

Chacruna Handbook on Sexual Abuse Law Costa Rica

1. General Situation

a. National Priority

Late last year, [CCI] on August 14, 2018, the government of Costa Rica declared that the reduction of violence against women was a “[national priority](#).” The declaration came in the aftermath of several high-profile [femicides](#) of women in Costa Rica, including the widely-publicized femicide of a [tourist from the United States](#).

For more than 20 years, Costa Rica has been working to implement initiatives to advance sexual safety and address sexual abuse. In 1996, the judicial branch of the Costa Rican government established a Secretariat for Gender Affairs, a [Violence Commission](#) and training programs for justice officials, and a [law defining sexual violence](#). In 1998, Costa Rica established the [National Institute of Women](#) (INAMU), which today provides free legal support services for victims of sexual violence, a network of temporary women’s shelters [throughout Costa Rica](#), and an online hotline for women on its [Facebook page](#).

In 2007, the Costa Rican judiciary drew up and distributed [instructions for persons at risk of sexual violence](#), explaining what their rights are, what types of requests they can make of a judge, and what procedures they should follow, with a list of the available services and the offices or agencies to which such persons can turn. The same year, it passed a law [criminalizing violence against women](#). Starting in 2009, Costa Rica’s Public Prosecutor’s Office established interdisciplinary teams (including social workers and a psychologist) in regional prosecutors’ offices to provide [services to victims](#).

b. Room for Improvement

Although significant progress has been made over the past two decades, there remains substantial room for improvement in access to justice of victims of sexual violence in the Costa Rican justice system.

[Only around 5%](#) of the approximately 20,000 domestic violence complaints registered with Costa Rican governmental authorities each year are followed up with a formal legal accusation. Even when there is a formal legal accusation, a case may go nowhere. The Gender Commission of the judicial branch reported in 2017 that 76% of domestic violence cases filed were [rejected by Costa Rican courts](#). This is despite Costa Rica having established special domestic violence courts throughout the country; four in San José and one in each other provincial capital.

That said, resources are available for victims, and if you or someone you know has been a victim of sexual violence, then the most astute route you can take to protect yourself and ensure access to justice is to contact the appropriate authority listed below in the resources section and file a report to create a trail of evidence.

2. Specific Law

It is important to note that abortion is highly regulated in Costa Rica, even in cases when the pregnancy is the result of rape; but, emergency contraception, such as “Plan B,” has been [available](#) over-the-counter since May of 2019.

- [Law no. 8589](#) of 2007 (Criminalization of Violence Against Women): This law classifies sexual crimes against women, including femicide, rape, abusive sexual behavior, and sexual exploitation. However, for the law to apply, the perpetrator and victim must be either married or in a de facto union. Penalties range from a maximum of 35 years for femicide, to 18 years for sexual assault, to 10 years for restricting a woman’s freedom of movement, to up to 4 years for restricting a woman’s self-determination, to 2 years for physical abuse of a woman.
- [Law No. 8925](#): obliges State agencies to expand their offerings of services for the protection and specialized care of women victims of sexual violence, such as legal advice, accompaniment, and legal representation.
- [Law no. 9095](#): The purpose of this law is to promote public policies for the integral fight against trafficking in persons, to promote the necessary regulations to strengthen the sanction of trafficking in persons and their related activities, to define a specific and complementary framework for protection and assistance to victims of trafficking in persons and their dependents, and to promote and facilitate national and international cooperation on the issue of trafficking in persons. It creates the National Coalition Against Illicit Migrant Trafficking (CONATT) as a permanent body for the promotion of policies for the prevention and care of trafficking, and creates a National Fund for Prevention and Assistance to Victims of Trafficking in Persons.

3. Resources

- Emergency: dial 9-1-1 and file a police report immediately.
 - When someone does this to report sexual assault, it activates an inter-institutional protocol under which several institutions will take part in the process as soon as the call is registered, creating a strong evidentiary record, and improving the victim’s access to justice.
- INAMU
 - [Facebook page](#)
 - Tel: (506) 2527-8401
 - Edificio SIGMA, costado oeste del Mall San Pedro. San José, Costa Rica
- U.S. Embassy
 - (506) 2519-2000 or (506) 2220-3127
 - Calle 98 Vía 104, Pavas, San José, Costa Rica
- British Embassy
 - (506) 2258-2025
 - Edificio Centro Colon, Paseo Colón, Mántica, San José, Costa Rica
- Alianza de Mujeres Costarricenses (Alliance of Costa Rican Woman)
 - (506) 2233-5769 or (506) 256-5178
 - Ave.12, Calle 5, casa n° 363, 500 mts. sur de la entrada principal de la CCSS, San José
 - Contact: Ana Cecilia Hernández
- Agency of Judicial Investigation
 - (confidential) 800-8000-645
 - cicooij@poder-judicial.go.cr