

- You are on the latest version of the standard -

Strengthening the legal protection of girls and adolescent women in situations of gender violence associated with abusive relationships, reform of the Criminal Code, Family Code, TSE Organic Law and Civil Registry, and Civil Code.

N° 9406

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREES:

AMENDMENT OF ARTICLES 159 AND 161 OF LAW NO. 4573, PENAL CODE, OF MAY 4, 1970, AS AMENDED; AMENDMENT OF PARAGRAPHS 4) and 7) OF ARTICLE 14, THE FIRST PARAGRAPHS OF ARTICLES 64 AND 148 AND PARAGRAPHS A), C) and D) OF ARTICLE 158 AND REPEAL OF PARAGRAPHS 1) and 3) OF ARTICLE 16, ARTICLES 21, 22, ARTICLE 28(2), ARTICLES 36 AND 38 OF LAW NO. 5476, FAMILY CODE, OF DECEMBER 21, 1973, AND ITS AMENDMENTS, AND REPEAL OF ARTICLE 39(1) OF LAW NO. 63, CIVIL CODE, OF SEPTEMBER 28, 1887, AS AMENDED, AND AMENDMENT OF ARTICLE 89 OF LAW NO. 3504, ORGANIC LAW OF THE SUPREME COURT OF ELECTIONS AND CIVIL REGISTRY, OF MAY 10, 1965, AND ITS AMENDMENTS, FOR THE STRENGTHENING OF THE LEGAL PROTECTION OF GIRLS AND ADOLESCENT WOMEN AGAINST SITUATIONS OF GENDER-BASED VIOLENCE ASSOCIATED WITH ABUSIVE RELATIONSHIPS.

ARTICLE 1.- Articles 159 and 161 of Law No. 4573, Penal Code of May 4, 1970, as amended, are hereby amended. The texts are as follows:

"Article 159.- Sexual relations with minors. Shall be punished with imprisonment, whoever has access or has carnal access orally, anally or vaginally, with a minor, provided it does not constitute the crime of rape, in the following cases:

- 1) With a prison sentence of three to six years, when the victim is older than thirteen and younger than fifteen years of age, and the perpetrator is five or more years older than this age.
- 2) With a prison sentence of two to three years, when the victim is older than fifteen and younger than eighteen, and the perpetrator is seven or more years older than the victim's age.
- 3) With a prison sentence of four to ten years, provided that the perpetrator is an ascendant, uncle, aunt, brother or sister, cousin or cousin by blood or affinity, guardian or guardian of the victim, or is in a position of trust or authority with respect to the victim or his or her family, whether or not there is a family relationship.

The same assumptions will operate if the action consists in the introduction of one or more fingers, objects or animals through the vaginal or anal way."

"Article 161.- Sexual abuse against minors and incapable persons. Whoever abusively performs acts for sexual purposes shall be punished with imprisonment of three to eight years.

against a minor or incapacitated person or forces the agent, himself or herself or another person to perform them, provided that it does not constitute the crime of rape.

The penalty shall be four to ten years imprisonment when:

(1) The offended person is under fifteen years of

age. [...]

8) The perpetrator takes advantage of a relationship of trust or authority with the victim or the victim's family, whether or not there is a family relationship".

Article sheet

ARTICLE 2.- Article 14, paragraphs 4) and 7), the first paragraphs of Articles 64 and 148 and Article 158, paragraphs a), e) and d) of Law No. 5476, Family Code of December 21, 1973, as amended, are hereby amended. The texts are as follows:

"Article 14.- Marriage is legally impossible:

[...]

4) Between the adopter and the adopted person and his/her descendants; adopted sons and daughters of the same person; the adopted person and the sons and daughters of the adopter; the adopted person and the former spouse of the adopter; and the person adopting and the former spouse of the adoptee.

[...]

7) Of the person under eighteen years of age."

"Article 64.- The nullity of marriage, provided for in Article 14 of this law, shall be declared ex officio. The Civil Registry shall not register the marriage of persons under eighteen years of age.

[.. -1-

"Article 148.- Whoever exercises parental authority shall deliver to his eldest child or to the person who replaces him in the administration, when the latter terminates for another cause, all the property and fruits belonging to the child, and shall render a general account of such administration.

[.. -1-

"Suspension of parental rights.

Parental rights terminate:

a) By acquired majority. [...]

c) By the judicial declaration of abandonment, which occurs when the minor is at social risk, in accordance with article 175 of this Code, and there is no opposition from the parents or when, having suspended the right, they do not demonstrate that they have modified the situation of risk for the minor, within the period of time granted by the judge.

d) When the underage person has been subjected to rape, sexual abuse, corruption or serious or very serious injury by those who exercise it."

Article sheet

ARTICLE 3.-Article 89 of Law No. 3504, Organic Law of the Supreme Electoral Tribunal (TSE) and the Civil Registry of May 10, 1965, as amended, **is hereby** amended. The text is as follows:

"Article 89.- Every Costa Rican of either sex, over eighteen years of age, has the unavoidable obligation of acquiring his or her identity card."

Article sheet

ARTICLE 4.- Article 16, subsections 1) and 3), Articles 21, 22, subsection 2) of Article 28 and Articles 36 and 38 of Law No. 5476, Family Code, of December 21, 1973, as amended, as well as subsection 1) of Article 39 of Law No. 63, Civil Code, of September 28, 1887, as amended, are hereby repealed.

Effective as of its publication.

Given in the city of San José, on the thirtieth day of November of the year two thousand sixteen.

Article sheet

Date of generation: 07/09/2022 02:18:12 p.m.

http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=83353&nValue3=106995&strTipM=TC#ddown