



Determining who to charge with the  
crime of smuggling of migrants: who is  
and who is not a migrant smuggler

**COSTA RICA**

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- Recognize the need to address this crime from a comprehensive perspective and generate clear national and international coordination mechanisms that allow an effective response.
- Have a framework of cooperation and collaboration within every country, as well as international collaboration at the police and judicial level and have links at the level of care and assistance



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- Promote and respect the protection of human rights, denouncing any form of human rights abuse.
- Respect all people equally without any distinction of ethnicity, gender, religion, nationality, language, marital status, sexual orientation, disability political conviction.
- Safeguard and make responsible use of the information to which they have access in the exercise of their functions, always respecting the principle of confidentiality. This includes contacts with the media, among others.



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- Prevent, address, report and combat any type of exploitation and abuse of people.
- Ensure the protection of the life, physical and sexual integrity of the people approached.
- Take into account the best interest of children and adolescents, as well as all their fundamental rights provided for international and national regulations.
- Always respect the principle of non-revictimization.
- Always provide clear, accessible, precise information in an understandable language.



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- Act with due diligence to ensure the physical and emotional safety of the people approached.
- Apply international and national regulations in force in the country regarding the crimes of human trafficking in persons.
- Promote the ethical and transparent actions of public servants.



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- General Law of Migration and Immigration. N° 8764. Articles 249 and 249 bis.
- Draft Law against smuggling of migrants.
  - Improve state actions to comprehensively combat smuggling of migrants, comply with the obligation to respect and protect the human rights of trafficked persons, through the creation of a series of mechanisms defined for this purpose, seeking not only to improve the application of current criminal regulations, but also a propose actions in the field of prevention, comprehensive approach, investigation and prosecution of this criminal activity.



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- It is recommended that all regulations contemplate investigations base on knowledge of cybercrime, in order to effectively combat of smuggling of migrants.
- Generate coordination protocols, care models for people targeted by migrant smuggling, repatriation protocols for this population, and especially have databases that allow the enhancement of operational and strategic information, promoting at all times an orderly and safe migration.

