

**NO.  
7899**

**LAW AGAINST THE SEXUAL EXPLOITATION  
OF MINORS  
THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC  
OF COSTA RICA, DECREES:**

Sole Article: Articles 156, 159, 160, 161, 161, 162, 167, 168, 169, 170, 171, 172, 173 and 174 of the Penal Code of the Republic of Costa Rica, Law No. 4573 of May 4, 1970, are hereby amended. The texts shall read:

**"Violation**

Article 156.-It shall be punished with imprisonment from ten to sixteen years, whoever gains access or has carnal access, orally, anally or vaginally, with a person of either sex. in the following cases:

- 1) When the victim is under twelve years of age.
- 2) When the victim is unable or incapacitated to resist.
- 3) When corporal violence or intimidation is used. The same penalty shall be imposed if the action consists of introducing, vaginally or anally, one or more fingers or objects.

(...)"

**"Sexual relations with underage persons.**

Article 159.-Whoever, taking advantage of his age, gains access or has oral, anal or vaginal access to a person of either sex, over twelve years of age and under fifteen years of age, even with his consent, shall be punished with imprisonment from two to six years. The same penalty shall be imposed if the action consists of introducing, vaginally or anally, one or more fingers or objects. The penalty shall be four to ten years' imprisonment when the victim is over twelve years of age and under eighteen, and the agent is an ascendant, uncle, aunt, brother or sister by blood or blood relatives, guardian or guardian.

**Paid sexual relations with minors**

Article 160.-Whoever pays a minor of either sex or promises to pay or give him/her in exchange an economic advantage or of any other nature, so that he/she performs sexual or erotic acts, shall be punished:

- 1) With a prison sentence of four to ten years if the offended person is under twelve years of age.

- 2) With imprisonment from three to eight years, if the offended person is older than twelve years old but younger than fifteen years old.
- 3) With imprisonment from two to six years, if the offended person is older than fifteen years of age, but younger than eighteen.

### **Sexual abuse of minors and incapacitated persons**

Article 161.-Whoever abusively performs acts for sexual purposes against a minor or incapacitated person or forces him to perform them to the agent, to himself or to another person, provided that it does not constitute the crime of rape, shall be punished with imprisonment for a term of three to eight years. The penalty shall be four to ten years in the following cases:

- 1) When the offended person is under twelve years of age.
- 2) When the perpetrator takes advantage of the vulnerability of the offended person or when the offended person is unable to resist or when corporal violence or intimidation is used.
- 3) When the perpetrator is an ascendant, descendant, sibling by consanguinity or **affinity**, stepfather or stepmother, spouse or person in an analogous relationship of cohabitation, guardian or person in charge of the victim's education, guardianship or custody.
- 4) When the perpetrator takes advantage of his or her relationship of trust with the victim or his or her family, whether or not there is a family relationship.

### **Sexual abuse against persons of legal age**

Article 162--If the abuses described in the preceding article are committed against a person of legal age, the penalty shall be from two to four years.

The penalty shall be three to six years in the following cases:

- 1) When the perpetrator takes advantage of the vulnerability of the offended person or when the offended person is unable to resist or when corporal violence or intimidation is used.
- 2) When the perpetrator is an ascendant, descendant, sibling by consanguinity or **affinity**, stepfather or stepmother, spouse or person in an analogous relationship of cohabitation, guardian or person in charge of the victim's education, guardianship or custody.
- 3) When the perpetrator takes advantage of his or her relationship of trust with the victim or his or her family, **whether** or not there is a family relationship.

(...)"

### **"Corruption**

Article 167.-Whoever promotes the corruption of a minor or incapable person or keeps him/her in it, shall be punished with imprisonment from three to eight years. The same penalty shall be imposed upon

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whoever uses

to minors or incapable persons for erotic, pornographic or obscene purposes, in exhibitions or shows, public or private, of such nature.

For the purposes of this article, corruption is understood to mean:

- 1) Executing sexual or erotic acts in front of minors or incapable persons.
- 2) Causing others to perform sexual or erotic acts in the presence of minors or incapacitated persons.
- 3) Engaging, in sexual or erotic acts, minors or incapable persons in the presence of others.

### **Aggravated corruption**

Article 168.-In the cases of the preceding article, the penalty shall be four to ten years of imprisonment:

- 1) If the victim is under twelve years of age.
- 2) If the act is executed for profit.
- 3) If the act is executed with deceit, violence, abuse of authority or any other means of intimidation or coercion.
- 4) If the perpetrator is an ascendant, descendant or sibling by blood or marriage, or affinity, stepfather, stepmother, spouse or person in an analogous relationship of cohabitation, guardian or person in charge of the victim's education, guardianship or custody.
- 5) If the perpetrator takes advantage of his or her relationship of trust with the victim or his or her family, whether or not there is a family relationship.

### **Pimping**

Article 169.-Whoever promotes prostitution of persons of any sex or induces them to engage in it or keeps them in it or recruits them for that purpose, shall be punished with imprisonment for a term of two to five years. The same penalty shall be imposed on whoever keeps another person in sexual servitude.

### **Aggravated pimping**

Article 170.-The penalty shall be from four to ten years of imprisonment when one of the actions provided for in the preceding article is carried out and any of the following circumstances also concur:

- 1) If the victim is under eighteen years of age.
- 2) If there is deception, violence, abuse of authority, situation of need of the victim or any means of intimidation or coercion.

3) If the person who performs the action is an ascendant, descendant, brother or sister by blood or affinity, spouse or person in an analogous relationship of cohabitation, guardian or person in charge of the education, guardianship or custody of the victim.

4) If the person who performs the action takes advantage of his or her relationship of trust with the victim or his or her family, **whether** or not there is a family relationship.

### **Rufianería**

Article 171.-Whoever coercively makes himself be maintained, even partially, by a person who exercises prostitution, exploiting the profits from such activity, shall be punished with imprisonment from two to eight years. The penalty shall be:

- 1) Imprisonment from four to ten years, if the offended person is under twelve years of age.
- 2) Imprisonment from three to nine years, if the offended person is older than twelve but younger than eighteen.

### **Trafficking in persons**

Article 172.-Whoever promotes, facilitates or favors the entry or exit of persons of any sex into or out of the country to engage in prostitution or to keep them in sexual or labor servitude, shall be punished with imprisonment of three to six years. The penalty shall be imprisonment of four to ten years, if any of the circumstances enumerated in aggravated pimping are present.

### **Manufacture or production of pornography**

Article 173.-Whoever manufactures or produces pornographic material, using minors or their image, shall be punished with imprisonment from three to eight years.

Any person who trades, transports or brings into the country this type of material for commercial **purposes** shall be punished with imprisonment from one to four years.

### **Dissemination of pornography**

Article 174.-Whoever trades, disseminates or exhibits pornographic material to minors or incapable persons, shall be punished with imprisonment from one to four years."

Effective as of its publication.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_articulo.aspx?param1=NRA&nVal or1=1&nValor2=45006&nValor3=47457&nValor5=215919&strTipM=FA](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_articulo.aspx?param1=NRA&nVal or1=1&nValor2=45006&nValor3=47457&nValor5=215919&strTipM=FA)

Presidency of the Republic, San José, on the third day of August, nineteen hundred and ninety-nine.

*Execute and publish*

MIGUEL ÁNGEL RODRÍGUEZ ECHEVERRÍA -The Minister of Justice and Grace, Mónica Nagel Berger.