



**INTER-AMERICAN DRUG ABUSE  
CONTROL COMMISSION**

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Secretariat for Multidimensional Security

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**COSTA RICA**

**“Alternatives to incarceration for addressing drug-related offenses  
with a gender perspective”**

# COSTA RICA

Washington, D.C.  
December 2023



**“Alternatives to incarceration for  
addressing drug-related offenses  
with a gender perspective”**



# Drug Treatment under the Supervision of Restorative Justice (DTSRJ)

Law on Restorative Justice  
Articles 42 et seq.



DTSRJ as a comprehensive and effective solution



Vulnerabilities and disorders caused by severe drug and/or alcohol use



Crime of introducing drugs into a prison facility committed by a vulnerable woman



Comprehensive, interdisciplinary, and specialized approach



High levels of compliance, under the principle of Maximum Support and Maximum Control



Gender perspective and intersectionality

REPARAR  
VALE MÁS QUE  
CASTIGAR

# Interdisciplinary Work





## Gender Perspective in Sentencing

For the purposes of sentencing, consideration should be given to whether the person sentenced is a woman who is in a situation of vulnerability—due to poverty, being responsible for the care and upkeep of dependent family members, disability, or being a victim of gender violence—when that situation influenced the commission of the punishable act. **(Criminal Code, Article 71.g)**

When any of the circumstances set forth in paragraph (g) of the foregoing article are present and the sentenced woman does not have a criminal record, the trial court may reduce the penalty, including to a level below the minimum punishment provided for the offense in question. **(Criminal Code, Article 72)**

# Gender Perspective in Sentencing

**Crime of introducing drugs into a prison facility: Sentences of between 8 and 20 years are imposed for crimes related to the Law on Narcotic Drugs, Psychotropic Substances, Drugs for Unauthorized Use, Related Activities, Money Laundering, and Financing of Terrorism (7786) (Article 77).**

The above penalty shall be reduced by between 3 and 8 years when a woman meeting one or more of the following conditions perpetrates or participates in the introduction of toxic substances, narcotics, or psychotropic substances into prison facilities:

- a. Is in a situation of poverty.
- b. Is a breadwinner in a vulnerable situation.
- c. Is responsible for children, older persons, or people with any kind of disability that equates to dependence.
- d. Is an older person in a vulnerable situation.

If any of the above conditions is found, the trial judge or the sentencing judge may order the serving of the imposed sentence as house arrest, assisted liberty, trust centers, restricted liberty with non-stigmatizing electronic devices, or any type of alternative measure to incarceration.



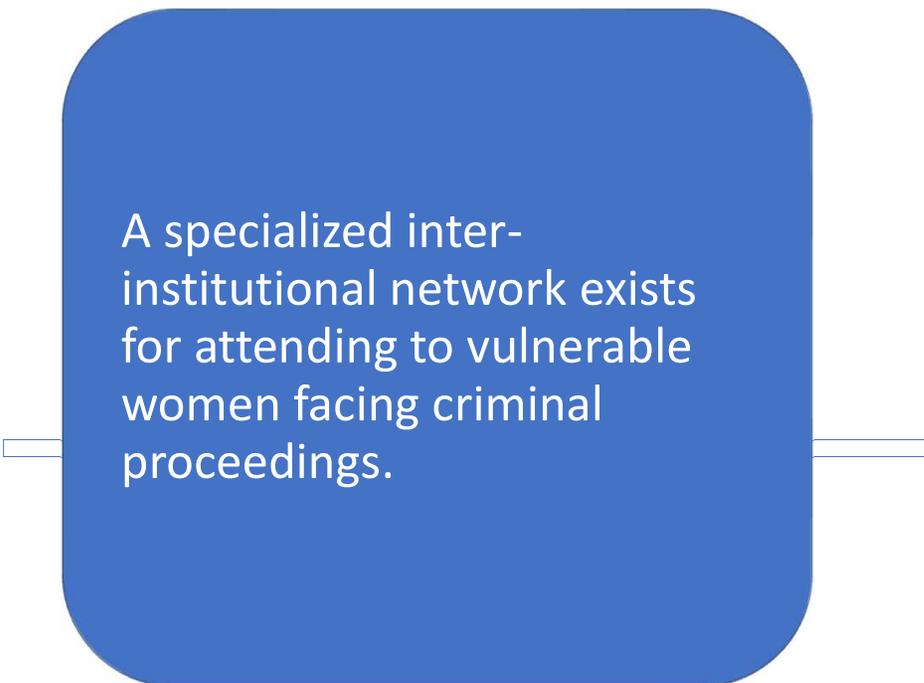
## Jurisprudence of the Constitutional Chamber expanding the protection

Vote 2022-008751  
of 4:41 p.m., April 20, 2022

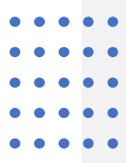
*By majority, the judicial consultation regarding constitutionality formulated by the Criminal Court of Heredia is resolved in the sense that the challenged provisions are not unconstitutional but that the implicit excluding norms are. Consequently, the challenged provisions could be extended to the benefit of the excluded group in vulnerable conditions.*



Network for  
comprehensive  
attention for  
vulnerable women  
involved in criminal  
proceedings and  
their dependents



A specialized inter-  
institutional network exists  
for attending to vulnerable  
women facing criminal  
proceedings.



Thank you very much

