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**ACTION PROGRAMME AGAINST TRAFFICKING IN MINORS
FOR SEXUAL PURPOSES**

Desk Review

**Trafficking in Minors for
Commercial Sexual Exploitation**

Costa Rica

by

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CHAPTER 1 COUNTRY PROFILE¹



GEOGRAPHY

Area: Total: 51,100 sq km.

Land boundaries: 639 km.

Coastline: 1,290 km.

Climate: Tropical and subtropical; dry season (December to April); rainy season (May to November); cooler in highlands.

Natural resources: Hydropower.

Land use: Arable land: 4.41%, permanent crops: 5.88%, other: 89.71% (2001).

Environment - current issues: Deforestation and land use change, largely a result of the clearing of land for cattle ranching and agriculture; soil erosion; coastal marine pollution; fisheries protection; solid waste management; air pollution.

¹ This section is based on: UNDP, Human Development Report, July 2004; UNDP, Human Development Indicators, Costa Rica, 2003; US Department of State, Background Note: Costa Rica, August 2004; CIA, The World Factbook. Costa Rica, January 2005.

GOVERNMENT

Government type: Democratic Republic.

Capital: San José.

Independence: 15 September 1821 (from Spain).

Constitution: 7 November 1949.

Administrative divisions: 7 provinces (*provincias*): Alajuela, Cartago, Guanacaste, Heredia, Limón, Puntarenas, San José.

Legal system: Based on Spanish civil law system; judicial review of legislative acts in the Supreme Court; has accepted compulsory ICJ jurisdiction.

Suffrage: 18 years of age; universal and compulsory.

Executive branch: Chief of State: President. Head of Government: President. Cabinet: Cabinet selected by the President. Elections: President and Vice Presidents elected on the same ticket by popular vote for four-year terms.

Legislative branch: Unicameral Legislative Assembly or *Asamblea Legislativa* (57 seats; members are elected by direct, popular vote to serve four-year terms).

Judicial branch: Supreme Court of Justice (22 magistrates elected by Legislative Assembly for renewable 8-year terms). The offices of the Ombudsman, Comptroller General, and *Procurator General* assert autonomous oversight of the government.

POPULATION

Population: 3.96 million (2004 est.); *population under age 15* – 30.4% (2002 est.).

Religions: Roman Catholic 76.3%, Evangelical 13.7%, Jehovah's Witnesses 1.3%, other Protestant 0.7%, other 4.8%, none 3.2%.

Languages: Spanish (official), English.

Literacy: Adult literacy rate (ages 15 and above) – 95.8%; youth literacy rate (ages 15-24) – 98.4% (2002 est.)².

Education level: Years compulsory--9. Attendance--99% grades 1-6, 71% grades 7-9.

Health: Infant mortality rate - 10.26/1,000. Life expectancy - men 74.07 years, women 79.3 years.

HIV prevalence: 0.6% (0.3% - 1.0%) (ages 15-49) (2003 est.).

Work force: 1.64 million (2003).

Human Development Index (HDI): Rank -45; value – 0.834 (2002 est.)³.

Gender Empowerment Measure (GEM): Rank – 19; value – 0.664.

Gender-related Development Index (GDI): Rank - 44; value - 0.823.

ECONOMY

GDP: US \$35,34 billion (2003 est.).

GDP - annual growth rate: 5.6% (2003 est.).

GDP - per capita: US \$4,193 (2003).

GDP - composition by sector: Agriculture: 8.5% industry: 29.4% services: 62.1% (2003 est.).

Population below poverty line: 20.6% (2002 est.).

² UNDP, Human Development Report, 2004

³ Ibidem

Inflation rate (consumer prices): 9.4% (2003 est.).

Labour force: 1.758 million (2003).

Labour force - by occupation: Agriculture 20%, industry 22%, services 58% (1999 est.).

Unemployment rate: 6.7% (2003 est.), men- 5.8%, women- 8.2% (2003 est.)⁴.

Agriculture – products: Coffee, pineapples, bananas, sugar, corn, rice, beans, potatoes, beef, timber.

Exports: US \$6,176 billion (2003 est.) - coffee, bananas, sugar; pineapples; textiles, electronic components, medical equipment.

Exports – partners: US 14.2%, Guatemala 3%, Nicaragua 2.7% (2003).

Imports: US \$7,057 billion (2003 est.) - raw materials, consumer goods, capital equipment, petroleum.

Imports – partners: US 23.2%, Mexico 4.7%, Venezuela 3.2% (2003).

⁴ UNSTATS, Statistics and Indicators on Women and Men, 2005.

CHAPTER 2 LEGAL FRAMEWORK

Legislation, be it international, regional or national, is an essential tool to combat trafficking in persons.

2.1 UN LEGAL INSTRUMENTS

Costa Rica is party to the major UN binding instruments on the issue:

- The Universal Declaration of Human Rights (1948);
- The ILO Convention No.105 on the Abolition of Forced or Compulsory Labour (ratified on 4 May 1959);
- The ILO Convention No. 29 on Forced Labour (ratified on 2 June 1960);
- The International Covenant on Civil and Political Rights (CCPR) (ratified on 29 November 1968);
- The Optional Protocol to the International Covenant on Civil and Political Rights (ratified on 29 November 1968);
- The International Covenant on Economic, Social and Cultural Rights (ratified on 29 November 1968);
- The ILO Convention No. 138 concerning Minimum Age for Admission to Employment (ratified on 11 June 1976);
- The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (ratified on 4 April 1986);
- The Convention on the Rights of the Child (CRC) (ratified on 21 August 1990);
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 11 November 1993);
- The ILO Convention No. 182 on the Worst Forms of Child Labour (ratified on 10 September 2001);
- The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (ratified on 9 April 2002);
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (ratified on 24 January 2003);
- The Convention against Transnational Organized Crime (ratified on 24 July 2003);
- The Protocol against the Smuggling of Migrants by Land, Sea and Air (ratified on 7 August 2003);
- The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (ratified on 9 September 2003).

These instruments reiterate and guarantee the fundamental rights relating to the security of persons and cover the ethical as well as the physical aspects. Specifically, experts state that the ratification of the Convention on the Rights of the Child by the Costa Rican Government has brought about an extensive process of national social mobilization aimed at transforming the treatment of the subject of childhood at every level: legal, ideological and social, from everyday opinion, attitudes and social practices to the definition of an organization of social policy and the legal framework governing the relations of children and adolescents with each other and with their family, the community and society in general (Committee on the Rights of the Child, 1998).

2.2 OTHER INTERNATIONAL LEGAL INSTRUMENTS

- The Supplementary Cooperation Agreement on Child Welfare signed in Santiago, Chile, on 6 March 1992, which entered into force on 22 September 1993 in pursuance of Article VI. The Agreement was promulgated in Costa Rica by Executive Decree No. 22413 of 30 June 1993;
- The Hague Convention on The Protection of Children and Cooperation in Respect of Inter-Country Adoption signed on 29 May 1993, Law No. 757 of 22 June 1995 (Official Gazette No. 135 of 17 June 1995);
- The Convention on the Civil Aspects of International Child Abduction, adopted in The Hague on 15 October 1980, was accessed on 9 November 1998.⁵

2.3 REGIONAL LEGAL INSTRUMENTS

Costa Rica is party to the Organization of American States (OAS), which was created in 1948. The OAS brings together 21 countries of the Western hemisphere to strengthen cooperation and advance common interests. It is the region's premier forum for multilateral dialogue and concerted action. Building on this foundation, the OAS works to promote good governance, strengthen human rights, foster peace and security, expand trade, and address the complex problems caused by poverty, drugs and corruption⁶.

- The OAS American Declaration of the Rights and Duties of Man (Approved by the Ninth International Conference of American States, Bogotá, Colombia, 1948);
- The OAS B-32: The American Convention on Human Rights "Pact of San José, Costa Rica" (ratified on 8 April 1970);
- The OAS A-49: Convention to Prevent and Punish the Acts of Terrorism Taking the Forms of Crimes against Persons and Related Extortion that are of International Significance (ratified on 16 October 1973);

⁵ For further details, see http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid=24

⁶ For more details, please see the OAS website at <http://www.oas.org>

- The OAS A-61: The Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women, “Convention of Belem Do Para” (ratified on 12 July 1995);
- The OAS A-60: The Inter-American Convention on the Forced Disappearance of Persons (ratified on 2 June 1996);
- The OAS B-58: The Inter-American Convention against Corruption (ratified on 3 June 1997);
- The OAS A-53: The Protocol to the American Convention on Human Rights to Abolish the Death Penalty (accessed on 26 May 1998);
- The OAS A-51: The Inter-American Convention to Prevent and Punish Torture (ratified on 8 February 2000);
- The OAS B-53: The Inter-American Convention on the International Return of Children (ratified on 26 April 2001);
- The OAS B-54: The Inter-American Convention on Support Obligations (ratified on 26 April 2001);
- The OAS B-57: The Inter-American Convention on International Trafficking in Minors (ratified on 4 September 2001);
- The OAS A-55: The Inter-American Convention on Mutual Assistance in Criminal Matters (signed on 8 March 2002).

All this activity at the international level is consistent with Costa Rica’s clear intention to promote human rights and, more particularly, the well being of children (Committee on the Rights of the Child, 1998). Article 7 of the Constitution gives those international treaties, which have been approved by the Legislative Assembly, precedence over national laws. Article 372 criminalizes offences of an international nature such as the violation of human rights treaties ratified by Costa Rica (Melo, 2000: 8-9).

In 1954 Costa Rica joined the International Criminal Police Organization (Interpol). The main aim of Interpol is to promote the widest possible mutual assistance between all criminal police authorities⁷.

In addition, Costa Rica has signed mutual legal assistance agreements with Germany, the United States, Panama, and a number of other Central and Latin American countries. These agreements allow cooperation between the authorities of the different countries with respect to law enforcement (The Protection Project, 2002: 2).

⁷ For more information, see Interpol website available at <http://www.interpol.com/Public/Region/Americas/Default.asp>

2.4 COSTA RICAN LEGISLATION ON CHILD TRAFFICKING

The Costa Rican legal system can be classified as a Civil Law system. “The Civil Law model holds crime to be an offence against the State rather than against an individual. The State assumes the role of investigator as well as arbiter” (San Diego State University, 2004: 3). Government agencies responsible for combating trafficking and child sexual exploitation include the Special Prosecutor on Domestic Violence and Sex Crimes, the Judicial Investigative Police, the National Institute for Children, the Foreign Ministry, the Labour Ministry, the Public Security Ministry, and the Tourism Ministry (US Department of State, 2005: Section 5).

The Criminal Code was adopted in 1970 by Law 4573. Articles 170 and 172 of the Criminal Code, as amended by Law 7899 of August 1999, criminalize both trafficking in persons (including not only women and children but also men) and include trafficking for purposes of both sexual exploitation and labour exploitation:

‘Article 170 (Aggravated procuring)

Imprisonment from four to ten years, whenever one of the actions foreseen in the previous article occurs, and any of the following circumstances takes place:

- (a) If the victim is less than eighteen years old;
- (b) If there is use of deceit, abuse of authority, a situation of need on the part of the victim, or any means of intimidation and coercion;
- (c) If the person who performs the action is a parent, descendant, sibling by blood or affinity, spouse, or a person who maintains an analogous relationship of cohabitation, tutor or mentor, guardian or protector.
- (d) If the person who performs the action takes advantage of the relationship of confidence with the victim or family, even where there are no family ties.’

‘Article 172 (Trafficking in persons)

Anyone who promotes, facilitates, or favours the entry to or departure from Costa Rica for persons of either gender in order to engage in prostitution or to hold them in sexual or labour servitude, will be sanctioned with imprisonment for three to six years. This penalty will be extended to four to ten years if any of the circumstances found under aggravated procuring are present⁸.’

Under this reform, three categories of behaviour are defined:

- a) promotion - the term should be understood as the beginning or continuation of something attempting to achieve it, or taking the initiative to attain or achieve something;
- b) facilitating - to make easier or enable the implementation of something or to achieve its purpose, and;
- c) favouring – to help, aid someone, support an attempt, enterprise or opinion; give or do a favour (García, Barahona, Castro & Gomáriz, 2001: 37-38).

⁸ Law No. 7899 published in *La Gaceta Oficial* Newspaper No. 159, 17 August 1999. Taken from the Office of the Ombudsman’s Web page: http://www.crcnet.cr/~defensor/dhr710_1.html

On 1 June 2000, Law 7999 on Trafficking in Minors came into force, amending Article 376⁹ of the Criminal Code (Committee on the Rights of the Child, 2004).

In the same month, Law 8002 came into force, amending articles 161¹⁰ and 162¹¹ of the Criminal Code. The former law makes the sexual abuse of a minor, or of a person with a disability, an offence punishable with a prison sentence of between four to eight years; whilst the latter penalizes the sexual abuse of a person over 18 years of age. This law fills a number of loopholes that had been identified in its predecessor (Committee on the Rights of the Child, 2004).

Since trafficking in human beings for sexual exploitation involves different activities, the offence can also be prosecuted under a number of articles of the Criminal Code:

- Rape - Article 156¹²
- Qualified Rape - Article 157¹³
- Kidnapping - Article 164¹⁴
- Corruption - Article 167¹⁵

9 Article 376 (Pena por tráfico de personas menores) "Se impondrá prisión de dos a cuatro años a quien venda, promueva o facilite la venta de una persona menor de edad y perciba por ello cualquier tipo de pago, gratificación, recompensa económica o de otra naturaleza. Igual pena se impondrá a quien pague, gratifique o recompense con el fin de recibir a la persona menor de edad. La prisión será de cuatro a seis años cuando el autor sea un ascendiente o pariente hasta el tercer grado de consanguinidad o afinidad, el encargado de la guarda, custodia o cualquier persona que ejerza la representación de la persona menor de edad. Igual pena se impondrá al profesional o funcionario público que venda, promueva, facilite o legitime por medio de cualquier acto la venta de la persona menor. Al profesional y al funcionario público se le impondrá también inhabilitación de dos a seis años para el ejercicio de la profesión u oficio en que se produjo el hecho." (As amended by Law No. 7999, of 5 May 2000, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

10 Article 161 (**Abusos sexuales contra personas menores de edad e incapaces**) "Quien de manera abusiva realice actos con fines sexuales contra una persona menor de edad o incapaz o la obligue a realizarlos al agente, a sí misma o a otra persona, siempre que no constituya delito de violación, será sancionado con pena de prisión de tres a ocho años. La pena será de cuatro a diez años de prisión en los siguientes casos: 1) Cuando la persona ofendida sea menor de doce años. 2) Cuando el autor se aproveche de la vulnerabilidad de la persona ofendida o esta se encuentre incapacitada para resistir o se utilice violencia corporal o intimidación. 3) Cuando el autor sea ascendiente, descendiente, hermano por consanguinidad o afinidad, padrastro o madrastra, cónyuge o persona que se halle ligado en relación análoga de convivencia, tutor o encargado de la educación, guarda o custodia de la víctima. 4) Cuando el autor se prevalece de su relación de confianza con la víctima o su familia, medie o no relación de parentesco." (Available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

11 Article 162 (**Abusos sexuales contra personas mayores de edad**) "Si los abusos descritos en el artículo anterior se cometen contra una persona mayor de edad, la pena será de dos a cuatro años de prisión. La pena será de tres a seis años de prisión en los siguientes casos: Así reformados los anteriores párrafos por la Ley No. 8002 del 8 de junio del 2000. 1) Cuando el autor se aproveche de la vulnerabilidad de la persona ofendida o esta se encuentre incapacitada para resistir o se utilice violencia corporal o intimidación. 2) Cuando el autor sea ascendiente, descendiente, hermano por consanguinidad o afinidad, padrastro o madrastra, cónyuge o persona que se halle ligado en relación análoga de convivencia, tutor o encargado de la educación, guarda o custodia de la víctima. 3) Cuando el autor se prevalece de su relación de confianza con la víctima o su familia, medie o no relación de parentesco." (Available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

12 Article 156 (Violación) "Será sancionado con pena de prisión de diez a dieciséis años, quien se haga acceder o tenga acceso carnal, por vía oral, anal o vaginal, con una persona de cualquier sexo, en los siguientes casos: 1) Cuando la víctima sea menor de doce años. 2) Cuando la víctima sea incapaz o se encuentre incapacitada para resistir. 3) Cuando se emplee la violencia corporal o intimidación. La misma pena se impondrá si la acción consiste en introducir, por vía vaginal o anal uno o varios dedos u objetos". (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

13 Article 157 (Violación calificada) "La prisión será de doce a dieciocho años cuando el autor sea un ascendiente, descendiente o hermano por consanguinidad o afinidad o se produzca la muerte de la víctima". (As amended by article 1 of the Law No. 7398, of 3 May 1994, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

14 Artículo 164 (Rapto impropio) "Será reprimido con prisión de seis meses a tres años, el que raptare con fines libidinosos a una mujer honesta mayor de doce y menor de quince años, con su consentimiento" (available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

15 Article 167 (Corrupción) "Quien promueva la corrupción de una persona menor de edad o incapaz o la mantenga en ella, será sancionado con pena de prisión de tres a ocho años. La misma pena se impondrá a quien utilice a personas menores de edad o incapaces con fines eróticos, pornográficos u obscenos, en exhibiciones o espectáculos, públicos o privados, de tal índole. Para los efectos de este artículo, se entiende por corrupción: 1) Ejecutar actos sexuales o eróticos ante personas menores de edad o incapaces. 2) Hacer ejecutar a otros, actos sexuales o eróticos, en presencia de personas menores

- Procuring - Article 169¹⁶
- Pimping - Article 171¹⁷
- Production of Pornographic Material - Article 173¹⁸
- Distribution of Pornographic Material - Article 174¹⁹.

Article 174 was amended by Law 8143 of November 2001 to make it a criminal offence to distribute, by any means, pornographic material or erotic material in which images of minors appear (Committee on the Rights of the Child, 2004).

- Adoption

In Costa Rica people can adopt children in two ways: through the National Institute for Children (PANI), or by direct adoption through a lawyer who conducts the process before the proper court. In the event of direct adoption, PANI is not authorized to take action in respect of adopted minors in their new families, and it has even less regulatory power if the adoptive parents are foreigners, as is the case in the majority of such adoptions. Children's rights organizations have insisted that the practice of direct adoption contradicts The Hague Convention on Inter-Country Adoptions, to which Costa Rica is a party. The Hague Convention on Inter-Country Adoptions states that there must be a government office to supervise all adoptions (The Tico Times, 2004).

The necessity of controls at governmental level is of paramount importance for international adoptions, which can be used as a mechanism of trafficking, taking advantage of the existing legal loopholes. To prevent this kind of crime, amendments to Costa Rica's legislation have been made in the area of international adoptions: Costa Rica's Judicial Branch has centralized the process for direct adoption of Costa Rican minors by foreigners into a single court. This went into effect on 1 January 2004. As of January 2004, the only judicial body with authority over the adoption proceedings of minors is the Children's and Adolescents' Court of the First Judicial Circuit in San José (The Tico Times, 2004).

A reform project now in Congress, called the Family Code, stipulates that foreigners can not adopt Costa Rican children without approval from PANI. The legislation

de edad o incapaces. 3) Hacer participar, en actos sexuales o eróticos, a personas menores de edad o incapaces en presencia de otros." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

16 Article 169 (Proxenetismo) "Quien promueva la prostitución de personas de cualquier sexo o las induzca a ejercerla o las mantenga en ella o las reclute con ese propósito, será sancionado con la pena de prisión de dos a cinco años. La misma pena se impondrá a quien mantenga en servidumbre sexual a otra persona." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

17 Article 171 (Rufianería) "Quien coactivamente se haga mantener, aunque sea en forma parcial, por una persona que ejerza la prostitución, explotando las ganancias provenientes de tal actividad, será sancionado con pena de prisión de dos a ocho años. La pena será: 1) Prisión de cuatro a diez años, si la persona ofendida es menor de doce años. 2) Prisión de tres a nueve años, si la persona ofendida es mayor de doce años, pero menor de dieciocho." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

18 Article 173 (Fabricación o producción de pornografía) "Quien fabrique o produzca material pornográfico, utilizando a personas menores de edad o su imagen, será sancionado con pena de prisión de tres a ocho años. Será sancionado con pena de prisión de uno a cuatro años, quien comercie, transporte o ingrese en el país ese tipo de material con fines comerciales." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

19 Article 174 (Difusión de pornografía) "Quien comercie, difunda o exhiba material pornográfico a personas menores de edad o incapaces, será sancionado con pena de prisión de uno a cuatro años. La misma pena se impondrá a quien exhiba, difunda, distribuya o comercie, por cualquier medio y cualquier título, material pornográfico en el que aparezcan personas menores de edad o donde se utilice su imagen, o lo posea para estos fines." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

would also authorize PANI to supervise, over a period of 10 years, the living conditions of the adopted child with the new family (The Tico Times, 2004).

- Prostitution

Adult prostitution is legal in Costa Rica, while a 1999 law prohibits exploitation of the prostitution of minors²⁰ (US Department of Labor, 2002: 69). Any minor engaging in prostitution is considered to be the victim of abuse. Any persons favouring or facilitating this type of abuse are offenders and, depending on the circumstances, must be considered corrupters of minors, procurers or pimps. Such acts may be prosecuted and whoever engages in them is criminally liable. Articles 170 and 172²¹ of the Criminal Code provide for the offences of aggravated procuring and commerce (*trata*) in women and children.

Article 170²² of the Costa Rican Criminal Code establishes a sentence of 4 to 10 years of prison when:

- The victim is under 18;
- There has been deception, violence, abuse or any means of coercion or intimidation;
- The offender is an ascendant, descendent, husband, brother, guardian or in charge of the education, care or custody of the victim (Commission on Human Rights, 1999).

- Other legal provisions

Marriage is also used to justify sexual exploitation of underage girls in Costa Rica, because this prevents adult sexual abusers from receiving harsh prison sentences. In fact, if an adult has intercourse (sexual relations) with a girl between 12 and 15 years of age and then agrees to marry her all criminal charges can be dropped. The Congress has not yet passed the proposed law prohibiting the marriage of young girls.

- Children's rights

Costa Rica has met the majority of the overall goals of the World Summit for Children, particularly in the basic areas of health and education. It has also succeeded in establishing a legal framework that complies with the Convention on the Rights of the Child (CRC) and other international standards. Its development objectives coincide with the commitments established for the Millennium Goals (UNICEF, 2005).

²⁰ The Law against Sexual Exploitation of Minors (No. 7899), approved in 1999.

²¹ Artículo 172 (**Trata de personas**) "Quien promueva, facilite o favorezca la entrada o salida del país de personas de cualquier sexo, para que ejerzan la prostitución o para mantenerlas en servidumbre sexual o laboral, será sancionado con pena de prisión de tres a seis años. La pena será prisión de cuatro a diez años, si media alguna de las circunstancias enumeradas en el proxenetismo agravado." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

²² Artículo 170 (**Proxenetismo agravado**) "La pena será de cuatro a diez años de prisión cuando se realice una de las acciones previstas en el artículo anterior y concurra, además, alguna de las siguientes circunstancias: 1) Si la víctima es menor de dieciocho años. 2) Si media engaño, violencia, abuso de autoridad, situación de necesidad de la víctima o cualquier medio de intimidación o coacción. 3) Si quien realiza la acción es ascendiente, descendiente, hermano o hermana por consanguinidad o afinidad, cónyuge o persona que se halle ligado en relación análoga de convivencia, tutor o encargado de la educación, guarda o custodia de la víctima. 4) Si quien realiza la acción se prevalece de su relación de confianza con la víctima o su familia, medie o no vínculo de parentesco." (As amended by Law No. 7899, of 3 August 1999, available at http://www.justiciacriminal.cl/cp/pen_costarica.pdf).

According to the Committee on the Rights of the Child, Costa Rica, although without a family policy, does, however, have a variety of legislative instruments that effectively serve that purpose. Amongst these are articles 51 and 55 of the Constitution “that define the family as the fundamental element of society with a right to the special protection of the State, while the PANI is bestowed with the responsibility for the protection of mothers and children”.

According to Article 1 of the 1974 Family code, “It is the duty of the Costa Rican State to protect the family,” while Article 101 states that “every child has the right to develop and be brought up and cared for within his or her family, and, under its responsibility; he or she may be adopted only under the circumstances set forth in this Code” (Committee on the Rights of the Child, 2004). In addition, “the Charter of PANI and the Children’s and Adolescents’ Code enshrine the country’s conviction that it is in the national interest for children and adolescents, as a matter of priority, to grow up and develop with their families” (Committee on the Rights of the Child, 2004).

The Juvenile Criminal Justice Act (*Ley de Justicia Penal Juvenil*) came into force on 30 April 1996 and the Children’s and Adolescents’ Code (*Código de la Niñez y la Adolescencia*) in February 1998, both of which derogate the former legislation on minors²³(Melo, 2000: 8-9).

According to Costa Rica’s legislation, a child is a person under 12 and an adolescent is a person between 12 and 18 (article 2, Children’s and Adolescents’ Code). The Children’s and Adolescents’ Code establishes the principle of the best interest of the child (article 5), and several fundamental rights that especially address children, such as:

- the right to life (article 12);
- the right to be protected from abuse (article 13);
- the right to liberty (article 14);
- the right to physical and psychological integrity (article 24);
- the right to file a complaint (article 104);
- procedural rights (article 107) (Melo, 2000:10).

The Costa Rican Children’s Bill of Rights states that children and adolescents have the right to be protected against prostitution and pornography. The age of consent in Costa Rica is 16, but all those under the age of 18 are protected from sexual exploitation, specifically child prostitution and child pornography (US Department of Labor, 2002: 69)²⁴.

23 The former is addressed at children in conflict with the law; the latter is aimed at protecting children, particularly children who are victims of abuse or violence (Melo, 2000: 9)

24 The Children’s and Adolescents’ Code (adopted by Law No.7739) clearly sets out the rights and responsibilities of citizens in that respect. See <http://www.dnicostarica.org/codigo.html#T1CU>

The Juvenile Criminal Justice Act additionally establishes some general principles in accordance with human rights standards, such as the protection of the minor, the importance of his/her own interests, respect for his/her rights, his/her integral education, and his/her reintegration into the family or the society (article 7). These principles are further developed in additional articles regarding: the presumption of innocence until proven guilty (article 15); the right to due process (article 16); the rule of *res judicata* or the right of *ne bis in idem* (article 18); the right to be accused or prosecuted under the most favourable law (article 19); the right to privacy (article 20); the principle of confidentiality of the minor's identity (article 21); the right to defence (article 23), and the right to *locus standi* (article 24) (Melo, 2000: 10).

2.4.1 Concluding remarks

Costa Rica has made serious efforts to amend its legislation on trafficking in children in line with the Convention on the Rights of the Child, as well as ratifying a number of International instruments and domesticating its national legislation. However, according to some experts, Costa Rican legislation still contains loopholes, which could pose an obstacle to the effective protection of the rights of the child.

The Committee on the Rights of the Child draws attention to a number of setbacks that prevent Costa Rica from fully complying with the Convention on the Rights of the Child. The Committee recommends Costa Rica takes further measures to reform its legislation in accordance with the requirements of The Hague Convention (Committee on the Rights of the Child, 2000). The main problems identified by the Committee are listed under the following sub-headings:

a) Legislation and institutional reform

Insufficient allocation of resources, both human and financial, to support the process of institutional reform necessary to guarantee the full implementation of the Children's and Adolescents' Code (1998) and other related legislation (Melo, 2000: 28).

b) Coordination and monitoring

Whilst measures are being taken by Costa Rica to establish adequate coordination between the various entities responsible for dealing with issues relating to children at both the national and local levels, there are, nevertheless, inadequate levels of representation of all actors and sectors in these mechanisms (Melo, 2000: 28-29).

c) Data collection system

There is a need to develop a data collection system on children's rights, and taking into consideration the measures taken by Costa Rica in this area, there is a lack of national disaggregated data on all the areas covered by the Convention on the Rights of the Child (Melo, 2000: 29).

d) Training for professionals

There is a need to reinforce training programmes for professionals working with and for children (Melo, 2000: 29).

e) Family environment and alternative care

According to children's rights organizations, the current legislation on adoption and, particularly, the practice of direct adoption, does not fully comply with the

requirements of The 1993 Hague Convention on the Protection of Children and Cooperation in Respect of Inter-country Adoption, to which Costa Rica is a party and which states there must be a government office to supervise all adoptions (The Tico Times, 2004).

f) *Child abuse, neglect, maltreatment and violence*

Whilst Costa Rica has made efforts to prevent and combat cases of abuse and ill treatment of children, it is the Committee's opinion that these measures need to be reinforced. The Committee also expresses concern at the insufficient awareness regarding the harmful consequences of neglect and abuse, including sexual abuse, both within and outside the family. Concern is also expressed at the insufficiency of resources, both financial and human, as well as of adequately trained personnel, to prevent and combat such abuse. The insufficiency of rehabilitation measures and facilities for victims, and their limited access to justice are also matters of concern to the Committee. There is also the need to strengthen law enforcement with respect to such crimes, and adequate procedures and mechanisms to deal with complaints of child abuse should be reinforced in order to provide children with prompt access to justice and to avoid the impunity of offenders. Furthermore, educational programmes should be set up to combat traditional attitudes within society towards this issue (Melo, 2000: 32).

g) *Adolescent health*

Whilst taking note of the measures Costa Rica has taken in the field of adolescent health issues, the Committee is still concerned at the high and increasing rate of teenage pregnancies and the insufficient access by teenagers to reproductive health education and counselling services, including outside school (Melo, 2000: 33).

h) *Economic exploitation*

Costa Rica has taken positive measures to eliminate child labour. However, in the opinion of the Committee, economic exploitation remains one of the major problems affecting children in Costa Rica. Concern is expressed at the insufficient law enforcement and inadequate monitoring mechanisms to address this situation. Finally, the Committee recommends that child labour laws be fully enforced, labour inspectors strengthened and penalties imposed in the event of violation (Melo, 2000: 35).

i) *Sexual exploitation and abuse:*

Costa Rica has made serious efforts to prevent and combat sexual abuse and exploitation of children, such as reforming the Criminal Code (law 7899 of 1999) and adopting an action plan to tackle this issue. Nevertheless, in the opinion of the Committee, these measures need to be reinforced. Costa Rica should strengthen current policies and measures, including in the area of care and rehabilitation, in order to prevent and combat this phenomenon (Melo, 2000: 35).

CHAPTER 3 TRAFFICKING IN MINORS FOR THE PURPOSE OF SEXUAL EXPLOITATION IN COSTA RICA

3.1 INTRODUCTION

The term commercial sexual exploitation of children (or CSEC) is used to describe the various activities that exploit children for their commercial value including child sex tourism, child prostitution, child pornography and the trafficking of children for sexual purposes. The term implies that the child is not only sexually abused but that there is a profit arising from the transaction – in cash or kind – where the child is considered to be a sexual and commercial object. CSEC is enshrined in Articles 34 and 35 of the United Nations Convention on the Rights of the Child.

The International Labor Organisation estimates that about 1.2 million children are trafficked annually around the globe. Gender and age is closely correlated with the purpose of trafficking: boys tend to be trafficked for forced labour, petty crimes, and drug trade, girls are mainly forced into commercial sexual exploitation and domestic service (ILO/IPEC/SIMPOC, 2002: 25). ILO estimates that around 550,000 children are trafficked from Latin America and the Caribbean. In the same region the number of children involved in prostitution and pornography are 750,000 (ILO/IPEC/SIMPOC, 2002: 27). The most affected minors by CSEC are reported to be in the 15-17 age range.

3.2 SITUATION OF TRAFFICKING IN PERSONS IN COSTA RICA

The most predominant issue reported in Costa Rica is the rising sex tourism and the trafficking of minors (The Protection Project, 2002). The commercial sexual exploitation of children and adolescents in Costa Rica is a social problem that has only recently received deserved public recognition, even though there is evidence that sexual trade involving girls has existed since the colonial times (Claramunt, 2002). According to some experts a strong connection exists between the local sex industry and international trafficking networks (Luckoo, Tzvetkova, 2002: 47).

Traffickers and recruiters have developed common operating methods for recruiting women and minors for the purpose of sexual exploitation.

Deception is the most common means used by recruiters and traffickers to convince women to travel to Costa Rica. The victims are promised jobs as waitresses, or working in hotels. In addition, there have been cases of traffickers arranging marriages between underage Filipino girls with Costa Rican men so that at the age of 18, the girls are given the national identification (Luckoo, Tzvetkova, 2002: 47). In case of trafficking in minors, traffickers change their birth certificate to falsify age.

With regards to organised crime, experts agree on the fact that commercial sexual exploitation in Costa Rica is carried out through the involvement of organised

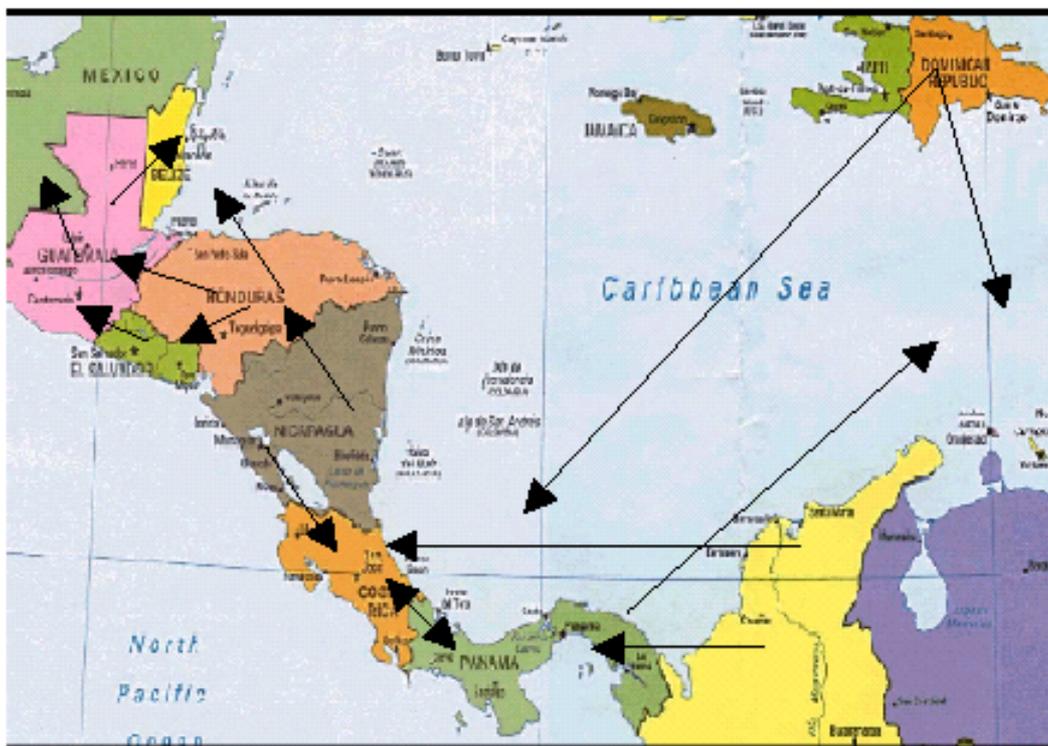
criminal groups supported by national and international networks, and in some part of the country is linked to drug trafficking and other crimes (Claramunt, 2002).

Costa Rica is a country of origin, transit and destination for trafficking in persons for sexual and labour exploitation, affecting women, men and children. As a country of origin, Costa Rican girls and women are trafficked to the USA, Canada and Europe for prostitution, through Central America and Mexico (Luckoo, Tzvetkova, 2002: 47; Global March).

As a transit country, trafficked victims are brought through Costa Rica from Nicaragua, Ecuador, Colombia, Peru, the Dominican Republic, Cuba and Asia en route to the USA and Canada (Luckoo, Tzvetkova, 2002: 47; Global March). Some victims transit through the Costa Rican territory from countries like Nigeria, Somalia, India and China on their way to North America (Luckoo, Tzvetkova, 2002: 47).

As a country of destination, women and girls are recruited for sexual exploitation purposes from neighbouring countries, primarily Nicaragua and Panama, but also Colombia. In addition, Costa Rica is increasingly becoming a new destination for women from the Dominican Republic, and evidences are of women brought over from Bulgaria, Russia and the Philippines (Luckoo, Tzvetkova, 2002: 47; The Protection Project, 2002). Isolated cases of trafficking have involved girls from Africa, Bolivia, China, Cuba and the Middle East (The Protection Project, 2002).

In addition, Costa Rica is one of the most common destinations for sex tourists from North America and Europe. The country has the largest child sex tourism problem in the region and the capital, San José, is regarded as the business epicentre for such business in Costa Rica and Central America (Ecpat International, 2000: 48).



Source: International Human Rights Law Institute, DePaul University College of Law, 2002: 47.

Internal trafficking also occurs in Costa Rica and is as widespread as the international one (Casa Alianza Covenant House – Latin America). Victims are internally trafficked from San José to coastal and border communities in the provinces of Limon, Puntarenas and Guanacaste (US Department of State, 2004).

The Government, police sources, and representatives of the United Nations and other international organisations acknowledge that child prostitution is a growing problem in the country.

3.3 VICTIMS OF TRAFFICKING IN COSTA RICA

Although no official statistics exist, the National Institute for Children (*Patronado Nacional de la Infancia* - PANI) has identified street children in the urban areas of San José, Limon and Puntarenas as being at the greatest risk (Global March; U.S Department of State, 2004).

With regard to victims of sexual exploitation, a recent study carried out by ILO/IPEC analysing the situation of sexual exploitation and relevant social response in seven countries among which Costa Rica, indicates that the majority of such victims come from poor homes characterised by family violence (Claramunt, 2002; Sorensen, Claramunt, 2003).

The research has been conducted by interviewing 100 victims in Costa Rica chosen in a random manner, half of them from the capital city and the others from outside capital. Most of the victims interviewed were girls (95 out of 100), which corresponds to the general perception that more victims are female than man. Being female seems to be a factor for vulnerability in itself. From the research emerges that 55% of the children interviewed have experienced sexual abuse before the 12th year of age, this including rape and sexual abuse without penetration by family members and/or strangers. Similar to the dynamic of commercial sexual exploitation, in case of sexual abuse, 94% of the abusers were men, independent of the sex of the minor. Only in very few cases an institution assisted the child victim. Even more serious still is the fact that the institutions that aided the children for the abuse did not always report it: out of 15 children assisted, only 6 complaints were filed and of them the complaints did not necessarily come from the institutions.

The sexual abuses experienced by children over 12 years old who were interviewed are not less in terms of quantity or severity. Family members and/or strangers have sexually abused 66% of them. The abuser was a man in 94% of the cases. Only in one of every 10 cases of sexual abuse experienced after age 12 was assistance offered to the victim by an institution. In addition, the lack of reporting is seen again.

The vulnerability, particularly of girls and adolescents, also increases when they have their own children. In most cases, pregnancies are not planned or desired, and sometimes are a product of the sexual exploitation itself (41% of the underage girls interviewed have at least one child). Having children for whom they are responsible puts great pressure on the adolescents mothers to find income, while not having education and labour training puts them at enormous risk of being involved in commercial sexual exploitation.

The victims of commercial sexual exploitation have low levels of schooling. In Costa Rica, 55 interviewed minors have incomplete primary school education, and only 1 have completed secondary school. Moreover, 73% of children who drop out school said that they had not been contacted by the school at the time they dropped out.

The institutional response experienced by the victims interviewed has been extremely weak and worrisome. Those interviewed were asked if they have received some institutional help and 51% responded negatively. However the number of victims that said that they had received some institutional support at some time is also troubling because this mean that they had been in contact with the institutions but they were not offered adequate help. Or, the help was insufficient and without enough follow-up, or else they would not still have been in commercial sexual exploitation at the time of the interview.

The factors that seem to increase the vulnerability of children to be trapped in sexual exploitation include previous sexual abuses, lack of protection by the family, especially an absent father, being kicked out of their home and school. When the difficult situation of children and adolescents of 13, 14 and 15 years old living in extreme poverty is combined with unprotected time in street and the use of drugs, they become very easy targets for sexual exploiters and intermediaries. In addition, they are easily convinced to leave their place of residence to seek other new income-generating options. The offers to move to another region or to another country are very common. Half of those interviewed stated that they have had offers to be relocated to another part of the country in order to have remunerated sexual relations, or to be exploited in another geographic location. Nevertheless, 84% of those interviewed in Costa Rica were born in the country and, thus, trafficked internally (Sorensen, Claramunt, 2003: 45-61).

3.4 CURRENT COUNTER-TRAFFICKING ACTIVITIES IN COSTA RICA

In 1996, some public and private institutions joined their forces for the prevention and elimination of commercial sexual exploitation of children (CSEC). To this end, the National Commission against CSEC (*Comisión Nacional contra la Explotación Sexual de Niños, Niñas y Adolescentes* – CONACOES) was created (Casa Alianza, ECPAT, Audrey Hepburn Children’s Fund, 2001).

Furthermore, on December 2001 Costa Rica adopted the “Stockholm Declaration and Agenda for Action”.

In 1998, Costa Rica adopted a National Action Plan against the Commercial Sexual Exploitation of Children (*Plan Marco de Acción*), which was developed by the working group against the Commercial Sexual Exploitation of Children and Adolescents, comprising both governmental and non-governmental bodies, and addressing all the different facets of CSEC (i.e. child prostitution including child sex tourism, child pornography, and trafficking of children for sexual purposes). The National Action Plan against CSEC is subdivided into six areas namely policies, law, law enforcement, research, prevention and rehabilitation. The National Commission against CSEC (CONACOES) is in charge of its implementation, and is subjected to a monitoring mechanism (ECPAT International, 2000: 49-50).

This demonstrates that the existence of the problem is acknowledged in the country and has been given an important place in the political agenda. According to some experts, great strides have been made in the legislative and judicial field, yet social and government responses are at the initial stages and remain poorly coordinated in terms of efficiency and coordination. In particular, experts stress the lack of a model of comprehensive assistance to the victims (Claramunt, 2002). Moreover, experts believe that Costa Rica needs to create institutional links between its increasingly effective law enforcement efforts against traffickers and social services to victims (US Department of State, 2004). To fill this gap, a Coalition against Trafficking in Persons - including 7 organisations among Ministries, IGOs and NGOs - has been established in January 2005.

Furthermore, a number of initiatives, especially awareness raising campaigns, have been carried out by Costa Rican authorities in the last few years shifting the country, renowned for being one of the most prominent destinations for child sex tourism, into an example of best practice in tackling the problem.

3.4.1 Prevention

Furthermore, The Costa Rica Tourism Institute (*Instituto Costarricense de Turismo – ICT*) and some NGOs of San José, such as PROCAL and PANIAMOR, have joined their prevention efforts to raise awareness among the local and foreign public on the fact that commercial sexual exploitation is a crime punished by Costa Rican law. Such organizations have also conducted TV campaigns against sexual tourism, and have participated in the development of the above-mentioned National Action Plan against CSEC (Casa Alianza, ECPAT, Audrey Hepburn Children’s Fund, 2001).

In August 2003 the project of the Code of Conduct for the protection of children and adolescents from commercial sexual exploitation in travel and tourism in Costa Rica was started.

The Code of Conduct is a project of the tourist industry that is supported by *Fundación Paniamor* in conjunction with the Costa Rican Association of Operators of Tourism (ACOT), the Costa Rican Association of Professionals in Tourism (ACOPROT) and World Vision Costa Rica funded by *Fundecooperación*²⁵.

In order to participate to the project, members of the tourist industry should take the following actions:

1. Sign the document: “The Code of Conduct for the Protection of Children and Adolescents from Commercial Sexual Exploitation in Tourism”;
2. Capacitate the personnel: the personnel should be clear about the directions and policies of the company or business concerning the protection of minors from commercial sexual exploitation and act as preventive agents in this problematic area;
3. Utilize visible symbols that will alert clients and suppliers about their position against the commercial sexual exploitation of children and adolescents: posters, announcements, brochures, flyers, stickers, warnings for websites, letterheads, etc.;

²⁵ The full text of the Code of Conduct and the list of signatory providers will be made available at www.protegiendoles.org (on line starting from May 2005).

4. Introduce a clause in contracts with providers of tourist services that declares the common repudiation of commercial sexual exploitation of children and adolescents;
5. Present an annual informative report about the actions the company has realized for the protection of children and adolescents from commercial sexual exploitation.

The *Fundación Paniamor* is presently carrying out two innovative prevention/assistance projects: The Tecnobus and The Tecnoclub. The Tecnobus is a creative learning alternative that uses technology and the internet as a means of personal growth and social development for adolescents, their parents or legal guardians from communities in social disadvantage. The technology travels to the communities in a bus, called the TECNOBUS. The Tecnoclub incorporates adolescents from urban communities in social disadvantage, in a model of development that allows them to assume technology as an instrument of personal growth, social mobility and constructive participation in their community and the social context in general.

In October 2002, The Center-American Migration Authorities (*Autoridades de Migración de Centroamérica – OCAM*) built a database of the identities of the suspected foreigners as a means to prevent and combat the CSEC (WTO, 2003: 52).

At the international level, ECPAT International has carried out a major project on prevention in Central America entitled “Strengthening the Protection of Children against Commercial Sexual Exploitation” (*Fortalecimiento de la Protección de Niños, Niñas y Adolescentes ante la Explotación Sexual Comercial*) which has led to the publication of a Basic Manual for police intervention with children at risk or victims of sexual exploitation (*Manual Básico para la Intervención policial con niños, niñas y adolescentes víctimas o en riesgo de explotación sexual comercial*, December 2004), which is a practical guide to the responsibilities and procedures of action to be followed in CSEC situations and is targeted at Costa Rica’s law-enforcement agencies.

3.4.2 Investigation and prosecution of traffickers

Great efforts have been made in the area of repression through the establishment of a Special Prosecutor office based in San José on Sexual Crimes and Domestic Violence and 7 other offices in the other regions of Costa Rica.

The Special Prosecutors are assisted in their investigations by police officers trained to deal with these specific crimes.

The Special Prosecutor’s Office on Domestic Violence and Sexual Crimes has processed 66 child sexual exploitation cases and convicted 31 citizens and 9 foreigners for child sexual exploitation crimes since 1999 (US Department of State, 2005).

Costa Rican nationals were the primary suspects in 58% of child sexual offences reported to the police in 2003, while, of the 42% of reported child sexual offenders who were not Costa Rican, 9.5% were offenders from the United States and 3.7%

were Colombian. The nationalities of the remaining 21.1% were unknown (Casa Alianza, 2003).

According to ILO/IPEC, most of the perpetrators come from the same locality as the victim, while one third of the victims interviewed say that the last client exploiter is a foreign tourist (Sorensen, Claramunt, 2003: 40-42).

The Public Prosecutor, together with the Costa Rica Tourism Institute (ICT), has also developed a policy for the prosecution of owners of the hotels suspected of involvement in CSEC (Casa Alianza, ECPAT, Audrey Hepburn Children's Fund, 2001).

In addition, each of Costa Rica's 10 police districts established special delegations with investigators to deal with those crimes (OAS/Americas Forum, 2003). In February 1999, a Unit Against the Sexual Exploitation was also created, which deals with investigation and repression (WTO, 2003: 52). Moreover, in order to tackle the rapid increase in sexual exploitation of children, including exploitation by tourists, training courses to Costa Rican public prosecutors and the police have been carried out about the appropriate way to deal with the perpetrators and the victims of commercial sexual exploitation (Child-hood). On these bases, Costa Rica has launched numerous investigations of crimes involving commercial sexual exploitation, largely of young women and adolescents (OAS/Americas Forum, 2003). However, the investigations conducted have led to the accusations and convictions of few perpetrators.

Several sources acknowledge scarce awareness about the dynamics of commercial sexual exploitation, sexually exploited minors, and the obligation of persecuting sexual exploiters and pimps, due to scarce knowledge of the National Law against CSEC. On the other hand, most institutions undergo budgetary limitations, logistic handicaps, and, in some case, there is a lack of human resources to confront the problem. Serious limitations to budget and logistical as well as human resources have prevented authorities from carrying out their job more effectively in order to take on a problem of such complexity, where the networks involved have access to high technology. Experts recommend awareness and understanding of the criminal phenomenon should be enhanced among police officers. In fact, the police functionaries carry out regular patrols in businesses where sexually exploited minors can be found, but warnings, controls or sanctions for the owners are reported to be scarce. While some adolescents interviewed referred to having experienced violent acts from police forces. On this regard, a revision of the PANI has been suggested, in order to include joint operatives with the participation PANI officials (Casa Alianza, ECPAT, Audrey Hepburn Children's Fund, 2001).

Recent efforts in this area have led to significant improvements in the development of measures to tackle this problem. In fact, within the framework of the above-mentioned project "Strengthening the Protection of Children against Commercial Sexual Exploitation"²⁶, developed by ECPAT International and implemented at the local level by *Fundación Paniamor*, an information system for the prosecution of

²⁶ See par. 3.4.1 pag.20

commercial sexual exploitation cases has been drafted and is under implementation. The database will be used by the prosecutors and investigators working in the 8 specialised offices on Sexual Crimes and Domestic Violence and will include also information on victims and offenders (ECPAT International, Fundación Paniamor, 2004: 4).

3.4.3 Assistance and reintegration

PANI is the principle entity for the protection of children on the governmental level, and its aims consist in: (a) defending and guaranteeing the children and family rights; and, (b) protecting children.

In particular, PANI has created a programme called “Program of streets”. Its purpose is to protect street children, by providing them with food and shelters. To this end, PANI has subscribed agreements with NGOs that furnish shelters and psychological support, as well as with governmental institutions such as the Costa Rica Fund of Social Security, hospitals and the Ministry of Education. However, it exists a large vacuum in the area of attention, support and backing for children and adolescents. PANI has no capacity of production of its own projects and programmes, but it offers economical and technical inputs to other institutions working directly in this area (Casa Alianza, ECPAT, Audrey Hepburn Children’s Fund, 2001: 23).

At the moment, a reform of PANI is under way in line with the new legal framework established by both the UN Convention on the Rights of the Child (CRC), and the Child and Adolescent Code (UNICEF, 2005; Child-hood). The institutional reform of the PANI is indicated as one of the priorities by the “IV State of the Rights of Children and Adolescents in Costa Rica”, compiled by UNICEF and the Interdisciplinary Program of Social Studies and Action of the Rights of the Child and Adolescent (PREDNA) of the University of Costa Rica, and presented on the 17 May 2004.

In the institutional framework, an important achievement has been the appointment of a Minister for Children and Adolescents Affairs, but except for PANI, unfortunately there are very few centres for attention to victims (UNICEF, 2005). The lack of centres increases the likelihood that trafficked children will end up in jail or other detention centres, with further violations of their rights. Besides, the lack of enforcement of the national legislation against trafficking and victim protection makes victims feel especially vulnerable to further victimization by perpetrators when they make accusations. Furthermore, the institutions in charge of caring for children or assisting with this work lack the minimum resources needed to do so.

Two hot lines that collect emergency calls are operating in the country: the “911” and the “Count with me” (“*Cuenta Conmigo*”) line of the Children Integral Attention Programme (*Programa de Atención Integral al Adolescente - PAIA*) that is provided by the Costa Rican Fund of Social Security (*Caja Costarricense de Seguro Social*). The “911” collects all the emergency calls, as well as the ones relating to complaints and requests by victims for assistance in connection with commercial sexual exploitation crimes. With regard to the *Cuenta Conmigo*’s national line, this provides, among other things, a counselling service for children on sexual and reproductive health, sexual abuse, domestic violence and other matters (ECPAT International, Fundación Paniamor, 2004: 10, 60).

ILO/IPEC has carried out a project on victim's assistance, which has led to the creation of a directory of institutions that provide assistance to child victims (*Directorio de Instituciones proveedoras de servicios para las personas menores de edad víctimas de delitos*, February 2005). The directory was published in the framework of the project "Contribution to the Prevention and Elimination of CSEC in Central America, Panama and Dominican Republic" and in collaboration with the National Commission for the Improvement of Justice Administration (*Comisión Nacional para el Mejoramiento de la Administración de Justicia - CONAMAJ*). The directory contains information on the assistance services provided by public and private institutions to child victims or witnesses, and is a particularly useful tool for law-enforcement agencies and judiciary authorities (ILO/IPEC, 2005). On the same project, ILO/IPEC is collaborating in the province of Limón with the *Fundación Rahab* that is in charge for the development of victims' assistance activities.

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