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Translated from Spanish

General Directorate for Foreign Policy

offence was committed and the nationality of the perpetrator, any person who commits acts of piracy, acts of terrorism or funds terrorist activities, or acts of genocide; forges coins, securities, banknotes and other bearer instruments; smuggles weapons, ammunition, explosives or related materials; participates in the trafficking of slaves, women or children; commits sexual offences against minors; or engages in trafficking of narcotics or obscene publications, shall be prosecuted under Costa Rican law. Any person who commits the offences of illicit enrichment; criminal receipt, legalization or concealment of goods; legislation or administration for personal gain; irregular overpricing; misrepresentation of the receipt of goods and services contracted; irregular payment of administrative contracts; influence peddling; transnational bribery and influence against the Ministry of Finance, offences covered by Act No. 8422 of 6 October 2004 against corruption and illicit enrichment in the public service, as well as the offences of bribery in which the person being bribed commits acts not prohibited by law; bribery in which the person being bribed commits acts constituting a criminal offence; aggravated corruption; acceptance of gifts for an accomplished act; corruption of judges; active bribery; inappropriate business dealings; embezzlement; misappropriation; and embezzlement and misappropriation of private funds under this Code. Any person who commits any other offence against human rights and international humanitarian law, as established in the treaties signed by Costa Rica, in this Code

This new version, which is currently in force, is novel in that it classifies most offences against the Treasury, as well as administrative and transnational bribery, as acts or conduct for which persons can be prosecuted on the basis of universal jurisdiction.

Information on the relevant applicable international treaties and on their legal rules

agreements and concordats duly adopted by the Legislative Assembly shall have a higher authority than laws, upon their adoption or from the date stipulated. Public treaties and international agreements concerning 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-quarters of its membership, and that of two thirds of the members of a constituent assembly

habeas corpus proceedings to protect his personal freedom and integrity, and to bring amparo proceedings to maintain or re-establish his enjoyment of the other rights embodied in this Constitution and of the fundamental rights recognized in the international human rights instruments in force in the Republic. Both these remedies shall be within the jurisdiction of the Chamber mentioned in article 10. (As amended by article 1 of Act No. 7128 of 18 August

The Supreme Court has used these two constitutional provisions as cover to interpret the scope of articles 7 and 48 broadly, ruling that, when it comes to human rights, the application of international human rights conventions and treaties in the country is not limited to those that have been ratified, but may also extend to those that have not been unratified. Thus, despite the fact that there is abundant case law on the subject, it is worth highlighting judgment No. 2019-012242, issued at 9:45 a.m. on 5 July 2019, which of the Basic Law, the protection afforded by human rights instruments is not limited to conventions and treaties formally ratified by Costa Rica, or to conventions, treaties or agreements formally signed and approved in accordance with constitutional procedure. Rather, that protection extends to any other instrument that provides for the protection of human rights, even if it has not been formally signed or approved in accordance with constitutional procedure (on this topic, refer to judgments Nos. 2007-001682 issued at 10.34 p.m. on 9 February 2007, 2007-03043 issued at 2.54 p.m. on 7 March 2007 and 2007-004276 issued at 2.49 p.m. on 27 March 2007) .

The special protection of human rights explicitly enshrined in our Political Constitution is relevant to the topic of universal jurisdiction insofar as the latter applies to grave offences against international law; consequently, even if the L

Relevant treaties and conventions

- American Convention on Human Rights, or Pact of San José. Act No. 4534 of 23 February 1970, published on 14 March 1970
- International Covenant on Civil and Political Rights and its Optional Protocol. Act No. 4229 of 11 December 1968, published on 17 December 1968
- International Covenant on Economic, Social and Cultural Rights. Act No. 4229 of 11 December 1968, published on 17 December 1968
- First Geneva Convention (art. 49), ratified on 15 October 1969
- Second Geneva Convention (art. 50), ratified on 15 October 1969
- Third Geneva Convention (art. 129), ratified on 15 October 1969
- Fourth Geneva Convention (art. 146), ratified on 15 October 1969
- Rome Statute, ratified on 7 June 2001
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: approved by Act No. 7351 of 21 July 1993
- Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: ratified by Act No. 33134, published in Official Gazette No. 228 of 25 November 2005
- United Nations Convention against Transnational Organized Crime (2000 Palermo Convention). Act No. 8302 of 12 September 2002, published in Official Gazette No. 123 of 27 June 2003
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Act No. 8315 of 26 September 2002, published in Official Gazette No. 212 of 4 November 2002
- International Slavery Convention and Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery
- Convention on the Elimination of All Forms of Racial Discrimination. Act No. 3844 of 16 December 1966, published in the Official Gazette of 7 January 1967

2104008E

- Convention on the Elimination of All Forms of Discrimination against Women and Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. Act No. 8089 of 6 March 2001, published in the Official Gazette of 1 August 2001
- Convention on the Rights of the Child and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Act No. 8172 of 7 December 2001, published on 11 February 2002
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2104008E

According to the website, <https://secretariagenero.poder-judicial.go.cr/index.php/comisiondegenero>, which can be accessed via the site of the judiciary of Costa Rica, the Commission on Gender was established in 2000 as a result of the first Congress of Women Judges of Latin America and the Caribbean, held under the

The Declaration of the first Congress of Women Judges of the Supreme Courts and Constitutional Courts of Latin America and the Caribbean was adopted as an outcome of the Congress. The aim of the Declaration institutional mainstreaming of gender and its integration into the administration of justice, as well as to request that a gender perspective be incorporated into programmes aimed at modernizing and reforming the judiciary, as an integral part of the implementation of this Declaration . In response to the recommendations made at that congress, the full Court (all the justices that comprise the Costa Rican judiciary) formed the Commission on Gender at session 12-2001, held on 2 April 2001, article VII. Later, in 2002, the Technical Secretariat for Gender Issues and Access to Justice was established. According to the 2020 report on its activities, the Technical Secretariat aims gaining access to justice and in the formulation of measures to...overcome those obstacles. It is clear that such measures remain inadequate and that a planned effort sustained over time will be required, along with assessments of the progress achieved in order to gauge

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Technical Secretariat for Gender Issues and Access to Justice implements those guidelines.

The following is a description of the main activities carried out by the Technical Secretariat in 2020. These activities may be closely related to the topic of universal jurisdiction once the mainstreaming of a gender perspective is transposed from the national arena to the international arena.

- Adoption of the gender equality policy of the judiciary, approved in 2005, whose aim is to mainstream a gender perspective within the internal structure of the judiciary, and in the services it provides to facilitate access to justice

2104008E

- ~~Estab~~ Establishment of the Commission against Domestic Violence is coordinated by Judge Chacón, with technical support from the Technical Secretariat
- ~~g~~ Support for the work of the Integrated Victim Services Platform, which is coordinated by Judge Chacón, as coordinator of the Commission on Gender

- The Observatory on Gender-based Violence against Women and Access to Justice is part of the Technical Secretariat. Its purpose is to systematize, inform, analyse and evaluate the actions taken by the Costa Rican judiciary to address, investigate and punish the various forms of violence against women and guarantee their access to justice.

Jurisprudence:

In its judgment No. 2000-09685, issued at 2.56 p.m. on 1 November 2000, the Constitutional Chamber of the Supreme Court referred to the Rome Statute of the International Criminal Court, ratified by Costa Rica, as an international legal instrument pursuant to which the International Criminal Court was established. The Court is a body that is complementary to, not a replacement for, national criminal courts. It is a permanent institution that shall have the power to exercise its jurisdiction over persons for the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression. As can be inferred from the Rome Statute, the Court will be the last resort for punishing the perpetrators of (even though not in the Spanish) crimes that meet the gravity threshold and, as indicated, it is rooted in the principle of complementarity inasmuch as it is not meant to replace national courts but rather to complement them. In that sense, it will act only when the competent national courts are unable or unwilling to fulfil their obligation to investigate or prosecute the alleged perpetrators of the offences established in the Statute, with a view to putting an end to impunity for crimes.

In ruling on whether the Rome Statute of the International Criminal Court is constitutional and therefore in line with the Costa Rican Constitution (judgment No. 00-9685), the Chamber recognized the seriousness of the grave human rights violations committed in recent years (e.g. the former Yugoslavia, Rwanda), and throughout the twentieth century in general, during which millions of children, women and men became the victims of atrocious crimes that went unpunished. The Rome Statute was thus conceived in response to that state of affairs, in order to ensure that the perpetrators of the crime of genocide, crimes against humanity, war crimes and crimes of aggression in their various forms are brought to justice. At the time, the importance of the imprescriptibility of war crimes and crimes against humanity was highlighted,

