

## COSTA RICA'S INTER-INSTITUTIONAL NETWORK IN SUPPORT OF WOMEN CAUGHT IN THE CRIMINAL JUSTICE SYSTEM

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In 2014, Costa Rica launched a program through the Public Defender's Office which works to divert vulnerable women away from the criminal justice system and offer them services such as counseling, drug treatment, and job training. The needs of each woman are determined by a case worker and a tailored action plan is developed for each client. The goals of the program are to reduce recidivism and help women regain their rights and dignity.

### Context and Description

The "Inter-institutional Network for comprehensive assistance to women involved in a criminal justice process"<sup>2</sup> facilitates institutional collaboration to support women who have come into conflict with the law. Managed by the Public Defender's Office in Costa Rica, it was officially launched in November 2014, with the signature of the Vice-

president, the President of the Supreme Court of Justice and the Director of the Public Defender's Office, as well as other senior officials who are part of the Network.

**The Network aims to address the socio-economic issues affecting women caught in the criminal justice system.**

The Network aims to address the social and economic situation of women in the criminal justice system in order to reduce the negative effects of incarceration both on the women concerned, and their families. The Network connects women to financial support, scholarships, job training, and also provides advice on setting up a small business.

Additionally, it offers childcare support so that women with young dependents can work and study.

The Network is comprised of the following institutions:

1. The National Institute of Learning (*Instituto Nacional de Aprendizaje, INA*) offers professional capacity building.
2. The National Institute for Women (*Instituto Nacional de las Mujeres, INAMU*) provides psychological support to address domestic violence.
3. Legal counsel is accessible through the Public Defender's Office.
4. Support with issues related to problematic drug use is available through the Institute on Alcoholism and Drug Dependence (*Instituto sobre Alcoholismo y Farmacodependencia, IAFA*).
5. Children's needs are addressed by the National Childhood Board (*Patronato Nacional de la Infancia, PANI*).

6. The Institute for Social Assistance (*Instituto Mixto de Ayuda Social, IMAS*) offers financial assistance to eligible women and their families.
7. The Costa Rican Institute on Drugs (*Instituto Costarricense sobre Drogas, ICD*) is responsible for providing funding for programs addressing and preventing drug use and trafficking.
8. The Ministry of Justice and Peace manages the penitentiary system. It is one of the key players in the Network, working with women in prison and initiating their social reintegration process by connecting them to services within the Network before they leave prison, in order to prepare them for life after release.

These institutions all supported the passing of article "77 bis" into the Law on Psychotropic Substances,<sup>3</sup> introducing proportionality and a gender perspective for women convicted of carrying drugs into prisons (see Briefing No. 2 of this series: *Reducing Female Incarceration Through Drug Law Reform in Costa Rica*).

### **The Beneficiaries of the Network**

Although the Network was spurred by the reform of the Law on Psychotropic Substances (article "77 bis"), it has evolved to apply more broadly to women in conflict with the law who are clients of the Public Defender's Office.<sup>4</sup> There are therefore four different groups of women who can benefit from the Network:

- Women whose criminal cases are being processed through the criminal justice system, are awaiting trial and are in need of services for social support.
- Women who have received a non-custodial sentence and are diverted from the penitentiary system. They can access the Network as part of a social

rehabilitation program that accompanies their alternative sentence.

- Women who are deprived of liberty, but have been granted an alternative to incarceration and are therefore due to be released from prison, are met by public defenders and assessed for referral to the Network. If eligible, they can start accessing services provided by the Network institutions while still incarcerated, with the plan to continue receiving these upon release.
- Women who are in conflict with the law for a non-violent offense related to their drug use are eligible to receive services through the Network which includes access to voluntary drug dependence treatment programs.

According to INAMU, women need to pertain to at least one or more of the following categories which make up the qualifying criteria for women participating in the Network:

- Head of a single-parent household (with dependent children in their care);
- Victim of domestic or gender-based violence (sexual, physical, emotional, and economic);
- Active and problematic drug use;
- Committed a drug-related offence (small-scale trafficking);
- Living in conditions of poverty;
- Unemployed;
- Low levels of education;
- Women with disabilities or suffering from a chronic or terminal illness;
- Elderly women;

- Women from ethnic minorities (indigenous, Afro-descendant, etc.).

appropriate institutions and services according to her individual needs.

### Functioning of the Network

Each case is referred to the Network via a questionnaire, which the client fills in during her first meeting with a Public Defender. The information she provides is used to assess whether she qualifies to access services provided by the Network. If she does, the client then receives information about the Network and its objectives. If she agrees to participate, she is officially referred by the Public Defender in charge of her case. The Public Defender lists the client’s needs, prioritizing the most urgent, and the case is then transferred to the Network to provide the client with targeted support.

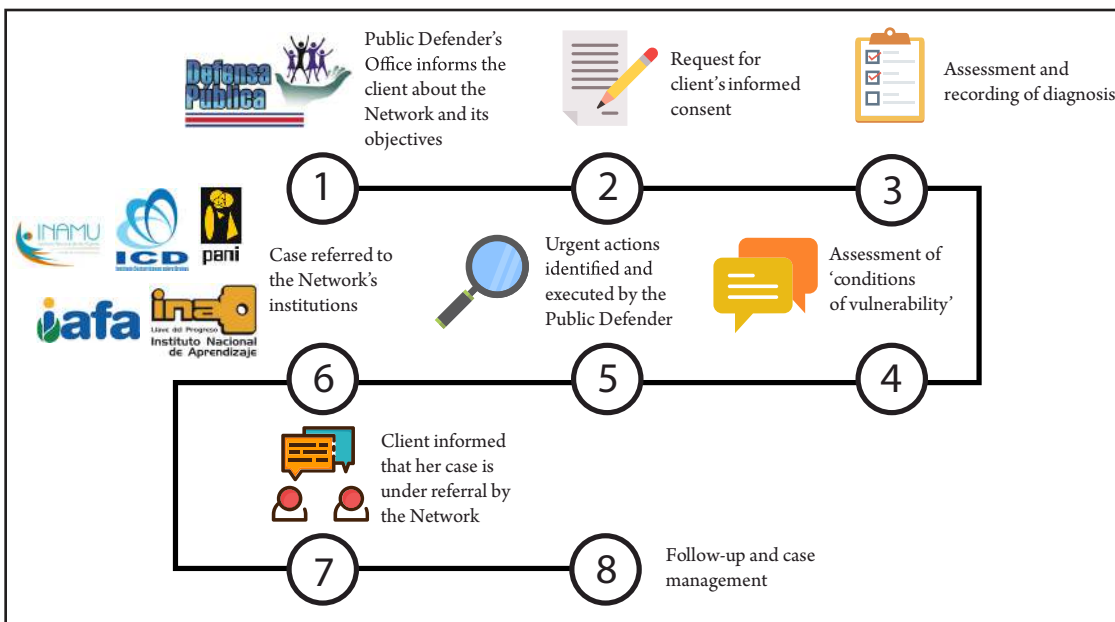
Information relating to the social, demographic and risk profile of each client is recorded and stored at the technical secretariat of the National Institute for Women (INAMU). All data provided is confidential. This information plays a key role in referring woman to

### Results and Impact

The Public Defender’s Office reported that by October 2016, it had referred 231 women to the Network, with a total of 245 dependent children.<sup>5</sup> The Network provides substantial institutional support for women as they build their lives and livelihoods. This can take the form of assistance in their diversion away from prison, or in the case of incarcerated and formerly incarcerated women, as a social rehabilitation initiative to support them after release.

The initiative is still very new in Costa Rica and concrete results are yet to be made available. However, this has been identified as a very promising measure to help address the situation of high vulnerability that women face when coming into conflict with the law. It also tackles the stigma attached to women’s incarceration, and helps women navigate the

**Figure 1. Inter-institutional Network’s Operational Process**



Source: Judicial Observatory. 8 April 2015. Edition 180. Icons designed by Wissawa Khamsriwath, recreated by Oliver Stevens, Freepik and Dinosoft Labs for Flaticon.



### Sara's story

Sara, 50, fled her family at aged 13 to escape sexual abuse at the hands of her uncle. With no education or opportunities, she became involved in criminal activity and was dependent on drugs. She was eventually arrested for selling small quantities of crack to support her own consumption. Out of desperation, she attempted to bribe the police officer arresting her for selling drugs with the equivalent of US\$3.75. While Sara was serving a combined sentence of seven years, the Public Defender's Office presented a petition for her pardon, detailing the level of support she was receiving through the Network. The pardon was granted in November 2016. Today, outside of the prison walls, she continues to receive support through the Network.<sup>6</sup>

sphere of public and social services, taking their individual needs into account. Above is a testimonial, illustrating the benefits that the Network has provided to one of the women in Costa Rica's *Buen Pastor* women's prison.

The Network is an innovative project that has opened up opportunities for institutional dialogue. It has generated new interdisciplinary initiatives for the social inclusion of women in conflict with the criminal justice system. This collaborative project is expected to continue to deliver positive results for women and help them regain their rights and dignity.

One of identified areas for improvement as the network develops is the need to include NGO's in the list of participating organizations, as these are not currently involved. This is one of the next steps that the Network hopes to take in order to widen its outreach and its capacity. Making it more inclusive of civil society organizations will allow it to incorporate new areas of expertise and continue to lend support to its clients with a wider range of services.

## Key Resources

Instituto sobre Alcoholismo y Farmacodependencia, *Reforma de Ley de Psicotrópicos apoya a mujeres mediante Red Interinstitucional*, <http://www.iafa.go.cr/novedades/170-reforma-de-ley-de->

[psicotropicos-apoya-a-mujeres-mediante-red-interinstitucional.html](http://www.iafa.go.cr/novedades/170-reforma-de-ley-de-psicotropicos-apoya-a-mujeres-mediante-red-interinstitucional.html)

Instituto Nacional de las Mujeres, *INAMU coordina red de mujeres en conflicto con la Ley*, <http://www.inamu.go.cr/en/red-interinstitucional>

Cabalceta, T.A., *Acciones Interinstitucionales que reconstruyen vidas: Defensa Pública impulsa Red Interinstitucional para mujeres vinculadas a un proceso penal*, Observatorio Judicial, <http://sitios.poder-judicial.go.cr/observatoriojudicial/vol180/>

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## Endnotes

1. Gender Specialist, Inter-American Commission of Women, Organization of American States.
2. *Red Interinstitucional para la atención integral de mujeres vinculadas a un proceso penal*, in Spanish.
3. Law 8204 from 2001 Law on narcotic drugs, psychotropic substances, drugs of unauthorized use, related activities, legitimacy of capital and financing of terrorism.

4. The Network only works with women. It does not work with male offenders as it is focused on providing services directed towards the gender specific needs of women. These needs have been identified as being quite different to those of men in conflict with the law.
5. *Unidad de Género Penal*, Costa Rican Public Defender's Office, as of October, 2016.
6. To read Sara's full story, click here: <https://www.wola.org/analysis/women-behind-bars-photo-essays-show-the-human-cost-of-current-drug-policies-in-the-americas/>

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Disclaimer: The opinions set out in this briefing are those of the author(s) and do not necessarily reflect the official position of the CIM/OAS.

*This series aims to share examples of innovative approaches that incorporate a gender perspective and the principles of public health and human rights into drug policy. Such innovations will have the best possible outcomes only when they are accompanied by more fundamental drug law and policy reform. However, in the absence of broader reforms, or carried out in conjunction with such reforms, these innovations can help break the vicious cycles of poverty, social exclusion, drug use, involvement in the drug trade, and incarceration that plague so many poor communities across the Americas today. Global Innovative Approaches is a tool that accompanies the publication [Women, Drug Policies and Incarceration: A Guide for Policy Reform in Latin America and the Caribbean](#).*