

Information for Trafficking Victims

Rights and Entitlements for those Cooperating in Trafficking Investigations and Prosecutions

Trafficking in persons can happen to anyone. The law in Costa Rica protects victims of trafficking, providing them with rights and entitlements. This includes different forms of assistance to help them recover and move on with their lives.

Some trafficking victims may be asked by prosecutors or law enforcement to participate in the investigation and/or prosecution of their traffickers. They may be asked:

* to file a complaint * to provide a statement * to testify in court

This information is for trafficking victims who are deciding if they want to be involved in an investigation or prosecution of their traffickers. It includes answers to the following questions:

? Who is a victim of trafficking?

? What services are available to trafficking victims?

? How do I access these services?

? What does participation in an investigation or prosecution involve?

? What should I know before deciding to cooperate in a trafficking investigation or prosecution?

? What rights do I have as a trafficking victim in relation to legal proceedings?

? What rights do I have if I decide to testify?

? Who assists and protects victim-witnesses?

Who is a victim of trafficking?

A person may be a victim of trafficking in persons if they have been recruited, taken somewhere, kept somewhere, or offered things (like money, food or gifts) and then exploited to benefit someone else. This might be work that they are forced to do, sexual activities, or committing crimes such as selling drugs. Sometimes a trafficker threatens or harms a person to force them to do these things. In other cases, traffickers treat their victims with love and affection in order to trick or manipulate them.

Anyone can be a victim of trafficking. You may be a victim of trafficking even if the person exploiting you has not been arrested and even if they are one of your relatives or family members. Many victims of human trafficking do not realize they are victims.



This publication was funded through a cooperative agreement with the U.S. Department of State. The opinions, findings, and conclusions stated herein are those of the authors and do not necessarily reflect those of the U.S. Department of State.

What services are available to trafficking victims?

Trafficking victims in Costa Rica are entitled to different forms assistance, for themselves and their dependents. This assistance is available whether or not you decide to cooperate in a trafficking investigation or prosecution.

Services that you have a right to by law and that are free of charge include:

 Basic Needs	 Education & Training	 Safety & Security Measures
 Accommodation or Housing	 Economic Empowerment	 Return Assistance
 Medical Assistance	 Administrative Assistance & Support	 Assistance to the Victim's Family Members
 Psychological Support & Counseling	 Legal Assistance & Support	 Case Management

How do I access these services?

You can use this Directory of Services to find information about available services in Guanacaste, Puntarenas, and San José, Costa Rica (updated as of May 2025).

iactjoven.warnathgroup.com/all-categories/



If you are under 18 years of age, you can contact the National Child Welfare Agency (PANI) for help by calling or going to your local PANI office.

PANI Línea free 1147
8989-1147 (WhatsApp)
pani.go.cr/contacto/



If you are over age 18, you can contact the Immediate Response Team (ERI), which is responsible for formally identifying (“accrediting”) trafficking victims and making sure they are protected and assisted.

ERI
6303-7324 (WhatsApp)



You can also call **9-1-1** and tell them that you are a trafficking victim and need help.

What does participation in an investigation or prosecution involve?

If you are a trafficking victim, you may be asked to provide information to criminal justice professionals about your experiences. This might include giving information to the police, filing a complaint or making a statement to a prosecutor, or testifying during legal proceedings about what happened or what you saw.

You have the right to decide whether or not you cooperate in the investigation or prosecution of a trafficking crime. If you don't feel comfortable or safe to share information or to testify in court, you are not required to do so.

What should I know before deciding to cooperate in a trafficking investigation or prosecution?

Whether to provide information in the investigation or prosecution of those who exploited you is your choice. For some trafficking victims, cooperating in an investigation or prosecution is empowering, as it allows them to play a role in seeking justice and preventing others from being victimized. Some trafficking survivors find that it helps them in their process of recovery and healing. Cooperation may, in some cases, open a channel for victims to claim compensation. Victim testimony increases the chances of successful prosecution of traffickers.

For some trafficking victims, being a victim-witness is a negative and stressful experience. Investigations are often very lengthy and may take years to complete. Victim-witnesses may need to miss work (losing income) and also incur other costs related to their involvement in the legal process – like childcare and transportation costs when it is required for them to travel to give statements or testify in court.

Cooperation in an investigation or prosecution means that trafficking survivors will need to repeatedly share information about personal and traumatic experiences with investigators, prosecutors, defense lawyers, and judges. Your personal choices and credibility may come under heavy scrutiny, including by judges and defense lawyers. You may experience a loss of privacy and exposure to stigma or discrimination. You may also face threats or reprisals from traffickers. There is no guarantee that a prosecution will be successful and even when traffickers are convicted, they sometimes only receive light sentences.

While there are measures in place to protect victim-witnesses throughout the criminal justice process, real-world circumstances may make the process harder than it appears. You should carefully weigh the positive and negative aspects of being a victim-witness before making a decision.

- Remember:
- * You have the right to choose whether or not to be a victim-witness.
 - * You can change your mind – if you start to cooperate but feel you are unable to continue, you can withdraw your cooperation.
 - * Whether or not you serve as a victim-witness, you are still entitled to have your assistance and protection needs met.

Experiences from trafficking victims who chose to be victim-witnesses:

"I testified against the [traffickers] and I won that case. I felt glad that they were punished."¹

"Mentally, it's exhausting. We have to further share our experience. That's what happens to those who report. [...] It's not easy to report things like this. Also for me personally the burden is very heavy."²

"It has been two years and it is still on-going, but it is never solved... I just thought, 'How long will it be and where else do I have to go to complain, to get this case done?' I am in need of money."³

"My body was trembling, my limbs were shaking, and my heart was beating fast. I was thinking about what he did to me and that the perpetrator might try to kill me in the future."⁴

"At the trial, it felt empowering to look at [my trafficker] the entire time. I'm sure it drove him crazy. He can never touch me but he had to look at me and listen and it made me feel good."⁵

¹ Surtees, R. (2007) Listening to Victims Experiences of identification, return and assistance in South-Eastern Europe. Vienna: International Centre for Migration Policy Development, p.163.

² Surtees, R. (2017) Our Lives. Vulnerability and Resilience Among Indonesian Trafficking Victims. Washington, D.C.: NEXUS Institute, p.154.







³ Surtees, R. (2017) Our Lives. Vulnerability and Resilience Among Indonesian Trafficking Victims. Washington, D.C.: NEXUS Institute, p.153.

⁴ Reimer, J.K. (2015) A System Just for Children: Voices of child victims and witnesses about their experiences in the Cambodian Criminal Justice System. Phnom Penh: Hagar, p. 78.

⁵ ICE (2021) Human trafficking victim shares story. Washington, D.C.: U.S. Immigration and Customs Enforcement, quoted in: Surtees, R. and Johnson, L.S. (2023) Special and Additional Measures for Victim-Witnesses. Bangkok: Regional Support Office of the Bali Process (RSO) and Washington, D.C.: NEXUS Institute., p.10.




What rights do I have as a trafficking victim in relation to legal proceedings?

As a trafficking victim, you have certain rights in relation to how your case is handled by criminal justice professionals. You have these rights even if you decide not to become a victim-witness (or if you withdraw your cooperation.) These include:

-  **Privacy and confidentiality:** All information related to your case must be kept confidential, including information obtained in the course of the investigation.
-  **Information:** You have the right to receive clear and comprehensive information in a language that you understand about the protection and assistance available to you, the process of victim accreditation by ERI, your legal and migratory status, and legal assistance to represent your interests in legal proceedings against your traffickers, including in order to obtain compensation.
-  **Protection:** Authorities must make sure that you are safe and regularly check if you are facing any risks. If you or your family members face serious danger, you have the right to special protection.
-  **Be heard at the trial:** If you were directly affected by the trafficking crime, you have the right to be heard in court, even if the Public Prosecutor's Office does not present you as a witness.
-  **Non-punishment for crimes committed during and because of trafficking:** You should not be punished for crimes you were forced to commit as a direct consequence being trafficked.
-  **Seek compensation:** You have the right to seek compensation for the harms you have suffered. You can do this through a private attorney or the Civil Defense Office of the Public Prosecutor (if you cannot afford a lawyer.)

What rights do I have if I decide to testify?

If you decide to cooperate in the investigation or prosecution of a trafficking crime as a victim-witness, you have additional, specific rights. These include:

-  **Special protection:** You have the right to special protection as a victim-witness. The level of protection will depend on your situation and the risks you face.
-  **Be treated with respect and dignity:** You should be treated with respect and dignity and in a way that does not cause you further harm during the legal process.
-  **Information:** You have the right to receive clear, timely, and understandable information about your rights and the procedures you will participate in. You should receive information about the protection and assistance available to you, the status and progress of the judicial process in which you are involved, and about any decision affecting you.

- ★ **Confidentiality:** Any information you provide during judicial or administrative proceedings or before officials of private entities (for example, non-governmental organizations, private clinics' personnel, lawyers, etc.) must be kept confidential.
- ★ **Protection of personal data:** If disclosing your personal information puts you at risk, you can ask for it to be kept confidential. This request must be made to the judge or to the Office for the Attention and Protection of Victims and Witnesses of Crime (OAPVD) during the first two stages of the legal process. In the case of children and adolescents, personal data must always be kept confidential.
- ★ **No self-incrimination:** You do not have to testify about anything that could make judges consider you guilty of a crime.
- ★ **Leave of absence to testify:** You have the right to take paid leave from your job, whether public or private, when you need to attend court, give testimony, or participate in legal proceedings. You should be paid for the time you are away.

Who assists and protects victim-witnesses?

There are some institutions in Costa Rica that are responsible for offering support and protection to victim-witnesses in criminal justice proceedings, including the investigation and prosecution of trafficking crimes. These institutions should help you through the legal process and ensure your safety.

OAPVD

The *Office for the Attention and Protection of Victims and Witnesses of Crime* (OAPVD) assist and protects all persons (without discrimination) who are victim-witnesses, witnesses or otherwise involved in criminal proceedings. OAPVD offers:

- A Care Program providing psychological support, social assistance and legal aid to victim-witnesses while they are involved in criminal proceedings.
- A Protection Program ensuring the safety of victim-witnesses (and their family members) whose life, physical integrity, freedom and security may be at risk due to their participation in a legal process.

OAPVD has 25 branch offices around the country. Your case may be referred by an institution/organization or you can directly request their services by contacting the branch office that is most convenient for you.

Central Office Victim Assistance Public attention (OAPVD)

Phone: 2253-2935 / 2253-2944

E-mail: victimadelito@poder-judicial.go.cr / oapvd-correspondence@poder-judicial.go.cr

Address: Francisco Peralta neighborhood, 10th and 12th avenue street 25; 50 meters southeast from the Omar Dengo Foundation.

ODCV

The *Office of Civil Defense for Victims* (ODCV) helps victims seek compensation by taking civil action for damages on their behalf. The ODCV:

- Seeks compensation on behalf of victims at different stages of the process for harms suffered as a result of crime.
- Provides representation when the criminal sentence is being enforced.
- Takes legal steps outside the criminal process when needed, such as protecting victim's rights in other legal matters (such as protective legal measures or inheritance matters) and ensuring compensation is received after the sentence is given.

To request ODCV services, you can inform the Public Prosecutor's Office where your criminal case is being handled. You can request ODCV services when filing the complaint or while the case is being processed.

Office of Civil Defense for Victims (ODCV)

Phone: 2221-1421 / 2221-1303 / 2221-1317 / 2221-1334

E-mail: defensavictima@poder-judicial.go.cr

Address: San José, Avenue 10, Street 23, from the Matute Gómez house 100 meters east and 25 meters south⁶.

DTSP

The *Department of Psychology and Social Work of the Judiciary* (DTSP) provides comprehensive support to various vulnerable groups, including children, elderly individuals, individuals with disabilities, people in immediate financial need, migrants, victims of gender-based violence, presumed offenders facing trial, and victims of crime involved in legal proceedings. You cannot go directly to the DTSP to ask for help. But you can ask a court, prosecutors, or government officials to request their services for you. Seeks compensation on behalf of victims at different stages of the process for harms suffered as a result of crime.

Department of Social Work and Psychology (DTSP, Central Office - San Jose)

Phone: 2295-3722 / 2295-3724

E-mail: tsocial-sjo@poder-judicial.go.cr

Address: San José, Barrio González Lahman, First Floor of the OIJ building.

Contact details of local offices can be found at:

trabajosocial.poder-judicial.go.cr/index.php/contactenos-footer

⁶ The ODCV has different offices around the country. These can be located at:
<https://ministeriopublico.poder-judicial.go.cr/index.php/oficinas-odcv>

To ensure you obtain the support you need:

Ask for specific information: When reaching out for support, it can be helpful to clearly explain the specific services you need and ask about the steps involved in accessing them. For example, ask about how to apply for special protection measures, or how to get in touch with your legal advisor.

Follow up regularly: Sometimes, due to high demand or limited resources, there may be delays in the services provided. If you do not receive a timely response, do not hesitate to follow up. You have the right to be kept informed and supported throughout the process.

Stay connected with support networks: If you are in contact with NGOs, victim support groups, or other community organizations, they can often help you navigate the system and advocate for your needs, particularly if you are facing challenges in accessing services.

Know your rights: Familiarize yourself with the rights of trafficking victims and victim-witnesses in Costa Rica, as outlined in this information. If you feel that your rights are not being respected, you can seek assistance from another organization or consider discussing your concerns with your legal advisor or victim advocate so that your rights are recognized and protected.