



## **OAS Electoral Observation Mission Congratulates Costa Rica on a Democratic and Peaceful Election Day**

San José, February 6, 2024

The Electoral Observation Mission of the Organization of American States (OAS/EOM), led by Uruguayan sociologist Juan Pablo Corlazzoli, congratulates the Costa Rican people, the Supreme Electoral Tribunal, and the political parties for their commitment to democracy and for holding a successful Election Day on Sunday, February 4.

The Mission is concerned that participation in elections has declined further, as only about 31% of the electorate turned out to vote.<sup>1</sup> Voter abstention continues to be a challenge for municipal elections and for democracy in Costa Rica. The OAS/EOM stresses the importance of considering each electoral process an opportunity for citizens to make their voices heard. Given the magnitude of the challenge, it urges the stakeholders to join forces to reverse this disconnect between representatives and constituents.

At the same time, it recognizes the efforts of Costa Rican institutions to foster greater openness and reinforce the political participation of citizens under equitable conditions, in addition to ensuring the alternation of power, which is a fundamental pillar of a democratic system. In particular, it highlights the robustness and professionalism shown by the Supreme Electoral Tribunal. The tireless dedication of its staff has been essential to the success of this process.

This was the first municipal election in which gender parity was applied in both dimensions (horizontal and vertical) in the compilation of lists, and for all positions (multiple-member or single-member offices). It was also the first time the immediate and indefinite reelection of municipal authorities was prohibited. The Mission was pleased to note that these two new elements address recommendations previously made by the OAS.

Another new element for this process was the implementation, although limited, of the Single Electronic Ballot. These innovations, coupled with the large number of seats up for election (6,212) and the multitude of participating parties,<sup>2</sup> made this a logistically complex and unusually polarized process for a municipal election.

---

<sup>1</sup> According to preliminary data, 31.03% of the electorate turned out to vote in the municipal elections, which was a decrease from the 2020 municipal elections, which saw a turnout of 36.2%.

<sup>2</sup> 75 political parties ultimately registered (15 national, 6 provincial, 54 canton-level).



In this context, the Mission learned that the election campaign was marked by disinformation and fake news. It also noted that the president of the Supreme Electoral Tribunal expressed her concern about “actions expressly aimed at keeping the elections from taking place” and for attacks on the electoral authority. Information was also received regarding hate speech targeting women candidates, political figures, and party groups. The Mission highlights the need to resolve discrepancies within the legal system, with full respect for the institutional framework.

The OAS Mission to Costa Rica, composed of 14 people from eight countries, substantively analyzed several key aspects of the electoral process, such as electoral organization and technology, campaign financing, electoral justice, and women’s political participation. To learn about preparations for the election and the perspectives of different political actors, the Mission met with the President of the Republic, the Foreign Minister, the judges of the Supreme Electoral Tribunal, public servants, candidates, and representatives of political parties, civil society, academia, and international organizations. On Election Day, the Mission was present at polling stations in San José, Alajuela, and Heredia, where it observed the use of the paper ballot and the Single Electronic Ballot.

## **PRE-ELECTION STAGE**

### **Parity in the Lists and Candidacies for Municipal Offices**

In 2009, Article 2 of the Election Code established that all candidate lists must be composed of 50% men and 50% women, placed alternately. For the 2020 municipal elections, the Supreme Electoral Tribunal interpreted horizontal parity to apply only to multiple-member positions,<sup>3</sup> and not to single-member positions;<sup>4</sup> It also postponed its application for this year’s electoral process (2024).<sup>5</sup>

The constitutionality of that decision was challenged in 2020 in the Constitutional Chamber of the Supreme Court of Justice<sup>6</sup> and, in February 2023, the Constitutional Chamber issued a decision finding that horizontal parity should be applied to both multiple-member and single-member positions. According to information received by the Mission, the political parties were already organizing their internal elections at that time.

---

<sup>3</sup> Municipal councils, district councils, and municipal district councils.

<sup>4</sup> Offices of mayors, administrators, and superintendents.

<sup>5</sup> [Decision No. 1724-E8-2019](#) of the Supreme Electoral Tribunal, February 27, 2019.

<sup>6</sup> [Decision No. 02951 – 2023](#) of the Constitutional Chamber of the Supreme Court, February 8, 2023.



Since that decision, the Supreme Electoral Tribunal has made efforts to implement this principle and issued rules for its application.<sup>7</sup> Later, it also approved exceptions<sup>8</sup> which required proof of having made sufficient efforts to meet parity requirement in the nominations. The standards derived from these judgments were codified in the amendment of the “Regulations for candidate registration and assignment of the order of political parties’ positions on the ballot.”<sup>9</sup> Notably, the Tribunal stipulated that failure to comply with parity in the nomination of candidates would result in the non-registration of the political party’s entire slate of candidates.<sup>10</sup>

The Mission received information from political parties, women candidates, and civil society representatives regarding the positive impact of this requirement on women’s political participation, especially in determining placement at the top of the lists. According to information provided by the Supreme Electoral Tribunal, in this election, 43.3% of the candidates for mayoral positions were women, compared to 19.2% in 2016 and 23% in 2020.

The Mission also received complaints from some political organizations that reported difficulties in complying with this candidate registration requirement. One group (Aquí Costa Rica Manda) even filed a petition and a request for precautionary measures with the Inter-American Commission on Human Rights.

## Indefinite Reelection

On April 8, 2022, the amendment to Article 14 of the Municipal Code was published,<sup>11</sup> establishing that members of municipal bodies could be consecutively reelected only once, after which they had to wait two terms before being able to run again.

The Electoral Observation Missions of the OAS have been consistent in pointing out that alternation is a sign of strength in democratic systems, and have made recommendations to several countries in the region (including Costa Rica) regarding the establishment of term limits at different levels of government. The Venice Commission has taken a similar position, as noted in its report on term limits at the subnational level.<sup>12</sup> The Mission recognizes the efforts made by the State of Costa Rica to enact this reform.

---

<sup>7</sup> [Decision No. 1330-E8-2023](#) of the Supreme Electoral Tribunal, March 6, 2023.

<sup>8</sup> [Decision No. 2910-E7-2023](#) of the Supreme Electoral Tribunal, April 28, 2023.

<sup>9</sup> Order No. 4-2023 of the Supreme Electoral Tribunal, published on June 12, 2023.

<sup>10</sup> See Article 148 of the Election Code, Article 5 *bis* of the “Regulations for candidate registration and drawing of lots for political parties’ positions on the ballot paper,” and Decision No. 1330-E8-2023.

<sup>11</sup> Law No. 10183, which limits the indefinite reelection of local authorities.

<sup>12</sup> European Commission for Democracy through Law (Venice Commission). [Report on Term-Limits Part II – Members of Parliament Part III – Representatives Elected at Sub-National and Local Level and Executive Officials Elected at](#)



## Single Electronic Ballot

In this election, the Supreme Electoral Tribunal implemented a technology-based voting mechanism called the “Single Electronic Ballot,” which was used in 499 polling stations in 28 districts and 25 cantons. This technological tool was used in about 8% of polling stations nationwide, chosen according to the following criteria: highest participation in the most recent national elections, largest number of polling stations, urban or rural areas, and others. In addition, devices were placed in various businesses and locations so citizens could practice during the weeks leading up to the elections. The Mission highlights the importance of implementing this technological innovation starting with a pilot test and with a limited number of polling stations, allowing the electoral authority to make gradual progress while assessing its performance.

## ELECTION DAY

On election day, OAS/EOM observed the electoral process at 34 polling stations in 14 cantons (Alajuelita, Aserrí, Curridabat, Desamparados, Escazú, Goicoechea, Heredia, Montes de Oca, Mora, Moravia, San José, Santa Ana, Tibás, and Zarcero) in three provinces (Alajuela, Heredia and San José), during the set-up and opening of polling stations, the voting process, and the counting and transmission of results. The day unfolded as a democratic celebration in which respectful coexistence and the spirit of collaboration between stakeholders prevailed.

The Supreme Electoral Tribunal confirmed that all polling stations were properly installed and fully operational, with all the materials needed to carry out Election Day activities. The Mission noted that the number of party representatives at polling stations was limited and that, as planned, they were staffed by electoral assistants. It further observed that women made up the majority of poll workers. It also witnessed the implementation of the “Single Electronic Ballot” pilot program.

During the press conferences held on Election Day, the Supreme Electoral Tribunal reported minor incidents. A common one was assisted voting, as it was reported that representatives of political parties were trying to assist more than one citizen at some voting centers. The Mission applauds the effective communication of the Supreme Electoral Tribunal, which kept the public informed throughout the day. It also highlights national electoral observation, carried out by academic institutions and nongovernmental organizations, as a good practice to promote citizen participation.

---

[Sub-National and Local Level](#). Adopted by the Venice Commission at its 118th Plenary Session (Venice, 15-16 March 2019).



When the polls closed at 6:00 p.m., as scheduled, the Mission witnessed an efficient counting procedure carried out in the presence of poll watchers representing various political parties. Still, at certain polling stations, poll workers required additional support from Tribunal staff to tally the votes.

At 8:00 p.m., the Supreme Electoral Tribunal convened and declared itself in permanent session. At that time, the webpage and the “Informed Voter” app began operating, so citizens could check the results of the election. As of 8:00 p.m., 55.25% of preliminary results had been transmitted, and by 10:20 p.m., it had reached 93.31%.

## **FINDINGS AND RECOMMENDATIONS**

With the aim of continuing to strengthen democracy in Costa Rica, and based on a detailed analysis of the laws in force, the data collected by its specialists, and direct observation before and during Election Day, the Mission presents the following preliminary findings and recommendations.

### **I. Electoral Organization**

#### ***Staffing of polling stations***

Polling stations committees are comprised by at least three people and their respective alternates. Each party with registered candidates in the election may nominate one constituent per polling station, as well as his or her alternate.<sup>13</sup> In this election process, the nomination period ran from the October 4, 2023, call for elections to December 4, 2023. To cover the 6,469 polling stations provided for this election, 19,407 people were required (three per committee). However, the political parties only nominated 9,598 people.

The Mission commends the Supreme Electoral Tribunal for continuing to implement the use of election assistants (19,083 people in this election), who, if needed, can perform poll worker duties. This allows polling stations to operate, as the committees can start their work with any number of members, even one.<sup>14</sup>

---

<sup>13</sup> Election Code, art. 41.

<sup>14</sup> Election Code, art. 43.



The people nominated by the political parties to serve on polling station committees receive no financial remuneration,<sup>15</sup> but election assistants are compensated.<sup>16</sup> This continues to explain in part, as indicated in earlier Missions, why citizens are more interested in serving as assistants than as polling station committee members on behalf of the parties.

In view of the above, the OAS/EOM recommends:

- Strengthening the mechanisms for political parties to nominate polling station committee members, such as extending the nomination deadline.
- Creating incentives for the participation of party-nominated polling station committee members, such as compensating them for their services, as is done with election assistants.

## ***Poll watchers***

The law establishes that registered political parties have the right to oversee the electoral process before each of the electoral bodies (Supreme Electoral Tribunal, canton-level committees, polling station committees).<sup>17</sup> In this election, the political parties were able to register poll watchers from October 4, 2023, to January 8, 2024. They could also be accredited at any time during the vote count.<sup>18</sup>

In all, 55,372 people were accredited by the political parties as poll watchers:<sup>19</sup>

- 40,918 general poll watchers (authorized to enter any polling station, as long as another poll watcher from the same political party is not on the premises);
- 14,382 poll watchers with polling stations;
- 50 poll watchers with the canton-level committee;
- 22 poll watchers for the final vote tally

The Mission notes in particular that, unlike what was observed in 2020, for this electoral process, the Supreme Electoral Tribunal set up a virtual training module for accredited poll watchers,<sup>20</sup>

---

<sup>15</sup> Election Code, art. 32.

<sup>16</sup> 48,000 colones (approximately US\$93).

<sup>17</sup> Election Code, art. 210.

<sup>18</sup> Regulations for the oversight of electoral and consultative processes, Article 21.

<sup>19</sup> Election Programs Department of the Supreme Electoral Tribunal.

<sup>20</sup> [Asistencia a partidos políticos – Fiscalización de procesos electorales](#) [Assistance to political parties - Oversight of electoral processes].



following a recommendation formulated by the OAS at that time. However, some political parties reported to the Mission that they still face difficulties in recruiting, training, and deploying their poll watchers throughout the country.

The OAS/EOM therefore recommends:

- Requiring that political parties allocate part of their public funding to the recruitment, training, and deployment of poll watchers at the national level.

## II. Voting Technology

### *Implementation of the Single Electronic Ballot*

For these municipal elections, the Supreme Electoral Tribunal implemented a pilot project called the “Single Electronic Ballot,” which worked as planned.

The devices were set up in 25 cantons, 28 districts, and 499 polling stations,<sup>21</sup> or 7.7% of the country’s polling stations, available for use by 320,207 voters. Polling stations where the Single Electronic Ballot was implemented were selected based on variables such as higher participation in the last municipal elections (2016 and 2020), greater number of polling stations, logistical convenience, and coverage of all provinces of the country, taking into account urban and rural areas. The Mission noted that the machines enabled voters to cast, print, and verify their votes. The technology also automated the vote counting process.

While the OAS/EOM was informed of some criticism and fears arising from this pilot project, it also noted that the Supreme Electoral Tribunal took steps to create transparency, such as conducting a 100% recount at these polling stations and implementing quality control and verification processes. The Mission also highlights the internal audit conducted by the Tribunal, which included a series of hardware, software, and screen tests carried out independently in five consecutive stages. The audit and verification process carried out on January 19, 2024, in the presence of the political groups, is particularly noteworthy.

The Supreme Electoral Tribunal could strengthen certain areas with a view to possibly expanding the implementation of this tool, and the Mission therefore recommends:

- Including a DVD integrity verification process on Election Day.

---

<sup>21</sup> Out of a total of 6,469 polling stations nationwide.



- Displaying the version of the voting software in a corner of the screen to ensure that the latest official and verified version is being used.
- Having a “software materials list,” which is a key component of software security and supply chain risk management.
- Performing additional testing and technical audits of the Single Electronic Ballot system for more robust and comprehensive quality control and verification.
- Including risk management of the electronic ballot and developing the respective procedures, consistent with international standards.
- Continuing voter awareness efforts to facilitate and enhance voters’ experience with the Single Electronic Ballot.
- Implementing a program to train the technical staff of the Supreme Electoral Tribunal so they can define strategies and technical proposals for improving the process and responding to problems.

## **Public Information and Voting Technology**

The Mission highlights the ongoing efforts of the Supreme Electoral Tribunal to adopt technological mechanisms to facilitate citizens’ access to election information through a digital tool that made it possible to download the #VotanteInformadoCR app for free on smartphones. This app allowed voters to access information on the political profiles and governing agendas (where available) of mayoral and municipal candidates, as well as their contact information. The app was also enabled to handle complaints, provide answers to frequently asked questions, look up polling places, display an election timetable with key dates, and publish the provisional and final results of the election in progress.

The Supreme Electoral Tribunal also provided an “800-voter” hotline, free SMS messages, and a web page with a section called “Where to Vote,” which let voters find their polling place by entering their identity card. The 800-voter telephone number received calls from citizens reporting complaints and asking questions about the process.

## **III. Campaign Financing**





## **Public Financing<sup>22</sup>**

The Mission noted the widespread dissatisfaction of political party representatives with the political-electoral financing system. According to the information received, this is because they have to be privately funded and then reimbursed for justifiable expenses after the election once they are recognized by the Supreme Electoral Tribunal. This reimbursement is only made if the party obtains a minimum percentage of the votes cast in the respective canton for the election of mayors or council members, or if the party gets at least one council member elected.<sup>23</sup> Advances from the State are limited exclusively to national elections (presidential and Legislative Assembly elections).<sup>24</sup>

The absence of early public financing in municipal elections leads political parties to seek individual bank loans. The Mission found that most political parties face difficulties in obtaining credit in the banking system. This is because banks assess the ability to pay based on electoral projections derived from polls and/or political debt based on previous national election results. For these elections, only two national parties out of the 75 registered in the race were able to access trust funds in the banking system.<sup>25</sup>

This means that candidates and political party leaders have to pay for expenses with their own assets or with personal bank loans, or those of their family members or close associates. This entails significant financial risks for candidates, in addition to an excessive reliance on private funding, which affects fairness.

As past OAS missions to Costa Rica have done, in order to ensure fairness in the electoral contest, the Mission recommends:

- Adopting a pre-election public financing system, based on objective and equitable criteria, to ensure that all political parties (national, provincial, and canton-level) have timely access to resources to run their campaigns, thus reducing dependence on private financing.

Costa Rica also has no mechanisms for indirect public financing, such as media advertising distributed among competing political parties. This means that the ad space each political party

---

<sup>22</sup> Costa Rica has a mixed political financing system (public and private). The Supreme Electoral Tribunal set the amount of the State contribution for the election cycle (Decision No. 0669-E10-2021) of February 5, 2021, at ₡10,795,048,560 (approximately US\$21,069,430).

<sup>23</sup> Election Code, art. 99.

<sup>24</sup> Election Code, art. 96.

<sup>25</sup> Information provided by the Political Party Financing Department of the Supreme Electoral Tribunal.



obtains in the media depends exclusively on the resources it allocates to this purpose. According to some interviews, the Mission learned that media access accounts for a significant percentage of party expenses.<sup>26</sup>

The Mission therefore reiterates its past recommendation of:

- Adopting media access mechanisms (indirect public financing) to ensure equity in the dissemination of campaign advertising by all political parties.

The Mission also verified that no progress was made in the specific distribution of public funding for women candidates within party structures. As it has in the past, the Mission once again recommends:

- Including earmarked financing mechanisms in the law to ensure that candidates have resources with which to finance their campaigns.

### ***Private Financing***

the Mission observed that no changes were made to the regulations governing individual limits on private contributions by Costa Rican persons or on the value of campaigns, which resulted in an imbalance between the campaigns. Therefore, the previous recommendation is reiterated:

- Set individual limits on individual campaign contributions and on the value of campaigns.

### ***Transparency and State Oversight***

The OAS/EOM recognizes that the Supreme Electoral Tribunal, through its Political Party Financing Department,<sup>27</sup> has robust capabilities to perform its oversight duties, as the OAS has noted on previous occasions. This work provides essential input for the exercise of the electoral

---

<sup>26</sup> As of February 2, 2024, ₡85,621,180 (approximately US\$165,718) among 20 political parties between digital, radio, television, print, and outdoor advertising. Data provided by the Political Party Financing Department of the Supreme Electoral Tribunal (IBOPE Preliminary Report as of January 31, 2024).

<sup>27</sup> The Supreme Electoral Tribunal, through its Political Party Financing Department, is responsible for overseeing public and private contributions received by political parties; reviewing the liquidation of expenses submitted by the parties; analyzing the periodic financial reports submitted by the parties; hearing complaints in this area; submitting reports on the liquidation of party expenses; conducting audits of the parties; calculating the amount of political debt owed to the parties; and authenticating accounting records, among others. "Regulations of the Office of Electoral Registration and Political Party Financing," art. 8.



body's sanctioning powers and for the conduct of criminal investigations by the Public Prosecution Service.

Several representatives of political parties expressed to the Mission the need to simplify and expedite the submission of documentation through virtual or technological mechanisms, as advised by previous OAS missions. The Mission sees opportunities for improvement in the execution of the Tribunal's auditing processes, considering that they are performed manually, relying on paper documents for the delivery of periodic reports, the liquidation of expenses, and the rendering of accounts by the political parties.

The Mission also notes the harmonious coordination and collaboration between the Supreme Electoral Tribunal and other State authorities with which it regularly shares information relevant to the performance of its duties (such as the Treasury, tax authorities, comptroller's office, and others that handle accounting information). Still, the OAS/EOM considers it important to establish permanent communication channels or interoperability mechanisms with these agencies to enable real-time information sharing, providing a more efficient warning system and strengthening its capacities and controls in the exercise of its oversight functions.

Therefore, the Mission recommends:

- Systemizing the procedures for political parties to render accounts and liquidate expenses using a technological tool.
- Establishing communication channels so the competent electoral body can interoperate with the systems of other State authorities to share information in real time and strengthen its oversight function.

The Mission welcomes the fact that, following the recommendations of past OAS missions, the Supreme Electoral Tribunal introduced a set of electoral reforms to the Legislative Assembly on March 29<sup>28</sup> to foster a debate on possible amendments to the political financing regulations in order to ensure fairness, timely delivery of funds, and full transparency in the management of party finances. The OAS/EOM sees an opportunity for a broad legislative debate to address persistent challenges in the political-electoral financing model.

Finally, the Mission took note of a growing concern among several stakeholders with whom it met about the risk of the entry of organized crime and, with it, of illicit funds (especially from

---

<sup>28</sup> Electoral reforms of the Supreme Electoral Tribunal. See: <https://www.tse.go.cr/reformas/>.



drug trafficking) into political races. Bearing this in mind, the Mission believes it is important to create opportunities for analysis to understand the scope of the problem and to address it.

## IV. Electoral Justice<sup>29</sup>

### *Candidate Registration*

Several reforms have been enacted in Costa Rica in recent years that have affected the composition of the lists for municipal elections. The most relevant in these elections were the limits on the consecutive and indefinite reelection<sup>30</sup> of mayors and deputy mayors, and the application of vertical and horizontal parity in single-member and multiple-member offices. The Mission welcomes the reforms, which are in line with recommendations from previous observations.

However, the OAS/EOM noted that implementing horizontal parity, especially for single-member positions, presented significant challenges for stakeholders. Specifically, the Mission received complaints from some parties because their lists of candidates were rejected for noncompliance with the rule. The case most widely debated on social networks and in the media was that of the Aquí Costa Rica Manda party, in which the Office of Electoral Registration and Political Party Financing of the Supreme Electoral Tribunal denied the applications for registration of the list of candidates for municipal mayor and deputy mayor, among other lists, for failing to comply with the parity requirement. Aquí Costa Rica Manda nominated 36 men and 33 women at the top of the list for the mayors' offices.

The Supreme Electoral Tribunal,<sup>31</sup> by a majority, denied the respective appeals filed by the party, because it failed to make sufficient efforts to include the requisite number of women to achieve horizontal parity. The Tribunal found that the noncompliance was due to acts and omissions attributable to the party (such as failing to hold assemblies in all precincts, failing to inform or provide an opportunity to fill vacancies on candidate lists, and failing to register a list with a woman at the top in one precinct, among others). In addition, the ruling considers that the party could have made the "political decision" not to present candidates throughout the country so as

---

<sup>29</sup> In Costa Rica, the electoral justice system is headed by the Supreme Electoral Tribunal, which enjoys independence and is exclusively in charge of the organization, management, and supervision of acts related to voting; the other electoral bodies are under its authority. It concentrates administrative and judicial functions into a single-tier electoral justice system.

<sup>30</sup> Article 14 of the Municipal Code was amended by Law No. 10183, published on April 8, 2022.

<sup>31</sup> [Decision No. 10157-E3-2023](#) of the Supreme Electoral Tribunal, December 14, 2023.



not to generate “disparity” between the sexes. Finally, it ruled out any differential treatment compared to other political organizations.

In a dissenting opinion, two of the Tribunal’s judges found that the party had made sufficient efforts to compile lists with parity; they also questioned the effect of rejecting entire lists of candidates, which they described as contrary to proportionality and to the test applied by the Inter-American Court of Human Rights for this purpose (legality, necessity, and proportionality).<sup>32</sup> They further considered that it was appropriate for the electoral authority to reject lists as needed to achieve balance, in line with interpretations favorable to the protection of fundamental rights.

Aquí Costa Rica Manda expressed its concern to the Mission about the impact of the Supreme Electoral Tribunal’s decision. According to Costa Rica Manda, by rejecting its lists of candidates, it created inequity in the total number of male and female candidates. In this context, the Mission was informed that the affected political group had gone before the inter-American human rights system and filed a request for precautionary measures to protect its political rights.

The Mission observed that the registration of candidates in these elections was more litigious than in previous electoral processes.<sup>33</sup> According to information provided by the electoral authorities, this election has seen the highest number of registrations denied (9,781).<sup>34</sup> The OAS/EOM notes the Supreme Electoral Tribunal’s efforts to process decisions promptly, despite the lack of legally established deadlines in the Election Code.

The Mission stresses the importance of considering the experience of this electoral process in order to adapt the rules and parameters. To ensure compliance with parity, the Mission recommends:

- Amending parity regulations to allow political parties to correct headings on candidate lists and slates.
- Explicitly empowering the electoral authority to make corrections based on objective or random criteria in order to ensure effective compliance with this principle in the electoral process.

---

<sup>32</sup> I/A Court H.R., Case of Castañeda Gutman v. Mexico. Preliminary Objections, Merits, Reparations, and Costs. Judgment of August 6, 2008. Series C No. 184. [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_184\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_184_ing.pdf).

<sup>33</sup> According to the information provided by the Supreme Electoral Tribunal, as of December 20, they had received 200 motions for reconsideration, 28 of which were ruled admissible. It received 85 appeals.

<sup>34</sup> According to information from the Supreme Electoral Tribunal, 29,914 candidates were registered in this election. In 2020, 33,873 candidates were registered, and 3,705 were rejected.



- Setting a deadline for the resolution of electoral disputes, so appeals are adjudicated promptly, well before election day.

## **Constitutional Review**

The Constitutional Chamber of the Supreme Court of Justice carries out constitutional review through actions for constitutional review. This oversight is applied to the decisions of the Supreme Electoral Tribunal, specifically those involving the interpretation of laws, case law, or advisory opinions.<sup>35</sup> The application of parity in both of its dimensions and for all offices is based on decisions of the Constitutional Chamber, especially those of 2015<sup>36</sup> and February 2023,<sup>37</sup> almost a year before the current elections.

The Mission noted that the decision expressly extending horizontal parity to single-member offices was issued prior to the call for elections. Many stakeholders with whom the OAS/EOM met noted that the case took approximately three years to be adjudicated and that the political parties were already organizing their internal elections at that time.

In this context, the Mission reiterates its recommendation from 2020:

- Setting a fixed or preferential deadline for adjudicating constitutional challenges to electoral laws to ensure that they are decided in advance of electoral processes.

## **V. Political Participation of Women**

### ***Inclusion on Candidate Lists***

Since 2009, with the comprehensive overhaul of the Election Code, Costa Rica has made enormous strides in women's political participation and representation, toward the full exercise of their political rights. The collective effort undertaken by public institutions, nongovernmental organizations, networks of women politicians, and women leaders in the country has been fundamental in ensuring this representation.

For this election, the requirement of horizontal parity in multi-member and single-member offices was applied for the first time at the municipal level. This design led to an increase in the number of women candidates at the top of the mayoral lists, which brought about a significant

---

<sup>35</sup> [Decision No. 2015-016070](#) of the Constitutional Chamber of the Supreme Court, October 14, 2015.

<sup>36</sup> *Ibid.*

<sup>37</sup> [Decision No. 02951 – 2023](#) of the Constitutional Chamber of the Supreme Court, February 8, 2023.



redistribution of power among the candidates for the different municipal government offices (which is also expected to be reflected in the elected authorities).<sup>38</sup>

Various stakeholders and candidates with whom the Mission met expressed their disagreement with the exceptions to the horizontal parity requirement provided by the Supreme Electoral Tribunal, which allowed some lists to be included even though they did not quantitatively meet this requirement. Therefore, in addition to what has been stated in this report, the Mission recommends:

- Ensuring that all candidate lists ultimately submitted comply quantitatively with the requirement of parity in both dimensions (vertical and horizontal) and for all offices (multi-member and single-member).
- Offering training for political parties, so they can fully comply with both dimensions of the parity requirement for all elected offices.

The Mission also learned that training efforts have been instrumental in encouraging more women to run for office by strengthening their capacities and providing them with basic tools for running a campaign.

The Mission therefore recommends:

- Maintaining and strengthening training and education for women political leaders and candidates to provide them with tools (organizational, communication, financial) to run electoral campaigns.

## ***Violence against Women in Politics***

---

<sup>38</sup> 14,907 women candidates were registered for the various elective offices, accounting for 49.8% of the total of 29,914 candidates.

While this is not an increase in the overall numbers compared to previous elections (49.3% in 2020, 49.2% in 2016), the disaggregated figures provided by the Supreme Electoral Tribunal are relevant:

- The most striking figure is in mayoral candidacies, where women accounted for only 19.2% in the 2016 elections and 23.0% in the 2020 elections. After the application of horizontal parity in these elections, women's participation increased to 43.3% of all candidacies.
- In the application of parity, if a man is the candidate for mayor, the first deputy mayor's office must be occupied by a woman (and vice versa). Thus, with more female mayoral candidates, men's candidacies also increased in this office, from 18.9% in 2016 and 22.7% in 2020 to 42.7% in this election.



The increase in the number of women running for key offices was coupled with an increase in violence experienced by women candidates in this electoral process.<sup>39</sup> The Mission has observed that Costa Rica still lacks official statistics on violence against women in politics, which hinders an adequate understanding of a problem highlighted by the vast majority of women stakeholders and candidates with whom the Mission met.

The Mission appreciates the efforts to pass Law No. 10235, a Law to Prevent, Address, Punish, and Eradicate Violence against Women in Politics, in 2022, following the recommendations made by previous OAS Missions. This law criminalizes violence against women in politics and establishes the State's responsibility to prevent, address, and punish such violence.

Several women candidates with whom the Mission met also highlighted the persistent confusion among women candidates and women in politics—and within the political parties themselves—regarding the proper channel for reporting acts of political violence and the State remedies for addressing such complaints. This situation is even more pronounced at the municipal level since regulations to the law have not been issued.

The Mission highlights the training efforts implemented by public institutions, nongovernmental organizations, and networks of women politicians to raise awareness on this issue and to inform women candidates who face this type of violence about the Law's existence and the options available to them. At the same time, the Mission learned that most of this training is directed toward women candidates and politicians, without a balanced effort to also train the leadership and general rank and file of political parties, public authorities, and justice authorities in charge of ensuring that women are able to participate in political life under equal conditions and free from all forms of discrimination and violence.

Therefore, consistent with the recommendations made by previous OAS Missions and with a view to future electoral processes, the Mission recommends:

- Issuing regulations to the law governing political violence in order to clearly identify the procedures to be followed in cases of violence against women in politics.

---

<sup>39</sup> In addition to what was reported to the Mission, the Observatory of Women's Political Participation "Nosotras en la política" highlighted, during the 2018 presidential elections, the "constraints on the systematic monitoring of expressions of political violence against women," as well as the increase in the number and intensity of attacks targeting women candidates and politicians. UNDP (2019). *La violencia contra las mujeres en la política municipal: Un estudio sobre su caracterización en la actualidad* [Violence against women in municipal politics: A study on its characterization today], <https://www.undp.org/es/costa-rica/publications/la-violencia-contra-las-mujeres-en-la-politica-municipal>.





- Distributing information about the law on political violence and its scope to parties, candidates, and the institutions in charge of its implementation, in order to make effective use of the regulatory framework.
- Intensifying training efforts for parties, candidates, and institutions, with special attention to the fight against violence and misogynistic and hate speech, through digital platforms.

### ***Women Candidates' Access to Electoral Financing***

The women candidates and representatives of political organizations and experts interviewed highlighted the inequality in women's access to electoral financing and their reduced ability to mobilize their own funds to run an electoral campaign. It was also noted that women in lower-income municipalities are particularly affected by this issue, as many lack access to property, land, or other assets that could be used as collateral for a loan.

In addition to mechanisms to ensure specific public funding to promote women's political participation, the Mission recommends:

- Incorporating mechanisms for auditing the allocation of public election funding within the political parties based on criteria of equity between women and men, with the technology needed to perform this task.
- Promoting training opportunities for women candidates at the Supreme Electoral Tribunal and in political parties on political-electoral financing in order to improve their chances of obtaining campaign funding and ensuring accountability.

### **ACKNOWLEDGMENTS**

The Mission is grateful to the Supreme Electoral Tribunal for its invitation to observe these elections and for its openness and cooperation, which facilitated the Mission's work. It would also like to thank the Government of Costa Rica, especially the Ministry of Foreign Affairs, as well as the representatives of political parties, candidates, and the members of civil society, academia, international organizations, and national election observers with whom it had the opportunity to meet. Lastly, it is grateful for the financial contributions of the governments of Brazil, Canada, Korea, the United States, France and Panama, which made this Mission possible.