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Political Constitution
POLITICAL CONSTITUTION

OF THE REPUBLIC OF COSTA RICA

We, the Representatives of the people of Costa Rica, freely elected Deputies to the National Constituent Assembly, invoking the name of God and reiterating our faith in Democracy, decree and sanction the following:

**POLITICAL CONSTITUTION OF THE REPUBLIC OF COSTA
RICA TITLE I
THE REPUBLIC
Sole Chapter**

ARTICLE 1. Costa Rica is a democratic, free, independent, multiethnic and multicultural Republic.

(As amended by the sole article of Law No. 9305 of August 24, 2015)

[Article sheet](#)

ARTICLE 2.- Sovereignty resides exclusively in the Nation.

[Article sheet](#)

ARTICLE 3. No one may arrogate sovereignty to himself; whoever does so shall commit the crime of treason to the Fatherland.

[Article sheet](#)

ARTICLE 4. No person or gathering of persons may assume the representation of the people, arrogate their rights, or make petitions on their behalf. Infringement of this article shall be sedition.

[Article sheet](#)

The national territory is comprised between the Caribbean Sea, the Pacific Ocean and the Republics of Nicaragua and Panama. The limits of the Republic are those determined by the Cañas - Jerez Treaty of April 15, 1858 [Treaty of Limits between Nicaragua and Costa Rica \(Cañas - Jerez Treaty\)](#), ratified by the Cleveland Award of March 22, 1888 [Cleveland Arbitration Award on the Question of Limits with Nicaragua](#) with respect to Nicaragua, and the Echandi Montero - Fernández Jaén Treaty of May 1, 1941 with respect to Panama.

Cocos Island, located in the Pacific Ocean, is part of the national territory.

Article sheet

The State exercises complete and exclusive sovereignty in the airspace of its territory, in its territorial waters within a distance of twelve miles from the low sea line along its coasts, in its continental shelf and in its insular socket in accordance with the principles of International Law.

It also exercises a special jurisdiction over the seas adjacent to its territory in an extension of two hundred miles from the same line, in order to protect, conserve and exploit with exclusivity all the resources and natural wealth existing in the waters, soil and subsoil of those areas, in accordance with those principles.

(Thus amended by the sole article of Law No. 5699 of June 5, 1975)

Article sheet

ARTICLE 7. Public treaties, international agreements and concordats, duly approved by the Legislative Assembly, shall have, as of their promulgation or as of the day they designate, superior authority to laws.

Public treaties and international agreements referring to the territorial integrity or political organization of the country shall require the approval of the Legislative Assembly, by a vote of no less than three-fourths of the totality of its members, and that of two-thirds of the members of a Constituent Assembly, called for that purpose.

(As amended by the sole article of Law No. 4123 of May 31, 1968)

Article sheet

ARTICLE 8 - Foreign states may only acquire in the territory of the Republic, on the basis of reciprocity, the real estate necessary for the headquarters of their diplomatic representations, without prejudice to the provisions of international agreements.

Article sheet

ARTICLE 9- The Government of the Republic is popular, representative, participatory, alternative and responsible. It is exercised by the people and three distinct and independent Powers. The Legislative, the Executive and the Judicial.

(Thus amended by the sole article of Law No. 8364 of July 01, 2003)

None of the Powers may delegate the exercise of its own functions.

A Supreme Electoral Tribunal, with the rank and independence of the Powers of the State, is exclusively and independently in charge of the organization, direction and supervision of the acts related to the suffrage, as well as the other functions attributed to it by this Constitution and the laws.

(Thus added to the preceding paragraph by Article 1 of Law No. 5704 of June 5, 1975)

Article sheet

It shall be the duty of a specialized Chamber of the Supreme Court of Justice to declare, by an absolute majority of its members, the unconstitutionality of norms of any nature and acts subject to Public Law. Jurisdictional acts of the Judiciary, the declaration of elections made by the Supreme Court of Elections and other acts determined by law shall not be subject to challenge in this manner.

It will also be responsible for:

- a) To resolve conflicts of competence between the powers of the State, including the Supreme Electoral Tribunal, as well as with other entities or bodies indicated by law.
- b) To hear consultations on constitutional reform projects, approval of international conventions or treaties and other bills, as provided by law.

(Thus amended by Article 1 of Law No. 7128 of August 18, 1989). Likewise, the Transitory Article of said law establishes: "The Chamber created in Article 10 shall be composed of seven magistrates and such alternates as may be determined by law, who shall be elected by the Legislative Assembly by a vote of not less than two thirds of its members. The Legislative Assembly shall appoint the members of the Chamber within ten sessions following the publication of this law; two of them shall be chosen from among the members of the First Chamber of the Supreme Court of Justice, whose composition shall be thus reduced.

As long as a law of constitutional jurisdiction has not been enacted, the Chamber will continue to process the matters within its competence, even those pending, in accordance with the provisions in force").

Article sheet

ARTICLE 11.-Public officials are mere depositaries of authority. They are obliged to fulfill the duties imposed on them by law and may not arrogate to themselves powers not granted therein. They must take an oath to observe and comply with this Constitution and the laws. The action to hold them criminally liable for their acts is public. The Public Administration, in a broad sense, shall be subject to a procedure of evaluation of results and accountability, with the consequent personal responsibility for the officials in the fulfillment of their duties. The law will indicate the means for this control of results and accountability to operate as a system covering all public institutions.

(As amended by the sole article of Law No. 8003 of June 8, 2000)

Article sheet

ARTICLE 12.- The Army is hereby proscribed as a permanent institution. For the surveillance and preservation of public order, there shall be the necessary police forces.

Only by continental convention or for national defense may military forces be organized; both will always be subordinate to the civil power: they may not deliberate, nor make demonstrations or statements individually or collectively.

Article sheet

TITLE II COSTA RICANS Single Chapter

ARTICLE 13.- They are Costa Ricans by birth:

- 1) The child of a Costa Rican father or mother born in the territory of the Republic;
- 2) The child of a Costa Rican father or mother by birth, who is born abroad, and is registered as such in the Civil Registry, by the will of the Costa Rican parent, while he/she is a minor, or by his/her own will until he/she reaches the age of twenty-five;
- 3) The child of foreign parents born in Costa Rica who is registered as Costa Rican, by the will of any of his parents while he is a minor, or by his own will until his twenty-fifth birthday;
- 4) Infant, parents unknown, found in Costa Rica.

Article sheet

ARTICLE 14.- They are Costa Ricans by naturalization:

- 1) Those who have acquired this nationality by virtue of previous laws.
- 2) Nationals of other Central American countries, Spaniards and Ibero-Americans by birth who have officially resided in the country for five years and who meet the other requirements established by law.
- 3) Central Americans, Spaniards and Ibero-Americans not born in the country and other foreigners who have officially resided in the country for at least seven years and who meet the other requirements established by law.
- 4) A foreign woman who marries a Costa Rican loses her nationality upon marriage to a Costa Rican.
- 5) Foreigners who, upon marrying Costa Ricans, lose their nationality or who, after having been married to Costa Ricans for two years and residing in Costa Rica for that period, lose their nationality, or who, after having been married to Costa Ricans for two

years, lose their nationality.

same period in the country, express their desire to acquire Costa Rican nationality.

(As amended by the sole article of Law No. 7879 of May 27, 1999)

(The Constitutional Chamber, by resolution No. 3435-92, dated November 11, 1992, at 4:20 p.m., ruled in relation to the previous paragraph that: in order to avoid future inequalities and discrimination that may arise when applying the Constitution and other legal instruments in force, "when the terms "man" or "woman" are used in legislation, they should be understood as synonymous with the term "person", thus eliminating any possible "legal" discrimination based on gender).

6) Those who hold honorary nationality granted by the Legislative Assembly.

(As amended by the sole article of Law No. 7065 of May 21, 1987)

Article sheet

ARTICLE 15.- Whoever applies for naturalization must: prove his good conduct, demonstrate that he has a known trade or means of living, that he knows how to speak, write and read the Spanish language, submit to a comprehensive examination of the history of the country and its values, promise to reside in the national territory in a regular manner and swear to respect the constitutional order of the Republic.

The law shall establish the requirements and the form for processing the application for naturalization.

(As amended by the sole article of Law No. 7065 of May 21, 1987)

Article sheet

ARTICLE 16.- The quality of Costa Rican is not lost and cannot be renounced.

(Thus amended by Article 1 of Law No. 7514 of June 6, 1995). Likewise, the sole transitory provision of said law establishes: "Persons who have opted for another nationality and have lost their Costa Rican nationality, may recover it according to the provisions of the reformed article 16, by means of a simple request, verbal or written, before the Civil Registry. This will take note of it and will carry out the corresponding procedures. The request must be made within two years after the effective date of this reform").

Article sheet

ARTICLE 17.- The acquisition of nationality extends to minor children, in accordance with the regulations established by law.

(Thus amended by Article 1 of Law No. 7514 of June 6, 1995)

Article sheet

Costa Ricans must observe the Constitution and the laws, serve the Fatherland, defend it and contribute to public expenses.

Article sheet

TITLE III FOREIGNERS Single Chapter

Foreigners have the same individual and social duties and rights as Costa Ricans, with the exceptions and limitations established by this Constitution and the laws.

They may not intervene in the political affairs of the country, and are subject to the jurisdiction of the courts of justice and the authorities of the Republic, and may not resort to diplomatic channels, except as provided for in international conventions.

Article sheet

TITLE IV INDIVIDUAL RIGHTS AND GUARANTEES Single Chapter

Every person is free in the Republic, (sic) whoever is under the protection of its laws may not be a slave or slave.

(As amended by the sole article of Law No. 7880 of May 27, 1999)

Article sheet

ARTICLE 21. Human life is inviolable.

Article sheet

Any Costa Rican may move and stay in any part of the Republic or outside of it, as long as he/she is free of responsibility, and return when it is convenient for him/her. No requirements may be demanded of Costa Ricans that impede their entry into the country.

Article sheet

The domicile and all other private premises of the inhabitants of the Republic are inviolable. However, they may be searched by written order of a competent judge, or to prevent the commission or impunity of crimes, or to avoid serious damage to persons or property, subject to the provisions of the law.

Article sheet

The right to privacy, freedom and secrecy of communications is guaranteed.

Private documents and written, oral or any other type of communications of the inhabitants of the Republic are inviolable. However, the law, whose approval and amendment shall require the votes of two thirds of the Deputies of the Legislative Assembly, shall establish in which cases the Courts of Justice may order the seizure, search or examination of private documents, when absolutely indispensable to clarify matters submitted to their knowledge.

Likewise, the law will determine in which cases the Courts of Justice may order the interception of any type of communication and will indicate the crimes in the investigation of which the use of this exceptional power may be authorized and for how long. Likewise, it will indicate the responsibilities and penalties incurred by the officials who illegally apply this exception. Judicial decisions under this rule must be reasoned and may be executed immediately. Its application and control shall be the non-delegable responsibility of the judicial authority.

The law shall establish the cases in which the competent officials of the Ministry of Finance and the Office of the Comptroller General of the Republic may review the accounting books and their annexes for tax purposes and to audit the proper use of public funds.

A special law, approved by two thirds of the total number of Deputies, shall determine which other organs of the Public Administration may review the documents indicated by such law in connection with the fulfillment of their regulatory and oversight powers to achieve public purposes. It shall also indicate in which cases such review is appropriate.

Correspondence that is stolen or information obtained as a result of the illegal interception of any communication shall not produce legal effects.

(As amended by Article 1 of Law No. 7607 of May 29, 1996)

(Note by Sinalevi: Regarding this paragraph, see the [Law on Search, Seizure and Examination of Private Documents and Interception of Communications](#), No. 7425 of August 9, 1994).

Article sheet

The inhabitants of the Republic have the right to associate for lawful purposes. No one may be forced to join any association.

Article sheet

Everyone has the right to assemble peacefully and without arms, whether for private business, or to discuss political matters and examine the public conduct of officials.

Meetings in private premises do not require prior authorization. Those held in public places shall be regulated by law.

Article sheet

ARTICLE 27.- The freedom to petition, individually or collectively, before any public official or official entity, and the right to obtain a prompt resolution is guaranteed.

Article sheet

ARTICLE 28.- No one may be disturbed or persecuted for the expression of his opinions or for any act that does not infringe the law.

Private actions that do not harm public morals or public order, or that do not harm a third party, are beyond the reach of the law.

However, no political propaganda by clerics or laymen may be carried out in any form by invoking religious motives or by using religious beliefs as a means.

Article sheet

Everyone may communicate his thoughts by word or in writing, and publish them without prior censorship; but he shall be liable for the abuses he commits in the exercise of this right, in the cases and in the manner established by law.

Article sheet

ARTICLE 30.- Free access to administrative departments for the purpose of information on matters of public interest is guaranteed.

State secrets are protected.

Article sheet

The territory of Costa Rica shall be asylum for all persons persecuted for political reasons. If by legal imperative his expulsion is decreed, he may never be sent to the country where he was persecuted.

Extradition will be regulated by law or by international treaties and will never proceed in cases of political or related crimes, according to the Costa Rican qualification.

Article sheet

ARTICLE 32.- No Costa Rican may be compelled to leave the national territory.

Article sheet

All persons are equal before the law and no discrimination contrary to human dignity may be practiced.

(As amended by Article 1 of Law No. 7880 of May 27, 1999)

Article sheet

ARTICLE 34. No law shall be given retroactive effect to the detriment of any person, or of his or her acquired property rights or consolidated legal situations.

Article sheet

ARTICLE 35.- No one may be tried by commission, court or judge specially appointed for the case, but exclusively by the courts established in accordance with this Constitution.

Article sheet

In criminal matters, no one is obliged to testify against himself or herself, nor against his or her spouse, ascendants, descendants or collateral relatives up to the third degree of consanguinity or affinity.

Article sheet

ARTICLE 37.- No one may be detained without a proven indication of having committed a crime, and without a written order from a judge or authority in charge of public order, except in the case of a fugitive or an offender in flagrante delicto; but in any case he must be placed at the disposal of a competent judge within a peremptory term of twenty-four hours.

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Article sheet

ARTICLE 38. No person may be reduced to imprisonment for debt.

Article sheet

ARTICLE 39.- No one shall be sentenced except for a crime, quasi-delict or misdemeanor punishable by prior law and by virtue of a final judgment handed down by a competent authority, after the defendant has been given the opportunity to exercise his defense and by means of the necessary demonstration of guilt.

Corporal constraint in civil or labor matters or detentions that may be decreed in insolvency, bankruptcy or bankruptcy proceedings do not constitute a violation of this article or of the two preceding articles.

Article sheet

ARTICLE 40.- No one shall be subjected to cruel or degrading treatment or to life imprisonment, nor to the penalty of confiscation. Any statement obtained by means of violence shall be null and void.

Article sheet

ARTICLE 41.- Everyone shall find redress for injuries or damages to his person, property or moral interests by obeying the laws. Justice must be rendered promptly, complied with, without denial and in strict conformity with the laws.

Article sheet

ARTICLE 42.- The same judge may not be a judge in different instances for the decision of the same point. No one may be tried more than once for the same punishable act.

It is forbidden to reopen closed criminal cases and trials that have been ruled with the authority of res judicata, except in the case of an appeal for review.

(The Constitutional Chamber, by means of Resolution No. 353 of February 12, 1991, interpreted this article in the sense that ".when expressing that "the same Judge cannot be a Judge in different instances for the decision of the same point", it refers exclusively to the fact that the Judge who issues a decision cannot resolve the appeal or the extraordinary appeal that proceeds against it").

Article sheet

Every person has the right to terminate his patrimonial differences by means of arbitrators, even if https://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?nValor1=1&nValue2=871

litigation is pending.

Article sheet

ARTICLE 44. For the incommunicado detention of a person to exceed forty-eight hours, a court order is required; it may only be extended for up to ten consecutive days and in no case shall it prevent the exercise of judicial inspection.

Article sheet

ARTICLE 45.- Property is inviolable; no one may be deprived of his property except in the legally proven public interest, with prior compensation in accordance with the law. In case of war or internal commotion, prior compensation is not indispensable. However, the corresponding payment shall be made no later than two years after the end of the state of emergency.

For reasons of public necessity, the Legislative Assembly may, by a vote of two thirds of the totality of its members, impose limitations on property in the social interest.

Article sheet

ARTICLE 46.- Monopolies of a private nature are prohibited, as well as any act, even if originated by law, that threatens or restricts the freedom of trade, agriculture and industry.

It is in the public interest for the State to take action to prevent any monopolistic practice or tendency.

Companies constituted as de facto monopolies must be subject to special legislation.

To establish new monopolies in favor of the State or the Municipalities, the approval of two thirds of the totality of the members of the Legislative Assembly shall be required.

Consumers and users have the right to the protection of their health, environment, safety and economic interests; to receive adequate and truthful information; to freedom of choice, and to equitable treatment. The State shall support the organizations they establish for the defense of their rights. The law shall regulate these matters.

(As amended by Article 1 of Law No. 7607 of May 29, 1996)

Article sheet

Every author, inventor, producer or merchant shall temporarily enjoy exclusive ownership of his work, invention, trademark or trade name, in accordance with the law.

Article sheet

Every person has the right to the remedy of habeas corpus to guarantee his personal freedom and integrity, and to the remedy of amparo to maintain or reestablish the enjoyment of the other rights enshrined in this Constitution, as well as those of a fundamental nature established in the international instruments on human rights applicable to the Republic. Both remedies shall be within the competence of the Chamber indicated in Article 10.

((Amended by Article 1 of Law No. 7128 of August 18, 1989))

Article sheet

ARTICLE 49.- The contentious-administrative jurisdiction is hereby established as an attribution of the Judicial Power, with the purpose of guaranteeing the legality of the administrative function of the State, of its institutions and of all other public law entities.

The misuse of power shall be grounds for challenging administrative acts.

The law shall protect, at least, the subjective rights and legitimate interests of the persons administered.

(As amended by the sole article of Law No. 3124 of June 25, 1963)

Article sheet

TITLE V

SOCIAL RIGHTS AND GUARANTEES

Sole Chapter

The State shall procure the greatest welfare for all the inhabitants of the country, organizing and stimulating production and the most adequate distribution of wealth.

Everyone has the right to a healthy and ecologically balanced environment. Therefore, he or she is entitled to denounce acts that infringe this right and to claim compensation for the damage caused.

The State shall guarantee, defend and preserve this right.

The law will determine the corresponding responsibilities and sanctions.

Every person has the basic and inalienable human right of access to drinking water, as an essential good for life. Water is a national asset, indispensable to protect this human right. Its use, protection, sustainability, conservation and exploitation shall be governed by the provisions of the law to be created for this purpose, and priority shall be given to the supply of drinking water for consumption by individuals and populations.

(Thus added the previous paragraph by Article 1 of Law No. 9849 of June 5, 2020, "To recognize and guarantee the human right of access to water").

(Thus amended by Article 1 of Law No. 7412 of June 3, 1994)

Article sheet

Article 51- The family, as a natural element and foundation of society, is entitled to special protection by the State. Likewise, the mother, the child, the elderly and persons with disabilities shall be entitled to such protection.

(Thus amended by the sole article of Law No. 9697 of July 16, 2019, "Reforms Article 51 of the Political Constitution to guarantee special protection by the State to persons with disabilities").

Article sheet

ARTICLE 52. Marriage is the essential foundation of the family and is based on the equality of rights of the spouses.

Article sheet

ARTICLE 53. Parents have the same obligations towards their children born out of wedlock as towards those born in wedlock.

Everyone has the right to know who his or her parents are, according to the law.

Article sheet

ARTICLE 54. Any personal qualification on the nature of filiation is prohibited.

Article sheet

The special protection of the mother and the minor shall be the responsibility of an autonomous institution called Patronato Nacional de la Infancia, with the collaboration of other State institutions.

Article sheet

ARTICLE 56. Work is a right of the individual and an obligation to society. The State shall see to it that everyone has an honest and useful occupation, duly remunerated, and shall prevent the establishment of conditions that in any way impair the freedom or dignity of man or degrade his work to the condition of mere merchandise. The State guarantees the right to free choice of employment.

Article sheet

Every worker shall have the right to a minimum wage, to be fixed periodically, per normal working day, which shall provide him/her with welfare and a dignified existence. The salary shall always be equal for equal work under identical conditions of efficiency.

All matters relating to the setting of minimum wages shall be the responsibility of the technical body determined by law.

Article sheet

The ordinary daytime workday shall not exceed eight hours a day and forty-eight hours a week. The ordinary night workday may not exceed six hours a day and thirty-six hours a week. Overtime work shall be remunerated with fifty percent more than the stipulated wages or salaries. However, these provisions shall not apply in highly qualified cases of exception, as determined by law.

Article sheet

All workers shall be entitled to one day of rest after six consecutive days of work, and to paid annual vacation, the extension and timing of which shall be regulated by law, but in no case shall comprise less than two weeks for every fifty weeks of continuous service; all without prejudice to the very qualified exceptions established by the legislator.

Article sheet

ARTICLE 60. Both employers and workers may freely unionize for the exclusive purpose of obtaining and preserving economic, social or professional benefits.

Foreigners are prohibited from exercising leadership or authority in trade unions.

Article sheet

ARTICLE 61. The right of employers to strike and of workers to strike is recognized, except in public services, in accordance with the determination made by law and in conformity with the regulations established therein, which shall disallow any act of coercion or violence.

Article sheet

ARTICLE 62. Collective bargaining agreements which, in accordance with the law, are entered into between employers or employers' unions and legally organized workers' unions shall have the force of law.

[Article sheet](#)

ARTICLE 63. Workers dismissed without just cause shall be entitled to indemnity when they are not covered by unemployment insurance.

[Article sheet](#)

Article 64.- The State shall encourage the creation of cooperatives as a means to facilitate better living conditions for workers. Likewise, it shall seek the development of Solidarity as an instrument of economic and social growth of the workers, both in the private and public sectors.

It shall also recognize the right of employers and workers to organize freely in solidarity associations in order to obtain better living conditions and economic and social development.

(Amended by the sole article of Law No. 8952 of June 21, 2011 and corrected by Errata, and published in La Gaceta No. 188 of September 30, 2011)

[Article sheet](#)

The State shall promote the construction of popular housing and shall create the worker's family patrimony.

[Article sheet](#)

All employers must adopt the necessary measures for occupational health and safety in their companies.

[Article sheet](#)

The State shall ensure the technical and cultural preparation of the workers.

[Article sheet](#)

ARTICLE 68.- No discrimination may be made with respect to salary, advantages or working conditions between Costa Ricans and foreigners, or with respect to any group of workers.

All other things being equal, the Costa Rican worker shall be preferred.

Article sheet

ARTICLE 69.- Rural sharecropping contracts shall be regulated in order to ensure the rational exploitation of the land and the equitable distribution of its products between owners and sharecroppers.

Article sheet

ARTICLE 70.- A labor jurisdiction shall be established under the Judiciary Branch.

Article sheet

The laws shall provide special protection to women and minors in their work.

Article sheet

The State shall maintain, as long as there is no unemployment insurance, a technical and permanent system of protection for the involuntarily unemployed, and shall endeavor to reintegrate them to work.

Article sheet

ARTICLE 73.- Social insurance is hereby established for the benefit of manual and intellectual workers, regulated by the system of compulsory contribution of the State, employers and workers, in order to protect them against the risks of illness, disability, maternity, old age, death and other contingencies determined by law.

The administration and governance of social insurance will be the responsibility of an autonomous institution, called the Costa Rican Social Security Fund (Caja Costarricense de Seguro Social).

Social security funds and reserves may not be transferred or used for purposes other than those for which they were created.

Insurance against occupational risks shall be for the exclusive account of the employers and shall be governed by special provisions.

(As amended by the sole article of Law No. 2737 of May 12, 1961)

Article sheet

The rights and benefits referred to in this Chapter cannot be waived. Their enumeration does not exclude others that derive from the Christian principle of social justice and that are indicated by the

The law shall apply equally to all factors involved in the production process, and shall be regulated by social and labor legislation, in order to ensure a permanent policy of national solidarity.

Article sheet

TITLE VI

RELIGION

Sole Chapter

(Note: In the original text of the Political Constitution, Article 75 was part of Title V (Social Guarantees) and Article 76 corresponded to the subject of religion. However, Law No.4764 of May 17, 1971 repealed the former Article 75 of Title V. Then, Article 1 of Law No. 5703 of June 6, 1975 provided for the renumbering of former Article 76 (Religion), which became the current Article 75 and created a new Article 76, referring to the official language of the nation.)

ARTICLE 75.- The Roman Catholic Apostolic Religion is that of the State, which contributes to its maintenance, without impeding the free exercise in the Republic of other religions that do not oppose universal morality or good customs.

(Thus varied its numbering by Article 1 of Law No. 5703 of June 6, 1975)

Article sheet

TITLE VII

EDUCATION AND CULTURE

Sole Chapter

(Note: In the original text of the Political Constitution, Article 76 corresponded to the subject of religion. However, Article 1 of Law No. 5703 of June 6, 1975 provided for the renumbering of the former Article 76 (Religion), which became the current Article 75. In addition, Article 2 created this new Article 76, referring to the official language of the nation).

Spanish is the official language of the Nation. However, the State shall ensure the maintenance and cultivation of the national indigenous languages.

(Thus added by Article 2 of Law No. 5703 of June 6, 1975 and subsequently amended by Article 1 of Law No. 7878 of May 27, 1999).

Article sheet

ARTICLE 77.- Public education shall be organized as an integral process correlated in its different cycles, from pre-school to university.

Article sheet

ARTICLE 78.- Preschool, general basic and diversified education are compulsory and, in the public system, free of charge and paid for by the Nation.

In state education, including higher education, public expenditure shall not be less than eight percent (8%) per annum of the gross domestic product, in accordance with the law, without prejudice to the provisions of Articles 84 and 85 of this Constitution.

The State shall facilitate technological access to all levels of education, as well as the pursuit of higher education for those who lack financial resources. The awarding of scholarships and grants will be charge of the Ministry of the branch, through the body determined by law.

(As amended by the sole article of Law No. 8954 of June 9, 2011)

Transitional provisions of Law No. 8954 of June 9, 2011:

TRANSITIONAL I.-

Public expenditure on education may be less than to eight percent (8%) during fiscal periods prior to the year 2014. However, in no case may the percentage of gross domestic product allocated to education be lower than that of the preceding year. However, in no case may the percentage of gross domestic product allocated to education be lower than that of the preceding year.

TRANSITORY II.

The law referred to in the second paragraph of Article 78 of the Constitution shall be enacted within one year of the following year the publication of this constitutional reform. While this law is not in force, the gross domestic product shall be determined according to the procedure established by the Central Bank of Costa Rica).

(Sinalevi's Note: By Resolution No. 9724 of May 29, 2019, the Constitutional Chamber declared the action admissible, due to the omission of the Legislative Assembly to comply with the express mandate imposed by the derived constituent power, to issue the legislation provided for in the second paragraph of Article 78 of the Political Constitution, in connection with transitory II of the same norm. The Legislative Assembly is urged, so that within the constitutional term of twelve months, counted as of the notification of this sentence, it discusses and

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approves the ordinary legislation indicated in Article 78 of the Political Constitution).

[Article sheet](#)

ARTICLE 79. Freedom of education is guaranteed. However, every private educational center shall be under the inspection of the State.

[Article sheet](#)

ARTICLE 80. Private initiative in educational matters shall be encouraged by the State, in the manner established by law.

[Article sheet](#)

ARTICLE 81.- The general direction of official education shall be the responsibility of a higher council composed as indicated by law, presided over by the Minister of the branch.

[Article sheet](#)

ARTICLE 82. The State shall provide food and clothing to indigent school children, in accordance with the law.

[Article sheet](#)

The State shall sponsor and organize adult education, aimed at combating illiteracy and providing cultural opportunities to those who wish to improve their education. intellectual, social and economic status.

[Article sheet](#)

The University of Costa Rica is an institution of higher education that enjoys independence for the performance of its functions and full legal capacity to acquire rights and contract obligations, as well as to establish its own organization and government. The other institutions of higher education of the State shall have the same functional independence and equal legal capacity as the University of Costa Rica.

The State will endow them with their own patrimony and will collaborate in their financing.

(As amended by the sole article of Law No. 5697 of June 9, 1975)

[Article sheet](#)

ARTICLE 85.- The State shall endow the Universidad de Costa Rica, the Instituto Tecnológico de Costa Rica, the Universidad Nacional and the Universidad Estatal a Distancia with their own patrimony and shall create their own revenues, independently of those originated in these institutions.

In addition, it shall maintain -with the current income and with others that may be necessary- a special fund for the financing of State Higher Education. The Central Bank of Costa Rica shall administer this fund and, each month, shall place it in dozavos, to the order of the aforementioned institutions, according to the distribution determined by the body in charge of the coordination of State University Higher Education. The income of this special fund may not be abolished or diminished, unless other improvements are simultaneously created to replace it.

The body in charge of coordinating State University Higher Education will prepare a national plan for this education, taking into account the guidelines established by the National Development Plan in force.

This plan shall be completed no later than June 30 of the years divisible by five and shall cover the immediately following five-year period. It shall include both operating and investment expenses deemed necessary for the proper performance of the institutions mentioned in this article.

The Executive Branch shall include, in the regular budget of expenditures of the Republic, the corresponding item indicated in the plan, adjusted according to the variation of the purchasing power of the currency.

Any dispute that may arise regarding the approval of the budget amount of the national plan for State Higher Education shall be resolved by the Legislative Assembly.

Transitory.- During the 1981-1985 quinquennium, the distribution of the special fund, referred to in this article, shall be made as follows: 59% for the University of Costa Rica; 11.5% for the Technological Institute of Costa Rica, 23.5% for the National University and 6% for the State Distance University.

(As amended by Article 1 of Law No. 6580 of May 18, 1981)

Article sheet

The State shall train professional teachers through special institutes, the University of Costa Rica and other institutions of higher education.

(As amended by the sole article of Law No. 5697 of June 9, 1975)

Article sheet

ARTICLE 87. Academic freedom is a fundamental principle of university education.

Article sheet

ARTICLE 88.- For the discussion and approval of bills related to matters under the jurisdiction of the University of Costa Rica and other institutions of higher education, or directly related to them, the Legislative Assembly shall previously hear the University Council or the corresponding governing body of each one of them.

(As amended by the sole article of Law No. 5697 of June 9, 1975)

Article sheet

Among the cultural purposes of the Republic are: to protect the natural beauties, to preserve and develop the historical and artistic heritage of the Nation, and to support private initiative for scientific and artistic progress.

Article sheet

TITLE VIII POLITICAL

RIGHTS AND DUTIES

Chapter I

Citizens

ARTICLE 90.- Citizenship is the set of political rights and duties that correspond to Costa Ricans over eighteen years of age.

(As amended by the sole article of Law No. 4763 of May 17, 1971)

Article sheet

ARTICLE 91. Citizenship is only suspended:

- 1) By judicially declared interdiction;
- 2) By sentence imposing the suspension of the exercise of political rights.

Article sheet

ARTICLE 92.- Citizenship is recovered in the cases and by the means determined by law.

Article sheet

Chapter II

Suffrage

Suffrage is a primordial and obligatory civic function and is exercised before the Electoral Boards in direct and secret voting by citizens registered in the Civil Registry.

(Thus amended by the sole article of Law No. 2345 of May 20, 1959)

Article sheet

A naturalized Costa Rican citizen shall not be able to vote until twelve months after having obtained the respective letter.

Article sheet

ARTICLE 95.- The law shall regulate the exercise of suffrage in accordance with the following principles: 1;

Obligation of the State to register, ex officio, the citizens in the Civil Registry and to provide them with an identity card to exercise the suffrage;

Effective guarantees of freedom, order, purity and impartiality on the part of the governmental authorities;

4.- Guarantees that the system for casting the ballot makes it easier for citizens to exercise that right;

Identification of the voter by means of a photo identification card or any other appropriate technical means provided by law for such purpose;

Guarantees of representation for minorities; 7. -

Guarantees of political pluralism;

8.- Guarantees for the designation of authorities and candidates of political parties, according to democratic principles and without gender discrimination.

(Thus amended by Article 1 of Law No.7675 of July 2, 1997)

Article sheet

The State may not deduct anything from the remuneration of public servants for the payment of political debts.

The State shall contribute to defray the expenses of political parties, in accordance with the following provisions:

The contribution shall be zero point nineteen percent (0.19%) of the gross domestic product of the year after the election for President, Vice-Presidents of the Republic and Deputies to the Legislative Assembly is held. The law shall determine in which cases a reduction of said percentage may be agreed upon.

This percentage shall be used to cover the expenses generated by the participation of the political parties in such electoral processes, and to satisfy the needs of training and political organization. Each political party shall establish the percentages corresponding to these items.

(*)2.- The political parties that participate in the electoral processes indicated in this article and reach at least four percent (4%) of the validly cast votes at national level or those registered at provincial level, that obtain at least that percentage in the province or elect at least one Deputy, shall be entitled to the state contribution.

()(Sinalevi's Note: By Resolution No. 1297 of April 6, 2006, the Supreme Electoral Tribunal interpreted this subsection in the sense that ".those political parties registered at the national level which, despite not having reached the minimum percentage established in this scale, nor having elected a deputy, did reach at least 4% of valid votes in one or more provinces individually considered, are also entitled to receive the state contribution. In this case, the amount of the state contribution shall be calculated on the basis of the votes validly cast for deputies in the province in which it has reached such 4% and, if it has reached such percentage in more than one province, the amount shall be obtained from the sum of the votes validly cast in such provinces". Subsequently, by resolution No. 1456-E-2018 of March 7, 2018, the consultation raised regarding the validity of the criterion expressed by the Supreme Electoral Tribunal about this resolution is evacuated, in the sense that: "the thesis set forth in resolution No. 1297-E-2006 of 14:50 of April 6, 2006 of this Electoral Magistracy is not in force since, in accordance with the constitutional powers of this Tribunal, resolution No. 2347-E8-2012 of 09:30 hours of March 22, 2012 interpreted that the phrase ".. those registered at provincial level, which obtained at least that percentage in the province..." of subsection 2) of article 96 of the Political Constitution, refers only to the political parties registered at provincial level that, in a presidential and legislative electoral process, reach 4% or more of the validly issued votes in the corresponding province, thus excluding from that assumption the political groups participating at national level").*

Subject to the granting of the corresponding sureties, political parties shall be entitled to be advanced part of the state contribution, as determined by law.

In order to receive the State contribution, the parties must prove their expenses before the Supreme Electoral Tribunal.

Private contributions to political parties shall be subject to the principle of publicity and shall be regulated by law.

The law establishing the procedures, means of control and other regulations for the application of this article shall require, for its approval and amendment, the vote of two thirds of the total number of members of the Legislative Assembly.

(As amended by Article 1 of Law No. 7675 of July 2, 1997)

(Sinalevi's Note: Through resolution No. 2887 of August 26, 2008, the Supreme Electoral Tribunal interpreted this article in the sense that: ". the legislator may reduce the amount of state contribution, allocating resources to political parties for other types of activities of public interest, so it would be possible that these reductions serve to finance their intervention in the municipal elections, provided that the public financing regimes for political parties do not exceed the ceiling defined by this article. Likewise, it is interpreted that the constitutional regulation on the permanent financing of political parties participating in the elections of President, Vice President of the Republic and Deputies, does not prevent the legislator from defining specific guidelines for their development, as long as the established limits are respected.

by the Constituent and do not impose distribution percentages to political parties in the items of financing").

(Sinalevi Note: By Resolution No. 2347-E8-2012 of March 22, 2012, the Supreme Electoral Tribunal interpreted this article in the sense that: "... 1) In order for the State to recognize expenses for its participation in the electoral process, a political party registered at the national level that participates only with presidential candidacy, without candidacies for deputies, or that only participates with candidacies for deputies in one, some or all provinces, must obtain a minimum of electoral support corresponding to 4% of the sum of all valid votes cast in the election of president and deputies. Once this threshold has been corroborated, the amount of valid votes obtained in the election in which the candidate has participated (presidential or deputy) is multiplied by the individual cost of the vote, since the result of this mathematical operation represents the maximum amount of the state contribution that corresponds to him/her, as provided for in article 90, paragraph b) of the Electoral Code. 2) The constitutional threshold and the procedure to calculate the maximum amount of state contribution is applicable, in identical terms, to a coalition of parties at national level that only presents a common candidacy for the presidency of the Republic, without candidates for deputies. 3) In the above assumption, each of the coalition parties presenting its own candidacy for candidates for deputies would be entitled to obtain state financing if it reaches or exceeds 4% of the total votes validly cast for president and deputies. The determination of the maximum amount to be received by each group is also calculated according to the provisions of numeral 90 paragraph b) of the code, that is, by multiplying the amount of valid votes obtained in the election of deputies by the individual cost of the vote. Therefore, in order to calculate the State financing, the valid votes obtained by the coalition in which the party participated shall not be added. 4) If the political grouping registered at the national level only nominates candidates for deputies in all or some provinces and does not present a presidential candidacy, it may also have access to the state contribution if it obtains at least one deputy, in case it does not reach the referred 4% of the vote at the national level. The maximum amount of state contribution that would correspond in this case is determined by multiplying the number of valid votes obtained for deputies by the individual cost of the vote. This operation must also be followed in the case of those political parties that participate in a coalition for the presidential election but individually nominate candidates for deputies, since it is not valid, in order to calculate the maximum amount of the state contribution, to add the votes of the coalition to the votes of the deputy election...).

Article sheet

For the discussion and approval of bills related to electoral matters, the Legislature shall consult with the Supreme Electoral Tribunal; in order to deviate from its opinion, the vote of two thirds of the total number of its members shall be required. Within six months before and four months after the holding of a popular election, the Legislative Assembly may not, however, pass into law bills on such matters with respect to which the Supreme Court of Elections has expressed its disagreement.

Article sheet

ARTICLE 98.- Citizens shall have the right to form parties to intervene in national politics, provided that the parties commit themselves in their programs to respect the constitutional order of the Republic.

Political parties shall express political pluralism, contribute to the formation and manifestation of the will of the people and shall be fundamental instruments for political participation. Their creation and

the exercise of their activities shall be free in accordance with the Constitution and the law. Its internal structure and operation shall be democratic.

(As amended by Article 1 of Law No.7675 of July 2, 1997)

Article sheet

Chapter III

The Supreme Electoral Tribunal

The organization, direction and supervision of the acts related to suffrage are the exclusive responsibility of the Supreme Electoral Tribunal, which enjoys independence in the performance of its duties. The other electoral bodies shall report to the Court.

Article sheet

The Supreme Court of Elections shall ordinarily be composed of three regular Magistrates and six alternate Magistrates, appointed by the Supreme Court of Justice by the votes of no less than two thirds of the total number of its members. They shall meet the same conditions and shall be subject to the same responsibilities as the Magistrates who are members of the Court.

(As amended by the sole article of Law No. 3513 of June 24, 1965).

From one year before and up to six months after the celebration of the general elections for President of the Republic or Deputies to the Legislative Assembly, the Supreme Tribunal of Elections must be enlarged with two of its alternate Magistrates to form, in that period, a five-member tribunal.

(The preceding paragraph was added by the sole article of Law No. 2740 of May 9, 1961) (The

preceding paragraph was amended by the sole article of Law No. 3513 of June 24, 1965)

The Magistrates of the Supreme Electoral Tribunal shall be subject to the working conditions, insofar as applicable, and to the minimum daily work time indicated in the Organic Law of the Judiciary for the Magistrates of the Cassation Chamber, and shall receive the remunerations established for the latter.

(As amended by Law No. 2345 of May 20, 1959).

(The transitory article of Law No. 3513 of June 24, 1965 establishes that "The election of the three new alternate Justices shall be held within two months following the promulgation of this constitutional reform; in that act the Supreme Court of Justice, by drawing lots, shall set the date on which the term of each of those alternates elected before the present reform shall expire and that henceforth two of the alternates may be elected every two years").

Article sheet

The Magistrates of the Supreme Electoral Tribunal shall hold office for six years. One proprietor and two alternates shall be renewed every two years, but they may be reelected.

The Magistrates of the Supreme Electoral Tribunal shall enjoy the immunities and prerogatives that correspond to the members of the Supreme Powers.

(As amended by the sole article of Law No. 3513 of June 24, 1965)

Article sheet

The Supreme Tribunal of Elections has the following functions:

- 1) Call for popular elections;
- 2) Appoint the members of the Electoral Boards, in accordance with the law;
- 3) To interpret in an exclusive and obligatory manner the constitutional and legal provisions related to electoral matters;
- 4) To hear appeals against the resolutions issued by the Civil Registry and the Electoral Boards;
- 5) To investigate by itself or through delegates, and to rule on any complaint made by the parties on political partiality of State servants in the exercise of their positions, or on political activities of officials who are prohibited from exercising them. A finding of guilt pronounced by the Court shall be a mandatory cause for dismissal and shall disqualify the guilty party from holding public office for a period of not less than two years, without prejudice to any criminal liability that may be demanded of him. However, if the investigation conducted contains charges against the President of the Republic, Ministers of Government, Diplomatic Ministers, Comptroller and Deputy Comptroller General of the Republic, or Magistrates of the Supreme Court of Justice, the Court shall be required to report the result of the investigation to the Legislative Assembly;
- 6) To dictate, with respect to the public force, the pertinent measures so that the electoral processes are carried out under conditions of unrestricted guarantees and freedom. In the event that military conscription is decreed, the Court may also dictate the appropriate measures so that the electoral process is not obstructed, so that all citizens may freely cast their vote. These measures shall be enforced by the Court itself or by means of the delegates it may designate;
- 7) To carry out the definitive scrutiny of the votes cast in the elections of President and Vice-Presidents of the Republic, Deputies to the Legislative Assembly, members of the Municipalities and Representatives to Constituent Assemblies;
- 8) To make the final declaration of the election of the President and Vice-Presidents of the Republic, within thirty days following the date of the vote, and within the term determined by law, that of the other officials mentioned in the preceding paragraph.
- 9) To organize, direct, supervise, scrutinize, scrutinize and declare the results of the referendum processes. No more than one referendum may be called per year, nor during the six months prior to the referendum.

nor subsequent to the presidential election. The results shall be binding for the State if at least thirty percent (30%) of the citizens registered in the electoral roll participate, for ordinary legislation, and at least forty percent (40%) for partial reforms of the Constitution and matters requiring legislative approval by qualified majority.

(The preceding paragraph was added by Article 2, paragraph a) of Law No. 8281 of May 28, 2002)

(Sinalevi's Note: By Resolution No. 3006 of June 25, 2013, paragraph 9) above was interpreted in the sense that: "a referendum may not be called, much less held, within six months before or after a presidential election.

In view of the foregoing, as well as the term stipulated in Article 11 of the Law on Regulation of the Referendum, May 1, 2013 was the last day in which it was feasible to call, before the presidential elections of February 2, 2014, the popular consultation that is being sought. In the event that the interested parties manage to fully complete the different phases and requirements legally required to call such referendum, which has not yet been verified as of today, such call would be deferred to a date after August 2, 2014. ").

10) The other functions entrusted to it by this Constitution or by law.

(The numbering of the previous paragraph was changed by Article 2, paragraph a) of Law No. 8281 of May 28, 2002, which transferred it from paragraph 9 to the current paragraph 10).

Article sheet

The resolutions of the Supreme Electoral Tribunal have no recourse, except for the action for prevarication.

Article sheet

The Civil Registry is under the exclusive jurisdiction of the Supreme Tribunal of Elections, whose functions are as follows:

- 1) To keep the Central Registry of Civil Status, and to draw up the lists of electors;
- 2) To resolve the requests to acquire and recover the quality of Costa Rican, as well as the cases of loss (*) of nationality; to execute the judicial sentences that suspend the citizenship and to resolve the steps to recover it. The resolutions issued by the Civil Registry in accordance with the attributions referred to in this paragraph may be appealed before the Supreme Electoral Tribunal;

()(Note: Article 16 of this Constitution, amended by Law No. 7514 of June 6, 1995, states that Costa Rican nationality cannot be lost and cannot be renounced).*
- 3) To issue identity cards;
- 4) The other attributions indicated by this Constitution and the laws.

[Article sheet](#)

TITLE IX

THE LEGISLATIVE BRANCH

Chapter I

Organization of the Legislative Assembly

The power to legislate resides in the people, who delegate it to the Legislative Assembly by means of suffrage. Such power may not be renounced nor be subject to limitations by means of any agreement or contract, directly or indirectly, except by treaties, in accordance with the principles of International Law.

The people may also exercise this power by means of referendum, to approve or repeal laws and partial amendments to the Constitution, when called by at least five percent (5%) of the citizens registered in the electoral roll; the Legislative Assembly, with the approval of two thirds of the total number of its members, or the Executive Branch together with the absolute majority of the total number of members of the Legislative Assembly.

The referendum shall not proceed if the projects are related to budgetary, tax, fiscal, monetary, credit, pension, security, approval of loans and contracts or acts of an administrative nature.

This institute will be regulated by law, approved by two thirds of the totality of the members of the Legislative Assembly.

(As amended by article 1 of Law No. 8281 of May 28, 2002)

[Article sheet](#)

The Deputies shall be elected by the Nation and shall be elected by provinces.

The Assembly is composed of fifty-seven Deputies. Each time a general population census is taken, the Supreme Court of Elections shall assign the deputies to the provinces, in proportion to the population of each province.

(Thus amended by paragraph 2 of the sole article of Law No. 2741 of May 12, 1961).

[Article sheet](#)

The term of office of Members of the House of Representatives shall be four years and they may not be reelected successively.

[Article sheet](#)

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ARTICLE 108.- To be a deputy, the following are required:

- 1) To be a citizen in exercise;
- 2) Be Costa Rican by birth, or by naturalization with ten years of residence in the country after having obtained the nationality;
- 3) Have reached twenty-one years of age.

Article sheet

They may not be elected Deputies, nor registered as candidates for that office:

- 1) The President of the Republic or whoever replaces him in the exercise of the Presidency at the time of the election;
- 2) Government Ministers;
- 3) The proprietary Magistrates of the Supreme Court of Justice;
- 4) The proprietary and alternate Magistrates of the Supreme Tribunal of Elections, and the Director of the Civil Registry;
- 5) Active duty military personnel;
- 6) Those exercising jurisdiction, civil or police authority, extensive to a province;
- 7) Managers of autonomous institutions;
- 8) Relatives of the person holding the office of President of the Republic, up to the second degree of consanguinity or affinity, inclusive.

These incompatibilities shall affect those who hold the positions indicated within the six months prior to the date of the election.

Article sheet

The Deputy shall not be responsible for the opinions he/she expresses in the Assembly. During sessions, he may not be arrested for civil reasons, unless authorized by the Assembly or with the consent of the Deputy.

From the time he is declared elected as proprietor or alternate until the end of his legal term, he may not be deprived of his liberty for criminal reasons, except when he has been previously suspended by the Assembly. This immunity shall not take effect in the case of flagrante delicto, or when the Deputy waives it. However, a Deputy who has been arrested in flagrante delicto shall be released if the Assembly so orders.

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Article sheet

No Deputy may accept, after being sworn in, under penalty of losing his credentials, any office or employment in the other branches of government or in the autonomous institutions, except in the case of a Ministry of the Government. In this case, he shall rejoin the Assembly when he ceases to perform his duties.

This prohibition does not apply to those who are called to form part of international delegations, nor to those who hold positions in charitable institutions, or are professors of the University of Costa Rica or other institutions of higher education of the State.

(Thus amended by the sole article of law No. 5697 of June 9, 1975)

Article sheet

Article 112- The legislative function is also incompatible with the exercise of any other public office of popular election.

Deputies may not enter, either directly or indirectly, or by representation, into any contract with the State, or obtain a concession of public property that implies a privilege, or intervene as directors, administrators or managers in companies that contract with the State, works, supplies or exploitation of public services.

The violation of any of the prohibitions set forth in this or the preceding article shall result in the loss of the credential of deputy. The same shall occur if in the exercise of a Ministry of Government, the deputy incurs in any of these prohibitions.

The deputies shall comply with the duty of probity. Violation of this duty shall result in the loss of the credential of deputy, in the cases and in accordance with the procedures established by a law to be approved by two thirds of the total number of members of the Legislative Assembly.

(Thus amended by the sole article of Law No. 9571 of May 23, 2018, "Loss of Deputy Credential for violation of the Principle of Probity").

Article sheet

The law shall establish the allowance and the technical and administrative aids that may be agreed upon for the Deputies.

(As amended by Article 1 of Law No. 6960 of June 1, 1984)

Article sheet

The Assembly shall reside in the capital of the Republic, and both to transfer its seat to another place and to suspend its sessions for a determined period of time, a two-thirds vote of the total number of its members shall be required.

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Article sheet

The Assembly shall elect its Board of Directors at the beginning of each term of office. The President and the Vice President must meet the same conditions required to be President of the Republic. The President of the Assembly shall take the oath before the Assembly, and the Deputies before the President.

Article sheet

Article 116- The Legislative Assembly shall meet every year on the first day of May, even when it has not been summoned, and its ordinary sessions shall last six months, divided into two periods: from the first day of August to the thirty-first day of October, and from the first day of February to the thirtieth day of April.

A legislature comprises ordinary and extraordinary sessions held between May 1 and the following April 30.

(As amended by the sole article of Law No. 9850 of June 22, 2020)

Article sheet

The Assembly may not hold its sessions without the concurrence of two thirds of the total number of its members.

If on the appointed day it is impossible to begin the sessions or if they cannot be continued due to lack of quorum, the members present shall summon those absent, under the sanctions established in the Rules of Procedure, to attend, and the Assembly shall open or continue the sessions when the required number is present.

The sessions shall be public unless for very qualified reasons of general convenience it is agreed that they shall be secret by a vote of not less than two thirds of the Deputies present.

Article sheet

The Executive Branch may call the Legislative Assembly to extraordinary sessions. These sessions shall not deal with matters other than those set forth in the decree of convocation, except in the case of the appointment of officials that the Assembly is responsible for appointing, or legal reforms that are indispensable to resolve the matters submitted to it.

Article sheet

The resolutions of the Assembly shall be adopted by an absolute majority of the votes present,

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except in those cases in which this Constitution requires a greater vote.

Article sheet

The Executive Branch shall place at the order of the Legislative Assembly the police force requested by the President thereof.

Article sheet

Chapter II

Powers of the Legislative Assembly

In addition to the other powers conferred by this Constitution, the Legislative Assembly shall have exclusive jurisdiction:

- 1) To enact the laws, to reform them, to repeal them, and to give them authentic interpretation, except as stated in the chapter referring to the Supreme Electoral Tribunal;
- 2) To designate the place of its sessions, to open and close them, to suspend them and to continue them when it so decides;
- 3) To appoint the regular and alternate Justices of the Supreme Court of Justice;
- 4) Approve or disapprove international agreements, public treaties and concordats.

Public treaties and international agreements, which attribute or transfer certain powers to a community legal system, for the purpose of achieving regional and common objectives, shall require the approval of the Legislative Assembly, by a vote of not less than two thirds of the totality of its members.

Protocols of lesser rank, derived from public treaties or international agreements approved by the Assembly, shall not require legislative approval when such instruments expressly authorize such derivation.

(Thus amended by the sole article of Law No. 4123 of May 31, 1968)

- 5) To give or withhold its consent for the entry of foreign troops into the national territory and for the permanence of warships in ports and airfields;
- 6) Authorize the Executive Branch to declare a state of national defense and to make peace;
- 7) To suspend by a vote of not less than two thirds of the totality of its members, in case of evident public necessity, the individual rights and guarantees set forth in Articles 22, 23, 24, 26, 28, 29, 30 and 37 of this Constitution. This suspension may be of all or some rights and guarantees, for all or part of the territory, and for up to thirty days; during such suspension and with respect to persons, the Executive Power may only order their detention in establishments not intended for common criminals or decree their confinement in inhabited places. He must also give an account to the Assembly at its next meeting of the measures taken to save public order or maintain the security of the State.

In no case may individual rights or guarantees not included in this subsection be suspended;

8) To receive the oath of law and to hear the resignations of the members of the Supreme Powers, with the exception of the Ministers of Government; to resolve any doubts that may arise in the event of physical or mental incapacity of the person exercising the Presidency of the Republic, and to declare whether the person who is to replace him should be called to the exercise of power;

9) To admit or not the accusations brought against the President of the Republic, Vice-Presidents, members of the Supreme Powers and Diplomatic Ministers, declaring by a two-thirds vote of the total of the Assembly whether or not there is cause to bring a case against them, placing them, in the affirmative, at the disposal of the Supreme Court of Justice for their trial;

10) Decree the suspension of any of the officials mentioned in the preceding paragraph, when they are to be prosecuted for common crimes;

11) To dictate the ordinary and extraordinary budgets of the Republic;

12) Appoint the Comptroller and Deputy Comptroller General of the Republic;

13) Establish national taxes and contributions, and authorize municipal taxes and contributions;

14) Decree the alienation or application to public use of the Nation's own property.

They will not be able to definitively leave the domain of the State:

a) The forces that can be obtained from the waters of the public domain in the national territory;

b) Coal deposits, oil sources and deposits, and any other hydrocarbon substances, as well as radioactive mineral deposits existing in the national territory;

c) Wireless services;

The properties mentioned in paragraphs a), b) and c) above may only be exploited by the public administration or by private individuals, in accordance with the law or by means of a special concession granted for a limited time and under the conditions and stipulations established by the Legislative Assembly.

The national railroads, docks and airports - the latter while in service - may not be alienated, leased or encumbered, directly or indirectly, nor leave the domain and control of the State.

15) Approve or disapprove borrowings or similar agreements related to public credit, entered into by the Executive Branch.

In order to contract loans abroad or those that, although agreed in the country, are to be financed with foreign capital, it is necessary that the respective project be financed with foreign capital.

is approved by two thirds of the total votes of the members of the Legislative Assembly.

(As amended by the sole article of Law No. 4123 of May 31, 1968)

16) To grant honorary citizenship for notable services rendered to the Republic, and to create honors to the memory of persons whose eminent actions have made them worthy of such distinctions;

17) To determine the law of the monetary unit and to legislate on currency, credit, weights and measures. In order to determine the law of the monetary unit, the Assembly must first seek the opinion of the technical body in charge of monetary regulation;

18) To promote the progress of science and the arts and to ensure for a limited time, to authors and inventors, the ownership of their respective works and inventions;

19) To create establish establishments for the teaching and advancement of science and the arts, providing them with income for their support and especially to ensure the generalization of primary education;

20) To create the Courts of Justice and other agencies for national service;

21) To grant by a vote of not less than two thirds of the totality of its members, general amnesty and pardon for political crimes, with the exception of electoral crimes, in respect of which no pardon may be granted;

22) To adopt the Rules of Procedure for its internal regime, which, once adopted, may not be modified except by a vote of no less than two thirds of the total number of its members;

23) To appoint Committees from among its members to investigate any matter entrusted to them by the Assembly, and to submit the corresponding report.

The Commissions shall have free access to all official offices to carry out investigations and gather the data they deem necessary. They may receive all kinds of evidence and have any person appear before them for the purpose of interrogation;

24) To question the Ministers of Government, and also, by a two-thirds vote of those present, to censure the same officials, when in the judgment of the Assembly they are guilty of unconstitutional or illegal acts, or of serious errors that have caused or may cause evident harm to the public interests.

Exceptions to both cases are those matters of a diplomatic nature or which refer to pending military operations.

Article sheet

It is forbidden for the Assembly to give votes of applause with respect to official acts, as well as to recognize at the expense of the Public Treasury obligations that have not been previously declared by the Judiciary, or accepted by the Executive Branch, or to grant scholarships, pensions, retirements or gratuities.

Article sheet

Chapter III Formation of Laws

During ordinary sessions, the initiative to form laws corresponds to any member of the Legislative Assembly, to the Executive Branch, through the Ministers of Government, and to at least five percent (5%) of the citizens registered in the electoral roll, if the project is a popular initiative.

The popular initiative shall not proceed in the case of projects related to budgetary, tax, fiscal matters, approval of loans and contracts or acts of an administrative nature.

Popular initiative bills must be finally voted on within the peremptory term indicated in the law, except for constitutional reform bills, which shall follow the procedure set forth in Article 195 of this Constitution.

A law adopted by two thirds of the total number of members of the Legislative Assembly shall regulate the form, requirements and other conditions to be met by popular initiative bills.

(Thus amended by Article 1, paragraph b) of Law No. 8281 of May 28, 2002)

Article sheet

Article 124.-To become a law, every bill must be debated twice, each on a different non-consecutive day, obtain the approval of the Legislative Assembly and the sanction of the Executive Branch; it must also be published in La Gaceta, without prejudice to the requirements established by this Constitution for special cases as well as for those resolved by popular initiative and referendum, pursuant to Articles 102, 105, 123 and 129 of this Constitution. The resolutions adopted in use of the powers enumerated in paragraphs 2), 3), 5), 6), 6), 7), 8), 9), 10), 12), 16), 21), 22), 23) and 24) of Article 121, as well as the legislative act to call a referendum, shall not have the character of laws and therefore shall not require the above procedures, which shall be voted on in a single session and shall be published in La Gaceta.

(Thus amended by Article 1, paragraph c) of Law No. 8281 of May 28, 2002)

The Legislature may delegate to standing committees the cognizance and approval of bills. Notwithstanding the foregoing, the Assembly may, at any time, revoke the debate or vote on the bills that have been delegated.

Delegation is not appropriate in the case of bills relating to electoral matters, the creation of national taxes or the modification of existing taxes, the exercise of the powers provided for in Article 121 (4), (11), (14), (15) and (17) of the Political Constitution, the

convocation of a Constituent Assembly, to any effect, and to the partial reform of the Political Constitution.

The Assembly shall appoint the standing committees with full legislative power, in such a way that their composition reflects, proportionally, the number of deputies of the political parties of which it is composed. Delegation must be approved by a two-thirds majority of the totality of the members of the Assembly, and call-back must be approved by an absolute majority of the deputies present.

The Rules of Procedure of the Assembly shall regulate the number of such committees and the other conditions for delegation and call-back, as well as the procedures to be applied in such cases.

The legislative approval of contracts, agreements and other acts of an administrative nature shall not give these acts the character of laws, even if they are made through the ordinary procedures thereof.

(As amended by Article 1 of Law No.7347 of July 1, 1993)

Article sheet

If the Executive Branch does not approve the bill voted by the Assembly, it shall veto it and return it with the pertinent objections. The veto shall not apply to the bill approving the Regular Budget of the Republic.

Article sheet

Within ten working days from the date on which a bill passed by the Legislative Assembly has been received, the Executive Branch may object to it because it deems it inconvenient or deems it necessary to make amendments to it; in the latter case, it shall propose them when returning the bill. If it does not object within such term, the Executive Branch may not fail to sanction and publish it.

Article sheet

ARTICLE 127. Once the bill has been reconsidered by the Assembly, with the observations of the Executive Branch, and if the Assembly rejects them and the bill is again approved by a two-thirds vote of the total number of its members, it shall be sanctioned and shall be executed as a law of the Republic. If the proposed amendments are adopted, the bill shall be returned to the Executive Branch, which may not refuse to sanction it. If they are rejected, and if the two thirds of the votes required to reseal it are not met, it shall be filed and may not be considered until the following Legislature.

Article sheet

If the veto is based on reasons of unconstitutionality not accepted by the Legislative Assembly, the latter shall send the legislative decree to the Chamber indicated in Article 10, so that it may resolve the dispute within thirty calendar days following the date on which it receives the file. The provisions declared unconstitutional will be deemed to be dismissed and the others will be sent to the Legislative Assembly for the corresponding processing. The same will be done with the bill approved by the Legislative Assembly, when the Chamber declares that it does not contain unconstitutional provisions.

(As amended by Law No.7128 of August 18, 1989)

Article sheet

ARTICLE 129.- Laws are mandatory and take effect from the day they designate; in the absence of this requirement, ten days after their publication in the Official Gazette.

No one may plead ignorance of the law, except as authorized by the law.

The waiver of laws in general, nor the special waiver of those of public interest, is not effective.

Acts and agreements against prohibitive laws shall be null and void, unless the laws themselves provide otherwise.

The law shall not be abrogated or repealed except by a subsequent law; disuse, custom or practice to the contrary may not be invoked against its observance. By way of referendum, the people may abrogate or repeal it, in accordance with Article 105 of this Constitution.

(Thus amended by Article 1, paragraph d) of Law No. 8281 of May 28, 2002)

Article sheet

TITLE X

THE EXECUTIVE BRANCH

Chapter I

The President and the Vice Presidents of the Republic

The Executive Power is exercised, on behalf of the people, by the President of the Republic and the Ministers of the Government as obligated collaborators.

Article sheet

ARTICLE 131.- To be President or Vice President of the Republic, the following are required:

- 1) To be Costa Rican by birth and a citizen in exercise;
- 2) To be of the secular state;

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3) Be over thirty years of age.

Article sheet

Neither the President nor the Vice President may be elected:

1) He who has served the Presidency during any period within the eight years prior to the term for which the election is to be held, or the Vice President or his substitute, who has served the Presidency during the major part of any of the periods comprising the aforementioned eight years;

(By Resolution of the Constitutional Chamber No. 2771-03 of April 4, 2003, the amendment made to this paragraph by means of the sole article of Law No. 4349 of July 11, 1969 was annulled, and the text of the rule prior to said amendment was reinstated).

2) The Vice-President who has held such office for the twelve months preceding the election, and whoever has held the office of President for any period within that term;

3) A person who is by blood or affinity an ascendant, descendant or brother of the person holding the office of President of the Republic at the time of the election, or of the person who has held such office for any period within the six months prior to that date;

4) The person who has been Minister of Government during the twelve months prior to the date of the election;

5) The proprietary Magistrates of the Supreme Court of Justice, the proprietary and alternate Magistrates of the Supreme Tribunal of Elections, the Director of the Civil Registry, the directors or managers of the autonomous institutions, the Comptroller and Deputy Comptroller General of the Republic.

This incompatibility shall include those persons who have held the aforementioned offices within the twelve months prior to the date of the election.

Article sheet

The election of the President and Vice Presidents shall be held on the first Sunday of February of the year in which the renewal of these officers is to take place.

Article sheet

The term of office of the President shall be four years. The acts of public officials and private individuals that violate the principle of alternation in the exercise of the office of the Presidency, or that of free presidential succession, enshrined in this Constitution, shall imply treason against the Republic. The liability derived from such acts shall be imprescriptible.

Article sheet

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There shall be two Vice Presidents of the Republic, who shall replace the President in his absolute absence, in the order of their nomination. In their temporary absences, the President may call any of the Vice Presidents to replace him/her.

When none of the Vice Presidents is able to fill the temporary or definitive absence of the President, the President of the Legislative Assembly shall occupy the position.

(Sinalevi's Note: By means of resolution No. 3665 of October 16, 2008, the Supreme Electoral Tribunal interpreted this numeral in the sense that: ". The Court issues the following interpretative statement: a) When the President of the Legislative Assembly substitutes the President of the Republic in a definitive manner, by mandate of article 135 of the Constitution, he must resign his legislative seat and any activity of political-partisan nature, which involves the resignation to any position within the structure of the Partido Liberación Nacional; b) when the substitution is of a temporary nature, the position of deputy and any position of partisan nature shall be understood as suspended by right, until he ceases his functions as President of the Republic").

Article sheet

The President and the Vice Presidents of the Republic shall take office on the eighth day of May; and at the end of the constitutional period they shall cease to hold office for the same reason.

Article sheet

The President and the Vice Presidents shall take the oath before the Legislative Assembly; but if they are unable to do so before it, they shall take the oath before the Supreme Court of Justice.

Article sheet

The Chairman and the Vice Chairmen shall be elected simultaneously and by a majority of votes exceeding forty percent of the total number of votes validly cast.

The candidates for President and Vice-Presidents of a party must appear for election on the same slate, to the exclusion of any other officer to be elected.

If none of the slates reaches the aforementioned majority, a second popular election shall be held on the first Sunday of April of the same year between the two slates that have received the most votes, and those on the slate receiving the highest number of votes shall be elected.

If in any of the elections, two slates of candidates receive an equal number of votes, the oldest candidate shall be considered elected as President, and the respective candidates of the same slate shall be considered elected as Vice Presidents.

Citizens included in a list already registered in accordance with the law may not renounce their candidacy for the Presidency or Vice-Presidencies, nor may they abstain from appearing on the list.

The candidates of the two slates that obtained the highest number of votes in the first election shall be elected in the second election.

(Sinalevi's note: Through resolution No. 2587 of November 29, 2001, of the Supreme Electoral Tribunal, this numeral was interpreted in the sense that: ".null and blank votes should not be taken into account to calculate the forty percent of the "validly cast votes" mentioned in this article).

Article sheet

Chapter II

Duties and Powers of those exercising the Executive Power

The duties and powers of the President of the Republic are the exclusive duties and powers of the President of the Republic:

- 1) Freely appoint and remove the Ministers of Government;
- 2) To represent the Nation in official acts;
- 3) To exercise supreme command of the public force;
- 4) To submit to the Legislative Assembly, at the beginning of the first annual period of sessions, a written message regarding the various matters of the Administration and the political state of the Republic, in which he shall also propose such measures as he may deem important for the good progress of the Government and the progress and welfare of the Nation;
- 5) Communicate in advance to the Legislative Assembly, when he/she intends to leave the country, the reasons for his/her trip.

(Thus amended by Article 1 of Law No. 7674 of June 17, 1997)

Article sheet

ARTICLE 140.- The duties and powers that correspond jointly to the President and the respective Minister of Government are the following:

- 1) To freely appoint and remove members of the security forces, employees and officials serving in positions of trust, and others as determined, in highly qualified cases, by the Civil Service Law;
- 2) Appoint and remove, subject to the requirements set forth in the Civil Service Law, the remaining employees of his office;
- 3) To sanction and promulgate laws, regulate them, execute them and ensure their exact compliance;

4) In the recesses of the Legislative Assembly, to create the suspension of rights and guarantees referred to in subsection (7) of Article 121 in the same cases and with the same limitations established therein, and to report immediately to the Assembly. The decree of suspension of guarantees is equivalent, ipso facto, to the convocation of the Assembly to sessions, which must meet within forty-eight hours thereafter. If the Assembly does not confirm the measure by a two-thirds vote of the totality of its members, the guarantees shall be deemed to be reestablished.

If due to lack of quorum the Assembly cannot meet, it shall meet the following day with any number of Deputies. In this case the decree of the Executive Branch must be approved by a vote of not less than two thirds of those present;

- 5) Exercise initiative in the formation of laws, and the right to veto;
- 6) To maintain the order and tranquility of the Nation, to take the necessary measures to safeguard public liberties;
- 7) To provide for the collection and investment of national revenues in accordance with the laws;
- 8) To oversee the proper functioning of the administrative services and dependencies;
- 9) To execute and enforce all that is resolved or disposed in matters within its competence by the courts of justice and the electoral bodies, at their request;
- 10) To enter into agreements, public treaties and concordats, to promulgate and execute them once approved by the Legislative Assembly or by a Constituent Assembly, when such approval is required by this Constitution.

The Protocols derived from such public treaties or international agreements that do not require legislative approval shall enter into force once promulgated by the Executive Branch.

(Thus amended by the sole article of Law No. 4123 of May 31, 1968)

- 11) To submit to the Legislative Assembly such reports as it may request in the use of its powers;
- 12) To direct the international relations of the Republic;
- 13) To receive Heads of State as well as diplomatic representatives and to admit Consuls of other nations;
- 14) To summon the Legislative Assembly to ordinary and extraordinary sessions;
- 15) To send to the Legislative Assembly the National Budget Project in due time and with the requirements determined in this Constitution;
- 16) To dispose of the public force to preserve order, defense and security of the country;
- 17) To issue navigation patents;
- 18) To issue such regulations as may be necessary for the internal regime of its offices, and to issue such other regulations and ordinances as may be necessary for the prompt execution of the laws;

19) To sign administrative contracts not included in paragraph 14) of Article 121 of this Constitution, subject to submitting them to the approval of the Legislative Assembly when they stipulate exemption from taxes or fees, or have as their object the exploitation of public services, resources or natural wealth of the State.

(Note: Article 2 of Law No. 5702 of June 5, 1975, repealed the final sentence of this subsection, which stated "Except for cases governed by special laws").

Legislative approval of these contracts shall not give them the character of laws, nor shall it exempt them from their administrative legal regime. The provisions of this subsection shall not apply to the loans or other similar agreements referred to in subsection (15) of Article 121, which shall be governed by their special rules.

(The preceding paragraph was added by Article 2 of Law No. 5702 of June 5, 1975)

20) To perform such other duties and exercise such other powers as are conferred upon him by this Constitution and the laws.

Article sheet

Chapter III

Government Ministers

ARTICLE 141.- For the dispatch of the business pertaining to the Executive Branch there shall be the Ministers of Government as determined by law. A single Minister may be entrusted with two or more portfolios.

Article sheet

ARTICLE 142.- To be a Minister it is required:

- 1) To be a citizen in exercise;
- 2) Be Costa Rican by birth, or by naturalization with ten years of residence in the country after having obtained the nationality;
- 3) To be of the secular state;
- 4) Have reached twenty-five years of age.

Article sheet

The office of Minister is incompatible with the exercise of any other public office, whether or not elected by popular vote, except in the case that special laws assign functions to them. The following are

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The rules, prohibitions and sanctions established in Articles 110, 111 and 112 of this Constitution shall be applicable to the Ministers, as applicable.

The Vice-Presidents of the Republic may serve as Ministers.

Article sheet

The Ministers of Government shall submit to the Legislative Assembly every year, within the first fifteen days of the first ordinary session, a report on the affairs of their department.

Article sheet

The Ministers of Government may attend the sessions of the Legislative Assembly at any time, with voice but without vote, and shall do so when the Assembly so decides.

Article sheet

The decrees, agreements, resolutions and orders of the Executive Branch require for their validity the signatures of the President of the Republic and the Minister of the branch and, in addition, in the cases established by this Constitution, the approval of the Council of Government.

For the appointment and removal of Ministers, the signature of the President of the Republic shall be sufficient.

Article sheet

Chapter IV

The Governing Council

The Council of Government is composed of the President of the Republic and the Ministers, to exercise, under the Presidency of the former, the following functions:

- 1) To request the Legislative Assembly to declare a state of national defense and the authorization to decree military recruitment, organize the army and negotiate peace;
- 2) Exercise the right of pardon in the manner prescribed by law;
- 3) Appoint and remove the Diplomatic Representatives of the Republic;

- 4) Appoint the directors of the autonomous institutions whose designation corresponds to the Executive Branch;
- 5) Resolve other business submitted to the President of the Republic who, if the seriousness of any matter so requires, may invite other persons to participate, in an advisory capacity, in the deliberations of the Council.

Article sheet

Chapter V

Responsibilities of those exercising the Executive Branch

ARTICLE 148.- The President of the Republic shall be responsible for the use made of those powers that, according to this Constitution, correspond to him/her exclusively. Each Minister of Government shall be jointly responsible with the President with respect to the exercise of the powers granted to both of them by this Constitution. The responsibility for the acts of the Council of Government shall extend to all those who have concurred with their vote to pass the respective agreement.

Article sheet

The President of the Republic and the Minister of Government who have participated in the acts indicated below shall also be jointly liable:

- 1) When they compromise in any way the freedom, political independence or territorial integrity of the Republic;
- 2) When they directly or indirectly impede or hinder popular elections, or attempt against the principles of alternation in the exercise of the Presidency or free presidential succession, or against the freedom, order or purity of suffrage;
- 3) When they impede or hinder the proper functions of the Legislative Assembly, or restrict its freedom and independence;
- 4) When they refuse to publish or execute laws and other legislative acts;
- 5) When they impede or hinder the functions of the Judiciary, or restrict the freedom of the Courts to judge the cases submitted to their decision, or when they hinder in any way the functions corresponding to the electoral bodies or the Municipalities;
- 6) In all other cases in which by action or omission the Executive Branch violates any express law.

Article sheet

The liability of the President of the Republic and of the Ministers of Government for acts that do not imply a crime may only be claimed while they are in office and up to four years after they have ceased to hold office.

(As amended by the sole article of Law No. 8004 of June 22, 2000)

Article sheet

The President, the Vice-Presidents of the Republic or whoever holds the office of President may not be prosecuted or tried until after the Legislative Assembly has declared, by virtue of an accusation filed, that criminal proceedings have been instituted.

Article sheet

TITLE XI

THE JUDICIARY

Single Chapter

The Judicial Power is exercised by the Supreme Court of Justice and by the other courts established by law.

Article sheet

In addition to the functions set forth in this Constitution, the Judiciary is responsible for hearing civil, criminal, commercial, labor, and contentious-administrative cases, as well as any others established by law, regardless of their nature and the quality of the persons involved; to rule definitively on them and to execute the resolutions it pronounces, with the help of the public force if necessary.

Article sheet

The Judicial Branch is subject only to the Constitution and the law, and the resolutions it issues in matters within its jurisdiction do not impose on it any responsibilities other than those expressly indicated by the legislative precepts.

Article sheet

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ARTICLE 155.- No court may take over the cognizance of cases pending before another court. Only the courts of the Judicial Branch may request ad-effectum videndi files.

Article sheet

The Supreme Court of Justice is the highest court of the Judicial Branch, and the courts, officials and employees in the judicial branch depend on it, without prejudice to the provisions of this Constitution on civil service.

Article sheet

The Supreme Court of Justice shall be composed of such Justices as may be necessary for its good service; they shall be elected by the Legislative Assembly, which shall compose the various Chambers as indicated by law.

The reduction of the number of Magistrates, whatever it may be, may only be agreed upon after all the procedures established for partial amendments to this Constitution have been completed.

(As amended by the sole article of law No. 1749 of June 8, 1954)

Article sheet

The Justices of the Supreme Court of Justice shall be elected for a term of eight years and by a two-thirds vote of the totality of the members of the Legislative Assembly. In the performance of their duties, they shall act efficiently and shall be considered reelected for equal terms, unless otherwise agreed by a vote of not less than two thirds of the totality of the members of the Legislative Assembly. Vacancies shall be filled for full terms of eight years.

(As amended by the sole article of Law No. 8365 of July 15, 2003)

Article sheet

ARTICLE 159.- To be a Magistrate, the following are required:

- 1) Be Costa Rican by birth, or by naturalization with domicile in the country not less than ten years after obtaining the respective letter. However, the President of the Supreme Court of Justice must be Costa Rican by birth;
- 2) To be a citizen in exercise;

- 3) To be of the secular state;
- 4) Be older than thirty-five years of age;
- 5) Hold a law degree, issued or legally recognized in Costa Rica, and have practiced the profession for at least ten years, except in the case of judicial officers with at least five years of judicial practice.

(As amended by the sole article of Law No. 2026 of June 15, 1956).

Judges shall, before taking office, provide the guarantee established by the law

Article sheet

ARTICLE 160.- A person who is related by blood or affinity up to and including the third degree to a member of the Supreme Court of Justice may not be elected as a Magistrate.

Article sheet

The position of Magistrate is incompatible with that of an official of the other Supreme Powers.

Article sheet

The Supreme Court of Justice shall appoint its President from the list of justices that compose it. Likewise, it shall appoint the presidents of the various chambers, all in the manner and for the term established by law.

(As amended by Article 1 of Law No. 6769 of June 2, 1982)

Article sheet

ARTICLE 163.-The election and replacement of the Justices of the Supreme Court of Justice shall take place within thirty calendar days after the expiration of the respective term or the date on which notice is given that a vacancy has occurred.

(As amended by the sole article of Law No. 8365 of July 15, 2003)

Article sheet

The Legislative Assembly shall appoint no less than twenty-five alternate Justices chosen from a list of fifty candidates to be submitted by the Supreme Court of Justice. The temporary absences of the Justices shall be filled by drawing lots by the Supreme Court from among the alternate Justices. If a vacancy occurs in the position of alternate Magistrate, the election shall fall to one of the two candidates proposed by the Court and shall be carried out in the first ordinary or extraordinary session held by the Legislative Assembly after receiving the corresponding communication. The law shall establish the term of office and the conditions, restrictions and prohibitions established for proprietors, which are not applicable to alternates.

Article sheet

The Justices of the Supreme Court of Justice may not be suspended except by a declaration of cause, or for the other reasons set forth by law in the chapter corresponding to the disciplinary system. In the latter case, the decision shall be taken by the Supreme Court of Justice, in a secret vote of no less than two thirds of the total number of its members.

Article sheet

With respect to matters not provided for in this Constitution, the law shall establish the jurisdiction, number and duration of the courts, as well as their powers, the principles to which they must conform their acts and the manner of holding them accountable.

Article sheet

For the discussion and approval of bills referring to the organization or operation of the Judicial Branch, the Legislative Assembly shall consult the Supreme Court of Justice; in order to deviate from its criteria, the vote of two thirds of the total number of members of the Assembly shall be required.

Article sheet

TITLE XII

THE MUNICIPAL REGIME

Single Chapter

For the purposes of the Public Administration, the national territory is divided into provinces, the latter into cantons and the cantons into districts. The law may establish special distributions.

The Legislative Assembly may decree, observing the procedures for the partial amendment of this Constitution, the creation of new provinces, provided that the respective project was previously approved in a plebiscite that the Assembly shall order to be held in the province or provinces that support the dismemberment.

The creation of new cantons must be approved by the Legislative Assembly by a vote of no less than two thirds of the total number of its members.

Article sheet

ARTICLE 169.- The administration of local interests and services in each canton shall be the responsibility of the Municipal Government, formed by a deliberative body, made up of popularly elected municipal councilmen, and an executive officer to be appointed by law.

Article sheet

ARTICLE 170.-Municipal corporations are autonomous. In the Ordinary Budget of the Republic, all the municipalities of the country shall be assigned a sum that shall not be less than ten percent (10%) of the ordinary income calculated for the corresponding fiscal year.

The law shall determine the powers to be transferred from the Executive Branch to the municipal corporations and the distribution of the resources indicated.

Transitory.-The budgetary allocation established in Article 170 shall be progressive, at the rate of one point five percent (1.5%) per year, until completing the total ten percent (10%).

Periodically, in each allocation of the resources established in Article 170, the Legislative Assembly shall approve a law indicating the powers to be transferred to the municipal corporations. Until the Legislative Assembly approves each of the laws, the resources corresponding to that period shall not be assigned to the municipalities, as indicated in the same numeral.

(As amended by the sole article of Law No. 8106 of June 3, 2001)

(Note by Sinalevi: Regarding this paragraph, see the [General Law on the transfer of powers from the Executive Branch to the Municipalities](#), No. 8801 of April 28, 2010).

Article sheet

ARTICLE 171.-The Municipal Councilors shall be elected for four years and shall hold office on a mandatory basis.

The law shall determine the number of Councilmen and the manner in which they shall act. However, the Municipalities of the central cantons of provinces shall be composed of no less than five proprietary Councilmen and an equal number of alternates.

Municipalities will be installed on May 1st of the corresponding year.

Transitory (Article 171). The Municipal Councilmen elected in the elections of February nineteen hundred and sixty-two, shall hold office from July first, nineteen hundred and sixty-two, until April thirtieth, nineteen hundred and sixty-six.

(As amended by paragraph 2 of Law No. 2741 of May 12, 1961)

Article sheet

Each district shall be represented before the municipality by a proprietary trustee and an alternate with voice but without vote.

For the administration of the interests and services in the districts of the canton, in qualified cases the municipalities may create district municipal councils, as bodies attached to the respective municipality with their own functional autonomy, which shall be integrated following the same procedures of popular election used to form the municipalities. A special law, approved by two thirds of the total number of deputies, shall establish the special conditions under which they may be created and shall regulate their structure, operation and financing.

(As amended by article 1 of Law No. 8105 of May 31, 2001)

Article sheet

ARTICLE 173.- Municipal agreements may be:

- 1) Objected to by the officer specified by law, in the form of a reasoned veto;
- 2) Appealed by any interested party.

In both cases, if the Municipality does not revoke or amend the challenged or appealed agreement, the records will be sent to the Court of the Judiciary, as indicated by law, for a final decision.

Article sheet

The law shall indicate in which cases the Municipalities shall need legislative authorization to contract loans, pledge their assets or revenues as guarantee, or dispose of movable or immovable property.

Article sheet

ARTICLE 175. The Municipalities shall issue their ordinary or extraordinary budgets, which shall require the approval of the Office of the Comptroller General, which shall supervise their execution, in order to become effective.

Article sheet

TITLE XIII

PUBLIC FINANCE

Chapter I

The Budget of the Republic

Article 176- Public management shall be conducted in a sustainable, transparent and accountable manner, which shall be based on a multiannual budgeting framework, in order to ensure the continuity of the services it provides.

The ordinary budget of the Republic comprises all probable revenues and all authorized expenditures of the Public Administration for the entire fiscal year. In no case may the amount of budgeted expenditures exceed the amount of probable revenues.

The Public Administration, in a broad sense, shall observe the above rules when issuing its budgets.

The budget of the Republic shall be issued for a one-year term, from January 1 to December 31.

(Thus amended by the sole article of Law No. 9696 of June 11, 2019, "Reform of Article 176 of the Political Constitution (Principles of fiscal sustainability and multiannuality").

Article sheet

ARTICLE 177.--*The preparation of the ordinary bill is the responsibility of the Executive Branch through a Department specialized in the matter, the head of which shall be appointed by the President of the Republic for a term of six years. This Department shall have the authority to reduce or suppress any of the items appearing in the preliminary drafts formulated by the Ministries of Government, the Legislative Assembly, the Supreme Court of Justice and the Supreme Court of Elections. In case of conflict, the President of the Republic shall decide definitively. The expenses budgeted by the Supreme Court of Elections to make the suffrage effective may not be objected to by the Department referred to in this article.*

The bill shall allocate to the Judicial Branch an amount not less than six percent of the ordinary income calculated for the fiscal year. However, when this amount is greater than the amount required to cover the fundamental needs budgeted by said Branch, the Department mentioned above shall include the difference as an excess, with an additional investment plan, so that the Legislative Assembly may determine the corresponding amount.

In order to achieve the universalization of social insurance and to guarantee the payment of the contribution of the State as such and as employer, sufficient income shall be created in favor of the Costa Rican Social Security Fund, calculated in such a manner as to cover the current and future needs of the Institution. Should a deficit arise due to insufficiency of such revenues, the State shall assume it, for which purpose the Executive Branch shall include in its next Budget Bill the respective item determined as necessary by said Institution to cover the totality of the State's contributions.

The Executive Branch shall prepare, for the respective fiscal year, the extraordinary budget projects, in order to invest the income from the use of public credit or any other extraordinary source.

Article 177 - Transitory.-The percentage referred to in Article 177 for the Budget of the Judicial Branch shall be fixed at a sum not less than three and a quarter percent for the year 1958, at a sum not less than four percent for the year 1959 and at a sum not less than one percent more for each of the subsequent years, sufficient to reach the minimum of six percent indicated".

Article 177 (third paragraph) - Transitory: The Costa Rican Social Security Fund shall universalize the various insurance policies under its responsibility, including family protection in the sickness and maternity regime, within a term not to exceed ten years from the promulgation of this constitutional reform.

(As amended by the sole article of Law No. 2738 of May 12, 1961)

Article sheet

The proposed regular budget shall be submitted to the Legislative Assembly by the Executive Branch no later than the first of September of each year, and the Budget Law shall be finally approved before the thirtieth of November of the same year.

Article sheet

The Assembly may not increase the expenses budgeted by the Executive Branch, except by indicating the new revenues that are to cover them, after a report from the Office of the Comptroller General of the Republic on the fiscal effectiveness thereof.

Article sheet

ARTICLE 180.- The ordinary and extraordinary budgets constitute the limit of action of the Public Powers for the use and disposal of the resources of the State, and may only be modified by laws initiated by the Executive Branch.

Any amendment project involving the increase or creation of expenses shall be subject to the provisions of the preceding article.

However, when the Assembly is in recess, the Executive Branch may vary the destination of an authorized item or open additional appropriations, but only to meet urgent or unforeseen needs in cases of war, internal commotion or public calamity. In such cases, the Office of the Comptroller may not deny its approval to the expenses ordered, and the respective decree shall imply the convocation of the Legislative Assembly to extraordinary sessions for its knowledge.

Article sheet

The Executive Branch shall send the Comptroller's Office the liquidation of the regular budget and any extraordinary budgets that may have been agreed upon, no later than March 1st following the expiration of the corresponding year; the Comptroller's Office shall send it to the Assembly, together with its opinion, no later than the following May 1st. The final approval or disapproval of the accounts corresponds to the Legislative Assembly.

Article sheet

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Contracts for the execution of public works entered into by the Powers of the State, Municipalities and autonomous institutions, purchases made with funds of such entities and sales or leases of goods belonging thereto, shall be made by bidding, in accordance with the law as to the respective amount.

Article sheet

Chapter II The Office of the Comptroller General of the Republic

The Office of the Comptroller General of the Republic is an auxiliary institution of the Legislative Assembly in the oversight of the Public Treasury; but it has absolute functional and administrative independence in the performance of its duties.

The Comptroller's Office is headed by a Comptroller and a Deputy Comptroller. Both officials shall be appointed by the Legislative Assembly, two years after the beginning of the presidential term, for a term of eight years; they may be reelected indefinitely, and shall enjoy the immunities and prerogatives of the members of the Supreme Powers.

The Comptroller and Deputy Comptroller are accountable to the Assembly for the performance of their duties and may be removed by the Assembly, by a vote of not less than two thirds of the total number of its members, if in the file created for this purpose, ineptitude or improper actions are proven.

Article sheet

ARTICLE 184. The duties and powers of the Comptroller's Office are as follows:

1) To oversee the execution and liquidation of the ordinary and extraordinary budgets of the Republic;

No payment order shall be issued against State funds unless the respective expenditure has been endorsed by the Comptroller's Office; nor shall any obligation for the State be incurred unless it has been endorsed by the Comptroller's Office;

2) Examine, approve or disapprove the budgets of the Municipalities and autonomous institutions, and oversee their execution and liquidation;

3) To send annually to the Legislative Assembly, in its first ordinary session, a report of the

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movement corresponding to the previous fiscal year, with details of the Comptroller's work.

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and presentation of the opinions and suggestions it deems necessary for the best management of public funds;

- 4) Examine, evaluate and sign off on the accounts of state institutions and public officials;
- 5) Any other duties assigned to it by this Constitution or by law.

Article sheet

Chapter III The National Treasury

The National Treasury is the center of operations of all the national revenue offices; this agency is the only one legally empowered to pay on behalf of the State and to receive the amounts that must enter the national coffers for revenue titles or for any other reason.

Article sheet

The Treasury shall be headed by a National Treasurer and an Assistant Treasurer. Both officers shall enjoy independence in the exercise of their duties, which shall be regulated by law. Appointments shall be made by the Council of Government for periods of four years, and these officers may only be removed for just cause.

Article sheet

All expenses charged to the National Treasury that do not refer to salaries of the permanent personnel of the Public Administration included in the budget shall be published in the Official Gazette.

Excepted from the publication formality are those expenses that, due to very special circumstances, the Governing Council considers that they should not be published, but in this case it shall inform the Legislative Assembly and the Comptroller's Office, confidentially and immediately.

Article sheet

TITLE XIV
AUTONOMOUS INSTITUTIONS

Single Chapter

ARTICLE 188.- The autonomous institutions of the State enjoy administrative independence and are subject to the law in matters of governance. Their directors shall be accountable for their management.

(As amended by Law No.4123 of May 31, 1968)

Article sheet

ARTICLE 189.- They are autonomous institutions:

- 1) State Banks;
- 2) State insurance institutions;
- 3) Those established by this Constitution, and the new agencies created by the Legislative Assembly by a vote of no less than two thirds of the total number of its members.

Article sheet

For the discussion and approval of projects related to an autonomous institution, the Legislative Assembly shall previously hear the opinion of the former.

Article sheet

TITLE XV
THE CIVIL SERVICE

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Single Chapter

A civil service statute shall regulate the relations between the State and public servants, with the purpose of guaranteeing the efficiency of the administration.

Article sheet

With the exceptions determined by this Constitution and the civil service statute, public servants shall be appointed on the basis of proven suitability and may only be removed on the grounds of justified dismissal as expressed in the labor legislation, or in the case of forced reduction of services, either due to lack of funds or to achieve a better organization thereof.

Article sheet

The President of the Republic, the Ministers of the Government and the officials who handle public funds are obliged to declare their assets, which must be valued, all in accordance with the law.

Article sheet

TITLE XVI

THE CONSTITUTIONAL OATH

Single Chapter

ARTICLE 194.- The Oath to be taken by public officers, as provided in Article 11 of this Constitution, is as follows;

"Do you swear to God and promise to the Fatherland, to observe and defend the Constitution and the laws of the Republic, and to fulfill faithfully the duties of your destiny? - Yes, I swear: if you do so, God help you, and if not, He and the Fatherland will demand it of you."

Article sheet

TITLE XVII

REFORMS TO THE CONSTITUTION

Single Chapter

The Legislative Assembly may partially amend this Constitution in accordance with the following provisions:

1) The proposal to amend one or more articles must be submitted to the Assembly.

Legislative Assembly in ordinary sessions, signed by at least ten deputies or by at least five percent (5%) of the citizens registered in the electoral roll.

(As amended by Article 1, paragraph e) of Law No. 8281 of May 28, 2002)

2) This proposal shall be read three times at intervals of six days to decide whether or not to admit it for discussion;

3) In the affirmative case, it shall pass to a commission appointed by an absolute majority of the Assembly, to issue its opinion within a term of up to twenty working days.

(As amended by the sole article of Law No. 6053 of June 15, 1977).

4) Once the opinion has been presented, it shall be discussed according to the procedures established for the formation of laws; such amendment shall be approved by a vote of no less than two thirds of the total number of members of the Assembly;

5) Once it has been agreed that the reform is appropriate, the Assembly shall prepare the corresponding project, through a Commission, in which case an absolute majority shall be sufficient to approve it;

6) The aforementioned bill shall be sent to the Executive Branch; and the latter shall send it to the Assembly with the Presidential Message at the beginning of the next ordinary legislature, with its observations, or recommending it;

7) The Legislative Assembly, in its first sessions, shall discuss the bill in three debates, and if it approves it by a vote of no less than two thirds of the total number of members of the Assembly, it shall become part of the Constitution, and shall be communicated to the Executive Branch for its publication and observance.

8) Pursuant to Article 105 of this Constitution, constitutional amendments may be submitted to referendum after being approved in one legislature and before the following one, if two thirds of the total number of members of the Legislative Assembly so agree.

(The preceding paragraph was added by Article 2, paragraph b) of Law No. 8281 of May 28, 2002)

Article sheet

ARTICLE 196.- The general amendment of this Constitution may only be made by a Constituent Assembly called for such purpose. The law calling such Assembly shall be approved by a vote of not less than two thirds of the total number of members of the Legislative Assembly and does not require the sanction of the Executive Branch.

(As amended by the sole article of Law No. 4123 of May 31, 1968)

Article sheet

TITLE XVIII FINAL

PROVISIONS

Single Chapter

This Constitution shall come into full force and effect on November 8, 1949, and repeals all previous Constitutions. The existing legal system shall remain in force as long as it is not modified or repealed by the competent organs of the Public Power, or is not expressly or implicitly repealed by this Constitution.

TRANSITIONAL PROVISIONS

ARTICLE 13. I *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961)*

II *(Repealed by subsection 1 of the sole article of Law No.2741 of May 12, 1961)* ARTICLE 98.- III

(Repealed by subsection 1 of the sole article of Law No.2741 of May 12, 1961) ARTICLE 101.- IV

(Repealed by subsection 1 of the sole article of Law No.2741 of May 12, 1961) ARTICLE 104. V *(Repealed*

by subsection 1 of the first paragraph of the sole article of Law No.2741 of May 12, 1961) ARTICLE 106.

The Legislative Assembly to be elected in the elections to be held in the month of October nineteen hundred and forty-nine, in accordance with the call to that effect to be made by the Supreme Court of Elections, shall be installed on November eighth of that year, and shall cease in office on October thirty-first, nineteen hundred and fifty-three. The President of the Republic, the Vice Presidents and the Deputies to the Legislative Assembly who shall be elected in the elections of one thousand nine hundred fifty-three, whose date shall be duly set by the Supreme Court of Elections, shall hold office for four and a half years, that is to say: the President and the Vice Presidents from November eighth of that year until May eighth of nineteen fifty-eight, and the Deputies from November first of nineteen fifty-three until April thirtieth of nineteen fifty-eight, with the purpose that henceforth the presidential term shall begin on May eighth, the Legislative Assembly shall be installed on the first of that month, and the presidential and Deputies elections shall be held in February, all of the corresponding year.

VIII *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

ARTICLE 138. IX *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961)*

ARTICLE 140.- X *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 16, 1961)*

ARTICLE 141. XI The Ministers of Government appointed at the beginning of the next presidential term shall have the functions determined in the existing laws on Secretaries of State, until such time as legislation on the matter is passed.

XII *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

ARTICLE 158. XIII *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961)*

XIV *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

ARTICLE 162.- XV *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961)*

XVI *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

XVII *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

ARTICLE 178.- XVIII *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961)*

XIX *(Repealed by subsection 1 of the sole article of Law No. 2741 of May 12, 1961).*

ARTICLE 50-XX. The current laws, concessions and permits for use, granted in accordance with the law, as well as the rights derived therefrom, shall remain in force until a new law regulating the use, exploitation and conservation of water enters into force.

(Thus added to the above transitory provision by Article 2 of Law No. 9849 of June 5, 2020, "To recognize and guarantee the human right of access to water").

Article sheet

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