



Convention on the Rights of the Child

Distr.

GENERAL

CRC/C/OPSC/CRI/Q/1

6 October 2006

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Forty-fourth session

15 January-2 February 2007

OPTIONAL PROTOCOL ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

List of issues to be taken up in connection with the consideration of the initial report of COSTA RICA (CRC/C/OPSC/CRI/1)

Under this section the State party is requested to submit in written form additional and updated information, if possible, before 24 November 2006.

1. Please provide (if available) statistical data (including by sex, age groups, urban/rural areas) for the years 2003, 2004, and 2005 on:

(a) The number of reported cases of sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution, withdrawals and sanctions for perpetrators;

(b) The number of children trafficked to and from Costa Rica as well as trafficked within the country;

(c) The number of child victims provided with recovery assistance and compensation as indicated in articles 9.3 and 9.4 of the Protocol.

2. Please provide more information on measures taken to set up a functional mechanism of data collection on the issues covered by the Optional Protocol.

3. Act No. 7899 entitled "Law against commercial sexual exploitation of minors" and revising a number of articles in the Penal Code was adopted in 1999, before Costa Rica's ratification of the Optional Protocol in 2002. In this respect, please indicate whether other steps have been taken to ensure that Costa Rican criminal law is in full compliance with articles 2 and 3 of the Optional Protocol. In particular, please indicate:

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(a) What the status is of the bill that would criminalize possession of pornographic material mentioned in paragraphs 37 and 246 of the State party's report;

(b) Whether, besides the prohibition of disseminating pornographic material to minors (article 174 of the Penal Code), there is also a provision prohibiting dissemination of child pornography (and not just selling as in article 173 of the Penal Code);

(c) Whether there is a provision expressly prohibiting the sale of children (*venta*) for all the purposes indicated in article 3, paragraph 1 (a), of the Optional Protocol.

4. Please indicate whether under the current legislation, Costa Rican courts can prosecute a Costa Rican national who has committed abroad a crime covered by the Optional Protocol (e.g. in case of crimes related to sex tourism committed by a national of Costa Rica abroad). Furthermore, please elaborate on the proposal No. 14204 to amend article 6 of the Criminal Code to establish extraterritorial jurisdiction over sexual offences against minors; e.g. whether under this amendment a person **I** regardless of his/her nationality **I** could be prosecuted in Costa Rica for offences covered by the Optional Protocol committed abroad if he/she is in the State party's territory.

5. In the light of paragraph 112 et seq. of the State party's report, please clarify whether child victims of the acts covered by the Optional Protocol are always treated as such, or there are cases where they may be criminalized and/or sanctioned.

6. Please update the Committee on the status of the joint project of the National Child Welfare Agency and UNICEF to draft basic

guidelines for a national policy to eliminate commercial sexual exploitation of children mentioned in paragraph 141 of the report.

7. Please indicate the status of:

(a) The bill submitted for Congress' approval on the seizure and confiscation of the proceeds from the crimes of procuring, smuggling or trafficking in minors for the purpose of sexual exploitation or the production and dissemination of child pornography;

(b) The proposal made to criminalize all forms of internal and cross-border smuggling or trafficking in persons.

8. Please indicate whether special training, particularly legal and psychological, is provided to persons working in the area of recovery and social reintegration of child victims of the offences under the Optional Protocol.

Notes