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Reform of the Penal Code and the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons (CONATT)

**N° 9545**

THE LEGISLATIVE ASSEMBLY  
OF THE REPUBLIC OF COSTA RICA  
DECREES:

**REFORM OF ARTICLES 172 AND 189 BIS OF LAW NO.**

**4573, PENAL CODE, OF MAY 4, 1970, AND ARTICLES 5**

**AND 6 OF LAW NO. 9095, LAW AGAINST**

**HUMAN TRAFFICKING AND CREATION OF**

**THE NATIONAL COALITION AGAINST**

**SMUGGLING OF MIGRANTS AND**

**TRAFFICKING IN PERSONS**

**(CONATT) OF OCTOBER 26, 2012.**

ARTICLE 1- Article 172 of Law No. 4573, Penal Code, of May 4, 1970, as amended, is hereby amended. The text is as follows:

Article 172 - Trafficking in persons. Whoever, through the use of technology or any other means, resorting to threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, abuse of a situation of vulnerability, or granting or receiving payments or benefits to obtain the consent of a person having authority over another, promotes, facilitates, favors or executes, the recruitment, transfer, transporting, harboring, concealing, holding, delivering or receiving one or more persons within or outside the country, for the purpose of forced labor or services and other forms of labor exploitation, servitude, slavery or practices similar to slavery, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and forced abortion, and the execution of any form of sexual exploitation.

The penalty of imprisonment shall be from eight to sixteen years, if any of the following circumstances apply:

- a) The victim is under eighteen years of age, elderly or disabled.

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- b) The perpetrator is the spouse, cohabitant or relative of the victim up to the third degree of consanguinity or affinity.
- c) The perpetrator takes advantage of a relationship of authority or trust with the victim or the victim's family, whether or not there is a family relationship.
- d) The perpetrator takes advantage of the exercise of his profession or the function he performs.
- e) The victim suffers serious damage to his or her health, death, or death by suicide as a consequence of the above-described human trafficking action.
- f) The punishable act has been committed by a criminal group composed of two or more members.

Whoever promotes, facilitates, favors or executes the recruitment, transfer, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, for the illicit extraction or illicit transplantation of human organs, tissues, cells or fluids, shall be punished with the penalty indicated in the first paragraph of this numeral.

In the case of minors, the modes of execution described in the first paragraph of this article need not be used for the commission of the offense.

#### Article sheet

ARTICLE 2- Article 189 bis of Law No. 4573, Penal Code, of May 4, 1970, as amended, is hereby amended. The text is as follows:

Article 189 bis - Forced labor or services. Whoever induces, maintains or subjects one or more persons to perform labor or services under force, deceit, coercion or threat shall be punished with imprisonment of six to ten years.

The prison sentence shall be from eight to sixteen years if the victim is a person under eighteen years of age or is in a situation of vulnerability or disability.

In no case shall consent granted by the victim exempt from criminal liability.

#### Article sheet

ARTICLE 3- Articles 5 and 6 of Law No. 9095, Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons (Conatt), of October 26, 2012, and its amendments, are hereby amended. The text is as follows:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=86569&nValue3=112376&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=86569&nValue3=112376&strTipM=TC)

Article 5- Concept of trafficking in persons. Trafficking in persons shall be understood as the action in which, through the use of technology or any other means, resorting to the threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, a situation of vulnerability, or the granting or receipt of payments or benefits to obtain the consent of a person who has authority over another, promotes, facilitates, favors or executes, the recruitment, transfer, transporting, harboring, concealing, holding, delivering or receiving one or more persons within or outside the country, for the purpose of forced labor or services and other forms of labor exploitation, servitude, slavery or practices similar to slavery, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and forced abortion, and the execution of any form of sexual exploitation.

In the case of minors, the recruitment, transfer, transportation, harboring, concealment, retention, delivery or receipt shall be considered trafficking in persons, even when none of the circumstances described in the first paragraph of this article are used.

Trafficking in persons shall also be understood as the promotion, facilitation, favoring or execution of the recruitment, transfer, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, for the purpose of illicit extraction.

Article 6- Concept of related activities. For the purposes of this law, the following are related activities of trafficking in persons: sexual and labor exploitation in all its forms, all forms of organized crime, money laundering and corruption, falsification of public and authentic documents, ideological falsehood, falsification of private documents, suppression, concealment and destruction of documents, sale or distribution of public or private documents, ideological falsehood in medical certificates, as well as other criminal activities that are derived from or directly related to trafficking in persons.

Effective as of its publication.

Given at the Presidency of the Republic, on the twenty-fourth day of April of the year two thousand eighteen.

## [Article sheet](#)

Date of generation: 07/09/2022 02:09:09 p.m.

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