

Costa Rica - United States Department of State

COSTA RICA: Tier 2

The Government of Costa Rica does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government demonstrated increasing efforts compared to the previous reporting period; therefore Costa Rica remained on Tier 2. These efforts included investigating and convicting more traffickers under the trafficking provision of the penal code, increasing victim identification, reducing the backlog of trafficking cases, and disbursing a greater percentage of the allotted anti-trafficking budget. However, the government did not meet the minimum standards in several key areas. Disbursement of government-funded resources to address trafficking still fell short of allocations and remained insufficient overall. Civil society organizations reported authorities did not consistently implement referral mechanisms in an effective or timely manner or in coordination with them.

PRIORITIZED RECOMMENDATIONS:

Increase victim identification and referral, particularly in coordination and collaboration with civil society. • Increase disbursement of funds for victim services and provide specialized shelter and services for trafficking victims in partnership with civil society organizations. • Fund and implement the judicial action plan to improve the investigation and prosecution of trafficking cases. • Intensify efforts to investigate and prosecute trafficking offenses, and convict and punish traffickers. • Further reduce the backlog of trafficking cases in the judicial system. • Conduct thorough and transparent criminal investigations of alleged government complicity in trafficking offenses and prosecute, convict, and punish complicit officials. • Intensify efforts to investigate, prosecute, and convict child sex tourists and others who purchase commercial sex acts from child trafficking victims. • Provide increased anti-trafficking training for police, prosecutors, and judges. • Improve data collection on law enforcement and victim protection efforts. • Monitor and report the number of trafficking-related calls to existing hotlines.

PROSECUTION

The government maintained law enforcement efforts. Article 172 of the penal code criminalized sex trafficking and labor trafficking and prescribed penalties of six to 10 years' imprisonment for offenses involving an adult victim, and eight to 16 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape. The law defined trafficking broadly to include illegal adoption without the purpose of exploitation. In addition to Article 172, officials used trafficking-related offenses to prosecute trafficking cases, including aggravated pimping (Article 170) and coerced

pimping (Article 171), both of which prescribed penalties ranging from two to 10 years' imprisonment. Article 189 criminalized forced labor or services and prescribed penalties of six to 10 years' imprisonment.

Costa Rica had two police forces involved in trafficking investigations—the Judicial Investigation Police (OIJ) and the Professional Migration Police. The Attorney General's Office supervised both investigative units. The Attorney General's Office reported investigating 69 cases total—43 sex trafficking cases and nine labor trafficking cases (Article 172), six cases of aggravated pimping (Article 170), and 11 cases of forced labor or services (Article 189)—compared to 74 cases in 2018 (45 cases under Article 172, 18 under Article 170, and 11 under Article 189). The government initiated prosecutions against seven accused traffickers and convicted 15 traffickers under Articles 172, 189, and 170, compared to 12 traffickers prosecuted and 10 traffickers convicted in 2018. Traffickers received sentences ranging from nine to 45 years' imprisonment. In one case, judges sentenced a trafficker to 39 years' imprisonment on charges of sex trafficking, remunerated sex acts with a minor, and distribution of images depicting sex acts with minors. In another case, the court initially sentenced two traffickers to respective sentences of 300 and 19 years' imprisonment for child sex trafficking, but it significantly reduced the 300 years' sentence, and acquitted a third alleged trafficker. The government reported cases involving complicit officials but did not convict government employees complicit in human trafficking offenses. In one case, one of the five accused traffickers was a public official; the judge ruled her acts did not constitute trafficking, and she was convicted of a lesser charge of illicit receipt of goods. The government reported three previously reported cases involving complicit officials, one of whom awaited trial for trafficking crimes first investigated in 2011, remained ongoing. The government continued to investigate and prosecute individuals who paid child trafficking victims for commercial sex, resulting in four convictions in 2019, compared with 22 convictions in 2018 and three convictions in 2017; however, officials noted data was incomplete in previous years.

Prosecutors reduced, but did not eliminate, the backlog of criminal cases by convicting several traffickers in cases initiated during previous reporting periods. The Supreme Court had a judicial branch action plan, which prioritized capacity building and raising public awareness on how to identify trafficking, with a dedicated budget, but a funding technicality delayed implementation. The government provided anti-trafficking training to law enforcement, prosecutors, immigration officials, labor officials, educational professionals, and civil society members. The Attorney General's office collaborated with three foreign governments to build cases against two traffickers operating across national borders, and Costa Rican prosecutors supported foreign government officials' anti-trafficking casework.

PROTECTION

The government maintained victim protection efforts. The government identified 35 trafficking victims (14 sex trafficking, 11 forced labor, two for both sex trafficking and forced labor, four for both domestic servitude and sexual exploitation, and four for sexual servitude) under the trafficking law, compared to 20 in 2018 and 34 in 2017. Of those victims exploited in sexual servitude, it was unclear whether the circumstances qualified as trafficking under international law. Nineteen of the victims were Costa Rican, 12 were Nicaraguan, one was Salvadoran, one was Venezuelan, one was Dominican, and one was Cuban. Through a specialized inter-institutional body, the Immediate Response Team (ERI), the government provided initial services to all 35 reported victims, as well as their dependents.

The National Coalition against Illicit Smuggling and Trafficking of Migrants (CONATT) provided services to 48 victims, including those identified in 2019 and previous years, as did the Office of Attention and Protection of Crime Victims. The National Women's Institute (INAMU) provided care to 31 female victims of trafficking. It was unclear how many victims received services from more than one provider. Law enforcement and immigration authorities used written procedures for identifying victims among vulnerable groups, such as migrants and individuals in prostitution, and referred identified victims to CONATT to coordinate service provision. Public officials used the "Institutional Protocol for the Care of Minors and Survivors of Trafficking in Persons" and the "Interagency Manual of Attention of Minors in Sexual Trafficking, Child Labor, and Dangerous Work" which established the steps officials must take when identifying a possible case of trafficking.

The government provides victims with access to healthcare providers, psychological services, legal counsel, financial aid, law enforcement liaison, and other services, including detoxification treatment, as required. CONATT coordinated emergency, short-term, and long-term assistance to victims. ERI, a CONATT commission, arranged short-term services for newly identified victims, including shelter, food, and medical care. CONATT favored housing victims in a network of safe houses but also managed an on-site emergency shelter dedicated to trafficking victims. The government also placed victims in a safe house operated by civil society, or a longer-term shelter for women and children. Authorities infrequently referred victims to NGO facilities. The government did not provide dedicated shelters to male trafficking victims, although the emergency shelter and safe houses could accommodate male victims, and the government worked to ensure male victims received adequate services. The government assisted minor victims through a dedicated network of shelters for minors and a government-funded NGO. Authorities had the discretion to refer victims to services on a case-by-case basis; not all victims received the same level of protection. Civil society organizations reported authorities did not always implement referral mechanisms in an effective or timely manner and recommended the government provide transportation for victims to institutions providing assistance. Through the National Anti-Trafficking in Persons and Smuggling of Migrants Fund (FONATT), the government reported 1.4 billion colones (\$2.46 million) of anti-TIP expenditures in 2019. FONATT disbursed 172 million colones (\$302,000) to provide services for identified victims, compared to 429.6 million colones (\$754,000) to fund trafficking victim services in 2018 and 132 million colones (\$232,000) in 2017. In 2019, the government reported there were additional expenses stemming from emergency service provision and initial contact and care for potential victims in 2019, but it could not specify the funds disbursed. The child welfare agency provided direct funding and a per-victim subsidy for identified victims to an NGO-run shelter for child victims. The government also directed 171.5 million colones (\$301,100) to NGOs providing services to trafficking victims in 2019, compared to 160.3 million colones (\$281,400) in 2018 and 97.4 million colones (\$171,000) in 2017. Observers reported failure to disburse all of the allocated resources hindered the country's ability to address its trafficking problem, despite dedicated government resources to anti-trafficking efforts, including victim services. Costa Rican law allowed victims to obtain temporary residency status and work permits, leave the country, file civil suits against their traffickers, and provide testimony outside of court proceedings. Authorities granted some victims temporary residency status and work permits in 2019, but did not specify how many, compared to 10 victims in 2018. Victims could testify outside of court proceedings, but authorities did not report the number of victims who did so in 2019. The government facilitated the repatriation of two victims in 2019, compared to two in 2018.

PREVENTION

The government maintained prevention efforts. CONATT, chaired by the Migration Authority, integrated and coordinated anti-trafficking efforts among 22 public institutions, key NGOs, and international organizations, and maintained sub-commissions focused on attention to victims, prevention, justice, investigation and analysis, and project management. CONATT met periodically to review progress in the areas of research, protection, prevention, and prosecution; it presented a quarterly public report on its accomplishments. During the reporting period, CONATT drafted and approved a 2020-2030 national action plan with technical support from IOM, but the Government Council had not yet approved it. The government disbursed 171.5 million colones (\$301,000) for prevention programming and 1.37 billion colones (\$2.4 million) for other anti-trafficking events and projects in 2019. The government engaged in multiple awareness-raising programs, including advertisements, a binational fair and walk with Panama, workshops, symposia, and training for community and business leaders on how to identify and prevent trafficking. The government operated a hotline to receive confidential criminal complaints, but did not report the number of calls related to potential trafficking and pimping cases in 2019; there were approximately such 100 calls in 2018. The Judiciary Police also operated the 9-1-1 hotline available for general crime reporting but did not specifically report receiving trafficking calls through that mechanism. The government educated labor recruiters for international and domestic businesses about the consequences of violating the anti-trafficking regulations but did not report investigating or penalizing any labor recruiters for illegal practices that contribute to trafficking. The government raised awareness of child sex tourism, utilized a national tourism program that incorporated the international code of conduct related to commercial sexual exploitation in the travel and tourism industry, and provided training workshops on trafficking for tourists, tourism students, and sector employees. The government made efforts to reduce the demand for commercial sex acts. In addition to prosecuting and convicting individuals that paid child trafficking victims for commercial sex, the government made efforts to reduce the demand for participation in international sex tourism by working in collaboration with international partners to deny entry to 72 foreign-registered sex offenders who attempted to travel to Costa Rica as tourists in 2019.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Costa Rica, and traffickers exploit victims from Costa Rica abroad. Traffickers subject Costa Rican women and children to sex trafficking within the country, with those living in the Pacific coastal zones and near the northern and southern borders being particularly vulnerable. Authorities suspect adults use children to transport or sell drugs; some of these children may be trafficking victims. Traffickers exploit LGBTI persons, including transgender persons, in sex trafficking. Women and girls from Nicaragua, the Dominican Republic, and other Latin American countries have been identified in Costa Rica as victims of sex trafficking and domestic servitude. Traffickers subject migrant men, women, and children, primarily from Nicaragua, to forced labor in agriculture and domestic service or sex trafficking. Criminal organizations recruit and entice homeless individuals to smuggle contraband into prisons for the purpose of further criminal activity. Traffickers prey on migrants, some en route to the United States, from other Central American

countries, the Caribbean, China, and South America. Indigenous Panamanians are vulnerable to forced labor in Costa Rica's agricultural sector. Child sex tourism is a serious problem, with child sex tourists arriving mostly from the United States and Europe.