



Global Detention Project Submission to the Human Rights Committee

116th Session (7-31 March 2016)
Costa Rica (sixth periodic report)

Geneva, 2 February 2016

Issues concerning immigration detention

The Global Detention Project (GDP) welcomes the opportunity to provide information relevant to the consideration of the sixth periodic report of Costa Rica submitted to the UN Human Rights Committee (Committee) under article 40(4) of the International Covenant on Civil and Political Rights (ICCPR). The GDP is an independent research centre based in Geneva that investigates immigration-related detention. As per the GDP mandate, this submission focuses on the State party's laws and practices concerning detention for immigration or asylum-related reasons.¹

Upon the examination of the fifth periodic report of Costa Rica in 2007, the Committee expressed concern about overcrowding and poor conditions in the detention centres, including those administered by the migration authorities (article 10 of the Covenant). In paragraph 9 of the Concluding Observations (CCPR/C/CRI/CO/5) the Committee thus formulated a precise recommendation to Costa Rica:

“The State party should take steps to end overcrowding in detention centres, including those administered by the migration authorities, and to ensure compliance with the requirements of article 10. In particular, the State party should take into consideration the Standard Minimum Rules for the Treatment of Prisoners.”

In its sixth periodic report dated July 2014 (CCPR/C/CRI/6), Costa Rica explains at length several measures it has undertaken to comply with this recommendation (para. 11-36). These measures aim however solely at improving the conditions of detention in prisons and other facilities under the authority of the Ministry of Justice. The situation of persons detained in detention centres administered by the migration authorities, explicitly highlighted in the Committee's recommendation, is not addressed at all in the report.

¹ The submission draws on data and information published on the Global Detention Project's dedicated Costa Rica webpage:

<http://www.globaldetentionproject.org/countries/americas/costa-rica>.

In its List of issues in relation to the sixth periodic of Costa Rica (CCPR/C/CRI/Q/6) dated August 2015, the Committee addresses the question of immigration detention (para. 16):

“Please provide information on conditions at the Temporary Detention Facility for Irregular Foreign Migrants and on whether these are in line with international standards. In particular, please specify any measures taken to reduce overcrowding. Please clarify whether national legislation establishes a limit on the duration of the administrative detention of foreign nationals.”

Immigration detention in Costa Rica is regulated by the [2009 Migration Law](#) and the 2011 Migration Control Regulation. An important lacuna in this immigration legislation is its failure to set a clear time-limit on immigration detention (cf. General Comment 35, CCPR/C/G/35, para. 18). The government also does not appear to provide public access to statistics about how many people are placed in immigration detention annually or how long they are generally detained.

The country operates one dedicated long-term immigration detention facility, called “Centro de Aprehensión Temporal para Extranjeros en Condición Irregular (CATECI),” located in the Hatillo neighborhood of San José (prior to the adoption of the Migration Law the centre was known as the Centro de Aseguramiento para Extranjeros en Transito). The Directorate General of Migration has a custodial authority over the detainees and it manages the centre, jointly with the migration police. According to official sources, the CATECI has a capacity of 50 and confines on average 20 migrants at a time. Men and women are kept separately.

There is scant information available about the conditions of detention in CATECI. A notable exception is a report issued by the Ombudsman and the National Preventive Mechanism following the monitoring visit in 2013. They noted that the centre did not provide adequate separation of different categories of detainees (according to the country of origin or vulnerability), that the infrastructure was old, and that sanitary conditions were inadequate.²

In 2014, the Directorate General of Migration announced its plans to open a new detention centre to replace the CATECI.

There is also a short-term detention facility at the Juan Santamaria Airport, located outside San José. It confines people who have attempted to enter the country in an irregular way while their status is verified or their deportation with assistance from airlines organized. The information about this detention facility is very scarce and it is unclear how long people are detained there or whether it has adequate facilities to accommodate people for more than a few hours.

² Mecanismo Nacional de Prevención de la Tortura and Defensoría de los Habitantes de la República. 2014. *Informe Anual de Labores 2013*. <http://www.ohchr.org/Documents/HRBodies/OPCAT/NPM/CostaRica2013.pdf>.

Priority concerns and questions:

- Will Costa Rica introduce a time-limit for immigration detention?
- Lack of access to immigration detention related statistics:
What is the average length of immigration detention in practice?
How many migrants are detained per year (2015, 2014, 2013, or any year for which statistics may be available)?
- Reportedly inadequate material conditions of detention:
Has the country addressed the concerns expressed by the National Preventive Mechanism following its visit to the CATECI centre in 2013?
- Lack of information about the plans to open a new centre:
Does the country pursue its plans to set up a new detention centre, which would replace the existing CATECI?
- Secrecy surrounding the airport detention facility:
Under whose authority does the centre operate?
What is the capacity of the centre?
Are men and women detained separately?
Are minors detained there?
How many migrants are detained there per year?
Does the centre have adequate facilities to detain people for more than a few days?