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Costa Rica's Campaign Against Organized Crime Includes Crackdown on Human Trafficking

by George Rodriguez

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In its effort to counter organized crime, and as a Central American nation that is at the same time a destination, passing-through route, and source for trafficking in people, Costa Rica is striving to curb this illegal activity on which it has focused particular attention.

In one of its most recent moves, Costa Rica put into force tough legislation, reforming the country’s penal code and setting prison terms ranging from three to 23 years for those directly or indirectly responsible for the crime and related activities.

The Ley Contra la Trata de Personas y Creación de la Coalición Nacional was passed last Oct. 8 by the unicameral Asamblea Legislativa (AL), signed Dec. 3 by Costa Rica’s President Laura Chinchilla, and put into force last month, after it was published in the Diario Oficial La Gaceta on Feb. 8.

It all dates back to 2000 when the UN Convention against Transnational Crime and its three protocols were signed in the southern Italian city of Palermo, the capital of Sicily, and are thus known as the Palermo Convention and the Palermo Protocols.

The convention and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, the Protocol against the Smuggling of Migrants by Land, Sea and Air, and the Protocol against the Illicit Manufacturing and Trafficking in Firearms contain elements of present international legislation on human and arms trafficking as well as on money laundering.

The four palermitano documents are under the jurisdiction of the UN Office on Drugs and Crime (UNODC), and one aspect of organized crime they cover is, precisely, trafficking in persons.

Efforts acknowledged by US

That year, and, as a result of being a signatory of the convention and its protocols, Costa Rica began the process leading to the law—and thus to a better standing in the US State Department’s yearly world ranking in 2012.

In 2002, Costa Rica ratified the convention and its protocols, and three years later a decree set up the Coalición Nacional contra el Tráfico Ílicito de Migrantes y la Trata de Personas (CONATT), whose technical secretariat was entrusted to this country’s Dirección General de Migración y Extranjería (DGME).

The coalition is a multi-institutional body whose aim is to promote, implement, follow-up, and evaluate public policy to prevent trafficking, assist and protect victims, and go after and punish those responsible for the crime.

Coalition members also include the Caja Costarricense de Seguro Social (CCSS), Instituto Nacional de las Mujeres (INAMU), Patronato Nacional de la Infancia (PANI), and security institutions such as the Dirección de Inteligencia y Seguridad Nacional (DIS), Ministerio de Seguridad Pública (MSP), and Organismo de Investigación Judicial (OIJ), as well as various ministries.
As Freddy Montero, the DGME interim director, told NotiCen, one of the first actions by the Chinchilla administration was to create, in 2010, the OIJ, made up of seven officials working in coordination with the Fiscalía General de la República and the Policía Profesional de Migración.

Within the coalition, debate began about the need to have a law and a draft was written with input from several work committees. A text was presented early last year to the Asamblea Legislativa’s Comisión de Seguridad. The law was passed in October, signed two months later by the president, and went into force last month.

Among other things, it ratified the coalition and established a broad concept of trafficking—ranging from prostitution, sexual or labor exploitation or servitude, slavery or similar situations, and forced labor or services to illegal extraction of organs and irregular adoption—affecting people regardless of their gender. It describes trafficking as "the entry or exit from the country or the transfer, within national territory, of persons" with the aim of having them perform any of those actions.

**Increased airport exit tax funds anti-trafficking efforts**

The law also created a fund for the prevention of trafficking, by raising the airport exit tax from US$28 to US$29, a measure that is supposed to provide a yearly US$2.5 million to US$3 million to cover "administration and operation expenses for prevention, investigation, pursuit, and detection" of trafficking and "for integral assistance, protection, and social reinsertion of victims." Also, "for comprehensively combating the crime of illegal trafficking of migrants," as it is stated in Article 53 of the law’s 89 articles contained in 12 chapters and 57 pages.

Montero said victims of trafficking in people "tend to be persons with high vulnerability: low education, broken social patterns, poverty, lack of formal education."

"All this makes a certain population group highly sensitive to false promises" of well-paid work, which are presented "as easy and fast ways out of concrete and real problems people are in," added the official. "But in the end they turn out to be a lie and are instead a way to twist those people’s will, forcing them into a situation they don’t want to be in."

"We’ve seen this, also, in certain cultures, related to debt, family debt…cases of persons from Asia being trafficked because parents owe money to a third person, and, seeing it impossible to pay, their children are handed over in servitude—for 20, 30, 40 years—to work and pay the debt," Montero explained. "This is a very delicate situation, because you’re talking about a person living under the same roof but who is actually not a member of the family, but a slave."

Official DGME figures indicate that, since 2010, some 96 people have been registered as victims of trafficking in Costa Rica, 28 of whom chose not to be repatriated while the rest opted to be sent back to their country of origin.

Regarding this crime, "Costa Rica is a place of origin, transit, and destination," Montero said. "Of origin, because there are also situations of trafficking of Costa Ricans inside Costa Rica, for example, a person living in a rural area…taken to a tourism area to be eventually exploited. There are also cases of [Costa Rican women and men] who…go abroad, where they can also live under those circumstances, and cases of foreigners who pass through, in which Costa Rica is a point, so to say, to rest…in transit. It is also a destination for people who come here from a specific country in Asia or in Eastern Europe or in Latin America. What happens is that, so far, trafficking in foreigners has been more visible."
Several such cases have been dealt with according to the new Ley de Migración, in force since 2010, which includes the "victim of trafficking" category for foreigners. "So, even if undocumented in Costa Rica, if a person is registered as a victim of trafficking, we can grant them a migrant category in the country for protection. We've done it," said Montero.

Costa Rica's efforts in countering this crime have improved its standing with the US, as reflected in the State Department's yearly "Trafficking in Persons Report," which groups countries in four categories according to their standards regarding trafficking.

Tier 1 includes countries whose governments fully comply with the US Trafficking Victims Protection Act's (TVPA) minimum standards, while Tier 2 is those countries not fully complying with the minimum standards but "making significant efforts to bring themselves into compliance with those standards," the report states.

Then comes the Tier 2 Watch List for governments similar to those in the second category but whose "absolute number of victims of severe forms of trafficking is very significant or is significantly increasing," or where "there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year." The list also includes cases where "the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year."

The Watch List is followed by Tier 3, for "countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so."

In 2011, Costa Rica was on the Watch List, but by last year's report it had made its way up to Tier 2, because, although "not fully" complying with the minimum standards, its government "is making significant efforts to do so."

From 2011 to 2012, among other actions, "the government...increased anti-trafficking training for government officials, granted several foreign victims temporary residency status with permission to work, and strengthened prevention efforts," added the report. "Although authorities provided services to trafficking victims through programs focused on general victims of crime or vulnerable children, specialized services for trafficking victims remained uneven, and the government did not fund dedicated shelters for trafficking victims. Prosecution efforts remained weak, and some officials conflated human trafficking with smuggling."

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