

Sexual Exploitation of Children (SEC) in Costa Rica Statement by Fundación Paniamor and ECPAT International UPR 33 Pre-Session - Geneva, April 3 of 2019

Introduction

This statement is delivered on behalf of Fundación Paniamor (PANIAMOR), a Costarrican civil society organization with over 30 years of experience in combatting all forms of violence against children, including sexual exploitation (SEC); and ECPAT International (EI), a global network of CSO working towards the eradication of this heinous crime. As such, it is grounded on the report submitted by both organizations to the Human Rights Council (HRC) in preparation for the UPR 33rd Session.

Status and developments of SEC in Costa Rica

SEC through prostitution. More than 427,000 children in Costa Rica (UNICEF, 2017) live in poverty which makes them particularly vulnerable to SEC. The International Bureau for Children's Right Report (IBCR, 2016) conveys that limited awareness about child sexual abuse and exploitation, and tolerance for adult prostitution by society, had led to high levels of under-reporting of SEC offenses, undermining the national efforts to generate an effective response.

Trafficking for Sexual purposes. The CEDAW Committee (2017) noted that Costa Rica is a country of origin, transit and destination of trafficking in persons for sexual exploitation. Children in the Pacific coastal zones and migrant girls were particularly at risk. Lack of up to date information hampers efforts to accurately assess the scope of child sex trafficking: 211 victims were identified from 2010 -2018, including 43 children; 40 of the victims identified were trafficked for SEC.

Online Sexual Exploitation (OSEC). The rapid rise in internet connectivity -71,5% in 2017 against 39% in 2011- increases the risks of online grooming, sexual harassment, sexual exploitation, and the distribution of Child Sexual Abuse Material (CSAM) -3 cases reported in 2014 against 133 in 2016 (Judicial Investigation Office -OIJ- Criminal Registry). In 2018, the judicial police stated that this body now deals with an average of 10 CSAM-related reports per month, and that this number could be significantly higher if all the suspected cases were duly reported.

Sexual Exploitation in Travel and Tourism (SECTT). El Global Study on SECTT (2016) points out domestic tourists as main perpetrators, followed by North Americans and Europeans, with taxi drivers and organized crime networks acting as facilitators or exploiters usually taking the victims from deprived local communities to places -mostly private apartments- for SEC by tourists or traveller.

Child early and forced marriage (CEFM): CEFM is mainly expressed in CR not through marriage but forced co-living situations involving young adolescent girls and adult men. All of it fueled by gender mandates -machismo- and poverty. According to UNICEF, 21% of women aged 20 to 24 were in a union before age 18, including 7% under age 15.

Update on the 2014 UPR Review

Following CR's 2014 UPR, the Working Group formulated 11 recommendations specifically targeting SEC; 12 other addressed child trafficking. SEC-related recommendations covered four dimensions: legal framework; coordination, implementation and evaluation; prevention; and protection of the rights of child victims.

Advances, Challenges and Recommendations per dimension

- **Legal framework**

Advances. Significant progress has been made to date. At least four new pieces of legislation came into effect to strengthen protection of children from SCE. Law 9406, introduced by PANIAMOR and enacted in 2018, prohibited marriage under the age of 18 and established penalties for adults in co-living relations with partners ages 13 to under 18 (younger ages were already protected). The country celebrates this vanguard legislation that resets the norms related to assessing sexual consent to a point where the difference in age between the parties becomes the only objective determining criteria.

Challenges. More than a year has passed since the enactment of Law 9406, and there is urgent need to enhance knowledge and disposition amongst law operators to treat the rising case-load in an informed and sensitive manner. New comprehensive legislation to better protect children from online violence in general, and from online SEC in particular, is urgent.

Recommendations: Fundación Paniamor and EI therefore wish to call on the Member States to make the following recommendation to the Government of Costa Rica

- Commit political will at the highest level and attribute the resources necessary to foster social awareness and effective compliance of Law 9406.
- Article 167 bis of the Penal Code needs to be amended to comprehensively criminalize online grooming against children regardless of the age of the victim.

- **Coordination, implementation and evaluation.**

Advances. The GoCR has established two coordination bodies, at different periods of time:

The National Commission against CSE (CONACOES, 1996) To date its main role is designing and following up on the implementation of periodic national action plans against CES.

The National Coalition against the Smuggling of Migrants and the Trafficking of Persons (CONNAT, 2013), In 2016, the CONATT initiated the drafting of a National Policy against Human Trafficking with its corresponding National Plan of Action. Both instruments are at its final stage of approval while CONATT continues working based on the its *Strategic Work Plan 2012-2015*.

Challenges. The CONACOES has been no operational for more than one year, and the country is still under its Sixth National Action Plan against SEC 2017-2018.

Recommendations: Fundación Paniamor and EI therefore wish to call on the Member State to make the following recommendation to the Government of Costa Rica

- Activate and strengthen the role and action of the National Commission against SEC (CONACOES)
 - Conduct a comprehensive end-of-cycle evaluation of the Sixth National Action Plan against SEC and adopt a follow-up plan featuring concrete policy measures, mechanisms and objectives, as well as a dedicated budget.
 - Ensure the timely and adequate allocation and disbursement of funding and human resources to interventions that fight human trafficking and provide assistance to child victims, to secure their full implementation.
-
- **Prevention**

Advances. CR can attest to the development of innovative programs and approaches in this dimension. The “E-Mentors Certification Model” highlighted as a social-policy innovation integrating child-online safety as a regular component of the country’s flagship program for digital inclusion of underserved families.

Challenges. The GoCR needs to recognize that its various prevention efforts remain undermined by a general lack of awareness and commitment amongst both institutional program operators and society.

Recommendations: Fundación Paniamor and EI therefore wish to call on the Member State to make the following recommendation to the Government of Costa Rica:

- Put in place mechanisms to evaluate the effectiveness of awareness-raising and preventive interventions; and allocate adequate funding to raising social mobilization against all SEC manifestations with a focus on the need to report such offenses;
 - Invest in child empowering programs addressing the root causes and multiple vulnerabilities that place children, families and communities at risk of SEC;
 - Put in place international travel restrictions for national child sex offenders.
-
- **Protection of the rights of child victims**

Advances. A specialized help line to attend online SEC reports is to be launched by the National Child Protection Agency -PANI- before the end of 2019, with the support of UNICEF CR and The Global Partnership

Challenges. The GoCR does not operate nor plans to operate specialized shelters for child victims of SEC that clearly goes against vote 2008-15,751 of the Costa Rican Constitutional Chamber of the Supreme Court (2008).

Recommendations: Fundación Paniamor and EI wish to call on the Member State to make the following recommendation to the Government of Costa Rica.

- Put in place measures to ensure SEC child victims referred to the national protection system can fully exercise their right to properly funded shelters, staffed by well-trained personnel, and able to offer integrated services (psychological, legal, medical, etc.);
- Create the necessary legal and administrative mechanisms for SEC victims to seek and obtain compensation.

References

Prensa Latina (2018), “*En la pobreza más de 427 mil niños y adolescentes de Costa Rica*”, accessed on 21 September 2018, <https://www.prensa-latina.cu/index.php?o=rn&id=198598&SEO=en-la-pobreza-mas-de-427-mil-ninos-y-adolescentes-de-costa-rica>.

Committee on the Elimination of Discrimination against Women (2017), “*Concluding observations on the seventh periodic report of Costa Rica*”, paragraph 20, accessed on 20 September 2018, <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsoVqDbaslinb8oXgzpEhivgm2oHY9TAwF8D%2bgnGDSz%2fv8A0b5R3Isx9RrtZvZlekBMxxOVcAo%2bUkq0%2bngnKP8Exy5F1OyX31Q2OpnOEByxct>.

Ibid, 51.

International Centre for Missing & Exploited Children (2016), “*Child Pornography: Model Legislation and Global Review*”, 24, accessed on 26 September 2018, <http://www.icmec.org/wp-content/uploads/2016/02/Child-Pornography-Model-Law-8th-Ed-Final-linked.pdf>.

Expotur, “*Código de Conducta Turístico*”, accessed on 21 September 2018, <https://www.expotur.com/codigoconducta.php>.

El Nuevo Diario (2016), “*Costa Rica se une a campaña de la ONU contra trata de personas*”, accessed on 24 September 2018, <https://www.elnuevodiario.com.ni/internacionales/centroamerica/409939-costa-rica-se-une-campana-onu-trata-personas/>.

Poder Judicial (2008), “*Protocolo de Atención a Víctimas Mayores y Menores de Edad de Delitos Sexuales y Explotación Sexual Comercial cometidos por personas mayores de edad*”, accessed on 24 September 2018, <https://www.poder-judicial.go.cr/violenciaintrafamiliar/index.php/de-su-interes%3Fdownload%3D383:menores-fin>

PANI (2017), “*Protocolo institucional para la atención de personas menores de edad víctimas y sobrevivientes del delito de trata de personas*”, accessed on 24 September 2018, <https://pani.go.cr/descargas/conatt/973-protocolo-institucional-para-la-atencion-de-personas-menores-de-edad/file>.