



Justicia

ABC

Public Utility Law for women heads of household



The Public Utility Law for women heads of household represents a significant step forward in implementing a gender-sensitive criminal policy. It was enacted on March 8, 2023, by the president of the Republic and is recognized as an affirmative action measure to uphold the rights of women who have historically faced discrimination.

This law also acknowledges the unique conditions of marginalization experienced by incarcerated women. Additionally, it recognizes the

importance of their roles as active caregivers and heads of household, ensuring that these responsibilities are not disrupted by long prison sentences.

The Public Utility Law is the first legal framework to incorporate the possibility of implementing criminal sanctions through a restorative approach, where the sentence is fulfilled through socially impactful activities aimed at repairing the harm caused.



What is this law about?

It is a measure that replaces prison sentences for convicted women who are heads of household. Women who qualify for this benefit will be able to serve their sentence in freedom by performing public utility services, also known as community service.

Who can access this benefit?

After evaluation and approval by a judge, women who meet the following requirements may access the benefit:

1. Be head of household.
2. Have been convicted of crimes related to theft or narcotics, or have received a sentence of no more than eight years in prison.
3. That they have committed the crime in marginalized conditions.

What does it mean to be a female head of household?

The law defines it as a person who is economically, socially, and emotionally responsible for another person. This includes women who have children under 18 years old, but also those who are responsible for adults who cannot look after themselves.

What is a public utility service?

It is a form of criminal sanction carried out as community service, which beneficiaries serve in freedom. It aims to generate a positive impact in the communities by restoring the damage caused by the crime.





Can women who are serving their community service move freely, work and/or study?

Yes, they serve their sentence in freedom, and the community service must be performed in the municipality where the woman and her family reside. Women may travel to carry out their daily activities, work, study or perform their duties as heads of household, although the judge may impose additional requirements that must always be complied with, just like the service. For example, a restriction on leaving the country.

Is there payment for performing these community services?

No, but women may access subsidies or maintain employment. If a beneficiary of the law is working or studying, she can adjust the service schedule so that her activities do not overlap. Community services may not interrupt work or school hours.

Is there a maximum or minimum number of hours of community service?

Yes, the weekly minimum is five hours and the maximum is 20 hours, and daily hours may not exceed eight hours.

What happens if the public utility service is breached?

If the non-compliance is unjustified, the judge may revoke the benefit, and the woman would be deprived of her freedom again. And if she repeats or fails to comply with another obligation imposed by the judge, the judge may also revoke the measure.

