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Law against Domestic Violence
N° 7586

LAW AGAINST DOMESTIC VIOLENCE THE
LEGISLATIVE ASSEMBLY
OF THE REPUBLIC OF COSTA RICA

DECREES:

CHAPTER I

General Provisions

Article 1.- Aims

This Law will regulate the application of the protection measures necessary to guarantee the life, integrity and dignity of the victims of domestic violence, whose guiding principle is Article 51 of the Political Constitution.

The competent authority shall ensure that the perpetrators do not use this Law against the victims.

The authorities involved in the application of this Law shall provide special protection to mothers, minors, the elderly and persons with disabilities, considering the specific situations of each one.

Likewise, this Law shall protect, in particular, the victims of violence in intimate partner relationships or intra-family sexual abuse.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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Article 2.- **Definitions**

In order to interpret this law, the following definitions are established:

a) **Domestic violence:** Action or omission, direct or indirect, exercised against a relative by blood, affinity or adoption up to the third degree inclusive, by legal or de facto relationship or by a relationship of guardianship, guardianship or curatorship and that produces as a consequence, the impairment of their physical, sexual, psychological or patrimonial integrity. The bond by affinity will subsist even when the relationship that originated it has ended.

b) **Psychological violence:** Action or omission aimed at degrading or controlling the actions, behaviors, beliefs and decisions of others, through intimidation, manipulation,

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threat, direct or indirect, humiliation, isolation or any other conduct that implies harm to psychological health, self-determination or personal development.

c) **Physical violence:** Action or omission that risks or damages the bodily integrity of a person.

d) **Sexual violence:** Action that compels a person to engage in sexualized physical or verbal contact or other sexual interactions through the use of force, intimidation, coercion, blackmail, bribery, manipulation, threat, or any other mechanism that overrides or limits personal will.

Likewise, the fact that the aggressor forces the victim to perform any of these acts with third parties shall be considered sexual violence.

e) **Property violence:** Action or omission that implies damage, loss, transformation, subtraction, destruction, retention or distraction of objects, work instruments, personal documents, goods, values, rights or economic resources destined to satisfy the needs of any of the persons mentioned in paragraph a) above.

f) **Kinship: Relationship** of adoption, affinity or consanguinity up to and including the third degree, ascending, descending or collateral, originating in a legal, biological or de facto union relationship. The affinity relationship shall subsist even when the relationship that originated it has ended.

The definitions included in subparagraphs b), c), d), e) and f) shall not be restrictive.

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CHAPTER II

Protective measures

Article 3.- **Protection measures**

When dealing with situations of domestic violence, the competent authority shall order any of the following protection measures:

a) Order the alleged aggressor to leave the common domicile immediately and, according to the particularities of the situation of violence, limit it to an area distant from that of the alleged assaulted person. Within twenty-four hours, the alleged aggressor shall inform the judicial authority of the exact address of his/her new residence. The same obligation shall apply each time he changes his residence. If she resists or fails to comply with the order, she will be forced by the Public Force, and pieces will be testified for the crime of non-compliance with a protection measure.

b) Authorize the alleged assaulted person to live at a different address from the common one, upon his/her request, to protect him/her from future assaults.

c) To order a search of the home, which may be carried out at any time when, due to domestic violence, the physical, sexual, patrimonial or psychological integrity is seriously endangered.

of any of its inhabitants. This measure shall be carried out in accordance with the provisions of the Code of Criminal Procedure.

d) Prohibit the alleged aggressor from possessing or carrying sharp or pointed firearms. Likewise, to prohibit the introduction or keeping of weapons in the dwelling house when they are used to intimidate, threaten or cause harm to any of the persons mentioned in paragraph a) of Article 2 of this Law.

e) To confiscate the weapons and objects used to intimidate or assault, as well as any other weapons found in the possession of the alleged aggressor or registered in his name, and to order the cancellation of the permits to carry weapons.

(As amended by article 1 of law No. 9692 of July 9, 2019)

f) If necessary and depending on the particularities of the case, the alleged aggressor may be provisionally suspended from the exercise of custody, upbringing and education of their minor sons and daughters, as well as the representation and administration of their assets and the protection of the elderly and persons with disabilities.

g) Order the alleged aggressor to refrain from interfering, in any way, in the exercise of guardianship, upbringing and education of their children, as well as in the representation and administration of their assets. The same measure may be ordered in the protection and representation of elderly persons and persons with disabilities. The above, in the cases in which the competent authority orders the application of the paragraph above.
f) of this article.

h) Provisionally suspend the alleged aggressor's right to visit minor children, in cases in which he/she is exercising some type of aggression.

i) To entrust the protective guardianship to whom the judicial authority considers suitable for such function, if such guardianship has been entrusted to the alleged aggressor, when the victim is a minor, an elderly person who cannot look after himself/herself or a person who presents some degree of disability, in those cases in which the competent authority orders the application of subsection f) of this article.

j) Prohibit the alleged aggressor from assaulting, disturbing or intimidating any member of the household of the alleged victim of domestic violence.

k) Prohibit access to the alleged aggressor to the home, permanent or temporary, of the assaulted person and to his or her place of work or study.

Likewise, to approach such places at a reasonable distance at the discretion of the judge.

l) To fix a provisional alimony obligation in favor of the alleged victim and other dependents as appropriate, in accordance with the Law on alimony, No. 7654, even if there is no suitable document proving the degree of kinship. Once fixed, ex officio, pieces will be witnessed and forwarded to the corresponding judicial authority.

(The Constitutional Chamber, by resolution No. 2896 of June 14, 1996, established that the previous paragraph is not unconstitutional, in relation to Article 10 of the present law, as long as it is understood that: ".against the decision of the family judge that imposes a provisional alimony in accordance with them, an appeal may be filed with only one effect, which must be processed and resolved by the competent authority.

according to the special legislation that regulates food matters, to which the latter must immediately send the testimony of pieces ordered by the present Law").

(Sinalevi's Note: By means of Article 2 paragraph XIII) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, the previous paragraph l) will be amended. In accordance with transitory III of the aforementioned law, said amendment will enter into force as of October 1, 2022, so that as of that date the new text will be as follows: "l) To set a provisional alimony obligation in favor of the alleged victim and other dependents as appropriate, in accordance with Article 270 of the Family Procedural Code, even if there is no suitable document proving the degree of kinship. Once it has been fixed, ex officio, documents shall be witnessed and forwarded to the corresponding judicial authority").

m) To order the preventive seizure, for a maximum term of three months, counted from the date on which the resolution ordering it is executed, on the family home and on the assets of the alleged aggressor necessary to support the maintenance obligation in favor of the assaulted person and the corresponding dependents, in accordance with the law; said term may be extended by the judge when the circumstances reasonably warrant it. No security deposit or payment of fees or other expenses shall be required for the application of this measure.

n) Draw up an inventory of the personal property existing in the housing unit, in particular household goods or others that serve as a means of work for the victim.

ñ) To grant the exclusive use of the household goods to the assaulted person. The home and household goods covered by the family property regime shall be especially safeguarded.

o) Order the alleged aggressor to refrain from interfering with the use and enjoyment of the work tools of the assaulted person. When the victim is an elderly person or has a disability, the alleged aggressor shall not interfere with the use and enjoyment of tools that are indispensable for the victim to be able to fend for herself or integrate into society.

p) Order the alleged aggressor to make reparation in cash for the damages caused to the assaulted person or to the property that is indispensable for him/her to continue his/her normal life. This includes relocation expenses, repairs to property, lodging and medical expenses. The amount will be made effective in the same process through the seizure and auction of the assets necessary to cover the damages caused, at the discretion of the competent judicial authority.

q) Issue a police protection and assistance order addressed to the public safety authority in your neighborhood. The victim will carry a copy of this order so that he/she can go to the nearest authority, in case of threat of aggression outside his/her home.

In order to apply any of the measures listed in this article or others that according to the particularities of the situation of domestic violence should be adopted, the judicial authority may require the collaboration of the administrative police and the judicial police.

If one or more of these measures are breached in contravention of an order issued by the competent authority, the latter must give evidence to the Public Prosecutor's Office for prosecution for the crime of failure to comply with a protection measure.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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Article 4.- **Duration**

The protection measures will be maintained for one year, as long as they are not previously lifted or modified by a final judicial resolution.

It will be the obligation of the Judiciary to create a registry with the names and information of the persons to whom protection measures have been imposed; to this end, the offices that hear the matter will be obliged to send to the registry a copy of the resolutions ordering, modifying or terminating the protection measures.

The register must necessarily be consulted by the judge who must resolve a case brought before him or her and which is related to the facts recorded.

The information contained in this registry shall be confidential and for the exclusive use of the Judicial Branch. The entries contained in this registry will be definitively cancelled within five years, counted from the last communicated resolution.

In the case of alleged offenders who are minors, the record may not contain photographs of them; all information recorded must be used in compliance with the regulations that protect the rights of minors.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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Article 5.- **Termination**

The aggrieved person or whoever has requested the measures, in accordance with article 7 of this Law, may request the early lifting of the measure. The judicial authority may order this action if it deems it appropriate, after evaluating the reports referred to in article 17 below.

When the offended person is a minor, the cessation of the measure, which is not requested by a representative of the National Child Welfare Agency, shall only proceed when recommended by that institution, which shall be obliged to give its opinion.

The lifting may also be ordered ex officio or at the request of a party, when it is evident that the law is being used against its purposes.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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CHAPTER III

Procedure

Article 6.- Jurisdiction

Where there are no courts specialized in domestic or family violence, the mixed or contraventional courts shall be competent to hear and order the protection measures referred to in Article 3 of this Law.

These measures must also be granted by the criminal courts, in cases where the aforementioned offices are unable to provide the service. In the latter case, they must immediately forward the file to the corresponding authority. If the facts described constitute a crime, it shall forward the testimony of the pieces to the Public Prosecutor's Office.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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Article 7.- Legitimate applicants. They shall be entitled to request the protection measures described in the previous chapter:

a) Persons over twelve years of age affected by a situation of domestic violence. In the case of minors under twelve years of age or persons with physical or mental disabilities, the measure must be requested by their legal representative, the Patronato Nacional de la Infancia, a police authority or an adult.

(Sinalevi's Note: By means of Article 2 paragraph XIII) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, the previous paragraph will be amended. In accordance with transitory III of the aforementioned law said amendment will come into force as of October 1, 2022, so that as of that date the new text will be as follows: "(a) Minors affected by a situation of domestic violence. In the cases of minors and persons with disabilities, protection measures must also be requested by their legal representative, the National Children's Trust (PANI), a police authority or any other person who has knowledge of the situation of domestic violence.").

b) Public or private institutions that carry out programs for the protection of human rights and the family, when the assaulted person requests it, is in serious condition or has a disability that prevents him/her from requesting protection or being aware of the aggression inflicted on him/her.

c) Those of legal age, when the assaulted person is unable to apply for them because he/she is seriously ill as a result of a situation of domestic violence.

(Sinalevi's Note: By means of Article 2 paragraph XIII) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, the previous paragraph will be amended. In accordance with transitory III of the aforementioned law said amendment will come into force as of October 1, 2022, so as of that date the new text will be as follows: "(c) Any person, when there is a serious risk to the life or physical integrity of the alleged victim or the alleged victim is unable to request protection measures on his own, as a result of a situation of domestic violence.").

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Article 8.- **Processing**

The measures may be requested in writing or verbally, independently of any other process, whether criminal or family. The written request will only require authentication when the person who makes the request does not present it personally. The courts shall be empowered to conduct the proceedings by applying the procedural impulse ex officio.

When there is imminent danger to the physical integrity of the persons protected by this law, the judge will immediately dictate the pertinent protective measures, in order to prevent the damage from occurring or continuing to occur. In these cases, compliance with formalities shall not become an impediment to timely intervention.

The request for protective measures may be submitted on a form to be drawn up by the institutions mentioned in Article 7(b) of this Law.

Article sheet

Article 9.- **Application requirements**

The applicant for any of the protection measures referred to in Article 3 of this law, shall indicate:

- a) The name, surname, first name, qualities and neighborhood of the assaulted person and the aggressor, if known.
- b) The facts on which it is based.
- c) The evidence, if any, on which the facts set forth in the request are based. Failure to provide evidence shall not prevent the judicial authority from granting the request.
- d) The protection measures requested.
- e) The indication of the house or place to receive notifications.

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Article 10.- **Application of measures**

Once the request has been filed, the competent authority shall immediately order the application of any of the protection measures requested, which shall be notified in accordance with Article 177 of the Code of Civil Procedure and shall not be subject to any appeal.

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However, without prejudice to the provisions of the preceding paragraph, the court may order, ex officio, the application of measures other than those requested.

(The Constitutional Chamber by resolution No. 2896 of June 14, 1996, established that this article is not unconstitutional, in relation to article 3 paragraph 1 of the present law, as long as it is understood that "against the resolution of the family judge that imposes a provisional alimony according to them, an appeal may be filed with only one effect, which must be processed and resolved by the competent authority according to the special legislation that regulates the alimony matter, before which the latter must immediately send the testimony of pieces ordered by the present law").

Article sheet

Article 11.- Forensic medical examination

When deemed necessary, the assaulted person or the applicant for the measure, in accordance with the provisions of Article 7 of this Law, may request the competent authority to conduct a medical and psychological examination to assess the physical and psychological damage suffered.

This examination may be performed by professionals of the Department of Forensic Medicine of the Judiciary or those of the Costa Rican Social Security Fund and the Ministry of Health.

Article sheet

Article 12.- Appearance

In the event that the alleged aggressor requests it in writing or verbally, within five days following the notification of the initial order, or that the alleged victim has a history as an aggressor, the court will summon the parties to an oral hearing, in which they will examine the corresponding evidence.

In any of these cases, the judicial authority will immediately set the date and time of the hearing. This appointment must be notified to the applicant in person, unless he/she has indicated a means to hear notifications. A period of five days must elapse between such notification and the holding of the hearing.

When the victim is unable to appear due to a disability or illness, prior to the decision, the judicial authority will conduct a judicial examination, in this act the interview will take place.

In the same assumption, if the assaulted person is not in a position to attend to his own interests, the judicial authority shall summon the witnesses and consider their criteria to resolve.

In justified cases, the victim may request or the judicial authority may order ex officio that her appearance be held without the presence of the alleged aggressor, who will be informed of what happened once the statement has been completed and will be given the opportunity to refer to it.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

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Article 13.- **Appraisal of the evidence**

In the interpretation of this law, in case of doubt in the assessment of the evidence, the most favorable to the alleged victim shall apply.

Article sheet

Article 14.- **Resolution**

Once the evidence has been heard, the hearing will be concluded and the court will immediately decide whether or not the measures applied are to remain in effect.

The judicial authority will decide based on the rules of sound rational criticism and, ex officio, will govern the procedural impulse; for that purpose, it will order the evidence it deems necessary to establish the truth.

The application and interpretation of this law shall be governed by the fundamental principles of family law and the provisions contained in Article 10 of the Civil Code.

Article sheet

Article 15.- **Appeals**

The court's decision may be appealed within three working days.

However, admitting the appeal will not suspend the execution of the decreed measures.

Article sheet

Article 16.- **Resolution of the appeal**

The higher authority shall decide on the appeal within fifteen days from the date on which the appeal was completed.

Article sheet

Article 17.- **Execution of measures**

The judicial authority shall review the results of the execution of the measures, either by the appearance of the parties at the corresponding office, with the frequency ordered, or, with the

intervention of the Department of Social Work and Psychology of the Judiciary or any other state agency required for this purpose, which shall submit periodic reports on the effectiveness of the measures.

The administrative police has the obligation to monitor the effective compliance with the protection measures, by all necessary means.

It is the responsibility of the public bodies that are part of the national system for the care and prevention of domestic violence, in accordance with their competencies, to provide comprehensive support to victims of violence that allows them to improve their situation, as well as to recover and build a new life project.

The National Women's Institute (Inamu) will provide the advice to fulfill this purpose and, in addition, will offer the victims the services of accompaniment, legal advice and legal representation necessary to carry out the procedures contemplated in this Law. For the latter purpose, Inamu may intervene in the proceedings in order to guarantee the rights of the victims and represent them legally with the same powers and attributions granted to the Public Defense in criminal matters.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

Article sheet

Article 18.- Complaint

If the facts that gave rise to the protective measures constitute a crime, the judicial authority will take the provisions it deems appropriate and will send testimony to the respective prosecuting agency.

Article sheet

Article 19.- Supplication

The Code of Civil Procedure shall be applied supplementarily as far as it is silent, compatible and does not oppose the provisions of this law.

(Sinalevi's Note: By means of Article 2 paragraph XIII) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to Transitory III of the aforementioned law, said amendment will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 19- Supplication. The Family Procedural Code shall be applied supplementarily in what is silent, compatible and does not oppose the provisions of this law").

Article sheet

CHAPTER IV

Obligations of the administrative police

Article 20.- Delimitation of competencies

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Police authorities have the duty to intervene in situations of domestic violence, ex officio or when requested by the victims or third parties. In these cases, they shall:

- a) To help people who have been assaulted even when they are inside their homes.
- b) Arrest the alleged aggressors and bring them to the order of the competent authority. In any case, the detained person must be brought to the order of the competent authority within twenty-four hours, as established in Article 37 of the Constitution.
- c) To take a record of the events that occurred; to do so, they should collect information from family members, neighbors or others present and record their names, qualities and place where they can be located in order to request them in a possible judicial process.
- d) To confiscate the weapons and objects used to intimidate or assault, as well as any other weapons found in the possession of the aggressor or registered in his name, and to place them at the order of the respective judicial authority.

For these purposes and in order to protect human life and personal integrity, in accordance with Articles 21 and 23 of the Constitution, the police authority that responds to the first call is authorized to search the property where the aggression is taking place, in order to locate the weapons to which the aggressor may have access, even if the aggressor is not in that place.

(As amended by Article 1 of Law No. 9692 of July 9, 2019, item d) above)

- e) Testify as a witness in a possible legal proceeding.

(As amended by Article 1 of Law No. 8925 of February 3, 2011)

Article sheet

Article 20 bis- Cancellation of permits to carry weapons. In the case of domestic violence situations, all weapons owned by the aggressor or registered in his name shall be confiscated and shall be sent to the General Directorate of Armament of the Ministry of Public Security, for their due custody.

Once the resolution confirming the protective measures in the domestic violence process has been issued, in accordance with Articles 13 to 16 of this law and whenever the judicial authority determines that a violent conduct occurred or the existence of a risk for the victim or her family, it shall communicate it to the Department of Arms and Explosives Control so that it may initiate the administrative procedure tending to the cancellation of the registration of firearms.

(So added by Article 1 of Law No. 9692 of July 9, 2019)

Article sheet

Article 20 ter- Destruction of firearms. The Department of Arms and Explosives Control, upon receipt of the notification of the final resolution referred to in the previous article, shall immediately initiate the administrative procedure to cancel the registration of the firearms confiscated from the aggressor. The interested persons shall have the right to file the ordinary appeals of revocation and appeal within three working days.

Once the cancellation resolution is signed, the Department shall communicate it to the Directorate so that it may proceed with the destruction of the corresponding firearms.

(So added by Article 1 of Law No. 9692 of July 9, 2019)

Article sheet

CHAPTER V

Duties of the State

Article 21.- Governing entity

The National Center for the Development of Women and the Family(*) shall be responsible for monitoring compliance with the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women. To this end, it will be empowered to be the governing body of public policies in the programs of detection, attention, prevention and labor insertion of assaulted persons.

In order to fulfill the obligations entrusted to it, the Center (*) shall perform the functions set forth in the aforementioned Convention, specifically in Article 7(a) and (e) and in subparagraphs (a), (b), (c), (e), (g), (h), i) of article 8, in the following terms:

1.- Shall ensure that the authorities, their officials, personnel and agents of institutions conduct themselves in accordance with the obligations stipulated in this Convention.

Take appropriate measures to encourage the modification of practices, legal or customary, that support the persistence or tolerance of violence against persons.

3.- Strengthen the knowledge and observance of women's right to a life free of violence and to have their rights respected and protected.

Promote the modification of socio-cultural patterns of behavior of men and women, including the design of formal and informal education programs appropriate for all levels of the educational process, in order to counteract prejudices, customs and all types of practices based on the premise of the inferiority of either gender or on stereotypes for men and women, which legitimize or exacerbate violence against people.

5.- Promote education and training of personnel in the administration of justice, police and other law enforcement officials, as well as personnel responsible for implementing policies to prevent, punish and eliminate domestic violence.

Encourage governmental and private sector educational programs to raise public awareness of domestic violence issues, legal remedies, and redress.

Encourage the media to develop appropriate broadcasting guidelines to help eradicate domestic violence in all its forms and, in particular, to enhance respect for the dignity of women.

8.- Guarantee the research and collection of statistics and relevant information on the causes, consequences and frequency of domestic violence, in order to evaluate state measures.

9.- Promote international cooperation to exchange ideas and experiences and implement programs aimed at protecting the right to a life free of violence.

The State shall endeavor to offer treatment and rehabilitation alternatives to aggressors, taking into account, among other things, their dual status as victims and aggressors.

((Note: In accordance with Article 26, paragraph b) of the Law of the National Women's Institute No. 7801 of April 30, 1998, any reference to the National Center for the Development of Women and the Family shall be understood to refer to the National Women's Institute).*

Article sheet

Article 22.- National Plan

The National Center for Women and Family Development(*) shall develop a national plan that coordinates, as a unified system, the institutions that can offer special services to persons assaulted by gender-based violence or work to prevent it.

((Note: In accordance with Article 26, paragraph b) of the Law of the National Women's Institute No. 7801 of April 30, 1998, any reference to the National Center for the Development of Women and the Family shall be understood to refer to the National Women's Institute).*

Article sheet

Article 23.- Obligation of the institutions

Public institutions that can collaborate in the detection, care, prevention and labor insertion of assaulted persons are obliged to orient their work to this end.

Article sheet

Article 24.- Policy coordination

It will be the responsibility of the governing bodies in matters of disability and senior citizens to formulate and coordinate public policies to prevent and attend cases of domestic violence against disabled persons or persons sixty years of age or older.

Article sheet

CHAPTER VI

Final Provisions

Article 25.- **Repeals**

Articles 81 (ch) and 81 bis (c) of the Penal Code are repealed.

Article sheet

Article 26.- **Validity**

Effective as of its publication.

Given at the Presidency of the Republic, San José, on the tenth day of April, nineteen hundred and ninety-six.

Article sheet

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