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Creation of the National System for the Attention and Prevention of Violence against Women and Domestic Violence.

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THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREES:

**CREATION OF THE NATIONAL SYSTEM FOR THE CARE
AND PREVENTION OF VIOLENCE AGAINST WOMEN AND
DOMESTIC VIOLENCE**

ARTICLE 1. Creation

The National System for the Attention and Prevention of Violence against Women and Domestic Violence is created as an instance of deliberation, agreement, coordination and evaluation between the National Women's Institute, the ministries, the decentralized institutions of the State and the organizations related to the matter. This System will have a National Council whose coordination will be in charge of the National Institute of Women.

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ARTICLE 2. Objectives of the System

The general objectives of the National System for the Attention and Prevention of Violence against Women and Domestic Violence are as follows:

- a) No. 8261, of May 2, 2002; Law No. 8589, Criminalization of Violence against Women, of April 25, 2007; Law No. 7600, Equal Opportunities for Persons with Disabilities, of May 2, 1996 and Law No. 8590, Strengthening the fight against sexual exploitation of minors through the reform and addition of several articles to the Penal Code, Law No. 4573 and reform of several articles of the Code of Criminal Procedure, Law No. 7594, of July 18, 2007.

- b) To provide people affected by violence against women and/or domestic violence with comprehensive care that allows them to improve their situation, as well as to recover and build a new life project.

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ARTICLE 3. Functions

The functions of the National System for the Attention and Prevention of Violence against Women and Domestic Violence are as follows:

- a) Ensure an adequate allocation of resources so that the State acts with due efficiency and effectiveness in guaranteeing the integrity and protection of persons affected by violence against women and/or domestic violence.
- b) Promote the creation and strengthening of specialized state, private or mixed services to assist persons affected by violence against women and/or domestic violence.
- c) Promote the development of programs that expand, promote and strengthen the actions of personal and economic autonomy of the affected people, with housing projects, technical training, credit, access to land, formal education and paid work for people over fifteen (15) years of age, under the principles of efficiency, confidentiality, respect and protection of fundamental rights.
- d) Promote the creation and consolidation of inter-institutional and community networks to promote local and sectoral policies for the prevention, attention, punishment and eradication of violence against women and domestic violence.
- e) Develop and manage legal proposals to improve compliance with national and international policies for the protection of the rights of persons affected by violence against women and/or domestic violence.
- f) Manage and promote, with international cooperation, the exchange of experiences and collaboration in the implementation of programs aimed at protecting the rights of persons affected by violence against women and/or domestic violence.
- g) Promote the appropriate use of the media to contribute to the eradication of violence against women and domestic violence.
- h) Any others deemed necessary for the fulfillment of the general objectives of the System.

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ARTICLE 4. Members of the System

The following bodies, institutions and agencies shall be members of the National System for the Attention and Prevention of Violence against Women and Domestic Violence:

- a) The National Council for the Prevention and Attention to Violence against Women and Domestic Violence.
- b) The Ministry of Public Education.
- c) The Ministry of (*)Justice and Peace.

() (Modified by Article 3 of Law No. 8771 of September 14, 2009)*

- d) The Ministry of Public Health.
- e) The Ministry of Culture, Youth and Sports.
- f) The Ministry of Public Security.
- g) The Ministry of Labor and Social Security.
- h) The Ministry of Housing and Human Settlements.
- i) The Ministry of Planning and Economic Policy.
- j) The Costa Rican Social Security Fund.
- k) The Instituto Mixto de Ayuda Social.
- l) The National Learning Institute.
- m) The National Children's Trust.
- n) The National Women's Institute.
- ñ) The National Council for the Elderly.
- o) The National Council on Rehabilitation and Special Education.
- p) The Council of the Young Person.
- q) The University of Costa Rica.
- r) The National University of Costa Rica.

- s) The Technological Institute of Costa Rica.
- t) The Judiciary.
- u) The National Network of Local Networks of Care and Prevention of Domestic Violence.
- v) Private non-governmental organizations.
- w) The State Distance University.
- x) Intrafamily Ombudsman's Office.

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ARTICLE 5. Private and non-governmental organizations

Private non-profit social organizations that develop programs and services for the attention and prevention of domestic violence and violence against women may be accredited before the National System for the Attention and Prevention of Violence against Women and Domestic Violence. The registration of private and non-governmental organizations that make up the National System is in charge of the Technical Secretariat of the Follow-up Commission.

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ARTICLE 6.-Penalties for non-compliance

The bodies, institutions and agencies listed in paragraphs a) to p) of Article 4 of this Law have the duty to actively participate in the System and to comply with the functions set forth in Article 3 of this Law, without prejudice to the possible administrative responsibilities that may correspond to public officials by virtue of the legal system in force.

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ARTICLE 7.-National Council of the System

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The National Council for the Attention and Prevention of Violence against Women and Domestic Violence, coordinated by the National Institute for Women, will be the highest political body of the National System. The National Council shall be made up of the heads or their representatives of the following bodies and institutions:

- a) The National Institute of Women, who presides.
- b) The Ministry of Health.
- c) The Ministry of Public Security.
- d) The Ministry of Public Education.
- e) The Ministry of Labor and Social Security.
- f) The Costa Rican Social Security Fund.
- g) The Judiciary.
- h) The National Children's Trust.

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ARTICLE 8.-Organization and functions of the National Council

The National Council shall meet at least four times a year to fully perform the following functions:

- a) Approve the System's annual plan and semiannual reports.
- b) Submit a biannual report to the Governing Council on the progress of national and sectoral policies approved by the System.
- c) Publicly report to the public on the situation of violence against women and domestic violence during the first two weeks of November of each year.

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ARTICLE 9.-Monitoring Committee

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The National System for the Attention and Prevention of Violence against Women and Domestic Violence will develop its objectives and functions through a Follow-up Commission in charge of following up on the agreements made by the Council.

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ARTICLE 10. Formation of the Follow-Up Committee

The Follow-up Commission shall be composed of one person representing each of the institutions, organs and agencies stipulated in Article 4 of this Law; who shall be appointed by the head of each institution, organ or agency, in accordance with their functions, experience and knowledge of the specific subject matter of this Law. The Judicial Branch shall appoint a representative of its judicial and administrative bodies related to the matter.

Private and non-governmental organizations may appoint a representative to this Commission, if they meet the requirements of national coverage and a minimum of three years of experience in prevention or attention to domestic and gender violence.

The functions of the Follow-up Commission shall be defined in the Regulations of this Law.

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ARTICLE 11. Organization and operation of the Follow-up Committee

The members of the Monitoring Committee shall be appointed for a term of two years and may be re-elected. They shall not receive per diems for their work. Decisions shall be made by consensus and in the event of differences, agreements shall be reached by majority vote.

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ARTICLE 12. Technical Secretariat

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The Follow-up Commission will be coordinated by the competent unit of the National Women's Institute, which will act as the Technical Secretariat of the System; its functions will be established in the Regulations of this Law.

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ARTICLE 13. Formation of local networks

The local networks for attention to and prevention of violence against women and domestic violence will be made up, on a mandatory basis, of representatives of governmental institutions with a local presence and, on a voluntary basis, of representatives of non-governmental organizations and civil actors who wish to join them.

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ARTICLE 14. Policy Evaluation and Compliance Committee

The Policy Evaluation and Compliance Commission shall be appointed by the Follow-up Commission, with the purpose of supervising and evaluating the efficient and effective compliance, on the part of the state institutions, organs and agencies, with the policies and agreements approved by the Follow-up Commission. To this end, the Evaluation and Policy Compliance Commission shall submit an annual report to the Follow-up Commission, a copy of which shall be sent to the National Council for the Prevention and Attention to Domestic Violence.

This Commission is composed of a representative of the private organizations, a representative of the National Network of Networks, a representative of the Ombudsman's Office, a representative of the Ministry of National Planning and Economic Policy (Mideplán), who will be responsible for the coordination and direction of the Commission, and a representative of the Technical Secretariat. The appointment for this position will be for a period of one year.

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ARTICLE 15. Comptrollership of Services

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The Comptroller of Services in Violence will be in charge of the National Network of Comptrollers of Public Services of Mideplán; its objective will be to oversee the efficiency, effectiveness, technical and human quality of state services, when these have among their recipients people affected by violence against women and/or domestic violence.

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ARTICLE 16. Resources allocated by the institutions belonging to the System

All member institutions of the System may include, in their respective annual operating plans, the actions necessary to comply with the obligations defined by this Law and other specific laws on the matter. For this purpose, the institutions may contemplate the necessary resources in their annual ordinary and extraordinary budgets.

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ARTICLE 17. Regulation

The Executive Branch shall regulate this Law within a term of up to six months, counted from the date of publication in the official gazette *La Gaceta*.

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TRANSITORY I.-

Private organizations that have been duly accredited as members of the Follow-up Commission prior to the enactment of this Law shall continue to belong to it after the entry into force of these regulations.

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TRANSITORY II.

For the purposes of complying with the provisions of Article 16 of this Law, the bodies and institutions may prepare the respective annual operating plans and make the necessary reservation of resources in the ordinary annual and extraordinary budgets immediately after the entry into force of this Law.

Effective as of its publication.

LEGISLATIVE COMMITTEE FIRST - Approved on November five, two thousand eight.

José Luis Valenciano Chaves

CHAIRMAN

Hilda González Ramírez

SECRETARY

LEGISLATIVE ASSEMBLY - On the eighteenth day of the month of November of the year two thousand eight.

COMMUNICATE TO THE EXECUTIVE BRANCH

Maureen Ballesteros Vargas

ACTING VICE-PRESIDENT OF THE PRESIDENCY

Hilda González Ramírez

FIRST SECRETARY

Guyon Massey Mora

SECOND SECRETARY

Given at the Presidency of the Republic. San José, on the fourth day of December two thousand eight.

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Date of generation: 07/09/2022 12:48:07 p.m.