

Preliminary Identification and the Protection of Trafficking Victims in Costa Rica

A Handbook for Practitioners



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The Innovations in Addressing Child Trafficking (IACT) Program is combating child sex trafficking in the provinces of Guanacaste and Puntarenas. The IACT Program works to protect and assist child and adolescent trafficking victims, strengthen the prosecution of trafficking crimes, and prevent the sexual exploitation of children and adolescents.

IACT is being implemented by The Warnath Group from 2020–2025 in close collaboration with the Government of Costa Rica and civil society organizations, through a cooperative agreement with the U.S. Department of State Office to Monitor and Combat Trafficking in Persons. The Warnath Group is an organization specialized in evidence-based programs to address human trafficking, including child trafficking.

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Acronyms and Abbreviations

CCSS	Caja Costarricense de Seguro Social	Costa Rican Fund of Social Security
CNSSLP	Comisión Nacional de Subsistemas Locales de Protección a la Niñez y la Adolescencia	National Commission of Local Subsystems for the Protection of Children and Adolescents
CONACOES	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 Trafficking in Persons
CONATT TS	Secretaría Técnica de la CONATT	Technical Secretariat for CONATT
CTI	Comité Técnico Institucional	Institutional Technical Committee
DGME	Dirección General de Migración y Extranjería	Directorate-General of Immigration and Foreigners
ERI	Equipo de Respuesta Inmediata	Immediate Response Team
FACTRA	Fiscalía Adjunta Contra el Tráfico Ilícito de Migrantes y la Trata de Personas	Deputy Public Prosecutor's Office Against Trafficking in Persons and Smuggling of Migrants
FONATT	Fondo Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas	National Fund Against Trafficking in Persons and Illegal Smuggling of Migrants
GTT	Gestión de Trata de Personas y Tráfico Ilícito de Migrantes de la DGME	Office of Trafficking in Persons and Smuggling of Migrants DGME

Acronyms and Abbreviations

INAMU	Instituto Nacional de las Mujeres	National Women's Institute
MDT	Equipo Multidisciplinario	multi-disciplinary team
MEP	Ministerio de Educación Pública	Ministry of Public Education
MP	Ministerio Público	Public Prosecutor's Office
MSP	Ministerio de Seguridad Pública	Ministry of Public Security
MTSS	Ministerio de Trabajo y Seguridad Social	Ministry of Labor and Social Security
NGO	Organización no Gubernamental	Non-governmental organization
OAPVD	Oficina de Atención y Protección a la Víctima de Delito	Office of Protection and Assistance for Victims of Crime
OIJ	Organismo de Investigación Judicial	Judicial Investigation Agency
PANI	Patronato Nacional de la Infancia	National Child Welfare Agency
PPM	Policía Profesional de Migración	Professional Immigration Police
SSLP	Subsistema Local de Protección	Local Subsystem of Protection
TTA	Capacitación y Asistencia Técnica	Training and technical assistance
TIP	Trata de Personas	Trafficking in Persons

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Introduction

Globally, trafficking in persons is recognized as a serious crime and human rights violation. Nearly all countries in the world have laws against trafficking in persons. While the scope of the law is not exactly the same from one country to the next, there is much more that is the same than is different. This reflects a core understanding of what trafficking in persons is around the world. This substantial uniformity is the result of the countries of the world coming together to negotiate and adopt the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the “UN Trafficking Protocol”), which entered into force in 2003 as part of the United Nations Convention against Transnational Organized Crime. Numerous international and regional law and policy documents have been adopted since that time, both reinforcing and expanding the tools available to fight trafficking in persons and to support trafficking victims and survivors. At the same time, government, civil society, and faith leaders have consistently condemned trafficking in persons as a heinous crime, a human rights violation, and an affront to human dignity.

There is much that can be learned from the international responses against trafficking in persons – the enactment and implementation of over twenty years of laws, policies, and practices. But the starting point for this handbook is Costa Rica’s national law. This handbook will introduce what trafficking in persons is from two important perspectives – first, the Costa Rica law and its elements, and second, with a lens for practical use in preliminarily identifying possible trafficking victims and ensuring their referral for protection and assistance. This handbook is applicable to the various real-world roles and responsibilities of Costa Rican officials and practitioners who wish to make a constructive contribution to addressing trafficking in persons and, in particular, to the protection of trafficking victims.

About this Handbook

Trafficking victim protection – the identification, referral, protection and assistance, and reintegration of trafficking victims – is a core component of a comprehensive response to trafficking in persons. It is critical in ending trafficking exploitation and helping victims recover and reintegrate into their families, communities, and society. Trafficking victim protection also prevents further exploitation and victimization, including the risk of re-trafficking, and is essential in ensuring trafficking victims' access to justice and that perpetrators are held to account.

Preliminarily identifying possible trafficking victims is a critical first step in trafficking victim protection. However, many trafficking victims in Costa Rica are never preliminarily identified, nor referred for protection and assistance, including formal identification ("accreditation") as trafficking victims. Practitioners do not always have the information, tools, skills, and experience necessary to recognize the signs of trafficking and do not always know how to refer possible trafficking victims for formal accreditation and services. And yet, if trained and equipped with adequate skills and tools, community-level practitioners are ideally positioned to contribute to the preliminary identification, referral, protection and assistance, and reintegration of trafficking victims.

To respond to this gap, the Warnath Group Innovations in Addressing Child Trafficking (IACT)¹ Program partnered with government institutions through Multidisciplinary Teams (MDTs), such as Local Subsystems of Protection (SSLPs) and other protection networks established under national child protection frameworks in the provinces of Guanacaste and Puntarenas. The goal was to increase and improve the preliminary identification of possible trafficking victims and their referral for formal identification, protection and immediate assistance, and reintegration services. This activity had three main components:

[1] The IACT Program works to protect and assist child and adolescent trafficking victims, strengthen the prosecution of trafficking crimes, and prevent the sexual exploitation of children and adolescents. IACT is being implemented by The Warnath Group from 2020–2025 in close collaboration with the Government of Costa Rica and civil society organizations, through a cooperative agreement with the U.S. Department of State Office to Monitor and Combat Trafficking in Persons. The Warnath Group is an organization specialized in evidence-based programs to address human trafficking, including child trafficking.

- Strengthening the capacity of practitioners in the preliminary identification of possible trafficking victims, including children and adolescents, and their referral for formal identification and assistance.
- Increasing and improving the identification, referral, protection and assistance, and reintegration of trafficking victims, including children and adolescents, through the work of practitioners and MDTs.
- Increasing coordination and communication on trafficking victim identification and referral among local practitioners and between local and central level actors.

This handbook was developed in the framework of this activity and was used to educate, train, and mentor practitioners from various institutions and organizations within and beyond MDTs in their communities. The use of this handbook is not mandatory – its implementation is at the discretion of each public institution or non-governmental organization (NGO).

This handbook covers the protection of all trafficking victims (adults, children, and adolescents) to support and enhance a comprehensive victim protection response at the community level in line with Law 9095. Nonetheless, as the IACT Program was designed to address child and adolescent trafficking, particular attention is paid to the issue of child trafficking, including the specific process of identification, referral, protection and assistance, and reintegration for child and adolescent trafficking victims.

What this Handbook Includes

This handbook provides information about what constitutes trafficking in persons, as well as practical guidance on the process of trafficking victim protection (identification, referral, protection and assistance, and reintegration of trafficking victims). It aligns with existing protocols and procedures of the National Coalition Against the Smuggling of Migrants and Trafficking in Persons (CONATT) and the National Commission Against the Commercial Sexual Exploitation of Children and Adolescents (CONACOES), as well as procedures of individual government institutions such as the National Child Welfare Agency (PANI), the Ministry of Public Education (MEP), and the Costa Rican Fund of Social Security (CCSS).

More specifically, the handbook includes:

- An explanation of trafficking in persons and child and adolescent trafficking based on Costa Rica's Law 9095 and the UN Trafficking Protocol
- An overview of the five steps of victim protection in Costa Rica, including the role of practitioners at each step
- Consideration of barriers and challenges in trafficking victim protection
- Guidance on conducting preliminary identification of trafficking victims in practice

Who this Handbook is For

This handbook is for community-based practitioners working in public institutions or non-governmental organizations who, through their day-to-day work, may come into contact with possible trafficking victims, including children and adolescents. This includes practitioners who are part of an MDT, such as the SSLP in their community. Community-based practitioners may include:

- social workers and social assistants
- child protection specialists
- psychologists and counselors
- health workers (doctors, nurses, ATAPs)
- educational practitioners (teachers, counselors, principals, administrative staff)
- prosecutors
- judicial technicians
- lawyers and paralegals
- law enforcement officers
- judges
- judicial facilitators



This handbook – combined with training and mentoring – equips community-based practitioners with the skills, knowledge, and tools needed to preliminarily identify and refer trafficking victims for immediate protection and assistance and accreditation (formal identification). It also serves as a reference document in day-to-day work on trafficking victim protection.

This handbook is also relevant for regional and national level authorities, who receive referrals from community-based practitioners and are tasked with supporting or undertaking identification, referral, protection and assistance, and reintegration of trafficking victims, including children and adolescents.

This handbook was developed by the IACT Program with technical input from the CONATT Technical Secretariat, the PANI Institutional Technical Committee for Trafficking in Persons Cases (PANI CTI), the National Commission of Local Subsystems of Protection, and Local Subsystems of Protection in Guanacaste and Puntarenas.

Understanding Trafficking in Persons and Child Trafficking

What is trafficking in persons?

Trafficking in persons is a serious crime that violates human rights. At its core, trafficking in persons involves exploitation, which can take many forms, including sexual exploitation, forced labor, servitude, and even slavery. The forms of exploitation in trafficking in persons cases are intertwined with a trafficker's use of a variety of means or tactics to effectively manipulate, control, and exploit their victims.

As discussed in more detail below, when trafficking victims are under age 18, the law recognizes that they are inherently vulnerable and do not have the legal capacity to consent or agree to situations of exploitation. The law assumes that a trafficker will have control over anyone under age 18, without needing to prove that the trafficker used means or tactics to gain that control.

The presence of exploitation by itself is an indicator that a situation may be a case of trafficking in persons. Whether the case is ultimately classified as trafficking in persons or a different crime of exploitation, violence, or abuse will depend on the specific facts and the application of relevant national legislation. The focus of this handbook is on trafficking in persons, but any exploitation, especially of a child or adolescent, must trigger an immediate, effective, and appropriate response by relevant officials and authorities in line with established protection protocols.

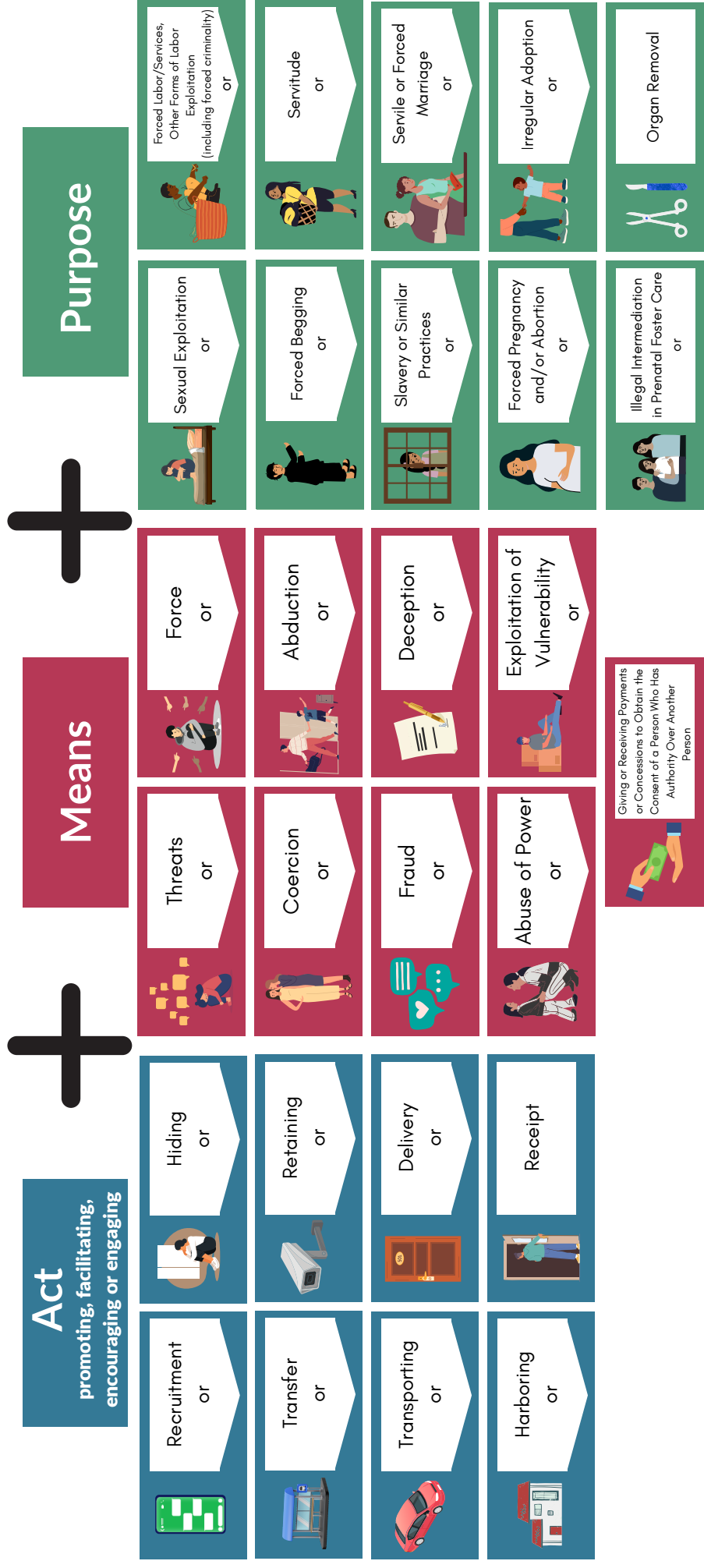
In Costa Rica, the crime of trafficking in persons is defined in Law 9095 (Article 5):

Trafficking in persons shall refer to the action wherein, through the use of technology or any other means, by resorting to threats, the use of force or other forms of coercion, abduction, fraud, deception, abuse of power or a situation of vulnerability, or giving or receiving payments or benefits to obtain the consent of a person who has authority over another, promotes, facilitates, encourages or engages in the recruitment, transfer, transport, harboring, hiding, retaining, delivery or receipt of one or more persons inside or outside the country, to subject them to forced labor or services and other forms of labor exploitation, servitude, slavery or similar practices, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and/or forced abortion, or any form of sexual exploitation... or for the illegal removal or transplant of human organs, tissues, cells or fluids.

In the case of minors, the recruitment, transfer, transport, housing, hiding, retention, delivery, or receipt of persons shall be considered trafficking in persons even if the circumstances surrounding the commission of the crime, as described in the first paragraph of this Article, are not present.²

In legal terms, trafficking in persons involving adult victims is comprised of three components – Act + Means + Purpose – as illustrated in the diagram on the next page. Each component must be present in the case of an adult victim to constitute trafficking in persons.

[2] Law 9095. Law Against Trafficking in Persons and for the Creation of the National Coalition Against Illegal Migrant Smuggling and Trafficking in Persons (CONATT) (2018), Article 5. <https://bit.ly/3LnCPD>



For some, especially lawyers and those investigating and prosecuting trafficking in persons crimes, it will be important to master an understanding of these three intersecting elements. Each is an element of the crime that prosecutors will need to bring evidence to prove. Understanding the elements and the scope of scenarios that may constitute trafficking in persons is also important for those involved in deciding whether to officially recognize an adult individual as a victim of trafficking and accredit their status.

In most cases where community-level practitioners become aware of a trafficking in persons situation or trafficking victim, it is likely that there will be signs of exploitation. However, under Law 9095, the intention to exploit is sufficient to constitute trafficking in persons, even if no exploitation occurs. In Costa Rica, promoting, facilitating, encouraging, or engaging in one of the listed acts is sufficient to be considered completion of the act. This is important when law enforcement or other practitioners intervene before an individual is exploited, for example, if a trafficking scheme is detected before the exploitation occurs as a result of a proactive investigation.

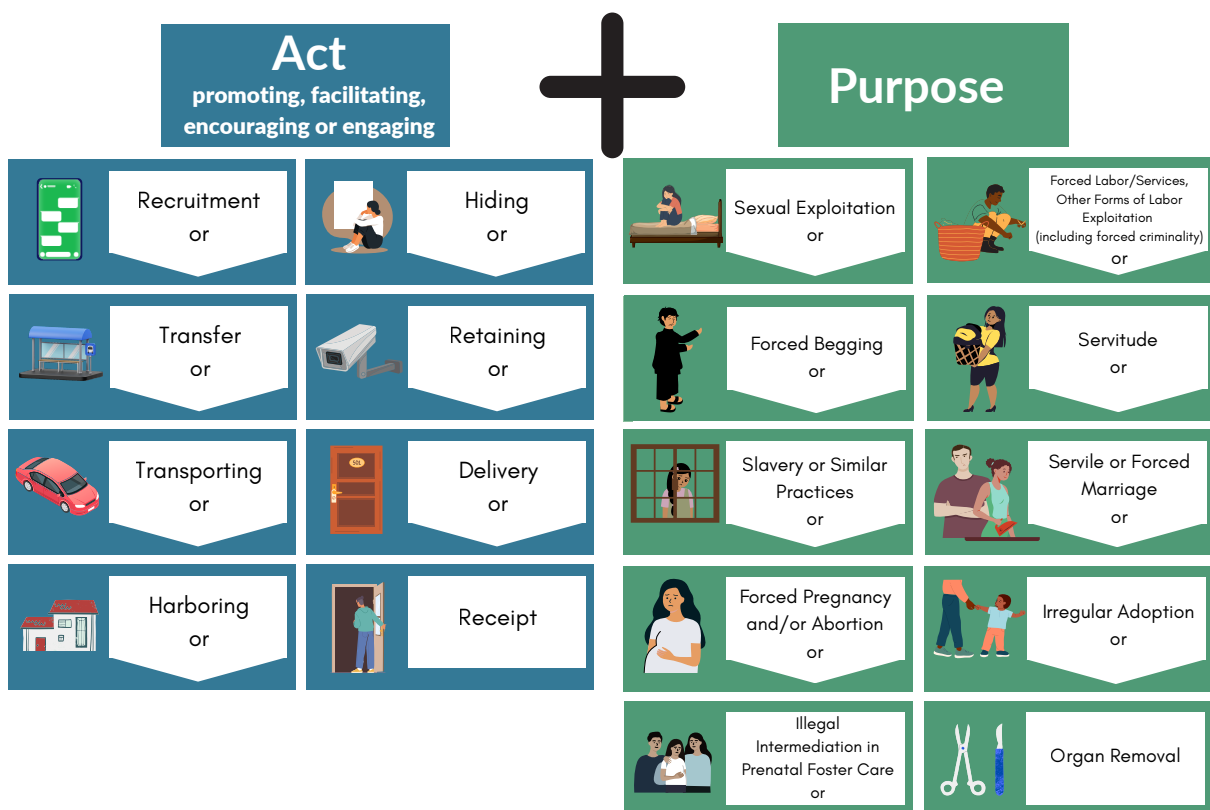
It is also important to note that an adult victim's consent to the intended exploitation or exploitation they have experienced is irrelevant where any means have been used.

What is child trafficking?

When a victim is under age 18, there is no legal requirement to show or prove that the trafficker used tactics ("means") to exploit them. In practice, there may be force, coercion, or manipulation of the child or adolescent trafficking victim – there very often is – but it is not necessary for these tactics to be present for a child or adolescent to be a trafficking victim.

An individual may be a victim of child trafficking even if they and/or the case are not identified until after they are older than age 18. Being under age 18 at the time that the person was recruited, transferred, transported, harbored, hidden, retained, delivered, or received for the purpose of exploitation is, by itself, sufficient for a situation to be child trafficking. Even if an individual is now an adult (over age 18), if they were under age 18 when the exploitation occurred, the case can be charged as child trafficking.

In legal terms, trafficking in persons involving a child or adolescent victim is comprised of two components – Act + Purpose – as illustrated in the diagram below.



As noted above, the law recognizes that children and adolescents do not have sufficient independent decision-making agency to “agree” to any form of exploitation, regardless of their apparent maturity or the legal age of consent. Child trafficking implies a power relationship in which the trafficker has power and control over a child or adolescent and takes advantage of their inherent vulnerability to exploit them. Thus, in the case of a child or adolescent, consent and apparent consent are always irrelevant as a matter of law.

Child trafficking in Costa Rica takes many different forms and affects many different children and adolescents. In Costa Rica, children and adolescents are trafficked for different forms of sexual exploitation, including in the travel and tourism sector (often referred to as child sex tourism); for different forms of labor exploitation, such as domestic work or forced labor in agriculture or other industries; for involvement in illicit activities, such as transporting or selling drugs; for forced begging; and for all other forms of exploitation recognized under Costa Rica’s law.³

Ultimately, every practitioner’s goal should be to protect children and adolescents who have been harmed or exploited, irrespective of whether that harm or exploitation was a result of trafficking in persons. Possible child and adolescent trafficking victims should be presumed to be victims of trafficking until proven otherwise and they, regardless of the form of exploitation or abuse suffered, should always be immediately protected. It is against the law in Costa Rica to hurt or abuse children or adolescents in any way. Even if someone is not a victim of trafficking, they may be a victim of another form of abuse or exploitation.

[3] See Annex #1..... for examples of child trafficking in Costa Rica.

Who can be a trafficking victim?

A trafficking victim is anyone who is a victim of the crime of trafficking in persons under Law 9095. A person is a trafficking victim based upon the experience of exploitation that they have been subjected to. A person can be a trafficking victim regardless of whether they are formally identified and accredited as a trafficking victim by the authorities. A person can be a trafficking victim whether or not their trafficker is identified, apprehended, prosecuted, or convicted and regardless of any family or other personal relationship that they have with the alleged trafficker.

It is important to avoid misperceptions of who a trafficking victim is likely to be or look like. Trafficking victims can:

- Be girls, boys, men, or women
- Be of any age (children, adolescents, youth, adults)
- Be from Costa Rica or any other country
- Be with or without documents (identification, passport, visa)
- Live with anyone – family or relatives, friends, on their own, or with persons who are exploiting them
- Live anywhere – whether in their own home, someone else's home, on the street, or somewhere else
- Commit crimes or engage in illegal activities and still be considered victims of trafficking in persons

In short, anyone could be a victim of trafficking. However, children and adolescents are especially vulnerable to becoming trafficking victims. Different factors may make a child or adolescent more vulnerable to trafficking in persons. These factors relate to their:

- personal background and characteristics
- family and interpersonal relationships
- broader social, economic, and cultural context in which they live

Some individuals may be particularly vulnerable to trafficking in persons, including:

- Irregular migrants, especially when separated or unaccompanied
- Individuals without family
- Ethnic minorities and Indigenous persons
- Individuals living and/or working on the street
- Individuals who are considered sexual minorities
- Individuals affected by domestic violence and/or abuse
- Adolescent mothers or fathers
- Individuals experiencing poverty and/or economic exclusion
- Individuals excluded from the education system
- Individuals in an improper relationship
- Individuals who are misusing drugs and/or alcohol
- Persons with disabilities

Such vulnerability and risk factors may exist individually or in combinations in someone's life.

That being said, vulnerability is highly personal and context specific. It is difficult to identify generic risk factors for human trafficking as these are highly individual, situational, and contextual. And it is dangerous to overgeneralize as this may mean overlooking some factors that make certain individuals vulnerable.

It is important to note that vulnerability or risk factors alone do not result in someone becoming a victim of trafficking. Individuals become victims of trafficking because a perpetrator commits a crime against them. Indeed, the criminals who commit these crimes very often specifically target their victims and, in many cases, dedicate significant time and efforts to lure them into the trafficking exploitation to which they are subjected. The range and variations of tactics used by traffickers is virtually limitless. The tactics are designed to achieve a variety of objectives that control the victim, including physical and emotional tactics, as well as subjecting victims to isolation and seeking to create dependence. While for children and adolescents no "means" are required for a situation to constitute trafficking in persons, there are many different tactics used by traffickers with children and adolescents, as discussed below.

Who can be a trafficker?

Anyone can be a trafficker. There is no single profile for a trafficker, and it is counterproductive to effective anti-trafficking efforts to make assumptions about who may be a trafficker.

A trafficker might be a stranger. A trafficker might also be someone the victim knows and trusts – for example, a family member, a friend or acquaintance, someone in the neighborhood or school, or a boyfriend or girlfriend. Traffickers might work alone or in a group.

A trafficker may contact a victim in person (for example, through friends, at school, in the community, at home, or at social events). A trafficker may also contact a victim online (for example, through social media, email, or phone). The law in Costa Rica establishes that a person can be charged with a trafficking crime for promoting, facilitating, encouraging, or engaging in an act of trafficking exploitation.

Traffickers may also be arranged in different configurations, including organized groups, couples, or operating as individuals. Some trafficking cases involve organized crime groups of varying degrees of organizational complexity, while other cases involve family members and domestic settings. Traffickers can also be officers or employees of a business entity such as an employment service, crewing company, recruitment agency, modeling agency, or hotel. Finally, traffickers or those criminally complicit with traffickers may sometimes be police and/or government officials.

Traffickers use various tactics to contact and control their victims. Some traffickers use tactics to make victims like and trust them. For example:

- The trafficker says they are the victim's boyfriend or girlfriend and makes them feel that they cannot say “no” even when they don’t want to do something.
- The trafficker gives the victim money or gifts like clothes, phones, or other nice things to make them feel like they need to do what they are told even if they don’t want to.
- The trafficker befriends a victim online so that they tell them personal information and share private or personal pictures or videos with them.

Some traffickers use tactics to scare, intimidate, and control victims and prevent them from asking for help. For example:

- The trafficker hurts or threatens to hurt the victim or their family or friends if they do not do what they are told or if they tell anyone what the trafficker is making them do.
- The trafficker threatens to share personal information about the victim or to show private photos or videos of them to other people if they do not agree to what the trafficker is asking.

Some traffickers manipulate or trick victims. For example:

- The trafficker offers the victim an opportunity for work or living or study that is different from what they actually end up doing.
- The trafficker gives money to the victim's family or friends in exchange for the victim doing things that they don't want to do.
- The trafficker gives the victim a place to live or food to eat in order for them to do things that they don't want to do.
- The trafficker gives the victim alcohol or drugs to take advantage of them.

Trafficking in Persons versus Smuggling

Movement or crossing a border is not a required element of the crime of trafficking in persons. Some trafficking in persons cases may be transnational, but many are not. Some individuals from other countries are exploited within Costa Rica. Costa Rican nationals are also exploited in other countries. However, many trafficking victims in Costa Rica are Costa Rican citizens who are exploited within their own country, even in their own neighborhoods or homes. Trafficking in persons occurs in cities and in rural areas. It occurs in every province of Costa Rica.

An area of common confusion is the relationship between trafficking in persons and human smuggling. Human smuggling – also referred to as smuggling of migrants, migrant smuggling, or people smuggling – is different from trafficking in persons. These terms (trafficking in persons and migrant smuggling) are often mistakenly used interchangeably, but they are not the same.

Human smuggling is facilitating the illegal movement of a person across a border for the purpose of profit or other material benefit. Smuggling is a cross-border crime and cannot occur within the territory of one country. It is solely a transnational violation. Human smuggling is a crime against a country's immigration laws.

In contrast, the key to defining trafficking in persons is the element of exploitation. Unlike smuggling, trafficking in persons does not require movement of any kind. Trafficking in persons does not require crossing a border and it can occur within the territory of one country. It does not require profit but generally involves exploitation of persons for profit. Trafficking in persons is a crime against a person.

Some trafficking victims begin their journey by consenting to be smuggled from one country to another but end up in a situation of trafficking in persons. This is another reason that the difference between smuggling and human trafficking can be confusing. In smuggling cases, the relationship between those being moved (migrants or asylum seekers) and those moving them (the smugglers) usually ends upon arrival at the destination. The smuggler's profit comes from smuggling the migrant. However, some smuggling crimes become human trafficking crimes. For example, once at the destination, the offender might inform the victim of large fraudulent debts that they have incurred in the course of being smuggled and use this to coerce the individual into a situation of exploitation.

Case Study: Example of smuggling becoming trafficking in persons



Carmen is an 18-year-old Nicaraguan woman who ran away from home, fleeing from her stepfather's domestic violence against her mother, siblings, and herself.

Carmen has an aunt who lives in Costa Rica and works as a maid. Her aunt told Carmen that if she came to Costa Rica, she would get her a job cleaning houses. Carmen decided to travel to Costa Rica in search of new opportunities and a different life for herself.

Carmen has a friend, Víctor, who smuggles Nicaraguans over the mountains to Costa Rica and charges them for crossing the border. Since she did not have the money to complete the legal immigration procedures, she asked Víctor if he could help her cross the border illegally and told him that she would pay him back once she had a job making money from house-cleaning. Víctor helped her cross the border over the mountain. It took them two days to get to Costa Rica. Although the intention had been that Carmen would continue traveling to see her aunt and to pay Víctor once she had earned some money, when they arrived in Costa Rica, Víctor told her that she needed to pay him back immediately. Carmen did not have any money. Víctor took Carmen to some cabins near the border where he had some acquaintances, took all her identification documents and the few belongings she had, and forced her to have sex with several men, whom he charged.

The Five Steps of Trafficking Victim Protection

Responding to trafficking in persons requires a comprehensive victim protection response. Trafficking victim protection includes the identification, referral, protection and assistance, and reintegration of trafficking victims. Article 2 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the “UN Trafficking Protocol”) establishes that a primary purpose of the protocol is: “To protect and assist the victims of such trafficking, with full respect for their human rights.”⁴ Costa Rica has enacted a broad legal and policy framework to ensure that trafficking victims are protected and assisted by officials and other relevant actors. The affirmative obligations to protect trafficking victims are established in a series of laws and policy documents, supplemented by protocols and procedures providing further details and guidance.

Trafficking victim protection is assured in Law 9095, which establishes a complementary framework for the protection and assistance of victims of trafficking and their dependents.⁵ Central level institutions and bodies responsible for trafficking victim protection include:



- *Immediate Response Team (ERI)*. Responsible for formal identification (“accreditation”) of trafficking victims and coordination of protection and assistance and reintegration of accredited victims.



- *PANI Institutional Technical Committee (PANI CTI)*. Responsible for the protection and assistance of possible and accredited child and adolescent trafficking victims. Receives accreditation requests from PANI Local Offices and coordinates accreditation requests with ERI.

[4] The UN Trafficking Protocol is one of three protocols supplementing the 2000 United Nations Convention against Transnational Organized Crime. United Nations (2000) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, UN Doc A/45/49 (“Trafficking Protocol”), Art. 2.

[5] Law 9095. Law Against Trafficking in Persons and for the Creation of the National Coalition Against Illegal Migrant Smuggling and Trafficking in Persons (CONATT) (2018), Article 1. <https://bit.ly/3LIInCPD>



- *National Women's Institute (INAMU)*. Responsible for the protection and assistance of possible and accredited adult female trafficking victims. Receives accreditation requests from regional offices and coordinates accreditation requests with ERI.



- *Deputy Public Prosecutor's Office Against Trafficking in Persons and Smuggling of Migrants (FACTRA)*. Responsible for the investigation and prosecution of trafficking cases in Costa Rica. Receives reports about possible instances of trafficking in persons for investigation.

The official processes for victim protection are outlined in Law 9095, its implementing regulations, the CONATT and CONACOES strategic plans and action frameworks, and various institutional protocols and procedures available here: <https://aprendizaje.warnathgroup.com/protocols-and-procedures/>

Practitioners may also refer to the Interagency Roadmap for the Detection, Referral, and Response to Possible Cases of Trafficking in Persons.⁶

The official processes established in these laws and institutional protocols and procedures comprise a framework for trafficking victim protection, which includes the following five steps:

Step 1. Preliminary Identification and Immediate Referral for Protection and Assistance, and for Formal Identification

Step 2. Reporting the Case

Step 3. Formal Identification and Referral for Protection and Assistance

Step 4. Protection and Assistance

Step 5. Reintegration

[6] See Annex 2 for the Interagency Roadmap for the Detection, Referral, and Response to Possible Cases of Trafficking in Persons, which is also available here: <https://aprendizaje.warnathgroup.com/wp-content/uploads/2025/05/Hoja-de-Ruta-TdP-Nacional.pdf>

These steps are not necessarily linear but often occur simultaneously. That is, as explained by CONATT: “It is often necessary to carry out actions corresponding to the different axes simultaneously, on the understanding that they are considered priority actions are those aimed at guaranteeing the right to life and integrity of the survivor-victim.”⁷

During each of these steps, practitioners should adhere to the principles and approaches derived from Law 9095 and CONATT’s Model of Comprehensive Care for Survivors who are Victims of the Crime of Human Trafficking to ensure the well-being of trafficking victims as well as full respect of the fundamental rights to which they are entitled.⁸

All institutions have a possible role to play in the different steps of victim protection. Practitioners may be involved in preliminary identification of possible trafficking victims, referring possible victims for protection and assistance, reporting a possible trafficking situation or case, and providing protection and assistance and reintegration services to trafficking victims.

Step #1. Preliminary Identification and Referral for Protection and Assistance, and for Formal Identification

In practice, all effective anti-trafficking work starts with recognizing that someone may be a possible trafficking victim or that a situation may be a potential case of trafficking in persons. If victims and cases remain undetected, traffickers will continue to operate with impunity and victims will continue to experience exploitation and violations of their human rights. Therefore, understanding and conducting preliminary identification of possible trafficking victims is essential to the success of anti-trafficking efforts.

[7] CONATT (2020) Strategy for Care and Mobilization of Support Resources for Victims of Human Trafficking and their Dependents: Integration, Reintegration, Repatriation, Voluntary Return, and Resettlement. Available at: <https://aprendizaje.warnathgroup.com/wp-content/uploads/2022/09/Estrategia-de-atencio%CC%8In-y-de-movilizacio%CC%8In-de-recursos-de-apoyo-para-las-Vi%CC%8Ictimas-de-la-Trata-de-Personas-y-sus-dependientes.pdf>

[8] The CONATT Model of Comprehensive Care for Survivors who are Victims of the Crime of Human Trafficking is available here: <https://aprendizaje.warnathgroup.com/wp-content/uploads/2022/09/Modelo-de-Atencion-Integral-para-Sobrevivientes-Victimas-de-Trata-de-Personas.pdf>

The first step in trafficking victim protection is preliminary identification. An individual can be preliminarily identified as a possible trafficking victim by any practitioner or private citizen.⁹ A wide range of practitioners, therefore, are involved in identifying possible trafficking victims. Preliminary identification is based on signals and indicators from observing, interacting, and speaking with possible victims. Anyone who is preliminarily identified as a trafficking victim should be immediately referred for protection and assistance, as well as formal identification (accreditation). Formal victim identification is the responsibility of ERI (the Immediate Response Team), the specialized inter-institutional body that coordinates identification and protection and assistance for trafficking victims. Victim accreditation generally involves a series of interactions with authorities to determine if someone is a trafficking victim (see Step 3. Formal identification and referral for protection and assistance).

All practitioners in Costa Rica have a legal duty to preliminarily identify trafficking victims and refer them for protection and assistance. The duty to report is established in Article 39 of Law 9095 and Article 49 of the Child and Adolescence Code.

Article 39 of Law 9095: Any public official or private personnel who determines, based on their roles, that there are reasonable grounds to presume that a person is a trafficking victim, will immediately coordinate with members of the Immediate Response Team, the Public Prosecutor's Office or through the 9-1-1 service, in accordance with the provisions of the regulations to this law and the approved protocols of the action.

Article 49 of the Child and Adolescence Code: The directors and personnel in charge of health centers, public or private, where minors are taken for care, shall be obliged to report to the Public Prosecutor's Office any reasonable suspicion of mistreatment or abuse committed against them. The same obligation will have the authorities and personnel of educational centers, day care centers or any other place where they stay, are attended or any service is rendered to these persons.

[9] CONATT (2020) National Policy against Trafficking in Persons 2020–2030. Costa Rica: CONATT

Practitioners should use indicators to assess if someone is a possible trafficking victim. Indicators or signals may be based on conversations and interactions with the individual as well as observation of their behavior, appearance, or circumstances.¹⁰ Some individuals may self-identify – that is, an individual may share with a practitioner information that leads the practitioner to conclude that they are a possible trafficking victim. Any reasonable suspicion of a possible case of trafficking in persons (whether the victim is an adult, child, or adolescent) should be reported immediately to the appropriate authorities as outlined below.

Public officials should follow their relevant institutional protocol to preliminarily identify and refer possible trafficking victims for formal identification and protection and assistance. This typically involves contacting the institution's "Comité Técnico Institucional" (CTI), which is responsible for supporting, advising, and coordinating the formal referral process to ERI for accreditation and protection measures. Private citizens can contact ERI directly if they suspect that someone may be a possible victim of trafficking.

Possible adult victims (age 18 or older) should be informed about the option to be accredited and consent to their referral to ERI for accreditation.



ERI Contact Information



WhatsApp: +506 6303-7234

Email: eri@migracion.go.cr

In the case of possible victims who are under age 18, practitioners should immediately notify PANI for their assessment and intervention. PANI is the responsible agency in all interactions and interventions with children and adolescents. In the case of children or adolescents, only PANI's Comité Técnico Institucional (CTI) or a non-governmental organization (NGO) in coordination with PANI is authorized to submit formal accreditation requests to ERI.

During working hours, the case should be immediately reported to the PANI Local Office. During non-business hours, cases can be reported to the PANI Department of Immediate Attention (DARI) which is available 24 hours a day and 7 days a week. The Directory of PANI Offices is available here: <https://pani.go.cr/contacto/>

[10] See Annex 3 for Indicators of Trafficking in Persons. These are also available here: <https://aprendizaje.warnathgroup.com/indicators/>

The PANI Local Office or DARI should:

- Immediately protect and assist the possible child or adolescent victim, regardless of accreditation status or process
- Collect information about the possible child or adolescent trafficking victim from the referring individual, institution, or organization
- Prepare the formal accreditation request and submit to PANI's CTI
- Follow up on the accreditation decision and appeal as needed

In an emergency, 9-1-1 should be contacted. 9-1-1 is also connected to PANI and the Judicial Investigation Agency (OIJ).

In the absence of an institutional protocol, practitioners should directly contact PANI if the possible trafficking victim is under age 18 or ERI if the possible trafficking victim is an adult.

During preliminary identification, a child or adolescent's age may be uncertain. Some children or adolescents may have lost their identity documents or had them confiscated while trafficked. Some may have never had their birth registered and lack documents to prove their identity and chronological age. Some children or adolescents are told by their traffickers to say that they are adults. Individuals who appear to be under age 18 or who say that they are under age 18 should be assumed to be a child or adolescent until determined otherwise.¹¹

Possible trafficking victims may be in danger or in need of urgent assistance. The first priority once preliminarily identified as a possible victim is to ensure their immediate safety and well-being. Immediate protection and assistance should be made available and not withheld until the victim is formally accredited as a trafficking victim.

Some individuals may not wish to be formally identified ("accredited") as a trafficking victim. For example, they may not wish to go through the interview and accreditation process, they may not wish to discuss their trafficking experience, or they may not see themselves as a trafficking victim. Nonetheless, all trafficking victims should be offered protection and assistance.

[11] When the age of the presumed victims is uncertain, but the individual appears to be under age 18 or says that they are under age 18, the person should be considered and treated as a child, in accordance with the United Nations Convention on the Rights of the Child (CRC). The presumption of minority age is assured in the Code of Childhood and Adolescence, Article 2 and Law 9095, Article 42.

Being unaccredited should not be a barrier to accessing or receiving services and support. Different institutions and organizations provide different services which can support trafficking victims, whether identified or not.¹²

All children and adolescents in need should be immediately protected and assisted, regardless of whether or not they are trafficking victims. All vulnerable or abused children should be referred to PANI for assistance and to trigger a child protection response. This means reporting the case to PANI to develop a plan for protection and care.

The ultimate goal is to protect trafficking victims who have been harmed and exploited, irrespective of whether that harm and exploitation has been caused by a trafficker or if there is full information at the point of preliminary identification to make this determination. Possible child and adolescent trafficking victims should be presumed to be victims of trafficking until proven otherwise and they, regardless of the form of exploitation or abuse, should be immediately protected.

Step #2. Reporting the Case

All practitioners have a legal duty to report all possible trafficking victims and situations to criminal justice authorities – namely, the Deputy Public Prosecutor's Office Against Trafficking in Persons (FACTRA), the Professional Immigration Police (PPM), and/or the Gender and Trafficking in Persons Unit of the Judicial Investigation Agency (OIJ). The duty to report to specialized police agency and prosecutors is established in law, in Article 71 of Law 9095.

Article 71 of Law 9095: Public officials are compelled to report to the specialized police agencies or to the Public Prosecutor's Office any situation that constitutes reasonable suspicion of trafficking in persons or smuggling of migrants. The same duty applies to members and representatives of institutions and organizations that make up the National Coalition.

[12] To find available services for trafficking victims (whether identified or not) and their families and information about how to contact service providers in Guanacaste, Puntarenas, and San José, please see: <https://aprendizaje.warnathgroup.com/directory-of-services/>

Depending on urgency, the report may be submitted by telephone or in person. FACTRA has created a Trafficking in Persons Crime Report Form that can be filled in and sent confidentially via e-mail.¹³ Once the case has been reported, a prosecutor must initiate an investigation.

However, trafficking victims are not legally required to report or lodge a complaint or to participate in the criminal justice process. Possible trafficking victims should be informed that they are free to engage in the legal process if and when they wish to do so and that psychological and legal resources can be provided to prepare them for the legal process. They should also be informed that they are not required to file a complaint or collaborate with authorities in the criminal justice process and that access to protection is not contingent on their cooperation.¹⁴

It is important to respect the possible victim's privacy and ensure confidentiality in the handling of their case.¹⁵

In the case of all children or adolescent victims, criminal justice authorities must contact and refer to PANI to trigger a child protection response, regardless of whether or not they are possible trafficking victims.

[13] See Annex 5 for the Trafficking in Persons Crime Report Form. The form is also available here:

https://aprendizaje.warnathgroup.com/wp-content/uploads/2025/09/Boleta-de-noticia-crimen_Digital-1.pdf

[14] Under Article 46 of Law 9095, trafficking victims and witnesses who make a complaint and collaborate with the authorities are afforded protection in accordance with the provisions of Law 8720, Protection of Victims, Witnesses and Other Subjects Intervening in the Criminal Process. At the same time, Article 47 of Law 9095 establishes the possibility that trafficking victims will not collaborate in the process and states that trafficking victims who decide not to file a complaint or collaborate with the authorities may still receive police protection when a risk has been assessed. And Article 37 on the rights of victims establishes that trafficking victims should "have the necessary time to reflect, with the corresponding legal and psychological assistance, on their possible intervention in the criminal process in which they appear as a victim, if they have not yet made that decision. This period shall not be less than three months."

[15] Article 27 of Law 9095 requires that information is managed confidentially by all institutions, specifying that: "The management of information, as well as its confidentiality, is the responsibility of each of the institutions and organizations that are members of the Coalition, as well as of the different specialized bodies that address the issue, included in this law."

Step #3. Formal Identification and Referral for Protection and Assistance

The Immediate Response Team (ERI) is responsible for formal identification (“accreditation”) of trafficking victims and coordination of protection and assistance and reintegration services for accredited victims.¹⁶

ERI’s functions are outlined in Law 9095 (Article 24) as follows:

- Receive and respond to all possible cases of trafficking in persons referred to it
- Execute immediate interventions to guarantee the protection and immediate support of possible trafficking victims as well as those accredited as such
- Identify trafficking in persons situations brought to its attention and ensure possible trafficking victims have access to protection and immediate support
- Formally accredit possible trafficking victims as trafficking victims to ensure their access to comprehensive reintegration services
- Coordinate immediate and unrestricted access to the identification and documentation of possible trafficking victims
- Coordinate immigration protection measures for non-national trafficking victims
- Undertake any other measures to ensure the protection and support of trafficking victims

As noted above, public officials should follow their relevant institutional protocol to refer possible trafficking victims for accreditation, which typically involves contacting the institution’s CTI for supporting, advising, and coordinating the formal referral process to ERI. Private citizens can contact ERI directly if they suspect that someone may be a possible victim of trafficking. Possible adult victims should be informed about the option to be accredited and consent to their referral to ERI for accreditation.

[16] ERI is responsible for the accreditation of trafficking victims as outlined in Regulation of Law 9095, Articles 46 and 47. Under Law 9095, ERI is under the coordination of CONATT’s technical secretariat. It is composed of the Costa Rican Fund of Social Security (CCSS), the National Women’s Institute (INAMU), the General Directorate of Public Force of the Ministry of Public Security (MSP), the Ministry of Labor and Social Security (MTSS), the Office of Attention and Protection of Victims of Crime (OAPVD), the Special Prosecutor’s Office against Trafficking in Persons of the Public Ministry (FACTRA), the Judicial Investigation Agency (OIJ), the National Child Welfare Agency (PANI), the Professional Migration Police and the Technical Secretariat of CONATT. In addition, when required, ERI invites different governmental and non-governmental organizations and national and international agencies to participate as technical advisors.

Once the accreditation form is submitted, ERI must issue an accreditation decision within a period of no more than seven working days. During this time, immediate protection and assistance must be provided to the possible trafficking victim, including the guarantee of non-deportation in the case of a foreign victim.¹⁷ ERI will meet to analyze the possible trafficking victim's case and either grant or deny accreditation. Accreditation must be agreed by a majority of ERI members. ERI will also determine the assistance to be provided to the accredited trafficking victim and the period of time for this assistance. This may be up to three years, with the possibility of extension depending on the technical assessment conducted by ERI during its follow-up process.

If an individual is accredited as a trafficking victim, ERI designates an institution responsible for case management. This institution is responsible for specialized care and follow-up with the trafficking victim; reporting to ERI in accordance with the requirements of each stage of this strategy; inter-institutional coordination to mobilize and monitor resources; and case management, including referrals for assistance. PANI is the designated institution for accredited trafficking victims who are children or adolescents.¹⁸

In the case of children and adolescents, practitioners should immediately notify PANI for their assessment and intervention. PANI is the responsible agency in all interactions and interventions with children. In the case of children or adolescents, only PANI's CTI, or an NGO in coordination with PANI, is authorized to submit formal accreditation requests to ERI. ERI does not interview the child or adolescent unless there is a need to do so to make a determination. If ERI needs more information about the case, they will request it from PANI.

Once a child or adolescent is preliminarily identified, PANI will initiate the Special Protection Process, which is a set of procedures aimed at protecting and guaranteeing the rights of children and adolescents.¹⁹

[17] Article 24, item d) from Law 9095 Against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT) and Articles 11.6 and 11.8 of the ERI Protocol.

[18] CONATT (2020) Strategy for care and mobilization of support resources for victims of human trafficking and their dependents: Integration, reintegration, repatriation, voluntary return, and resettlement. Costa Rica: CONATT.

[19] PANI (2017) Program for the Protection and Assistance of Children and Adolescents. Costa Rica: PANI. <https://bit.ly/3rX09YS>

When PANI initiates the Special Protection Process, it triggers a series of protection measures.²⁰ Once PANI has started the Special Protection Process and referred the case to ERI, accreditation must take place within seven working days by a majority of ERI members.²¹ If ERI requires more time to resolve the accreditation and it is not possible to proceed immediately, the Technical Secretariat may use FONATT funds to provide protection and support to the potential victim until the final resolution of the accreditation by ERI.²²

Regardless of whether or not they are victims of trafficking, every vulnerable or abused child or adolescent must be referred to PANI for protection and to address their needs and vulnerabilities.

In the case of a negative determination (that is, the individual is not accredited as a trafficking victim), the possible victim, the referral institution, or any ERI member may file an appeal. Appeals must be filed within three business days. ERI must confirm receipt of the appeal within ten days. Until the appeal is resolved, ERI must continue to ensure the protection, safety, and assistance of the person presumed to be a victim of trafficking in persons.²³

Some individuals, while not identified trafficking victims, will still have protection and assistance needs and should be referred to the appropriate institutions. If a child or adolescent is not determined to be a trafficking victim, PANI will nonetheless continue with its protection response as needed according to the child or adolescent's situation and needs and in coordination with other government institutions to provide comprehensive assistance.

[20] Code of Childhood and Adolescence, Article 135.

[21] Decisions are made by a majority of the votes of the members in attendance. (Regulation to Law 9095, Article 6)

[22] CONATT (2020) Strategy for care and mobilization of support resources for victims of human trafficking and their dependents: Integration, reintegration, repatriation, voluntary return, and resettlement. Costa Rica: CONATT.

[23] ERI (2015) Protocol of the Actions of the Immediate Response Team. Costa Rica: ERI.

Step #4. Protection and Assistance

Trafficking victims have the right to be protected from further harm and to receive assistance and support according to Article 37 of Law 9095. ERI is responsible for assigning the coordination of protection and assistance for accredited trafficking victims. Different institutions are responsible for coordinating protection and assistance as follows:

- INAMU is responsible for the coordination of protection and assistance for adult female trafficking victims
- PANI is the responsible entity for coordinating and providing protection and assistance to child and adolescent trafficking victims
- There is not currently an institution assigned to coordinate protection and assistance for adult male trafficking victims, unless they are elderly or have disabilities²⁴

Once formally accredited as trafficking victims, victims should receive the following forms of assistance:

- Adequate, accessible, and safe accommodation
- Health care and medical assistance
- Counseling and psychological assistance
- Information about legal assistance in any criminal or other investigation
- Translation and interpretation services
- Assistance to the victim's dependents when possible²⁵

Special and additional measures in the case of child or adolescent trafficking victims include:

- Special care and assistance. Child and adolescent victims must receive specialized care and assistance adapted to their ages and needs, ensuring immediate protection regardless of formal accreditation.

[24] Institutions responsible for assistance to victims of trafficking: When the victims of trafficking are minors, the Patronato Nacional de la Infancia (PANI) shall be the entity responsible for providing care, protection of rights and the required assistance. In the case of adult female victims, the National Women's Institute (INAMU) will be responsible for providing assistance. In the case of elderly persons, coordination should be made with the National Council for the Elderly (CONAPAM). If the victims are persons with disabilities over eighteen years of age and under sixty-five years of age, the National Council for Rehabilitation and Special Education, through its steering role, will coordinate with the other State institutions the competencies that correspond to them, to provide them with the care and assistance they require from its protection program. (Law 9095, Article 44)

[25] Law 9095, Article 38.

- Presumption of minority age. When the victim's age is uncertain and there is reason to believe that they are a minor, they shall be considered as such until determined otherwise.
- Trained and qualified service providers. Assistance is to be provided by trained professionals, in accordance with the child or adolescent's special needs, particularly in terms of housing, education, and care.
- Family tracing and identity verification. PANI will establish the nationality and identity of unaccompanied minor victims and contact their family, in accordance with the best interests of the child and in compliance with existing protocols.
- Legal guardianship. If the child or adolescent does not have a legal guardian or that person poses a risk to the best interests of the child, PANI will assume legal guardianship and representation in all legal processes.
- Full information in the child or adolescent's native language. Information about assistance and protection must be accessible, understandable, and provided in the child or adolescent's native language.
- Special measures for child or adolescent victims-witnesses. Interviews, examinations and other forms of investigation are to be carried out by specially trained professionals, in a suitable environment, in a language or medium understandable to the child or adolescent, and in the presence of their parents or legal guardian.
- Special court measures for child or adolescent victim-witnesses. Court proceedings are to be conducted in private, without media or the general public, and testimony provided without the presence of the accused.
- Measures for a foreign child. When a child or adolescent is a foreign national, ERI/PANI are to coordinate with the respective consulate to verify the identity of the minor, process identification documents, and decide about the options for return home, in consultation with the child or adolescent.²⁶

PANI will conduct a needs assessment with the possible child or adolescent trafficking victim within five days of their referral to assess risk and identify immediate support needs.

[26] Law 9095, Article 42

PANI, as the responsible institution for the protection and support of child and adolescent trafficking victims, will develop an assistance plan. The PANI case manager may contact other practitioners who are service providers to provide protection and support in relation to their institutional role and mandate.

Unaccredited trafficking victims should be assisted based on their individual needs. Different institutions and organizations provide services that can be leveraged by trafficking victims. Being unaccredited should not be a barrier to receiving services.

Assistance refers to formal anti-trafficking assistance as well as more generalized assistance (i.e. non-trafficking specific assistance) provided by state agencies (e.g. social services, social protection, child protection agencies, and health departments), NGOs, or IOs. Assistance may be trafficking-specific, tailored to trafficking victims, and provided by specialist anti-trafficking organizations and institutions. Assistance may also be offered as part of general state services, child protection systems, or programs for the socially vulnerable.

Which forms of assistance will be most effective and appropriate depends on a range of individual and socio-economic factors, as well as the specifics of the individual's trafficking experience and their post-trafficking stage. Different types of assistance are often complementary and mutually reinforcing.

The nature and impact of exploitation necessarily informs what services are needed by a victim, including in what volume and for what period of time. For example, victims of trafficking for labor exploitation may have serious physical injuries due to hazardous working conditions and violence inflicted by traffickers, which might require medical care as well as long-term physiotherapy and psychological support. Victims of trafficking for sexual exploitation may require extensive sexual and reproductive health services – due to sexual and physical violence and exposure to sexually transmitted diseases – and long-term psychological care. When trafficking victims are integrating in a new country as foreign nationals, they will require, for example: legal assistance to process identity documents and access residency options; language training to be able to live, access education, and work; and cultural orientation and life skills to adapt to life in a new country.

In addition, trafficked children's or adolescents' reintegration should entail access to a range of child protection services (including immediate and longer-term alternative care options, appointment of a legal guardian, and support in accessing education) and a skilled child welfare workforce able to support each child and adolescent's reintegration.

Step #5. Reintegration

Trafficking victims have the right to receive long-term and comprehensive reintegration services, as outlined in Article 37 of Law 9095. Reintegration services are provided by different institutions, depending on individual needs.

Access to a comprehensive package of assistance is important in supporting successful reintegration. When victims do not receive comprehensive care, they may be unable to recover after trafficking and successfully reintegrate. Different institutions are tasked with reintegration services depending on who the victim is. Reintegration assistance does not need to be trafficking-specific or linked to accreditation. Assistance and support may be available from various institutions and organizations, depending on situations and needs of the victim.

Reintegration services usually last three years in the case of adults. Child trafficking victims are usually assisted until they are adults. But these timeframes can be extended according to the victims' needs. Accreditation support is periodically reviewed based on the judicial process and victims' needs.²⁷

Reintegration of child and adolescent trafficking victims is managed by PANI in coordination with relevant institutions. Services include economic assistance; access to work and formal and vocational education; definition of immigration status; provision of documentation; and prolonged medical and psychological assistance, when required, in order to ensure adequate social reintegration.²⁸

[27] Law 9095, Article 7.

[28] Law 9095, Article 7.

A PANI case manager will conduct a needs assessment in consultation with the child or adolescent and their parent/guardian, if appropriate, and develop a comprehensive reintegration plan. The provision of all assistance is based on each victim's individual needs and condition. Depending on the child or adolescent's situation, they may be reintegrated into their family and assisted in that setting. Children or adolescents who are deprived of parental care or unable to reintegrate in their families will be provided with long-term or permanent accommodation. A PANI case manager will work with the child or adolescent over the period of recovery and reintegration to monitor the reintegration plan and adjust as needed. Every three months, the case manager is required to update ERI about the child or adolescent victim's situation and progress.

Overall, there is a range of existing government services and programs that victims of trafficking may access to meet their recovery and reintegration needs, including programs related to education, vocational training, and social welfare support. There are also NGOs and civil society organizations that may be able to provide various forms of assistance for victims of trafficking. For child and adolescent victims, PANI may refer or request the support of a specialized NGO. In addition to assistance for trafficking victims, there are other forms of social assistance and protection available to any individual facing a risky or vulnerable situation or a situation that violates their human rights.

Unaccredited trafficking victims should also benefit from long-term reintegration services.

The Importance of Preliminary Identification

Preliminary victim identification is the first step in the protection of trafficked persons. Preliminary identification of a possible trafficking victim should lead to their referral for immediate protection and assistance. Identifying and protecting trafficking victims can also contribute to the prosecution of traffickers. Victims who are identified and receive protection and support are more likely to recover from their trafficking experiences and more able to serve as victim-witnesses in criminal justice processes. Identification and assistance can also prevent victims from being re-trafficked or exposed to other forms of violence, abuse, or exploitation.

Case Study: Successful preliminary identification leads to protection and assistance



Ana was an Indigenous Guatemalan teenager who sold handicrafts in a souvenir store.

She had been trafficked for labor exploitation by the owner of the store who made her work more than 12 hours a day without any payment. Her identification documents were withheld and she lived in a highly controlled environment, with very little movement in the town. She was forced to live in unsanitary and unhealthy conditions. Some neighbors noticed that Ana worked long hours and was seldom permitted in public, and reported her situation to the authorities. The police set up an operation to observe what was happening in the souvenir store and assess Ana's situation. Two investigators pretended to be customers at the store to get a better sense of the situation and to gather information from Ana. The police raided the store and rescued Ana and successfully identified her as a victim of trafficking. Her trafficker was also arrested.

When victims are not identified and assisted as trafficking victims, they are at risk of continued trafficking exploitation, misidentification and/or criminalization, lack of protection or assistance, and re-trafficking or other forms of exploitation.

When trafficking victims are unidentified, they continue to be exploited and often suffer poor living conditions, such as inadequate food and water, dangerous and hazardous working conditions, violence and abuse, lack of medical care, and/or psychological trauma. On-going exploitation not only extends victims' suffering but also affects their ability to cope, recover, and reintegrate in the longer term. Continued exploitation resulting from missed or non-identification is likely to have a severe impact on children and adolescents' physical growth and development, as well as their psychological state and development. It also constitutes a breach of the State's constitutional mandate and its international human rights obligations to protect minors and other vulnerable persons, as established in the Political Constitution of Costa Rica and binding international treaties. These obligations include ensuring the right to life, integrity, and special protection.

Case Study: Lack of preliminary identification results in continued exploitation

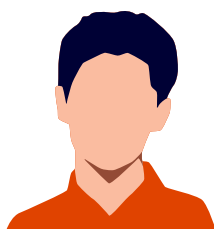


Victoria is a 16-year-old student who attends her local high school.

The school counselor has noticed that Victoria is picked up every day by an adult male about 35 years of age who is not a member of her family. She also often brings very valuable items to school, like an expensive cell phone, which the school counselor knows her family could not afford to buy. When Victoria is asked by the counselor about the identity of the adult and her relationship with him, she tells her that he has been her boyfriend since she was 14 years old, that it is a "very stable" relationship and that he "pleases her by buying her everything she needs and wants." The counselor reported this case to the authorities who treated the case as "improper relations." The authorities did not make further inquiries about the nature of the relationship to assess signals of trafficking for sexual exploitation or investigate whether the man may be trafficking Victoria for the purpose of sexual exploitation.

Trafficking victims who are not identified may instead be treated as offenders. This means that they may be detained and deported as an irregular migrant or arrested and charged for crimes committed while they are trafficked (e.g., selling or using drugs, involvement in criminal activities, etc.)

Case Study: Misidentification leads to further harm of the victim



Juan is a 17-year-old boy who was arrested by the police for selling drugs at school.

When he was arrested, the police did not assess his personal living and family situation and so did not detect that he was being forced by traffickers to traffic and sell drugs. If they had screened preliminarily for trafficking, they would have learned that he was not living at home with his family but with people who force him to sell drugs at the school and the public park. He was not asked by the police where he was getting the drugs from or for whom he was selling drugs. After he was arrested, Juan was charged for selling drugs, even though he was a victim of trafficking.

Trafficking victims who are unidentified after having escaped or exited their trafficking situation are at considerable risk of harm and remain highly vulnerable. Going unassisted generally means child and adolescent trafficking victims return to the same (or very similar) social and economic situations that made them vulnerable to trafficking in the first place. They also often suffer from the physical, psychological, and social impacts of trafficking. For children and adolescents trafficked to another location or another country, being unidentified means they may be without documents or money and have no means of returning home.

Case Study: Being unidentified leads to detention and deportation

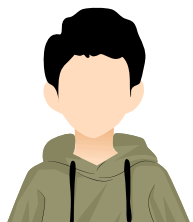


Isabel is a 14-year-old Panamanian girl who was forced to sell and serve drinks to customers, as well as have sexual relations with the customers.

When the police raided the bar where she worked for allegedly selling contraband liquor, they found Isabel but they focused on the fact that she was an irregular migrant without the legal documents to be in Costa Rica and coordinated her immediate detention and deportation to Panama. Although she was a minor, they did not refer her to child protection agencies for protection and immediate support and did not ask her any questions about her situation.

Without any forms of assistance and support after trafficking, trafficking victims are at risk of being re-trafficked or exposed to other forms of exploitation and abuse.²⁹

Case Study: Missed identification leads to continuing exploitation and abuse



Roberto is a 9-year-old boy whose parents force him to beg for money from morning to night at a traffic light in the city of San José.

He is not allowed to return home unless he has earned 5000 colones. If he returns home with less, he is severely beaten and injured with a knife, leaving multiple scars on his body. The authorities approached Roberto on the street, but he explained that he is begging for money to survive. The authorities accepted this explanation. Even though they feel sorry for him, they left him to continue begging on the street. They did not make further inquiries with his parents nor report to PANI.

[29] See, for example, Surtees, R. and T. Zulfahary (2018) Seeing the unseen. Barriers and opportunities in the identification of trafficking victims in Indonesia. Washington, D.C.: NEXUS Institute.

Barriers and Challenges in Victim Identification

Victim identification (both preliminary and formal) is not easy and may involve multiple barriers and challenges. Various obstacles hinder preliminary identification and, by extension referral, protection and assistance, and reintegration of trafficking victims. Understanding these barriers allows practitioners to adjust their thinking and their work to improve and augment identification and the victim protection response.

Barriers to the identification of child and adolescent trafficking victims may be linked to:

- Trafficking victims' feelings, behaviors, and experiences
- Practitioners' perceptions, behaviors, and experiences
- Practical, structural, and institutional barriers
- Additional barriers



"[Most victims] do not know anything about legal issues, laws, and their rights."

(Child trafficking victim)³⁰



My situation was not very much like trafficking. If trafficked, one should have had a very hard time."

(Child trafficking victim)³¹



"I was also trafficked. And it was only [much later] that I understood that I had been trafficked. I did not understand during that time that I was a victim of trafficking."

(Child trafficking victim)³²

[30] Pearce, J., P. Hynes and S. Bovarnick (2009) Breaking the wall of silence: Practitioners' responses to trafficked children and young people. United Kingdom: University of Bedfordshire, p. 105.

[31] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 42.

[32] Surtees, R. and T. Zulbahary (2018) Seeing the unseen. Barriers and opportunities in the identification of trafficking victims in Indonesia. Washington, D.C.: NEXUS Institute, p. 52.

Trafficking Victims' Feelings, Behaviors, and Experiences

Child and adolescent trafficking victims often have past experiences, including trauma, that impact their emotions, their understanding of their situation, their ability to self-identify as a victim of trafficking, or their ability to accept their situation as one of exploitation. Frequently they do not have knowledge or experience of protection or assistance and are unaware of how to get help.

Child and adolescent trafficking victims have also survived very difficult situations and do not always behave in ways that are considered to be age appropriate or socially acceptable. They may not be open to interactions with persons they have no reason to trust. Their behaviors and attitudes also affect how practitioners perceive or interact with them.

Barriers and challenges to the preliminary identification of child and adolescent trafficking victims may arise when children and adolescents:

- are frightened, confused, traumatized, or disoriented after trafficking, hindering their ability and willingness to disclose their experiences to authorities
- do not understand or agree that they are trafficking victims
- accept their situation as something that they (or their family) have chosen
- see their exploitation as “normal,” often because they have suffered abuse and exploitation in the past



“One trafficked child reported suffering from headaches, which do not ease. There are concerns about her emotional well-being, not sleeping, nightmares, suicidal thoughts, and self-harm.”
(Practitioner)³³



“I think I was just unlucky.”
(Child trafficking victim)³⁴

[33] Pearce, J., P. Hynes and S. Bovarnick (2009) Breaking the wall of silence: Practitioners' responses to trafficked children and young people. United Kingdom: University of Bedfordshire, p. 137.

[34] Pearce, J., P. Hynes and S. Bovarnick (2009) Breaking the wall of silence: Practitioners' responses to trafficked children and young people. United Kingdom: University of Bedfordshire, p. 138.

- minimize what they have endured and instead accept it as their fate, “something a lot of children go through,” or “just bad luck”
- do not know who can help them, where to ask for help, or how to seek out assistance
- do not want to be identified as a trafficking victim (for example, because they will be taken into care and they need to earn money to support themselves or their family members)
- do not trust the authorities (police, social workers, teachers, medical staff) and/or fear authorities and what they will do to them
- have had past negative experiences with authorities or service providers
- blame themselves for being “tricked” and exploited, making bad decisions, or “being stupid”
- fear traffickers will hurt them or their families if they escape or are identified and assisted
- are emotionally and materially dependent on the trafficker or are under the control of the trafficker



“I don’t know who I can report to. I only have one [phone] number and if they stop contacting to me, I don’t know what to do.
(Child trafficking victim)³⁵



“...the word trust is a big word for us as we came from an experience of being tricked.”
(Child trafficking victim)³⁶



“...there are times there are things that you could not disclose, because you can’t trust anybody...”
(Child trafficking victim)³⁷



“Some trafficked children and adolescents are very afraid because most of the families, they don’t support the child. And most of the traffickers are from within their community...”
(Practitioner)³⁸

[35] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, pp. 42.

Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 42.

[36] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 42.

[37] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 42.

[38] Hargitt, K. (2017) Casting Light on the Care, Recovery and (Re)integration Needs of Commercially Sexually Exploited Children. Bangkok: ECPAT International, p. 174.

- worry about being blamed, discriminated against, or stigmatized when people in their family or community learn that they are a trafficking victim
- are unwilling or unable to disclose what has happened to them and want to put their trafficking experience behind them
- are afraid of being in trouble for things they did while trafficked (for example, selling drugs, sex activities, begging, stealing, having false documents, irregular border crossings)
- do not want their family members to get in trouble for their involvement in trafficking or not protecting them from traffickers
- do not see identification as offering any real solutions (for example, they will not be able to earn money, they have no place to live, they will be returned to an unhealthy family situation)
- do not want to report their case to law enforcement or get involved in the criminal justice process



"They (my family and community) do not know about my bad experiences. If they know, our relation will be bad and they may not want to talk with me and they will look down on me and discriminate against me."
(Child trafficking victim)³⁹



"Commercial sexual exploitation occurs in these areas with the complicity of families, who provide their adolescent daughters for these criminal activities. They say that this complicates the approach to the problem, since the victims tend to cover up for those who promote this activity because they are members of their families."
(Practitioner)⁴⁰



"These children need help in developing trust and healthy and lasting relationships with people who are trained."
(Practitioner)⁴¹

[39] Hargitt, K. (2017) Casting Light on the Care, Recovery and (Re)integration Needs of Commercially Sexually Exploited Children. Bangkok: ECPAT International, p. 175.

[40] Fundación Paniamor and Save the Children (2006) Geographic and Social Mapping of the Trafficking of Minors for Commercial Sexual Exploitation in Costa Rica. San José: Fundación Paniamor and Save the Children, p. 33.

[41] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 43.

Practitioners' Perceptions, Behaviors, and Experiences

The perceptions, behaviors, and experiences of practitioners play an important role in the identification of child and adolescent trafficking victims. There are many myths and misconceptions about trafficking in persons in Costa Rica, which lead to under-recognition of cases and victims and the misapplication of law and policy. These misunderstandings also mean that some trafficking victims do not receive the support that they are entitled to.

Some practitioners fail to detect child and adolescent trafficking victims due to their perceptions, attitudes, and biases, which mirror those in the community at large. This includes blaming victims for what has happened to them and also tolerance for behaviors and attitudes that normalize trafficking and prevent the necessary actions to protect victims and punish the perpetrators.⁴²

Practitioners may misunderstand the behaviors and attitudes of trafficked children and adolescents. The “street smarts” and self-protection that helped many trafficked children and adolescents to survive trafficking exploitation is commonly misread and misunderstood by practitioners.

Common barriers and challenges to the identification of child and adolescent trafficking victims include when practitioners:

- see children and adolescents as complicit in or consenting to activities that are part of their exploitation (for example, prostitution, begging, stealing, drug selling or use)
- lack knowledge, skills, and capacity to appropriately and sensitively identify and assist child or adolescent trafficking victims



...sometimes public officials fall into the error of identifying them as women from the happy life, so they are no longer victims but someone who is enjoying themselves, and this is part of the ignorance....”
(Practitioner)⁴³

[42] See Annex #4. Common Myths and Misconceptions About Trafficking in Persons in Costa Rica

[43] Grillo, M. and I. Monge (2009) Mapping Project Geographic and Social Trafficking of Children and Adolescents for the Purpose of Commercial Sexual Exploitation in Costa Rica. San José: Fundación Paniamor and Save the Children, p. 25..

- have assumptions about who is a trafficking victim and what constitutes child trafficking and overlook situations and cases that don't fit their preconceptions
- do not recognize some types of trafficking victims (for example, boys, LGBTQ+ victims, victims with disabilities)
- do not recognize lesser-known forms of child trafficking (for example, forced labor, forced marriage, forced begging, or organ removal)
- look down on child and adolescent victims and their families as responsible for their situation
- perceive child trafficking victims as "difficult" or "problematic" children and adolescents (for example, uncooperative, disrespectful, ungrateful, obstructionist) rather than recognizing that these behaviors are commonly caused by trauma
- have attitudes or beliefs that lead them to ignore, overlook, or minimize child trafficking (for example, machismo, sexism and misogyny, social acceptance of adult's sexual engagement with children and adolescents, including prostitution).



"We see discrimination for [trafficked children and adolescents] in terms of working with [practitioners] and how it can be really discouraging for young people... just ignorance about the population and how to talk to, respond to, and support them."
(Practitioner)⁴⁴



"People think that when someone belongs to the LGBTQ community they were born to be sex workers so it is not unusual to be abused...so abuses mostly go unreported."
(Transgender child trafficking victim)⁴⁵



"When the person is a woman or a girl, sexual exploitation protection measures are used. But if we have a boy exploited for forced criminality, for example, then gender stereotypes prevail and protection measures are not available."
(Practitioner)⁴⁶

[44] Hargitt, K. (2017) Casting Light on the Care, Recovery and (Re)integration Needs of Commercially Sexually Exploited Children. Bangkok: ECPAT International, p. 98.

[45] Cody, C. (2017) Connecting the Dots: Supporting the Recovery and Reintegration of Children Affected by Sexual Exploitation. Bangkok: ECPAT International, p. 100.

[46] OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings (2021) Applying gender-sensitive approaches in combating trafficking in human beings. Vienna: OSCE, p. 31.

Practical, Structural, and Institutional Barriers

Many trafficked children and adolescents go unidentified due to practical barriers, such as the hidden nature of trafficking or language and cultural barriers between victims and practitioners. In other cases, there are structural and institutional barriers that work against the timely and sensitive identification of child and adolescent trafficking victims.

Common barriers and challenges include:

- when child and adolescent victims do not speak the same language as practitioners and are unable to understand what is happening and what practitioners may be able to do to help them
- when cultural norms inhibit disclosure of trafficking experiences to practitioners (for example, behavioral norms for males and females, adults and children, religious beliefs, or feelings about discussing sensitive topics)
- when assistance is located at a geographical distance from where child and adolescent trafficking victims are
- when child and adolescent trafficking victims lack resources to contact service providers by phone or to travel to service providers



"I thought that I would be resold. I did not understand anything in their language... I didn't feel safe... I needed a translator."
(Trafficking victim)⁴⁷



"We had to go to where the victims live and speak with them and try to convince them that it was important to travel to receive assistance."
(Practitioner)⁴⁸



"I was not treated decently. I was put to live in the storage room for the children's toys. When the night came I was locked in the room from the outside."
(Trafficking victim)⁴⁹

[47] Surtees, R. (2007) Listening to victims: Experiences of identification, return and assistance in South-Eastern Europe. Vienna: ICMPD and Washington, D.C.: NEXUS Institute, p. 86.

[48] Surtees, R. (2014) In African waters. The trafficking of Cambodian fishers in South Africa. Geneva: International Organization for Migration (IOM) and Washington, D.C.: NEXUS Institute, p. 157.

[49] Surtees, R. and T. Zulfahary (2018) Seeing the unseen. Barriers and opportunities in the identification of trafficking victims in Indonesia. Washington, D.C.: NEXUS Institute, p. 36.

- when the hidden nature of trafficking and victims' restricted movements means practitioners are unable to detect child and adolescent victims
- when there are limited resources and time allocated by institutions for practitioners to identify and refer child and adolescent victims for protection and support
- when community-level practitioners are not included in the institutional framework for victim identification, referral, protection and assistance, and reintegration
- when community members do not recognize that children and adolescents are trafficking victims
- when there is a lack of victim identification procedures at the community level
- when frontline responders (such as healthcare providers, social workers, police, teachers) lack skills, capacity, and tools to identify child and adolescent trafficking victims
- when the context in which much identification takes place – in police stations, detention centers, during raids – does not lend itself to trust in authorities



"I do not think those involved in working with trafficking are probably aware of a wide enough number of different profiles of signs and symptoms and behavior."
(Practitioner)⁵⁰



"So I believe that it is time that as countries we establish that this is a problem and that we are living this problem ... we must prevent the crime of human trafficking and begin to see it as part of the operational plan of each country and each institution, so that we can give it a correct approach. Because sometimes what happens is that we turn a blind eye; we see the situation but we don't know who to refer it to and who is responsible for it and then we just report it as a person who is going to be deported in a normal way."
(Practitioner)⁵¹

[50] Pearce, J., P. Hynes and S. Bovarnick (2009) Breaking the wall of silence: Practitioners' responses to trafficked children and young people. United Kingdom: University of Bedfordshire, p. 129.

[51] Grillo, M. and I. Monge (2009) Mapping Project Geographic and Social Trafficking of Children and Adolescents for the Purpose of Commercial Sexual Exploitation in Costa Rica. San José: Fundación Paniamor and Save the Children, p. 24.

Additional Barriers

Most of the reasons why trafficking victims go unidentified and unassisted apply to both adults and children. However, some barriers are specific (or stronger) in the case of child or adolescent victims and need to be taken into consideration when coming into contact with a possible child or adolescent victim. These include:

- Children and adolescents are generally more vulnerable to the use of force, deception, or manipulation by traffickers, although this varies according to their age and maturity as well as their personal, family, and social background
- Children and adolescents may be less aware of their rights and of the abuses that infringe upon these rights during the trafficking process
- Children and adolescents generally have more limited information about where to turn to in order to seek help
- Traffickers may keep child or adolescent victims under stricter control and in more hidden locations

The impact of trafficking and related exploitation on child or adolescent victims is potentially even more severe than for adults, in consideration of a child or adolescent's stage of physical and psychological development and evolving capacities. Therefore, rapid identification and referral of child or adolescent trafficking victims in order to appropriately implement protection and assistance measures (and subsequently to appropriately implement reintegration services) is of paramount importance in ensuring their well-being and recovery.

Preliminary Identification in Practice

Community based practitioners and frontline responders have a critical and central role to play in the preliminary identification of possible trafficking victims, including children and adolescents. They are well-positioned and legally mandated to assess whether an individual might be a victim of trafficking (a “possible trafficking victim”) and to take the needed steps to refer them for formal identification and to trigger protection and assistance. Practitioners should also know where to find up-to-date information about available assistance and services so that they can share this with trafficking victims and refer them accordingly.

Preliminary victim identification should be proactive, not reactive. Practitioners should actively look for signs and indications of trafficking in the course of their day-to-day work and not wait for victims to self-identify. However, in reality, much victim identification is reactive – that is, when an individual self-identifies as a trafficking victim and seeks out protection and assistance. This may occur when victims learn about trafficking in persons through public information, training, or outreach, and recognize this as their own experiences. In such cases, practitioners must respond promptly, ensuring safety, immediate protection, and referral for formal identification, in accordance with applicable laws and protocols.

Too often, though victims are missed in the identification process or mis-identified.

Missed identification occurs when victims come into contact with practitioners and institutions (for example, social workers, law enforcement, health workers, teachers) that should have the skills and capacity to identify and refer them, but who fail to intervene or investigate. Sometimes identification is missed even when indications of possible exploitation are very visible.

Mis-identification occurs when individuals are not recognized as trafficking victims and are instead treated as someone engaged in illegal activities. Mis-identified victims go unassisted and are even penalized for actions that directly resulted from being trafficked. For example, being mis-identified as an irregular migrant can lead to detention and deportation. Some trafficking victims are mis-identified and criminalized for their forced involvement in illegal activities (such as selling drugs, petty crime, or using forged documents). In such cases, trafficking victims face legal sanctions rather than being treated and protected as a victim of crime.

There are different points in time when an individual may be preliminarily identified:

- *While trafficked.* Some victims are identified when they are still trafficked – for example, by police, healthcare providers, social workers, labor inspection authorities, immigration authorities, helplines and outreach workers, educators, and school counselors. Some trafficking victims may have more freedom while trafficked to seek out or have some access to assistance. Others may be rescued from trafficking situations (for example, in raids of places where victims may be exploited or accommodated, when outreach workers identify street-involved children as being in situations of exploitation, during inspections at work sites). Some child trafficking victims are experiencing exploitation while they are still in school or participating in community activities.
- *During exit or escape from trafficking.* Some victims are identified during exit or escape from their trafficking situations – for example, when trafficking victims seek help at consulates/embassies, from police, through calls to 9-1-1 that are referred to PANI or OIJ.
- *During return process, to home country or community.* Trafficking victims may be identified during the return to their home country or community – for example, police, border officials and, immigration authorities may detect signs of abuse or exploitation.

- *At home.* Victims may be preliminarily identified in their home communities by practitioners (for example, healthcare providers, social workers, helplines and outreach workers, educators and school counselors, employment centers, training centers, administrators, and community and religious leaders) whom they encounter in their day-to-day life and who recognize signs of trafficking and exploitation. They may also be preliminarily identified when they seek out protection and assistance to support their immediate support needs or long-term reintegration. A person may be preliminarily identified even years after the exploitation occurred. In some cases, individuals have not understood that they have been trafficking victims. Changes in personal circumstances, contact with trained practitioners, awareness campaigns, or access to specialized services may later lead to their recognition as a possible trafficking victim and their referral for assistance and protection.

Practitioners may be able to preliminarily identify a trafficking victim at any of these stages and will encounter victims in different situations and at different points of time. They also have different degrees of contact and interactions with trafficking victims, which necessarily informs what role they play and how they engage in preliminary identification.

Some practitioners have direct contact with trafficking victims as part of their day-to-day work and may observe possible signals of trafficking in persons or learn information about the their situation that raises concerns about possible trafficking in persons. Others may have more peripheral contact with trafficking victims but may be in a position to observe behaviors and situations that may indicate trafficking in persons. Given any suspicion of trafficking in persons (for example, through the presence of one or more indicators), practitioners have the legal mandate to report and respond.

Conclusion: Beyond Identification – Protection and Assistance and Reintegration of Trafficking Victims

Preliminary victim identification is not a goal in and of itself – it is the means by which individuals are formally recognized as trafficking victims and provided with protection and assistance and reintegration services.

Trafficking victim protection includes the identification, referral, protection and assistance, and reintegration of trafficking victims. Every practitioner in Costa Rica has a legal mandate to report and refer all possible victims of trafficking for protection and assistance. The ultimate goal is for trafficking victims to be able to recover from their trafficking experiences and move on with their lives, including successful reintegration.

In Costa Rica, achieving this objective requires coordinated action between government institutions, non-governmental organizations, and community-based networks. This coordination must ensure uninterrupted case handling from the moment of preliminary identification through immediate protection measures, specialized assistance, and the design and implementation of tailored reintegration plans. Effective inter-institutional articulation, supported by clear referral pathways and the active participation of civil society, is critical to guaranteeing that trafficking victims, especially children and adolescents, receive comprehensive and sustained support that addresses their legal, psychosocial, health, educational, and livelihood needs.

Proactive preliminary identification is a core responsibility of both protection institutions and the criminal justice sector. Authorities should not wait for victims to self-report or for external complaints to be filed. Instead, they must actively detect indicators of trafficking in persons during their routine operations, inspections, community outreach, and interactions with vulnerable populations, as well as in activities with children, adolescents, vulnerable individuals, and other practitioners.

For the criminal justice sector, this means integrating trafficking screening into investigations of other crimes, ensuring that potential victims are preliminarily identified even when an initial report concerns a different offense. For protection entities, it requires sustained engagement with at-risk communities, systematic monitoring of known high-risk environments, and prompt activation of referral mechanisms when indicators are present.

Strengthening proactive preliminary identification directly influences the quality and sustainability of victim reintegration. Detecting cases early enables authorities to start coordinated case management from the outset, ensuring that protection measures are immediately linked to medium- and long-term reintegration objectives. This early linkage helps prevent service gaps, facilitates a seamless transition between stages of assistance, and allows interventions to be tailored to each victim's evolving needs. In Costa Rica, this proactive approach is reinforced by the legal duty established in Law 9095 and the Child and Adolescence Code, which obligates practitioners to act without delay once reasonable suspicion of trafficking exists, ensuring that the transition from detection to protection is immediate and effective.

Reintegration is the process of recovery and economic and social inclusion following a trafficking experience. It includes living in a safe and secure environment, having a reasonable standard of living, maintaining mental and physical well-being, accessing social and emotional support, and having opportunities for personal, social, and economic growth. Successful reintegration often requires many different services at different stages of the victim's post-trafficking life. Reintegration should be approached as a structured, rights-based process led by competent authorities in close coordination with specialized NGOs and community actors. It must be grounded in individualized case handling, starting from the first contact with the trafficking victim and continuing until their full social and economic participation is restored. This requires addressing not only immediate safety and basic needs but also long-term factors such as access to education, vocational training, employment opportunities, legal status, and the rebuilding of family and community networks.

To ensure that reintegration efforts are sustainable, case handling must integrate continuous monitoring, regular reassessment of needs, and flexibility to adapt support as circumstances evolve. This includes ensuring that trafficking victims have long-term access to essential services, that institutional responsibilities are clearly defined, and that coordination mechanisms function effectively at local, regional, and national levels. In practice, this means that reintegration planning should start at the earliest stages of victim protection, linking immediate assistance to medium- and long-term goals, and securing the resources and partnerships necessary to meet those goals.

Different types of protection and assistance may be needed to support an individual victim's reintegration. Individuals are trafficked for a wide range of purposes and the nature and impact of exploitation are often context-specific and highly individual. Different victims have different and often complex needs that must be carefully assessed, including vis-à-vis their pre- and post-trafficking situation.

Sustainable reintegration cannot rely solely on institutional structures – it requires the active engagement of local communities, private sector actors, and trafficking survivors themselves. Establishing survivor-led peer support networks, promoting economic empowerment initiatives, and integrating anti-trafficking objectives into broader social protection and development policies can significantly reduce the risk of re-victimization. A coordinated, well-resourced, and victim-centered approach is essential to transform preliminary identification into lasting protection, recovery, and inclusion.

The aim of this Handbook is to provide information that is applicable to the various real-world roles and responsibilities of Costa Rican practitioners who wish to make a constructive contribution to addressing trafficking in persons and protecting trafficking victims. More information to support this critical work can be found at: <https://aprendizaje.warnathgroup.com/>

Annexes

Annex #1. Examples of Trafficking in Persons in Costa Rica

Annex #2. Interagency Roadmap for the Detection, Referral, and Response to Possible Cases of Trafficking in Persons

Annex #3. Indicators of Trafficking in Persons

Annex #4. Common Myths and Misconceptions About Trafficking in Persons

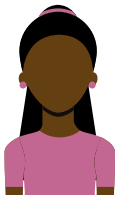
Annex #5. FACTRA Trafficking in Persons Crime Report Form

Annex #6. Commonly Asked Questions About Trafficking in Persons

Annex #1. Examples of Trafficking in Persons in Costa Rica

Trafficking in persons in Costa Rica takes many different forms and affects many different victims, including children and adolescents. Some individuals from other countries are exploited within Costa Rica. There are also cases of Costa Rican individuals who are exploited in other countries. Costa Ricans are also exploited within the country, often within their own communities.

The following case studies are fictionalized examples of trafficking in persons in Costa Rica, including child and adolescent trafficking. These cases are based on real life experiences and situations documented through work and research and media accounts.



“María” is a 16-year-old girl from a poor family in Nicaragua.

A Costa Rican couple Mercedes and Andrés were visiting her home village and offered to bring her to Costa Rica to be employed as a domestic worker in their home. When María arrived in Costa Rica, Mercedes took her passport “for safe keeping.” María is tasked with cleaning the house for long hours each day and caring for Mercedes and Andrés’ children but receives no payment for the work she does. Mercedes says that she won’t pay María because she owes her for the money she spent to bring her to Costa Rica. Each afternoon, María takes the children to the park to play. Although Mercedes has never hurt her, María is still afraid to ask anyone for help.

María is a victim of trafficking.

María was recruited, transported, and harbored by Mercedes and Andrés for labor exploitation, or forced labor, or servitude. María should be identified as a trafficking victim and provided with protection and assistance.



Act (recruitment, transportation, harboring)



Purpose (labor exploitation, forced labor, servitude)



“Carlos” is a 34-year-old man from El Salvador.

Carlos was struggling to support his wife and two children when he met a recruiter who offered him a well-paying job as a fisherman in Costa Rica. The recruiter covered his travel expenses, promising that Carlos could pay him back once he started working. Excited for the opportunity, Carlos travelled to Costa Rica, where he was taken directly to a fishing boat. Once onboard, Carlos was forced to work long hours in dangerous conditions with little food and no medical care. When he asked about his salary, the boat captain told him he still owed money for his travel expenses, food, and lodging. He was threatened with violence if he tried to leave, and he had no way to contact his family or seek help.

Carlos is a victim of trafficking.

Carlos was recruited, transported and harbored for forced labor, with the use of deception and later of threats. Carlos should be identified as a trafficking victim and provided with protection and assistance.



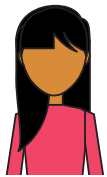
Act (recruitment, transportation, harboring)



Means (threats, deception)



Purpose (labor exploitation, forced labor)



“Julia” is 14 years old. She lives with her parents and four younger siblings.

Her father works as a construction worker and her mother is a housewife. Her father’s salary is not enough to cover all of the family’s expenses and her parents struggle to support their family and to keep their children in school. As the oldest child, Julia feels responsible to help her family. One day, Julia saw an advertisement for girls to be part of a modeling academy. She convinced her parents to let her apply, although they did not like the idea and thought that she was too young to be a model. Julia applied and went to a casting session. In this “casting session,” she was forced to pose naked in sexual positions by the staff. She did not want to do it but she felt afraid. The staff paid her and told her that if she told anyone what had happened, they would hurt her family.

Julia is a victim of trafficking.

Julia was recruited by the “modeling academy” staff for the purpose of sexual exploitation. This is child sex trafficking. Julia should be identified as a trafficking victim and provided with protection and assistance.



Act (recruitment)



Purpose (sexual exploitation)



“David” is 15 years old and from Costa Rica. He was thrown out of his family home when his parents learned that he is gay.

With nowhere else to go, David went to live with his friend “Juan” (who is 25 years old) in a town along the coast. David soon became Juan’s boyfriend. Juan pressured David to work in tourism to earn money and cover their living expenses. David is in love with Juan and wants to make him happy. He also does not have many opportunities for work and so he accepted what Juan proposed. Juan has arranged for David to help tourists with travel and accommodation. He also arranges for David to provide sexual services to male tourists. David gives most of the money that he earns to Juan.

David may be a victim of trafficking.

If Juan recruited or received David with the intention of exploiting him for sexual exploitation, this is child sex trafficking. Regardless, David is a victim of improper sexual relations and sexual exploitation. He should be identified as such and provided with protection and assistance.



Act



Purpose (sexual exploitation)



“Sofía” is 17 years old. She lives in an area with a lot of tourists.

Sofía is 17 years old. She lives in an area with a lot of tourists. Sofía and her friend Isabella frequently go to nice restaurants with men from other countries and then go back to their hotel rooms with them to have sex. These men give Sofía and Isabella money and gifts. Sofía likes having nice clothes and going to fancy places and she likes that she can help her family pay for things that they need. Her mother knows that Sofía is exchanging sex for money with tourists but doesn’t say anything about it.

Sofía may be a victim of trafficking.

This may be child trafficking for the purpose of sexual exploitation. Although there does not appear to be evidence of an “act,” Sofia is a victim of sexual exploitation by adult males. Determining whether Sofia is a victim of trafficking for sexual exploitation requires additional information. Regardless, Sofia should be identified as a victim of sexual exploitation and provided with protection and assistance. Her friend Isabella should also be protected and assisted.



Act



Purpose (sexual exploitation)



“Rosa” is a 27-year-old woman from a rural area of Costa Rica, who lost her job during an economic downturn and was struggling to support herself.

A man Rosa met at a bar offered her a job at a beachfront hotel, saying she could earn good money working in hospitality. She accepted the offer and travelled with him to the town where the hotel was allegedly located. When she arrived, she was taken to a small house instead of a hotel. The man told her she now owed him money for travel, food, and housing. He said that she had to work in a nightclub to “pay off the debt,” but when she got there, she was forced to provide sexual services to customers. The club owner and his associates controlled her movements, threatened her with violence, and told her that if she tried to escape, the police would arrest her instead.

Rosa is a victim of trafficking.

Rosa was recruited, transported and harbored under false pretenses for sexual exploitation. This is trafficking in persons. Rosa should be identified as a trafficking victim and provided with protection and assistance.



Act (recruitment, transportation, harboring)



Means (deception, threats, abuse of a position of vulnerability)



Purpose (sexual exploitation)



“Sara” is 12 years old. She lives with her mother, father, and younger brother.

Last year, her uncle “Luis” lost his job and Sara’s parents invited him to live with them to help him. When Sara’s parents are not home, Luis takes care of Sara and her younger brother. Luis finds ways to be alone with Sara and films himself sexually abusing Sara. Luis sells these videos online. Sara wants him to stop and wants to tell her parents what’s going on, but Luis tells her that no one will believe her and that he will hurt her family if she tells anyone what is happening. Sara is afraid of Luis and doesn’t know what to do.

Sara is a victim of child trafficking.

Luis receives Sara for the purpose of sexual exploitation. This is child sex trafficking. Sara should be identified as a trafficking victim by authorities and provided with protection and assistance.



Act (receipt)



Purpose (sexual exploitation)



“Adrian” is 16 years old. At a family gathering a few months ago, he met one of his cousin’s friends, a young man named “John”.

John was wearing really nice clothes, had a brand new pair of sneakers, and a very expensive phone. John invited Adrian to come to a party that he was having at a house he had rented near the beach. Adrian didn’t know anyone else at the party, but he was excited to attend. The house was really fancy and there were a lot of pretty girls swimming in the pool. At the party, Adrian tried cocaine for the first time. A few days later, John texted Adrian and asked to meet up. When they met up, John told Adrian that they could make a lot of money if Adrian would sell drugs at his school. When Adrian said he didn’t want to, John told him if he didn’t do it he would tell his dad that he’d used cocaine. Adrian was scared and so he agreed.

Adrian is a victim of child trafficking.

John recruited Adrian for the purpose of selling drugs, which is a form of labor exploitation called forced criminality. Adrian should be identified as a trafficking victim and provided with protection and assistance.



Act (recruitment)



Purpose (forced criminality)



“Carmen” is 13 years old and has a cognitive disability.

Her mother and father run a restaurant and often work late at night. Because Carmen cannot be left home alone, her parents have asked different neighbors to help out. One of her neighbors, a man named “Alvaro,” said that he would let Carmen come to his house to watch movies. During the nights that Carmen is at Alvaro’s house, other men come to the house and pay Alvaro to have sex with Carmen. Because of her disabilities, Carmen is unable to explain to her parents what is happening.

Carmen is a victim of child trafficking.

Alvaro receives and harbors Carmen for the purpose of sexual exploitation. Carmen should be identified as a trafficking victim and provided with protection and assistance.



Act (receipt, harboring)



Purpose (sexual exploitation)



“Eduardo” is 14 years old. His parents are migrant workers from Colombia who came to Costa Rica last year to work the harvest on a plantation.

They brought Eduardo with them to Costa Rica because they didn’t have anyone for him to stay with in Colombia. At the end of the season, the owner of the plantation where they were working said that Eduardo could stay and continue to earn money on the plantation and also go to school in Costa Rica. Eduardo did not want to stay but his parents thought this would be a good opportunity. Now Eduardo works full-time on the plantation and the owner sends his parents some money each month. Eduardo does not get any of the money that he earns and he is also not allowed to go to school. When he asked about school, the owner of the plantation told him that because he is underage and working in Costa Rica, if he goes to school he will be arrested.

Eduardo is a victim of child trafficking.

The owner of the plantation received and is harboring Eduardo for the purpose of labor exploitation or forced labor. Eduardo’s parents delivered him for the purpose of labor exploitation. Eduardo should be identified as a trafficking victim and provided with protection and assistance.



Act (delivery, receipt, harboring)



Purpose (labor exploitation)

Annex #2. Interagency Roadmap for the Detection, Referral, and Response to Possible Cases of Trafficking in Persons

HOJA DE RUTA INTERINSTITUCIONAL PARA LA DETECCIÓN, DERIVACIÓN Y ATENCIÓN DE POSIBLES CASOS DE TRATA DE PERSONAS

¿QUÉ ES LA TRATA DE PERSONAS?

Medios

Acciones

Fines

Se entiende por trata de personas la acción en la que mediante el uso de las tecnologías o cualquier otro medio, recurriendo a la amenaza, al uso de la fuerza u otras formas de coacción, al rapto, al fraude, al engaño, al abuso de poder, a una situación de vulnerabilidad, o a la concesión o recepción de pagos o beneficios para obtener el consentimiento de una persona que tenga autoridad sobre otra, promueva, facilite, favorezca o ejecute la captación, el traslado, el transporte, el alojamiento, el ocultamiento, la retención, la entrega o la recepción de una o más personas dentro o fuera del país, para someterlas a trabajos o servicios forzados y otras formas de explotación laboral, servidumbre, esclavitud o prácticas análogas a la esclavitud, matrimonio servil o forzado, adopción irregular, mendicidad forzada, embarazo forzado y aborto forzado, y la ejecución de cualquier forma de explotación sexual.

Fuente: Ley N° 9095. Contra la Trata de Personas y Creación de la Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT).

Tenga en cuenta que: Tratándose de personas menores de edad (PME) no se requieren comprobar los medios para la ejecución de los fines anteriormente descritos.

Fuente: Según Artículo 5, Ley N° 9095.

ESTA RUTA ESTÁ COMPUESTA POR 3 ETAPAS O MOMENTOS:



ETAPA I:

Detección y derivación de posibles casos de trata de personas.

1

2

ETAPA II:

Ruta de acreditación de las víctimas y sus dependientes por parte del Equipo de Respuesta Inmediata (ERI).



ETAPA III:

Estrategia de Atención Integral vigente de la Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT)¹.

3

Este instrumento detalla la primera etapa; las etapas 2 y 3 son de coordinación interna del ERI.



¹Estrategia de Atención Integral y Movilización de Recursos de Apoyo para las Víctimas de Trata de Personas y sus dependientes.

ETAPA I. DETECCIÓN Y DERIVACIÓN DE POSIBLES CASOS DE TRATA DE PERSONAS



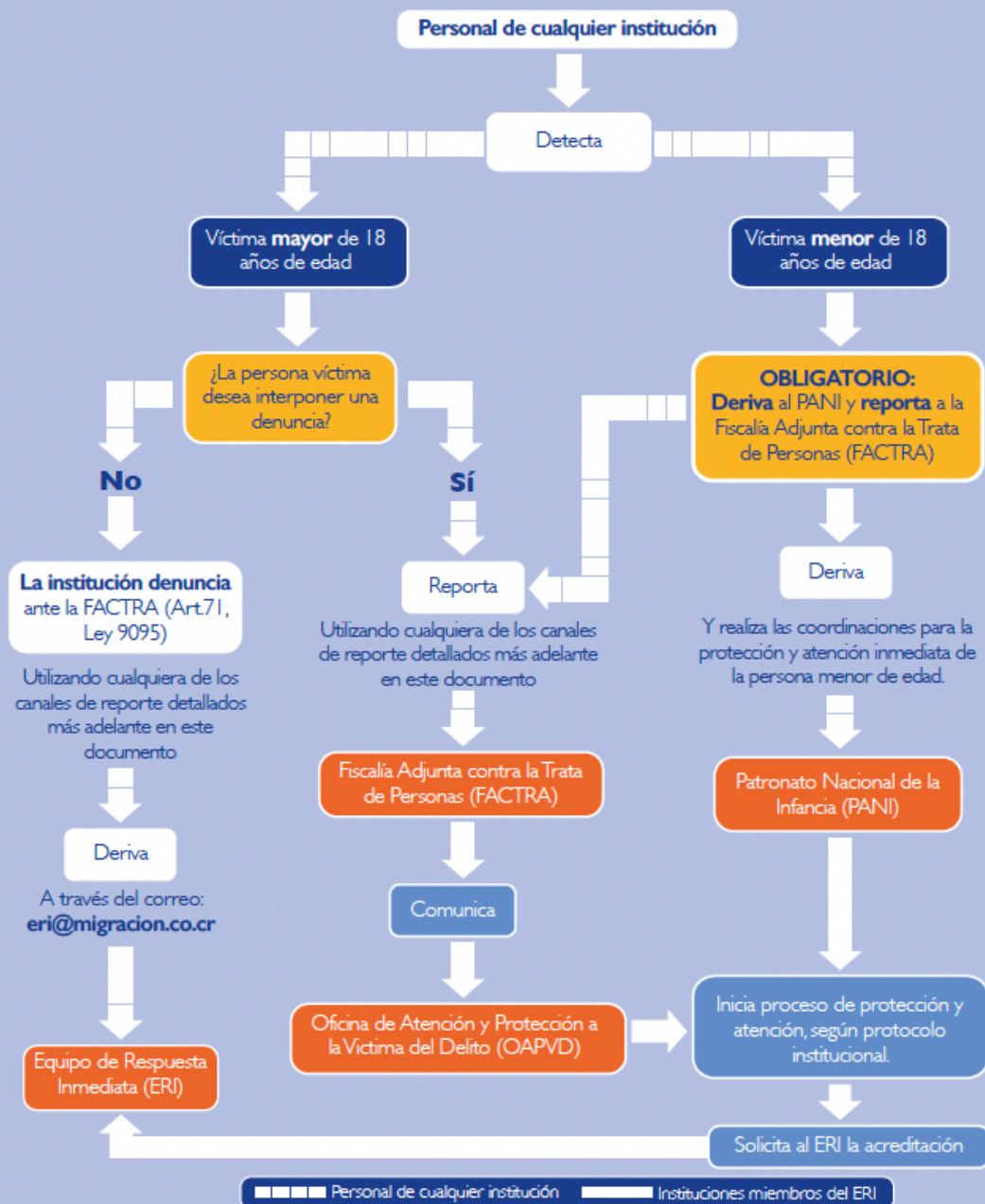
¿Qué información debe contener un reporte de trata de personas?

- Fecha en que se hace el reporte.
- Lugar donde ocurren los hechos.
- Fecha en que ocurrió la situación sospechosa de trata de personas.
- Información de la posible víctima de trata de personas: nombre, nacionalidad, dirección, teléfono, edad aproximada, sexo y características físicas.
- Información de la persona sospechosa: nombre, alias, nacionalidad, dirección, teléfono, edad aproximada, sexo y características físicas.
- Narración de los hechos o situación sospechosa.
- Información sobre vehículos, números telefónicos u otras.
- Información de la persona que hace reporte (confidencial).

Fiscalía Adjunta Contra la Trata de Personas y Tráfico Ilícito de Migrantes (2023).



Se asegura la confidencialidad de los datos de identificación de la persona funcionaria que reporta.



IMPORTANTE: Valorar la **seguridad y protección** de la persona víctima y sus dependientes EN TODO MOMENTO.



Además, en caso de ser necesario, coordinar una intervención médica de emergencia.

Reporte a través de cualquiera de los siguientes canales:

Fiscalía Adjunta contra la Trata de Personas y Tráfico Ilícito de Personas Migrantes

☎ 2295-3606/2295-3180/2295-3873

✉ fa_tratapersonas@poder-judicial.go.cr

Organismo de Investigación Judicial

☎ 800-8000-011 / 800-8000-645

☎ 8800-0645

✉ oij_dsexuales@poder-judicial.go.cr
oij_cooij@poder-judicial.go.cr

Policía Profesional de Migración y Extranjería

☎ 2106-4005/2106-4001

☎ 6163-2096

✉ denunciatrataytráfico@migracion.go.cr

☎ 9-1-1

HOJA DE RUTA INTERINSTITUCIONAL PARA LA DETECCIÓN, DERIVACIÓN Y ATENCIÓN DE POSIBLES CASOS DE TRATA DE PERSONAS

¿QUÉ ES LA TRATA DE PERSONAS?

Medios

Acciones

Fines

Se entiende por trata de personas la acción en la que mediante el uso de las tecnologías o cualquier otro medio, recurriendo a la amenaza, al uso de la fuerza u otras formas de coacción, al rapto, al fraude, al engaño, al abuso de poder, a una situación de vulnerabilidad, o a la concesión o recepción de pagos o beneficios para obtener el consentimiento de una persona que tenga autoridad sobre otra, promueva, facilite, favorezca o ejecute la captación, el traslado, el transporte, el alojamiento, el ocultamiento, la retención, la entrega o la recepción de una o más personas dentro o fuera del país, para someterlas a trabajos o servicios forzados y otras formas de explotación laboral, servidumbre, esclavitud o prácticas análogas a la esclavitud, matrimonio servil o forzado, adopción irregular, mendicidad forzada, embarazo forzado y aborto forzado, la ejecución de cualquier forma de explotación sexual y extracción ilícita.

Fuente: Ley N° 9095. Contra la Trata de Personas y Creación de la Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT).

Tenga en cuenta que: Tratándose de personas menores de edad (PME) no se requieren comprobar los medios para la ejecución de los fines anteriormente descritos.

Fuente: Según Artículo 5, Ley N° 9095.

ESTA RUTA ESTÁ COMPUESTA POR 3 ETAPAS O MOMENTOS:



ETAPA I:

Detección y derivación de posibles casos de trata de personas.

1

2

ETAPA II:

Ruta de acreditación de las víctimas y sus dependientes por parte del Equipo de Respuesta Inmediata (ERI).



ETAPA III:

Estrategia de Atención Integral vigente de la Coalición Nacional Contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT)¹.

3



¹Estrategia de Atención Integral y Movilización de Recursos de Apoyo para las Víctimas de Trata de Personas y sus dependientes.

ETAPA I. DETECCIÓN Y DERIVACIÓN DE POSIBLES CASOS DE TRATA DE PERSONAS



¿Qué información debe contener un reporte de trata de personas?

- Fecha en que se hace el reporte.
- Lugar donde ocurren los hechos.
- Fecha en que ocurrió la situación sospechosa de trata de personas.
- Información de la posible víctima de trata de personas: nombre, nacionalidad, dirección, teléfono, edad aproximada, sexo y características físicas.
- Información de la persona sospechosa: nombre, alias, nacionalidad, dirección, teléfono, edad aproximada, sexo y características físicas.
- Narración de los hechos o situación sospechosa.
- Información sobre vehículos, números telefónicos u otras.
- Información de la persona que hace reporte (confidencial).

Fiscalía Adjunta Contra la Trata de Personas y Tráfico Ilícito de Migrantes (2023).



Se asegura la confidencialidad de los datos de identificación de la persona funcionaria que reporta.

Personal de cualquier institución

Detecta

Víctima **mayor** de 18 años de edad

Víctima **menor** de 18 años de edad

¿La persona víctima desea interponer una denuncia?

No

Sí

La institución denuncia ante la FACTRA (Art. 71, Ley 9095)

Utilizando cualquiera de los canales de reporte detallados más adelante en este documento

Deriva

A través del correo: eri@migracion.co.cr

Equipo de Respuesta Inmediata (ERI)

Reporta

Utilizando cualquiera de los canales de reporte detallados más adelante en este documento

Fiscalía Adjunta contra la Trata de Personas (FACTRA)

Comunica

Oficina de Atención y Protección a la Víctima del Delito (OAPVD)

OBLIGATORIO: Deriva al PANI y reporta a la Fiscalía Adjunta contra la Trata de Personas (FACTRA)

Deriva

Y realiza las coordinaciones para la protección y atención inmediata de la persona menor de edad.

Patronato Nacional de la Infancia (PANI)

Inicia proceso de protección y atención, según protocolo institucional.

Solicita al ERI la acreditación

Personal de cualquier institución ——— Instituciones miembros del ERI



IMPORTANTE: Valorar la **seguridad y protección** de la persona víctima y sus dependientes **ENTODO MOMENTO**.



Además, en caso de ser necesario, coordinar una intervención médica de emergencia

Reporte a través de cualquiera de los siguientes canales:

Fiscalía Adjunta contra la Trata de Personas y Tráfico Ilícito de Personas Migrantes

2295-3606/2295-3180/2295-3873

fa_tratapersonas@poder-judicial.go.cr

Organismo de Investigación Judicial

800-8000-011 / 800-8000-645

8800-0645

oij_dsexuales@poder-judicial.go.cr
cicoij@poder-judicial.go.cr

Policía Profesional de Migración y Extranjería

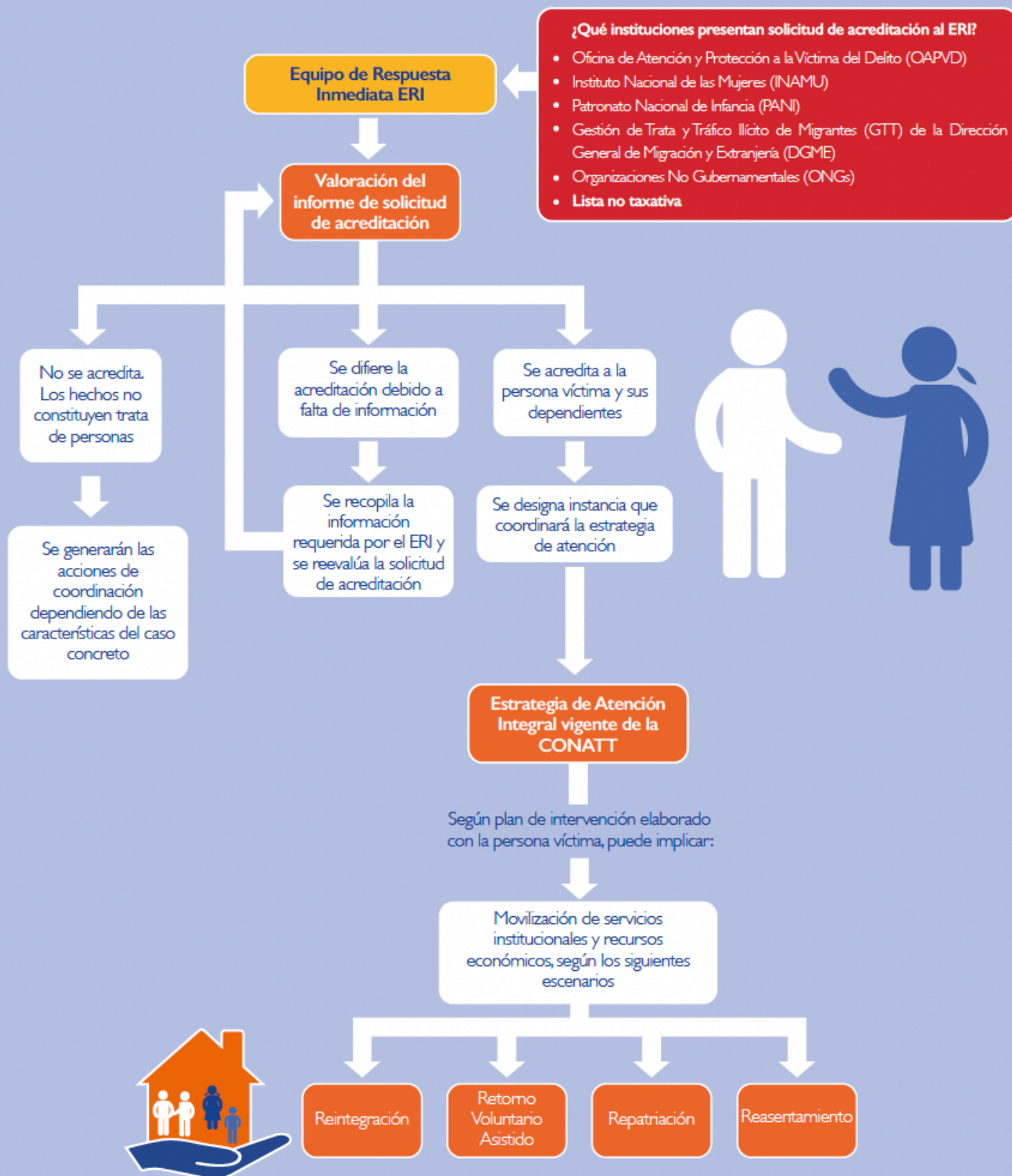
2106-4005/2106-4001

6163-2096

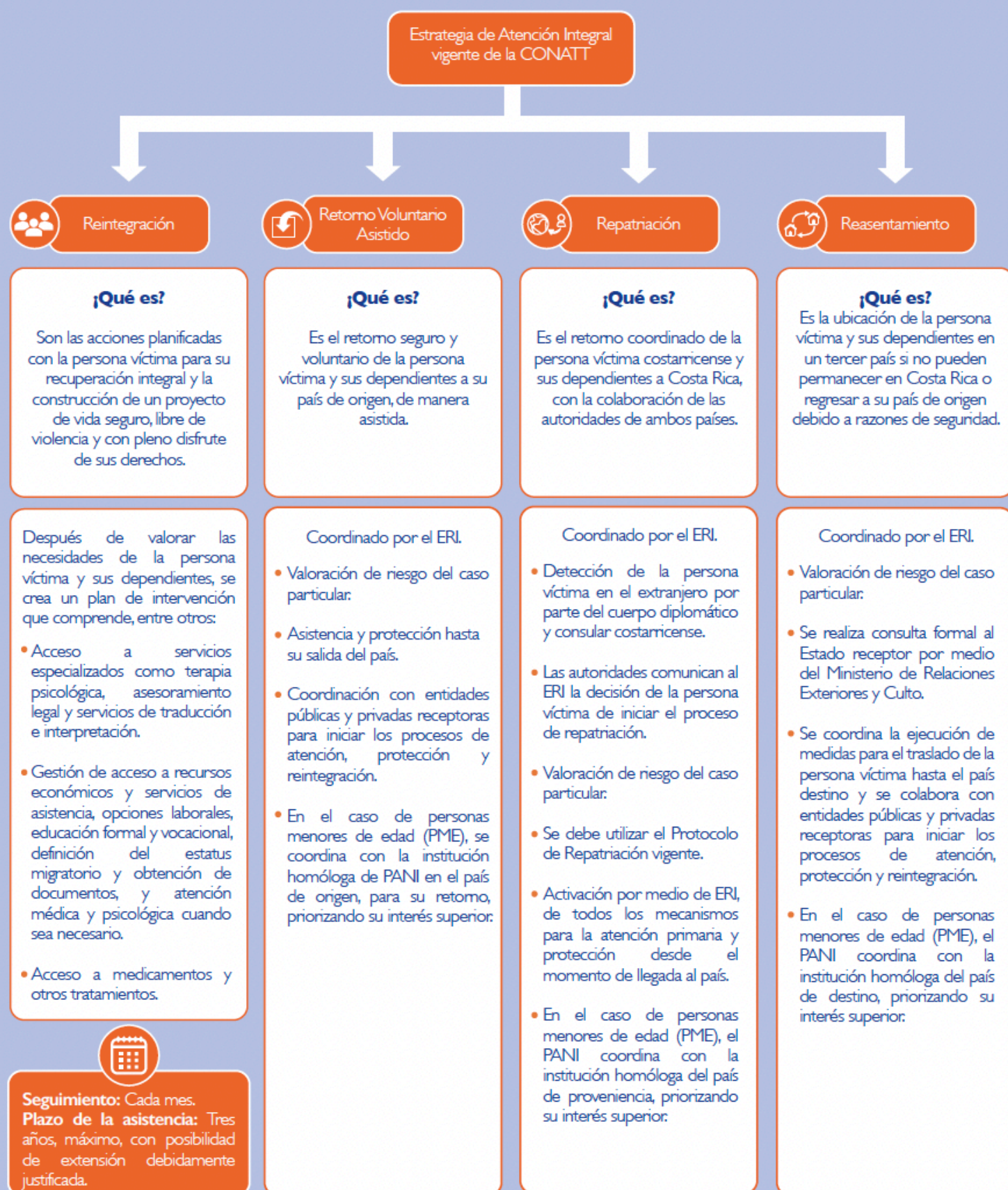
denunciatrataytrafico@migracion.go.cr

9-1-1

ETAPA II. RUTA DE ACREDITACIÓN DEL EQUIPO DE RESPUESTA INMEDIATA (ERI).



ETAPA III. ESTRATEGIA DE ATENCIÓN INTEGRAL Y MOVILIZACIÓN DE RECURSOS DE APOYO PARA LAS VÍCTIMAS DE TRATA DE PERSONAS Y SUS DEPENDIENTES



Annex #3. Indicators of Trafficking in Persons

Indicators are signs or signals that a person may be a trafficking victim. Indicators of trafficking in persons help practitioners to identify potential signals or indications of human trafficking.

Indicators may be general in nature (for example, revealing signs of exploitation or of control by traffickers) and relate to various aspects of the trafficking situation (for example, the means used by traffickers to ensure the victim's compliance). They may also relate to a particular form of exploitation (for example, sexual or labor exploitation). Some indicators apply to both adults and children, whereas others are specific to children and adolescents (for example, the child or adolescent being involved in a type of work unsuitable for their age). It is important for indicators to be tailored to the specific context in which identification of trafficked persons is to take place.

Indicators offer critical guidance in the initial screening for preliminary identification but they must be applied with some care and caution. Usually, several indicators are present at the same time in the same case. However, even if only one indicator is detected, the situation should be assessed in order to determine whether it is a possible case of trafficking in persons or another situation of vulnerability or abuse. The presence of indicators does not mean that trafficking in persons has been firmly established but rather should lead to further inquiry and investigation of the individual's situation and experiences. Equally, the absence of indicators does not mean that the individual is not a trafficking victim.

Indicators are meant as a basis for further inquiry and do not, on their own, constitute conclusive determinations of victim status. For instance, indicators that focus on migration status, reluctance to disclose information, and missing or falsified travel documents may suggest trafficking in persons, but they also may be relevant in situations of migrant smuggling, or unfacilitated irregular migration. Accordingly, indicators should be sufficiently qualified and the limitations of applying indicators sufficiently explained. This highlights the importance of applying the presumption that a person who could be a victim of trafficking is a victim of trafficking.

Indicators reflect commonly understood patterns of trafficking in persons. Some indicators may be strong in a given context, and weak or even irrelevant in another context. No single indicator can provide a definitive answer or “proof” of trafficking; they are meant to be considered collectively to support an overall picture and identify areas for further enquiry. Existing indicators may not be sufficiently nuanced, responsive, or relevant for a new and emerging form of TIP or a less considered and recognized profile of victim. Adjustments will be needed to specific circumstances and child trafficking cases; additional indicators may also be needed. In addition, indicators should be considered cumulatively when making a determination, meaning that the presence of many indicators is a stronger indication of the possibility of trafficking in persons.

It is also important that lists of indicators be accompanied with guidance on how to understand and apply indicators. Indicators will also need to be regularly assessed and revised to accurately reflect new information and trends concerning the various forms of exploitation being suffered by victims (e.g. trafficking for sexual exploitation, labor exploitation, trafficking in many fields of work) as well as the many profiles of trafficking (men, women, children). Finally, profiling possible victims should not lead to unsubstantiated generalizations and discriminatory attitudes and practices towards certain groups of the population.

The following indicators may signal possible situations of trafficking in persons. These are based on existing institutional protocols and further disaggregated by whether they are behavioral, physical, situational, or community-based. The presence of indicators should lead practitioners to undertake a careful examination of the situation to determine if the individual may be a possible trafficking victim.

These indicators should be regularly reviewed, expanded, revised, and modified as the modalities of trafficking in persons change with time, including with the use of new technologies. Indicators should be discussed and validated within institutions, to specifically tailor them to the real-life situations of trafficking victims as well as the local context. Not all indicators listed in this section will occur in every situation of trafficking in persons and the presence of any of these indicators is not necessarily proof of trafficking.

Indicators of Trafficking in Persons

Indicators are signs or signals that a person may be a trafficking victim. Indicators may be based on conversations and interactions with the individual, as well as observation of their behavior, appearance, or circumstances. Indicators signal the need for further inquiry and must be applied with care and caution. No single indicator can provide a definitive answer or “proof” of trafficking in persons. The presence of several indicators is a stronger indication that someone may be a trafficking victim. However, even if only one indicator is detected, it is important to assess whether the individual is a possible trafficking victim or in a situation of vulnerability or abuse.

Behaviors that a person may exhibit while trafficked or after trafficking.

Behavioral

Signs on a person’s body and/or in their physical development that may result from trafficking.

Physical

Situational

Situations involving a person who may be a trafficking victim.

Community-Based

Indicators observed in the community setting where a trafficking victim may live or work.

The presence of indicators does not establish that someone is a trafficking victim – the presence of indicators should lead to further inquiry. Equally, the absence of indicators does not mean that an individual is not a trafficking victim. Presence of any of the indicators in this handout should lead to a careful examination of the situation to determine if a person may be a trafficking victim.

Indicators will differ in relevance and usefulness depending on the situation in which an interaction with an individual takes place.

Whenever a child or adolescent is at risk or being harmed, PANI should be notified to trigger a protection response.

Children and adolescents should immediately receive protection and assistance regardless of whether they are a trafficking victim.



Behavioral

Behaviors that a person may exhibit while trafficked or after trafficking.

- ✓ Depression or distress (anxiety, apathy, crying, disorientation, fear, self-harm)
- ✓ Behavior not typical of someone their age
- ✓ Alcohol or drug use, risk taking
- ✓ Conflict with family members, running away from home
- ✓ Memory loss or confusion (such as not remembering where they come from)
- ✓ Not adhering to limits, including schedule and/or responsibilities
- ✓ Difficult to communicate with, withholding of information
- ✓ Talks about sexual or physical abuse
- ✓ Drowsiness, not concentrating, falling behind in school or activities, low motivation
- ✓ Telling stories that don't make sense or appear to have been coached
- ✓ Expressing self-criticism (such as anger for bad decisions), lack of confidence
- ✓ Suspicious of and/or lacking trust in others
- ✓ Difficulty speaking in the local language
- ✓ Appearance, behavior, or clothing inconsistent with age, culture, and/or environment
- ✓ Showing signs of intimidation or fear
- ✓ Resistant to speaking with professionals and/or answering questions
- ✓ Negative and/or aggressive behavior (such as use of foul language or screaming)
- ✓ Fearful or nervous about discussing their relationship with another person

<https://aprendizaje.warnathgroup.com/indicators/>



Physical

Signs on a person's body and/or in their physical development that may result from trafficking.

- ✓ Bruises, scars, broken bones, untreated medical problems
- ✓ Signs of physical restraint, confinement, or torture
- ✓ Deprivation of food, water, sleep, and/or medical care
- ✓ Chronic injuries or illness that are consistent with abuse or exploitation
- ✓ Sexually transmitted infections
- ✓ Signs of alcohol or drug use
- ✓ Signs of rape and/or sexual abuse
- ✓ Pregnancies, children, miscarriages, and/or abortions
- ✓ Poor hygiene, malnutrition, poor vision, poor hearing
- ✓ Scars or physical signs of self-harm
- ✓ Anorexia, bulimia, disordered eating

Community-Based

Indicators observed in the community setting where a trafficking victim may live or work.

- ✓ Houses with unusual movement of people and/or little communication with neighborhood
- ✓ Homes where a person never leaves
- ✓ Excessive security
- ✓ Persons present from outside the community who are associated with commercial sex
- ✓ Concentration of individuals of similar ages (such as groups of adolescent girls or adolescent boys)
- ✓ Groups of people being transferred to or from a location
- ✓ Locations where drug sales are known to occur
- ✓ Homes where individuals have drug or alcohol addiction
- ✓ Homes or locations where officials are not well-received or face threats

Situational

Situations involving a person who may be a trafficking victim.

- ✓ A child or adolescent without a parent or guardian
- ✓ Handling large amounts of money or goods inconsistent with the family economy
- ✓ Without identity documents and/or without a fixed address
- ✓ No freedom of movement and/or unable to leave a living or working situation
- ✓ Living at place of employment
- ✓ Staying in places linked to illicit activities
- ✓ Wandering or staying regularly in the street and/or public places
- ✓ Foreign and living in Costa Rica without family or a guardian
- ✓ A young person in bars or nightclubs accompanied by adults
- ✓ Spending time with a foreign tourist
- ✓ Offered a job or study opportunity without information about the destination or arrangements
- ✓ Travel costs or travel documents paid for by someone unknown
- ✓ A child or adolescent constantly accompanied by an adult
- ✓ Being threatened (in person, by phone, by text, by email, on Facebook, etc.)
- ✓ Irregularly attending school or no longer attending school
- ✓ In an improper relationship
- ✓ Trying to recruit other individuals into trafficking
- ✓ Not getting healthcare when needed
- ✓ Performing odd tasks at odd hours and/or working excessive hours
- ✓ Transported to or from a work site by another person
- ✓ Eats separately from other "family" members, receives only leftovers or limited food

Annex #4. Common Myths and Misconceptions about Trafficking in Persons in Costa Rica

There are many myths and misconceptions about trafficking in persons in Costa Rica, including about child and adolescent victims. Mistaken views and assumptions may be held by anyone, including protection and criminal justice practitioners. In practice, these myths and misconceptions lead to under-recognition of trafficking victims and trafficking situations, leaving trafficking victims unprotected and unassisted.

Some of the more common myths and misconceptions about trafficking in persons in Costa Rica are presented and discussed below.

“Trafficking victims are always kidnapped or taken by force, physically restrained, or forcibly held against their will.”

A person is a victim of trafficking when they are recruited or taken somewhere or kept somewhere or offered things (like money, food, or gifts) and then exploited to benefit someone else. Trafficking in persons does not always involve physical violence or force. Psychological, emotional, and economic pressures and coercion are frequently used as means of control in trafficking situations. Practitioners should be attentive to subtle indicators, such as owing debt, which may reveal trafficking situations without the presence of overt force. Many trafficking victims come and go from their situations of exploitation.

“Sex trafficking is the only form of exploitation suffered by trafficking victims.”

In Costa Rica, the law establishes that exploitation can be for the purpose of forced labor or services or other forms of labor exploitation, servitude, slavery or similar practices, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and/or abortion, any type of sexual exploitation, or the unlawful removal of organs. Failing to recognize forms of trafficking in persons other than sexual exploitation means that many victims are never identified and do not receive protection and assistance.

“A person received payment or another type of benefit so they cannot be a trafficking victim.”

Even if an individual receives a payment or other type of benefit, they can still be a victim of trafficking in persons. Traffickers often provide gifts or money to trafficking victims to disguise the exploitative nature of the situation. Believing that receiving payment or another type of benefit negates the exploitation risks shifting the blame onto the victim and normalizing exploitation.

“Trafficking victims tend to come from bad families.”

Anyone can be a trafficking victim. Assuming that a trafficking victim comes from a “bad family” unfairly stigmatizes individuals and families and may prevent professionals from identifying victims who come from so-called “functional” or middle-class backgrounds, where trafficking in persons can also occur.

“Individuals are in the sex trade because they like it. If they didn’t like it, they would not do it.”

There are personal, social, and economic circumstances that can lead any person to be involved in the sex trade, including – but not limited to – economic hardship, peer pressure, adult influence, violence, and abuse. Some adults are in the sex trade because they are trafficking victims. It is critical to remember that children and adolescents (anyone under age 18) cannot consent to be involved in the sex trade. Any person under age 18 who is involved in the sex trade is a trafficking victim and has the right to protection and assistance.

“Individuals who sell sex lead an easy and happy life and like easy money.”

Trafficking victims who are involved in the sex trade suffer many different impacts as a result of their exploitation – physical, psychological, emotional, and social. It is not a happy or easy life, no matter how it may appear on the surface or to an external observer. Even if an individual receives a payment or other type of benefit, they can still be a victim of trafficking in persons.

“Individuals who exchange sex or sex-related activities for money, goods, or gifts are precocious, promiscuous, and seductive.”

This misconception can portray trafficking victims as “seductive” or “promiscuous” and lead to blaming them for the abuse being suffered. This perspective also obscures the coercion, manipulation, and power imbalances that often define these situations and places the responsibility for sexual activity on victims rather than perpetrators.

“Individuals sometimes provoke abuse or sexual exploitation by their inappropriate sexual behavior or by the way they dress.”

Blaming sexual exploitation on a victim’s choice of dress or behavior implies that they have invited this abuse or seeks to justify their exploitation. It also ignores the responsibility of traffickers and abusers in the exploitation. What an individual wears or how they behave can never justify abuse or sexual exploitation.

“In our country, most of the people who are sexually exploiting children and adolescents are foreign tourists.”

While sex tourism exists in Costa Rica, focusing only on foreigners as exploiters obscures the reality that most perpetrators and traffickers are country nationals and often also someone close to the victim. This misconception limits the reporting of local traffickers and perpetrators. A trafficker is any person who has promoted, facilitated, encouraged, or engaged in the crime of trafficking in persons. Anyone can be a trafficker – a trafficker can be a family member, a person the victim knows, or a stranger.

“Most victims of trafficking for sexual exploitation can be found in brothels.”

In Costa Rica, victims of trafficking for sexual exploitation are exploited in a range of locations and contexts, including in private residences, at private parties, in cabins, hotels, motels, and in their own homes.

“Only girls and women are victims of trafficking for sexual exploitation.”

Any person, of any sex, can be a victim of trafficking for sexual exploitation. Trafficking victims may be boys, men, and individuals of diverse identities. Failing to recognize these many types of victims means that they are often unidentified and unassisted.

“To report a case of human trafficking, it is essential to know the full name and ID number of both the victim and the trafficker.”

Any trafficking case can be reported to 9-1-1, OIJ, PPM, or directly to a prosecutor's office (FACTRA or to a local prosecutor), even if you don't know the name and ID number of the person involved. Reports can be made with minimal details. What is critical is to always report possible trafficking victims and situations. A reasonable suspicion that a situation of trafficking may exist is sufficient to file a report and to activate protection and assistance for potential victims.

“Trafficking in persons only occurs when victims cross international borders.”

Trafficking in persons does not require crossing a border and it can occur within the territory of one country. Many trafficking victims are exploited in their own communities, even in their own homes. Trafficking victims in Costa Rica can be Costa Rican nationals or foreign nationals with or without documents (identification, a passport, a visa).

“If a person does not try to escape, it means they are not a victim.”

Many trafficking victims may be unable to escape due to fear, threats, emotional bonds, or economic dependence on the trafficker. Others may appear free, move within the community, or use a phone, yet still remain under the trafficker's control. These invisible restraints of fear, manipulation, coercion, and dependency keep them trapped. Not attempting to flee does not mean that they are not victims.

“Individuals involved in trafficking situations will always disclose their victimization clearly.”

Many trafficking victims do not disclose their situation due to fear of retaliation, shame, lack of trust in authorities, and/or because they do not recognize themselves as victims. Practitioners must be attentive to indirect indicators of trafficking and be proactive in seeking out this information, rather than waiting for a disclosure.

Annex #5. FACTRA Trafficking in Persons Crime Report Form

BOLETA DE NOTICIA CRIMEN FUNDAMENTO LEGAL

REFERENCIA INSTITUCIONAL

Denuncia obligatoria

Código Procesal Penal

Artículo 281. Obligación de denunciar los delitos perseguibles de oficio	Los funcionarios o empleados que conozcan el delito en el ejercicio de sus funciones
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Código de la Niñez y la Adolescencia

Artículo 49. Denuncia por maltrato o abuso	Personal de centros educativos públicos o privados, y de los centros que reciben a personas menores de edad, “ deben ” denunciar ante el Ministerio Público cualquier “ sospecha razonable ” de maltrato o abuso.
Artículo 104. Derecho de denuncia (acceso a la justicia)	Se garantiza a las personas menores de edad el derecho a denunciar ante el Ministerio Público.
Artículo 134. Denuncias penales	Ante la presencia de “ indicios de maltrato o abuso en perjuicio de una persona menor de edad ”, la denuncia se debe presentar de “ inmediato ”.
Artículo 188: Faltas de funciones públicas	Falta grave: Las violaciones en que incurran las personas funcionarias públicas por acción u omisión son consideradas falta grave, entre ellas “ no cumplir con las obligaciones del artículo 49 del CNA ”.

Ley 9095. Ley Contra la Trata de Personas y la Creación de la Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas (CONATT)

Artículo 36: Denuncias penales	Obligación del Estado de “procurar” que las víctimas interpongan la denuncia penal. La atención y protección integral de las víctimas de trata de personas no depende de la presentación de la denuncia.
Artículo 71. Deber de denunciar	Las personas funcionarias públicas, y en particular las personas miembros y representantes de organizaciones que conforman la CONATT, “ están obligados ” a denunciar ante el Ministerio Público o órganos especializados “ cualquier situación que constituya <u>sospecha razonable</u> de trata de personas o tráfico ilícito de personas migrantes ”.

Nota. En relación con la información que se debe aportar, es necesario que se registren todos los datos de identificación e información disponible, sin embargo, cuando no tenga toda la información, igual procede remitir la boleta. Se reitera, que no es necesario **contar con todos los datos para interponer la denuncia**. Se aporta la mayor cantidad de detalles o pruebas disponibles (como por ejemplo fotografías, números de placa de vehículos) que faciliten la investigación.



Naciones Unidas
Oficina contra
la Droga y el Delito



FECHA DEL REPORTE:

1. Datos de identificación

1.1. Instancia que hace la referencia

Nombre de la instancia:

Nombre de la persona contacto:

Puesto de la persona contacto:

Teléfono:

Correo electrónico:

1.2. Datos de identificación de la(s) posibles (s) víctima(s) (si se tiene):

Nombre completo de la persona:

Conocido como, "alias", apodo o sobrenombre.

Descripción física de la persona (si se tiene):

Edad:



NACIONES UNIDAS
COSTA RICA



Naciones Unidas
Oficina contra
la Droga y el Delito



Género:

Nacionalidad:

Dirección:

Provincia:

Cantón:

Distrito:

Otras señas o dirección exacta:

Teléfono:

Relación con la persona denunciada:

Información en caso de que haya dos o más posibles víctimas identificadas:

1.3. Datos de identificación de la(s) persona(s) sospechosa(s) (si se tiene):

Nombre completo de la persona:

Conocido como, "alias", apodo o sobrenombre.

Dirección:

Provincia:

Cantón:

Distrito:

Otras señas o dirección exacta:

Fecha de nacimiento:

Edad aproximada:

Género:

Nacionalidad:

Descripción física de la persona (si se tiene):

Información en caso de que haya dos o más posibles víctimas identificadas:

2. Descripción de la situación que se informa

2.1. Fecha en la que ocurren los hechos:

2.2. Lugar donde ocurren los hechos (dirección lo más exacta posible):

Provincia:

Cantón:

Distrito:

Otras señas o dirección exacta:

2.3. Descripción del caso o situación que se reporta (lo más detallada posible):

2.4. Cualquier otra información relevante para la investigación: descripción de vehículos, números de placas, fotos, teléfono y cualquier otro dato que se considere importante.

2.5. ¿Ha sido el caso reportado previamente al Sistema de Emergencias del 9-1-1, Fuerza Pública u otra instancia?

☐ Sí

☐ No

Indicar la instancia a la que se hizo el reporte:

¿En qué fecha y qué respuesta se obtuvo?

2.6. ¿Se ha hecho una referencia a alguna institución o entidad?

☐ Sí

☐ No

Detalle:

Describir:

3. Remitir la Boleta Noticia Crimen / Referencia Institucional a:

Fiscalía Adjunta contra la Trata de
Personas y Tráfico Ilícito de Migrantes
(FACTRA)

Correo electrónico:
mailto: fa_tratapersonas@Poder-Judicial.go.cr

Copiar a:

Equipo de Respuesta Inmediata (ERI)

Correo electrónico:
eri@migracion.go.cr
equipoderespuestainmediatacr@gmail.com

Comité Técnico Institucional del
Patronato Nacional de la Infancia:
**Únicamente cuando la posible
víctima es una persona menor
de edad.**

Correo electrónico:
trataytrafico@pani.go.cr

Annex #6. Commonly Asked Questions About Trafficking in Persons

How does someone know if they are a victim of trafficking?

A person is a victim of trafficking when they are recruited or taken somewhere or kept somewhere or offered things (like money, food, or gifts) and then exploited to benefit someone else. This might be jobs they are forced to do, sexual activities, or committing crimes such as selling drugs. Sometimes a trafficker threatens or harms the victim to force them to do these things. In other cases, traffickers trick, persuade, or manipulate victims by treating them with affection or feigning love.

Can men and boys be trafficking victims?

Yes, men and boys can be victims of trafficking. Anyone – men, women, boys, girls – can be a trafficking victim. They may be trafficked for sexual exploitation, forced labor, begging, or any other form of exploitation. All trafficking victims are entitled to protection and assistance.

If someone is being exploited but agreed to do the "work," "tasks," or "favors" that they are doing, can they still be a trafficking victim?

Yes, a person can still be a trafficking victim even if they have agreed to the work they are doing or to engaging in sex or sex-related activities. Even if they signed a contract they can still be a trafficking victim.

If someone is in Costa Rica illegally, can they still be a trafficking victim?

Yes. Some people who enter Costa Rica illegally or are in the country illegally are trafficked for sexual exploitation, forced labor, begging, and other forms of exploitation. Migrants who are in Costa Rica legally also may be trafficking victims. Trafficking victims are entitled to protection and assistance, including help getting back home if that is what they want, regardless of their immigration status.

I think I know someone who may be a trafficking victim, but they think their situation now is better than the life they had before. Why should they seek out help?

Trafficking victims (adults and children) have the right to many forms of assistance and support, including for themselves and for their family members. Seeking help could open doors to real opportunities, support, and a future where they are truly in control of their own life.

I think I know someone who may be a trafficking victim, but they don't want to report to the police. Can they still get help?

In Costa Rica, a person who may be a trafficking victim has the right to receive help. A reasonable suspicion that someone might be a trafficking victim is enough to act to ensure their immediate protection and assistance. Trafficking victims do not need to report their experience to authorities or be a victim-witness in a trafficking case in order to receive help. A victim has the right to choose whether or not to participate in the criminal justice process (including making a statement to police or the prosecutor or serving as a victim-witness).

What happens if exploitation or trafficking took place but no one knows about it? Can a victim still get help?

Yes. Even if a person has never told anyone about their bad experiences, they can still get help. Even if the bad experiences happened a long time ago, they can still get help. Even if they were exploited when they were a minor and are now over age 18, they can still get help.

How can victims deal with the terrible experiences they have had?

Many individuals who have been trafficked have bad feelings (such as feeling anxious, worried, stressed, sad, scared, angry, and depressed). Many trafficking victims have also been physically hurt and harmed. There are professionals who can help a person feel better in their body and their mind, and practitioners should assist them to access the services they want and need.

What if a trafficking victim participated (or was forced to participate) in illegal activities while they were trafficked?

In Costa Rica, the law (Law 9095) says that trafficking victims should not be criminalized for illegal things that they were forced to do while trafficked. All possible trafficking victims should be treated as victims and provided with protection and support.

What if victims are addicted to drugs or alcohol? Can they get help?

Yes. All victims of trafficking can receive assistance. There are also specific services available to help individuals who misuse drugs and/or alcohol and need help to overcome this addiction.

If a child or adolescent's parents sent them to Costa Rica to have a better life, could they still be a trafficking victim?

Yes. A child or adolescent can be a trafficking victim regardless of whether their parents or guardians agreed to the arrangements.

A trafficker told their victim that they will hurt them if they call the police or ask for help. Is this true?

Sometimes traffickers hurt or threaten to hurt victims and their families if they talk to the police or ask for help. They do this to control victims and prevent victims from escaping or seeking out help. Traffickers may also tell victims this because they are trying to avoid being caught by the police. If someone is being threatened or feels in danger from their trafficker, there are people who can protect them and ensure that they are safe.

INNOVATIONS IN ADDRESSING CHILD TRAFFICKING (IACT)

This handbook was developed through the Innovations in Addressing Child Trafficking (IACT) Program, which is combating child sex trafficking in the provinces of Guanacaste and Puntarenas. The IACT Program works to protect and assist child and adolescent trafficking victims, strengthen the prosecution of trafficking crimes, and prevent the sexual exploitation of children and adolescents.

IACT is being implemented by The Warnath Group from 2020–2025 in close collaboration with the Government of Costa Rica and civil society organizations, through a cooperative agreement with the U.S. Department of State Office to Monitor and Combat Trafficking in Persons. The Warnath Group is an organization specialized in evidence-based programs to address human trafficking, including child trafficking.

IACT Program publications can be found on the IACT Learning Hub.



aprendizaje.warnathgroup.com

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