

# COSTA RICA<sup>1</sup>

## *General Information*

Costa Rica is a unitary, democratic republic composed of seven provinces governed by the populace through three independent branches.<sup>2</sup> The National Statistics and Census Bureau estimated that as of July 1, 2002, Costa Rica had 4,045,837 inhabitants distributed over 51,100 sq. km. and an average population density of 79 inhabitants per sq. km. Of the total population, 28.3% (1,145,808 people) live in the Metropolitan Area, which covers 0.48% of the country's total surface area and has a population density of 4,689 inhabitants per sq. km.<sup>3</sup> ECLAC reported that the percentage of urban dwellers in Costa Rica was 50.4% in 2000, which was expected to rise to 52.3% in 2005.<sup>4</sup> Other ECLAC statistics reported 1.9% average annual population growth for 2000-2005.<sup>5</sup>

Age distribution in Costa Rica in 2000 was as follows: 31.8% in the 0-14 age group; 34.9% from 15 to 34; 19.2% in the 35-49 age group; 8.8% from 50-64; and 5.3%, 65 years of age and over. Projected age group distribution for 2010 is as follows: 25.8% between 0 and 14; 35.7% from 15 to 34; 19.8% in the 35-49 group; 12.4% in the 50 to 64 age group, and finally 6.3% in the 65-and-over age group.<sup>6</sup> Illiteracy among the adult population (aged fifteen and over) was 6.1% in 1990, and was reduced to 4.4% the following decade. The estimated illiteracy rate for 2005 is 2.6%.<sup>7</sup> Life expectancy at birth for the pre-1990 period was 77.3 years, dropping slightly to 76.2 years for 1990-1995, and rising again the following period (2000 to 2005) to 78.1 years.<sup>8</sup>

Those living in poverty accounted for 26.3% of the population in 1990, dropping to 20.3% in 2002. Extreme poverty was 9.9% during the 1990s, and dropped slightly to 8.2% in 2002.<sup>9</sup> Average annual urban unemployment was 5.4% in 1990, rising to 6.8% in 2002.<sup>10</sup>

Costa Rica's GDP was US\$16,836,817,920 in 2002. It rose by 3.8% to US\$17,481,543,680 in 2003. The rate of growth for the GDP was 3% in 2002 and 6% in 2003.<sup>11</sup> Per capita GDP was equal to US\$4,070 in 2002, and rose to US\$4,280 in 2003, with a purchasing power parity of US\$9,140 that year.

## *Judicial System Highlights*

- Various articles of the Public Roadways Transit Law have been modified in order to decongest Costa Rica's transit courts, which receive the highest volume of cases in the judicial system. Once the modifications entered into force, infractions with a set fine no longer merited a citation to appear before the court; they are now presented administratively to the Highway Safety Council. Where the decision is appealed, the matter is sent to the respective transit judge for consideration.
- The Ministry of Justice, which governs penitentiary matters in the country, developed an infrastructure plan for 2003-2004 and a Prison Plan for 2005-2006. The first included building 1,560 new spaces in the country's prisons. As of December 2004, 1,132 had been created, and the remaining 428 were scheduled to be built in 2005. In addition, the Attorney General's Office has created a public ethics and transparency office.
- The number of judges in Costa Rica increased by 12% during the 2001-2003. Between 2001 and 2004 the number of public defenders increased by 24%, the number of prosecutors grew by 15%, and the number of judicial police staff increased by 10%.
- During that same period the budget allocated to the justice sector grew by 21%<sup>12</sup> and the Judicial Branch budget grew by 24.1%; however, the Public Prosecutor's Office budget shrank by 1.8%.<sup>13</sup>
- The rate of litigiousness, which is expressed as the total number of cases filed, decreased by 6.9% from 2002 to 2003.

<sup>1</sup> This chapter is based on the responses to JSCA's questionnaire submitted by the Office of the Chief Justice of the Supreme Court of Costa Rica by Dr. Luis Paulino Mora with the collaboration of Franklin González and Freddy Chavarría from the Judicial Branch Statistics Department and Ms. Sonia Navarro Solano, Coordinator of the Program for the Modernization of the Administration of Justice in Costa Rica; the Minister of Justice and Grace, Patricia Vega; José Luis Meneses Rimola, Executive Director of the Costa Rican Bar Association; Lilliana Saborío Saborío, Administrator of the Public Defense Service; Dr. Francisco Dall'Anese Ruiz, Prosecutor General of the Republic; and Sergio Calvo Vargas, Executive Director of the National Council for Private University Education.

- During the same period the number of cases disposed dropped by 4.9%.
- The number of crimes reported increased by 12.5% between 2002 and 2003. The incidence of voluntary manslaughter rose by 15% and that of violent robberies by 48%.
- Prison holding capacity rose by 27% from 5,169 in 2000 to 7,100 in 2004. Over the same period prison population rose 33% from 5,637 inmates to 7,505. Overcrowding was therefore 8% in 2000 and 5% in 2004. There were 185.5 prisoners per 100,000 inhabitants in the country in 2004.
- The number of practicing attorneys registered in the Costa Rica Bar Association increased by 18.6% between 2002 and 2004.
- Costa Rica's Judicial Branch obtained an 86% rating in JSCA's *Index of Online Access to Judicial Information*.<sup>14</sup>

## 1. Institutions

Costa Rica's justice sector is comprised of the Judicial Branch, which includes the courts, Judicial Council, the Public Prosecutor's Office (*Ministerio Público*), the Public Defense Service, and the Judicial Police; 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 Office of Judicial Inspections and the Comptroller of Services, ensure the proper performance and discipline of Judicial Branch employees. The police force comes under the Ministry of Public Safety.

The 2004 justice sector budget was 101,586,715,545 *Colons*, or US\$222,538,753.41.<sup>15</sup>

### **Judicial Branch**

According to Costa Rica's Constitution, the Judicial Branch hears civil, criminal, commercial, labor, and contentious-administrative matters, as well as other matters of any nature and involving any person as established by law. This body rules on these matters definitively and enforces said rulings with the help of the police when necessary.<sup>16</sup>

Its highest body is the Supreme Court, which is composed of twenty-two justices (*magistrados*) who sit in four chambers. Justices are elected for a period of eight years by a vote of two-thirds of all members of the Legislative Assembly. The Chief Justice and Chamber Presidents are selected by the justices themselves. All other courts, judicial officials and employees come under the authority of the Supreme Court.<sup>17</sup>

Article 49 of the Judicial Branch Statute divides the Supreme Court into four chambers; the First, Second and Third are annulment chambers, and have five justices each; the Fourth is the Constitutional Chamber and has seven justices.

With the exception of the last, all chambers generally hear appeals for annulment, which are special appeals of sentences or acts that have the power of sentences handed down by the collegiate second instance courts (*tribunales*) in all subject matters. For suits whose value is very high or inestimable, after the first instance (single judge) ruling, appeals are heard and disposed by the collegiate court of the corresponding jurisdiction. If the amount of the suit surpasses the amount established for an annulment appeal, the matter is resolved in final instance by the First Supreme Court Chamber, in cases of civil, commercial, agrarian and contentious-administrative matters, and in the Second Chamber for matters pursuant to family, inheritance, general proceedings and labor law. Matters of civil, labor and contentious-administrative law with a lower total value are resolved by the first instance courts, and may be appealed in the high claims courts; however, these matters are not heard by the Supreme Court Chambers as they are not subject to annulment. Jurisdiction for cases in the Third Chamber and the criminal second instance courts is not determined by the value of the case but by which body handed down the sentence being appealed. In the case of rulings issued by a second instance court, annulment is considered by the Third Supreme Court Chamber; however, for rulings issued by a unipersonal (first instance) court, annulment is considered by the Criminal Annulment Court (*Tribunal de Casación Criminal*).<sup>18</sup>

The Judicial Branch High Council (*Consejo Superior del Poder Judicial*) is subordinate to the Supreme Court and charged with the administration of the Judicial Branch and discipline of its staff, in order to ensure the independence, efficiency, correction and decorum of the courts.<sup>19</sup>

The Judicial Branch is organized into different areas that facilitate the administration of justice. These are:

- A jurisdictional area, consisting of the Supreme Court and its various chambers, the higher and lower courts, and the Judicial Council.<sup>20</sup>
- An administrative area that handles logistical matters, which includes a Governing Board, a Personnel Board, and auditing, planning, information, and public relations offices.
- Complementary justice institutions comprised of the Public Prosecutor's Office, the Public Defense Service, the Judicial Academy, judicial police (criminal investigation department), an inspection department (*Inspección Judicial*), and an Online Case Law Information Center.

The courts are divided by subject matter, value, and territory. The collegiate (second instance) courts are divided as follows: Criminal Annulment Court; civil courts; criminal courts; Juvenile Court; Contentious-Administrative Court; Family Court; Labor Court; and Agrarian Court. The unipersonal (first instance) courts are classified by specialty as follows: small claims; misdemeanors; first instance civil, family, agrarian, and child support; labor; domestic violence; youth offenders; contentious-administrative and civil finance; criminal; youth offender and sentence enforcement; and transit.<sup>21</sup>

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

- To declare the unconstitutionality of laws of any nature and of actions subject to public law (this requires an absolute majority of its members voting in favor of the matter in question).
- To settle jurisdictional disputes between government branches such as the Supreme Electoral Board and all other agencies and bodies established by law.
- To answer queries on constitutional reform bills, approval of international pacts and treaties, and other legislative bills.

- 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 or in international human rights pacts in force in the country.<sup>22</sup>

## Human Resources

Table 1  
Judicial Branch Human Resources and Their Distribution<sup>23</sup>

Jurisdiction	Number of Judges in 2003	Number of Judges in 2002
Civil	51	51
Criminal	138	134
Contentious-Administrative	29	29
Labor-Social	42	39
Minors (Young Offenders)	7	7
Agrarian	16	16
Family	13	12
Misdemeanors	8	7
Transit	25	24
Child Support	9	7
Domestic violence	23	19
Constitutional Chamber	7	7
Other <sup>24</sup>	316	300
Total	683	651

In 2003, the Costa Rican Supreme Court reported that there were 227 first instance courts and appellate courts in all subject matters and instances and 249 jurisdictional instances at all levels, including sixteen first instance civil courts and fifty-one first instance criminal courts.<sup>25</sup> There were 16.88 judges per 100,000 inhabitants in 2003 (table 2).

The above table shows that from 2001 to 2003 the number of judges working in the Judicial Branch increased by 12%.

Table 2  
Evolution of Court Officials in Recent Years<sup>26</sup>

Officials	2001	2002	2003	2004	Evolution
Number of Judges	608	651	683	ND	12% <sup>27</sup>
Number of Prosecutors	252	264	270	290	15%
Number of Public Defenders	187	220	225	232	24%
Number of Judicial Police	733	762	787	805	10%

### Judicial Branch Budget

Costa Rica's Constitution stipulates that no less than 6% of total annual government revenues must be allocated to the Judicial Branch. The Budgetary Law for 2004 set the minimum amount for that year at 64,187,964,000<sup>28</sup> colons. Nevertheless, the Branch actually received an allocation of 78,160,451,000 colons.

As the above table shows, the Judicial Branch allocation increased by 24.1% between 2001 and 2004.<sup>36</sup> Allocations for the Public Prosecutor's Office and Public Defense Service—officially part of the Judicial Branch— display contrasting trends:

while the first dropped by 1.8%, the second increased by 22.9% for the period in question.<sup>37</sup>

Data from the 2004 Budget Plan and the Human Resources Percentage Cost Distribution indicates that 38.9% of the Branch's human resources budget is used for court services, while 24.5% goes to staff in the Office of Administration and other support functions; 21.9% to Judicial Police staff; 11.6% to the Public Prosecutor's Office and 7.4% to the Public Defense Service staff. Staff in the Notary Services Department accounted for 303,650,450 Colons (US\$665,100), while those working in the Transit Court Service cost 2,525,033,546 Colons (US\$5,531,410.42).<sup>38</sup>

Table 3  
Total Fiscal Budget, 2001-2004<sup>29</sup>

Year	Current Colons	Current U.S. Dollars	Exchange Rate
2001 <sup>30</sup>	708,427,722,986	2,154,323,449	328.84
2002	788,620,250,000	2,193,658,554	359.5
2003	951,946,326,345	2,390,623,622	398.2
2004	1,069,799,400,000	2,343,533,046	456.49

Table 4  
Fiscal Budget Allocated to the Justice Sector, 2001-2004<sup>31</sup>

Year	Judicial Branch		Ministry of Justice		Exchange Rate
	Current Colons	Current U.S. dollars	Current Colons	Current U.S. dollars	
2001 <sup>32</sup>	45,355,925,000	137,927,031	14,950,386,266	45,464,013	328.84
2002	57,610,914,000	160,252,890	16,615,787,744	46,219,159	359.5
2003 <sup>33</sup>	75,597,125,673	189,847,126	19,286,326,810	48,433,769	398.2
2004 <sup>34</sup>	78,160,451,000	171,220,511	22,018,192,000	48,233,679	456.49

Table 5  
Evolution of the Total Fiscal Budget and Justice Sector Allocation<sup>35</sup>  
(Figures in US Dollars)

Institution	2001	2002	2003	2004	Variation for the period
Ministry of Justice	45,464,013	46,219,159	48,433,769	48,233,679	6.1%
Judicial Branch	137,927,031	160,252,890	189,847,126	171,220,511	24.1%
Public Prosecutor's Office	17,789,723	16,238,156	17,016,735	17,465,836	-1.8%
Public Defense Service	9,065,706	10,730,572	11,173,738	11,144,462	22.9%
Judicial Police	ND	33,116,465	34,943,068	35,264,854	6.0%
Total Fiscal Budget	2,154,323,449	2,193,658,554	2,390,623,622	2,343,533,046	8.0%
Total Justice Sector Allocation	183,391,045	209,317,345	241,271,035	222,538,753	21%

### *Recent Key Legal and Institutional Changes*<sup>39</sup>

- One of the more important transformations within the Judicial Branch was the Constitutional Reform of 1989, which established the Constitutional Chamber as a specialized court for constitutional control. The provisions of the Law of Constitutional Jurisdiction regulate the functioning of the Chamber<sup>40</sup> and establish procedures for initiating appeals for *amparo* (constitutional protection remedy), habeas corpus, actions for unconstitutionality and jurisdictional disputes.
- Law 7.594 of April 10, 1996 put in place the new Criminal Procedure Code that introduced a new oral adversarial trial system and other important modifications, such as the redefinition of the role of the Public Prosecutor's Office and the elimination of the preliminary investigation courts (*juzgados de instrucción*).
- In 1997 the Judicial Reorganization Law changed the structure of justice services, incorporating the figures of ruling judges (*jueces decidores*), coordinating judges (*jueces coordinadores*) and processing judges (*jueces tramitadores*) to deal with the accumulated backlog. In 1998 the Supreme Court Plenary approved the creation of "mega-offices," which combine services for courts of the same instance (but different subject matters) into a single office. Each mega-office includes a Court Clerk's Office with human and material support resources. The mega-offices also have introduced technological improvements such as fax machines, computers, Internet access, Intranet and centralized notification services.<sup>41</sup>
- Modifications have been made in the Court of Talamanca<sup>42</sup> to enable judicial officials to attend to the special cultural needs of Indigenous Communities in regard to criminal procedure, in order not to offend the values of the communities or their own dispute resolution methods.

### *Ministry of Justice and Grace*

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 legal holdings and entities.<sup>43</sup> In addition, the Ministry advises the Public Administration in legal matters through the Attorney General's Office and acts as State Counsel.<sup>44</sup> 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. It has power to investigate criminality and promote effective crime prevention programs. The Ministry collaborates with the government in designing and including effective crime prevention and criminal justice policies and instruments in national development programs.

Its main functions are:<sup>45</sup>

- To coordinate official crime prevention plans and programs.
- To design, develop and administer said programs and projects, investigate criminological behavior, and determine factors that influence crime in the country.
- To administer the prison system and restrict criminals' personal freedom.
- To develop programs to improve the measures, procedures, and techniques utilized in dealing with criminals.
- To draft and sponsor legislative bills and executive decrees.

The Minister of Justice and Grace is appointed by the President of the Republic as the highest authority responsible for the fulfillment of the functions of this institution. The Ministry also has a Deputy Minister who is responsible for appointing, disciplining and removing staff working in the Ministry and in its subordinate agencies.<sup>46</sup>

The main departments of this agency are the General Office of Social Adaptation –which oversees prison administration– and the General Office of National Records.

The Ministry of Justice was allocated a budget of 22,018,192,000

*Colons* (equal to US\$48,233,679) in 2004.<sup>47</sup> The Ministry's budget grew by 6.1% in the 2001-2004 period.<sup>48</sup>

### *Recent Key Legal and Institutional Changes*<sup>49</sup>

- *2003-2004 Infrastructure Plan and 2005-2006 Prison Plan.* The Ministry of Justice is addressing the problem of prison overcrowding comprehensively through the creation of additional capacity. The 2003-2004 Infrastructure Plan includes the creation of 1,560 new prison spaces; as of December 2004 1,132 had been installed, with the remaining 428 to be created in 2005. Under the 2005-2006 Prison Plan the Ministry projects that 804 new spaces will be created throughout the country.

- *Technology Modernization.* In 2004, Ministry of Justice launched its website, which allows users to make queries and search for information on various topics.

### ***Attorney General's Office***

The *Procuraduría General de la República* is the highest advisory and technical-legal 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.<sup>50</sup> The official opinions and pronouncements of this office are considered administrative jurisprudence and are legally binding on the public administration.

Its primary tasks are:<sup>51</sup>

- 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 the constitutionality of matters and to present appeals for review of sentences issued by the courts.
- To carry out the administrative actions required in order 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 those matters under the Criminal Taxation and Public Administration jurisdiction.
- To defend the national patrimony, the resources of the coastal zone, territorial waters, exclusive economic zone and the continental shelf. Take the corresponding legal action to protect the environment to safeguard the constitutional right to all individuals to a healthy and ecologically balanced environment.
- To defend the human rights of the inhabitants of the Republic.

The Attorney General leads this institution and is its highest authority for the execution and development of its functions. His or her appointment is made by the Governing Council and ratified by the Legislative Assembly.<sup>52</sup>

The Attorney General's Office includes the Attorney General, Assistant Attorney General, assistant attorneys (*procuradores adjuntos*), regional attorneys, Director of Technology, Director of Administration, assistants, and other officials and staff. Other agencies support the work of this office, including the Advisory Office; Administrative Office; Civil Office; Constitutional Office; Contentious-Administrative Office; International Affairs Office; Criminal Defense Office; Family Office; Tax Crimes Office (*Procuraduría de Hacienda*); Agrarian Office; Service Relations Office; Regional Oversight Office; Fiscal Office (*Procuraduría Fiscal*); Commercial Office; Criminal Office; State Notary; Environmental Office and the Terrestrial-Maritime Office; and the Informatics and Legal Rights Office, which also runs the National Online Legislation System and the Office of Public Ethics.<sup>53</sup>

Law 8,242 published in the Official Gazette No. 83 on May 5, 2002, adds clause h) to Article 3 of the Attorney General's Statute, establishing the Office of Public Ethics. 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 indicting any public servant or private individual accused of illegal actions while in an official public capacity or arising from this, in those matters under the Criminal Taxation and Public Administration jurisdiction.<sup>54</sup>

### ***Public Prosecutor's Office***<sup>55</sup>

The *Ministerio Público* forms part of the Judicial Branch. Its efforts to prosecute crimes are subject to the provisions of the Constitution and the laws. It is responsible for the initial investigation of public crimes and for filing criminal charges before the courts.

This agency is overseen by the Judicial Branch High Council for administrative matters only and has complete functional independence in technical and professional matters. In other words, it is autonomous in exercising its legal and regulatory powers and for matters under its jurisdiction it cannot be impeded or supplanted by any other authority except the Courts of Justice. Internally, it

is directed by a Prosecutor General (*Fiscal General*) who is appointed by the Supreme Court Plenary<sup>56</sup> 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 the principles of the Constitution and international and national 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 intervene in the criminal investigation and prosecution of members of the Supreme Powers of the Republic.

The Public Prosecutor's Office Statute provides for a single such entity in the Republic, headquartered in the capital. It is organized into district prosecutor's offices, which have jurisdiction over a certain territory or specialization. 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 the activity or territory in which they operate. They also have the necessary support staff for the proper performance of their duties.

The Criminal Procedure Code, which was implemented in 1998, and the Public Prosecutor's Office Statute charge the Victims' Assistance Office with the exercise of civil reparatory action when the rights holder cannot pay for counsel and delegates this action to the Public Prosecutor's Office, or when this individual is incapable of upholding his or her rights and has no legal representative. This office must also participate in the determination of reparatory judgments resulting from any such civil action.

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 Youth Offenders; and a Sentence Enforcement Office. Twelve other offices operate in the country's different judicial circuits.

## Human Resources

Table 6  
Human Resources of Costa Rica's Public Prosecutor's Office

Item	2004	2003	2002	2001
Total number of prosecutors	290	270	264	252 <sup>57</sup>
Total number of assistant prosecutors	32	31	30	ND
Total number of additional staff	353	327	313	ND

Costa Rica has 7.16 prosecutors per 100,000 inhabitants. The number of prosecutors increased by 14% between 2001 and 2004.

The *Ministerio Público* received a rating of 31% in JSCA's *Index of Online Access to Judicial Information*.<sup>58</sup>

Table 7  
Public Prosecutor's Office Budget<sup>59</sup>

Year	Current Colons	Current U.S. dollars	Exchange rate
2001	5,849,972,832	17,789,723	328.8
2002	5,837,617,271	16,238,157	359.5
2003	6,776,064,076	17,016,735	398.2
2004	7,972,979,759	17,465,837	456.49

The Public Prosecutor's Office budget decreased 1.8% over the 2001-2004 period.<sup>60</sup>

One institutional change that has occurred within the Public Prosecutor's Office is the strengthening of public participation in criminal policy design, which now includes input from leaders from the public and private sectors in forums where proposals are presented and assessed from a technical-legal perspective and in regard to criminal policy.

## Public Defense Service<sup>61</sup>

Administratively part of the Judicial Branch, Costa Rica's Public Defense Service is responsible for providing defense attorneys 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. The client's request for a public defender is processed through the courts.<sup>62</sup>

Public defenders are employees of the Judicial Branch who are selected by the head of this service and confirmed by the Judicial Branch High Council,<sup>63</sup> which is also responsible for the

administration of this Office. The Public Defender's Office has a Director and Deputy Director, both of whom are appointed by the Supreme Court Plenary.<sup>64</sup>

The service is composed of legal professionals who specialize in criminal, agrarian, family, child support, juvenile 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.<sup>65</sup>

Costa Rica's Public Defense Service has branches in ten of the most populated areas in the country, as well as twenty-eight district offices. If no public defender has been appointed, 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.<sup>66</sup>

#### Human Resources

Table 8  
Public Defense Service Resources<sup>67</sup>

Item	2004	2003	2002	2001
Number of computers	295	70	70	ND
Number of computers with Internet connectivity	9	9	0	ND
Total number of public defenders	232	225	220	187 <sup>68</sup>

In a single year, the number of computers in the Public Defense Service grew by 225, or 321%. The number of attorneys working in the office also grew by 24% from 2001 to 2004 for a rate of 5.7 public defense attorneys per 100,000 inhabitants.

#### Budget

Table 9  
Public Defense Service Budget

	Total Budget in current colons	Total budget in current U.S. dollars
2004	5,087,335,904 <sup>69</sup>	11,144,462
2003	4,449,382,610	11,173,738
2002	3,857,640,675	10,730,572
2001	2,981,167,084 <sup>70</sup>	9,065,706

Between 2001 and 2004 the Office's allocated budget grew by 22.9%.<sup>71</sup>

#### Judicial Police<sup>72</sup>

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.

Table 10  
Judicial Police Human Resources

Year	Number of officers
2002	762
2003	787
2004	805

According to the above data, Costa Rica has a rate of 19 specialized judicial police per 100,000 inhabitants; however, the number of its investigative staff has not increased in recent years.

## Budget

Table 11  
Judicial Police Budget

Year	Current Colons	Current U.S. Dollars	Exchange Rate
2002	11,905,369,260	33,116,465	359.5
2003	13,914,330,072	34,943,069	398.2
2004	16,098,053,375	35,264,854	456.49

The Judicial Police budget allocation increased by 6% from 2002 to 2004.<sup>73</sup>

### Ombudsman's Office<sup>74</sup>

The *Defensoría de los Habitantes* 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 make known citizens' rights.

The institution forms part of the Legislative Branch but has functional, administrative and discretionary independence. The Legislative Assembly appoints the Ombudsman for a four-year period through an absolute majority. The Ombudsman may be re-elected once.<sup>75</sup>

The Ombudsman's Office budget grew by 8.4% between 2002 and 2004.<sup>77</sup>

Table 12  
Ombudsman's Office Budget<sup>76</sup>

Year	Current Colons	Current U.S. Dollars	Exchange Rate
2002	1,022,884,000	2,845,296	359.5
2003	1,190,674,000	2,990,141	398.2
2004	1,408,072,545	3,084,564	456.49

## 2. Procedures

### Criminal Cases

Law 7.594 of 1996 introduced a new Criminal Procedure Code and Judicial Reorganization Law, which changed the structure of the Judicial Branch and Public Prosecutor's Office. 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 the investigation, 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, with jurisdiction over: a) matters holding a maximum sentence of five years imprisonment, abbreviated 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 Annulment Court (for single judge instances) and Chamber III of the Supreme Court (for three-judge tribunals).

In the preparatory stage of criminal proceedings, the Public Prosecutor's Office determines whether there is sufficient cause to

justify an indictment or private legal action and the defense of the accused based on the evidence it collects.<sup>78</sup> If this is found to be the case, charges are brought and the case is opened.<sup>79</sup>

Subsequently, an intermediate court examines the validity of the charges in an oral and private hearing<sup>80</sup> 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. When the court decides that there is sufficient evidence, a date is set for an open and public hearing. The court and judge is assigned based on the merits of the case.

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).<sup>81</sup> In this case the defendant pleads guilty.

In 2001 a study was conducted on criminal case duration, from the preliminary stage until to trial, including the intermediate stage. The study found that 51% of criminal cases took less than 18 months to get to trial. Close to 25% of cases took more than 36 months. Shortened proceedings, in turn, took less than 12 months 57% of the time, and less than 6 months 36% of the time. In regard to the courts, 53% of cases in the unipersonal courts lasted less than 18 months, while one in five cases in the collegiate criminal courts lasted more than 48 months.<sup>82</sup>

The first stage of JSCA's *Follow-up Project on Criminal Procedure Reform* produced a comparative report<sup>83</sup> in which the judicial reform implemented in Costa Rica was assessed through observation of trials in the I Circuit Court of San José, which accounts for 16.2% of all criminal courts and 24.1% of criminal judges in the country. The report also covered procedural aspects of the criminal procedure reform and matters of judicial re-organization.

According to the report, the aim of the reform and the new Judicial Branch Organization Law is to improve court management. However, the study found no positive results in this area. In fact, some of those who work within the system believe that it has deteriorated. Nevertheless, a major investment was made when the reform was first implemented, and this investment has grown increasingly.

The report did highlight the progress in the installation of the intranet and a computerized management system that is expected to allow files to become 100% electronic. There is also a state-run network that allows some offices to communicate with the public registries. The law allows prosecutors and defense counsel to file motions and petitions via fax, provided that the

original document arrives within the following three days.

The distribution and scheduling of cases are the responsibility of the courts themselves, though the report points out the need for better administrative organization to increase efficiency. The authors also note the high failure rate of close to 50% for hearings (during the observation period the majority of hearings were not held on the date and time specified). Even judges were unaware of the date and time of the trials they were to hear, which points to administrative problems. Only isolated cases of proper delegation of functions were observed.

In regard to the new role of the Public Prosecutor's Office, the report claims that one of the most important problems is that criminal investigation has become even more formalized. There is no national policy for analyzing and assessing criminal complaints, which are left to the discretion of assistant prosecutors in each district. There are no clear guidelines for applying outcomes such as plea bargains, and the Public Prosecutor's Office has no system for generating statistics. Records are kept in files that may only be viewed by the parties.

The report also points to a lack of victim protection mechanisms. There is a special victims' assistance office in San José with a staff psychologist, but victims generally have no influence on the decisions made by the Public Prosecutor's Office. The victim may, however, choose to act privately. In practice, civil actions are presented in the criminal system because it works much more quickly than the civil law system.

### *Civil Suits*

Costa Rican civil procedure begins with a complaint and is carried forward by judicial initiative (a judge may act on his own initiative) and the parties.<sup>84</sup> Procedure is primarily written, although the Code calls for oral proceedings. For example, in settlement hearings the judge offers parties the possibility of terminating the trial by mutual consent.<sup>85</sup>

The type of civil procedure used (ordinary, abbreviated, summary and executory) depends on the objective of the suit. The type of procedure and amount of damages determines which court hears the suit and any appeals that may arise.

In general terms, the stages of civil proceedings are filing, response and replication. Once replication is concluded and all previous

objections are dealt with, the judge convenes the parties to attempt to reach a settlement. If this is not possible, the case proceeds to the evidentiary stage. Once all evidence has been presented, the judge allows a certain amount of time for parties to present their conclusions after which the case is closed to argument and the judge then hands down sentence. Parties may appeal when appropriate.

Both small and large claims civil courts exist, and cases are channeled to one or another when the suit is filed. The amount of the suit determines which court will hear it and also limits parties' claims. Depending on the type of claim, the civil process offers different procedural options: Ordinary, shortened, summary or executive. The amount stipulated at the filing of the suit also determines the corresponding appellate court, which may be a collegiate court or a Supreme Court Chamber, through appeal for annulment.

UNDP studies state that the average duration of ordinary civil suits adjudicated in Costa Rica's

Large Claims Labor Courts in the year 2000 was thirty months and three weeks. The duration had dropped to twenty-one months and three weeks by the first quarter of 2001.<sup>86</sup>

The Judicial Branch of Costa Rica is developing a new General Civil Procedure Code and a Contentious-Administrative Procedure Code, which seek to introduce orality into civil, commercial, labor, agrarian, family and administrative proceedings.<sup>87</sup>

### 3. Case Volume and Movement

In 2003, 22,910 cases were filed per 100,000 inhabitants, a decrease over the 2002 rate of 24,631. The total number of cases filed before the courts dropped 6.9% between 2002 and 2003. By far the highest volume of cases is found in the Transit Courts, which in 2002 received 59.64% of all cases filed that year, compared to 54% in 2003.

Table 14  
Cases Filed<sup>88</sup>

Jurisdiction	Cases filed in 2003	% of all cases filed in 2003	Cases filed in 2002	% of all cases filed in 2002
First SC Chamber. Civil and Contentious-Administrative	637	0.06%	746	0.07%
Second SC Chamber. Family, Labor	877	0.09%	723	0.07%
Third SC Chamber. Criminal	1,383	0.14%	1,349	0.13%
Constitutional Chamber	13,302	1.4%	13,431	1.3%
Criminal Annulment Court	937	0.10%	917	0.09%
Second Instance Civil Court	4,063	0.43%	3,799	3.8%
Second Instance Labor Court	5,991	0.64%	5,594	0.56%
Second Instance Contentious-Administrative Court	1,050	0.11%	1,386	0.13%
Second Instance Agrarian Court	942	0.10%	989	0.99%
Second Instance Family Court	1,939	0.20%	1,747	1.7%
Second Instance Juvenile Court	179	0.01%	220	0.02%
Second Instance Criminal Court	8,400	0.90%	8,899	0.89%
First Instance Juvenile Court	11,304	1.21%	11,628	1.16%
Misdemeanor Court	46,812	5%	48,087	4.8%
Transit Court	507,889	54%	594,417	59.64%
First Instance Labor Court	20,398	2.20%	19,951	2%
First Instance Contentious-Administrative and Civil Taxation Court	23,032	2.48%	22,929	2.30%
First Instance Civil Court	74,786	8.06%	73,868	7.4%
First Instance Agrarian Court	3,007	3.2%	3,028	0.30%
First Instance Family Court	22,596	2.43%	22,173	2.22%
First Instance Child Support Court	22,297	2.4%	21,712	2.1%
Domestic Violence Court	47,086	5.07%	46,012	4.6%
Total <sup>89</sup>	926,940	100%	996,534	100%

Table 15  
Caseload<sup>90</sup>

Jurisdiction (First instance only)	Filed in 2003	Pending at start of 2003	No, Judges in 2003	Caseload per judge in 2003	Filed in 2002	Pending at start of 2002	No, Judges in 2002	Caseload per judge in 2002
Civil	74,786	1,165	40	1,898	73,868	86,159	40	4,001
Criminal	133,542	101,971	123	1,914	118,667	95,196	119	1,797
Contentious-Administrative	23,032	35,614	19	3,088	22,929	31,473	19	2,863
Labor-social	20,398	26,498	32	1,465	19,951	23,839	29	1,510
Minors	12,193	6,755	3	6,310	12,259	6,229	3	6,162
Agrarian	3,007	4,939	12	662	3,028	5,099	12	677
Family	22,596	18,085	13	3,129	22,173	17,926	12	3,341
Misdemeanors	46,812	26,157	8	9,121	48,087	26,553	7	10,662
Transit	507,889	85,857	25	23,749	594,417	87,608	24	28,417
Child Support	22,297	65,411	9	9,745	21,712	57,981	7	11,384
Domestic violence	47,086	11,373	23	2,541	46,012	11,600	19	3,032
Constitutional <sup>91</sup>	13,302	4,184	7	2,498	13,431	2,100	7	2,218
Total	926,940	480,928	683	2,061	996,534	4510,763	651	2,224

Costa Rica has a total of 683 judges, 611 in the first instance courts and twenty-seven in higher instances. Judges in juvenile and transit courts have the highest caseloads (see Table 17 below for the impact of transit cases on the judicial system). In effect, judges hearing cases in

juvenile court in 2003 had an average annual caseload of 6,310, a 2.4% increase over 2002. The caseload of transit judges is also important. Overall, average caseload of all judges in Costa Rica grew by 4.9% from 2002 to 2003.

Table 16  
Cases Disposed

Jurisdiction <sup>92</sup>	2003	% of all cases filed in 2003	2002	% of all cases filed in 2002
First SC Chamber. Civil and Contentious-Administrative	656	0.07%	797	0.08%
Second SC Chamber. Family, Labor.	316	0.04%	391	0.04%
Third SC Chamber. Criminal	648	0.07%	645	0.07%
Constitutional Chamber	14,430	1.60%	11,361	1.20%
Criminal Annulment Court	955	0.11%	768	0.08%
Second Instance Civil Court	4,369	0.48%	3,954	0.42%
Second Instance Labor Court	7,498	0.83%	7,447	0.79%
Second Instance Contentious-Administrative Court	1,463	0.16%	1,601	0.17%
Second Instance Agrarian Court	797	0.09%	913	0.10%
Second Instance Family Court	1,786	0.20%	1,661	0.18%
Second Instance Juvenile Court	180	0.02%	220	0.02%
First Instance Criminal Court	9,211	1.02%	8,946	0.94%
First Instance Juvenile Court	13,465	1.49%	12,649	1.33%
Misdemeanor Court	45,384	5.03%	48,817	5.15%
First Instance Transit Court	533,826	59.22%	597,590	63.02%
First Instance Labor Court	17,798	1.97%	19,109	2.02%
First Instance Contentious-Administrative and Civil Taxation Court	11,771	1.31%	13,190	1.39%
First Instance Civil Court	46,313	5.14%	42,163	4.45%
First Instance Agrarian Court	914	0.10%	707	0.07%
First Instance Family Court	18,989	2.11%	18,219	1.92%
Child Support Court	20,863	2.31%	19,386	2.04%
Domestic Violence Court	47,922	5.32%	46,349	4.89%
Total <sup>93</sup>	901,383	100%	948,298	100%

Table 17  
Impact of Transit Cases on the Judicial System<sup>94</sup>

Year	Total number of cases filed – all jurisdictions	Cases filed in the Transit Courts	Transit as a % of the total	All others (minus transit)
1993	431,255	178,336	41.4	252,919
1994	538,523	273,305	50.8	265,218
1995	637,415	349,686	54.9	287,729
1996	631,643	344,105	54.5	287,538
1997	664,641	349,155	52.5	315,486
1998	629,376	299,980	47.7	329,396
1999	726,757	363,974	50.1	362,783
2000	798,198	419,545	52.6	378,653
2001	934,213	537,540	57.5	396,673
2002	996,534	594,417	59.7	402,117

Table 18  
Clearance Rates<sup>95</sup>

Jurisdiction	Clearance Rate 2003	Clearance Rate 2002
First SC Chamber. Civil and Contentious-Administrative	103%	107%
Second SC Chamber. Family, Labor.	36%	54%
Third SC Chamber. Criminal	47%	48%
Constitutional Chamber	108%	85%
Criminal Annulment Court	102%	84%
Second Instance Civil Court	108%	104%
Second Instance Labor Court	125%	133%
Second Instance Contentious-Administrative Court	139%	116%
Second Instance Agrarian Court	85%	92%
Second Instance Family Court	92%	95%
Second Instance Juvenile Court	101%	100%
First Instance Criminal Court	110%	101%
First Instance Juvenile Court	119%	109%
Misdemeanor Court	97%	102%
First Instance Transit Court	105%	101%
First Instance Labor Court	87%	96%
First Instance Contentious-Administrative and Civil Taxation Court	51%	58%
First Instance Civil Court	62%	57%
First Instance Agrarian Court	30%	23%
First Instance Family Court	84%	82%
Child Support Court	94%	89%
Domestic Violence Court	102%	101%
Total	97%	95%

## 4. Crime Rates

Data from Costa Rica's Supreme Court indicated that 91,344 crimes had been committed in 2001, including 18,724 crimes against property and 238

homicides. There were 2,397 crimes committed per 100,000 inhabitants, including 491 crimes against property and 6 murders. A total of 133,542 crimes were reported in 2003, which represents an increase of 14,875 (12.5%) over 2002.<sup>96</sup>

Crimes reported were broken down as follows:

Table 19  
Crime Rate<sup>97</sup>

Type of Crime	2003	2002	Variation <sup>98</sup>
Homicide	292	254	15%
Manslaughter	506	552	-8%
Breaking and Entering	11,550	10,923	6%
Violent Robbery	5,907	3,985	48%
Auto Theft	5,304	4,385	21%
Aggravated Theft	5,917	5,582	6%
Cattle Rustling	960	955	1%

As the above table shows, for every 100,000 inhabitants, there were 19.72 cases of manslaughter in 2003, 7.2 of which involved voluntary manslaughter, and 285 cases of breaking and entering. Almost all crime categories showed an increase over the previous year, with a particularly notable 48% increase in robbery with violent robbery and the 8% reduction in the rate of voluntary manslaughter cases.

The *Décimo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible* (Tenth Report on the State of the Nation on Sustainable Human Development) published in October 2004 contains a section on "Security versus Crime in Costa Rica"<sup>99</sup> which updated and analyzed information from 1980-2003. In the study, the homicide rate from the 1980s to 1991 remained stable, from a rate of 4.4 per 100,000 inhabitants in 1980 to a rate of 4.2 in 1991. At that time, however, the rate began to increase steadily, from 5 to 7 per 100,000. A gender analysis revealed that the notable increase in the number of men committing this crime was the cause for the rise from 6.7 per 100,000 inhabitants in the period 1980-1983 to 9.7 in the period 1999-2003. The rate of male victims also rose. The study further revealed that the perpetrator knew the victim in some way in 62.1% of all murders committed between 1999 and 2003. The number of homicides with a firearm increased 17%, from 35.6% in 1989 to 52% in 2003.<sup>100</sup>

## 5. Prison Population

The Ministry of Justice administers the country's prisons through the Office of Social Adaptation (*Dirección General de Adaptación Social*), which was created through Law 4.762 of May 8, 1971. The country has a single national prison system, which is run by the State. There are fourteen prisons in Costa Rica.<sup>101</sup>

The Ministry of Justice's Department of Research and Statistics reports that the prison system had a total holding capacity of 7,100 as of November 2004.

Table 20  
Prison Population as of November 2004<sup>102</sup>

Total number of inmates	7,505
Total male inmates	6,975
Total juvenile inmates	35
Total indigenous inmates	-----
Total Afro-Caribbean inmates <sup>103</sup>	-----
Holding capacity of the system	7,100
Overcrowding	405

5,517 inmates are serving sentences and 1,988 (26.48%) are awaiting sentencing. There are 185.49 inmates per 100,000 inhabitants.

Table 21  
Evolution of Prison Overcrowding<sup>104</sup>

Year	Population	Holding Capacity	Overcrowding	Rate of overcrowding
1994	2,826	2,769	57	2%
1995	3,986	2,869	117	4%
1996	4,408	2,979	1,429	48%
1997	4,967	3,029	1,938	64%
1998	5,208	3,323	1,885	57%
1999	5,374	4,125	1,249	30%
2000	5,634	5,169	465	9%
2001	6,079	5,525	554	10%
2004	7,505	7,100	405	6%

Between 1994 and 1999, holding capacity in Costa Rica's prisons rose 48%, from 2,769 to 4,125 inmates. During this, the number of inmates rose 90%, from 2,859 to 5,374. As a result, overcrowding went from 2% in 1994 to 30% in 1999.

The holding capacity of penitentiary establishments increased 27% from 5,169 to 7,100 between 2000 and 2004. During the same period, the prison population grew from 5,637 to 7,505, or 33%. Thus, overcrowding in Costa Rica's prisons was 8% in 2000 and dropped to 5% in 2004, when the rate of imprisonment was 185.50 per 100,000 inhabitants.

Studies commissioned by the United Nations and published in 2004 showed that as crime rates rose in Costa Rica between 1992 and 2004, the number of people held in custody nearly doubled

(the rate increased from 103 to 202 inmates per 100,000 inhabitants). In 2004 25% of the prison population was being held in preventive custody. This rate is used as an indicator of procedural efficiency and respect for procedural guarantees.<sup>105</sup>

## 6. Related Areas

### *Alternative Dispute Resolution in the Judicial Branch*<sup>106</sup>

Alternative dispute resolution (ADR) was first introduced in Costa Rica through the Judicial Branch in 1993. Specifically, a Supreme Court resolution dated October 18, 1993 created the Judicial Branch Alternative Dispute Resolution Program, entitled “*Programa RAC*.” In 1994 the Corte-AID agreement was signed, which included a subcomponent on ADR. In 1995, Law 7.496 of June 8, 1995 approved the bank loan (859/OC-CR) with the IDB for the “Program for the Modernization of the Administration of Justice in Costa Rica,” the second component of which addressed ADR and access to justice. One landmark date was the enactment of Law 7.727 on ADR and the Promotion of Social Order on December 9, 1997. Article 6 allows the court to propose a conciliatory hearing at any stage of judicial proceedings and Article 71 provides for the creation and organization of agencies to administer mediation, conciliation and arbitration processes. Finally, Article 72 and following require such entities to 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. There are currently thirteen authorized centers.

The incorporation of ADR into the Judicial Branch was carried out with the participation of the Judicial Academy’s ADR Unit. Since 1996, the Academy has regularly organized training activities focused on educating and increasing awareness of ADR among judicial operators, including judges, prosecutors, public defenders, court staff, social workers and psychological staff, among others. In 2001 the Branch created the Unit of Judge Conciliators, which is staffed by judges who form part of the Presidency of the Court.

Also, the Supreme Court Plenary adopted the “strategic ADR objectives for the Judicial Branch,” which include: fostering a judicial conciliation model that successfully clears up the

backlog in all subject matters where a significant reduction is viable; vesting judge conciliators belonging to the unit with full powers for effecting judicial conciliation in all subject matters; and conducting a comprehensive medium-term analysis to determine the results of ADR in Costa Rica after a decade in force.

In order to achieve these strategic objectives, the ADR Commission began a Large-Scale Conciliation Pilot Project in 2003 in all judicial circuits throughout the country. The success of this program, observed since 2001, has had a ripple effect that has raised expectations of continued progress towards social order and reduced litigiousness.

### *Alternative Dispute Resolution in the Ministry of Justice*<sup>107</sup>

Executive Decree No. 32.152-MJ makes the Ministry of Justice’s National ADR Office legally responsible for this issue within the Ministry.

In 2003, it signed an Inter-institutional Cooperation Agreement with the Universidad de Costa Rica, aimed at implementing *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 different municipalities in order to promote the creation of other *Casas de Justicia*. The results of these efforts have been visible since 2004, in particular in the opening of *Casas de Justicia* on different campuses of the Universidad de Costa Rica.

During 2003 the National ADR Office issued thirteen permits for ADR centers and conducted the same number of on-site inspections. It also conducted legal studies and responded to inquiries on ADR; began systematization of case law on ADR methods for use in the First Supreme Court Chamber; launched an internal restructuring process; and updated statistical data requested from ADR centers.

Other important activities undertaken by the Ministry in this area include the organization of presentations and workshops in public and private universities, and preparation of a paper for presentation in a forum on ADR methods within the State. Lastly, in 2004 the Ministry launched a print and radio media campaign to promote ADR and produced approximately 500 brochures to promote the *Casas de Justicia*.

Table 22  
ADR Centers in Costa Rica<sup>108</sup>

Name of Center	Webpage/ email
Centro de Resolución de Conflictos en Materia de la Propiedad (Property Dispute Resolution Center)	cenrcp@racsa.co.cr
Centro de Conciliación y Arbitraje de la Cámara de Comercio de Costa Rica (Costa Rica Chamber of Commerce Conciliation and Arbitration Center)	arbitraje@camaracomercio.com
Centro de Arbitraje Agrario, Ambiental y Agroindustrial de la Cámara Nacional de Agricultura y Agroindustria (National Agriculture and Agro-industry Association Center for Agrarian, Environmental and Agro-industrial Arbitration)	cnaacr@racsa.co.cr
Casa de Justicia de la Universidad Latina de Costa Rica	
Centro de Mediación y Manejo de Conflictos, Enseñanza e Investigación, CEMEDCO (Mediation and Dispute Management, Instruction and Research Center)	
Centro Internacional de Conciliación y Arbitraje de la Cámara Costarricense- Norteamericana de Comercio (International Conciliation and Arbitration Center of the Costa Rica-U.S. Chamber of Commerce)	http://www.amcham.co.crcica@amcham.co.cr

### Legal Profession

Table 23  
Law Students in Costa Rica<sup>109</sup>

Item	2002	2003	2004
First-year			
Law Students (total)	-----	-----	2,345 <sup>110</sup>
Law School			
Graduates (total)	3,078	-----	2,586
First-year Students			
in All University Programs	15,382	14,894	15,789

First-year law students account for approximately 14.85% of all first-year students.

Table 24  
Number of Attorneys Registered in the Bar  
Association of Costa Rica<sup>111</sup>

Item	2004	2003	2002
Number of practicing attorneys	14,332	13,263	12,082
Number of attorneys registered	16,243	15,139	13,910

Costa Rica has a rate of 354.24 attorneys per 100,000 inhabitants. The number of attorneys rose by 18.6% between 2002 and 2004. Registration with the Bar Association is mandatory, and only those so registered are recognized by the State<sup>112</sup> and perform such functions where the law requires a registered attorney.<sup>113</sup> The Bar Association is a public non-governmental organization and carries out its tasks through Boards (*Juntas Generales*) and

a Governing Board (*Junta de Gobierno*), which is responsible for disciplinary control of its members.

## 7. Judicial Reform and International Cooperation Projects Underway

*Reform of Various Articles of the Public Roadways Transit Law, N° 7331 of April 13, 1993.* Executive approval is expected in 2005 for this reform, which aims to reduce the backlog of cases in the transit courts by resolving infractions having a set fine administratively in the Highway Safety Council. If the individual appeals the decision the matter is then sent to the respective transit judge.

The possibility of introducing orality into some civil procedures is also under discussion. The Judicial Branch is promoting the design of the General Procedure Code and a Contentious-Administrative Procedural Code aimed at introducing orality into civil, commercial, labor, agrarian, and family procedures and administrative processes.<sup>114</sup>

*Justice Administration Modernization.* The justice reform project "Program for the Administration of Justice" is currently being implemented. Law 8.273, which was published in the *La Gaceta* 98 on May 23, 2002, approved the IDB loan (1.377/OC-CR) for the second stage of the justice administration program, which includes:

- *Project A. Institutional Strengthening for Crime Prevention.* This project aims to improve institutional capacity in formulating

crime prevention policies and projects. Its three components include the design of national crime prevention policies and strategies; the promotion of out-of-court settlement for dispute resolution; and improving the relationship between the police and the community.

- *Project B. Strengthening the Public Defense Service.* The objective of this project is to support protection of the rights of those accused by improving public defender services, and looks to improve administration, operation and case management.
- *Project C. Strengthening the Public Prosecutor's Office.* This project seeks to reinforce the capacity for investigation and prosecution to ensure the proper implementation of the new Criminal Procedure Code. Its four components are improving management and strategic planning; improving the management of public prosecutor's offices; victims' assistance; and strengthening human resources.
- *Project D. Improving Judicial Efficiency in Resolving Disputes.* This project looks to reduce judicial delays by focusing on court management; procedural reform; promotion of non-judicial outcomes; education and practical experience in the legal profession; and promotion of legal and judicial information systems.
- *Project E. Improving the Administrative Capacity of the Judiciary.* This project proposes the reorganization of the administrative-managerial apparatus of the Judicial Branch with the aim of separating judicial tasks from administrative ones by incorporating specialized professionals in the latter. It looks to reform decision-making mechanisms; reorganize Judicial Branch management; and institutionalize policies on gender.

The total cost of the program is US\$32,000,000, with financing deriving from Loan Contract No. 1.377-CR, the General Terms and Annexes A, B, and C signed on January 18, 2002, between the Republic of Costa Rica and the IDB. Clause 3.06 stipulates that the funds will be disbursed over a five year period starting when the contract enters into effect.

The Program for the Administration of Justice is being implemented through specific operative units. The Program Implementation Unit is responsible for directing, coordinating, and overseeing technical, financial and administrative aspects.

More information on this Program can be accessed at [www.poder-judicial.go.cr/bid](http://www.poder-judicial.go.cr/bid). The IDB's institutional website also contains complete information on the project.

In April, May and June of 2003, Costa Rica's Supreme Court conducted an impact assessment of the First IDB Court Program, which was signed in 1995 and terminated in 2003. The assessment attempted to determine the degree to which the project objective was fulfilled. The program looked to "support the consolidation of a legal system that is more equitable, accessible, efficient and predictable, to facilitate the reduction of delays and decrease congestion in the courts."

In regard to accessibility, the number of judges per 100,000 inhabitants increased from 11.6 in 1995 to 13.8 in 1998, and to 15.8 by 2000. In regard to the rate of litigiousness, cases filed per 100,000 inhabitants rose by 44% from 16,047 in 1998 to 23,138 in 2000. As for efficiency (measured in terms of the judicial system's productivity), the number of cases disposed by all judges increased by 37% between 1998 and 2002. Nevertheless, productivity varies greatly among circuits and subject matter. Taking into account all jurisdictions, the backlog rate dropped from 42% to 30% between 1998 and 2002. However, in instances where the progress of the case depends on the judge, the backlog rate decreased from 29% in 1998 to 17% in 2002.

Perception of efficiency in the courts was determined through focus groups with outcomes of "regular" to "good." The same rating was obtained for indicators such as access to jurisprudence and perception of predictability. The perception of case duration was poor.

The opinions of judicial operators, litigating attorneys and parties were also measured in regard to the quality of rulings, judicial processes and sentence enforcement; however, respondents indicated that these had neither improved nor worsened. In regard to the accessibility of the Judicial Branch, users perceived it was "regular" to "good" compared to previous years.

The assessment highlighted the increased productivity of the Judicial Branch, particularly in regard to its response to the notable increase in cases filed compared to the number of cases disposed, with the rate of backlog decreasing from 42% in 1998 to 30% in 2002.

The analysis found that, both in overall terms and in relation to public policy design, the judicial reform has had a positive impact on important areas such as access to justice,

efficiency (mainly in regard to the productivity of human resources in resolving cases) and predictability of justice. Nevertheless, in regard to equitability, which includes key issues such as the quality of rulings and judicial processes, there is not enough evidence to form a convincing conclusion. No substantial improvements were perceived in the quality of service, but neither was there deterioration, although the timeliness of rulings was rated as “poor.”

In budgetary terms, a positive IDB evaluation was expected, as the results achieved in the projects financed under the program and implemented in pilot projects in selected circuit courts had been replicated in other circuits in the country at the expense of the Judicial Branch. The Program was found to show economy in the use of public resources: considering an annual judicial branch budget of around US\$160 million, with close to 70% channeled to staffing, the Program cost close to US\$11 million over a period of seven years, a virtually marginal amount compared to overall Judicial Branch expenditures.

## 8. Websites

### **Judicial Branch (*Poder Judicial*)**

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

This website offers a wide selection of information such as statistics, reports, budget reports, and information on different bodies within the institution. 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. Users may access to other sites of interest in Costa Rica, such as the Presidency, the Legislative Assembly and the Supreme Electoral Court.

### **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 the branches of law, as well as bibliographical indexes of legal doctrine classified by the University of Costa Rica Law School. Spanish-language only.

### **Costa Rican Criminal Sciences Association (*Asociación de Ciencias Criminales de Costa Rica*)**

<http://www.cienciascriminales.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.

### **Costa Rica Bar Association (*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 attorneys who are disbarred.

### **State of the Nation for Sustainable Human Development (*Estado de la Nación para Desarrollo Humano Sostenible*)**

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

This site offers regular reports on the evolution of sustainable human development indexes.

## **9. Basic Directory**

### **Corte Suprema de Justicia**

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

### **Ministerio de Justicia y Gracia**

Address: Apartado 5685-100, San José, Costa Rica  
Phone: (506) 280 77 76; (506) 234-79 59

### **Procuraduría General de la República**

Address: 50 metros norte de la Clínica de los Doctores

Echando

San José- Costa Rica  
Phone: (506) 223-24 04  
Website: <http://www.pgr.go.cr>

### **Fiscalía General de la Republica**

Address: Poder Judicial  
San José – Costa Rica, 1003-23  
Phone: (506) 295-34 58  
Fax: (506) 223- 26 02

### **Defensa Pública**

Address: 150 metros. Al Este de la caja Costarricense de Seguro Social  
San José- Costa Rica, 561003  
Phone: (506) 257-26 30  
Fax: (506) 257-56 34

### **Colegio de Abogados de Costa Rica**

Address: 200 metros al oeste y 100 metros al norte de la rotonda de las Garantías Sociales en Zapote  
Apartado Postal 3161-1000, San José, Costa Rica  
Phone: (506) 253-1947  
Fax: (506) 224-0314  
Website: <http://www.abogados.or.cr>

## **Notes**

- <sup>2</sup> Constitución Política de la República de Costa Rica, Article 9 (hereinafter the Constitution).
- <sup>3</sup> Ibid.
- <sup>4</sup> ECLAC, Statistical Yearbook for Latin America and the Caribbean. 2003. "*Part One: Social and Economic Development Indicators for Latin America and the Caribbean.*"
- <sup>5</sup> Ibid.
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid.
- <sup>8</sup> Ibid.
- <sup>9</sup> Ibid.
- <sup>10</sup> Ibid.
- <sup>11</sup> World Bank. World Development Indicators. See <http://devdata.worldbank.org/data-query/>.
- <sup>12</sup> Based on U.S. dollar amounts.
- <sup>13</sup> Ibid.
- <sup>14</sup> This study is available online at [www.cejamerica.org](http://www.cejamerica.org).
- <sup>15</sup> Institutional responses were based on the *Ley de Presupuesto Ordinario y Extraordinario de la República* for the 2004 fiscal year. This law covers the Judicial Branch (the courts, Public Prosecutor's Office, Public Defender's Office, Judicial Police), Ministry of Justice and Grace (includes the Attorney General's Office) and Ombudsman's Office.
- <sup>16</sup> Constitution, Article 153. Reiterated in Article 1 of the Judicial Branch Statute.
- <sup>17</sup> Constitution, Article 156.
- <sup>18</sup> Information on the organizational structure of the Judicial Branch is available at: <http://www.poder-judicial.go.cr>.
- <sup>19</sup> Ley Orgánica del Poder Judicial (hereafter the Judicial Branch Statute), Article 67.
- <sup>20</sup> There are eleven judicial circuits: Primer Circuito Judicial de San José; Segundo Circuito Judicial de San José; Primer Circuito Judicial de Alajuela; Segundo Circuito Judicial

- de Alajuela; Circuito Judicial de Cartago; Circuito Judicial de Heredia; Circuito Judicial de Guanacaste; Circuito Judicial de Puntarenas; Circuito Judicial de la Zona Sur; Primer Circuito Judicial de la Zona Atlántica and Segundo Circuito Judicial de la Zona Atlántica. From the official Judicial Branch website: <http://www.poder-judicial.go.cr>.
- <sup>21</sup> Ibid.
- <sup>22</sup> Constitution, Article 10 and the Law of Constitutional Jurisdiction, Article 1.
- <sup>23</sup> Response to questionnaire by the SC Chief Justice and respective clarifications from the Judicial Branch Statistics Department.
- <sup>24</sup> In 2002 the country had 651 judges. The category of “other” (300 judges) in the table refers to the 295 judges that process mixed subject matter and five who have notary functions. Similarly, in 2003 there were 683 judges in total, with 316 judges listed in “other,” including 311 judges who processed different subject matters and five who had notary-related duties. Source: Freddy Chavarría, Departamento de Estadística del Poder Judicial de Costa Rica.
- <sup>25</sup> Information submitted by the Supreme Court for the project *Generating Indicators and Judicial Statistics*, financed by IDB and implemented by JSCA.
- <sup>26</sup> Information for 2001 was taken from the *Report on Judicial Systems in the Americas 2002-2003* and was provided by the Supreme Court for that publication. All other data was updated using information submitted by the institutions who responded to the questionnaire.
- <sup>27</sup> The variation is measured from 2001 to 2003.
- <sup>28</sup> *Ley de Presupuesto Ordinario de la República*. Source: <http://www.poder-judicial.go.cr>
- <sup>29</sup> *Ley de Presupuesto Ordinario y Extraordinario de la República, Fiscal y por Programas para el Ejercicio Económico 2002, 2003 y 2004*.
- <sup>30</sup> JSCA, *Report on Judicial Systems in the Americas 2002-2003*. *Op. cit.* Also based on the *Ley de Presupuesto de la República* for 2001.
- <sup>31</sup> *Ley de Presupuesto ordinario y Extraordinario de la República*.
- <sup>32</sup> JSCA, *Report on Judicial Systems in the Americas 2002-2003*, *Op. cit.*
- <sup>33</sup> The Judicial Branch includes the Branch programs, Notary Office, Transit Courts and the Second Stage of the Justice Modernization Program.
- <sup>34</sup> The Judicial Branch includes 2,200,000,000 colons for the *Programa 801 “Superavit.”*
- <sup>35</sup> All information was obtained from official sources based in turn on the budget laws of Costa Rica. Arranged statistically for this chapter.
- <sup>36</sup> Based on U.S. dollar amounts.
- <sup>37</sup> Ibid.
- <sup>38</sup> Judicial Branch, *Proyecto de Presupuesto del Poder Judicial para el año 2004*. See <http://www.poder-judicial.go.cr>.
- <sup>39</sup> Responses submitted by the Judicial Branch.
- <sup>40</sup> Law 7128 of October 18, 1989 reforming articles 10, 48, 105 and 128 of the Constitution. Law 7135 of October 11, 1989, *Ley de la Jurisdicción Constitucional*.
- <sup>41</sup> Informe del Estado de la Nación en Desarrollo Humano Sostenible, financed by the United Nations Development Program, *Informe final: La administración de Justicia: Balance de quince años*. Research by Rodolfo Saborío, 2004. Available at: [http://www.estadonacion.or.cr/Info2004/Ponencias/Fortalecimiento/Saborio\\_2004.pdf](http://www.estadonacion.or.cr/Info2004/Ponencias/Fortalecimiento/Saborio_2004.pdf).
- <sup>42</sup> Response to the survey by the Judicial Branch.
- <sup>43</sup> *Ley Orgánica del Ministerio de Justicia*, Article 1.
- <sup>44</sup> Official website of the Ministry of Justice: <http://www.mj.go.cr/Principal.htm>.
- <sup>45</sup> *Ley Orgánica del Ministerio de Justicia*, Article 7.
- <sup>46</sup> *Ley Orgánica del Ministerio de Justicia*, Article 2.
- <sup>47</sup> *Ley de Presupuesto Ordinario de la República*, Law 8.398, published in *Alcance número 66 of the Diario Oficial La Gaceta*, No. 252, December 31, 2003. Note: The item marked supra corresponds exclusively to the Ministry of Justice; it does not include amounts allocated to the Judicial Branch or its agencies. Responses to JSCA’s questionnaire submitted by the Minister of Justice.
- <sup>48</sup> Based on U.S. dollar amounts.
- <sup>49</sup> Ministry of Justice and Grace, responses to questionnaire.
- <sup>50</sup> *Ley Orgánica de la Procuraduría General de la República*.
- <sup>51</sup> *Ibid*, Article 3.
- <sup>52</sup> *Ibid*, Articles 9 and 10.
- <sup>53</sup> *Ibid*, Article 7.
- <sup>54</sup> As indicated by the Ministry of Justice, in regard to administrative actions to prevent corruption, the *Procuraduría de la Ética* (Ethics Office) is aimed primarily at creating, maintaining and strengthening behavioral norms for correct public service. For administrative actions to detect corruption, the *Procuraduría de la Ética* should become a channel for complaints from administrators. In regard to its participation in criminal proceedings related to acts of public corruption, its Statutes endow it with the following functions: to report actions that it deems to constitute a crime under existing special criminal law and to carry forward criminal prosecution, in this context including taxation crime and public service crime, without being subordinate to the actions and decisions of the Public Prosecutor’s Office.
- <sup>55</sup> Information on the Public Prosecutor’s Office was based on the response of Francisco Dall’Anese Ruiz as Prosecutor General through Communiqué FGR 1902-2004, December 6, 2004.
- <sup>56</sup> Judicial Branch Statute, Article 59.
- <sup>57</sup> JSCA, *Report on Judicial Systems in the Americas. 2002-2003*. *Op. cit.*
- <sup>58</sup> JSCA, *Index of Online Access to Judicial Information*. *Op. cit.*
- <sup>59</sup> Supreme Court, responses to questionnaire, based on information from its Planning Department, Expenditure Report, 2002 and 2003. *Ley de Presupuesto Ordinario y Extraordinario de la República, Fiscal y por Programas para el Ejercicio Económico 2004*.
- <sup>60</sup> Based on U.S. dollar amounts.
- <sup>61</sup> Public Defense Service, responses to questionnaire, submitted by Lilliana Saborío Saborío, Administrator.
- <sup>62</sup> Judicial Branch website. <http://www.poder-judicial.go.cr>
- <sup>63</sup> Judicial Branch Statute, Article 155.
- <sup>64</sup> *Ibid*, Article 59.
- <sup>65</sup> Judicial Branch website. <http://www.poder-judicial.go.cr>.
- <sup>66</sup> Judicial Branch Statute, Article 159.
- <sup>67</sup> Responses to JSCA’s questionnaire and Judicial Branch website. See <http://www.poder-judicial.go.cr>.
- <sup>68</sup> JSCA, *Report on Judicial Systems in the Americas 2002-2003*. *Op. cit.*
- <sup>69</sup> This amount is equal to \$11,144,463. Source: Department of Planning. *Ley de Presupuesto Ordinario y Extraordinario de la República, Fiscal y por Programas para el ejercicio Económico 2004*. Exchange rate as of December 6, 2004.

- <sup>70</sup> Information obtained from the *Report on Judicial Systems in the Americas 2002-2003*. *Op. cit.*
- <sup>71</sup> Based on the U.S. dollar amount.
- <sup>72</sup> Supreme Court, response to questionnaire.
- <sup>73</sup> Calculation based on U.S. dollar amounts.
- <sup>74</sup> JSCA, *Report on Judicial Systems in the Americas 2002-2003*. *Op. cit.*
- <sup>75</sup> *Ley de la Defensoría de los Habitantes*, Article 3.
- <sup>76</sup> Supreme Court, responses to questionnaire.
- <sup>77</sup> Based on U.S. dollar amounts.
- <sup>78</sup> *Código Procesal Criminal* (hereafter Criminal Procedure Code), Article 274.
- <sup>79</sup> Criminal Procedure Code, Article 303.
- <sup>80</sup> Criminal Procedure Code, Article 316.
- <sup>81</sup> Criminal Procedure Code, Article 373.
- <sup>82</sup> *Octavo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible*, published in October 2002. Financed by the United Nations Development Program. Generated by researcher Randall Arias, November 2002. Available at: <http://www.estadonacion.or.cr/>.
- <sup>83</sup> See [http://www.cejamericas.org/doc/proyectos/jsc\\_a\\_comp\\_rep.pdf](http://www.cejamericas.org/doc/proyectos/jsc_a_comp_rep.pdf). More information on the methodology and findings of this project can be found at: [www.cejamericas.org](http://www.cejamericas.org).
- <sup>84</sup> *Código Procesal Civil* (hereafter Civil Procedure Code), Law 7130, Article 1.
- <sup>85</sup> Civil Procedure Code, Article 220.
- <sup>86</sup> *Octavo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible*, *Op. cit.*
- <sup>87</sup> *Informe del Estado de la Nación en Desarrollo Humano Sostenible*. *Op. cit.* Available at [http://www.estadonacion.or.cr/Info2004/Ponencias/Fortalecimiento/Saborio\\_2004.pdf](http://www.estadonacion.or.cr/Info2004/Ponencias/Fortalecimiento/Saborio_2004.pdf)
- <sup>88</sup> *Ibid.*
- <sup>89</sup> Information obtained in Excel format on JSCA's questionnaire from the Supreme Court of Costa Rica.
- <sup>90</sup> *Ibid.*
- <sup>91</sup> The Constitutional Chamber exercises concentrated control of constitutionality and is therefore a single instance.
- <sup>92</sup> The total number of cases resolved was included on the questionnaire's spreadsheet format submitted by the Chief Justice. However, the number of cases resolved was obtained from some sections of the *Anuario de Estadísticas Judiciales*, *Op.cit.*
- <sup>93</sup> Information obtained from the Excel spreadsheet included on JSCA's questionnaire and submitted by the Supreme Court.
- <sup>94</sup> *Informe del Estado de la Nación en Desarrollo Humano Sostenible*. *Op. cit.*
- <sup>95</sup> Prepared for this chapter, based on statistics submitted by the Supreme Court.
- <sup>96</sup> Supreme Court, responses to the questionnaire. Based on data from the *Anuario Estadístico*, Judicial Branch Planning Department, Statistics Section. These complaints are for matters registered in the offices of the Public Prosecutor's Office and the private criminal actions filed before the Criminal Courts.
- <sup>97</sup> *Anuario de Estadísticas Judiciales 2003*, *Op.cit.*
- <sup>98</sup> Generated using data provided in the questionnaires.
- <sup>99</sup> *Décimo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible. Informe final: Seguridad frente al delito en Costa Rica*. Estado de la Nación en Desarrollo Humano Sostenible. Researchers: Elías Carranza and Emilio Solano, ILANUD. The study was based on criminality data from the Judicial branch Planning Department, Statistics Section.
- <sup>100</sup> The report cited also found that the ongoing criminal justice measures to reduce violence and crime in the country will be insufficient of social and economic policy does not also progress towards higher levels of distributive justice and social integrity
- <sup>101</sup> Responses to the questionnaire through Minister of Justice and Grace Patricia Vega, based on Laws 4.762 and 6.739.
- <sup>102</sup> *Ibid.*
- <sup>103</sup> Costa Rica does not maintain statistics for inmates based on racial groups or ethnic minority for fear of offending their dignity and infringing the prohibition to discriminate based on ethnicity.
- <sup>104</sup> The previous year's data referred to was obtained from the *Octavo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible*. The table was generated using information provided by the Department of Research and Statistics of the *Instituto Nacional de Criminología* in April 2002.
- <sup>105</sup> *Décimo Informe sobre el Estado de la Nación en Desarrollo Humano Sostenible. Informe final: Seguridad frente al delito en Costa Rica*. *Op. cit.* The study was based on information on criminality provided by the Judicial Branch Planning Department's Statistics Section.
- <sup>106</sup> *Informe del Estado de la Nación en Desarrollo Humano Sostenible. Informe final: La administración de Justicia: Balance de quince años*, *Op. cit.*
- <sup>107</sup> Ministry of Justice and Grace, responses to the questionnaire, through Minister Patricia Vega. The goals and objectives were included in the Ministry's *Memoria Institucional 2004*, available on its official website: <http://www.mj.go.cr/Principal.htm>.
- <sup>108</sup> See <http://www.cejamericas.org/marc>.
- <sup>109</sup> Response sent by Sergio Calvo Vargas, Executive Director of the *Consejo Nacional Educación Superior Universitaria Privada*. The information includes only law students at private universities. In 2004 they began collecting data on the number of students graduating from private universities, based on information provided by the universities themselves. Thus, the data may vary, as 8 of 50 universities did not submit figures.
- <sup>110</sup> This figure includes the 2,087 law school students entering private universities and 258 entering the Law School of the Universidad de Costa Rica, the only public university that offers a law degree. The number includes first year law students and students transferring to law from other programs. Source: *Asociación de Estudiantes de la Facultad de Derecho de la Universidad de Costa Rica*, AED.
- <sup>111</sup> Response to the questionnaire submitted by José Luis Meneses Rimola, Executive Director of the *Colegio de Abogados de Costa Rica* (Costa Rica Bar Association).
- <sup>112</sup> *Ley Orgánica del Colegio de Abogados*, Article 6. Available on the Bar Association's website: [http://www.abogados.or.cr/info\\_general/normativas/leyorganica\\_oficial.doc](http://www.abogados.or.cr/info_general/normativas/leyorganica_oficial.doc).
- <sup>113</sup> *Ibid*, Article 7.
- <sup>114</sup> *Informe del Estado de la Nación en Desarrollo Humano Sostenible*, financed by the United Nations Development Program, *Informe final: La administración de Justicia: Balance de quince años*. Research by Rodolfo Saborio, 2004.