

**Sexual Exploitation of Children in Costa Rica
Submission**

for the Universal Periodic Review of the human rights situation in Costa Rica

Submitted by

ECPAT International and Fundación PANIAMOR

Bangkok, Thailand on 4th October 2018

to the **Human Rights Council**
33rd Session (May 2019)
UPR third cycle 2017 – 2021



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Fundación Paniamor works towards combating sexual exploitation of children, trafficking in children and child sex tourism, notably by raising awareness, working with law enforcement agencies and managing an information database on trafficking. The group has established a training programme on ECPAT International's Code of Conduct for employees from tourism and travel companies.



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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 28 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 104 network members operating in 93 countries.

Justification for submission

1. In 2002, the Government of Costa Rica (GoCR) ratified the Optional Protocol on the sale of children, child prostitution and child pornography (OPSC) and thus committed explicitly to combat sexual exploitation of children (SEC). In September 2015, through the adoption of the 2030 agenda for Sustainable Development, the GoP re-committed explicitly to eliminate all forms of violence against children, including sexual abuse and exploitation.¹
2. The present submission is an update to review the progress that has been made by the GoCR to end SEC and assess the level of implementation of the UPR recommendations on children's rights made in 2014. Specific recommendations to end SEC in Costa Rica will be made.
3. The content of this submission is based on ECPAT International's and Fundación Paniamor's research for the period 2014-2018. Its scope is limited to SEC and its different manifestations, including exploitation of children in prostitution,² online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),³ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)⁴ and child, early and forced marriage (CEFM).

Status and developments regarding sexual exploitation of children in Costa Rica

4. Costa Rica is a presidential representative republic. Executive power is exercised by the President and his/her cabinet; while legislative power is held by a unicameral Legislative Assembly. In 2017, the country's population reached 4,905,769 million inhabitants,⁵ of which around 1.296 million are under 18.⁶ According to a 2017 study conducted by the Costa Rican Directorate General for Migration and Aliens (DGME), around 9% of the population is composed of migrants.⁷ They mainly originate from Nicaragua (67.3%), Colombia (5.5%), the United States (4.9%) and the Northern Triangle of Central America (Guatemala-Honduras-El Salvador, 4.1%).⁸ Costa Rica has a 99% youth literacy rate, and its birth registration rate is close to 100%.⁹
5. Costa Rica is the world's 73rd largest economy,¹⁰ and it enjoys a high human development rate (0.794 as of 2017).¹¹ However, in 2017, the Organisation for Economic Co-operation and Development recommended the country to step up its efforts to tackle poverty, reduce income inequality and promote better participation in formal activities for women, youth and migrants.¹² Even though poverty levels remain relatively high, the rate of households in a situation of poverty slightly decreased from 22.4% in 2014 to 20% in 2017. In addition, 5.7% of the households were in a situation of extreme poverty in 2017, compared to 6.7% in 2014.¹³ According to UNICEF, more than 427,000 children live in poverty in Costa Rica,¹⁴ which makes them particularly vulnerable to SEC.
6. The National Child Welfare Agency (PANI) informed that it had received at least 1,000 reports of SEC from 2011 to 2016. However, it should be noted that the number of reported cases tends to decrease gradually (from 239 in 2012 to 137 in 2015).¹⁵ A 2016 report from the International Bureau for Children's Rights stated that **limited awareness about child sexual abuse and exploitation, as well as a high tolerance for prostitution in the Costa Rican society had led to high levels of underreporting of these offences**, a problem that continues to undermine the fight against sexual exploitation of children in prostitution in the country.¹⁶
7. In July 2017, the Committee on the Elimination of Discrimination against Women noted that **Costa Rica was a country of origin, transit and destination for trafficking in persons for the purpose of sexual exploitation**. It further stated that children in the Pacific coastal zones and migrant girls were particularly at risk.¹⁷ However, the current lack of updated information does not allow to accurately

assess the actual scope of child sex trafficking in the country. Fundación Paniamor reported, based on data from the National Coalition against Migrant Smuggling and Human Trafficking, that 211 victims of human trafficking were identified from 2010 to September 2018, including 43 children. Among the victims that were identified from 2010 to 2016, 40 had been trafficked for the purpose of sexual exploitation.¹⁸ The Office of the Public Prosecutor reported that at least six persons had been convicted for offences linked to human trafficking in 2017, including one for the purpose of sexual exploitation; and that 17 alleged traffickers were in pre-trial detention at the end of 2017.¹⁹

8. Within the country, there were more than 180 mobile cellular subscriptions per 100 people in 2017, and the number of fixed broadband subscriptions increased from 419,782 in 2011 to 744,059 in 2017. Overall, 71.5% of the population now uses the internet, compared to 39.2% in 2011.²⁰ **This rapid rise increased the risks associated with grooming, OSCE and the distribution of CSAM.** The Judicial Investigation Body (*Organismo de Investigación Judicial – OIJ*) informed that the number of reports related to the distribution of CSAM it receives has been gradually increasing over the last few years, as follows: 3 in 2014, 72 in 2015 and 133 in 2016.²¹ In June 2018, the Director of the OIJ stated that the police 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. He also pointed out that, even though some CSAM is produced in Costa Rica, its consumption remains the main problem.²²
9. The Costa Rican Tourism Institute revealed that 2,959,869 foreign tourists had visited the country in 2017, which represents a 17% increase in comparison to 2014.²³ Even though there is not updated data that would allow to assess its scope precisely, **SECTT is reportedly a serious problem, with offenders mostly coming from Europe, the United States and Canada.** ECPAT International's Global Study on SECTT pointed out that, besides Europeans and North Americans, the main perpetrators of SECTT were domestic tourists.²⁴ The Global Study also found that facilitators or exploiters, mostly taxi drivers and members of organised criminal networks, usually take the victims from local communities to places (mostly private apartments) where they are sexually exploited by tourists or travellers.²⁵ In November 2016, and for the first time, an individual was sentenced to five years in prison for promoting the country as a destination for “*sex tourism*”.²⁶ Twenty-one stakeholders from the tourism industry based in Costa Rica are currently members of ECPAT's Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, along with fourteen international stakeholders with operations in the country.²⁷
10. **CEFM remains an important issue in Costa Rica, and appears to be mainly fuelled by gender stereotyping, machismo and poverty.** According to UNICEF, 21% of women aged 20 to 24 were first married or in a union before they were 18, including 7% before 15.²⁸ The GoCR informed that it rescued two victims of trafficking for the purpose of forced marriage in 2013 and 2015, respectively.²⁹
11. During the country's last UPR in 2014, the report of the Working Group formulated 11 recommendations specifically targeting SEC, out of 67 recommendations on children's rights. Furthermore, 12 of them addressed the issue of child trafficking.

Legislative framework

12. Article 169 of the Penal Code punishes, with prison sentences from two to five years, whoever promotes prostitution, induces a person to exercise it, keeps a person in a situation of prostitution or recruits someone for this purpose. The same penalty applies to offenders who subject a victim to sexual servitude. Sexual exploitation of children in prostitution falls into the category of “*aggravated procuring*”, which is covered by article 170. The latter states that whoever commits an offence under article 169 against a child shall be punished with prison sentences from four to ten years. Finally, article 171 punishes, with prison sentences from three to nine years, any person who benefits from the money

made by a child above 13 exploited in prostitution. This offence carries heavier penalties (from four to ten years in prison) if the victim is under 13.

13. Article 160 of the Penal Code criminalises paying, or promising payment or any benefit to a child or to a third person, in exchange for that child to perform sexual or erotic acts. However, it should be noted that this provision does not clearly target the person that has sexual relations with the victim. The prison penalties provided for in article 160 vary depending on the age of the victim, as follows: from four to ten years if the victim is under 13; from three to eight years if the victim is aged 13 to 15; and from two to six years if the victim is above 15.
14. Legal provisions on the age of sexual consent can also be used to criminalise clients, as article 156 of the Penal Code punishes having sexual relations with children under 13 with prison sentences from ten to sixteen years. However, such a low age of sexual consent is detrimental to the protection of children against sexual abuse and exploitation. In addition, article 159 criminalises sexual relations with children above 13, but it features certain conditions that restrict its scope. Indeed, this provision only applies if the perpetrator is at least five years older than the victim aged 13 to 15; or at least seven years older if the victim is above 15. Article 159 prescribes prison sentences from three to six years in the first case, and from two to three years in the second. Article 161 could also apply in the context of SEC, as it punishes, with prison sentences from three to eight years, whoever has abusive sexual relations with a child. This offence carries heavier penalties (from four to ten years in prison) if the victim is under 13, or if the perpetrator takes advantage of the vulnerability of the victim.
15. During the country's last UPR, Mexico recommended the GoCR to introduce in the [Penal] Code the crime of trafficking in children, particularly those trafficked for the purposes of commercial and sexual exploitation.³⁰ In April 2018, Costa Rica adopted *Law N° 9545*, which amended the Penal Code to align the definition of trafficking with international standards. Article 172 of the Penal Code now defines and punishes, with prison sentences from six to ten years, the offence of human trafficking, including for the purpose of forced marriage or for any form of sexual exploitation. Human trafficking carries heavier penalties (from eight to 16 years in prison) if the victim is a child, in which case it also directly applies regardless of whether one the requirements necessary to qualify an offence as such under article 172 has been met (these notably include the use of any form of coercion, kidnapping, abuse of power, etc.). In addition, article 175 *bis* punishes, with prison sentences from three to five years, any owner or administrator that uses premises or sites under his/her responsibility for the purpose of human trafficking.
16. The Penal Code features specific provisions that cover SECTT. Indeed, article 162 *bis* punishes, with prison sentences from four to eight years, whoever promotes or runs programmes, campaigns or advertisements to project Costa Rica as a tourist destination offering access to commercial sexual exploitation or prostitution of persons of any age or gender. In addition, owners, managers or persons in charge of a travel agency, a lodging establishment, an airline, a tour operator or a land transport company that promote or facilitates SEC can see their business license suspended for a period of three to ten years (article 168 *bis*).
17. Article 173 of the Penal Code defines CSAM in line with article 2 (c) of the OPSC, and punishes its creation, production and reproduction with prison sentences from four to eight years. It furthermore states that whoever introduces or imports CSAM in the country shall be liable to prison sentences from three to six years. Mere possession is also criminalised by article 173 *bis*, which provides for penalties ranging from one to four years in prison. In addition, article 174 punishes, with prison sentences from four to eight years, whoever displays, disseminates, distributes, funds or commercialises CSAM, or possesses it for these purposes. Article 174 also criminalises giving, selling, disseminating, distributing or displaying “*pornographic material*” to children (associated penalties range from three to seven years in prison). Finally, article 174 *bis* prohibits virtual pornography and sexually explicit material involving

adults pretending to be children, by punishing whoever possesses, produces, sells, distributes or displays such material with prison sentences from six months to two years. No legal provision requires internet service providers to report suspected CSAM to the relevant authorities.³¹

18. The Costa Rican legislation criminalises certain forms of online grooming, as article 167 *bis* of the Penal Code punishes whoever establishes communications of pornographic or erotic nature with a child under 15 with prison sentences from one to three years. This offence carries heavier penalties (from two to four years in prison) if the offender tries to arrange a meeting in person with that child. However, it is the view of ECPAT International that all children, regardless of their age, should benefit from a legal protection against online grooming.
19. On 30 November 2016, the Legislative Assembly established 18 as the legal age of marriage by amending article 14 of the Family Code through the adoption of *Law N° 9406*. In addition, article 64 of the Family Code, as amended by the new law, prohibits the Civil Registry from registering marriages that involve children.
20. Legal provisions on extraterritorial jurisdiction fully comply with the OPSC. Indeed, Article 6-4 of the Penal Code states that Costa Rican nationals can be prosecuted for punishable offences committed outside the country. In addition, Article 7 provides for extraterritorial jurisdiction for child trafficking and sexual offences against children, regardless of the nationality of the author or the legislation of the country in which the act was committed, and whenever the alleged perpetrator is found in Costa Rica (article 8).
21. *Law n°5991* on the Comprehensive Reform of the Extradition Law (1976) lacks a specific reference to the possibility of extraditing individuals for offences laid down the OPSC, and its article 3 makes extradition conditional on the double criminality and minimum gravity requirements (possible penalty of at least one year in prison). In addition, Costa Rican nationals cannot be extradited and must be tried by local courts instead. The provisions of international treaties to which Costa Rica is party take precedence over *Law n°5991*. However, extradition treaties with Spain (1997), Panama (2001), Peru (2002) and Mexico (2011) also make extradition conditional on the same requirements.

Recommendations for the GoCR:

- Increase the legal age of sexual consent and limit close in age exceptions to cases where sexual partners are both children and not further in age than three years; and amend article 167 *bis* of the Penal Code to comprehensively criminalise online grooming against children regardless of the age of the victim.

General measures of implementation

22. During the country's last UPR, Sudan recommended the GoCR to enhance its efforts for the protection of children from all forms of violation including domestic violence and sexual exploitation.³² Bangladesh also recommended the country to strengthen its actions to curb sexual exploitation of children.³³
23. Costa Rica adopted its first National Action Plan against SEC in 1998. The latter, which was elaborated by local NGOs Fundación Procal and Fundación Paniamor with the cooperation of a Work Commission composed of civil society organisations and public entities, paved the way for the adoption of four more action plans against SEC that were implemented between 2000 and 2011. Between 2011 and 2014, measures against SEC were integrated in the framework of the Roadmap against the worst forms of child labour. The country is currently implementing its sixth National Action Plan against SEC for the period 2017-2018. It is divided into five strategic priorities: strengthening the response capacity of the National Commission against SEC (CONACOES); increasing prevention efforts; ensuring better assistance for SEC victims through multisectoral cooperation; guaranteeing the protection and restitution of the rights of potential or actual SEC victims; and properly assessing the level of

implementation of the National Action Plan. Even though it sets concrete targets and objectives, the National Action Plan does not provide for targeted measures to tackle the issue of CSAM/CSEM. In addition, it does not directly mention dedicated budgetary provisions, and it seems that no statements on its level of implementation as of September 2018 have been published on PANI's website.³⁴

24. During the country's last UPR, Canada recommended the GoCR to combat more effectively the sexual exploitation of children and child labour, by improving the implementation of the February 2013 law against smuggling and trafficking in persons, and by strengthening coordination among the agencies comprising the national coalition against trafficking in persons.³⁵ In 2016, the National Coalition against Migrant Smuggling and Human Trafficking (CONATT) started elaborating a National Policy against Human Trafficking, along with a corresponding National Plan of Action.³⁶ Even though both the National Policy and Plan of Action have yet to be finalised, CONATT has been working diligently towards preventing human trafficking, prosecuting the offenders and assisting the victims within the framework of its Strategic Work Plan 2012-2015, which is still in force. Furthermore, it is also engaged in the process of elaborating an updated version of its Strategic Work Plan.

Recommendations for the GoCR:

- Conduct a comprehensive evaluation of the implementation of the National Action Plan against SEC upon its termination; and adopt a follow-up plan featuring concrete policy measures, mechanisms and objectives, as well as a dedicated budget;
- Move forward with the process of adopting a dedicated National Action Plan against Human Trafficking.

Coordination and evaluation

25. PANI was established in 1930 through *Law N°39*, as an independent institution that works towards ensuring the protection of the rights of children and their mothers. In parallel, the National Childhood and Youth Council (CNNA) was established in 1998 through *Law N°7739*. It is composed of Ministries, public institutions or civil society organisations that exercise responsibilities in the field of children's right, and it operates under the responsibility of the Presidency of the Republic. CNNA's main mission is to coordinate inter-institutional and intersectoral actions aiming at formulating policies and executing programmes for the protection of the rights of the child.
26. CONACOES was created in 1996 and established as a special commission of the CNNA in 2000. It brings together a wide range of public bodies, PANI, NGOs (including Fundación Paniamor), and international organisations such as UNICEF. It is responsible for designing, overseeing and monitoring public actions against SEC. During the country's last UPR, Malaysia recommended the GoCR to step up measures to ensure stronger coordination between agencies dealing with issues relating to children in order to eliminate violence, commercial sexual exploitation and child labour.³⁷ Under the National Action Plan against SEC 2017-2018, CONACOES' rules of functioning will be analysed in order to identify possible shortcomings, address them and improve its capacity of action (Action 1.1.1). In that regard, Fundación Paniamor reported that CONACOES was facing some internal changes that affected the implementation of the National Plan against SEC. However, it informed that this process should be completed by the end of 2018.
27. CONATT was created in 2012 through article 8 of *Law N°9095*. It is composed of representatives from 21 public institutions, including PANI and CONACOES. Its main mission is to design, supervise and monitor the implementation of the public measures against human trafficking. Therefore, every human trafficking-related project elaborated by NGOs or public agencies must be submitted to the CONATT's plenary in order to avoid duplicities and establish coordination arrangements. *Law N°9095* also created a National Fund against Migrant Smuggling and Human Trafficking (FONATT) to cover administrative and operative costs arising from the prevention, investigation, prosecution and detection of human

trafficking, as well as from providing assistance to and ensuring the rehabilitation of the victims. Fundación Paniamor reported that CONATT has been meeting regularly. Even though it approved several projects in line with the objectives of the FONATT, public servants have usually limited time to implement them due to a heavy workload. In addition, the information requirements for allocating funding to a specific project proposal can sometimes delay its approval.

Recommendations for the GoCR:

- Make sure that enough funding is allocated to CONACOES to allow it to carry out its mandate effectively;
- Ensure the swift adoption of and the allocation of adequate funding to projects aiming at fighting human trafficking and providing assistance to child victims; and allocate enough human resources for their full implementation.

Prevention

28. The GoCR did not establish a child sex offenders registry, and it does not seem to impose travel restrictions on nationals that were convicted of sexual offences against children. However, it has consistently collaborated with international partners to bar registered foreign sex offenders from entering Costa Rica. At least 111 of them were reportedly denied access to the country from 2016 to September 2017.³⁸
29. In 2003, Fundación Paniamor created the Costa Rican Code of Conduct for the Protection of Girls, Boys and Teenagers from Sexual Exploitation in Travel and Tourism, in cooperation with professionals from the tourism industry. In 2010, the Costa Rican Tourism Institute and the National Chamber of Tourism signed an agreement to transform this initiative into a national programme endorsed by the authorities, and supervised by a Technical Secretariat coordinated by Fundación Paniamor. The Code of Conduct works as a voluntary self-regulation mechanism, under which signatory companies commit to take concrete measures to prevent SECTT.³⁹ As of 2018, 428 companies had subscribed to the Code of Conduct,⁴⁰ and 20 workshops and capacity building sessions have been scheduled to take place throughout the year.⁴¹ In parallel, a dedicated campaign (“*Sé un defensor*”) was initiated by the Costa Rican Tourism Institute to raise awareness about the Code of Conduct among local and international tourists.⁴² Fundación Paniamor and the Costa Rican Tourism Institute also launched the “Unforgettable Costa Rica” campaign in 2015. The latter aims at combatting the promotion of the country as a destination for SECTT, notably through targeted online posts to redirect potential sex offenders to a website informing them about the country’s determination to prosecute SEC.⁴³ Finally, in September 2018, Fundación Paniamor and the Costa Rican Tourism institute launched an Informative Guide to help tourism companies deal with suspected cases of SECTT. The document emphasises their responsibility to report any suspicious situation to the local authorities and not just deny their services to alleged offenders. In 2017 alone, five suspected cases of SECTT were reported from companies that had subscribed to the Code of Conduct.
30. The CoCR took part in several initiatives to prevent sexual abuse against children online. In 2015, it launched the Cri@TIC campaign in cooperation with Fundación Paniamor, the Institute of Psychological Investigations (IIP) and the University of Costa Rica. As part of this campaign, a dedicated website was created to inform parents about the dangers of the internet and to give them tools to protect their children online.⁴⁴ The GoCR also involved three mobile phone operators in this initiative so they could disseminate the campaign’s materials among their clients.⁴⁵ In September 2017, PANI, the Ministry of Education and Movistar Costa Rica launched another campaign to raise awareness among children and their parents about the dangers of the Internet, and to promote safe online practices. As part of this initiative, public servants from PANI and the Ministry participated in workshops on how to prevent offences like online grooming and “*sextorsion*”.⁴⁶ In May 2017, PANI also organised a

workshop (“*Conectados*”) in cooperation with the Organisation of American States to discuss measures and tools to ensure the protection of children’s rights online. Parents, public servants and representatives from Children and Youngsters Participative Councils, which bring together 1,670 children from all over the country, attended the event.⁴⁷ In addition, 260 public servants working with families will be trained on preventing OCSE as part of the “*e-mentores*” programme, which started in August 2018.⁴⁸

31. In November 2016, the GoCR joined the UN Blue Heart Campaign against Human Trafficking, and started disseminating messages and communication materials through the media to raise awareness about this crime among the general public.⁴⁹ CONATT also routinely organises workshops and events to sensitise the population to the issue of human trafficking, and these activities reached 25,674 persons in 2015.⁵⁰ Fundación Paniamor also reported high levels of awareness about human trafficking among public servants, which led to the elaboration of several strategies to tackle it at the local level. However, prevention efforts remain undermined by a general lack of awareness among communities, as well as by social acceptance towards prostitution. In addition, awareness raising campaigns have mostly been developed at the State level without involving local actors in prevention efforts; and social networks have so far not been used optimally to support these efforts.⁵¹ In March 2017, the GoCR started addressing these shortcomings by committing to launch a prevention campaign against SEC on social networks by the end of 2018 (Action 2.1.1 of the National Action Plan against SEC), and by involving Community Development Associations in the prevention of human trafficking.⁵² Fundación Paniamor also started working with these associations to sensitise them to this offence and promote the need to report it to the authorities.

Recommendations for the GoCR:

- Allocate enough funding to raise public awareness about all SEC manifestations, specifically among vulnerable groups, the general public and visitors, with a particular focus on promoting the need to report such offences; and put in place mechanisms to evaluate the effectiveness of awareness-raising and prevention operations;
- Invest in child empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk; and promote educational programmes to transform the cultural patterns that contribute to SEC;
- Establish a child sex offenders registry and put in place international travel restrictions for national child sex offenders.

Protection of the rights of child victims

32. Even though the GoCR does not run a dedicated and child-friendly hotline that would allow victims or individuals to report SEC-related crimes to the authorities, it committed to establish one by the end of 2018 (Action 1.2.2 of the National Action Plan against SEC). At the moment, this can be done through the General Emergencies (911) or the Police (117) hotlines, as well as through PANI’s website. PANI also runs a special hotline staffed by trained psychologists to handle calls from children (1,147), but it is only available from 7am to 10pm on weekdays. Even though the Office of the Public Prosecutor has a special unit to investigate crimes related to human trafficking, no similar mechanism appears to have been put in place to deal with SEC-related offences.
33. CONNAT operates an Immediate Response Team that intervenes whenever a case of trafficking is detected, and is responsible for referring the victims to the relevant protection institutions. CONNAT also assisted several Latin American countries in setting up similar units. In 2008, the GoCR adopted a special protocol to assist child and adult victims of sexual exploitation committed by adults,⁵³ which establishes the steps officials must take when faced with potential cases of SEC. A manual for the assistance of child victims of all forms of exploitation was also adopted in 2014,⁵⁴ along with a similar protocol for victims of child trafficking in 2017.⁵⁵ In September 2017, the Ministry of Health committed to train 188 staff throughout the country on how to prevent, identify and report SEC, and provide

adequate services to victims. The Social Security Service (CSSS) and the Ministry of Labour made similar commitments.⁵⁶

34. During the country's last UPR, Botswana recommended the GoCR to strengthen measures to combat trafficking in children, facilitate access to justice and enhance victim protection and assistance.⁵⁷ Egypt further recommended the country to facilitate access to justice and provide compensation for child victims, and enhance victim protection and assistance.⁵⁸ In April 2015, the Superior Council of the Judiciary issued Circular N°82-2015, which features guidelines to ensure an effective access to justice for all children and eliminate any type of discrimination, restriction or barrier that prevents them from exercising their rights. The right of victims to receive compensation from the perpetrators of punishable acts against them is covered by article 103 of the Penal Code.
35. During the country's last UPR, Germany recommended to GoCR to enforce the implementation of a comprehensive child protection system, especially for those suffering from violence, forced labour and sexual exploitation.⁵⁹ However, the country failed to fully implement this recommendation, as there are no dedicated structures to provide assistance to SEC victims. Indeed, the GoCR does not operate nor plans to build dedicated shelters for child victims of sexual exploitation, who receive care under the country's child protection system and are usually placed in institutions. However, these facilities do not provide tailored services for SEC victims.⁶⁰ In 2016, the head of PANI's Technical Management and coordinator of CONACOES stated that such shelters are not an adequate solution to the issue of sexual exploitation, as they make victims feel guilty; and suggested that families should be given the right tools to assist SEC victims themselves. She also informed that PANI did not have the necessary human resources to effectively address SEC.⁶¹ ECPAT International and Fundación Paniamor strongly deplore this position, as it clearly goes against vote 2008-15,751 of the Constitutional Chamber of the Supreme Court, which ordered PANI and the Ministry of Health to open dedicated shelters for SEC victims within 18 months in 2008.⁶²
36. Despite the lack of government-run dedicated shelters, PANI has been allocating a significant part of its budget to support local child rights NGOs (24.5% in 2015 and 19.1% in 2016), even though this financial assistance mainly focuses on prevention activities.⁶³ In 2016, a private organisation established a shelter for child victims of sexual exploitation aged 13 to 18. PANI reportedly refers some SEC victims to this centre and provides it with financial assistance.⁶⁴ Another local NGO, Fundación Rahab, has been raising money for several years to build a USD 2 million shelter for victims of trafficking and sexual exploitation.⁶⁵ It will reportedly be able to accommodate 60 children.⁶⁶ However, it is not expected to be operational any time soon, as the first phase of the project (which does not include the construction of dedicated units for child victims yet) has still to be completed.⁶⁷ Under the Chinchilla administration (2010–2014), the GoCR contemplated donating USD 6,000 through the National Woman Institute to support this project, but ultimately decided not to.⁶⁸
37. Article 71 of the Penal Procedure Code states that child victims of crimes have the right to benefit from special assistance and protection measures to facilitate their participation in the judicial proceedings and prevent further victimisation. Article 212 provides for special procedures to take into account the best interest of child victims or witnesses when receiving their statements, such as interrogating them in private or inside adapted rooms to avoid any contact between the child and the other parties to the proceedings. In addition, children can be assisted by their parents or specialised experts if necessary, and article 351 allows for the use of “technological means available” to record the statement of child witnesses. Furthermore, article 221 states that psychological or medical tests on a child victim must be conducted by a multidisciplinary team of trained professionals, ideally during one single session. The Prosecutor and the defendant's defence can attend the psychological assessment if it does not threaten the physical integrity of the victim, in which case the interview can be carried out in a separate room to avoid any contact between them and the child. Moreover, they are

not allowed to interrupt it, and can only communicate their observations to the interviewer, who remains competent to decide if and how he/she will raise them with the child. Finally, article 131 prohibits the media from capturing, by whatever means, court proceedings related to offences against children.

Recommendations for the GoCR:

- Ensure, as a matter of urgency, that enough government-run shelters for SEC victims are built, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc); or at least provide enough financial support to local NGOs that operate or work towards putting in place such facilities;
- Put in place mechanisms to ensure SEC child victims can fully exercise their right to seek compensation;
- Establish dedicated units in all the law enforcement agencies and prosecution offices to investigate and prosecute SEC; move forward with the creation of a child-friendly hotline to report SEC-related crimes.

¹ Sustainable Development Goal Targets 5.2, 8.7 and 16.2

² ECPAT prefers the term ‘*exploitation of children in prostitution*’ instead of ‘*child prostitution*’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 29, accessed on 27 March 2018, <http://luxembourgguidelines.org/>.

³ ECPAT prefers the term ‘child sexual exploitation material’ or ‘child sexual abuse material’ over the often in legal context still used ‘child pornography’ in line with the recently widely adopted Terminology Guidelines. ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, 39.

⁴ ECPAT International (2016), “*Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016*”, Bangkok: ECPAT, 54, accessed on 27 March 2018, <http://luxembourgguidelines.org/>.

⁵ The World Bank, “*Population, total – Costa Rica*”, accessed on 4 October 2018,

<https://data.worldbank.org/indicator/SP.POP.TOTL?end=2017&locations=CR&start=1960&view=chart>.

⁶ UNICEF (2017), “*The State of the World’s Children 2017; Children in a Digital World*”, 174, accessed on 21 September 2018, https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf.

⁷ Dirección General de Migración y Extranjería (2017), “*Diagnóstico del Contexto Migratorio de Costa Rica 2017*”, 15, accessed on 4 October 2018,

http://migracion.go.cr/integracion_desarrollo/Diagnostico%20Contexto%20Migratorio%20de%20Costa%20Rica%202017.pdf.

⁸ Ibid, 16.

⁹ UNICEF (2017), *Op. Cit.*, 171 & 182.

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