

**13<sup>th</sup> UNITED NATIONS CONGRESS ON CRIME PREVENTION AND  
CRIMINAL JUSTICE**

**Doha, Qatar**

**12 to 19 April 2015**

**High-Level Segment**

**Statement of the Republic of Costa Rica**

**(Minister of Justice and Peace)**

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Mister President, Ministers, Attorney Generals, and High Representatives of international organizations,

Sirs and Madams,

Good afternoon.

Firstly I would like to thank His Highness Sheikh Tamim bin Hamad Al-Thani, Emir of the State of Qatar, as well as the people of Qatar for their distinguished hospitality. I also take this opportunity to recognize the Secretary-General and the Executive Secretary of the Congress the magnificent organization of this important event.

Secondly, please allow me to extend warm greetings to the Plenary on behalf of the Government of Costa Rica, as well as in my capacity of member of the Conference of Ministers of Justice of Ibero-American Countries (COMJIB). These words not only are addressed to my region, Latin American, but also to the international community since the problems we faced in the context of crime prevention and criminal justice are global.

## **The most important forum on Criminal Policy**

We are gathered in the world's most important forum on Criminal Policy. It is here that the highest-ranking governmental and international representatives, in conjunction with the leading experts on the matter, discuss the guidelines that will determine prevention policies and crime persecution for the next five years. Even more important, we do so based on an agreement that places the protection of human rights as the pillar of the balance between crime prevention and criminal justice. Undoubtedly, a great responsibility has been placed in our hands.

## **Measures implemented by Costa Rica during the last five years**

In this respect, I will begin by briefly mentioning the main measures implemented by Costa Rica during the last five years to enforce the agreements of the prior Congress held in Salvador, Brazil.

- i. In the matter of prevention, on 26 May 2011 the Legislative Branch of the Republic of Costa Rica unanimously approved a constitutional amendment that increased the minimum national budget for education from 6% to 8% of the Gross Domestic Product. Thus our country's commitment with education was reaffirmed as the road to peaceful and democratic human development.
- ii. On the topic of environmental protection, by popular initiative on December 2012 a legal amendment that prohibited and penalized sport hunting was approved. We hence became the first country to do so in Latin America.
- iii. Regarding gender issues, the criminal legislation was amended in order to authorize that women who commit or have committed the crime of introducing illegal drugs into a penitentiary center, and that fall under one of the conditions of vulnerability that have been determined, can be sanctioned with lower penalties that do not involve being imprisoned.
- iv. The following actions were adopted by the Judiciary in relation to crimes committed by minors:
  - i. The creation of Specialization and Training Programs for all employers of the Judiciary in matters of women and children.
  - ii. The Supreme Justice Court's approval of an Institutional Policy for the Access to Justice to People Under Age.
  - iii. The publication of a Juvenile Criminal Diagnosis, written jointly by UNICEF and the Costa Rican Supreme Justice Court (2013).

- iv. The implementation of a Restorative Justice Program for the Juvenile Prison Population, which has rendered amazing results.
- ii. Regarding alternative measures to imprisonment, the Law on Electronic Tracking Devices for Criminal Matters was approved with the support of the Ministry of Justice and Peace’.
- iii. With respect to organized transnational crime and the new and emerging forms of transnational crime, three laws were approved:
  - v. The Statute to Fight Human Trafficking in order to create the National Coalition to Fight the Smuggling of Migrants and Human Trafficking, which establishes the regulatory framework for an integral policy against trafficking, broadens the range of related offenses and aggravates penalties.
  - vi. An amendment on the regulation of cybercrime, which reinforces multiple norms, increases penalties and introduces new criminal offenses.
  - vii. And finally, the Statue for the Donation and Transplant of Human Organs and Tissues, which provides a regulatory framework for such activities in compliance with human rights.

### **Crime prevention and Criminal Justice within the Post-2015 Development Agenda, as key elements of the Rule of Law**

As a country which has historically been engaged with peace, democracy and the rule of law, Costa Rica is pleased to see that the 13<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice is committed to the integration of crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and, to promote the rule of law at the national and international levels, and public participation.

There is no doubt that the coincidence of the deadline for the Millennium Development Goals, and the beginning of the discussion for the Post-2015 Development Agenda, makes this Congress, 60 years after its first edition, the perfect opportunity to such objectives.

Given the significance of this opportunity, the responsibility it entails, and the principles it is committed to, we would like to render a brief account of the measures we have adopted and to underline the importance of two subject matters:

## **1. The two-fold dimension of the correlation of the rule of law and development**

First, we utterly agree on the existence of a close link between the rule of law and sustainable development. They are correlated and mutually reinforcing.

Undoubtedly a strong and sound rule of law is required for development; this is a common approach to the correlation because it is certain that insecurity has a negative impact on development. However, as citizens of a developing country ourselves, we would like the other direction of the correlation to be duly recognized: it is impossible to reduce insecurity in the long term without some minimal social and economic conditions that foster sustainable human development.

In this sense, the link between the rule of law and sustainable development renders it necessary to consider the two directions of the correlation, both in the study of social phenomena and in the elaboration of strategies and policies on crime and criminal justice. This in turn demands a certain balance between preventive and repressive strategies and policies, a balance that must be grounded on the observance of human rights, as stated in the Salvador Declaration of the 12<sup>th</sup> UN Congress on Crime Prevention and Criminal Justice.<sup>1</sup>

In particular, we are convinced of the fact that in order to consolidate the rule of law and to achieve sustainable social and economic development in low and middle- income countries, it is essential to strengthen programs and strategies on crime prevention (mainly through the improvement and expansion of quality education), and to fight the current growth of inequality.

## **2. The role of International Cooperation on crime prevention**

Second, as a developing country, Costa Rica is located in a region where the confrontation with international drug traffic is inevitable. For that reason, we are extremely concern that international cooperation aims almost exclusively to the repression of crime.

The fight against illegal drug traffic entails an increment on violence and a constant pressure for the corruption of institutions, and this, in a region characterized by an already fragile institutional order and by significant (if not alarming) levels of social insecurity, is gravely antagonizing for the rule of law and human development which are the key concepts in this Congress.

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<sup>1</sup> Salvador Declaration, 12th UN Congress con Crime Prevention and Criminal Justice, §1.

Therefore, considering the elevated human and institutional cost that the fight against drugs implies for the Central American countries, and that a significant part of the proceeds of crime or properties are confiscated in developed countries, where the demand market is located, we call to explore the possibility that such countries not only cooperate with technical assistance for the repression of drug crime, but also transfer a percentage of this proceeds of crime –as stated in the Salvador Declaration–, but specifically to programs of crime prevention that will allow the Central American youth to acquire, through universal education, the opportunities needed to enjoy sustainable human development.

We believe that the Salvador Declaration, as well as articles 14 and 30 of the United Nations Convention against Transnational Organized Crime and the Protocols Thereto, provide a solid ground for transferring, from developed countries to low and middle-income countries, a percentage of the proceeds of crime confiscated in their territory. This percentage should be invested in crime prevention programs.

Mister President, Ministers, Attorney Generals, and High Representatives of international organizations, I finally avail myself of this opportunity to convey to the Plenary my best wishes for the success of this Congress.

Thank you very much.