



POLITICAL
CONSTITUTION
OF THE
REPUBLIC OF
COSTA RICA

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PRESENTATION

2d Edition

Since 2009, almost a decade after its first publication, the Political Constitution of the Republic of Costa Rica has been amended several times.

This has enabled the people to capture their desires in the Constitution: the evolution of society through a historical perspective.

To a great majority of Costa Ricans, this is the most important legal document that ordains the public life of its authorities and the private life of its citizens.

As we move closer to our 200th anniversary as a democratic and independent Nation, this Second Edition of the Political Constitution reiterates our most important values to our domestic and foreign English readers.

Therefore, after reviewing the first edition, we feel proud to publish this updated version of the Political Constitution of the Republic of Costa Rica.

Dr. Román Solís Zelaya
President
Conamaj

MSc. Sara Castillo Vargas
Executive Director
Conamaj





We, the Representatives of the People of Costa Rica, freely elected Members of the National Constitutional Assembly, invoking the name of God and reaffirming our faith in democracy, decree and enact the following:

CONSTITUTION OF THE REPUBLIC OF COSTA RICA

TITLE I

THE REPUBLIC

Sole Chapter

ARTICLE 1. Costa Rica is a free, independent, multiethnic and multicultural democratic Republic.

(As amended by Law 9305, August 24, 2015)

ARTICLE 2. Sovereignty resides exclusively in the Nation.

ARTICLE 3. No one may usurp sovereignty; any person who does so commits the crime of treason against the Nation.

ARTICLE 4. No person or group of persons may assume the representation of the People, usurp their rights, or make petitions in their name. Violation of this article shall be sedition.

ARTICLE 5. The national territory is bounded by the Caribbean Sea, the Pacific Ocean, and the Republics of Nicaragua and Panama.

The boundaries of the Republic are those established by the Cañas-Jérez Treaty of April 15, 1858, ratified by the Cleveland Award of March 22, 1888, with respect to Nicaragua, and by the Echandi Montero-Fernández Jaén Treaty of May 1, 1941, with regard to Panama.

Cocos Island, located in the Pacific Ocean, is part of the national territory.

ARTICLE 6. The State exercises complete and exclusive sovereignty over the air space above its territory, over its territorial waters within a distance of twelve miles measured from the low-tide mark along its shores, over its continental shelf and its insular undersea base, in accordance with principles of International Law.

It also exercises special jurisdiction over the seas adjacent to its territory within a distance of two hundred miles measured from the same mark, in order to protect, preserve and exploit exclusively all the natural resources and wealth existing in the waters, soil and subsoil of those zones, in accordance with those principles.

(As amended by Law N° 5699, June 5, 1975).

ARTICLE 7. Public treaties, international agreements and concordats duly approved by the Legislative Assembly shall have a higher authority than the laws upon their enactment or from the day that they designate.

Public treaties and international agreements referring to the territorial integrity or the political organisation of the country shall require the approval of the Legislative Assembly by a vote of not less than three-quarters of all its members and the approval of two-thirds of the members of a Constituent Assembly convened for that purpose.

(As amended by Law N° 4123, May 31, 1968).

ARTICLE 8. Foreign states may only acquire within the territory of the Republic, on a reciprocal basis, the real estate necessary to base their diplomatic representations, notwithstanding the provisions of international agreements.

ARTICLE 9. The Government of the Republic is popular, representative, participatory, alternate and responsible. It is exercised by three distinct and independent branches: Legislative, Executive, and Judicial.

(As amended by Law N° 8364 of July 1, 2003)

None of these Branches may delegate the exercise of their own functions.

A Supreme Electoral Tribunal, with the rank and independence of the Government Branches, has exclusive and independent responsibility for the organisation, management and supervision of suffrage-related acts, as well as for any other functions vested in it by this Constitution and the laws.

(The foregoing paragraph was added by article 1° of the Law N° 5704, June 5, 1975).

ARTICLE 10. A specialised Chamber of the Supreme Court of Justice shall declare, by an absolute majority vote of its

members, the unconstitutionality of provisions of any nature and of acts subject to Public Law. The jurisdictional acts of the Judicial Branch, the declaration of the elections by the Supreme Electoral Tribunal and any other acts established by law cannot be challenged following this procedure.

This Chamber shall also:

- a) Settle any conflicts of jurisdiction between State branches, including the Supreme Electoral Tribunal, as well as any other entities or bodies established by law.
- b) Hear any consultations on constitutional amendment bills, ratification of international agreements or treaties and other bills, as provided by law.

(As amended by Article 1, Law N° 7128, August 18, 1989).

ARTICLE 11. Public officials are mere custodians of authority. They must carry out the duties entrusted to them by law and cannot usurp powers which the law has not conferred upon them. They must take an oath to observe and uphold this Constitution and the laws. The action to establish their criminal liability for their acts is public. The Public Administration, in its broadest sense, shall be subject to a procedure of evaluation of results and accountability, with public officials having personal responsibility for the fulfilment of their duties. The law shall establish the mechanisms to enable said evaluation of results and accountability to operate as a system that covers all public institutions.

(As amended by Law N° 8003 of June 8, 2000)

ARTICLE 12. The Army as a permanent institution is abolished. There shall be the necessary police forces for surveillance and the preservation of public order.

Military forces may only be organized under a continental agreement or for the national defence; in either case, they shall always be subordinate to the civil power: they may not deliberate or make statements or representations individually or collectively.

TITLE II

COSTA RICANS

Sole Chapter

ARTICLE 13. The following are Costa Ricans by birth:

1. A child born within the territory of the Republic to a Costa Rican father or mother;
2. A child born abroad to a Costa Rican-born father or mother, who is registered as such in the Civil Register by the will of the Costa Rican parent during his minority, or by his own will up to the age of twenty-five;
3. A child born in Costa Rica to foreign parents, who is registered as a Costa Rican by the will of either parent during his minority, or by his own will up to the age of twenty-five;
4. An infant, of unknown parents, found in Costa Rica.

ARTICLE 14. The following are Costa Ricans by naturalisation:

1. Those who have acquired this nationality under former laws.

2. Nationals of other Central American countries, Spaniards and Iberian-Americans by birth, who have officially resided in the country for five years and meet any other requirements prescribed by the law.

3. Central Americans, Spaniards and Iberian-Americans who are not native-born, and other foreigners who have been domiciled in Costa Rica for at least seven years and meet any other requirements prescribed by the law.

4. A foreign woman who loses her nationality through marriage to a Costa Rican.

5. The foreign persons who, after being married two years to a Costa Rican, and having resided in the country during the same period, manifest their desire to acquire the Costa Rican nationality.

(As amended by Article 1, Law No.7879, May 27 1999)

6. Anyone who obtains honorary nationality granted by the Legislative Assembly.

(As amended by Law N° 7065, May 21, 1987.)

ARTICLE 15. Anyone who applies for naturalisation must provide evidence of good behaviour, demonstrate that he has a known occupation or means of livelihood, show that he speaks, writes and reads the Spanish language, submit himself to a comprehensive test on the history and the values of the country, promise to reside within the national territory on a regular basis and swear to respect the constitutional order of the Republic. The requirements and procedures to apply for naturalisation shall be established by law.

(As amended by Law N° 7065, May 21, 1987.)

ARTICLE 16. Costa Rican nationality is not lost and cannot be waived.

(As amended by Law N° 7514, June 6, 1995).

ARTICLE 17. Acquisition of nationality is transferred to minor children in accordance with the regulations established by law.

(As amended by Article 1, Law N° 7514, June 6, 1995.)

ARTICLE 18. Costa Ricans must observe the Constitution and the laws, serve and defend the country and contribute to the public expenses.

TITLE III

FOREIGNERS

Sole Chapter

ARTICLE 19. Foreigners have the same individual and social rights and duties as Costa Ricans, with the exceptions and limitations established by this Constitution and by the laws.

They may not intervene in the political affairs of the country, are subject to the jurisdiction of the courts of justice and the authorities of the Republic, and may not have recourse to diplomatic channels, except as provided in international conventions.

TITLE IV

INDIVIDUAL RIGHTS AND GUARANTEES

Sole Chapter

ARTICLE 20. All persons are free within the Republic; no one under the protection of its laws can be a slave.

(As amended by Law No. 7880, May 27, 1999).

ARTICLE 21. Human life is inviolable.

ARTICLE 22. Every Costa Rican may move about and stay anywhere within the Republic or abroad, provided he is free from any liability, and may return whenever it may be convenient to him. No requirements may be imposed on Costa Ricans that prevent them from entering the country.

ARTICLE 23. The home and any other private premises of the inhabitants of the Republic are inviolable. However, such premises may be searched with a written warrant issued by a competent Judge, either to prevent the commission of crimes or their impunity, or to prevent serious damage to persons or property, subject to the provisions of law.

ARTICLE 24. The right to the privacy, freedom and confidentiality of communications is guaranteed.

Private documents and written, verbal or other communications of the inhabitants of the Republic are inviolable. However, a law whose enactment and amendment shall require the vote of at least two-thirds of the members of the Legislative Assembly

shall determine those cases in which the Courts of Justice may order the seizure, search, or examination of private documents, whenever this is deemed absolutely necessary to clarify matters submitted to their cognizance.

Likewise, this law shall determine the cases in which the Courts of Justice may order the intervention of any communication and indicate the offences for which the exercise of this exceptional investigatory power may be authorized, and the period during which such an intervention shall be permitted. The law shall also determine the responsibilities and penalties for officials who illegally apply this exception. Any judicial resolution issued under this provision shall be duly reasoned and can be immediately enforced. Its application and supervision shall be the responsibility of judicial authorities and cannot be delegated.

The law shall also determine the circumstances in which competent officials of the Ministry of Finance and the Office of the Comptroller General of the Republic may examine accounting books and related documents for tax purposes and to oversee the proper use of public funds.

A special law, approved by two-thirds of all the members of the Legislative Assembly, shall determine which other Public Administration bodies shall be authorized to examine the documents stipulated by said law in the performance of their duties of regulation and supervision for public purposes. This law shall also indicate those cases in which such examination is appropriate.

Any correspondence seized or information obtained as a result of the illegal interception of any communication shall have no legal effect.

(As amended by Article 1, Law No. 7607, May 29, 1996.)

ARTICLE 25. The inhabitants of the Republic have the right of association for lawful purposes. No person may be compelled to form part of any association whatsoever.

ARTICLE 26. All persons have the right to assemble peacefully and without arms, whether for private business or to discuss political affairs and examine the public conduct of officials. Meetings held on private premises do not require prior authorisation. Those held in public places shall be regulated by law.

ARTICLE 27. The right to petition any public official or State entity, either individually or collectively, and the right to obtain prompt resolution are guaranteed.

ARTICLE 28. No one may be disturbed or persecuted for expressing his opinions or for any act that does not infringe the law.

Private actions that do not harm public morality or public order, or that do not cause damage to third parties, are outside the scope of the law.

However, neither clergymen nor laymen may engage in any form of political propaganda, invoking religious motives or making use of religious beliefs.

ARTICLE 29. All persons may express their thoughts verbally or in writing and may publish them without prior censorship; however, they shall be held liable for any abuses committed in the exercise of this right, in such cases and in the manner established by law.

ARTICLE 30. Free access is guaranteed to administrative departments for the purpose of obtaining information on matters of public interest.

State secrets are excluded from this provision.

ARTICLE 31. The territory of Costa Rica shall provide shelter to all those persecuted for political reasons. If their expulsion should be ordered on legal grounds, they can never be sent back to the country where they were persecuted.

Extradition shall be regulated by law or by international treaties and shall never be granted in cases of political or related offences, as these are defined by Costa Rica.

ARTICLE 32. No Costa Rican may be compelled to abandon the national territory.

ARTICLE 33. All persons are equal before the law and no discrimination contrary to human dignity shall be practiced. (As amended by Article 1, of Law No. 7880, May 27, 1999).

ARTICLE 34. No law shall have retroactive effects to the detriment of any person whatsoever or to his acquired property rights, or to the detriment of any consolidated legal situations.

ARTICLE 35. No one may be tried by a commission, a court or a judge specifically appointed for the case, but exclusively by the courts established in accordance with this Constitution.

ARTICLE 36. In criminal matters, no one is obliged to testify against himself or against a spouse, ascendants, descendants or collateral relatives up to and including the third degree of consanguinity or affinity.

ARTICLE 37. No one may be detained without substantiated evidence of having committed an offence or without a written order issued by the judge or the authority in charge of maintaining public order, unless the person concerned is a fugitive from justice or is caught in the act; but in all cases, he shall be brought

before a competent judge within a peremptory period of twenty-four hours.

ARTICLE 38. No person may be imprisoned for debt.

ARTICLE 39. No one shall be made to suffer a penalty except for a crime, unintentional tort or misdemeanour punishable by previous law, and by virtue of a final judgment handed down by a competent authority, after the defendant has been given an opportunity to plead his defence, and upon the necessary proof of guilt.

Judicial restraint in civil or labour matters, or detentions ordered in cases of insolvency, bankruptcy or involuntary bankruptcy proceedings do not constitute violations of this article or of the two preceding articles.

ARTICLE 40. No one may be subjected to cruel or degrading treatment, or to life imprisonment, or to the penalty of confiscation. Any statement obtained by violent means shall be null and void.

ARTICLE 41. Everyone shall be entitled to receive reparation for injury or damage caused to themselves or to their property or moral interests, through recourse to the laws. Justice shall be prompt, effective, not denied, and in strict accordance with the laws.

ARTICLE 42. The same judge may not serve in various stages of a case to decide on the same issue. No person may be tried more than once for the same punishable offence. The reopening of closed criminal cases and judgments which are res judicata is prohibited, except upon a motion to reopen the case for review.

ARTICLE 43. All persons have the right to settle their differences in civil matters by means of arbitrators, even when there is a pending lawsuit.

ARTICLE 44. A court order is required for a person to be held incommunicado for more than forty-eight hours. This measure may be extended for up to ten consecutive days only, and in no case shall it prevent judicial inspection.

ARTICLE 45. Property is inviolable; no person may be deprived of his property except for a legally proven public interest, and upon prior compensation in accordance with the law. In the event of war or civil unrest, such compensation need not be made in advance. However, payment shall be made no later than two years after the emergency situation has ended.

For reasons of public necessity, the Legislative Assembly may, by a vote of two-thirds of all its members, impose limitations of social interest on property.

ARTICLE 46. Private monopolies and any acts, even if originated by law, which may threaten or restrict freedom of trade, agriculture or industry, are prohibited.

Action by the State aimed at preventing any monopolistic practices or tendencies is in the public interest.

Companies organized as de facto monopolies shall be governed by special legislation.

The establishment of new monopolies on behalf of the State or the Municipal Governments shall require the approval of two-thirds of all the members of the Legislative Assembly.

Consumers and users are entitled to the protection of their health, environment, safety and financial interests; to receive adequate and truthful information; to freedom of choice and to equal treatment. The State shall support any bodies established for the purpose of defending their rights. The law shall regulate those matters.

(As amended by Article 1°, Law No. 7607, May 29, 1996.)

ARTICLE 47. Every author, inventor, producer or merchant shall temporarily enjoy exclusive ownership of his work, invention, trademark or trade name, in accordance with the law.

ARTICLE 48. Every person has the right to present writs of habeas corpus to guarantee his freedom and personal integrity and writs of amparo to maintain or re-establish the enjoyment of other rights set forth in this Constitution as well as those of a fundamental nature established in international human rights instruments, enforceable in the Republic. Both writs shall be within the jurisdiction of the Chamber indicated in Article 10.

(As amended by Article 1°, Law No. 7128 of August 18, 1989).

ARTICLE 49. A contentious-administrative jurisdiction is hereby established as a function of the Judicial Branch for the purpose of guaranteeing the legality of the administrative function of the State, its institutions and any other entity of public law.

The misuse of power shall constitute grounds for challenging administrative acts.

The law shall protect, at very least, the personal rights and legitimate interests of those governed.

(As amended by Law No. 3124, June 25, 1963).

TITLE V

SOCIAL RIGHTS AND GUARANTEES

Sole Chapter

ARTICLE 50. The State shall seek the greatest welfare for all inhabitants of the country, organising and promoting production and the most appropriate distribution of wealth.

Every person has the right to a healthy and ecologically balanced environment, being therefore entitled to denounce any acts that may infringe said right and to claim redress for the damage caused.

The State shall guarantee, defend and preserve that right.

The Law shall determine the appropriate responsibilities and penalties.

(As amended by Article 1°, Law No. 7412, June 3, 1994.)

ARTICLE 51. The family, as the natural unit and foundation of society, is entitled to State protection. Mothers, children, the elderly and the infirm and destitute are also entitled to such protection.

ARTICLE 52. Marriage is the essential basis of the family and rests on equality of rights between spouses.

ARTICLE 53. Parents have the same obligations toward children born out of wedlock as to those born within it.

Everyone is entitled to know who his parents are, in accordance with the law.

ARTICLE 54. Any personal characterisation based on the nature of filiation is prohibited.

ARTICLE 55. The special protection of mothers and minors shall be entrusted to an autonomous institution named the Patronato Nacional de la Infancia (National Child Welfare Authority), with the collaboration of other State institutions.

ARTICLE 56. Work is a right of the individual and an obligation to society. The State shall seek to ensure that everyone has lawful, useful and properly remunerated employment, and to prevent the establishment of conditions that in any way curtail human freedom or dignity or degrade labour to the status of mere merchandise. The State guarantees the right to free choice of work.

ARTICLE 57. Every worker is entitled to a minimum wage, to be fixed periodically, for a normal working day, which will provide for his welfare and a decent living. Wages shall always be equal for equal work performed under identical conditions of efficiency.

A technical organisation appointed by law shall be in charge of all matters related to the setting of minimum wages.

ARTICLE 58. A regular working day for daytime work may not exceed eight hours a day or forty-eight hours a week. The regular working day for night work may not exceed six hours a day or thirty-six hours a week. Overtime work shall be paid at a rate of fifty percent above the stipulated wages or salaries. However, these provisions shall not apply in well-defined exceptional cases, to be determined by law.

ARTICLE 59. All workers shall be entitled to one day of rest after six consecutive workdays and to annual paid leave, the duration and time of which shall be regulated by law, but which shall not, in any case, be less than two weeks for every fifty weeks of continuous service, all without prejudice to the well-defined exceptions established by law.

ARTICLE 60. Both employers and workers may organise freely, for the exclusive purpose of obtaining and preserving economic, social or professional benefits.

Foreigners are prohibited from exercising leadership or authority in unions.

ARTICLE 61. The right of employers to lockout and of workers to strike is recognised, except in public services, as determined by law and in accordance with the legal regulations on this subject, which shall prohibit all acts of coercion or violence.

ARTICLE 62. Collective labour agreements shall have the force of law, if entered into by and between employers or employers' unions and legally organised trade unions, in accordance with the law.

ARTICLE 63. Workers dismissed without just cause shall be entitled to compensation unless they are covered by unemployment insurance.

ARTICLE 64. The State shall promote the creation of cooperatives as a means to provide better living conditions for workers. In the same way, it shall pursue the development of solidarity as an instrument of economic and social growth of the workers, both in the private sector and in the public sector.

In the same way, it shall recognize the right of employers and workers to organize freely in solidarity associations, in order to obtain better living conditions and economic and social development.

(As amended by Law No. 8952, June 21, 2011, and errata published in the Official Gazette No. 188, Sept. 30, 2011).

ARTICLE 65. The State shall promote the construction of low-cost housing and create a family homestead for workers.

ARTICLE 66. Employers shall adopt any measures necessary for the health and safety of their workers in their enterprises.

ARTICLE 67. The State shall ensure the technical and cultural training of workers.

ARTICLE 68. There shall be no discrimination with regard to wages, benefits or working conditions between Costa Ricans and foreigners, or with respect to any group of workers. Under equal conditions, Costa Rican workers shall receive preference.

ARTICLE 69. Rural sharecropper contracts shall be regulated to ensure a rational exploitation of the land and the equitable distribution of its products between landowners and tenants.

ARTICLE 70. A labour court shall be established under the Judicial Branch.

ARTICLE 71. The laws shall provide special protection to women and minors in their work.

ARTICLE 72. Until such time as unemployment insurance is established, the State shall maintain a permanent technical system of protection for those involuntarily unemployed and shall strive to reinsert them in employment.

ARTICLE 73. Social security is established for the benefit of manual and intellectual workers, regulated by a system of compulsory contributions by the State, employers and workers, to protect them against the risks of illness, disability, maternity, old age, death and other contingencies as determined by law.

The social security system shall be administered and governed by an autonomous institution known as the Caja Costarricense de Seguro Social (Costa Rican Social Security Administration). Social security funds and reserves may not be transferred or used for purposes other than those for which they were created. Occupational risk insurance shall be exclusively at the expense of employers, being governed by special provisions.

(As amended by Law No. 2737, May 12, 1961.)

ARTICLE 74. The rights and benefits to which this Chapter refers may not be waived. Their enumeration does not exclude others that may be derived from the Christian principle of social justice or established by law. They shall be applied equally to all the concurrent factors in the process of production and regulated by social and labour legislation, striving for a permanent policy of national solidarity.

TITLE VI

RELIGION

Sole Chapter

ARTICLE 75. The Roman Catholic and Apostolic Religion is the religion of the State, which contributes to its preservation, without preventing the free exercise in the Republic of other forms of worship that do not contravene universal morality or good customs.

(As amended with regard to its number by Article 1, Law No. 5703, June 6, 1975).

TITLE VII

EDUCATION AND CULTURE

Sole Chapter

ARTICLE 76. Spanish is the official language of the nation. However, the State shall ensure the maintenance and cultivation of national indigenous languages.

(As added by Article 2, Law No. 5703, June 6, 1975 and subsequently renovated by article 1 of Law No. 7878 of May 27, 1999).

ARTICLE 77. Public education shall be organised as a comprehensive process correlated in its various phases, from preschool to university education.

ARTICLE 78. Preschool education and general basic education are compulsory. In the public system, these levels and the diversified education level are free of charge and supported by the Nation.

Public expenditure on State education, including higher education, shall not be less than eight percent (8%) per annum of the gross domestic product, in accordance with the law, without detriment to the provisions of Articles 84 and 85 of this Constitution.

The State shall facilitate technological access to all levels of education, as well as the pursuit of higher education by persons who lack monetary resources. The Ministry of Public Education, through the organisation established by law, shall be in charge of awarding scholarships and assistance.

(As amended by Law No. 8954, of June 9, 2011, previously modified by Law N° 7676, of July 23, 1997)

ARTICLE 79. Freedom of teaching is guaranteed. However, all private educational centres shall be under the supervision of the State.

ARTICLE 80. Private initiative in educational matters shall be encouraged by the State, in such form as provided by law.

ARTICLE 81. The general administration of public education shall be in the hands of a superior board, composed as provided by law and presided over by the corresponding Minister.

ARTICLE 82. The State shall provide food and clothing for indigent pupils, in accordance with the law.

ARTICLE 83. The State shall organise and support adult education, with the aim of combating illiteracy and providing cultural opportunities for those who wish to improve their intellectual, social, and economic position.

ARTICLE 84. The University of Costa Rica is a higher learning institution that enjoys independence in the performance of its functions and has full legal capacity to acquire rights and contract obligations, as well as to determine its own organisation and form of government. Other state institutions of higher learning at university level shall have the same functional independence and legal capacity as the University of Costa Rica.

The State shall endow these institutions with their own funds and cooperate in their financing.

(As amended by Law No. 5697, June 9, 1975.)

ARTICLE 85. The State shall endow the University of Costa Rica, the Technological Institute of Costa Rica, the National

University and the State Distance Education University with their own funds, creating their own revenues for them in addition to those that they themselves may create. It shall also maintain - using the current revenues and any others that may be necessary - a special fund for the financing of State Higher Education.

The Central Bank of Costa Rica shall manage this fund, making the proceeds available in twelfths on a monthly basis, to the order of said institutions, in accordance with the distribution determined by the body responsible for coordinating State Higher Education at university level. The revenues from this special fund cannot be abolished or reduced, unless other improvements to replace them are simultaneously created.

The body in charge of coordinating State Higher Education at university level shall prepare a national plan for this level of education, taking into account the guidelines established by the National Development Plan in force.

This Plan shall be completed no later than the thirtieth day of June of the years divisible by five, covering the next five-year period. It shall include operating expenditures as well any investment expenses deemed necessary for a good performance by the institutions specified in this article.

The Executive Branch shall include in the nation's Ordinary Budget of expenditure the appropriate items specified in the plan, adjusted in accordance with the variations in the purchasing power of currency.

Any dispute that may arise with regard to the approval of the sum budgeted in the National Plan for State Higher Education shall be resolved by the Legislative Assembly.

(As amended by Law No. 6580, May 18, 1981).

ARTICLE 86. The State shall provide for the training of professional teachers through special institutions of the University of Costa Rica and of the other higher education institutions at university level.

(As amended by Law No. 5697, June 9, 1975).

ARTICLE 87. Freedom of teaching is a fundamental principle of university education.

ARTICLE 88. For the discussion and enactment of Bills concerning matters under the jurisdiction of the University of Costa Rica or of other institutions of higher education at university level, or directly related thereto, the Legislative Assembly shall previously consult the University Council or the governing body of each institution.

(As amended by Law No. 5697, June 9, 1975).

ARTICLE 89. The cultural aims of the Republic include: to protect its natural beauty, to preserve and develop the historic and artistic wealth of the Nation, and to support private initiatives in pursuit of scientific and artistic progress.

TITLE VIII

POLITICAL RIGHTS AND DUTIES

CHAPTER I

Citizenship

ARTICLE 90. Citizenship is the aggregate of political rights and duties pertaining to Costa Ricans over eighteen years of age. (As amended by Law No. 4763, May 17, 1971.)

ARTICLE 91. Citizenship is suspended only:

1. By judicially declared interdiction;
2. By a judgment imposing the penalty of suspension of the exercise of political rights.

ARTICLE 92. Citizenship is restored in such cases and by such means as the law may provide.

CHAPTER II

Suffrage

ARTICLE 93. Suffrage is a fundamental and compulsory civic duty and is exercised before Election Boards through a direct and secret ballot by citizens registered in the Civil Registry.

(As amended by Law No. 2345, May 20, 1959.)

ARTICLE 94. A naturalised Costa Rican citizen may not vote until twelve months after obtaining the respective certificate of naturalisation.

ARTICLE 95. The law shall regulate the exercise of suffrage, in accordance with the following principles:

1. The autonomy of the electoral system;
2. The State's duty to officially register citizens in the Civil Registry and provide them with an identity card to exercise suffrage;
3. Effective guarantees of freedom, order, integrity and impartiality on the part of government authorities;
4. Guarantees that the voting system facilitates the exercise of this right to citizens;
5. Identification of the voter by means of an identity card with a photograph or any other appropriate technical means established by law for this purpose;
6. Guarantees for the representation of minorities.
7. Guarantees of political pluralism;
8. Guarantees for the appointment of authorities and candidates of political parties, in accordance with democratic principles and without discrimination based on gender.

(As amended by Article 1°, Law No.7675, of July 2, 1997)

ARTICLE 96. The State may not make any deductions from the salaries of public officials for the payment of political debts. The State shall contribute to defray the costs incurred by political parties, in accordance with the following provisions:

- 1.-The contribution shall be the equivalent of zero point nineteen percent (0.19%) of the gross domestic product of the two years prior to the holding of the elections for President, Vice Presidents of the Republic and members of the Legislative Assembly. The law shall determine the cases in which a reduction of said percentage may be approved.

This percentage shall be allocated to cover the expenses incurred by the political parties participating in these electoral processes and to meet their political organisation and training needs. Each political party shall establish the percentages corresponding to these items.

2. - The political parties that participate in the electoral processes indicated in this article and obtain at least four percent (4%) of the validly cast votes at national level, or the parties registered at provincial level that obtain at least said percentage in the province or elect at least one member to the Legislative Assembly shall be entitled to State contribution.

3. - Upon deposit of the appropriate bonds, the political parties shall be entitled to a partial advance of the State contribution, as determined by law.

4. -In order to receive support from the State, political parties are required to disclose their expenses before the Supreme Electoral Tribunal.

Private contributions to political parties shall be subject to the principle of publicity and shall be regulated by law.

The enactment and amendment of the law establishing the procedures, means of control and other regulations for the enforcement of this article shall require the vote of two-thirds of the members of the Legislative Assembly.

(As amended by Article 1º, Law No. 7675, of July 2, 1997)

ARTICLE 97. For the purposes of discussion and enactment of Bills concerning electoral matters, the Legislative Assembly shall consult the Supreme Electoral Tribunal, requiring the vote of two-thirds of all its members to deviate from its opinion.

However, within the six months prior to and four months after a popular election is held, the Legislative Assembly may not enact any law based on bills concerning matters about which the Supreme Electoral Tribunal had expressed disagreement.

ARTICLE 98. All citizens have the right to organise themselves in parties in order to participate in national politics, provided that such parties are committed in their platforms to respect the constitutional order of the Republic.

Political parties shall express political pluralism, contribute to the formation and manifestation of popular will and shall be fundamental instruments for political participation. Their creation and the exercise of their activities shall be free within a context of respect for the Constitution and the law. Their internal structure and operation shall be democratic.

(As amended by Article 1°, Law No.7675, of July 2, 1997)

CHAPTER III

The Supreme Electoral Tribunal

ARTICLE 99. The organisation, administration, and supervision of acts pertaining to suffrage are the exclusive function of the Supreme Electoral Tribunal, which enjoys independence in the performance of its duties. All other electoral organs are subordinate to the Tribunal.

ARTICLE 100. The Supreme Electoral Tribunal shall be ordinarily composed of three regular members and six alternates, appointed by the Supreme Court of Justice by a vote of no less than two-thirds of its members. They shall have the same

qualifications and be subject to the same responsibilities as those established for the justices of the Supreme Court.

From one year prior to and six months after the holding of general elections to elect the President of the Republic or the members of the Legislative Assembly, the Supreme Electoral Tribunal shall increase the number of its members, incorporating two of its alternates in order to become a tribunal of five members to serve during that period.

When applicable, the members of the Supreme Electoral Tribunal shall be subject to the working conditions and the minimum working day established by the Structural Law of the Judicial Branch for justices of the Appellate Chamber. They shall also receive the same compensation fixed for those justices.

(As amended by Law No. 2345, May 20, 1959 and Law No. 3513, June 24, 1965.)*

ARTICLE 101. The members of the Supreme Electoral Tribunal shall hold office for a term of six years. The term in office of one regular member and two alternates shall be renewed every two years, but they may be re-elected.

The justices of the Supreme Electoral Tribunal shall enjoy the same immunities and prerogatives as members of the Supreme Branches of Government.

(As amended by Law No. 3513, June 24, 1965.)

ARTICLE 102. The Supreme Electoral Tribunal has the following functions:

1. To convoke popular elections;
2. To appoint the members of the Electoral Boards, in accordance with the law;

3. To interpret, with exclusive and binding effect, all constitutional and legal provisions on electoral matters;

4. To hear appeals against resolutions issued by the Civil Registry and the Electoral Boards;

5. To investigate directly, or through delegates, and render decisions on any claims made by parties regarding the political partiality of State officials in the performance of their duties or the political activities conducted by officials who are prohibited from engaging in such activities. A verdict of guilty rendered by the Tribunal shall be grounds for compulsory dismissal and shall disqualify the wrongdoer from holding public office for a period of no less than two years, without prejudice of any criminal liability that may be established. However, if the investigation conducted includes charges against the President of the Republic, Cabinet Ministers, Diplomatic Ministers, the Comptroller General or the Assistant Comptroller of the Republic, or Justices of the Supreme Court, the Tribunal shall report the findings of its investigation to the Legislative Assembly;

6. To adopt, with respect to the police force, appropriate measures to ensure that elections are carried out under conditions of unrestricted freedom and guarantees. In the event that military recruitment is decreed, the Tribunal may also adopt suitable measures to ensure that the electoral process is not hindered, so that all citizens may freely cast their votes. The Tribunal may enforce these measures directly, or through its appointed delegates;

7. To conduct the final count of the votes cast in the elections for President and Vice Presidents of the Republic, members of the Legislative Assembly, members of Municipal Governments and Representatives to Constituent Assemblies;

8. To issue the official declaration of results of the election of the President and Vice Presidents of the Republic within thirty days following the date of the election, and of other officials mentioned in the foregoing subsection within the period established by law;

9. To organise, direct, supervise, count and announce the results of the referendum process. No more than one referendum may be held in one year, nor may it take place during the six months prior to or after a presidential election. The results shall be binding for the State if at least thirty percent (30%) of the citizens registered in the electoral roll participate, in the case of ordinary legislation, and at least forty percent (40%) in the case of partial amendments to the Constitution and matters requiring legislative approval by a qualified majority.

(Added by clause a) of Article 2 of Law N° 8281, May 28, 2002)

10. Any other functions entrusted to it by this Constitution or by the laws.

ARTICLE 103. There is no appeal against the decisions of the Supreme Electoral Tribunal, except for actions on the grounds of breach of public duty.

ARTICLE 104. The Civil Registry shall be exclusively under the jurisdiction of the Supreme Electoral Tribunal, and its functions are:

1. To keep the Main Civil Register and prepare the lists of voters;

2. To decide on applications to acquire or recover Costa Rican citizenship, as well as cases of loss of nationality; to enforce Court resolutions suspending citizenship and to issue a resolution on proceedings conducted to recover it. The decisions rendered by the Civil Registry, in accordance with the powers vested upon

it by this subsection, may be appealed to the Supreme Electoral Tribunal;

3. To issue identity cards;

4. Any other powers vested in it by this Constitution and the laws.

TITLE IX

THE LEGISLATIVE BRANCH

Chapter I

Organisation of the Legislative Assembly

ARTICLE 105. The power to legislate resides in the People, who delegate this power, by means of suffrage, to the Legislative Assembly. Such a power may not be waived or limited by any agreement or contract, either directly or indirectly, except in the case of treaties, according to the principles of International Law. (As amended by Law No. 7128, August 18, 1989.)

The People may also exercise this power through a referendum to approve or repeal laws and partial amendments to the Constitution, when convoked by at least five percent (5%) of the citizens registered in the electoral roll; also the Legislative Assembly, through the approval of two-thirds of all its members, or the Executive Branch together with an absolute majority of all the members of the Legislative Assembly.

A referendum shall not be admissible for Bills related to budgetary, tax, fiscal or monetary matters, credit, pensions, security, approval of public loans and contracts or acts of an administrative nature.

This institute shall be regulated by two-thirds of all the members of the Legislative Assembly.

(As amended by Article 1 of Law N° 8281, May 28 2002)

ARTICLE 106. The Representatives shall represent the People and shall be elected for the provinces.

The Assembly is composed of fifty-seven Representatives. Whenever a general population census is conducted, the Supreme Electoral Tribunal shall allocate to the provinces a number of Representatives in proportion to their population.

(As amended by subsection 2 of the single Article of Law No. 2741, May 12, 1961.)

ARTICLE 107. Representatives shall hold office for four years and may not be re-elected to a succeeding term.

ARTICLE 108. The requirements to become a Representative are:

1. To be a citizen in the exercise of his rights;
2. To be a Costa Rican by birth, or by naturalisation with ten years of residence in the country after naturalisation;
3. To be at least twenty-one years of age.

ARTICLE 109. The following may not be elected as Representatives or register as candidates for said office:

1. The President of the Republic or anyone acting as such at the time of the election;
2. Cabinet Ministers;
3. Regular Justices of the Supreme Court of Justice;
4. Regular members and alternates of the Supreme Electoral Tribunal, and the Director of the Civil Registry Office;
5. The military in active service;
6. Those having jurisdiction or exercising civil or police authority over any province;
7. Managers of autonomous institutions;
8. Relatives of the person who is then holding the office of President of the Republic, up to and including the second degree of consanguinity or affinity.

These incompatibilities shall affect anyone holding the aforesaid positions within six months prior to the date of the election.

ARTICLE 110. A Representative is not liable for any opinions expressed at the Assembly. During legislative sessions, he cannot be arrested on civil grounds, except with the authorisation of the Assembly or with his consent.

From the time a person is declared elected as Representative or as an alternate Representative, until his legal term in office expires, he may not be deprived of his freedom on criminal grounds, unless he has been previously suspended by the Assembly. Such immunity does not apply in cases of flagrante delicto or when the Representative waives it. Nevertheless, a Representative who has been arrested for flagrante delicto shall be released if the Assembly so orders.

ARTICLE 111. After taking the oath of office, no Representative may accept any position or employment with other State Branches or autonomous institutions, under penalty of losing his credentials, except as a Cabinet Minister. In this case, he

shall be reinstated in the Assembly when he no longer holds that position.

This prohibition does not apply to those appointed as members of international delegations or those holding positions in charitable institutions, or who are professors of the University of Costa Rica or other State institutions of higher education.
(As amended by Law No. 5697, June 9, 1975.)

ARTICLE 112. The legislative function is also incompatible with the holding of any other public office of popular election. Representatives may not enter into any contract with the State or its autonomous institutions, directly or indirectly or through representation, or obtain any concession of public property that may involve a privilege, or serve as directors, administrators or managers of companies that enter into contracts with the State for public works, procurement of supplies, or operation of public utilities.

Violation of any of the prohibitions mentioned in this or the foregoing article shall result in the loss of credentials as Representative. The same shall apply to any Representative who violates any of these provisions while serving as a Cabinet Minister.

ARTICLE 113. The law shall establish the remuneration as well as any technical and administrative assistance provided to Representatives.
(As amended by Law No. 6960, June 1, 1984).

ARTICLE 114. The Assembly shall be based at the capital of the Republic and the vote of two-thirds of its members shall be required to transfer its seat to another location or to suspend its sessions for a specific period.

ARTICLE 115. The Assembly shall elect its Directorate at the beginning of each legislative period. Its President and Vice President must fulfil the same conditions required to be President of the Republic. The President of the Assembly shall take an oath before the Assembly, and the Representatives before the President.

ARTICLE 116. The Legislative Assembly shall meet each year on the first day of May, even if it has not been convoked, and its period of regular sessions shall last six months, divided into two periods: from the first day of May to the thirty-first day of July and from the first day of September to the thirtieth day of November. One Legislative Period includes all regular and extraordinary sessions held between the first day of May and the next thirtieth day of April.

ARTICLE 117. The Assembly may not hold sessions without the attendance of two-thirds of its total membership.

If it is not possible to initiate a session on the appointed day or, if after opening it, it cannot continue due to lack of a quorum, the members present shall urge the absent members to attend, under penalty of the sanctions established by the Regulations, and the Assembly shall open or continue its sessions when attended by the required number of members.

Sessions shall be public, unless for very special reasons of general convenience the Assembly decides to make them secret by a vote of no less than two-thirds of the Representatives present.

ARTICLE 118. The Executive Branch may summon the Legislative Assembly to extraordinary sessions. No issues other than those stated in the decree of convocation may be discussed, except for the appointment of officials when incumbent upon the Assembly or any legal amendments that may be essential to act upon issues submitted to its consideration.

ARTICLE 119. The resolutions of the Assembly shall be adopted by the absolute majority vote of the attending Representatives, except in those cases in which this Constitution requires a qualified majority.

ARTICLE 120. The Executive Branch shall place at the disposal of the Legislative Assembly such police force as the President of the Assembly may request.

CHAPTER II

Powers of the Legislative Assembly

ARTICLE 121. In addition to other powers vested in it by this Constitution, the Legislative Assembly has exclusive powers to:

1. Enact, amend, repeal and give an authentic interpretation to the laws, except as otherwise provided in the chapter referring to the Supreme Electoral Tribunal;
2. Designate the premises to be used for its sessions, open and close the sessions and suspend or continue them, as determined by the Assembly;
3. Appoint the regular and alternate Justices of the Supreme Court of Justice;
4. Approve or not approve international conventions, public treaties and concordats.

Public treaties and international conventions that confer or transfer certain powers to a community legal order for the

purpose of achieving common regional objectives shall require the approval of the Legislative Assembly by a vote of not less than two-thirds of its entire membership.

Protocols of lesser rank derived from public treaties or international conventions approved by the Assembly, shall not require legislative approval when these instruments expressly authorise such Protocols.

(As amended by Law No. 4123, May 31, 1968.)

5. Give or withhold its consent for the presence of foreign troops on national territory and for the presence of warships or aircraft at ports or airfields;

6. Authorise the Executive Branch to declare a state of national defence and to reach peace agreements;

7. Suspend, by a vote of no less than two-thirds of its entire membership, in the case of clear public interest, the individual rights and guarantees conferred by Articles 22, 23, 24, 26, 28, 29, 30 and 37 of this Constitution. This suspension may include all or certain rights and guarantees, throughout the territory or only in a part of it, for no more than thirty days. During the suspension, and with respect to persons, the Executive Branch may order their detention only in establishments not used for common criminals, nor may order their confinement to inhabited places. It must also report to the Legislative Assembly, at its next meeting, any measures taken to safeguard public order or maintain the security of the State. In no case may individual rights and guarantees not listed in this subsection be suspended;

8. Take the legal oath and receive the resignation of members of the Supreme Branches of Government, with the exception of Cabinet Ministers; settle any doubts that may arise in the event of the physical or mental incapacity of the person exercising the

Presidency of the Republic, and decide whether to summon his legal substitute to take office;

9. Admit or dismiss any charges made against the person exercising the Presidency of the Republic, the Vice Presidents, members of the Supreme Branches and Diplomatic Ministers, declaring by a vote of two-thirds of the entire Assembly whether or not there are grounds for legal action, and if so, placing the accused at the disposition of the Supreme Court of Justice for prosecution;

10. Order the suspension of any officials mentioned in the preceding subsection, if they are to be prosecuted for common crimes;

11. Establish the regular and extraordinary budgets of the Republic;

12. Appoint the Comptroller General and the Assistant Comptroller General of the Republic;

13. Levy taxes and national contributions and authorise Municipal taxes;

14. Order the disposal or public use of property that belongs to the Nation.

The following property may not be permanently removed from State ownership:

a. Any power that may be obtained from public waters within the national territory;

b. Deposits of coal, wells and deposits of oil and any other hydrocarbons, as well as any deposits of radioactive minerals existing within the national territory;

c. Wireless services;

Property mentioned in subsections a), b), and c) above may only be exploited by the public administration or by private parties, in accordance with the law or under a special concession granted for a limited period and based on conditions and stipulations to be established by the Legislative Assembly.

National railroads, docks, and airports --the latter while in service -- may not be sold, leased or encumbered, directly or indirectly, or be otherwise removed from State ownership and control.

15. Approve or not approve loans or similar agreements affecting public credit, entered into by the Executive Branch.

In order to sign loan agreements abroad, or within the country but financed with foreign capital, the respective project must be approved with the vote of two-thirds of the entire membership of the Legislative Assembly.

(As amended by Law No. 4123, May 31, 1968.)

16. Bestow honorary citizenship for distinguished services rendered to the Republic and decree honours to the memory of persons whose eminent activities have made them worthy of such a distinction.

17. Establish the law on the unit of currency and enact laws on currency, credit, weights and measures. For the purpose of determining the law of the unit of currency, the Assembly shall

previously hear the opinion of the technical body in charge of monetary regulation.

18. Promote the progress of science and the arts and guarantee authors and inventors ownership of their respective works or inventions for a limited time.

19. Create establishments for teaching and the advancement of the sciences and arts, allocating revenues to support these and, in particular, endeavouring to make elementary education universal.

20. Establish the Courts of Justice and other entities for the national service.

21. By a vote of no less than two-thirds of all its members, grant general amnesties and pardons for political crimes, except electoral offences, for which there shall be no mercy;

22. Establish Regulations for its internal operation, which, after being adopted may not be amended, except by a vote of no less than two-thirds of all its members;

23. Appoint commissions from among the membership to investigate any matter entrusted to them by the Assembly and submit the appropriate report.

Said Commissions shall have free access to all official agencies to conduct their investigations and collect any data they may deem necessary. They may receive any kind of evidence and may summon any person to appear before them for questioning;

24. Formulate questions to Cabinet Ministers and, in addition, by a vote of two-thirds of the Representatives present, censure such officials if, in the opinion of the Assembly, they are guilty of illegal or unconstitutional acts or serious errors that have

caused or may cause obvious damage to the public interest. In both cases, diplomatic matters under negotiation or those concerning pending military operations are exempted.

ARTICLE 122. The Assembly is prohibited from not giving votes of applause relating to official acts, or recognising as incumbent upon the Public Treasury obligations that have not been previously declared as such by the Judicial Branch or agreed upon by the Executive Branch; or from granting scholarships, pensions, retirement annuities or rewards.

CHAPTER III

Enactment of Laws

ARTICLE 123. During regular sessions, the initiative for the enactment of laws may be taken by any member of the Legislative Assembly, or by the Executive Branch through the Cabinet Ministers and by at least five percent (5%) of the citizens registered in the electoral roll, if the Bill is a popular initiative.

A popular initiative shall not be admissible for Bills related to budgetary, tax, fiscal matters, the approval of loans and contracts or acts of an administrative nature.

Bills of popular initiative must be voted definitively within the preemptory period indicated by law, except those pertaining to constitutional amendments, which shall follow the process stipulated in Article 195 of this Constitution.

A law adopted by two-thirds of all the members of the Legislative Assembly shall regulate the form, requirements and other conditions that must be fulfilled by Bills of popular initiative.

(As amended by clause b) of Article 1 of Law N° 8281, May 28 2002)

ARTICLE 124. In order to become law, every Bill shall be subject to two debates, each on a different non-consecutive day. It shall obtain the approval of the Assembly and the sanction of the Executive Branch, and be published in the Official Journal, without prejudice to the requirements established by this Constitution for special cases and for those decided by popular initiative and referendum, according to Articles 102, 105, 123 and 129 of this Constitution. Therefore, decisions taken exercising the powers enumerated in clauses 2), 3), 5), 6), 7), 8), 9), 10), 12), 16), 21), 22), 23) and 24) of Article 121, as well as the legislative action to convoke a referendum, shall not have the character of laws and shall therefore not require the foregoing procedure; these shall be voted at a single session and then published in the Official Journal (La Gaceta).

(The preceding paragraph was amended by clause c) of Article 1 of Law N° 8281, May 28 2002)

The Legislative Assembly may delegate the discussion and passing of Bills to permanent commissions. However, the Assembly may, at any time, suspend the discussion or voting of Bills that have been delegated.

Delegation is not admissible in the case of Bills concerning electoral matters, the creation of national taxes or the modification of existing taxes, the exercise of the powers set forth in clauses 4), 11), 14), 15) and 17) of Article 121 of the Political Constitution, the calling of a Constituent Assembly for any purpose, and a partial amendment to the Political Constitution.

The Assembly shall appoint permanent commissions with full legislative powers, in such a way that their composition shall

reflect, on a proportional basis, the number of representatives of the constituent political parties. Delegation of Bills shall be approved by a majority of two-thirds of all members of the Assembly and their withdrawal by an absolute majority of the Representatives present.

The Rules of Procedure of the Legislative Assembly shall regulate the number of commissions and other conditions for the delegation and withdrawal of Bills, as well as the procedures to be applied in such cases.

Legislative approval of contracts, agreements and other acts of an administrative nature shall not vest in such acts the character of laws, even if such approval is given through the regular procedure for the enactment of laws.

(As amended by Article 1, Law No. 7347, July 1, 1993.)

ARTICLE 125. If the Executive Branch does not approve a Bill passed by the Assembly, it shall veto it and return it with the pertinent objections. The veto is not admissible for the Bill containing the Regular Budget of the Republic.

ARTICLE 126. Within ten working days counted from the date on which a Bill passed by the Legislative Assembly is received, the Executive Branch may object to it as inappropriate or in need of amendments; in the latter case, the Executive Branch shall propose such amendments when returning the Bill. If the Executive Branch does not object to a Bill within said term, it shall approve and publish it.

ARTICLE 127. When a Bill is reconsidered by the Assembly with the observations of the Executive Branch, if the Assembly rejects them and the Bill is again passed by a vote of two-thirds of the total membership, it is thereby sanctioned and shall be

enforced as a law of the Republic. If the proposed amendments are adopted, the Bill shall be returned to the Executive Branch, which may not refuse to sanction it. If these are rejected, and the Bill is not approved by a vote of two-thirds, it shall be filed and may not be considered until the next legislative period.

ARTICLE 128. If the veto is based on grounds of unconstitutionality not accepted by the Assembly, the latter shall send the Bill to the Chamber referred to in Article 10 to decide upon the matter within thirty calendar days following receipt of the written proceedings. Any provisions declared to be unconstitutional shall be considered rejected and the others shall be submitted to the Assembly for the appropriate proceedings. The same shall be done with a Bill passed by the Legislative Assembly, when the Chamber rules that it does not contain unconstitutional provisions.

(As amended by Law No. 7128, August 18, 1989.)

ARTICLE 129. Laws are binding and take effect from the date designated therein; in the absence of this stipulation, these shall take effect ten days after publication in the Official Journal. No person may claim ignorance of the law, except when authorised by the law itself.

Waiver of laws in general or any special waiver of laws of public interest shall not be valid.

Acts and agreements against prohibitive laws shall be null and void, unless otherwise provided by the law itself.

A law may not be abrogated or repealed except by a subsequent law, and its observance shall not be excused on grounds of disuse, custom, or practice to the contrary. The People may abrogate

or repeal a law by means of a referendum, in accordance with Article 105 of this Constitution.
(The preceding paragraph was amended by clause d) of Article 1 of Law N° 8281, May 28 2002)

TITLE X

THE EXECUTIVE BRANCH

CHAPTER I

The President and the Vice President of the Republic

ARTICLE 130. The Executive Power is exercised, on behalf of the People, by the President of the Republic and the Cabinet Ministers in the capacity of subordinate collaborators.

ARTICLE 131. The requirements to be President or Vice President of the Republic are:

- 1) To be Costa Rican by birth and a citizen in the exercise of his rights;
- 2) To be layperson;
- 3) To be over thirty years of age.

ARTICLE 132. The following may not be elected President or Vice President:

A person who has served as President during any period of time within the eight years prior to the term for which the election is being held, or a Vice President or whoever has replaced him, who has served for the greater part of a constitutional term.

2) A Vice President who has held this office during the twelve months preceding the election, and who, acting as such, may have occupied the Presidency for any period during such term;

3) Any ancestor or descendant by consanguinity or affinity or sibling of the person occupying the Presidency of the Republic at the time of the election, or of any person who has held such office for any period during the six months preceding that date;

4) Anyone who has been a Cabinet Minister during the twelve months preceding the date of the election;

5) Regular Justices of the Supreme Court of Justice, Regular and Alternate Justices of the Supreme Electoral Tribunal, the Director of the Civil Registry, the Directors or Managers of autonomous institutions, the Comptroller General of the Republic and the Assistant Comptroller.

This disqualification includes persons who have held said positions within the twelve months preceding the date of the elections.

ARTICLE 133. The election for President and Vice Presidents shall be held on the first Sunday of February of the year in which these officials are to be elected.

ARTICLE 134. The presidential term shall be four years. Actions by public officials and private individuals that violate the principle of alternation in the Presidential office, or of free presidential succession, as set forth in this Constitution, shall be considered treason to the Republic. The liability derived from such actions shall not be subject to any statute of limitations.

ARTICLE 135. There shall be two Vice Presidents of the Republic, who shall replace the President during his permanent absence, in the order of their nomination. During his temporary

absence, the President may call upon either Vice President to replace him.

If neither Vice President is able to fill the temporary or permanent absence of the President, the position shall be held by the President of the Legislative Assembly.

ARTICLE 136. The President and the Vice Presidents of the Republic shall take office on the eighth day of May; upon completion of their constitutional term of office, their functions shall cease.

ARTICLE 137. The President and the Vice Presidents shall take an oath before the Legislative Assembly; if they are unable to take the oath before the Assembly, they shall do so before the Supreme Court of Justice.

ARTICLE 138. The President and the Vice Presidents shall be elected simultaneously and by a majority vote that exceeds forty percent of the total number of validly cast votes*.

The candidates for President and Vice Presidents of one party shall appear on a single ticket, with the exclusion of any other official to be elected.

If none of the tickets attains the required majority, a second popular election shall be held on the first Sunday of April of the same year between the two tickets that received the highest number of votes, with the one that obtains the most votes in the second round being duly elected.

If both tickets obtain an equal number of sufficient votes in any election, the oldest candidate shall be elected as President, and the Vice Presidents shall be the candidates on the same ticket.

Citizens included in a ticket already registered according to law may not withdraw their candidacy for President or Vice President, nor may candidates of the two tickets that received the highest number of votes in a first election refrain from running in the second election.

CHAPTER II

Powers and Duties of the Executive Branch

ARTICLE 139. The following are the exclusive powers and duties of the President of the Republic:

- 1) To freely appoint and remove Cabinet Ministers;
- 2) To represent the Nation in acts of an official nature;
- 3) To be the commander-in-chief of the law enforcement forces;
- 4) To present to the Legislative Assembly, at the beginning of each annual period of sessions, a written message concerning the various matters of the Administration and the political situation in the Republic, and also proposing any measures deemed important for the proper conduct of the Government and the progress and well-being of the Nation;
- 5) To notify the Legislative Assembly whenever he proposes to leave the country and inform it of the reasons for his trip.

(As amended this subsection by Law No. 7674, of June 17, 1997)

ARTICLE 140. The following powers and duties are held jointly by the President and the appropriate Cabinet Minister:

- 1) To freely appoint and remove members of the law enforcement agencies, employees and officials who hold positions of trust, and others as determined, in very specific cases, by the Civil Service Law;
- 2) To appoint and remove, subject to the prior requirements of the Civil Service Law, all other employees under its authority;
- 3) To sanction, enact, regulate and enforce the laws and ensure strict compliance with these;
- 4) During recess periods of the Legislative Assembly, to order the suspension of the rights and guarantees to which subsection 7) of Article 121 refers, in the same instances and with the same limitations as established therein, and to report said action immediately to the Assembly. A decree of suspension of guarantees is equivalent, ipso facto, to a summons of the Assembly, which shall meet within the following forty-eight hours. If the Assembly does not confirm the measure by a vote of two-thirds of all its members, the guarantees shall be considered duly restored.

If the Assembly is unable to meet due to lack of quorum, it shall do so the following day with any number of members. In this case, the decree of the Executive Branch must be approved by a vote of no less than two-thirds of the attending members;

- 5) To exercise the initiative in the enactment of laws and the right of veto;
- 6) To maintain order and tranquillity in the Nation; to take such measures as may be necessary to safeguard public liberties;
- 7) To provide for the collection and expenditure of the national revenues according to law;

8) To oversee the proper operation of administrative services and agencies;

9) To execute and enforce all resolutions and provisions on matters within their jurisdiction entered and issued by the Courts of Justice and electoral organisations, at their request;

10) To enter into and sign agreements, public treaties and concordats, and enact and execute them following their approval by the Legislative Assembly or by a Constituent Assembly, when such approval is required by this Constitution.

Protocols derived from such public treaties or international agreements that do not require legislative approval shall enter into force as soon as they are promulgated by the Executive Branch.

(As amended by Law No. 4123, May 31, 1968.)

11) To submit to the Legislative Assembly such reports as it may request in the exercise of its powers;

12) To direct the international relations of the Republic;

13) To receive Heads of State and diplomatic representatives and admit the Consuls of other nations;

14) To convoke the Legislative Assembly for regular and extraordinary sessions;

15) To send the National Budget Bill to the Legislative Assembly at the time and in accordance with the requirements set forth in this Constitution;

16) To dispose of the law enforcement forces to preserve the order, defence, and security of the country;

17) To issue navigation licenses;

18) To issue appropriate Regulations for the internal operation of their offices as well as other regulations and ordinances required for the prompt application of the laws;

19) To sign administrative contracts not included in subsection 14) of Article 121 of this Constitution, but with the requirement to submit these to the approval of the Legislative Assembly when they provide for exemption from taxes or duties, or when their purpose is the exploitation of public services or the natural wealth or resources of the State.

(Article 2 of Law No. 5702, June 5, 1975, suppressed the phrase allowing exceptions for special cases regulated by law)

Legislative approval of such contracts does not give these the status of laws nor does it exempt them from being under their legal administrative regime. The provisions contained in this subsection are not applicable to the loans or other similar agreements to which subsection 15) of Article 121 refers, which shall be governed by special rules.

(Added by Article 2 of Law No. 5702, June 5, 1975).

20) To fulfil any other duties and exercise any other powers vested in them by this Constitution and the laws.

CHAPTER III

Cabinet Ministers

ARTICLE 141. Cabinet Ministers shall be appointed as provided by law to attend to matters pertaining to the Executive Branch.

One Minister may be in charge of two or more Ministries.

ARTICLE 142. The requirements to be a Minister are:

- 1) To be a citizen in the exercise of his rights;
- 2) To be a Costa Rican by birth, or by naturalisation with ten years' residence in the country after naturalisation;
- 3) To be a layperson;
- 4) To be at least twenty-five years of age.

ARTICLE 143. The office of Minister is not compatible with the exercise of any other public position, either by popular election or otherwise, except when special laws entrust a Minister with additional duties. The rules, prohibitions and sanctions set forth in Articles 110, 111, and 112 of this Constitution are applicable to Ministers as and when appropriate.

Vice Presidents of the Republic may hold office as Ministers.

ARTICLE 144. Cabinet Ministers shall submit a report to the Legislative Assembly each year, within the first fifteen days of the first period of regular sessions, on matters that concern their Ministries.

ARTICLE 145. Cabinet Ministers may attend sessions of the Legislative Assembly at any time, with the right to speak but not to vote, and are required to do so when ordered by the Assembly.

ARTICLE 146. Decrees, resolutions and orders of the Executive Branch require the signatures of the President of the Republic and the appropriate Minister in order to be valid, and in addition, in those cases set forth by this Constitution, the approval of the Government Council.

The signature of the President of the Republic shall suffice for the appointment and removal of Ministers.

CHAPTER IV

The Government Council

ARTICLE 147. The Government Council is composed of the President of the Republic and the Ministers, being presided over by the former, with the following duties:

- 1) To request from the Legislative Assembly a declaration of a state of national defence and authorisation to order military recruitment, organise the army and negotiate peace;
- 2) To exercise the right of pardon in the manner established by law;
- 3) To appoint and remove the Diplomatic Representatives of the Republic;
- 4) To appoint the directors of autonomous institutions when such appointments are a duty of the Executive Branch;
- 5) To deal with any other matters submitted by the President of the Republic who, if the gravity of any matter so requires, may invite other persons to participate in the Council's deliberations in an advisory capacity.

CHAPTER V

Responsibility of the Persons Exercising the Executive Power

ARTICLE 148. The President of the Republic shall be accountable for his exercise of those powers vested exclusively to him under this Constitution. Each Cabinet Minister shall be jointly accountable with the President for the exercise of powers

that this Constitution vests in both. Accountability for the acts of the Government Council shall extend to all those who voted to adopt the resolution in question.

ARTICLE 149. The President of the Republic and any Cabinet Minister who has been involved in any of the following acts shall also be held jointly accountable:

- 1) Acts that in any way compromise the freedom, political independence or territorial integrity of the Republic;
- 2) Acts that directly or indirectly prevent or hinder popular elections or violate the principles of alternation in the office of the Presidency or of free presidential succession, or the freedom, order or purity of suffrage;
- 3) Acts that prevent or hinder the duties of the Legislative Assembly or restrict its freedom and independence;
- 4) Refusal to publish or execute the laws or any other legislative acts;
- 5) Acts that prevent or hinder the functions of the Judicial Branch or restrict the freedom of the Courts to judge cases submitted to their decision, or that in any way hinder the functions of electoral bodies or the Municipal Governments;
- 6) Any other case in which, by action or omission, the Executive Branch violates a specific law.

ARTICLE 150. The liability of the President of the Republic and of Cabinet Ministers for deeds not involving any crime may only be claimed while they are in office and for up to four years after their functions have ceased.

(As amended by Law N° 8004, June 22, 2000)

ARTICLE 151. The President, the Vice Presidents of the Republic, or whoever is occupying the Presidency, may not be prosecuted or tried except when, after impeachment proceedings, the Legislative Assembly declares that there are grounds for initiating criminal proceedings.

TITLE XI

THE JUDICIAL BRANCH

Sole Chapter

ARTICLE 152. The judicial power is exercised by the Supreme Court of Justice and by other courts established by law.

ARTICLE 153. In addition to the functions vested in it by this Constitution, the Judicial Branch shall hear civil, criminal, commercial, labour, and administrative-litigation cases, as well as any others established by law, regardless of their nature or the status of the persons involved; enter final resolutions thereon and execute the judgments entered, with the assistance of law enforcement forces, if necessary.

ARTICLE 154. The Judicial Branch is subject only to the Constitution and the law, and its decisions on matters within its jurisdiction impose no responsibilities other than those specifically set forth in legislation.

ARTICLE 155. No court may hear and rule on cases pending in another court. Only the courts of the Judicial Branch may request Court files ad effectum videndi.

ARTICLE 156. The Supreme Court of Justice is the highest court of the Judicial Branch, and all courts, officials and employees of

the Judicial Branch are subordinate to it, without prejudice to any provisions contained in this Constitution concerning civil service.

ARTICLE 157. The Supreme Court of Justice shall be composed of the number of Justices deemed necessary for a good service; they shall be elected by the Legislative Assembly, which shall make up the various Courts established by law. Any reduction whatsoever in the number of Justices shall only be determined after compliance with all the procedures established for partial amendments to this Constitution.

(As amended by Law No. 1749 of June 8, 1954.)

ARTICLE 158. The Justices of the Supreme Court of Justice shall be elected for a period of eight years by a vote of two-thirds of all the members of the Legislative Assembly. In the performance of their duties they must act with efficiency and shall be considered re-elected for equal periods, unless the Legislative Assembly, by a vote of no less than two-thirds of all its members, decides otherwise. Vacancies shall be filled for complete periods of eight years.

(As amended by Law No. 8365, July 15, 2003)

ARTICLE 159. The requirements to be a Justice of the Supreme Court are:

1. To be a Costa Rican by birth, or by naturalisation, and having resided in the country for no less than ten years after obtaining the respective naturalisation certificate.

However, the Chief Justice of the Supreme Court shall be a Costa Rican by birth;

2. To be a citizen in the exercise of his rights;

3. To be a layperson;

4. To be over thirty-five years of age;
5. To have a Law degree issued or legally recognised in Costa Rica and to have practiced the profession for at least ten years, except in the case of judicial officials with no less than five years of judicial experience.

(The first paragraph of this section was amended by Law No. 2026, June 15, 1956.)

Before taking office, Justices shall provide an official bond as provided by law.

ARTICLE 160. No person related to a member of the Supreme Court of Justice by consanguinity or affinity up to and including the third degree may be elected as a Justice.

ARTICLE 161. The position of Justice is incompatible with the holding of office in any other of the Supreme Branch of Government.

ARTICLE 162. The Supreme Court of Justice shall appoint its Chief Justice from the list of Justices who compose it. It shall also appoint the presiding Justice of the various chambers in the manner and for the term established by law.

(As amended by Law No. 6769, June 2, 1982.)

ARTICLE 163. The election and replacement of Justices of the Supreme Court of Justice shall take place within thirty calendar days after the respective period has expired or after the date on which notification of a vacancy has been received.

(As amended by Law N° 8365, July 15 2003)

ARTICLE 164. The Legislative Assembly shall appoint no less than twenty-five alternate Justices, selected from a list of

fifty candidates submitted by the Supreme Court of Justice. Temporary absences of Justices shall be filled by the Supreme Court, selected by lot from the list of alternates. If a vacancy arises among the alternate Justices, one of two candidates proposed by the Supreme Court shall be elected at the first regular or special session of the Legislative Assembly, after receiving notification. The law shall specify the term of office and the conditions, restrictions, and prohibitions established for regular Justices, which are not applicable to alternates.

ARTICLE 165. Justices of the Supreme Court of Justice may not be suspended, except upon declaration that there are grounds to institute proceedings or for other reasons established by law in the chapter concerning disciplinary measures. In the latter case, the Supreme Court of Justice shall adopt a resolution by secret vote of no less than two-thirds of its members.

ARTICLE 166. With regard to matters not contemplated in this Constitution, the law shall specify the jurisdiction, number, and term of the courts, as well as their powers, the principles on which they shall base their actions and the manner in which they may be held accountable.

ARTICLE 167. For the discussion and approval of Bills concerning the organisation or functioning of the Judicial Branch, the Legislative Assembly shall consult the Supreme Court of Justice. It shall require a vote of two-thirds of its members to set aside the opinion of the Court.

TITLE XII

MUNICIPAL GOVERNMENT

Sole Chapter

ARTICLE 168. For the purposes of Public Administration, the national territory is divided into provinces. These in turn are divided into cantons and the cantons into districts. The law may establish special circumscriptions.

The Legislative Assembly may decree the creation of new provinces, observing the procedures required for a partial amendment of this Constitution, provided that the appropriate proposal has been previously approved by a plebiscite, which the Assembly shall order to be held in the province or provinces that are to be divided.

The creation of new cantons must be approved by the Legislative Assembly, by a vote of no less than two-thirds of its members.

ARTICLE 169. The administration of local interests and services in each canton shall be entrusted to the Municipal Government, a deliberative body composed of municipal council members appointed by popular election and an executive officer appointed by law.

ARTICLE 170. Municipal corporations are autonomous. The Ordinary Budget of the Republic shall allocate to all the municipalities of the country no less than ten percent (10%) of the regular revenues calculated for the corresponding financial year.

The law shall determine the competencies that shall be transferred from the Executive Branch to municipal corporations and the distribution of the resources allotted.

Transitory provision. - The budget allocation established in Article 170 shall be progressive, in the ratio of one point five percent (1.5%) annually, until it reaches a total of ten per cent (10%).

Periodically, in each allocation of the funds established in Article 170, the Legislative Assembly shall approve a law indicating the competencies to be transferred to municipal corporations. Until such time as the Legislative Assembly approves each of the laws, the municipalities shall not receive the resources corresponding to that period, as indicated in that same numeral.

(As amended by Law N° 8106 of June 3, 2001)

ARTICLE 171. Municipal council members shall be elected for a term of four years and their duties shall be mandatory.

The law shall specify the number of municipal council members and the manner in which they shall serve.

However, the Municipal Governments of the central cantons of provinces shall consist of no less than five regular council members and a like number of alternates.

Municipal Governments shall be installed on the first day of May of the respective year.

(As amended by subsection 2 of the single article of Law No. 2741, May 12, 1961.)

ARTICLE 172. Each district shall be represented in the municipality of the respective canton by a regular representative (Síndico) and an alternate, entitled to speak but not to vote.

In order to administer the interests of and services in the districts of the canton, the municipalities may, in special cases, create municipal district councils, as organs attached to the respective municipality with their own functional autonomy, which shall be constituted following the same popular election procedures used to establish the municipalities. A special law, approved by two-thirds of the members of the Legislative Assembly, shall establish the special conditions under which these bodies may be created and shall regulate their structure, operation and financing.

(As amended by Article 1 of Law N° 8105, May 31 2001)

ARTICLE 173. Municipal ordinances may be:

1. Objected to by the official appointed by law, by means of a duly reasoned veto;
2. Appealed by any interested party.

In either case, if the Municipal Government does not revoke or amend the ordinance objected to or appealed, the case shall be referred to such Court of the Judicial Branch as determined by law, for final resolution thereof.

ARTICLE 174. The law shall specify those cases in which Municipal Governments require legislative authorisation to sign loan agreements, encumber their properties or revenues, or dispose of real estate or other property.

ARTICLE 175. Municipal Governments shall draw up their ordinary and extraordinary budgets. In order to take effect, said budgets must be approved by the Office of the Comptroller General, which shall oversee their execution.

TITLE XIII

PUBLIC FINANCES

CHAPTER I

The Budget of the Republic

ARTICLE 176. The ordinary budget of the Republic includes all probable revenues and all authorised expenditures of the public administration throughout the fiscal year. In no case may the amount of budgetary expenditures exceed that of probable revenues.

Municipal Governments and autonomous institutions shall observe the foregoing rules when drawing up their budgets.

The budget of the Republic shall be issued for a period of one year, from the first day of January to the thirty-first day of December.

ARTICLE 177. The Executive Branch shall prepare the ordinary budget through a specialised department, the head of which shall be appointed by the President of the Republic for a term of six years. This Department shall have authority to reduce or suppress any items in the proposed budgets drawn up by the Cabinet Ministers, the Legislative Assembly, the Supreme Court of Justice and the Supreme Electoral Tribunal. In the event of any conflict, the President of the Republic shall make the final decision. The expenditures budgeted by the Supreme Electoral Tribunal for electoral purposes cannot be objected to by the aforesaid Department.

The Judicial Branch shall be allocated no less than six percent of the regular income estimated for the fiscal year. However, when this amount is greater than the sum required to cover the basic

needs budgeted by that Branch, the aforementioned Department shall include the difference as surplus revenue, with a plan for additional expenditure, so that the Legislative Assembly may take the appropriate measures.

In order to ensure comprehensive social security coverage and to guarantee full payment by the State of its contributions, both as the State and as employer, sufficient revenues shall be allocated to the Costa Rican Social Security Administration, duly calculated to satisfy the current and future needs of the Institution. If a deficit occurs as a result of insufficient revenues, the State shall assume this obligation, for which purpose the Executive Branch shall include in the next budget the amount considered necessary by said institution to cover the total of State contributions.

For each fiscal year, the Executive Branch shall prepare the proposed extraordinary budgets in order to invest revenues derived from the use of public credit or from any other extraordinary source.

(As amended by Law No. 2345, May 20, 1959, and Law No. 2738, May 12, 1961.)

ARTICLE 178. The Executive Branch shall submit the proposed ordinary budget to the Legislative Assembly no later than the first day of September of each year and the Budget Law shall be finally enacted before the thirtieth day of November of the same year.

ARTICLE 179. The Assembly may not increase the expenditures budgeted by the Executive Branch unless it also provides for new revenues to be collected, upon prior consultation with the Office of the Comptroller General of the Republic as to the fiscal effectiveness thereof.

ARTICLE 180. The regular and extraordinary budgets constitute the limit of the action by Public Powers in the use and disposal of State funds, and may be amended only by laws proposed by the Executive Branch.

Any proposed amendment that implies increased or additional expenditures shall be subject to the terms of the foregoing article. However, when the Assembly is in recess, the Executive Branch may change the intended use of an authorised budget item or open additional credits, but only to meet urgent or unforeseen necessities in the event of war, internal commotion or public calamity. In such cases, the Office of the Comptroller may not withhold approval of expenditures so ordered, and the respective Decree shall imply the convocation of the Legislative Assembly to special sessions to act upon it.

ARTICLE 181. The Executive Branch shall submit the liquidation of the regular and any extraordinary budgets to the Office of the Comptroller no later than the first day of March, following the end of the respective year. The Office of the Comptroller shall submit it to the Assembly, together with its opinion, no later than the next first day of May. The final approval or non approval of the items corresponds to the Legislative Assembly.

ARTICLE 182. Public works contracts entered into by the Branches of Government, Municipal Governments and autonomous institutions, purchases made with the funds of those entities, and sales or leases of their property shall be carried out by means of competitive bidding processes, in accordance with the provisions of law governing the respective sums involved.

CHAPTER II

The Office of the Comptroller General of the Republic

ARTICLE 183. The Office of the Comptroller General of the Republic is an auxiliary institution of the Legislative Assembly in its supervision of the Public Finances. However, it has full operational and administrative independence in the performance of its duties.

A Comptroller and an Assistant Comptroller shall be in charge of the Comptroller's Office. Both officials shall be appointed by the Legislative Assembly for a term of eight years, two years after the commencement of a presidential term. They may be re-elected indefinitely, enjoying the immunities and prerogatives of the members of the Supreme Branches of Government.

The Comptroller and the Assistant Comptroller are accountable to the Assembly for the performance of their duties and may be removed by a vote of no less than two-thirds of its members, if their unfitness or misconduct is demonstrated in the proceedings conducted for that purpose.

ARTICLE 184. The powers and duties of the Comptroller's Office are:

1. To supervise the execution and liquidation of the regular and extraordinary budgets of the Republic;

No order of payment against State funds shall be issued unless the respective expenditure has been countersigned by the Comptroller's Office; and there shall be no obligation for the State unless it has been so countersigned;

2. To examine and approve or not approve the budgets of the Municipal Governments and the autonomous institutions, and supervise their execution and liquidation;
3. To submit an annual report to the Legislative Assembly, at its first regular session, covering the preceding fiscal year, containing details of the work of the Comptroller and any opinions or suggestions he may deem necessary to improve the administration of public funds;
4. To examine, audit and close the accounts of State institutions and public officials;
5. Any other powers vested in it by this Constitution or the laws.

CHAPTER III

The National Treasury

ARTICLE 185. The National Treasury is the centre of operations for all national revenue offices. This is the only body legally empowered to pay out funds on behalf of the State and to receive any monies or revenues that are to be paid into the National Treasury.

ARTICLE 186. The National Treasurer and an Assistant Treasurer shall be in charge of the Treasury. Both officials are independent in the performance of their duties, which shall be regulated by law. They are appointed by the Government Council for a term of four years, and may be removed only with just cause.

ARTICLE 187. Any expenditure by the National Treasury, not related to the salaries of the permanent staff of the Public Administration, duly included in the budget, shall be published in the Official Journal.

Those expenditures that the Government Council considers should not be published for very special reasons shall be exempted from this formality, but in this event, the Legislative Assembly and the Comptroller's Office shall be notified confidentially and without delay.

TITLE XIV

THE AUTONOMOUS INSTITUTIONS

Sole Chapter

ARTICLE 188. The autonomous institutions of the State enjoy administrative independence and are subject to the law in matters of government. Their directors are accountable for their administration.

(As amended by Law No. 4123, May 31, 1968.)

ARTICLE 189. The autonomous institutions are:

1. The State banks;
2. The State insurance institutions;
3. Those established by this Constitution and any new institutions that the Legislative Assembly may create by a vote of no less than two-thirds of all its members.

ARTICLE 190. For the discussion and approval of Bills concerning an autonomous institution, the Legislative Assembly shall previously hear the opinion of that entity.

TITLE XV

THE CIVIL SERVICE

Sole Chapter

ARTICLE 191. A civil service statute shall regulate the relations between the State and public employees for the purpose of guaranteeing an efficient administration.

ARTICLE 192. With the exceptions established in this Constitution and in the civil service statute, public employees shall be appointed on the basis of proven ability, and may be only be removed for reasons of justified dismissal, as set forth in the labour legislation; or, in the event of a forced reduction in services, due either to lack of funds or in order to improve the organisation of such services.

ARTICLE 193. The President of the Republic, the Cabinet Ministers and the officials responsible for the administration of public funds are required to declare their assets, which must be duly appraised in accordance with the law.

TITLE XVI

THE CONSTITUTIONAL OATH

Sole Chapter

ARTICLE 194. As provided in Article 11 of this Constitution, public officials must take the following oath:

“Do you swear before God and promise the Country to observe and defend the Constitution and the laws of the Republic and to faithfully fulfil the duties of your office?”

Yes, I swear.

If so, may God help you, and if you do not, may He and the Country call you to account.”

TITLE XVII

AMENDMENTS TO THE CONSTITUTION

Sole Chapter

ARTICLE 195. The Legislative Assembly may partially amend this Constitution complying strictly with the following provisions:

1. A proposal calling for the amendment of one or more articles must be submitted to the Legislative Assembly at regular sessions, signed by at least ten representatives or by a minimum

of five per cent (5%) of the citizens registered on the electoral roll;

(As amended by clause e) of Article 1 of Law N° 8281, May 28, 2002)

2. The proposal shall be read out three times at intervals of six days, to determine whether or not it shall be admitted for discussion;

3. If admitted, it shall be sent to a commission appointed by absolute majority of the Assembly, which must render its opinion within a period of up to twenty working days;

(As amended by Law No. 6053, June 15, 1977.)

4. Once the opinion has been submitted, the proposal shall be discussed in accordance with the procedure established for the enactment of laws; said amendment shall be approved by a vote of no less than two-thirds of the members of the Assembly;

5. Once the amendment has been accepted, a commission of the Assembly shall prepare the respective Bill, an absolute majority being sufficient for its approval;

6. Said Bill shall be sent to the Executive Branch, which in turn shall send it to the Legislative Assembly with the Presidential Message at the start of the next regular legislative period, with his observations, or his recommendation;

7. The Legislative Assembly, at its first sessions, shall discuss the Bill in three debates. If it is approved by a vote of no less than two-thirds of all its members, it shall become part of the Constitution and shall be conveyed to the Executive Branch for its publication and observance.

8) In accordance with Article 105 of this Constitution, constitutional amendments may be subject to referendum after being approved in one legislature, and before the next, if so agreed by two-thirds of all the members of the Legislative Assembly.

(The foregoing clause was added by clause b) of Article 2 of Law N° 8281, May 28, 2002)

ARTICLE 196. A general amendment of this Constitution can only be made by a Constituent Assembly called for the purpose. A law to convene such an Assembly shall be passed by a vote of no less than two-thirds of the total membership of the Legislative Assembly and does not require the approval of the Executive Branch.

(As amended by Law No. 4123, May 31, 1968.)

TITLE XVIII

FINAL PROVISIONS

Sole Chapter

ARTICLE 197. This Constitution shall enter into force on the eighth day of November, 1949, and repeals all others. The existing legal system shall continue in force unless amended or repealed by the competent organs of Government or as long as is not expressly or implicitly repealed by the present Constitution.

TRANSITORY PROVISIONS

ARTICLE 10. - The Chamber created in Article 10 shall be composed of seven Justices and the alternates determined by law, who shall be elected by the Legislative Assembly by a vote of at least two-thirds of its members. The Legislative Assembly shall appoint the members of the Chamber within the ten sessions following publication of this law. Two shall be elected from among the members of the First Chamber of the Supreme Court of Justice, whose number shall therefore be reduced.

As long as a law relating to the constitutional jurisdiction has not been enacted, the Chamber shall continue hearing any matters within its competence, even those pending, in accordance with the respective provisions in force.

(As added by Law No. 7128, August 18, 1989).

ARTICLE 13. - I (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961)

ARTICLE 16. - The persons who have opted for another nationality and have lost their Costa Rican nationality may

recover it in accordance with Article 16 as amended, by means of a simple application, oral or written, before the Civil Registry. This office shall take note of the matter and conduct the appropriate proceedings. The application shall be filed within two years following the entry into force of this amendment. (Sole transitory provision, Law No. 7514, June 6, 1995).

ARTICLE 78 - Upon enactment of the law to which the second paragraph of Article 78 of the Constitution refers, the gross domestic product shall be determined in accordance with the procedure established by a decree issued by the Executive Branch.

(Sole transitory provision, Law No. 7676, July 23, 1997).

ARTICLE 85. - II (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961)

ARTICLE 85. - For fiscal years 1977 to 1980 inclusive, the University of Costa Rica, the Technological Institute of Costa Rica and the National University shall be allocated, under the General Budget of State Expenditures, any subsidies necessary to supplement their revenues in order to guarantee them, in accordance with the availability of funds established by Law 5909 of June 10, 1976, the aggregate amounts for operation indicated for those years in conformity with the document “Summary of Agreements of Higher Education Institutions and Financial Proposal to the Government for the Development of Higher Education”, approved by the Liaison Committee on September 6, 1976, on the basis of the Agreement for Coordination of Higher Education in Costa Rica.

As for investment expenditures, the Executive Branch shall negotiate by common agreement with the National Council of Rectors any international loans that may be necessary and will take charge of financing the counterpart funds and the resulting

debt service for the entire corresponding period, taking into account the availability of fiscal resources.

The Legislative Assembly shall establish, no later than the 1979-1980 sessions, the constitutional provisions necessary to guarantee effective financing for higher education, as provided in Article 85 for the years subsequent to 1980.

(As added by Article 2, Law No. 6052, June 15, 1977.)

ARTICLE 85. - During the five-year period of 1981-1985, the distribution of the special fund to which this article refers shall be as follows: 59% for the University of Costa Rica, 11.5% for the Technological Institute of Costa Rica, 23.5% for the National University and 6% for the State Distance Education University.

(As added by Law No. 6580, May 18, 1991.)

ARTICLE 98. - III (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 100. - The current Judges of the Supreme Electoral Tribunal may continue in office until their current constitutional terms expire, under the same working conditions of their appointment, or abide by the amended provisions.

(As added by Law No. 2345, May 20, 1959)

ARTICLE 100. - The election of the three new alternate Judges shall take place within two months following the enactment of this constitutional amendment. In this act, the Supreme Court of Justice shall fix by draw the expiration date of the term in office of said alternate justices, in order to adjust it to the expiration date of the term in office of the alternates appointed before this amendment, and to proceed thereafter to elect two of the alternates every two years.

(As added by Law No. 3513 of June 24, 1965)

ARTICLE 101. - IV (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 104. - V (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 106. - VI (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 116. - VIII. The Legislative Assembly members elected at the elections to be held in October, nineteen hundred and forty-nine, called for the purpose by the Supreme Electoral Tribunal, shall take office on the eighth day of November of said year, ceasing to perform their duties as such on the thirty-first day of October, nineteen hundred and fifty-three. The President of the Republic, the Vice Presidents and the Legislative Assembly members to be elected at the elections of nineteen hundred and fifty-three, the date of which shall be fixed in due course by the Supreme Electoral Tribunal, shall hold office for four and a half years, that is: the President and Vice presidents from the eighth day of November of that year to the eighth day of May, nineteen hundred and fifty-eight, and the Legislative Assembly members from the first day of November, nineteen hundred and fifty-three to the thirtieth day of April, nineteen hundred and fifty-eight, in order that thereafter the Presidential Term may start on the eighth day of May, the Legislative Assembly may be installed on the first of that month, and the elections for President and Legislative Assembly members may be held in February of the same year.

ARTICLE 132. - VIII (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 132 (Subsection 1). - The current ex-Presidents of the Republic may be re-elected only once in accordance with the

provisions of Article 132 prior to this amendment.
(As added by Law No. 4349, July 11, 1969.)

ARTICLE 138. - IX (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 140. - X (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 141. - XI (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 141. XI. Cabinet Ministers who are appointed at the beginning of the next presidential term shall have their functions specified in the existing laws concerning the Secretaries of State, until new legislation is enacted on this matter.

ARTICLE 156. - XII (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 158. - XIII (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 162. - XV (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 171. - XVI (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 171. - The Municipal Council Members elected at the elections held in February, nineteen hundred and sixty-two shall hold office from the first day of July, nineteen hundred and sixty-two to the thirtieth day of April, nineteen hundred and sixty-six.

(As added by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 173. - XVII (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 177 (First paragraph). - The percentage to which Article 177 refers for the budget of the Judicial Branch shall be set at an amount equal to no less than three and one-quarter percent for 1958; an amount equal to no less than four percent for 1959 and an amount equal to no less than one percent more for each of the subsequent years, until reaching the minimum six percent indicated.

(As added by Laws No. 2122 of May 22, 1975, No. 2345 of May 20, 1959 and No. 2738 of May 12, 1961, all of which have kept this text)

ARTICLE 177, third paragraph) The Costa Rican Social Security System shall achieve a comprehensive coverage of the various types of Social Security benefits for which it is responsible, including family protection under the health and maternity plan, within a period not exceeding ten years, counted from the date of enactment of this constitutional amendment.

(As amended by No. Law 2738, May 12, 1961.)

ARTICLE 178. - XVIII (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

ARTICLE 183. - XIX (Repealed by subsection 1, sole article of Law No. 2741, May 12, 1961.)

José María Vargas
President,

Marcial Rodríguez Conejo
First Vice President,

Edmundo Montealegre Echeverría
Second Vice President,

Fernando Vargas Fernández
First Secretary,

Gonzalo Ortiz Martín
Second Secretary,

Enrique Montiel Gutiérrez
First Pro Secretary,

Vicente Desanti León
Second Pro Secretary





DEPARTAMENTO
Artes
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