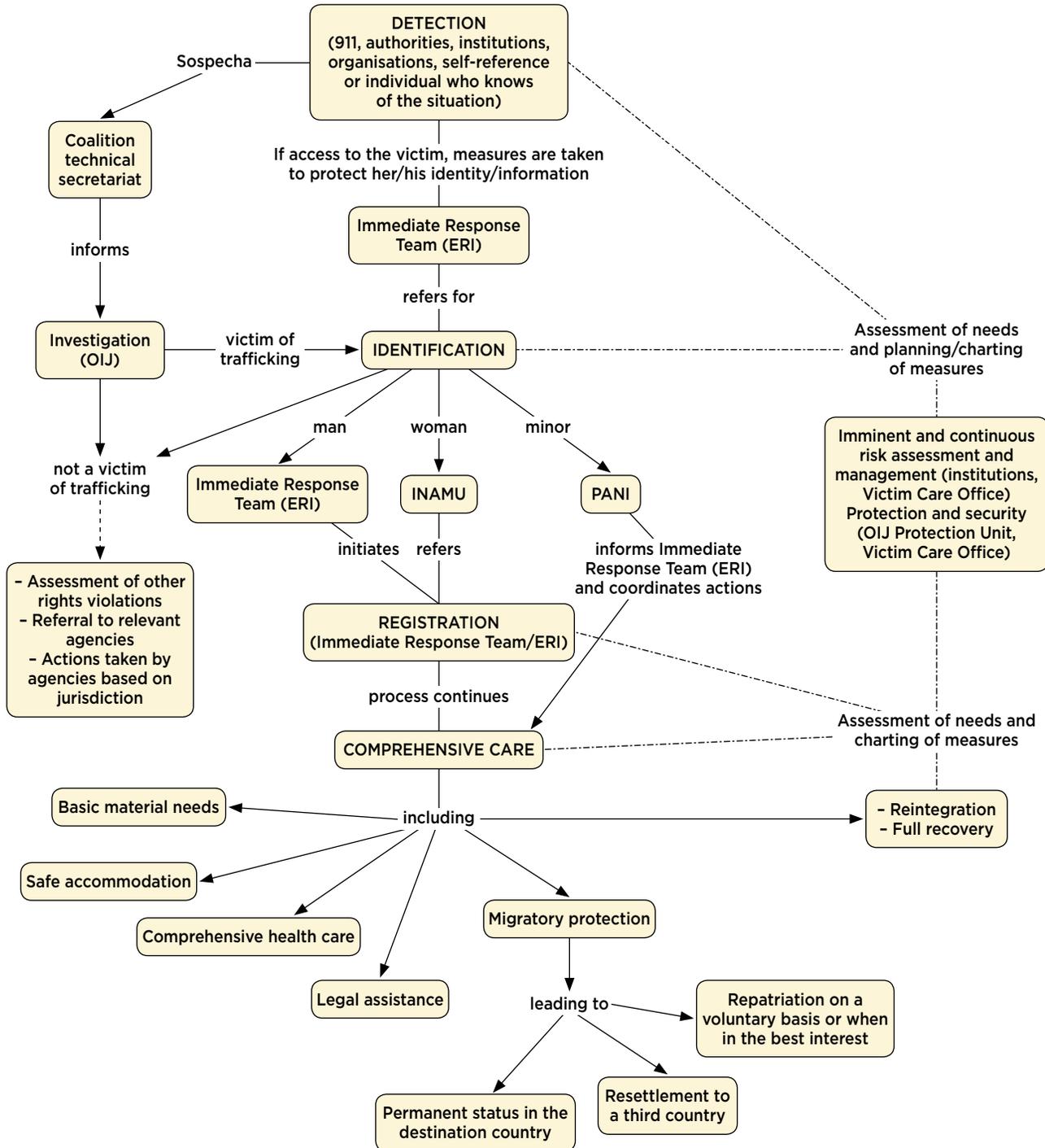
93. Ídem

94. CONATT, “Protocolo De Actuaciones del “Equipo de Respuesta Inmediata””, Costa Rica (2015)

95. Op. cit. note 85, p. 65

This care model functions as follows:

GRAPHIC 5 – Care model flow chart for survivors/victims of human trafficking⁹⁶



96. Ídem, p. 109.

Law 9095 provides for the following, in both the administrative and judicial areas:

- 1. If the victim decides to report and cooperate with the authorities, they receive all the rights under Law 8720, but additionally:*
- 2. All information provided by victims and witnesses related to the case is confidential.*
- 3. The report and interviews with victims and witnesses shall be conducted with due respect for their private life, and outside the presence of the public and media.*
- 4. In the case of children and adolescents who are victims or witnesses, care shall be taken to ensure that the procedures recognise that they have full rights according to their progressive autonomy. Their reintegration into their families or communities shall be sought, if this is determined to be in their best interests. Interviews, examinations and other forms of investigation shall be conducted by specially trained professionals in a suitable atmosphere and in a language or means that is understandable to the individual, and in the presence of their parents or guardian or a representative of PANI (National Child Welfare Agency). Court proceedings shall always be conducted in a private hearing. Court testimony shall always be given without the presence of the accused persons.*
- 5. In the case of victims who are minors, provision shall also be made so that they receive special attention and care that is governed by the principle of presumption of minority. Furthermore, they shall always have their special needs for protection and care granted to them. If they are alone, PANI must do whatever is necessary to establish their nationality, identity and the location of their family or, if applicable, legally represent them, remembering that they are entitled to information regarding all measures taken.*

The DGME (General Office of Immigration and Foreigners), acting as Technical Secretariat of the Immediate Response team, coordinates direct care of victims who need special accompaniment due to their emotional situation, and carries out proper follow-up of the cases. This makes it possible to understand whether or not they have more needs, and if so these can be coordinated with other relevant entities in order to address them properly and give the victim the appropriate services.⁹⁷

Regarding the content of comprehensive care, the Care Model includes the provision of basic needs such as: safe housing, the provision of comprehensive health services, clear and understandable information, translation and interpretation services, legal support and migratory protection (which includes immigration gratuity when it comes to issuing documents). Migratory protection can result in one of the following three situations: remaining in the country, resettlement in a third country (other than the country of origin and destination) or voluntary repatriation, safely and without delay, and in the case of minors, only when this serves their best interests.

Is important to note that under Law 9095, repatriation and return shall in all cases be voluntary and conducted with the informed consent of the victim, only after a prior risk assessment and with due care. In all cases the cooperation of the relevant diplomatic representatives shall be requested. In the case of the return of a human trafficking victim to Costa Rica, the reason for their entry into the country shall not be recorded on their identification documents and shall not be stored in any other immigration records. Furthermore, the victim shall be provided with all measures of protection and assistance established by law. Minor victims or witnesses shall not be returned to their country of origin if, after of a risk assessment, it is determined that this would be against their best interests and put their safety and integrity at risk.

Victims recognised by the ERI (Immediate Response Team)⁹⁸

According to information from the Technical Secretariat of ERI (Immediate Response team) (DGME – General Office of Immigration and Foreigners), up to 2010, 60 human trafficking victims had been recognised. Between 2011 and 2015, 69 more victims of this crime had been recognised, for a total of 129 recognised human trafficking victims registered at administrative headquarters in Costa Rica.

Up to 2010, of the 60 recognised victims, 52 were men and 8 were women. Labour exploitation victims totalled 84%, sexual exploitation totalled 13% and servitude victims totalled 3%. These statistics reflect the large number of victims that were related to a single case of human trafficking that occurred in 2010⁹⁹.

In the case of the 69 victims recognised between 2011 and 2015, 60 were adults and 9 were minors. In addition, 44 were foreigners and 25 were nationals, making more clear the internal trafficking occurring within the country. These 69 people (13 men and 56 women) were recognised as victims of the following types of exploitation: sexual (65%), organ trafficking (19%), labour (10%), servile marriage (3%), criminal (1.5%) and sexual labour (1.5%). Regarding the years 2012 and 2013, the rise in the statistics is related to specific cases with many victims. In 2013, for example, a network of organ trafficking in which at least 13 victims were identified was dismantled.

TABLE 13 – Number of people recognised as victims of human trafficking in Costa Rica

	2010	2011	2012	2013	2014	2015
Recognised persons	60	8	22	29	5	5

Between the years 2011 to 2015, cases have been made known to the Immediate Response team by OIJ (Judicial Investigation Body) (52% of all cases) and DGME (General Office of Immigration and Foreigners) (39%). Only 9% have been reported by other institutions.

The Immediate Response team is currently in discussion regarding the absence of internal consensus aimed at establishing criteria for recognition. Part of the members of the Emergency Response team believes the criterion is strictly legal, i.e., the law indicates when a person can be considered a victim of crime (including trafficking), while other members draw attention to a broader criterion, based on the doctrine of human rights and directly related to international instruments related to this issue. This is an issue that is pending resolution.

Major constraints and challenges identified in the care and protection of human trafficking victims in administrative headquarters

- Despite the fact that the care model was produced in 2009, Law 9095 raised the legal status of the Emergency Response Team and its Protocol was developed in 2015, the mapping consultation process shows that there are still few officials who know of their existence and of the procedures that have been established for providing human trafficking victims with the comprehensive care provided by law.
- In police focus groups and thematic workshops, it became evident that most participants know neither of the existence of the Immediate Response team nor that their agencies form part of it, let alone know who represents their agencies before this body.
- Despite the participation of some individuals from the Immediate Response team in the activities performed, it appears that information regarding its operation is inaccurate, incomplete or incorrect. This highlights the challenge of dissemination of the strategies that are provided by CONATT to protect and assist victims, and thereby improve the ability of institutions to provide quality services when facing this problem.

98. Op. cit. note 91

99. In 2010, two vessels were detected in the coastal city of Puntarenas with 36 Asian men of various nationalities aboard. These men reported that they worked in deplorable conditions and were abused. They were working 20 hour shifts and were malnourished. Available on-line at <http://www.ipsnoticias.net/2010/04/costa-rica-trafficoinhumano/> (last accessed 8 April 2016)

- Many participants argue that such information is disclosed more effectively to the institutions' internal management, and even that coordination teams are even being created at the regional level to provide more coordinated and relevant care services.
- Through the consultation activities, it was also seen that the limited (human and financial) resources represent an obstacle in providing care of victims and to the ability of institutions to provide adequate, comprehensive care and monitoring, even after criminal proceedings (when these exist). Specifically notable is the limited ability of PANI (National Child Welfare Agency), to act, especially after hours, during holidays and outside the Greater Metropolitan Area (GMA), where there is no capacity for providing an immediate response such as that given through the DAI in San José and nearby areas.
- Also notable is the limited availability and opportunity for victims and witnesses of trafficking situations to receive psychological care and the limited availability of translators, when required.
- Furthermore, a limiting factor in care services is the poor coordination between institutions and the lack of awareness of head authorities regarding this phenomenon. This directly affects the clarity with which institutions do or do not proceed when treating the victims of this crime.
- Moreover, the few cases that institutions report to the Immediate Response team (except the OIJ (Judicial Investigation Body) and DGME (General Office of Immigration and Foreigners), could be a sign of limited capabilities in detecting and identifying human trafficking or, as noted above, little knowledge about the ERI among officials of member institutions.
- It has also been seen that the activities of prevention, awareness and protection are still limited and do not reach all victims.
- The lack of consensus in the Immediate Response team when it comes to establishing criteria for the recognition of victims was also identified as a limiting factor in protection actions.
- In addition to these observations, the Technical Secretariat of the Immediate Response team identifies other factors that pose a challenge to achieving comprehensive care for victims, which can be grouped together as follows:

TABLE 14 - Factors affecting comprehensive care processes for victims of human trafficking handled by the Immediate Response Team (ERI)

Factors associated with the victims' personal/ family situations	■ Street life
	■ Drug addiction
	■ Life habits
	■ Family / Emotional Problems
Factors associated with the socio-economic circumstances of the victims	■ Employment status / needing a job
	■ Debts
Factors associated with the ability of institutions to provide services	■ Previous experiences (negative) that victims have had with institutions
	■ Requirements for access to programmes/services are not in accordance with the victims' conditions
	■ Distance between services and victims
	■ Limited ability to monitor cases
	■ Language
	■ Phases (processes drawn out)

3.2.2 Protection and care for human trafficking victims and witnesses at administrative headquarters¹⁰⁰

The new Criminal Procedure Code attributes to the victim a number of rights regarding participation in criminal proceedings, as well as decision-making powers and power to carry out criminal punishment actions, even in crimes that involve public action. For these purposes, the victim may: present an accusation along with that of the Attorney General's Office's indictment, present a civil action to collect damages or delegate this action to the Attorney General's Office. Furthermore, the victim must be heard before the granting of most alternative criminal punishments, and may participate in procedural acts, provide evidence, appeal, etc.

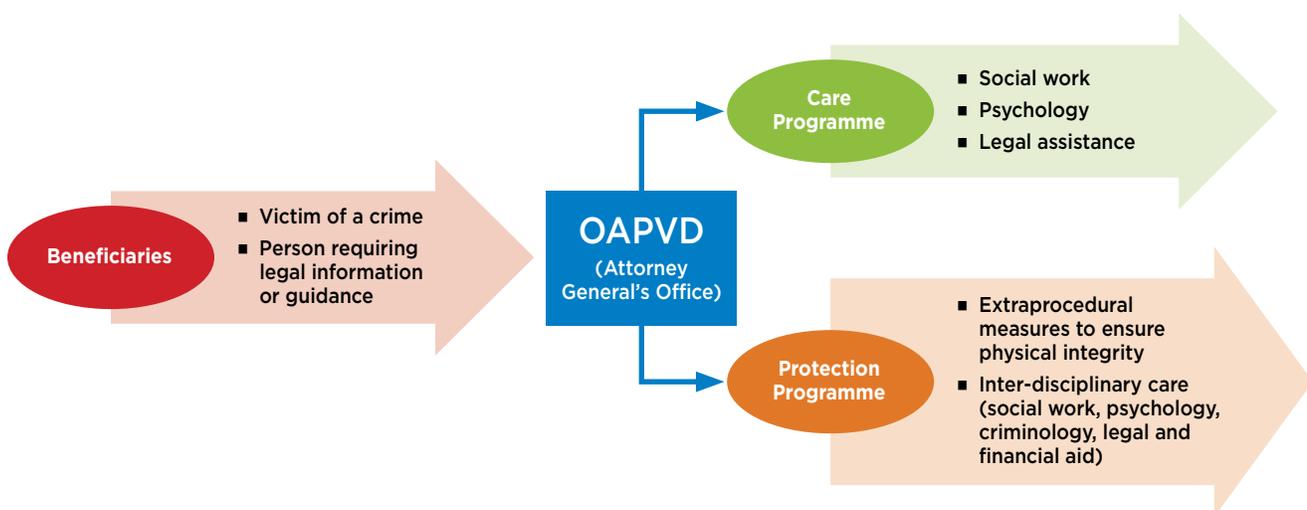
The Office for Care and Protection of the Victims of Crime (OAPVD) is the Attorney General's Office, in charge of handling and/or protecting all persons, national, foreign and of any age, who are victims, witnesses or other participants in a criminal proceeding.

The aim of the Oficina de Atención y Protección a la Víctima de Delito (OAPVD, or Crime Victims Care and Protection Office) is to avoid revictimisation or secondary victimisation during the investigation and criminal prosecution for those who have been victims of a crime. It seeks to provide more humane and respectful treatment regarding their rights, ensuring that during the judicial process the victim is recognised for his or her importance and participation and is treated accordingly, with due dignity and respect. It is directly associated with the prosecution of a crime, and therefore if, after an initial period, the victim decides not to continue with the criminal proceedings, the intervention of this office ceases.

The OAPVD of the Attorney General's Office is comprised of two programmes. The Care Programme provides assistance by social workers and psychologists and provides legal aid. The Protection Programme provides extra-procedural measures to ensure physical integrity if there is any risk to their life, physical integrity, freedom and security, either to the individual or to their families included in the programme. This programme also provides interdisciplinary attention to the victim in terms of social work, psychology, criminology, legal and economic assistance.¹⁰¹

To benefit from the services of this office, it is required to be the victim of a crime or require information and legal advice. The services provided by this office are free to both victims and witnesses. The OAPVD handled a total of 13 cases of human trafficking in 2015¹⁰²

GRAPHIC 6 - Programmes at the Office of Care and Protection for Crime Victims at the Attorney General's Office



100. Ministerio Público, Oficina de Atención y Protección a la Víctima, available on-line at http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/atencion_proteccion.html (last Accessed March 3 2016)

101. Ídem

102. Op. Cit. note 91. Some cases are related to the treatment and monitoring of victims from previous years whose processes have not yet been completed.

TABLE 15 – Regulations and other applicable instruments for the attention and protection of crime victims¹⁰³

Law 8720 ¹⁰³	Protection of victims, witnesses and other parties involved in Criminal Processes
06-ADM-2009 ¹⁰⁴	Application of Extra-procedural and Procedural Protection Measures Contained in the Law on Protection of Victims and Witnesses in Criminal Proceedings
05-ADM-2009 ¹⁰⁵	Protection of victims, witnesses and other parties involved in criminal proceedings, reforms and addition to the Criminal Procedure Code and the Criminal Code
02-ADM-2009 ¹⁰⁶	General Guidelines for Intervention, Care, Accompaniment and monitoring of all Crime Victims
01-2004 ¹⁰⁷	Bearing of costs for witnesses and victims
10-2002 ¹⁰⁸	Services provided by the Office of Victim Assistance
Resolution 2010-018698 ¹⁰⁹	Unconstitutionality actions against articles 11 of Law 8720 from March 4 of two thousand and nine, Protection of victims, witnesses and other parties involved in criminal proceedings, reforms and addition to the Criminal Procedure Code and the Criminal Code and 334, 351 and 204a of the Criminal Procedure Code and its reforms.
Latin American Judicial Summit, Argentina 2012 ¹¹⁰	Latin American Charter of Victims' Rights

Major constraints and challenges identified in the care and protection of human trafficking victims in administrative headquarters

- Participants in the information gathering activities had limited knowledge about the services offered by the Office, although its presence nationwide is much better known than that of the Immediate Response team. One of the major limitations in its organisation is that, by law, the services that it provides are only done in relation to legal punishment processes. Therefore, a victim has three months (during which service is provided if the victim qualifies and accepts it) to decide whether or not to continue with the criminal proceedings. If it does not to continue, the services provided by the office must cease. However, if the victim so chooses, he or she can still receive services at the administrative level through the Immediate Response team if official recognition by this agency has been granted.

Another limitation identified is the effectiveness of the non revictimisation principle. Although there are guidelines and a clear institutional policy by the judiciary power to minimise revictimisation, in practice it was seen that, depending on procedural requirements, a victim might become interviewed on more than

103. Op. Cit note 99

104. Costa Rica, Ley de protección a víctimas, testigos y demás sujetos intervinientes en el proceso penal, Ley 8720 (2009).

105. Fiscalía General de la Republica, Circular 06-ADM-2009: Aplicación de las Medidas de Protección Extraprocesales y Procesales contenidas en la Ley de Protección a Víctimas y Testigos en el Proceso Penal, Costa Rica (2009), available on-line at http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/normativa/01-06-ADM-2009.pdf (last accessed 3 March 2016)

106. Fiscalía General de la Republica, Circular 05-ADM-2009: Protección a Víctimas, Testigos y demás sujetos intervinientes en el Proceso Penal, Reformas y Adición al Código Procesal Penal y al Código Penal Costa Rica (2009), available on line at: http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/normativa/02-05-ADM-2009.pdf (last accessed 3 March 2016)

107. Fiscalía General de la República, Circular 02-ADM-2009: Directrices Generales para la Intervención, Atención, Acompañamiento y Seguimiento a todas las Víctimas del Delito, Costa Rica (2009), available on-line at: http://ministeriopublico.poderjudicial.go.cr/victimas_testigos/normativa/03-02-ADM-2009.pdf (last accessed 3 March 2016)

108. Fiscalía General de la República. Circular 01-2004, Sufragación de gastos de testigos y víctimas, Costa Rica (2009), available on-line http://ministeriopublico.poderjudicial.go.cr/victimas_testigos/normativa/04-01-2004.pdf (last accessed 3 March 2016)

109. Fiscalía General de la República. Circular 10-2002, Servicios que brinda la Oficina de Atención a la Víctima, Costa Rica (2002), available on-line http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/normativa/05-10-2002.pdf (last accessed 3 March 2016)

110. Available on-line http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/normativa/06-Voto18698-10.pdf

111. Cumbre Judicial Iberoamericana, Carta Iberoamericana de Derechos de las Víctimas, Argentina (2012), available on-line http://ministeriopublico.poder-judicial.go.cr/victimas_testigos/Carta%20%20Iberoamerica%20de%20Derechos%20de%20las%20Victimas.pdf

10 occasions to satisfy requests for information regarding different details of the crime that he or she has suffered from. It is essential that agencies responding to victims and crime reflect jointly and urgently over this problem. Revictimisation by the justice system discourages a culture of reporting and causes despair among other victims, and also the criminal sector to become stronger, resulting in impunity for those responsible, as well as the loss of confidence and credibility in the system. This set of circumstances shows that it is imperative not only to provide legislation on this matter, but also to train, inform and sensitise all officials that come into contact at any time with the victims of human trafficking and its related crimes.

- Participants in consultation activities also identified that for the immediate protection and care of victims at the administrative level, human and financial resources are important and are available as soon as required on a national level. However, there are limitations if care and protection from OAPVD, or Oficina de Atención y Protección a la Víctima de Delito (Crime Victims Care and Protection Office) must be maintained in the long term.

3.3 CRIMINAL PROSECUTION SYSTEM FOR HUMAN TRAFFICKING CRIMES

Human trafficking is a crime that results from a complex criminal process that requires specific legal resources that focus on the following two main aspects:

- a) Ensure that when handling the investigations and judicial proceedings for these crimes, law enforcement authorities are informed, sensitised and trained/updated on human trafficking.

It is necessary that the justice system recognise the importance of making increased use of special investigative techniques (which ordinarily are used in the treatment of other types of organised crime) and that, to the extent possible, practices that involve investigation of victims are eliminated, for example in sexual offenses in which the victim's statement is the highest level of evidence.

The system must include "information exchange, regional or joint investigations... a programme for prompt international assistance for the extradition of members of criminal organisations engaged in human trafficking, and the location and regional tracking of goods and profits of traffickers that are the product of this crime".¹¹²

- b) Moreover, the system should continue to define the minimum standards needed to ensure that victims receive access to justice. A justice system that not only sees the victim as a simple means of proof in a criminal trial, but rather will provide them with care as an individual with rights, and a sense of human solidarity that permeates all contact with victims is needed. This includes the process for their location, identification, rescue and safe and voluntary repatriation. To do this, judicial and hands on officers must be sensitised, informed, trained and even specialised in this area.

In this regard, the Convention against Transnational Organised Crime and the Palermo Protocol are clear regarding these two matters. Both refer to measures for the care, assistance and protection of victims and provisions for the investigation and prosecution of the crime, in addition to extending the cooperation of state parties when the crimes are of a transnational scope.

Similarly, the Global Action Plan for the United Nations to combat human trafficking indicates, along this same line, that the necessary legislative measures to classify and facilitate the prosecution of trafficking crimes are equally important, "including taking measures that permit the prosecution of offenses covering all forms of exploitation, use laws and other necessary measures to criminalise attempts and the various forms of criminal involvement, and combat and prosecute criminal organisations engaged in committing these crimes.

This instrument also refers to "ensuring that all trafficking categories are held accountable, including individuals and legal entities, as appropriate, in accordance with relevant international instruments; increasing the investigations of alleged trafficking cases, strengthening the measures used to combat trafficking, prosecuting offenders, including by freezing assets in a more systematic manner with a view to their confiscation, as provided for in Article 12 of the Convention of the United Nations against Transnational Organised crime, and

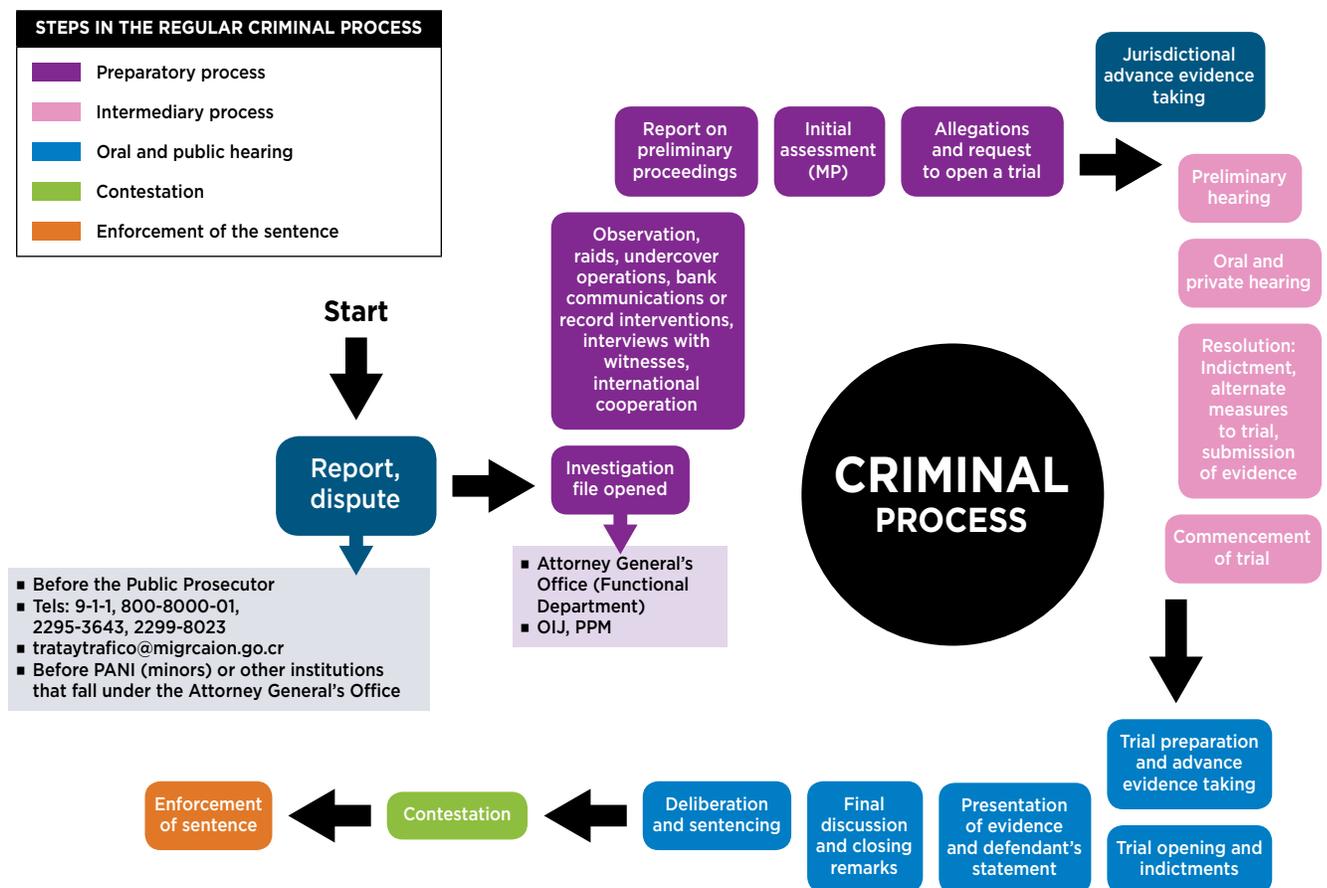
112. Op. cit. note 59, p. 13.

ensuring that punishment is proportionate to the seriousness of the offense; investigating, prosecuting and punishing corrupt public officials involved in human trafficking or that facilitate them, and promote a policy of zero tolerance of corrupt officials; reinforcing or further strengthening coordination and cooperation among states in combating crimes that might be related to human trafficking, such as money laundering, corruption, smuggling of migrants and all types of organised crime; and encouraging the authorities that are responsible for law enforcement, immigration, border control or other relevant state authorities to cooperate with each other by exchanging information with full respect for national laws, such as those regarding data protection, and provide and promote more cooperation between countries of origin, transit and destination in order to improve investigations, prosecutions and the detection of trafficking networks...".¹¹³

The response from the criminal justice system

In Costa Rica, the criminal procedure for the prosecution of human trafficking crimes committed by adults is the ordinary criminal procedure as provided in the Criminal Procedure Code. Overall, the criminal process is divided into five major stages, and for the purposes of this mapping exercise, the challenges related to the first three were researched and the moment of the criminal report was analysed.

GRAPHIC 7 - Regular criminal procedure stages



Juvenile Criminal Justice

In Costa Rica, specialised jurisdiction is provided in the event that the offense is committed by a minor, and is handled by the ordinary courts. Law 7576 of Juvenile Justice (LJPJ, Juvenile Justice Criminal Law, 1996) aims to “ensure that all under aged persons accused of violating a criminal law be prosecuted in a manner that meets internationally recognised guarantees in order to be considered a fair trial, i.e., comply with due process. Likewise, the Juvenile Justice Criminal Law has the concurrent objective of eliminating, or at least reducing, impunity, which is not beneficial to society, and much less to the victim and even to the offender. On the other hand, the Juvenile Justice Criminal Law also aims to establish a system of juvenile responsibility that is independent, specialised and different from the judgment of adults”.¹¹⁴

The specialised justice for juvenile offenders of criminal law includes a court system (and a system for removal from the courts) of the same nature: courts that are exclusively for juvenile criminal cases, prosecutors, defence lawyers and specialised police and judges for the enforcement of penalties, all of whom are also specialised and trained. In conjunction with Law 8460 for the Enforcement of Juvenile Criminal Punishment (2005), the organisational structure for compliance with the wide range of punishments provided in the Juvenile Justice Criminal Law and that have a primarily educational purpose is reinforced. The most severe penalty, and that which is used as a last option, is internment in a specialised centre, which can lead to up to 10 years duration for adolescents from twelve to under fifteen years of age and up to 15 years for adolescents from fifteen to under eighteen years of age.

The model for adolescent criminal justice in the Juvenile Justice Criminal Law is essentially substantive. However, it also establishes a process that is differentiated from the ordinary criminal process, which has some of the following characteristics: “A summary nature, since to subject a minor to criminal prosecution should not only be the last resort, but also the process should last the shortest time possible. The summary nature should not be detrimental to a fair trial, particularly the right of defence, the right to legal remedies, inasmuch as juvenile criminal matters are the uniquely tied to international law which expressly establishes the right to appeal to the convicted; the right to know the accusation, as well as to provide evidence and refute the accusation. Also, the process is designed so that as many hearings as possible are held orally, since this is one of the most effective mechanisms to ensure promptness. But this juvenile criminal procedure, unlike the criminal procedure for adults, is characterised by flexibility, and so it is not structured in stages or phases by different types of processes. Clearly, the legislation is guided by accusatory principles, which are precisely the modern guiding principles and the trend for criminal procedural law. Finally, another peculiarity of this process is its confidential nature. This rests on two central ideas: one is the episodic nature of juvenile crime and the other is the possible effects on adolescent development that making this process public would have. In summary, a unique, concentrated, summary, flexible, confidential, oral and markedly accusatory process is observed”.¹¹⁵

114. Carlos Tiffer, “Justicia penal juvenil y política criminal” (2014), 6 *Revista Digital de la Maestría en Ciencias Penales*, pp. 7-8.

115. *Ídem*, pp. 15-16

TABLE 16 – Actors involved in criminal proceedings and their primary functions¹¹⁶

Actors involved in criminal proceedings	Primary functions
<p>Attorney General's Office (MP)</p>	<p>The Attorney General's Office is organised by prosecutors based on their territory or specialisation. For human trafficking and migrant smuggling crimes, in 2013 the Attorney General's Office created FACTRA, within the Organised Crime Prosecutor's Office. Its structure is hierarchical and vertical; the general and specific instructions on criminal prosecution policy issued by the superior are binding upon lower ranking prosecutors. When the Attorney General's Office has knowledge of a crime involving a member of the public, it shall prevent further consequences from being produced and initiate its investigation in order to determine the circumstances surrounding the act and who were the offenders or participants. The Attorney General's Office shall exercise criminal investigations in the manner prescribed by law and shall carry out relevant and useful steps in order to determine the existence of the criminal action. It shall be responsible for the preliminary investigation, under judicial control when applicable to its actions. In performing its duties, the Attorney General's Office shall adapt its actions to objective criteria and ensure effective compliance with the guarantees recognised by the Constitution, International Law and current laws in the country. It shall investigate not only the circumstances that substantiate the accusation, but also those that may exonerate the accused. It shall also formulate all requirements and processes according to these criteria, even when this may favour the accused.</p>
<p>Judicial Investigation Body (OIJ)</p>	<p>Under the direction and control of the subsidiary body of the Attorney General's Office, the judicial police shall: investigate crimes involving the public, prevent them from becoming all-consuming or from exhausting all resources, specify the offenders and participants, bring together all useful evidence in order to substantiate the accusation and perform any other functions assigned to it by domestic law and the CPP. The judicial police, by its own initiative, by complaint or by order from the competent authority, shall proceed to investigate the crimes involving the public, and shall prevent the acts committed from resulting in further consequences. In addition, it shall proceed to identify and apprehend, preventively, the alleged offenders and collect, secure and scientifically order all evidence and other necessary records that substantiate the charge or determine its dismissal.</p> <p>Furthermore when, as a result of the investigations, the existence of risk to the life or safety of the victim or a witness is determined, it shall take the necessary urgent measures to ensure their protection and the preservation of anonymity while at the same time reporting the evidence to the Attorney General's Office or the competent court. It shall also communicate the evidence to the Attorney General's Office of Crime Victim Attention, so that the provisions of the Law for the extra-judicial protection of the person may be initiated, if applicable.</p>
<p>Professional Immigration Police (PPM)</p>	<p>The Professional Immigration and Foreigner Police is specifically responsible for controlling and monitoring the entry of individuals into national territory or their exit from it, along with their permanence in the country and the activities that foreigners perform while in the country, in accordance with the General Law on Migration and Foreigners and its regulations.</p> <p>The Professional Immigration and Foreigner Police shall have the functions provided by the General Law on Migration and Foreigners, in particular, to carry out investigations of illegal smuggling of migrants and human trafficking crimes, as well as any other violation related to immigration, acting as a subsidiary body of the Attorney General's Office.</p>
<p>Administrative police</p>	<p>Administrative police agents (anti-drug police, tax police, public police, municipal police, immigration police, etc.) shall be considered to be officials or agents of the judicial police when they fulfil the functions that the law and CPP impose on them, and their employees shall be assistants. The administrative police, inasmuch as they fulfil judicial police duties, shall be under the authority of judges and prosecutors, without affecting the general administrative authority that they are subject to. They will always take action when the judicial police are not immediately able to do so. However, from the moment that the judicial policies intervene, the administrative police will become their assistant.</p>

116. Código Procesal Penal (1996), Decreto N° 38756 MGP, Reglamento de Organización y Servicio de la Policía Profesional de Migración y Extranjería, Ley Orgánica del Poder Judicial.

Actors involved in criminal proceedings	Primary functions
Witnesses	<p>Unless otherwise provided, all persons shall be obliged to attend a court summons and declare the truth regarding what they know and are asked. Furthermore, they must not hide any facts, circumstances or elements, without prejudice to the power of the judge to assess the testimony, according to the rules of sound judgment. The witness shall not be compelled to testify regarding facts that may incriminate him or her. For the purpose of fulfilling this obligation, the witness shall be entitled to paid leave by his employer, whether it is public or private, when he or she must attend court proceedings, evidential hearings or respond to a court summons. This leave shall be granted for the amount of time necessary for the procedure.</p> <p>If, because of the knowledge of the facts under investigation and the individual's obligation to testify, the life or physical integrity of the witness is at risk, he or she shall have the right to request and obtain special protection. The Attorney General's Office, the police, the judge or the court with knowledge of the situation shall take necessary measures to provide the required protection. The Attorney General's Office's Office for Attention to Victims of Crime shall be responsible for processing applications and providing the required protection.</p>
Experts	<p>An expert may be ordered when, in order to discover or evaluate an evidentiary element, special scientific, artistic or technical knowledge is required. As part of the OIJ (Judicial Investigation Body), the Forensic Sciences Complex which includes the Department of Legal Medicine is provided. This is an agency with high technical complexity and advanced technology that whose function is to provide expertise in specialised fields of technical and legal medicine.</p>
Accused	<p>The accused is the person who, by any act of investigation or procedure, is identified as the possible author of a punishable crime or a participant in it.</p>
Attorney presenting the technical defence (can be public or private)	<p>The accused shall have the right to choose a defence attorney he trusts. The intervention of the defender shall not affect the right of the accused to make requests and observations. When the effectiveness of the technical defence will not be impaired, the accused may defend himself.</p> <p>The defence may be private or public. The role of Public Defenders is to provide public defence for any accused person or person who requests their services, as well as non-criminal agrarian processes when the party requests it. The services of this attorney assigned to the defence shall be provided without cost for individuals without the financial means to cover the cost of the process.</p>
Civil defendant (may also be the accused)	<p>The person that performs compensatory action may sue the person who, according to the law, answers for the damage that the accused has caused by his or her punishable offense.</p>
Victim	<p>The following shall be considered victims: a) The person directly offended by the crime. b) The spouse, person living together for more than two years, the son or daughter, the mother and adoptive father, the relatives to the third degree of consanguinity or second degree of affinity and the judicially declared heir in the case of crimes that result in the death of the victim. c) The partners, associates or members, in the case of an offense involving a legal entity, committed by those who direct, manage or control it. d) The associations, foundations and other entities that are of a registered character, in the case of crimes affecting collective or diffused interests, provided that the object of the group is directly linked to those interests.</p>
Crime Victims Care and Protection Office (OAPVD)	<p>Currently, this Office reports directly to the Attorney General. It is the Attorney General's Office that is responsible for caring for all people (men, women and children), both domestic and foreign, who are victims in any judicial process (if the case is not prosecuted, the protection and assistance corresponds to the Immediate Response team as long as the victim is recognised as such at that agency). This Office has an interdisciplinary team (legal, social work and psychology). The objective of the Office is to avoid the revictimisation or secondary victimisation of people who have been victims of a crime, by means of more humane treatment and respect for their rights.</p>
Office for the Civil Defence of the Victim	<p>This office provides crime victims with legal representation to help them obtain compensation for the damages they have suffered. It is subject to the Attorney General's Office. The professional services provided by this office are completely free of charge and consist of assigning an attorney to the victim, who performs the necessary steps so that the accused, or those answering for the accused, will pay for damages.</p>
Civil Actor (may be the victim)	<p>To carry out the necessary action to collect damages, the individual must be capable of acting as a civil plaintiff. Those who do not have the ability to carry out this action must be represented or assisted in the manner prescribed by civil law. The civil plaintiff shall carry out these actions with an attorney and may be represented by an agent with special power.</p>

Actors involved in criminal proceedings	Primary functions
Complainant (crimes requiring public action)	Regarding crimes requiring public action, the victim and his representative or guardian, if a minor or disabled person, may request criminal prosecution, join in a prosecution that has already been initiated by the Attorney General's Office or continue with their own case, under the terms and conditions established in the Criminal Justice Code. This same right shall be granted to all persons against any public official who, in the exercise of their functions or because of them, have violated human rights. This shall apply in the case of crimes committed by officials who have abused their position and to those who commit crimes that create damage to different interests.
Judge corresponding to the prosecution stage	The jurisdictional environment in criminal matters is comprised of the following: Criminal Appeals Chamber (hears appeals of appellate court judgments for criminal sentences) Criminal Sentencing Appellate Court (hears criminal sentence appeals) Deciding or sentencing judges: Individual judges (abbreviated trial and crimes with sentences under 5 years) or collegiate courts Preparatory Procedure or Intermediate Judges: Criminal Judges (Bond Judge, Preparatory stage Judge, Intermediate Judge) Adolescent Criminal judges (individual) Sentence giving Judge

3.3.1 Complaints

The complaint is not a stage of the criminal process, but rather it is the information that informs a competent authority of the alleged commission of a crime for the purpose of proving if the act involves illegal conduct and, if so, who is responsible. It is from the moment that a complaint is filed that criminal proceedings may begin.

Human trafficking is a crime affecting the public, and disclosure of such crimes can be made by any person to authorities. Disclosure may also be made by the authorities themselves through knowledge they may have about a crime of this nature.

To file a complaint, a citizen does not need to present evidence that the wrongful act was committed. However, a complaint report should contain as much information as possible to facilitate the initiation of an investigation.

In Costa Rica, complaints may be submitted using different means. Any person can present a complaint to the following:

- Attorney General's Office in any of its offices nationwide
- Specialised Judicial Investigation Body's Human Trafficking Unit by calling 9-1-1, 800-8000-OIJ or 2295-3643
- Investigation Unit of the Professional Immigration Police by calling 2299-8023 or emailing trataytrafico@migración.go.cr
- PANI (National Child Welfare Agency) (minors) or other institutions under the Attorney General's Office¹¹⁷



Similarly, crime investigation can begin when the Attorney General's Office is made aware of the alleged commission of a crime by any other means. This includes patrols, police checkpoints, through the processing of other cases, comments by witnesses, written media, neighbourhood meetings, multidisciplinary teams at public institutions, etc.

In the case of minor victims, and when an institution detects a case, "A complaint Report must be completed by the institution and presented before the Attorney General's Office. In the event that the complaint is brought forward by PANI (the National Child Welfare Agency) the preliminary investigation report used for these cases must be presented".¹¹⁸

After filing the complaint, an investigation process is initiated by the OIJ (Judicial Investigation Body) or PPM (Professional Immigration Police), these being the only bodies that may conduct investigations into cases of human trafficking under the functional control of the Attorney General's Office. These agencies are also the entities that shall coordinate with PANI (the National Child Welfare Agency), the Oficina de Atención y Protección a la Víctima de Delito (OAPVD, or Crime Victims Care and Protection Office), CONATT or the Immediate Response team to activate care and protection measures for the victims.

From this moment onward, and using the information at hand which includes the known victim, it is possible to forward the case to the Immediate Response team. However, it is important that the agency sending the case to the Immediate Response team have all the information necessary to be able to submit the legally required report required to recognise the victim of trafficking. This procedure may require more time and information than is available at the time of the complaint.

Main findings and challenges identified in the process of filing the complaint

- Overall, participants of the workshops and focus groups can identify the complaint procedure and understand the importance of providing known information so that the investigation can be initiated. However, there does not seem to be clarity regarding the most expeditious ways to facilitate the initiation of an investigation into a crime of this type.
- The workshops were not attended by 9-1-1 (emergency telephone number), and none of the participants knew what are (if any) the criteria for referral of a trafficking situation once 9-1-1 learns of it. Some felt that if a person is a minor, 9-1-1 sends the case to PANI or to DAL; others indicated that they are first sent to Police.
- Because of this, there was consensus on the importance that all first response or referral staff in human trafficking situations should not only be able to identify the crime but must also clearly understand how to route the complaint, since no matter what route is used, "the priority should be that the information reaches the Attorney General's Office, in order to proceed with the investigation".¹¹⁹ Particularly, the need for 9-1-1 to have a protocol for human trafficking referral and proper training was mentioned.
- Mention was also made of the importance of disseminating the necessary information to enable citizens to identify possible human trafficking situations. Campaigns should not only inform people of their obligation to report as citizens, but must also be more specific, providing clear information on where and how to report the crime.

3.3.2 The preparatory stage: Police investigation

This stage is the responsibility of the Attorney General's Office, under the control of a judge or a criminal or bond judge who is responsible for authorising and initiating investigations or precautionary measures, i.e., intervening in the investigation of a crime when fundamental rights have been violated. It also orders raids, prior jurisdictional proof, intervention and interception of communications, especially telephone calls since these are the most common, and pre-trial detention.

118. Ídem, p. 34, 50

119. Ídem, p. 33

“An effective response in the area of law enforcement also depends on the participation of society as a whole, from local communities and non-governmental organisations to immigration service officials and prosecutors. In the fight against trafficking, the paramount importance of the human rights of victims must be recognised, and victims must be protected during all stages of the of the law enforcement process. It is essential that individuals who have been victims of trafficking not be treated as criminals and that, on the contrary, their special concerns are taken into account, and that the offense is imputed to those responsible for its commission.”

United Nations Office on Drugs and Crime. 2009. Manual for Combating Human Trafficking. New York, p. 230.

The Attorney General's Office is responsible for determining whether there are grounds for a trial by gathering elements that provide a foundation for the indictment brought by the prosecutor or plaintiff and looking at the defence of the accused person. When the Attorney General's Office deems that the investigation provides grounds for a public trial of the accused person, it will present the accusation that requires the opening of a trial. This stage is not public because there are still no grounds to expose the accused to public opinion, this being based on the presumption of innocence.

The country has made major efforts to investigate and prosecute human trafficking crimes. Exceptionally, there are two police forces that have jurisdiction in this area, both being under the functional control of the Attorney General's Office, to conduct investigations: the Organismo de Investigación Judicial (OIJ, or Judicial Investigation Body) and the Investigation Unit of the Professional Immigration Police (PPM). Both police forces have units that are specialised and trained in the investigation of human trafficking crimes.

In addition to the OIJ and PPM, the DIS (Office of Intelligence and National Security) can also be called in by the Attorney General's Office to cooperate in human trafficking investigations.

The investigation of these crimes is generally complex and the tools recommended to carry them out are very diverse. At this stage, the cooperation of victims and witnesses is crucial, and in order to achieve it the intervention of personnel that is trained and sensitive to the situation and the needs of victims is required. These individuals' primary purposes must be to assist and protect the victims.

Despite the diversity of actions that can be taken in an investigation, the testimony of the victims is crucial in the criminal trial. Hence, the importance of access to care and protection from the Oficina de Atención y Protección a la Víctima de Delito (OAPVD, or Crime Victims Care and Protection Office) or the from Immediate Response team, as applicable. For example, the offense of human trafficking involves the use of a number of means that can cause lack of cooperation from the victims, or their silence regarding key aspects of the investigation. In many cases they will not even feel that they are victims. Qualified personnel will understand how to care for and handle these situations, and will turn to other sources of information to support the investigation or will succeed in gaining the trust of the victim, adopting a caring and supportive attitude. This is just how those conducting criminal investigations and who participated in some of the information-gathering workshops explained this situation.

The investigation of trafficking cases also requires the collaboration of different agencies, both public and private; in order to gather evidence that supports all the elements required to prove these crimes, the following is necessary: evidence of exploitation (or intent to exploit), evidence of the means used and acts performed, and information regarding the location of other victims and offenders.

“The police have improved a lot, and now there are more of them and they have more technology that helps them do their work. I think they need to be better distributed, since in some neighbourhoods there are no police. There should also be less corruption and more police in schools, colleges and universities.”

Child, 10 years old. Buenaventura Corrales school.

The use of special investigative techniques, some of which are contained in Article 20 of the *Convention Against Transnational Organised Crime*, can be crucial: electronic and other surveillance, covert operations, and interception of communications or banking records, interviewing people in the community or requesting the cooperation of local authorities. Here it is also particularly important to receive international cooperation, including border controls, police cooperation agreements, etc.

For a more successful investigation, the necessary resources to deal with “sociological and psychological barriers, including cultural differences, language and gender” must be considered.¹²⁰

According to the 2015 CONATT report, “from January to September of 2015, a strategy led by the Unit for Human Trafficking at the Judicial Investigation Body was created, where the main objective was to create intelligence information in order to be able to continue with the investigation of cases that were detected and to have more control over areas that suffer the highest impact from the exploitation of human beings. The strategy included all seven provinces in the country”.¹²¹

For operations carried out in 2015, a total of 600 officials from various entities participated. Within the group of judicial police, 200 agents from the Judicial Investigation Body participated, along with 200 officers from the Police force, 50 members from the Professional Immigration Police, 100 members of the Municipal Police and 50 individuals from civil society who were represented by the RAHAB Foundation. The management of Illegal Smuggling of Migrants and Human Trafficking from the General Office of Immigration and Foreigners also attended. In carrying out the operations, 200 vehicles (cars and motorcycles), 200 portable radios (for communications) and fifteen dogs (to locate substances and weapons) were used.¹²²

Thanks to the efforts of operatives and intelligence information granted during 40 special interventions, 25 raids were initiated for the crime of human trafficking and six arrest warrants were issued, with the same number of people being apprehended.

In places where the operations were performed, 934 interviews were conducted in order to identify and rescue possible victims of human trafficking or other crimes. The majority (562) of those interviewed are Costa Ricans, but Nicaraguans, Dominicans, Colombians and Venezuelans were also identified.

As a result of these operations, investigations were initiated against 13 women and 29 men for the crime of human trafficking. However, these were later reclassified to other crimes. The investigations performed, all coordinated between different police and other authorities, and also allowed for actions to prevent the entry into the country of foreigners who have been convicted for sexual offenses against minors in their country of origin, along with the initiation of an investigation into the promotion of Costa Rica as a destination for sex tourism.

Despite the major advances in police investigations, the number of recognised victims in administrative headquarters continues to contradict the number of prosecutions for this crime. The workshop participants were very emphatic regarding the severely limited staff and resources that specialised units have at their disposal, inhibiting their ability to further investigations of this crime.

This preparatory stage involves the following: Attorney General's Office, accused, Victim, Defender, Criminal or Bond Judge.

3.3.3 The intermediate stage

This stage is carried out orally and in a private hearing where the judge the declarations and petitions of the parties, the prosecutions accusation is examined, the evidence is evaluated and it is decided whether the case may go to trial and if the evidence offered is admissible. At this stage it is possible to request the division of the trial into two stages, the first to determine the guilt of the accused person and the second to discuss the individualisation of punishment and civil consequences.

120. UNODC, *Manual para la lucha contra la trata de personas* (2009), p. 185.

121. Op. cit. note 91.

122. Ídem

The Attorney General's Office may also request the prosecutors file, rejection or dismissal (provisional and definitive). Also at this stage, and before the request for rejection or definitive dismissal, the judge can express dissent. To do this, there must have been elements for the opening of the trial, in which case the prosecution can reformulate its request or it can withdraw it.

Furthermore, depending on the crimes, the following can be decided:

- Alternative measures for the process (conciliation, suspension of probation and full compensation for damages)
- Abbreviated judgment: By acceptance of and compliance with the charges, the accused can renounce the oral and public trial and thereby possibly reduce the sentence to one third below the minimum. The Attorney General's Office, prosecutors and civil actors must all agree.
- Application of the principle of opportunity: in cases of little importance, when natural regret is shown, good cooperation.

In the intermediate stage, the following are involved: Attorney General's Office, Accused, Defender, Victim, and Control Judge.

3.3.4 The oral and public trial

If there is sufficient evidence to support the charge, the oral and public trial is scheduled in which a Trial Stage Court hears and decides on the merits of the case. At this stage the principles of immediacy, orality and publicity apply.

In Costa Rica, the model of a public trial is used where the principle of immediacy applies, i.e., the evidence must be presented and analysed during the argument: from the testimony of victims and witnesses (with some exceptions in the law), integration of documents and other evidence, and all exculpatory evidence that may support the innocence of the accused is presented.

At this stage, a judgment will be delivered, depending on the verification of the guilt of the accused and the damage caused by the crime. "Judges can only make a decision based on the facts in their possession. If there is no evidence of the existence of aggravating or mitigating circumstances, this shall be reflected in the sentence. The prosecution must present all these facts before the court, taking into account all aggravating and mitigating circumstances. Committing the crime for financial gain is a common circumstance in trafficking cases, as is the selection of victims among vulnerable people. Among other aggravating circumstances that must be considered are included the pregnancy of the victim, if the victim is a child, the exposure to serious damage or injury and a high number of victims."¹²³

The following are involved at this stage: Attorney General's Office, Accused, Defender, Victim, Witnesses, Experts, Judge or Oral Trial.

3.3.5 Prior jurisdictional evidence and other provisions for the protection of victims in criminal proceedings

Article 293 of the Criminal Process Code of Costa Rica establishes the following for the prior presentation of jurisdictional evidence:

"When the practice of a definitive and irreproducible act affecting fundamental rights is necessary, or it is necessary to receive a statement that, due to an obstacle that is difficult to overcome, or it is presumed that it cannot be received during the trial or when the complexity of the matter means that there is a likelihood that the witness will forget the essential circumstances that he has knowledge of, the Attorney General's Office or any of the parties may request the judge that the evidence be had or received. The judge will allow the act if he or she deems it admissible, citing all parties who are entitled to attend, with all the powers and obligations provided by this Code."

Thus, the prior Jurisdictional evidence is a procedural diligence that, when used properly, can be an important instrument for reducing revictimisation. It allows collecting evidence in a single diligence which will then be presented during the oral and public trial, making it unnecessary to present it again.

However, its use requires the permission of the judge and, given the implications of the immediacy of proof required by the oral and public trial, it is an act that must be well founded to avoid its rejection.

While carrying out information gathering activities, special emphasis was placed on the need to improve the tools used by prosecutors to support these requests, including bettering their knowledge of international instruments for human trafficking and trends relating to this crime. The purpose would be to provide depth and forcefulness in justifying the procedural benefits of implementing prior evidence in order to minimise revictimisation and the probability of losing information that is crucial to the process, especially considering that in the commission of these crimes a number of methods are used that can seriously affect the victim's decision to continue cooperating during the process (e.g., threats against the family).

In addition to the prior jurisdictional evidence, procedural laws include other resources that could be useful tools in minimising revictimisation. For example, "Some procedural provisions in different areas have established special methods to protect victims, including: i) a statement in private audience, without the presence of the public and media; ii) the possibility of testifying without the presence of the accused; iii) the possibility of keeping all or part of their identity hidden throughout the trial process; iv) the use electronic media such as video conferencing or Gesell chamber; v) the right of the minor to have professional support during the trial".¹²⁴

According to Article 71 of the Criminal Procedure Code of Costa Rica, victims, whether or not they have become complainants, shall have the following rights during criminal proceedings:

1. Right to information and communication.
2. Right to protection and assistance:
 - a. Extra procedural protection.
 - b. Procedural protection.
 - c. Help and support measures from both the Judiciary power and the Ministry of Security or other agencies. These are expressly provided for victims of trafficking and are aimed at reducing victimisation due to their involvement in the process and to facilitate their participation in judicial proceedings, such as during expert reports or hearings.
 - d. Consideration of the best interests of the child during any diligence or expert report, especially when receiving his testimony. This shall not affect the right of defence. All measures needed to reduce paperwork and hear testimony in the special conditions required shall be taken.
 - e. Other measures, such as paid leave, when they have to attend court proceedings.
3. The following procedural rights: to report, to be heard in court, to appeal, to be convened to hearings and make accusations as provided in the law, to exercise civil action for damages, to become a complainant and to have returned all their goods or property.

Law 9095 contains a chapter on "Care and protection for victims" (Chapter VIII, Article 37), which states that the victim of the human trafficking crime shall be given "clear and understandable information about legal aid to represent their interests in any criminal or other investigation, including to obtain compensation for damages suffered using the means prescribed by law, where applicable, and to regularise their immigration status".

124. Op. cit. note 51, p. 14

Key findings and challenges related to the stages in criminal proceedings and the provisions made for the protection of victims

- Participants in the information collection activities noted that one of the main challenges is related to low awareness and poor knowledge shown by the judiciary officials involved in all stages of the criminal process regarding the criminological phenomenon of human trafficking and how its victims suffer.
- It was noted that there is a need to improve the training of prosecutors regarding human trafficking and its related crimes in order that the functional management of the investigation is more effective and due diligence in the process is improved. Even the need for a protocol addressing trafficking offenses for prosecutors was mentioned.
- Although trafficking is a complex crime in which organised crime is involved, including transnational groups, the availability of human resources during the investigation stage is still limited. For example, in the case of the OIJ, there are only six investigators in the Specialised Unit with national jurisdiction.
- Along this same vein, the following was also noted:
 - The limited training that exists to help those involved to fully understand the scope of the crime, the special investigative techniques, the influence of new technologies on the commission of crimes and the expertise for investigation, among others.
 - The constant turnover in personnel, which implies a need for continuing education and a “loss” of qualified human resources.
 - Very limited material resources: few vehicles to respond to the operational needs of investigations (nationally).
 - Limited access to the internet which is needed in order to conduct these investigations (personal resources must be used).
 - Absence of a permanent and accessible information channel to coordinate trafficking issues with other agencies that are responsible for the investigation.
 - When personnel from other agencies are used to assist with investigations, most are not informed or trained on the subject.
 - The most sensitive issues involved in this crime are the same ones that receive the least resources, for example, border areas.
- Poor use of prior judicial evidence as a procedural mechanism that could reduce revictimisation during the process and accelerate the reintegration of victims, especially in the case of those who wish to return to their country of origin or who could be resettled in a third country. It is important that, along this same line, prosecutors be trained to improve the validity of this procedural tool, primarily using specialised international instruments.
- There are major challenges that persist regarding collaboration among the various police investigation agencies, as well as with collaboration between these agencies and other entities that are responsible for the care of victims. The problems with collaboration have to do with different causes, including jealousy between institutions and limited knowledge about the crime and how it develops, as well as the roles and functions of other entities that contribute to the fight against human trafficking.
- Limited knowledge about the scope of international instruments and even of Law 9095 constitutes a clear limitation to being able to properly prosecute and punish those responsible for the crime.

“The prevention of trafficking involves creative and coordinated responses. Efforts to deter traffickers by addressing the root causes that led them into this field are combined with deterrents in the form of criminal justice actions. To break the cycle of human trafficking, care for victims must be directed both to preventing them from being trafficked again and to preventing them from becoming traffickers. And all these responses must be analysed because they present an opportunity to collect information—the more that is known about traffickers and their methods, the greater the chance that measures to fight them will be effective. To summarise, the prevention of human trafficking is related to all the other answers to this problem and, therefore, should be addressed in a concerted, holistic way, taking into account the complexity of this crime.”

United Nations Office on Drugs and Crime. 2009. Manual for Combating Human Trafficking. New York, pp. 436 and 437.

3.4 PREVENTION OF HUMAN TRAFFICKING

The Palermo Protocol speaks of the need for states to take effective measures (policies, programmes and other broad measures) to prevent human trafficking. Similarly, other international instruments related to human trafficking emphasise crime prevention strategies together with the care of victims, prosecution of those responsible and international collaboration.

The United Nations Global Action Plan to combat human trafficking (2010) is clear about the importance of prevention, pointing out that it should “address the social, economic, cultural, political and other factors that cause people to be vulnerable to trafficking”, and cites the broadest reasons: “Poverty, unemployment, inequality, humanitarian emergencies which include armed conflicts and natural disasters, sexual violence, gender based discrimination, social exclusion and marginalisation, as well as a culture of tolerance for violence against women, youth and children.”¹²⁵

Meanwhile, the Palermo Protocol requires states to implement measures such as social and economic initiatives aimed at potential victims, research and information and dissemination campaigns. This sphere of trafficking responses requires the design and implementation of actions in which a variety of public and private actors must cooperate.¹²⁶

Given the transnational nature often seen in human trafficking crimes, it is important that the focus on prevention be understood and that it also extend into the all nations, in cooperation with other states and other regional efforts. Furthermore, it should incorporate both international and civil society organisations whose mandates can contribute to the fight against this crime. This requires designing strategies and programmes for the medium and long term to prevent and combat this phenomenon.

Regarding foreign countries, the efforts of the countries of the Central American Regional Coalition against human trafficking is very important. Since 2012, this group has had a regional communication strategy along this line, and its aim is to “promote behavioural changes in 16 to 30 year old potential migrants who are potential victims of trafficking in villages and border crossing areas, with the objective of helping them to understand and identify the crime of human trafficking, and to recommend that other young people be alert and emphasise the benefits to crime prevention.”¹²⁷

125. Op. cit. note 114, article 12

126. Asamblea General de las Naciones Unidas, El Protocolo para Prevenir, Reprimir Y Sancionar la Trata de Personas, Especialmente Mujeres y Niños, que complementa la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional (2000), A/RES/55/25, artículo 9

127. Marco de Accion Regional para el Combate, Prevencion y Atencion a Victimas de la Trata de Personas en Centro America, Estrategia Regional de Comunicacion para prevenir la Trata de Personas en Centroamerica (2012)..

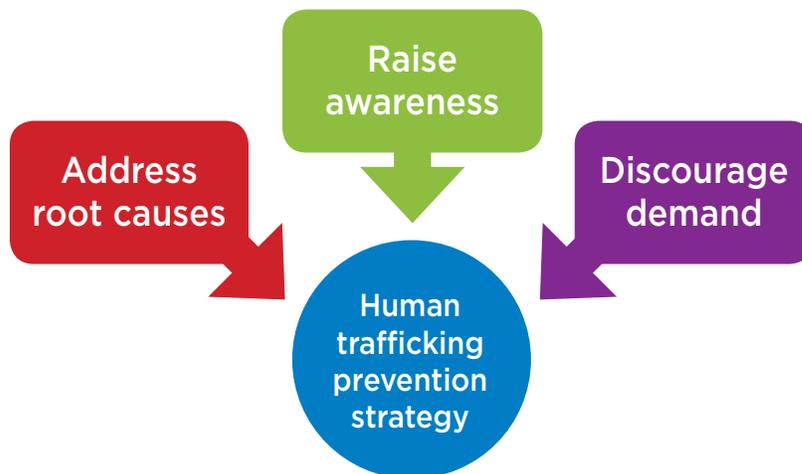
Along this same line, it is recommended to develop a large variety of actions, for example: “... Information centres at airports, transportation terminals, border areas, etc., where information and guidance on issues such as migration, human rights, rights of migrants, shelters, support organisations etc. is provided. Individuals working at these information centres should be able to directly address cases and refer them to relevant organisations. Another aspect that should be considered is the creation of forums and a national dialogue to share experiences, establish roles and develop joint strategies and activities.”¹²⁸

Although the dissemination of information regarding this issue is essential, is not sufficient to meet all its related challenges. Therefore, the analysis of prevention strategies should be much greater so that advances can be made in effective crime prevention and the reduction of human vulnerability, particularly regarding certain groups such as women, children and adolescents. For example, it is necessary to promote awareness campaigns targeted at the most vulnerable people and the general population through education, the media, NGOs, the private sector, municipalities and other local action agencies that encourage the reduction of vulnerability, but that also focus on discouraging the demand that fosters human exploitation.

The United Nations Action Plan to combat human trafficking also indicates that the role of education should be considered to be crucial to prevention. This is due to its ability to raise awareness on human rights as one of the first and most sustainable mechanisms used in the fight against trafficking and its forms of exploitation. On the other hand, also it points to the collection and systematisation of properly disaggregated information to be able to analyse the nature and extent of human trafficking¹²⁹, which ultimately should contribute to not only to understanding the magnitude of the crime, but also to designing more effective and appropriate policies and programmes to combat it.

The above makes it clear that a strategy for human trafficking crime prevention should include the following aspects:

GRAPHIC 8 – Components of a prevention strategy



128. Diego Beltrand, *Trata de Personas: Un desafío Regional*, Santiago (2002), p. 7

129. *Op. cit.* note 114, article 16-19.

The prevention of human trafficking in Costa Rica

In grouping together these standards and international guidelines, Chapter VII of Law 9095 establishes the responsibility of institutions to allocate resources aimed at discouraging the demand for human trafficking and sensitising society and agency staff to detect and report trafficking. Similarly, but of extreme importance, it demands of the Technical Secretariat of CONATT to help municipalities incorporate human trafficking prevention and care for victims into their plans. It also adds the obligation of the media to allocate free airtime to campaigns for the fight against human trafficking, these being considered a donation to the state. They should be placed on the pages, schedules and programmes that have the greatest audience.

Regarding prevention during 2015, CONATT institutions carried out information and awareness activities, such as marches for the Day against Human Trafficking, awareness speeches and meetings, and dissemination of information about health and education.¹³⁰ In addition, campaigns were conducted to combat commercial sexual exploitation.¹³¹

In terms of prevention, within the framework of approved projects to be executed by FONATT (National Fund against Human Trafficking and Illegal Smuggling of Migrants) in 2016, two projects are of particular importance: a) the launch of the “Blue Heart” UN campaign aimed at educating and warning the public about the scourge of human trafficking, which will be national in scope; b) strengthening a community safety strategy that integrates prevention of human trafficking through the strengthening of Community Development Associations¹³². This would provide a definition and pathway for actions taken to decentralise and operationalise efforts in the fight against this crime on a local level.

International organisations and NGOs that contribute to fight against human trafficking in Costa Rica

Article 11 of Law 9095 states the following: *“Representatives of any public institution can attend Coalition meetings as observers, including the International Organisation for Migration, the High Commissioner for the United Nations for Refugees, the International Labour Organisation, the United Nations International Children’s Emergency Fund and other representatives of international and social organisations related to the issue that may be invited by CONATT.”*

In addition to the aforementioned international bodies, the following civil society organisations formally participate as observers of CONATT, although there are many other organisations working on the issue of human trafficking:

The RAHAB Foundation¹³²: This is a non-governmental, non-profit organisation, founded in Costa Rica on November 12, 1997 with the mission to provide dignifying changes in the quality of life for individuals and families linked to the sex trade. Since then, its main objective has been to contribute to the protection and physical and emotional well-being of people who wish to leave the commercial sex industry and that of trafficking for sexual exploitation.

Defence for Children International Costa Rica (DNI-Costa Rica)¹³³: For 20 years this group has been working in different territories on both national and local levels, as well as regional and international levels. It focuses its actions on the promotion and defence of human rights for children and adolescents, seeking to achieve the recognition and effective exercise of their citizenship status through actions involving the co-responsible participation of states, international agencies and their civil societies. DCI Costa Rica works in the areas of public policy, education and communication, and social participation.

130. Op. cit note 65

131. “Be a defender” aimed at domestic and foreign tourists, regarding the existence and meaning of the Code of Conduct and “*Unforgettable Costa Rica*”, a virtual campaign that simulates a site for sexual exploiters who intend to visit the country. CONATT. Informe sobre trata de personas 2015 CONATT-Costa Rica, presented at the first ordinary session of CONATT on March 25, 2016

132. Op. cit note 65

133. Available on-line at <http://www.fundacionrahabr.org> (last accessed 7 April 2016)

134. Available on-line at <http://www.dnicostarica.org> (last accessed 7 April 2016)

CIDEHUM¹³⁴: Centro Internacional para los Derechos Humanos de los Migrantes (CIDEHUM, or International Centre for the Human Rights of Migrants) is an international organisation based in Costa Rica. It was formed in 1999 following the creation of the Special Rapporteur for the full and effective protection of Migrants' Human Rights, by the United Nations Commission on Human Rights, now the Human Rights Council of the UN. The centre has developed programmes aimed at protecting the rights of migrants, including their social and cultural rights, gender equality and the care and protection of unaccompanied children, adolescents and women, all of whom are in conditions of vulnerability.

Pastoral Social-Caritas Costa Rica Network¹³⁵: As part of its global activity, Caritas has prioritised the areas of migration, shelter and human trafficking in the country. In the case of immigrants and refugees, it seeks to contribute to their social and ecclesial integration into their new communities, in a framework of coexistence, solidarity and appreciation for the richness of cultural diversity. It is currently in the planning phase of a systematic project to prevent human trafficking and to assist and support survivors of this attack on human rights. Pastoral Social-Caritas is present in several inter-agency and inter-organisational networks that aid immigrants, refugees and trafficking victims.

CONFRECOR¹³⁶: Conference on Religious Men and Women - Costa Rica is a pontifical law agency that was approved by the Congregación para los Institutos de Vida Consagrada (Congregation for Institutions of Consecrated Life) and Sociedades de Vida Apostólica (Societies of Apostolic Life) on March 13, 1998. It works on the issues of migration and human trafficking and seeks to establish itself as a body for reflection, training and advocacy regarding the rights of migrants and trafficking victims. It generates, encourages and accompanies the organisational processes for training and integration of the at-risk population, from an articulated and evangelical solidarity viewpoint.

PANIAMOR Foundation¹³⁷: PANIAMOR (Patronato Nacional de la Infancia, or National Child Welfare Agency) is a non-governmental, non-profit, non-political-party organisation that is technical and preventive in nature and was created on September 9, 1987. PANIAMOR's mission is to achieve compliance with the rights of minors in Costa Rica, through the development of social mobilisation programmes. These programmes have the following objectives: a) strengthening the exercise of rights and responsibilities and the rate of national development; b) preventing violence against, among and by minors; c) promoting public policy and institutional practices that contribute to progress in this compliance.

Elements of a prevention agenda

As part of the information collection process for this report, with the support of the Judicial School, the training unit of the OIJ (Judicial Investigation Body) and the Professional Immigration Police, the "Questionnaire for key actors in the investigation and prosecution of human trafficking crimes in Costa Rica" was used. The questions helped identify some challenges that a human trafficking prevention strategy should consider.

The sources of information for this mapping report realised, for example, that although the majority of people who completed the questionnaire (83.5%) identified the most appropriate definition of human trafficking, the percentage dropped to 45% when asked whether they are aware of law 9095, to 30% when asked about the United Nations *Convention Against Transnational Organised Crime*, and to 29% when specific reference was made to the knowledge of the Palermo Protocol.

Most (81.4%) say *No* or *Do not know* if Law 9095 adequately and sufficiently handles the problem of human trafficking, while they believe that "society and some officials are misinformed on the crime of trafficking and people must still be educated" (sic)¹³⁹. Under the saying that the crime of trafficking is "an ignored reality",

135. Available on-line at <http://www.cidehum.org> (last accessed 7 April 2016)

136. Available on-line at <http://www.caritas.cr/ver2/index.phpc> (last accessed 7 April 2016)

137. Available on-line at <http://www.confrecor.org/CONFRECOR/index.html> (last accessed 7 April, 2016)

138. Available on-line at <http://paniamor.org/generales/nosotros.html> (last accessed 7 April 2016)

139. Opinion of a participant recorded in a "Questionnaire for key players in the investigation and prosecution of human trafficking crimes in Costa Rica".

opinions coincide on the need to make efforts to provide information and disseminate it in the media at a national level, using information campaigns aimed at both the general population and officials at all levels who are responsible for addressing this issue.

A strategy for the prevention of human trafficking depends on having an understanding of the roles of the different entities involved within the social structure that supports exploitation. Understanding the perceptions of social groups in relation to victims is critical for shaping prevention campaigns or any other action that attempts to deter the crime of trafficking.

In the ILO study regarding tolerance of commercial sexual exploitation, evidence is seen of the trend to believe that "...the cause of the problem lies in the moral values of the family and the victim, and reinforces the idea that there are many prejudices and myths surrounding sexual exploitation..." and "...the answers ignore the vulnerability and social exclusion that victims and their families suffer from, and reduces the problem to a moralist and pejorative assessment of people who are at the end of the exploitation chain".¹⁴⁰

In focus groups, as well as in responses to the questionnaire, when the issue of the perception of the victims of trafficking for sexual exploitation is brought up, it is still pointed out that "they use provocative dress, immodest clothing and too much makeup to call attention to themselves". And, in relation to their behaviour, they are considered to be "aggressive, defensive, negative and self-destructive"; they use improper, sexual and mostly vulgar language; they consume alcohol and drugs and like to interact with adults. They note that they show academic disinterest, dropping out and repetition of grades being their general academic record. When asked if trafficking exists because of a lack of positive values and consumerism in society, 50% answered affirmatively.

Thus, contrasting the current responses with those of the aforementioned study dating from 2006, it is clear that it is still relevant, pertinent and necessary to continue working to achieve a change in the social perceptions of the victims of exploitation.

This position, anchored in making the morality and values of the victims and their families the causes of the crime of trafficking, ignores causes involving the economic and social structure and cultural patterns that normalise and accept disrespect for the rights of the most vulnerable people in society, thereby preventing social change that would reduce the demand for, and fight against criminal organised human trafficking networks and the various forms of this exploitation.

Perceptions of the victims and their families

- They wear brand-name and provocative clothes, not appropriate for their age. They consider it to be "unseemly and worn to draw attention".
- They use excess makeup.
- They have expensive hair cuts (in order to look older).
- They have expensive electronics (cellphones, trademarks).
- Their clothes and possessions are not aligned with their economic conditions.

Behaviour

- They can be outgoing and they try to attract attention.
- They are aggressive, defensive, negative and self-destructive.
- They may have physical marks (bumps, bruises, etc.).
- They use inappropriate vocabulary which is sexual and mostly vulgar in nature.
- They abscond from home for days or periods of time.
- They like to interact with adults.
- They use alcohol and drugs.
- They are fatigued and distracted.
- They show signs of depression, apathy, sadness, hopelessness, secretiveness.
- They are insecure, fearful, embarrassed, silent or submissive children or adolescents.
- They show academic disinterest: academic dropout and repetition.
- Materialistic and rebellious.

Family situation

- They come from broken homes with incidences of domestic violence, alcoholism and drug addiction.
- They have dysfunctional or absent parents.
- They lack adult supervision.
- There is an exchange of roles in their family relationships.
- Unwanted pregnancies.
- No firm roots.
- Unemployment and poverty or extreme poverty.

Source: Quepos Intersectoral Workshop (February, 2016)

140. OIT, Tolerancia social en la población frente al comercio sexual con personas menores de edad en Centroamérica, Panamá y República Dominicana (2006), p. 26

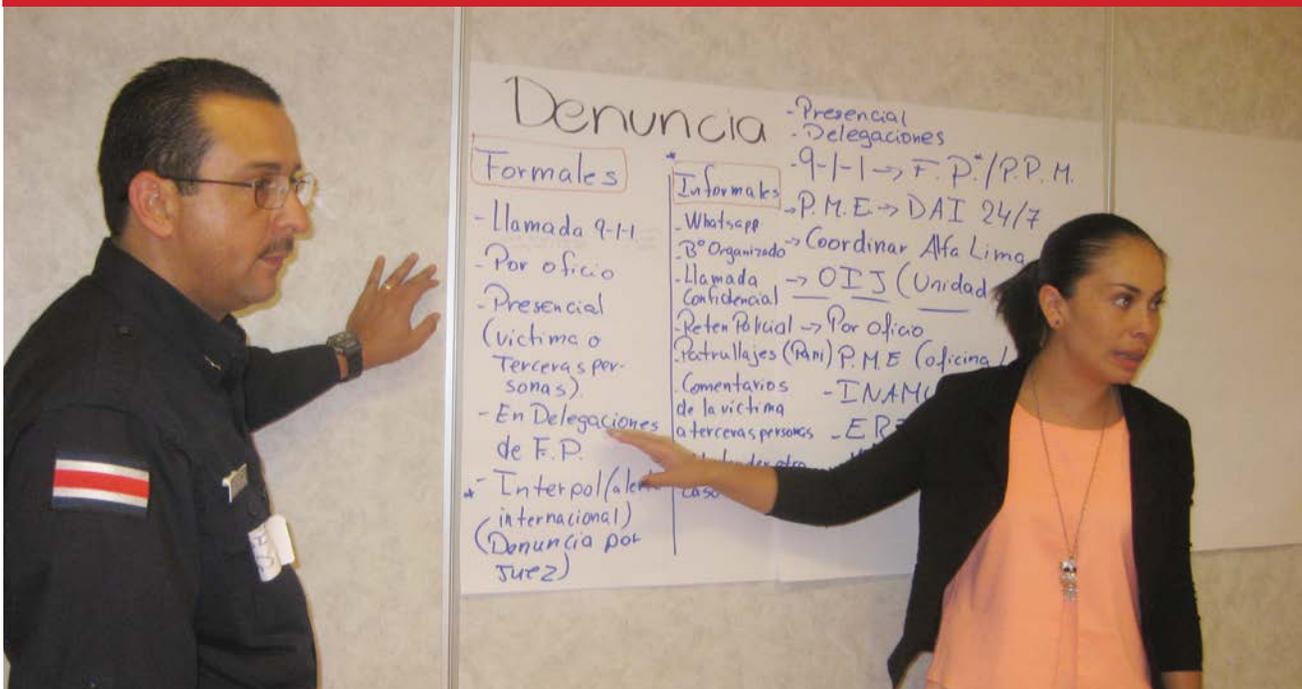
Key findings and challenges identified for the prevention of human trafficking

- While the country has already adopted several key instruments to fight against human trafficking, such as protocols, plans and standards, it still lacks a comprehensive strategy to combat this crime. In the area of prevention, only isolated actions have been taken, with a focus mainly aimed at raising the general public's awareness.
- A lack of knowledge and awareness regarding human trafficking is seen in key actors such as public officials who hold the responsibility to make initial contact and in communities. In particular, the scope of law 9095 and their own role in fighting this problem is unknown.
- The definition of who to report to and how should be considered and social actors in geographic areas that are prone to the commission of these crimes should be prioritised. For example, communities in areas linked to migration, such as border towns, or tourist destinations, etc. and personnel at institutions with the responsibility to make first hand contact with potential victims (Law Enforcement, education personnel, health staff, etc.) and protection institutions (care network, PANI, or National Child Welfare Agency, OFIM (Oficinas Municipales de la Mujer, or Municipal Women's Offices), etc.). This should also include private actors that may affect the most vulnerable populations (local women's organisations, agricultural employers, tourists, taxi drivers, airport staff, etc.).¹⁴¹
- This subject should continue to be spoken of with a differentiated strategy among tourists, but also among other sectors such as employers of migrants in agricultural areas. Dissemination should include information on the subject, particularly on the legal consequences of exploitation, as appropriate to the target group to which the information is being addressed.
- According to information gathering exercises, the public does not know where to report human trafficking. Conventional channels, such as 9-1-1, require too much personal information from the person reporting the crime, something that discourages individuals from reporting it. Individuals are afraid, and this is coupled with the limited capacity of the institutional response perceived by the population, serving to discourage the reporting of the crime.
- In the case of trafficking for sexual exploitation, it was mentioned that in the country there is a high tolerance for prostitution, a situation that prevents an attack on the causes that are at the root of this criminal act. The country needs a profound cultural change, and it is therefore necessary to implement a more comprehensive and forceful preventive approach. Actions should include changes in public policies that contribute to perpetuating both of these phenomena, along with the public's perception of them.
- As the root causes of trafficking, it was confirmed that national strategies (not specific to human trafficking) addressing violence, decent employment and discrimination can have an impact on trafficking. However, the scope of these strategies remains very limited among the groups that are most vulnerable to human trafficking, given their characteristics.
- Regarding actions aimed at discouraging demand, very little has been done. The main work done in this area is in the tourism sector that is related to commercial sexual exploitation¹⁴² and actions taken regarding commercial sexual exploitation and masculinity¹⁴³. However, actions that discourage demand for other forms of exploitation must also be taken more seriously. The need to work with groups and employers (formal and informal) from the national agricultural sector (e.g., pineapple, coffee and oranges) was mentioned.

141. See the strategy developed for the prevention of Sexual Commercial Exploitation related to Travel and Tourism developed by the International Bureau for Children's Rights, PANIAMOR and World Vision in Costa Rica. This strategy included bilateral cooperation among police authorities, a bilateral campaign against Sexual Commercial Exploitation of children and adolescents associated with travel and tourism, a social geographical roadmap, information activities-training-action with non-formal operators of tourist goods and services, a strengthening of local community networks, self-protection activities with young people and a reduction of Sexual Commercial Exploitation social tolerance within families. IBCR, or International Bureau for Children's Rights, PANIAMOR Foundation, World Vision. (2014). Prevention of commercial sexual exploitation associated with travel and tourism in Costa Rica: systematisation of a bilateral experience. San José. The document can be seen at: <http://www.explotacionsexualenperu.com/educativo/1297/>

142. Fundación PANIAMOR, Prevención de la explotación sexual comercial y trata de niños, niñas y adolescentes: Código de conducta, available on-line at <http://paniamor.org/incidencia/pescna.html> (last accessed 7 April 2016). For example, see the strategy developed for the prevention of Sexual Commercial Exploitation associated with travel and tourism, which included concrete actions to discourage the demand for children used in the sex trade by Canadian tourists. IBCR, or International Bureau for Children's Rights, PANIAMOR Foundation, World Vision. (2014). Prevention of commercial sexual exploitation associated with travel and tourism in Costa Rica: systematisation of a bilateral experience. San José. The document can be seen at <http://www.explotacionsexualenperu.com/educativo/1297/>

143. Las primeras investigaciones y material de información, capacitación y sensibilización fueron realizadas en el marco del proyecto contra la ESC de la OIT que se ejecutó en los países de Centroamérica entre los años 2002 y 2009, en alianza con el Instituto WÉM, available on-line at <http://www.ilo.org/ipecinforo/product/download.do?type=document&id=6701>



- Also mentioned, in general terms, was that prevention has been developed at the central level and that it is necessary to articulate concrete actions at the local level, so that the advance of organised crime is impeded from becoming an alternative to the economic empowerment of communities. Work at the community level must be linked with municipalities, MEP (Ministry of Public Education), education and health boards, among others.
- Little has been explored regarding the use of social networks for the prevention of trafficking crimes.

3.5 INSTITUTIONAL HUMAN RESOURCES TRAINING AND SPECIALISATION

The implementation of legislation, prevention, protection and victim aid actions along with the prosecution of trafficking crimes make it essential that the state also implement strategies for training key agency personnel to properly respond to the needs, complexities and requirements arising from human trafficking situations.

Training should be a regular exercise that allows for regular refresher courses and feedback from the experiences and lessons learned during daily operational activities. This knowledge sharing exercise should also allow for an international dimension among states.

The creation of specialised units to investigate human trafficking or to care and protect victims is an act that must be carried out by specialised professionals. However, in practice it appears that this is not always the case, and often the response to new officials is forced, on the fly training as to their institutional responsibilities. Sometimes, training rests with more experienced colleagues, although they are not necessarily individuals possessing the tools and profiles of a trainer.

Under Law 9095, one of the responsibilities of CONATT is to promote training and specialisation of institutional human resources¹⁴⁴, which in the opinion of the Technical Secretariat of CONATT represents a “permanent challenge for its members.”

During 2015, in Costa Rica a total of 25,764 people were trained, as detailed below¹⁴⁵:

TABLE 17 - Training and information actions carried out by members of CONATT during 2015¹⁴⁶

Target audience	Agency providing the training	Number of participants
Public officials	CIDEHUM (International Centre for the Human Rights of Migrants)	72
	DGME (General Office of Immigration and Foreigners)	860
	Rahab Foundation	899
	MEP (Ministry of Public Education)	90
	MEP (Ministry of Public Education) / IOM	23
	MJP (Ministry of Justice and Peace)	100
	MSP (Ministry of Public Security)	1.027
	MTSS (Ministry of Labour and Social Security)	236
	OIJ (Judicial Investigation Body)	1683
	OIM	159
	Subtotal	5.149
Students	CIDEHUM (International Centre for the Human Rights of Migrants)	50
	DGME (General Office of Immigration and Foreigners)	184
	Rahab Foundation	3.382
	MJP (Ministry of Justice and Peace)	110
	MSP (Ministry of Public Security)	10.731
	Subtotal	14.457
Civil society	CIDEHUM (International Centre for the Human Rights of Migrants)	30
	DGME (General Office of Immigration and Foreigners)	209
	Rahab Foundation	678
	CONFRECOR (Conference on Religious Men and Women - Costa Rica)	161
	ICT (Costa Rican Tourism Institute)	355
	INAMU (National Women's Institute)	322
	MSP (Ministry of Public Security)	83
	MTSS (Ministry of Labour and Social Security)	103
	OIJ (Judicial Investigation Body)	3.926
	OIM	129
	Subtotal	5.996
Miscellaneous	DGME (General Office of Immigration and Foreigners)	162
	Subtotal	162
	TOTAL	25.764

145. Op. Cit. Note 65

146. Ídem

“Greater coordination among those involved is required, not simply to raise awareness and promote investigations into this illegal practice, but also to ensure the provision of training, professional development and specialisation in the field. This will allow interested persons to conduct thesis-type research on the matter, and allow for a thorough understanding of the entire territory, the various types of people involved and, by means of these studies, the improvements that can be made. I believe that legislation on the matter is not enough, particularly if the reality on the ground is not considered and acted on. It is known that illegal practices such as sexual and labour exploitation exists in an evasive manner and that it is made legal by our institutions in various ways, because those responsible sometimes have municipal, health and other permits to operate. However, there is no follow-up given to the actual activities being performed. Meanwhile, victims are reluctant to reveal the details of the activity because of social, personal, economic, family and other problems, because they would lose their income and, even more concerning to them, because they would lose their dignity. Due to these constraints, they eventually accept their situations and even end up protecting offenders and hiding or denying information that could lead to the capture of these parties. I also believe that the issue is given very little importance because people are unaware of the facts and the scope of the law. Even within the police force, and particularly in my capacity as an attorney, little information is sent to us, as each police discipline is dedicated to its own tasks and rarely takes the time to analyse the legislation applicable to its area of expertise. Furthermore, there is no time for it and professional development or training is neither required nor sought out in any of the fields. Virtual courses are an excellent option and I don’t know of any that is included in national legislation or being used.”

Participant’s opinion collected in the «Questionnaire for key players in investigation and prosecution of trafficking crimes in Costa Rica»

Notwithstanding the foregoing, it is necessary to differentiate between training and information and awareness activities since the scope of each is different. The strategies and resources required to improve in both of these areas are also different. Awareness activities have a more specific temporary nature and are less complicated (they do not require specialisation). While they are no less important, distinguishing them allows for the development of more appropriate and effective strategies to achieve the objectives of each area.

Training activities and regular refresher courses generally form part of an institution’s structure. Most institutions have specialised continuing education services for basic training and refresher courses for their personnel. These services are aligned with the optimisation and strengthening policies found in public services.

The institutional structure for the training of key players in the fight against human trafficking

Based on the objectives of the IBCR project in Costa Rica, the mapping effort researched various agencies that have the ability to influence, both permanently and continuously, the knowledge of key individuals in the intervention of trafficking situations.

*Judicial School*¹⁴⁷

In the case of the judiciary power, the initial training and refresher courses is in the hands of the Lic. Edgar Cervantes Villalta Judicial School. Based in Ciudad Judicial (Justice City) in San Joaquín de Flores (Heredia), its objective is to provide quality service through interdisciplinary work that contributes to the optimisation of the justice administration.

The idea behind the creation of the Judicial School is “to develop specialised training programmes aimed at judicial officers that will comprehensively improve their knowledge and skills for the effective performance of their duties, thereby contributing to the administration of swift and effective justice”.

It is also the governing body of the training units for the Judicial Investigation Body, the Public Defender, the Attorney General’s Office and Human Resource. To this end, it formulates training, evaluation and certification policies aimed at improving the institutional response when facing the growing and increasingly more complex personnel training needs. It also provides various technical support services, along with written, audio-visual and multimedia training materials.

It has offices in 15 judicial circuits: Corredores, Golfito, Grecia, Pococí, Liberia, Limón, Nicoya, Osa, Puntarenas, Pérez Zeledón, San Carlos, San Ramón, Santa Cruz, Turrialba, Upala. Furthermore, its activities can reach even more circuits and judicial centres using new technology.

Forming part of the actions with an international outlook, the Judicial School of Costa Rica is part of the Latin American Network of Judicial Schools, which makes up its Board of Directors. Since 2011, it has also been the permanent headquarters of the Judicial Training Centre for Central America and the Caribbean.

Currently, the Judicial School is composed of the following:

- A Board of Directors
- Management
- An administrative area
- An academic area: 5 course design and logistics managers, 2 specialists in teaching methods, 4 staff specialists (over judges)

The school’s courses have a pedagogical competence approach, which is governed by reflection, participation and teamwork, and run under three modalities: classroom, virtual and bimodal.

The Judicial School primarily directs its efforts at those working to form part of the judiciary, such as judicial technicians and judges. However, its activities also extend to other audiences such as litigants from other state institutions or the general public. Its academic services are developed through six programmes:

- Initial Training for Aspiring Judicature
- Specialisation Programme
- General Basic Training Programme for Judges
- Refresher Programme
- Distance Learning Programme for Judicial Technicians
- Outreach Programme

Training on human trafficking: Under the Refresher Programme, the Judicial School twice offered the virtual course “Criminal Prosecution of human trafficking crimes: course for the judiciary, prosecution and police aimed and judges, defenders, OIJ (Judicial Investigation Body) agents and IOM personnel. Currently, the course is under review and therefore is not part of the refresher programme at the Judicial School and no course in this area is available.

Under the Outreach Programme, the course “Investigation of human trafficking crimes” aimed at 30 judges, prosecutors and public defenders is offered. As part of the history of this institution regarding this subject, in 2007 the Judicial School offered a specialised course called “Human trafficking of minors for sexual exploitation as an expression of organised crime”.

The theme of childhood and adolescence is a theme that crosses over into all courses at the Judicial School, and is integrated into the contents of access to justice for vulnerable populations.

*Judicial Investigation Body*¹⁴⁸

Since 1978, the Judicial Investigation Body has had a unit attached to the Judicial Training School. Their services are aimed at training Judicial Investigation Body staff, since this is the advisory and consultation body for Costa Rican Courts of Justice and the Attorney General’s Office. It is used for investigation, discovery and scientific verification of crimes and their alleged perpetrators, having qualified human resources who are service-minded, objective and impartial.

Since 2011, the courses taught by the training unit of OIJ (Judicial Investigation Body) have a pedagogical competence approach, which is governed by reflection, participation and teamwork, and run in two ways: presence and bimodal (training and work).

The academic offerings of the training unit include the following:

- Basic Criminal Investigation Training Programme
- Field Training Programme
- Training programme for facilitators, with a competency based approach
- Attention to initial training for other populations
- Continuing education programme (refresher courses)

The initial training of OIJ (Judicial Investigation Body) officials is provided as part of the continuing education programme that, and it includes two programmes, Refresher and Specialisation, both of which cover the issue of human trafficking.

In this context, the course “Human rights and access to justice in the judicial police” is included. Its purpose is to strengthen and sensitise the judicial police regarding their role in the improvement and implementation of national and international human rights standards. The course requires 49 hours of participation and includes a specific six hour module on “Human Rights of Human Trafficking Victims”.

In this context, the training unit offers the course “Investigation and approach to human trafficking victims” which seeks (1) To distinguish between human trafficking and migrant smuggling; (2) To determine the legal aspects of international human trafficking and its origins; (3) To use measures for attention and protection of victims and witnesses of human trafficking crimes. This course lasts for nine days. Since 2013, 76 people have been trained (56 men and 20 women).

*Attorney General’s Office*¹⁴⁹

UCS. Its services are aimed at nationwide training of Attorney General’s Office personnel.

The UCS, or UCS, has an building (under lease) consisting of an auditorium for 100 people, two classrooms with a capacity of 30 people each, two classrooms with a capacity for 20 people each and a conference room with a capacity of 12 people. It has a video conferencing system, a smart whiteboard and projection equipment in the auditorium, classrooms and conference room, as well as sound amplification equipment in the auditorium and classrooms.

148. Escuela Judicial Unidad de capacitación para el OIJ, Informe sobre los logros más relevantes de la Unidad de Capacitación para el Organismo de Investigación Judicial (2014), available on-line http://sitios2.poder-judicial.go.cr/escuelajudicial/documentos/informes%20labores%202013/5_Informe%20Labores%20Jefatura%20logros%202013-OIJ.pdf (last accessed 4 Abril 2016)

149. Information provided by the Attorney General’s Office’s Training and Supervision Unit.

Each of the courses or programmes is designed around a participatory methodology with practical activities and case studies where applicable. They are intended to link the knowledge learned to real situations in order to develop skills. Therefore, a constructivist methodology is used, encouraging learning through actions.

Currently, the Training and Supervision Unit consists of the following:

- A deputy prosecutor
- Three assistant prosecutors
- Two training managers
- A teaching methods professional
- Two assistant administrators
- Two auxiliary administrators
- Two content experts (over prosecutors)

The academic offerings of the UCS, or UCS, includes the following:

- Basic Training Programme for Assistant Prosecutors (PAFA)
- Specialisation Programme
- Refresher Programme
- Basic Training Programme for Judicial Technicians at the Attorney General's Office

Regarding training for the approach and investigation of human trafficking and smuggling crimes, a course that will be integrated into the specialisation programme is being designed. Its contents range from international instruments to the concrete analysis of Law 9095 in the case of human trafficking. It also includes the analysis of the type of crime, investigation techniques and analysis of their connection with other crimes. Under the Refresher Programme, a 40 hour course is taught on addressing human trafficking crimes in a way that protects human, migration and refugee rights. Its content is aimed at analysing international human rights instruments and jurisprudence related to migrants and refugees (global and regional levels, and comparative experience). It places special emphasis on the issue of access to justice, equality before the law and non-discrimination in areas such as human rights. The issue of national legislation when it comes to migration and refugees is discussed, as are those of human trafficking and smuggling (Laws 8764 and 9095), technical research and coordination with other agencies.

National Police Academy¹⁵⁰

For the administrative level and initial schooling, training and refresher courses for officers who make up the various law enforcement agencies of the Ministry of Public Security, the National Police Academy comes into play.

This school is an entity tied to the Ministry of Public Security and is responsible for Costa Rican police education. It develops training and courses for candidates to be officers of law enforcement that are under the command of MSP (Ministry of Public Security).

The National Police Academy has three offices which are used to meet its objectives and improve the process of expansion and regionalisation of these activities. Its facilities are used exclusively for official teaching activities and a new office in the city of Guápiles is currently under construction.

- The Francisco J. Orlich office is a two-storey building in south San José. It has a capacity of 120 students, 6 classrooms, and an auditorium for 40 people and a computer lab with 20 computers.

“The police are pretty good for the protection they provide. Also for drug operations and some animal rescues.”

Child, 12 years old.
Buenaventura
Corrales school.

- Murciélago Training Centre in Cuajiniquil, La Cruz, Guanacaste. It has a capacity to accommodate 270 students, and uses 4 classrooms at its facilities that provide specialised training in weapons, patrolling and other areas. These facilities are being remodelled and are expected to be ready for the first semester of 2017. Up to 800 new officers will be able to graduate here every year.
- Barrio el Socorro office in Santo Domingo, Heredia. This is a two-story building located on a property of more than two thousand square meters, with a capacity of 200 students, 7 classrooms and an auditorium with a capacity of 20 people.
- Currently, a new building is being built in Guápiles (Limón), which will become the main site for the School. It will accommodate 1,500 people, including students, instructors and staff. This is a donation from the Government of China, and its equipment will be provided by the Government of Canada. It is expected to be ready for the end of 2016.

The main functions of this teaching body are as follows:

- Planning, developing, assessing and monitoring basic, specialisation and improvement education programmes.
- Determining the educational needs of Law Enforcement.
- Professionalise and modernise police education.
- Promote the participation of officials and police officers in the education process.
- Promote the establishment of cooperation agreements in the field of police training.
- Select appropriate personnel to carry out education programmes.

The National Police Academy is made up of a Directorate General, the Academic Council, the Administrative Department, the Academic Department and the Research and Evaluation Department. It has 60 instructors for its teaching activities.

The curriculum of the National Police Academy includes a basic police course, courses for inspectors, sergeants, assistant superintendents and a high level course for Commanders, Commissioners and Superintendents.

“I think the police are friendly, they comply with the law and care for us. They arrive a little late when called, but that’s okay; sometimes they are punctual.”

Girl, 11 years old. Buenaventura Corrales school

48.7% of respondents to the «Questionnaire for key actors in the investigation and prosecution of human trafficking crimes in Costa Rica» do not feel that they are qualified to investigate or prosecute (depending on their job) human trafficking offenses. 50% have never participated in training activities related to the issue of human trafficking, and 13% do not remember participating. Also, 72% of those who filled out the questionnaire indicated that they do not have tools to improve their functions in the fight against human trafficking. The same percentage (72%) said training is the most important action to improve their roles in the fight against human trafficking, followed by new tools (37%) and more coordination among the different actors (25%).

Main findings related to training

- The confusion between training, information and awareness poses a strategic problem. If they are assimilated as if they were the same, it would be more difficult, if not impossible, to achieve the objectives corresponding to each of these processes.
- It is necessary for a differentiated strategy to be defined that will allow: a) professionalisation of institution staff and the inclusion of information and awareness aspects, b) sensitisation and information aimed at a wider public whose responsibility is to report crimes, and with whom the prevention of this crime should be promoted, especially in vulnerable communities. Both levels of information are needed.
- Judicial officials, responsible for investigations and caring for victims, both in court and at the administrative level, still face many challenges and limitations that should be addressed through training processes:
 - Training on trafficking crimes is not widespread and is still an incipient and limited effort, especially outside the Greater Metropolitan Area (GMA).
 - There are little specialised personnel working on human trafficking crimes. This limitation is particularly notable among members of the judiciary, but in reality reaches into many other institutions nationwide.
- Management is little aware of the importance and implications of trafficking crimes, so training needs are hardly met in the internal processes of institutions.
- Myths about human trafficking and confusion regarding other criminal acts persist. Human trafficking, as a manifestation of organised crime, is not an exclusive phenomenon and should be viewed and understood in all its complexity, primarily in order to adequately define strategies that correspond to training, information and awareness.
- It was noted that the “training” offered actually a) is a specific activity of short duration, b) provides few tools to improve institutional roles and responsibilities in preventing and combating the crime and providing attention to victims, and c) does not have a plan for monitoring and refresher courses.
- There are schools and training units that can and should take an active role in this issue. However, they have very limited training staff and facilitators of courses in this subject. Only a few units have their own, very basic, courses, even though they do identify them as a need.
- Overall, it was noted that the institutional channels of reproduction and dissemination of information are very limited and should not be relied upon, at least exclusively, for personnel training. The individuals selected to attend courses do not always have the tools and training necessary to be able to pass on knowledge.
- The tools that exist in the country for attention to human trafficking cases, including the regulatory framework, coordination techniques and best practices that have been generated to prevent and combat the crime of human trafficking and care of victims, are unknown.
- Training could provide tools so that operators of the criminal justice system could understand not only the national and international regulatory framework and their application, so that they could become useful instruments whose spirit could facilitate the implementation of national standards.
- During the various information gathering activities, it was emphasised that training should be structured in a modular way, so that there would be a widespread common knowledge base and specialisation modules based on institutional roles and responsibilities.

4. INTERINSTITUTIONAL COLLABORATION

In Costa Rica, an important coordination effort is being seen between the main actors responsible for the care and monitoring of human trafficking situations. However, collaboration and training, mainly at the coordination level, is one of the main challenges identified by the participants of the workshops in regards to the formulation and implementation of responses to fight human trafficking.

The various entities, regardless of the Power of the Republic that they represent, are obligated to cooperate with one other in all human trafficking cases, according to the requirements of each case. In fact, in practice many tools for this purpose were identified,¹⁵¹ and many of the participants indicated that they want to coordinate their efforts with other entities. However, factors were also identified that affect coordination and impact the ability to improve the fight against trafficking.

4.1 ASPECTS THAT NEGATIVELY AFFECT COLLABORATION

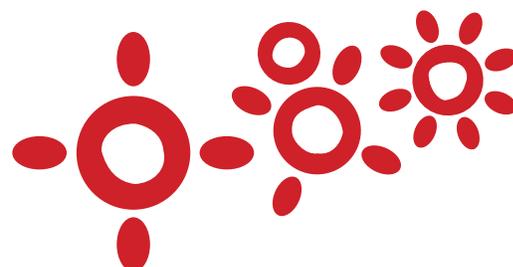
- Limited human, economic, technological and material resources. This has an impact not only on the ability to perform proper investigations, but also on the ability of institutions to cooperate in trafficking investigations. Investigations of international cases, for example, may require many resources such as interpreters, coordination with the Interpol, Technical Assistance and International Relations Office (OATRI), etc. This results in delays in responding to requests for collaboration with other institutions.
- Limited permanent availability (24/7) of some actors delays the ability to comprehensively address human trafficking situations when an interagency intervention is required. The unavailability of some institutions, particularly PANI (the National Child Welfare Agency) during non-business days and hours was mentioned frequently. This complicates the accompaniment of victims during detection of the situation, identification and the first institutional contact with minor victims. This, in turn, has a negative impact on the ability of other institutions (such as Law Enforcement) to carry out their own roles and responsibilities.
- The widespread ignorance of laws on the subject, and additionally of the powers, roles and functions of other institutions involved in combating human trafficking, prevents collaborative processes from being established, or creates delays in their implementation. This even leads to isolated intervention by institutions.
- The limitations to the disclosure of instruments (protocols, manuals, etc.) and existing mechanisms for collaboration (CONATT, Immediate Response team, etc.), as well as policy guidelines for combating trafficking (strategic plan, etc.), results in ignorance of key issues. This is a serious obstacle to inter-institutional coordination of responses to human trafficking situations.
- Limited awareness and training of personnel, including supervisors, affects collaboration between institutions. This can even lead to practices that revictimise people and the rise of institutional jealousies and other interests (e.g., public credit) that are contrary to a public official's ethical responsibilities.
- Limited human resources coupled with the lack of institutional availability during non-business days and hours make it impossible to have interpreters, lodging and other basic resources available to provide immediate care for victims. Centralised knowledge of support networks (international organisations, NGOs, etc.) that manage these resources prevents effective and timely collaboration.

151. See Table 11: Main tools for care and coordination in human trafficking situations in Costa Rica.

- The centralisation of specialised units for attention to human trafficking situations (Immediate Response team, FACTRA, etc.) prevents a more timely local response (outside the GMA, for example in border areas), despite the national authority of these agencies.
- The complex red tape needed to carry out some processes, particularly international ones, prevents effective and timely coordination that would result in more effective and expeditious crime investigation.
- Although the problem of limited human and material resources is widespread, it is even greater outside the GMA, limiting the ability of institutions to collaborate and provide a timely response to actions against human trafficking.

4.2 PRACTICES PROMOTING POSITIVE COLLABORATION

- The willingness (“goodwill”) of some officials to share institutional material resources (such as vehicles) with other institutions in order to achieve a comprehensive response to human trafficking situations has made the limited resources available more effective.
- In agencies where supervisors are sensitised on the subject, there is clarity and availability for priority and collaborative care in human trafficking situations.
- The practice of “joint operations” in which several institutions collaborate (care for victims and prosecution of the crime) facilitates action and the mass detection of potential trafficking and its related crimes.
- Discipline, ethics and professionalism of more sensitised and trained personnel decreases the incidence of institutional jealousies and seeking public recognition, which have a negative impact on interagency collaboration.
- The existence of informal communication channels with other agencies facilitates or accelerates cooperation in specific cases.
- The existence of specialised institutions for combating trafficking (FACTRA, OIJ Trafficking Unit, PPM, etc.) and caring for victims (Immediate Response team, OAPVD) allow for a more comprehensive response that is sensitive to the victims in terms of the criminal process.
- The officials familiar with available instruments (protocols, manuals, model for care for victims, etc.) and existing cooperation mechanisms (CONATT, Immediate Response team, etc.) as well as the laws and policy guidelines for combating trafficking (strategic plan, etc.) indicate that these instruments are very valuable in the formulation and implementation of appropriate, coordinated and timely responses to human trafficking situations, particularly when caring for victims. Specifically, they point out that the correct and timely use of these tools facilitates and clarifies coordination and collaboration mechanisms between all agencies responsible for providing attention to human trafficking.
- Overall, it is noted that awareness and training processes have improved the view of the importance of collaboration.
- The identification of available resources and definition of specific communication and coordination channels among institutions and other organisations (international organizations, NGOs, etc.) facilitates coordination when providing assistance and protection to victims of human trafficking.



5. GENERAL CONCLUSIONS

An inter-sectorial, territorial and multidisciplinary process was used to collect information for this mapping report. This made it possible to gain a broad, yet incomplete, picture of the situation regarding the fight against human trafficking in Costa Rica, from the perspective of the people involved in it. These characteristics determined the scope of this exercise, which was not intended to be exhaustive because it would require more time and resources, and greater diversity in data collection methodologies. However, we believe that within these limitations the exercise has been very enriching and has allowed us to gain a current and comprehensive portrait of the state of the fight against human trafficking in Costa Rica.

Overall, we can say the following:

1. Actions to combat trafficking in Costa Rica are pointing in the right direction. Many of the major findings and challenges are solvable, to a greater or lesser extent, through the various approved projects financed by the FONATT (National Fund against Human Trafficking and Illegal Smuggling of Migrants) and the actions taken by the CONATT (National Coalition Against the Smuggling of Migrants and Human Trafficking).

However, the complexity of human trafficking crimes and those related to it, along with their constant transformation (as to the means and ways they are implemented), require greater availability of human resources and diversity of actions.

There are three limitations that came up in particular and must be resolved in the short term:

- Inter-agency collaboration should be more effective.
 - Capacity building should include increasing and stabilising human resources dedicated to handling human trafficking situations.
 - The staff of key agencies should be trained, and the training processes must be institutionalised.
2. While there is clear recognition of progress in the legal framework, particularly from the highly comprehensive view of combating human trafficking provided by Law 9095, it was also noted that limitations persist, for example in the definition of the crime. These limitations affect the ability to prove the commission of the crime and, as a result, the crime of human trafficking is often masked by other offenses, mainly procuring or other crimes involving commercial sexual exploitation.



3. It is still difficult to detect trafficking offenses. The public, including the most vulnerable populations, does not understand what the crime of trafficking is and its effect on victims and society. This is part of the reason that there is limited cooperation from victims, although the reasons are much broader.
4. There are very important sustainability processes needed, mainly through key institutional changes. There are specialised units against trafficking or for the care of victims that are working in many key agencies (DGME (General Office of Immigration and Foreigners), OIJ (Judicial Investigation Body), PPM (Professional Immigration Police), Attorney General's Office, DIS (Office of Intelligence and National Security), FP (Security Forces - Police), and the establishment of the Immediate Response team in Law 9095 provides them with stability, representation and functionality.
5. The issue of human trafficking is positioned on the national agenda, and CONATT is in a consolidation phase. However, its operating procedures need to be reviewed and the scope of its actions needs to be expanded. The level of representation should be revised, mainly so that the spirit of the law is fulfilled; that is, so that the heads of the institutions are aware of the issues and are able to make the right decisions as needed. The year 2016 promises to be an important one, once financial resources become available for the implementation of the first projects and most strategic actions. These include the definition of a policy against trafficking, better awareness-raising actions and strengthening institutional resources for combating the crime.
6. As a result of the above and in addition to the recommendations issued in the following section, the following important actions are required:
 - a. Implementing a strategy for community outreach and involvement of the private sector. This includes disclosure of the actions taken by CONATT and awareness of core issues surrounding this crime, along with a prevention strategy, especially with potential victims of various forms of exploitation related to trafficking.
 - b. Strengthening investigations and broadening the spectrum of evidential activities to technically complement the investigation process and reduce, as much as possible, the central importance of the victim's testimony, thereby minimising revictimisation.
 - c. Improving the stability of trained human resources in institutions and fostering specialisation, mainly among key players, in the context of the broad nature of this process. Although a range of institutions was mentioned, the judiciary is highest on the list with the most immediate and worrying needs for training.
 - d. Imperative: Improving the exchange of best practices at the national, regional and local levels, but also internationally, especially regarding the strategies to address the challenges identified in the mapping report (e.g. strategies to involve the private sector in the fight against human trafficking).
 - e. Increasing efforts to research other purposes of trafficking without neglecting the efforts that have been directed towards commercial sexual exploitation.
 - f. Strengthening self-management strategies for officials (to prevent burn-out), especially for those who are responsible for making initial contact with victims and perpetrators when investigating this crime.

All these efforts must have the common objective of strengthening the response to trafficking by improving the effectiveness of institutional actions aimed at the care and protection of victims, the punishment of those responsible and the prevention of the problem. Even though a large number of resources are being provided and legislation has been improved in recent years, the total numbers of sentences and recognised victims remains low.

6. RECOMMENDATIONS

Among the main findings and challenges identified in this report, including the considerations and conclusions, the following recommendations have been made to CONATT (organised according to the topics addressed by its technical committees). The process for determining these recommendations included discussions and specification meetings with several institutions and agencies involved in the information gathering process.

The aim is that these recommendations can be easily translated and integrated into the operational work plans of CONATT commissions and that they can be considered as an integral component for the design of public policy in this area.

These recommendations also serve to address the pressing need to improve coordination in the prevention and combating of human trafficking. Therefore, they are directed to all agencies that make up CONATT and have a legal mandate to combat human trafficking.

In addition to the above, the project entitled “Strengthening Institutions to Combat Human Trafficking in Costa Rica” endorses all the recommendations that relate to the purpose of this project, as noted earlier in this report. In particular, the general recommendations aimed at improving training processes, which will be key information for the process of designing and implementing the tools that this project aims to contribute in order to strengthen the fight against human trafficking.

Finally, it is important to add that these recommendations only provide a partial view of the matter of strengthening the ability to combat human trafficking. While a focus on these recommendations is necessary to accomplish this goal, a comprehensive care approach to the problem requires broad strengthening that is beyond the state’s capacity. Although this is not the primary mandate of the IBCR project in Costa Rica, the IBCR also hopes to contribute to this comprehensive approach to dealing with the problem, particularly by increasing attention to the rights of children and adolescents in the execution of the country’s public policies.

6.1 PREVENTION

Member institutions of the Technical Commission:

- Caja Costarricense de Seguro Social (Costa Rican Department of Social Security)
- National Council for Rehabilitation and Special Education
- Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
- Directorate General of Transportation
- Institute of Alcoholism and Drug Dependence
- Instituto Costarricense de Turismo (Costa Rican Tourism Institute)
- Joint Institute for Social Aid
- Instituto Nacional de Aprendizaje (National Learning Institute)
- Instituto Nacional de las Mujeres (National Women’s Institute)
- Ministerio de Educación Pública (Ministry of Public Education)
- Ministry of the Interior and Police
- Ministerio de Seguridad Pública (Ministry of Public Security)
- Ministerio de Justicia y Paz (Ministry of Justice and Peace)
- Ministry of Health
- Ministerio de Trabajo y Seguridad Social (Ministry of Labour and Social Security)
- Patronato Nacional de la Infancia (National Child Welfare Agency)
- Technical Secretary of the National Commission against Commercial Sexual Exploitation

Recommendations:

- Strengthen the ability of citizen action (identifying various target audiences: children, parents, community leaders, women's organisations, informal sector, etc.) through the dissemination of easily understandable information about the crime and what to do about it (for example, what kind of information should be provided to authorities).
- Develop new prevention and awareness campaigns, with basic and useful information on human trafficking and migrant smuggling crimes (general public, institutions and, in particular, law enforcement). In particular:
 - Disseminate information on safe migration to key audiences, so that situations of vulnerability are prevented.
 - The themes of the campaigns should be broader: not only commercial sexual exploitation, international trafficking and women as victims.
 - Develop a strategy to transform the private sector into an ally, and make corporate social responsibility a mechanism that serves as a tool in combating this crime for the sector.
- Strengthen prevention and awareness programmes about human trafficking in schools and private entities (banks, hotels, etc.) and the informal sector (agricultural fairs, craftspeople, street vendors, etc.).
- CONATT should improve the dissemination of materials that facilitate the understanding of the scope of Law 9095, especially among public officials.
- Produce and disseminate tools that help provide knowledge and understanding about the basic and specialised concepts of this crime (considering sector roles and responsibilities)
- Widely disseminate the indicators of human trafficking crimes, especially among key public officials (police, legal advisers, teachers, health personnel, personnel providing protection for children and women, among others).
- Acquire information about the state of the situation in the country (advances, etc.) and distribute this information so that it becomes highly visible to citizens, especially in vulnerable communities.
- Promote more active participation of community actors (e.g. community development associations) in the prevention and identification of human trafficking situations.
- Integrate trafficking prevention programmes at the community level and generate interagency agreements for enhancing the various existing spaces that provide information to children and parents (for example, special MSP prevention programmes or community college work).
- Reinforce ties between the community, police and institutions, primarily in the most vulnerable communities and among the most vulnerable target audiences (e.g. schools). In this context, the positive image of police, especially among children and adolescents, just as that seen in the consultation with this population. In addition to being valuable, this is an opportunity that must be considered when designing a strategy to strengthen these ties and make prevention more effective.
- Promote the use of smart phone applications to improve information and awareness processes among key groups with access to this type of technology (e.g. youth).



6.2 CARE AND PROTECTION OF VICTIMS

Member institutions of the Technical Commission:

- Caja Costarricense de Seguro Social (Costa Rican Department of Social Security)
- National Council for Rehabilitation and Special Education
- Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
- Institute of Alcohol and Drug Dependence
- Joint Institute for Social Aid
- Instituto Nacional de Aprendizaje (National Learning Institute)
- Instituto Nacional de las Mujeres (National Women's Institute)
- Ministerio de Gobernación y Policía (Ministry of the Interior and Police)
- Ministerio de Seguridad Pública (Ministry of Public Security)
- Ministerio de Relaciones Exteriores y Culto (Ministry of Foreign Affairs and Religion)
- Ministerio de Salud (Ministry of Health)
- Ministerio de Trabajo y Seguridad Social (Ministry of Labour and Social Security)
- Oficina de Atención y Protección a la Víctima de Delito (Crime Victims Care and Protection Office)
- Patronato Nacional de la Infancia (National Child Welfare Agency)

Recommendations:

- Strengthen the capacity of citizen action (identifying various target audiences: minors, parents, etc.) through the dissemination of information on mechanisms for reporting, especially confidential or anonymous reports.
- Strengthen awareness about the responsibility of denouncing human trafficking crimes and the specific mechanisms for reporting them, particularly among public officials.
- Raise awareness and build capacity among relevant officials by offering training on how to identify situations and intervene while preventing revictimisation at all stages of the judicial and administrative processes, especially when interviewing victims.
- Provide information and training on models and protocols for the care of human trafficking victims, particularly among public officials.
- Establish protocols on who will act as a contact person at each institution, and thereby generate a critical path for addressing cases and applicable training processes.
- Strengthen awareness of the issue among officials (at all levels), focused on the importance of the case and of comprehensive care for victims, rather than on receiving credit for solving the case (jealousy among institutions).
- Disseminate the existence of the Immediate Response team and their functions, especially among officials who are responsible for immediate response.
- Identify the institutions that provide services to victims and require strengthening, and/or create interdisciplinary teams that provide a better approach to human trafficking situations, especially if they are responsible for immediate response.
- Strengthen the mechanisms that provide care and protection for victims and improve their willingness to cooperate with the process (report). In particular, it is suggested that the victim have the details of the stages of the process explained to him or her, and that this be done by sensitised and trained personnel.
- Extend the creation of immediate response teams to other regions of the country (part of creating a care plan) and have regional liaisons. This measure is provided for in Article 23 of Law 9095, but to date it has not been implemented.
- Identify specialised mechanisms and tools to provide comprehensive care for all trafficking victims (INAMU, PANI, men, etc.) and develop an intense joint outreach strategy in institutions for communication with public officials.

- Review and improve the ability of key institutions, such as PANI, or the National Child Welfare Agency, and in particular the DAI (Immediate Care Department of PANI), in order to have personnel available to respond 24/7 to trafficking cases in which minors are involved (especially outside the GMA where the DAI does not exist). Some measures that could be taken are: establishment of alternate schedules among key personnel, system availability, identification of sensitive areas that require priority attention, etc.
- Design and produce resources (paper or audio-visual) to facilitate first response intervention (basic and emergency services) with potential trafficking victims who do not speak Spanish (examples: picture guide to identify needs, directory of translation resources by geographical area, etc.)
- Continue the process of training and awareness for representatives of institutions involved with CONATT (as a first step) to improve care and the provision of services to victims of trafficking crimes.
- Develop special strategies and programmes for the most vulnerable groups, such as women, children and adolescents. These programmes must be different for each group.
- Programmes and assistance projects should focus on the human rights of victims, thus preventing the revictimisation of trafficked persons.

6.3 LAW ENFORCEMENT

Member institutions of the Technical Commission:

- Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
- Attorney General of the Republic
- Instituto Nacional de las Mujeres (National Women's Institute)
- Organismo de Investigación Judicial (Judicial Investigation Body)
- Technical Secretary of the National Commission against Commercial Sexual Exploitation

Recommendations:

- Establish a protocol or guidelines to be implemented by 9-1-1 and other mechanisms related to crime reporting, in order to facilitate the rapid channelling of complaints of potential human trafficking crimes and their reporting in order to improve the effectiveness of actions to provide attention to victims and to investigate crimes.
- Enhance the abilities of relevant officials to prevent revictimisation during criminal proceedings, especially when interviewing victims. This includes the following:
 - Interviews should be performed only by personnel that is trained and sensitised in interview techniques.
 - All persons whose duties put them in a position of contact with victims should be trained and sensitised, according to their role, on how to prevent revictimisation when performing their functions.
 - The use of technological tools to reduce revictimisation should be increased where possible (e.g. systematic use of witness recordings, etc.)
- Improve the ability of prosecutors to use and understand the argument for the use of prior judicial evidence in human trafficking cases, just as Article 72 of Law 9095 provides for.
- Issue a guideline to personnel of the Attorney General's Office that establishes its obligation to analyse the application of prior judicial evidence with victims or witnesses in all human trafficking cases.
- Conduct a legal analysis of the possibility that non-governmental organisations be able to participate in criminal proceedings as complainants, as provided for in Articles 70 D and 75 of the Criminal Procedure Code.

- Review the classification of human trafficking crimes and adapt it to the Palermo Protocol, eliminating the requirement of transfer for it to qualify as criminal conduct.
- Review the penal consequences of human trafficking and its related crimes. Provide for the closure of premises or businesses, among others, that facilitate the commission of these crimes.
- Minimise as much as possible the necessary red tape in addressing a trafficking case.
- Establish within CONATT and, in the short term, coordinate with judicial authorities to analyse the integration of human trafficking crimes into a proposal for creating a specialised jurisdiction against organised crime, currently under discussion in the judiciary power. To this end, it is proposed that the drafting committee in conjunction with this project do the following:
 - Evaluate the criteria for the incorporation (or not) of the crime of human trafficking into the project, including an analysis of the integration of this crime into jurisdictions against organised crime in other countries in the region.
- Strengthen the actions of the Technical Secretariat of CONATT to coordinate, expand and disseminate the national policy against trafficking.
- Strengthen, create and/or disclose intra and inter institutional care protocols for human trafficking situations (*Immediate Response team). This includes:
 - Development of a protocol that focuses on the approach to investigations and prosecutions dealing with human trafficking, as determined by intersector coordination. Also, standardisation of procedures and actions of the Attorney General's Office, as indicated by Law 9095.
 - Development of institutional protocols based on the provisions of Law 9095.
 - Clear identification of coordination procedures and the roles and responsibilities of each entity involved in the protocol.
 - Review the mechanisms and resources of the institutions in order to make more effective use of them in human trafficking situations.
 - Strengthen the amount of human resources and material resources for human trafficking situations (all areas).
- Increase understanding of operators within the justice system, particularly the judiciary, regarding the scope of the Palermo Protocol and, in particular, the definition contained in Article 3 of the Palermo Protocol (2000) concerning the definition of the offense, so that these entities can improve their application in specific cases.
- Design a strategy to harmonise national legal instruments, particularly the current classification of the crime of human trafficking in the Criminal Code, according to the content of international instruments.
- Ensure that authorities and officials responsible for law enforcement are aware of their primary responsibility to ensure the safety and immediate well-being of human trafficking victims.



6.4 INFORMATION, ANALYSIS AND INVESTIGATION

Member institutions of the Technical Commission:

- Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
- Dirección de Inteligencia y Seguridad Nacional (Office of Intelligence and National Security)
- Attorney General of the Republic
- Organismo de Investigación Judicial (Judicial Investigation Body)
- Ministry of the Interior and Police
- Ministerio de Seguridad Pública (Ministry of Public Security)
- Ministerio de Relaciones Exteriores y Culto (Ministry of Foreign Affairs and Religion).

Recommendations:

- Improve the abilities of investigation bodies (OIJ, PPM, DIS) through training and the availability of new techniques for investigating human trafficking crimes. Among others, the following mentioned: use of technology, internships in sensitive areas, supervised training of investigation teams, dissemination of good practices and new investigation techniques related to organised crime (use of tracking and wiretapping, undercover agents, surveillance, marking money, analysis of economic profiles, training for interviews, approaching victims, etc.).
- Improve and disseminate investigation tools that allow for the development of an investigation process that reduces the evidentiary need for the victim (reduced risk to the victim).
- Strengthen specialised research units with more material resources (discretionary vehicles, technological resources and review of bureaucracy for access to them).
- Improve investigative police training for the proper investigation and prosecution of human trafficking cases. For this training it is important to provide specific tools that take into account the needs of victims, particularly women, children and adolescents. Encouraging the participation of competent NGOs or IOs who are familiar with this issue could be considered as a way to make training more relevant and effective. Training processes must provide these agents with appropriate techniques to enable effective investigation and prosecution of traffickers which is not overly reliant on the testimony of victims.
- Make police, prosecutors, judges, border authorities, migration authorities and service providers aware, and encourage them to report trafficking so that more cases can be detected, protecting the rights of victims or preventing these types of situations.
- Strengthen, by training all actors that have contact with the victims, the application of existing provisions to protect victims and prevent their re-victimisation during the investigation, the processing and, when necessary for safety reasons, after all processes.
- Strengthen the coordination and collaboration between different police authorities who have the ability to investigate crimes, for example, through regular meetings that enable personnel to meet each other and build trust and better communication.
- Develop and implement strategies to strengthen the cooperation of all authorities have a responsibility to care for trafficking situations, including the dissemination and implementation of tools and existing coordination mechanisms.

6.5 CROSS-SECTIONAL RECOMMENDATIONS TO IMPROVE INSTITUTIONAL COORDINATION

Institutional members of CONATT:

- Technical Secretariat for CONATT
- Caja Costarricense de Seguro Social (Costa Rican Department of Social Security)
- National Council for Rehabilitation and Special Education
- Dirección General de Migración y Extranjería (General Office of Immigration and Foreigners)
- Directorate General of Transportation
- Dirección de Inteligencia y Seguridad Nacional (Office of Intelligence and National Security)
- Attorney General of the Republic
- Institute of Alcoholism and Drug Dependence
- Instituto Costarricense de Turismo (Costa Rican Tourism Institute)
- Joint Institute for Social Aid
- Instituto Nacional de Aprendizaje (National Learning Institute)
- Instituto Nacional de las Mujeres (National Women's Institute)
- Ministerio de Educación Pública (Ministry of Public Education)
- Ministry of the Interior and Police
- Ministerio de Seguridad Pública (Ministry of Public Security)
- Ministerio de Justicia y Paz (Ministry of Justice and Peace)
- Ministerio de Relaciones Exteriores y Culto (Ministry of Foreign Affairs and Religion).
- Ministry of Health
- Ministerio de Trabajo y Seguridad Social (Ministry of Labour and Social Security)
- Oficina de Atención y Protección a la Víctima de Delito (Crime Victims Care and Protection Office)
- Organismo de Investigación Judicial (Judicial Investigation Body)
- Patronato Nacional de la Infancia (National Child Welfare Agency)
- Technical Secretary of the National Commission against Commercial Sexual Exploitation

Recommendations:

- Strengthen institutional channels so that those responsible in this area (technicians and politicians) internally disseminate actions for the prevention and combat of human trafficking crimes, as well as those taken to care for victims, particularly those relating to institutional roles and responsibilities. To this end, the following is recommended:
 - The institutions that are part of CONATT must proceed promptly to define focal points for Institutional Technical Committees (CTIs), in accordance with the provisions of Law 9095.
 - Carry out a coordinated training effort from CONATT regarding the Focal Points of the CTIs and the institutional representatives before CONATT, in order to develop outreach activities within these institutions that have national, regional and local coverage.
 - Provide training for the Focal Points on the CTIs and for institutional representatives at CONATT regarding the use of technological resources (videoconferencing and other resources) and the importance of collaboration with other institutions (such as schools and training units at institutions), in order to improve their functions as far as the dissemination of resources, programmes and institutional actions in the field.
 - Improve coordination among agencies that share the responsibility of interagency coordination regarding human trafficking: CONATT (National Commission Against the Commercial Sexual Exploitation of Children and Adolescents) and OATIA (Office for the Attention and Eradication of Child Labour and the Protection of Adolescent Labour).
 - Agreeing on a strategy with CONATT for making institutional representatives responsible to their own organisations and to CONATT for their participation in actions promoted by CONATT and for the dissemination of information, including improving political agreements that already exist and that support joint actions among institutions.
 - Strengthen internal communication within and between institutions (institutional and inter-institutional) to improve coordination, including coordination between the central area and other regions of the country (territorial approach) as well as at the international level, with the Regional Coalition and coalitions from other countries.

- Establish links in each institution as well as institutional commitments to work together to facilitate interventions crime investigation and attention to victims.
- Disclose institutional and interagency efforts that address prevention and combat against human trafficking crimes and the care of victims. It should be made clear who and how to locate personnel and departments that take the lead in the issue and represent the institution in the different areas of coordination, by means of the following:
 - Having a database or directory of officials (including contact information) and disseminate it in order to articulate timely intervention in trafficking cases. Include translation resources for situations where Spanish is not spoken.
 - Identify, document and disseminate good practices developed in the approach to preventing and combating the human trafficking crimes and care for victims.
 - Implement mechanisms of mass information. For example, an electronic bulletin and newsletter on the actions carried out in this area.
 - Design and implement a strategy to regionalise the coordination mechanisms, including appointing human resources at principal coordination networks (CONATT, CONACOES, and OATI) with the main responsibility of linking the efforts of national coordination with regional and local actions.
- Strengthen the implementation of actions against trafficking, through the integration of the topic into existing local institutional networks, for example: Cantones Amigos de la Infancia (County Friends of Children), MSP (Ministry of Public Security) Prevention Programmes, Community Development Associations, Municipalities, Women's Offices, Local Protection Systems, Protection Network for violence against women, among others.
- Use smart phone applications that allow users to obtain centrally located technical information, but also provide guidance regarding care procedures in trafficking situations for personnel at institutions that must intervene.

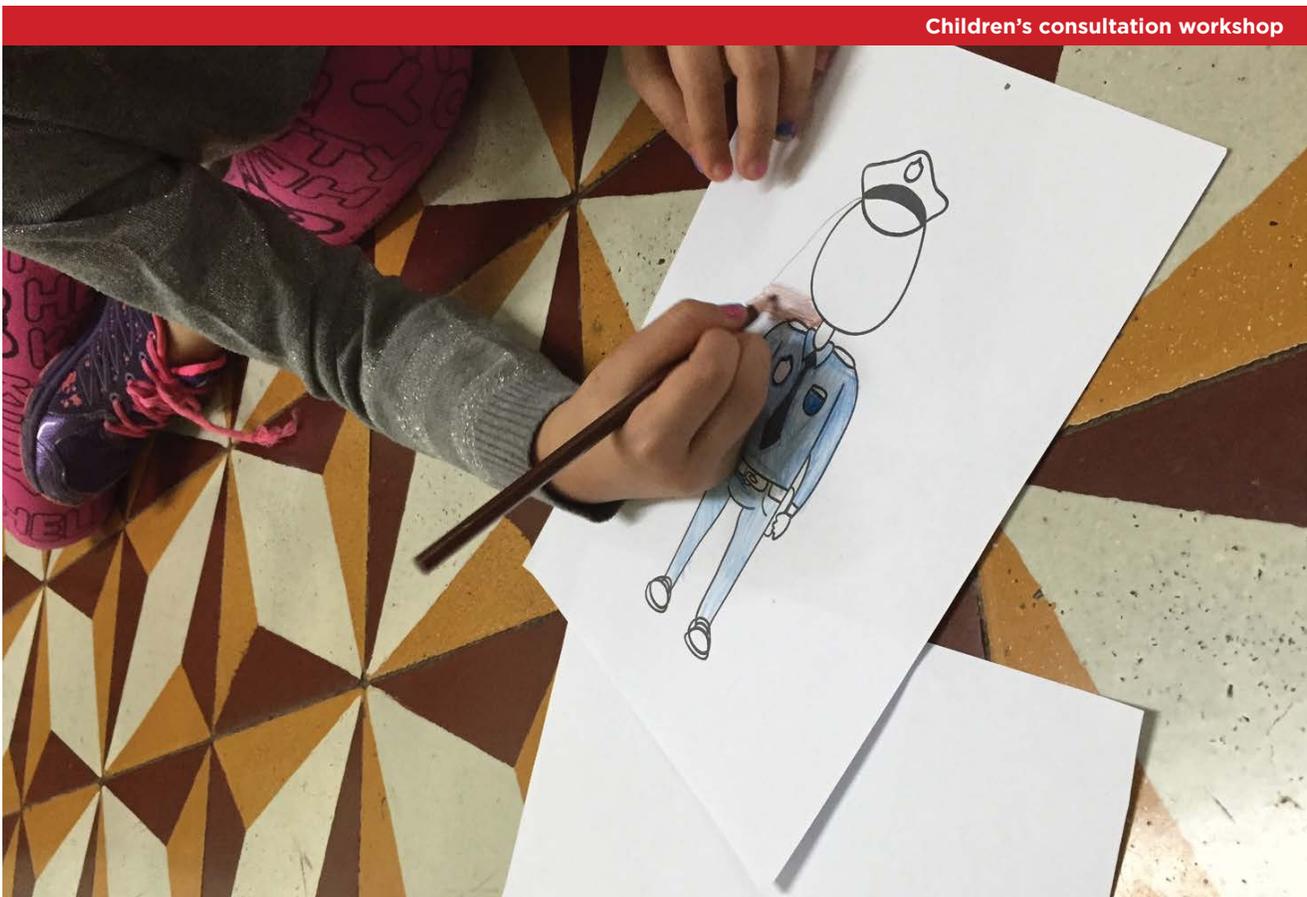
6.6 GENERAL RECOMMENDATIONS FOR IMPROVING TRAINING ACTIVITIES

- Schools and training units of both the judiciary power and other branches of government
- Technical Secretariat for CONATT
- International organisations
- Non-governmental organisations

Recommendations:

- Expand training on human trafficking offenses to the greatest number of officials possible (all) throughout the country, in particular the following have been identified as priority:
 - Specialised training for judges, prosecutors, OIJ, Migration, PANI, or National Child Welfare Agency, Law Enforcement.
 - Training for middle managers and supervisors to facilitate decision-making processes related to preventing and combating human trafficking crimes and care for victims.
 - In the case of judges, reference was made not only to the policy issue but also the criminological issue of trafficking and regarding the treatment that should be given to its victims.
 - Prioritisation should also be given according to other criteria, such as where the crime may be more common (beaches, border areas) or the products produced with migrant labour (oranges, coffee, among others).
- Transform specific training in training processes, using monitoring, regular refresher courses, and sharing of experiences (including lessons learned).
- Include training in the use of new technologies that enable more agile and dynamic learning (e.g. virtual training).
- Strengthen and/or create, as necessary, frameworks that provide the profile and skills required for the provision of human trafficking courses in schools and training units.

- Encourage the establishment of institutional channels that facilitate the reproduction and dissemination of knowledge acquired by some officials and officers during training (outside the context of formal training workshops that are mandatory for those who participated in the training).
- Include in training courses the dissemination of good practices developed in the approach to preventing and combating the human trafficking crimes and care for victims.
- Training processes must provide tools that facilitate individualised attention to trafficking situations, differentiating between adults, children and adolescents.
- Strengthen/expand training on basic aspects of the crime of human trafficking and coordination aspects for first contact personnel (including the Law Enforcement that works in direct contact with communities).
- The training process should include joint analysis (from different sectors) of protocols and guidelines for dealing with human trafficking situations and, among others, should unify the criteria used in implementing protocols.
- It should also include case analysis, with analysis approaches from different sectors that allows for understanding the complexity and interest that each party has in the process.
- Law enforcement authorities should be helped to increase their knowledge and application of international legal instruments, especially those that are specialised for human trafficking, so that they immediately become useful and integrative tools for the application of national laws.
- Training should respond to different needs, and it is therefore important that some processes provide for interaction with other institutions (e.g. joint police, judge and prosecutor training), as well as the interdisciplinary nature of the contents.
- Training should be structured to provide basic knowledge and other more specialised subjects, based on institutional roles and responsibilities. It should also provide different target audiences with practical tools to facilitate the application of knowledge, for example practical manuals (also called pocket guides) or applications for smartphones.



Children's consultation workshop

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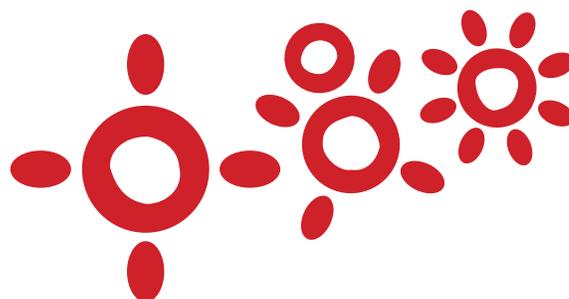
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STRENGTHENING INSTITUTIONS TO FIGHT AGAINST HUMAN TRAFFICKING

With support from Global Affairs Canada, the International Bureau for Children's Rights (IBCR) is carrying out a project in Costa Rica (September 2015 to August 2018) that aims to increase the professionalisation and strengthen the capacities of key actors involved in monitoring, preventing, researching and processing human trafficking crimes. The project's main objective is to improve responses to this phenomenon from Costa Rican authorities, members of civil society and the private sector (tourism), particularly when trafficking occurs for the commercial sexual exploitation of children and adolescents.

The project aims to integrate permanent and mandatory specialised training on human trafficking into the courses offered at the National Police Academy and the Judicial School, as well as into those offered at other specialised training units, like those at the Judicial Investigation Body and the Attorney General's Office. In addition, specialised instructors will receive training, thus, allowing them to implement an ongoing training process for employees from these organisations. Moreover, the project seeks to raise awareness and educate members of both civil society and the tourism industry about human trafficking crimes, especially those motivated by the commercial sexual exploitation of children and adolescents.

Reference Group

The Reference Group is made up of CONATT's Technical Committees for Information, Analysis and Research and Prosecution. The group will produce the policy guidelines for the project, in accordance with the National Policy on Human Trafficking, and will see to their implementation.

Pilot Group

The Pilot Group is made up of CONATT's Technical Secretariat and the various schools and training units involved in this project. This group will review and validate the tools, materials and processes developed during the project.



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