

Women in prison: Costa Rica

Analysis from the National Preventive Mechanism

| July 2024



Costa Rica



UNCAT Ratification
11 November 1993

OPCAT Ratification
1 December 2005

National Preventive Mechanism (NPM)

National Mechanism for the Prevention of Torture (NPM)

NPM legal framework
Law 9204 (18 February 2014)

NPM operationalisation
Since 2009

NPM structure
Maximum Deconcentration Body,
administratively attached to the Office of the
Ombudsman of the Republic.

NPM composition
4 members (3 women)

I. Facts and Figures¹

Prison population	Women in prison - Characteristics	Prisons for women
Total prison population 15,238	Pregnant women 5	Number of women's prisons 5
Women in prison (total) 552 3.7%	Women with children in prison 8	Women-only prisons ² 1
Sentenced women 336	Foreign women 77	Mixed prisons with separate units for women ³ 4
Women in pre-trial detention 202	Older women (over 65 years) 13	
Women in coercive detention ⁴ 14	Indigenous women 1	
	Trans women ⁵ 70	

¹ Information sent to the NPM by the Head of the Women's Services Level by official letter NAM-031-2023 of 11 October 2023 and the General Directorate of Social Adaptation (Ministry of Justice and Peace).

² Centro de Atención Institucional (CAI) [Institutional Care Centre] Vilma Curling Rivera.

³ Modules for women in regional penitentiary centres: CAI Calle Real (Liberia); Unidad de Atención Integral Pabru Presbere (Pérez Zeledón); Unidad de Atención Integral 20 de diciembre (Pococi); CAI 26 de julio.

⁴ Coercive detention is a legal measure that can be taken against a maintenance debtor who has not fulfilled their maintenance obligations. Its enforcement involves the person being detained in prison for a specified period until the maintenance obligations are paid. During 2023, there has been an increase in the number of women in coercive detention, usually between 5-8, and in recent months there have been as many as 18.

⁵ Transgender women are located as follows: 3 in CAI Vilma Curling Rivera and 67 in men's centres.

II. Recommendations

Solitary confinement

- + Plan to vacate and close Módulo B5 del Centro de Atención Integral Vilma Curling Rivera [Module B5 of the Vilma Curling Rivera Comprehensive Care Centre], carrying out a study to determine whether it should be closed, considering that the conditions there give rise to violations of the human rights of the women deprived of their liberty.
- + Take the necessary administrative measures to establish a specific regulation governing the application of precautionary measures, including isolation, for persons in coercive detention for failure to pay maintenance obligations.

Older women

- + To make the necessary arrangements for the construction of the necessary works inside Module B-1 of the CAI Vilma Curling Rivera to guarantee accessibility for elderly women in prison, such as, for example, the construction of ramps to access the individual bedrooms, and from the corridors to the patio and vice versa, as well as the installation of support bars in bathrooms and toilets and the provision of hot water in the showers.

III. Detention Issues

Solitary confinement, isolation

Historically, the only penitentiary establishment exclusively for women, the CAI Vilma Curling Rivera, has maintained a wing that provides greater containment to some women due to their convivial profile or for reasons of protection of their personal integrity. Currently, Module B5 functions as the largest containment unit, which years ago was known as Module F (Maximum Security).

When observing the dormitories in Module B5, the MNPT found poor conditions, with worn, deteriorated and very unhygienic spaces, the same as those found in previous MNPT reports, in 2015⁶ and in 2017⁷ and also by the UN Subcommittee on Prevention of Torture in 2019⁸.

Although from an administrative point of view, the management of the CAI Vilma Curling Rivera has made a change from a technical perspective, the Ministry of Justice and Peace has not made any modifications or remodelling that would allow us to affirm a significant change in the type of confinement offered by the CAI Vilma Curling Rivera.

Since the conditions of confinement there constitute an additional punishment for the women held there, the MNPT considered that the Prison Administration should plan to vacate and close Module B5. In this regard, the prison staff reiterated to the MNPT that Module B5 no longer functions as a maximum security facility, since the admission criteria mentioned in the Reglamento del Sistema Penitenciario Nacional [National Prison System Regulations] do not apply and, according to them, the prisoners held there have access to the rest of the activities and services of the CAI, such as education,

⁶ Report MNPT-INF-008-2015

⁷ MNPT-INF-035-2017

⁸ United Nations, Subcommittee on Prevention of Torture, Report of visit to Costa Rica from 3 to 14 March 2019, CAT/OP/CRI/ROSP/1, 6 January 2021.

technical care, medical care and recreational activities.

Good practice: Recording the use of solitary confinement

The CAI Vilma Curling police staff keep a specific register for each single-person or isolation cell, in compliance with Circular 01-21 of 05 January 2021 of the Directorate of the Penitentiary Police of the Ministry of Justice and Peace. The Circular came in response to a MNPT recommendation in 2020, due to the lack of information on the implementation of safeguards for persons placed in these spaces. The register consists of a reliable system that makes it simple and quick to verify how long a person has been in isolation and what treatment and safeguards have been guaranteed during their stay in isolation. The registers contain notes such as: the date, time, full name of the person placed in the cell; the reason; by whose order; the rounds; the person's state of mind and general condition (calm, asleep, upset); the delivery of food and whether or not it was accepted; whether or not the person left at call or yard time; delivery of medication; medical release with the name of the officer escorting; whether the person reports any pain or discomfort.

Isolation of women for failure to pay maintenance obligations

During a visit in May 2022⁹, the MNPT found that, following a quarrel, the Prison Police had placed two women in isolation cells. One of the women in coercive detention for failure to pay maintenance obligations concerned, who was in an isolation cell in Module B4 from 12 to 14 May 2022, presented elements of distress related to her placement in that cell and a deep fear of being placed in a isolation cell again at a later time. Her cell had very poor hygienic conditions, with excrement on the concrete bed, vomit on the floor and dried blood.

The incarcerated person said the following: "*while I was there, I lost my way of being*", referring to the affliction caused by the isolation and the conditions of isolation, even if only for a few days; "*the smells disturbed me for several days*", referring to how it affected her after her release and how she continued to perceive them in the following days. She also stated that, because of these conditions, she preferred not to eat at certain mealtimes, nor to bathe, and that, during her stay there, she was not provided with personal items or cleaning supplies to clean the cell.

Although the Regulations of the National Penitentiary System, from article 352 and subsequent articles, regulate the application of Precautionary and Disciplinary Measures to incarcerated persons, these regulations do not take into consideration the unique needs of persons placed on maintenance, nor the supervisory measures corresponding to the penitentiary authorities themselves, and above all to the judicial authorities.

The MNPT questions which judicial authority is responsible for approving and extending isolation for more than 48 hours, since the use of isolation in a single-person cell is neither provided for nor regulated in the context of coercive detention for failure to pay maintenance obligations. This has been a practice adopted by the prison staff, which even allows us to affirm that the placement of persons in solitary confinement, even more so if it is carried out for an indeterminate period of time and without external supervision, would constitute an illegitimate and irregular practice.

For the above reasons, the MNPT questioned the use of solitary confinement for women in coercive detention placed in the module for maintenance obligations and recommended taking the necessary administrative measures to establish specific regulations governing the application of precautionary measures, including isolation, for persons in coercive detention for failure to pay maintenance

⁹ Inspection report MNPT-INF-169-2022, May 2022.

obligations.

Access to mental healthcare

At the CAI Vilma Curling Rivera, an intake interview and an initial interdisciplinary assessment are carried out, which allow the Psychology and Medicine departments to identify situations such as psychopathologies, suicide risk, patterns of self-harming behaviour and other matters for appropriate psychotherapeutic and medical treatment.

Periodic assessments are carried out in accordance with the sentence, at the request of the centre Management and/or sub-directorate, by referral from psychology or other professional sections, or at the request of institutional and judicial authorities. This is done to determine mental health needs.

The CAI Vilma Curling Rivera has a psychology team and a clinical psychologist, as well as medical and nursing staff who provide mental healthcare. Both psychotherapeutic treatment and medication are provided.

Suicide prevention and mental health campaigns have been implemented. Through the Analysis Councils, Interdisciplinary Councils and Security Councils, the Psychology and Health Section provides information on mental health issues and makes recommendations on the management of women in prison with psychopathologies and their treatment. The Psychology Section has provided training to staff (professional and police) on the National Penitentiary System Protocol on self-harm. Interdisciplinary coordination is carried out to provide care through workshops and talks aimed at the mental health of the prison population.

One of the major limitations in mental healthcare is inter-institutional coordination with the National Psychiatric Hospital and Care Centre for Persons with Mental Illness in Conflict with the Law (CAPEMCOL). On occasions, the psychological and medical criteria of the CAI Vilma Curling Rivera has pointed out the need for possible placement of incarcerated persons in hospitals. However, the staff of these centres often state that they do not have necessary capabilities for the placement of incarcerated persons, and these criteria are unknown. It is important to coordinate meetings with the courts and the Costa Rican Social Security Fund in order to be able to unify an adequate procedure for the respective referrals and comply with them.

IV. Women in Special Situations of Vulnerability

Older women

In its report on its visit to the CAI Vilma Curling Rivera in 2018¹⁰, the MNPT verified that sentenced older women are placed in Module B-1, given that it is the one with the best cohabitation, there is no overcrowding and it applies a model of opportunities.

In this regard, it was considered that the infrastructure is not designed to be accessible, which is why older women face difficulties in bathing, moving around inside the module, and in sleeping. For example, in an individual cell within this module, there was an elderly woman who required the assistance of another woman, as she suffers from paranoid schizophrenia, high blood pressure and unspecified cognitive impairment. This woman used a wheelchair and neither the entrance to the individual cell, nor the bathroom, nor the toilet are equipped with bars to ensure accessibility. It was considered that it was necessary to work on the module's accessibility, by building ramps for the passage from the corridors to the courtyard, for access to the individual cell, and fitting out the bathrooms and toilets with bars so that the elderly women are able to support themselves when using the facilities.

¹⁰ Report MNPT-INF- 083-2018, November 2018

The Penitentiary System has for decades failed to build specific infrastructure for women deprived of liberty. This centre lacks models of construction, such as small houses, which function as modules of opportunities and to house older prisoners. The lack of these opportunity modules has a significant impact on the level of prison living conditions.

In accordance with the aforementioned conditions, the MNPT recommended that the necessary measures be taken to ensure accessibility for elderly women in prison in Module B-1, such as, for example, the construction of ramps to access the individual dormitories, and from the corridors to the courtyard and vice versa, as well as the installation of grab bars in bathrooms and toilets and the provision of hot water in the showers.

V. Alternatives to Detention

The interdisciplinary team at the CAI Vilma Curling Rivera has the power to recommend to the National Institute of Criminology (INC) the transfer of an incarcerated woman to the level of trust, on the understanding that she has sufficient conditions to complete her sentence outside prison.

The transfer to a semi-institutional centre is intended to enable the person to gradually integrate into the family and the community. In October 2023, 238 women were placed in the semi-institutional level. There is a specific semi-institutional centre for the care of women, called CASI La Mujer, which cares for 118 women.

Electronic monitoring with bracelet is granted by the Judges of the Republic, when a person is under indictment or sentenced. The Specialised Unit of Electronic Monitoring of the General Directorate of Social Adaptation is in charge of executing and administering the orders of the judicial offices, which entrust the imposition of electronic monitoring devices. In October 2023, 294 women were being monitored in this way.

The community level deals with persons who are fully incorporated into the family and community. These are situations ordered by judges or legal institutions. In October 2023, there were 1812 women being monitored in this way.

In summary, as of October 2023, of the 2276 women accused of some type of crime, only 552 were in prison, representing 24.25%.

Good practice: Reducing the imprisonment of women for drug offences

As of December 2022, 49% of women facing sentences were convicted of drug-related offences. Until 2013, women who attempted to bring drugs into a prison were sentenced to between 8 and 20 years in prison. After Article 77 bis of the Law on narcotic drugs came into force, psychotropic substances, drugs of unauthorised use, related activities, money laundering and financing of terrorism (8204), women have the possibility to pay for their crime in another way, as long as their action is related to their economic, psychological and social situation, which will be demonstrated by means of a psychosocial study that can be requested by the Public Prosecutor's Office or by the Public Defence.

VI. Other Relevant NPM Information on Women in Prison

+ [Annual reports of the MNPT](#)

This report is part of the Global report on Women in Prison.

Access the full report here: www.apt.ch/global-report/