

COSTA RICA¹

I. General Information

Costa Rica is a unitary, democratic republic divided into seven provinces that cover a total of 51,100 km². The National Statistics and Census Bureau (*Instituto Nacional de Estadísticas y Censos*)² projected a population of 4,401,849 for 2006. ECLAC reported that in 2005,³ 62.6% of the population lived in urban areas and had the following age group distribution: 35.4% between 15 and 34; 28.4% in the 0 to 14 range; 20.2% in the 35 to 49 age group; 10.3% between the ages of 50 and 64; and 5.7% over 65. The oldest age group grew by 10.5% over the last decade and is expected to increase by more than 20% in the next ten years. An estimated 2% of the population is of indigenous descent.⁴

In 2005, 21.1% of Costa Ricans lived below the poverty line and 7% lived in extreme poverty, a drop of 5.58% and 14.63%, respectively, over 2004.⁵ Costa Rica was ranked 48th on the Human Development Index, placing it 4th in Latin America after Argentina, Chile and Uruguay.⁶ In 2005 the country had a Gini coefficient of 0.47,⁷ while unemployment stood at 6.9%⁸ and the illiteracy rate for adults over 15 was 6%.⁹

The country's 2005 GDP was US\$19.9 billion, an increase of 15.5% since 2002.¹⁰ Per capita GDP in 2005 was US\$ 4,505 (calculated in 2000-equivalent dollars), a rise of almost 10% over the last five years.¹¹

II. Judicial System Highlights

- *Contentious-Administrative Procedure Code:* This Code was passed on April 28, 2006 and will enter into force in 2008. It replaces the Law Regulating the Contentious-Administrative Jurisdiction with more modern legislation that introduces oral proceedings and a system that includes preliminary and complementary hearings.
- *De-judicialization of Traffic Infractions with a Set Fine:* In 2005 cases involving traffic tickets for a simple infraction or infractions with a set fine were removed to the purview of the Road Safety Council. Before this reform, they were handled in the transit courts, which account for more than 50% of all court cases in the country.
- Between 2000 and 2006, the Judicial Branch budget grew by 65% (dollar amount), while the central government's total budget rose by close to 62%.

III. Institutions

1. Overall Structure and Operation of the Judicial System

Costa Rica's Judicial Branch includes the courts, Judicial Council, the Public Prosecutor's Office (*Ministerio Público*), Public Defense Service, and Judicial Police. Other institutions in the justice sector include the Ministry of Justice and Grace; the Attorney General's Office (*Procuraduría General de la República*); the Ombudsman's Office (*Defensoría de los Habitantes*); and the National Committee for the Improvement of Justice Administration.

Other bodies support the work of these institutions, including the Judicial Academy, the Online Case Law Information Center, and the Judicial Archives and Records Office. The various bodies of the Judicial Branch High Council, including the Judicial Inspections Office and Comptroller of Services, monitor

¹ This chapter is based on information submitted by the following Costa Rican institutions: *Departamento de Planificación del Poder Judicial* (Judicial Branch Department of Planning), *Ministerio Público y Fiscal* (Public Prosecutor's Office), *Defensa Pública* (Public Defense Service), Ministry of Public Security, Educational Planning and Development Division of the Ministry of Public Education, and the Bar Association of Costa Rica. The Websites of public institutions, multilateral and international cooperation agencies and JSCA reports were also consulted.

performance and oversee discipline among Judicial Branch staff. The National Police, for its part, is under the purview of the Ministry of Public Security.

2. Judicial Branch¹²

2.1. Institutional Structure

Costa Rica's Constitution¹³ places the Supreme Court at the head of the Judicial Branch, as the highest administrative body charged with its governance and regulation.

The Judicial Branch is organized into three different areas:

Jurisdictional Area: This area consists of the Supreme Court and its various chambers, the higher and lower courts, as well as the Court Plenary sitting *en banc*. The higher and lower courts are divided by subject matter (civil, family, contentious, criminal, labor, lesser crimes, transit, child support, young offenders, domestic violence and constitutional matters), the value of claims, and geographic location.

Administrative Area: The departments in this area provide operational support to the institution's justice administration work.¹⁴

Justice Support Services: These entities, created since the 1970s to assist in the administration of justice, include the following:

- Public Prosecutor's Office: charged with bringing criminal action by applying criminal prosecution policy
- Judicial Police (*Organismo de Investigación Judicial* or OIJ): In 1998 this entity was established as functionally part of the Public Prosecutor's Office. In broad terms it includes an Executive Office, Office of Plans and Operations, Press and Information Office, and Secretariat. It also has a Criminal Investigation department, Medical Examiner's Office and Forensic Laboratories, each with their own sub-sections, and maintains offices and units across the country.
- Public Defender's Office: responsible for providing free criminal defense to low income individuals. It also assumes the defense of juveniles and parties to child support, agrarian, and administrative disputes, and participates in sentence enforcement processes.
- Judicial Academy: responsible for training Judicial Branch servants and officials.
- Judicial Archive: responsible for filing, maintaining, and destroying documents.

- Judicial Records Office: maintains records of criminal background as well as the child support registry.
- Online Case Law Information Center: maintains a database of rulings.

The highest body of the Judicial Branch is the Supreme Court (SC), which is composed of 22 justices (*magistrados*) who sit in four SC chambers. Justices are elected for an eight-year term by a vote of two-thirds of the Legislative Assembly. The Chief Justice and Chamber Presidents are selected by the justices. All other courts, judicial officials and employees come under the authority of the Supreme Court.¹⁵

The Supreme Court has three cassation chambers -First, Second and Third-, as well as a Constitutional Chamber. Each of these has five justices, except the last, which has seven. Article 58 of the Judicial Branch Statutes establishes the composition and responsibilities of the Supreme Court. It also sets out its decision making process and voting procedures.

The First Chamber rules on matters of civil, commercial, agrarian and contentious-administrative law, while the Second Chamber hears cases of family, inheritance, general proceedings and labor law. Jurisdiction for cases in the Third Chamber and the Criminal Cassation Chamber is not determined by the value of the case but by the body that handed down the sentence being appealed or the sanction involved in the crime under investigation.

The Constitutional Court carries out concentrated constitutional control and is charged with the following tasks:

- To rule on the constitutionality of laws of any nature and of acts of public law, requiring an absolute majority.
- To settle jurisdictional disputes between government branches, including the Supreme Electoral Board and all other legally established agencies and entities.
- To answer queries on constitutional reform and other legislative bills, and on the approval of international pacts and treaties.
- To ensure the primacy of constitutional law and principles and international and community law in force in the Republic, its uniform interpretation and application, as well as the fundamental rights and freedoms enshrined in the Constitution and in international human rights pacts in force in the country.¹⁶

2.2. Government and Management

As indicated above, the Judicial Branch has an administrative area composed of departments and offices that provide administrative support to other areas. This area includes the Secretariat, the departments of Planning, Audits, and Personnel (this department is also supported by both the Personnel Council and the Judicial Council), the Press and Organizational Communication Department, the Gender Secretariat, the Executive office, and administrative boards.¹⁷

The Judicial Branch Statutes (*Ley Orgánica del Poder Judicial*) establish the Supreme Court as the highest court in the Judicial Branch,¹⁸ investing it with the authority to govern this entity. Article 59 lays out its duties and powers, which include:

- Consulting with other government branches on matters stipulated by the Constitution and the law, and issuing an opinion where so required on legislative reform projects or those that affect the functioning of the Judicial Branch.
- Proposing the legislative and regulatory reforms it deems necessary to improve the administration of justice.
- Approving the proposed budget of the Judicial Branch, and executing it through the Judicial Council once it has been approved by the Legislative Assembly.
- Appointing regular and alternate members of the Supreme Election Tribunal.
- Enacting on its own initiative or in response to a proposal of the Judicial Branch High Council, internal rules and regulations on order and service that it deems necessary.
- Imposing disciplinary measures upon its members and those of the High Council as provided for by law.
- Proposing to the legislative assembly the creation of court offices in locations and subject matters it deems necessary to ensure good public service.
- Hearing cases of breach of duty filed against justices of the Court chambers.

The Judicial Branch High Council is under the purview of the Supreme Court and handles administrative and disciplinary matters. Its mission is to maintain the independence, efficiency, correctness and decorum of the courts and guarantee the benefits of the judicial career. Reporting to the Council are: the Office of Judicial Inspections, which is responsible for overseeing the public servants working in the

Judicial Branch, the Department of Personnel and Human Resources Management, and the Executive Office.

The Department of Personnel and Human Resources Management manages the human resources of the Judicial Branch and takes the necessary steps to harmonize the organization's staffing needs with its objectives. It is composed of various sections and also includes a Personnel Board and Judicial Board. Its highest authority is the Personnel Board, which sets general policy, hears complaints that are presented and resolves differences that cannot be resolved by the respective section head.

The Executive Office¹⁹ is charged with implementing policy and administrative decisions and supporting other entities, both jurisdictional and auxiliary justice agencies. Its main tasks are to manage, implement and formulate programs, advise other offices and any other task delegated by law, the Court Plenary, the High Council or the Chief Justice.

The following entities are also empowered to act in administrative matters:

- Administrative Boards: deliberative and participatory entities that analyze and propose solutions to the appropriate instance
- Comptroller of Services: supports the provision of public service, ensuring it is delivered efficiently; meets the needs of justice system clients; and offers information to guide users and facilitate contact with the branch
- Judicial Council: charged with regulating the entry, transfer and promotion of justice administration officials, from the lower ranks to the highest office of Costa Rica's Judicial Branch, with the exception of Supreme Court justices. This Council is composed of a SC justice, a member of the High Council, a member of the Judicial Academy Board of Directors, and two superior court judges with experience in different areas.
- Accounting and Finance Department: handles finance, accounting and budget services for the branch and directs efforts to provide timely, high quality information to facilitate decision making.
- Procurement Department: charged with the acquisition process for goods and services and supplies in general.

Finally, the Judicial Branch Program for fiscal year 2006 established a total of 255 courts and tribunals in Costa Rica (including the four Supreme Court chambers).

Table 1
Distribution of Courts and Tribunals by Subject
Matter for Fiscal Year 2006

Subject Matter/Activity	Tribunals	Courts
Criminal Cassation	1	0
Labor Cassation	1	0
Civil Contentious-Administrative Cassation	1	0
Constitutional	1	0
Mixed	20	102
Criminal	6	53
Civil	2	19
Family	1	15
Domestic Violence	0	10
Agrarian	1	9
Labor	2	6
Contentious-Administrative	1	2
Notary Matters	1	1
Total	38	217

Source: Programmatic Structure of the Judicial Branch.

2.3. Transparency, Accountability, and Access to Information

Information provided by the Department of Planning affirms that this is the only government branch that renders voluntarily accounts to the Legislative Assembly on how it invests public resources. It also conducts public hearings in local communities to discuss its projects and challenges and to obtain feedback on its performance.

One of the policies adopted to strengthen transparency in its work is the Judicial Branch Website, where Court Plenary and High Council records are published along with work plans for each office and other information to help users find the answers they seek.

In regard to decision-making, the records and sessions of the Plenary are public (except those involving disciplinary measures, in order to protect individual honor). It has also guaranteed total access to the press, except where legal provisions limit such access.

In regard to purchases, procurements and budget execution, through the website citizens may monitor and enquire online about the branch's finances and the status of procurement processes. Major investments have also been

made in informatics programs and equipment to introduce electronic case file systems for the larger judicial districts of the country, which enables statistical monitoring of cases and the targeting of policies to deal with bottlenecks. It also permits follow up on the performance of individual judicial staff members. Shortly, the introduction of secure digital signatures will enable claims to be filed and rulings handed down immediately.

As part of its policy of openness and transparency, the Branch created the Comptroller of Services,²⁰ an additional instance to channel the concerns of justice system clients, address these in a timely manner, and track the most common complaints, which will help to formulate policies that take into account the users and not only the service offered.

In regard to legislation, a mandatory Code of Ethics was adopted for judges and other judicial officials as part of a bill of law of clients' rights.

In this regard, after the passing of Law 8.292 and the preparation of the Manual of Internal Control, a commission was created with the participation of senior administration and staff from other key offices. The work of this commission is to investigate and develop an effective risk assessment and self-regulation system to formulate annual operating plans and the Judicial Branch Strategic Plan.²¹

According to a JSCA study,²² Costa Rica's Judicial Branch obtained a score of 76% for online access to information about the courts of justice. With this score, the country dropped from first to second place among OAS member states, after the United States. In fact, Costa Rica and Nicaragua were the two countries that experienced the largest drop in their score (10%) since 2004.

In disciplinary matters, the Judicial Branch Statutes make the Judicial Inspection Tribunal, under the High Council, responsible for exercising regular and ongoing control over public servants in the Judicial Branch. Its powers include overseeing the proper fulfillment of duties, processing complaints against judicial officials, investigating reports of irregularities and resolving these through the disciplinary scheme.

In regard to the existence of public policies on administrative integrity, a number of laws are currently in force to promote a culture free of corruption, including the following:

- General Law of the Public Administration
- Creation of the Constitutional Chamber

- Law of Administrative Hiring
- Law of Financial Management of the Republic and Public Budgets
- Law against Corruption and Illicit Enrichment of Public Officials
- Law of Internal Control
- Manual of Internal Control Standards for the General Comptroller's Office and Entities and Bodies Subject to its Oversight.

2.4. *Legal Aid*²³

In Costa Rica, individuals who cannot afford to pay a private attorney receive legal aid through the Public Defense Service, which is part of the Judicial Branch,²⁴ or from one of the legal aid clinics operated by the Universidad de Costa Rica.

However, none of these services is regulated expressly in the Constitution. In the criminal ambit, such services have been legitimized through a special interpretation of Article 39 of the Constitution and through legal provisions that regulate due process and the principle of equality before the law.

The Public Defense Service has functional independence and benefits from the services of the judicial branch's administrative platform (the departments of Planning, Personnel, Procurements, General Services, Accounting and Finance, and others).

2.5. *Reform Projects Underway*²⁵

Costa Rica's Judicial Branch has carried out a number of improvement and reform projects,

including the multi-faceted Justice Administration Modernization Program and procedural reform processes, which are described later in this chapter.

2.6. *Budget*

Costa Rica's Constitution stipulates that the budget of the Judicial Branch shall be no less than 6% of ordinary revenue calculated for a given fiscal year.²⁶

In 2005 the budget of this branch represented approximately 0.96% of the country's Gross Domestic Product.²⁷ Expressed in US dollars, between 2000 and 2006 the budget allocated to the Branch increased more than 65%, slightly more than the overall 62% increase in the central government's budget. For the period 2000-2006, the average annual growth rate was 19% in *colones* and 9% in US dollars.

Between 2000 and 2006, the budget (in dollars) of the Ombudsman's Office rose by 40.56% and that of the Ministry of Justice by 32.46%, with average annual increases over the period of 6% and 5%, respectively.

Nevertheless, if we compare the percentage of the total budget allocated to the justice sector in 2006 with that of 2000, we see that the budget of the courts, the Ministry of Justice, and the Ombudsman's Office dropped by approximately 13% and that of the Public Defense Service dropped by 7%.

However, it should be noted that the percentage of the total public budget allocated to the Judicial Branch in 2006 was almost 2% higher than in 2000.

Table 2
Public Budget Allocated to the Justice Sector²⁸
(In millions)

Year	Judicial Branch		Ministry of Justice		Ombudsman's Office	
	Colones	US\$	Colones	US\$	Colones	US\$
2006	104,040	202.07	29,204	56.72	1,803	3.50
2005 ²⁹	91,911	192.73	26,864	56.33	1,758	3.68
2004 ³⁰	78,160	178.77	22,018	50.36	1,408	3.22
2003	75,597	189.84	19,286	48.43	1,190	2.99
2002	57,610	160.26	16,615	46.22	1,022	2.84
2001	47,038	143.16	14,950	45.50	901	2.74
2000	37,689	122.41	13,185	42.82	768	2.49

Source: Law of the Ordinary and Extraordinary Fiscal Budget of the Republic and Programs of fiscal years 2000 to 2006.

Table 3
Evolution of the Public Budget allocated to the Judicial System
(In millions of US dollars)³¹

Year	Judicial Branch	Court System	Public Prosecutor's Office	Public Defense Service	Judicial Police	Ministry of Justice
2006	202.07	70.67	22.59	13.03	41.91	56.72
2005	192.73	67.21	21.14	12.09	39.01	56.33
2004	178.77	61.08	18.23	11.63	36.82	50.36
2003	189.84	60.16	17.01	11.17	34.94	48.43
2002	160.26	59.36	16.23	10.73	33.11	46.22
2001	143.16	56.13	15.16	9.35	28.15	45.50
2000	122.41	50.89	14.00	8.75	25.27	42.82

Source: Department of Planning. Report on Justice Cost for 2000-2003 and the Law of Ordinary and Extraordinary Fiscal Budget of the Republic and for Programs in the fiscal years 2004-2006.

Table 4
Total Budget of the Central Government of Costa Rica³²
(In millions)

Year	Colones	US\$	Exchange rate ³³
2006	2,770,329	5,380	514.85
2005	2,309,634	4,843	476.88
2004	2,150,676	4,919	437.19
2003	1,814,139	4,555	398.20
2002	1,370,751	3,813	359.47
2001	1,200,855	3,654	328.57
2000	1,023,084	3,322	307.90

Source: Law of Ordinary and Extraordinary Fiscal Budget of the Republic, and for Programs for fiscal years 2000 to 2006.

Table 5
Percentage of the Total Central Government Budget allocated to the justice sector
(calculated using US dollar values)

Year	Judicial Branch	Court System	Ministry of Justice	Judicial Police	Public Prosecutor's Office	Public Defense Service	Ombudsman Office
2006	3.75	1.31	1.05	0.77	0.42	0.24	0.065
2005	3.98	1.38	1.16	0.80	0.43	0.25	0.076
2004	3.63	1.24	1.02	0.74	0.37	0.23	0.065
2003	4.16	1.32	1.06	0.76	0.37	0.24	0.065
2002	4.20	1.55	1.21	0.86	0.42	0.28	0.074
2001	3.91	1.53	1.24	0.77	0.41	0.25	0.075
2000	3.68	1.51	1.28	0.76	0.42	0.26	0.075

Source: JSCA, based on information supplied by the Judicial Branch Department of Planning.

Justice spending per capita is currently 18,928 colones, 8.2% higher than in 2004.³⁴

2.7. Human and Material Resources³⁵

2.7.1. Human Resources

Between 2001 and 2006 the number of judges in Costa Rica rose by 25%. Taking population growth into account, Costa Rica went from having approximately 15.17 judges per 100,000 inhabitants in 2000 to 17.42 in 2006.³⁶ Figures for the last two years affirm that approximately half of all judges are women.

2.7.2. Material Resources

As of August 2006, there were 5,668 computers and 2,323 email accounts in assigned to staff in the Judicial Branch.³⁷

2.8. Case Movement³⁸

2.8.1. Generating Statistics³⁹

Under Article 179 of the Judicial Branch Statutes, all court offices must submit monthly and quarterly reports on cases filed, pending, and disposed to the Statistics Section of the

Table 6
Human Resources

Item	2006	2005	2004	2003	2002	2001
Total number of judges	767	743	697	684	652	611
Total number of male judges	378	372	363	NA	NA	NA
Number of court staff	2800	2695	2604	NA	NA	NA
Number of staff working in other areas	4883	4702	4534	NA	NA	NA
Total	8450	8140	7835	NA	NA	NA

Source: JSCA, based on information from the Judicial Branch Department of Personnel and the *Report on Judicial Systems in the Americas 2004-2005*, JSCA.

Table 7
Cases Filed

Subject Matter	2006	2005	2004	2003
Civil	78,979	74,659	78,287	74,786
Criminal	144,985	144,102	141,906	133,542
Juvenile	9,860	9,953	11,494	12,193
Transit	85,235	114,348	515,037	507,889
Family	24,256	24,266	23,754	22,596
Contentious- Administrative	31,311	26,755	24,117	23,032
Labor	19,868	19,586	20,454	20,398
Child Support	23,268	23,827	23,433	22,297
Agrarian	3,019	3,092	3,027	3,007
Domestic Violence	45,914	47,396	48,073	47,086
Minor Offenses	46,860	49,240	50,845	46,812
Constitutional	16,132	16,574	13,420	13,302
Total	529,687	553,798	953,847	953,940

Source: JSCA, based on information from the Judicial Branch Department of Planning.

Department of Planning, through a standardized reporting form. These forms go through a preliminary review to detect errors and inconsistencies then the information is keyed in to a module and reviewed again. It is then processed and used as input for statistical tables that are built to offer information for analysis. The information is published in the annual Judicial Yearbook.⁴⁰

2.8.2. Case Movement

Costa Rica's litigation rate dropped to 12,033 cases per 100,000 inhabitants⁴¹ in 2006, from 22,190 in 2002.⁴² This was due mainly to the 2005 decision to transfer traffic tickets for simple infractions or those with set fines to the Road Safety Council, part of the Ministry of Transportation (and therefore in the Executive Branch). Nevertheless, some such transit cases are still pending in the courts. Before this decision, the Transit Courts had the highest caseload of all Costa Rica's courts, accounting for more than 50% of all cases before the courts.

Criminal cases include matters handled by the Public Prosecutor's Office and private

crimes filed before the criminal courts. Juvenile cases are also filed by the Public Prosecutor's Office.

Similarly, the volume of cases resolved in 2006 dropped by 43.5% over 2003 due to the above described de-judicialization of transit matters. Reductions were also observed in criminal matters and juvenile matters resolved. The subject matters that experienced the greatest variation for the 2003-2006 period include labor, where cases resolved grew by 30%, followed by contentious-administrative and constitutional cases, where cases resolved increased by more than 28% and 23%, respectively.

In the 2003-2005 period cases filed and resolved dropped by 15% on average.

The number of cases pending at year end has remained relatively constant over the last three years. However, contentious-administrative, child support and civil matters increased by more than 58%, 39% and 31%, respectively between 2003 and 2005.

The World Bank reports that the average length of time needed to enforce a contract in the courts is 20.5 months. In turn, the estimated cost is 18.7% of the value of the amount claimed.⁴⁶

Table 8
Cases Resolved

Subject Matter	2006	2005	2004	2003
Civil	45,554	47,220	51,861	46,313
Criminal	169,117	165,400	165,914	135,597
Juvenile	14,290	13,998	16,095	14,852
Transit	93,350	130,578	530,538	533,826
Family	20,954	23,730	23,591	18,989
Contentious- Administrative	15,129	15,297	15,757	11,771
Labor	23,148	21,248	21,610	17,798
Child Support	11,499	10,073	9,486	10,329
Agrarian	2,514	2,694	2,708	2,452
Domestic Violence	46,999	47,242	50,918	47,922
Minor Offenses	47,287	51,159	50,711	45,384
Constitutional	17,812	16,282	13,709	14,430
Total	507,653	544,921	952,898	899,663

Source: JSCA, based on information from the Judicial Branch Department of Planning.

Table 9
Cases Pending at Year End

Subject Matter	2006	2005	2004	2003
Civil	128,773	95,348	96,497	97,816
Criminal	72,486	93,158	105,637	114,652
Juvenile	644	5,074	5,593	6,716
Transit	28,680	36,795	50,423	61,809
Family	18,445	15,143	16,663	18,126
Contentious-Administrative	69,501	53,319	45,429	43,761
Labor	26,117	29,397	30,123	30,153
Child Support	100,583	88,814	81,383	72,359
Agrarian	5,835	5,330	5,526	5,164
Domestic Violence	9,589	8,441	8,085	10,789
Minor Offenses	26,805	27,232	28,770	28,193
Constitutional	1,407	3,087	2,792	3,067
Total	488,865	461,138	476,921	492,608

Source: JSCA, based on information from the Judicial Branch Department of Planning.

Table 10
Clearance Rate (%)⁴³

Subject Matter	2006	2005	2004	2003
Civil	57	63	62	61
Criminal	116	114	116	101
Juvenile	144	140	140	121
Transit	109	141	103	105
Family	86	97	99	84
Contentious-Administrative	48	57	65	51
Labor	116	108	139	87
Child Support	49	42	40	70
Agrarian	83	87	89	21
Domestic Violence	102	99	105	101
Minor Offenses	100	103	99	132
Constitutional	104	98	102	108
Annual	95	98	100	94

Source: JSCA, using information from the Judicial Branch Department of Planning.

Table 11
Rate of Cases Pending (%)⁴⁴

Subject Matter	2006	2005	2004	2003
Civil	282	201	186	211
Criminal	42	56	63	84
Juvenile	4	36	34	45
Transit	30	28	9	11
Family	88	63	70	95
Contentious-Administrative	459	348	288	71
Labor	112	138	139	69
Child Support	874	857	390	700
Agrarian	232	197	204	210
Domestic Violence	20	17	15	22
Minor Offenses	56	53	56	62
Constitutional	7	19	20	21
Annual	96	84	50	54

Source: JSCA, using information from the Judicial Branch Department of Planning.

Table 12
Congestion Index⁴⁵

Subject Matter	2006	2005	2004	2003
Civil	0.78	0.72	0.70	0.73
Criminal	0.22	0.50	0.33	0.45
Juvenile	- 0.36	0.06	0.05	0.02
Transit	0.18	0.13	0.06	- 0.03
Family	0.50	0.39	0.41	0.53
Contentious-Administrative	0.84	0.80	0.77	0.82
Labor	0.49	0.56	0.57	0.64
Child Support	0.90	0.91	0.90	0.89
Agrarian	0.71	0.68	0.68	0.69
Domestic Violence	0.15	0.15	0.09	0.17
Minor Offenses	0.35	0.33	0.36	0.39
Constitutional	- 0.01	0.17	0.15	0.11
Annual	0.50	0.46	0.33	0.37

Source: JSCA, based on information from the Judicial Branch Department of Planning.

3. Public Prosecutor's Office⁴⁷

3.1. Institutional Structure

Costa Rica's *Ministerio Público* is an independent Judicial Branch entity responsible for laying criminal charges and preliminary investigation of public crimes actionable by the State and the plaintiff. It takes part in criminal prosecution, civil defense of the victim when so requested, and directing police assistance in investigations.

The Public Prosecutor's Office includes the Prosecutor General, Assistant Prosecutor General, senior prosecutors, prosecutors, assistant prosecutors, and the Prosecutor's Board as an advisory body to the Prosecutor General.

Internally, the head of service is the Prosecutor General (*Fiscal General*), who is appointed by the Supreme Court Plenary,⁴⁸ and the Assistant Prosecutor General.

The Prosecutor General is responsible for planning, directing and supervising the legal, technical and administrative activity of this office. He or she must ensure that criminal and civil legal actions are carried out in accordance with Constitutional principles and national and international law. In addition, this official is responsible for defining the agency's general policy, criteria and priorities, and must ensure that the judicial police follow all pertinent guidelines and priorities in the investigation of crimes. Finally, the Prosecutor General must take part in criminal investigations and the prosecution of senior members of government branches.

The Organic Law of the Public Prosecutor's Office provides for a single such entity in the Republic, headquartered in the capital. The Office is organized into district prosecutor's offices, which have jurisdiction over a certain territory or specialized area, as needed. These offices are established by the Supreme Court plenary based on the recommendation of the Prosecutor General and may be permanent or temporary. The district offices have the number of auxiliary prosecutor offices required by their workload or the territory in which they operate. They also have the support staff necessary to properly perform their duties.

The Public Prosecutor's Office is subdivided by specialization and territory into the following offices: Assistant Prosecutor's Offices for Drug Trafficking, Financial Crimes, Corruption and Taxation Matters; an Assistant Prosecutor's

Office for Ecological, Agrarian-Environmental, Archeological and Related Crimes; an Assistant Prosecutor's Office for Young Offenders; and a Sentence Enforcement Office. Twelve other offices operate in the country's different judicial circuits.

In addition to special prosecutor's offices, there is an Office of Civil Defense of Crime Victims. Costa Rica's Criminal Procedure Code, enacted in 1998, and the Public Prosecutor's Office Statutes establish that this office will take on civil reparatory actions within the criminal process, when the person entitled to such rights lacks financial means and has delegated this to the Office; or when the entitled individual is incapable of enforcing their rights and has no legal representative. In addition, the representative of this Office must take action outside of the criminal case proper to ensure the enforcement of sentence in such civil suits.

3.2. Government and Management

The work of regular employees of the Public Prosecutor's Office is governed and overseen through a number of different systems:

- Online system for recording cases filed and disposed, legal grounds, parties involved, evidence, reasons for termination, outcome, type of termination, and other aspects including monthly reports received and processed by the Statistics Section of the Judicial Branch Computer Department.
- Mapping that is updated annually and allows calculation of staff and equipment levels by number of inhabitants for different regions of the country, crime percentages by zone and other statistics.
- Follow up systems for procedures and electronic case monitoring according to case processing times set by the administration.

3.2.1. Eligibility Requirements

Those wishing to work in this office must meet the following requirements:

- Be an adult, Costa Rican citizen, layman. (Article 19 of the Judicial Service Statute and Article 27 of the Public Prosecutor's Office Statutes)
- Be an attorney at Law
- Be a member of the Bar Association
- Pass both written and oral exams with a

minimum score of 80% in each, have passed the basic induction course (250 hours) and completed a guided internship of no less than 250 hours, with a minimum rating of 70%.

Once the recruitment process has concluded and the candidate is on the list of eligible persons for the post of assistant prosecutor, he or she is appointed to cover temporary absences of regular employees. To ensure proper follow up of these new employees, the Office of the Prosecutor General has ordered that at the end of each interim appointment, the assistant prosecutors who are the immediate superiors of the interns must submit a report on the work undertaken, their performance, and its quality and efficiency during the corresponding period.

3.2.2. *Internal Disciplinary Control*

The Public Prosecutor's Office has two sections to handle disciplinary matters: the Office of Prosecutor Inspections (*Inspección Fiscal*) and the Judicial Inspection Tribunal. These allow the Office to direct and oversee the work of prosecutors through two separate internal control mechanisms, as a JSCA comparative report affirms:⁴⁹ through regular hierarchical oversight and by the specialized work of the Office of Training and Supervision (*Fiscalía de Capacitación y Supervisión*), which is dedicated to such tasks.

Internal disciplinary complaints are referred to this office and then resolved by the Prosecutor General, who applies the Disciplinary Regime. Externally, control is exercised by the Judicial Inspection Office, which processes and resolves disciplinary matters raised against judicial officials; and by the Supreme Court Plenary in the case of serious procedural errors.

3.2.3. *Recognized Deficiencies of the Public Prosecutor's Office*

Costa Rica's Public Prosecutor's Office recognizes its serious weaknesses in the area of training, as it does not have the resources necessary to provide adequate training to existing staff and adequate training facilities and equipment are lacking or out of date; it also lacks the budget to hire facilitators, speakers and/or experts, training specialists and suffers from other problems. According to the Office, it still has much work to do in building

and applying evaluation systems that measure the impact of training provided, and the training that is provided is not adequate in terms of quality. The Office affirms that it has no problems of discrimination or inequality regarding gender or other factors, pointing to the high number of female officials and regular staff members in the Public Prosecutor's Office.

3.3. *Transparency, Accountability, and Access to Information*

Regarding public policy to promote transparency and integrity among public servants in the Public Prosecutor's Office, a reform is underway to make the Law of Illicit Enrichment applicable to all judicial branch officials. Through the accountability policy, the Public Prosecutor's Office issues public reports to guarantee such transparency and integrity.

A provision of the Public Prosecutor's Office Statutes mandates the publication of an annual report to be distributed during the first quarter of each year in different sectors, including to judges, the Judicial Library, and at other locations.

In September 2006 the Public Prosecutor's Office Website created a section dedicated to transparency that includes: accountability in the Office of the Prosecutor General, Public Prosecutor's Office statistics, reports of the Prosecutor General, Records of the Prosecutor Board, evaluations of plans and projects, budget implementation and annual reports.

In a recent (2006) JSCA study⁵⁰ Costa Rica's Public Prosecutor's Office obtained a rating of 53.1% for online access to information, moving from seventh to fourth place since the last index was published in 2004, with a rise of more than 20%.

3.4. *Reform Projects Underway*⁵¹

In this area, the Justice Administration Improvement Project is targeted to inducting newly hired prosecutors and training and updating prosecutors already on staff.

3.5. *Budget*

Between 2000 and 2006, the budget of the Public Prosecutor's Office grew by 169.75%, with an average annual growth rate of 18.14% over that period.

Table 13
Budget of the Public Prosecutor's Office
(In millions)

Year	Colones	US\$
2006	11,632	22.59
2005	10,085	21.14
2004	7,656	18.23
2003	6,776	17.01
2002	5,837	16.23
2001	4,984	15.16
2000	4,312	14.00

Source: JSCA, using information from the Judicial Branch and the Public Prosecutor's Office of Costa Rica.

3.6. Human and Material Resources

3.6.1. Human Resources

Between 2001 and 2006 the number of prosecutors rose by more than 37%, with the rate

of prosecutors per 100,000 inhabitants going from 6.28 in 2001 to 7.86 in 2006.

3.6.2. Material Resources

In 2006, prosecutor's offices had 875 computers. Only 84, or less than 10%, were connected to the Internet.

3.7. Case Movement

Information supplied by the Public Prosecutor's Office Planning Department reported that between 2000 and 2005, cases filed increased by almost 38%. Average annual growth in cases filed from 2000-2005 was 6.73%.

In 2005, almost half of all complaints were for crimes against property, followed by crimes against persons, which accounted for more than 13% of all crimes. Offenses under the Law of Psychotropic Drugs accounted for almost 10% of the total. Indeed, between 2000 and 2005, drug offenses rose by close to 50%.

Table 14
Human Resources

Item	2006	2005	2004	2003	2002	2001
Total number of prosecutors	346	337	294	270	264	252
Total number of male prosecutors	128 ⁵²	ND	ND	ND	ND	ND
Number of non-prosecutorial staff	466 ⁵³	428	382	327	313	ND
Number of male non-prosecutorial staff	130	ND	ND	ND	ND	ND

Source: JSCA, based on information from the Public Prosecutor's Office and the *Report on Judicial Systems in the Americas 2004-2005*.

Table 15
Criminal Cases Entering the Public Prosecutor's Office by Type of Offense

Type of Offense	2005 ⁵⁴	2004 ⁵⁵	2003 ⁵⁶	2002	2001	2000
Against persons	16,400	16,657	16,534	14,772	14,170	14,394
Against honor	689	581	646	599	599	701
Sex crimes	5,178	5,708	5,296	4,644	4,441	3,695
Against the family	558	563	497	514	433	393
Against freedom	1,997	2,024	2,146	1,462	1,022	1,072
Against privacy	897	954	1,054	1,043	933	990
Against property	64,153	61,636	60,633	52,851	52,598	48,723
Against good faith in business	517	706	1,045	960	1,099	1,329

Table 15
(continued)

Against public safety	385	339	330	295	213	226
Against the public order	7	15	4	18	12	9
Against national security	1	12	1	3	5	3
Against the public authority	6,695	6,983	6,324	6,093	4,849	3,679
Against the justice administration	1,144	1,203	1,045	1,050	1,023	1,078
Against the public administration	1,643	1,774	1,684	1,613	1,611	1,644
Against the government	1	1	0	1	0	0
Against the public trust	5,085	8,735	5,683	3,931	3,609	4,705
Against human rights	1	0	0	0	0	1
Infractions of the Psychotropic Law	12,913	10,722	9,275	8,310	6,424	4,592
Infractions of the Fiscal Code	156	309	200	194	207	224
Infractions of special laws	6,120	5,270	5,028	3,990	4,291	3,116
Suspicious death (<i>Averiguar muerte</i>)	2,556	1,734	1,723	1,918	1,754	1,875
Disappearance	1,135	1,016	1,070	1,124	1,148	1,235
Misdemeanors and minor offenses	128	133	171	161	115	71
Other crimes	1,999 ⁵⁷	1,509	1,879	809	1,026	770
Total	130,358	128,584	122,268	106,355	101,582	94,525

Source: JSCA, based on information from the Statistics Section, Department of Planning, Public Prosecutor's Office.

Table 16
Cases Leading to Indictment, Request for Alternative to Trial or Application of Summary Proceeding, 2003 to 2005

Reason for Termination	Year		
	2005	2004	2003
Charges laid	14,987	16,315	12,479
Lapsed	43,93	6,684	5,363
Maximum investigation time period expired	44	49	6
Cases remanded to trial and terminated by limitation in the Criminal Courts	836	936	981
Request for conciliation	3,174	3,184	2,419
Request for stay of proceedings for lack of evidence	119	126	209
Conversion of the legal action	193	327	366
Summary proceeding	9	24	9
Other reasons	1,964	2,440	1,558

Source: Public Prosecutor's Office of Costa Rica.

According to a study conducted by JSCA,⁵⁸ the Public Prosecutor's Office in Costa Rica⁵⁹ has used more alternate outcomes and discretionary powers than other public prosecutor's offices in the region, with 64% of cases treated this way.

4. Public Defense Service⁶⁰

4.1. Institutional Structure

The Public Defense Service in Costa Rica is a centralized body under the purview of the Judicial Branch High Council. It is responsible for providing defense counsel free-of-charge to defendants who lack the economic means to hire a private attorney or upon a fee agreement to defendants who are able to pay, as stipulated in Article 150 of Judicial Branch Statutes. Its mission is to guarantee the basic rights of clients.

Public defenders are Judicial Branch officials who are selected by the head of this service and confirmed by the Judicial Branch High Council.⁶¹

The service is composed of legal professionals who specialize in criminal, agrarian, family, child support, young offenders and disciplinary matters. It also has the support of legal support staff and criminal investigation specialists. Public defenders are hired to work exclusively as such, and are legally banned from practicing privately or acting as notaries while under contract. Defenders also enjoy the technical support of the Training and Oversight Unit, which regularly inspects offices and investigates complaints against employees. The service includes a national administrative and human resources unit.⁶²

Costa Rica's Public Defense Service has 38 offices around the country. If a territory has no officially appointed public defender, this role may be exercised by court-appointed counsel, except where the head of service appoints a public defender from another area to be responsible for the case.⁶³

4.1.1. Responsibility

Other legal instruments contain provisions that place responsibility with the Public Defense Service for different legal areas and/or disciplines; these include the Criminal Procedure Code, the Young Offender's Law (*Ley de Justicia Penal Juvenil*), the Child Support Law, the Law of Agrarian Jurisdiction and the Notary Public Code, among others.

Nevertheless, not all legal provisions referring to free legal aid or assistance delegate this role to

the Public Defense Service. On the contrary, many laws, including the Code of Childhood and Adolescence, the Family Code and the Labor Code, do not specify that the free legal aid contemplated therein must be provided by an official public defender, implying that it is not that Service's official responsibility.

Some responsibilities not expressly assigned to the Public Defense Service have been assigned to other entities or institutions, particularly to the Legal Aid Clinics of the Universidad de Costa Rica, as mentioned in the Law of Legal Aid Clinics.

4.1.2. Types of Public Defense Cases

Some types of cases that the Public Defense Service handles (and the respective legal norms that make the Service responsible for these) are listed below:

- Criminal cases (Judicial Branch Statutes)
- Sentence enforcement and sentence review (Criminal Procedure Code)
- Civil suits related to criminal proceedings (Criminal Procedure Code)
- Juvenile matters (Young Offender's Act)
- Child support cases (Law of Child Support, rulings of the Supreme Court Plenary, Constitutional Chamber and Judicial Branch High Council)
- Agrarian cases (Judicial Branch Statutes and the Law of Agrarian Jurisdiction)
- Judicial Branch disciplinary processes (Judicial Branch Statutes)
- Proceedings against public notaries (Notary Code)
- Extradition processes (Law of Extradition)
- Misdemeanor and transit proceedings (Circulars from the Supreme Court and the High Council)
- Participation as guardians *ad litem* (Law of Legal Firms and the Civil Code).

4.2. Government and Management

Administratively, the Public Defense Service of Costa Rica is under the purview of the High Council of the Judicial Branch.

4.2.1. Eligibility

Article 150 of the Judicial Branch Statutes stipulates that the Head of the Public Defense Service must be Costa Rican, an attorney, more than 30 years old and be experienced in handling

court cases and personnel management. The Head of Service will propose individuals with similar qualifications as candidates for Assistant Head to the Supreme Court, which shall then appoint the individual it deems most qualified.

Article 155 of the same law establishes that public defenders are employees of the Judicial Branch, and must be appointed by the Head of Service and ratified by the High Council. Public defenders must be legal adults, practicing attorneys and citizens of Costa Rica.

4.2.2. *Deficiencias Recognized in the Public Defense Service*⁶⁴

The following internal weaknesses have been identified by the Public Defense Service: overload of work and absence of studies of caseload; weak definition of the organizational structure, management roles and institutional planning; poor internal communication, mainly at the management level; and lack of administrative and functional autonomy.

4.3. *Transparency, Accountability, and Access to Information*

The constitutional reform of 2002⁶⁵ mandated the need for controls over public servants, in order to guarantee transparency and probity in the performance of their duties. This led to the enactment of the General Law of Internal Control,⁶⁶ which makes it a requirement for public services to have an internal control system in place. The Law of Illicit Enrichment was also passed to address this issue.⁶⁷

As a JSCA study has found,⁶⁸ control and supervision of the work of public defenders follows a model similar to that of the Public Prosecutor's Office, both internally and externally. Defendants may choose their own defender as long as the defender in question does not have a full caseload.

4.4. *Reform Projects Underway*⁶⁹

Public Defense Service initiatives are one of the components of the second Inter-American Development Bank's Court Modernization Program and these projects are described below.

4.5. *Budget*

Part of the Judicial Branch's constitutionally mandated budget goes to the Public Defense

Service. In 2006, the budget amounted to 6.45% of the overall Judicial Branch budget.⁷⁰

According to the Judicial High Council, the Judicial Branch also transferred three million *colones* to the Universidad de Costa Rica legal aid clinics.⁷¹

Between 2000 and 2006 the Public Defense Service budget rose by almost 40%, with an average annual increase of 7.4%.

Table 17
Public Defense Service Budget

Year	Colones (millions)	U.S. Dollars (millions)
2006	6,325	12.18
2005	4,373	8.42
2004 ⁷²	5,087	9.80
2003	4,449	11.17
2002	3,857	10.73
2001	2,981	9.06
2000	ND	8.75

Source: JSCA, based on information from the Public Defense Service of Costa Rica and JSCA's *Report on Judicial Systems in the Americas 2004-2005*.

4.6. *Human and Material Resources*

4.6.1. *Human Resources*

Between 2001 and 2006, the number of public defenders rose by 37.43%. Between 2004 and 2005, the rate of defenders per 100,000 inhabitants went from 5.4 to 5.5.⁷³

Table 18
Human Resources

Item	2006	2005	2004	2003	2002	2001
Public Defenders	257	240	232	225	220	187
Administrative staff	74	72	68	ND	ND	ND
Legal staff	54	51	51	ND	ND	ND
Total	385	363	351	ND	ND	ND

Source: JSCA, based on information from the Public Defense Service of Costa Rica and the Report on Judicial Systems of the Americas 2004-2005.

As of June 2006, nearly 70% of active public defenders were assigned to criminal cases.

Table 19
Public Defenders Allocated to Each Subject Matter,
June 2006

Subject Matter	Number of Defenders Allocated
Criminal	169
Child Support	30
Young Offenders	20
Sentence Enforcement	11
Agrarian	7
Discipline	4
Misdemeanors	1
Total	242

Source: Public Defense Service of Costa Rica.

4.6.2. Material Resources

In 2006, less than 5% of all computers installed in the Public Defense Service were connected to the Internet. From 2004 to 2006, the number of computers grew by more than 15%, reaching a rate of almost one computer per employee in 2006.

Table 20
Material Resources

Item	2006	2005	2004
Number of computers (approximate)	330	297	285
Number of computers connected to the Internet	15	10	10

Source: Public Defense Service of Costa Rica.

4.7. Case Movement

The volume of cases entering the Service has remained stable over the last two years.

Table 21
Total Number of Cases Opened and Terminated
(As of June)

Cases	2005	2004	2003
Entered	25,774	24,475	24,716
Terminated	26,038	22,201	25,739

Source: Public Defense Service of Costa Rica.

The number of cases pending resolution also has remained stable over the last three years. In June 2006, criminal cases accounted for 64% of the total.

Table 22
Cases Pending by Subject Matter
(As of June)

Subject Matter	2006	2005	2004	2003
Criminal	50,185	53,636	51,049	49,490
Child custody and family	11,680	12,035	11,125	11,165
Young offenders	7,128	7,788	7,800	8,495
Sentence enforcement (adults)	3,899	3,344	3,294	3,413
Agrarian	958	1,024	1,019	952
Misdemeanors	1,924	1,577	1,204	959
Disciplinary	1,857	1,547	1,334	1,108
Transit	200	202	217	230
Sentence enforcement-Young Offenders	426	475	161	165
Total	78,257	81,628	77,203	75,980

Source: Public Defense Service of Costa Rica.

5. Police⁷⁴

5.1. Institutional Structure

The abolition of the Army in Costa Rica on December 1, 1948 led to the creation of a national police force with a mixed mission that includes maintaining public order, crime prevention and suppression, and national defense.⁷⁵

The following police forces are under the purview of the Ministry of Public Security: the Law Enforcement Directorate (*Dirección General Fuerza Pública*); Airborne Surveillance Unit (*Dirección del Servicio de Vigilancia Aérea*); Police Legal Support Unit (*Dirección de Apoyo Legal Policial*); Special Investigations Unit (*Dirección de Investigaciones Especializada*); Regional Law Enforcement Units (including the Border Police); Weapons Unit (*Dirección General de Armamento*); National Coast Guard Service; Private Security Services Unit; Law Enforcement Reserve Unit (*ad honorem* officers); Community and Commercial Security Unit; and the Francisco J. Orlich National Police Academy.

There is also the Special Policing Unit, which includes a number of different divisions, including administrative/preventive policing and Judicial Police support division. The function of these units is to duly document and record the existence of illegal acts.

Police forces in Costa Rica that do not come under the Ministry of Public Security include the Judicial Investigation Division, which belongs to the Judicial Branch; the Transit Police, under the Ministry of Public Works and Transportation; the Immigration Police, under the Ministry of Public Security and Governance; and Fiscal Control Police, under the responsibility of the Ministry of Finance; the Office of State Intelligence and Security, of the President's Office; the Municipal Police, which are governed by local municipalities in each canton; and the Penitentiary Police under the organization of the Ministry of Justice and Grace.

According to FLACSO's 2006 *Report on the Security Sector in Latin America and the Caribbean*, the Law Enforcement Directorate has no policies to include ethnic minorities but does have policies for gender inclusiveness that have resulted in more women in the force and higher priority for cases of domestic violence.⁷⁶

5.1.1. Public Security

The police forces are responsible for public safety matters. They come under the purview of the Ministry of Public Security and are charged with air, sea and land surveillance. The country has a civil police force with an open approach to community relations.

5.1.2. Policing

Under Article 12 of the Constitution, the police forces have the duty to monitor and preserve the public order and to uphold the General Police Law, under which the State is guarantor of public safety. This same law stipulates that the police forces operating in the country must serve the community, and charges them with supervising and preserving the public order, preventing crime and cooperating to suppress crime as provided for by law.

5.1.3. Special Police

Costa Rica has different police corps for land, sea, and air. Other specialized units have been created, such as the Immigration Police, the Drug Control Police, the Canine Unit and the Police Intervention Unit. The Special Investigations

Unit was also created with a number of sub-units dedicated to combating the sexual exploitation of children, intellectual property crime and auto theft. A Special Support Unit (the elite law enforcement squad) has also been formed. Intelligence matters are handled by the Intelligence and National Security Directorate, which has special intelligence powers related to national security.

Both the Transit Police and the Judicial Police are independent of the Ministry of Public Security, and are therefore not officially law enforcement agencies.

5.1.4. Training

Locally, the Colegio Universitario de Cartago offers a degree program in Criminal and Organizational Investigation, while the Universidad Libre de Costa Rica offers a bachelor's and licentiate degree in Criminology, and the Universidad Estatal a Distancia offers a Masters in Criminology. Though all are independent institutions, they all have training agreements with the Ministry of Public Security.

At the international level, the Ministry of Public Security's Scholarship Department receives invitations from different countries that offer police training courses, including Spain, Chile, the United States, Taiwan, and countries in Central and South America.

5.2. Government and Management

5.2.1. Eligibility Requirements

Costa Rica has its own National Police Academy that is charged with training and educating new police officers and offering additional qualifications for police promotions, in a theoretical and practical training program that lasts approximately six months.

Candidates must have finished the Basic Secondary School Program (third year), be a Costa Rican citizen and be over 18 years of age. Officers must also meet other requirements for internal promotion. Currently, most officer candidates have a high school diploma and university diplomas in fields related to police work.

5.2.2. Recognized Weaknesses

The Ministry of Public Security reports that the police has a serious deficiency in human resources and transport, as the size of the police force has not stayed in step with the country's general

population increase. This has caused a major shift in the ratio of population to police. The current administration has proposed increasing the number of police officers by 1,500 in 2007.

In addition, prisons suffer from overcrowding due to inadequate infrastructure, unhealthy conditions, and a lack of suitable holding cells.

5.3. *Transparency, Accountability, and Access to Information*

Internally, the Ministry of Public Security upholds the Law of Internal Control that provides for precise control of the use of public resources by public employees and police officials. The Law of Illicit Enrichment also applies to this Ministry.

5.3.1. *Performance Statistics and Public Assessment*

The Ministry of Public Security has a Law Enforcement Inspector's Office which deals with complaints regarding police officers' inefficiency and neglect of duty. The Department of Internal Affairs follows up on complaints, and if irregularities are found it applies the respective sanction or removal from duty.

The Community Policing program arose to offer training to members of local communities across the country, who work in coordination and collaboration with the police to prevent crime that affects their community. Part of this was the establishment of community policing monitors that offer oversight and investigation mechanisms within police units.

5.4. *Budget*

Between 2002 and 2006 the budget allocated to the Ministry of Public Security grew by almost 50%, with an average annual growth rate of 10.67%.

Table 23
Budget of the Ministry of Public Security

Year	Millions of colones	Thousands of U.S. dollars
2002	27,515	529
2003	31,541	606
2004	36,800	707
2005	39,247	754
2006	41,099	790

Source: Public Defense Service of Costa Rica.

5.5. *Human Resources*

In 2006, on average there was one police officer per 605.5 inhabitants across the country, and 8.65% of all officers were women.

Table 24
Human Resources (2006)

Item	Quantity
Total number of police officers	8,646
Total female police officers	748
Number of inhabitants per police officer in rural areas	445
Number of inhabitants per police officer in urban areas	766

Source: Department of Plans and Operations, Ministry of Public Security.

5.6. *Arrests*

According to the Ministry of Public Security of Costa Rica, between January and October 2006, 50,269 arrests were made, while 59,225 were made in all of 2005.

In 2005, 113 of every 100,000 inhabitants experienced some kind of crime (homicide, attempted murder, rape, sexual abuse or kidnapping for ransom, among others).⁷⁷

6. *Ministry of Justice*

The Ministry of Justice represents the Executive Branch in the justice sector, acting as liaison with the Judicial Branch. It is responsible for criminal and criminological policy, and legally responsible for administering and maintaining a record's office for property and legal entities.⁷⁸ In addition, the Ministry advises the Public Administration in legal matters through the Attorney General's Office and acts as State Counsel.⁷⁹ It is also charged with promoting access to justice and a culture of peace and non-violence based on the appropriate use of alternative dispute resolution methods. It has power to investigate criminality and promote effective crime prevention programs. The Ministry collaborates with the government in designing and incorporating effective crime prevention and criminal justice policies and instruments in national development programs.

Its main functions are:⁸⁰

- To coordinate programs directly and indirectly related to crime prevention.

- To design, develop, and manage those programs and projects, investigate criminal behavior, and determine factors that influence crime in the country.
- To manage the prison system and operate custodial programs.
- To develop programs to improve the measures, procedures, and techniques used to deal with criminals.
- To draft and sponsor legislative bills and decrees as requested by the Executive Branch.

The Minister of Justice and Grace is appointed by the President of the Republic as the authority responsible for ensuring the institution fulfills its mandate. The Ministry also has a Deputy Minister who is responsible for appointing, disciplining and removing staff working in the Ministry and subordinate agencies.⁸¹

The Ministry carries out its mandate through the following departments: the General Office of Social Adaptation –which oversees prison administration– and the General Office of National Records.

7. Attorney General's Office

This office, the *Procuraduría General de la República*, is the highest legal advisory and technical body for all matters related to the public administration and is the legal representative of the government in all areas under its purview. It has operational and decision-making autonomy.⁸² The official opinions of this Office are considered administrative jurisprudence and are legally binding on the public administration.

Its functions are:⁸³

- To represent the state in business of any nature that is transacted or should be transacted through the courts
- In its capacity as highest advisory body, to prepare reports, issue declarations, and offer counsel as requested by the state, decentralized entities, other government bodies and state companies.
- To represent the state in actions and contracts that must be formalized through a public document.
- To intervene in criminal cases as provided for in its Statute and in the Criminal Procedure Code.
- To respond to hearings convened to consider constitutionality and to present appeals for review of sentences issued by the courts.

- To carry out the administrative actions required to detect and eliminate corruption and foster ethical behavior and transparency in the public service, and to report any public servant or private individual accused of illegal actions in an official public capacity or as a result of this, in matters under the Criminal Taxation and Public Administration jurisdiction.
- To defend the national heritage, the resources of the coastal zone, territorial waters, exclusive economic zone and the continental shelf. To take the corresponding legal action to protect the environment and safeguard the constitutional right of all individuals to a healthy and ecologically balanced environment.
- To defend the human rights of the inhabitants of the Republic.

The Attorney General heads this institution and is its highest executive authority. He or she is appointed by the Governing Council and ratified by the Legislative Assembly.⁸⁴

The Attorney General's Office includes the Attorney General (*Procurador General*), Assistant Attorney General (*Procurador General Adjunto*), assistant attorneys (*procuradores adjuntos*), regional attorneys, Director of Technology, Director of Administration, assistants, and other officials and staff required to provide adequate service. It also includes a variety of support agencies.

The Office of Public Ethics was established through the addition of clause h) to Article 3 of the Attorney General's Statute.⁸⁵ The added text empowers the Attorney General's Office to take any administrative action required to prevent, detect and eliminate corruption and to strengthen ethical behavior and transparency in the public service. In addition, it is responsible for reporting and bringing charges against any public servant or private individual accused of illegal acts while in an official public capacity or arising from such, in matters under the purview of the Criminal Taxation and Public Administration jurisdiction.⁸⁶

8. Ombudsman's Office⁸⁷

Named the "*Defensoría del Pueblo*" in other Latin American countries, Costa Rica's *Defensoría de los Habitantes* is this country's Ombudsman's Office. It was created in 1992 and has the following functions:

- To protect the rights and interests of citizens.
- To ensure public servants' observance of ethics, justice, the Constitution, the law, agreements to which the government is signatory, and general legal principles.
- To monitor the legality of public sector operations.
- To assist, give course to and rule on the admissibility of complaints filed by any individual or legal entity.
- To initiate official investigations to bring to light material participation, actions, or omissions of the public sector administration.
- To gather documents and process summary and informal procedures for the purpose of resolving cases presented for its consideration.
- To inspect government offices, gather evidence, receive reports, and study administrative documentation and information.
- To file any kind of legal action or administrative or jurisdictional motion, specifically *habeas corpus* writs, constitutional protection remedies (*amparo*), and constitutionality challenges when called for.
- To apprise the *Ministerio Público* of alleged criminal conduct or activity.
- To promote and raise awareness of citizens' rights.

The institution forms part of the Legislative Branch but has functional and administrative independence and discretionary powers. The Legislative Assembly appoints the Ombudsman for a four-year period through an absolute majority. The Ombudsman may be re-elected once only.⁸⁸

9. Judicial Police⁸⁹

This institution is governed by the Supreme Court and provides its services free of charge. Its aim is to provide support to the criminal courts and to the Public Prosecutor's Office in the scientific discovery and verification of crimes and those responsible for them. The institution is endowed with a series of powers stipulated in the Statute and Criminal Procedure Code, which also regulate the professional conduct of its members. The service becomes involved only after a crime has been committed. Its work is closely related to that of the courts and forms part of the apparatus of the justice system.

The organization is composed of the Executive Office, the Secretariat and the Technical

Administrative Offices, the Criminal Investigation Department, the Forensic Science Laboratory and the Medical Examiner's Office. The agency has regional offices throughout the country that are open around the clock.

The Criminal Investigation Department is responsible for taking the steps necessary to determine the facts of a crime in the areas under its jurisdiction. It also assists the courts by locating, serving notice to and/or presenting or capturing individuals as required. The department is divided into homicide, drugs, crimes against property, minors, fraud, and financial crimes divisions. The Medical Examiner's Office (*Departamento de Medicina Legal*) performs all medical tests and answers medical-forensic queries. It is divided into: Forensic Medicine Clinical Section, Labor Medicine, Forensic Pathology, and Forensic Psychology sections. Lastly, the Forensic Science Laboratory is responsible for activities such as handwriting, biological, biochemical, and photographic analysis.

10. Penitentiary Police⁹⁰

Law 4.762 established the Penitentiary Administration, while the General Police Law⁹¹ expressly delegates to the Penitentiary Police the exclusive function of guarding and preserving public security and maintaining control of the county's penitentiaries.

The Penitentiary Police is under the purview of the Ministry of Justice⁹² and its nature and special functions are governed by a general regulation.

This body is responsible for the safety of those in custody, including girls and boys, as well as visitors and staff of penitentiaries and all institutional property.

10.1. Structure

- Internal security: control the coexistence of the inmate population through preventive, corrective and disciplinary means. Control prison population flows.
- External and perimeter security: security devices manufactured or installed to contain the inmate population or avoid the entry of outsiders
- Support security services: all aspects related to the movement of inmates, their housing, open areas or areas outside of penitentiaries and any others needed to establish order.

10.2. Eligibility Requirements

Penitentiary Police candidates must meet the following requirements:

- Costa Rican citizen
- Legal adult (18 years of age) and fully entitled to all civil and political rights
- Sworn allegiance to the Constitution and the laws
- Have no criminal record in the Criminal Register
- Have the physical and moral aptitude to perform the job
- Submit to the tests and exams stipulated in the General Police Law and its regulation
- Have finished the third year of secondary school.

11. Notary and Registry System

11.1. Notary System

As indicated in point 2.2., Article 21 of the Costa Rica Notary Code⁹³ establishes the National Notary Directorate as part of the Judicial Branch. However, this article was struck down as unconstitutional in June 2006.⁹⁴ The Constitutional Chamber also ordered the Legislative Assembly to define within three years the public entity or agency to which the Notary Directorate shall report.

Under the Notary Code, the notary public's role is to privately exercise a public function. Through the exercise of this function, the empowered official advises individuals on the proper legal expression of their will in legal acts or contracts and attests to acts occurring in his or her presence.⁹⁵

To become a notary public and practice this profession, the candidate must meet the following requirements:⁹⁶

- Hold a law degree, with a graduate degree in Notary and Registry Law, from a university recognized by the competent authorities
- To have been a member of the Costa Rica Bar Association for at least two years and to have requested permission to practice said office
- To be a resident of the country, except in the case of consular notaries
- To maintain an office open to the public in Costa Rica, except in the case of consular notaries
- To have the ability to speak, comprehend and write properly in Spanish.

Foreigners who meet the above requirements may work as notary publics where their country of origin offers the same benefit to Costa Rican notaries, under the same conditions.

11.2. Registry System

The aim of registry systems is to protect acquired rights by making them public in a registry, allowing any individual to be aware of the status of goods and property rights in which they have an interest. Registration is mandatory for some rights and voluntary for others, depending on whether the matter in question is subject to registration or not.

Fees for notary services are determined by the following laws:

- The Law of Taxes on Real Estate Transfers,⁹⁷ which establishes a tax on the transfer of real estate, under any title, whether it is registered or not in the Public Real Estate Registry
- Law of Public Registry Charges,⁹⁸ which covers payment of charges applicable when a document is submitted to the Public Register for registration.

Costa Rica's Civil Code and Notary Code contain provisions governing the transfer of goods and property. The Code of Commerce also regulates commercial transactions, while these other laws govern property registration: the Law on the registration of documents in the Public Register;⁹⁹ the Law of Public Registry Charges;¹⁰⁰ the Law of Taxes on Real Estate Transfers¹⁰¹ and the Law of Taxes on Real Estate.¹⁰²

IV. Criminal Procedure¹⁰³

1. Description

Law 7.594 of 1996 introduced a new Criminal Procedure Code and the Judicial Reorganization Law, which changed the structure of the Judicial Branch and Public Prosecutor's Office in Costa Rica. The new Criminal Procedure Code entered into force in 1998, eliminating the preliminary investigation courts (*juzgados de instrucción*) and charging the Public Prosecutor's Office with the task of investigating crimes in collaboration with the judicial police.

The new code established the *juzgados de*

garantía, which oversee investigations, ensure procedural guarantees, and assist in the preparation of the oral trial. In addition, a series of basic principles to govern criminal procedure were established, including the principle of legality; the presumption of innocence; double jeopardy; and the right to an independent, qualified defense. New procedural options such as plea bargains, stays of proceedings, conciliation, and increased victim participation were also introduced.

Criminal cases may be brought to court through public or private action. In the case of the former, legal action is carried forward by the Public Prosecutor's Office, though it may include the participation of victims or other members of the public. Under the new system the former Superior Court became the Criminal Trial Court, which hears: a) matters holding a maximum sentence of five years imprisonment, shortened proceedings, extradition hearings, and appeals of rulings of the first instance criminal courts, all of which are heard by a single judge; and b) crimes with a maximum sentence of more than five years, and offenses committed by the press, which are heard by a panel of three judges. Appeals of rulings handed down by this court are heard by the Criminal Cassation Court (for single judge rulings) and Chamber III of the Supreme Court (for tribunal rulings).

In general, ordinary proceedings follow five stages:

Preparatory stage: the Public Prosecutor's Office, with the oversight of the supervisory court, determines whether there is sufficient cause to justify an indictment or private legal action and proper defense of the accused based on the evidence it collects.¹⁰⁴ If this is found to be the case, charges are brought and proceedings begin.¹⁰⁵

The preparatory stage is not public, as there are not yet grounds to publicly accuse the suspect, and therefore the investigation is carried out in private. This is based on the presumption that all individuals are innocent until proven guilty.

This stage involves primarily written procedures, through the Guanacaste Judicial Circuit has implemented oral proceedings at this stage in some cases. According to a JSCA study,¹⁰⁶ this new form of case management allows easier communication among actors in the process and facilitates scheduling of hearings.

Intermediate stage: Subsequently, an intermediate court examines the validity of the

charges in an oral and private hearing¹⁰⁷ and rules on whether there is sufficient evidence to warrant a trial. If this is found not to be the case, this body dismisses the charges.

In relation to oral proceedings, it is important to mention that in this stage the judge is able to schedule a meeting of parties, exercising control over the activity of the Public Prosecutor's Office and the complainant. The judge convenes the parties to an oral, private hearing, called a preliminary hearing, which is similar to a trial hearing.

Shortened proceedings may be proposed at any time before charges are formally accepted by the intermediate court, with the consent of the defendant, prosecutor, plaintiff and civil party (where appropriate).¹⁰⁸

Debate or oral trial: When the court decides that there is sufficient evidence, a date is set for an open and public hearing, when the corresponding court shall hear and rule on the merits of the case.

This is a crucial stage of the process, as evidence is presented and the criminal responsibility of the accused is discussed. The oral trial is accusatory, oral and immediate, public, contradictory, and continuous. The trial is conducted based on the charges brought by the Public Prosecutor's Office.

Appealing the sentence: the Criminal Procedure Code includes three types of appeals to which parties may recur:

- Petition for reversal of procedural decisions and writs issued without due process, asking the court that issued said decision to re-examine the matter and issue the corresponding decision¹⁰⁹
- Appeal for judgment from the appellate court against rulings handed down in the preliminary or intermediate courts, where these are subject to appeal, cause irreparable damage, terminate the case or make it impossible to continue¹¹⁰
- Appeal for annulment, which applies when the court ruling failed to observe a legal principle or applied it erroneously.¹¹¹

Enforcement stage: This stage begins when a final sentence is issued. This stage is said to be especially important to ensure oversight of the convicted individual's constitutional rights. It has been defined as the activity ordered and enforced by jurisdictional agencies (sentence enforcement judges) to fulfill the terms of conviction.

The Criminal Cassation Court hears the following matters:

- Cassation appeals and requests for review of rulings heard in trial courts presided by a single judge
- On appeal, rulings handed down by trial courts with a panel of judges, when the law allows for such appeal
- Appeals on matters of immigration and foreign residency as provided by law
- Estoppels, disqualifications and challenges against members of the court and alternate members
- Jurisdictional disputes that may not be resolved by the trial courts
- Disputes arising between the misdemeanor courts and trial courts
- All other matters provided for by law

As provided for in Article 56 of the Judicial Branch Statutes, the Third Chamber of the Supreme Court hears the following matters:

- Annulment and review appeals of criminal matters that are not under the purview of the Criminal Cassation Court
- Criminal cases against members of supreme powers and officials of similar status
- All other criminal matters as provided for by law.

2. Prison Population

The entity charged with penitentiary administration is the Office of Social

Adaptation,¹¹² which is under the purview of the Ministry of Justice.¹¹³ The country has a single national prison system that is not operated by concession or by private companies.¹¹⁴

V. Civil Procedure

Civil procedure is mainly written, and the Judicial Branch itself has expressed the opinion that *as a result of the written element, some problems are notable, including the absence of immediacy, the lack of public access through hearings and the slowness of the process, among others.*¹¹⁶ Nevertheless, the current Civil Code makes provision for oral proceedings at some stages, such as the conciliation hearing, in which the judge offers parties the opportunity to terminate the process through a mutually beneficial agreement.¹¹⁷

Civil law also provides for declaratory proceedings, which are proceedings in which a right is formally declared, in other words, the declaratory judgment or the ruling handed down acts as a final instance ruling. This classification includes *ordinary* and *shortened proceedings*, which have three stages:

- Initial stage: from filing to conciliation
- Evidentiary stage: with four sub-stages related to discovery, admissibility, presentation and consideration

Table 25
Population Assisted by the Office of Social Adaptation¹¹⁵
(At November 30, 2006)

Legal status	Levels				Total	
	Institutional	Semi-institutional	Community	Young Offenders	Absolute	Relative
	(closed prisons)	(semi-closed prisons)	(population assisted in the community)	(Young Offenders Law)		
Sentenced	5,924	591	781	78	7,374	57%
Defendants	1,732	0	0	19	1,751	13%
Child Support	140	0	0	0	140	1%
Stay of proceedings	0	0	3,240	0	3,240	25%
Alternative sentence	0	0	0	458	458	4%
Extraditable	13	0	0	0	13	0%
Total	7,809	591	4,021	555	12,976	100%

Source: Monthly Report of the Department of Investigation and Statistics of the Office of Social Adaptation, Ministry of Justice and Grace.

- Concluding stage, comprised of two acts: the compilation of the roll and concluding arguments. In shortened proceedings of this type no evidentiary roll or concluding arguments are presented; only the declaration of ruling is presented.

Other types of civil proceedings also exist:

Summary proceedings: These are shorter than ordinary and shortened proceedings, as the matters are simple and require quick resolution; these include, for example, collection on a promissory note, or eviction of a renter who has not paid the rent.

For these matters time limits are reduced considerably and a large number of procedural stages are eliminated completely. As a case in point, summary proceedings do not allow expansion of the suit to include other facts or increases in the claim, there is no countersuit and no evidence is required, among other things.

Like ordinary and shortened proceedings, summary proceedings are characterized by the presence of contradiction; parties have the right to defend themselves or contradict the other party's claims.

Article 432 of the Civil Procedure Code lists the ten cases for which this type of special proceeding may be used.

Special proceedings: include incidental proceedings, third party claims and *procesos monitorios* (enforcement of judgment for debt payment).

The first two of these are similar, as both depend on a main proceeding. They are not autonomous cases such as ordinary, shortened or simple executory proceedings.

Two categories of incidental proceedings should be noted:

- Suspension: processed and resolved as part of the main proceeding, and thus they suspend the proceeding. Examples include lack of jurisdiction, incident causing annulment, and others.
- Non-suspension: these are processed and resolved in a separate docket, and therefore, as their name implies, do not interfere with the continuation of the main case.

Monitory proceedings are exclusionary, and as such they may not be recurred to unless other measures have failed; such cases may involve mortgage, chattel mortgage or simple enforcement.

This is a debt collection proceeding that is initiated by an order of payment. In other words, the contradictory principle is inverted here as it does not begin with a claim. The claim may only be made in opposition to the collection by providing documentary evidence that challenges the document used by the first actor to collect the debt.

Where opposition to this proceeding is admitted, a shortened or ordinary proceeding then applies, as both parties now have documents that contradict each other. Where the challenge is inadmissible, the ruling is handed down affirming the claim.

Enforcement proceedings: this category includes sentence enforcement proceedings and simple enforcement proceedings, such as mortgages and chattel mortgages. According to Costa Rica's Civil Procedure Code, judgment enforcement instruments may include:

- Final ruling, or where the ruling is not final, a ruling that may be enforced provisionally
- Enforceable award
- Transaction approved by the judge
- Conciliation agreements.

Pure enforcement instruments include mortgage certificate with relinquishment of claim and chattel mortgage duly registered in the National Register.

Considering the broad view of the civil ambit,¹¹⁸ we see that between 2003 and 2006 cases filed increased by an average of 9.56%, while cases resolved rose by 3.76% over the same period.

VI. Legal Profession

1. Education

The government of Costa Rica does not regulate the basic content of law degree programs; however, candidates to the bar must successfully pass an ethics exam given by the Bar Association of Costa Rica in order to be granted the legal title of attorney.¹¹⁹

According to the Ministry of Public Education, the country currently has 28 law schools. These are within a number of public and private universities authorized to impart this program, and they include the Universidad Nacional and the Universidad Estatal a Distancia (UNED), which only offers graduate law programs.¹²⁰

Table 26
Cases Filed before the Civil Courts (Broad Civil Ambit)

Subject Matter	2006	2005	2004	2003
Civil	78,979	74,659	78,287	74,786
Family	24,256	24,266	23,754	22,596
Contentious- Administrative	31,311	26,755	24,117	23,032
Labor	19,868	19,586	20,454	20,398
Child Support	23,268	23,827	23,433	22,297
Total	177,682	169,093	107,045	163,109

Source: JSCA, based on information from the Department of Planning, Judicial Branch of Costa Rica.

Table 27
Cases Resolved before the Civil Courts (Broad Civil Ambit)

Subject Matter	2006	2005	2004	2003
Civil	45,554	47,220	51,861	46,313
Family	20,954	23,730	23,591	18,989
Contentious- Administrative	15,129	15,297	15,757	11,771
Labor	23,148	21,248	21,610	17,798
Child Custody	11,499	10,073	9,486	10,329
Total	116,284	117,568	122,305	105,200

Source: JSCA, based on information from the Department of Planning, Judicial Branch of Costa Rica

Table 28
Case Resolution Rate for Civil Cases (Broad Civil Ambit)

Subject Matter	2006	2005	2004	2003
Civil	57	63	62	61
Family	86	97	99	84
Contentious- Administrative	48	57	65	51
Labor	116	108	139	87
Child Custody	49	42	40	70
Annual	65	69	114	64

Source: JSCA, based on information from the Department of Planning, Judicial Branch of Costa Rica.

Information supplied by CONARE affirms that in 2004, the Universidad de Costa Rica granted 112 bachelor of laws degrees, 103 licentiate law degrees, 7 masters of law and 17 professional specialization diplomas, while the UNED conferred master of law degrees on 41 professionals. In 2005 the Universidad de Costa Rica conferred 79 bachelor of laws degrees, 111 licentiate degrees, 13 masters degrees and 26 legal specialization diplomas, while UNED conferred a master of laws degree on 7 graduates.¹²¹

2. Legal Practice

In 2006 Costa Rica had a rate of 371.20 practicing attorneys per 100,000 inhabitants. Between 2002 and 2006 this rate rose almost 21%.

Table 29
Practicing Attorneys

	2006	2005	2004	2003	2002
Number of practicing attorneys	16,340	15,852	15,352	13,263	12,082
Total number of new attorneys	521	536	1,151	ND	ND

Source: Bar Association of Costa Rica.

In Costa Rica there is no requirement of nationality for obtaining the title of attorney. Foreign nationals that wish to practice law in Costa Rica must become members of the Bar Association of Costa Rica.¹²²

Bar associations are public, non-governmental entities that are mainly regulated by the General Law of the Public Administration and collaborate in State functions, carrying out public action when they regulate professional practice and applying a system of disciplinary sanctions where required. In all other functions these associations are governed by private law. The Bar Association of Costa Rica is also governed by its own charter, the *Ley Orgánica del Colegio*.¹²³

VII. Related Topics

1. Alternative Dispute Resolution¹²⁴

Alternative dispute resolution (ADR) was first introduced in Costa Rica by a Supreme Court

plenary resolution in 1993 that created the Judicial Branch Alternative Dispute Resolution Program, entitled “Programa RAC.”

On December 9, 1997, Law 7.727 on “Alternative Dispute Resolution and the Promotion of the Social Order was passed,¹²⁵ allowing the court to propose a conciliatory hearing at any stage of judicial proceedings. This law also authorizes the creation and organization of agencies to administer mediation, conciliation and arbitration processes, for a fee or free of charge. These entities must be authorized by the Ministry of Justice, except where authorized by a special law or in the case of labor conciliation, mediation or arbitration, which is governed by its own regulatory framework. The existence of these entities provides citizens with the choice of service, not limiting them to the courts as the only means of resolving their disputes.

The law also created the National Office for Alternative Dispute Resolution, under the purview of the Ministry of Justice. The mission of the Office is to authorize the operation of each private Conflict Resolution Center; since the law was passed the Office has accredited a number of such centers.¹²⁶

1.1. Alternate Dispute Resolution in the Ministry of Justice¹²⁷

Executive Decree No. 32.152-MJ makes the Ministry of Justice’s National ADR Office legally responsible for this issue within the Ministry, in accordance with the Law on Alternative Dispute Resolution and the Promotion of the Social Order.

In 2003, this Office signed an Inter-institutional Cooperation Agreement with the Universidad de Costa Rica for the implementation of *Casas de Justicia* (Houses of Justice) to function as neighborhood mediation centers that seek to encourage, develop and manage ADR mechanisms, with special emphasis on community mediation. Contact also has been made with various municipalities to promote the creation of other *Casas*.

1.2. Conciliation Center of the Judicial Branch¹²⁸

Created in March 2007, this center is the first of its kind to be operated by a judicial branch in Latin America. Its creation was proposed by *Comisión de Resolución Alternativa de Conflictos*, which has worked for the last four years on this

issue. The center's organization was modified in response to the results of a pilot plan that was implemented in a number of judicial circuits. Under this model, specially trained judges will be responsible for conducting the process, which will help to decongest the courts.

In the past, conciliation has been undertaken by the Unit of Judge-Conciliators, which has provided professional assistance to more than 15,000 justice system users in 150 special conciliation hearings held in the country's 11 judicial circuits. However, with the creation of this center the system of special "itinerant" hearings will be replaced by a system of referrals to the Center from all First and Second Circuit Courts of San José and the surrounding area.

The Center will be located in the First Judicial Circuit of San José and will have offices in different areas of the country, which will be opened in response to local needs. The Center will operate along with two other offices that already operate in the judicial circuits of San Ramón and Santa Cruz.

VIII. Reform Projects Underway

1. *Locally financed project*

Contentious-Administrative Procedure Code

The current session of parliament just processed Law 15.134, the new Contentious-Administrative Procedure Code, passed April 28, 2006. This legislation will enter into force in 2008, and its aim is to replace the current Law Regulating the Contentious-Administrative Jurisdiction with a more modern legal framework. Highlights of the new law include the introduction of oral contentious-administrative proceedings and the existence of two hearings, one preliminary and one additional.

Other innovations in the Administrative Procedure Code include the following:

- Control over administrative conduct is expanded (today this is limited to the review of acts and provisions), to administrative omissions and procedures
- In terms of validity, claims now may include collective and diffuse interests, community actions and institutional actions
- Precautionary measures are strengthened and judges' powers in this regard are strengthened

- The mechanism of judicial conciliation is introduced
- Special urgent procedures are provided for matters that must be resolved immediately (administrative contradictions) and for legal protection (*amparo*) matters
- Exhaustion of administrative channels is required first, except where a superior is unsuitable, in which case the matter must be presented
- The powers of the judge are broadened when handing down the ruling, and especially for its enforcement
- Stages are eliminated, time limits are reduced and requirements for accessing the cassation remedy are more flexible.

De-judicialization of Transit Infractions with Set Fines

As of 2005, cases for "simple traffic infractions or those with set fines" are now handled by the Road Safety Council, which is part of the Ministry of Public Works and Transport, and therefore the Executive Branch. These administrative decisions may be appealed to a transit court judge.

This frees up the resources of the courts to attend to matters involving road accidents, collisions and crashes, which imply a greater conflict of interest. This is a notable improvement, as before this change the transit courts had the largest caseload of all the courts in Costa Rica, with more than 50% of the total.

Procedural reform bills that introduce significant changes in the structure of court offices –General Procedure Code and Labor Procedure Reform–

One of the most important reform bills creates a General Procedure Code that is applicable to a number of different civil subject matters (civil, family and agrarian). Nevertheless, due to the observations of some judicial operators, in practice this code will be limited basically to civil matters only, and to the *Labor Procedure Reform* bill. This will help to promote oral hearings and efficiency in case processing.

The drafting and revision of the new Code is being undertaken by commissions of magistrates, judges, litigating attorneys and administrative bodies appointed by the Supreme Court. At the same time, discussion forums and informational workshops have been organized to publicize the reform bills, their scope and benefits, as well as to capture the observations of stakeholders. The Department of Planning is responsible for

studying the alternative scenarios for court office operation in order to establish early on the structures and human resources required to attend to projected caseload.

The General Procedure Code draft bill includes the introduction of oral hearings for the following proceedings, among others:¹²⁹

- Monitory proceeding (articles 85 and following)
- Non-contentious proceedings (except no-contest divorce and separation proceedings, which now come under the family jurisdiction). The principles of evidentiary concentration and a single hearing in which judgment is issued are reaffirmed. Reversal of decision is allowed, but appeal is only permitted for resolutions rejected outright or those that extinguish the procedure (articles 90-93)
- Transfer of property of minors and the unfit (article 95). Direct participation of the judge in the investigation of the acts
- Declarations of Insanity (article 96). In a single hearing evidence is received and judgment is handed down
- Insolvency proceedings (articles 112 and following). A single procedural format is established for insolvency proceedings (procedural unification), without detriment to substantive provisions applicable in each case.

The above mentioned bill provides for the creation of specialized jurisdictions across the country for civil, family, labor, land, contentious-administrative and environmental matters. Collegiate courts (with a panel of three judges) are provided for in ordinary proceedings, with majority rulings. The family jurisdiction contains some innovations, including:

- A constructive and comprehensive rather than adversarial approach to conflicts
- Application of the principle of procedural economy
- Broad jurisdiction (the process can include any other family matter)
- Oral hearings, case file and its parts are private
- Application of the reality principle
- Preliminary conciliation and professional intervention
- Reinforcement of the judges sentence enforcement powers

Special procedures are also provided for in the family jurisdiction, including:

- Adoption and sheltering of minors and the disabled
- Appointed guardians
- Authorization for legal recognition of children
- Insanity claims
- Travel permits for children and the disabled.

Judicial Collection Bill of Law

The Supreme Court of Costa Rica drafted this bill, which provides for the creation of collection courts to attend to cases related to monitory proceedings, liens and mortgage enforcement proceedings before the small and large claims civil courts. With this step, these courts will be free to concentrate on other matters before them. In turn, it also eliminates differentiation by the amount of the claim in the civil ambit and establishes jurisdiction based on the type of matter.

Program for Special Conciliation Processes

Launched by the Office of the Chief Justice, this program is aimed at decongesting the courts by immediately resolving cases that have been bogged down in the courts with lengthy and complex procedures.

Program against Judicial Delays

In 2001 the Office of the Chief Justice established a corps of supernumerary judges that assists the courts in drafting substantive rulings, which has allowed for some clearing up of pending cases. To increase the efficiency in case processing, regular reviews and evaluations are conducted and the results used to determine specialized instances in a large number of mixed jurisdiction courts.

Cooperation Agreements with Different Public Entities

Cooperation agreements have been signed to foster quicker case processing by the courts, giving the Judicial Branch authorized access to information from the Civil Registry, Irrigation Canal and Sewage System Registry and the Office of Immigration and Foreign Residents. A further agreement is currently under negotiation with the Social Security Administration (*Caja Costarricense del Seguro Social, CCSS*).

Reform bill of the Law on Notifications, Summons and Other Judicial Communications

This bill is currently before the legislative assembly. It seeks to repeal current regulations that govern notification by fax, mail and e-mail, transferring all provisions to this new law.

2. *Projects Financed through International Cooperation*

Justice Administration Modernization Program

This justice reform program is currently underway in Costa Rica, entitled the “Justice Administration Modernization Program.” Financed by the IDB, the first stage of the project was funded by the first loan (859-OC-CR) and was finalized in 2003. The second stage began with the second loan (1367-OC-CR), which was initially scheduled to conclude in late 2007; however, a project extension clause was established to end the project in May 2008. The program has a total cost of US\$32 million.¹³⁰

The Accountability Report of the Judicial Branch-IDB program submitted in July 2005 reported the following activities currently under implementation:

- Service contract to develop a profile for litigating attorneys and proposals to improve ethics in legal practice
- Service contract to conduct a participatory assessment of the Community Safety Program of the Ministry of Public Security
- Hiring of expert assistance to design a protocol for handling domestic violence crimes and sex offenses
- Contract with an institute of higher education to provide management training to employees of the Public Ministry
- Design and implementation of a new management model for the Public Defense Service and the Public Ministry
- Design and launching of a Public Ministry Webpage
- Design and implementation of an information system to support investigations undertaken by the Public Ministry
- Design of a methodology to design a criminal prosecution policy.

The Justice Administration Modernization Program is being implemented through specific operational units involved in the different activities. The program implementation unit is

responsible for directing, coordinating, supervising and being accountable for the technical, financial and administrative execution of the Program.

The program also includes initiatives that offer training and professional development to Public Ministry staff. It has delivered a number of courses and prepared manuals and protocols under this framework. In terms of resources, a number of materials have been acquired. The projects funded under this initiative and currently under implementation are:

- *Strategic planning:* A five year strategic plan is expected from this initiative that includes the judiciary, public defense service and the Public Ministry, with corporate and operational plans that include performance indicators and established milestones to facilitate follow up. The Public Ministry’s strategic plan was presented to the Court Plenary by the Prosecutor General and was then approved in a formal session organized by the consulting firm hired to assist this process. The final unified strategic plan is now being reviewed by the counterpart team.
- *Digitalization of photographs:* This effort facilitated an important component of the electronic criminal case file system, which is the digitalization of 170,008 photographs of defendants and their migration to an online system. The final product has been delivered.
- *Webpage:* The improvement of information both internally, locally and internationally will facilitate training, improve service provision to users of the system and allow prosecutors to analyze information and cases more easily. It also enhances accountability, facilitates monitoring of budget execution and public calls for applications to the prosecutorial career, and the standardization of criteria. Finally, it promotes timely communication of case law guidelines, circulars and newsletters, publications and prosecutorial policies, among other things.
- *Training for Oral Proceedings:* Approximately 12 courses were delivered in 2006 and training will continue to be provided to staff in the Public Defense Service, judges and prosecutors in 2007.
- *Design of training protocols:* The design of protocols and training sessions delivered enables the use of uniform procedures and sharing of experience among prosecutors, thereby achieving better continuity in the workplace. The training sub-component allows

- staff specialized in certain areas to dedicate the time required to draft documents that will subsequently be validated in a workshop with other staff members working in the same area.
- Under this program, the *Manual on Approaches to Investigation* was produced and the respective courses were delivered. While this report was being produced, protocols were being published on: Economic Crime, Basic Prosecutorial Procedures and the Manual on the Collection of Clues. The Protocol on Drug Trafficking Crimes was also validated at that time. Currently under implementation are: courses and materials on Crime Theory; support material for the induction course and supervised practicum for assistant prosecutors first entering the Public Ministry; course and background material on constitutional principles of the criminal process; the design of lectures in forensic science for prosecutors; and the preparation of a manual on forensic science for prosecutors.
 - *Establishing procedures*: By standardizing certain actions performed by prosecutors and support staff in the Public Ministry it has been possible to simplify and optimize the use and flow of resources, reducing the duration of proceedings and improving investigations and their results.

The Public Defense Service also has its own component in the second IDB court modernization program. Much progress was made in the 2005 component, but there are also some projects that are currently under implementation, with the following being the most notable:

- *Administrative and Functional Improvement*
 - *Improving the organizational structure of the Public Defense Service*: this has involved an overhaul at the management level of the Service (coordinators, supervisory staff, administrative staff, department heads and assistant heads). At this stage positions are now being redefined. This specially commissioned project included the drafting and design of the public defendant career path, which will help to consolidate the system for the selection, hiring, promotion, discipline and removal of defenders.
 - *Training and strategic partnerships*: A series of lectures were held to inform defenders of specific elements of technical evidence that may be called into question due to poor

laboratory practices or procedures used by investigators.

- *Strategic planning of the Public Defense Service*: This will be undertaken by the company IGT Invertec, and will be implemented in collaboration with the Public Prosecutor's Office and the Judicial Branch.
 - *Awareness-raising activities to prevent discrimination*: These activities were carried out in 2006 with public defenders, prosecutors and judges.
- *Improving Case Management*
 - *Computer equipment*: In 2004 the need for computers in most defender's offices across the country was met, and in 2005 four laptop computers and 48 new software licenses were acquired. Steps were taken to purchase more equipment and printers.
 - *Case management system for the Public Defense*: It was decided that this system should be part of the current system, which was designed under the first IDB loan project.

IX. Websites

Judicial Branch - Poder Judicial

<http://www.poder-judicial.go.cr>

This site contains documents, statistics, reports, budget accountability reports and information on the different bodies in the Branch. Spanish-language only.

Ministry of Justice and Grace - Ministerio de Justicia y Gracia

<http://www.mj.go.cr>

This site includes information on the history of Costa Rica's penitentiary system, existing prisons, their geographic location, initiatives, studies and training for inmates, among other aspects. The webpage also offers information on the National ADR Office, the Office of Social Adaptation, the National Registry and the Registry Administrative Court, among other offices of the Ministry of Justice.

Attorney General's Office - Procuraduría General de la República

<http://www.pgr.go.cr>

Official Website of the Attorney General's Office, offering institutional information, a list of attorneys,

a judicial bibliography for specialized searches, and online papers presented in seminars organized by the institution. Spanish-language only.

Ombudsman's Office - Defensoría de los Habitantes

<http://www.dhr.go.cr>

The site contains news, legislation and explanatory texts on citizens' rights, activity reports including statistics for different areas. Spanish-language only.

Costa Rican Legal Information System - Sistema Costarricense de Información Jurídica

<http://www.pgr.go.cr/Scij>

This project is a component of the program to modernize the administration of justice and is aimed at improving access to judicial information. It was carried out with a loan from the IDB. The site is accessed from the Website of the Attorney General. Spanish-language only.

Legal Doctrine Information System - Sistema de Información de Doctrina Jurídica

<http://www.doctrina.ucr.ac.cr>

This web portal is another product of the program financed by an IDB loan since 1996. The site offers information on branches of law, as well as bibliographical indexes of legal doctrine classified by the University of Costa Rica Law School. Spanish-language only.

Costa Rica Criminal Sciences Association - Asociación de Ciencias Penales de Costa Rica

<http://www.cienciaspenales.org>

The Website of this civil society organization composed of lawyers specialized in criminal law. This organization centers its work on holding conferences, roundtable discussions, seminars, and promoting the study of topics related to criminal sciences. It provides online content from the *Ciencias Penales* law review (complete articles in editions prior to 2001). Spanish-language only.

Bar Association of Costa Rica - Colegio de Abogados de Costa Rica

<http://www.abogados.or.cr/>

The official Website of the Bar Association contains legislation on membership, the Association's Statute, Code of Ethics, Board of Directors, and a list of attorneys who have been disbarred.

X. Directory

Corte Suprema de Justicia

Edificio de la Corte, Calle 17 y 18 Avenida 6 y 8, Distrito Catedral

San José- Costa Rica

Phone: 506 295 49 99

Fax: 506-257 27 44

<http://www.poder-judicial.go.cr>

Ministerio de Justicia y Gracia

Apartado 5685-100

San José, Costa Rica

Phone: 506-280 77 76

506-234 79 59

Procuraduría General de la Republica

50 metros norte de la Clínica de los Doctores Echandio

San José- Costa Rica

Phone: 506-223 24 04

<http://www.pgr.go.cr>

Fiscalía General de la Republica

Poder Judicial

San José – Costa Rica

Cp. 1003-23

Phone: 506-295 34 58

Fax: 506-223 26 02

Defensa Pública

150 metros. Al Este de la Caja Costarricense de Seguro Social

San José- Costa Rica

Cp. 561003

Phone: 506-257 26 30

Fax: 506-257 56 34

Colegio de Abogados de Costa Rica

Apartado Postal 3161-1000

San José, Costa Rica

Phone: (506) 253-1947

Fax: (506) 224-0314

<http://www.abogados.or.cr>

Notes

- ² See <http://www.inec.go.cr>
- ³ ECLAC, *Statistical Yearbook for Latin America and the Caribbean*, 2005.
- ⁴ FLACSO, *Reporte Sector Seguridad en América Latina y el Caribe 2006*. Informe nacional Costa Rica. Available at: <http://www.flacso.cl/flacso/biblos.php?code=2125>
- ⁵ ECLAC, *Social Panorama of Latin America*, 2006.
- ⁶ UNDP's Human Development Index classifies countries into three groups: high human development (rating of 0.8 or over), medium human development (rating of between 0.5 and 0.8) and low human development (rating of 0.5 or less). According to the 2006 version of the *Human Development Report*, 63 countries qualify for the first group, 83 for the second, and 31 for the third. See <http://undp.org>
- ⁷ The Gini Coefficient is used to measure concentration of wealth. It is expressed as a value between 0 and 1 where

0 represents perfect equality (everyone has the same income) and 1 represents absolute inequality (one person has all of the wealth and the rest have none). See http://www.eclac.cl/publicaciones/xml/0/27480/Cuadros_Anexo_PS2006.xls

⁸ ECLAC. *Social Panorama of Latin America, op. cit.*

⁹ ECLAC, *Statistical Yearbook for Latin America and the Caribbean, op. cit.*

¹⁰ World Bank, *World Development Indicators*. Available at: <http://devdata.worldbank.org/data-query>

¹¹ ECLAC, *Social Panorama of Latin America, op. cit.*

¹² This point is based on JSCA's *Report on Judicial Systems in the Americas 2004-2005*, and information submitted by the Costa Rican Judicial Branch Department of Planning.

¹³ Title XI, Article 152.

¹⁴ See section 2.2.

¹⁵ *Constitución Política de la República de Costa Rica* (hereinafter the Constitution), Article 156.

¹⁶ Constitution, Article 10 and the Law of Constitutional Jurisdiction, Article 1.

¹⁷ It is worth noting that Article 21 of the Notary Code (Law 7.764 of April 17, 1998) establishes that the *Dirección Nacional de Notariado* (National Office of the Notary) comes under the Judicial Branch. However, this article was declared unconstitutional in June 2006 by decision 7965-06 of the Constitutional Chamber, which ordered the Legislative Assembly to define within three years the purview under which this Office shall operate.

¹⁸ Article 48.

¹⁹ The Office conducts its activities under the provisions of the Judicial Branch Statutes (Law 7.333, July 1, 1973). Its actions are subject to the principles established in other laws with general purview such as the *Ley de Administración Financiera de la República* (Law of Financial Administration), *Ley de Contratación Administrativa* (Law on Administrative Contracts), *Ley General de la Administración Pública* (General Law on the Public Administration), and all other applicable legal norms.

²⁰ Its creation was approved by the Supreme Court Plenary in session 33-2000 of August 28, 2000, Article XXXIII, through the *Reglamento de Creación, Organización y Funcionamiento de la Contraloría de Servicios del Poder Judicial*.

²¹ Information that is also available to clients on the webpage.

²² JSCA, *Index of Online Access to Judicial Information, 2nd version, 2006*. See www.cejamericas.org

²³ See point 4 in this section.

²⁴ See point 4 in this regard.

²⁵ See also section VIII on reform projects.

²⁶ Article 177 of the Constitution.

²⁷ Calculated using the budget figures from Table 2 and the Gross Domestic Product of Costa Rica reported in the World Bank's *World Development Indicators, op. cit.*

²⁸ The exchange rate used is from the Banco Central de Costa Rica: Average for 2000-2005 and exchange rate at November 22, 2006 for 2006.

²⁹ The Judicial Branch includes 4.292 billion *colones* from the "Superávit" 801 Program.

³⁰ The Judicial Branch includes 2.200 billion *colones* from the "Superávit" 801 Program.

³¹ The purchase exchange rate of reference is from the Banco Central de Costa Rica. Average for the 2000-2005 period and exchange rate at November 22, 2006 for 2006.

³² The amounts in the table correspond to all current revenues of the Central Government indicated in the corresponding budget laws and not to the Budget of the Public Sector.

³³ Using the official exchange rate of the Banco Central de Costa Rica on November 22, 2006.

³⁴ Supreme Court, Department of Planning. *Compendio de Indicadores Judiciales 2001-2005*. March 2007.

³⁵ Data supplied by the Budget and Analysis Section of the Department of Planning. ND = No Data.

³⁶ Based on population projections by the *Instituto Nacional de Estadísticas de Costa Rica* (National Statistics Bureau) for 2001: <http://www.inec.go.cr>

³⁷ Supreme Court, Department of Planning, *op. cit.*

³⁸ Information obtained from information sent in by the Judicial Branch Department of Planning.

³⁹ Information obtained from information sent in by the Judicial Branch Department of Planning.

⁴⁰ Statistical tables are published on the Judicial Branch's Website on a quarterly basis and the Annual Judicial Report on a yearly basis.

⁴¹ The litigation rate is calculated using the matters filed before all first instance courts.

⁴² JSCA, *Report on Judicial Systems in the Americas 2004-2005*, p. 174.

⁴³ The case clearance rate is calculated by dividing all cases resolved by the number of cases filed per subject matter for the 2003-2006 period.

⁴⁴ The cases pending rate is calculated by dividing all cases pending by the number of cases resolved in each subject matter for the 2003-2006 period.

⁴⁵ The congestion rate equals cases pending plus new cases filed minus cases disposed, divided by cases pending plus filed in each subject matter for the 2003-2006 period.

⁴⁶ World Bank. *Doing Business*. See: <http://espanol.doingbusiness.org/ExploreTopics/EnforcingContracts>

⁴⁷ This point was based on information sent by the Public Prosecutor's Office and information contained in the *Report on Judicial Systems in the Americas 2004-2005*, JSCA.

⁴⁸ Judicial Branch Statutes, Article 59.

⁴⁹ JSCA, *Informe comparativo: Proyecto "Seguimiento de los procesos de reforma judicial en América Latina,"* p. 34.

⁵⁰ JSCA, *Index of Online Access to Judicial Information, op. cit.*

⁵¹ See the section *Reform Projects*.

⁵² The Public Prosecutor's Office has 128 male and 117 female official prosecutors. The difference between the sum of these and the total number reported for the Office is due to 101 vacant positions with no permanently assigned prosecutor, which makes it impossible to assign a gender to these posts.

⁵³ Support staff includes 130 male and 163 female permanent staff. As in the case of prosecutors, there are also 173 vacant positions that cannot be defined by sex, as these positions have no permanent staff member assigned to them but are covered on an interim basis.

- 54 *Ibid.*
- 55 *Ibid.*
- 56 The difference in the list of crimes compared to those published in 2003 is due to the elimination of the block of domestic violence crimes, the data for which is presented under Domestic Violence. Under the reformed law, crimes such as *estupro* and incest are classified as sexual relations with a minor and crimes such as theft, robbery, homicide and injury are taken together (without breakdown by individual category).
- 57 The category of other crimes includes 918 reported by the offices as “ignored.”
- 58 JSCA, *Desafíos del Ministerio Público Fiscal en América Latina*. November 2005, p. 20. See www.cejamericas.org
- 59 After Chile.
- 60 This point was based in information submitted by the Public Defense Service and the Judicial Branch Department of Planning and that contained in JSCA’s *Report on Judicial Systems in the America 2004-2005*.
- 61 Judicial Branch Statutes, Article 159.
- 62 See <http://www.poder-judicial.go.cr>
- 63 Judicial Branch Statutes, Article 159.
- 64 Form submitted by the Public Defense Service.
- 65 Article 11 of the Constitution, reformed by Law 8.003 of June 8, 2000.
- 66 Law 8.292 of July 31, 2002.
- 67 Law 8.422 of October 6, 2004.
- 68 JSCA, *Informe comparativo, op. cit.*, p. 35.
- 69 See the section *Reform Projects*.
- 70 Law of the Ordinary and Special Budget of the Republic, Law 8.490 of December 30, 2005.
- 71 Sessions 17-03 and 50-03 of March 11 and July 10, 2003. Information taken from the form submitted by the Judicial Branch Department of Planning.
- 72 As of 2004, program budgets are listed separately.
- 73 Supreme Court, Department of Planning. *Compendio de Indicadores Judiciales 2001-2005, op. cit.*
- 74 The information in this section is the response submitted by the Department of Plans and Operations of the Ministry of Public Security of Costa Rica to JSCA’s questionnaire.
- 75 FLACSO, *Reporte Sector Seguridad en América Latina y el Caribe 2006*. Informe nacional Costa Rica. Available at <http://www.flacso.cl/flacso/biblos.php?code=2125>
- 76 FLACSO, *op. cit.* p. 14.
- 77 Supreme Court, Department of Planning. *Compendio de Indicadores Judiciales 2001-2005, op. cit.*
- 78 Statutes of the Ministry of Justice, Article 1.
- 79 See <http://www.mj.go.cr/Principal.htm>.
- 80 Statutes of the Ministry of Justice, Article 7.
- 81 Statutes of the Ministry of Justice, Article 2.
- 82 Statutes of the Attorney General’s Office.
- 83 *Ibid.*, Article 3.
- 84 *Ibid.*, articles 9 and 10.
- 85 Law 8.242 published in the official gazette *La Gaceta* Nro. 83, May 5, 2002.
- 86 In regard to administrative actions to prevent corruption in the Ministry of Justice, the Office of the Attorney for Ethics has the objective of creating, upholding and strengthening standards of conduct to ensure the integrity of the public service. In addition, in regard to administrative actions to detect corruption, it is vital that the office of the Attorney for Ethics become a channel for complaints. In regard to this Office’s participation in criminal proceedings related to criminal acts of corruption, its charter has granted the Attorney General’s Office the following functions: Denounce acts that in its estimation may constitute a crime under current special criminal provisions; prosecute crime, specifically matters of taxation and public administration, without being subject to the actions and decisions of the Public Prosecutor’s Office.
- 87 JSCA, *Report on Judicial Systems in the Americas 2002-2003*.
- 88 Law of the Ombudsman’s Office, Article 3.
- 89 Data submitted by the Supreme Court for the *Report on Judicial Systems in the Americas 2004-2005*.
- 90 Website of the Ministry of Justice and Grace: http://www.mj.go.cr/DGAS_Policia.htm
- 91 Articles 6 and 31.
- 92 Executive Decree 23.427-MP of June, 27 1994.
- 93 Law No. 7.764 of April 17, 1998.
- 94 Vote 7.965-06 of the Constitutional Chamber.
- 95 Law No. 7.764, Notary Code, Article 1.
- 96 Article 3. *op. cit.*
- 97 Law No. 6.999.
- 98 Law No. 4.564.
- 99 Law No. 3.883.
- 100 Law No. 4.564.
- 101 Law No. 6.999.
- 102 Law No. 7.509.
- 103 This section was based on information submitted by the Judicial Branch Department of Planning and information contained in the *Report on Judicial Systems in the Americas 2004-2005*, JSCA.
- 104 *Código Procesal Penal* (Criminal Procedure Code), Article 274.
- 105 Criminal Procedure Code, Article 303.
- 106 JSCA, *Audiencias orales en las etapas previas al juicio: la experiencia del Circuito Judicial de Guanacaste en Costa Rica*. Available on JSCA’s Website: www.cejamericas.org
- 107 Article 316 of the Criminal Procedure Code.
- 108 Article 373 of the Criminal Procedure Code.
- 109 Article 434 of the Criminal Procedure Code.
- 110 Article 437 of the Criminal Procedure Code.
- 111 Article 443 of the Criminal Procedure Code.
- 112 Law of the Republic No. 4.762 of May 8, 1971.
- 113 Law of the Republic No. 6.739 of April 28, 1982.
- 114 JSCA, *Report on Judicial Systems in the Americas 2004-2005*.
- 115 Includes penitentiary populations (institutional, semi-institutional and juvenile detention centers), and the population under conditional stay of proceedings.
- 116 From the form submitted by the Judicial Branch Department of Planning.
- 117 Article 220 of the Civil Procedure Code.
- 118 Broad civil subject matter is understood to include civil and other matters that were historically under the civil ambit but have become specialized, such as family, contentious-administrative, labor, and child support matters.
- 119 Information submitted by the Division of Educational Planning and Development of the Ministry of Public Education.
- 120 *Ibid.*

¹²¹ *Ibid.*

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ Informe del Estado de la Nación en Desarrollo Humano Sostenible, *Informe final: La administración de Justicia: Balance de quince años*, November 2002. Available at: <http://www.estadonacion.or.cr>

¹²⁵ Law No. 7.727.

¹²⁶ JSCA, *Arbitraje y Mediación en las Américas*. Santiago, Chile, p. 182.

¹²⁷ Ministry of Justice and Grace for the *Report on Judicial systems in the Americas 2004-2005*.

¹²⁸ Judicial Branch Department of Press and Organizational Communications.

¹²⁹ Legislative Assembly of Costa Rica. *Proyecto de Ley Código Procesal General (General Procedure Code bill of law)*, numerous congressional deputies, file No. 15.979. Department of Parliamentary Services, p. 3. Project available at: <http://www.racsa.co.cr/asamblea/proyecto/15900/15979.doc>

¹³⁰ Project available at: <http://www.iadb.org/projects/Project.cfm?project=CR-T1012&Language=Spanish>