

**Committee of the Parties to the
Council of Europe Convention against
Trafficking in Human Organs (CETS No. 216)
(SANTIAGO DE COMPOSTELA COMMITTEE)**

Questionnaire for the 1st thematic monitoring round:

**Prevention and awareness mechanisms to counter
trafficking in human organs (THO)¹**

As adopted by the Santiago de Compostela Committee on the 3rd December 2024

Replies should be addressed to the Santiago de Compostela Committee Secretariat
(organtrafficking@coe.int)

by **30 May 2025**

¹ Theme adopted by the Committee at its plenary meeting on 26 October 2023.

NAME OF THE COUNTRY	COSTA RICA
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Please specify which state bodies/authorities (and, at the discretion of the country, where relevant, civil society and external contributors) contributed to responding to this questionnaire.

- **Body/authority responsible for collecting the replies:**

- **State bodies/agencies (where relevant, civil society and external contributors) that contributed to responding to this questionnaire:**

Introduction

1. [The Council of Europe Convention against Trafficking in Human Organs](#) (the Convention) which entered into force on 1 March 2018, requires the criminalisation of offences set out in the Convention in Articles 4-8. It sets out that states, in Europe and beyond, shall adopt specific legislation to prevent and combat the trafficking in human organs by criminalising certain acts, protecting the rights of victims of the offences established under the Convention, and promoting national and international co-operation.
2. The Committee of the Parties to the Convention (also known as the “Santiago de Compostela Committee”), established to monitor whether Parties effectively implement the Convention (Rule 26 of the Committee’s Rules of Procedure), decided that:

“3. The monitoring round shall be initiated by addressing a questionnaire on the implementation of the relevant provisions of the Convention with respect to the selected theme. The Parties shall respond to the questionnaire within the time limit set by the Santiago de Compostela Committee.”

3. As prevention and awareness is key to preventing and combating the trafficking in human organs the Santiago de Compostela Committee decided that the first monitoring round would focus on the “Prevention and awareness mechanisms to counter trafficking in human organs”.²
4. On 3rd December 2024, the Santiago de Compostela Committee adopted this thematic questionnaire. Its purpose is to collect specific information on how Parties implement the Santiago de Compostela Convention with respect to the prevention and awareness mechanisms to counter trafficking in human organs. The replies to the questionnaire

² Committee of the Parties of the Convention against Trafficking in Human Organs (Santiago de Compostela Committee), *List of decisions*, 4th Plenary Meeting (25-26 October 2023), T-THO (2023) LD2, paragraph 6.2.

will be assessed against the related background information provided by the Parties when answering the “General Overview” questionnaire on the implementation of the Santiago de Compostela Convention (hereinafter “Country Profile Questionnaire” or “CPQ”), and any other relevant information from reliable sources.

5. It is recalled that, in accordance with Rule 27 of the Committee’s Rules of Procedure:

*“(…) 2. The secretariat shall address such questionnaires to the Parties through the member in the Santiago de Compostela Committee representing the Party to be monitored and who will act as “contact point”.
3. Parties shall coordinate with their respective domestic authorities to collect replies, which shall be submitted to the secretariat in one of the official languages of the Council of Europe within the time limit set by the Santiago de Compostela Committee. The replies to the questionnaires shall be detailed, as comprehensive as possible, answer all questions and contain all relevant reference texts. The replies shall be made public, unless a Party makes a reasoned request to the Santiago de Compostela Committee to keep its reply confidential.
4. The Santiago de Compostela Committee may also receive information on the implementation of the Convention from non-governmental organisations and civil society involved in preventing and combating trafficking in human organs, in one of the official languages of the Council of Europe and within the time limit set by the Santiago de Compostela Committee. The secretariat transmits these comments to the Party or Parties concerned.
5. The secretariat may request additional information if it appears that the replies are not exhaustive or are unclear. Where warranted, with the consent of the Party or Parties concerned and within the limits of budgetary appropriations, the Bureau may decide to mandate an on-site visit to the Party or Parties concerned to clarify the situation. The Bureau shall establish guidance as to the procedure governing the on-site visits pending any official guidelines agreed by the Santiago de Compostela Committee.”*

PRELIMINARY REMARKS

6. The questions in this questionnaire are grouped around Article 21, paragraphs 1 and 2 of the Santiago de Compostela Convention concerning issues of preventive actions, data collection and exchange of information, training to healthcare professionals and relevant officials, and promotion of awareness-raising campaigns addressed to the general public.
7. This thematic questionnaire does not seek to collect information on the general legislative and institutional framework established by Parties to implement the Convention. Article 21, paragraphs 1, and 2 are aimed at providing for transparency in domestic transplantation systems of human organs, equitable access to transplantation services for patients, and adequate collection, analysis and exchange of information related to the offences covered by this Convention in cooperation between relevant authorities. This article also aims at strengthening the training of healthcare professionals and relevant officials and at the promotion of awareness-raising campaigns addressed to the public. This questionnaire focuses more narrowly on practical measures taken to prevent and combat against trafficking in human organs and includes highlighting protocols to identify and report trafficking in human organs, training programmes aimed at preventing this activity, and raising awareness for patients and other groups.

8. Responses to this thematic questionnaire will be understood against the background information submitted by Parties in reply to the CPQ. Whenever warranted, Parties are invited to refer to such information. Where questions overlap between the CPQ, and this questionnaire, the replies to the latter will be assessed by the Committee to prepare its implementation reports of the Convention concerning the monitoring theme.
9. If there are differences with the information provided in response to the CPQ and the 1st monitoring round, Parties are kindly requested to specify which State bodies/agencies and, where relevant, NGOs, contributed to responding to this questionnaire.
10. Parties are kindly requested to specify whether the measure in criminal law, administrative law, and/or whichever other measure is involved when responding to each question and each part of the question.
11. Parties are kindly requested to:
 - a. answer the questions regarding central, regional and local levels, to the extent possible. Federal states may, with respect to their sovereign entities, answer the questions in a summarised way;
 - b. provide the relevant text for the relevant provision (or a summary thereof), in English or French only, whenever questions/answers refer to legislation or other regulations.

Chapter V – Prevention measures

Article 21 – Measures at domestic level

1. Each Party shall take the necessary legislative and other measures to ensure:
 - a. the existence of a transparent domestic system for the transplantation of human organs;
 - b. equitable access to transplantation services for patients;
 - c. adequate collection, analysis and exchange of information related to the offences covered by this Convention in co-operation between all relevant authorities.
2. With the aim of preventing and combatting trafficking in human organs, each Party shall take measures, as appropriate:
 - a. to provide information or strengthen training for healthcare professionals and relevant officials in the prevention of and combat against trafficking in human organs;

- b. to promote awareness-raising campaigns addressed to the general public about the unlawfulness and dangers of trafficking in human organs.

Explanatory Report

Chapter V – Prevention measures

Article 21 – Measures at domestic level

125. The purpose of Article 21 is to prevent trafficking in human organs by obliging Parties to address some of its root causes. Hence Parties shall in accordance with paragraph 1 ensure the existence of a transparent domestic system for the transplantation organs; equitable access to transplantation services for patients, and finally, adequate collection, analysis and exchange of relevant information pertaining to trafficking in human organs between all relevant domestic authorities. Parties may wish to consider the provisions of Articles 3 – 8 of the Additional protocol to the Convention on Human Rights and Biomedicine concerning Transplantation of Organs and Tissues of Human Origin, when reviewing their current transplantation systems in the light of this Article.

126. The issue of “transparency” is important, because it reduces the risk of illicitly removed organs being introduced into the legitimate domestic transplantation system. “Equitable access to transplantation services” means that Parties should ensure a “level playing field” in terms of the allocation of organs for all patients awaiting implantation. Ensuring a strong cooperation between the many different competent authorities involved in combatting trafficking in human organs is a prerequisite for achieving any measure of success. In this respect, the negotiators decided to put special emphasis on the collection, analysis and exchange of information between these authorities, thus enabling them to take timely action to prevent the crimes set out in the Convention.

127. Paragraph 2, letter a, obliges Parties to take measures, as appropriate, with regard to providing information and strengthening training, e. g. on how to detect indications of trafficking in human organs, for healthcare professionals and relevant officials. According to letter b, Parties are furthermore obliged to promote, as appropriate, awareness-raising campaigns addressed to the general public on the unlawfulness and dangers of trafficking in human organs.

Identifying and reporting of THO

This section aims to collect information on internal protocols to identify trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 1.

Which legislative, policy, strategic, and other measures have been taken to develop and implement protocols to facilitate the identification of trafficking in human organs and other forms of illicit removal and illicit transplantation³:

By those involved in the supply, procurement and transplantation programmes (both public and private agents

Costa Rica has developed protocols under the authority of the Ministry of Health and the Technical Executive Secretariat of Donation and Transplantation (SETDT) to ensure transparency in the donation and transplantation system, including the identification of illicit practices. The regulatory framework is governed by Law 9222 and the Penal Code, which were amended to include crimes related to trafficking in human organs. Public and private actors involved in procurement and transplantation are subject to national regulation and oversight.

Question 2.

Specify legislative, policy, strategic, and other measures that have been taken to ensure transparency and fairness in the domestic system for the transplantation of organs:

- a. Please state if there is an audit of the donation and transplants, and the transplantation system.

Yes, the national transplantation system is subject to ongoing audits through regulatory oversight conducted by the Ministry of Health via the Technical Executive Secretariat of Donation and Transplantation (SETDT).

- b. If so, is this an independent audit, whether internal or external to the organisation?

The audit is conducted internally within the Ministry of Health by the SETDT, which holds the exclusive legal mandate to regulate, authorize, and oversee donation and transplantation processes in Costa Rica.

- c. Does the audit have as an aim the identification of weaknesses in systems that hinder or do not facilitate the detection and reporting of suspected offences contained in articles 4 to 8, and 9 in this Convention?

Yes. The objective of the audit is to ensure compliance with the national standards set forth by SETDT, including the identification of weaknesses in donation and transplantation practices that could compromise ethical standards, transparency, or legality. These standards apply to both living and deceased donor procedures and seek to prevent irregularities in the allocation and use of human organs and tissues.

- d. Please state the frequency of such audits

³ “other forms of illicit removal and illicit transplantation” has the meaning provided by paragraph 20 of the Explanatory Report and by Article 4, paragraph 4, and Article 6 of the Convention.

Auditing is conducted on a continuous basis, primarily through the use of the National Organ Donation and Transplant System of Costa Rica (SINADOC), which records all patients awaiting transplantation, organ distribution events, and transplant procedures.

e. **Are the audits mandatory or voluntary?**

Audits are mandatory. Compliance with SETDT regulations and use of the SINADOC system is compulsory for all authorized public and private hospitals and transplant physicians nationwide. The Ministry of Health enforces these standards as per Law No. 9222 on the Donation and Transplantation of Human Organs and Tissues.

Data Collection, Analysis, and Exchange of Information

This section concerns the effective collection, collation, and analysis of data, and exchange of information related to the offences covered by this Convention between all relevant authorities that support the identification and prevention of trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation.

Question 3.

- a. Which legislative, policy or other measure mandates and supports the collection, collation, analysis of data and the exchange of information between authorities in order to enable them to take timely actions to prevent the crimes set out in this Convention? Legislative and policy measures that mandate and support the collection, collation, analysis of data, and exchange of information are established primarily through two national laws: Law No. 9222 (Law on the Donation and Transplantation of Human Organs and Tissues) and Law No. 9095 (Law against Trafficking in Persons and Creation of the National Coalition against Migrant Smuggling and Human Trafficking – CONATT). The latter explicitly includes trafficking in persons for the purpose of illicit organ removal. Additionally, Article 377 bis of the Penal Code criminalizes the illicit trafficking, possession, transportation, sale or purchase of human organs, tissues and fluids, reinforcing the obligation to detect and report such acts.
- b. Please indicate if there is a system in place to collect, collate and analyse data relating to offences covered by this Convention. When did this system begin to operate? Yes, Costa Rica has an operational system in place. The SINADOC (National System for Organ Donation and Transplantation) is used to collect and record all information related to the waiting list, organ distribution, and transplantation processes. Although initially designed for clinical and operational transparency, it supports oversight and detection of irregularities. The system has been operational since the implementation of Law 9222 and is continuously updated, with plans to integrate modules for traceability and graft survival.
- c. Which authority has the primary responsibility for the collection, collation and analysis of data specific to offences covered by this Convention?

The Ministry of Health, through its Technical Executive Secretariat for Donation and Transplantation (SETDT), holds primary responsibility for collecting, collating and analysing data related to organ donation and transplantation.

- d. Which authority is responsible for the preparation and dissemination of such reports?
The SETDT is also responsible for preparing and disseminating technical and operational reports derived from the data registered in SINADOC.

- e. Are reports shared with all relevant authorities? Please also include the frequency of such reporting.

Yes, the reports are shared with relevant national authorities. The frequency of such reporting is periodic and can be increased based on needs or specific institutional reviews.

- f. Which authorities are involved in the exchange of information and reports?

The main authorities involved in the exchange of information and reports are the Ministry of Health (through SETDT), the Public Ministry, and CONATT (National Coalition), which is an interinstitutional body composed of public and civil society organizations.

- g. Do any relevant authorities not share data? If so, please specify the legal reason for not doing so.

No relevant authorities are currently exempt from data-sharing responsibilities. Law No. 9095 imposes a legal obligation on all public officials and members of CONATT to report any reasonable suspicion of trafficking in persons, including for the purpose of organ removal, to law enforcement or the Public Ministry.

- h. Do the measures and systems permit the exchange of information with relevant authorities in different countries (at both the national and international levels)? If so, please indicate whether there is a designation of a single contact point for this exchange.

Yes, the legal and technical frameworks allow for international cooperation and information exchange. CONATT serves as the national coordination mechanism and can act as a liaison with international bodies. For clinical matters related to transplantation, the Ministry of Health and SETDT are designated contact points for international exchanges.

Prevention and Training

This section aims to collect information on policies, strategies, plans and activities to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and transplantation. The questions concern all those whose responsibilities it is to procure and supply human organs for human transplantation and those whose responsibilities it is to prevent and combat the aforementioned activities.

Question 4

Which legislative, policy, strategic and other measures have been taken to provide training to prevent the trafficking in human organs for purposes of transplantation and other purposes, and other forms of illicit removal and illicit transplantation to:

- a. those involved in all the stages included in the process of the procurement, supply, and transplantation programmes (both public and private agents)?

All individuals involved in the procurement, supply, and transplantation process, from both public and private sectors, receive training under the framework of CONATT. This training emphasizes the legal framework, detection of trafficking indicators, ethical standards, and mandatory reporting obligations. These actions are coordinated in alignment with the regulatory oversight of the Ministry of Health and the SETDT.

- b. Specialist doctors who monitor and treat recipients whose transplant has been performed in another country outside their usual place of residence?

Specialist physicians responsible for follow-up care of patients who have received organ transplants abroad are also included in awareness and training efforts. These trainings focus on recognizing red flags and irregularities that may suggest involvement in illicit transplant tourism or undocumented transplantation processes.

- c. Other immunology services that perform donor-recipient histocompatibility studies for human organ transplantation?

Immunology laboratories and services conducting donor-recipient compatibility testing are required to comply with technical standards set by SETDT and receive orientation to ensure traceability and transparency in all test processes.

- d. other logistical services, including transportation, for human organs for transplantation?

Law No. 9222 establishes detailed technical requirements for the transportation of organs and tissues. For cases involving the importation of human tissues, it is the SETDT that verifies compliance with entry requirements and grants the necessary authorizations. Training is also provided to logistics personnel to ensure compliance with biosecurity, documentation, and traceability protocols.

- e. allied healthcare professionals and officials, law enforcement, customs/border surveillance services, and the regulatory authorities providing oversight of the human organ transplantation authority?

Allied healthcare workers, police officers, migration and customs agents, and officials from regulatory bodies are incorporated into national training strategies. These are financed through institutional budgets and complemented by resources from the National Fund against Human Trafficking and Migrant Smuggling (FONATT), which is sustained by a levy on departure taxes.

- f. Specialised criminal investigation units/bodies in the investigation of offences covered by this Convention?

Specialized criminal investigation units receive focused training to investigate offences related to organ trafficking, in coordination with the Public Ministry and judicial police (OIJ), particularly under Article 377 bis of the Penal Code. This multidisciplinary approach aims to ensure adequate response capacity at both the health and justice levels.

Question 5

Are there any oversight programmes to assess the frequency and effectiveness of the training provided? If so, are there revision programmes to ensure remedial actions for any deficiencies identified?

Oversight mechanisms exist under the Ministry of Health, which is a member of the National Coalition against Migrant Smuggling and Human Trafficking (CONATT), to review training programmes.

Awareness Raising

This section concerns awareness-raising programmes aimed at identifying measures for educating the general public, and civil society, on the risks and unlawfulness of trafficking in human organs.

Question 6

Please elaborate on the strategies, policies and other measures that have been planned or implemented:

- a. To educate the general public on risks associated with the trafficking in human organs.
In Costa Rica, efforts to educate the general public on the risks associated with trafficking in human organs are integrated into the annual observance of **National Donation Week**, celebrated during the second week of June. This nationwide campaign includes a series of educational and outreach activities designed to inform the public about the dangers and illegality of organ trafficking and to promote ethical and voluntary organ donation practices.
- b. To encourage civil society, including patients' associations, academia, publishers, media, online platforms, industry, and other relevant organisations, to engage in
 - a. raising public awareness campaigns, and, or
 - b. the promotion of awareness-raising measures provided by public authoritieson the unlawfulness and dangers of trafficking in human organs for human transplantation.

These activities actively involve **civil society**, including patient associations, academic institutions, healthcare professionals, and other stakeholders. Through their participation in National Donation Week and other outreach events, these actors contribute to public awareness campaigns and help disseminate information provided by public authorities regarding the illegality and dangers of trafficking in human organs for transplantation purposes.

- c. To raise awareness of media, including social media and e-commerce platforms, and other virtual sites that facilitate information linking potential donors and recipients of human organs for transplantation of the illegality of illicit solicitation, recruitment, offering and requesting of undue advantage, including the making of a financial gain or other comparable advantage.

Communication strategies include the use of traditional and digital **media platforms**, including social media and online channels, to disseminate key messages. These efforts aim to counter misinformation and raise awareness of the legal prohibitions against illicit solicitation, recruitment, and any undue advantage—including financial gain—related to organ donation. Messaging emphasizes that any exchange of organs for compensation is strictly prohibited by law and that donation must be an altruistic, voluntary act.

Question 7

Are there national oversight measures adopted to assess the effectiveness of awareness campaigns carried out by the institutions/organisations, whether public or private? If so, please specify.

In Costa Rica, follow-up of awareness campaigns is generally conducted within institutional frameworks through post-campaign reviews, activity reports, and coordination meetings among key actors, such as the Ministry of Health (through SETDT) and CONATT member institutions. These reviews assess the reach, engagement, and message consistency of the campaigns.

Although there is no specific national tool exclusively designed to evaluate the effectiveness of awareness campaigns related solely to organ trafficking, some indicators such as public participation levels, media coverage, and feedback from civil society organizations are considered qualitatively during inter-institutional planning and debriefing processes. Additionally, the use of digital metrics (e.g., views, shares, comments on social media) is increasingly used to inform future improvements.

The Ministry of Health and SETDT aim to strengthen evaluation methods by integrating feedback mechanisms and impact indicators into future educational strategies on organ donation and trafficking prevention.